## **Council Meeting**

held at the Civic Centre, Civic Drive, Greensborough on Tuesday 14 December 2021 commenced at 7:00pm.

## **Attachments**

## **Carl Cowie Chief Executive Officer**

Friday 17 December 2021

(updated following the Council Meeting to include attachments for Urgent Business items)

Distribution: Public

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## **Nillumbik Shire Council**

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Attachment 1. Extraordinary Council Meeting held Wednesday 24 November

## **Extraordinary Council Meeting**

to be held at the Civic Centre, Civic Drive, Greensborough on Wednesday 24 November 2021 commencing at 7:01pm.

## **Minutes**

## Carl Cowie Chief Executive Officer

Friday 26 November 2021

Distribution: Public

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## 24 November 2021

## **Nillumbik Shire Council**

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#### **Extraordinary Council Meeting Minutes**

24 November 2021

#### Nillumbik Shire Council

Minutes of the Extraordinary Meeting of Nillumbik Shire Council held Wednesday 24 November 2021. The meeting commenced at 7:01pm.

#### Councillors present:

Cr Richard Stockman
Cr Karen Egan
Cr Natalie Duffy
Cr Peter Perkins
Cr Ben Ramcharan
Cr Frances Eyre
Cr Geoff Paine
Blue Lake Ward
Bunjil Ward
Edendale Ward
Sugarloaf Ward
Swipers Gully Ward
Wingrove Ward

#### Officers in attendance:

Carl Cowie Chief Executive Officer Vince Lombardi Chief Financial Officer

Hjalmar Philipp Director Operations and Infrastructure

Blaga Naumoski Executive Manager Governance, Communications and Engagement

Corrienne Nichols Executive Manager Communities

Jeremy Livingston Executive Manager Business Transformation and Performance

Rosa Zouzoulas Executive Manager Planning and Community Safety

Eddie Cheng Manager, Information Technology
Licardo Prince Communications and Advocacy Lead
Natalie Town Senior Communications Officer

Katia Croce Governance Lead

The Chief Executive Officer chaired proceedings until the second temporary Chairperson was elected.

#### 1. Welcome

Members of the public were advised the meeting will be livestreamed and recorded and the live stream and video recording will be made publicly available on YouTube and Council's website.

#### 2. Acknowledgement of Country by the Chief Executive Officer

The Acknowledgement of Country was provided by the Chief Executive Officer.

#### 3. Apologies

Nil

#### 4. Disclosure of conflicts of interest

Nil

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#### **Extraordinary Council Meeting Minutes**

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#### 5. Appointment of Second Temporary Chairperson

The Chief Executive Officer called for nominations for the appointment of a second temporary Chairperson.

Cr Natalie Duffy nominated Cr Karen Egan for the position of second temporary Chairperson

Cr Richard Stockman seconded the nomination for Cr Karen Egan.

Recommendation	
That Cr	be nominated as second temporary Chairperson.
Motion	

MOVED: Cr Natalie Duffy SECONDED: Cr Richard Stockman

That Cr Karen Egan be nominated as second temporary Chairperson.

THE MOTION WAS PUT TO THE VOTE AND CARRIED AND BECAME THE COUNCIL RESOLUTION AS FOLLOWS:

## Council Resolution

MOVED: Cr Natalie Duffy
SECONDED: Cr Richard Stockman

That Cr Karen Egan be nominated as second temporary Chairperson.

**CARRIED UNANIMOUSLY** 

Cr Karen Egan assumed the Chair as the second temporary Chairperson.

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Ext	traordinary Council Meeting Minutes	24 November 2021
6.	Mayoral Term	
	Recommendation	
	That Council resolves to elect the Mayor for a term of	year/s.
	Motion	
	MOVED: Cr Geoff Paine SECONDED: Cr Frances Eyre	
	That Council resolves to elect the Mayor for a term of	one year.
	THE MOTION WAS PUT TO THE VOTE AND CALCOUNCIL RESOLUTION AS FOLLOWS:	RRIED AND BECAME THE
	Council Resolution	
	MOVED: Cr Cooff Pains	

That Council resolves to elect the Mayor for a term of one year.

SECONDED: Cr Frances Eyre

**CARRIED** 

Cr Karen Egan vacated the Chair and the Chief Executive Officer assumed the Chair for the Election of the Mayor.

24 November 2021

#### 7. Election of Mayor

The Local Government Act 2020 (the Act) requires the Councillors to elect a Councillor to be the Mayor of the Council. Any Councillor is eligible for election to the Office of Mayor. The election of the Mayor must be chaired by the Chief Executive Officer and conducted in accordance with section 25 of the Act and Council's Governance Rules.

The Mayor must be elected by an absolute majority vote.

The Mayor is responsible for leading the Council and has a number of roles which are both legislative and functional. The legislative requirements are outlined in Division 3 of the Act. The Act states that Council must elect a Mayor at a meeting that is open to the public no later than one month after the date of a general election.

The Mayoral position is responsible for leading the Council. The Mayor has responsibilities towards, and is accountable to, all Councillors and the Mayor's leadership style should reflect this.

Section 18 of the Act outlines the role and specific powers of the Mayor to:

- chair Council meetings;
- be the principal spokesperson for the Council;
- lead engagement with the municipal community on the development of the Council Plan;
- report to the municipal community, at least once each year, on the implementation of the Council Plan;
- promote behaviour among Councillors that meets the standards of conduct set out in the Councillor Code of Conduct;
- assist Councillors to understand their role:
- take a leadership role in ensuring the regular review of the performance of the Chief Executive Officer;
- provide advice to the Chief Executive Officer when the Chief Executive Officer is setting the agenda for Council meetings; and
- perform civic and ceremonial duties on behalf of the Council.

In addition to the role outlined above, specific powers of the Mayor (section 19 of the Act) include:

- to appoint a Councillor to be the chair of a delegated committee;
- to direct a Councillor, subject to any procedures or limitations specified in the Governance Rules, to leave a Council meeting if the behaviour of the Councillor is preventing the Council from conducting its business;
- to require the Chief Executive Officer to report to the Council on the implementation of a Council decision.

The Mayor's role, however, extends well beyond officiating at Council Meetings or other municipal proceedings. Additional important roles are providing leadership, promoting positive relationships, and modelling good governance.

The Mayoral term commences from this meeting and becomes vacant at the time and on the day of the election of the next Mayor.

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The Chief Executive Officer called for nominations for the Office of Mayor.

Cr Natalie Duffy nominated Cr Frances Eyre for the Office of Mayor.

Cr Karen Egan seconded the nomination of Cr Frances Eyre.

Cr Frances Eyre accepted the nomination for the Office of Mayor.

Recommen	dation	
That Cr	be 6	elected Mayor of Nillumbik Shire Council
Motion		]
MOVED:	Cr Natalia Duff	

MOVED: Cr Natalie Duffy SECONDED: Cr Karen Egan

That Cr Frances Eyre be elected Mayor of Nillumbik Shire Council.

THE MOTION WAS PUT TO THE VOTE AND CARRIED AND BECAME THE COUNCIL RESOLUTION AS FOLLOWS:

Council Resolution

MOVED: Cr Natalie Duffy SECONDED: Cr Karen Egan

That Cr Frances Eyre be elected Mayor of Nillumbik Shire Council.

#### CARRIED UNANIMOUSLY

The newly elected Mayor Cr Frances Eyre assumed the Chair.

#### 8. Election of Deputy Mayor

The Local Government Act 2020 (the Act) outlines that Council may establish an office of Deputy Mayor (s20A) and if an office of Deputy Mayor is established, the legislative requirements of the Deputy Mayor are provided in Sections 21 and 27 of the Act.

The Act states the Deputy Mayor must undertake the role of the Mayor if:

- the Mayor is unable for any reason to attend a Council meeting or part of a Council meeting; or
- the Mayor is incapable of performing the duties of the office of Mayor for any reason, including illness; or
- the office of Mayor is vacant.

Should Council not elect a Deputy Mayor, it must appoint an Acting Mayor in the above circumstances.

The term of a Deputy Mayor is identical to the term of the Mayor as resolved by Council.

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The Deputy Mayor is not entitled to any additional allowance. The current provisions under the former *Local Government Act 1989* still apply even though these sections are repealed.

On 17 June 2021, the Minister for Local Government requested that the Tribunal make the first Determination. The Determination will come into effect on 18 December 2021 - 6 months from the day the Tribunal received the Minister's request.

Until the Determination takes effect, allowances payable to Council members continue to be determined by individual Councils in accordance with limits set by the Victorian Government.

The Mayor Cr Frances Eyre called for nominations for the office of Deputy Mayor.

Cr Karen Egan nominated Cr Natalie Duffy for the office of Deputy Mayor.

Cr Richard Stockman seconded the nomination of Cr Natalie Duffy.

Cr Natalie Duffy declined the nomination for the office of Deputy Mayor making the following statement:

Thank you Cr Egan for your nomination tonight. It's been an honour and a privilege to serve the community for the last 12 months. I would like to graciously decline your invitation and nomination so that I can concentrate on my health and contribute in the way that I have been doing at the moment. I would just like to say that that is an honour and hopefully you might consider that another time in the future.

The Mayor Cr Frances Eyre called again for nominations for the office of Deputy Mayor.

Cr Geoff Paine nominated Cr Ben Ramcharan for the office of Deputy Mayor.

Cr Peter Perkins seconded the nomination of Cr Ben Ramcharan.

Cr Ben Ramcharan accepted the nomination for the office of Deputy Mayor.

Recommendation
That Cr be elected Deputy Mayor of Nillumbik Shire Council.
Council Resolution
MOVED: Cr Geoff Paine SECONDED: Cr Peter Perkins
That Cr Ben Ramcharan be elected Deputy Mayor of Nillumbik Shire Council.
THE MOTION WAS PUT TO THE VOTE AND CARRIED AND BECAME THE COUNCIRESOLUTION AS FOLLOWS:
Council Resolution

That Cr Ben Ramcharan be elected Deputy Mayor of Nillumbik Shire Council.

**CARRIED** 

24 November 2021

#### 9. Appointment of Chairpersons to Delegated Committee

Planning and Consultation Committee (the Committee) has delegated powers from Council to determine any issue, take any action or do any act or thing as set out in the Instrument of Delegation (resolved by Council on 23 February 2021).

The Committee was effective 11 March 2021, with all seven Councillors being appointed to Committee.

The Instrument of Delegation for the Committee and the Terms of Reference were adopted by Council on 23 February 2021.

The scope of the Committee's responsibilities includes all matters within the following portfolio areas

#### Planning

- Planning applications
- Land-use planning policy
- Planning scheme and amendments

(excluding adoption or abandonment of amendments, which must be determined by Council)

#### Consultation

Section 223 process

SECONDED: Cr Karen Egan

Community Engagement

Meetings are usually held on the second Tuesday of each month at 7pm.

Unless otherwise notified, meetings will be held at the Civic Centre, Civic Drive, Greensborough.

The Mayor Cr Frances Eyre called for nominations for the position of Chairperson for Planning Matters.

Cr Geoff Paine nominated Cr Peter Perkins for the position of Chairperson for Planning Matters.

Cr Karen Egan seconded the nomination of Cr Peter Perkins.

Cr Peter Perkins accepted the nomination for the position of Chairperson for Planning Matters.

Recommen	dation				
That Cr Planning and	to act de Consultation Committe	as Chairperson tee.	for Planning	Matters	before the
Motion					
MOVED:	Cr Geoff Paine				

That Cr Peter Perkins to act as Chairperson for Planning Matters before the Planning and Consultation Committee.

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THE MOTION WAS PUT TO THE VOTE AND CARRIED AND BECAME THE COUNCIL RESOLUTION AS FOLLOWS:

Council Resolution

MOVED: Cr Geoff Paine SECONDED: Cr Karen Egan

**That** Cr Peter Perkins to act as Chairperson for Planning Matters before the Planning and Consultation Committee.

#### **CARRIED UNANIMOUSLY**

The Mayor Cr Frances Eyre called for nominations for the Chairperson for Consultation Matters.

Cr Peter Perkins nominated Cr Geoff Paine for the position of Chairperson for Consultation Matters.

Cr Ben Ramcharan seconded the nomination of Cr Geoff Paine.

Cr Geoff Paine accepted the nomination for the position of Chairperson for Consultation Matters.

Recommendation	
That Cr Planning and Cons	to act as Chairperson for Consultation Matters before the ultation Committee
Motion	

MOVED: Cr Peter Perkins SECONDED: Cr Ben Ramcharan

**That Cr Geoff Paine** to act as Chairperson for Consultation Matters before the Planning and Consultation Committee

THE MOTION WAS PUT TO THE VOTE AND CARRIED AND BECAME THE COUNCIL RESOLUTION AS FOLLOWS:

Council Resolution

MOVED: Cr Peter Perkins SECONDED: Cr Ben Ramcharan

**That** Cr Geoff Paine to act as Chairperson for Consultation Matters before the Planning and Consultation Committee

24 November 2021

#### 10. Councillor appointments to Internal Advisory Committees

Council has a range of advisory committees which provide an important mechanism for consultation with the community and key stakeholders. Advisory committees provide advice to Council but do not make formal decisions.

Council appoints Councillors as representatives on its advisory committees and reviews these appointments annually.

Following consultation with Councillors, the appointments listed in the table below are recommended.

Recommendation	
1 to o o i i i i i i i i i i i i i i i i	

**That** Council appoints Councillors as listed below as its representatives on Advisory Committees for the 2021/2022 Council year:

Advisory Committee	Councillor(s) appointed
Arts and Cultural Advisory Committee	Cr (Chair) Cr
Audit and Risk Committee	Cr (Mayor of the day) Cr (Deputy Mayor)
CEO Employment Matters Advisory Committee	All Councillors
Economic Development Advisory Committee	Cr (Chair) Cr
Environment and Sustainability Advisory Committee	Cr (Chair) Cr
Health and Wellbeing Advisory Committee	Cr (Chair) Cr
Inclusion and Access Advisory Committee	Cr (Chair) Cr
Living & Learning Advisory Committee	Cr (Chair) Cr
Panton Hill Bushland Reserves System User Group Advisory Committee	Cr (Chair) Cr

## Attachment 1. Extraordinary Council Meeting held Wednesday 24 November

#### **Extraordinary Council Meeting Minutes**

#### 24 November 2021

Positive Ageing Advisory Committee	Cr (Chair) Cr
Recreation Trails Advisory Committee	Cr (Chair) Cr
Nillumbik Youth Advisory Committee	Cr Youth Council Mayor chairs the meetings

Motion

MOVED: Cr Ben Ramcharan SECONDED: Cr Geoff Paine

**That** Council appoints Councillors as listed below as its representatives on Advisory Committees for the 2021/2022 Council year:

Advisory Committee	Councillor(s) appointed
Arts and Cultural Advisory Committee	Cr Geoff Paine (Chair) Cr Peter Perkins Cr Natalie Duffy
Audit and Risk Committee	Cr Frances Eyre (Mayor of the day) Cr Ben Ramcharan (Deputy Mayor)
CEO Employment Matters Advisory Committee	All Councillors
Economic Development Advisory Committee	Cr Geoff Paine (Chair)
Environment and Sustainability Advisory Committee	Cr Ben Ramcharan (Chair) Cr Karen Egan
Health and Wellbeing Advisory Committee	Cr Richard Stockman (Chair) Cr Natalie Duffy
Inclusion and Access Advisory Committee	Cr Peter Perkins (Chair) Cr Ben Ramcharan
Living & Learning Advisory Committee	Cr Richard Stockman (Chair) Cr Geoff Paine
Panton Hill Bushland Reserves System User Group Advisory Committee	Cr Ben Ramcharan (Chair)

## Attachment 1. Extraordinary Council Meeting held Wednesday 24 November

#### **Extraordinary Council Meeting Minutes**

#### 24 November 2021

Positive Ageing Advisory Committee	Cr Natalie Duffy (Chair) Cr Frances Eyre
Recreation Trails Advisory Committee	Cr Richard Stockman (Chair) Cr Karen Egan
Youth Advisory Committee	Cr Natalie Duffy Youth Council Mayor chairs the meetings

THE MOTION WAS PUT TO THE VOTE AND CARRIED AND BECAME THE COUNCIL RESOLUTION AS FOLLOWS:

#### Council Resolution

MOVED: Cr Ben Ramcharan SECONDED: Cr Geoff Paine

**That** Council appoints Councillors as listed below as its representatives on Advisory Committees for the 2021/2022 Council year:

Advisory Committee	Councillor(s) appointed
Arts and Cultural Advisory Committee	Cr Geoff Paine (Chair) Cr Peter Perkins Cr Natalie Duffy
Audit and Risk Committee	Cr Frances Eyre (Mayor of the day) Cr Ben Ramcharan (Deputy Mayor)
CEO Employment Matters Advisory Committee	All Councillors
Economic Development Advisory Committee	Cr Geoff Paine (Chair)
Environment and Sustainability Advisory Committee	Cr Ben Ramcharan (Chair) Cr Karen Egan
Health and Wellbeing Advisory Committee	Cr Richard Stockman (Chair) Cr Natalie Duffy
Inclusion and Access Advisory Committee	Cr Peter Perkins (Chair) Cr Ben Ramcharan
Living & Learning Advisory Committee	Cr Richard Stockman (Chair) Cr Geoff Paine

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#### 24 November 2021

Panton Hill Bushland Reserves System User Group Advisory Committee	Cr Ben Ramcharan (Chair)
Positive Ageing Advisory Committee	Cr Natalie Duffy (Chair) Cr Frances Eyre
Recreation Trails Advisory Committee	Cr Richard Stockman (Chair) Cr Karen Egan
Youth Advisory Committee	Cr Natalie Duffy Youth Council Mayor chairs the meetings

24 November 2021

#### 11. Councillor appointments to External Organisations

Council is a member or participant in a range of external organisations at a local, regional or sector level.

Councillors are appointed to represent Council as delegates to those organisations. In some cases, an alternate is also appointed who can attend if the primary Councillor is not available.

Following consultation with Councillors, the appointments listed in the table below are recommended for 2021/2022 Council year.

#### Recommendation

**That** Council appoints Councillors as listed below as its delegates to external organisations for the 2021/2022 Council year:

External Organisation	Councillor(s) appointed
Banyule/Nillumbik Local Learning and Employment Network Inc. Board	Appointment of Cr Frances Eyre was resolved by Council on 24 August 2021.  A new Councillor Representative to this organisation is to be made in August 2023 in accordance with Board Guidelines
Diamond Creek Traders' Association	Cr Cr Cr
Eltham Chamber of Commerce and Industry	Cr Cr Cr
Hurstbridge Traders' Association	Cr Cr (Proxy)
Interface Councils Group	Cr (Mayor of the day) Cr (Deputy Mayor) Proxy
Metropolitan Transport Forum Inc.	Cr Cr (Proxy)
Metropolitan Local Government Waste Forum	Cr Cr (Proxy)
Municipal Association of Victoria	Cr Cr (Proxy)
Nillumbik Reconciliation Group	Cr Cr (Proxy) NRG will allow proxy to attend if Councillor Representative can't attend.

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Nillumbik Tourism and Business	Cr Cr (Proxy)
Northern Alliance for Greenhouse Action	Cr Cr (Proxy)
Northern Council Alliance	Cr (Mayor of the day) Cr (Deputy Mayor) Proxy
Victorian Local Governance Association	Cr Cr (Proxy)
Yarra Plenty Regional Library Board	Cr Cr Executive Manager Communities (Proxy)

Motion

MOVED: Cr Geoff Paine SECONDED: Cr Karen Egan

**That** Council appoints Councillors as listed below as its delegates to external organisations for the 2021/2022 Council year:

External Organisation	Councillor(s) appointed
Banyule/Nillumbik Local Learning	Appointment of Cr Frances Eyre was resolved by Council on 24 August 2021.
and Employment Network Inc. Board	A new Councillor Representative to this organisation is to be made in August 2023 in accordance with Board Guidelines
Diamond Creek Traders' Association	Cr Peter Perkins Cr Natalie Duffy
Eltham Chamber of Commerce and Industry	Cr Frances Eyre Cr Geoff Paine Cr Natalie Duffy
Hurstbridge Traders' Association	Cr Karen Egan (No Proxy appointed)
Interface Councils Group	Cr Frances Eyre (Mayor of the day) Cr Ben Ramcharan (Deputy Mayor) Proxy
Metropolitan Transport Forum Inc.	Cr Geoff Paine Cr Richard Stockman (Proxy)

#### 24 November 2021

Metropolitan Local Government Waste Forum	Cr Geoff Paine Cr Ben Ramcharan (Proxy)
Municipal Association of Victoria	Cr Peter Perkins Cr Frances Eyre (Proxy)
Nillumbik Reconciliation Group	Cr Natalie Duffy Cr Richard Stockman (Proxy) NRG will allow proxy to attend if Councillor representative can't attend.
Nillumbik Tourism and Business	Cr Geoff Paine (No Proxy appointed)
Northern Alliance for Greenhouse Action	Cr Geoff Paine Cr Ben Ramcharan (Proxy)
Northern Council Alliance	Cr Ben Ramcharan Cr Frances Eyre (Proxy)
Victorian Local Governance Association	Cr Frances Eyre Cr Ben Ramcharan (Proxy)
Yarra Plenty Regional Library Board	Cr Karen Egan Cr Frances Eyre Executive Manager Communities (Proxy)

THE MOTION WAS PUT TO THE VOTE AND CARRIED AND BECAME THE COUNCIL RESOLUTION AS FOLLOWS:

## **Council Resolution**

MOVED: Cr Geoff Paine SECONDED: Cr Karen Egan

**That** Council appoints Councillors as listed below as its delegates to external organisations for the 2021/2022 Council year:

External Organisation	Councillor(s) appointed
Banyule/Nillumbik Local Learning and Employment Network Inc. Board	Appointment of Cr Frances Eyre was resolved by Council on 24 August 2021.  A new Councillor Representative to this organisation is to be made in August 2023 in accordance with Board Guidelines
Diamond Creek Traders' Association	Cr Peter Perkins Cr Natalie Duffy

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## **Extraordinary Council Meeting Minutes**

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Eltham Chamber of Commerce and Industry	Cr Frances Eyre Cr Geoff Paine Cr Natalie Duffy
Hurstbridge Traders' Association	Cr Natalle Dully Cr Karen Egan (No Proxy appointed)
Interface Councils Group	Cr Frances Eyre (Mayor of the day) Cr Ben Ramcharan (Deputy Mayor) Proxy
Metropolitan Transport Forum Inc.	Cr Geoff Paine Cr Richard Stockman (Proxy)
Metropolitan Local Government Waste Forum	Cr Geoff Paine Cr Ben Ramcharan (Proxy)
Municipal Association of Victoria	Cr Peter Perkins Cr Frances Eyre (Proxy)
Nillumbik Reconciliation Group	Cr Natalie Duffy Cr Richard Stockman (Proxy) NRG will allow proxy to attend if Councillor representative can't attend.
Nillumbik Tourism and Business	Cr Geoff Paine (No Proxy appointed)
Northern Alliance for Greenhouse Action	Cr Geoff Paine Cr Ben Ramcharan (Proxy)
Northern Council Alliance	Cr Ben Ramcharan Cr Frances Eyre (Proxy)
Victorian Local Governance Association	Cr Frances Eyre Cr Ben Ramcharan (Proxy)
Yarra Plenty Regional Library Board	Cr Karen Egan Cr Frances Eyre Executive Manager Communities (Proxy)

24 November 2021

#### 12. Delegated Committee(s) and Council meeting schedule for 2022

It is recommended the arrangements for the 2022 meeting cycle be as follows:

- Meetings occur on Tuesday nights throughout the year unless otherwise notified.
- The Delegated Committee(s) will commence at 7.00pm, usually on the second Tuesday of the each month.
- Council meetings will commence at 7.00pm, usually on the fourth Tuesday of each month
- Unless otherwise notified, meetings will be held at the Civic Centre, Civic Drive, Greensborough.
- At least one week of each school holidays has been left free of meetings.

Following consultation with Councillors, the 2022 meeting schedule listed in the table below is recommended.

#### Council Resolution

MOVED: Cr Karen Egan SECONDED: Cr Ben Ramcharan

That Council adopts and advertises the Delegated Committee(s) and Council Meeting schedule for the 2022 Council year as listed below:

	· · · · · · · · · · · · · · · · · · ·
Delegated Committee	Council Meetings
8 February 2022	22 February 2022
8 March 2022	22 March 2022
12 April 2022	26 April 2022
10 May 2022	24 May 2022
14 June 2022	28 June 2022
12 July 2022	26 July 2022
9 August 2022	23 August 2022
13 September 2022	27 September 2022
11 October 2022	25 October 2022
8 November 2022	22 November 2022
	23 November 2022 – (Election of Mayor)
	13 December 2022

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#### 13. Address by the Mayor

The Mayor Cr Frances Eyre addressed the meeting as follows:

"Thank you Councillors for the trust and faith you have placed in me to lead our Council for the coming year. I thank and acknowledge our outgoing Mayor, Councillor Perkins.

I've learnt a lot from your leadership of our Council, and truly appreciate the help you've given me as I've navigated my role as a new councillor. I'm grateful that I will have you, and Councillor Egan, as former Mayors to draw upon for advice, alongside all councillors, as we continue to work in the best interests of our community.

It is an enormous honour to be Nillumbik's new Mayor. I'm told that I'm the first Nillumbik Mayor and councillor to have previously served as a Nillumbik council officer. I worked for Council for seven years as a Community Development Officer, supporting communities, clubs and groups to help make Nillumbik the best it could be. This included a particular focus on our rural communities.

As Mayor, I look forward to getting out to all our townships and communities, to ensure your voice is heard right across Council. We are here for you. This doesn't mean I'll forget my roots in Swipers Gully Ward. I love representing the ward I live in, and I'll continue to work on advancing the ideas that local residents share with me.

I will strive to ensure all we do as a Council – our meetings, our consultations, and our day-to-day interactions – are driven by respect. Respect for each other as councillors, respect for staff, and most importantly, respect for the community we are here to serve. And we all deserve respect from others in return, whether this be in person or online.

Over the past year our Council has laid the groundwork for what we want to achieve over our term, particularly through our Council Plan. We've undertaken a lot of consultation to bring our community with us as we work through important issues.

I acknowledge there are times we've fallen short. Where our community feels they haven't been consulted or heard by Council. As your new Mayor, I say to our community: I am here to listen. I am here to act on your behalf, and in your best interest. As councillors we're told how important it is that we adhere to the "no surprises" principle in working with each other. I extend this to our community too – that Council shouldn't surprise you in the decisions we make.

As we enter the second year of our Council term, there is so much to do. Community recovery from the pandemic is critical, and Council will continue supporting our local businesses, organisations, and residents to get back on their feet. We know many have done it tough during this pandemic. The community support we provide here at Council is, I believe, more important than ever.

Other priorities include the mental health crisis facing our young people, inappropriate development, our ageing population, and working on our parks, reserves & trails - especially as we've learnt to appreciate them even more during lockdown.

I will work with all levels of government to make sure that Nillumbik receives the support and services we deserve. I am passionate about Gender Equality. There's still a lot to do to make it part of business as usual at school, work, in sports and organisations such as Council. And bullying, discrimination, and harassment have no place in our community.

There are two elections coming up in the next 12 months, both of which are significant opportunities for Council to present our local priorities. I will be a passionate and determined advocate for our Shire.

Attachment 1. Extraordinary Council Meeting held Wednesday 24 November

#### **Extraordinary Council Meeting Minutes**

#### 24 November 2021

To be where I am today is a combination of many things, but it is family that started my journey in working with community. Both my parents fled to Australia – my dad at 21 as a conscientious objector to being conscripted into the Army in the Netherlands. He to fled to Australia days before presenting for duty. My mother came here aged 5 with her parents as political refugees from Italy on a boat after my Nonno was liberated from Birkenau concentration camp. Like so many, they faced language barriers, discrimination and the struggle to live week to week as they made their home here in Australia.

It's our personal experiences, our upbringing, the people in our lives that mould the person we become. In my situation it taught me respect, to listen, to be thrifty, patient, and not to judge someone before getting to know them. I bring these values to my work. It is why giving people a voice is so important to me. It is something that is free but not always given freely. Sadly, my parents are no longer with us, but I hope they would be very proud of where I am standing today — they demonstrated what it was like to be embedded in the community, making it a better place.

My biggest supporters are here tonight – my husband Christian and son Josh. Thank you for your love and support as I've commenced this new chapter. And thank you to my family, friends, and everyone who has supported me in my role as Councillor. As the year is almost at an end, I wish everyone in our community a wonderful Christmas and festive season. I'm looking forward to working with you all as your Mayor.

Thank you."

#### 14. Address by the Deputy Mayor

The Deputy Mayor Cr Ben Ramcharan addressed the meeting as follows:

"My goal in life is to make a difference in the world and to leave it a better place than I found it and that is why I love this job so much. It gives me the opportunity to really do good for my community and for the environment and for everyone around me, and to try and make the world a better place and that's why I have loved being a Councillor and I'm so pleased to be Deputy Mayor now.

The first year on Council was incredibly difficult as I think it is for everyone. It's an uphill battle trying to get your head around all the different things that are going on and figuring out how you actually do your job, and what your job even is.

Everybody wants to meet their new Councillor, you've got all this extra reading to do and you don't know which parts of the reading you can cut off and ignore and which parts you really need to dig in to, so I think especially the first six months were incredibly difficult and I was working almost all day every day to try and keep up.

I've really appreciated outgoing Mayor Peter Perkins' assistance as Mayor. He has been an incredible guide for me, I'm sure for the other Councillors, and Councillor Eyre mentioned that before. I've really appreciated his advice and his guidance while I have been picking up this role.

I feel like I've finally come out the other side now and I finally understand the role and how to actually make things happen so I feel like I can make a difference. It almost felt like the learning curve was over but here we go again, I am Deputy Mayor and I'm going to have a heck of a lot to learn I'm sure over the coming months.

24 November 2021

It's really an honour to be the youngest ever Deputy Mayor in Nillumbik. I was elected last year as the youngest ever Councillor at 24. I am 25 now, I'll be 26 soon but I am the youngest Deputy Mayor and I really hope it shows to the young people out there, that you can do this. That you can be elected to anything really, and you can make a difference in your community.

I really think it's incredibly important to have young people represented at all levels of government. We are the future and the decisions that are made by the government today will affect us, and our children, and our children's children long into the future. So I'm really pleased to be here as the young voice on Council and I think our new Youth Council which was set up by this Council earlier in the year, is a really positive step forwards in making sure that we can listen to our youth. I'm sure Councillor Duffy will do a fantastic job as the Councillor appointed to the Youth Council in the coming year.

We really do have a great team on this Council. All Councillors are incredibly caring and capable, and all of us have a passion to do the best we can for our community. We have a range of different expertise and backgrounds, we may not always agree on what's best and in fact we have some very robust debate on certain issues but I truly believe that the heart of every Councillor here is in the right place and all of us really want what's best for the community. So I'm really pleased to be working with this team and going forwards being the Deputy Mayor, I'm sure we'll be able to work very well together.

I'm really looking forward to having the guidance of Councillor Eyre as I learn this role. I'm sure she'll be a fantastic mentor for me and give me the support that I'm sure she's received from Councillor Perkins over the last year in learning the role, and I hope I can support her as well.

Over the coming year as Deputy Mayor, I plan to spend more time here in the Council office. I've already got a little desk set up for myself downstairs. I feel like you can't really be a leader in an organisation if you don't have the contact and through COVID it's been so difficult to maintain that contact. I really hope that by working onsite, I can get to know the organisation a lot better, get to know the staff, get to know what the staff are up to and really have a good helicopter view of all the operations of Council to really inform my decision making, and hopefully we get some more done. So I'm looking forward to the coming year having that much closer contact with all the officers.

As Deputy Mayor, I now know it's my duty to have a shire wide vision. I've spent the last year getting to know Sugarloaf ward and I've met some incredible people and now it's time for me to meet other people from the rest of the Shire because I'm not just here to represent my ward, I'm here to represent everyone and that's what I plan to do. So I can't wait to meet all the groups and all the leaders from other communities within the Shire and I'm really looking forward to the next year and seeing what we can all achieve together as a Council.

Thank you."

	Cr Frances Eyre, Mayor
Confirmed:	
The meeting clo	sed at 7:34pm.
15. Close of n	neeting

2021 and Council Meeting held on Tuesday 30 November 2021

Attachment 2. Council Meeting held on Tuesday 30 November 2021

## **Council Meeting**

held at the Civic Centre, Civic Drive, Greensborough on Tuesday 30 November 2021 commenced at 7:02pm.

## Minutes

# Carl Cowie Chief Executive Officer

Friday 3 December 2021

Distribution: Public

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## **Council Meeting Minutes**

#### 30 November 2021

## **Nillumbik Shire Council**

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#### **Council Meeting Minutes**

30 November 2021

#### Nillumbik Shire Council

Minutes of the Meeting of Nillumbik Shire Council held Tuesday 30 November 2021.

The meeting commenced at 7.02pm.

#### Councillors present:

Cr Frances Eyre Swipers Gully Ward (Mayor)

Cr Richard Stockman Blue Lake Ward
Cr Karen Egan Bunjil Ward
Cr Natalie Duffy Edendale Ward
Cr Peter Perkins Ellis Ward

Cr Ben Ramcharan Sugarloaf Ward (Deputy Mayor)

Cr Geoff Paine Wingrove Ward

#### Officers in attendance:

Carl Cowie Chief Executive Officer
Vince Lombardi Chief Financial Officer

Hjalmar Philipp Director Operations and Infrastructure

Blaga Naumoski Executive Manager Governance, Communications and Engagement

Nichole Johnson Acting Executive Manager Communities

Jeremy Livingston Executive Manager Business Transformation and Performance

Rosa Zouzoulas Executive Manager Planning and Community Safety

Eddie Cheng Manager, Information Technology
Licardo Prince Communications and Advocacy Lead
Eddie Cheng Manager Information Technology

Katia Croce Governance Lead

#### 1. Welcome by the Mayor

#### 2. Acknowledgement of Country

Acknowledgement of Country was read by the Mayor, Cr Frances Eyre.

#### 3. Good Governance Pledge

The Good Governance Pledge was ready by Cr Peter Perkins.

#### 4. Prayer

A prayer was read by Reverend Fr Stephen Mankarious of St Macarius Coptic Orthodox Church located at 615-623 Yan Yean Road, Yarrambat.

#### 5. Apologies

Nil

Attachment 2. Council Meeting held on Tuesday 30 November 2021

#### **Council Meeting Minutes**

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#### 6. Presentations

### Presentation to the Outgoing Mayor and Deputy Mayor for 2020/2021

#### Presentation to the Outgoing Mayor Cr Peter Perkins

The Chief Executive Officer paid tribute to the outgoing Mayor Peter Perkins as follows:

It is my privilege tonight, to acknowledge the work of Cr Perkins during his term as Mayor for the year to 24 November 2021.

Cr Perkins experience was of immense benefit over the past year in helping a new Council navigate the first 12 months of a four year term at a time of continuing uncertainty around the COVID pandemic.

At the time of being returned as Ellis Ward Councillor at the 2020 elections last year, Cr Perkins brought 10 years' experience, including a previous term as Mayor.

Over the course of the past year he guided Council through the adoption of its key long term strategic documents, including the Council Plan and the Community Vision.

His experience and insights have been greatly appreciated by Council officers and safe to say, as evidenced in our new Mayor's inaugural address last week, by his fellow councillors.

Cr Perkins has been - and continues to be - a great advocate for the local community.

On behalf of Councillors and officers I would like to thank Cr Perkins for his work over this past year and present him with this token of appreciation which captures some of the scope and breadth of the various highlights of his term as Mayor.

Thank you Cr Perkins.

The CEO then presented Cr Perkins with the 2021 Mayoral book.

Cr Peter Perkins gave the following response:

Firstly I want to thank all Councillors for the support they gave me over the past 12 months. It was a challenging year during COVID and hopefully Cr Eyre will get a chance to do the opening of new infrastructure and new opening events this year, I didn't get a chance to do too much of that unfortunately.

One stand out for me was the Diamond Creek Regional Playspace which was recently awarded the Best Place Space in all of Tasmania and Victoria from Parks and Leisure Australia. We progressed to the finals of the National Awards where we got pipped to the post I believe by a little park in Perth.

Thanks Councillors and thanks especially to Cr Eyre. Cr Eyre as Deputy Mayor, really did heaps to support me and support Council. It's great to see that Cr Eyre has been elevated with many things that I put on Cr Eyre to do and help out and she hardly ever said no, she was very keen to help out wherever she could, so I really appreciate that. I would also like to acknowledge Carl Cowie — Chief Executive Officer, one of the benefits of being Mayor and I did find this when I was Mayor 9 years ago, was the close working relationship that you form with the CEO of the day. You have a much better appreciation of the challenges faced by staff as you are in constant contact with the CEO and that's been a real benefit to me and I appreciate the work that the CEO has done on behalf of and for the organisation over that time as well and he will of course will continue into the future.

Attachment 2. Council Meeting held on Tuesday 30 November 2021

#### **Council Meeting Minutes**

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The other person that has really supported me to a huge extent was Lynne Gowty, the PA to the Mayor and Councillors. Lynne was literally working every day to support the Mayor, more so than often I was being Mayor, all the correspondence and all the things that needed to be done, Lynne kept a track of, it would have been an impossible task without the support of Lynne, I have to acknowledge and I'm very happy to acknowledge Lynne.

That's probably about it for me, one thing I was very keen on as Mayor was making sure that all correspondence that came to me as Mayor got distributed to the Council group without exception and you know, I hope that we will have a good three years ahead of us as one united Council. One that often won't agree on community priorities and we come from different places but hopefully when we come together we can reach consensus and disagree and move on. So I think the foundations have been set for a good Council for the next three years and you know, wishing all the luck into the future. So thanks very much.

#### Presentation to the Outgoing Deputy Mayor Cr Frances Eyre.

The Chief Executive Officer paid tribute the outgoing Deputy Mayor Cr Frances Eyre:

Cr Frances Eyre was elected as a first-time Councillor - as indeed were four of her colleagues - at last year's election.

Cr Eyre was then elected Deputy Mayor, setting in train, as she herself has said, a very steep learning curve, but one which she then proceeded to negotiate with aplomb.

Cr Eyre's first year on Council has been characterised by a commitment to engaging with the community, listening to its views and taking this on board.

This inclusiveness along with a real determination to learn as much as she could, in order to do the best job she could – all the while being courteous and professional, has also been evident in her dealings with officers.

Cr Eyre's dedication to community service – especially to helping those in our community who find themselves marginalised - has also been apparent from the outset and was characteristic of her term as Deputy Mayor.

On behalf of Councillors and officers I would now like to present Cr Eyre with a token of our appreciation for her work as Deputy Mayor over the past year and wish her all the very best for her Mayoral year.

Thank you Cr Eyre.

The CEO then presented the Mayor, Cr Eyre with a pot plant.

Cr Frances Eyre gave the following response:

I just wanted to say a few words actually, from my role as Deputy Mayor and I really wanted to reiterate how grateful I am to have worked so closely with Cr Perkins. I've gained valuable knowledge through supporting you as Deputy Mayor and I really appreciate that now because I feel so confident in my ability to be Mayor. So thanks very much and thanks for all the hard work that you've done and I'm sure I'm speaking on behalf of all of us when I say thank you for your dedication, so thank you very much.

#### **Council Meeting Minutes**

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#### **CFA Appreciation Award Presentation**

Presentation to our local CFA Brigades is an opportunity to acknowledge and thank each local brigade for their ongoing commitment and support they provide to the community.

The Mayor Cr Frances Eyre, paid tribute to the local CFA Brigades as follows:

I would like to warmly welcome here tonight representatives from a number of our brigades and groups and they are all here, so thank you very much.

We know with the arrival of the warmer weather it's important to prepare for the possibility of bushfire and have a plan for emergencies. Living in such a picturesque environment brings risk that our community is very aware of. We know that the arrival of summer is accompanied by the increased probability of bushfire.

Council is committed to working with you, our emergency services personnel doing what you do best, protecting lives and property. Volunteers are the backbone of our community. And that is certainly the case with our exceptional CFA volunteers.

As we enter another bushfire season, on behalf of Nillumbik Shire Council, I would like to acknowledge and thank you all for the selfless and important work that you do. It's also important to remember, that the mitigation of fire risk is a critical component of fire season preparedness and requires a year-round commitment. I know this is something the CFA and all emergency services agencies prioritise in their preparations and via your many community education initiatives. Mitigation must be a responsibility shared by the entire community. Preparing for, and responding to emergencies is a year round activity. Council is committed to working with the CFA and our other partners to ensure that our fire and emergency management arrangements meet the needs of our community.

On behalf of my fellow Councillors and Council staff, I am delighted that we are providing \$49,000 in donations to assist our 16 brigades and two groups for their exceptional work.

Tonight, we're here to wish all our emergency services first responders well, as we head into summer. As you would all agree: we hope for the best but prepare for the worst.

I'd now like to present you with your certificates. Thank you again - you have our deepest appreciation and support.

A certificate of appreciation and a cheque as a gesture of Council's gratitude was presented to the following CFA Brigades:

- Mark Gravell, Captain District 14 Headquarters Brigade East
- Steve Gormley, Secretary St Andrews Fire Brigade
- Kate Lamble, 1st Lieutenant Kangaroo Ground Fire Brigade
- David Rumble, Captain Plenty Fire Brigade
- Bernie Broom, Treasurer Panton Hill Fire Brigade
- Stephen Riley, Captain Eltham Fire Brigade
- Peter Bury, Group Officer Whittlesea Diamond Valley Fire Brigades Group
- Robert Bury, Captain Doreen Fire Brigade
- Glenn Clark, 1st Lieutenant Hurstbridge Fire Brigade
- Andrew Napoleon Yarrambat Fire Brigade
- Warren Rees Arthurs Creek Brigade

The Mayor and Deputy Mayor together with CFA members came together for a group photograph.

Attachment 2. Council Meeting held on Tuesday 30 November 2021

#### **Council Meeting Minutes**

30 November 2021

Peter Bury, Group Officer – Whittlesea Diamond Valley Fire Brigades Group gave the following response:

Mayor Eyre, Councillors and fellow firefighters and guests. I just wanted to pass on our thanks from the groups and brigades for the generous donations tonight. As mentioned before, we are 24/7, 365, ready for a whole range of incidents, and we very much appreciate the support of Council for the work that we do.

Rest assured that the funds will be well spent and there is generally three areas that we spend funds on, they are things like personal protective equipment for fire fighters, the important work of community education and engagement, both of those are really important and the third area is operation equipment, so things like thermal imaging cameras or pieces of equipment for appliances. So the money is very wisely spent and we very much appreciate your support, thank you very much.

#### Condolence – Mark Vassallo

The following condolence statement was made by the Mayor, Cr Frances Eyre.

I was saddened to hear of the recent passing of our former Waste Management Team Leader, Mark Vassallo. In his passing Council officers lost a much-loved colleague and the Nillumbik Community a great servant. Mark worked for Council for 17 years, hired to drive a side loader in 2003 and soon after that moved into the team leader role. As team leader, Mark was the glue that kept the waste service in one piece and the grease that made the parts run smoothly.

Mark started work every day before 5.30am making sure our waste drivers knew what they were doing for the day. Before many of us had woken up he'd already solved the day's problems making sure that all the bins that were out were going to be emptied. He wrangled driver absences, truck breakdowns, trucks sliding off unsealed roads in the wet, resident requests and complaints, among numerous daily tasks.

Mark was committed to doing the job to the best of his ability. He was an excellent supervisor, greatly respected by his staff and anyone who worked with him. His staff knew what was expected of them and knew they would hear about it if they were not doing what's expected. Mark's attention to detail was legendary and he set a high standard. He was meticulous. As far as Mark was concerned there is no reason why he can't drive down a street after a waste truck has been through and see bins lined up neatly on the road reserve, all upright with their lids flipped.

Mark had a great customer service approach, always patient and courteous, with a knack for moving people from angry to understanding. While his job could be relentless and at worst, incredibly difficult, Mark was always ready to tell you how much he loved his job. He would say that some people go to work because they have to, but that he is fortunate because he has a job he loves. In recognition of his dedication, Mark received the Rotary Pride of Workmanship award in 2011.

When Mark wasn't at work, Mark spent time with his family, rode his Harley Davidson motorbike and worked on his impressive array of tattoos. Our thoughts are with his wife, his two daughters and his new grandson and on behalf of Council I would like to convey our deepest condolences.

COM.001/21 Confirmation of Minutes Extraordinary Council Meeting held Wednesday 24 November 2021 and Council Meeting held on Tuesday 30 November 2021

#### Attachment 2. Council Meeting held on Tuesday 30 November 2021

## **Council Meeting Minutes**

30 November 2021

#### 7. Confirmation of minutes

Confirmation of minutes of the Council Meeting held on Tuesday 26 October 2021.

#### Council Resolution

MOVED: Cr Geoff Paine SECONDED: Cr Peter Perkins

That the minutes of the Council Meeting held on Tuesday 26 October 2021 be confirmed (**Attachment 1**).

**CARRIED UNANIMOUSLY** 

#### 8. Disclosure of conflicts of interest

Nil

#### 9. Petitions

Nil

#### 10. Questions from the gallery

Nil

COM.001/21 Confirmation of Minutes Extraordinary Council Meeting held Wednesday 24 November

2021 and Council Meeting held on Tuesday 30 November 2021

Attachment 2. Council Meeting held on Tuesday 30 November 2021

#### **Council Meeting Minutes**

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11. Reports of Advisory Committees

AC.014/21 Advisory Committee Report - 30 November 2021

Distribution: Public

Manager: Blaga Naumoski, Executive Manager Governance, Communications

and Engagement

Author: Janet Taylor, Governance Officer

#### Summary

Council has a range of Advisory Committees which provide a formal mechanism for Council to consult with key stakeholders, seek specialist advice and enable community participation. Although they do not make any formal decisions, they provide valuable advice to Council.

In accordance with Advisory Committee Terms of Reference, the following minutes of Advisory Committee meetings are attached (Attachment 1) and presented to Council for noting:

- 1. Environmental and Sustainability Advisory Committee Meeting held 18 August 2021;
- 2. Economic Development Advisory Committee Meeting held 30 September 2021;
- 3. Positive Ageing Advisory Committee Meeting held 1 October 2021;
- 4. Health and Wellbeing Advisory Committee Meeting held 14 October 2021;
- 5. Youth Council Advisory Committee Workshop held 11 October 2021; and
- 6. Panton Hill Bushland Reserve System User Group Advisory Committee Meeting held 21 October 2021.

#### **Council Resolution**

MOVED: Cr Geoff Paine SECONDED: Cr Ben Ramcharan

That the minutes of the Advisory Committee meetings reported be noted (Attachment 1).

COM.001/21 Confirmation of Minutes Extraordinary Council Meeting held Wednesday 24 November

2021 and Council Meeting held on Tuesday 30 November 2021

Attachment 2. Council Meeting held on Tuesday 30 November 2021

#### **Council Meeting Minutes**

30 November 2021

12. Officers' reports

CM.132/21 Council Plan Quarterly Performance Report - 2021-2022 - Quarter 1

Distribution: Public

Manager: Jeremy Livingston, Executive Manager Business Transformation and

**Performance** 

Author: James Hartigan, Business Performance Analyst

#### Summary

The purpose of this report is to present the Council Plan Quarterly Performance Report (**Attachment 1**) for noting. These reporting updates are received by Council on a quarterly basis to demonstrate in a practicable and tangible way how the Council Plan 2021-2025 is being delivered to the community.

The Council Plan Quarterly Performance Report provides the first update on delivery progress and performance of the 2021-2022 Annual Action Plan actions, which align to delivery of the first year of the Council Plan 2021-2025.

Of the 23 actions that are identified for quarterly reporting in the 2021-2022 Annual Action Plan, all actions are currently 'on track'.

The overall position reflected in the report suggests that Council has made a solid start in delivering on key actions of the Council Plan, and significant outcomes for the community.

All 54 actions identified in the Annual Action Plan 2021-2022 will have updates provided in the corresponding report for the fourth quarter. This will also be published in the Annual Report 2021-2022 when presented to the community in late 2022.

#### Council Resolution

MOVED: Cr Peter Perkins SECONDED: Cr Natalie Duffy

**That** Council receives the Council Plan Quarterly Performance Report (**Attachment 1**) for the first quarter of 2021-2022.

COM.001/21 Confirmation of Minutes Extraordinary Council Meeting held Wednesday 24 November 2021 and Council Meeting held on Tuesday 30 November 2021

Attachment 2. Council Meeting held on Tuesday 30 November 2021

#### **Council Meeting Minutes**

30 November 2021

12. Officers' reports

CM.161/21 Quarterly Risk and Safety Report - September 2021

Distribution: Public

Manager: Jeremy Livingston, Executive Manager Business Transformation and

**Performance** 

Author: Craig Commane, Risk and Safety Lead

Summary

This report provides a summary of Council's Risk and Safety Report for the quarter ending September 2021.

The report is presented in accordance with the Local Government Performance Reporting Framework (LGPRF). This reporting framework requires the presentation of a report to Council at least every six months, detailing the strategic risks, operational risks, the consequences and likelihood of occurrence, and risk mitigation strategies.

Risk and Safety reporting to Council is tabled each quarter following consideration by Council's Audit and Risk Committee.

The full confidential Risk and Safety Report for September 2021 is attached to this report (**Attachment 1**) and provides detailed information for Council's consideration.

#### Council Resolution

MOVED: Cr Geoff Paine SECONDED: Cr Natalie Duffy

#### That Council:

- Notes the summary of the confidential Risk and Safety Report (Attachment 1) for the quarter ending September 2021.
- 2. Resolves that the attached Risk and Safety Report (**Attachment 1**) remains confidential in accordance with section 3(1)(a) and (f) of the *Local Government Act* 2020.

Attachment 2. Council Meeting held on Tuesday 30 November 2021

#### **Council Meeting Minutes**

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12. Officers' reports

CM.162/21 Nillumbik Domestic Animal Management Plan 2021-2025

Distribution: Public

Manager: Rosa Zouzoulas, Executive Manager Planning and Community Safety

Author: Heath Gillett, Acting Manager Community Safety and Amenity

Caroline Correa, Community Safety Coordinator

#### Summary

The purpose of this report is to:

- Present the final draft of Domestic Animal Management Plan (DAMP) (Attachment 1) following the Planning and Consultation Committee meeting and review of all community member submissions.
- Seek adoption of the DAMP for the period 2021-2025.

In accordance with the *Domestic Animals Act 1994 (the Act)* all Victorian Councils must develop and adopt a DAMP every four years. Council's current DAMP expires on 03 December 2021. The DAMP 2021-2025 has been developed in line with section 68A of the Act. Council has a legislated responsibility under the Act to ensure compliance and delivery of animal management services in line with community expectations around responsible pet ownership.

Consultation, review and development of the DAMP has required extensive community consultation which was conducted in May-June 2021 resulting in 523 surveys being completed and September 2021 resulting in 38 submissions being received. Engagement for the DAMP has focused on the core areas of animal management, including:

- Animal Welfare
- Responsible Pet Ownership
- Local Laws
- Education

The Act requires Council to notify the secretary for the Department of Environment, Land, Water and Planning by 04 December 2021 that it has developed and adopted a DAMP for the next four year period.

Attachment 2. Council Meeting held on Tuesday 30 November 2021

#### **Council Meeting Minutes**

30 November 2021

#### 12. Officers' reports

CM.162/21 Nillumbik Domestic Animal Management Plan 2021-2025

#### Recommendation

That Council adopt the Domestic Animal Management Plan 2021-2025 (Attachment 1).

Motion

MOVED: Cr Peter Perkins SECONDED: Cr Karen Egan

#### **That Council**

- Adopts the Domestic Animal Management Plan 2021-2025 (Attachment 1) but deletes the following activity from the plan to be conducted in Year 1 – 'Complete a review of the existing cat curfew and associated Sec.26 Order in Council'.
- 2. Requests officers correct errors of placenames, off-leash areas and features in Appendix: Maps of off-leash areas in Nillumbik.
- Requests officers present a draft version of an updated DAMP to Council for endorsement immediately following the adoption of new local laws currently undergoing community consultation.

THE MOTION WAS PUT TO THE VOTE AND CARRIED AND BECAME THE COUNCIL RESOLUTION AS FOLLOWS:

#### **Council Resolution**

MOVED: Cr Peter Perkins SECONDED: Cr Karen Egan

#### That Council

- Adopts the Domestic Animal Management Plan 2021-2025 (Attachment 1) but deletes the following activity from the plan to be conducted in Year 1 – 'Complete a review of the existing cat curfew and associated Sec.26 Order in Council'.
- 2. Requests officers correct errors of placenames, off-leash areas and features in Appendix: Maps of off-leash areas in Nillumbik.
- Requests officers present a draft version of an updated DAMP to Council for endorsement immediately following the adoption of new local laws currently undergoing community consultation.

CARRIED

Cr Ben Ramcharan called for a division

For: Crs Natalie Duffy, Karen Egan, Frances Eyre, Geoff Paine, Peter Perkins and

Richard Stockman

Against: Cr Ben Ramcharan

COM.001/21 Confirmation of Minutes Extraordinary Council Meeting held Wednesday 24 November

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#### **Council Meeting Minutes**

30 November 2021

12. Officers' reports

CM.163/21 Land Management Incentive Program - Guidelines Review

Distribution: Public

Manager: Hjalmar Philipp, Director Operations and Infrastructure

Author: Julia Franco, Biodiversity Officer

Kirsten Reedy, Coordinator Environment

Lisa Pittle, Manager Environment

Stephanie Orive, Land Management Officer

#### Summary

This report provides the recommendations of a review of Council's Land Management Incentive Program (LMIP) Guidelines.

The proposed updated guidelines are presented in **Attachment 1** and an overview of the current program, and of the review findings is presented in **Attachment 2**.

#### **Council Resolution**

MOVED: Cr Ben Ramcharan SECONDED: Cr Karen Egan

#### That Council:

- 1. Endorses the revised Land Management Incentive Program Guidelines 2021, (Attachment 1).
- 2. Notes that the revised Land Management Incentive Program Guidelines will come into effect on 1 December 2021.

Attachment 2. Council Meeting held on Tuesday 30 November 2021

#### **Council Meeting Minutes**

30 November 2021

12. Officers' reports

CM.164/21 Nillumbik Placemaking Framework 2021

Distribution: Public

Manager: Corrienne Nichols, Executive Manager Communities

Author: Nichole Johnson, Manager Community Partnerships

Summary

The purpose of this report is seek Council endorsement of the Nillumbik Placemaking Framework 2021 (the Framework). The Framework (Attachment 1) has been designed to support Councillors, Council staff, community members, traders, stakeholders, contractors and consultants to plan and deliver placemaking projects.

#### Council Resolution

MOVED: Cr Geoff Paine SECONDED: Cr Richard Stockman

That Council adopts the Nillumbik Placemaking Framework 2021 (Attachment 1).

Attachment 2. Council Meeting held on Tuesday 30 November 2021

#### **Council Meeting Minutes**

30 November 2021

12. Officers' reports

CM.165/21 Audit and Risk Committee Meeting November 2021

Distribution: Public

Manager: Vince Lombardi, Chief Financial Officer

Author: Melika Sukunda, Finance Manager

Summary

In accordance with section 53 of the *Local Government Act 2020* and good governance principles, councils must have an Audit and Risk Committee.

As resolved at the 23 June 2020 Ordinary Council Meeting, the minutes of an Audit and Risk Committee meeting are to be reported and presented to a subsequent Council Meeting.

The Audit and Risk Committee met on 10 November 2021. The minutes for the meeting are shown in **Attachment 1**.

#### **Council Resolution**

MOVED: Cr Peter Perkins SECONDED: Cr Geoff Paine

**That** Council notes the minutes of the Audit and Risk Committee meeting held on 10 November 2021 **Attachment 1**.

Attachment 2. Council Meeting held on Tuesday 30 November 2021

#### **Council Meeting Minutes**

30 November 2021

#### 12. Officers' reports

CM.166/21 Amendment C131nill (Regulating Earthworks in the Green Wedge)

Distribution: Public

Manager: Rosa Zouzoulas, Executive Manager Planning and Community Safety

Author: Leigh Northwood, Strategic Planning Lead

#### Summary

Amendment C131nill to the Nillumbik Planning Scheme, seeks to amend the schedule(s) to the Green Wedge Zone and Rural Conservation Zone to require a planning permit trigger for earthworks which involve the receipt, importation, stockpiling or placement of more than 100 cubic metres of fill.

The amendment is intended to assist Council to manage large earthworks and the placement of fill within the Green Wedge and Rural Conservation Zones, by allowing Council to assess and mitigate future risks and fill activities that have the potential to create significant environmental and amenity impacts in the Shire.

C131nill was placed on exhibition pursuant to the requirements of the *Planning and Environment Act 1987* (the Act), from 22 April to 3 June 2021. Council received ten (10) submissions in total and those submitters were invited to attend the July 2021 Planning & Consultative Committee Meeting (PCC) to speak to their submissions.

At its meeting of 27<sup>t</sup>July 2021, Council resolved to request the Minister for Planning appoint an independent planning panel to consider amendment C131nill pursuant to Section 23(1)(b) of the *Planning and Environment Act 1987* to consider submissions raised in regard to the amendment.

The Panel Hearing was conducted on 30 September 2021 with Council recently receiving the Panel Repot, noting the report is very supportive of Council with the Panel concluding that the amendment:

- is supported by, and implements, the Planning Policy Framework and is consistent with the relevant Ministerial Directions and Practice Notes;
- will achieve net community benefit and sustainable development; and
- is well founded and strategically justified and should proceed.

The Panel recommendation is that amendment C131nill be adopted as exhibited without changes.

Officers have given notice of the availability of the Panel Report to all submitters to the amendment.

The officer recommendation is that Council resolve to adopt the Amendment and submit it to the Minister for approval and gazettal. This recommendation is based on the clear finding of the Panel that the amendment is strategically justified, and the recommendation that Council should adopt the Amendment as exhibited.

Attachment 2. Council Meeting held on Tuesday 30 November 2021

#### **Council Meeting Minutes**

30 November 2021

12. Officers' reports

CM.168/21 Informal Meetings of Councillors Records - 26 October 2021

**Council Resolution** 

MOVED: Cr Ben Ramcharan SECONDED: Cr Karen Egan

#### That Council:

- Notes the recommendation of the Planning Panel that Amendment C131nill to the Nillumbik Planning Scheme be adopted as exhibited.
- 2. Adopts Amendment C131nill to the Nillumbik Planning Scheme as exhibited and then submits it to the Minister for Planning for approval and gazettal.
- 3. Notifies submitters to the Amendment of Council's resolution on 30 November 2021 regarding Amendment C131nill and updates Participate Nillumbik accordingly.

Attachment 2. Council Meeting held on Tuesday 30 November 2021

#### **Council Meeting Minutes**

30 November 2021

12. Officers' reports

CM.167/21 Recreation and Leisure Grants

Distribution: Public

Manager: Hjalmar Philipp, Director Operations and Infrastructure

Author: Rebecca Burton, Coordinator Recreation and Leisure Planning

April Wilson, Sports and Recreation Development Officer

#### Summary

Recreation and leisure grant opportunities currently open are:

- Round 2 of the 2021-22 Country Football Netball Program; and
- 2021-22 Local Sports Infrastructure Fund through Sports and Recreation Victoria.

This paper presents the projects proposed to be submitted to these grants, based on consideration of:

- Suitability against criteria and alignment with state government and Council strategies;
- Third party assessments of recreation and leisure assets;
- Club contribution; and
- Maturity of design and planning ("shovel readiness").

#### Council Resolution

MOVED: Cr Natalie Duffy SECONDED: Cr Karen Egan

#### That Council:

- Endorses and requests officers to make a submission to Round 2 of the Country Football and Netball Program for the Ben Frilay Oval Lighting Upgrade, with a Council contribution of up to \$150,000.
- 2. Endorses and requests officers to make the following submissions to the Local Sports Infrastructure Fund administered by Sports Recreation Victoria:
  - a) Eltham North Synthetic Pitch Lighting Upgrade, with no Council contribution;
  - b) Eltham Skate Park Lighting, with a Council contribution of up to \$120,000; and
  - c) Bridge Street Oval full surface reconstruction with a Council contribution of up to \$320,000.

Attachment 2. Council Meeting held on Tuesday 30 November 2021

#### **Council Meeting Minutes**

30 November 2021

12. Officers' reports

CM.168/21 Informal Meetings of Councillors Records - 26 October 2021

Distribution: Public

Manager: Blaga Naumoski, Executive Manager Governance, Communications

and Engagement

Author: Janet Taylor, Governance Officer

#### Summary

In accordance with *Item 19 of Council's Governance Rule – Meeting Procedure*, adopted on 25 August 2020, Council is required to report as soon as practicable to a Council Meeting a record of each Informal Meetings of Councillors held.

This report lists Informal Meetings of Councillors records submitted since the matter was last reported to Council on 26 October 2021.

An Informal Meetings of Councillors Record was kept for the following meetings (Attachment 1):

- Informal Meeting of Councillors Health & Wellbeing Advisory Committee Meeting held 14 October 2021.
- 2. Informal Meeting of Councillors Record Councillor Briefing held 19 October 2021.
- 3. Informal Meeting of Councillors Panton Hill Bushland Reserve System User Group Advisory Committee Meeting held 21 October 2021.
- 4. Informal Meeting of Councillors Access and Inclusion Advisory Committee Meeting held 29 October 2021.
- 5. Informal Meeting of Councillors Kangaroo Ground War Memorial Park Governance Project Meeting held 3 November 2021.
- Informal Meeting of Councillors Record Positive Ageing Advisory Committee 5 November 2021.
- Informal Meeting of Councillors Record Councillor Briefing held 9 November 2021.
- 8. Informal Meeting of Councillors Pre-meet PCC Meeting 16 November 2021.

Motion	

MOVED: Cr Richard Stockman SECONDED: Cr Peter Perkins

**That** Council, in accordance with *Item 19 of Council's Governance Rule – Meeting Procedure*, receives the Informal Meetings of Councillors Records (**Attachment 1**) for the meetings held.

Attachment 2. Council Meeting held on Tuesday 30 November 2021

#### **Council Meeting Minutes**

30 November 2021

12. Officers' reports

CM.169/21 Melbourne Water Land Divestment – Committee of Management

Distribution: Public

Manager: Rosa Zouzoulas, Executive Manager Planning and Community Safety

Summary

Melbourne Water proposes an amendment to the Nillumbik Planning Scheme in divestment of its land. The purpose of the proposed amendment is to apply alternative zoning - predominantly the Rural Conservation Zone Schedules 3 and 4 (RCZ) to land within the amendment area, to allow for the sale of this land. The amendment also proposes realignment of some parcel boundaries, the creation of new lots and the introduction of an incorporated document to guide development and subdivision in this area.

At its 27 April 2021 Council Meeting, Council resolved as follows:

#### That Council:

- Does not support the proposed amendment to the Nillumbik Planning Scheme by Melbourne Water to facilitate the divestment of its land at Christmas Hills in its current form for the reasons identified in this report.
- 2. Authorises the Mayor to write to the Minister for Planning and local MPs requesting that the Christmas Hills Tennis Courts be retained by Melbourne Water or gifted to Council in order to protect it as a valuable community asset.
- 3. Directs officers to work with councillors and the Christmas Hills community to prepare a submission to the future Government Land Planning Service Advisory Committee process in consideration of the proposed amendment.

Melbourne Water have advised that DELWP have provided confirmation that pursuant to the requirements of the applicable assessment criteria under the Strategic Crown Land Assessment Policy and Guidelines (SCLAPG), that the Christmas Hills Tennis Courts in isolation won't meet the required criteria to allow transfer to the Crown. Melbourne Water have further advised they are prepared to request of DELWP that they consider a broader parcel including the Tennis Courts, as opposed to just the current lease area of the Tennis Courts for assessment against the SCLA in trying to meet the SCLA criteria. DELWP have advised that they agree to consider the broader parcel.

In order to progress Melbourne Water's planning of their land in Christmas Hills, and to allow DELWP to undertake the assessment under the Strategic Crown Land Assessment Policy and Guidelines criteria for Council to become Committee of Management, they seek Council's formal confirmation as to its appetite to become Committee of Management (CoM) for the wider parcel should DELWP permit divestment to the Crown.

On 14 May 2021, Council wrote to Melbourne Water and DELWP acknowledging and supporting the MG Car Club as a valued community use, and historical use of the land. The letter advised that Council would be interested in becoming the Committee of Management once the land is transferred to the Crown. At the time of writing this report, DELWP advised that they now require a formal resolution and new formal letter requesting that Council become the Committee of Management for the Rob Roy hillclimb Land.

Attachment 2. Council Meeting held on Tuesday 30 November 2021

#### **Council Meeting Minutes**

30 November 2021

12. Officers' reports

CM.169/21 Melbourne Water Land Divestment – Committee of Management

Recommendation

#### That Council:

- 1. Agrees in principle to becoming Committee of Management for the land identified in Map 1 (Attachment 1) to facilitate assessment by DELWP through the Strategic Crown Land Assessment process, noting this agreement is contingent on confirmation by Melbourne Water that no undersized lots (less than 8 hectares) are proposed by Melbourne Water in the final proposed lot configuration in this area of 40 Simpson Road, Christmas Hills for private sale as part of the future divestment of its land:
- 2. Requests the current parking and effluent areas supporting the Christmas Hills Hall (Attachment 2) be included in the land that Council is seeking to become the Committee of Management for and include that land in the area put forward to DELWP for consideration through the Strategic Crown Land Assessment process or identify alternate arrangements with respect to this additional area for ongoing management and maintenance of the Christmas Hills Hall; and
- 3. Requests the Chief Executive Officer provide a letter of support addressing point 1, and identify in such letter, Council's preference for rezoning of the land to Public Use Zone Schedule 6 to reflect the future use of the area for local government use.
- 4. Formally resolves to provide their support in becoming the Committee of Management for the Crown Land parcels outlined below (Rob Roy hillclimb), upon DELWP consideration and approval and write to DELWP formally advising of its resolution:
  - Crown Allotment: 46b SPI: 46~B\PP3437
     Address: 10 Rob Roy Street, Smiths Gully 3760
  - Crown Allotment: 47b SPI: 47~B\PP3437
     Address: 375 Clintons Road, Smiths Gully 3760
- Requests the Chief Executive Officer provide a letter of support in becoming the Committee of Management for the land identified in point 4 above and send to DELWP.

Motion

MOVED: Cr Ben Ramcharan SECONDED: Cr Peter Perkins

That Council:

 Agrees in principle to becoming Committee of Management for the land identified in Map 1 (Attachment 1) to facilitate assessment by DELWP through the Strategic Crown Land Assessment process, noting this agreement is contingent on confirmation by Melbourne Water that no undersized lots (less than 8 hectares) are proposed by Melbourne Water in the final proposed lot configuration in this area of 40 Simpson Road, Christmas Hills for private sale as part of the future divestment of its land;

#### **Council Meeting Minutes**

30 November 2021

#### 12. Officers' reports

CM.169/21 Melbourne Water Land Divestment – Committee of Management

- 2. Requests the current parking and effluent areas supporting the Christmas Hills Hall (Attachment 2) be included in the land that Council is seeking to become the Committee of Management for and include that land in the area put forward to DELWP for consideration through the Strategic Crown Land Assessment process or identify alternate arrangements with respect to this additional area for ongoing management and maintenance of the Christmas Hills Hall; and
- Requests the Chief Executive Officer provide a letter of support addressing point 1, and point 2 and identify in such letter, Council's preference for rezoning of the land to Public Use Zone Schedule 6 to reflect the future use of the area for local government use.
- 4. Formally resolves to provide their support in becoming the Committee of Management for the Crown Land parcels outlined below (Rob Roy hillclimb), upon DELWP consideration and approval and write to DELWP formally advising of its resolution:
  - Crown Allotment: 46b SPI: 46~B\PP3437
     Address: 10 Rob Roy Street, Smiths Gully 3760
    - Crown Allotment: 47b SPI: 47~B\PP3437 Address: 375 Clintons Road, Smiths Gully 3760
- Requests the Chief Executive Officer provide a letter of support in becoming the Committee of Management for the land identified in point 4 above and send to DELWP.

THE MOTION WAS PUT TO THE VOTE AND CARRIED AND BECAME THE COUNCIL RESOLUTION AS FOLLOWS:

#### Council Resolution

MOVED: Cr Ben Ramcharan SECONDED: Cr Peter Perkins

That Council:

- Agrees in principle to becoming Committee of Management for the land identified in Map 1 (Attachment 1) to facilitate assessment by DELWP through the Strategic Crown Land Assessment process, noting this agreement is contingent on confirmation by Melbourne Water that no undersized lots (less than 8 hectares) are proposed by Melbourne Water in the final proposed lot configuration in this area of 40 Simpson Road, Christmas Hills for private sale as part of the future divestment of its land;
- Requests the current parking and effluent areas supporting the Christmas Hills Hall (Attachment 2) be included in the land that Council is seeking to become the Committee of Management for and include that land in the area put forward to DELWP for consideration through the Strategic Crown Land Assessment process or

Attachment 2. Council Meeting held on Tuesday 30 November 2021

#### **Council Meeting Minutes**

30 November 2021

#### 12. Officers' reports

#### CM.169/21 Melbourne Water Land Divestment – Committee of Management

identify alternate arrangements with respect to this additional area for ongoing management and maintenance of the Christmas Hills Hall; and

- Requests the Chief Executive Officer provide a letter of support addressing point 1, and point 2 and identify in such letter, Council's preference for rezoning of the land to Public Use Zone Schedule 6 to reflect the future use of the area for local government use.
- 4. Formally resolves to provide their support in becoming the Committee of Management for the Crown Land parcels outlined below (Rob Roy hillclimb), upon DELWP consideration and approval and write to DELWP formally advising of its resolution:
  - Crown Allotment: 46b SPI: 46~B\PP3437
     Address: 10 Rob Roy Street, Smiths Gully 3760
  - Crown Allotment: 47b SPI: 47~B\PP3437
     Address: 375 Clintons Road, Smiths Gully 3760
- Requests the Chief Executive Officer provide a letter of support in becoming the Committee of Management for the land identified in point 4 above and send to DELWP.

#### Attachment 2. Council Meeting held on Tuesday 30 November 2021

Meeting	

30 November 2021

13. Notices of Motion

NOM.007/21 Advocacy for suitable BMX and off-road biking locations in the Shire

Cr Peter Perkins advised of his intention to move the following motion:

**Council Resolution** 

MOVED: Cr Peter Perkins SECONDED: Cr Natalie Duffy

That Council:

- 1. Requests officers to:
  - a. Continue to work with the land holder VicTrack and various responsible agencies such as Melbourne Water and Metro Trains to find solutions to mitigate and manage the risks on the land alongside the Hurstbridge Rail Line and Diamond Creek, near the Diamond Creek linear reserve.
  - b. Commence consultation with the community for BMX and off-roading opportunities in the area near the Diamond Creek trail on Allendale Road.
  - c. Commence investigation into BMX and off-road biking opportunities across the Shire and provide progress updates to Council throughout 2022.
- Seeks funding from relevant state agencies and advocates to all levels of government to identify funding opportunities to develop BMX and off-road biking locations in the Shire.

**CARRIED UNANIMOUSLY** 

14.	De	legat	tes'	R	ер	or	ts
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Nil

15. Supplementary and urgent business

Nil

16. Confidential reports

Nil

17. Close of Meeting

The meeting closed at 8:52pm.

Confirmed:		
	Cr Frances Evre. Mavor	_

# **Environment & Sustainability Advisory Committee (ESAC) Minutes**



Date: Wednesday 18 August 2021

**Time:** 7.00pm – 9.00pm

Venue: Zoom

Chair: Cr Karen Egan

Minute taker: Laura Nix

Welcome and Acknowledgement of Country	Chair		
Present:			
ESAC - Alan Thatcher, David Turner, Elley Thomas, John Brenan, Liz Parsons, Sali Bache, Zac Lombardo, John Huf, Narelle Campbell			
Councillors - Cr Karen Egan, Cr. Geoff Paine, Cr. Ben Ramcharan,			
Staff - Laura Nix, Lisa Pittle, Kirsten Reedy, Seamus Balkin, lan Culbard, Lawrence Seyers			
Apologies: Carol Jadraque, Andrew Robinson			
Absent: Aidan Somers			
This will be Elley Thomas's last ESAC meeting. From the Chair, Cr Egan, and on behalf of the committee, thank you to Elley for her contribution to ESAC as she moves to a new role.			
Conflict of interest	Chair		
Conflict of interest provisions are contained in section 80C of the <i>Local Government Act 1989</i> , the Councillor's Governance Code, the Employee Code of Conduct and the Volunteer Handbook			
Narelle Campbell declared a general conflict of interest as an employee of the Victorian Government's Department of Health and Human Services.			
Confirmation of minutes	Chair		
Confirmation of the minutes of the June 2021 meeting of the committee			
Moved: John Brenan; Seconded: John Huf			
Open Actions	Chair		
Accepted			
Major road projects such as Yan Yean Road and Fitzsimons Lane	John Brennan		
John Brennan provided a briefing note for discussion. Council's Lead Transport Planner, Lawrence Seyers, attended the discussion.			
	Present:  ESAC - Alan Thatcher, David Turner, Elley Thomas, John Brenan, Liz Parsons, Sali Bache, Zac Lombardo, John Huf, Narelle Campbell  Councillors - Cr Karen Egan, Cr. Geoff Paine, Cr. Ben Ramcharan,  Staff - Laura Nix, Lisa Pittle, Kirsten Reedy, Seamus Balkin, Ian Culbard, Lawrence Seyers  Apologies: Carol Jadraque, Andrew Robinson  Absent: Aidan Somers  This will be Elley Thomas's last ESAC meeting. From the Chair, Cr Egan, and on behalf of the committee, thank you to Elley for her contribution to ESAC as she moves to a new role.  Conflict of interest  Conflict of interest provisions are contained in section 80C of the Local Government Act 1989, the Councillor's Governance Code, the Employee Code of Conduct and the Volunteer Handbook  Narelle Campbell declared a general conflict of interest as an employee of the Victorian Government's Department of Health and Human Services.  Confirmation of minutes  Confirmation of the minutes of the June 2021 meeting of the committee  Moved: John Brenan; Seconded: John Huf  Open Actions  Accepted  Major road projects such as Yan Yean Road and Fitzsimons Lane  John Brennan provided a briefing note for discussion. Council's Lead		

Discussion on the role of Council in major road projects; whether more can be done to achieve outcomes that are better for the Nillumbik community and environment; and the restraints placed upon Council and the community by the state government through different planning processes.

Noted that Council and officers do advocate strongly for beneficial outcomes which does result in some project outcome improvements, but is not always successful. Also noted that mitigation plans are prepared by the proponents but they are often not made publically available.

Motion put forward by John Brennan that:

- ESAC recommends to Council that it demand of MRPV and of VicTrack explanations of how they are going to mitigate, manage and ameliorate the effects of their projects in Yan Yean Road and the Hurstbridge rail line.
   Motion failed. (2 for, 7 abstained)
- 2. ESAC recommends to Council that it actively seek to contribute to such mitigation management and amelioration. **Motion withdrawn.**
- 3. ESAC recommends to Council that it enlist public communication and support for this engagement. **Motion carried.** (6 for, 3 abstained).

Action 1: To put Motion 3 to Councillors and report back to ESAC.

7 **Draft Climate Action Plan** - working copy provided with agenda for ESAC feedback.

Lisa and Kirsten

- Acknowledgement of Country
  - Question asked regarding the wording 'we acknowledge that sovereignty was never ceded', and whether legal advice was sought. Lisa advised had been
- Climate Emergency acknowledgement/declaration

ESAC members had varied opinions as to whether or not Council should acknowledge and/or declare a Climate Emergency (CE). No working consensus.

Comments by ESAC members included:

- Poor timing of the proposed acknowledgement/declaration in the context of current Covid situation and should delay declaring a CE
- The climate crisis dwarfs Covid and should declare a CE now
- Questioning whether climate action is core local government business
- Budget will be required to make the Plan meaningful. It's costly. How much budget has Council allocated? Questioning whether funding will be available.
- Questioning whether use of the word emergency is triggering
- Questioning whether there are any legal implications
- Discussion around the motives behind a declaration i.e. political based (branding) and/or values based (to direct, influence and shape decisions)
- Questioning how much priority Council will put on implementing the Climate Action Plan

In response to ESAC questions around legal liability and funding it was noted that: the advice received to date from Council's legal adviser and risk adviser is that there are no legal implications to declaring a climate emergency; and that

## AC.015/21 Advisory Committee Report - 14 December 2021 Attachment 1. Advisory Committee Meeting Minutes reported 14 December 2021

	budget to fund implementation of the Climate Action Plan will be sought and be subject to Councils normal annual budget processes.	
	Proposed goals and mitigation targets	
	General agreement and comfort around goals and targets.	
	Proposed focus areas	
	General agreement and comfort around proposed focus areas and associated objectives and actions. Feedback included suggestions to ensure reference to insurance implications of climate change, managing roadside reserves, sequestration, examining different indicator options and opportunities to partner with the community.	
	Proposed community engagement / public exhibition process	
	Proposed engagement methods discussed. General satisfaction. Suggestion made that rural areas want to be engaged with by mail.	
8	Other business:	Chair
	Table Summary of Council environment and sustainability activity - Copy sent out with agenda for viewing ahead of meeting Attachment 1	
9	Next meeting date: 20 October 2021	Chair
	Venue: TBC dependant on Covid19 restrictions	

Meeting close: 9.23pm

#### Actions:

Meeting date	Action	Owner/s	Status	Comment
18 August 2021	Put Motion 3 (regarding major transport infrastructure projects) to Councillors and report back to ESAC:  ESAC recommends to Council that it enlist public communication and support for this engagement.	Enviro	Underway	Timing tbc
	Present ESAC recommendation on undertaking a project to protect the tree canopy of urban areas to Council	Enviro	Underway	19 October Councillor briefing
16 June 2021	ESAC to be consulted on draft updated local laws at a future meeting	Local Laws	Draft local laws likely to be endorsed for consultation in Oct – Nov	Will seek to have this has an October ESAC agenda item
16 June 2021	Keep ESAC up to date on 2022 Nillumbik planning scheme review	Strategic Planning	Timing to be confirmed	Agenda item at future meeting(s)
28 April 2021	Officers to provide a report back to ESAC on the progress of the Smart Farms project at a future meeting	Steph Orive	On hold. Project commencement postponed due to lockdowns	Timing tbc

## AC.015/21 Advisory Committee Report - 14 December 2021 Attachment 1. Advisory Committee Meeting Minutes reported 14 December 2021

Meeting date	Action	Owner/s	Status	Comment
28 April 2021	Investigate whether an update to ESAC on the Communities First program would be worthwhile i.e. is there anything current to share.	Kirsten	Timing to be confirmed	Potential October agenda item
6 May 2020	Circulate the Yarra Catchment Integrated Water Management Plan when available.	Lisa P		LP to circulate prior to Oct meeting
18 August 2020	Did Council receive legal advice on the wording of the Acknowledgment of Country, specifically the statement that 'sovereignty was never ceded'.	Lisa P		Response to be provided at the October meeting

### Economic Development Advisory Committee

#### Minutes

Date: Thursday 30 September 2021

Time: 4:30pm – 6:00pm

Venue: Online via Zoom

Chair: Cr Karen Egan

Minute taker: Georgie Nathan

#### Order of Business

#### 1. Attendance and apologies

<u>Attendees</u>: Carl Cowie, Rosa Zouzoulas, Danielle Phyland, Georgie Nathan, Katie Camilleri, Nicola Clutton, Kirsten Reedy, Nicole Staveley, Cr Karen Egan, Cr Richard Stockman, Cr Geoff Paine, Cr Frances Eyre, Cr Natalie Duffy, Peter McWilliam, Chanmali Tregambe, Simon Le Plastrier, George Apted,

<u>Apologies:</u> Zac Lombardo, Venu Metla, Philip Marendaz, Terry Hutton, Richard Doville, Kirrily Romero

#### 2. Welcome

Acknowledgement of Country

Recognition of the resignation of Jethro Still from the Economic Development Advisory Committee. Jethro was thanked for his valuable contribution over the years and wished him all the best for the future.

#### 3. Conflict of Interest

Conflict of interest provisions are contained in section 80C of the Local Government Act 1989, the Councillor's Governance Code, the Employee Code of Conduct and the Volunteer Handbook.

No conflict of interest declared.

Assembly of Councillor(s)



An Assembly of Councillor form must be completed at the meeting in accordance with section 80A of the *Local Government Act* 1989.

**Action:** Assembly of Councillor(s) form to be completed and provided to Council's governance department.

### 4. Youth Strategy – Katie Camilleri, Coordinator Youth, Community and Place and Nicola Clutton, Youth Development Officer

Strategy presented outlining the four-year strategic commitment to how Council will support and respond to the needs of young people aged 12-25 who live, work, study, volunteer or play in Nillumbik.

Committee discussion on strategy:

- Simon Great exercise to be undertaking. Timing of Community Consultation abuts senior secondary school students studying and attending their final exams, troublesome for Schools to deter attention from studies to contribute to feedback. Further and earlier consultation with School Principals encouraged to ensure maximum opportunity to contribute to survey and promote through relevant school channels.
- Simon, Cr Egan and Cr Duffy Due to contributing factors affecting the ability
  of students to attend the question around flexibility with closing date was
  discussed, however due to tight timelines associated with the endorsing of
  strategy, the date could not be changed or extended.

**Action:** Members encouraged to provide feedback and share the information with their networks <a href="https://participate.nillumbik.vic.gov.au/young-minds">https://participate.nillumbik.vic.gov.au/young-minds</a>

#### 5. Climate Change Action Plan – Kirsten Reedy, Coordinator Environment

Introduction of proposed Climate Change Action Plan and request for feedback on the survey to be shared amongst committee members' networks.

Committee discussion on action plan

- Peter As an environmentalist, question in regard to what repercussions if targets not met by 2035 of net zero emissions.
- Kirsten Councils plan was to be aspirational and strong in its targets. No repercussions if target not met.
- Cr Stockman how are the targets being measured? Is Nillumbik Shire Council ahead of the game?
- Peter Project that Yarra Valley water are undertaking converting waste to energy. Will share contact details with Kirsten.



- Kirsten Council measures own emissions. 50% emissions from electricity, 20% gas, 20% transport, 10% waste. Solar on houses – Nillumbik well ahead of the game in regard to other LGAs. There are different lines of evidence we can use to capture information.
- Kirsten posed the question if any appetite in school environment?
- Simon Eltham College currently working through their own strategic plan
  including sustainability and ideally school to be 'off the grid' entirely in 10
  years' time. Kids have a bit appetite in this regard and will share connections
  with Kirsten via Danielle.
- Cr Duffy Posed the potential of an interschool competition across the Shire linking both Youth Plan and Climate Action Plan.

**Action:** Members encouraged to provide feedback and share the information with their networks <a href="https://participate.nillumbik.vic.gov.au/climate-action">https://participate.nillumbik.vic.gov.au/climate-action</a>

#### Update on COVID 19 Business Support Activities – Georgie Nathan, industry Development Officer

The Economic Development and Tourism Unit currently have 2 COVID Business Support Officers employed through Victorian Government funding who are focused on supporting businesses both during and coming out of the Pandemic. They are employed until 10 December 2021. Their remit includes:

- Providing COVID tools and equipment hand sanitising stations, thermometers, various posters and signage
- Advice relating to business support, including grants mental health support.

They have conducted over 1500 interactions with local business via phone and face to face since starting late July 2021.

The team have continued focus on supporting residents to shop local with the social media Shop in our Shire Spring campaign highlighting different businesses in the Shire. Spring program is currently being delivered, underpinned by a competition for a specially curated picnic by local caterer, as well as locally based photographer capturing the picnic.

Committee discussion on COVID19 Business Support

- Cr Paine supported the ongoing shop local campaign, would like to see insights at next EDAC meeting capturing current business health, sentiment, local spend etc.
- Nicole working much harder during this lockdown, her discussions with other business owners is that they are doing a lot more of the day-day work.
   Difficult to find workers particularly when current funding is more financially beneficial to workers than working. The issue of vaccination also has been broadly discussed and difficult for business owners to know what their



- rights/responsibilities are in relation to mandating double vaccinated people access to their business or premise.
- Cr Duffy also in big support of shopping local and supporting local traders.
   Encouraging the purchase of vouchers so businesses can benefit now which will generate cash flow.
- Danielle Shop in our Shire gift card design could been extended to Traders
   Associations though Council and to encourage buying local.
- Terms of Reference Economic Development Advisory Committee Danielle Phyland, Economic Development and Tourism Lead

Draft terms of reference presented. Introduction of 1 x Youth Committee Member and 1 x Agribusiness Committee Member

Timelines associated with the update communicated and expression of interest will be sent to current members should they wish to nominate again as well as advertising for new committee members.

All committee members agree that the additional Youth and Agribusiness committee members are welcome and no commentary on other elements of the Terms of Reference.

Action: Any feedback to be provided to Officers by the December meeting

8. Round table discussion on current state of business - Opportunity for each member to share insight, feedback and initiatives for recovery. What support do your businesses need?

General Vaccination discussion

- Cr Egan asked Simon what Eltham College were doing in relation to vaccination.
- Simon very difficult to get advice from Victorian Government. Teachers must all have at least 1 x vaccination
- Chanmali events happening very quickly after lockdown ends. Open Cellars and Open Artists' Studios. Inundated with interest. As an individual operator – need to have more consistent narrative across the Shire. Consistent approach from all venues involved location to location.
- Carl Council events difficult to proceed, including proposed end of year event due to uncertainty with regard to vaccinations and regulations regarding enforcement.
- Nicole looking at locked in programs. Rethinking keeping it local to encourage others to visit Nillumbik as a destination. Targeting people who will soon be able to travel further.
- George very positive sentiment with bookings into January. Concern for young people and how double vaccination will work. No staff issues, just keen to open up.



## AC.015/21 Advisory Committee Report - 14 December 2021 Attachment 1. Advisory Committee Meeting Minutes reported 14 December 2021

- Michael emphasis needs to be on a federated plan vs state to stage approach which is confusing.
- George would like some insight into bird netting bans? Private properties or farms?
- Cr Egan suggests it is to alleviate issues with the capture of small bats 'Micro Bats'.
- Rosa unsure of regulation and will find out and send information to George via Economic Development.
- Carl on all accounts from DHHS, situation is much worse than communicated. We need to become adept at cancelling or postponing events. Confirmed that unfortunately the End of Year networking event will be cancelled.

**Action:** Rosa to investigate bird netting bans? Private properties or farms? And get back to George via Officers.

Meeting closed: 6:00pm

Next meeting: Thursday 2 December, 4.30pm - 6.30pm



# MINUTES Positive Ageing Advisory Committee (PAAC)

Friday 1 October 2021 12:00pm – 2:05pm Zoom

Chair: Cr Frances Eyre
Minutes: Julie Alexander (NSC)

Present: Cr Eyre, Millie Mani (NSC), Fiona Vuong (NSC), Julie Alexander (NSC), Tianjian Shen, Philip Green, Ray Carroll, Anne Fitzpatrick,

Gertraud MacDonald, Sandra Verdam, Jan Taylor, Janice Crosswhite, Sabi Buehler, Sue Riley, Max Lee, Richard Kottek, Deanna

Finn, David Nicholls, Joy Ferguson

No.	Time	Agenda item	Actions	Owner	Due Date
1.	12:00pm	Welcome			
2.	12.00pm	Acknowledgement of Country  We acknowledge the Wurundjeri Woi-wurrung people as the Traditional Owners of the Country on which Nillumbik is located, we pay our respects to Elders past, present and future, and extend that respect to all First Nations People. We respect the enduring strength of the Wurundjeri Woi-wurrung and acknowledge that sovereignty was never ceded.			
3.	12:02pm	Apologies: Iwona Trickett			
4.	12.02pm	Confirmation of minutes: Minutes Amended.     Moved by Richard K     Seconded by Max L     Motion to accept amended minutes carried.			
5.	12.04pm	Outstanding Actions     Question about the return of the benches at Eltham Lower Park .	Deferred to next meeting.	Annie Lee Fiona Vuong	5 Nov 21 5 Nov 21

Document Sharing Platforms – research ongoing	Discuss at next	
	meeting	

No.	Time	Agenda item	Actions	Owner	Due Date
6.	12.05pm	Business Arising  Fiona gave update on feedback received from PAAC members about how to improve the meetings – some common themes emerging. Members feedback will be compiled and shared at November meeting  Rebecca Burton has been successful in an ongoing position of Coordinator of Recreation and Leisure, Planning and Operations. We wished her the best and thanked her for her support and guidance of the PAAC over the past few years. PAAC members who wish to make contact: Rebecca.burton@nillumbik.vic.gov.au	Share feedback results at November meeting	Fiona Vuong	
7.	12.06pm	Disclosure of conflicts of interest			
8. s	12.15pm	Ageism – "Know it, name it"     Presentation was given by Fiona in acknowledgement of Ageism Awareness Day (1 October)     Video by EveryAge Counts: <a href="https://www.youtube.com/watch?v=-OtmsbpbYic">https://www.youtube.com/watch?v=-OtmsbpbYic</a> Members were organised into three breakout rooms to discuss questions/ prompts – see attachment for summary of conversations			
9.	1.00pm	Break			
10.	1.07pm	Communications Subcommittee – Update     Subcommittee will be conducting small scale surveys (to Panton Hill General Store and Men's groups) about communication needs and preferences	Survey to be conducted at General Stores.	Janice	5 Nov 21
			Men's groups to be surveyed.	Philip	5 Nov 21
11.	1.15pm	Dementia Subcommittee - Update     Dementia Action Week (Sept) is an annual event, with online community education session, as well as an updated resources page on Council website: <a href="https://www.nillumbik.vic.gov.au/Community/Older-people/Resources/Living-with-dementia">https://www.nillumbik.vic.gov.au/Community/Older-people/Resources/Living-with-dementia</a> Subcommittee explored ideas for Dementia Action Week next year.			

No.	Time	Sandra working with the Carers Collective, a newly created peer support network for carers living in Nillumbik and surrounds: <a href="http://www.carerscollective.com.au/">http://www.carerscollective.com.au/</a> There is new member who has been co-opted into the dementia subcommittee who is a carer for her husband with dementia     The search continues for an appropriate name for the café (Social support group for people living with dementia in rural areas).     Discussed possibility of partnering with Living & Learning  Agenda item	Actions	Owner	Due Date
12.	1:40pm	Seniors Festival Updates  Online events in October. Festival proper November / December depending on COVID restrictions. Details in Aging Well In Nillumbik newsletter. Share amongst networks and groups – attached to minutes			
14.	1:50pm	<ul> <li>General business – Roundtable</li> <li>Anne attended the Municipal Planning Scheme Consultation. Few attendees. Lost opportunity for aged people to have input.</li> <li>Jan enquired about Aging Well in Nillumbik Plan and the interaction of this plan with the MPS.</li> <li>Ray stated that PAAC should be informed of all things relevant to aged people. He stated that consultations should be staggered so as to get best participation an input.</li> <li>Max expressed concern about the number of people breaking the law by riding monkey bikes on footpaths.</li> <li>Richard gave information about Good Sam app – which is an Ambulance Victoria app that connects responders to patients who may need CPR whilst the paramedics are on the way. Recommended promoting app through member's networks. <a href="https://www.ambulance.vic.gov.au/goodsam/">https://www.ambulance.vic.gov.au/goodsam/</a></li> <li>Sabi is concerned about the lack of intergenerational housing that are</li> </ul>	Respond to this  Add topic of housing for the older person to	Fiona / Bea	5 Nov 21
		relevant for older people. Would like to review the topic in a future PAAC meeting.  • David suggested future discussion about fire plan for older people. Preparedness / safe venues. CFA website has links to planning tools and templates.	a future PAAC agenda.  Emergency preparedness for	Fiona	5 Nov 21

## AC.015/21 Advisory Committee Report - 14 December 2021 Attachment 1. Advisory Committee Meeting Minutes reported 14 December 2021

		<ul> <li>Discussion around what an advisory committee is exactly and what role an advisory committee plays in council. There has been confusion around what "advisory" means.</li> </ul>	older people to be added to next agenda Governance Officer to attend next meeting to explain advisory committee role.	Fiona	5 Nov 21
15.	2:10pm	Next meeting date: Friday 5 November 2021 On Zoom			

### **Youth Council Formal Advisory Meeting**

#### Minutes

Date	Monday 11 October 2021		
Time	4-6pm		
Venue	Zoom		
Attendees	Youth Council Youth Mayor Fieke van der Kamp, Deputy Youth Mayor Jack Linehan, Bailey Cumming, Katie O'Brien, Maali Kerta-Rice, Orianna Edmonds, Taj Andreetta, Indiana Sandwell, Kirra Imbriano, Lachlan Wadsworth Councillor Representative Cr Ben Ramcharan Staff Corrienne Nichols, Nichole Johnson, Nicola Clutton, Katie Camilleri		
Guests	Bea Guevara, Elspeth Khoo		
Apologies	Cavan Cartwright, Brianne Keogh, Joseph Bowman, Maverick Knight		

Agenda Item	Minutes	Action
Welcome Acknowledgement of Country  4.00 – 4.10	Youth Mayor Fieke Van der Kamp welcomed everyone to the session and provided an Acknowledgement of Country.  Youth Mayor asked Youth Councillors to disclose any conflicts of interest. Youth Mayor advised that any conflicts of interest should be disclosed prior to discussion of each agenda item. No disclosures of interest for the agenda items listed.	
Actions from previous minutes	Minutes and actions reviewed from Youth Council Formal Advisory meeting held on 2 August 2021. Summary of outstanding actions listed on page 4.  Moved by: Katie O'Brien  Seconded by: Orianna Edmonds	
Senic Planr Overv Consultation The i	Senior Strategic Planner, Bea Guevara presented the Draft Municipal Planning Scheme (MPS) to the Youth Council. The MPS provides and overview of important local planning issues.  The information identified as the key objectives in each of the eleven themes has been collated from a variety of sources including:  Our People, Our Place, Our Future  Climate Action Plan community engagement  Community Vision – Nillumbik 2040	Nicola to send MPS slides and information on providing feedback. Youth council to send any further
	The existing Municipal Planning Strategy  These eleven themes will form the base of the new MPS. Activity Centres, Green Wedge, Natural Environment, Built Environment, Housing, Economic	feedback to Nicola to pass on to Bea.



Development, Transport, Infrastructure, Open Space, Climate Change and Heritage, Arts and Culture The committee discussed their thoughts on the following 5 elements and are invited to provide further feedback via email. **ACTIVITY CENTRES** Youth Council members supported the objectives, however feel that affordability within activity centres was missing and is of high importance to young people. Disparity between rural and metro activity centers was noted as missing and members would like to see Hurstbridge as an activity centre. **GREEN WEDGE** Youth Council feel that was no mention of interface between urban and rural. The width of roads in rural Nillumbik is a concern with roads often being very Youth Council expressed interest in more walking paths in rural Nillumbik to connect houses to the community and allow for better accessibility and sense of community. Rural Nillumbik would like to feel more connected to urban Nillumbik, rural Nillumbik often feels like a regional Melbourne without the benefits. Youth Council would like to see better public transport options for rural Nillumbik, including the extension of the bus route from Hurstbridge through to St Andrews They feel the information about agricultural land use in Nillumbik was missing. **CLIMATE CHANGE** Youth Council would like to see changes and implementation of environmentally sustainable options in planning applications; which includes commercial spaces not just houses. Look to increase canopy cover as part of our climate resilience. **OPEN SPACE** Youth Council are supportive of more drink taps along trails, better lighting, more accessible and gender neutral toilets. Youth Council would like to see spaces that are more open and places to let your dog off lead, however like the idea of some fencing for safety from roads. TRANSPORT In addition to the above transport concerns raised, safety at bus and train stations is an issue for young people; members would like to see better lighting and more inviting spaces at bus shelters and waiting areas (murals, etc) **BREAK** 5.00 Elspeth and Nicola talked the youth council through the 16 Day of Activism Campaign. The 16 Days of Activism against Gender-Based Violence is an annual international campaign that kicks off on 25 November, the International Day for the Elimination of Violence against Women, and runs 16 Days 16 Days of until 10 December, Human Rights Day. This year the youth development working group Activism youth team were successful in receiving a small grant to create a youth focused 16 to meet campaign days campaign. This could look something like a previous video made by separately to Nillumbik, but interviewing young people, watch the video here. co design Elspeth and Nicola will be hosting a separate 16 Days youth working group, youth 5.05 - 5.25 to work on the youth focused campaign, youth council members who campaign expressed interest in joining were: Katie, Lachie, Fieke, Indi, Orianna, Bailey, Kirra, Brianne. Further information to be shared with interested participants.

## AC.015/21 Advisory Committee Report - 14 December 2021 Attachment 1. Advisory Committee Meeting Minutes reported 14 December 2021

Youth Strategy Consultation Update 5.25 – 5.35	The draft Youth Strategy 2022-2026, is now open for community feedback until Tuesday 21 October.  Katie encouraged the Youth Council to share the participate page with their community, to hear their feedback on the draft: <a href="https://participate.nillumbik.vic.gov.au/young-minds">https://participate.nillumbik.vic.gov.au/young-minds</a> Council will review the feedback and also consider submissions at the 16 November 2021 Planning and Consultation Committee meeting, where submitters will also be able to make verbal statements.  Members of Youth Council are invited and encouraged to register to speak at the Planning and Consultation Committee meeting: <a href="https://www.nillumbik.vic.gov.au/Council/Meetings-and-committees/Council-meetings/Speak-at-a-Planning-and-Consultation-Committee-meeting">https://www.nillumbik.vic.gov.au/Council/Meetings-and-committee-meeting</a>	Nicola to share information on how Youth Council can register to speak to the Youth Strategy at the upcoming Council meeting
Youth Council in 2022 5.35 – 5.45	The group discussed the benefits of both fortnightly and moving to monthly meetings, it was decided that Nicola will create a short survey for Youth Council members to complete to give their thoughts on 2022, including meeting frequency, project topics, consultation structure, guest speaker ideas.  Most members agree that a break from meetings over the summer holidays is important.	Nicola to send out survey to Youth Council.
Wrap Up Climate Action Consultation 18 October	Youth council members and all local youth are invited to an upcoming Youth Climate Action consultation.  When: Monday 18 October, 4pm – 5.30pm, online.  Register your attendance: <a href="https://bit.ly/3D8tKBF">https://bit.ly/3D8tKBF</a> For more information and to read the draft please visit our Participate Nillumbik webpage: <a href="https://participate.nillumbik.vic.gov.au/climate-action">https://participate.nillumbik.vic.gov.au/climate-action</a>	Nicola to share registration link with members

Action Summary List		
Action	Responsible	Status
Yasmin has requested a vertical photo of all Youth Council members together to include in final Council Plan.	Nicola	Not started (roll over)
Nicola to put up poll on facebook group for members to vote on what day works best for laser tag session.	All	Not started (roll over)
MPS information and slides sent through to members	Nicola	Complete
Youth Council to send any further MPS feedback to Nicola	All	
16 Days working group to meet separately to co design youth campaign	Nicola	
Share information on how Youth Council can register to speak to the Youth Strategy at the upcoming Council meeting	Nicola	
Send out Youth Council 2022 planning survey	Nicola	
Nicola to share registration link for climate action consultation with members	Nicola	

# HEALTH AND WELLBEING ADVISORY COMMITTEE MEETING MINUTES

Thursday 14 October 2021, 10.00 – 11.30am Zoom meeting

#### Attendees:

Council Officers: Lauren Treby, Melissa Ensink, Nichole Johnson, Kirsten Reedy, Nicola

Clutton, Katie Camilleri.

Members: Kate Ferguson (Yarra Plenty Regional Library), Mitch Walker (Belgravia

Leisure), Rosie Haszler (Aligned Leisure), Rebecca Tipper (Women's

Health in the North).

<u>Councillors:</u> Cr Richard Stockman (Chair).

Apologies: Cr. Natalie Duffy, Robyn Ellard (Yarra Plenty Regional Library), Petra

Begnell (North Eastern Healthy Communities), Olive Aumann

(healthAbility), Corrienne Nicholls (NSC), Jacinta Geary (Relationships

Australia Victoria).

Agenda item	Minutes
Welcome	Acknowledgement of Country was done by Councillor Richard Stockman.
Acknowledgement of Country	No conflicts of interest on any items on the agenda by attendees.
Previous Minutes	Actions from previous minutes moved (Lauren) and seconded (Mitch) - accepted
Draft Youth Strategy	Katie and Nicola presented on the findings from the young engagement program conducted earlier in the year, and the draft youth strategy for 2021-2025 (currently out for public exhibition).
2022-2026	Slides from the presentation will be included as an attachment in the email that is distributed to members with the minutes from this meeting.
	Young Minds   Participate Nillumbik
	Kirsten presented on the draft Climate Action Plan 2021-2031 which is currently out for public exhibition.
Draft Climate Action Plan 2022 - 2023	Slides from the presentation will be included as an attachment in the email that is distributed to members with the minutes from this meeting.
	Taking climate action   Participate Nillumbik
Yarra Plenty Regional Library - Health and	Kate shared the priorities and focus areas related to health and wellbeing, led by YPRL. This included initiatives related to health literacy, support with myhealth record and vaccine
Wellbeing	ambassadors. The priority is to connected people with people and spaces.  Nillumbik

The Green Wedge Shire

Agenda item	Minutes
	Their new plan will be included as an attachment in the email that is distributed to members with the minutes from this meeting.
	Melissa and Lauren asked members to provide feedback on the current format and frequency of the advisory committee meetings. It is proposed that these meetings move to quarterly and increase to two hours in duration.
Advisory committee	Members will be sent a survey to complete to provide feedback on their involvement and ideas for the AC moving forward.
terms of reference	An EOI process for updated membership of the group will commence from November.
	Some ideas shared include: including a networking element to discuss ideas and possible collaborations, support each other's work, updates and capacity building.
	<b>Action</b> : NSC to share survey that informs review of Terms of References.
	North Eastern Healthy Communities - Changes to the Primary Care Partnership (PCP) model have been announced PCP's will transition to a public health unit.
	Belgravia Leisure – Golf has reopened with 2 x 9 hole courses operating. Supporting the 16 days of activism campaign. Implementing healthier food options at the kiosk. Have created an under 40's membership to encourage a younger demographic to engage with golf.
Members Updates	Women's Health in the North – Week Without Violence is coming up with some online activities planned. 16 Days of Activism is also approaching. WHiN has offered to present at workplaces during the campaign. Currently updating the Building Respectful Communities strategy. Managing changes to integrated health promotion funding and how that will affect organisations delivering gender equality work.
	NSC – As with WHiN, things are ramping up for 16 days of activism and week without violence. Planning for International Women's Day 2022 has started. Conducting gender impact assessments (GIA) on spaces, projects and programs. Developing an Access Equity and Inclusion Policy within the next year. Developing an LGBTIQA+ background paper, and doing an audit of cause days.



Agenda item	Minutes		
	Melissa Ensink is finishing up in her role at NSC. Recruitment for this role is currently underway. Once the new person is in place, members will be notified.		
	<b>Action</b> : Lauren to introduce new Social Planning and Policy Officer when they commence.		
Next meeting	Thursday 9 December, 10-11.30am  Venue: Council Chambers (subject to restrictions)		
Close	Cr Stockman closed the meeting and thanked everyone for their attendance.		



### Panton Hill Bushland Reserve System User Group - Advisory Committee



#### Minutes

Date: Thursday 21 October 2021

**Time** 7.00 – 8.50pm

Venue: Zoom

Chair: Cr Ben Ramcharan

Minute taker: Lydia Heap

#### Order of business

#### 1. Acknowledgement to country

Attendance: Helen Corney, Lydia Heap, Cr Ben Ramcharan, Lisa Pittle, Rex Niven, Mark

Hood, Richard Holt, Janice Crosswhite, Sue Penrose, Bob West

Apologies: Brad Tadday, Cathy Giles

Note: there were a number of issues with connecting to zoom. 3 or 4 different links were emailed before the meeting was able to come together.

#### 2. Conflict of interest and Assembly of Councillor form

Conflict of interest provisions are contained in section 80C of the Local Government Act 1989, the Councillor's Governance Code, the Employee Code of Conduct and the Volunteer Handbook.

An Assembly of Councillor form must be completed at the meeting in accordance with section 80A of the Local Government Act 1989.

No conflict of interest

#### Minutes of previous meeting and business arising

Minutes of previous meeting and business arising Moved Janice, Seconded by Mark Actions from Previous meeting

#### Works. Threatened fauna monitoring and management

Brad to photo wallow and forward information to the deer management staff. Planting
in the gully by the friends' group and the "working for Victoria" group. Mark had a look
and that wallow wasn't active, but went to a different one with Cam Beardsel and took
photos of deer wallow next to sickle orchids. To be forwarded to deer control people.
Sugarloaf deer project has ended. Have a report about possible deer control in the
various reserves

- Pass on emails to Nan Oats for roundabout newspaper. Nan has moved out of the area so need to arrange a new contact. Stories could be sent straight to Pam.
- Share levels of trails maintenance to group. Not done yet, Action, Lisa to follow-up.
- Ask Sam about helping with an orchid walk. He said yes, but Covid19 said no.
   Consider autumn walk to include orchids and fungi

#### 4. Terms of Reference - review June 2021 - Lisa

Councillors are considering revised terms of reference for advisory groups next week. Have suggested that the existing group term be extended for a further 12 months due do difficulties with Covid19. Janice asked if there would be a limit to a number of terms someone could serve on, Ben says that the council has decided to not limit the number of terms for advisory committees. **Action** – Lisa to present to council to extend the committee for a further 12 months and inform members.

#### 5. Works update and planned works -Helen

- a. Annual reserve management program
  - Works plan set up with current contractors till December. Waiting for the new tender to be finalised
- b. Threatened orchid management and reintroduction
  - 200 rosella spider orchids planted on 3<sup>rd</sup> of August.
- c. Threatened fauna monitoring Brush-tailed Phascogale, Southern Toadlet, Powerful Owl.
  - No monitoring done due to Covid19. 10 Chainsaw hollows have been done, journal
    article about this to be forwarded to Committee (Helen)
- d. Cultural Burn Bunjil
  - Will try again next year. Hampered by Covid19
- e. Bushfire Management Plan Review
  - Pending, but almost finalized
- f. Deer control pilot project Yirrip
  - 8 deer killed, 2 in Yirrip, 6 on private land. Contractor feedback was that there were low numbers and pretty confident that there are low numbers and think recruitment will be low over the next few months. The shooting was mainly done in September. Took a lot of work to arrange for shooting on public land. High level assessment of the reserves and temple ridge to see if feasible to do further deer control. Are putting in an application for state funding for shooting deer.

- g. Community events and programs Friends of Bunjil, Paradoxa artwork, Volunteers planting for Southern Toadlet
  - Not many events or programs. Still have to wait for State Government advice on when events can take place again.
  - Paradoxa artwork to be involving community consultation
  - The volunteer planting for Southern toadlet was cancelled but contractors finished the work
  - Forest bathing scheduled for November 8th Bunjil
- h. Trail works surface upgrade and repairs
  - Stage 1 works completed. Need info on issues with trails in Bunjil and Yirrip. (Lydia) Bulwidge tracks work done, some issues reported to Brad and dealt with. (Janice) Damage done by KG pony club major event in Bunjil to the trails. Brad wasn't aware that it was going to happen. (Sue) This needs to be discussed with the Pony Club. **Action** Brad and Lisa to look at how much damage was done and the cost of it.

#### 6. Interpretation Design Plan Implementation – Richard Holt

Update on Interpretation Design (Public Artworks), Indigenous Lead Artist

- Update. Brad and Richard have been in contact with Mandy Nicholson. She is now quite engaged. Has begun doing some work with the Narrap team. Will be meeting on site tomorrow, number of issues have slowed things down. Only concepts so far at this stage.
   Will also want work at other sites. No contracts signed yet. Expression of interest is closing tomorrow. Mandy has had family health problems and lives outside the 5km and 10k covid lockdown areas
- Not sure what the current work that Paradoxa Collective are doing. They are intending to
  put in an expression of interest, another artist has already submitted a expression of
  interest. Will be required to work with Mandy.
- Project seems to be now moving forward. Hoping to have 4 sites by the middle of 2022, one will be entrance to Bunjil. Local artists have asked for the documentation, don't know how many of them will submit an expression of interest.
- Committee to be updated by email as a result of the expression of interest –Action to be distilled and distributed by Richard

#### 7. Action planning for 2021. All

Smith's Gully Mountain Bike group activity

 Covid19 halted everything, had 2 days set up to do trail work in Bulwige but lockdown prevented it. Have been in touch with Parks Vic on creek crossing in Happy Valley Reserves.

Page 3 of 5

- Will be doing more social rides as the lockdown stops. Suggested routes have put up in Smiths Gully Shop which have been very well received and used. Selling items in the Smiths Gully Shop. Have got public liability insurance now. Not yet recruiting members as can't provide much service at the moment.
- Got a grant from council for a festive trail treasure hunt in the area. Will have something
  like \$50 token that can be used in local area and the business will bill then club.

Covid has stopped people doing forward planning.

- Autumn walk on orchids and fungi. Should do a physical or virtual walk. Should go ahead regardless of Covid. Will need to find a fungi expert to complement Lydia on Orchids.
   Action. Helen to chase someone up. Will organize this before next committee meeting
- Want Mountain bike group to work back in the council reserves. In discussion with Brad
  regarding induction of people. Tentative date in November to do more work. May have a
  small committee group doing the induction so can start doing some small works on the
  trails. Action establishment of induction of volunteers. A lot of the induction is done
  online. Helen helps people go through the online induction

#### 8. Other Business

- Nillumbio (https://nillumbio.wixsite.com/home) Lydia did a virtual orchid walk and
  presentation on wine-lip and rosella spider orchids on a zoom forum. Potential for future
  collaboration between committee and Nillumbio. There is an informal relationship
  between Council and Nillumbio. Bioblitz is happening this weekend. Seems to be quite
  focused on data collection, citizen scientists and education. Would be good to get this
  type of data collected in the reserves. Action Janice to contact them.
- Architecture students from University had a day in Bunjil to look at landscape. Talk by Rob Marshal about fitting things into environment. Lydia did a talk to show the fragile nature of the area and get them looking at a site in a different way. May become an annual event for first year architecture students as the lecturer is a local
- Horse group planning a trail ride in the reserves 1<sup>st</sup> November. Lisa to follow-up with recreation group. Concern about what damage could happen. Need to consider how to manage groups about it. Costs and maintenance of the trails need to be looked at. Think about signage on the trails, perhaps closing areas of trails after rain to prevent usage of areas susceptible to damage. Trails could be closed on a safety issue, but many be hard to justify on safety matters. Maybe council to send a letter to all pony clubs and horse groups asking for them to contact council if they are planning to do something to let council know. Action Lisa and Brad to look into a trail protocols with recreation and leisure team at council.
- Short cut trail has been closed by council and have been reopened the local people. Branches etc have been removed to re-open the trail.

- Trail closures. Some reserves in other areas have protocols to close trails if the receive
  xx mm of rain in a day, or yyy mm of rain over three days etc. Note council does not have
  the ability to police these. Probably needs to be focus mainly on education and
  communication rather than enforcement. Helen has had experience similar issues with
  people creating bike jumps. Should also look at trail closure during fire danger days too.
- Mountain bike team can get word out to bike riders easier than council could.
   Cathy is part of the NHAG so could get word to horse riders. Equestrian Victoria could also help get word out.
- Hurstbridge roundabout. Janice hoping to write one on the committee. Should also
  have an article written by the SG mountain bike group. Roundabout probably has a
  different cohort of readers than Facebook and other social media. Action. Janice and
  Mark to write articles.
- Road verges. Reach arm contractors have been cutting verges (Alma Rd), and have
  destroyed wildflowers before seeding and parts of the earth wall has been damaged.
  Different reasons for cutting vegetation. Some for fuel loading, others for clearance etc.
  Some areas need multiple cuts due to regrowth.

#### 9. Next Meeting

17 February 2022

AC.015/21 Advisory Committee Report - 14 December 2021
Attachment 1. Advisory Committee Meeting Minutes reported 14 December 2021

# **MINUTES**

Positive Ageing Advisory Committee (PAAC)

Friday 5 November 2021 12:00pm – 2:05pm Zoom

Chair: Cr Frances Eyre
Minutes: Julie Alexander (NSC)

Present: Cr Frances Eyre, Cr Natalie Duffy, Iwona Trickett (NSC), Fiona Vuong (NSC), Julie Alexander (NSC), Tianjian Shen, Philip Green,

Ray Carroll, Anne Fitzpatrick, Gertraud McDonald, Sandra Verdam, Jan Taylor, Janice Crosswhite, Sabi Buehler, Sue Riley

Richard Kottek, Deanna Finn, Joy Ferguson

Apologies: Cr Stockman

No.	Time	Agenda item	Actions	Owner	Due Date
1.	12:00pm	Welcome			
2.	12.00pm	Acknowledgement of Country We acknowledge the Wurundjeri Woi-wurrung people as the Traditional Owners of the Country on which Nillumbik is located, we pay our respects to Elders past, present and future, and extend that respect to all First Nations People. We respect the enduring strength of the Wurundjeri Woi-wurrung and acknowledge that sovereignty was never ceded.			
3.	12:02pm	Apologies: Cr Stockman			
4.	12.02pm	Disclosure of conflicts of interest Nil			
5.	12.04pm	Confirmation of minutes: Minutes Amended.     Moved by Deanna F     Seconded by Sue R     Motion to accept amended minutes carried.			

No.	Time	Agenda item	Actions	Owner	Due Date
6.	12.05pm	Outstanding Actions  • Update on shared document/ collaboration platform – difficulties in setting this up (trialled with Dementia and Communications subcommittee members). Unable to proceed at this stage, can look at trying again in 2022			
7.	12.15pm	<ul> <li>PAAC Review and Plans for 2022</li> <li>Feedback received from PAAC members about how to improve the meetings was shared with the members.</li> <li>Presentation by Fiona around Advisory Committee Policy (attached).</li> <li>Some of the questions from members were answered by dot points in the policy document.</li> <li>There is a declaration to abide by policy required by all members.</li> <li>Members would like to "close the loop" on issues and questions that concern members. Clarification sought on 1.17 of the Advisory Committee Policy around 'making recommendations' – that the responsible department needs to report back to support officer and to the committee.</li> <li>Fiona suggested planning a workshop for either one day or half day for the December meeting with the aim  <ul> <li>To produce a work plan for the year 2022 and develop KPIs</li> </ul> </li> <li>Council strategic framework presented (about how council plans and strategies are aligned) has been updated (see attached).</li> </ul>	Circulate hard copies of policy declaration for signatures.  Members to sign declaration and return to Fiona.  Fiona to raise with Governance for response  Add KPIs and Work Plan to agenda. Advise planning session.	Fiona Vuong All Fiona Vuong Fiona Vuong	3 December 21  3 December 21  3 December 21

No.	Time	Agenda item	Actions	Owner	Due Date
8.	1.07pm	Communications Subcommittee – Update  Small scale surveys of Post offices and General Stores conducted by communications committee about communication needs and preferences.  3 Questions asked of participants.  Strong support for council came from surveys.  100% of participants liked receiving the Nillumbik News.  AWIN news results were mixed. Reached only 50% of participants.  AWIN feedback on content also mixed  Philip invited all members to give feedback on website to Communication Sub-Committee.	Members to provide feedback to Philip	All	3 December 21
9.	1.15pm	<ul> <li>Dementia Subcommittee - Update</li> <li>Dementia subcommittee members have been meeting with HealthAbility who is supporting the Dementia social support group</li> <li>Name has been decided. The "Memory Care Café".</li> <li>Memory Care Café aims to be running by January – February 2022.</li> <li>Afternoon tea to be held 13 December at Hurstbridge Hub as an informal introduction to the group</li> </ul>			
11.	1:50pm	<ul> <li>General business – Roundtable</li> <li>Eltham Senior Citizens Club is reopening on Monday 15         November.     </li> <li>Raised concern about unvaccinated members of club</li> <li>Council has contracted a Covid vaccine engagement Officer         who can answer your questions and support community groups     </li> </ul>			

No.	Time	<ul> <li>in having these conversations with members. Beth Scott: ph 9433 3223</li> <li>Nillumbik U3A is opening following Government recommendations.</li> <li>Free 45 minute first aid courses available online during Seniors Festival through Aligned Leisure— Recommended to PAAC</li> <li>Richard commented that the AWIN newsletter was well set out, informative and excellent publication.</li> <li>Tianjian – Dragon Boat festival event by Eltham Chinese Senior Citizens cancelled in June due to Covid is now on-line:         <ul> <li>Short Version <a href="https://youtu.be/J-zXPax93ik">https://youtu.be/J-zXPax93ik</a> - Digital Dragon Boat event at a glance</li> <li>Full Version <a href="https://youtu.be/hvnL18w5VNQ">https://youtu.be/hvnL18w5VNQ</a></li> </ul> </li> <li>Agenda item</li> </ul>	Actions	Owner	Due Date
NO.	Time	Agenda nem	Actions	Owner	Due Date
12.	1:45pm	<ul> <li>Other business</li> <li>Cr Dufy suggested that council could help older people put Covid vaccination proof on their phones. Response: Living &amp; Learning, and Yarra Plenty Regional Libraries are supporting residents to do this</li> <li>Break up - Suggestions about where to go for break up to go to Fiona.</li> <li>Have breakup after meeting – if meeting held at Hurstbridge Hub, break up lunch could be held at Bridges</li> <li>December Meeting to be held earlier to allow for lunch (Christmas break up)</li> <li>Council facilities still not open for advisory committee meetings</li> <li>EOI invited for course in Consumer Leadership, hosted by North East Healthy Communities. Interested PAAC members to</li> </ul>	Reply to Fiona if interested in EOI.	All	

AC.015/21 Advisory Committee Report - 14 December 2021
Attachment 1. Advisory Committee Meeting Minutes reported 14 December 2021

	consider nominating themselves, with support of Council to put participant names forward.		
15. 2:05pm	Next meeting date: Friday 3 December 2021  In person - venue and time TBC		

# MINUTES Recreation Trails Advisory Committee (RTAC)

Wednesday 17 November 2021 6.30pm – 8.00pm Virtual - Zoom

Chair: Cr Karen Egan Minutes: Brooke Ross

**Present**: Cr Karen Egan, Tara Jolfaei (Recreation and Open Space Planner), Heath Gillett (Acting Manager Community Safety and Amenity), April Wilson (Recreation and Open Space Planner), Brooke Ross (Sport and Recreation Development Officer), Planner), Janice

Davies, Rex Niven, Jamie Sharp, Cathy Giles, Vince Bagusauskas, Stephen Hadley, Louise Barry, Bob Muxlow

Apologies: Cr Richard Stockman, Rebecca Burton (Manager Recreation and Leisure), Andrew Bakos, Kay Cruse, Finn Westerman

No.	Time	Agenda item	Actions	Owner	Due Date
1.	6.33pm	Welcome			
2.	6.33pm	Acknowledgement of Country  We acknowledge the Wurundjeri Woi-wurrung people as the Traditional Owners of the Country on which Nillumbik is located, we pay our respects to Elders past, present and future, and extend that respect to all First Nations People. We respect the enduring strength of the Wurundjeri Woi-wurrung and acknowledge that sovereignty was never ceded.			
3.	6.34pm	Apologies:			
4.	6.35pm	Confirmation of minutes:			

No.	Time	Agenda item	Actions	Owner	Due Date
5.	6.35pm	Outstanding Actions from September     The results of the North Regional Trail Strategy results will be realised once ready.     Tara has forwarded the Municipal Planning strategy once ready	Dot point 5 of agenda item 8 – include horse riders in user groups	Brooke	At completion of meeting
6.	6.36pm	Disclosure of conflicts of interest  Nil			
7.	6.36pm	Promotional Mapping  April is working closely with Council Communications team, Economic Development and Tourism, and Governance and Legal Services team to develop an interactive map of Nillumbik's Trails  • The promotion on the opening of the Diamond Creek Trail  • April would like feedback on combining the ministerial event with a community event to get the community involved and celebrate the opening  • Possible idea is a guided walk along the trail  • All relevant stakeholders should be present  • Would love feedback and ideas from RTAC  • Use a drone to take a photo of the completed extension  • Involve Bicycle Network, they publish a newsletter that can include the opening of the trail  • Including some of the loops and the integration of the trail network in the promotional mapping, people will want to know how to get there from elsewhere in Melbourne  • Promote as a shared trail and not just a single use trail, promote the diversity in the messaging  • Organise a Fun Run, could be an event in the future. Park Run usually run the trail every Saturday this is currently on hold due to COVID  • If you have any further suggestions or feedback please contact April at april.wilson@nillumbik.vic.gov.au			

No.	Time	Agenda item	Actions	Owner	Due Date
8.	6.49pm	Illegal Mountain Bike Trails  Jamie Sharp shared the recent program that involved an opportunity for young people in Western Australia to learn how to build real mountain bike trails with hope that the education can put the brakes on an increase in the building of illegal trails.  • Helps kids understand why they can't just build illegal trails anywhere  • Jamie has had a conversation with Parks Vic who are happy to participate in this  • Currently seeking grant funding to contract a trail building group to get involved and run a community event  • Partnership with Whittlesea Council in the Plenty Gorge Park  • A group in Manningham are mapping the existing trails and publishing them for everyone to avoid people from making new illegal trails and utilising what has already been built			
9.	6.55pm	<ul> <li>Diamond Creek Trail Update</li> <li>Stage 1</li> <li>Construction, re vegetation, road safety audit completed</li> <li>Signage are still to be installed due to delay from Wurundjeri</li> <li>We have had some seating stolen which will be replaced</li> <li>Stage 2</li> <li>Re vegetation is completed</li> <li>Currently developing flood risk management plan</li> <li>The path is still in construction but there have been lots of delays due to one worker having to isolate and the flooding's.</li> <li>Construction of shared path between Wilson Road Oval and Bridge 4 (1.4 km) completed</li> <li>Construction of last section between Bridge 7 and Bridge 8 – in progress</li> <li>We are hoping to complete construction of path by the end of the year early next year but will keep you updated</li> </ul>	Send the presentation and new trail map to RTAC	Tara	At completion of meeting

No.	Time	Agenda item	Actions	Owner	Due Date
10. 6	6.58pm	Trail Report Update  The trail report is completed, it is more of a guide document. If anything isn't included it doesn't mean we can't include it in the future or change anything in the report  The 2011 trails strategy is quite outdated, the maintenance had unrealistic expectations to be met and exposed Council to potential risk, lacks guidance around connectivity, outdated priority list of new trails and it lacks user infrastructure requirements  By utilising all the data and information obtained from the audit, a holistic strategic assessment was completed to understand the performance and functionality of our assets and trails with consideration to maintenance, footpath networks, and other council projects  Benefits include; increasing accessibility and encouraging participation, satisfy the growing demand of trails from COVID-19 and promotes a healthy active lifestyle for young people  As part of the project, various internal and external Council stakeholders were engaged to understand their views on the trail network within Nillumbik.  Quality standards are the desired outcomes for our 10 year program for the trails, each trail was put into a category of trail quality standard  Trails are assigned into different levels of quality standards based on utilisation. As a generally premise of approach, the higher the level of utilisation, the higher quality standard.  This report focuses on our trails whereas the North east Trail strategy focuses on all the trails and how they link with our neighbouring Councils  Next steps:  Seek Councillor endorsement	Send Trail Report Action Plan to RTAC to seek feedback and support  A motion to be carried for the support of the report from RTAC	Tara	At completion of meeting

No.	Time	Agenda item	Actions	Owner	Due Date
		<ul> <li>Speak with the maintenance crew who will be looking at the maintenance schedule</li> <li>Actively looking for grant opportunities</li> <li>The report establishes a framework that can be used moving forward to guide decisions</li> </ul>			
11.	7.34pm	Eltham North Adventure Playground and the close proximity of the trail to the playground - the Traffic Team and Risk Team are aware of these issues, once the carpark works are completed as part of the playground upgrade a fence will be installed along the trail     In the new Local Law point 20 (page 26) there is an offence to ride a bike or horse that interferes with the use of a reserve by any other person <a href="https://participate.nillumbik.vic.gov.au/local-laws">https://participate.nillumbik.vic.gov.au/local-laws</a> . Consultation ends 5 December.	A motion to be carried against the Local Law from RTAC		
12	7.50pm	Next meeting date  To be announced early 2022			

# Kangaroo Ground War Memorial Park Draft Management Plan



For public exhibition

27 August 2021



# CM.170/21 Kangaroo Ground War Memorial Park Management Plan Attachment 1. Kangaroo Ground War Memorial Park Draft Management Plan

Nillumbik Shire Council respectfully acknowledges the Wurundjeri Woi-wurrung people as the Traditional Owners of the Country on which Nillumbik is located, and we value the significance of the Wurundjeri people's history as essential to the unique character of the shire. We pay tribute to all First Nations People living in Nillumbik, give respect to Elders past, present and future, and extend that respect to all First Nations People.

We respect the enduring strength of the Wurundjeri Woi-wurrung and acknowledge the ongoing impacts of past trauma and injustices from European invasion, massacres and genocide committed against First Nations People. We acknowledge that sovereignty was never ceded.

Wurundjeri Woi-wurrung people hold a deep and ongoing connection to this place. We value the distinctive place of our First Nations People in both Nillumbik and Australia's identity; from their cultural heritage and care of the land and waterways, to their ongoing contributions in many fields including academia, agriculture, art, economics, law, sport and politics.

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# 1.Introduction

### 1.1 Nature and purpose of the management plan

This management plan has been prepared to enable Nillumbik Shire Council to maintain and enhance the existing essential character and function of the memorial park.

The management plan identifies and outlines a range of capital expenditure improvement works that would rectify, restore and enhance the existing conditions that are essential to the parks existing character and function, and operational expenditure improvement work in the form of an appropriate standard of annual landscape maintenance for the park. Cost estimates and priorities for implementation are provided for each of the capital and operational expenditure works.

It is not a design plan, in the sense it does not project a concept for how the park should be, or propose to alter the existing essential character and function of the park. Nor is it a maintenance plan, as it does not describe routine activities for maintenance of park assets.

This management plan is also not the instrument with which to directly make improvements to the park itself, as it represents a plan or roadmap for how to go about making those improvements.

All of the capital expenditure improvement works identified in the management plan require a project vehicle to deliver the design, documentation, approvals and construction phases of work necessary to realise the improvements as part of the implementation of the management plan. Adoption of the standard of annual landscape maintenance identified in the management plan will be factored in Council's operational expenditure and programming.

The management plan and its component capital and operational expenditure improvement works will be implemented within the context of a governance system that is being developed for the park with key park stakeholders as part of a separate Governance Project.

#### 1.2 Structure and application of the management plan

The management plan is structured according to the following sections of the report.

- Capital expenditure improvements (Section 2)
- Operational expenditure improvements (Section 3)
- Costs (Section 2)
- Governance (Section 5)
- Implementation (Section 6)

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#### 1.2.1 Section 2: Capital expenditure improvements

A summary list of capital works is provided together with a photo of the corresponding existing area of, or existing feature/ element in, the park. Each of the capital works is fully described in documents that, due to their size and detail, are provided as an Appendix, including:

- Plan of Works (Appendix A) and
- Schedule of Works (Appendix B).

#### Plan of Works

The *Plan of Works* illustrates the location in the park of each capital works item and identifies each item by a drawing code. The drawing code is cross-referenced to the *Schedule of Works*.

#### Schedule of Works

The Schedule of Works defines each of the capital works items indicated on the Plan of Works to enable an understanding of the capital works for implementation. Each capital works item is cross-referenced to the Plan of Works by the drawing code. The schedule provides information for each capital works item in the areas listed below.

- Work category
- Park Feature/ Element
- Management intent
- Scope of work
- Critical implementation requirements
- Critical construction sequencing
- Associated work in the management plan
- Known site constraints
- Existing heritage significance level
- Particular stakeholder interests
- Priority (High, Medium Low)
- Council lead responsibility for implementation

#### 1.2.1.1 Heritage significance adopted in the management plan

The management plan adopts the *Revised Citation H049 Memorial Park, Kangaroo Ground - Final Draft (12 October 2020)* (**Appendix C**) as the basis for assessing heritage significance of park elements and features and describing the capital expenditure works in the management plan. The draft revised citation has been prepared to replace the existing citation that is out of date. The draft revised citation will be separately considered early 2022 for future amendment of the heritage overlay in the planning scheme, as part of Council's broader heritage review process.

#### 1.2.2 Section 3: Operational expenditure improvement

An annual landscape maintenance standard for the park is defined in the *Schedule of Works*. The schedule provides information on the annual maintenance standard in the areas listed below.

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# CM.170/21 Kangaroo Ground War Memorial Park Management Plan Attachment 1. Kangaroo Ground War Memorial Park Draft Management Plan

- Work category
- Park Feature/ Element
- Management intent
- Scope of work
- Budgetary allowance
- Priority (High, Medium, Low)
- Council lead responsibility for delivery

#### 1.2.3 Section 4: Costs

#### 1.2.3.1 Capital expenditure improvements

A summary of the project costs for each capital works item is provided. A full cost plan for the works is provided in **Appendix D**.

#### 1.2.3.2 Operational expenditure improvements

The operational landscape maintenance annual budget is nominated in the Schedule of Works.

#### 1.2.4 Section 5: Governance

#### 1.2.4.1 Governance system

The management plan outlines the separate Governance Plan Project that will create a system of governance for the care of the park including the implementation of the management plan.

#### 1.2.4.2 Governance projects

The Governance Plan project will also outline governance projects for those capital expenditure improvements highlighted in the management plan that are contingent on governance matters to be addressed to enable their implementation, as well as additional governance projects to address governance matters concerning the park which are unrelated to capital expenditure improvements.

#### 1.2.5 Section 6: Implementation

The management plan outlines the responsibilities for the delivery of the capital and operational expenditure improvements outlined in the management plan that will be delivered within the governance system that is to be established for the overall care of the park and the implementation of the management plan.

The management plan also identifies implementation priorities and critical delivery requirements and critical construction sequencing for capital and operational expenditure improvements identified in the *Schedule of Works*, where applicable.

# 2. Capital expenditure improvements

The following items comprise the capital expenditure improvements in the management plan. Each item is identified and named according to the code (where applicable) and feature/ element name in the *Plan of Works* (**Appendix A**) and *Schedule of Works* (**Appendix B**), and a photograph of the corresponding existing area of, or existing feature/ element in, the park is provided.

Refer to the *Plan or Works* and *Schedule of Works* for the location and description of the work, respectively.



# Moor-rul Threshold and DDA Access to Moor-rul Viewing Platform (P)



Pathway connection to western area of the park



Pathway to Moor-rul viewing platform



Western park area with, (L-R), Moor-rul viewing platform, open grassed hillside and Moor-rul grasslands

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# Kangaroo Ground War Memorial Tower (Shire of Eltham War Memorial)



War memorial tower foyer



Fire-spotter's cabin on top of the tower

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# Stone Caretaker's Cottage Renovation



Stone caretaker's cottage hoarded off due to state of disrepair

# **Cypress Tree Replacement Tree Planting (TP)**



Heritage listed perimeter cypress trees are in a state of decline

# **Cypress Tree Removal (TR)**



A few cypress trees in the middle of the park do not have heritage significance and reduce light to, and visibility through, the park

# Stone Edge Reinstatement around Tower Base (SE)



Formalised stone retaining wall and rosemary hedge were not features of the early park



Late 1920's photograph of the war memorial tower set on a grassy hill with only stone edging subtly implying a space around the tower (Andrew Ross Museum Photo)

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# Memorial Walk (MW)



The Memorial Walk is intended to make use of, and reference, the existing park access road should an alternative park access road be provided in the future

# Memorial Gardens (MG)



The Memorial Gardens will be arranged throughout the lawn area around the back and sides of the war memorial tower



The Memorial Gardens will help screen the visual impact of existing park infrastructure



The Memorial Gardens will integrate and enable interpretation of important memorials, such as the Lone Pine Tree, as well as early palm plantings of heritage significance

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# Park Sign (PS 01)



The park is without a sign identifying the name of the park

# Interpretative Sign – War Memorial (IS 01)



Kangaroo Ground War Memorial Tower (Shire of Eltham War Memorial)

# Interpretative Sign – Stone Caretaker's Cottage (IS 02)



Stone caretaker's cottage (constructed c1927) within the park indicates the importance of the park to the Shire, indicating the park had to be cared for with an on-site caretaker

# Interpretative Sign – Memorial Gardens (IS 03)



The Memorial Gardens will be arranged throughout the lawn area around the back and sides of the war memorial tower

# Interpretative Sign - Memorial Walk (IS 04)



The Memorial Walk is intended to make use of, and reference, the existing park access road should an alternative park access road be provided in the future

# Interpretative Sign - Moor-rul Threshold (IS 05)



Location of the threshold to the western park area



Ingredients of the western park area, (L-R):
Moor-rul viewing platform, open grassed hillside and Moor-rul grasslands

# Interpretative Sign - Moor-rul Grasslands (IS 06)



Moor-rul grasslands

# Interpretative Sign – Moor-rul Viewing Platform (IS 07)



Moor-rul viewing platform

## Interpretative Sign - Caretaker's Residence (IS 08)



Caretaker's residence (constructed 1951) within the park indicates the importance of the park to the Shire, indicating the park had to be cared for with an on-site caretaker

## Interpretative Display Material – War Memorial Foyer Cabinets (DM 01)



Display cabinets are located within the war memorial tower foyer

## Interpretative Display Material – Moor-rul Viewing Platform Cabinets (DM 02)



Built-in display cabinets of the Moor-rul viewing platform are currently not used for interpretative display

## **Bench Seating**



A range of bench seat types exist within the park in various states of condition



A range of bench seat types exist within the park in various states of condition

## **Picnic Tables**



A range of picnic table types exist within the park in various states of condition

# 3. Operational expenditure improvement

The standard of annual landscape maintenance is the only operational expenditure works included in the Management Plan. It is itemised by park feature/ element in the Schedule of Works (Appendix 2) as Park Landscape Maintenance.

An increase in the current standard of maintenance of the park, from Council's 'Amenity' standard, to Council's 'Priority Sites' standard, is defined, to keep the park in a condition that honours the park's heritage significance and is fit for year round visitation and important memorial services.



# 4. Costs

## 2.1 Capital expenditure improvements

Costing for all capital works items are provided in the Cost Plan (Appendix D).

The Cost Plan provides a breakdown of each of the works and qualifies the cost estimate with notes and exclusions.

The estimate amounts are **total project costs** relating to design, documentation, approvals and construction, and are inclusive of preliminaries, design contingency, escalation, construction contingency, professional fees, insurances and authority fees and charges where applicable, as outlined in the Cost Plan.

The costs exclude any governance processes and work associated with the capital expenditure improvements (indicated in the management plan) that will be outlined in the separate Governance Plan, as well as operational expenditure costs.

A summary of the total project costs per capital works item is provided in Table 1, below.

Table 1: Summary of the total project costs per capital works item

Plan/ Schedule of Works Code	Item: Park Feature/ Element	Project cost
P	Moor-rul Threshold and DDA Access to	\$47,497
N1/A	Moor-rul Viewing Platform	<b>* * * * * * * * * *</b>
N/A	Kangaroo Ground War Memorial Tower	\$48, 500
N/A	Stone Caretaker's Cottage Renovation	\$101,500
TP	Cypress Tree Replacement Tree Planting	\$233,960
TR	Cypress Tree Removal	\$20,000
SE	Stone Edge Reinstatement Around Tower Base	\$55,750
MW	Memorial Walk	\$220,315
MG	Memorial Gardens	\$341,346
PS 01	Park Sign	\$17,000
IS 01	Interpretative Sign – War Memorial	\$13,500
IS 02	Interpretative Sign – Stone Caretaker's Cottage	\$8,500
IS 03	Interpretative Sign – Memorial Gardens	\$8,500
IS 04	Interpretative Sign – Memorial Walk	\$8,500
IS 05	Interpretative Sign – Moor-rul Threshold	\$8,500
IS 06	Interpretative Sign – Moor-rul Grasslands	\$8,500
IS 07	Interpretative Sign – Moor-rul Viewing Platform	\$8,500
IS 08	Interpretative Sign – Caretaker's Residence	\$8,500
DM 01	Interpretative Display Material – War Memorial Tower Foyer Cabinets	\$8,500
DM 02	Interpretative Display Material – Moor-rul Viewing Platform Cabinets	\$31,000
N/A	Bench Seating	\$28,000
N/A	Picnic Tables	\$49,000
	TOTAL	\$1,275,350

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## 2.2 Operational expenditure improvements

The estimated budget for annual park landscape maintenance is provided in the *Schedule of Works*.

The estimated budget is to provide an improved standard of park maintenance (from the existing 'Amenity' standard to a 'Priority sites' standard).

The estimated budget is \$47,000 p.a., rounded. This represents an increase of \$30,840 p.a. over Council's current park landscape maintenance budget of \$16,160 p.a.



# 5. Governance

## 5.1 Governance system

The implementation of the management plan will be undertaken within the context of a governance system for the park that is being developed by Council with park stakeholders through the Governance Plan project.

The governance system to be developed through the Governance Plan Project, will:

- identify what type of governance model is appropriate;
- outline a Capability that can be established within Council to enable implementation of the governance model with defined Council roles and responsibilities and resources of Council;
- define the status, role and agency of stakeholders, and
- define an agreed set of place values upon which all park decisions (including decisions required in the implementation of the management plan and delivery of the park improvements) are based.

#### Park identity and meaning

The creation of an agreed set of place values concerning the identity and meaning of the park will be a critical governance aspect of the Governance Plan that is required to be undertaken before any implementation of the management plan can occur.

There first needs to be an agreement on what the broader park stands for, what aspects of the park should be represented and interpreted and how this material should look and feel, before particular specific components of the park are interpreted through, for example, the Interpretative Signage and Interpretive Display Material capital expenditure improvements of the management plan which are components of the overall park.

#### Park stakeholders

Park stakeholders who have been identified to participate in the Governance Project based on their interest, involvement and operation in the park are listed below.

- Andrew Ross Museum
- CFA
- Eltham District Historical Society
- Friends of Kangaroo Ground War Memorial Park Inc.
- Friends of Moor-rul Grasslands
- Kangaroo Ground Cemetery Trust
- Montmorency-Eltham RSL Sub Branch
- Nillumbik Reconciliation Group
- Victorian Police
- Wurundjeri Woi-wurrung Cultural Heritage Aboriginal Corporation
- Yarra Plenty Heritage Group
- Yarra Plenty Regional Library

## 5.2 Governance projects

The Governance Plan Project will also identify a number of governance projects (scope, tasks, timeframes, budgets) for issues that require resolution through the governance system that is to be established as part of the Governance Plan. Such issues fall into two governance categories: those that are associated with the capital expenditure improvements outlined in the management plan, and those that fall outside the management plan because they do not concern capital works.

### 5.2.1 Governance projects to support capital expenditure improvements

There are some capital works items that cannot be installed until governance aspects associated with the specific park feature/ element are resolved. For example, the Interpretative Signage and Interpretative Display Material capital expenditure improvements, mentioned above, cannot be installed until their interpretative content is agreed, requiring their own governance process to enable their installation.

These governance aspects associated with capital works items will be separately addressed in the implementation of the Governance Plan in advance or as part of the delivery of the respective capital expenditure works. The capital works with a governance component are highlighted in the *Schedule of Works*, and are summarised in the Table 2, below.

Table 2: Summary of capital works items with a governance component

Plan/ Schedule of Works Code	Item: Park Feature/ Element
N/A	Stone Caretaker's Cottage Renovation
MW	Memorial Walk
MG	Memorial Gardens
PS 01	Park Sign
IS 01	Interpretative Sign – War Memorial
IS 02	Interpretative Sign – Stone Caretaker's Cottage
IS 03	Interpretative Sign – Memorial Gardens
IS 04	Interpretative Sign – Memorial Walk
IS 05	Interpretative Sign – Moor-rul Threshold
IS 06	Interpretative Sign – Moor-rul Grasslands
IS 07	Interpretative Sign – Moor-rul Viewing Platform
IS 08	Interpretative Sign – Caretaker's Residence
DM 01	Interpretative Display Material – War Memorial Tower Foyer Cabinets
DM 02	Interpretative Display Material – Moor-rul Viewing Platform Cabinets
N/A	Bench Seating

## 5.2.2 Governance projects outside of the management plan

The governance plan will also address other identified important governance issues unrelated to the management plan and its capital expenditure improvements, such as protocols for hosting memorial services. These capital expenditure improvements

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do not appear in the *Schedule of Works* as they fall outside the management plan, and include:

- park naming;
- hosting of memorial services;
- hosting and conduct of tours;
- educational promotion and knowledge integration;
- memorialisation what, who, location, content, policy/ approvals;
- additional park infrastructure needs for interpretation e.g., equipment, storage, IT, and
- opening and closing times (if restricted).



# 6. Implementation

Implementation of the management plan will be undertaken as part of the system of governance to be developed through the separate Governance Plan Project.

As part of the implementation of the management plan, the delivery of specific capital and operational expenditure improvements will be the responsibility of the Council Officer who is responsible for the specific park feature/ element.

Council's lead Officer responsible for the delivery of the capital and operational works is nominated in the *Schedule of Works*, and has the duty to coordinate the delivery of the capital and operational expenditure improvement works within the governance arrangements to be developed for the park, to ensure any governance matters associated with the works are addressed and the appropriate levels of community and stakeholder engagement are adopted. These responsibilities and lines of communication will be will be outlined in the governance system that will be developed in the Governance Plan project.

## 6.1 Capital expenditure improvements delivery

Each of the capital works items can be delivered as a single project or in combination. There may be benefits in combining items as one project, such as in economies of scale, minimisation of impacts on the park, achieving improved integration of work, and completing larger areas of the park at the one time, for example.

Critical delivery requirements and critical construction sequencing for capital works items are identified in the *Schedule of Works*, where applicable.

An implementation priority is assigned to each of the capital works items identified in the *Schedule of Works* in consideration of each of the item's level of importance, heritage value, condition and level of safety risk. A priority is defined in terms of implementation timeframes, either as High (1-3 years), Medium (3-5 years) or Low (5-7 years).

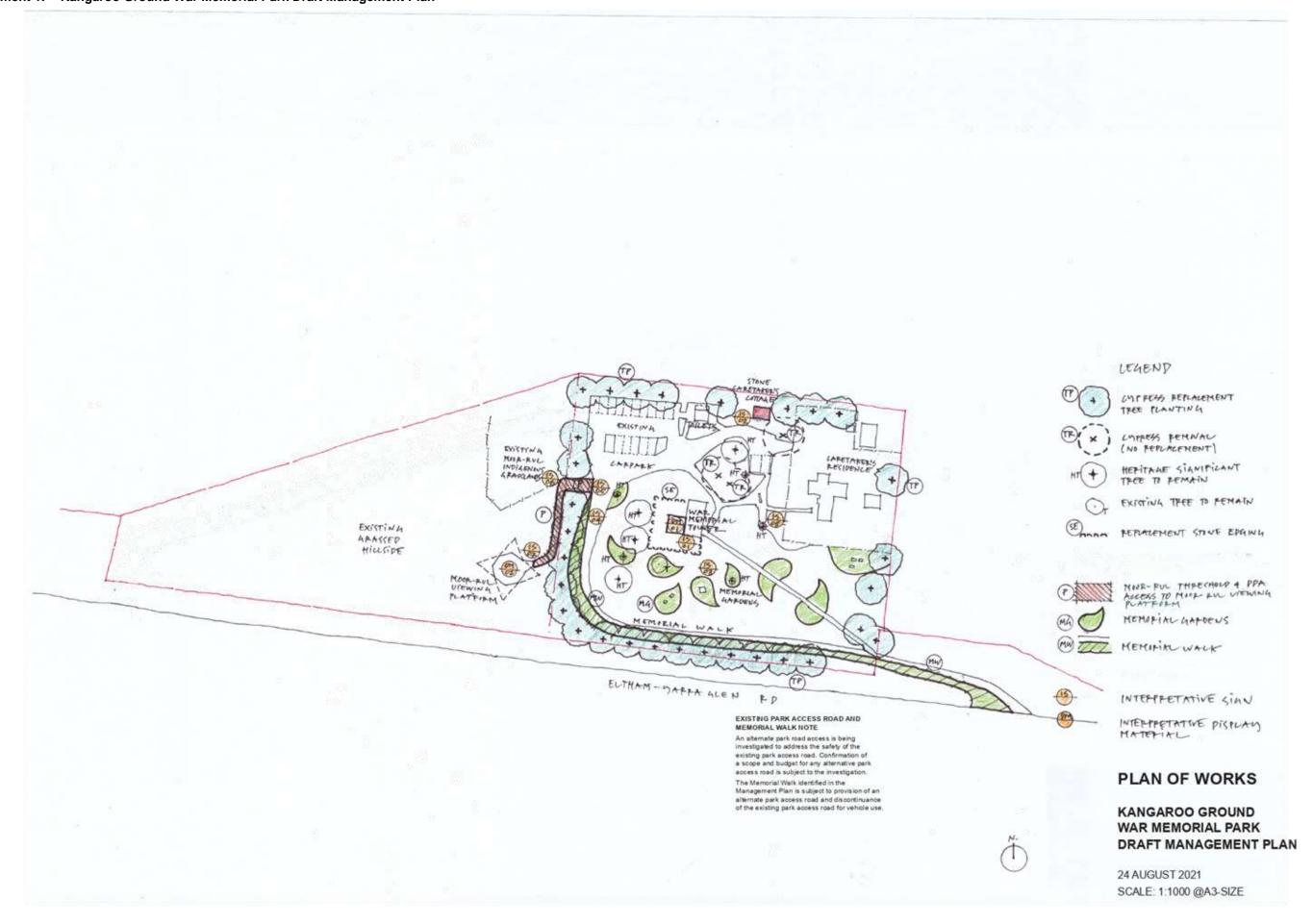
## 6.2 Operational expenditure improvement delivery

Adoption of the standard of annual landscape maintenance identified in the *Schedule of Works* will be factored in Council's operational expenditure and programming. An implementation priority is also assigned and is defined in terms of adoption timeframe for the standard, either as High (1-3 years), Medium (3-5 years) or Low (5-7 years).

Kangaroo Ground War Memorial Park Draft Management Plan 27 August 2021

# Appendix A. Plan of Works





# Appendix B. Schedule of Works



### Schedule of Works

Kangaroo Ground War Memorial Park Draft Management Plan 24.98.2021

24	08.20	21					-			,		Priority	,	9
Dv			item: Park Feature/ Element	Management intent	Scope of work	Critical implementation requirements	Critical construction sequencing	Associated work in Management Plan	Known site constraints	Heritage notes	Particular Stakeholder interests	HIGH: 1-3 yrs MEDIUM: 3-5 yrs		NSC Delivery Responsibility Lead
	P in		MOOR-RUL THRESHOLD AND DOA ACCESS TO MOOR-RUL VIEWING PLATFORM	serves as visible access and connection to the western hillside of park (including Moor-rul Grasslands, grassed hillside and Moor-rul		Heritage review	To be planned or constructed prior to CYPRESS TREE REPLACEMENT TREE PLANTING to ensure replacemen tree planting locations and finished levels are unaffected by path finished severs.	INTERPRETATIVE SIGNAGE BENCH SEATING CYPRESS TREE REPLACEMENT TREE PLANTING	Grades are challenging with location of Moor-rui Viewing Platform down the hitside.		Group.	LOW, but linked with CYPRESS TREE REPLACEMENT TREE PLANTING that has HIGH prosity.		Manager, Infrastructure
	IA B		KANGAROO GROUND WAR MEMORIAL TOWER (SHIRE OF ELTHAM WAR MEMORIAL)	Reducing visual prominence of Fire Spotter's Cabin.	Review of plant infrastructure in tower foyer with CFA. Removal of any redundant infrastructure and make good. Painting of Fire Spotter's Cabin in static, neutral (e.g., charcoal) colour to reduce its visual impact and have no identificable colour association.	All work subject to a memorial park or war memorial conservation plan. Planning permit for works		INTERPRETATIVE DISPLAY MATERIAL (Tower Foyer)		High level of heritage significance	Society	Appearance of Fire Spotter's Cabin and plant within tower foyer inspacts on bentage significance of the war memorial and its interpretation.		Manager, Properties and Facilities Mantenance
			COTTAGE RENNOVATION		Scope to be defermined by defermination of collage user function. Renovation to restore structural integrity and material disrepair.	caretaker's cottage conservation plan that includes consultation with identified stakeholders as well as community, to be developed through separate GOVERNANCE project.  Planning permit for works		GOVERNANCE INTERPRETATIVE SIGNAGE		High level of heritage significance	soldiers. Eltham District Historical Society	Cottage is in disrepair with risk of loss of heritage asset significance.  Cottage is closed off to public due to safety risk, and absence of rectification action potentially affects perception of NSCS interest and care of the cottage and park.		Manager, Properties and Facilities Maritenance
	P L		CYPRESS TREE REPLACEMENT TREE PLANTING	Replacement tree species to fulfil original design intent and heritage criteria, including.  - locations to both, south and western boundaries of original memoral park, predictionaries, configuration, sendereak tent;  - tree type to be everigitent to symbolise-death, and  - tree type able to be invariaged to maintain long-distance paroramic views from top off tower (lockout) over thess.  Tiree spacing to be appropriate to species selected, and to maintain good windoreak form, without crowding, rather than replacing existing locations like for like.  Gap in western windoreak planting to enable Western Park Area. Threshold, specifically view-connection to western parkand from		Cypress tree replacement subject to a memorial park or tree replacement conservation plan that includes consultation with identified stakeholders as well as community. Heritage review Planning permit for tree-removal	WESTERN PARK AREA THRESHOLD AND DDA ACCESS TO MOOR-RUL. VIEWING PLATFORM to ensure replacement free placeting localitins and disabled levels are not affected by road.			High level of heritage significance		HIGH Known public safety and loss of heritage insks associated with ageing trees in decime with average the expectancy less than 10 years.	Refer Cost Plan	Manager, Infrastructure
1	R U	ANDSCAPE - TREES	CYPRESS TREE REMOVAL	not located to boundaries of original rectangular park, to enable	Removal of cypress trees indicated on Plan of Works, including grupping out stump and roots and making good ground.	Removal of cypress trees to be part the memorial park or tree replacement conservation plan that includes consultation with identified stakeholders as well as community - see CYPRESS TREE REPLACEMENT TREE PLANTING.  Planning approval for tree removal.		CYPRESS TREE REPLACEMENT		High level of heritage significance		HIGH  Known public safely and loss of heritage risks associated with ageing frees in decline with average life expectancy loss than 10 years.	Refer Cost Plan	Manager, Infrastructure
		DGING	STONE EDGE REINSTATEMENT AROUND TOWER BASE	To reinforce the tower as a tower on a grassy hit, and reinstate the square-chaped grassed area implied at the tower base by informal stone edging, opening up views and access to the tower.		Herfage review		MEMORIAL GARDENS (Automatic inigation to include grass area around lower)		Existing stone retaining wait and rosemary have no heritage significance. Refer Revised Crisison H049 Memorial Park. Kangaroo Ground Final Draft (12 October 2020) for description and photographs of onginal tower base, including local stone edging and engined grassed rechangular area at lower basis.		MEDIUM  The works will enhance the heritage value of the flower and visibles on experience, but are not time critical in context of the current park use and its interpretation.	Refer Cost Plan	Manager, Intrastructure

Dwg Code	Work Category	Item: Park Feature/ Element	Management Intent	Scope of work	Critical implementation requirements	Critical construction sequencing	Associated work in Management Plan	Known site constraints	Heritage notes	Particular Stakeholder interests	Priority HIGH: 1-3 yrs MEDIUM: 3-5 yrs LOW: 5-7 yrs	Budgetary allowance	NSC Delivery Responsibility Lead
	LANDSCAPE - GARDEN	MEMORIAL WALK		Removal of 2m wide arghalitic concrete to southern side of existing park access road.  Creation of new mainted garden in location of removed road.  Automatic engation to garden.  Plant selection to comprise low groundcovers to enable indiances where the selection areas of the memorial walk.  Plant selection to provide seasonal display at following times:  -ANZAC Day, and -Remembrance Day.  Memorialisation as determined through separate  GOVERNANCE project.	Subject to investigation into alternative park access road and discontinuance of existing park access road.  Determination of curatorial approach to any momentum action within Nemotias Visits gardens is subject to GOVERNANCE project.  Hentiage review	Constructed with or after construction of any afternate park access road, not before.	MEMORIAL GARDENS GOVERNANCE		Existing park access road augmment is consistent with early pack.		MEDIUM  The works would ideally be part of, or commence soon after, any afternate park access road.	Refer Cost Plan	Manager, infrastructure
	LANDSCAPE - GARDEN	MEMORIAL GARDENS		Renovation of grass areas throughout.  Automatic irrigation to gardens.  Automatic irrigation to renovated grass areas.  Cardens not to be located in grassed area in front of tower entrance that is used for service congregation and assembly.  Plant selection to comprise low-groundcovers to enable extensive views through at areas of the memorial gardens.  Phant selection to provide seasonal display at foliosing times:  - ANZAC Day, and - Remembrance Day:  Memorialisation as determined through separate GOVERNANCE project.	Determination of curatorial approach to any memorialisation within the Memorial Gardens is subject to GOVERNANCE project. Heritage review		MEMORIAL WALK STONE EDGE REINSTATEMENT AROUND TOWER BASE (Automatic irrigation to grass area around tower base)  GOVERNANCE				LOW	Refer Cost Plan	Infrastructure
PS 01	SIGNAGE	PARK SIGN	Clear identification of memorial park/ park name, in 148 unbit Shire Council (NSIC) identity on NSIC-type park sign at park access road entry.		Memorial park name determination to be undertaken through GOVERHANCE project and subject to naming process outlined by Geographic hames Victorial Location to be determined on completion of alternate park access road investigation. Heritage review		Subject to outcome of alternative park access road investigation GOVERNANCE				HIGH The park is without a name and the issue is contentious arrising community groups.	Refer Cost Plan	Manager, infrastructure
is of		INTERPRETATIVE SIGN - WAR MEMORIAL	Clear, sensitively designed signage that is integrated with rest of path signage and display material and identifies the war memorial and provides interpretation of its hestiage.	Quantity: 1	War memorial name confirmation to be undertaken through GOVERNANCE project and any senaming of the war memorial from Yangaroo Ground War Memorial Tower (registered with Geographic Names Victoria) is subject for animing process outlined by Geographic Names Victoria. Determination of curatorial approach to all interpretative signage and display material, through GOVERNANCE project. Heritage review		AII other INTERPRETATIVE SIGNS and DISPLAY MATERIAL				With related work	Refer Cost Plan	Manager, Intrastructure
15 02		INTERPRETATIVE SIGN - SIGN - SIGNE CARETAKER'S COTTAGE	Clear, sensitively designed signage that is integrated with rest of path signage and display material and identifies the cottage and its function, and provides interpretation of its heritage.		Determination of STONE CARETAKER'S COTTAGE REINNOVATION functions use, and curational approach to all interpretative signage and display material through GOVERNANCE project. Heritage review		GOVERNANCE STONE CARETAKER'S COTTAGE RENNOVATION AROTHER INTERPRETATIVE SIGNS and DISPLAY MATERIAL				With relabed work	Refer Cost Plan	Manager infrastructule
75 03	SIGNAGE	INTERPRETATIVE SIGN - MEMORIAL GARDENS	Clear, semictively designed signage that is integrated with rest of park signage and display material and identifies the Namorsal Claddens and provides interpretation of its cultural value.	Quantity: 1	Determination of curatonial approach to all interpretative signage and display maherial, through GOVERNANCE project, stentage review.		GOVERNANCE As other INTERPRETATIVE SIGNS and DISPLAY MATERIAL				With related work	Refer Cost Plan	Manager. Infrastructure
IS 04	SIGNAGE	INTERPRETATIVE SIGN - MEMORIAL WALK	Clear, sensitively designed signage that is integrated with rest of part signage and display material and identifies the Memorial Walk and provides interpretation of its cultimat value and heritage, namely the alignment of the Somer park road.		Determination of curatorial approach to all interportative signage and display material, through GOVERNANCE project. Heritage review		GOVERNANCE As other INTERPRETATIVE SIGNS and DISPLAY MATERIAL				With related work	Refer Cost Plan	Manager, Infrastructure
	SIGNAGE	SIGN - MOOR-RUL THRESHOLD	Clear, sensitively designed signage that is integrated with rest of pars signage and display material and stentifies connection to the western historia excepted in 1973, and access to Moor-Au Cinassiands, hillside picnic area and Moor-Aul Viewing Platform.		Determination of curatorial approach to all interpretative signage and display material, through GOVERNANCE project. Pleritage review		AN OTHER PRETATIVE SIGNS and DISPLAY MATERIAL MOOR-RUL THRESHOLD AND DDA ACCESS TO MOOR-RUL VEWING PLATFORM					Refer Cost Plan	Infrastructure:
IS 06	SIGNAGE	INTERPRETATIVE SIGN - MOOR-RUL GRASSLANDS	Clear, sensitively designed signage that is integrated with rest of park signage and display material and identifies the grasstands project and provides interpretation of its natural and cultural origins and systems and its management.		Determination of curational approach to all interpretative signage and display material, through GOVERNANCE project Heritage review		GOVERNANCE All other INTERPRETATIVE SIGNS and DISPLAY MATERIAL				With related work	Refer Cost Plan	Manager, Infrastructure

					T	7	T			r	Priority		1
Dwg Code	Work Category	Item: Park Feature/ Element	Management Intent	Scope of work	Critical implementation requirements	Critical construction sequencing	Associated work in Management Plan	Known site constraints		Particular Stakeholder	HIGH: 1-3 yrs	Budgetary allowance	NSC Delivery Responsibility Lead
85 O7	SIGNAGE	SIGN -	Clear, sensitively designed signage that is integrated with rest of park signage and display material and identifies the viewing platform and provides interpretation of its heritage.	Quantity: 1	Determination of curatorial approach to all interpretative signage and display material, through GOVERNANCE project. Heritage review		GOVERNANCE All other INTERPRETATIVE SIGNS and DISPLAY MATERIAL				HIGH The Moor-rul Viewing Platform appears cul- off from and alien to the original rectangular park.	Refer Cost Plan	Manager, Intrastructure
IS 08	SIGNAGE	SIGN -	Clear, sensitively designed signage that is integrated with rest of pairs signage and display material and identifies the residence and provides interpretation of its heritage.		Determination of curatorial approach to all interpretative signage and display material, through GOVERNANCE project Heritage: loview		GOVERNANCE All other INTERPRETATIVE SIGNS and DISPLAY MATERIAL				нан	Refer Cost Plan	Manager, infrastructure
DM 01	DISPLAY MATERIAL	DISPLAY MATERIAL -	Clear, serulfively designed display material that is integrated with rest of park signage and display material and provides interpretation of tower heritage.	To existing display cabinet	Oelemenation of curatorial approach to all interpretative signage; and display material, through OCYVERNANCE project. Hentage review		GOVERNANCE All other INTERPRETATIVE SIGNS and DISPLAY MATERIAL				Existing display panels present information and adequately curated and in poor condition, and appears to be neglected, potentially affecting perception of NSCs interest and care of the tower and park.		Managet: Community Partnerships
DM 02		DISPLAY MATERIAL -	Clear, sensitively designed display material that is integrated with rest of park signage and display material, interpretation subject(s) to be defermined through <b>GOVERNENCE</b> project.	To existing display cabinets	Defermanation of curatorial approach to all interpretative signage and display material, through GOVERNANCE project.  Heritage review		GOVERNANCE All other INTERPRETATIVE SIGNS and DISPLAY MATERIAL				Existing display panels are empty and appear to be neglected, potentially affecting perception of NSC's interest and care of the park.		Manager, Community Partnerships
NA	FURNITURE		One type of amber bench sealing throughout park that replaces a variety of ageing seals and establishes one furniture identity in the memorial park that can be maintained. Maintenance of existing seat donor or niemonalisation recognition (pragues).	adequate provision of DDA accessible furniture within park.  Bench seat memorialisation and sponsor recognition as	Celemenation of curatorial approach to telementalisation and sponsor recognition, prough GOVERNANCE project, prior to furniture replacement.  Heritago review		GOVERNANCE PICNIC TABLES		Memoralisation Recognition of sponsor		NEDIUM	Refer Cost Plan	Manager, Infrastructure
N/A	FURNITURE	PICNIC TABLES	One type of timber picmic lables throughout pank that replaces a variety of ageing tables and establishes one turniture identity in the memorial pain. As the control of	park.	Heritage review		BENCH SEATING				MEDIUM	Refer Cost Plan	Manager, Infrastructure
	MAINTENANCE (OPEX)	MAINTENANCE	High standard of maintenance, fit for a park of significant heritage value, that keeps the memorial park in good condition for visitation all through the year.								HIGH Existing 'Amenity standard' maintenance fails to keep memorial park in condition that honous heritage significance and is fit for year-round visitation and important memorial services and events.		Manager, Infrastructure

# Appendix C. Draft revised citation



Revised Citation HO49 Memorial Park, Kangaroo Ground

Final Draft (12 October 2020)

# Revised Citation HO49 Memorial Park, 385 Eltham-Yarra Glen Road, Kangaroo Ground Final Draft (12 October 2020)



Aerial view of the current Park showing the area of significance in red (the eastern section of land containing the entry is not in Council ownership)

### Summary History of the Memorial Park

Prepared by Dr Peter Mills June 2020

#### The land prior to establishment of the Memorial Park

The area now known as Kangaroo Ground is part of the lands of the Wurundjeri. There is evidence that the landscape of Kangaroo Ground may have been managed by the Wurundjeri with fire to create productive open ground for animals and plants, which also favoured hunting. There is unfortunately little written evidence of other aspects of Wurundjeri occupation of Kangaroo Ground.

Dispossession of the Wurundjeri from their lands by pastoralists began in the mid-1830s. Interpolating from the wider history of dispossession in Victoria, it is likely the Wurundjeri were driven from their lands by a number of strategies and impacts. Squatters actively destroyed Aboriginal people's means of livelihood including their houses, encampments and fish traps. Stock trampled and destroyed Aboriginal food plants and waterholes, and game was driven away. Aboriginal people starved and resorted to killing the squatters' stock, which resulted in violent reprisals. The influx of European population in the gold-rushes only accelerated this process, and the 1850s saw a steady decline in the Aboriginal population in the area.

The Kangaroo Ground run, in which the summit later known as Garden Hill was located, was held by James Donald Bruce from 1840, and by Brown and Draper from 1844-49. Brown and Draper had a fenced-off cultivation area on the ridge 600m to the north of the summit. This part of the Parish of Nillumbik was surveyed in the late 1840s, and at the Crown land sales that followed soon after Allotment 4 Section 2, on which the summit of Garden Hill was located, was purchased by investor George Kirk. Kirk's land was leased by Scottish immigrants Jane and Alexander Thomson and family. Allotment 3 Section 2, just to the east of the summit of Garden Hill, was purchased by Andrew Harkness in 1848.

The open woodland of Kangaroo Ground around Garden Hill was progressively cleared and cultivated. The southern half of Allotment 4, which had been acquired by the Thomsons, was purchased by James and Jane (Stevenson) Mess in 1891. The summit of Garden Hill soon gained a wide reputation as a lookout and picnic area with expansive views in all directions. The Eltham-Yarra Glen Road followed the surveyed government road reserve on the south side Allotments 4 and 3, passing conveniently close to the summit. By the 1880s the Garden Hill summit had become a well-known feature on tours of the district.

#### Establishing the Memorial Park

After James Mess died in 1901 the property known as 'Garden Hill' was farmed by his sons. Towards the end of World War 1 Eltham Shire councillors began to consider creation of a memorial park with a monument at Garden Hill. Two acres at the southeast corner of Allotment 4 was purchased from the Mess

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brothers in 1919 and the land was ploughed and cleared of rocks. Planting of ornamental trees including rows of Cypresses on the four boundaries began in 1920. A small block of land to the east was donated by Frances (Harkness) White to create an entrance road, which was soon marked by a timber archway and gate. The Shire of Eltham Memorial Park was opened in September 1921.

In 1922 a delegation of members of the Panton Hill Returned Sailors and Soldiers Imperial League of Australia attended an Eltham Shire Council meeting and suggested that a memorial to fallen soldiers from the district should be built in the park, taking the form of a cairn of local stone crowned with a monument. The Council allocated £250 to the project, a War Memorial Committee was appointed, and fundraising events followed. The Anzac Day memorial service held in the Memorial Park in 1923 was attended by 1000, starting with a procession of school children and a band from the Shire Hall (then in Kangaroo Ground) to Garden Hill.

A rounded cairn of field stone with a flagstaff above was in place by 1924. That year the Eltham Shire Memorial League was formed to plan and raise funds for a more substantial memorial. A design competition was held with entries invited from Melbourne monumental masons and technical schools, but the resulting proposals were considered too polished, when a more rustic effect was desired. A competition entry design for a 70ft lookout tower in local stone by the shire engineer was chosen.

Local resident Basil Hall recalled in 1963 that at a gathering at his house, presumably soon after the competition, artist Harold Herbert had sketched up a design inspired by watch towers built on the Scottish-English border from the 1450s and ca1600. Architect Percy Meldrum then volunteered to produce architectural drawings. By early 1925 the League had approved Meldrum's drawings for a 50ft tower, and this was reduced to 40ft because of cost constraints. The Shire arranged for sandstone to be brought to the tower site from a quarry on the nearby farm of Dr Ethel and Professor William Osborne. Builder Mr Rousell used cast-concrete quoins and dressings with the local stone as rubble veneer in between. The main structure of the tower was in reinforced concrete.

1500 people attended the opening of the tower on Armistice Day 1926. School children from Eltham, Panton Hill, Hurstbridge, Kangaroo Ground, Research, and Queenstown formed a guard of honour for the Governor General and Lady Stonehaven as they approached the tower and unveiled the temporary honour board painted on the panels on either side of the doorway. A pair of captured German field guns were arranged on either side of the tower in ca1929 but were mysteriously taken away during World War II.

## Interwar and World War 2 history of the Memorial Park

With the rise of motor travel, the lookout tower became a very popular stopping point on day tours from Melbourne. A series of returned-soldier caretakers were employed to look after the site, with a one-room caretaker's cottage built in ca1927 from the same local rubble stone as the tower. In September 1930 a "handsome" bronze tablet costing over £100 and bearing the names of the fallen was erected on the tower above arch of the doorway. Returned soldier and ex prize-fighter William 'Tiny' Carroll was the most conspicuous of the early caretakers, living at the tower from c1934 to ca1938 and providing vivid interpretation for visitors.

Four cast iron direction plates were fitted to the lookout balustrades in 1931. The timber doors in the entrance were replaced with wrought iron gates in ca1936. The inside of the tower was painted white in ca1938 in an effort to improve the lighting of the stairs. The park and tower were considered somewhat neglected by 1939, and extensions to the caretaker's cottage to allow a married couple were considered. When the tower was rededicated by the Governor Sir Dallas Brooks in 1951, with new plaques for the names of the fallen in World War II, a new fibro house had been built for the caretakers. The house continues to be leased out to people who agree to take on caretaker duties as part of their residential lease arrangement.

#### Post World War 2 history of the Memorial Park

The potential of the tower for fire spotting was first canvassed in 1939, but the first spotter started in 1948. In 1966 the need for the addition of a spotter's cabin to the top of the tower was pushed by the Forestry Commission and opposed by the local Returned Services League branches. University of Melbourne architecture professor Brian Lewis and the aging Percy Meldrum advised that a suitable design

### Revised Citation HO49 Memorial Park, Kangaroo Ground

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would not compromise the tower, and a prefabricated cabin was finally erected by crane in 1974. The Shire of Eltham purchased another block of land to the west in 1973, with the intention of providing better road access to the park.

Another rededication ceremony was held in 2001, with plaques installed to honour the fallen from the Korea, Borneo, Malaya and Vietnam conflicts. In 2008 the Moor-rul viewing platform, which functioned as a lookout for those unable to climb the stairs in the tower, was built on the upper part of the land acquired in 1973. The platform also accommodated interpretation panels. A new fire spotting cabin, this time raised above the original lookout level, was installed in 2010, as well as a new steel spiral staircase inside the tower.

### Description

#### The site

The Memorial Park site consists of the original two acre rectangular park at the top of a hill and a piece of land containing the driveway entry at the south east corner, as well as the triangular piece of land to the west of the park and sloping down toward the Kangaroo Ground township, acquired in 1973.

The original area of the Memorial Park is defined by perimeter plantings of Cypress trees on the north, east and south boundaries, dating back to the 1920s. It is thought these trees were planted as a boundary demarcation but also had a memorial association in that they were evergreens. It is acknowledged that these trees are in poor health and will require replacement within 10 years. Planting of replacement trees that retain the landmark contribution, boundary demarcation and evergreen memorial association would be considered acceptable in retaining the significance of this historical boundary planting.

The War Memorial Tower (opened in 1926) is located at the highest point of the hill with a diagonal pedestrian path leading from the driveway entry to the tower entrance. A small stone clad former caretaker's cottage, built c1927, sits on the northern boundary and the 1951 caretaker's house is located in the north eastern corner and is fenced off from the park with a residential yard around the house.

The driveway is accessed from Eltham-Yarra Glen Road at the south east corner and follows the southern boundary, curving around the south west corner and along the eastern boundary of the original rectangular park to the asphalt car park.



Entrance driveway along southern boundary of the original rectangular park



North west corner car park of the original rectangular park

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View towards 2010 toilet building on north boundary of the original rectangular park

View west towards Moor-rul viewing platform

At the top of the later acquired triangular parcel of grassland is the Moor-rul viewing platform, a roofed, steel and timber structure constructed in 2008.

There is a scatter of other memorials on the site including cairns, seats, interpretation panels and a "Lone Pine" planted in 2005.

Seats and tables were added to the site in 2004 and a toilet building located adjacent to the car park on the central north side of the site was constructed in 2005 and replaced the earlier 1969 toilet block.

Other tree species on the site include five Chusan Palms (*Trachycarpus fortunei*), which were planted in 2001 most likely as replacements of the original (7) Cabbage Palms, a Cedar (*Cedrus deodara*) between the tower and the cottage and two early Sugar Gums (*Eucalyptus cladocalyx*) and a Manna Gum (*Eucalyptus viminalis*) to the west of the tower likely to have been planted in the 1920s.

### War Memorial Tower





The tower has a square plan and tapers slightly towards the top. The tower has a concrete plinth and has cast-concrete quoins and dressings with local sandstone, quarried from a nearby site, as rubble veneer in between. The main structure of the tower is reinforced concrete. A rendered string-course runs around the tower below the springing line of the arch. Reinforced concrete ring beams are located at the levels of the landings inside the tower. The internal walls still show the lines of formwork for the reinforced concrete structure.

The tower is 16 metres high with an arched entry facing east and a large bronze tablet above the doorway listing 79 names of men from the Shire who died in World War One and 28 from World War Two. Two

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bronze plaques with wreaths for the Korea, Borneo Malaya and Vietnam conflicts were installed in the panels on either side of the doorway of the tower in 2001. Because of the 2009 bushfires, the current fire spotting cabin at the top of the tower was installed in 2010 and replaced the previous 1974 fire spotter's cabin, which was a prefabricated structure hoisted onto the top of the tower and that involved the removal of the original stone structure around the rooftop exit door. The old ladders inside the tower were replaced in 2010 with a steel spiral staircase.

A square-shaped area of earth/ grass immediately around the tower base was originally implied and differentiated from the rest of the park by rubble edging (visible in photographs of the tower in the 1930s). The square-shaped area around the tower base was formalised in 1994 by leveling the area and defining it with a low stone retaining wall (replacing the original rubble edging), and the entry to the tower paved. Rosemary planting has been added along the top of the stone retaining wall.

### c.1927 Caretakers Cottage



The single room caretaker's cottage is also randomly course rubble sandstone stone facing over cast concrete walls. The rubble sandstone was most likely left over from construction of the tower. It has a simple gable roof clad in terracotta Marseille tiles. It has a single door and window on the front (south) elevation and a chimney on the west end.

#### 1951 Caretaker's Residence



The 1951 caretaker's residence has a t-shaped plan and is constructed of rendered brick walls with intersecting gable roofs clad in corrugated iron and timber framed openings. The residence has four rooms and separate yard bounded by a timber-paling fence.

## **Comparative Analysis**

Other surviving World War 1 Memorials in Nillumbik Shire are as follows:

- The Eltham Avenue of Honour. An avenue of London Plane trees planted in Main Road Eltham by volunteers in 1917.
- An Avenue of Honour was planted at Hurstbridge in August 1918.
- An Avenue of Honour was planted at Panton Hill.
- In Hurstbridge a Memorial Park was created in 1923 on ten acres of land adjacent to the railway, which was purchased from Sharp's orchards. Volunteers built sports ovals and a picnic area.

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- The Christmas Hills Memorial Park was planted with Oaks and Kurrajongs and equipped with garden seats.
- · Yarrambat's War Memorial Park is located in Yan Yean Road.
- The Eltham World War 1 Memorial (HO249) was a granite obelisk that was erected in a prominent
  position at the corner of Main Road and Bridge Street in 1919. It was moved to the front of the
  Eltham RSL building in the 1950s, and to a new Main Road site in 2012.
- The citizens of Diamond Creek erected a red-granite column in Collins Street Diamond Creek in 1921.
   In 1996 this memorial was relocated to Main Street and re-dedicated to cover the loss of all lives in conflicts since the Great War.
- The residents of Panton Hill chose to erect a Soldiers Memorial Cross (HO96) in the yard of St Matthews Church of England opposite the Soldiers' Memorial Hall, which was dedicated in 1926.
- A granite tablet memorial was unveiled in the Christmas Hills Memorial Park in 1921.
- The Diamond Creek Memorial Hall was opened in 1918.

Although there were other impressive parks and memorials constructed in the Shire following World War 1, the Memorial Park and War Memorial Tower has more significance to the whole Shire due to its establishment and construction as a whole of Shire memorial honouring all of those in the Shire who served and died in the wars rather than just from an individual town or locality within the Shire. In addition, the construction of the War Memorial Tower at the summit of the park as a memorial to those who died was seen as the highlight of the Shire's inter-war memorial building activity. A Shire holiday was declared for the opening of the tower on Armistice Day 1926. It is also distinctive as an all-encompassing memorial site with a park and monument rather than just one of these.

The War Memorial Tower, constructed in 1926, is one of only six War Memorial Towers constructed in Victoria to memorialise World War 1. The Kangaroo Ground Memorial is unusual in its location in a rural rather than town setting and its rustic styling compared to the more formal other examples. Apart from the water tower at Portland, which had the lookout function added at a much later date (1996), the Kangaroo Tower is the only other lookout tower of these examples. The other five memorial towers are shown below:



Ringwood War Memorial Clock tower 1928



Bright War Memorial Clock Tower 1929



Woodend War Memorial Clock Tower 1927



Mildura war memorial clock tower 1921



Portland War Memorial Lookout Tower – the 1930s water tower was converted to a memorial lookout at 50<sup>th</sup> anniversary of end of WW 2 - 1996

### **Analysis of Significance**

The Heritage Council of Victoria has adopted a set of criteria to be used when assessing cultural heritage significance. The criteria have been nationally endorsed by the Heritage Chairs and Officials of Australia and New Zealand.

#### Criterion A:

Importance to the course, or pattern, of Nillumbik Shire's cultural history.

The Memorial Park is historically significant for its role in civic commemoration of all those who enlisted in the wars, from the former Shire of Eltham. The park, established in 1921 following World War One, as the 'Shire of Eltham Memorial Park', intended to serve the whole Shire rather than an individual town or locality. In addition, the construction of the War Memorial Tower at the summit of the park as a memorial to those who died was the highlight of the Shire's inter-war memorial building activity. A Shire holiday was declared for the opening of the tower on Armistice Day 1926.

The Memorial Park and War Memorial Tower are of historical significance for demonstrating the promotion of the idea that the war effort of the young nation proved its right to be on the world stage. The visiting governors and bishops were the symbolic carriers of this knowledge. This nationalistic role was linked in speeches to the view from the lookout of the successfully settled land.

The Memorial Park is of historical significance as a site that has been used as a tourist and picnic destination since at least the 1860s, long before the establishment of the Memorial Park and when the popular summit lookout was known as Garden Hill. This role of the site as a tourist and picnic destination that is further enhanced by the presence of a lookout tower, continues to the present day.

The Memorial Park is of historical significance for its association with the repatriation scheme for returned soldiers who were employed to establish and maintain the grounds as well as employed as caretakers, first living in the Caretaker's Cottage constructed c1927 and later in the larger residence constructed in 1951. The Caretaker's residences also indicate the importance of the park to the Shire indicating that it had to be cared for and demonstrating those early methods of care with an on-site caretaker.

The Memorial Park is of historical significance for its role in the fire history of the area with the use of the tower for fire spotting since 1939 to the present day.

Revised Citation HO49 Memorial Park, Kangaroo Ground

Final Draft (12 October 2020)

#### Criterion B:

Possession of uncommon, rare or endangered aspects of Nillumbik Shire's cultural history.

The War Memorial Tower is of significance as a rare form of a World War One memorial, which more commonly took the form of a stone obelisk located in the centre of a town. There are only five other known War Memorial Lookout Towers in the State. The War Memorial Tower is also unusual for its rustic architectural expression using local rubble stone and minimal ornamentation, which was purposefully chosen for the tower, to reflect the largely rural character of the Shire and to set it apart from the more polished urban manifestations of memorialisation.

#### Criterion C:

Potential to yield information that will contribute to an understanding of Nillumbik Shire's cultural history.

None identified.

#### Criterion D:

Importance in demonstrating the principal characteristics of a class of cultural places and objects.

None identified.

#### Criterion E:

Importance in exhibiting particular aesthetic characteristics.

The Memorial Park is of aesthetic significance for its setting on a prominent hill with landmark evergreen plantings (Cypress trees) to the north, south and west boundaries of the original park, other specimen plantings and stone tower at the highest point offering magnificent views of the district. The views to the west of the site through the 1973 purchase of the triangular piece of land, contributes to this setting.

The War Memorial Tower and c.1927 Caretaker's Cottage are of aesthetic significance for their rustic styling and use of random rubble stone quarried locally, reflecting the largely rural character of the former Shire of Eltham.

The fire spotter's cabin on the top of this tower installed originally in 1974 and replaced with the current cabin in 2010 detrimentally impacts on this aesthetic significance.

#### Criterion F:

Importance in demonstrating a high degree of creative or technical achievement at a particular period.

None identified.

## Criterion G:

Strong or special association with a particular community or cultural group for social, cultural or spiritual reasons. This includes the significance of a place to Indigenous peoples as part of their continuing and developing cultural traditions.

None identified.

#### Criterion H:

Special association with the life or works of a person, or group of persons, of importance in Nillumbik's history.

The Memorial Park is of social significance as a commemorative focus for the Nillumbik community to remember those who fought in the Wars. The primary role of a memorial was to enable commemoration of the enlisted and fallen. In the early years there was great immediacy with the presence of the parents of the fallen at the services.

#### Revised Citation HO49 Memorial Park, Kangaroo Ground

Final Draft (12 October 2020)

The Memorial Park is of social significance for its representation of community strength demonstrated by the involvement of locals in its establishment through community committees and leagues, fund raising efforts and continuing community involvement in its care and how it has evolved. This is also demonstrated in the ongoing need to honour, memorialise and tell stories at the site, including the need to acknowledge the previously unacknowledged traditional owners of the land, which saw the construction of the Moor-rul viewing platform in 2008.

The Moor-rul viewing platform also extends the educative role the site has played in teaching children and other visitors, initially about the young nation and ideas of loyalty and duty but also providing stories of the developing nation and its changing values over time.

### Statement of Cultural Heritage Significance

#### What is significant?

The Memorial Park at 385 Eltham-Yarra Glen Road, Kangaroo Ground including, the original rectangular park, triangular parcel of land acquired in 1973, eastern parcel of land containing the driveway entry, the 1926 War Memorial Tower, c.1927 Caretaker's Cottage, 1951 Caretaker's Residence, diagonal path to the tower, Cypress trees to the north, west and south boundaries of the original rectangular park, Cedar (Cedrus deodara) between the tower and the cottage and two early Sugar Gums (Eucalyptus cladocalyx) and Manna Gum (Eucalyptus viminalis) to the west of the tower.

#### How is it significant?

The Memorial Park at 385 Eltham-Yarra Glen Road, Kangaroo Ground is historically, aesthetically and socially significant to Nillumbik Shire.

#### Why is it significant?

The Memorial Park is historically significant for its role in civic commemoration of all those who enlisted in the wars, from the former Shire of Eltham. The park, established in 1921 following World War One, as the 'Shire of Eltham Memorial Park', intended to serve the whole Shire rather than an individual town or locality. In addition, the construction of the War Memorial Tower at the summit of the park as a memorial to those who died was the highlight of the Shire's inter-war memorial building activity. A Shire holiday was declared for the opening of the tower on Armistice Day 1926.

The Memorial Park and War Memorial Tower are of historical significance for demonstrating the promotion of the idea that the war effort of the young nation proved its right to be on the world stage. The visiting governors and bishops were the symbolic carriers of this knowledge. This nationalistic role was linked in speeches to the view from the lookout of the successfully settled land.

The Memorial Park is of historical significance as a site that has been used as a tourist and picnic destination since at least the 1860s, long before the establishment of the Memorial Park and when the popular summit lookout was known as Garden Hill. This role of the site as a tourist and picnic destination that is further enhanced by the presence of a lookout tower, continues to the present day.

The Memorial Park is of historical significance for its association with the repatriation scheme for returned soldiers who were employed to establish and maintain the grounds as well as employed as caretakers, first living in the Caretaker's Cottage constructed c1927 and later in the larger residence constructed in 1951. The Caretaker's residences also indicate the importance of the park to the Shire indicating that it had to be cared for and demonstrating those early methods of care with an on-site caretaker.

The Memorial Park is of historical significance for its role in the fire history of the area with the use of the tower for fire spotting since 1939 to the present day.

The War Memorial Tower is of significance as a rare form of a World War One memorial, which more commonly took the form of a stone obelisk located in the centre of a town. There are only five other known War Memorial Lookout Towers in the State. The War Memorial Tower is also unusual for its rustic architectural expression using local rubble stone and minimal ornamentation, which was purposefully

#### Revised Citation HO49 Memorial Park, Kangaroo Ground

Final Draft (12 October 2020)

chosen for the tower, to reflect the largely rural character of the Shire and to set it apart from the more polished urban manifestations of memorialisation.

The Memorial Park is of aesthetic significance for its setting on a prominent hill with landmark evergreen plantings (Cypress trees) to the north, south and west boundaries of the original park, other specimen plantings and stone tower at the highest point offering magnificent views of the district. The views to the west of the site through the 1973 purchase of the triangular piece of land, contributes to this setting.

The War Memorial Tower and c.1927 Caretaker's Cottage are of aesthetic significance for their rustic styling and use of random rubble stone quarried locally, reflecting the largely rural character of the former Shire of Eltham. The fire spotter's cabin on the top of this tower installed originally in 1974 and replaced with the current cabin in 2010 detrimentally impacts on this aesthetic significance.

The Memorial Park is of social significance as a commemorative focus for the Nillumbik community to remember those who fought in the Wars. The primary role of a memorial was to enable commemoration of the enlisted and fallen. In the early years there was great immediacy with the presence of the parents of the fallen at the services.

The Memorial Park is of social significance for its representation of community strength demonstrated by the involvement of locals in its establishment, through community committees and leagues, fund raising efforts and continuing community involvement in its care and how it has evolved. This is also demonstrated in the ongoing need to honour, memorialise and tell stories at the site, including the need to acknowledge the previously unacknowledged traditional owners of the land, which saw the construction of the Moor-rul viewing platform in 2008.

The Moor-rul viewing platform also extends the educative role the site has played in teaching children and other visitors, initially about the young nation and ideas of loyalty and duty but also providing stories of the developing nation and its changing values over time.

#### Recommended Heritage Overlay Revisions

It is recommended that the proposed revised Statement of Significance be adopted to accompany the listing of this place in the Nillumbik Shire Heritage Overlay, replacing the existing Statement of Significance.

The following revised Heritage Overlay Schedule entries are recommended for the place:

Name – Memorial Park, 385 Eltham-Yarra Glen Road, Kangaroo Ground External Paint Controls – No

Internal Alteration Controls – No

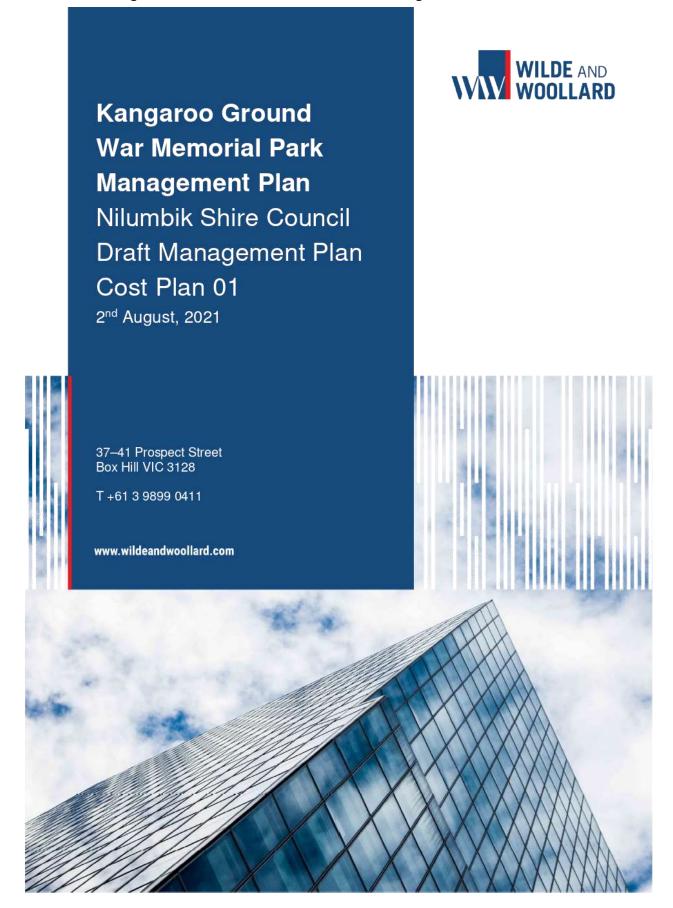
**Tree Controls** – Cypress trees to the north, west and south boundaries of the original park, Cedar (*Cedrus deodara*) between the tower and the cottage, two early Sugar Gums (*Eucalyptus cladocalyx*) and a Manna Gum (*Eucalyptus viminalis*) west of the tower.

Fences & Outbuildings – War Memorial Tower, Stone Caretakers Cottage Prohibited Uses May Be Permitted – Yes The recommended revised (increased) extent for the HO49 Heritage Overlay listing is provided below:



# Appendix D. Cost Plan





### **PROJECT SUMMARY**



Project: KANGAROO GROUND WAR MEMORIAL PARK Cost Plan: DRAFT MANAGEMENT PLAN COST PLAN 01

No.	Item Description	Proj Cost %	Quantity	Rate	Total
1	NOTES AND EXCLUSIONS	0.00			0
2	PATHWAY TO VIEWING PLATFORM	3.73	110	431.63	47,479
3	TOWER WORKS	3.81	31	1,564.52	48,500
4	CARETAKERS COTTAGE	7.96	20	5,075.00	101,500
5	TREE REPLACEMENT WORKS	18.35	30	7,798.67	233,960
6	TREE REMOVAL WORKS (INTERNAL TREES)	1.57	3	6,666.67	20,000
7	STONE EDGING AT TOWER BASE	4.38	162	344.14	55,750
8	MEMORIAL WALK	17.28	1,934	113.92	220,315
9	MEMORIAL GARDENS	26.77	3,521	96.95	341,346
10	SIGNAGE - PARK	1.34	1	17,000.00	17,000
11	SIGNAGE - WAR MEMORIAL	1.06	1	13,500.00	13,500
12	SIGNAGE - CARETAKERS COTTAGE	0.67	1	8,500.00	8,500
13	SIGNAGE - MEMORIAL GARDENS	0.67	1	8,500.00	8,500
14	SIGNAGE - MEMORIAL WALK	0.67	1	8,500.00	8,500
15	SIGNAGE - WESTERN PARK THRESHOLD	0.67	1	8,500.00	8,500
16	SIGNAGE - MOOR-RUL GRASSLANDS	0.67	1	8,500.00	8,500
17	SIGNAGE - MOOR-RUL VIEWING PLATFORM	0.67	1	8,500.00	8,500
18	SIGNAGE - CARETAKERS RESIDENCE	0.67	1	8,500.00	8,500
19	SIGNAGE - WAR MEMORIAL CABINET	0.67	1	8,500.00	8,500
20	SIGNAGE - MOOR-RUL VIEWING PLATFORM CABINETS	2.44	16	1,937.50	31,000
21	BENCH SEATING	2.20	6	4,666.67	28,000
22	PICNIC TABLES	3.85	6	8,166.67	49,000
	ESTIMATED TOTAL PROJECT COST (EXCLUDING ALL ACCESS ROAD OPTIONS)		5,778	220.73	1,275,350
	GFA: 0.00 m2	100			1,275,350



Project: KANGAROO GROUND WAR MEMORIAL PARK Cost Plan: DRAFT MANAGEMENT PLAN COST PLAN 01

No.	Item Description	Quantity	Unit	Rate	Total
	NOTES AND EXCLUSIONS				
	NOTES				
	NOTES				
	Generally				
1	Assumes a competitive tender process to four or more appropriately sized and interested contractors under an industry standard lump sum contract tendered within 12 months		note		
2	This cost plan includes services allowances by Wilde and Woollard. Wilde and Woollard are not specialised in services design and estimating thus we recommend all figures are confirmed by a specialist services consultant		note		
	This cost plan has been based on the following documentation:-				
	Architectural				
3	KGWMP Management Plan - Plan of Works (P1) - For Draft 01 Costing and Schedule of Works received 23rd April, 2021.		note		
4	Emails from NSC received between 28th April and 3rd May, 2021		note		
5	Emails from NSC received 14th May, 2021		note		
	Reports				
6	FG Dixon Group Condition Inspection Report dated 3rd June, 2019				
	Structural				
7	Nothing provided		note		
	Mechanical				
8	Nothing provided		note		
	Electrical				
9	Nothing provided		note		
	Hydraulic				
10	Nothing provided		note		
	Civil				
11	CivilTest soil investigation and pavement design report No. 1171043 received 20th August 2020		note		
	Fire				
12	Nothing provided		note		
	Landscaping				
13	Refer Architectural		note		

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Project: KANGAROO GROUND WAR MEMORIAL PARK Cost Plan: DRAFT MANAGEMENT PLAN COST PLAN 01

No.	Item Description	Quantity	Unit	Rate	Total
	NOTES AND EXCLUSIONS				(Continued)
	NOTES				(Continued)
	NOTES TOTAL				<u>0</u>
	EXCLUSIONS				
	EXCLUSIONS				
	The following has been excluded from this cost plan:-				
14	Access road options		note		
15	The cost plan is based on current known construction cost data and excludes any effects that COVID-19 (Coronavirus) will have on the construction tender market including availability of imported materials.		note		
16	Adverse market conditions including saturation of work in market place and non competitive sub-contractor prices		note		
17	Authorities Fees and Charges, unless scheduled. Allowances for Authorities Fees and Charges (over and above the allowances included for scheduled items, would need to be made, if value of project works is over \$1 million and scheduled allowances for Authorities and Charges are inadequate		note		
18	Our estimate is based on competitive quantitative tender criteria only. Allowances or factors for higher priced tenders being selected on qualitative criteria has not been allowed		note		
19	Removal and replacement of hazardous materials including asbestos and contaminated soil		note		
20	Excavation, removal and replacement of rock, building rubble, inground structures etc other than those noted		note		
21	Excavation, removal and replacement of soft spots		note		
22	Upgrading or diversion of existing services other than allowances for lowering existing services as noted		note		
23	Site infrastructure works beyond the site boundary not indicated		note		
24	Work to the war memorial		note		
25	Full removal of existing access road		note		
26	Irrigation to park areas not identified in the cost plan		note		
27	Cost escalation beyond 12 months		note		
28	Out of hours work		note		
29	On-going park maintenance costs beyond 12 month establishment periods for new works		note		
30	Goods and services tax (GST)		note		
	EXCLUSIONS TOTAL				<u>o</u>
	NOTES AND EXCLUSIONS TOTAL				0

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Project: KANGAROO GROUND WAR MEMORIAL PARK Cost Plan: DRAFT MANAGEMENT PLAN COST PLAN 01

No.	Item Description	Quantity	Unit	Rate	Total
	PATHWAY TO VIEWING PLATFORM				
<u>ХР</u>	32 SITE PREPARATION				
	SITE DEMOLITION				
31	Demolition of existing pavements, etc	1	item	5,000.00	5,000
	SITE PREPARATION				
32	Allow for site clearing of all rubbish and vegetation where new works to occur	1	item	1,000.00	1,000
	EARTHWORKS				
	Pavements				
33	300 Deep excavation to pavement areas	134	m2	15.00	2,010
34	Trim, grade and compact	134	m2	5.00	670
	32 SITE PREPARATION TOTAL				<u>8,680</u>
XR	33 ROADS, FOOTPATHS AND PAVED AREAS				
	ASPHALT PAVEMENTS				
35	Asphalt pavement including 150 deep cement stabilised existing subgrade, 100 deep Class 2 crushed rock, 140 deep Class 2 crushed rock, primer and 60 deep asphalt	134	m2	120.00	16,079
36	Allow for steel edging to asphalt pavement	92	m	35.00	3,220
37	Pram crossing	1	no	2,500.00	2,500
	33 ROADS, FOOTPATHS AND PAVED AREAS				21,799
PR	00 PRELIMINARIES				
	PRELIMINARIES				
38	Allow for builder's preliminaries	1		3,000.00	3,000
	00 PRELIMINARIES TOTAL				3,000
YY	46 DESIGN CONTINGENCY				
	DESIGN CONTINGENCY				
39	Allow for design contingency	1		4,000.00	4,000
	46 DESIGN CONTINGENCY TOTAL				4,000
ΥY	46 OTHER PROJECT COSTS				
	ESCALATION TO TENDER				
40	Allow for cost escalation to Tender (allow 12 months @ 3% p.a)	1	item	2,000.00	2,000
	CONSTRUCTION CONTINGENCY				
41	Allow for construction contingency @ 5.0%	1	item	2,000.00	2,000
	PROFESSIONAL FEES				
42	Allow for Professional Fees @ 12%	1	item	5,000.00	5,000

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No.	Item Description	Quantity	Unit	Rate	Total
	PATHWAY TO VIEWING PLATFORM				(Continued)
YY	46 OTHER PROJECT COSTS				(Continued)
	INSURANCES				
43	Allow for insurances (Provisional Sum)	1	item	1,000.00	1,000
	AUTHORITIES FEES AND CHARGES				
44	Allow for authorities fees and charges, permits, planting offset payments, etc (Provisional Sum)	1	item		Excluded
	46 OTHER PROJECT COSTS TOTAL				10,000
	PATHWAY TO VIEWING PLATFORM TOTAL				47,479



Project: KANGAROO GROUND WAR MEMORIAL PARK Cost Plan: DRAFT MANAGEMENT PLAN COST PLAN 01

No.	Item Description	Quantity	Unit	Rate	Total
	TOWER WORKS				
AR	31 ALTERATIONS AND RENOVATIONS				
	REMOVAL OF EXISTING EQUIPMENT				
45	Allow for removal of existing equipment in Tower foyer including making good (Provisional Sum)	1	item	10,000.00	10,000
	PAINTING OF FIRE SPOTTERS CABIN				
46	Allow for painting of Fire Spotters Cabin including access via boom lift (Provisional Sum)	1	item	20,000.00	20,000
	31 ALTERATIONS AND RENOVATIONS TOTAL				30,000
<u>PR</u>	00 PRELIMINARIES				
	PRELIMINARIES				
47	Allow for builder's preliminaries	1	item	3,000.00	3,000
	00 PRELIMINARIES TOTAL				3,000
<u>YY</u>	46 DESIGN CONTINGENCY				
	DESIGN CONTINGENCY				
48	Allow for design contingency	1	item	4,000.00	4,000
	46 DESIGN CONTINGENCY TOTAL				<u>4,000</u>
<u>YY</u>	46 OTHER PROJECT COSTS				
	ESCALATION TO TENDER				
49	Allow for cost escalation to Tender (allow 12 months @ 3% p.a)	1	item	2,000.00	2,000
	CONSTRUCTION CONTINGENCY				
50	Allow for construction contingency @ 5.0%	1	item	2,000.00	2,000
	PROFESSIONAL FEES				
51	Allow for Professional Fees @ 12%	1	item	5,000.00	5,000
	INSURANCES				
52	Allow for insurances (Provisional Sum)	1	item	2,500.00	2,500
	AUTHORITIES FEES AND CHARGES				
53	Allow for authorities fees and charges, permits, planting offset payments, etc (Provisional Sum)	1	item		Excluded
	46 OTHER PROJECT COSTS TOTAL				<u>11,500</u>
	TOWER WORKS TOTAL				48,500

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Project: KANGAROO GROUND WAR MEMORIAL PARK Cost Plan: DRAFT MANAGEMENT PLAN COST PLAN 01

No.	Item Description	Quantity	Unit	Rate	Total
	CARETAKERS COTTAGE				
AR	31 ALTERATIONS AND RENOVATIONS				
	RESTORATION OF CARETAKERS COTTAGE				
54	Allow for restoration works to existing Caretakers Cottage (within existing footprint only) including temporary propping, removal and reinstatement of roof, replacement of damaged timber structural elements to roof, ceiling and floor, replacement of door, repair of cracking stone walls, removal of vegetation growing over walls, repairs to roof tiles, drainage works to redirect water from door, etc	1	item	60,000.00	60,000
DD.	31 ALTERATIONS AND RENOVATIONS TOTAL				60,000
<u>PR</u>	OO PRELIMINARIES PRELIMINARIES				
55	Allow for builder's preliminaries	1	item	6,000.00	6,000
	00 PRELIMINARIES TOTAL			-,	6,000
YY	46 DESIGN CONTINGENCY				3,000
	DESIGN CONTINGENCY				
56	Allow for design contingency	1	item	7,000.00	7,000
	46 DESIGN CONTINGENCY TOTAL				7,000
YY	46 OTHER PROJECT COSTS				
	ESCALATION TO TENDER				
57	Allow for cost escalation to Tender (allow 12 months @ 3% p.a)	1	item	3,000.00	3,000
	CONSTRUCTION CONTINGENCY				
58	Allow for construction contingency @ 5.0%	1	item	4,000.00	4,000
	PROFESSIONAL FEES				
59	Allow for Professional Fees @ 12%	1	item	9,000.00	9,000
	INSURANCES				
60	Allow for insurances (Provisional Sum)	1	item	2,500.00	2,500
	AUTHORITIES FEES AND CHARGES				
61	Allow for authorities fees and charges, permits, planting offset payments, etc (Provisional Sum)	1	item	10,000.00	10,000
	46 OTHER PROJECT COSTS TOTAL				28,500
	CARETAKERS COTTAGE TOTAL				101,500

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Project: KANGAROO GROUND WAR MEMORIAL PARK Cost Plan: DRAFT MANAGEMENT PLAN COST PLAN 01

No.	Item Description	Quantity	Unit	Rate	Total
	TREE REPLACEMENT WORKS				
ХP	32 SITE PREPARATION				
	TREE REMOVAL				
62	Allow for removal of existing trees/shrubs including grubbing out roots and removing from site	53	no	2,500.00	132,500
	32 SITE PREPARATION TOTAL				<u>132,500</u>
<u>XL</u>	36 LANDSCAPING AND IMPROVEMENTS				
	MULCHED AREA				
63	75 deep mulch below new trees	996	m2	10.00	9,960
	TREES				
64	Evergreen tree (40L)	30	no	150.00	4,500
	MAINTENANCE				
65	Allow for maintenance to trees (2 years)	1	item	7,000.00	7,000
	36 LANDSCAPING AND IMPROVEMENTS TOTAL				<u>21,460</u>
PR	00 PRELIMINARIES				
	PRELIMINARIES				
66	Allow for builder's preliminaries	1		14,000.00	14,000
	00 PRELIMINARIES TOTAL				<u>14,000</u>
<u> YY</u>	46 DESIGN CONTINGENCY				
	DESIGN CONTINGENCY				
67	Allow for design contingency	1		17,000.00	17,000
	46 DESIGN CONTINGENCY TOTAL				<u>17,000</u>
<u> YY</u>	46 OTHER PROJECT COSTS				
	ESCALATION TO TENDER				
68	Allow for cost escalation to Tender (allow 12 months @ 3% p.a)	1	item	6,000.00	6,000
	CONSTRUCTION CONTINGENCY				
69	Allow for construction contingency @ 5.0%	1	item	10,000.00	10,000
	PROFESSIONAL FEES				
70	Allow for Professional Fees @ 12%	1	item	23,000.00	23,000
	INSURANCES				
71	Allow for insurances (Provisional Sum)	1	item	5,000.00	5,000
	AUTHORITIES FEES AND CHARGES				
72	Allow for authorities fees and charges, permits, planting offset payments, etc (Provisional Sum)	1	item	5,000.00	5,000
	46 OTHER PROJECT COSTS TOTAL				<u>49,000</u>

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### CM.170/21 Kangaroo Ground War Memorial Park Management Plan Attachment 1. Kangaroo Ground War Memorial Park Draft Management Plan

#### **DETAILED COST PLAN**



	TREE REPLACEMENT WORKS TOTAL				233,960
	TREE REPLACEMENT WORKS				(Continued)
N	lo. Item Description	Quantity	Unit	Rate	Total



No.	Item Description	Quantity	Unit	Rate	Total
	TREE REMOVAL WORKS (INTERNAL TREES)				
<u>XP</u>	32 SITE PREPARATION				
	TREE REMOVAL				
73	Allow for removal of existing trees/shrubs including grubbing out roots and removing from site	3	no	2,500.00	7,500
	32 SITE PREPARATION TOTAL				<u>7,500</u>
<u>PR</u>	00 PRELIMINARIES				
	PRELIMINARIES				
74	Allow for builder's preliminaries	1		1,000.00	1,000
	00 PRELIMINARIES TOTAL				<u>1,000</u>
ΥY	46 DESIGN CONTINGENCY				
	DESIGN CONTINGENCY				
75	Allow for design contingency	1		1,000.00	1,000
	46 DESIGN CONTINGENCY TOTAL				<u>1,000</u>
<u> YY</u>	46 OTHER PROJECT COSTS				
	ESCALATION TO TENDER				
76	Allow for cost escalation to Tender (allow 12 months @ 3% p.a)	1	item	1,000.00	1,000
	CONSTRUCTION CONTINGENCY				
77	Allow for construction contingency @ 5.0%	1	item	1,000.00	1,000
	PROFESSIONAL FEES				
78	Allow for Professional Fees @ 12%	1	item	2,000.00	2,000
	INSURANCES				
79	Allow for insurances (Provisional Sum)	1	item	1,500.00	1,500
	AUTHORITIES FEES AND CHARGES				
80	Allow for authorities fees and charges, permits, planting offset payments, etc (Provisional Sum)	1	item	5,000.00	5,000
	46 OTHER PROJECT COSTS TOTAL				<u>10,500</u>
	TREE REMOVAL WORKS (INTERNAL TREES) TOTAL				20,000



Project: KANGAROO GROUND WAR MEMORIAL PARK Cost Plan: DRAFT MANAGEMENT PLAN COST PLAN 01

No.	Item Description	Quantity	Unit	Rate	Total
	STONE EDGING AT TOWER BASE				
ХP	32 SITE PREPARATION				
	SITE PREPARATION				
81	Demolition of existing garden beds and Rosemary hedge	97	m2	10.00	970
	32 SITE PREPARATION TOTAL				<u>970</u>
<u>XN</u>	34 BOUNDARY WALLS, FENCING AND GATES				
	REINSTATE ROCK PLINTH				
82	Allow to remove existing and reinstate new rock edging to war memorial	49	m	650.00	31,850
	34 BOUNDARY WALLS, FENCING AND GATES TOTAL				<u>31,850</u>
<u>XL</u>	36 LANDSCAPING AND IMPROVEMENTS				
	GRASSED AREAS				
83	Make good to existing lawn including aeration, fertiliser and top dressing as required	162	m2	15.00	2,430
	36 LANDSCAPING AND IMPROVEMENTS TOTAL				<u>2,430</u>
<u>PR</u>	00 PRELIMINARIES				
	PRELIMINARIES				
84	Allow for builder's preliminaries	1		4,000.00	4,000
	00 PRELIMINARIES TOTAL				<u>4,000</u>
<u> YY</u>	46 DESIGN CONTINGENCY				
	DESIGN CONTINGENCY				
85	Allow for design contingency	1		4,000.00	4,000
	46 DESIGN CONTINGENCY TOTAL				<u>4,000</u>
YY	46 OTHER PROJECT COSTS				
00	ESCALATION TO TENDER			0.000.00	0.000
86	Allow for cost escalation to Tender (allow 12 months @ 3% p.a)	1	item	2,000.00	2,000
	CONSTRUCTION CONTINGENCY				
87	Allow for construction contingency @ 5.0%	1	item	3,000.00	3,000
	PROFESSIONAL FEES				
88	Allow for Professional Fees @ 12%	1	item	6,000.00	6,000
	INSURANCES				
89	Allow for insurances (Provisional Sum)	1	item	1,500.00	1,500
	AUTHORITIES FEES AND CHARGES				
90	Allow for authorities fees and charges, permits, planting offset payments, etc (Provisional Sum)	1	item		Excluded

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### CM.170/21 Kangaroo Ground War Memorial Park Management Plan Attachment 1. Kangaroo Ground War Memorial Park Draft Management Plan

#### **DETAILED COST PLAN**



No.	Item Description	Quantity	Unit	Rate	Total
	STONE EDGING AT TOWER BASE				(Continued)
YY	46 OTHER PROJECT COSTS				(Continued)
	46 OTHER PROJECT COSTS TOTAL				<u>12,500</u>
	STONE EDGING AT TOWER BASE TOTAL				55,750



Project: KANGAROO GROUND WAR MEMORIAL PARK Cost Plan: DRAFT MANAGEMENT PLAN COST PLAN 01

SITE PREPARATION  92 Allow for site clearing of all rubbish and vegetation where new works to occur  EARTHWORKS  Landscaped Area (Excluding Grasslands and Existing Lawn Areas)  93 Excavation to landscape area including decompaction 470 m2 4.00 1,880 as 2 site PREPARATION TOTAL 46,975  XL 36 LANDSCAPING AND IMPROVEMENTS GARDEN BEDS  95 Garden bed including cultivation, soil conditioner, fertiliser, 300 deep topsoil, 75 deep mulch and ground cover planting at 4 x 140 diameter pots/m2 and edging  96 Establishment and maintenance - 12 months 1 item 11,500.00 11,500 sunch and sunch a firm and sunch and sunch a firm and sunch and sunch a firm and sunch and sunch a firm and sunch a fi	No.	Item Description	Quantity	Unit	Rate	Total
SITE DEMOLITION		MEMORIAL WALK				
Demolition of part-existing access road including saw cutting   1,464 m2   30.00   43,926	<u>ХР</u>	32 SITE PREPARATION				
SITE PREPARATION		SITE DEMOLITION				
Allow for site clearing of all rubbish and vegetation where new works to occur  EARTHWORKS  Landscaped Area (Excluding Grasslands and Existing Lawn Areas)  Sexcavation to landscape area including decompaction  Trim and grade  Trim and grade  Trim and grade  32 SITE PREPARATION TOTAL  36 LANDSCAPING AND IMPROVEMENTS GARDEN BEDS  Garden bed including cultivation, soil conditioner, fertiliser, 300 deep topsoil, 75 deep mulch and ground cover planting at 4 x 140 diameter pots/m2 and edging  Establishment and maintenance - 12 months  IRRIGATION  77 Allow for irrigation to garden beds  SUNDRIES  88 Allow for new memorial plaques including concrete plinths (Provisional Sum)  36 LANDSCAPING AND IMPROVEMENTS TOTAL  79 Allow for builder's preliminaries  PRELIMINARIES  PRELIMINARIES  PRELIMINARIES  PRELIMINARIES  PRELIMINARIES  99 Allow for design contingency  DESIGN CONTINGENCY  Allow for design contingency  Total  Allow for cost escalation to Tender (allow 12 months @ 3%	91	Demolition of part-existing access road including saw cutting	1,464	m2	30.00	43,920
New works to occur   EARTHWORKS		SITE PREPARATION				
Landscaped Area (Excluding Grasslands and Existing Lawn Areas)  Excavation to landscape area including decompaction 470 m2 4.00 1,886 755 755 755 755 755 755 755 755 755 75	92		470	m2	1.00	470
Lawn Areas)  Excavation to landscape area including decompaction 470 m2 4.00 1,886 758 705 705 705 32 SITE PREPARATION TOTAL 46,975 XL 36 LANDSCAPING AND IMPROVEMENTS GARDEN BEDS  Garden bed including cultivation, soil conditioner, fertiliser, 300 deep topsoil, 75 deep mulch and ground cover planting at 4 x 140 diameter pots/m2 and edging  Establishment and maintenance - 12 months 1 item 11,500.00 11,500 INRIGATION  7 Allow for irrigation to garden beds 1 item 10,000.00 10,000 SUNDRIES  98 Allow for new memorial plaques including concrete plinths (Provisional Sum)  36 LANDSCAPING AND IMPROVEMENTS TOTAL 102,840 PRELIMINARIES PRELIMINARIES PRELIMINARIES PRELIMINARIES 1 1 14,000.00 14,000 14,000 OPRELIMINARIES TOTAL 14,000 PRELIMINARIES TOTAL 14,000 PRELIMINARIES TOTAL 17,000 17,000 46 DESIGN CONTINGENCY DESIGN CONTINGENCY 100 Allow for design contingency 1 1 17,000.00 17,000 46 OTHER PROJECT COSTS ESCALATION TO TENDER  101 Allow for cost escalation to Tender (allow 12 months @ 3% 1 item 6,000.00 6,000 p.a)		EARTHWORKS				
94       Trim and grade       470 m2       1.50       705         32 SITE PREPARATION TOTAL       46,975         XL 36 LANDSCAPING AND IMPROVEMENTS GARDEN BEDS         95       Garden bed including cultivation, soil conditioner, fertiliser, 300 deep topsoil, 75 deep mulch and ground cover planting at 4 x 140 diameter pots/m2 and edging       470 m2       122.00       57,340         96       Establishment and maintenance - 12 months       1 item       11,500.00       11,500         IRRIGATION         97       Allow for irrigation to garden beds       1 item       10,000.00       10,000         SUNDRIES         98       Allow for new memorial plaques including concrete plinths (Provisional Sum)       1 item       24,000.00       24,000         36 LANDSCAPING AND IMPROVEMENTS TOTAL       102,840         PRELIMINARIES         PRELIMINARIES         PRELIMINARIES         99 Allow for builder's preliminaries       1 14,000.00       14,000         YY       46 DESIGN CONTINGENCY         DESIGN CONTINGENCY         DESIGN CONTINGENCY         10 Allow for design contingency       1 17,000.00       17,000.00         46 DESIGN CONTI						
32 SITE PREPARATION TOTAL   36 LANDSCAPING AND IMPROVEMENTS	93	Excavation to landscape area including decompaction	470	m2	4.00	1,880
St.   36 LANDSCAPING AND IMPROVEMENTS   GARDEN BEDS	94	Trim and grade	470	m2	1.50	705
GARDEN BEDS		32 SITE PREPARATION TOTAL				<u>46,975</u>
95 Garden bed including cultivation, soil conditioner, fertiliser, 300 deep topsoil, 75 deep mulch and ground cover planting at 4 x 140 diameter pots/m2 and edging 96 Establishment and maintenance - 12 months 1 item 11,500.00 11,500 IRRIGATION 97 Allow for irrigation to garden beds 1 item 10,000.00 10,000 SUNDRIES 98 Allow for new memorial plaques including concrete plinths 1 item 24,000.00 24,000 (Provisional Sum)  36 LANDSCAPING AND IMPROVEMENTS TOTAL 102,840 100 PRELIMINARIES PRELIMINARIES 99 Allow for builder's preliminaries 1 14,000.00 14,000 1	<u>XL</u>	36 LANDSCAPING AND IMPROVEMENTS				
300 deep topsoil, 75 deep mulch and ground cover planting at 4 x 140 diameter pots/m2 and edging  96 Establishment and maintenance - 12 months		GARDEN BEDS				
IRRIGATION   97   Allow for irrigation to garden beds   1   item   10,000.00   10,000   SUNDRIES   98   Allow for new memorial plaques including concrete plinths   1   item   24,000.00   24,000   (Provisional Sum)   36   LANDSCAPING AND IMPROVEMENTS TOTAL   102,840	95	300 deep topsoil, 75 deep mulch and ground cover planting	470	m2	122.00	57,340
97 Allow for irrigation to garden beds 1 item 10,000.00 10,000 SUNDRIES 98 Allow for new memorial plaques including concrete plinths 1 item 24,000.00 24,000 (Provisional Sum)  36 LANDSCAPING AND IMPROVEMENTS TOTAL 102,840  PR 00 PRELIMINARIES PRELIMINARIES 99 Allow for builder's preliminaries 1 14,000.00 14,000 00 PRELIMINARIES 114,000.00 14,000 00 PRELIMINARIES TOTAL 14,000 14,000 00 PRELIMINARIES TOTAL 17,000 00 17,000 00 PRELIMINARIES TOTAL 17,000 17,000 00 17,000 00 PRELIMINARIES TOTAL 17,000 00 17,000 00 PRELIMINARIES TOTAL 17,000 00 1	96	Establishment and maintenance - 12 months	1	item	11,500.00	11,500
SUNDRIES		IRRIGATION				
98       Allow for new memorial plaques including concrete plinths (Provisional Sum)       1 item       24,000.00       24,000         36       LANDSCAPING AND IMPROVEMENTS TOTAL       102,840         PR       00       PRELIMINARIES         PRELIMINARIES       1       14,000.00       14,000         00       PRELIMINARIES TOTAL       1       14,000       14,000         YY       46       DESIGN CONTINGENCY       1       17,000.00       17,000         100       Allow for design contingency       1       17,000.00       17,000         YY       46       OTHER PROJECT COSTS       ESCALATION TO TENDER         101       Allow for cost escalation to Tender (allow 12 months @ 3%       1       item       6,000.00       6,000	97	Allow for irrigation to garden beds	1	item	10,000.00	10,000
(Provisional Sum)   36		SUNDRIES				
PR         00 PRELIMINARIES PRELIMINARIES           99         Allow for builder's preliminaries         1         14,000.00         14,000           YY         46 DESIGN CONTINGENCY DESIGN CONTINGENCY         1         17,000.00         17,000           100         Allow for design contingency 46 DESIGN CONTINGENCY TOTAL         1         17,000.00         17,000           YY         46 OTHER PROJECT COSTS ESCALATION TO TENDER         1         1 item 6,000.00         6,000.00           101         Allow for cost escalation to Tender (allow 12 months @ 3% 1 item 6,000.00         6,000.00         6,000.00	98		1	item	24,000.00	24,000
PRELIMINARIES   1		36 LANDSCAPING AND IMPROVEMENTS TOTAL				102,840
99 Allow for builder's preliminaries 1 14,000.00 14,000  00 PRELIMINARIES TOTAL 14,000  YY 46 DESIGN CONTINGENCY  DESIGN CONTINGENCY  100 Allow for design contingency 1 17,000.00 17,000  46 DESIGN CONTINGENCY TOTAL 17,000  YY 46 OTHER PROJECT COSTS  ESCALATION TO TENDER  101 Allow for cost escalation to Tender (allow 12 months @ 3% 1 item 6,000.00 6,000 p.a)	PR	00 PRELIMINARIES				
00 PRELIMINARIES TOTAL         14,000           YY         46 DESIGN CONTINGENCY           100         Allow for design contingency         1         17,000.00         17,000           46 DESIGN CONTINGENCY TOTAL         17,000         17,000           YY         46 OTHER PROJECT COSTS         ESCALATION TO TENDER           101         Allow for cost escalation to Tender (allow 12 months @ 3%         1 item         6,000.00         6,000		PRELIMINARIES				
YY         46 DESIGN CONTINGENCY           100 Allow for design contingency         1         17,000.00         17,000           46 DESIGN CONTINGENCY TOTAL         17,000           YY         46 OTHER PROJECT COSTS         ESCALATION TO TENDER           101 Allow for cost escalation to Tender (allow 12 months @ 3%         1 item 6,000.00         6,000.00	99	Allow for builder's preliminaries	1		14,000.00	14,000
DESIGN CONTINGENCY   1		00 PRELIMINARIES TOTAL				14,000
1 17,000.00 17,000  46 DESIGN CONTINGENCY TOTAL  TY 46 OTHER PROJECT COSTS ESCALATION TO TENDER  101 Allow for cost escalation to Tender (allow 12 months @ 3% 1 item 6,000.00 6,000 p.a)	YY	46 DESIGN CONTINGENCY				
46 DESIGN CONTINGENCY TOTAL  YY 46 OTHER PROJECT COSTS ESCALATION TO TENDER  101 Allow for cost escalation to Tender (allow 12 months @ 3% 1 item 6,000.00 6,000 p.a)		DESIGN CONTINGENCY				
YY 46 OTHER PROJECT COSTS ESCALATION TO TENDER  101 Allow for cost escalation to Tender (allow 12 months @ 3% 1 item 6,000.00 6,000 p.a)	100	Allow for design contingency	1		17,000.00	17,000
ESCALATION TO TENDER  101 Allow for cost escalation to Tender (allow 12 months @ 3% 1 item 6,000.00 6,000 p.a)		46 DESIGN CONTINGENCY TOTAL				<u>17,000</u>
101 Allow for cost escalation to Tender (allow 12 months @ 3% 1 item 6,000.00 6,000 p.a)	YY					
CONSTRUCTION CONTINGENCY	101	Allow for cost escalation to Tender (allow 12 months @ 3%	1	item	6,000.00	6,000
		CONSTRUCTION CONTINGENCY				

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No.	Item Description	Quantity	Unit	Rate	Total
	MEMORIAL WALK				(Continued)
YY	46 OTHER PROJECT COSTS				(Continued)
102	Allow for construction contingency @ 5.0%	1	item	10,000.00	10,000
	PROFESSIONAL FEES				
103	Allow for Professional Fees @ 12%	1	item	22,000.00	22,000
	INSURANCES				
104	Allow for insurances (Provisional Sum)	1	item	1,500.00	1,500
	AUTHORITIES FEES AND CHARGES				
105	Allow for authorities fees and charges, permits, planting offset payments, etc (Provisional Sum)	1	item		Excluded
	46 OTHER PROJECT COSTS TOTAL				<u>39,500</u>
	MEMORIAL WALK TOTAL				220,315



Project: KANGAROO GROUND WAR MEMORIAL PARK Cost Plan: DRAFT MANAGEMENT PLAN COST PLAN 01

No.	Item Description	Quantity	Unit	Rate	Total
	MEMORIAL GARDENS				
<u>XP</u>	32 SITE PREPARATION				
	SITE PREPARATION				
106	Allow for site clearing of all rubbish and vegetation where new works to occur	3,521	m2	1.00	3,521
	EARTHWORKS				
	Landscaped Area (Excluding Grasslands and Existing Lawn Areas)				
107	Excavation to landscape area	3,521	m2	2.00	7,042
108	Trim and grade	3,521	m2	1.50	5,282
	32 SITE PREPARATION TOTAL				<u>15,845</u>
<u>XL</u>	36 LANDSCAPING AND IMPROVEMENTS				
	GRASSED AREAS				
109	Make good to existing lawn including aeration, fertiliser and top dressing as required	2,521	m2	5.00	12,605
	GARDEN BEDS				
110	Garden bed including cultivation, soil conditioner, fertiliser, 300 deep topsoil, 75 deep mulch and ground cover planting at 4 x 140 diameter pots/m2 and edging	1,000	m2	122.00	122,000
111	Extra over garden bed with shrub planting for additional buffer planting	141	m2	56.00	7,896
112	Establishment and maintenance - 12 months	1	item	11,500.00	11,500
	IRRIGATION				
113	Allow for irrigation to garden beds and grass renovation area	1	item	40,000.00	40,000
	SUNDRIES				
114	Allow for new memorial plaques including concrete plinths (Provisional Sum)	1	item	24,000.00	24,000
	36 LANDSCAPING AND IMPROVEMENTS TOTAL				<u>218,001</u>
PR	00 PRELIMINARIES				
	PRELIMINARIES				
115	Allow for builder's preliminaries	1		22,000.00	22,000
	00 PRELIMINARIES TOTAL				22,000
<u> </u>	46 DESIGN CONTINGENCY				
	DESIGN CONTINGENCY				
116	Allow for design contingency	1		26,000.00	26,000
	46 DESIGN CONTINGENCY TOTAL				26,000
<u> </u>	46 OTHER PROJECT COSTS				
	ESCALATION TO TENDER				

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No.	Item Description	Quantity	Unit	Rate	Total
	MEMORIAL GARDENS				(Continued)
YY	46 OTHER PROJECT COSTS				(Continued)
117	Allow for cost escalation to Tender (allow 12 months @ 3% p.a)	1	item	9,000.00	9,000
	CONSTRUCTION CONTINGENCY				
118	Allow for construction contingency @ 5.0%	1	item	15,000.00	15,000
	PROFESSIONAL FEES				
119	Allow for Professional Fees @ 12%	1	item	34,000.00	34,000
	INSURANCES				
120	Allow for insurances (Provisional Sum)	1	item	1,500.00	1,500
	AUTHORITIES FEES AND CHARGES				
121	Allow for authorities fees and charges, permits, planting offset payments, etc (Provisional Sum)	1	item		Excluded
	46 OTHER PROJECT COSTS TOTAL				<u>59,500</u>
	MEMORIAL GARDENS TOTAL				341,346



No.	Item Description	Quantity	Unit	Rate	Total
	SIGNAGE - PARK				
YY	46 SPECIAL PROVISIONS				
	SIGNAGE				
122	Allow for Park sign (Provisional Sum)	1	item	10,000.00	10,000
	46 SPECIAL PROVISIONS TOTAL				10,000
PR	00 PRELIMINARIES				
	PRELIMINARIES				
123	Allow for builder's preliminaries	1		1,000.00	1,000
	00 PRELIMINARIES TOTAL				<u>1,000</u>
YY	46 DESIGN CONTINGENCY				
	DESIGN CONTINGENCY				
124	Allow for design contingency	1		2,000.00	2,000
	46 DESIGN CONTINGENCY TOTAL				2,000
YY	46 OTHER PROJECT COSTS				
	ESCALATION TO TENDER				
125	Allow for cost escalation to Tender (allow 12 months @ 3% p.a)	1	item	1,000.00	1,000
	CONSTRUCTION CONTINGENCY				
126	Allow for construction contingency @ 5.0%	1	item	1,000.00	1,000
	PROFESSIONAL FEES				
127	Allow for Professional Fees @ 12%	1	item	2,000.00	2,000
	AUTHORITIES FEES AND CHARGES				
128	Allow for authorities fees and charges, permits, planting offset payments, etc (Provisional Sum)	1	item		Excluded
	46 OTHER PROJECT COSTS TOTAL				4,000
	SIGNAGE - PARK TOTAL				17,000



No.	Item Description	Quantity	Unit	Rate	Total
	SIGNAGE - WAR MEMORIAL				
YY	46 SPECIAL PROVISIONS				
	SIGNAGE				
129	Allow for War Memorial sign (Provisional Sum)	1	item	7,500.00	7,500
	46 SPECIAL PROVISIONS TOTAL				<u>7,500</u>
PR	00 PRELIMINARIES				
	PRELIMINARIES				
130	Allow for builder's preliminaries	1		1,000.00	1,000
	00 PRELIMINARIES TOTAL				<u>1,000</u>
YY	46 DESIGN CONTINGENCY				
	DESIGN CONTINGENCY				
131	Allow for design contingency	1		1,000.00	1,000
	46 DESIGN CONTINGENCY TOTAL				<u>1,000</u>
<u> YY</u>	46 OTHER PROJECT COSTS				
	ESCALATION TO TENDER				
132	Allow for cost escalation to Tender (allow 12 months @ 3% p.a)	1	item	1,000.00	1,000
	CONSTRUCTION CONTINGENCY				
133	Allow for construction contingency @ 5.0%	1	item	1,000.00	1,000
	PROFESSIONAL FEES				
134	Allow for Professional Fees @ 12%	1	item	2,000.00	2,000
	AUTHORITIES FEES AND CHARGES				
135	Allow for authorities fees and charges, permits, planting offset payments, etc (Provisional Sum)	1	item		Excluded
	46 OTHER PROJECT COSTS TOTAL				<u>4,000</u>
	SIGNAGE - WAR MEMORIAL TOTAL				13,500



No.	Item Description	Quantity	Unit	Rate	Total
	SIGNAGE - CARETAKERS COTTAGE				
ΥY	46 SPECIAL PROVISIONS				
	SIGNAGE				
136	Allow for Caretakers Cottage sign (Provisional Sum)	1	item	3,500.00	3,500
	46 SPECIAL PROVISIONS TOTAL				<u>3,500</u>
PR	00 PRELIMINARIES				
	PRELIMINARIES				
137	Allow for builder's preliminaries	1		1,000.00	1,000
	00 PRELIMINARIES TOTAL				<u>1,000</u>
<u> YY</u>	46 DESIGN CONTINGENCY				
	DESIGN CONTINGENCY				
138	Allow for design contingency	1		1,000.00	1,000
	46 DESIGN CONTINGENCY TOTAL				<u>1,000</u>
<u> YY</u>	46 OTHER PROJECT COSTS				
	ESCALATION TO TENDER				
139	Allow for cost escalation to Tender (allow 12 months @ 3% p.a)	1	item	1,000.00	1,000
	CONSTRUCTION CONTINGENCY				
140	Allow for construction contingency @ 5.0%	1	item	1,000.00	1,000
	PROFESSIONAL FEES				
141	Allow for Professional Fees @ 12%	1	item	1,000.00	1,000
	AUTHORITIES FEES AND CHARGES				
142	Allow for authorities fees and charges, permits, planting offset payments, etc (Provisional Sum)	1	item		Excluded
	46 OTHER PROJECT COSTS TOTAL				<u>3,000</u>
	SIGNAGE - CARETAKERS COTTAGE TOTAL				8,500



No.	Item Description	Quantity	Unit	Rate	Total
	SIGNAGE - MEMORIAL GARDENS				
YY	46 SPECIAL PROVISIONS				
	SIGNAGE				
143	Allow for Memorial Gardens sign (Provisional Sum)	1	item	3,500.00	3,500
	46 SPECIAL PROVISIONS TOTAL				<u>3,500</u>
PR	00 PRELIMINARIES				
	PRELIMINARIES				
144	Allow for builder's preliminaries	1		1,000.00	1,000
	00 PRELIMINARIES TOTAL				<u>1,000</u>
YY	46 DESIGN CONTINGENCY				
	DESIGN CONTINGENCY				
145	Allow for design contingency	1		1,000.00	1,000
	46 DESIGN CONTINGENCY TOTAL				<u>1,000</u>
ΥY	46 OTHER PROJECT COSTS				
	ESCALATION TO TENDER				
146	Allow for cost escalation to Tender (allow 12 months @ 3% p.a)	1	item	1,000.00	1,000
	CONSTRUCTION CONTINGENCY				
147	Allow for construction contingency @ 5.0%	1	item	1,000.00	1,000
	PROFESSIONAL FEES				
148	Allow for Professional Fees @ 12%	1	item	1,000.00	1,000
	AUTHORITIES FEES AND CHARGES				
149	Allow for authorities fees and charges, permits, planting offset payments, etc (Provisional Sum)	1	item		Excluded
	46 OTHER PROJECT COSTS TOTAL				<u>3,000</u>
	SIGNAGE - MEMORIAL GARDENS TOTAL				8,500



No.	Item Description	Quantity	Unit	Rate	Total
	SIGNAGE - MEMORIAL WALK				
<u>YY</u>	46 SPECIAL PROVISIONS				
	SIGNAGE				
150	Allow for Memorial Walk sign (Provisional Sum)	1	item	3,500.00	3,500
	46 SPECIAL PROVISIONS TOTAL				<u>3,500</u>
PR	00 PRELIMINARIES				
	PRELIMINARIES				
151	Allow for builder's preliminaries	1		1,000.00	1,000
	00 PRELIMINARIES TOTAL				<u>1,000</u>
ΥY	46 DESIGN CONTINGENCY				
	DESIGN CONTINGENCY				
152	Allow for design contingency	1		1,000.00	1,000
	46 DESIGN CONTINGENCY TOTAL				<u>1,000</u>
<u>YY</u>	46 OTHER PROJECT COSTS				
	ESCALATION TO TENDER				
153	Allow for cost escalation to Tender (allow 12 months @ 3% p.a)	1	item	1,000.00	1,000
	CONSTRUCTION CONTINGENCY				
154	Allow for construction contingency @ 5.0%	1	item	1,000.00	1,000
	PROFESSIONAL FEES				
155	Allow for Professional Fees @ 12%	1	item	1,000.00	1,000
	AUTHORITIES FEES AND CHARGES				
156	Allow for authorities fees and charges, permits, planting offset payments, etc (Provisional Sum)	1	item		Excluded
	46 OTHER PROJECT COSTS TOTAL				<u>3,000</u>
	SIGNAGE - MEMORIAL WALK TOTAL				8,500



No.	Item Description	Quantity	Unit	Rate	Total
	SIGNAGE - WESTERN PARK THRESHOLD				
YY	46 SPECIAL PROVISIONS				
	SIGNAGE				
157	Allow for Western Park Threshold sign (Provisional Sum)	1	item	3,500.00	3,500
	46 SPECIAL PROVISIONS TOTAL				<u>3,500</u>
<u>PR</u>	00 PRELIMINARIES				
	PRELIMINARIES				
158	Allow for builder's preliminaries	1		1,000.00	1,000
	00 PRELIMINARIES TOTAL				<u>1,000</u>
<u> YY</u>	46 DESIGN CONTINGENCY				
	DESIGN CONTINGENCY				
159	Allow for design contingency	1		1,000.00	1,000
	46 DESIGN CONTINGENCY TOTAL				<u>1,000</u>
<u> YY</u>	46 OTHER PROJECT COSTS				
	ESCALATION TO TENDER				
160	Allow for cost escalation to Tender (allow 12 months @ 3% p.a)	1	item	1,000.00	1,000
	CONSTRUCTION CONTINGENCY				
161	Allow for construction contingency @ 5.0%	1	item	1,000.00	1,000
	PROFESSIONAL FEES				
162	Allow for Professional Fees @ 12%	1	item	1,000.00	1,000
	AUTHORITIES FEES AND CHARGES				
163	Allow for authorities fees and charges, permits, planting offset payments, etc (Provisional Sum)	1	item		Excluded
	46 OTHER PROJECT COSTS TOTAL				<u>3,000</u>
	SIGNAGE - WESTERN PARK THRESHOLD TOTAL				8,500



No.	Item Description	Quantity	Unit	Rate	Total
	SIGNAGE - MOOR-RUL GRASSLANDS				
YY	46 SPECIAL PROVISIONS				
	SIGNAGE				
164	Allow for Moor-Rul Grasslands sign (Provisional Sum)	1	item	3,500.00	3,500
	46 SPECIAL PROVISIONS TOTAL				<u>3,500</u>
PR	00 PRELIMINARIES				
	PRELIMINARIES				
165	Allow for builder's preliminaries	1		1,000.00	1,000
	00 PRELIMINARIES TOTAL				<u>1,000</u>
YY	46 DESIGN CONTINGENCY				
	DESIGN CONTINGENCY				
166	Allow for design contingency	1		1,000.00	1,000
	46 DESIGN CONTINGENCY TOTAL				<u>1,000</u>
ΥY	46 OTHER PROJECT COSTS				
	ESCALATION TO TENDER				
167	Allow for cost escalation to Tender (allow 12 months @ 3% p.a)	1	item	1,000.00	1,000
	CONSTRUCTION CONTINGENCY				
168	Allow for construction contingency @ 5.0%	1	item	1,000.00	1,000
	PROFESSIONAL FEES				
169	Allow for Professional Fees @ 12%	1	item	1,000.00	1,000
	AUTHORITIES FEES AND CHARGES				
170	Allow for authorities fees and charges, permits, planting offset payments, etc (Provisional Sum)	1	item		Excluded
	46 OTHER PROJECT COSTS TOTAL				<u>3,000</u>
	SIGNAGE - MOOR-RUL GRASSLANDS TOTAL				8,500



No.	Item Description	Quantity	Unit	Rate	Total
	SIGNAGE - MOOR-RUL VIEWING PLATFORM				
YY	46 SPECIAL PROVISIONS				
	SIGNAGE				
171	Allow for Moor-Rul Viewing Platform sign (Provisional Sum)	1	item	3,500.00	3,500
	46 SPECIAL PROVISIONS TOTAL				<u>3,500</u>
<u>PR</u>	00 PRELIMINARIES				
	PRELIMINARIES				
172	Allow for builder's preliminaries	1		1,000.00	1,000
	00 PRELIMINARIES TOTAL				<u>1,000</u>
<u> YY</u>	46 DESIGN CONTINGENCY				
	DESIGN CONTINGENCY				
173	Allow for design contingency	1		1,000.00	1,000
	46 DESIGN CONTINGENCY TOTAL				<u>1,000</u>
<u> YY</u>	46 OTHER PROJECT COSTS				
	ESCALATION TO TENDER				
174	Allow for cost escalation to Tender (allow 12 months @ 3% p.a)	1	item	1,000.00	1,000
	CONSTRUCTION CONTINGENCY				
175	Allow for construction contingency @ 5.0%	1	item	1,000.00	1,000
	PROFESSIONAL FEES				
176	Allow for Professional Fees @ 12%	1	item	1,000.00	1,000
	AUTHORITIES FEES AND CHARGES				
177	Allow for authorities fees and charges, permits, planting offset payments, etc (Provisional Sum)	1	item		Excluded
	46 OTHER PROJECT COSTS TOTAL				3,000
	SIGNAGE - MOOR-RUL VIEWING PLATFORM TOTAL				8,500



No.	Item Description	Quantity	Unit	Rate	Total
	SIGNAGE - CARETAKERS RESIDENCE				
YY	46 SPECIAL PROVISIONS				
	SIGNAGE				
178	Allow for Caretakers Residence sign (Provisional Sum)	1	item	3,500.00	3,500
	46 SPECIAL PROVISIONS TOTAL				<u>3,500</u>
PR	00 PRELIMINARIES				
	PRELIMINARIES				
179	Allow for builder's preliminaries	1		1,000.00	1,000
	00 PRELIMINARIES TOTAL				<u>1,000</u>
<u>YY</u>	46 DESIGN CONTINGENCY				
	DESIGN CONTINGENCY				
180	Allow for design contingency	1		1,000.00	1,000
	46 DESIGN CONTINGENCY TOTAL				<u>1,000</u>
<u> YY</u>	46 OTHER PROJECT COSTS				
	ESCALATION TO TENDER				
181	Allow for cost escalation to Tender (allow 12 months @ 3% p.a)	1	item	1,000.00	1,000
	CONSTRUCTION CONTINGENCY				
182	Allow for construction contingency @ 5.0%	1	item	1,000.00	1,000
	PROFESSIONAL FEES				
183	Allow for Professional Fees @ 12%	1	item	1,000.00	1,000
	AUTHORITIES FEES AND CHARGES				
184	Allow for authorities fees and charges, permits, planting offset payments, etc (Provisional Sum)	1	item		Excluded
	46 OTHER PROJECT COSTS TOTAL				3,000
	SIGNAGE - CARETAKERS RESIDENCE TOTAL				8,500



No.	Item Description	Quantity	Unit	Rate	Total
	SIGNAGE - WAR MEMORIAL CABINET				
YY	46 SPECIAL PROVISIONS				
	SIGNAGE				
185	Allow for War Memorial Cabinet sign (Provisional Sum)	1	item	3,500.00	3,500
	46 SPECIAL PROVISIONS TOTAL				<u>3,500</u>
PR	00 PRELIMINARIES				
	PRELIMINARIES				
186	Allow for builder's preliminaries	1		1,000.00	1,000
	00 PRELIMINARIES TOTAL				<u>1,000</u>
<u>YY</u>	46 DESIGN CONTINGENCY				
	DESIGN CONTINGENCY				
187	Allow for design contingency	1		1,000.00	1,000
	46 DESIGN CONTINGENCY TOTAL				<u>1,000</u>
<u> YY</u>	46 OTHER PROJECT COSTS				
	ESCALATION TO TENDER				
188	Allow for cost escalation to Tender (allow 12 months @ 3% p.a)	1	item	1,000.00	1,000
	CONSTRUCTION CONTINGENCY				
189	Allow for construction contingency @ 5.0%	1	item	1,000.00	1,000
	PROFESSIONAL FEES				
190	Allow for Professional Fees @ 12%	1	item	1,000.00	1,000
	AUTHORITIES FEES AND CHARGES				
191	Allow for authorities fees and charges, permits, planting offset payments, etc (Provisional Sum)	1	item		Excluded
	46 OTHER PROJECT COSTS TOTAL				3,000
	SIGNAGE - WAR MEMORIAL CABINET TOTAL				8,500



No.	Item Description	Quantity	Unit	Rate	Total
	SIGNAGE - MOOR-RUL VIEWING PLATFORM CABI	NETS			
<u> YY</u>	46 SPECIAL PROVISIONS				
	SIGNAGE				
192	Allow for Moor-Rul Viewing Platform signage in Cabinets (Provisional Sum)	1	item	20,000.00	20,000
	46 SPECIAL PROVISIONS TOTAL				20,000
<u>PR</u>	00 PRELIMINARIES				
	PRELIMINARIES				
193	Allow for builder's preliminaries	1		2,000.00	2,000
	00 PRELIMINARIES TOTAL				2,000
<u> YY</u>	46 DESIGN CONTINGENCY				
	DESIGN CONTINGENCY				
194	Allow for design contingency	1		3,000.00	3,000
	46 DESIGN CONTINGENCY TOTAL				3,000
<u> YY</u>	46 OTHER PROJECT COSTS				
	ESCALATION TO TENDER				
195	Allow for cost escalation to Tender (allow 12 months @ 3% p.a)	1	item	1,000.00	1,000
	CONSTRUCTION CONTINGENCY				
196	Allow for construction contingency @ 5.0%	1	item	2,000.00	2,000
	PROFESSIONAL FEES				
197	Allow for Professional Fees @ 12%	1	item	3,000.00	3,000
	AUTHORITIES FEES AND CHARGES				
198	Allow for authorities fees and charges, permits, planting offset payments, etc (Provisional Sum)	1	item		Excluded
	46 OTHER PROJECT COSTS TOTAL				6,000
	SIGNAGE - MOOR-RUL VIEWING PLATFORM CABINETS TOTAL				31,000



Project: KANGAROO GROUND WAR MEMORIAL PARK Cost Plan: DRAFT MANAGEMENT PLAN COST PLAN 01

No.	Item Description	Quantity	Unit	Rate	Total
	BENCH SEATING				
<u>XP</u>	32 SITE PREPARATION				
	SITE DEMOLITION				
199	Allow for demolition of miscellaneous hardscape items, picnic tables, etc	1	item	2,500.00	2,500
	32 SITE PREPARATION TOTAL				<u>2,500</u>
<u>XL</u>	36 LANDSCAPING AND IMPROVEMENTS				
	SUNDRIES				
200	Allow for bench seating (Provisional Sum)	1	item	15,000.00	15,000
	36 LANDSCAPING AND IMPROVEMENTS TOTAL				<u>15,000</u>
<u>PR</u>	00 PRELIMINARIES				
	PRELIMINARIES				
201	Allow for builder's preliminaries	1		2,000.00	2,000
	00 PRELIMINARIES TOTAL				<u>2,000</u>
<u> YY</u>	46 DESIGN CONTINGENCY				
	DESIGN CONTINGENCY				
202	Allow for design contingency	1		2,000.00	2,000
	46 DESIGN CONTINGENCY TOTAL				<u>2,000</u>
<u> YY</u>	46 OTHER PROJECT COSTS				
	ESCALATION TO TENDER				
203	Allow for cost escalation to Tender (allow 12 months @ 3% p.a)	1	item	1,000.00	1,000
	CONSTRUCTION CONTINGENCY				
204	Allow for construction contingency @ 5.0%	1	item	2,000.00	2,000
	PROFESSIONAL FEES				
205	Allow for Professional Fees @ 12%	1	item	3,000.00	3,000
	INSURANCES				
206	Allow for insurances (Provisional Sum)	1	item	500.00	500
	AUTHORITIES FEES AND CHARGES				
207	Allow for authorities fees and charges, permits, planting offset payments, etc (Provisional Sum)	1	item		Excluded
	46 OTHER PROJECT COSTS TOTAL				<u>6,500</u>
	BENCH SEATING TOTAL				28,000

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Project: KANGAROO GROUND WAR MEMORIAL PARK Cost Plan: DRAFT MANAGEMENT PLAN COST PLAN 01

No.	Item Description	Quantity	Unit	Rate	Total
	PICNIC TABLES				
<u>XP</u>	32 SITE PREPARATION				
	SITE DEMOLITION				
208	Allow for demolition of miscellaneous hardscape items, picnic tables, etc	1	item	2,500.00	2,500
	32 SITE PREPARATION TOTAL				<u>2,500</u>
<u>XL</u>	36 LANDSCAPING AND IMPROVEMENTS				
	SUNDRIES				
209	Allow for picnic tables (Provisional Sum)	1	item	30,000.00	30,000
	36 LANDSCAPING AND IMPROVEMENTS TOTAL				30,000
<u>PR</u>	00 PRELIMINARIES				
	PRELIMINARIES				
210	Allow for builder's preliminaries	1		3,000.00	3,000
	00 PRELIMINARIES TOTAL				3,000
<u>YY</u>	46 DESIGN CONTINGENCY				
	DESIGN CONTINGENCY				
211	Allow for design contingency	1		4,000.00	4,000
	46 DESIGN CONTINGENCY TOTAL				<u>4,000</u>
<u>YY</u>	46 OTHER PROJECT COSTS				
	ESCALATION TO TENDER				
212	Allow for cost escalation to Tender (allow 12 months @ 3% p.a)	1	item	2,000.00	2,000
	CONSTRUCTION CONTINGENCY				
213	Allow for construction contingency @ 5.0%	1	item	2,000.00	2,000
	PROFESSIONAL FEES				
214	Allow for Professional Fees @ 12%	1	item	5,000.00	5,000
	INSURANCES				
215	Allow for insurances (Provisional Sum)	1	item	500.00	500
	AUTHORITIES FEES AND CHARGES				
216	Allow for authorities fees and charges, permits, planting offset payments, etc (Provisional Sum)	1	item		Excluded
	46 OTHER PROJECT COSTS TOTAL				<u>9,500</u>
	PICNIC TABLES TOTAL				49,000

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# **Acknowledgement of Country**

Nillumbik Shire Council respectfully acknowledges the Wurundjeri Woi-wurrung people as the Traditional Owners of the Country on which Nillumbik is located, and we value the significance of the Wurundjeri Woi-wurrung people's history as essential to the unique character of the shire. We pay tribute to all First Nations People living in Nillumbik, give respect to Elders past, present and future, and extend that respect to all First Nations People.

We respect the enduring strength of the Wurundjeri Woi-wurrung and acknowledge the ongoing impacts of past trauma and injustices from European invasion, massacres and genocide committed against First Nations People. We acknowledge that sovereignty was never ceded.

Wurundjeri Woi-wurrung people hold a deep and ongoing connection to this place. We value the distinctive place of our First Nations people in both Nillumbik's and Australia's identity; from their cultural heritage and care of the land and waterways, to their ongoing contributions in many fields including academia, agriculture, art, economics, law, sport and politics.



2 | Youth Strategy 2022-2026

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It is with great pleasure that we present Nillumbik Shire Council's four-year Youth Strategy, our strategic commitment to how we will support and respond to the needs of young people aged 12-25 who live, work, study, volunteer or play in Nillumbik.

There are just over 12,000 young people living in Nillumbik, comprising 20 per cent of the Shire's population. They are an integral part of our community, bringing energy, new perspectives and fresh ideas.

Extensive research, as well as consultation with our youth through our Young Minds: Your Voice, Our Future engagement program, was undertaken to inform this strategy.

Notably, Nillumbik's first Youth Council, established in 2021 as an advisory committee to Council, was integral to the strategy's development. We are very proud of the 15 members' commitment to representing young people in the Shire and ensuring their voices are heard.

We would also like to thank all the young people who participated in the activities or completed a survey during the Young Minds engagement program. This collaborative approach to developing the Youth Strategy has given Nillumbik's young people a meaningful opportunity to contribute to the decision-making of Council.

Many representatives of various youth services and organisations in the municipality also contributed to this strategy, meeting with our project team and offering their valuable insights. A heartfelt thank you to everyone in our community who provided input.

Through the information collected from our discussions and interactions with Nillumbik's youth, we now have a clear direction to follow in the coming years, enabling us to make a positive impact and respond to the needs of young people in our Shire.

The Youth Strategy identifies five priorities, each with their own focus areas:

- Healthy and well
- Empowered and engaged
- Access to safe spaces and places
- Equipped and employed
- · Welcomed and connected

In addressing these priorities, it is important that we work in partnership with young people themselves, schools and education providers, parents/carers, clubs, businesses and other service providers to collectively make a difference.

We look forward to implementing this strategy and ensuring all young people feel heard, empowered and equipped to thrive in a community where they are healthy, safe and welcomed.

4 | Youth Strategy 2022-2026

# Message from Youth Council

Nillumbik's first Youth Council is proud to launch the Nillumbik Youth Strategy 2022-2026.

As an engaged group of 15 young people ranging in ages between 15-25 years old, we are honoured to have co-developed this four-year Youth Strategy 2022-2026 through a unique partnership between young people and Council.

We have taken a lead role in the development of the strategy from inception and consultation to delivery. The consultation process for the strategy was one of the first of its kind to be led by passionate young community members in Nillumbik. Just over 900 young people shared their experiences and thoughts through surveys, consultation events, group discussions, and school workshops, all of which were created and facilitated by us (young people), with the support of Council staff.

We look forward to seeing the positive impact of this strategy on our peers in the community. We were thrilled to be able to hear from a diverse range of young people across the development of this strategy and have their voices reflected in the final document. We firmly believe this Youth Strategy will help make a difference to young people in Nillumbik, and will provide Council with a clear guide to make informed decisions for young people, with young people, and back it up with meaningful action.

What have you enjoyed most about participating in the Youth Council in 2021?

"The involvement in projects, being able to be apart and see what happens "behind the scenes", as well as the opportunities and information I've learnt from this."

"Sharing my ideas and making a real impact on the community."

"Sharing and talking about ideas and talking about everyone's passions."

"Meeting new people and being able to have discussions that will result in a youth strategy that will help the youth of Nillumbik."

"It's been awesome to represent the youth of Nillumbik and work with likeminded young people to make a difference through the development of the 2022-2026 Youth Strategy."

We hope that through the implementation of the Youth Strategy 2022-2026, young people can feel heard and empowered to work together with Council create positive change for all.



# **Our Youth Council**

Nillumbik's Youth Council is a formal advisory committee of Council that consists of 15 young people aged 15-25 years old who live, work, study or play within Nillumbik. The Youth Council is responsible for the co-development and review of the Youth Strategy and annual implementation plan, which will also set out the priorities and actions for the Youth Council to lead with the support of Council across their two-year term.



### Youth Council members 2021-22:

**Back left to right:** Cavan Cartwright, Katie O'Brien, Imogen Jaques, Jack Linehan, Joseph Bowman, Bailey Cumming, and Maverick Knight

Front left to right: Brianne Keogh, Fieke van der Kamp, Indiana Sandwell, Kirra Imbriano, Orianna Edmonds, Maali Kerta-Rice, Taj Andreetta, and Lachlan Wadsworth.

6 | Youth Strategy 2022-2026

2021 Youth Council Mayor and Deputy Mayor

Youth Mayor: Fieke van der Kamp Youth Deputy Mayor: Jack Linehan

# Introduction

This strategy sets out a four-year strategic commitment to how Council will support and respond to the needs of young people aged 12-25 years of age who live, work, study, volunteer or play in the Shire of Nillumbik.

In the development of this strategy, the Nillumbik Youth Council has played a lead role in engaging and consulting with the young people in Nillumbik to gain a diverse perspective on matters impacting their lives within community. This process has ensured young people have a stronger voice and sense of importance in community.

The establishment of the Youth Council has also enhanced young people's understanding of Council and the Nillumbik community. The Youth Council has been provided opportunities to learn about the functions and role of Council and the local demographics and needs.

Using this knowledge, they have been supported to co-design the development of Nillumbik's first youth-led, youth strategy and implementation plan.

Nillumbik Shire Council's Youth Strategy 2022-2026 provides an integrated approach to ensuring that we continue to value and incorporate young people into Council by providing meaningful opportunities for young people, valuing their contributions and empowering them to help shape our community. This strategy has been informed by extensive community consultation with almost 900 young people and key internal and external stakeholders and sets out the strategic priorities and focus areas for Council's next four years' of planning and delivery.



Youth Strategy 2022-2026 | 7

# Development of the Youth Strategy

In December 2020, Council endorsed the establishment of the Nillumbik Youth Council, to act as an Advisory Committee of Council. A key role of the Youth Council was to lead the co-development and delivery of a four-year youth strategy and annual implementation plan.

The Young Minds: Your Voice, Our Future youth engagement program was developed by the Youth Council, aimed at engaging young people of Nillumbik through a range of activities supported by a youth survey. Up to 900 young people between 12 and 25 years of age, who live, work, study or play in Nillumbik participated in the engagement which ran from 14 June to 20 July 2021.

The Youth Strategy 2022-2026 has been informed by the research and feedback gathered through the Young Minds: Your Voice, Our Future engagement program, along with a series of stakeholder workshops with staff and external organisations. The broader community were also invited to provide feedback on the draft Youth Strategy via a public consultation period. Following the consideration of the submissions received, the youth strategy was then be presented for adoption at the Council meeting in December 2021.

#### Youth Council

#### March 2021

Nillumbik's first Youth Council established to co-design the Youth Strategy.

# Young Minds: Your Voice, Our Future

#### June-July 2021

The Young Minds: Your Voice, Our Future engagement with young people aged 12-25 years old.

# **Setting priorities**

#### August 2021

Workshops with the Youth Council to review the engagement findings and establish priorities for the four-year Youth Strategy.

# Stakeholder workshops

### August-September 2021

Workshops with our key stakeholders to test priorities and focus areas.

### Public consultation

#### October 2021

Young people, parents/carers, partners and community invited to provide feedback on draft Youth Strategy.

Youth Strategy launched
December 2021

8 | Youth Strategy 2022-2026

#### Our young people

#### Demographics

In 2016, there were 12,000 young people aged 12–25 years old living in Nillumbik. This equates to 20 per cent of the overall population (Source: 2016 Census).

This number is expected to remain consistent over the next 20 years with a forecast of 12,735 by 2036 (Source: Forecast.id).

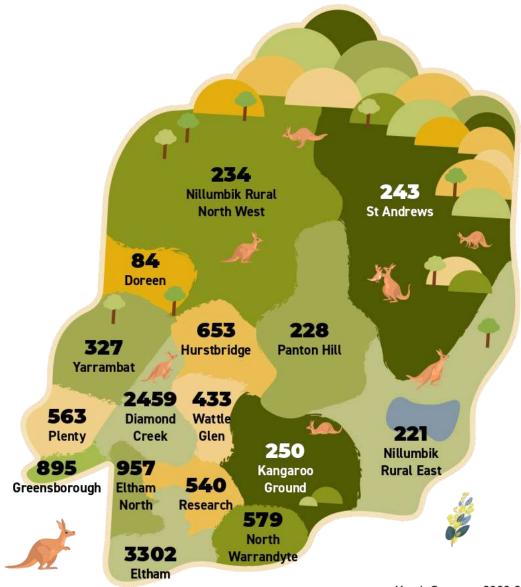
#### **Diversity**

Aboriginal and Torres Strait Islander People

According to the 2016 Census, Aboriginal and/or Torres Strait Islander people make up 0.4 per cent of the overall population in Nillumbik (236 people).

Of the 644 survey respondents who completed the *Young Minds: Your Voice, Our Future* youth survey, **1.59 per cent** (10 young people) identified as First Nations people.

#### Map: Number of Young people in Nillumbik by suburb



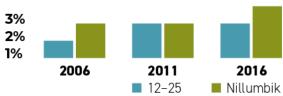
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#### Diversity (continued)

#### People with a disability

Of the 644 survey respondents who completed the *Young Minds: Your Voice, Our Future* youth survey, **5.6 per cent (36 respondents)** identified as having a disability. This is slightly higher than what was recorded in the 2016 Census.

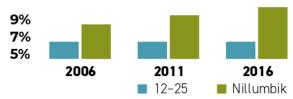
#### Proportion of the population with a disability



#### **Culturally and Linguistically Diverse**

**8.4 per cent (56)** young people completing the *Young Minds: Your Voice, Our Future* youth survey spoke a language other than English, which is again slightly higher than what was recorded in the 2016 Census. Common languages spoken at home included Italian and Dutch.

# Proportion of the population who speak a language other than English



#### LGBTQIA+

Out of 644 young people who completed our *Young Minds: Your Voice, Our Future* Youth Survey 2021, 141 respondents which is almost 1 in 4 (22 per cent) identified as LGBTQIA+.

#### Education

# Proportion of adults who completed year 12 52% 51% 54% 56% 55% 59% 60% 55% 50% 2006 2011 2016 18-25 Nillumbik

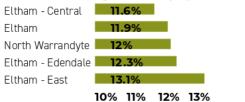
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#### **Employment and Education**

#### Unemployment

In 2016, 11.5 per cent of Nillumbik Shire's labour force aged 15 to 24 years were classed as unemployed compared to 15.9 per cent in Greater Melbourne. While Nillumbik Shire had a lower rate of unemployment in the 15 to 24 year age group, it is important to note that this varied across the Municipality. Proportions ranged from a low of 2.0 per cent in Wattle Glen to a high of 13.1 per cent in Eltham - East.

#### Areas with highest unemployment rates



Of survey respondents aged 15-25 completing the *Young Minds: Your Voice, Our Future* youth survey, 44 per cent told us they were unemployed. This is higher than what was recorded in the 2016 census, which may reflect the disproportionate impact COVID-19 has had on youth unemployment or reflect the higher proportion of respondents to the survey who were aged 15-18 years old compared to 19-25. More importantly, 38 per cent of respondents who were employed told us they were unsatisfied with the hours they work each week.

#### Disengagement

In 2016, 5.4 per cent of 15 to 24-year-olds in Nillumbik Shire were disengaged from employment and education, compared to 7.5 per cent in Greater Melbourne.

#### COVID-19 and young people

Since COVID-19 emerged as a major health threat in early 2020, the Coronavirus pandemic has affected young people across several life domains, many of which are interrelated. While some of the effects of COVID-19 on young people are emerging, it is highlighted by the Australian Institute of Health and Welfare that the full impact is complex and not yet fully understood. It should be noted that the effect of COVID-19 on young people is dynamic as outcomes change quickly when conditions change, for example social connectedness and the easing of, or introducing of, restrictions.

Many of the effects of COVID-19 on young people will be connected and could take some time to become apparent.

While COVID-19 affects everyone in a different way, the social and economic impact on young people have been substantial; young people have experienced high rates of psychological distress, loneliness, educational disruption, unemployment, housing stress and domestic violence.

The possible longer-term outcomes of COVID-19 for young people may include:

- Adverse effects from temporary disruption to education
- Potential consequences of unemployment on their long-term employment prospects and finances
- · Limited access to secure housing
- · Decline in mental health

Of respondents aged 15-25 completing the *Young Minds: Your Voice, Our Future* youth survey, 27% identified COVID-19 as factor impacting their ability to work or study.

Further to this, of the survey respondents that answered a question on the biggest challenges they have personally faced as a young person in Nillumbik, 35.7% told us loneliness/social isolation was one of their biggest challenges.

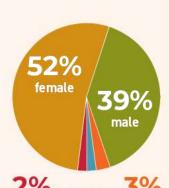
Over 20% of survey respondents also listed COVID-19 as one the 3 most important issues for young people in Nillumbik today, with 6% of respondents having ranking COVID-19 as the top issue. The issue of COVID-19 was selected by more survey respondents than school and education, crime and safety, and physical health.

#### What young people told us

Below is a snapshot of the key things we heard from the 2021 Young Minds: Your Voice, Our Future engagement program. For a full copy of the report please visit www.nillumbikyouth.vic.gov.au/.

897+

644 survey respondents



to answer other binary

8.4%

chose not

speak languages other than English at home

21.9%

identified as LGBTQIA+

5.6%

identified as a person with a disability

1.6%

identified as an Aboriginal or Torres Strait Islander person

#### How we engaged









Postcards

Vox pops



Council website and Participate Nillumbik



School workshops



Surveys

#### How you participated



Total of 644 surveys were completed



8 pop ups throughout the Shire.



15 interviews captured on camera



school workshops and presentations

#### What we heard

#### **Top 3:** Important issues

**76**% Mental health

Ø 27

27% Climate change

面

22% Discrimination

#### Top 3: Challenges



86% School stress



59% Anxiety



**38%** Body image / disordered eating

#### Top 3: Things most valued about living in Nillumbik



2

3 🔏

Friends

**Environment** 

Sport

#### Top 3: Facilities young people use



2 丰



Shops

Walking paths

Parks

#### **Interesting stats**



#### Mental health



#### Sexual health



#### Alcohol & drugs

- 28% identified as having a mental illness
  - 51% anxiety
  - 17% depression

Jobs

44% unemployed

38% unsatisfied

with hours they

work each week

- 8% eating disorders
- 57% don't know where they can go for information on birth control, pregnancy & STIs
- 22% are dissatisfied with sexual health education in school
- 43% never consume alcohol
- 13% have taken recreational drugs



Safety

45% said they feel unsafe when walking alone

# 5% said they Education and

eel unsafe when ralking alone

# Priority areas young people would like Council support on









#### **Top priorities**

Across the
897+ voices that
were captured during
the engagement
period, we identified
5 key themes that
encompass the priority
issues for young people
in Nillumbik Shire.

Mental health and wellbeing



2

Climate change and the environment



3

Discrimination and inclusion



Crime and safety



#### Council's role

**Engage:** We will directly engage and listen to our young people and community

**Empower:** We will facilitate opportunities for young people to lead the way

**Advocate:** We will advocate on behalf of the needs of young people

**Partner:** We will connect and collaborate with young people and key stakeholders

**Provide:** We will deliver youth-focused programs, services, spaces and grants

#### Strategic alignment

The Local Government Act 2020 promotes an integrated approach to strategic planning and reporting. Integrated strategic planning and reporting seeks to ensure strong alignment between key strategic documents and policies that direct and influence initiatives, activities and projects undertaken by Council.

More broadly, the Youth Strategy plays a role in supporting Council to achieving objectives under each of the four themes for a Community Vision - Nillumbik 2040 which are *Our People, Our Place, Our Future and Our Council.* 



#### **Priorities**

Nillumbik Youth Council, young people and stakeholders have identified five key priorities which will set the strategic direction over the next four years 2022-2026. This includes:

- 1. Healthy and Well
- 2. Empowered and Engaged
- 3. Access to Safe Spaces and Places
- 4. Equipped and Employed
- 5. Welcomed and Connected

#### **Symbols**

The following symbols will be used throughout each priority to indicate the direct alignment to strategies included within the Nillumbik's Municipal Public Health and Wellbeing Plan 2021-25 and Council Plan 2021-25.

- Municipal Public Health and Wellbeing Plan 2021-25
- ☆ Council Plan 2021-25





#### Focus Area 1.1: Mental Wellbeing

- Enhance opportunities for young people to have access to local, affordable, and inclusive mental health services
- Deliver early intervention and primary prevention initiatives to promote positive mental health and wellbeing
- Work with and support partners to provide targeted programs and initiatives that aim to address the mental health disparities amongst young people who identify as LGBTQIA+, living with a disability, First Nations or Culturally and Linguistically diverse

#### Focus Area 1.2: Physical Health

- Connect young people with physical activity opportunities through community settings including Living & Learning centres, leisure centres, recreational trails and sports clubs ◊
- Promote healthy food choices in young people through improved access to nutritious foods, policy and education ◊
- Encourage active and non-structured recreation in the natural environment, parks, open spaces and the trails network ◊
- Remove barriers for participation in sport and active recreation for young people who identify as female, non-binary, LGBTQIA+, are living with a disability, First Nations, or are Culturally and Linguistically Diverse ◊

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#### Focus Area 1.3: Sexual Health

- Advocate for Nillumbik secondary schools to provide inclusive sexual health education that empowers young people to make informed choices
- Deliver programs and initiatives that promote healthy and respectful relationships amongst young peopl
- Increase awareness and access to information on where to go to access support on Sexually Transmissable Infections (STIs), pregnancy and contraception

There was only really heterosexual sex education at school and it doesn't include conversations on consent or what a respectful relationship looks like.

15-year-old, Eltham North

# Focus Area 1.4: Alcohol and Other Drugs, Tobacco and Gambling

- Advocate for young people in Nillumbik to have access to youth alcohol and drug support and homelessness and crisis support services
- Work with our partners to reduce and minimise gambling harm ◊
- Investigate alcohol and other drug harm in the community to better understand the impact on young people and design and deliver initiatives to respond to the issues ◊
- Support sporting clubs and other community settings to challenge and change unhealthy alcohol cultures and create safe spaces for young people ◊

The biggest issue
for young people is mental
health. Even though it is more
present now than it was 20
years ago, it's still being
overlooked and some people
aren't speaking out as much
and that's a big issue for
people our age.

16-year-old, Eltham

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#### Focus Area 2.1: Climate Action

- Provide opportunities to amplify young people's voice in addressing the climate emergency
- Provide young people the skills and tools to take action on addressing the climate emergency
- Address impact of climate change on young people's mental health by increasing education and awareness on climate issues and fostering dialogue between Council and young people on climate action

# Focus Area 2.2: Youth Leadership and Participation

- Continue developing the profile and influence of the Nillumbik Youth Council
- Actively consult, engage and consider young people in Council's decision-making
- Provide training and development to support leadership skills and increase confidence in young people
- Support opportunities for young people to engage, co-design, plan and lead community activities, programs and events

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#### Focus Area 2.3: LGBTQIA+ Advocacy

- Empower LGBTQIA+ young people and provide opportunities to advocate for their rights
- Promote positive gender and sexual diversity through advocacy, awareness and celebration initiatives

#### Focus Area 2.4: Gender Equity

- In partnership with local organisations, businesses, sporting clubs and community members, raise awareness of gender equity and respectful relationships with young people ◊
- Increase the promotion of gender equality and prevention of violence against women messages through communications and social marketing ◊
- Raise awareness of family violence support services available for young people and support referral pathways

#### Focus Area 2.5: Environment and Sustainability

- Work with our community, First Nations people, partners and government agencies to promote sustainability and the environment to young people
- Promote Nillumbik's natural environment as a place for young people to explore.
- Provide volunteering opportunities and other programs that enable young people to learn about and get involved with the environment and sustainability

Talk to young people in the area and find out what they want.

#### 21-year-old, Eltham

Nillumbik need to pay attention to this generation and enable them in as many ways as they can to be a generation of people who are willing to change the world for the better, and to better themselves.

**18-year-old,** Hurstbridge

More LGBTIQ+ engagement and mental health support groups

#### 17-year-old, Greensborough

Our leaders are
not doing enough to stop
climate change and its effects
and that is going to be the
biggest hurdle for our
generation.

18-year-old, Research

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#### Focus Area 3.1: Youth Friendly Community Spaces

Image: Youth street art program

- Explore opportunities for a Youth Hub in Nillumbik that can provide a range of services, supports and programs for young people
- Ensure young people have access to safe, inclusive and welcoming youth friendly community spaces
- Provide opportunities for youth-led placemaking across Nillumbik

#### Focus Area 3.2: Safer Communities

- Provide safe and welcoming environments for young people by improving public places and spaces young people access such as skate parks, parks and walking paths
- Partner with organisations to deliver programs to young people that increase awareness and perceptions of safety
- Provide support and resources for parents to assist young people to be safe and respectful in all settings

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#### Focus Area 3.3: Inclusive Spaces and Places

- Provide training and information around access and inclusion to Council staff and youth workers in the community
- Create sensory friendly spaces and places across Nillumbik

Places teens can go to get support or just a place away from home to have a break.

13-year-old, Eltham

Many youth don't have a much money so focusing on spaces that feels both safe, welcoming and accessible for teenagers through active public space

**24-year-old,** Plenty

#### Focus Area 3.4: Bullying

- Adopt a shire-wide approach to anti-bullying in both school and community settings and support young people to respond to bullying behaviour
- Work with the local community and schools to promote the inclusion of young people who identify as LGBTQIA+, living with a disability, First Nations and culturally and linguistically diverse

Making communities
come together and unite, treat
everyone fairly and equally,
love, no discrimination and
racism, being there for
each other.

**14-year-old,** Hurstbridge

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# Priority 4: Equipped and Employed Objective: Young people have access to and are able to maintain meaningful employment and education.

#### Focus Area 4.1: Employment and Education Pathways

Image: Young person learning barista techniques through a youth employment program.

- Help young people recover from the impacts of COVID-19 by providing opportunities for young people to gain volunteering and work experience, internships and employment through Council and other local industries
- Partner with schools and organisations to provide career pathway advice and access to information about employment opportunities
- Provide a range of vocational learning opportunities to connect young people to meaningful pathways to employment

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#### Focus Area 4.2: Job Ready

- Partner with our stakeholders to deliver a range of events and programs that aim to enhance young people's job readiness, employability and life skills
- Connect young people to available services that provide individual support with training and employment

#### Focus Area 4.3: Financial Wellbeing

- Ensure young people in Nillumbik have access to information and resources to support them to feel financially well
- Provide paid opportunities for young people at Council in areas such as consultation, music, arts, photography/videography, and delivery of events/programs
- Deliver initiatives that enhance young people's education and skills to support financial wellbeing

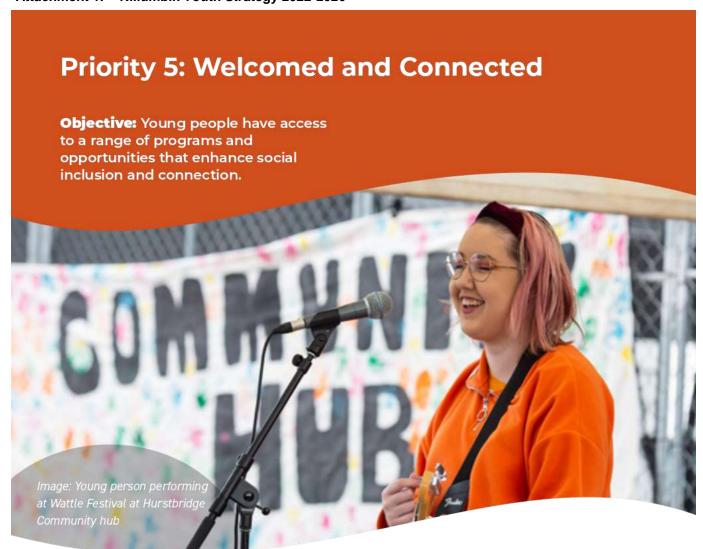
It would be awesome to have information on university, info on full-time jobs, understanding things like super and other money matters.

> **16-year-old,** Eltham

Youth volunteer programs to help them gain experience for future jobs.

**20-year-old,** Yarrambat





#### Focus Area 5.1: Creative Community

- Work with young people to plan and deliver youth-focused arts and culture-based programs and events
- Deliver a range of arts and culture programs with a focus on art, dance, music and theatre

#### Focus Area 5.2: Access and Inclusion

- Ensure all young people have access to inclusive services that respond to their individual needs ☆
- Protect Aboriginal cultural heritage, and through building trust, education and celebration, and respect for all First Nations people

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 Young people have access to support programs to receive their driving licence, who may not otherwise have access to driving practice

#### Focus Area 5.3: Social Connection

- Provide a regular program of youth activities through Nillumbik Youth that encourage young people to learn new skills, try new things and get to know new people
- Provide opportunities for social inclusion and connection through arts, wellbeing, nature and leadership programs at Living & Learning centres, Neighbourhood Houses, other community spaces and with community groups ◊

More events run by young people in collaboration with the community of young people eg. BMX training, live music, small-scale festivals/carnivals, picnics in the park.

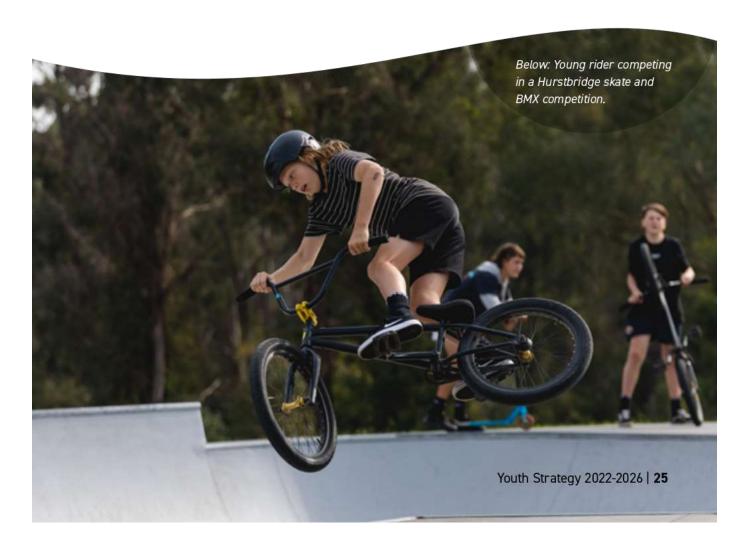
22-year-old, Eltham North

More LGBTQIA+ Activates, Community Events, Aboriginal/ POC Events. Disability Awareness: community.

**13-year-old,**Diamond Creek

Live music, youth festival, workshops over the holidays - performing arts and art. Role playing games like Dungeons & Dragons

**13-year-old,** Hurstbridge



#### Implementation and evaluation

Every 12 months, an annual implementation plan will be prepared, which will provide the detail of how Council (with support of the Youth Council and other partners) will implement the strategic objectives in this Youth Strategy and how we measure progress.

An evaluation on the current year annual implementation plan will also be completed prior to a new annual implementation plan being prepared.

## Annual implementation plans will include:

- Actions related to each strategic objective in the strategy
- Timeframe each action will be delivered
- Who is responsible within Council to deliver the action
- Partners involved in delivering the action

#### Annual reviews

Annual reviews will be conducted each year in December.

They will evaluate the progress made within each of the priority areas. A traffic light rating system will be used to identify action within the annual implementation plan that are complete, on track or delayed.

Case studies from key initiatives will also be included in each annual review.

The reports will also monitor trends, identify opportunities for improvements and inform the development of the next annual implementation plan to ensure actions remain relevant for continued investment by Council over the life of the strategy.

Council will share an annual summary report of the review with key stakeholders including Councillors, Council officers, service providers, community and young people.

#### **Youth Council**

As a formal advisory committee of Council, the Nillumbik Youth Council is responsible for overseeing the development and implementation of this strategy within their two-year term and will support the annual review process.

### **Acknowledgements of contributions**

We would like to thank and acknowledge the following contributors from Nillumbik who supported the development of this Youth Strategy:

Nillumbik Youth Council

Young people

Parents and carers

Schools and education providers

Principals and teachers

Youth Affairs Council Victoria (YACVic)

Foundation of Rural Regional Renewal (FRRR)

Councillors

Council staff

**Advisory Committees** 

Community

Banyule Nillumbik Youth Services Network

Banyule Nillumbik Local Learning Employment

Network

headspace Greensborough

healthAbility

Victoria Police

Sporting clubs

Community groups

Yarra Plenty Regional Library

#### **Contact Us**

Website: nillumbikyouth.vic.gov.au Nillumbik Shire Council Ph: 9433 3111

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Facebook: facebook.com/nillumbikyouth PO Box 476, Greensborough VIC 3088

Instagram: @nillumbikyouth

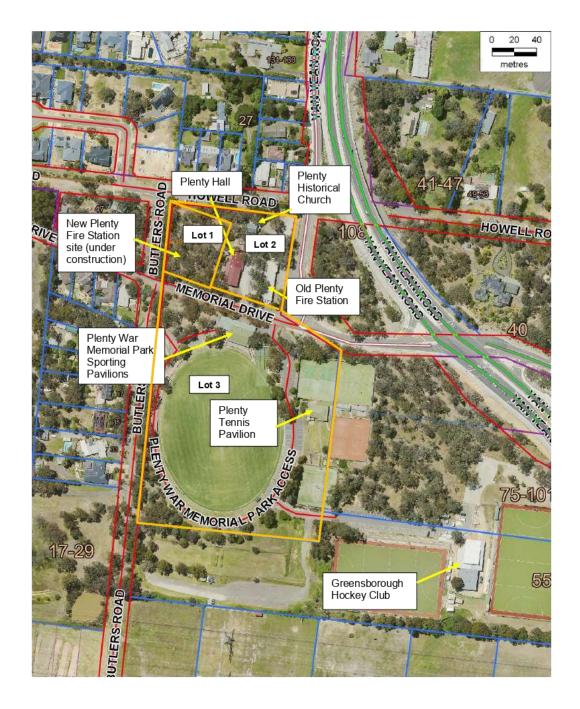
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Adoption of Nillumbik Youth Strategy 2022-2026

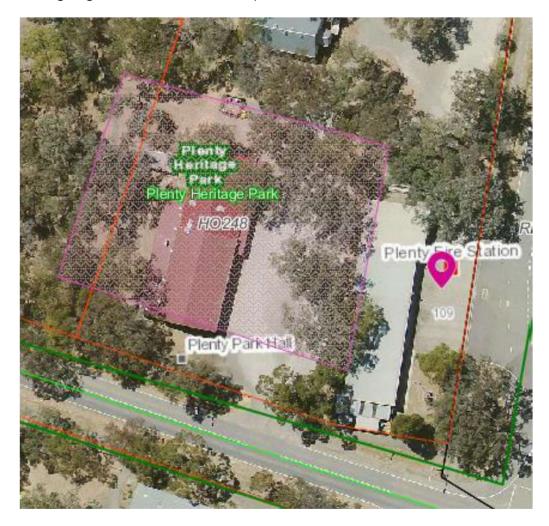
CM.171/21

#### Attachment 1

#### Aerial Plan of Land - 109-115 Yan Yean Road, Plenty



The property is zone Public Park and Recreation Zone and is affected by the Bushfire Management Overlay, Heritage Overlay – No 248 (the details of the Heritage significance is detailed below).



# CM.173/21 Recreation & Leisure Strategy 2022-2030 - Community Engagement Attachment 1. Community Engagement Plan

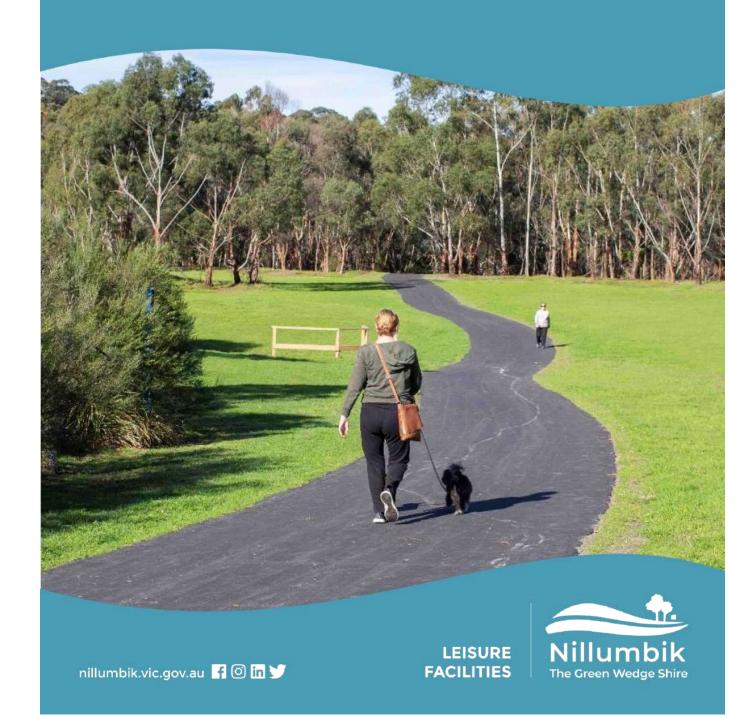
#### Community Engagement Plan for the Draft Recreation & Leisure Strategy 2022-2030

Actions	Timing
Community Engagement Plan Objective:	
The key objective of the Community Engagement Plan is to seek feedback from the community and key stakeholders on the 2022-2030 Recreation & Leisure Strategy	January 31 2022 – March 4 2022
Opportunities to Submit Comment:	
Draft Strategy available to the wider community through <i>Participate Nillumbik</i> on Council website	January 31 2022 – March 4 2022
Draft Strategy will be emailed directly to key stakeholders (e.g. sport and recreation clubs, leagues/associations, relevant state sporting organisations)	January 31 2022 – March 4 2022
2 x virtual forums will be facilitated for key stakeholders to provide verbal feedback on the strategy	January 31 2022 – March 4 2022
QR code with link to <i>Participate Nillumbik</i> website will be displayed on corflute posters at Nillumbik playgrounds and at key trailheads	January 31 2022 – March 4 2022
Pop up consultations facilitated at Council's leisure facilities	January 31 2022 – March 4 2022
Social media campaign – promoting link to Draft Strategy on <i>Participate</i> Nillumbik via Facebook/Instagram/LinkedIn	January 31 2022 – March 4 2022
Internal communications via Wedgetales	January 31 2022 – March 4 2022
Participate Nillumbik:	
The community will be able to access the Draft Recreation & Leisure Strategy on Participate Nillumbik	
FAQs will be provided	
Project contact information will be provided	January 31 2022 – March 4 2022
Timeline for endorsement of strategy	
The Recreation and Leisure team will collate all comments received from the community through <i>Participate Nillumbik</i>	
Pop Up Community Engagement Sessions:	
Pop up community consultation sessions will be facilitated by the Recreation and Leisure Team across 4 of Council's Leisure Facilities – including Eltham Leisure Centre, Diamond Creek Community Centre, Community Bank Stadium and Yarrambat Golf Course.	
The Recreation and Leisure Team will liaise with facility operators to select days and times for sessions where the greatest cross-section of community members and community groups can be provided the opportunity to provide feedback	January 31 2022 – March 4 2022
The community will be provided with the opportunity to read the draft Recreation and Leisure Strategy via IPad or in hard copy.	
The community can provide written feedback, or verbal feedback to the officers facilitating the sessions	

# CM.173/21 Recreation & Leisure Strategy 2022-2030 - Community Engagement Attachment 1. Community Engagement Plan

•	The Recreation and Leisure Team will collate all feedback received from the community through the pop up community engagement sessions
•	The pop up engagement sessions will be held on-line if required by Covid restrictions

# RECREATION STRATEGY 2022 – 2030



If you require the 2022-2030 Recreation Strategy in an alternative format, email <a href="mailto:leisure@nillumbik.vic.gov.au">leisure@nillumbik.vic.gov.au</a> or phone 9433 3111.

If you are deaf or have a hearing or speech impairment, please contact us through the National Relay Service on 13 36 77.

#### **Acknowledgement of Country**

Nillumbik Shire Council respectfully acknowledges the Wurundjeri Woi-wurrung people as the Traditional Owners of the Country on which Nillumbik is located, and we value the significance of the Wurundjeri Woi-wurrung people's history as essential to the unique character of the shire. We pay tribute to all First Nations People living in Nillumbik, give respect to Elders past, present and future, and extend that respect to all First Nations People.

We respect the enduring strength of the Wurundjeri Woi-wurrung and acknowledge the ongoing impacts of past trauma and injustices from European invasion, massacres and genocide committed against First Nations People. We acknowledge that sovereignty was never ceded.

Wurundjeri Woi-wurrung people hold a deep and ongoing connection to this place. We value the distinctive place of our First Nations people in both Nillumbik's and Australia's identity; from their cultural heritage and care of the land and waterways, to their ongoing contributions in many fields including academia, agriculture, art, economics, law, sport and politics.

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#### Introduction

Nillumbik Shire Council values the roles that sport, leisure and active recreation play in improving the health, wellbeing and quality of life of Nillumbik residents.

People who live, work, study, volunteer and play in Nillumbik Shire are involved in a wide variety of recreation activities. Council understands the importance that physical activity, active participation and volunteerism play in building strong and healthy communities.

The purpose of this strategy is to renew Council's commitment to recreation across the municipality. The strategy provides strategic priorities and objectives which will inform the development of sport, leisure and active recreation in Nillumbik over the next 8 years. The strategy is underpinned by two 4-year action plans spanning from 2022-2026 and 2026-2030.

This strategy has been informed by extensive community consultation with key internal and external stakeholders, including community sporting clubs, peak bodies/State Sporting Associations and leisure providers, as well as community users of open space, skate parks, trails and playgrounds.

#### Vision

Nillumbik Shire will be characterized by well-planned, sustainable facilities and environments which meet the changing recreation needs of our diverse community.

Opportunities to participate will be supported through strong partnerships between Council, the community and leisure providers.

We will remove barriers to participation in sport and recreation for underrepresented groups in the community, including women and girls, people with a disability, the LGBTQIA+ community, First Nations people, socio-economically disadvantaged individuals, older adults and people from culturally and linguistically diverse (CALD) backgrounds.

[INSERT SUCCINCT VISION STATEMENT HERE – TBC Needs to emphasize:

1. High standard of facilities

2. Importance of partnerships

3. Participation for ALL]

#### Physical Activity in Nillumbik

Participation in physical activity is an important part of a healthy lifestyle.

Being physically active by engaging in sport and active recreation improves health outcomes, promotes mental wellbeing and can reduce the risk of developing chronic health conditions, such as obesity and heart disease. Being socially connected through physical activity has positive impacts on the psychological, social and emotional wellbeing of individuals and communities.

In Nillumbik, 63% of residents regularly engage in sufficient levels of physical activity, and 74% of residential properties are within 400m of public open space. Compared to all Victorians, a similar proportion of Nillumbik residents engaged in no physical activity during the week 13.2%, Victoria = 18.9%). A significantly larger proportion of Nillumbik residents engaged in physical activity four or more days per week compared with the Victorian estimate (49.5%, Victoria = 41.3%).

Physical activity can take place in many forms. Recreation, for the purpose of this strategy, is a broad term encompassing both sporting activities and active recreation.

**Sport** includes competitive and non-competitive sporting activities which are organised, sanctioned by a governing body and are undertaken using Council resources and facilities (e.g. AFL Football, Netball and Soccer)

Active Recreation is not organised and is without a governing structure. The three most popular forms of active recreation in Nillumbik are walking (58.2%), cycling (15.4%), and jogging or running (12.4%). Other examples of active recreation include use of playgrounds, skate parks and trails.

In addition to community sport and active recreation assets, Council owns and manages 5 major leisure facilities:

- Yarrambat Park Golf Course
- Eltham Leisure Centre
- Diamond Creek Community Centre
- Diamond Valley Sport and Fitness Stadium, and
- Community Bank Stadium

These settings facilitate both sport and active recreation and are managed through long term contracts with specialized leisure providers.

#### COVID-19 and Recreation

As the coronavirus (COVID-19) pandemic has evolved, there has been a broad range of impacts on the lives of Victorians, including impacts to the economy, education, employment, healthcare and participation in community activities. The 2021 'Together in Nillumbik' survey found 52% of Nillumbik residents reported that they were less physical active as a direct result of COVID-19 restrictions.

The height of the state's lockdown directive resulted in the temporary cessation of all community sport in Victoria. From adopting strict hygiene protocols to modifying training and game formats, community sport has been quick to adapt to the evolving public health guidelines in order to continue to provide participation opportunities to the community.

As part of the 2020-21 Club Development survey, Nillumbik sporting clubs identified their top concerns in regards to the impact of the COVID-19 pandemic on local community sport. 2/3 of Nillumbik clubs expressed concerns around their ability to retain members, where 1/2 of all clubs highlighted the detrimental financial impact of the pandemic. 1 in 5 clubs expressed concern at their capacity to comply with COVID-19 operational guidelines.

The possible longer-term outcomes of COVID-19 for community sport may include:

- Decline in participation and memberships
- · Loss of volunteers
- Financial instability

Conversely, the restrictions experienced during the COVID-19 saw a significant increase in participation in active recreation, highlighting the important role that active recreation infrastructure and open space play in improving physical and mental health and well-being.



Image Description: An individual utilizes an adaptive bicycle on Diamond Creek trail

CM.173/21 Recreation & Leisure Strategy 2022-2030 - Community Engagement Attachment 2. Draft Recreation and Leisure Strategy 2022 - 2030



#### Strategic alignment

The Local Government Act 2020 promotes an integrated approach to strategic planning and reporting. Integrated strategic planning and reporting seeks to ensure strong alignment between key strategic documents and policies that direct and influence initiatives, activities and projects undertaken by Council.

The following symbols will be used throughout each priority to indicate the direct alignment to strategies included within the Nillumbik's Municipal Public Health and Wellbeing Plan 2021-25 and Council Plan 2021-25.

#### Symbols

▼ Municipal Public Health and Wellbeing Plan 2021-25 © Council Plan 2021-25

More broadly, the Recreation Strategy plays a role in supporting Council to achieving objectives under each of the four themes for a Community Vision - Nillumbik 2040 which are *Our People, Our Place, Our Future and Our Council.* 

#### **Priorities**

Nillumbik Shire Council have identified 6 key priorities which will guide the strategic direction of recreation over the next 8 years. These include:

- Increasing Participation and Usage of Facilities and Open Space
- 2. Promoting Equity and Inclusion
- 3. Infrastructure Renewal and Upgrade
- 4. Community Engagement and Partnerships
- 5. Community Development and Strengthening
- 6. Sustainable Environments

# Priority 1: Increasing Participation and Usage of Facilities and Open Space

Increasing participation in physical activity is a priority for both State and Federal governments.

As a local government authority, Nillumbik Shire Council has a responsibility to maximize participation opportunities for the local community.

Council are committed to actively maintaining and renewing recreation assets, including sport grounds, playgrounds, trails, skate parks and leisure facilities, in alignment with asset management plans to ensure they are able to cater to an increase in usage.

Council will work closely with community sporting clubs and leisure providers to deliver programs and services which maximize opportunities for individuals and groups to be physically active.

- 1.1 Annual participation and usage data collection reflects increase in overall community participation in recreation.
- 1.2 Annual participation and usage data collection reflects an increase in recreation participation in key targeted demographics; including women and girls, people with a disability, First Nations people, the LGBTQIA+ community, older adults and CALD communities.
- 1.3 Recreation and Leisure work proactively with community groups to address decline or stagnation in participation through targeted action plans.
- 1.4 Recreation and Leisure actively support and promote opportunities to participate in active recreation opportunities, including walking, skating, scootering and cycling.

#### Priority 2: Promoting Equity and Inclusion

Council has a responsibility to ensure that all people have the opportunity to participate in recreation, regardless of their age, gender, ability, cultural background or socio-economic status.

Council play a significant role in actively encouraging equity and inclusion across all aspects of recreation, and in addressing the inequities to ensure greater access to programs and facilities.

Council will prioritize projects and programs which provide equity of access and which support the meaningful participation of underrepresented groups in sport and recreation. This will be achieved through the adoption of universal design principles, as well as through equitable scheduling and resource distribution.

Council will incentivize equity, diversity and inclusion through fees and charges and funding opportunities.

- 2.1 Projects, programs and services which support an increase in access, equity and inclusion in recreation are prioritised for funding.
- 2.2 Recreation and Leisure complete annual actions outlined in the Health and Wellbeing and Disability Action Plans.
- 2.3 Fees and charges for recreation facilities incentivise equitable access and promote inclusive practices.
- 2.4 Recreation and Leisure proactively work with community groups to increase awareness and build capacity around inclusion best practice.
- 2.5 The Inclusive Sports Pavilion Plan is implemented.
- 2.6 Recreation and Leisure actively pursue options to make recreation and leisure facilities more accessible.
- 2.7 Where possible, access assessment findings undertaken by an independent accredited access consultant are utilised in the design of recreation assets, leisure facilities, trails and play spaces.

#### Priority 3: Infrastructure Renewal and Upgrade

Council will actively pursue funding opportunities to renew ageing infrastructure, upgrade existing infrastructure and develop new infrastructure to meet the community's changing needs and expectations around recreation.

Council will work closely with partners, including but not limited to; community groups, leisure providers and the Department of Education to better understand community needs and deliver projects.

Council will make decisions around funding in a transparent, principled and consistent manner. Projects will be prioritized on a needs basis, with an emphasis on projects which deliver inclusive and accessible participation opportunities.

- 3.1 Playgrounds are systematically renewed as per Lifetime Play Framework
- 3.2 Projects that meet multiple strategy principles are prioritised
- 3.3 Recreation and Leisure actively pursue grant and funding opportunities to develop and renew assets to meet community needs



Image Description: Diamond Creek Regional Play space

#### Priority 4: Community Engagement and Partnerships

Council will continue to engage enthusiastically with community sporting clubs, governing bodies, leisure providers and members of the community regarding recreation throughout the municipality.

Council will continue to build positive and supportive partnerships with community sporting clubs, with a focus on beneficial occupancy arrangements, acquisition of funding and grants and provision of club education.

Council values its relationships with the leagues, associations and the state and national sporting bodies which govern structured recreation activities. Council will continue to work collaboratively with them to advocate for Nillumbik clubs, strengthen partnerships and align strategic direction.

Council will undertake community consultation on recreation projects in accordance with Council's Community Engagement Policy. Council are committed to meaningful engagement with community members to identify and address the recreation needs of those who live, work and play in Nillumbik. Consultation findings will shape the development of the Recreation Strategy's Action Plans and Levels of Service.

- 4.1 All community engagement is undertaken in alignment with Council's Community Engagement Policy
- 4.2 A Recreation Advisory Committee is formed to provide guidance on recreation and leisure opportunities within the Shire
- 4.3 The annual Club Development Survey demonstrates a year on year increase in satisfaction rating of Council's engagement with community sporting clubs
- 4.4 Recreation and Leisure support community sporting clubs and contracted leisure providers to seek new community partnerships and optimise existing partnerships with local businesses and community organisations.

#### Priority 5: Community Development and Strengthening

Council will support community sport and recreation clubs to become sustainable, independent and well-governed organisations.

Professional development opportunities, funding incentives and auditing processes will assist clubs in becoming financially secure, as well as safe, inclusive and welcoming environments. Nillumbik's sporting volunteers will be supported to upskill and celebrate their contribution to our community.

Council will continue to work closely with other partners, including contracted leisure providers, to provide programs which upskill the community to lead healthier and more active lifestyles.

Council will give priority to facilities, programs and services which encourage and support community strengthening and capacity building.

#### Objectives

- 5.1 Club development is delivered annually as per the Club Development Framework.
- 5.2 Where relevant, community sporting clubs are provided with the opportunity to transition from seasonal user agreements onto lease or license agreements
- 5.3 Recreation and Leisure promote training opportunities to community sporting clubs
- 5.4 Recreation and Leisure support community sporting clubs to apply for funding independently, through the promotion of available grants.



Image Description: Nillumbik sporting clubs participate in a Child Safety Workshop

#### **Priority 6: Sustainable Environments**

The protection of the Shire's natural assets and outdoor recreation environment is of utmost importance.

Council supports the efficient use of resources and actively encourages the minimization of waste production in its recreation projects and services.

The development and/or renewal of recreation assets, such as pavilions and leisure facilities, will incorporate sustainable management practices and environmentally sustainable design principles.

#### Objectives

- 6.1 Lease and licence agreements include a sustainability clause which outlines environmental considerations, including recycling and energy-saving measures
- 6.2 Have adhered to Council's Environment Education Strategy.

#### Implementation and evaluation

The Recreation strategy is underpinned by two 4-year action plans spanning from 2022-2026 and 2026-2030. Each action plan will provide detail on how Council (with support from key internal and external stakeholders, will implement the strategic objectives in this strategy and how we will measure progress. Actions will be reviewed every 12 months, and an evaluation on the 2022-2026 action plan will be completed prior to the 2026-2030 action plan being prepared.

The 4-year action plans will include:

- ✓ Actions related to each strategic objective in the strategy
- √ Timeframe each action will be delivered
- ✓ Who is responsible within Council to deliver the action.
- ✓ Partners involved in delivering the action

#### **Annual reviews**

Annual reviews will be undertaken by Council officers to evaluate the progress made within each of the priority areas. A traffic light rating system will be used to identify action within the annual implementation plan that are **complete**, **on track** or **delayed**.

Case studies from key initiatives will also be included in each annual review.

The reports will also monitor trends, identify opportunities for improvements and inform the development of the next 4-year action plan to ensure actions remain relevant for continued investment by Council over the life of the strategy.

Council will prepare a summary report at the completion of each 4-year action plan to be shared with key stakeholders including Councilors, Council officers, service providers and the wider community.

#### **Glossary of Terms**

**Health** - A state of complete physical, mental and social wellbeing and not merely the absence of disease or infirmity [World Health Organization]

Physical Activity - Physical activity is defined as any bodily movement produced by skeletal muscle that requires energy expenditure. Popular ways to be physically active include walking, cycling, sports, and play, and can be done at any level of skill and for enjoyment by everybody [WHO]

**Exercise** – Planned physical activity with bodily movements that are structured and repetitive, performed for the purpose of improving or maintaining physical fitness [Australian Department of Health]

Recreation – Recreation is an activity that people engage in during their free time, that people enjoy and that people recognize as having socially redeeming values [The Park and Recreation Professional's Handbook]

**Sport** - includes competitive and noncompetitive sporting activities which are organised, sanctioned by a governing body and are undertaken using Council resources and facilities (e.g. AFL Football, Netball and Soccer)

Active Recreation - Active recreation is leisure time physical activity undertaken outside of structured, competition sport. It is a set of activities within the wider range of physical activity options that also include active living, active transport and sport [Sport & Recreation Victoria]

Inclusion – the practice or policy of providing equal access to opportunities and resources for people who might otherwise be excluded or marginalized; such as those who have physical or mental disabilities and members of other minority groups [Oxford Languages]

**Disability** - Disability is an umbrella term for impairments of body function or structure, activity limitations or participation restrictions [Australian Institute of Health & Welfare]

Older Adult - Being an 'older' person is a relative concept—chronologically, medically and culturally. It does not have a precise definition and specific ages may be used for particular purposes. People over 65 are generally classified as 'older' for ABS purposes. [Australian Bureau of Statistics]

CALD – Culturally and linguistically diverse communities. A widely used definition of CALD refers to those people born overseas, in countries other than those classified by the Australian Bureau of Statistics as 'main English speaking countries' [Vic.gov.au]

LGBTQIA - People who identify as Lesbian, Gay, Bisexual, Trans, Queer/Questioning, Intersex and/or Asexual [Australian Institute of Family Studies]

First Peoples/Nations – 'First Peoples' or 'First Nations' respectfully encompass the diversity of Aboriginal and Torres Strait Islander cultures and identities [Narragunnawali: Reconciliation in Education]

#### **Acknowledgements of Contributions**

We would like to thank and acknowledge the following stakeholders who supported the development of the 2022-2030 Recreation Strategy.

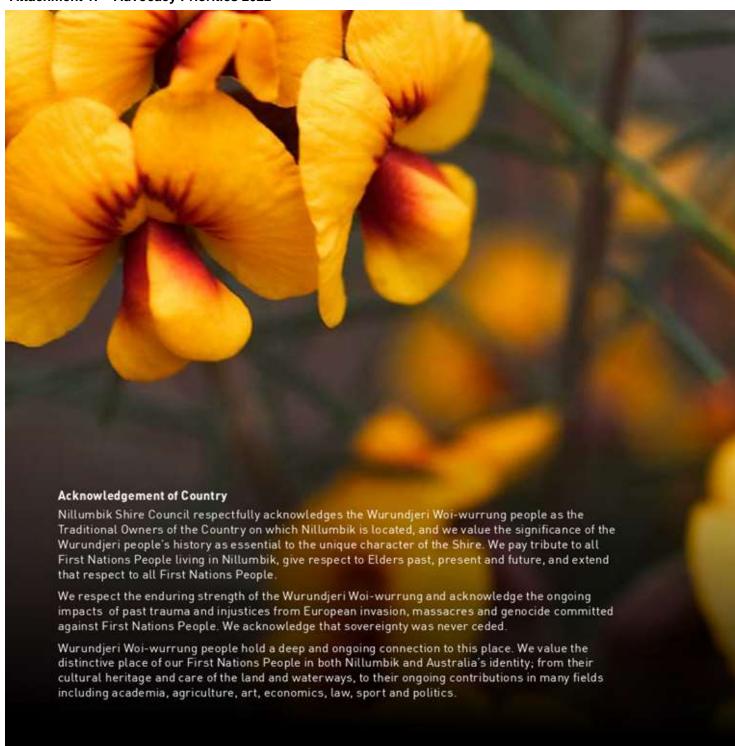
[To be completed post community consultation]







CM.174/21 Advocacy Priorities 2022 Attachment 1. Advocacy Priorities 2022



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# **About Nillumbik Shire:**

# the Green Wedge Shire.

Located in Melbourne's northeastern suburbs, approximately 25km from the Melbourne Central Business District, more than 90 per cent of Nillumbik is designated green wedge.

#### **Snapshot of the Shire**

Nillumbik has a population of approximately 65,094 people and 23,627 rateable properties. The majority of residents own or mortgage their homes, with only 9.3 per cent of households renting. While Nillumbik is not a high-growth area, it is popular with families who enjoy the many parks and open spaces that characterise the area.

Nillumbik is a collection of suburbs, townships and villages, each with its own unique identity and heritage. The 'Green Wedge Shire' also offers residents and visitors a unique rural environment of bushland, small farms, rivers and forest. As well as providing abundant natural beauty, the nature of Nillumbik makes it bushfire-prone.

The Diamond Creek Trail runs through the Shire and is set for completion in early 2022. While Nillumbik is known for its parks, tracks and trails, missing links in existing networks can cause frustration for residents and visitors.

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Nillumbik is not a particularly densely populated area, but the sense of community is strong. We have an engaged and active populace, with many community groups and volunteer organisations active in the area. From our inaugural 2021 Youth Council comprised of young residents through to our Positive Ageing committee, Council works with all age groups and demographics across the Shire and is committed to providing opportunities for them to flourish.

Art and culture also plays a large role in Nillumbik, as do community events, sport and the great outdoors.

Looking to the future, we are focused on engaging and supporting our community, protecting our green wedge, mitigating bushfire risk, improving quality of life and amenity access, and ensuring our Shire is safe, liveable and enjoyable for all who visit or reside here.

# Land Area

Area: 432 square kilometres



#### Population and demographics

# 65,369 total population

 24.2%
 Residents aged 0-17 years

 56.0%
 Residents aged 18 - 59 years

 19.8%
 Residents aged 60 years and over

# Nillumbik's population is growing older

with people aged 65-85 years expected to increase to 73% by 2036, representing 20% of people living in Nillumbik

#### Travel and transport



10% Employed people used public transport to get to work
70% Travel to work by car [as driver or passenger]

Nillumbik's walkability for transport was ranked among the lowest in metropolitan Melbourne with

# only 24% of residents walking for transport

compared with 37% for greater Melbourne

# 28% Of 897 youths surveyed for our Youth Strategy in 2021 identified as having a mental illness 76% Identified mental health as the biggest challenge young people in Nillumbik

#### Nillumbik's top issues

#### Bushfire management and prevention issues

was nominated in our top four issues to address in our Annual Community Survey in 2020 and 2021

#### Rubbish and waste

was nominated as an issue to address in our Annual Community Survey in 2020 and 2021

# 74% Of residential properties are within 400m of public open space. 38% Residents live within 400m of public transport \$2,093 Median weekly household income 48% Households with a mortgage 9% Households renting

About Nillumbik Shire | 5

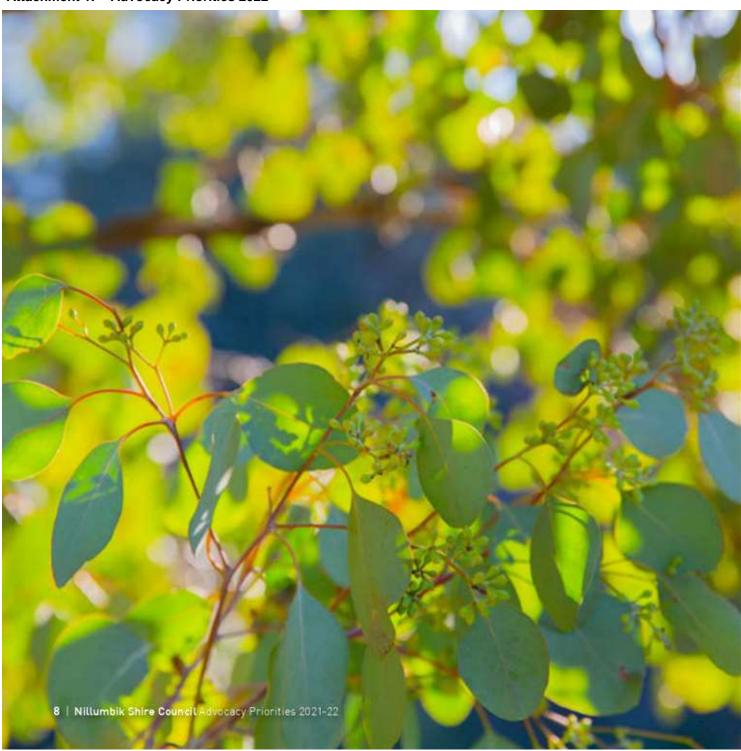
# Federal and State electorates within Nillumbik

Nillumbik Shire Council is covered by the Federal Electorates of McEwen, Jagajaga and Menzies.

At a state level the Shire takes in parts of the Legislative Assembly (Lower House) electorates Eltham, Eildon, Yan Yean and Warrandyte. It is covered by the Legislative Council (Upper House) electorates, Eastern Metropolitan and Northern Victoria.



CM.174/21 Advocacy Priorities 2022 Attachment 1. Advocacy Priorities 2022



# Introduction

Council advocates on the community's behalf on a range of matters. Our advocacy efforts are predominantly directed at the Victorian and Federal Governments and may include advocating for new or improved facilities, services or for necessary community infrastructure, including roads and public transport.

Council will also advocate for changes to policy, laws or regulation at times where we feel these changes would bring about a direct benefit to the community, or if such changes would enable Council to fulfil its role and responsibilities to our community more effectively.

The issues on which we advocate may be directly related to Council services and operations. They may also relate to matters that are beyond Council's scope or responsibility and sit within the remit of State and Federal Governments, but are considered significant to our community and on which we will therefore advocate to the appropriate levels of government in the community's best interests.

Introduction | 9

# Nillumbik Shire Council 2022 Advocacy Priorities

The Advocacy Priorities listed in this document have each been linked to one of the four overarching themes that guide our 2021-2025 Council Plan (Community and Connection, Place and Space, Sustainable and Resilient, Responsible and Accountable) thus ensuring a focus on the delivery of the Plan as set by Council.

Further, the Advocacy Priorities also focus in part on the prevailing issues that engage and affect those in our community and beyond.

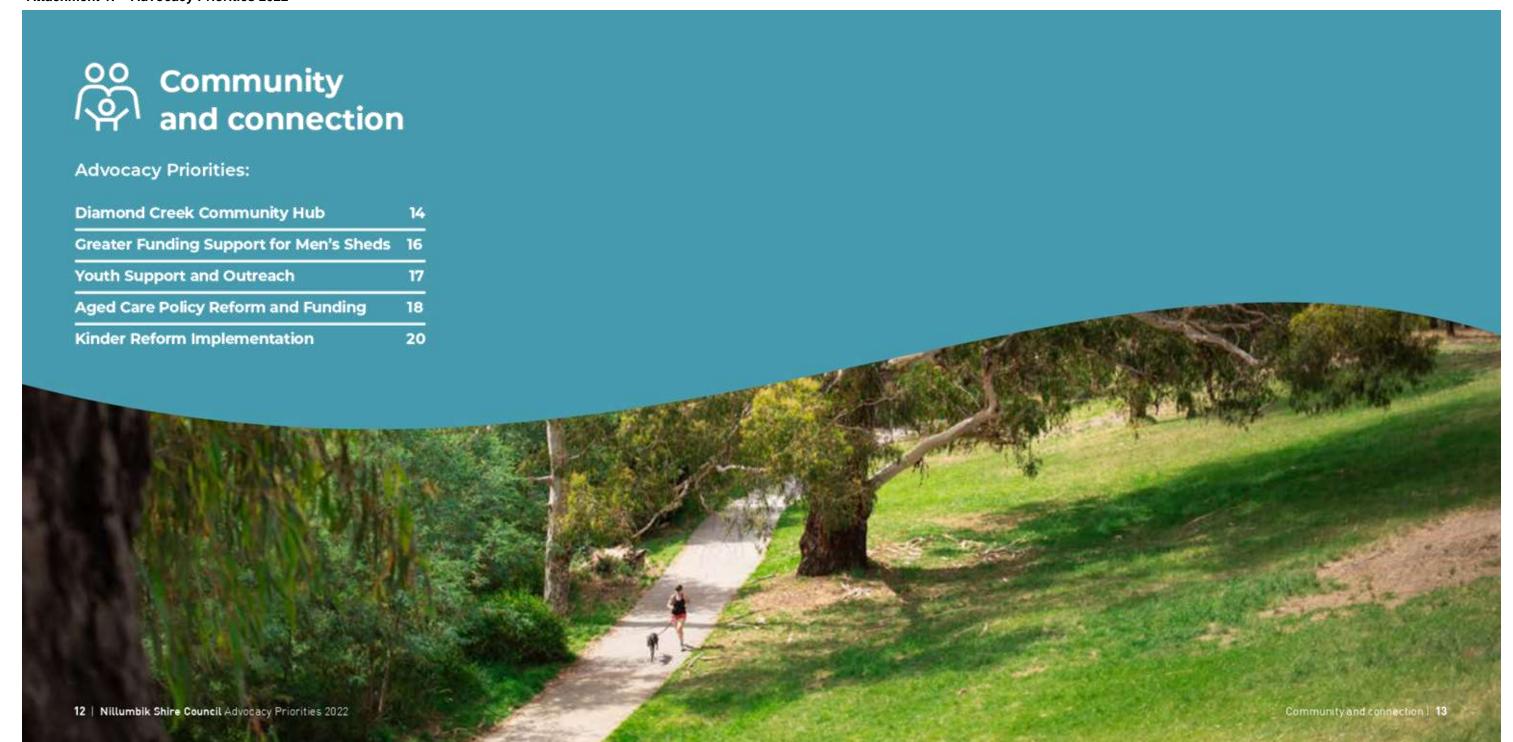
One of, if not the most prominent such issue at present is the importance of supporting our community as we navigate the COVID-19 pandemic recovery phase. This involves support in every aspect–mental, physical, social and economic – and affects every age and demographic in Nillumbik.

Another such prevailing issue is the need for urgent and meaningful climate action, also a priority for Council and an area in which we are already doing a great deal. There is however more to be done and it is clear that on this subject, our community expects effective coordinated action, involving all levels of government.

Council will advocate collectively, with other councils and through its local government peak bodies, or - if the issue is specific to Nillumbik - on its own, guided throughout by its responsibility to the Nillumbik community.

In a year where elections will be held at both Federal and – in Victoria – at State level, Council will continue to advocate strongly on our community's behalf, to those in government, or aspiring to government.





# **Diamond Creek Community Hub**

Diamond Creek

Seeking \$15 million

Community hub and library

#### We are seeking

Funding to establish a Community Hub in Diamond Creek, including a library



#### Background

The establishment of a community hub for the co-location of key services, including a library, youth services, a registered training and education facility and a theatre would address a need identified in the Diamond Creek Major Activity Centre Structure Plan (2020).

While the COVID-19 vaccine is a critical primary health intervention, the psychological, social and economic effects will require comprehensive, long-term solutions, involving all levels of government.

Diamond Creek is the fastest-growing area in the Shire and the need for an integrated hub resonated in Council's Together in Nillumbik survey (2020). The results of the survey have strongly informed Council's Pandemic Recovery Plan.

#### Funding source

Federal and State Governments



# **Greater Funding Support for Men's Sheds**

Throughout Nillumbik

Seeking \$1.5 million

Facility upgrades

#### We are seeking

Increased funding support to enable an expansion of the activities of Men's Sheds and improvements and upgrades of their facilities throughout the municipality



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#### Background

Men's Sheds have a positive impact on both participants and the local community, through the work they do.

They foster increased social connection and promote health and wellbeing.

These benefits assume even greater importance as the community navigates the pandemic recovery process.

Council supports its local Men's Sheds in a number of ways but coordinated support from other levels of government – Federal Government in particular – would provide for facility and service improvements, enabling them to attract more participants and expand the scope and scale of their activities.

#### Funding source

Federal and State Governments

## **Youth Support and Outreach**

Throughout Nillumbik

Seeking funding

Youth support services

#### We are seeking

Funding for the delivery of flexible and dynamic youth outreach and support services for young people aged 12-25 years in Nillumbik Shire

#### Background

Among the 900 young people who participated in Council's 2021 Young Minds: Your Voice, Our Future youth engagement program, mental health was overwhelmingly identified as the most important issue facing young people in Nillumbik Shire. The results showed that mental health had, by far, the greatest personal impact on survey respondents.

The results also indicated high levels of dissatisfaction or apathy among young people in Nillumbik with regards to existing levels of mental health services and support.

Access to local youth specialist services is a key area of need in Nillumbik with currently no direct service providers locally based. Information from key regional service

organisations on the rates of referrals to these services show that young people in Nillumbik are not accessing available mental health support services in high numbers. This indicates either a lack of awareness of these services or inability to access them due to lack of transport as most are based outside of Nillumbik.

School and training disengagement rates are another area of concern, in light of the challenges of COVID and remote learning over the past 18 months. Anxiety caused by isolation from local connections during the pandemic is another issue. We know that many young people will struggle to make the transition back into the community and specifically vocational pathways and many will need support to help them re-engage.

A dynamic, engaging and targeted local youth outreach service to support young people who are at the very start of disengagement would provide necessary intervention.

Early identification, timely and appropriate supports and providing links to greater long term support and stability will be key.

#### Funding source

Federal and State Governments

Community and connection | 17

# **Aged Care Policy Reform and Funding**

#### ● Throughout Nillumbik

#### Seeking policy change and funding

#### We are seeking

Tangible recognition of the significant role of local government in the delivery of aged care services through increased funding, changes to policy and other supports

#### Background

The final report of the Royal Commission into Aged Care Quality and Safety in February 2021 provides the local government sector with a window to advocate for meaningful change to improve the lives of the elderly and some of our most vulnerable. The report's findings and recommendations help to shine a spotlight on the true cost involved in delivering quality services and the extent to which councils must make up for any shortfalls where there is an absence of quality private service providers.

Nillumbik is advocating for greater recognition of the role of local government in the delivery of aged care services by working with funding bodies and peak organisations such as the Municipal Association of Victoria in planning, policy development, and other means to

enhance delivery of services and programs

Nillumbik is therefore seeking additional funding and policy changes to support programs to deliver high quality services, including:

that support the needs of older people.

- Increased funding to support the high demand for community transport – particularly in a Local Government Area that is 90 percent rural and where there are few, if any, public transport options available
- Reconsideration of the proposed new funding model for Regional Assessment Service (RAS) to ensure that the unit cost is reflective of true cost of delivery
- Commitment by Commonwealth to closely monitor service providers to ensure compliance with quality standards and increase service levels to reduce waiting list times for consumers.

#### Support to deliver high-quality services

- Additional funding to attract service providers to Local Government areas that have minimal provider options or significant gaps in service provision.
- COVID and emergency preparedness funding for electronic devices and training programs that support older people with digital literacy to access information and services that support their wellbeing, safety and COVID requirements.
- Provide increased funding for programs that reduce and prevent social isolation and loneliness
- Provide funding to support older people, carers and families to navigate the aged care system to ensure access.

#### Funding source

Federal Government



# **Kinder Reform Implementation**

↑ Throughout Nillumbik | Seeking funding arrangement | Kinder reforms

#### We are seeking

Increased financial support to ensure that three-year old kindergarten reforms are successfully implemented

#### Background

The rollout of Victoria's three-year old kindergarten reforms must occur in a way that avoids putting at risk Council's capacity to provide the broad range of services which it is responsible for delivering.

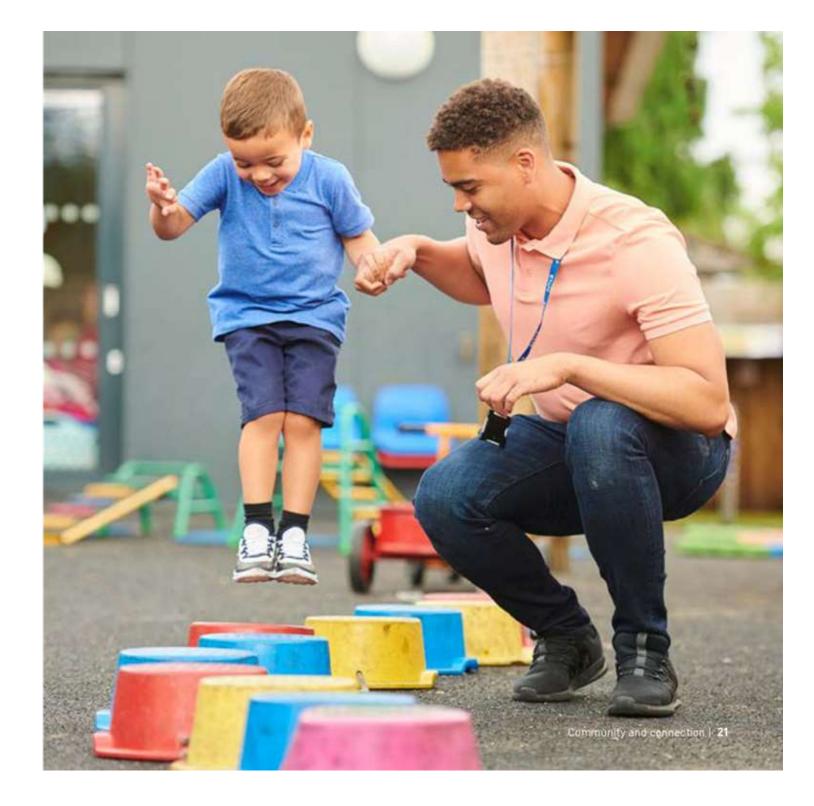
In order to do so it is critical that commitments be obtained from State and Federal Governments to ensure equitable funding arrangements which take into account the specific needs and circumstances of each Local Government Area.

#### Funding source

Federal and State Governments



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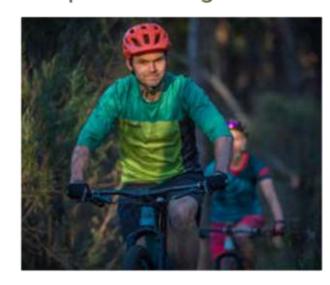
# **Completion of the Aqueduct Trail**

Greensborough

Seeking \$500,000 | Trail upgrade and completion

#### We are seeking

The completion of the Aqueduct Trail between Greensborough and Yarra Glen, including an initial contribution of \$500,000 to plan and scope the necessary works and map out the order of completion of stages



24 | Nillumbik Shire Council Advocacy Priorities 2021-22

#### Background

While Council is pursuing funding support for an overall program of works to better connect and improve its trail network (see next item), the Aqueduct Trail is listed as a stand-alone item for its historic regional status, courtesy of its link to the Maroondah Aqueduct.

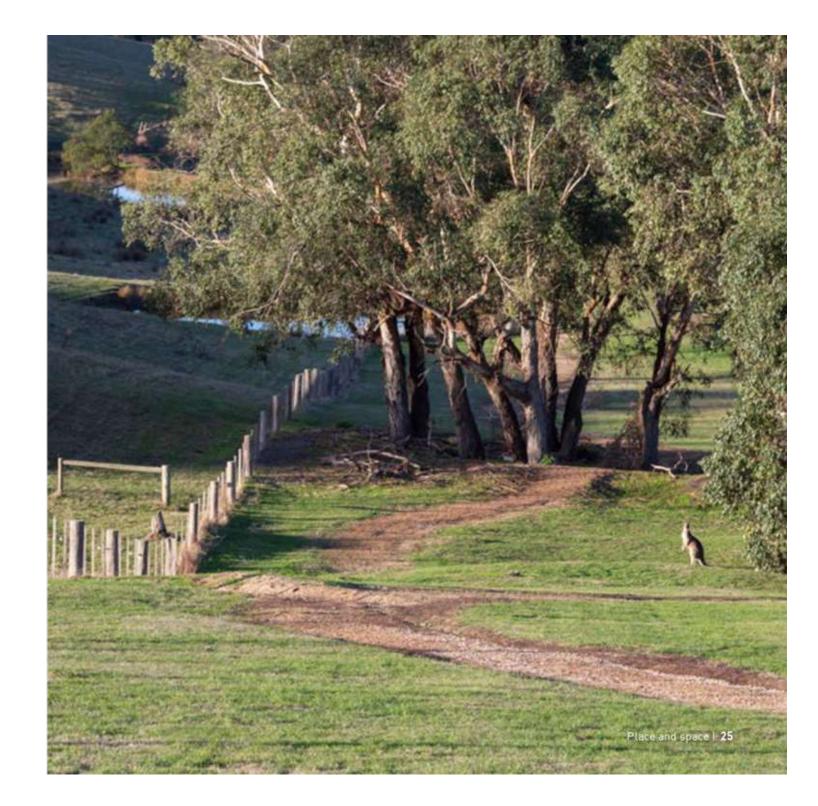
The completion of the Aqueduct Trail would encourage active communities and enable greater connectivity by providing a viable and attractive route for cyclists and pedestrians to cross the Shire.

As was seen during the pandemic, the ability for people to enjoy Nillumbik's open spaces is critical from a health and wellbeing perspective. It would also attract trail riders and other visitors to Nillumbik, from outside the Shire.

Further, the trail has been in need of upgrade works for some time, so work to progress this would be timely and welcomed by the community.

#### Funding source

Federal and State Governments



# **Trail Connectivity Improvements**

Throughout Nillumbik

#### Seeking \$4 million

#### Trail and bike path enhancements

#### We are seeking

Funding for a comprehensive program of works to bring about greater connectivity between existing shared trails in the Shire, improve accessibility and extend the existing trails network



#### Background

The existing network of trails managed by Council extends to nearly 60 kilometres, comprising 18 separate trails used for walking, cycling and horse riding.

The pandemic has underlined the importance of these trails from a community health and wellbeing perspective as, during various lockdowns, they offered one of the few outlets for physical exercise and social connection outside the home.

Post-lockdown they also play an important economic role in attracting visitors to the Shire.

A recent audit and assessment revealed that Nillumbik's trail and bike path network is hampered by a significant lack of connectivity with many in need of infill sections. It also showed many existing trails in need of repair and upgrade while identifying opportunities for extensions of existing trails and the creation of new trails.

The funding would support Council's work to deliver on its Trail Report Action Plan which was informed by the audit.

The Action Plan prioritises trail projects on the following criteria:

- Safety and maintenance
- · Realignments and enhancements
- Expansion and new assets (trail widening) and/or surface upgrade)
- · New trails/trail extensions

The Action Plan identifies Short Term (0-4 years) Medium Term (5-9 years) and Long Term (10+ years).

This proposal seeks to secure funding that would enable significant work to be completed on the priorities identified as short to medium term as well as supporting a component of the planning work for those identified as longer term.

Combined, the above scope of works would result in a greatly enhanced trails network, enabling the local community and visitors to fully enjoy Nillumbik Shire's natural and built attractions.

#### Funding source

Federal and State Governments



# **Diamond Creek Road Upgrade**

Greensborough | Seeking commitment to works | Improve safety and access

#### We are seeking

An upgrade to
Diamond Creek Road
and grade separation of
the Diamond Creek Road/
Greensborough Bypass
intersection to improve
traffic safety and provide
better access to major
arterial roads

#### Background

This would bring about much needed traffic safety improvements as well as deliver improved access to local arterial roads and provide better access to the future North East Link.

Council is therefore seeking a commitment from the State Government to widen the eastbound carriageway of Greensborough Bypass from Plenty River Drive to Civic Drive, widening both carriageways of Diamond Creek Road from Civic Drive to Yan Yean Road, replacing the existing roundabout intersecting Diamond Creek Road and Civic Drive with a grade separation for Diamond Creek Road to Greensborough Bypass traffic.

#### Funding source

Federal and State Governments

# Increase in BMX and off-road biking in the Shire

● Throughout Nillumbik | Seeking \$800,000 | Increase BMX and off-road locations

#### We are seeking

Funding to identify and develop additional fit for purpose BMX and off-road biking locations in the Shire

#### Background

BMX and off-road biking is a highly popular recreational activity in Nillumbik, practiced by a passionate and engaged group of enthusiasts.

There is a growing need for suitable jumps and tracks installations to cater to BMX and off-road cyclists, who range across all ages.

Council is currently developing its new Recreation and Leisure Strategy, which will be include measures to support BMX and off-road bike riders. Key to this will be identifying appropriate locations for BMX and off-road facilities as well as suitable design of tracks and jumps to ensure safety risks are mitigated and importantly, that the needs of riders are met.

Many riders fall within a younger age group. These installations must be easily accessible to those who are unable to drive or have ready access to public transport – hence the need to identify a number of potential sites.

#### Funding source

State and Federal Government



# **Diamond Creek Railway Station Redevelopment**

Diamond Creek | Seeking funding | Rebuild, access, and amenity improvement

#### We are seeking

The redevelopment of Diamond Creek Railway Station precinct to including better integration of adjacent retail development and the removal of Main Hurstbridge Road level crossing



30 | Nillumbik Shire Council Advocacy Priorities 2021-22

#### Background

Diamond Creek railway station requires a rebuild to improve access and amenity, increase patronage and improve connectivity across the activity centre for pedestrians and motorists.

The works would also deliver benefits to adjacent businesses and shops through improved accessibility to commuters, pedestrians and motorists.

The need for this work was identified in the *Diamond Creek Major Activity Centre Structure Plan (2020).* 

#### Funding source

State Government

#### Local Area Bus Review

● Throughout Nillumbik | Seeking commitment | Improve public transport services

#### We are seeking

To conduct a Local Area Bus Review across the Northern Metropolitan Partnership Region to identify improvements and encourage increased uptake of public transport use

#### Background

We are seeking commitment from the State Government to undertake a Local Area Bus Review across the Northern Metropolitan Partnership Region.

The objective is to increase the frequency and hours of operation of public transport services, identify opportunities to make bus routes more efficient, and to better co-ordinate bus and rail timetables.

This would also include an assessment of necessary upgrades – including accessibility – to basic infrastructure such as seating and shelter.

#### Funding source

State Government



# **Eltham Railway Station Redevelopment**

Eltham | Seeking funding | Improve parking, bus interchange and accessibility

#### We are seeking

The redevelopment of Eltham railway station and removal of the level crossing at Diamond Street, Eltham

#### Background

As identified in the Eltham Major Activity Centre Structure Plan (2020), Council seeks the support of the State and Federal Governments to plan and deliver the full redevelopment of the Eltham railway station precinct.

This includes increased car parking capacity, improved bus interchange, Disability Discrimination Act-compliant railway station access, the removal of the Diamond Street level crossing and better integration of retail development along Main Road.

Such improvements would help revitalise the precinct and deliver a much-needed boost.

#### Funding source

State and Federal Governments



## **Urban Tree Canopy Planting Program**

Throughout Nillumbik

Seeking \$500,000

Increase urban tree canopy

#### We are seeking

State and Federal
Government funding for
Council to conduct an urban
tree canopy assessment
and undertake a tree
planting program
(streetscape and public park)
which would see up to an
extra 2500 trees planted in
the urban parts of the Shire



#### Background

The benefits of an abundant and healthy urban tree canopy are well documented. These include reducing peak summer temperatures and air pollution.

Urban tree canopies also provide aesthetic benefits, contribute to neighbourhood character, encouraging community connection and providing habitat for native wildlife.

A lush tree canopy is among the many characteristics that combine to make Nillumbik such a desirable place to live. Its positive effect on overall health and wellbeing was evident during the pandemic.

Council has a program of urban tree maintenance and management but would like to increase the number of urban trees, especially to areas perhaps not as well catered for in tree canopy.

To do so would require a detailed assessment to identify both ideal location (of streetscape and public parks) and appropriate tree species, prior to commencing a planting program.

#### Funding source

State and Federal Government

Place and space | 33

# **Shared Green Wedge Responsibility**

Throughout Nillumbik

Seeking funding

Facilitating shared responsibility

#### We are seeking

State Government funding to facilitate a shared responsibility for our Green Wedge including public land management



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#### Background

A key action of Nillumbik's Green Wedge Management Plan is to establish an ongoing Green Wedge Conversation program to provide local communities with a forum to discuss resilience, leadership, knowledge-transfer and cooperation.

This dialogue would also include those involved in land management, agriculture, nature conservation, public land management and invasive weed control.

It is important that Council continues to understand and respect a variety of views but also identify, acknowledge and act on the shared objectives from this diversity of backgrounds.

#### Funding source

State Government

# **Greater Support for Green Wedge Councils**

◆ Throughout Nillumbik | Seeking ongoing funding | Dedicated ongoing support

#### We are seeking

A dedicated and ongoing funding commitment to better support Green Wedge councils in their management and enforcement responsibilities

#### Background

Green Wedge councils carry out significant day-to-day management of the Green Wedge (planting, weeding, pest control etc.) and, through their strategic planning function, matters of enforcement (on private land).

Both responsibilities require significant resourcing in order for them to be effectively fulfilled.

#### Funding source

State Government



#### **Extension of Reticulated Sewer Network**

↑ Throughout Nillumbik | Seeking commitment | Bring forward investigation

#### We are seeking

A commitment from the State Government to bring forward the investigation of an extension of the reticulated sewer network to certain areas which do not already have access to such a network

#### Background

Council would like to see a planned investigation of reticulated sewer provision to Research, St Andrews, Panton Hill and parts of Yarrambat, Diamond Creek, Hurstbridge, Plenty and Wattle Glen brought forward. Currently, the local water utility, Yarra Valley Water, plans to address this in 8-10 years but we believe that action must be taken sooner.

#### Funding source

State Government



36 | Nillumbik Shire Council Advocacy Priorities 2021-22



# **Regional Waste Processing Facility**

Seeking investment

Closing the gap in waste processing

#### We are seeking

The construction of a regional waste processing facility to help close the market gap in waste processing

#### Background

We seek investment in regional waste processing facilities to help close the gap in waste processing.

The environmental and community benefits of such a facility would be felt by multiple councils.

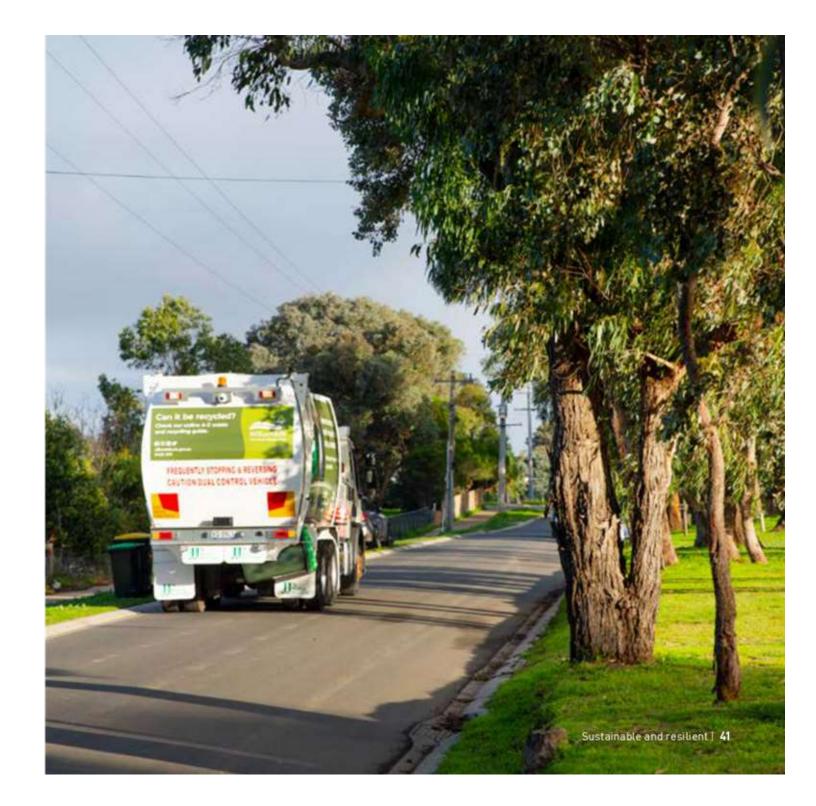
Investment would also help progress toward achieving net zero waste and a circular economy; aims outlined in Council's Climate Action Plan.

#### Funding source

State and Federal Governments



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# **Renewable Energy Infrastructure**

● Throughout Nillumbik | Seeking funding support | Meet climate goals

#### We are seeking

Funding support on a national scale for increased renewable energy infrastructure to help Council meet its climate action goals and that the Federal Government targets match those of Council



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#### Background

Council has committed to net zero energy emissions in its own operations by 2030 and to community net zero emissions by 2035.

We seek a funding allocation in order to deliver the necessary renewable energy infrastructure (including the development of another solar farm in the Shire) to help Council meet its climate action goals.

These goals are broadly in line with those being set by the global community and meeting them will require significant investment in and uptake of, renewables.

Government support and leadership will be integral to achieving these goals.

#### Funding source

Federal Government

# **Investment in Bushfire Preparedness Technology**

▼ Throughout Nillumbik | Seeking \$500,000 | Innovative technology funding

#### We are seeking

That the Federal Government makes available greater funding – either through the extension of its Smart Cities and Suburbs program or a new initiative, to enable local governments and their communities to implement the latest networking and monitoring technology in their efforts to improve bushfire preparedness and climate resilience

#### Background

Nillumbik Shire has over the years been subject to significant weather events - fire (including the Black Saturday Bushfires of 2009), floods and severe windstorms.

It comprises both urban and rural areas and therefore, Council and the community are acutely aware of the very real threats and challenges posed by such events in a range of settings.

To address these serious challenges, information-sharing as well as ready access to accurate, real-time information is critical.

There are a number of products on the market with highly sensitive sensor detection capabilities that include fire detection, air quality and flood monitoring. They can also be used to closely monitor biodiversity in a given area.

The technology has been effectively implemented elsewhere – including in Victoria's Latrobe Valley – but implementation to date has been piecemeal.

What is needed is a coordinated approach on a national scale but which recognises the importance of a local-led response.

#### Funding source

Federal Government

Sustainable and resilient | 43

# **Clearer Local Agricultural Planning Controls**

Rural Nillumbik | Seeking planning controls | Optimising sustainable outcomes

#### We are seeking

To implement clearer and more robust local agriculture planning controls that would allow certain farming and supplementary rural business activities such as farm gate sales



#### Background

Supported by Deakin University and Plan-it Rural, Council has launched the "Future of Agriculture in Nillumbik" project.

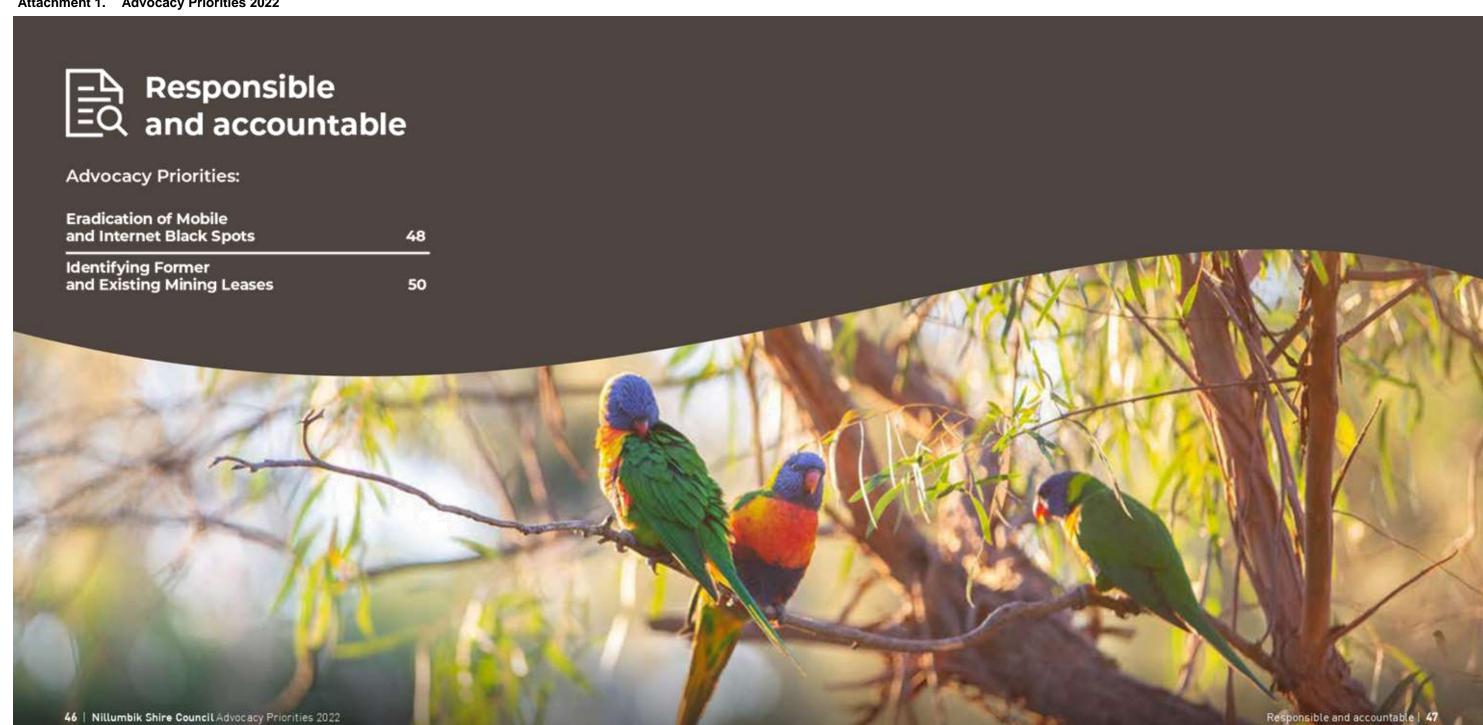
This project will focus on the existing agricultural assets in the area and consider how agriculture can be supported into the future under the influence of climate change and increasing demand for locally produced food and fibre.

The Future of Agriculture in Nillumbik Project will provide Council with valuable information to assist in informing preparation of future policy and strategies to protect the Green Wedge, and to optimise sustainable outcomes for established agricultural areas.

#### Funding source

State Government





Responsible and accountable

# **Eradication of Mobile and Internet Black Spots**

#### Throughout Nillumbik

#### Seeking \$1 million

#### Infrastructure to improve black spots

#### We are seeking

That the Federal Government engages and works with the relevant telecommunications carrier to identify and ensure the necessary infrastructure is in place to remove mobile phone and internet black spots; and provide the necessary financial and regulatory support to expedite the delivery of the infrastructure needed to eradicate internet and mobile phone black spots

#### Background

Parts of Nillumbik Shire regularly experience poor mobile phone reception and unreliable internet connection.

With work, business and education increasingly undertaken from home during the COVID-19 pandemic, poor phone reception and internet connection has the potential to create or entrench disadvantage among our residents who live in areas with poor coverage.

The devastating effects of the 2009 Black Saturday bushfires outlined the increasing reliance from emergency services on mobile and internet-based warning systems. With much of the Shire located in a bushfire-prone area, reliability of communications and access to emergency information are absolutely critical.

Furthermore, as Nillumbik is facing yearround threats of severe weather events, better mobile and broadband accessibility for the Shire is vital, with recent storm events leaving many communities off the grid with no line out of the impact zone to reach 000 or loved ones. Reliable and fast internet is also critical for tourism, businesses, local jobs and economic development.

There is a pressing need for increased reliable telecommunications and public wi-fi infrastructure within town centres in several areas across the Shire.

The pandemic has seen a shift in both flexible work arrangements across all sectors and an increase in local boutique and start-up businesses that rely on internet connectivity to promote their services and products.

This lack of connectivity can severely impact these new ways of working and doing business.

Connectivity issues across Nillumbik have been critical for years and must be fixed to help residents in emergency situations, as well as in everyday life such as business, employment and education.

#### Funding source

Federal Government



# **Identifying Former and Existing Mining Leases**

Throughout Nillumbik

Seeking reform

Disclosure via Section 32

#### We are seeking

That the State Government formally identify all existing and former mining leases and have this information available on a centralised database to assist prospective land purchasers.

That it also introduce a mechanism for this information to be disclosed by vendors as part of their Section 32.

#### Background

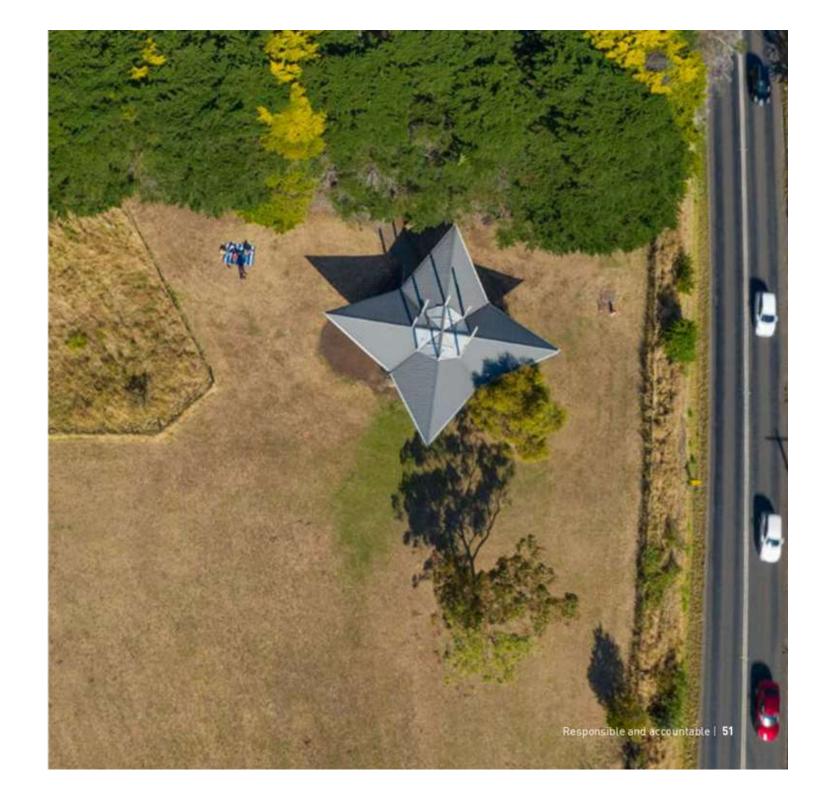
The lack of reliable information on possible sites of historical gold mining activity makes it very difficult to identify areas of potential contamination or hazards, such as mine shafts.

This is a continuing issue in Nillumbik with its legacy of gold mining.

There is currently no time or cost-efficient way for prospective purchasers to investigate with any confidence if their potential land is part of a former mining lease area or a contaminated site.

#### Funding source

State Government



CM.174/21 Advocacy Priorities 2022 Attachment 1. Advocacy Priorities 2022

To receive this document in an alternative format or for language assistance please contact Council.

Published December 2021

#### **Nillumbik Shire Council**

Civic Drive (PO Box 476) Greensborough Victoria 3088 03 9433 3111 | nillumbik@nillumbik.vic.gov.au



# Complaint Handling Policy

VERSION FOR ADOPTION DECEMBER 2021



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#### 1. Introduction

Nillumbik Shire Council is committed to delivering an excellent customer experience, and we recognise a customer's right to provide feedback to Council, both positive and negative, about Council's services and their experiences with them.

Complaints provide Council with important information about its services, our customers' experiences, and can create an opportunity to remedy customer concerns, build greater community advocacy for Council and its services, as well as identify areas of service that need improvement. Council aims to make it easy and accessible for a customer to make a complaint.

We recognise that dealing with complaints is a core part of Council business. We value complaints and encourage people to contact us when they have a problem with our services, actions, decisions and policies.

We are committed to:

- enabling all members of the public to make complaints about the Council;
- responding to complaints by taking action to resolve complaints as quickly as possible; and
- learning from complaints to improve our services.

This policy provides a framework to ensure Council:

- handles complaints effectively, ensuring our customers can raise their complaints about Council with ease and with confidence;
- listens to our customers' concerns, and being responsive; and
- manages received complaints fairly, objectively and in a timely manner.

We treat every complaint we receive on its individual merits, through clear and consistent processes. Our complaints handling procedure (which supports the administration of this policy) continues to be reviewed and updated to assist Council staff in the effective management of complaints, responding to complaints, and improving the experience for our customers and staff

#### 2. Scope

This policy relates to the management of complaints made to Council, by any person who has been affected by an action, inaction or decision of Council.

The policy applies to all Council staff, and extends to contractors and volunteers carrying out work on behalf of Council. This policy does not apply to complaints about individual Councillors, nor does it relate to intra-organisational staff disputes or grievances which are addressed through other policies.

#### 3. Objectives

This policy aims to:

- define what is considered a complaint to be managed under this policy;
- outline the process for handling complaints;
- · ensure Council staff handle complaints consistently, respectfully and objectively;
- outline roles and responsibilities of Council staff handling complaints; and
- outline how complaints will be captured and reported as input to continuously improve the delivery of Council's services.

Council recognises that at times it is not possible to meet customer expectations due to policy position, resource constraints or legislative requirements. However, Council is committed to ensuring that customers are satisfied with their interaction with Council every time they make contact, and are able to communicate feedback on their experience through the provision of easy to access complaint handling processes.

#### 4. What is and is not a complaint under this policy?

A complaint is defined as the communication, whether orally or in writing, to Council which expresses dissatisfaction about:

- the quality of an action taken, decision made, or service provided by a member of Council staff or a contractor engaged by the Council; or
- the delay by a member of Council staff or a contractor engaged by the Council in taking an action, making a decision or providing a service; or
- a policy or decision made by Council or a member of Council staff or a contractor.

This policy does not apply to matters or complaints that are otherwise subject to statutory review.

Below are some examples of what is not defined as a complaint:

- complaints/objections relating to a planning application or a planning decision
- complaints/appeals relating to parking infringements
- freedom of information requests
- a petition to Council about a particular matter
- comments or submissions received during a formal consultation or community engagement process, which has a specific process for management
- work related grievances from Council staff (i.e. complaints relating to their employment)
- complaints about alleging fraud, corruption or other criminal behaviour
- complaints that have already been reviewed by an external agency.

A request for service is also not a complaint. Unlike a complaint, a request for service (also termed a service request) is raised when a customer wants to:

- seek assistance:
- access a new service;
- seek advice: or
- inform/make a report about something for which Council has responsibility.

The following are examples of requests for service:

- a request for information or explanation of policies or procedures
- an insurance claim
- reports of damaged or faulty infrastructure (i.e. potholes)
- reports of hazards (e.g. fallen trees)
- a dispute concerning neighbours.

### 5. How to make a complaint?

Any member of the public can make a complaint. You can make a complaint in a number of ways:

Online	nillumbik.vic.gov.au
Email	nillumbik@nillumbik.vic.gov.au

Telephone	9433 3111 (translating & interpreting service available)
Mail	Nillumbik Shire Council PO Box 476 GREENSBOROUGH VIC 3088
In person	32 Civic Drive GREENSBOROUGH VIC 3088

We encourage you to try and raise concerns directly with the Council staff member or Council contractor in the first instance.

The following information is helpful to include in your complaint:

- your name and contact details (you can complain anonymously, but this may limit how the Council responds to you);
- identify the action, decision, service or policy you are complaining about, and why you are dissatisfied:
- relevant details, such as dates, times, location or reference numbers, and documents that support your complaint;
- the outcome you are seeking from making your complaint; and
- whether you have any communication needs.

#### Accessibility

We are committed to ensuring our complaint process is accessible to everyone. Tell us if you have specific communication needs or barriers, and we can assist you by:

- providing an interpreter;
- · talking with you if you have trouble reading or writing; or
- communicating with another person acting on your behalf if you cannot make the complaint yourself.

#### Anonymous complaints

Although anonymous complaints will be recorded, Council's ability to fully investigate the matter will be limited as specifics may not be fully available. Additionally, Council will be unable to provide a response to you, including any decisions or actions taken.

#### Non-specific complaints

Correspondence in relation to a complaint that is non-specific in nature, or not relevant to the operations of Council and/or generally classed as haranguing in nature, will be received and recorded but not responded to. Reasons for the determination will be filed along with the correspondence.

#### Complaints received through Councillors

When a Councillor receives a complaint from you, the Councillor will refer it to the Council administration for appropriate action and response in accordance with this policy. A copy of the outcome response concerning the complaint will be shared with you and the Councillor.

#### Our complaint handling framework

Council has established a four tiered approach to managing and responding to complaints. This approach has been informed by the Victorian Ombudsman's better practice guide to Councils and Complaints: A Good Practice Guide 2<sup>nd</sup> edition (July 2021) and supports complainants with a standardised, responsive, fair and transparent experience and response.

Tier 1	First contact complaint resolution Frontline staff receive the complaint, record it, and resolve it within the scope of their authority immediately, where possible.
Tier 2	Investigation If frontline staff cannot resolve the complaint, they will refer it to the most appropriate Council officer for investigation and resolution (in many cases this will be a more senior Council officer). An investigation will be carried out which will likely include further information gathering, evidence-based decision making and remedy (if any).
Tier 3	Internal Review If you are not satisfied with the response or the way in which your complaint has been handled, you can ask for your complaint to be referred for an internal review in writing by emailing your request and accompanying information and supporting documentation via email or postal mail (as per contact details above).  An internal review will be carried out by a member of a panel of senior Council
	officers who has not had any prior involvement with your complaint. The senior Council officer undertaking the internal review will inform you of the outcome of the internal review, and explain the reasons.
Tier 4	External review If you are not satisfied with Council's final response, or the outcome of the internal review, you can refer your complaint to an appropriate external agency.

#### 7. Our complaints process

#### Tier 1: First contact complaint resolution

When we receive your complaint we will assess the information available and decide the most appropriate course of action. Where possible, we will attempt to resolve your complaint at the time you first contact us.

After our initial assessment, we may:

- take direct action to resolve your complaint;
- refer your complaint to a relevant Council officer or manager for further investigation. This
  person will be your primary contact and will take responsibility for working through the
  resolution of your enquiry on behalf of the Council; and
- advise you if there is an alternative process to deal with your complaint including if you
  have a right to a statutory review of your complaint (such as a right of appeal to VCAT).

If we decide not to take action on your complaint, we will explain why, and, where possible, inform you about other options.

We acknowledge a written complaint within 5 working days, or by phone within 48 hours.

#### Tier 2: Investigation

Complaints unable to be resolved at first point of contact will be referred to the relevant team or a senior Council officer for investigation and management.

As part of our investigation we will:

## CM.175/21 Complaint Handling Policy Attachment 1. Complaint Handling Policy (December 2021)

- make prompt contact with you to discuss the matter and understand what resolution outcome you are seeking;
- assess the information against relevant legislation, policies and procedures;
- refer to Council documents and records;
- convene with affected parties, when appropriate to discuss issue and possible solutions;
- take ownership of your complaint, clearly set out actions and timeframes and keep you updated regularly;
- advise you of the outcome and explain our reasons and follow this up with a response in writing, if required.

We aim to complete investigations within 30 days, and we will tell you once we know if the investigation will take longer. We will update you every 30 days about progress until the investigation is complete.

#### Tier 3: Internal Review

If you are dissatisfied with the process or outcome of either a tier 1 first contact complaint resolution or a tier 2 investigation, you can request an internal review. You can do this by a request in writing (as per the contact details above).

An internal review will be carried out by a member of a panel of senior Council officers who has not had any prior involvement with your complaint. The officer will undertake a review of the complaint and gather information and expert advice where necessary. The senior Council officer will inform you of the outcome of the internal review, and explain our reasons. The outcome letter will also advise you of any avenues of external review available in relation to the matter.

#### Tier 4: External Review

If you are not satisfied with Council's final response, or the outcome of the internal review, you can refer your complaint to the Victorian Ombudsman and/or another relevant external agency to request an independent review.

There are external agencies that can deal with different types of complaints. You can request an external review from the following organisations, as appropriate:

Complaint	Organisation to contact for external review
Actions or decisions of a Council, Council staff and contractors.	Victorian Ombudsman ombudsman.vic.gov.au
This includes failure to consider human rights or failure to act compatibly with a human right under the Charter of Human Rights and Responsibilities Act 2006 (Vic)	
Breaches of the Local Government Act 2020	Local Government Inspectorate Igi.vic.gov.au
Breach of privacy, or a complaint about a freedom of information application	Office of the Victorian Information Commission ovic.vic.gov.au
Corruption or public interest disclosure ('whistleblower') complaints	Independent Broad-based Anti-corruption Commission ibac.vic.gov.au
Discrimination	Victorian Human Rights and Equal Opportunity Commission

	humanrights.vic.gov.au
Council elections	Victorian Electoral Commission vec.vic.gov.au

# 8. Complaints about specific matters – alternative procedures

There are specific complaint procedures that will apply to certain types of complaints. If the complaint received would be better handled through another process outside this policy, this will be explained to you at the start. In these circumstances, the nature of the complaint and the parties nominated in the complaint will determine how the complaint is investigated and responded to.

#### Complaints about Council contractors

Council retains a level of responsibility for services carried out by contractors on its behalf.

This policy applies to all contractors carrying out services or works on Council's behalf to the extent provided under their contractual obligations with Council. Council staff responsible for the oversight of contractors will ensure the contractors are made aware of their obligations under this policy, and where required, review any complaint handling during status update meetings.

Where a complaint is made in relation to services or works carried out by a contractor, the complaint will go straight to the investigation stage and be assigned to an appropriate Council officer to examine the complaint and liaise with both the customer and the contractor.

If you believe the complaint remains unresolved, you can escalate the matter for either an internal or external review as outlined in this policy.

#### Complaints about improper conduct with public interest disclosure

Where a complaint involves allegations of improper conduct by a public officer, Chief Executive Officer or other Council staff, it will be handled by the Public Interest Disclosure Coordinator in accordance with the *Public Interest Disclosures Act 2012* and Council's Public Interest Disclosure Procedure.

A complaint should clearly show or suggest improper conduct by a public officer:

 improper conduct must be either criminal conduct or conduct serious enough to result in a person's dismissal

Council's Public Interest Disclosure Coordinator is the Executive Manager Governance, Communications & Engagement.

Disclosures of alleged improper or corrupt conduct that relate to Councillors must be made directly to the Independent Broad-based Anti-corruption Commission (IBAC).

#### 9. Implementation, reporting and improvement

Council recognises the importance of reviewing complaints to identify root causes for service failure, find appropriate treatments and adjust our processes accordingly, and undertake continuous improvement.

We will analyse our complaint data and use that to measure our effectiveness in handling complaints, inform how we can reduce complaints, improve services, and the outcomes of service improvements. We regularly analyse our complaint data to identify trends and potential

issues that deserve further attention. We use this information to come up with solutions about how we can improve our services.

This policy establishes processes for Council staff to follow, to ensure that complaints and are recorded, investigated, actioned and responded to appropriately. The policy also regulates a review process which involves identifying and analysing root causes and implementing treatment plans to decrease future customer dissatisfaction.

Root causes to escalations and complaints will be categorised for reporting and review purposes as follows:

- People customer dissatisfied with interaction with staff member, which is inclusive of staff failing to escalate (as per the Customer Escalation Procedure) resulting in the customer's enquiry/request for service not being resolved
- Process Customer dissatisfied with a process
- Policy Customer dissatisfied with council policy
- Service Delivery Non-compliance to Council's Customer Service Standards, service not meeting customer expectations due to quality of delivery

#### How we learn from complaints

We are open and transparent about the complaints we have received, and what we have done to resolve them. Complaints from people who use or who are affected by our services provide us with valuable feedback about how we are performing.

#### Reporting on performance

Appropriate performance data will be captured to enable Council to review the timeliness and efficiency of Council's complaint handling as well as identifying trends and patterns in complaints to use to inform service improvements. Such data will be reported annually in our Annual Report.

#### Your privacy

We collect your information and handle all records in accordance with the *Privacy and Data Protection Act 2014*. We keep your personal information secure. We use the information you provide to respond to your complaint, and may also analyse the information you have provided for the purpose of improving services that relate to your complaint. Where we publish complaint data, personal information is removed.

In most cases, complaints to Council and the complainant/s are considered confidential however complaints lodged with Council may be subject to requests for access under the *Freedom of Information Act 1982*. In this instance, the complainant is consulted in regards to their views regarding confidentiality and personal information where applicable.

Council may be obligated to investigate a complaint and where required instigate enforcement proceedings because of the investigation. If an investigation leads to prosecution relevant to a complaint, Council may be required to disclose details relating to the complaint including the complainant to the defendant under rules relating to discovery.

Any queries regarding privacy should be directed to Council's Privacy Officer at privacy@nillumbik.vic.gov.au.

#### 10. Unreasonable complainant conduct

We require our staff to be respectful and responsive in all of their communications with members of the public. We expect the same of you when you communicate with our staff.

Council does not tolerate rude or aggressive behaviour, or bullying of Council staff and contractors. We may change the way we communicate with you if your behaviour or conduct raises health, safety, resource or equity issues for Council staff involved in the complaints process.

When managing unreasonable conduct and behaviour, we try to ensure that:

- the complainant's expectations are clear and realistic, something which can be determined when contact is made after receiving a complaint
- · we maintain regular, firm and clear communication, either in writing and/or verbally
- a complainant understands what Council can do and not do in relation to the complaint, and where they are able to go for further assistance
- we provide clear reasons for our decisions, and we avoid unnecessary delays
- we provide clear guidance and procedures for staff to deal with complaints.

Council may also decide to deal with unreasonable conduct in one or more of the following ways:

#### Who they contact:

Where a person demonstrates unreasonable persistence or demands, it may be appropriate to restrict their access to a single staff member (a sole contact point) and request that communication be made in writing to assist with quality control.

This Council officer will exclusively case manage the complaint(s) and interactions with Council. This will ensure the person is dealt with consistently and will minimise the chances for misunderstandings, contradictions and conflict.

#### What they can raise with Council

Where a person continues to engage in unreasonable conduct about issues that have already been comprehensively considered and/or reviewed (at least once) by Council, restrictions may be applied to the issues/subject matter the person again raises with Council.

#### When, where and how they can have contact

A person's telephone, written or face-to-face contact with the Council may place an unreasonable demand on time or resources because it affects the health, safety and security of staff. It may also be behaviour that is persistently rude, threatening, abusive or aggressive. As such, Council may limit when, where and/or how the customer can interact with Council.

Vexatious complaints are when complainant behaviour causes annoyance, frustration, or worry. The Victorian Ombudsman has released a policy and guide to assist workers, dealing with complaints of this nature. When a person behaves in this way, we consider their conduct to be unreasonable.

Categories of unreasonable complainant conduct can be grouped into five categories:

- · unreasonable persistence
- unreasonable demands
- unreasonable lack of cooperation
- · unreasonable arguments
- unreasonable behaviour.

Dealing with unreasonable behaviour is based on the understanding that:

- every complainant deserves to be treated with respect
- every complainant, regardless of how much time and effort is taken up in responding to their complaint, should have their complaint properly and appropriately dealt with
- a person whose conduct is unreasonable may still have a legitimate complaint, however their inappropriate behaviour must be effectively managed

- the substance of a complaint dictates the level of resources allocated to it, not the complainant's wishes, demands or behaviour.
- Council retains an express discretion to refuse to deal with a complaint that is otherwise subject to statutory review. In exercising this discretion, Council will consider whether it is reasonable in the circumstances to expect the complainant to exercise their rights under the relevant statutory review process.

#### 11. Responsibilities

All Council staff, Councillors and Council contractors are responsible for contributing to our complaints process.

Role	Responsibility
Chief Executive Officer	Promoting positive behaviours and practices relating to enabling, responding to and learning from complaints
	Supporting service improvements that arise from complaints
	Reviewing and publishing complaint data
Senior leaders and managers	Recruiting, training and empowering staff to resolve complaints promptly and in accordance with the Council's policies and procedures
	Managing conflicts of interest in the complaint process
	Reporting on and identifying improvements from complaint data
	Supporting staff who deal with complaints
All Council staff	Familiarising themselves with this policy and the Council's complaint process
	Assisting members of the public to make a complaint
	Treating members of the public respectfully and professionally
Councillors	Familiarising themselves with this policy and the Council's complaint process
	Referring complaints to Council staff to be dealt with in accordance with our processes
Council contractors	Familiarising themselves with this policy and the Council's complaint process
	Cooperating with the Council's complaint handling processes

### 12. Policy context

This policy has been developed in accordance with the requirements of sections 106 and 107 of the *Local Government Act 2020*. The policy has also been developed with consideration of:

- Victorian Ombudsman's Good Practice Guide to Dealing with Challenging Behaviour (May 2018)
- Victorian Ombudsman's Revisiting Councils and Complaints (October 2019)
- Victorian Ombudsman's Councils and Complaints: A Good Practice Guide 2<sup>nd</sup> edition (July 2021).

#### Related documents

This policy has been developed particularly in accordance with the following legislation, regulations, policy and standards:

## CM.175/21 Complaint Handling Policy Attachment 1. Complaint Handling Policy (December 2021)

- Local Government Act 2020
- Privacy and Data Protection Act 2014
- Public Interest Disclosures Act 2012
- Charter of Human Rights and Responsibilities Act 2006.

Relevant Council policies and procedures include but are not limited to:

- Complaint Handling Procedure
- Public Interest Disclosure Procedure
- Freedom of Information Part II Statement
- Information Privacy Policy
- Records Management Policy
- Staff Code of Conduct
- Performance Improvement and Discipline Policy
- Workplace Bullying and Occupational Violence and Aggression Policy
- Councillor Code of Conduct.

#### Review

This policy will be reviewed at least every four years, or more frequently if there are changes to legislation or internal processes impacted on the policy.

Reference and term extension

Attachment 1. Panton Hill Bushland Reserve System User Group Advisory Committee Terms of

Reference 2019

# Panton Hill Bushland Reserve System User Group Terms of Reference



#### Classification

Advisory committee

#### Purpose

The purpose of the Panton Hill Bushland Reserve System (PHBRS) User Group is to encourage an understanding, appreciation, enjoyment and care within the community and the user groups of the significant natural features, biodiversity, social, educational, recreational, and historical values of the Panton Hill Bushland Reserves.

#### **Objectives**

- To assist in planning community initiatives and activities that promote and protect the natural features, biodiversity, social, educational, recreational, and historical values of the PHBRS
- To assist in the implementation of initiatives and activities which protect and enhance these
  values.
- To facilitate the wider Nillumbik community's enjoyment and experience of the PHBRS
- To engage the community in the implementation of these activities.
- To provide relevant advice and feedback to Council in relation to works and other matters as they may arise within the reserves
- To assist in the development of appropriate policy that supports and facilitates these endeavours
- To allow Council to inform the User Group about issues and actions surrounding the reserves for dispersal into the community.

#### Membership

Up to nine community representatives will be selected to represent a broad spectrum of reserves users including environmental interests, horse riding, bushwalking and mountain bike groups, the indigenous and artistic communities and the general community.

When a representative is absent from a meeting, they may nominate another person from the same interest group to attend the meeting in their place. From time to time, the User Group may invite other people from the community or government agencies to provide input into a particular topic or project.

Broader community involvement will be advertised to all interested community members who can participate in volunteer initiatives and activities.

The User Group will be chaired by a Councillor appointed by Council.

#### Term of appointment

PHBRS User Group members will be appointed for a two year term after which the role and function of the User Group will be reviewed.

Reference and term extension

Attachment 1. Panton Hill Bushland Reserve System User Group Advisory Committee Terms of

Reference 2019

# Panton Hill Bushland Reserve System User Group Terms of Reference



#### User Group responsibilities

In order to fulfil the Committee's objectives, Committee members are expected to:

- Work in conjunction with Council officers in developing community engagement activities in the PHBRS as well as developing community engagement programs and materials.
- Promote activities and recruit volunteers within their communities
- · Assist in coordination and supervision of volunteers during activities
- · Prepare for and actively participate in regular PHBRS User Group meetings.
- Provide advice and feedback on different aspects of works within the reserves, or community
  engagement activities and supporting policy initiatives.

#### Member responsibilities

Members of the PHBRS User Group are expected to work as part of a team in undertaking activities to help enhance and conserve the PHBRS.

Activities to be undertaken by group members may include weed control, trail maintenance, sign maintenance, flora and fauna monitoring, trail monitoring, Waterwatch monitoring, rubbish removal, and revegetation and community engagement programs.

#### Meeting frequency

The User Group shall meet three times per year.

Subcommittees around specific projects may be convened as required and meet on a more frequent basis.

Broader community involvement will be advertised as required for on-ground activities.

#### Management of the Committee

The Environmental Works Team Leader, or another member of Council's Environmental Works Team, will resource the Committee and attend all meetings and community activities. Leisure Services will provide technical advice and assistance with matters relating to the recreation trails through the PHBRS.

The Environmental Works Team will be responsible for preparation of meeting agendas, minutes, and other administrative functions. In addition, the Environmental Works Team will be responsible for coordinating and administering on-ground activities such as weed control, trail maintenance and revegetation. Administration of on-ground activities will be in accordance with Council's Friends Group Volunteer Manual 2011.

Council's Infrastructure and Business Tourism and Marketing functions will attend meetings and provide advice to the User Group

Reference and term extension

Attachment 1. Panton Hill Bushland Reserve System User Group Advisory Committee Terms of

Reference 2019

# Panton Hill Bushland Reserve System User Group Terms of Reference



#### Reporting procedure

The PHBRS User Group is an advisory committee that is established by Council. It is not a decision making body and does not require voting protocols or other decision making mechanisms.

#### Occupational Health & Safety and Equal Opportunity

Nillumbik Shire Council is committed to providing a safe workplace for employees, councillors and volunteers. Members of Council Advisory Committees must:

- Adhere to the Equal Opportunity Act 1995, and refrain from discriminating, harassing or bullying other people and using offensive language in their capacity as a member of the Committee.
- Adhere to the requirements of the Occupational Health and Safety Act 2004 and have regard
  to the principles of health and safety. Committee members must ensure that they contribute
  to the notion of a healthy and safe workplace.

The Council officer with responsibility for convening the Group will provide an overview of the relevant legislative requirements and Council's Equal Opportunity and Anti Bullying and Violence Policy as part of the Committee induction process.

#### References

Panton Hill Bushland Reserves Management Plan 2011

Panton Hill Bushland Reserves Community Engagement Plan 2013

#### **Council Contacts**

Brad Tadday Environmental Works Team Leader 9433 3203

brad.tadday@nillumbik.vic.gov.au

Blake Hunton Parks and Open Space Coordinator 9433 3501

blake.hunton@nillumbik.vic.gov.au

#### Approved date

September 2019

#### Review date

June 2021

PHBRS User Group Terms of Reference

Attachment 2. Revised Panton Hill Bushland Reserve System User Group Advisory Committee Terms of Reference 2021

# Nillumbik Shire Council Panton Hill Bushland Reserves System (PHBRS) User Group Advisory Committee Terms of Reference

#### Name

Panton Hill Bushland Reserve System (PHBRS) User Group Advisory Committee (**Advisory Committee**)

#### Introduction:

The Panton Hill Bushland Reserve System (PHBRS) constitutes seven individual reserves spanning 140 hectares of bushland in the Watsons Creek catchment near the townships of Panton Hill and Smiths Gully.

Council adopted the Panton Hill Bushland Reserve System Management Plan and created the User Group in 2011.

#### **Policy Statement:**

The Panton Hill Bushland Reserve System (PHBRS) User Group Advisory Committee is a broad-interest advisory group facilitating community engagement including volunteer activities to protect the values of the PHBRS and to help manage user impacts.

#### Aims:

The aim of the PHBRS User Group is to encourage an understanding, appreciation, enjoyment and care within the community and the user groups of the significant natural features, biodiversity, social, educational, recreational, and historical values of the Panton Hill Bushland Reserves.

#### Objectives

- Represent the views and needs of the various PHBRS user groups.
- Facilitate the wider Nillumbik community's enjoyment and experience of the PHBRS.
- Assist in planning community initiatives and activities that promote and protect the natural features, biodiversity, social, educational, recreational, and historical values of the PHBRS.
- Assist in the implementation of initiatives and activities which protect and enhance these values.



Attachment 2. Revised Panton Hill Bushland Reserve System User Group Advisory Committee Terms of Reference 2021

- Engage the community in the implementation of these activities.
- Provide relevant advice and feedback to Council in relation to works and other matters as they may arise within the reserves.
- Assist in the development of appropriate policy that supports and facilitates these endeavours.
- Strengthen partnerships with residents, community groups and services about issues and actions surrounding the reserves.

#### Membership

The Advisory Committee membership will consist of up to 10 members and will include representation from:

- One representative of the Nillumbik Shire Council (Councillor/s)
- Up to nine community representatives will be selected to represent a broad spectrum of reserves users including:
  - bushwalking
  - environmental interests
  - horse riding
  - o mountain biking
  - o the indigenous community
  - the artistic community
  - o the general community.

All Advisory Committee positions are unpaid positions unless otherwise specified in the Terms of Reference.

#### **Council Directorate**

The Advisory Committee falls within Council's Operations and Infrastructure Directorate and will be managed by Council's Environmental Works team.

#### Meeting Frequency

The Advisory Committee will be held three times per year in February, June and October.

Subcommittees around specific projects may be convened as required and meet on a more frequent basis.

Broader community involvement will be advertised as required for on-ground activities.

#### **Endorsed by Council**

These Terms of Reference were endorsed by Council on xx December 2021

#### **Next Review Due**

June 2022

PHBRS User Group Advisory Committee Terms of Reference

Attachment 2. Revised Panton Hill Bushland Reserve System User Group Advisory Committee Terms of Reference 2021

#### Informal Meetings of Councillors and Conflicts of Interest

The Advisory Committee is considered an Informal Meeting of Councillors as defined in Clause19 of Council's Governance Rule - Meeting Procedure.

An Informal Meeting of Councillors Record must be completed and sent to Council's Governance team as soon as possible at the completion of the meeting for inclusion in the Agenda for the next Council Meeting.

The Informal Meeting of Councillors Record must outline:

- the names of all Councillors and members of Council staff attending;
- the matters considered;
- any conflict of interest disclosures made by a Councillor, Committee member or Council staff member; and
- whether an individual who has disclosed a conflict of interest leaves the meeting.

The Minutes of the meeting, including the matters discussed at the meeting must be tabled at the next convenient Council Meeting and recorded in the minutes of that Council Meeting.

## Conflicts of Interest as defined by sections 126-131 of the *Local Government*Act 2020

Councillors, Committee members and Council staff are expected to understand the concept of conflicts of interest in the *Local Government Act 2020* and follow Council's procedure for disclosure in the Governance Rule – Decision-making.

#### Working groups

Working groups will be established as required to provide an opportunity for members to work collaboratively on specific issues and projects. Membership of the working groups will be open to Advisory Committee members and non-members. A working group member will be nominated to provide feedback at the Advisory Committee meetings.

#### **Recruitment Process**

Nominations for appointment of individual members shall be invited through local media and Council publications. Invitations will also be circulated through relevant Council Committees and networks. Representatives of key organisations will be recruited directly by Council staff members, and from other organisations will be sought through advertising.

#### Gender Equality, Diversity and Inclusiveness

The Gender Equality Act 2020 commenced on 31 March 2021 and seeks to improve workplace gender equality in the Victorian public sector, universities and local councils.

Local councils are required to promote gender equality in policies, programs and services that impact the public. The committee will actively consider how community members of various ages, abilities, cultural and gender identities, sexual orientation, religions, locations and social economic backgrounds might access policies, programs

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or services differently and if are there any barriers which may hinder these groups from accessing these policies, programs or services.

#### Selection Criteria for Membership of Advisory Committees

Nominees for membership must be able to demonstrate:

- Qualification skills and expertise in a specific area where necessary depending on the issue/project/topic.
- A strong understanding of the local community and its social, environmental and economic influences.
- Good knowledge and understanding of the local issues that are relevant to the subject matter.
- Endorsement by their own organisation. Individuals should provide two character referees as part of their application, unless they are a returning member.
- An ability to represent a broad range of views that reflect the diversity of the community.
- Current involvement in the community in the interest area that relates to the purpose of the Advisory Committee.
- Strong community networks and linkages.
- An ability to constructively participate in an advisory capacity.
- A willingness to contribute positively to meetings in a fair and unbiased manner.
- An ability to look beyond personal interests for the benefit of the community and residents in the Shire.
- An ability and willingness to encourage participation from and provide feedback to the community regarding an issue.
- A capacity to commit to the Advisory Committee for the required duration.
- A willingness to celebrate the success and achievements of the issue/s.

All Advisory Committee applications will be considered based on the Key Selection Criteria and Application.

#### Selection Panel to make recommendation of members on Advisory Committees

- Senior member of Council (CEO or Director/Executive Manager or delegated Manager)
- Nominated Council staff member from the specific service area related to the issue
- Senior Manager of a local provider (if appropriate)
- Senior Manager of a local industry (if appropriate).

A recommendation about the membership is made for the endorsement of Council.

It is noted that once the committee has been appointed, this selection panel is disbanded.

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A Councillor must not participate as a selection panel member because in doing so it will trigger the conflict of interest provision of the *Local Government Act 2020* whereby they will have to remove themselves from the decision making process at Council.

The following are examples of selection criteria relevant to the Committee's purpose that might be used in an expression of interest document.

An individual applicant may be selected on the basis of the following criteria:

- Qualifications, skills and experience the person can bring to the Committee.
- Current knowledge of issues relevant to the aims and objectives listed in the Terms of Reference.
- Living, working or engaging in activities in Nillumbik Shire.
- Willingness to commit to a two-year term.
- Ability to represent a diversity of views and interests of the community.

Representatives of organisations may be selected on the basis of that organisation:

- Having involvement and providing services to Nillumbik residents who work within the service industry covered by the Advisory Committee.
- The nature of the service the organisation provides to Nillumbik residents.
- Having capacity to provide a consistent representative for a two-year term.
- The resources and expertise that the organisation can offer the Committee.

#### **Terms of Appointment**

- Appointments will be for a two year term.
- Council will appoint a Councillor to chair the meetings.
- Members completing a two year term may re-apply for a further two year term.
- The operations of the Committee will be reviewed annually by Council.
- Members are free to resign in writing from an Advisory Committee at any time.
   At which time, Council may initially approach one of the unsuccessful applicants or undertake a new expression of interest.

#### Meeting Frequency

- The Advisory Committee will meet for the frequency listed above.
- It is expected that each member attend a minimum of 60 per cent of all meetings unless reasons are provided to the Chairperson. No reasonable explanation will be denied.
- A member's term of appointment may cease if the member fails to attend three consecutive meetings without prior apology.
- A quorum at a meeting of the Advisory Committee will consist of at least half of the appointed members (excluding Council staff).

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#### Role of Councillor

The role of the Councillor is:

- To act as Chairperson of the Advisory Committee.
- To be the link between Council and the Advisory Committee.
- To table issues and concerns to Council on behalf of the Advisory Committee.

Should the Chairperson be absent from the meeting, the Advisory Committee is to appoint a temporary Chairperson by a majority vote of those members present.

#### Observers

When observers are invited to attend Advisory Committee meetings, their role is to observe only unless called upon by the Chairperson to participate.

#### **Executive Support**

Council's nominated Department or team managing the Advisory Committee will provide executive support to the Advisory Committee.

#### Role of Committee members

- Commit to serving for two (2) years.
- Prepare for, attend and actively participate in meetings.
- Take an active role in communicating the views of residents and organisations to Council.
- Provide feedback to Council via the Council staff member assigned to convene the Committee.
- Keep the Committee informed of current and emerging developments, and issues and activities relevant to the Committee.
- Respond to requests for input into and/or feedback on Council activities, policies and reports.
- Seek approval from Council prior to making public statements, submissions or announcements or issuing correspondence (including emails) to external stakeholders on behalf of the Committee or Council.

#### Accountability and Extent of Authority

- All Advisory Committee members have an active role to provide feedback and advice to Council on issues relating to the aims and objectives of the Advisory Committee within the municipality.
- All Advisory Committee members participate in discussions at Advisory Committee meetings.
- All Advisory Committee members have an advisory role and do not hold any authority to make decisions or commitments on behalf of Council.

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#### Monitoring and reporting

- The minutes of Advisory Committee meetings will be circulated to members via email for confirmation, and then placed on Council's Advisory Committee website for viewing.
- All Committee minutes will be presented to Council at the next available Council Meeting for noting.
- Recommendations and requests arising from Advisory Committee meetings will be presented to Councillors for consideration. Where this occurs, the request will require the majority support of the Advisory Committee members present. Responses to recommendations will be determined based on Council's legislative role, stated commitments in Council's policies and plans and budgetary processes.
- Unless the Council staff member managing the Advisory Committee holds the
  appropriate delegation from Council to act on formal advice provided by the
  Committee, that advice must be referred to Council for formal resolution to act.
  Where formal advice provided by the Advisory Committee cannot be acted on
  with the delegated power of Council staff, it must be referred to Council for formal
  resolution before being acted on.

#### **Evaluation and Review**

The Advisory Committee Terms of Reference and membership will be reviewed and evaluated on an annual basis or as required for any significant changes.

#### Support to participate in meetings

Council will provide reasonable support for members to participate in the meetings. This will be negotiated with the members as needed.

#### **Induction and Orientation**

An induction and orientation process will occur for all members at the beginning of the term of the Advisory Committee. This process will include:

- Briefing members on the expectations and requirements of membership of the Advisory Committee.
- Providing members with an overview of the advisory structures (including working groups and sub-committees) and decision making processes of Council.
- Introduction to the Council Plan and other relevant Council policies, strategies and plans.
- An overview of key issues relating to the aims and objectives of the Advisory Committee.
- Establishing clear objectives and priorities for the two-year term of the Committee.
- Reviewing Advisory Committee Policy and expectations of members at Advisory Committee meetings and each member signing a declaration to abide by the conduct obligations.

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- Providing information to members to ensure their understanding of obligations relating to:
  - Conflicts of interest
  - Confidentiality
  - Privacy
  - Health and safety, equal opportunity, bullying and harassment
  - Child Safe Standards
  - Social Media Protocol

#### Confidentiality

Councillors and other members of Advisory Committees established by Council must not disclose information defined in section 3(1) of the *Local Government Act 2020* as "confidential information".

#### **Privacy**

Councillors and committee members on advisory committees established by Council are subject to the requirements of the *Privacy and Data Protection Act 2014* and Council's Information Privacy Policy.

#### **Breaches**

Breaches of the Advisory Committee Policy or Terms of Reference will be dealt with under the Policy.

		Tenderer 2	Tenderer 5
Victorian Based		Yes	Yes and is a Local Supplier within the Northern Council Alliance areas
Product	Australian content.	xxx Traffic Cones, TTops, Multimessage frames, Temporary Legs and Brackets are all	Traffic Cones and bollards are imported from China.
		imported from China.	Metal frames for temporary signs are imported from China.
Social	Opportunities for Australians with disability.	xxx maintains an equal employment opportunity policy and abides by this for all	xxx employment practices address gender diversity; indigenous employment; being an
Responsibility		employment related processes.	employer of choice; supporting persons with disabilities to undertake meaningful work;
		xxx also engages Disability workshops and provides sub contract work for these	support long-term unemployment through government initiatives and to provide
		important businesses who employee those with disabilities.	relevant learning and development opportunities for their workforce. Corporate social
			responsibility policy provided.
	Women's equality and safety.	xxx maintains an equal employment opportunity policy and abides by this for all	Affirmative Action (AA) is a means of ensuring EEO for women as it is aimed at the
		employment related processes.	removal of barriers to women achieving equality in the workplace. xxx will review
		xxx maintain a high employee ratio for females in the workplace and actively encourage	policies, procedures and workplace practices to ensure that they do not result in the
		females to apply by allowing flexible working arrangements to suit the individual	unfair treatment of women. This will enable each woman within the organization to
		requirements.	achieve their full potential. Workplace Gender Equality Agency - xxx Letter of
			Conformance 2020-21 and Equal employment opportunity policy provided.
	Opportunities for disadvantaged Australians.	xxx outsources (subcontracted) a number of tasks related to high volume simple	xxx employment opportunities for disadvantaged Australians are covered under their
		requirements such as placing retroreflective collars onto traffic cones, Holding rails etc to	
		disadvantaged businesses who employee primarily either disabled or disadvantaged	
		australians.	
	Supporting safe and fair workplaces.	xxx qualify all suppliers in Australia to ensure they meet their trading terms and	Everyone wants the workplace to be an enjoyable and safe place to work. To achieve this
		conditions including that they maintain ISO accreditation for OHS.	people must ensure that no one is harassed, bullied, discriminated against, victimised or
		Prior to COVID, xxx visited their overseas suppliers in China to inspect their premise and	made the subject of pranks.
		advise on any breaches of safety and or provide improvement suggestions to ensure that	
		their place of work was safe for their workforce. These have included such	imposes standards of behaviour for workplaces.
		improvements as the removal of welding practices without appropriate ventilation,	This policy describes:
		operation of presses without guards to protect the worker and introduction of safe	- xxx attitude to workplace behaviours;
		handling techniques and packaging to reduce the likelihood of injury.	The types of behaviour that xxx does not tolerate and which the law makes unlawful;
		Post COVID they have only been able to engage their supplier via email etc to ensure these practices are maintained but all of their current suppliers are long term suppliers	<ul> <li>What happens if you engage in unacceptable behaviour; and</li> <li>What to do if anyone behaves in an unacceptable manner towards you.</li> </ul>
		who have worked with xxxx for many years and understand their expectations and	Workplace Behaviour Policy - Procedure provided.
		requirements.	Workplace behaviour Folicy - Frocedure provided.
	Supporting sustainable regions.	xxx has a "regional" office located in xxxx, North Queensland that proudly supports and	xxx is committed to informed and balanced procurement decision making processes that
		employs local people as well as engaging in local suppliers from the region to support	minimise the impact of their operations on the environment, support local communities,
		true local businesses.	deal fairly and responsibly with their suppliers and value their workforce and customers.
		Their xxxx Branch employees 12 full time staff.	Sustainability Policy provided.
	Participation in and/ or funding of local	xxxx currently has no active participation in or funding in local community projects or	Where requested, xxx provides advertising signage & display products to local not for
	community projects and/or charities.	charities but has over the years welcomed such opportunities.	profit organisations, religious groups & charities.
		xxxx has in the past supported children charities such as the McDonald House to assist	Their most recent donation was in July 2017 for a number of printed banners for fund
		funding for sending children to Disneyland who are suffering from terminal diagnosis.	raising & awning signs for the xxx Soccer Club in Melbourne.
			Secretaria Secretaria December 1971 de la constitución de la constituc
	Contribution to Australian economy.	100% of xxxx revenues are retained within the Australian economy.	Corporate Social Responsibility policy provided.  xxx is a proud local manufacturer of traffic control signs and traffic control products.
1	Contribution to Australian economy.	100% of xxxx revenues are retained within the Australian economy.	All revenue generated stays in Australia and they employ 99 FTE Australians, nationally.
			All revenue generated stays in Australia and they employ 33 FTE Australians, flationally.
			Corporate Social Responsibility policy provided.
	Consumer rights considerations.	xxxxcomplies with all appropriate consumer rights legislation, both Federal and State.	xxx acknowledges under Australian Consumer Law, consumer guarantees are given
			automatically. They provide consumers with a comprehensive set of rights for the goods
			and services they buy, lease or hire. Consumer guarantees cannot be revoked, replaced
			or waived by a seller or consumer.
0			Consumer Rights policy provided.

Employee deve	elopment and training.	xxxx actively encourages employee development and training throughout all levels of their business. This is budgeted for each FY to ensure they are identifying and encouraging this throughout the year.  This may be individually completed or as a group both tailored for onsite training or offsite specific training. xxxx have assisted many employees gain education qualifications and trades over the years and have seen the business and employees grow as a result.	xxx is committed to providing all training necessary to enable employees to perform the work efficiently and safely.  This includes orientation of new employees or retraining of employees whose responsibilities or duties change through advancement or organisational restructuring. xxx will also provide ongoing instructions and training to employees as to safe and proper methods of carrying out their job so to avoid risk of injury to themselves and others and ensure that these instructions are followed.  HR Policy & Procedures provided
Workplace rela	ations and remuneration.	which are lodged and approved with Fair Work Australia.	xxx aims to attract and retain the higher calibre of employees whom, by virtue of their abilities and the successful management of their responsibilities, will build a sound base for the future success of the company. This includes creating a working environment that promotes employee motivation so these employees will perform to the best of their abilities and to make the maximum contribution to the ultimate benefits of the company and its employees.  Their manufacturing employees are employed under the Fair Work Australia EBA agreement "xxx Melbourne Manufacturing/Production Employees, Enterprise Agreement 2020" and their administration staff are employed under the following awards.  • MA000002 / Clerks – Private Sector Award 2020  • MA000010 / Manufacturing & Associated Industries & Occupations Award 2020  • MA000026 / Graphic Arts Printing and Publishing Award 2010  • MA000083 / Commercial Sales Award 2020  HR Policy & Procedures provided.
Equal opportu	nity.	Equal employment opportunity policy provided	xxx is committed to Equal Employment Opportunity (EEO). They believe that in doing so their employees will enjoy a rewarding workplace environment and that each person's access to available opportunities will be based on merit only.  All applicants and employees can expect to be treated fairly in relation to employment, training, development and promotion with their company, based upon their demonstrated skills, qualifications and abilities.  Discrimination in any form will not be tolerated. xxx will not treat any person less favourable than another on the basis on their gender, race, age, marital status, pregnancy, carers' responsibilities, disability, religion, political beliefs, union membership or sexuality.  Equal Employment Opportunity policy provided.
Organisational	culture and diversity.	Equal employment opportunity policy provided	xxx recognises diversity occurs in many forms including gender, age, ethnicity and cultural background. The company;  1. Aspires to promote a workplace environment that attracts, retains and supports a diverse range of talent.  2. Recognises that, where possible, attracting and maintaining workforce diversity will enable the company to improve workplace culture and most effectively achieve the corporate goals of the company.  3. And acknowledges its policies, culture and environment will be cast to ensure a properly functioning diverse workplace and in so doing, discrimination, harassment, vilification and victimisation will not be tolerated.  Diversity policy provided.

ndigenous	Aboriginal and/or Torres Strait Islander	No	No
Content	ownership.		
	Aboriginal Participation policy.	Yes	Indigenous Staff Employment policy provided.
	Aboriginal staff employment.	No	No
	In-house support for the recruitment of	No	xxx encourages greater participation of Indigenous people in the workplace and
	Aboriginal people.		employing local people in local jobs.
	15 80 8		
			In pursuing this policy xxx will:
			Utilise organisations that specialise in Indigenous Employment such as local job
			network providers, government and community support groups.
			Develop support and mentoring systems for Indigenous employees aimed at
			increasing employment retention through personal and professional development.
			3. Provide work environments that are culturally safe and foster respect for,
			collaboration with, and empowerment of, Indigenous employees, acknowledging the
			unique and special place they hold as Australia's Indigenous peoples.
			4. Increase the workplace understanding of Indigenous Culture through cross cultural
			awareness training; and
			5. Respect the cultural/social and religious practices of Indigenous Australians.
			Indigenous Staff Employment policy provided.
	Experience in working with Aboriginal businesses.	No	xxx is a current supplier to a number of indigenous owned companies & councils in
	-00-2		Australia.
			Examples of this are:
			Supply to Antar Incorporated in Victoria.
			Supply to West Daly Regional Council, NT.
			Supply West Arnhem Regional Council, NT.
			•Supply to Garli Pty Ltd. WA.
Environmental	Environmental Management policy.	Yes	Yes
Management	Environmental Management Framework.	Yes	Yes
	ISO Standard.	Yes	Yes
Environmental	Environmental initiatives and/or environment-	Over the past 5 years or so, xxx have transitioned the majority of their overseas dies to	Where possible xxx Signs recycles waste product. xxx - Kreuzer Cert Of Destruction Scrap
Deliverables	friendly Deliverables.	include information to be pressed into the products during manufacturing that details	Metal 2020" & xxx - Plastic Tech Recycle" provided.
			xxx is also Business Streams Accredited which is recognised by EPA Victoria, Melbourne
			Water, Nillumbik Shire Council and Vox Bandicoot.
			Due to the strict requirement of state road authorities, all traffic control signage must be
		and an encouragement note not to	manufactured from new materials.
		send to landfill. They have registered to be on the waiting list for a great new initiative	These materials can be fully recycled once their life cycle has ended. Other products that
		invented in Victoria to turn potato waste into cling wrap that is 100% biodegradable. All	are manufactured from recycled materials include rubber wheel stops, rubber speed
		inbound packaging (cardboard, pallets, crates etc) are all re purposed either internally	humps and guide posts.
		for storage or for packaging of their product to their clients significantly reducing their	For new traffic control signage, the percentage of recycled material is 0%.
		need to procure virgin materials.	For other products such as recycled guide posts, rubber wheel stops and rubber speed
			humps the percentage of recycled materials is 100%.

100	w products are manufactured	you recueling content document provided Since are manufactured using 1 Sec. 1973	Raw materials are sourced from third party environmentally accredited suppliers to
How	The state of the s	xxx recycling content document provided. Signs are manufactured using 1.6mm 5052	1
		H38 Aluminium, a 100% recyclable metal that is purchased locally through xxx. All waste	ensure sustainability of materials and industry best practice.
		produced through the manufacturing process for traffic signs is sorted and recycled	Formula wood throughout the annual activities are selected in the instantial transition and breating the in-
		though a national agreement with xxx Recyclers who pick up the sorted materials	Energy is used throughout the manufacturing process. From lighting and heating their
		(contaminated, raw and steel) and take back to their business for processing.	workplace to the operation of machinery, this is an unavoidable part of the process.
		Their general waste is sorted into general and recycling through appropriate bin	They have recently retrofitted all lighting to be LED to reduce energy use and thus carbon
		separation.	emissions.
		Their Corflute temp mmsg signs can be returned to be recycled through their supplier's	Water usage is a minor part of the manufacturing process, mostly used in the etching of
		reclamation process rather than ending up in land fill.	raw aluminium plates.
		The only chemicals in use are the digital and screen print ink which are a highly volatile	Their etch tanks are routinely inspected by EPA Victoria and they have not received an
		solvent ink. Any waste from these inks is stored in chemical waste bins and disposed of	infringement notice since their inception.
		through a registered environmental chemical waste business to ensure none of these	
		reach the waterways.	xxx does not use illegally logged timber in their operations. All timber is sourced from
		No timber is used in manufacturing	third party accredited environmental suppliers.
			xxx does not use toxic chemicals in their operations.
			Off cut metals and plastics are generated throughout the manufacture process. These
			are placed into separate recycling bins on site and are removed and recycled by their
			recycling partners.
			There is minor general waste generated during the manufacture process. This is placed
			into their hopper on site and removed by their waste disposal partner.
Disp	posal at the end of product lifecycle.	xxx traffic signs have a warrantable life of up to 14 years but they know most remain on	xxx is proud of that their products do not contribute to litter or general mess in the
		the road network for up to 25 years so there is little impact to litter. The product is also	community.
		100% recyclable.	At the end of life for the products, they are removed from site by accredited officers and
			are returned to depot for recycling.
			xxx is proud of the fact that approximately 90% of their products are recyclable.
			Materials that can be recycled include aluminium & steel signs, posts and frames,
			recycled plastic totems & bollards.
	tations are a second to a second that the second to a	All of their factories and offices have transitioned to low energy LED lighting over the	
Initia	tiatives company is or will take to reduce	All of their factories and offices have transitioned to low energy LLD lighting over the	xxx has been measuring their carbon emissions and fuel use since July 2018.
		past 5 years significantly lowering their draw on the electrical requirements to run their	xxx has been measuring their carbon emissions and fuel use since July 2018.  Other ways which they reduce their environmental impacts are:
	bon emissions.		
	bon emissions.	past 5 years significantly lowering their draw on the electrical requirements to run their	Other ways which they reduce their environmental impacts are:
	bon emissions.	past 5 years significantly lowering their draw on the electrical requirements to run their	Other ways which they reduce their environmental impacts are:  1.All packaging used is recyclable cardboard.
	bon emissions.	past 5 years significantly lowering their draw on the electrical requirements to run their	Other ways which they reduce their environmental impacts are:
	bon emissions.	past 5 years significantly lowering their draw on the electrical requirements to run their	Other ways which they reduce their environmental impacts are:  1.All packaging used is recyclable cardboard.  2.Where possible, all raw materials are sourced from ethical & sustainable suppliers from companies that have a third party accredited environmental management system. Their
	bon emissions.	past 5 years significantly lowering their draw on the electrical requirements to run their	Other ways which they reduce their environmental impacts are:  1.All packaging used is recyclable cardboard.  2.Where possible, all raw materials are sourced from ethical & sustainable suppliers from companies that have a third party accredited environmental management system. Their Ethical Sourcing Policy (CP37) outlines their objectives and principles to sustainability
	bon emissions.	past 5 years significantly lowering their draw on the electrical requirements to run their	Other ways which they reduce their environmental impacts are:  1.All packaging used is recyclable cardboard.  2.Where possible, all raw materials are sourced from ethical & sustainable suppliers from companies that have a third party accredited environmental management system. Their Ethical Sourcing Policy (CP37) outlines their objectives and principles to sustainability through their supply chain.
	bon emissions.	past 5 years significantly lowering their draw on the electrical requirements to run their	Other ways which they reduce their environmental impacts are:  1.All packaging used is recyclable cardboard.  2.Where possible, all raw materials are sourced from ethical & sustainable suppliers from companies that have a third party accredited environmental management system. Their Ethical Sourcing Policy (CP37) outlines their objectives and principles to sustainability
	bon emissions.	past 5 years significantly lowering their draw on the electrical requirements to run their	Other ways which they reduce their environmental impacts are:  1.All packaging used is recyclable cardboard.  2.Where possible, all raw materials are sourced from ethical & sustainable suppliers from companies that have a third party accredited environmental management system. Their Ethical Sourcing Policy (CP37) outlines their objectives and principles to sustainability through their supply chain.  3.Deliveries are grouped to reduce the amount of fossil fuels used and CO2 emissions.
carb	bon emissions.	past 5 years significantly lowering their draw on the electrical requirements to run their factories and offices.	Other ways which they reduce their environmental impacts are:  1. All packaging used is recyclable cardboard.  2. Where possible, all raw materials are sourced from ethical & sustainable suppliers from companies that have a third party accredited environmental management system. Their Ethical Sourcing Policy (CP37) outlines their objectives and principles to sustainability through their supply chain.  3. Deliveries are grouped to reduce the amount of fossil fuels used and CO2 emissions.  Reports showing their carbon emission reductions are available upon request.
Modern Slavery Mod	bon emissions.  odern Slavery applicability (subject to the	past 5 years significantly lowering their draw on the electrical requirements to run their	Other ways which they reduce their environmental impacts are:  1.All packaging used is recyclable cardboard.  2.Where possible, all raw materials are sourced from ethical & sustainable suppliers from companies that have a third party accredited environmental management system. Their Ethical Sourcing Policy (CP37) outlines their objectives and principles to sustainability through their supply chain.  3.Deliveries are grouped to reduce the amount of fossil fuels used and CO2 emissions.
Modern Slavery Modern M	bon emissions.	past 5 years significantly lowering their draw on the electrical requirements to run their factories and offices.	Other ways which they reduce their environmental impacts are:  1. All packaging used is recyclable cardboard.  2. Where possible, all raw materials are sourced from ethical & sustainable suppliers from companies that have a third party accredited environmental management system. Their Ethical Sourcing Policy (CP37) outlines their objectives and principles to sustainability through their supply chain.  3. Deliveries are grouped to reduce the amount of fossil fuels used and CO2 emissions.  Reports showing their carbon emission reductions are available upon request.

		Tenderer 7	Tenderer 10
Victorian Based		Yes	Yes
Product	Australian content.	Yes	Some B Class Lids are sourced from China.
Social Responsibility	Opportunities for Australians with disability.	xxx has an 'Equal Opportunity' policy which provides for inclusiveness of all personnel, including those with disability. Flexible work practices are offered, including supporting a parent as a primary carer of a child with disability.	
	Women's equality and safety.	xxx has an 'Equal Opportunity' policy which provides for inclusiveness of all personnel, regardless of gender.  Recruitment of female workers into traditional male occupations is encouraged and evidenced by a significant number of female personnel throughout the company, including in senior management and labour roles.	50% of workforce is female
	Opportunities for disadvantaged Australians.	MEGT and Salvation Army are engaged as needed for support in placement of disadvantaged people, cadets and graduate engineers, where the need arises.	Nothing in place but is a smaller company with only 12 employees
		Not explained	Not explained
	Supporting sustainable regions.	Not explained & no policy	Not explained and no policies
	community projects and/or charities.	Not explained & no policy	Not explained and no policies
	Contribution to Australian economy.	xxx is an Australian owned company, employing around 100 local personnel. Australian based manufacturing facilities produce a range of products including some which qualify to be labelled as 'Australian Made'.	Not explained and no policies
	Consumer rights considerations.	Not explained & no policy	Not explained and no policies

1		Leave and the second se	No. and the state of
	Employee development and training.	Not explained	Not explained
	Workplace relations and remuneration.	Not explained	Regular appraisals are conducted to ensure that employees wages and conditions are negotiated and accepted
	Equal opportunity.	xxx has an 'Equal Opportunity' policy which provides for inclusiveness of all personnel.	Not explained but 50% of workforce is female.
	Organisational culture and diversity.	Not explained	Not explained and no policies

Indigenous	Aboriginal and/or Torres Strait Islander	No	No
Content	ownership.		
	Aboriginal Participation policy.	Yes	No
	Aboriginal staff employment.	No	No
	In-house support for the recruitment of	xxx has an embedded business practice that all job advertisements contain the following	No
	Aboriginal people.	statement xxx is committed to achieving a diverse workforce and strongly encourages	
	15 30.5	applications from Aboriginal and Torres Strait Islanders and people from culturally	
		diverse backgrounds.'	
	Experience in working with Aboriginal businesses.	Wamarra – Part of Symal Group.	No
Fardenman and al	Favring and a Management walker	Voc	Yes
THE RESERVE OF THE PARTY OF THE	Environmental Management policy.  Environmental Management Framework.	Yes Yes	Yes
Management	ISO Standard.	Yes	Yes but evidence not provided
Environmental	Environmental initiatives and/or environment-	Environmental Improvements implemented have been are:	Nothing noted
74 XAO	friendly Deliverables.	- Environmental impact training for all staff to integrate a philosophy of sustainable	Nothing noted
Deliverables	menaly benverables.	development into organisational activities and promote sound environmental practices	
		in their operations.	
		- Promotion of products and services which use sustainable materials.	
		- Ensuring responsible use of energy throughout the organisation.	
		- Continual upgrades to the vehicle fleet to more efficient vehicles with lower emissions.	
		- Implementation of a glass, aluminium and plastic bottle recycling program.	
		- A target has been set for the reduction of paper consumption by 10% for 2019, which is	
		measured as part of their certification compliance.	
		Waste audits and data are currently being collected for analysis of consumption and	
		recycling to enable KPIs to be set for their general waste targets in 2020 and tracking has	
		commenced for Victoria and SA to commence next quarter.	
		commenced for victoria and 3A to commence next quarter.	

	How products are manufactured.	Environmental Policy provided.	Referred to Sustainability Policy but not provided.
	Disposal at the end of product lifecycle.	Almost All of the Products sources and utilised by xxx can be recycled at the end of their	Referred to Sustainability Policy but not provided
	8 8 8	life in a number of ways. Given the product make up being most metallurgical, the end	
		user can also find cost benefits ion selling the specific types of metals for revenue also.	
	Initiatives company is or will take to reduce	xxx will engage suppliers and discuss setting targets.	Solar system installed at office and factory to support reduction in carbon emissions
	carbon emissions.	xxx notes the importance of reducing Carbon Emissions and is committed to devising a	
		Policy around this moving forward.	
Modern Slavery	Modern Slavery applicability (subject to the	Not subject	Not Subject
Thought in blockery	Modern Slavery Act 2018 (Cth) or equivalent	, rot one, and	The subject
	State / Territory legislation - Yes/No).		

#### **Category Definitions**

#### Category 1 - Road & Traffic Signs & Accessories

Instruments usually located above and aside roadways which provide information or give instructions to users of the road.

Including but not limited to:

- Warning Signs
- Regulatory Signs
- Parking Signs
- Guide Signs
- Hazard & Safety Signs
- Recreational Signs
- Township & Tourist signs
- Accessories
- · Installation, Maintenance & Repairs

#### Category 2 – Grates, Access Covers & Associated Products

Products that provide safe access and movement for vehicles and pedestrians across spaces normally reserved for the passage of sewerage or stormwater.

Including but not limited to:

- Access covers and grates (variety of classes and sizes)
- · Trench grates both standard and customised
- Stormwater Inlet Systems
- Tree grates
- Weaved grates
- · Ecological friendly covers and surrounds
- Kerb adaptors
- · Miscellaneous (step irons, lifting tools, water boxes etc.)
- Installation, Maintenance & Repairs

#### Category 3 - Traffic Calming Devices

Devices used to manipulate the behaviour of road users and how they manoeuvre a particular space.

Including but not limited to:

- Speed bumps
- Speed humps
- Speed cushions
- Speed tables
- Rumble strips
- Rumble bars
- Fixed bollards
- · Wheel stops
- Kerbs
- Roundabouts
- · Installation, Maintenance & Repairs

#### Category 4 – Work Zone & Associated Products

An area where construction or maintenance work is being carried out, particularly along a road.

Including but not limited to:

- Temporary Warnings Signs
- Multi Message Signs
- Traffic Cones (reflective and non-reflective)
- · Lights & Arrow Boards
- Barriers/Safety Fencing & Tapes

Delineators & Accessories	
Guideposts	
• T-Top & Reboundable Bollards	
Stop/Slow Bats (Telescopic and Wooden Handle)	

tegory 5 – Road & Pedestrian Lighting & Associated Products
system of instruments which illuminates a particular road or pathway.
cluding but not limited to:
/ Category LED
/ Category Roadways
Freeway Access Ramps
Arterial Roads
Dual Carriageways
Major Intersections
Roundabouts
Highways
Bridges Control of the Control of th
Pedestrian Crossing
Category LED
Category Roadways
Walkways
Car Parks
Suburban Roads
Parks
Driveways
Security Lighting
nstallation, Maintenance & Repairs

## **Informal Meeting of Councillors Record**

#### The Meeting commenced at 6:30pm

MEETING DETAILS:	Title:	Recreational Trail Advisory Committee
No this business of the same o	Date:	Wednesday 17 November 2021
	Location:	Online – Zoom Meeting
PRESENT:	Councillors:	Cr Karen Egan
	Council Staff:	Tara Jolfaei, Brooke Ross, Heath Gillet
	Other:	Committee members - Janice Davies, Rex Niven, Jamie Sharp, Cathy Giles, Vince Bagusauskas, Stephen Hadley, Bob Muxlow, Finn Westerman, Louise Barry
APOLOGIES:		Rebecca Burton, Kay Cruse, Andrew Bakos

	MATTERS CONSIDERED	DISCLOSURES AND COMMENTS
1	Conflict of Interest	No disclosures were made
2	Trail Mapping	No disclosures were made
3	Illegal Mountain Bike Trails	No disclosures were made
4	Diamond Creek Trail Update	No disclosures were made
5	Trail Report Update	No disclosures were made

#### The Meeting concluded at 7:55pm

RECORD	Officer Name:	Tara Jolfaei
COMPLETED BY:	Officer Title:	Recreation and Open Space Planner
COMIT EL TED DI .	Officer Title.	Recreation and Open Opace Flamier



## **Informal Meeting of Councillors Record**

#### The Meeting commenced at 4:00pm

MEETING DETAILS:	Title:	Youth Council Meeting
	Date:	Monday 22 November 2021
	Location:	Council Chamber, Civic Centre
PRESENT:	Councillors:	Cr Ben Ramcharan, Cr Richard Stockman, Cr France Eyre, Cr Natalie Duffy
	Council Staff:	Carl Cowie, Corrienne Nichols, Nichole Johnson, Heath Gillett, Katie Camilleri, Nicola Clutton, Molly Jessop
	Other:	Youth Council Members: Youth Mayor Fieke van der Kamp, Deputy Youth Mayor Jack Linehan, Bailey Cumming, Brianne Keogh, Joseph Bowman, Maali Kerta-Rice, Indiana Sandwell, Kirra Imbriano, Lachlan Wadsworth, Cavan Cartwright
APOLOGIES:		Cr Peter Perkins, Cr Karen Egan, Cr Geoff Pane

MATTE	RS CONSIDERED	DISCLOSURES AND COMMENTS
1	Welcome Guest Acknowledgment of Country	No disclosures
2	Summary of PCC	No disclosures  Councillors thanked Youth Council members for their recent PCC presentations and invite Youth Council members to attend future PCC and speak to matters most important to them
3	Designed Youth Strategy	No disclosures  Council were supportive of the designed Youth Strategy. The group discussed including more images with a focus on the Nillumbik environment and a big focus on BMX riders.



## CM.181/21 Informal Meetings of Councillors Records - 14 December 2021 Attachment 1. Informal Meeting of Councillor Record reported 14 December 2021

MATTERS CONSIDERED		DISCLOSURES AND COMMENTS
4	Discussion on Diamond Creek Trail BMX Jumps	No disclosures  Room discussed the recent removal of the Diamond Creek BMX trails. Young riders in the community would like to see the trails restored by community.  Feedback from Youth Council will be taken to Council briefing tomorrow 23 November 2021 for consideration and decision on next steps.
5	Networking	No disclosures  Councillors and Youth Council had the opportunity to mingle.

#### The Meeting concluded at 6:30pm

RECORD	Officer Name:	Nicola Clutton
COMPLETED BY:	Officer Title:	Youth Development Officer
		. Galar Box or opinion

## **Informal Meeting of Councillors Record**

#### The Meeting commenced at 3:15pm

MEETING DETAILS:	Title:	Climate Action Plan
	Date:	Tuesday 23 November 2021
	Location:	Zoom
PRESENT:	Councillors:	Cr Natalie Duffy Cr Frances Eyre, Cr Geoff Paine, Cr Ben Ramcharan, Cr Richard Stockman,
	Council Staff:	Carl Cowie (from 3.50), Vince Lombardi, Corrienne Nichols, Hjalmar Philipp, Kirsten Reedy, Jon Miller, Ian Culbard, Seamus Balkin, Laura Nix, Lisa Pittle
	Other:	N/A
APOLOGIES:		N/A

MATTERS CONSIDERED		DISCLOSURES AND COMMENTS
1	Climate Action Plan implementation	No disclosures were made

#### The Meeting concluded at 4:15pm

RECORD COMPLETED BY:	Officer Name:	Lisa Pittle
	Officer Title:	Manager Environment



## The Meeting commenced at 5pm

	Title:	Councillor Briefing – conducted virtually	
MEETING DETAILS:	Date:	Tuesday 23 November 2021	
	Location:	Virtual meeting	
	Councillors:	Cr Peter Perkins, Cr Frances Eyre, Cr Natalie Duffy, Cr Karen Ega Cr Geoff Paine, Cr Ben Ramcharan and Cr Richard Stockman	
	Council Staff:	Carl Cowie, Vince Lombardi, Hjalmar Philipp, Rosa Zouzoulas, Corrienne Nichols, Blaga Naumoski, Jeremy Livingston, Lawrence Seyers, Heath Gillett, Leigh Northwood, Craig King, Lisa Pittle, Paul Fyffe Nichole Johnson, April Wilson	
PRESENT:	Other:	Jean Verso – President, Nillumbik Historical Society Jim Connor – Eltham District Historical Society Level Crossing Removal Project (LXRP)  – Adam Maguire – Program Director  – Andrew Brenchley - Deputy Project Director  – Scott Nicholls - Senior Project Manager  – Joanna De Lotto – Deputy Director, Stakeholder Relations Communications  – Brenden Jennion, Interface Manager Hurstbridge Line Upgrade Project	
APOLOGIES:			

MAT	TERS CONSIDERED	DISCLOSURES AND COMMENTS
1	Yarra Plenty Heritage Group	No disclosures were made
2	Update from the Level Crossings Removal Authority on the State Government's Hurstbridge Line Upgrade Project - Stage 2	No disclosures were made
3	Status Report on Outstanding Council Resolutions	No disclosures were made
4	Recreation & Leisure Strategy – Community Consultation Engagement Plan	No disclosures were made
5	Proposed Revised Planning Provisions for the Eltham and Diamond Creek Major Activity Centres	No disclosures were made
6	Amendment C131nill (Regulating Earthworks in the Green Wedge) Panel Report and Recommendations	No disclosures were made
7	Complaint Handling Policy	No disclosures were made
8	Panton Hill Bushland Reserve System (PHBRS) User Group Advisory Committee revised Terms of Reference and term extension	No disclosures were made



# CM.181/21 Informal Meetings of Councillors Records - 14 December 2021 Attachment 1. Informal Meeting of Councillor Record reported 14 December 2021

MATTERS CONSIDERED		DISCLOSURES AND COMMENTS
9	CEO Update to Councillors	No disclosures were made

## The Meeting concluded at 10pm

COMPLETED BY: Officer Title:	Blaga Naumoski Executive Manager Governance, Communications and Engagement
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## The Meeting commenced at 5.04pm

	Title:	Council Meeting Pre-Meet	
MEETING DETAILS:	Date:	Tuesday 30 November 2021	
	Location:	Council Chamber	
	Councillors:	Cr Peter Perkins, Cr Frances Eyre, Cr Natalie Duffy, Cr Karen Egan, Cr Geoff Paine, Cr Ben Ramcharan and Cr Richard Stockman	
PRESENT:	Council Staff:	Carl Cowie, Vince Lombardi, Hjalmar Philipp, Blaga Naumoski, Nichole Johnson, Nichols, Jeremy Livingston, Rosa Zouzoulas, Leigh Northwood, Annie Lee, Heath Gillett, Rebecca Burton, April Wilson, Caroline Correa, Stephanie Daniliuk, Craig Commane, Katia Croce	
	Other:		
APOLOGIES:			

MATTERS CONSIDERED		DISCLOSURES AND COMMENTS
1	Council Meeting Pre-meet	No disclosures were made.  Cr Richard Stockman entered the meeting during discussion at 5.08pm.

## The Meeting concluded at 5.59pm

RECORD COMPLETED BY:	Officer Name: Officer Title:	Katia Croce Governance Lead
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## The Meeting commenced at 4:30pm

MEETING DETAILS:	Title:	Economic Development Advisory Committee Meeting
	Date:	02 December 2021
	Location:	Online via Zoom
PRESENT:	Councillors:	Geoff Paine
	Council Staff:	Danielle Phyland, Georgie Nathan, Rosa Zouzoulas, Carl Cowie, Bea Guevara
	Other:	Committee Members – Nicole Staveley, Chanmali Tregambe, Kirrilly Romero, Phil Marandaz
APOLOGIES:		Zac Lombardo, Venu Metla, Terry Hutton, Richard Doville, Simon Le Plastrier, George Apted, Peter McWilliam

МАТ	TERS CONSIDERED	DISCLOSURES AND COMMENTS
1	Yarra Ranges Tourism Presentation	No Disclosures Made
2	Update on Draft Municipal Planning Strategy	No Disclosures Made
3	Economic Development Advisory Committee re-election	No Disclosures Made
4	COVID Business Support Update	No Disclosures Made
5	Nillumbik Economic Development Strategy – Year 2 update	No Disclosures Made

## The Meeting concluded at 6:00pm

RECORD	Officer Name:	Georgie Nathan
COMPLETED BY:	Officer Title:	Industry Development Office



## The Meeting commenced at 11:20 am

MEETING DETAILS:	Title:	Positive Ageing Advisory Committee
	Date:	Friday 3 December 2021
	Location:	Hurstbridge Community Hub, Zoom
PRESENT:	Councillors:	Cr Natalie Duffy, Cr Frances Eyre
	Council Staff:	Fiona Vuong, Iwona Trickett
	Other:	Tianjian Shen, Philip Green (by zoom), Ray Carroll, Anne Fitzpatrick, Gertraud McDonald, Sandra Verdam, Jan Taylor, Janice Crosswhite, Sabi Buehler, Sue Riley, Deanna Finn, Max Lee, Joy Ferguson
APOLOGIES:		

	MATTERS CONSIDERED	DISCLOSURES AND COMMENTS
1.	Welcome/ introductions	No disclosures made
2.	Communications subcommittee report back	No disclosures made
3.	Dementia subcommittee report back	No disclosures made
4.	Year in review	No disclosures made
5.	Roundtable	No disclosures made

## The Meeting concluded at 12:55pm

RECORD	Officer Name:	Fiona Vuong
COMPLETED BY:	Officer Title:	Positive Ageing Officer



- CM.160/21 Proposed Amendments C143 and C144 to the Nillumbik Planning Scheme Implementation of the Eltham and Diamond Creek Major Activity Centre Structure Plans (2020)
- Attachment 1. Timelime of key steps in planning for the Eltham and Diamond Creek Major Activity Centres

Date	Diamond Creek	Eltham	Comment
Oct 2002	Melbourne 2030 states that one of metropolitan Melbourne's MAC's is at Diamond Creek	Melbourne 2030 states that one of metropolitan Melbourne's MAC's is at Eltham	Melbourne 2030 was the State Government's strategic planning strategy for Melbourne. It was that strategy which introduced activity centre planning for Melbourne as State Government policy, including to designate many locations across metropolitan Melbourne as Major Activity Centres.
Aug 2004		Council adopted the Eltham MAC	Key directives of the structure plan were:
		Structure Plan	The MAC is defined as essentially comprising the Eltham Town Centre, The Bridge Street Business Area and a significant corridor of public open space.
			There is a focus on creating a centre which, while supporting growth in appropriate areas, reflects a preferred character for Eltham, particularly by:
			<ul> <li>Protecting and enhancing the contribution of vegetation, particularly indigenous vegetation</li> </ul>
			<ul> <li>Requiring development to respond to Eltham design themes. For example, by being relatively modest in size, using muted tones and materials, reflecting the local topography and minimising visual bulk.</li> </ul>
			Parkland should be protected for its environmental, aesthetic and social values.
			<ul> <li>There is a focus on creating a safe, inclusive and accessible centre, particularly for pedestrians and cyclists.</li> </ul>
			<ul> <li>The Eltham Town Centre is to provide a social, cultural and daily commercial hub for the MAC, whilst the BSBA is to provide for uses which are important to the local economy, but which are not appropriate in the town centre (e.g. light industry and restricted retail). The two areas should not compete.</li> </ul>
Sep 2005		Amendment C36 applies an interim planning policy to implement the Eltham MAC Structure Plan (2004)	This interim policy was applied with the understanding that Council would progress a planning scheme amendment to implement a broader range of longer-term provisions to implement the structure plan.

Sep 2006	Council adopted the Diamond Creek MAC Structure Plan		<ul> <li>Key directives of the structure plan were:</li> <li>The MAC was primarily defined as comprising the light industrial estate at Elizabeth Street, the public transport hub, the existing commercial/mixed use precincts (located in Chute Street and on the east side of the railway line), some school land and also parkland/recreational land within the Diamond Creek corridor.</li> <li>The structure plan also denotes a sizeable area to the south of the activity centre as the best opportunity for growth in medium density housing.</li> <li>There is a focus on creating a centre which, while supporting growth in appropriate areas, reflects a preferred rural township character for Diamond Creek. For example, by:</li> <li>Providing moderate commercial expansion in the existing commercial and mixed use areas east of the railway line, maintaining light industry in the industrial precinct, developing Chute St as a secondary retail node and providing medium density housing in and around the centre.</li> <li>Retaining and enhancing the tree coverage.</li> <li>Designing buildings, spaces and streetscapes to reflect the local identity.</li> <li>Protecting parkland for its environmental, aesthetic and social values.</li> <li>Creating a safe, inclusive and accessible centre, particularly for pedestrians and cyclists.</li> </ul>
Dec 2007	Amendment C50 applies an interim planning policy to implement the Diamond Creek Major Activity Centre Structure Plan (2006)		Clustering new and compatible community facilities near the town centre.  This interim policy was applied with the understanding that Council would progress a planning scheme amendment to implement a broader range of longer-term provisions to implement the structure plan.
Sep 2014	Amendment C53 applies a suite of planning controls to the Eltham MAC for the purpose of implementing the Diamond Creek MAC Structure Plan (2006)	Amendment C51 applies a suite of planning controls to the Eltham Town Centre for the purpose of implementing the Eltham MAC Structure Plan (2004)	Key points:  Both amendments were commenced in 2008 and progressed concurrently.  Both were fully exhibited and considered by a Planning Panel  Both proposed:

			<ul> <li>Urban design controls, including extensive use of mandatory height controls to allow only modest sized development</li> </ul>
			application of a SLO to protect substantial trees
			Land use policy and restrictions
			The State Government initially had issue with the proposed application of SLO's and particularly, with the proposed application of mandatory height controls.
			A compromise position was reached with DELWP which allowed:
			<ul> <li>a mix of discretionary and mandatory heights controls with building height limits which ranged from 3 to 5 storeys, and</li> </ul>
			o application of the SLOs
			At the request of DELWP, at a late-point in the amendment process, the amendments were re-formatted prior to adoption to use a new zone, namely, the Activity Centre Zone (ACZ).
			The amendments were adopted in 2010, but by then a new State Government was in place and was opposed to use of the ACZ. Therefore, after significant delay, Council was informed the amendments would not be approved until they had been reformatted to use other zones, such as the Residential Growth Zone (GRZ) and Commercial 1 Zone (C1Z). The amendments were subsequently reformatted as directed and approved in Sep 2014.
			Deliberations with the State Government over mandatory height controls and use of the ACZ significantly delayed, by years, approval of the amendments.
			Amendment C51 (Eltham) applied activity centre provisions to the Eltham Town Centre only and not to the Bridge Street Business Area (BSBA). It had been Council's intention when commencing C51 to follow adoption of that amendment with another that would apply activity centre provisions to the BSBA.
Aug 2016	Amendment C106 translated the existing provisions affecting the Diamond Creek	Amendment C106 translated the existing provisions affecting the Eltham MAC (i.e. the provisions	A change of State Government brought the ACZ back "into fashion" and in consultation with DELWP, Council initiated an Amendment in 2015 to translate the existing activity centre provisions into ACZ schedules.
	MAC (i.e. the provisions introduced by C53) into the	introduced by C51) into the Activity Centre Zone: Schedule 1	It was agreed with the DELWP that the amendments would be assessed as administrative translations and as such, without broad exhibition.

	Activity Centre Zone: Schedule 2		<ul> <li>Translating the existing suite of zones into the ACZ schedules meant that the new ACZ schedules had to replicate each and every land use restriction provided by the previous suite of zones. This has created some inconsistencies, inefficiencies and unnecessary complications with the land use restrictions translated into the ACZ schedules.</li> <li>Amendment C106 did not apply the ACZ1 to the BSBA, as there were no urban design provisions or land use restrictions, which were suitably developed and tailored to the BSBA, that could be translated to that area.</li> </ul>
Jul 2020		Council adopted a new Eltham Major Activity Centre Structure Plan (2020)	<ul> <li>Council had undertaken work to replace the existing (2004) structure plan as the existing plan had become significantly dated and was losing credibility. Many of the planning provisions it promoted were, by then, no longer current. Further, the data and research underpinning the plan was dated and also, many actions recommended by the plan had already been implemented, or were obsolete.</li> </ul>
			<ul> <li>The new structure plan is largely an update to the previous 2004 plan. Some changes introduced by the 2020 Structure Plan are to:</li> </ul>
			<ul> <li>Extend the activity centre to include Andrew Park and the St Vincent's Aged Care Facility in Diamond Street, whilst still promoting the existing use of each these areas.</li> </ul>
			<ul> <li>To provide greater urban design guidance, including for the Bridge Street Business Area, which has been lacking.</li> </ul>
			<ul> <li>To suggest improvements to urban design controls that are applied to the Eltham Town Centre. For example, to require front setbacks to be from the property boundary, rather than the kerb.</li> </ul>
			<ul> <li>To recommend some minor increases in building height limits in the station precinct.</li> </ul>
Sep 2020	Council adopted a new Diamond Creek Major Activity Centre Structure Plan (2020)		Council had undertaken work to replace the existing (2006) structure plan as the existing plan had become significantly dated and was losing credibility. Many of the planning provisions it promoted were by then no longer current. Further, the data and research underpinning the plan was dated and also, many actions recommended by the plan had been implemented, or were obsolete.

			•	The new structure plan is largely an update to the previous 2006 plan. Some minor changes introduced by the 2020 Structure Plan are to:  O Remove reference to an area adjacent to the activity centre as the best opportunity for medium density housing.  O To make a minor reduction to building height limits in particular areas.
				<ul> <li>To suggest improvements to urban design controls. For example, to require front setbacks to be from the property boundary, rather than the kerb.</li> </ul>
Oct 20	O21 Council adopts the 2021-2025 C	ouncil Plan	•	A priority action in the new Council plan, under Place and Space, is to:
				Implement the Major Activity Centre Structure Plans for Diamond Creek and Eltham into the planning scheme.

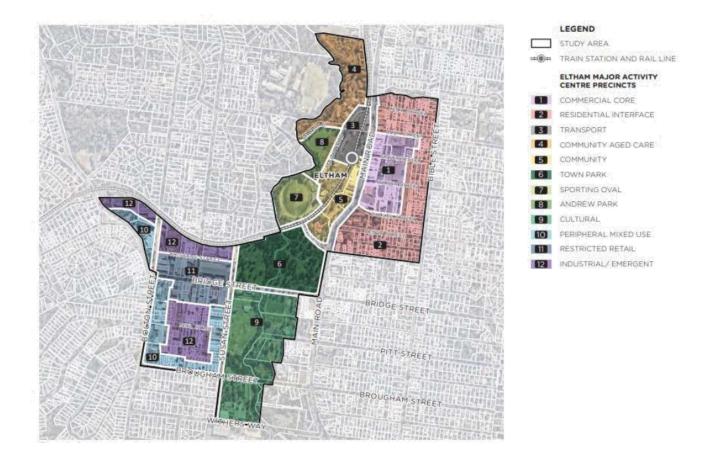
- CM.160/21 Proposed Amendments C143 and C144 to the Nillumbik Planning Scheme -
  - Implementation of the Eltham and Diamond Creek Major Activity Centre Structure Plans

(2020)

Attachment 2. Extent and precincts of the Eltham MAC

## **EXTENT AND PRECINCTS OF THE ELTHAM MAC**

(As defined by the Eltham MAC Structure Plan 2020)



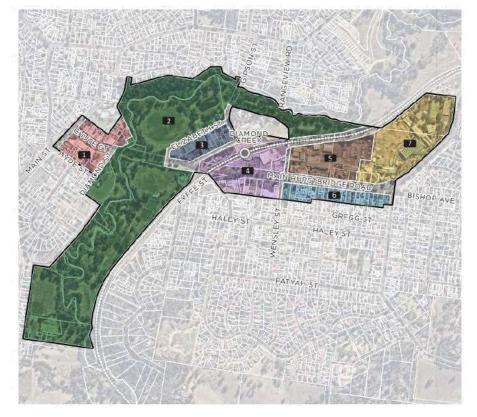
- CM.160/21 Proposed Amendments C143 and C144 to the Nillumbik Planning Scheme -
  - Implementation of the Eltham and Diamond Creek Major Activity Centre Structure Plans

(2020)

Attachment 3. Extent and precincts of the Diamond Creek MAC

## EXTENT AND PRECINCTS OF THE DIAMOND CREEK MAC

(As defined by the Diamond Creek MAC Structure Plan 2020)





- CM.160/21 Proposed Amendments C143 and C144 to the Nillumbik Planning Scheme Implementation of the Eltham and Diamond Creek Major Activity Centre Structure Plans (2020)
- Attachment 4. Current mandatory and discretionary height limits in the Eltham and Diamond Creek MAC's

# EXISTING MANDATORY AND DISCRETIONARY HEIGHT LIMITS IN THE ELTHAM AND DIAMOND CREEK MAJOR ACTIVITY CENTRES

Green =	A discretionary height limit. It is <u>intended</u> that development not exceed 4 or 5 storeys, but higher development can be approved.
Orange =	A mandatory height limit. Development <u>cannot</u> be approved which exceeds 3 storeys.

## **ELTHAM**



## **DIAMOND CREEK**



Implementation of the Eltham and Diamond Creek Major Activity Centre Structure Plans

(2020)

Proposed height changes in the Eltham MAC Attachment 5.

## PROPOSED HEIGHT CHANGES IN THE ELTHAM MAC

(See Appendix A of the Eltham MAC Structure Plan 2020)







Implementation of the Eltham and Diamond Creek Major Activity Centre Structure Plans

LEGEND

EXISTING MAXIMUM HEIGHT OF 4 STOREYS EXISTING MAXIMUM HEIGHT OF 5 STOREYS

(2020)

Proposed height changes in the Diamond Creek MAC Attachment 6.

## PROPOSED HEIGHT CHANGES IN THE DIAMOND CREEK MAC

(See Appendix A of the Diamond Creek MAC Structure Plan 2020)



Attachment 7. Amendments C143 and C144 - Table of key proposed planning scheme changes

## AMENDMENTS C143 AND C144 TO THE NILLUMBIK PLANNING SCHEME - TABLE OF KEY PROPOSED CHANGES

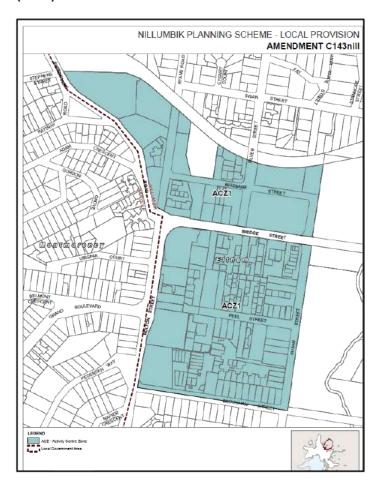
No.	Change Proposed by Amendment C143 (Eltham)	Change Proposed by Amendment C144 (Diamond Creek)	Explanation
1	Rezone land in the Industrial 3 Zone (IN3Z) in Eltham to Schedule 1 to the Activity Centre Zone (ACZ1) - Eltham Activity Centre. See the map of the proposed rezoning to ACZ1, which is provided as Appendix A below.		Extends the ACZ1 to the Bridge Street Business Area (BSBA), which will apply land use and urban design provisions to the BSBA that are tailored to support the objectives of the Eltham MAC Structure Plan (2020).
2	To modify the content of the ACZ1 provision (also known as an ordinance) at Clause 37.08 of the Scheme.	To modify the content of the ACZ2 provision (also known as an ordinance) at Clause 37.08 of the Scheme.	<ul> <li>To particularly modify the content to:</li> <li>To set front setbacks from the property boundary and not the kerb.</li> <li>To provide more urban design guidance within the ACZ schedule.</li> <li>To cite the relevant 2020 Structure Plan as the primary reference document.</li> <li>To improve the table of uses, including to address some errors, inconsistencies and allow some potentially significant uses to be better regulated.</li> <li>Make minor changes to existing height controls, whilst still making extensive use of mandatory height controls and applying modest height limits.</li> <li>Better acknowledge and support the role of vegetation in providing urban cooling, particularly in public areas.</li> </ul>

Attachment 7. Amendments C143 and C144 - Table of key proposed planning scheme changes

			<ul> <li>For Eltham only – apply urban design and land use settings for the BSBA (discussed further above)</li> </ul>
3	To modify the content of the Significant Landscape Overlay: Schedule 1 (Eltham Town Centre)	To modify the content of the Significant Landscape Overlay: Schedule 6 (Diamond Creek MAC)	To update the schedules to reference and properly reflect the relevant 2020 Structure Plan.
4	To remove Schedule 7 (Eltham Gateway) to the Significant Landscape Overlay from 1-13 Henry Street, Eltham. See the map provided as Appendix B below.		Two schedules to the SLO are applied to 1-13 Henry Street, Eltham. These are the SLO1 (Eltham Town Centre) and SLO7 (Eltham Gateway). This is an error, as only one schedule to the SLO should be applied. The site is within the Eltham Town Centre and within the area to which the SLO1 is applied. For example, the SLO1 is applied to the abutting properties, rather than the SLO7. The SLO1 is the correct overlay that should be applied to 1-13 Henry Street. It is proposed to remove the SLO7 from the site, which will leave the SLO1 in place on the site.
5	Modify Clause LPP 11.03-1L-01 (Activity Centres in Nillumbik)		It is proposed to modify the clause to reflect the new structure plans and to remove content that is now addressed through the proposed ACZ1 and ACZ2.
6	Delete Clause LPP 11.03-1I-02 (Bridge Street Business Area) from the Planning Policy Framework		The policy is superseded by the proposed extension of the ACZ1 to the BSBA.

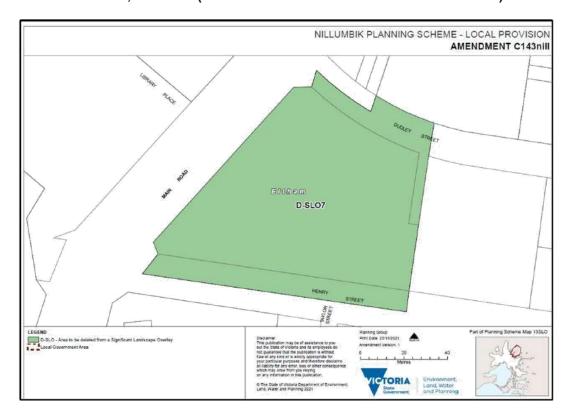
Attachment 7. Amendments C143 and C144 - Table of key proposed planning scheme changes

APPENDIX A: PROPOSED REZONING IN ELTHAM'S BRIDGE STREET BUSINESS AREA OF THE INDUSTRIAL 3 ZONE (IN3Z) TO SCHEDULE 1 TO THE ACTIVITY CENTRE ZONE (ACZ1)



Attachment 7. Amendments C143 and C144 - Table of key proposed planning scheme changes

APPENDIX B: PROPOSED REMOVAL OF SCHEDULE 7 TO THE SIGNIFICANT LANDSCAPE OVERLAY (SLO7) FROM 1-13 HENRY STREET, ELTHAM (THE SLO1 WILL BE RETAINED ON THE SITE)



Implementation of the Eltham and Diamond Creek Major Activity Centre Structure Plans

(2020)

Attachment 8. Explanatory report for Amendment C143 (Eltham MAC)

Planning and Environment Act 1987

## **NILLUMBIK PLANNING SCHEME**

## **AMENDMENT C143nill**

## **EXPLANATORY REPORT**

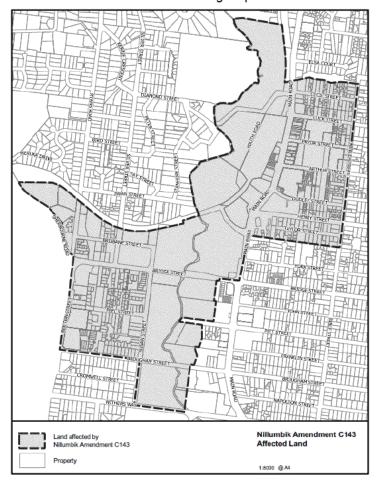
## Who is the planning authority?

This amendment has been prepared by the Nillumbik Shire Council which is the planning authority for this amendment.

The amendment has been made at the request of Nillumbik Shire Council.

## Land affected by the amendment

The land affected by the amendment is all land within the Eltham Major Activity Centre. The affected land is shown in the following map:



A mapping reference table is attached at Attachment 1 to this Explanatory Report.

Attachment 8. Explanatory report for Amendment C143 (Eltham MAC)

#### What the amendment does

The amendment will implement the Eltham Major Activity Centre Structure Plan (July 2020) into the Nillumbik Planning Scheme and give it statutory effect, particularly by doing the following:

- Amending planning scheme map Nillumbik 13ZN by rezoning land in the Industrial 3 Zone (IN3Z) in Eltham to Schedule 1 to the Activity Centre Zone (ACZ1), as shown in the map referred to in Attachment 1.
- Modifying the following ordinances in the Nillumbik Planning Scheme to reflect and implement the Eltham Major Activity Centre Structure Plan (July 2020):
  - The ACZ1
  - Schedule 1 to the Significant Landscape Overlay (SLO1) Eltham Town Centre
  - o Clause 11.03-1L-01 (Activity Centres in Nillumbik) of the Planning Policy Framework
- Deleting Clause 11.03-1L-02 (Bridge Street Business Area) of the Planning Policy Framework
- Removing application of Schedule 7 to the Significant Landscape Overlay (SLO7) from 1-13 Henry Street, Eltham.

#### Strategic assessment of the amendment

### Why is the amendment required?

The amendment is required to update the Nillumbik Planning Scheme to implement the current adopted structure plan for the Eltham Major Activity Centre. The Nillumbik Planning Scheme currently implements the Eltham Major Activity Centre Structure Plan (2004). However, Nillumbik Shire Council adopted a new structure plan for the Eltham Major Activity Centre in July 2020 and this new structure plan needs to be implemented through the planning scheme.

Implementation of the Eltham Major Activity Centre Structure Plan (2020) particularly requires changes to the Nillumbik Planning Scheme which will:

- Correctly reference and reflect the 2020 Structure Plan as the reference document for relevant provisions in the scheme.
- Make changes to the ACZ1 which will implement particular recommendations of the Eltham MAC Structure Plan (2020). For example, to:
  - Extend application of the ACZ1 to the Bridge Street Business Area.
  - Remove an existing mandatory requirement in the ACZ1 for a top storey to be in the roof
  - Modify the ACZ1 to require front setbacks to be measured from the property boundary, rather than the kerb.
- Make administrative improvements and/or corrections to the suite of relevant planning provisions. For example:
  - To remove inefficiencies in the table of uses in the ACZ1. For example, to remove unnecessary listings of uses, such as "saleyard" and "tramway".
  - To streamline the content in the Planning Policy Framework. For example, to delete Clause 11.03-1L-01, which is made redundant by application of the ACZ1 to the Bridge Street Business Area.

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 To remove application of the SLO7 to 1-13 Henry Street, Eltham. The SLO1 is already applied to the site and is the correct schedule to be applied.

The proposed changes to the Nillumbik Planning Scheme can only be conducted by a planning scheme amendment.

The amendment is consistent with Planning Practice Note 56: Activity Centres (PPN56) which identifies the Activity Centre Zone as the appropriate statutory tool to implement its strategic directions. Amendment C143nill seeks to apply the Activity Centre Zone (ACZ1) to the Bridge Street Business Area within the Eltham Major Activity Centre to guide appropriate future development of the precinct. The Activity Centre Zone has been drafted to provide greater clarity and direction for land use and development in that location.

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

The amendment implements the following objectives as set out in Section 4 of the *Planning and Environment Act 1987:* 

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

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

The amendment supports the implementation of State activity centre planning policy in the Eltham Major Activity Centre. Activity centre planning policy aims to provide outcomes which address and respond to a range of current environmental, social and economic effects. Examples of these desire outcomes include to:

- Reduce car dependency by consolidating housing, employment, public transport and shops and services in close walking distance of each other.
- Plan for our ageing population by consolidating housing diversity in close walking distance to shops and public transport.
- · Support housing affordability and diversity.
- Strengthen the local economy by consolidating commercial activity and providing more local employment.
- · Promote an active, inclusive, engaged and healthy community.
- Reflect a preferred local character for a Major Activity Centre.
- Reduce pressure to extend the Urban Growth Boundary (UGB) by strategically consolidating within the boundary.

#### Does the amendment address relevant bushfire risk?

The amendment is not expected to have any implications regarding bushfire risk. No land affected by the amendment is within the Bushfire Management Overlay. However, the views of the relevant fire authority will be sought through exhibition of the amendment.

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

The amendment is consistent with:

 Ministerial Direction - The Form and Context of Planning Schemes – under section 7(5) of the Planning and Environment Act 1987.

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- Ministerial Direction No. 9 (Metropolitan Planning Strategy), as explained in the following dot points:
  - o The relevant metropolitan planning strategy is Plan Melbourne 2017-2050.
  - The strategy supports the role of activity centres in the planning and development of Melbourne. For example, it is stated that "metropolitan and major activity centres will ensure employment growth occurs outside of the central city".
  - The strategy denotes Eltham as a Major Activity Centre.
  - The amendment supports continued planning for development of the Eltham Major Activity Centre Structure Plan in accordance with Plan Melbourne 2017-2050.
- Ministerial Direction 11 (Strategic Assessment of Amendments), which seeks to ensure comprehensive strategic assessment of planning scheme amendments.
- Ministerial Direction 19 (Information requirements for amendments that may result in impacts on the environment, amenity and human health), which seeks the views of the Environment Protection Authority in preparation of planning scheme amendments.

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

The amendment supports and implements relevant state provisions within the Planning Policy Framework. For example, it supports:

- The objective of Clause 11.02-2S (Structure Planning), which is to facilitate the orderly development of urban areas.
- The objective of Clause 11.03-1S (Activity Centres), which is to encourage the
  concentration of major retail, residential, commercial, administrative, entertainment and
  cultural developments into activity centres that are highly accessible to the community.
- All strategies contained within Clause 11.03-1S (Activity Centres), such as:
  - Concentrate major retail activities in the Eltham and Diamond Creek Major Activity Centres.
  - Encourage development that facilitates opportunities for meeting and community interaction in the Eltham and Diamond Creek Major Activity Centres.
- The amendment supports the objectives of Clause 11.03-1L-02 (Bridge Street Business Area), which are:
  - To facilitate a shift from a primarily industrial area to one that includes restricted retail, light industry, commercial offices, health and fitness centres, indoor sports and recreation centres.
  - To enhance the visual amenity, functionality and accessibility of the Bridge Street Business Area.
  - o To maximise the development potential of sites within the Bridge Street Business Area.
- The amendment addresses Clause 16.01-3S (Housing Diversity) which increases residential density in the activity centre which will support the provision of a diverse range of housing.
- The amendment addresses Clause 17.01-1S (Diversified Economy) and Clause 17.02-1S (Business) by providing for a range of opportunities for commercial including retail, entertainment, office and other commercial facilities and business growth and provides a framework for the location and management of growth.
- The amendment addresses Clause 18.01-1S (Land use and transport planning) and Clause 18.02-2S (Public Transport) by encouraging and facilitating growth, including

Attachment 8. Explanatory report for Amendment C143 (Eltham MAC)

increased residential density and development within the Eltham Major Activity Centre that is well serviced and in close proximity to public transport.

## How does the amendment support or implement the Municipal Planning Strategy?

The amendment supports and is consistent with relevant directions from the Municipal Planning Strategy (MPS). For example, it supports and is consistent with the following content within the MPS:

- The Eltham Major Activity Centre is one of the primary community and commercial focal
  points within Nillumbik, providing a diverse range of commercial activities, community
  services, recreational facilities and housing opportunities, as well as containing a
  substantial public transport hub.
- It is envisioned that the Eltham and Diamond Creek Major Activity Centres will continue to be the focus of community life, providing a wide range of shopping and professional services and places to meet and recreate. They will also have an increased role in providing for a diversity of housing and in particular, medium density housing.
- The locations considered most suited to medium density development are those that are
  close to infrastructure, including public transport scheduled stops, commercial areas, public
  open space and other community facilities. The Eltham and Diamond Creek Major Activity
  Centres and the Hurstbridge Shopping Centre provide such facilities.
- The main employment locations, the Eltham and Diamond Creek Major Activity Centres, Hurstbridge Neighbourhood Activity Centre and the industrial land at Research, need to be maintained to continue to provide opportunities for local employment.
- The existing industrial precincts in Eltham, Research and Diamond Creek are close to full
  capacity. To facilitate new industrial uses, these precincts should be retained for industrial
  uses and protected from the encroachment of other uses. This is unless Council has
  identified the land to be redeveloped with other uses, as is the case for the Bridge Street
  Business Precinct in the Eltham Major Activity Centre.
- Council seeks to:
  - Promote Eltham and Diamond Creek Major Activity Centres as the main commercial and community activity areas of the Shire, supported by Neighbourhood Activity Centres, small local convenience centres, rural townships, and rural stores
  - Facilitate an expansion in the range of commercial and community services available in the major activity centres, including those that cater for a local/regional clientele and special interest area.
  - Facilitate increased diversity and amount of housing in the major activity centres that are sustainable and scaled to respect the surrounding topography.
  - Support the economic and employment viability of Activity Centres, Town Centres and the industrial land at Research.

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

The amendment makes proper use of the Victoria Planning Provisions, noting:

- It retains, updates and improves application of the Activity Centre Zone to the Eltham
  Major Activity Centre. The Activity Centre Zone is the appropriate zone to be applied to a
  major activity centre.
- It appropriately retains and improves use of the Significant Landscape Overlay to protect particular trees within the Eltham Major Activity Centre.

Implementation of the Eltham and Diamond Creek Major Activity Centre Structure Plans

(2020)

Attachment 8. Explanatory report for Amendment C143 (Eltham MAC)

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

The views of relevant agencies will be sought during the public exhibition process.

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

The amendment is consistent with and supports all the stated transport system objectives contained within the Transport Integration Act (2010).

#### Resource and administrative costs

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

The Amendment will have limited impact on the Responsible Authority's resource and administrative costs, particularly as:

- The proposed extension of the ACZ1 to the Bridge Street Business Area is to only a modest sized area of land and thus, is not expected to generate an appreciable increase in the number of planning permit applications.
- The proposed revisions to the content of the ACZ should assist in streamlining the assessment of planning permit applications triggered by the zone, primarily because:
  - The changes provide more urban design guidance for applicants and planners; and
  - Remove some complicated requirements (e.g. mandatory top storey in the roof).

### Where you may inspect this amendment

The Amendment can be inspected free of charge at the Nillumbik Shire Council's public engagement website at <a href="https://participate.nillumbik.vic.gov.au/">https://participate.nillumbik.vic.gov.au/</a>

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

Nillumbik Shire Council Offices Civic Drive Greensborough 3088

The amendment can also be inspected free of charge at the Department of Environment, Land, Water and Planning website at <a href="www.planning.vic.gov.au/public-inspection.">www.planning.vic.gov.au/public-inspection.</a>

#### **Submissions**

Any person who may be affected by the amendment may make a submission to the planning authority. Submissions about the amendment must be received by XXXXTBCXXXX.

A submission must be sent to:

Leigh Northwood Lead Strategic Planning Nillumbik Shire Council Civic Drive (PO Box 476) Greensborough 3088

Alternatively, a submission can be sent electronically via email to strategic.planning@nillumbik.vic.gov.au

### Panel hearing dates

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

directions hearing: TBC

Implementation of the Eltham and Diamond Creek Major Activity Centre Structure Plans

(2020)

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panel hearing: TBC

## ATTACHMENT 1 - Mapping

Location	Land /Area Affected	Mapping Reference
Eltham	All land within the Industrial 3 Zone	Nillumbik C143nill 001zn Map13 Exhibition
Eltham	1-13 Henry Street, Eltham	Nillumbik C143nill 002 d-SLO Map13 Exhibition

Implementation of the Eltham and Diamond Creek Major Activity Centre Structure Plans (2020)

Attachment 9. Explanatory report for Amendment C144 (Diamond Creek MAC)

Planning and Environment Act 1987

## **NILLUMBIK PLANNING SCHEME**

## **AMENDMENT C144nill**

## **EXPLANATORY REPORT**

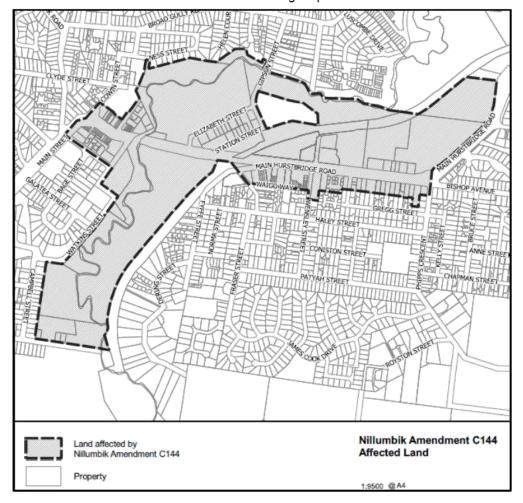
## Who is the planning authority?

This amendment has been prepared by the Nillumbik Shire Council which is the planning authority for this amendment.

The amendment has been made at the request of Nillumbik Shire Council.

## Land affected by the amendment

The land affected by the amendment is all land within the Diamond Creek Major Activity Centre. The affected land is shown in the following map:



Attachment 9. Explanatory report for Amendment C144 (Diamond Creek MAC)

#### What the amendment does

The amendment will implement the Diamond Creek Major Activity Centre Structure Plan (September 2020) into the Nillumbik Planning Scheme and give it statutory effect, particularly by doing the following:

- Modifying the following ordinances in the Nillumbik Planning Scheme to reflect and implement the Diamond Creek Major Activity Centre Structure Plan (September 2020):
  - Schedule 2 to the Activity Centre Zone (ACZ2) Diamond Creek Activity Centre
  - Schedule 6 to the Significant Landscape Overlay (SLO6) Diamond Creek Activity Centre
  - Clause 11.03-1L-01 (Activity Centres in Nillumbik) of the Planning Policy Framework

### Strategic assessment of the amendment

### Why is the amendment required?

The amendment is required to update the Nillumbik Planning Scheme to implement the current adopted structure plan for the Diamond Creek Major Activity Centre. The Nillumbik Planning Scheme currently implements the Diamond Creek Major Activity Centre Structure Plan (2006). However, Nillumbik Shire Council adopted a new structure plan for the Diamond Creek Major Activity Centre in September 2020 and this new structure plan needs to be implemented through the planning scheme.

Implementation of the Diamond Creek Major Activity Centre Structure Plan (2020) particularly requires changes to the Nillumbik Planning Scheme which will:

- Correctly reference and reflect the 2020 Structure Plan as the reference document for relevant provisions in the scheme.
- Make changes to the ACZ2 which will implement particular recommendations of the Diamond Creek MAC Structure Plan (2020). For example, to:
  - Remove an existing mandatory requirement in the ACZ2 for a top storey to be in the roof
  - Modify the ACZ2 to require front setbacks to be measured from the property boundary, rather than the kerb.
- Make administrative improvements and/or correction to the suite of relevant planning provisions. For example:
  - To remove inefficiencies in the table of uses in the ACZ2. For example, to remove unnecessary listings of uses.
  - To update the Planning Policy Framework to reflect the Diamond Creek Major Activity Centre Structure Plan (September 2020).

The proposed changes to the Nillumbik Planning Scheme can only be conducted by a planning scheme amendment.

The Amendment is consistent with Planning Practice Note 56: Activity Centres (PPN56) which identifies the Activity Centre Zone as the appropriate statutory tool to implement its strategic directions. Amendment C144nill seeks to retain, update and improve the role of Schedule 2 to the Activity Centre Zone (ACZ2) to guide appropriate future development of the Diamond Creek Major Activity Centre. The ACZ2 has been drafted to provide greater clarity and direction for land use and development in that location.

Attachment 9. Explanatory report for Amendment C144 (Diamond Creek MAC)

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

The Amendment implements the following objectives as set out in Section 4 of the *Planning and Environment Act 1987:* 

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

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

The amendment supports the implementation of State activity centre planning policy in the Diamond Creek Major Activity Centre. Activity centre planning policy aims to provide outcomes which address and respond to a range of current environmental, social and economic effects. Examples of these outcomes include to:

- Reduce car dependency by consolidating housing, employment, public transport and shops and services in close walking distance of each other.
- Plan for our ageing population by consolidating housing diversity in close walking distance to shops and public transport.
- Support housing affordability and diversity.
- Strengthen the local economy by consolidating commercial activity and providing more local employment.
- Promote an active, inclusive, engaged and healthy community.
- Reflect a preferred local character for a Major Activity Centre.
- Reduce pressure to extend the Urban Growth Boundary (UGB) by strategically consolidating within the boundary.

#### Does the amendment address relevant bushfire risk?

The amendment is not expected to have any implications regarding bushfire risk. No land affected by the amendment is within the Bushfire Management Overlay. However, the views of the relevant fire authority will be sought through exhibition of the amendment.

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

The amendment is consistent with:

- Ministerial Direction The Form and Context of Planning Schemes under section 7(5) of the Planning and Environment Act 1987.
- The amendment is consistent with Ministerial Direction No. 9 (Metropolitan Planning Strategy), as explained in the following dot points:
  - The relevant metropolitan planning strategy is Plan Melbourne 2017-2050
  - The strategy supports the role of activity centres in the planning and development of Melbourne. For example, it is stated that "metropolitan and major activity centres will ensure employment growth occurs outside of the central city".
  - The strategy denotes Diamond Creek as a Major Activity Centre.
  - The amendment supports continued planning for development of the Diamond Creek Major Activity Centre Structure Plan in accordance with Plan Melbourne 2017-2050.

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- Ministerial Direction 11 Strategic Assessment of Amendments which seeks to ensure comprehensive strategic assessment of planning scheme amendments.
- Ministerial Direction 19 information requirements for amendments that may result in impacts on the environment, amenity and human health – which seeks the views of the Environment Protection Authority in preparation of planning scheme amendments.

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

The amendment supports and implements relevant state provisions within the Planning Policy Framework. For example, it supports:

- The objective of Clause 11.02-2S (Structure Planning), which is to facilitate the orderly development of urban areas.
- The objective of Clause 11.03-1S (Activity Centres), which is to encourage the concentration of major retail, residential, commercial, administrative, entertainment and cultural developments into activity centres that are highly accessible to the community.
- All strategies contained within Clause 11.03-1S (Activity Centres), such as:
  - Concentrate major retail activities in the Eltham and Diamond Creek Major Activity Centres.
  - Encourage development that facilitates opportunities for meeting and community interaction in the Eltham and Diamond Creek Major Activity Centres.
- The amendment addresses Clause 16.01-3S (Housing Diversity) which increases residential density in the activity centre which will support the provision of a diverse range of housing.
- The amendment addresses Clause 17.01-1S (Diversified Economy) and Clause 17.02-1S (Business) by providing for a range of opportunities for commercial – including retail, entertainment, office and other commercial facilities - and business growth and provides a framework for the location and management of growth.
- The amendment addresses Clause 18.01-1S (Land use and transport planning) and Clause 18.02-2S (Public Transport) by encouraging and facilitating growth, including increased residential density and development within the Diamond Creek Major Activity Centre which is well serviced and in close proximity to public transport.

#### How does the amendment support or implement the Municipal Planning Strategy?

The amendment supports and is consistent with relevant directions from the Municipal Planning Strategy (MPS). For example, it supports and is consistent with the following content within the MPS:

- The Diamond Creek Major Activity Centre is a shopping, service and community centre for Diamond Creek and adjoining areas. It contains a range of retail, commercial, community and leisure activities and facilities that are serviced by the Hurstbridge railway, limited bus services and a road network dominated by Main Hurstbridge Road, which forms the 'spine' of the centre.
- It is envisioned that the Eltham and Diamond Creek Major Activity Centres will continue to be the focus of community life, providing a wide range of shopping and professional services and places to meet and recreate. They will also have an increased role in providing for a diversity of housing and in particular, medium density housing.
- The locations considered most suited to medium density development are those that are close to infrastructure, including public transport scheduled stops, commercial areas, public

Attachment 9. Explanatory report for Amendment C144 (Diamond Creek MAC)

open space and other community facilities. The Eltham and Diamond Creek Major Activity Centres and the Hurstbridge Shopping Centre provide such facilities.

- The main employment locations, the Eltham and Diamond Creek Major Activity Centres, Hurstbridge Neighbourhood Activity Centre and the industrial land at Research, need to be maintained to continue to provide opportunities for local employment.
- The existing industrial precincts in Eltham, Research and Diamond Creek are close to full
  capacity. To facilitate new industrial uses, these precincts should be retained for industrial
  uses and protected from the encroachment of other uses. This is unless Council has
  identified the land to be redeveloped with other uses, as is the case for the Bridge Street
  Business Precinct in the Eltham Major Activity Centre.
- Council seeks to:
  - Promote Eltham and Diamond Creek Major Activity Centres as the main commercial and community activity areas of the Shire, supported by Neighbourhood Activity Centres, small local convenience centres, rural townships, and rural stores
  - Facilitate an expansion in the range of commercial and community services available in the major activity centres, including those that cater for a local/regional clientele and special interest area.
  - Facilitate increased diversity and amount of housing in the major activity centres that are sustainable and scaled to respect the surrounding topography.
  - Support the economic and employment viability of Activity Centres, Town Centres and the industrial land at Research.

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

The amendment makes proper use of the Victoria Planning Provisions, noting:

- It retains, updates and improves application of the Activity Centre Zone to the Diamond Creek Major Activity Centre. The Activity Centre Zone is the appropriate zone to be applied to a major activity centre.
- It appropriately retains and improves use of the Significant Landscape Overlay to protect particular trees within the Diamond Creek Major Activity Centre.

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

The views of relevant agencies will be sought during the public exhibition process.

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

The amendment is consistent with and supports all the stated transport system objectives contained within the Transport Integration Act (2010).

## Resource and administrative costs

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

The Amendment will have limited impact on the Responsible Authority's resource and administrative costs, particularly as the proposed revisions to the content of the ACZ should assist in streamlining the assessment of planning permit applications triggered by the zone, noting:

- The changes provide more urban design guidance for applicants and planners and further
- Remove some complicated requirements (e.g. mandatory top storey in the roof).

Implementation of the Eltham and Diamond Creek Major Activity Centre Structure Plans

(2020)

Attachment 9. Explanatory report for Amendment C144 (Diamond Creek MAC)

### Where you may inspect this amendment

The Amendment can be inspected free of charge at the Nillumbik Shire Council's public engagement website at https://participate.nillumbik.vic.gov.au/

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

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### Submissions

Any person who may be affected by the amendment may make a submission to the planning authority. Submissions about the amendment must be received by XXXXTBCXXXX.

A submission must be sent to:

Leigh Northwood Lead Strategic Planning Nillumbik Shire Council Civic Drive (PO Box 476) Greensborough 3088

Alternatively, a submission can be sent electronically via email to <a href="mailto:strategic.planning@nillumbik.vic.gov.au">strategic.planning@nillumbik.vic.gov.au</a>

### Panel hearing dates

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

• directions hearing: TBC

panel hearing: TBC

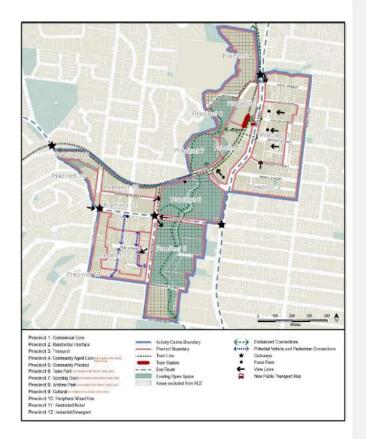
NILLUMBIK PLANNING SCHEME

11/08/2016 €106 SCHEDULE 1 TO THE ACTIVITY CENTRE ZONE

Shown on the planning scheme map as ACZ1.

**ELTHAM ACTIVITY CENTRE** 

1.0 11/08/2016 C106 Eltham Activity Centre Framework Plan



Commented [PF1]: The Framework Plan has been updated to include the Bridge Street Business Area (Precincts 10-12), which is a major commercial and light industrial section of the MAC which is currently not within the ACZ1.

Whilst the 2020 Structure Plan brings Precinct 4 (St Vincent's Aged Care Facility at Diamond Street) into the MAC, the new precinct has not been included in the proposed ACZI for the following reasons:

A large part of the site is currently subject to the Urban Floodway Zone (UFZ) and the extent is determined by Melboume Water. It is not considered prudent for Council to take the role of managing UFZ style mapping and conditions through the ACZ1.

-The existing settings are considered to adequately cater for the use of the site at present.

ACTIVITY CENTRE ZONE - SCHEDULE 1 COUNCIL MEETING -14/12/2021 - NILL C143

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Attachment 10. Proposed ACZ1 Schedule (Eltham MAC) with some explanatory comments

#### NILLUMBIK PLANNING SCHEME

#### 2.0 Land use and development objectives to be achieved

#### Land use

- To achieve the vision, objectives and strategies of the Eltham Major Activity Centre Structure Plan (July 2020).
- To encourage a land use mix that services local residents, supports local businesses, while attracting ongoing investment to the centre.
- To encourage mixed-use developments in the Activity Centre as specified in the Eltham Major Activity Centre Structure Plan (July 2020).
- To provide more employment opportunities by intensifying and expanding the range of commercial and community activities in the centre, particularly the amount of office development
- To promote the provision of convenience and comparison shopping in a compact core east of Main Road between Luck and Dudley Street
- To encourage the development of leisure and social opportunities such as retail, dining and entertainment, which operate day and night, and at weekends
- To create a lively and people-based centre with civic and community spaces that enhance community

#### Built form and character

- To encourage more intensive development in a variety of high quality forms and design responses that respond to the Eltham form and character and create a safe, stimulating and enjoyable experience for people in the Activity Centre.
- To ensure that elements that contribute to the form and character of Eltham such as timber in buildings, simple, robust design elements, verandahs with timber colonnades on the outer edge and art on the façade of buildings is incorporated in developments.
- To ensure that the built form of the town centre responds to, enhances and links to the Eltham Activity Centre's 'green spine' of Alistair Knox Park and other parkland along the Diamond Creek.
- To ensure building heights, setbacks and form have regard to and seek to be compatible with the surrounding development and the character of the locality in which the development is situated.
- To ensure the exterior of buildings fit the character of the area by utilising earthy toned colours and materials such as stone, wood, render and mud brick
- · To ensure that building setbacks achieve spatial proportion to the street and define the street edge, providing a high amenity for uses of the street.
- To maintain appropriate levels of solar access to existing and proposed public spaces.
- To avoid underdevelopment of land within the Activity Centre.
- To ensure development mitigates detrimental off-site amenity impacts.
- To create a transition in uses and built form scale between the Activity Centre and adjacent residential areas (outside the Activity Centre).
- To reduce the visual dominance of car parking and ensure the design of parking and access areas is safe, practical and attractive

Commented [PF2]: References to the relevant structure plan have been updated to the Eltham MAC Structure Plan (July 2020).

ACTIVITY CENTRE ZONE - SCHEDULE 1 COUNCIL MEETING -14/12/2021 - NILL C143

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## Attachment 10. Proposed ACZ1 Schedule (Eltham MAC) with some explanatory comments

#### NILLUMBIK PLANNING SCHEME

- To enhance the continuity of pathways within the Activity Centre and improve the connection to surrounding neighbourhoods.
- To provide significant opportunities for deep rooted landscaping around the perimeter of buildings, including by ensuring basements are designed to support and provide for this outcome

#### Landscape and place activation

- To create a lively and people-based centre, accommodating a wide variety of place based activities, including pop up parks, playgrounds, markets, festivals and events
- To encourage public artwork in suitable locations to contribute to the 'art character' of
- To increase activity, interaction and passive surveillance in the Activity Centre, particularly in main retail and mixed use areas, along pedestrian routes and open spaces by the incorporation of active frontages and large display windows at ground
- To ensure pedestrian entrances into buildings are located at the same level as the footpath, clearly visible from the street, well lit, and allow for mobility-impaired
- To reinforce the theme and role of indigenous vegetation within the Eltham Activity Centre, including by protecting and planting, where appropriate, indigenous vegetation.
- To protect and enhance the contribution provided by canopy trees to the existing and preferred character of Eltham.
- To ensure that the front, side and rear setbacks of development sites are extensively and effectively landscaped with canopy trees and other vegetation, particularly indigenous where appropriate.
- To ensure that the health of existing canopy trees is not unnecessarily jeopardised by buildings and works.
- To visually connect to the surrounding ridges and tree lines surrounding the town
- To use vegetation to mitigate against the heat-island effect within the activity centre, particularly in key public areas.
- To ensure new car parking areas are provided with landscaping with canopy trees where appropriate

#### Movement and access

- To facilitate the development of a new public transport hub (railway station and bus interchange), including providing adequate well-designed and integrated commuter
- To connect the eastern and western sides of the rail crossing on Diamond Street and improve the Centre's walkable catchment, including by removing the rail crossing.
- To ensure the design of parking and access areas is safe, practical and attractive.
- To improve car park management and design including designated accessible bays and sufficient bicycle facilities
- To establish the commercial and retail precincts of the centre as 'pedestrian priority areas'.

Commented [PF3]: This and certain other changes are designed to articulate and/or support the need to plant good shade providing trees to combat urban heating, particularly in public areas, whilst still promoting a preference for indigenous vegetation in the MAC.

ACTIVITY CENTRE ZONE - SCHEDULE 1 COUNCIL MEETING -14/12/2021 - NILL C143

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## Attachment 10. Proposed ACZ1 Schedule (Eltham MAC) with some explanatory comments

#### NILLUMBIK PLANNING SCHEME

- To provide for and strengthen circulation networks and linkages between the Eltham Town Centre (Precincts 1-5) and the Bridge Street Business Area (BSBA) (Precinct 10-12) and other destinations in and around the Activity Centre
- To improve visual and physical connections for pedestrians and cyclists (including by the use of wayfinding signage) between the Diamond Creek Trail and key destinations within the Activity Centre.
- To create a network that encourages people to walk and cycle safely to, and within the Activity Centre.
- To create new and improved pedestrian and/or cyclist connectivity:
  - across the railway line,
  - along and across Main Road, while adequately maintaining traffic flow

#### Community and leisure

- To provide for a network of spaces and facilities as required for leisure and recreation to meet projected community needs
- To provide more unstructured recreational spaces.
- To encourage better connectivity between community uses.
- To provide a multi-purpose community hub in the Activity Centre.
- To encourage community art.

#### Land configuration and ownership

- To discourage subdivision that fragments existing land holdings and reduces development opportunities and active frontages.
- To encourage the consolidation of land to create lots of a size sufficient to accommodate the visual and amenity impacts associated with more intense development.

3.0 11/08/2016 C106

#### Table of uses

#### Section 1 - Permit not required

USE	CONDITION	
Accommodation (other than Corrective institution, Dependent person's unit, Dwelling, Residential aged care facility)	's unit, ground floor level must not exceed 2 m.	
Bed and breakfast	Must be in Precinct 1, 2, 3 or 5.	
	In Precinct 2:	
	<ul> <li>no more than 10 persons may be accommodated away from their normal place of residence</li> </ul>	
	<ul> <li>at least 1 car parking space must be provided for each 2 persons able to be accommodated away from their normal place of residence.</li> </ul>	
Convenience shop	Must be in Precinct 10, 11 or 12.	

Commented [PF4]: A range of changes are proposed to the existing table of uses and each change is typically for one or more of the following reasons:

- 1. To apply the table to the Bridge Street Business Area (Precincts 10-12), including to provide land use settings which are tailored to support the direction of the 2020 structure plan. For example, to ove the existing situation in the Bridge Street Business Area (BSBA) where the use of land for a supermarket can occur without a permit (subject to conditions).
- 2. To update the number of precincts to be consistent with the new numbering contained within the 2020 structure plan.
- 3. To update the table of uses to be consistent with the required format and style of planning schemes. For example, to update particular land use terms and planning scheme clauses referred to in conditions.
- 4. To address inconsistencies and issues that were created by the existing ACZI schedule having been created as a direct translation of the previous VPP zones (e.g. C1Z and RGZ). Some examples of proposed changes in relation to this matter are:

a)Removing certain uses listed only because they were listed in a agreemoving certain uses its end only occause may were inseed in a translated VPP and which otherwise are not necessary to be listed in the ACZ1 Schedule. Examples of uses removed from the proposed table for this reason are "Tramway", "Saleyard" and "Horse Stables"

b)Making modifications to better reflect the outcomes sought by the structure plan, rather than the blunt, generic condition taken earlier from a VPP. For example, to remove the capacity, translated from the CIZ, for a cinema based entertainment facility to establish without a planning permit in key parts of the Eltham Town Centre.

c)Correcting any errors found in the earlier translation. For example, Shop appears to have been incorrectly translated across as a Section 1 use in Precinct 2 (it is not a Section 1 Use in the previous zone, which was the RGZ).

Further explanation for some of the proposed settings in the table of uses are provided in the comments below.

ACTIVITY CENTRE ZONE - SCHEDULE 1 COUNCIL MEETING -14/12/2021 - NILL C143

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Attachment 10. Proposed ACZ1 Schedule (Eltham MAC) with some explanatory comments

# NILLUMBIK PLANNING SCHEME

USE	CONDITION
Dwelling (other than Bed and breakfast)	Must be in Precinct 1, 2, 3 or 5.
	In Precincts 1, 3 5A, 5D or 5E any frontage at ground floor level must not exceed 2 metres (other than Caretaker's house).
Food and drink premises (other than Convenience restaurant, Hotel, Bar)	Must be in Precinct 1, 3, 5A, 5D or 5E.
Home occupation	
Informal outdoor recreation	
Medical centre	Must be in Precinct 1, 3 or 5A.
Minor utility installation	
Office (other than Medical centre)	Must be in Precinct 1, 3, 5A or 10.
Place of worship	Must be in Precinct 1, 2, 3 or 5.
	The gross floor area of all buildings must not exceed 250 square metres.
	In Precinct 2 the site must adjoin or have access to a road in a Road Zone.
Railway	
Railway station	Must be in Precinct 3 or 5D.
	The total leasable floor area for the selling of food, drink and other convenience goods and services must not exceed 50 square metres.
Residential aged care facility	Must be in Precinct 1, 3 or 5A.
	Any frontage at ground floor level must not exceed 2 metres.
Restricted retail premises	Must be in Precinct 11.
Retail premises (other than Shop, Food and drink premises)	Must be in Precinct 1, 3, 5A, 5D or 5E.
Shop (other than Adult sex product shop)	Must be in Precinct 1, 3, 5A, 5D or 5E.

Commented [PF5]: Precinct 11 in the Bridge Street Business Area (BSBA) is the preferred location in the MAC for this use

Commented [PF6]: The condition has been amended to remove the current situation where the IN3Z makes a shop and supermarket a Section I use in the BSBA. Listing shop and supermarket as Section I in the BSBA conflicts with the intended role of the Eltham Town Centre as the day to day retail heart of the MAC

Commented [PF7]: The proposed condition addresses the existing situation where the IN3Z makes a shop and supermarket a Section I Use (subject to conditions) in the BSBA. Having shops and supermarket as a Section I Use in the BSBA is contrary to the 2020 structure plan's intended different roles for the BSBA and Eltham Town Centre.

ACTIVITY CENTRE ZONE - SCHEDULE 1 COUNCIL MEETING -14/12/2021 - NILL C143

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Attachment 10. Proposed ACZ1 Schedule (Eltham MAC) with some explanatory comments

USE	CONDITION	
Warehouse (other than Fuel depot, Mail	Must be in Precinct 10, 11 or 12.	
centre or Shipping container storage)	Must not be a purpose listed in the table to Clause 53.10 with no threshold distance specified.	Commented [PF8]: Applies and updates the condit currently applied by the IN3Z to Precincts 10-12, which appropriate.
	The land must be at least the following distances from land (not a road) which is in a Capital City Zone, Commercial 1 Zone, Docklands Zone, residential zone or Rural Living Zone, land used for a hospital, an education centre or a corrective institution or land in a Public Acquisition Overlay to be acquired for a hospital, an education centre or a corrective institution:	
	<ul> <li>The threshold distance, for a purpose listed in the table to Clause 53.10.</li> </ul>	
	<ul> <li>30m, for a purpose not listed in the table to Clause 53.10.</li> </ul>	
	Must not:	
	<ul> <li>Exceed a fire protection quantity under the Dangerous Goods (Storage and Handling) Regulations 2012.</li> </ul>	
	<ul> <li>Require a notification under the Occupational Health and Safety Regulations 2017.</li> </ul>	
	<ul> <li>Require a licence under the Dangerous Goods (Explosives) Regulations 2011.</li> </ul>	
	<ul> <li>Require a licence under the Dangerous Goods (HCDG) Regulations 2016.</li> </ul>	
	Must not adversely affect the amenity of the neighbourhood, including through the:	
	<ul> <li>Transport of materials, goods or commodities to or from the land.</li> </ul>	
	<ul> <li>Appearance of any stored goods or materials.</li> </ul>	
	<ul> <li>Emission of noise, artificial light, vibration, odour, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.</li> </ul>	
Any use listed in Clause 62.01	Must meet requirements of Clause 62.01.	
Section 2 - Permit required		
USE	CONDITION	
Accommodation (other than Corrective institution, Dependent person's unit, Residential aged care facility)	Must be in Precinct 1, 2, 3 or 5.	Commented [PF9]: The proposed condition prohibi
Adult sex product shop	Must be in Precinct 1, 3, 5A, 10, 11 or 12.	accommodation in the BSBA (Precincts 10-12), which i
	Must be at least 200 metres (measured by the shortest route reasonably accessible on foot) from Precinct 2, a residential zone or, land used for a Hospital, Primary school or Secondary school or land in a Public Acquisition Overlay to be acquired for a Hospital, Primary school or Secondary school.	

# Attachment 10. Proposed ACZ1 Schedule (Eltham MAC) with some explanatory comments

Nillumbik Planning Sc	неме	
Amusement parlour	Must be in Precinct 1, 3, 5A, 10, 11 or 12.	
	In Precinct 10 the site must not have frontage to Brougham Street	
Bottle shop	Must be in Precinct 1, 3 or 5A.	
Brothel	Must be in Precinct 1, 3, 5A, 10, 11 or 12.	
	Must be at least 200 metres (measured by the shortest route reasonably accessible on foot) from Precinct 2, a residential zone or, land used for a Hospital, Primary school or Secondary school or land in a Public Acquisition Overlay to be acquired for a Hospital, Primary school or Secondary school.	
Car park	In Precinct 2 must be used in conjunction with another use in Section 1 or 2.	
Car wash	In Precinct 2 the site must adjoin or have access to a road in a Road Zone.	
Child care centre		
Cinema Cinema based entertainment facility	Must be in Precinct 1, 3 or 5.	
Convenience restaurant	Must be in Precinct 1, 3, 5A, 10, 11 or 12.	
	In Precinct 10 the site must not have frontage to Brougham Street.	
Convenience shop		
Education centre	n Precinct 10, 11 or 12 it must not be a Primary or Secondary school.	Commented [PF10]: Replicates an existing condition
Exhibition centre		IN3Z for the BSBA, which appears appropriate.
Food and drink premises (other than Convenience restaurant, Hotel)		
Hotel	Must be in Precinct 1, 2, 3 or 5	
	n Precinct 2 the site must adjoin or have access to a road in a Road Zone.	Commented [PF11]: The proposed condition further
Industry (other than Car wash, Materials recycling, Transfer station)	Must be in Precinct 1, 3, 5A, 10, 11 or 12.	this use in Precinct 2 (Residential Interface), which is app rather than allowing the use further within the residential
recycling, transfer station)	In Precinct 1, 3 or 5A must not be a purpose listed in the table to Clause 53.10.	The condition prohibits a hotel from Precincts 10, 11 or 1 appropriate to support the intended different roles of the I
Leisure and recreation (other than Informal outdoor recreation, Motor racing track)		Town Centre and BSBA
Nightclub	Must be in Precinct 1, 3, 5, 10, 11 or 12.	
	In Precinct 10 the site must not have frontage to Brougham Street	
Office (other than Medical centre)	In Precinct 2:	
	the land must be located within 100 m of Precinct 1, 3 or 4A	
	the land must have the same street frontage as the land in Precinct 1, 3 or 4A	
	leasable floor area must not exceed 250 m².	

Attachment 10. Proposed ACZ1 Schedule (Eltham MAC) with some explanatory comments

NILLUMBIK PLANNING SO	HEME	
Place of assembly (other than Amusement parlour, Carnival, Circus, Nightclub, Place of worship)		
Plant nursery		
Residential aged care facility	Must be in Precinct 1, 2, 3 or 5.	Commented [PF12]: Prohibits the use in the BSBA, v
Restricted retail premises	Must be in Precinct 1, 3, 5A, 10 or 12.	appropriate.
Retail premises (other than Food and drink premises, Plant nursery, Restricted retail premises, Shop)	Must be in Precinct 1, 3, 5A, 10, 11 or 12.	
Service station	In Precinct 2 the site must either:	
	<ul> <li>adjoin land in Precinct 1, 3 or 5</li> </ul>	
	<ul> <li>adjoin or have access to a road in a Road Zone.</li> </ul>	
	In Precinct 2 the site must not exceed either:	
	3000 square metres	
	<ul> <li>3600 square metres if it adjoins on two boundaries of a road in a Road Zone.</li> </ul>	
Shop (other than Adult sex product shop, Bottle shop, Convenience Shop) if the	Must be in Precinct 1, 2, 3 or 5.	
Section 1 conditions are not met	In Precinct 2:	
	<ul> <li>the land must be located within 100 metres of Precinct 1, 3, 5A, or a Mixed Use Zone.</li> </ul>	
	<ul> <li>the land must have the same street frontage as the land in Precinct 1 or Mixed Use Zone.</li> </ul>	
Telecommunications facility – if the requirements of Clause 52.19 are not met	000 20110.	
Utility installation (other than Minor utility installation, Telecommunications facility)		
Warehouse (other than minor utility	Must be in Precinct 1, 3, or 5A.	
installation, Telecommunications facility, Store)	Must not be for a purpose listed in the table to Clause 53.10.	
Any other use not in Section 1 or 3	Clause 33.10.	
Section 3 – Prohibited		
USE		1
Corrective institution		
Intensive animal husbandry		
Motor racing track		
		-
Centre-wide provisions		
Use of land		
A permit is not required to use land for the education, transport, police or health providing the public land manager.		

Attachment 10. Proposed ACZ1 Schedule (Eltham MAC) with some explanatory comments

### NILLUMBIK PLANNING SCHEME

# Amenity of the neighbourhood

A use must not adversely affect the amenity of the neighbourhood, including through the:

- Transport of materials, goods or commodities to or from the land.
- Appearance of any stored goods or materials.
- Emission of noise, artificial light, vibration, odour, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.

### Application requirements

An application to use land for an industry or warehouse must be accompanied by the following information, as appropriate:

- The purpose of the use and the types of processes to be utilised.
- The type and quantity of goods to be stored, processed or produced.
- How land not required for immediate use is to be maintained.
- Whether a Development Licence, Operating Licence, Permit or Registration is required from the Environment Protection Authority.
- Whether a notification under the Occupational Health and Safety Regulations 2017 is required, a licence under the Dangerous Goods Act 1985 is required, or a fire protection quantity under the Dangerous Goods (Storage and Handling) Regulations 2012 is exceeded.
- The likely effects, if any, on the neighbourhood, including:
  - Noise levels
  - Air-borne emissions
  - Emissions to land or water.
  - Traffic, including the hours of delivery and despatch
  - Light spill or glare.

# Decision guidelines

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

- The Municipal Planning Strategy and the Planning Policy Framework.
- The effect that the use may have on nearby existing or proposed residential areas or
  other uses which are sensitive to industrial off-site effects, having regard to any
  comments or directions of the referral authorities.
- The effect that nearby industries may have on the proposed use.
- The drainage of the land.
- The availability of and connection to services.
- The effect of traffic to be generated on roads
- The interim use of those parts of the land not required for the proposed use.
- The effect on nearby industries

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Attachments - 326

# CM.160/21

Proposed Amendments C143 and C144 to the Nillumbik Planning Scheme -Implementation of the Eltham and Diamond Creek Major Activity Centre Structure Plans (2020)

Attachment 10. Proposed ACZ1 Schedule (Eltham MAC) with some explanatory comments

#### NILLUMBIK PLANNING SCHEME

#### 4.2 Subdivision

1 1/08/20 16 C 106

In Precinct 2, an application to subdivide land, other than an application to subdivide land into lots each containing an existing dwelling or car parking space, must meet the requirements of Clause 56 and:

- Must meet all of the objectives included in the clauses specified in the following table.
- Should meet all of the standards included in the clauses in the following table

Class of subdivision	Objectives and standards to be met
60 or more lots	All except Clause 56.03-5.
16-59 lots	All except Clauses 56.03-1 to 56.03-3, 56.03-5, 56.06-1 and 56.06-3.
3-15 lots	All except Clauses 56.02-1, 56.03-1 to 56.03-4, 56.05-2, 56.06-1, 56.06-3, 56.06-6.
2 lots	Clauses 56.03-5, 56.04-2, 56.04-3, 56.04-5, 56.08 to 56.09-2.

# 4.3 11/08/2016 C106

### **Buildings and works**

A permit is not required for buildings and works for railway purposes including signals (and related control buildings), new tracks, track-work and realignment, train stabling, overhead power lines, gantries, buildings and works related to railway power requirements and any work required under the Disability Discrimination Act-Disability Standards for Accessible Public Transport 2002

In Precincts 1, 3 and 5A a permit is not required for:

- The installation of an automatic teller machine unless it occupies more than 10% of the
- Alter an existing commercial building façade provided that:
  - the alteration does not include installation of an external roller shutter,
  - at least 80 per cent of the building façade at ground floor level is maintained as an entry or window with clear glazing
- Construct an awning that projects over a road if it is authorised by the relevant public

# Construction and extension of one dwelling on a lot

In Precinct 2 a permit is not required to:

- Construct or extend one dwelling on a lot of more than 300 square metres and not on common property
- Construct or carry out works normal to a dwelling
- Construct or extend an outbuilding (other than a garage or carport) on a lot provided the gross floor area of the out-building does not exceed 10 square metres and the maximum building height is not more than 3 metres above ground level.
- Construct one dependent person's unit on a lot.

A development must meet the requirements of Clause 54, unless otherwise stated in this schedule.

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Attachment 10. Proposed ACZ1 Schedule (Eltham MAC) with some explanatory comments

#### NILLUMBIK PLANNING SCHEME

Construction and extension of two or more dwellings on a lot, dwellings on common property and residential buildings

#### In Precinct 2:

- A permit is not required to construct a front fence within 3 metres of a street associated with two or more dwellings on a lot or a residential building provided it does not exceed the maximum height specified in Clause 55.06-2.
- A development must meet the requirements of Clause 55, unless otherwise stated in this schedule. This does not apply to a development of five or more storeys, excluding

All buildings and works must be maintained in good order and appearance to the satisfaction of the responsible authority.

# Buildings on lots that abut a residential zone

Any buildings or works constructed on a lot that abuts land which is in a General Residential Zone or Neighbourhood Residential Zone must meet the requirements of Clauses 55.04-2, 55.04-3, 55.04-5 and 55.04-6 along that boundary, unless otherwise stated in this schedule.

# 4.4 11/08/2016 € 106

### Design and development

In Precincts 10-12, Buildings should include flat, low pitch or skillion roof forms and incorporate water harvesting features.

# **Building height**

A permit cannot be granted to vary any 'Mandatory Height' specified in the precinct provisions of this schedule.

Permit applications which seek to exceed any 'Discretionary Height' specified in the precinct provisions of this schedule, should demonstrate that

- The objectives listed in Part 2.0 of this schedule are satisfied, particularly those listed under Built form and character and Landscape and place activation.
- The objectives and guidelines of the relevant precinct of this schedule are satisfied.
- Increased setbacks are provided for landscaping which includes additional canopy trees to assist in visually softening the development at street level and providing increased permeable surfaces.
- Design principles are included which provide landscaping beyond the ground level and
- The development substantially contributes to the appearance of the Activity Centre through high architectural quality appropriate to the character of the centre

For the purposes of this Schedule, building height excludes service equipment including plant rooms, lift overruns, solar collectors and other such equipment provided the following criteria are met

- The features are no more than 4 metres above the maximum height of the building
- The top floor area of the features is no more than 20 per cent of the floor area of the top building level;
- The equipment is located in a position on the roof so as to minimise additional overshadowing of neighbouring properties and public spaces;

Commented [PF13]: The guidelines for roof form have been simplified and made more flexible. For example, a requirement has been removed from the existing schedule that all roofs in the Eltham Town Centre (existing Precincts 1.4) should be pitched, gabled or hipped greater than 10 percent. Further, any requirement for a top storey to be in the roof has been removed.

ACTIVITY CENTRE ZONE - SCHEDULE 1 COUNCIL MEETING -14/12/2021 - NILL C143

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# Attachment 10. Proposed ACZ1 Schedule (Eltham MAC) with some explanatory comments

### NILLUMBIK PLANNING SCHEME

The equipment is designed, screened and finished in a non-reflective material and of a colour to the satisfaction of the responsible authority.

### **Building setbacks**

Minor works including verandahs, architectural features, balconies, sunshades, screens and artworks may be constructed within any setback area specified at Part 5.0, provided they are designed and located to the satisfaction of the responsible authority

Basement levels should be designed to provide deep rooted landscaping around the

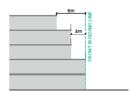
Where the precinct provisions specify a front setback, that setback is measured from the property boundary.

# Precinct design guidelines

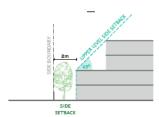
# Precincts 1-5

The following design guidelines apply to development within Precincts 1-5 in the Activity Centre, unless otherwise specified in Precinct provisions in Part 5.0 of this schedule.

- 1. Development should include a front setback as specified in the Precinct provisions in Part 5.0 of this schedule.
- 2. Any part of the building above 2 storeys should be:
  - Setback at least 3 metres from the front building line. Above 4 storeys the building should be setback a further 3 metres.



Setback beyond a 45 degree plane from the sides of the level below (Precinct 2 properties only).



- 3. Rear setbacks to direct residential zones should be designed to manage v is ual bulk and overshadowing impacts to adjacent residential properties by:
  - Applying a 7m rear landscape setback; and
  - Apply a 1m setback for every metre of height over 10.9m.

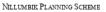
Commented [PF14]: As recommended by the 2020 structure plan, the front setback is now to be measured from the front property boundary. This brings the schedule into line with common planning gractice and should assist Council to achieve lands caped setbacks in Precinct 2.

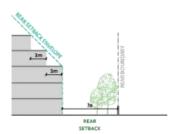
Commented [PF15]: The schedule has been modified to provide more guidance, including by use of diagrams, of the design outcomes sought. This is in line with the State Government's preference for such guidance to be within the planning provision, rather than in a reference document (which is the practice used by the existing ACZI schedule which references a separate design guidelines document).

ACTIVITY CENTRE ZONE - SCHEDULE 1 COUNCIL MEETING -14/12/2021 - NILL C143

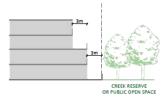
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Attachment 10. Proposed ACZ1 Schedule (Eltham MAC) with some explanatory comments





- 4. Rear setbacks to other zones above the street wall should be
  - 4.5m from the common boundary, where a habitable room window or balcony is proposed; or
  - 3.0m from the common boundary where a commercial or non-habitable window is proposed.
- 5. Development on lots directly interfacing with a creek reserve or public open space should
  - Be designed to address the creek reserve/ open space with entries, windows and
  - Provide a 4 metre upper level setback above the street wall to the creek reserve/open space
  - Include a 3 metre landscaped setback from the property boundary facing the creek reserve/ open space.
  - Incorporate a low, visually permeable fence to clearly define the public realm while retaining the potential for visual interaction.



# Bridge Street Business Area Design Guidelines (Precincts 10-12)

The following design guidelines apply to development within Precincts 10-12 (Bridge Street Business Area) in the Activity Centre:

- 1. Building setbacks should be applied as per the precinct plans in Part 5.0 of this
- 2. Building envelopes should be proportionate in scale to surrounding buildings.
- 3. Buildings should incorporate modulated and articulated facades to provide visual interest to the overall development.
- 4. Locate office/ display in front of industrial shed or warehouse to street elevations. Include windows with displays and doors to the street frontage. The building entrance must be located on street frontage to ensure it is visible and easily recognised

Commented [PF16]: Design guidelines are also now provided for the Bridge Street Business Area now that this important section of the Eltham MAC is proposed to be included within the ACZ1.

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# Attachment 10. Proposed ACZ1 Schedule (Eltham MAC) with some explanatory comments

#### NILLUMBIK PLANNING SCHEME

- Service areas, storage yards, loading docks and site car parking should be located at the side or the rear to reduce their visual prominence.
- 6. Any part of the building above 2 storeys should be
  - Setback at least a 1:1 ratio from the second storey wall.
  - Well-articulated to provide visual interest.
- Development should include a front setback that follows the prevailing building frontage line of neighbouring buildings and the streetscape, or the front setback specified in the precinct provisions at Part 5.0 of this schedule, whichever is lesser
- Where buildings are setback, entry features should extend to street edges and the front setback should be well landscaped, including with canopy trees where possible.
- Development located on street corners should address both frontages and have regard to prevailing setback distances to both streets.
- 10. Building materials and colour palette should reflect the existing character through lightweight cladding, timber, render, on-masonry sheeting, glazing, brick, mud-brick and iron roofing.
- 11. Site development should respect major view lines from public vantage points.
- 12. Clearly delineate pedestrian and vehicular entries to the site
- 13. Incorporate water efficient, energy sensitive and water sensitive urban design into the development.
- 14. Retain canopy trees wherever possible, in both the private and public realm.
- 15. Provide landscaping in the front and side setbacks with plants/species that are drought tolerant and where appropriate, indigenous to the local area.
- 16. Provide canopy trees in the front setback and car parking areas to soften the built form and provide shading opportunities.
- 17. Front fencing along the street boundary is discouraged. If required, fencing should be permeable and should have a maximum height of 1.5m.
- 18. Side and rear fences should not exceed 1.8m in height
- Extensive chain and wire cyclone mesh fencing is discouraged within areas that are visible form the street.

# Landscape design

# Landscape design should

- Create private and public open space areas that are accessible, safe, attractive and functional.
- Retain established indigenous vegetation within all streets that contributes to the 'green and leafy' appearance of the area, in both the private and public realm.
- Limit the removal of vegetation to the minimum required to allow the land to satisfy its development potential.
- Provide high standard landscape treatment in the front setback where buildings are setback from the street with a focus on indigenous planting where appropriate, including the use of indigenous canopy trees.

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# Attachment 10. Proposed ACZ1 Schedule (Eltham MAC) with some explanatory comments

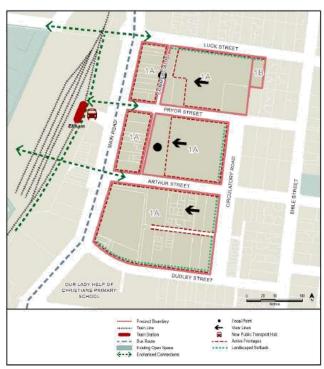
# NILLUMBIK PLANNING SCHEME

5.0 11/08/2016 € 106 Precinct provisions

5.1 11/08/2016 C106 Precinct 1 - Commercial Core

5.1-1 11/08/2016 C106

Precinct map



# 5.1-2 11/08/2016 C106

# Precinct objectives

- To create a lively and people-based commercial centre with the town square and Commercial Place forming a 'food precinct', a place to meet, rest, eat and play.
- To promote active street frontages.
- To provide a safe, attractive and convenient commercial centre
- To encourage buildings that present a cohesive appearance which relates to the current modest scale of the precinct, emphasises key entrances to the town centre and reflects the Eltham form and character.
- To promote active and accessible street frontages, and ensure that streets throughout the area will be a focus for pedestrian activity and the buildings will relate positively to the public realm.

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# Attachment 10. Proposed ACZ1 Schedule (Eltham MAC) with some explanatory comments

# NILLUMBIK PLANNING SCHEME

- To provide and improve pedestrian linkages throughout the precinct, particularly:
  - between the Town Square and Main Road
  - across Main Road to the train station.
  - in the 'pedestrian priority area' of the commercial core where there are various accessible seating options.
- To ensure that new development does not unreasonably interrupt the canopy ridge line of Eltham and views available to the west.
- To ensure the precinct is one of the preferred locations in the Activity Centre for one or more employment anchors.
- · To create more employment opportunities by intensifying and expanding the range of commercial and retail activity, including office development, retail, dining and entertainment, and night time activities.
- To encourage mixed use developments with office and residential uses at the upper
- · To create a transition in uses and built form scale between the town centre and the nearby residential precinct.
- To maintain appropriate levels of solar access to existing and proposed public spaces.
- To encourage traffic calming measures on the precinct's local road network, including to Main Road to improve conditions for pedestrians and cyclists.

5.1-3 11/08/2016 C106

# Precinct Requirements

Sub-precinct	Discretionary height (excluding basement)	Mandatory height (excluding basement)	Preferred Minimum Setbacks
1A !	5 storeys (17.5m).	None specified.	2 storey street wall with 0m front setback along Main Road, Pryor Street, Commercial Place, and Arthur Street.
			2 storey street wall with 3m front setback along Luck Street, Dudley Street, and Circulatory Road.
			Landscaped setback along Luck Street, Dudley Street, and Circulatory Road.
			A 3m upper setback above the 2 storey street wall. A further 3m front setback above the fourth storey.
1B 4 storeys (14m).	None specified.	2 storey street wall with 5.5m front setback along Luck Street.	
			Landscaped setback along Luck Street.
			A 3m upper setback above the 2 storey street wall. A further 3m front setback above the fourth storey.

Commented [PF17]: The existing ACZI schedule sets a mandatory requirement for a top storey to be in the roof in much of the Eltham Town Centre (Precincts 1-4 in the existing ACZI). Any such requirement has been removed from the proposed ACZI schedule. This is in line with a recommendation of the 2020 structure of the proposed accident.

Commented [PF18]: For each precinct greater guidance is given regarding preferred minimum setbacks, reflecting the detail on this matter within the 2020 structure plan.

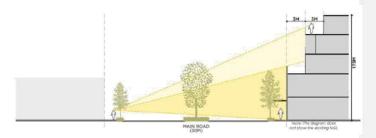
ACTIVITY CENTRE ZONE - SCHEDULE 1 COUNCIL MEETING -14/12/2021 - NILL C143

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# Attachment 10. Proposed ACZ1 Schedule (Eltham MAC) with some explanatory comments

### NILLUMBIK PLANNING SCHEME

 The preferred built form character for Precinct 1 includes a 2 storey street wall, with levels above setback to reduce their visibility from the public realm. Section Diagram 1 (below) shows indicative minimum setbacks along Main Road.



Section Diagram 1: Indicative minimum setbacks along Main Road in Precinct 1

#### 5.1-4 11/08/2016 0106

### Precinct guidelines

- Encourage retail development in Pryor Street, Commercial Place, Arthur Street and Dudley Street.
- Encourage restaurants and active uses near the Town Square and on Commercial Place between Luck and Pryor Streets.
- Encourage the development of offices throughout the precinct, particularly on sites abutting the west side of the Circulatory Road.
- Blank walls and reflective glazing is to be avoided.
- New development should provide active frontages to the street at ground level including facade articulation, inclusion of windows, entries and verandahs.
- Encourage small shops and other retail activities at ground level.
- Encourage the creation of a new pedestrian link between the Town Square and Main Road by converting one of the retail premises fronting Main Road into an open plaza.
- Upper levels of new developments should be articulated with building recesses and balcony treatments.
- Continuous weather protection for pedestrians should be provided along the Main Road, Pryor Street, Arthur Street and Commercial Place building frontages, subject to protecting existing tree canopies.
- Buildings on the comers of Dudley Street and Main Road and Luck Street and Main Road should be of high architectural quality with expressed corner building forms to create a sense of entry into this precinct.
- Shade trees should be planted in at grade car parks offering greater than 10 car spaces.
- Buildings fronting Main Road, Pryor Street, Arthur Street and Commercial Place should:
  - Provide 65-80% clear glazing (non-reflective) between a height of 0.5m and 2.4m above the footpath offering unobstructed views into the building.
  - Provide pedestrian entries at least every 15m.

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# NILLUMBIK PLANNING SCHEME

- Utilise the front wall to provide informal bench seating (can be low window sills).
- Include a street wall that includes both a fine grain and strong vertical articulation to deliver visual interest.
- Medium density mixed-use developments should provide basement or podium car
  parking sleeved with other uses that provide active frontages.
- Buildings on comer allotments should address both street frontages with commercial/ shop front windows at street level.
- Design new buildings with the ground floor located responding to the natural ground level (NGL) to promote a strong connection with the public street space and ensure access to all
- The scale of built form in Commercial Place should respond to the narrowness of the street ensuring upper levels are sufficiently setback.
- Redevelopment of properties fronting Main Road between Arthur Street and Luck Street will require basement access from the side street, rather than Commercial Place.
- The building materiality should consist of a mix of timber, stone, mudbrick (or textured render), steel, glass and other natural materials and colours that are in character with the natural environment/vegetation. The palette of materials may also include recycled, recyclable and/or renewable materials and elements.

# 5.1-5 Any other requirements

Refer to Part 4.4 of this schedule for interface setback guidelines and requirements.

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NILLUMBIK PLANNING SCHEME

5.2 11/08/2016 0106

Precinct 2 - Residential Interface

5.2-1 11/08/2016 C106 Precinct map



# 5.2-2 11/08/2016 0106

# Precinct objectives

- Encourage medium density housing, while also providing some small to medium scale office use.
- To provide a transition in built form scale between the core commercial area and adjoining residential areas.
- To ensure non-residential development is consistent with the preferred residential character and role of the precinct.
- To encourage landscaping in the front, side and rear setbacks.
- To protect and enhance the amenity within the Activity Centre and surrounding established residential neighbourhoods. For example, by providing significant use of landscaping, including canopy trees and well vegetated setbacks.

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Attachment 10. Proposed ACZ1 Schedule (Eltham MAC) with some explanatory comments

# NILLUMBIK PLANNING SCHEME

To ensure development adequately responds to flooding constraints at the northern end of the precinct (identified by application of the Special Building Overlay).

# 5.2-3 11/08/2016 C106

# Precinct requirements

Sub-precinct	Discretionary height (excluding basement)	Mandatory height (excluding basement)	Preferred Minimum Setbacks
2A	None specified.	3 storeys (10.5m).	2 storey street wall with 5.5m front setback along all street frontages.
			Landscaped setback along all street frontages.
			Minimum 4m side setbacks to allow for landscaping including trees that contribute to the landscape character.
			Minimum 7m rear setback to respond to the existing backyard character.
			A 3m upper setback above the 2 storey street wall.
2B 4 sto	4 storeys (14m).	None specified.	2 storey street wall with 5.5m front setback along all street frontages.
			Landscaped setback along all street frontages.
			Minimum 4m side setbacks to allow for landscaping including trees that contribute to the landscape character.
			Minimum 7m rear setback to respond to the existing backyard character.
			A 3m upper setback above the 2 storey street wall. A further 3m front setback above the fourth storey.

Commented [PF19]: An example of how additional guidance and preference for landscaped setbacks is articulated in this proposed schedule to the ACZ1.

# 5.2-4 11/08/2016 €106

# Precinct guidelines

- Use and development of non-residential uses should:
  - be compatible with surrounding residential use, scale and intensity
  - generally serve local community needs
  - reflect the pattern of existing building siting and massing within the precinct.
- Consideration will be given to increased residential density on sites with larger footprints of 1500 square metres or greater, on which development should be designed with split levels to respond to the natural topography.
- · Main pedestrian entrances should be clearly legible from the street and demarcated with strong architectural and landscape features including wayfinding signage.

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# NILLUMBIK PLANNING SCHEME

- New development should appear to have domestic quality and respond to the treed residential character of the area through appropriate building siting that allows for provision for open landscaped front yards, canopy tree planting, and avoiding high solid fencing.
- Developments sited alongside boundaries should be massed in a staggered manner to avoid overlooking of adjacent properties and reduce overshadowing impacts.
- Building siting should provide the opportunity for open space areas and allow for canopy tree landscaping to be integrated with the total development.
- On-site car parking should be sited underground, or alternatively to the side and rear of
  dwellings to minimise visibility from the public realm.
- Crossovers and driveways to access car parking garages from the front should be limited
- Building materiality should consist of a selection of timber, stone, mudbrick, galvanised corrugated sheet metal and other natural materials and colours that are in character with the natural environment/ vegetation. The palette of materials may also include recycled, recyclable and/or renewable materials and elements.

### 5.2-5 Any other requirements

Refer to Part 4.4 of this schedule for interface setback guidelines and requirements.

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Attachment 10. Proposed ACZ1 Schedule (Eltham MAC) with some explanatory comments

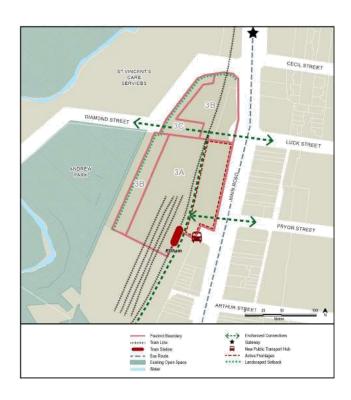
# NILLUMBIK PLANNING SCHEME

5.3 11/08/2016 C106 Precinct 3 – Transport

5.3-1

Precinct map

11/08/2016 C106



# 5.3-2 11/08/2016 C106

# Precinct objectives

- To encourage improved public transport services through progressive upgrades of Eltham Station and the Hurstbridge line, and provide adequate commuter parking.
- To facilitate the development of a new public transport hub (railway station and bus interchange).
- To encourage the creation of safe and convenient access along active edges fronting Main Road and on key edges of the public transport interchange, and to the community facilities to the south and nearby sporting facilities.
- To ensure the strong presence of native canopy trees will be maintained through careful siting and design of development.

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Attachment 10. Proposed ACZ1 Schedule (Eltham MAC) with some explanatory comments

# NILLUMBIK PLANNING SCHEME

- To promote the role of the station as a sustainable transport hub, to provide for improved pedestrian, cycle and public transport connections and facilities.
- To encourage for removal of the level crossing to create better pedestrian and cyclist connectivity between the eastern and western sides of the rail line and Main Road, and improve the centre's walkable catchment.
- To encourage traffic calming measures on Main Road to improve conditions for pedestrians and cyclists on Main Road, while appropriately maintaining traffic flow.
- To encourage car parking in basements or alternatively, with limited views from the public realm.
- To improve car park management and design by providing landscaping, high levels of
  accessibility, safe pedestrian connections and by ensuring car parking structures are not
  visually dominating.
- To encourage transit oriented development (TOD) including integrated residential, retail and office.

5.3-3 11/08/2016 0106

### Precinct requirements

Sub-precinct	Discretionary height (excluding basement)	Mandatory height (excluding basement)	Preferred Minimum Setbacks
3A	5 storeys (17.5m).	None specified.	2 storey street wall with 0m front setback front setback along Main Road.
			A 3m upper setback above the 2 storey street wall. A further 3m front setback above the fourth storey.
3B	4 storeys (14m).	None specified.	2 storey street wall with 0m front setback front setback along Main Road.
			2 storey street wall with 5.5m front setback along Youth Road
			Landscaped setback along north eastern edge along Main Road frontage, and along Youth Road frontage.
			A 3m upper setback above the 2 storey street wall. A further 3m front setback above the fourth storey.
3C	None specified.	3 storeys (10.5m).	2 storey street wall with 5.5m front setback along Youth Road and Diamond Street.
			Landscaped setback along Youth Road and Diamond Street frontage.
			A 3m upper setback above the 2 storey street wall.

The preferred built form character for Precinct 3 includes a 2 storey street wall, with levels above setback to reduce their visibility from the public realm. Section Diagrams

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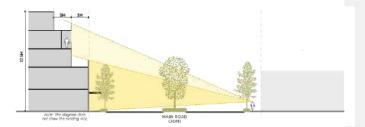
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Commented [PF20]: The proposed ACZ1 schedule provides for some additional building height within the station precinct, which includes land in Precinct 3 and land in Precinct, as defined in the proposed schedule and the Eltham MAC Structure Plan (2020). This is in accordance with the recommended changes to height limits that are detailed on pages 95-96 of the Structure Plan.

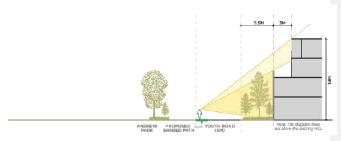
Attachment 10. Proposed ACZ1 Schedule (Eltham MAC) with some explanatory comments

# NILLUMBIK PLANNING SCHEME

2 and 3 (below) show indicative minimum setbacks along Main Road and at Youth Road.



Section Diagram 2: Indicative minimum setbacks at Main Road in Precinct 3



Section Diagram 3: Indicative minimum setbacks at Youth Road in Precinct 3

#### 5.3-4 Precinct guidelines

11/08/2016 C106

- Ensure that future use and development maintains and enhances the functionality of the precinct as a public transport hub, and accommodates the anticipated growth in demand for public transport services and the corresponding need to upgrade the Eltham Station and Hurstbridge line.
- Subject to the use and anticipated further development of Precinct 3 for public transport infrastructure and provision of adequate commuter car parking:
  - Encourage mixed-use developments (any combination of retail, office and car parking) with active frontages on land between Main Road and the railway line, including land in front of the railway station and bus interchange, and with convenient access to nearby sporting facilities and community facilities.
  - Encourage a mix of residential, office and car parking uses on land between the railway line and Youth Road.
- Built form should present an attractive and articulated façade to provide visual interest.
- Buildings should be designed with active frontages (greater than 60% non-reflective glazing) at ground level to provide a safe and lively environment.
- Development fronting Youth Road and Diamond Street should have landscaped front building setbacks
- Development should incorporate existing large native trees where possible

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Attachment 10. Proposed ACZ1 Schedule (Eltham MAC) with some explanatory comments

# NILLUMBIK PLANNING SCHEME

- New developments should incorporate feature architectural or landscape features at exposed locations as viewed from Main Road and axial views available from east-west running streets, namely Luck Street, Pryor Street and Diamond Street.
- Developments to the western side of the railway line should provide a transition with community uses along Diamond Street and Youth Road.
- The design of any buildings backing onto the railway line and the train station car park should present interesting façade treatments, allow for passive surveillance and incorporate vegetative or architectural screening devices.
- Where relevant, new development should incorporate acoustic treatments responding to the railway environment to minimise adverse amenity impacts.
- Car parking entryways should be located to the edge of sites, shared with other car
  parking entries.
- Redevelopment of existing at-grade car parking (e.g. for mixed use development) should deck any commuter parking into the building or sleeved with other uses that provides active frontages, or passive surveillance at a minimum
- Support the preferred character and optimise passive surveillance by minimising the use of roller shutters.

# 5.3-5 Any other requirements

Refer to Part 4.4 of this schedule for interface setback guidelines and requirements.

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NILLUMBIK PLANNING SCHEME Commented [PF21]: The number of this Precinct has been updated from 4 to 5. Precinct 5 - Community Precinct 5.4 11/08/2016 €106 5.4-1 Precinct map 11/08/2016 C106 ARTHUR STREET DUDLEY STREET HENRY STREET 5.4-2 Precinct objectives To create an active, vibrant heart for the Eltham Activity Centre by providing a range of community, residential and professional services. On land within Precinct 5A and 5D encourage: - mixed use development (any combination of retail, office, medium density housing and community services) active frontages to Main Road and the railway line by providing either retail or office uses on the ground floor. To encourage an activated pedestrian environment to the rear of Main Road buildings to provide safe and convenient access between the community facilities to the south and the public transport facilities. ACTIVITY CENTRE ZONE - SCHEDULE 1 COUNCIL MEETING -14/12/2021 - NILL C143 PAGE 26 OF 36

Attachment 10. Proposed ACZ1 Schedule (Eltham MAC) with some explanatory comments

#### NILLUMBIK PLANNING SCHEME

- To ensure that development is designed to provide passive observation of the car park beside the railway line.
- To encourage a new landmark/iconic building at the former Eltham Shire Office site at 895 Main Road.
- To promote the consolidation of community halls along Youth Road.
- To ensure buildings transition in height and scale from the north end of the precinct to the Eltham Library.
- To ensure buildings are of a high quality design, with a commitment to universal access for everyone.
- To be the preferred location for one or more major employment anchors to support local non-tradeable activity (e.g. health, education or civic).
- To reimagine and reconnect community uses.
- To improve pedestrian and cycling amenity between the precinct and the train station
- To provide a multi-purpose Community Hub

#### 5.4-3 11/08/2016 0106

# Precinct requirements

Sub-precinct Discretionary height (excluding Mandatory height Preferred Minimum Setbacks (excluding 2 storey street wall with 0m front setback along Main 5A and 5D 5 storeys (17.5m). None specified Road frontage A 3m upper setback above the 2 storey street wall. A further 3m front setback above the fourth storey. 5B and 5E 4 storeys (14m). None specified. 2 storey street wall with 5.5m front setback along Main Road frontage. A 3m upper setback above the 2 storey street wall. A further 3m front setback above the fourth storey. Landscaped setback along frontages. 5C None specified 3 storeys (10.5m) 2 storey street wall with 5.5m front setback along Main along Main Road frontage. A 3m upper setback above the 2 storey street wall. Landscaped setback along frontages.

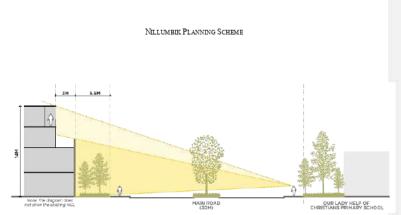
The preferred built form character for Precinct 5 includes a 2 storey street wall, with levels above setback to reduce their visibility from the public realm. Section Diagram 4 (below) shows indicative minimum setbacks along Main Road. The setbacks will be varied as required to respond to community assets and heritage values (e.g. heritage cypress trees and cenotaph precinct).

Commented [PF22]: The proposed ACZ1 schedule provides for some additional building height within the station precinct, which includes land in Precinct 3 and land in Precinct, as defined in the proposed schedule and the Etham MAC Structure Plan 2020. This is in accordance with the recommended changes to height limits detailed on pages 95-96 of the Structure Plan.

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# Attachment 10. Proposed ACZ1 Schedule (Eltham MAC) with some explanatory comments



Section Diagram 4: Indicative minimum setbacks at Main Road in Precinct 5

# 5.4-4 Precinct guidelines

11/08/2016 C106

- Development fronting to Main Road and the railway line should provide safe and convenient access to the adjacent public transport facilities.
- Buildings fronting Main Road including and to the north of 909 Main Road should:
  - Include mixed use development (any combination of retail, office, medium density housing and community services).
  - Be designed with active frontages to the street at ground level including facade articulation, inclusions of windows and entries.
  - Provide 65-80% clear glazing (non-reflective) between a height of 0.5m and 2.4m above the footpath offering unobstructed views into the building.
  - Provide pedestrian entries at least every 15m.
  - Provide continuous weather protection (such as cantilevered canopies/verandahs) over footpaths.
  - Include a street wall that includes both a fine grain and strong vertical articulation to deliver visual interest.
  - Provide upper levels that are articulated with building recesses and balcony treatments.
- Investigate opportunities north of 903-907 Main Road to:
  - redevelop indented car parking to support a more active and engaging pedestrian environment.
  - create an engaging pedestrian zone in St Laurence Lane.

The above investigations should particularly be conducted as part of any redevelopment of adjacent sites.

- Development to the south of 909 Main Road (including the former Eltham Shire Office site) should include landscaped front setbacks and retain established vegetation.
- Development on the former Eltham Shire Office site (895 Main Road) should provide a boundary treatment and interface with the Eltham Library site which is sympathetic and responsive to that site.
- Development on the former Eltham Shire Office site should maintain generous landscaped setbacks from the street and retain established vegetation, including the heritage nominated Italian Cypress trees.

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Attachment 10. Proposed ACZ1 Schedule (Eltham MAC) with some explanatory comments

# NILLUMBIK PLANNING SCHEME

- Development backing onto the railway car park should provide internal pedestrian connections through to Main Road.
- Development fronting Library Place and the car park should include active frontages.
- Development adjacent to the Eltham Girl Guide Hall (Youth Road) should manage the sensitive interface by:
  - Providing a minimum 4.0m side setback to allow for small, slender trees that
    contribute to the landscape character. Any part of the building above 2 storeys
    should setback beyond a 45 degree plane from the sides of the level below.
  - Complying with the rear setback requirements outlined in the Part 4.4 of this
- Development backing onto the railway line and station should provide for a variation and articulation in façade treatments and allow for passive surveillance by incorporating active areas and glazing to the rear wall facing the railway line and car park.
- Thick and robust building elements such as colonnades should be incorporated into the design of new buildings.
- Service areas and car parking should be located at the rear of buildings or serviced from laneways and concealed from the public realm.
- Avoid the excessive use of roller shutters.
- Where relevant, new development should incorporate acoustic treatments responding to the railway environment to minimise adverse amenity impacts.
- Built form should achieve a general stepping of the building in a westerly direction from the high point along Main Road.
- Development should respect and respond to heritage elements within the precinct.

# 5.4-5 Any other requirements

Refer to Part 4.4 of this schedule for interface setback guidelines and requirements.

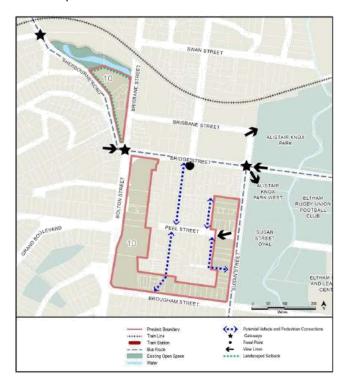
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NILLUMBIK PLANNING SCHEME

#### 5.5 Precinct 10 - Peripheral Mixed Use

#### 5.5-1 Precinct map



#### 5.6-2 Precinct objectives

- To support medium and small scale offices and indoor recreation/health facilities supported by limited retail and food premises.
- Provide a wide range of employment opportunities and services to local residents.
- To encourage visually interesting built form and promote a positive image for both the BSBA and the broader Activity Centre.
- $To\ minimise\ of f-site\ amenity\ impacts\ to\ sensitive\ residential\ interfaces,\ such\ as\ on$ Brougham Street.

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# NILLUMBIK PLANNING SCHEME

#### 5.5-3 Precinct requirements

Precinct	Discretionary height (excluding basement)	Mandatory height (excluding basement)	Preferred Minimum Setbacks
10	3 storeys (12m). None specified.	2 storey street wall height with:  • Om front setback along Brisbane Street and 5.5m setback from	
			Sherbourne Road.  4m front setback along Brougham Street and Bolton Street.
			<ul> <li>0m along Susan Street.</li> <li>Landscaped setback along Sherbourne Street and railway frontage.</li> </ul>
			A 3rd storey (and above should be setback a 1:1 ratio from 2 storey street wall.

#### 5.5-4 Precinct guidelines

- Buildings should be either at the street edge or have a shallow front setback (4.0-5.5m) to allow for some landscaping in response to adjacent residential character.
- There should be minimal gaps between adjacent buildings.
- Development should respond to the sloping topography to minimise the need for cut and fill.
- Retail frontages should incorporate:
  - 65-80% clear-glazing between a height of 0.5m and 2.4m above the footpath offering unobstructed views into the building;
  - pedestrian entries at least every 15m; and
  - footpath trading or outdoor dining where possible (taking care to avoid obstructing then footpath)
  - continuous weather protection (such as cantilevered canopies/ verandahs) over footpaths.
- Office frontages should incorporate:
  - 50-80% clear glazing between a height of 1m and 2.4m above the footpath, offering unobstructed views into the building; and
  - Pedestrian entries at least every 30m.

#### 5.5-5 Any other requirements

Refer to Part 4.4 of this schedule for interface setback guidelines and requirements.

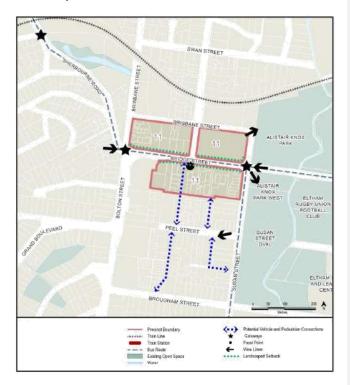
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# NILLUMBIK PLANNING SCHEME

#### 5.6 Precinct 11 - Restricted retail

#### 5.6-1 Precinct map



#### 5.6-2 Precinct objectives

- Encourage the precinct to be the preferred location for restricted retailing.
- Provide a small civic space that is well connected to the balance of the Activity Centre.
- Recognise and improve Bridge Street as a significant Gateway to Eltham.
- Encourage high quality and visually interesting contemporary forms using materiality which reflect the grain and quality of traditional 'shed' forms as well as the township's bush character and landscape
- Establish a civic focal point opposite the T-intersection of Bridge Street and Silver Street.
- Encourage the urban form to emphasise key entrances, the civic focal point and intersections in the Centre.
- Create a safe pedestrian and cycle environment with reconfiguration of vehicle access and car parking along Bridge Street in an organised and continuous manner.

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Attachment 10. Proposed ACZ1 Schedule (Eltham MAC) with some explanatory comments

# NILLUMBIK PLANNING SCHEME

 Encourage the use of environmentally sustainable design principles for the built form and surrounding land.

# 5.6-3 Precinct requirements

Precinct	Discretionary height (excluding basement)	Mandatory height (excluding basement)	Preferred Minimum Setbacks
11	4 storeys (16m)	None specified.	2 storey street wall with:
			Om front setback along Bolton Street, Brisbane Street, Silver Street, and Susan Street.
			4m front setback from Bolton Street.
			0m front setback along Susan Street.
			3 storey street wall with 22m landscaped setback from Bridge Street.
			A 3rd storey (and above) should be setback a 1:1 ratio from the street wall.

# 5.6-4 Precinct guidelines

- Buildings fronting Bridge Street should be setback 22m which contains two facing rows
  of right-angle parking off a single access way, with landscaping separating the parking
  area and a pedestrian path on each side of the accessway.
- Frontages should incorporate:
  - 50-80% clear glazing between a height of 1m and 2.4m above the footpath, offering unobstructed views into the building;
  - Pedestrian entries at least every 30m; and
  - Provide continuous weather protection (such as cantilevered canopies/verandahs) over footpaths.

# 5.6-5 Any other requirements

Refer to Part 4.4 of this schedule for interface setback guidelines and requirements.

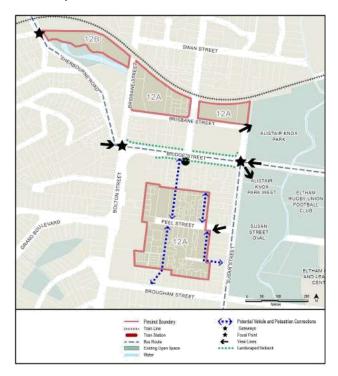
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# NILLUMBIK PLANNING SCHEME

# 5.7 Precinct 12 – Industrial/Emergent

# 5.7-1 Precinct map



# 5.7-2 Precinct objectives

- To continue to support light industrial uses, supported by emergent industries.
- To encourage ancillary office spaces with active uses and passive surveillance
  opportunities to the front of industrial sheds and warehouses.
- To encourage design and façade treatment which demarcates building entries.
- To avoid pedestrian and vehicle conflict by separating access points and ensuring that
  car parking does not impinge on or erode the quality of pedestrian areas.
- To encourage improvements to streets with provision of direct, connected and well
  maintained public footpaths which create an attractive environment for pedestrians.
- To encourage the use of environmentally sustainable design principles for the built form and surrounding land.

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Attachment 10. Proposed ACZ1 Schedule (Eltham MAC) with some explanatory comments

### NILLUMBIK PLANNING SCHEME

# 5.7-3 Precinct requirements

Precinct	Discretionary height (excluding basement)	Mandatory height (excluding basement)	Preferred Minimum Setbacks
12A	3 storeys (12m)	None specified.	2 storey street wall with 0m front setback from all street frontages.  A 3rd storey (and above) should be setback a 1:1 ratio from the 2 storey street wall.
12B	4 storeys (16m)	None specified.	

### 5.7-4 Any other requirements

Refer to Part 4.4 of this schedule for interface setback guidelines and requirements.

# 6.0 Application requirements

None specified.

#### 7.0 11/08/2016 C106

# Notice and review

An application to use land under Clause 37.08-2 is not exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act.

An application for buildings and works is not exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act if the development exceeds the 'Discretionary Height' or the 'Preferred Minimum Setbacks' specified in the relevant precinct requirements contained within this schedule.

To remove any doubt, where the preferred height limit is specified in both storeys and metres, if the proposal would exceed either of those figures, then the application is not exempt from the notice requirements of Section 52(1) (a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act

#### 8.0 11/08/2016 C106

# Decision guidelines

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

# Design and built form

Whether the proposed development:

- Provides a high standard of urban design and well designed site responsive architecture.
- Does not present a blank façade to a pedestrian activity area or street.
- Provides for appropriate setbacks which respect the siting of adjacent developments where the schedule promotes landscaped setbacks to the street frontage.

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# Attachment 10. Proposed ACZ1 Schedule (Eltham MAC) with some explanatory comments

# NILLUMBIK PLANNING SCHEME

Incorporates any signs as an integral part of the architecture. The construction and design of signs should be of a high quality and should maintain and enhance the Eltham form and character

Whether the proposed development limits the number of vehicle crossings to each development

#### Subdivision

Whether the subdivision is associated with a development proposal that supports the objectives promoted by this Schedule.

# 9.0 11/08/2016 C106

# Advertising signs

Advertising sign requirements are at Clause 52.05. All land located within Precinct 2 is in Category 3 and all land within Precincts 5B, 5C are in Category 4. All remaining land is in

# 10.0 11/08/2016 C106

### Reference documents

Eltham Major Activity Centre Structure Plan, July 2020

Eltham Major Activity Centre Car Parking Strategy Report, 2013

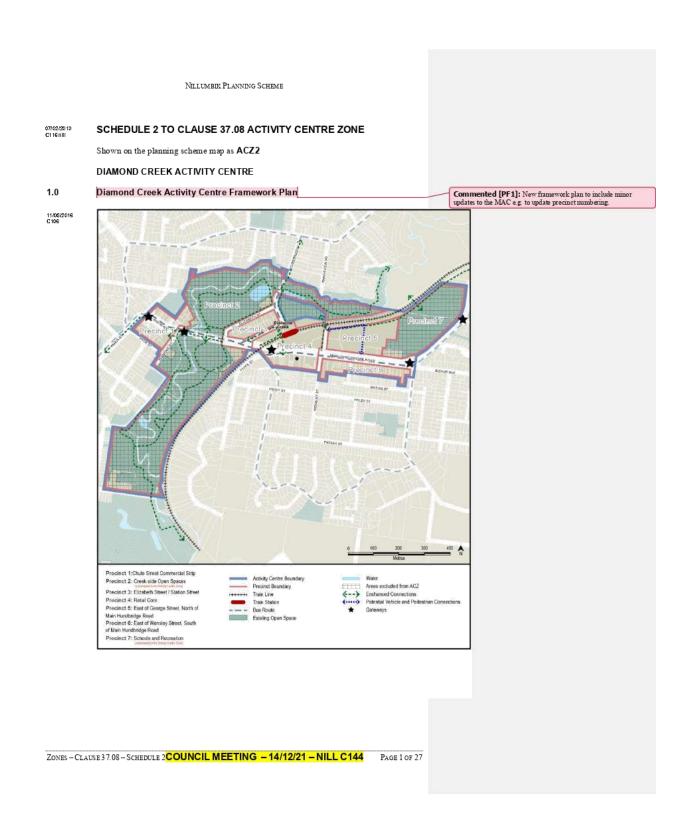
Nillumbik Major Activity Centres Sustainable Transport Study and Strategy, 2010

Commented [PF23]: The list of reference documents has been updated. Further, the list has been shortened, noting further guidance is provided within the schedule, rather than relying on reference documents to do this. The later approach can create problems for Council's ability to defend its decision at VCAT.

ACTIVITY CENTRE ZONE - SCHEDULE 1 COUNCIL MEETING -14/12/2021 - NILL C143

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Attachment 11. Proposed ACZ2 Schedule (Diamond Creek MAC) with some explanatory comments



Attachment 11. Proposed ACZ2 Schedule (Diamond Creek MAC) with some explanatory comments

#### NILLUMBIK PLANNING SCHEME

### 2.0 Land use and development objectives to be achieved

11/08/2016 €106

### Land use

- To achieve the vision, objectives and strategies of the Diamond Creek Major Activity Centre Structure Plan (September 2020).
- To develop shopping, services, facilities, employment and meeting places which
  complement those available in the regional network of activity centres and facilities.
- To expand employment floor-space, particularly emergent industries, to meet an
  increased proportion of projected demand and reduce 'escape expenditure' and travel to
  nearby centres.
- To focus retail activity in a compact core east of the railway, on the 'landscaped civic spine' of Main Hurstbridge Road, with a retail node in Chute Street.
- To enable employment anchors in the Diamond Creek Activity Centre, particularly in the civic or health sectors.
- To provide accessible and affordable housing options close to public transport.
- To improve access to and integrate greater diversity and density of retail, commercial and housing development with the railway station and its surrounds.

### Built form and character

- To retain the semi-rural township character of Diamond Creek by clustering new development and activity in existing key locations that remain visually segregated by open spaces and vegetation.
- To develop a local Diamond Creek architectural style that complements and reflects its natural landscape setting, and ensure new or redeveloped buildings are of high architectural quality appropriate to the character of the centre.
- To design new buildings with well articulated facades and a fine grain to provide interest
  at street level and reinforce the human scale of shopping areas.
- To guide development to meet the township's character and natural landscape setting
  with architectural design, and medium scale buildings that are respectful to existing
  buildings, materials that complement the setting and a treed landscape of predominantly
  local indigenous trees.
- To maintain appropriate levels of solar access to existing and proposed public spaces.
- To protect and enhance the amenity within the Activity Centre and surrounding established residential neighbourhoods and ensure new development mitigates detrimental offsite amenity impacts.
- To avoid underdevelopment of land within the activity centre.
- To increase activity and passive surveillance in the main retail and mixed use areas.
- To reduce the visual dominance of car parking and ensure the design of parking and
  access areas is safe, practical and attractive.
- To ensure that pedestrian routes, streets, footpaths and open spaces interact with and are
  overlooked by buildings, and for these routes to be continuously accessible.

# Environmental sustainability

- To improve the ecological integrity of environmental features within the centre.
- To promote sustainable development including water sensitive urban design
- To establish energy efficient developments that are appropriate to local conditions.

# Movement and access

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Commented [PF2]: Updated throughout to refer to the 2020 structure plan

Attachment 11. Proposed ACZ2 Schedule (Diamond Creek MAC) with some explanatory comments

#### NILLUMBIK PLANNING SCHEME

- To optimise the potential to reduce car dependency within the community by developing
  a network of local and regional shared paths for recreational and functional use, and by
  encouraging upgrades to the railway station and Hurstbridge line to increase the
  frequency of public transport services.
- To create better pedestrian and cyclist connectivity through the centre, including across
  the railway line, while protecting the opportunity for the removal of the level crossing.
- To improve car park management and design and improve pedestrian connectivity, safety
  and amenity through existing at grade car parks.
- To establish the commercial and retail precincts of the township as 'pedestrian priority
- To improve access to the Activity Centre for all modes of travel, link the precincts of the
  Activity Centre physically with clear pedestrian/cycle paths and visually with landscape
  treatments
- To expand the range of public transport linking the centre and the role of the railway station as a multi-modal interchange.
- To encourage traffic calming measures to Main Hurstbridge Road to improve conditions for pedestrians and cyclists.

### Landscape and place activation

- To promote the creation of a public space/plaza in the retail core of the Activity Centre
- To develop more attractive public spaces to enhance social interaction and the image of the Activity Centre.
- To incorporate references to European and indigenous heritage in the landscape and use art in public spaces.
- To retain and develop the open spaces within the Activity Centre and the links to parkland
  and to create a 'landscaped civic spine' along Main Hurstbridge Road as a key connecting
  feature of the Activity Centre.
- To ensure that the front, side and rear setbacks of development sites are extensively and
  effectively landscaped with canopy trees and other vegetation, particularly indigenous
  where appropriate.
- To maintain the visual dominance of the well vegetated natural landscape throughout the residential, commercial and open space areas of Diamond Creek.
- To use vegetation to mitigate against the heat-island effect within the centre, particularly in key public areas

# Community and leisure

- To provide for a network of spaces and facilities to meet projected community needs.
- To ensure community and leisure facilities are accessible to everyone, regardless of age or ability.
- To provide a multi-purpose community facility in the Activity Centre.
- To facilitate the location of a civic building (Council Offices or the like) within the Activity Centre.

# Land configuration and ownership

- To discourage subdivision that fragments existing land holdings and reduces development opportunities and active frontages.
- To encourage the consolidation of land to create lots of a size sufficient to accommodate
  the visual and amenity impacts associated with more intense development.

Commented [PF3]: This and certain other changes are designed to articulate and/or support the need to plant good shade providing trees to combat urban heating, particularly in public areas, whilst still promoting a preference for indigenous vegetation in the MAC.

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Attachment 11. Proposed ACZ2 Schedule (Diamond Creek MAC) with some explanatory comments

### NILLUMBIK PLANNING SCHEME 3.0 Table of uses Commented [PF4]: A range of changes are proposed to the existing table of uses and each change is typically for one or more of the following reasons: 07/02/2019 C116nill Section 1 - Permit not required $1. To update the number of precincts to be consistent with the new numbering contained within the <math display="inline">2020\ structure\ plan.$ Condition Accommodation (other than Must be in Precinct 1, 3A, 4 or 6. 2. To update the table of uses to be consistent with the required format and style of planning schemes. For example, to update particular land Corrective institution, In Precinct 1, 3A or 4, any frontage at ground floor level use terms and planning scheme clauses referred to in conditions. Dependent person's unit. must not exceed 2 metres. 3. To address inconsistencies and is sues that were created by the existing ACZ2 schedule having been created as a direct translatic the previous VPP zones (e.g. CIZ and RGZ). Some examples of proposed changes in relation to this matter are: Dwelling, Residential aged care facility) Must be in Precinct 1, 3A, 4 or 6.No more than 10 Bed and breakfast a) Removing certain uses listed only because they were listed in a translated VPP and which otherwise are not necessary to be listed in the ACZI Schedule. Examples of uses removed from the proposed table for this reason are "Tramway", "Saleyard" and "Horse Stables" persons may be accommodated away from their normal place of residence. At least 1 car parking space must be provided for each 2 persons able to be accommodated away from their normal place of residence. b) Making modifications to better reflect the outcomes sought by the structure plan, rather than the blunt, generic condition taken earlier from a VPP. For example, to remove the capacity, translated from the CIZ, for a cinema based entertainment facility to establish without a planning permit in key parts of the MAC. Convenience shop Must be in Precinct 1, 3, 4 or 5. In Precinct 1B, the leasable floor area must not exceed 150 square metres. c) Correcting any errors found in the earlier translation. Further explanation for some of the proposed settings in the table of uses are provided in the comments below. Food and drink premises Must be in Precinct 1B, 3A or 4. (other than Convenience In Precinct 1B, the leasable floor area must not exceed restaurant, Hotel) 150 square metres. Home occupation Informal outdoor recreation Medical centre Must be in Precinct 1, 3A, 4 or 6. The gross floor area of all buildings must not exceed 250 square metres. In Precinct 1, 4 and 6: site must adjoin or have access to a road in a Road Zone. must not require permit under clause 52.06-3. Minor utility installation Office (other than Medical Must be in Precinct 1B, 3A, 4A and 4C. In Precinct 1B, Commented [PF5]: Updates the condition to reflect new subprecinct boundari centre) the leasable floor area must not exceed 250 square Place of worship Must be in Precinct 1, 3A, 4 or 6. The gross floor area of all buildings must not exceed 250 The site must adjoin or have access to a road in a Road Zone Railway Zones - Clause 37.08 - Schedule 2 COUNCIL MEETING - 14/12/21 - NILL C144

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Attachment 11. Proposed ACZ2 Schedule (Diamond Creek MAC) with some explanatory comments

Use	Condition				
Railway station	Must be in	Precinct 4B or 4C.			
	The total leasable floor area for the selling of food, drink and other convenience goods and services must not exceed 50 square metres.				
Residential aged care facility	Must be in	Precinct 1, 3A, 4 or 6.			
	Any frontage at ground level must not exceed 2 metres.				
Restricted retail premises	Must be in	Precinct 3, 4C or 5.			
Retail premises (other than Shop, Food and drink premises)	Must be in	Precinct 1, 3A, 4 or 5.			
Shop (other than Adult sex product shop, Convenience shop, Restricted retail premises, Supermarket)	Must be in	Precinct 1, 3A, 4 or 5.			
Any use listed in Clause 62.01 Section 2 - Permit required	Must meet	requirements of Clause 62.01.			
62.01	Must meet	requirements of Clause 62.01.  Condition			
62.01 Section 2 - Permit required					
62.01  Section 2 - Permit required  Use  Accommodation (other than Co		Condition			
62.01  Section 2 - Permit required  Use  Accommodation (other than Cohouse)		Condition  Must be in Precinct 1, 3A, 4 or 6.			
62.01  Section 2 - Permit required  Use  Accommodation (other than Cohouse)		Condition  Must be in Precinct 1, 3A, 4 or 6.  Must be in Precinct 1B, 3A, 4 or 5A.  Must be at least 200 metres (measured by the shortest route reasonably accessible on foot) from Precinct 6, a residential zone or, land use for a Hospital, Primary school or Secondary school or land in a Public Acquisition Overlay be acquired for a Hospital, Primary school or			
62.01  Section 2 - Permit required Use  Accommodation (other than Chouse)  Adult sex product shop		Condition  Must be in Precinct 1, 3A, 4 or 6.  Must be in Precinct 1B, 3A, 4 or 5A.  Must be at least 200 metres (measured by the shortest route reasonably accessible on foot) from Precinct 6, a residential zone or, land use for a Hospital, Primary school or Secondary school or land in a Public Acquisition Overlay be acquired for a Hospital, Primary school or			

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Attachment 11. Proposed ACZ2 Schedule (Diamond Creek MAC) with some explanatory comments

in Section 1 or 2.  By or 6 the site must adjoin or road in a Road Zone.  Commented [PF6]: The condition is more broadly approtect the amenity of the centre, while still adequately protect the amenity of the centre, while still adequate the amenity of the centre and the amenity of the centre a
commented [PF6]: The condition is more broadly approtect the amenity of the centre, while still adequately protect the amenity of the centre, while still adequate the amenity of the centre, while still adequate the centre and the condition of the centre and the centre and the centre and the ce
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nct 1, 3, 4 or 5.

Attachment 11. Proposed ACZ2 Schedule (Diamond Creek MAC) with some explanatory comments

**	Communication of the Communica	
Nillumbik Planni		
Use	Condition	
Retail premises (other than Food and drink premises, Shop, Plant nursery)		
Service station	Must be in Precinct 5B.	Commented [PF7]: Restricts the use to a suitable local
		-
Shop (other than Adult sex product shop, Restricted retail premises, Supermarket)		
Store		_
Supermarket	Must be in Precinct 1B, 3A, 4 or 5.	
Take away food premises	Must be in Precinct 1B, 3A, 4 or 5.	
Utility installation (other than Minor utility installation, Telecommunications facility)		
Warehouse (other than Mail centre,	Must be in Precinct 3 or 5.	-
Store)	Must not be for a purpose listed in table to Clause 53.10.	
Any other use not in Section 1 or 3	0.000	
Section 3 – Prohibited		
Use		
Corrective institution		
Intensive animal husbandry		
Motor racing track		_
Centre-wide provisions		
Use of land		
	r the purpose of local government, recreation, ding the use is undertaken by, or on behalf of, the	
Amenity of the neighbourhood		
A use must not adversely affect the amenit	y of the neighbourhood, including through the:	
<ul> <li>Transport of materials, goods or comm</li> </ul>	nodities to or from the land.	
<ul> <li>Appearance of any stored goods or ma</li> </ul>	iterials.	
- Appearance of any stored goods of ma		

Attachment 11. Proposed ACZ2 Schedule (Diamond Creek MAC) with some explanatory comments

# NILLUMBIK PLANNING SCHEME

 Emission of noise, artificial light, vibration, odour, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.

# Application requirements

An application to use land for an industry or warehouse must be accompanied by the following information, as appropriate:

- The purpose of the use and the types of processes to be utilised.
- The type and quantity of goods to be stored, processed or produced.
- How land not required for immediate use is to be maintained.
- Whether a Development Licence, Operating Licence, Permit or Registration is required from the Environment Protection Authority.
- Whether a notification under the Occupational Health and Safety Regulations 2017 is required, a licence under the Dangerous Goods Act 1985 is required, or a fire protection quantity under the Dangerous Goods (Storage and Handling) Regulations 2012 is exceeded.
- The likely effects, if any, on the neighbourhood, including:
  - Noise levels.
  - Air-borne emissions.
  - Emissions to land or water
  - Traffic, including the hours of delivery and despatch
  - Light spill or glare.

# Decision guidelines

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

- The Municipal Planning Strategy and the Planning Policy Framework.
- The effect that the use may have on nearby existing or proposed residential areas or
  other uses which are sensitive to industrial off-site effects, having regard to any
  comments or directions of the referral authorities.
- The effect that nearby industries may have on the proposed use.
- The drainage of the land.
- The availability of and connection to services.
- The effect of traffic to be generated on roads.
- The interim use of those parts of the land not required for the proposed use.
- The effect on nearby industries.

# 4.2 Subdivision

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An application to subdivide land, other than an application to subdivide land into lots each containing an existing dwelling or car parking space, must meet the requirements of Clause 56 and:

- Must meet all of the objectives included in the clauses specified in the following table.
- Should meet all of the standards included in the clauses in the following table.

Class of subdivision	Objectives and standards to be met
60 or more lots	All except Clause 56.03-5.

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Attachment 11. Proposed ACZ2 Schedule (Diamond Creek MAC) with some explanatory comments

### NILLUMBIK PLANNING SCHEME

Class of subdivision	Objectives and standards to be met
16-59 lots	All except Clauses 56.03-1 to 56.03-3, 56.03-5, 56.06-1 and 56.06-3.
3-15 lots	All except Clauses 56.02-1, 56.03-1 to 56.03-4, 56.05-2, 56.06-1, 56.06-3, 56.06-6.
2 lots	Clauses 56.03-5, 56.04-2, 56.04-3, 56.04-5, 56.08 to 56.09-2.

# 4.3 Buildings and works

11/08/2014 C106 A permit is not required for buildings and works for railway purposes including signals (and related control buildings), new tracks, track-work and realignment, train stabling, overhead power lines, gantries, buildings and works related to railway power requirements and any work required under the Disability Discrimination Act-Disability Standards for Accessible Public Transport 2002.

No permit is required for:

- The installation of an automatic teller machine unless it occupies more than 10% of the frontage.
- Alter an existing commercial building façade, provided that:
  - the alteration does not include installation of an external roller shutter;
  - at least 80 per cent of the building façade at ground floor is maintained as an entry or window with clear glazing.
- Construct an awning that projects over a road if it is authorised by the relevant public land manager.

# Construction and extension of one dwelling on a lot

In Precincts 1A and 6, a permit is not required to

- Construct or extend one dwelling on a lot of more than 300 square metres and not on common property.
- Construct or carry out works normal to a dwelling.
- Construct or extend an outbuilding (other than a garage or carport) on a lot provided the
  gross floor area of the out-building does not exceed 10 square metres and the maximum
  building height is not more than three metres above ground level.
- Construct one dependent person's unit on a lot.
- A development must meet the requirements of Clause 54, unless otherwise stated in this Schedule

# Construction and extension of two or more dwellings on a lot, dwellings on common property and residential buildings

In Precinct 1A and 6:

- A permit is not required to construct a front fence within three metres of a street associated with two or more dwellings on a lot or a residential building provided it does not exceed the maximum height specified in Clause 55.06-2.
- A development must meet the requirements of Clause 55, unless otherwise stated in this Schedule. This does not apply to a development of five or more storeys, excluding a basement.

All buildings and works must be maintained in good order and appearance to the satisfaction of the responsible authority.

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Attachment 11. Proposed ACZ2 Schedule (Diamond Creek MAC) with some explanatory comments

### NILLUMBIK PLANNING SCHEME

# Buildings on lots that abut a residential zone

Any buildings or works constructed on a lot that abuts land which is in a General Residential Zone or Neighbourhood Residential Zone must meet the requirements of Clauses 55.04-2, 55.04-3, 55.04-5 and 55.04-6 along that boundary.

# 4.4 11/08/2016 C106

### Design and development

# Building height

A permit cannot be granted to vary the 'Mandatory Height' provisions specified at Part 5.0 of this Schedule (where applicable).

Permit applications which seek to exceed any 'Discretionary Height' specified in Part 5.0 of this Schedule, should demonstrate that

- The objectives listed in Part 1.0 of this Schedule are satisfied, particularly those listed under Built form and character and Landscape and place activation.
- The objectives and guidelines of the relevant precinct of this Schedule are satisfied
- Increased setbacks are provided for landscaping which includes additional canopy trees to assist in visually softening the development at street level and providing increased permeable surfaces
- Design principles are included which provide landscaping beyond the ground level and
- The development positively contributes to the appearance of the Diamond Creek Activity Centre through its architectural quality and responsiveness to the character of the Activity

For the purposes of this Schedule, building height excludes service equipment including plant rooms, lift overruns, solar collectors and other such equipment provided the following

- . They are no more than four metres above the maximum height of the building.
- They occupy no more than 20 per cent of the floor area of the top building level.
- · The service equipment is located so as to minimise additional overshadowing of neighbouring properties and public spaces.
- The equipment is designed, screened and finished in a non-reflective material and of a colour to the satisfaction of the responsible authority.

# **Building setbacks**

Minor works including verandahs, architectural features, balconies, sunshades, screens and artworks may be constructed within the setback area specified at Part 5.0 of this Schedule. provided they are designed and located to the satisfaction of the responsible authority.

Basement levels should not encroach into landscape areas

Where the precinct provisions specify a front setback, that setback is measured from the property boundary.

The following design guidelines apply to all development with the Activity Centre, unless otherwise specified in Precinct provisions in Part 5.0 of this Schedule.

 Development should include a front setback as specified in the Precinct provisions in Part 5.0 of this Schedule

Any part of the building above 2 storeys should be:

 Setback at least 3 metres from the front building line. Above 4 storeys the building should be setback a further 3 metres.

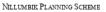
Commented [PF8]: The guidelines for roof form have been simplified and made more flexible. For example, a requirement has been removed from the existing schedule that all roofs should be pitched, gabled or hipped greater than 10 percent. Further, any requirement for a top storey to be in the roof has been removed.

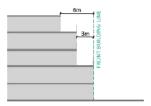
Commented [PF9]: As recommended by the 2020 structure plan, the front setback is now to be measured from the front property boundary. This brings the schedule into line with common planning

Commented [PF10]: The schedule has been modified to provide Commented [PT 10]: The schedule has been modified to provide more guidance, including by suse of diagrams, of the design outcomes sought. Council understands that this is in line with the State Government's preference for such guidance to be within the planning provision, rather than in a reference document (which is the practice used by the existing ACZ2 schedule which references a design guidelines document).

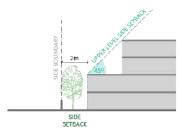
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Attachment 11. Proposed ACZ2 Schedule (Diamond Creek MAC) with some explanatory comments



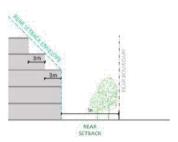


 Setback beyond a 45 degree plane from the sides of the level below (Precinct 6 and properties fronting Inglis Street only).



Rear setbacks to direct residential zones should be designed to manage visual bulk and overshadowing impacts to adjacent residential properties by:

- Applying a 7m rear setback; and
- Apply a 1m setback for every metre of height over 10.9m (shown in Section Diagram below).



Rear setbacks to other zones above the street wall should be:

- 4.5m from the common boundary, where a habitable room window or balcony is proposed; or
- 3.0m from the common boundary where a commercial or non-habitable window is proposed.

Development on lots directly interfacing with Diamond Creek Reserve and open space should:

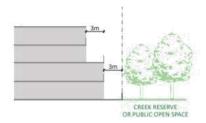
- Be designed to address the creek reserve with entries, windows and balconies.
- Provide a 3 metre upper level setback above the street wall to the creek/open space.
- Include a 3 metre landscaped setback from the property boundary facing the creek.

ZONES - CLAUSE 37.08 - SCHEDULE 2 COUNCIL MEETING - 14/12/21 - NILL C144 PAGE 11 of 27

Attachment 11. Proposed ACZ2 Schedule (Diamond Creek MAC) with some explanatory comments

# NILLUMBIK PLANNING SCHEME

Incorporate a low, visually permeable fence to clearly define the public real m while retaining the potential for visual interaction (shown in Section Diagram below).

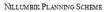


# Landscape design

Landscape design should:

- · Create private and public open space areas that are accessible, safe, attractive and functional.
- · Retain established indigenous vegetation within all streets that contributes to the 'green and leafy' appearance of the area, in both the private and public realm.
- Limit the removal of vegetation to the minimum required to allow the land to satisfy its development potential.
- A high standard landscape treatment should be provided in the front setback where buildings are setback from the street.

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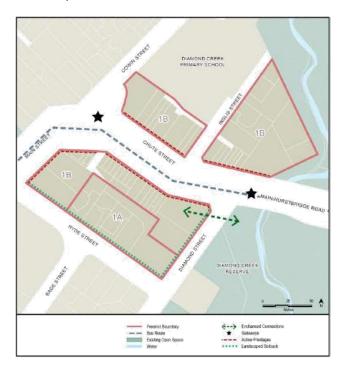


5.0 07/02/2019 C116nill Precinct provisions

5.1

Precinct 1 - Chute Street Commercial Strip

### 5.1-1 Precinct map



### 5.1-2 Precinct objectives

- To enhance the historic role and character of Chute Street as the earliest part of the town centre as a distinguishing feature and attraction to visitors.
- To encourage buildings to step down the slope providing a link and orientation to the natural settings and leisure opportunities along the creek valley.
- To encourage moderate density mixed use development with building design that is responsive to the existing fine grain character and scale and allows for views to the surrounding tree canopy and in places, views of the valley and hills.
- To ensure retail, office and entertainment activities are provided as a secondary node to the retail core (Precinct 4), providing local convenience shopping.

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# Attachment 11. Proposed ACZ2 Schedule (Diamond Creek MAC) with some explanatory comments

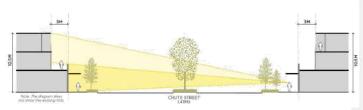
# NILLUMBIK PLANNING SCHEME

- To create a safe, accessible and attractive pedestrian environment activated through a range of shop-fronts, cafes, places to sit and stop with established trees and other attractions
- To develop a strong sense of identity through a coordinated approach to building design, signage and landscape treatments.
- To protect the amenity of adjoining residential properties.
- To improve pedestrian and cyclist connectivity and amenity.

### 5.1-3 Precinct requirements

Sub-Precinct	Discretionary height (Excluding basement)	Mandatory height (Excluding basement)	Preferred minimum setbacks
1A	4 storeys (14m).	None specified.	Consistent 1 storey street wall with 5.5m landscaped front setback to Hyde Street.  A 3m upper level setback above the 1 storey street wall.
1B	None specified.	3 storeys (10.5m)	Consistent 1 storey street.wa with 0m setback along Chute Street, Main Street and Cow Street  1 storey street wall with 5.5m  Commented [PF11]: The existing ACZ2 schedule sets a mandatory requirement for a top storey to be in the roof Any such requirement has been removed from the proposed ACZ2 schedule.  This is in line with a recommendation of the 2020 structure plan.
			front setback along Hyde Street, Diamond Street and lots fronting Inglis Street.
			A 3m upper level setback above the 1 storey street wall  Commented [PF12]: For each precinct greater guidance is given regarding preferred minimum setbacks, reflecting the detail on this matter within the 2020 structure plan.

The preferred built form character for Precinct 1 includes a single storey street wall. with levels above setback to avoid overwhelming the public realm (Section Diagram 1).



Section Diagram 1 - Indicative minimum setbacks at Chute Street in Precinct 1

### 5.1-4 Precinct guidelines

Use and development of non-residential uses should:

ZONES - CLAUSE 37.08 - SCHEDULE 2 COUNCIL MEETING - 14/12/21 - NILL C144 PAGE 14 OF 27

Attachment 11. Proposed ACZ2 Schedule (Diamond Creek MAC) with some explanatory comments

### NILLUMBIK PLANNING SCHEME

- be compatible with surrounding residential use, scale and intensity.
- generally serve local community needs.
- reflect the pattern of existing building siting and massing within the precinct
- Industrial uses are strongly discouraged in Precinct 1. Precincts 3 and 5 are the preferred location in the Diamond Creek Activity Centre for industry.
- Develop the density of retail, office and entertainment activities in and around Chute Street for local convenience shopping, a range of food and restaurant outlets and professional and other office based services but little if any retail floor-space expansion.
- · Encourage development to have a high quality design. Façade proportions and building articulation should be diverse in pattern to create visual interest
- Driveways and fencing should not dominate the front setback of the property or the streetscape
- Buildings on corner allotments should address both street frontages with shop front windows at street level.
- Buildings should respond to the topography ensuring the front door to the ground floor use is at the same level as the footpath.
- Development on lots directly interfacing with the creek should be designed to address the creek with entries, windows and balconies
- Development fronting Hyde Street and Inglis Street should respond to surrounding residential use, scale, and intensity and adopt consistent setback distances to adjacent buildings and seek to retain any existing vegetation along property boundaries
- Redevelopment adjacent to 69 Main Street should be designed to reflect and respond to its heritage features
- Ensure that new buildings do not significantly overshadow or overlook the private open spaces and habitable windows of adjoining residential properties

# Buildings fronting Chute Street should:

- Be designed with well-articulated facades, roof forms, fenestration, parapet treatments and other detail and materials to provide interest at the street level and reinforce the human scale of Chute Street.
- Provide active frontages at ground level to provide a safe and lively environment.
- Provide continuous weather protection (such as cantilevered canopies/verandahs) over footpaths, subject to protecting existing tree canopies.
- Utilise the front wall to provide informal bench seating (can be low window sills).
- Include a street wall that includes both a fine grain and strong vertical articulation to deliver visual interest.

### 5.1-5 Any other requirements

Refer to Part 4.4 of this schedule for interface setback guidelines and requirements

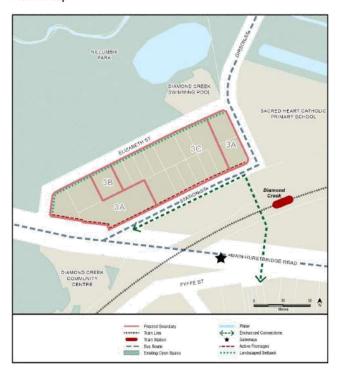
5.2 Precinct 3 - Elizabeth Street/Station Street

11/08/2016 € 106

ZONES - CLAUSE 37.08 - SCHEDULE 2 COUNCIL MEETING - 14/12/21 - NILL C144 PAGE 15 OF 27

# NILLUMBIK PLANNING SCHEME

### 5.2-1 Precinct map



### 5.2-2 Precinct objectives

- · To support existing industrial uses whilst facilitating other compatible emergent industries to energise the centre.
- To minimise the impacts of development on adjoining sensitive land uses.
- To encourage medium density mixed use development.
- To create a cohesive image for the area and encourage contemporary built form responses which provide interest to the streetscape and contribute to an attractive pedestrian
- To emphasise the Main Hurstbridge Road frontage with buildings which exemplify the overall character and image of Diamond Creek.
- To create a native and exotic planting theme within front setbacks along Elizabeth Street which will link this area to the character of adjoining parklands.
- To improve the public realm and minimise conflicts between cars and pedestrians.

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Attachment 11. Proposed ACZ2 Schedule (Diamond Creek MAC) with some explanatory comments

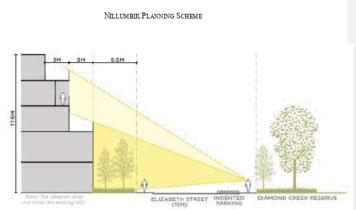
NILLUMBIK PLANNING SCHEME

### 5.2-3 Precinct requirements

Sub-Precinct	Discretionary height (Excluding basement)	Mandatory height (Excluding basement)	Preferred minimum setbacks				
3A	None specified.	3 storeys (10.5m).	2 storey street wall with 5.5m front setback along Elizabeth Street and Gipson Street.				
			Consistent 2 storey street wall with 0m front setback along Station Street and Main Hurstbridge Road.				
			A 3m upper level setback above the 2 storey street wall.				
			Landscaped setback along Elizabeth Street frontage.				
3B	4 storeys (14m).	None specified.	2 storey street wall with 5.5m front setback.				
			A 3m upper level setback above the 2 storey street wall.				
			Landscaped setback along Elizabeth Street frontage.				
3C	5 storeys (17.5 m).	None specified.	2 storey street wall with 5.5m front setback along Elizabeth Street.				
			Consistent 2 storey street wall with 0m front setback along Station Street.				
			A 3m upper level setback above the 2 storey street wall. A further 3m front setback above the fourth storey.				
			Landscaped setback along Elizabeth Street frontage.				

The preferred built form character for Precinct 3 includes a two storey street wall, with levels above setback to avoid overwhelming the public realm (Section Diagram 2).

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Section Diagram 2 - Indicative minimum setbacks at Elizabeth Street in Precinct 3

### 5.2-4 Precinct guidelines

- Maintain a range of light industrial and service industries to provide local employment
- Change the functions along the Main Hurstbridge Road frontage to intensify the land use and increase the amenity along this spine of the Activity Centre
- Minimise the impacts of development on adjoining sensitive land uses.
- Limit convenience parking areas to front setbacks landscaped to screen parking areas.
- Developments should not provide storage areas within the frontage.
- Front fencing along the street boundary is highly discouraged.
- New developments should provide no side setbacks.
- Design office/display areas of industrial shed developments to provide an interface to the
- · Any future redevelopment of the Diamond Creek Tavem should be reflective of its heritage features and mark the entry to the Activity Centre.
- · Redevelopment adjacent to the Diamond Creek Tavern should ensure it does not dominate the heritage form.
- Buildings should be designed with active frontages (greater than 60% non-reflective glazing) at ground level to provide a safe and lively environment.
- Buildings should present an attractive and articulated façade to provide visual interest to the overall development and offset bulky forms to the rear.

ZONES - CLAUSE 37.08 - SCHEDULE 2 COUNCIL MEETING - 14/12/21 - NILL C144 PAGE 18 OF 27

# NILLUMBIK PLANNING SCHEME

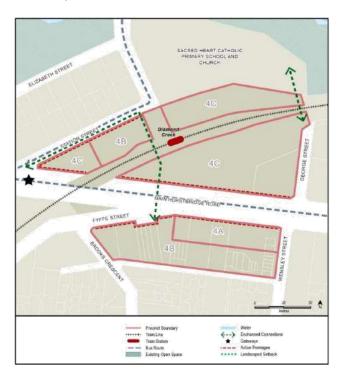
### 5.2-5 Any other requirements

Refer to Part 4.4 of this schedule for interface setback guidelines and requirements.

5.3 Precinct 4 - Retail Core

11/08/2016 € 106

### 5.3-1 Precinct map



### 5.3-2 Precinct objectives

- To promote the creation of a public space/plaza in the Activity Centre.
- · To retain the township atmosphere of this precinct while allowing opportunities for increased development (including transit orientated development) on large sites close to the train station.
- To link the various activities of the precinct visually and physically with contemporary building forms, public spaces and an attractive pedestrian environment.
- To create a stronger presence of built form and activity along Main Hurstbridge Road and create greater economic and pedestrian connectivity between both sides of Main Hurstbridge Road and the rail line.
- To develop the role of the station as a sustainable transport hub ensuring it is clearly accessible by pedestrian, cycle and public transport connections from the retail core.

ZONES - CLAUSE 37.08 - SCHEDULE 2 COUNCIL MEETING - 14/12/21 - NILL C144 PAGE 19 OF 27

Attachment 11. Proposed ACZ2 Schedule (Diamond Creek MAC) with some explanatory comments

# NILLUMBIK PLANNING SCHEME

- To enable mixed use, accessible development and housing including accessible housing options, shops, offices and to support growth in retail floorspace.
- To create a town centre 'heart' away from the traffic congestion on Main Hurstbridge
- To create a 'landscaped civic spine' along Main Hurstbridge Road as the connecting
- To advocate for the removal of the level crossing.
- To encourage traffic calming measures to Main Hurstbridge Road to improve conditions for pedestrians and cyclists.
- To develop a long-term plan for car parking including designated accessible parking bays to ensure an adequate and sustainable supply.

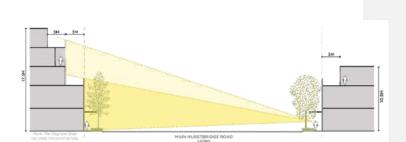
### 5.3-3 Precinct requirements

Sub-Precinct	Discretionary height (Excluding basement)	Mandatory height (Excluding basement)	Preferred minimum setbacks
4A	5 storeys (17.5m).	None specified.	Consistent 2 storey street wall with 0m front setback.
			A 3m upper setback above the 2 storey street wall. A further 3m front setback above the fourth storey.
4B	4 storeys (14m).	None specified.	Consistent 2 storey street wall with 0m front setback along Main Hurstbridge Road, Fyffe Street and Station Street.
			Consistent 2 storey street wall with 5.5m front setback along Brooks Crescent, Waigo Way, and Wensley Street.
			A 3m upper setback above the 2 storey street wall.
4C	None specified.	3 storeys (10.5m)	Consistent 2 storey street wall with 0m front setback along Station Street and Main Hurstbridge Road.
			Consistent 2 storey street wall and 5.5m front setback along George Street.
			A 3m upper setback above the 2 storey street wall.

The preferred built form character for Precinct 4 includes a 2 storey street wall, with levels above setback to avoid overwhelming the public realm (Section Diagram 3).

ZONES - CLAUSE 37.08 - SCHEDULE 2 COUNCIL MEETING - 14/12/21 - NILL C144 PAGE 20 of 27

Attachment 11. Proposed ACZ2 Schedule (Diamond Creek MAC) with some explanatory comments



Section Diagram 3 - Indicative minimum setbacks at Main Hurstbridge Road in Precinct 4

NILLUMBIK PLANNING SCHEME

### 5.3-4 Precinct guidelines

- Develop this precinct as the primary focus for more intensive retail activity and floorspace in the Activity Centre, and generally contain retail activity within a compact pedestrian friendly core bound by the railway, Brooks Crescent, Waigo Way and Wensley Street/George Street.
- Encourage mixed use residential and office buildings north of the railway.
- Buildings on corner allotments should address both street frontages with shop front windows at street level.
- · Design new buildings with the ground floor located responding to the natural ground level (NGL) to promote a strong connection with the public street space and ensure access to all
- Plant substantial native and exotic trees where appropriate to provide shade in car parks and screen car parking areas
- Front and side fencing is strongly discouraged.
- The use of roller shutters on shop-front windows and doors at street level is strongly
- If required, at-grade or deck car parking is encouraged behind developments with an emphasis on landscaping to minimise visual impact on adjoining residential areas.
- Encourage activity and surveillance oriented towards the station and railway line interface through articulated facades, habitable rooms and windows which look onto the station or railway corridor

In sub-precinct 4B (south of Main Hurstbridge Road):

- Use and development of non-residential uses should:
  - Be compatible with surrounding residential use, scale and intensity.
  - Generally serve local community needs.
  - Reflect the pattern of existing building siting and massing within the precinct.
- New development at 42 and 46 Main Hurstbridge Road should provide for the retention and improvement of the site as a local landmark building.

Buildings fronting Main Hurstbridge Road should:

- Be designed with well-articulated facades, roof forms, fenestration, parapet treatments and other detail and materials to provide interest at the street level.
- Be built to the front boundary, with car parking (including designated accessible parking bays) behind.
- Provide active frontages at ground level to provide a safe and lively environment.

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# NILLUMBIK PLANNING SCHEME

- Provide continuous weather protection (such as cantilevered canopies/verandahs) over footpaths.
- Include a street wall that includes both a fine grain and strong vertical articulation to deliver visual interest.

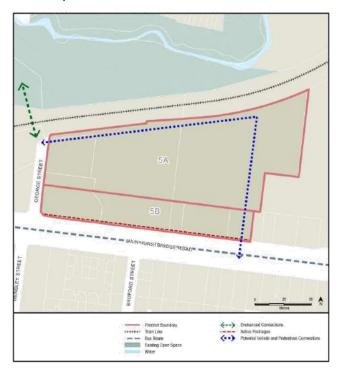
# 5.3-5 Any other requirements

Refer to Part 4.4 of this schedule for interface setback guidelines and requirements.

### 5.4 11/08/2016 0106

Precinct 5 - East of George Street, North of Main Hustbridge Road

# 5.4-1 Precinct map



# 5.4-2 Precinct objectives

- To encourage a range of industrial, commercial, office, civic and other employment generating uses complementing the use mix in Precinct 4.
- To minimise off site effects on adjoining sensitive land uses.
- To maintain the 'rural periphery' and landscape setting of this section of Main Hurstbridge Road as the defining feature of the eastern entrance to the Activity Centre.
- To encourage an attractive and safe environment for pedestrians and cyclists.

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Attachment 11. Proposed ACZ2 Schedule (Diamond Creek MAC) with some explanatory comments

# NILLUMBIK PLANNING SCHEME

# 5.4-3 Precinct requirements

Sub-Precinct	Discretionary height (Excluding basement)	Mandatory height (Excluding basement)	Preferred minimum setbacks
5A	5 storeys (17.5m).	None specified.	Consistent 2 storey street wall and 5.5m front setback along George Street.  A 3m upper setback above the 2 storey street wall and a further 3m front setback above the fourth storey along George Street.
5B	4 storeys (14m).	None specified.	Consistent 2 storey street.wa  and 5.5m front setback along Main Hurstbridge Road and George Street.  A 3m upper setback above the 2 storey street wall.

# 5.4-4 Precinct guidelines

- Support retail or semi-retail development that requires larger floor spaces, trade supplies
  or bulky goods.
- Design new buildings with ground floor street frontages to provide windows with displays, doors and main building entrances at the street level to contribute to the activation of the street.
- Locate habitable spaces on upper levels along the street frontage, with windows
  overlooking the street or parklands/railway corridor to create a sense of surveillance.
- Locate storage yards, loading docks and large car-parking areas to the side or rear of the buildings to reduce their visual prominence.
- Larger scale commercial and industrial buildings to be set in well landscaped surrounds
  to contribute to the rural township character of the Activity Centre.
- Provide space in front setbacks for adequate landscaping including indigenous grasses, shrubs and canopy trees and sufficient permeable surface to ensure plant growth.
- Maintain a suitable landscape buffer treatment along the eastern precinct boundary to act
  as a buffer to adjacent sensitive land uses.
- Minimise the number of driveway crossovers to improve footpath safety and opportunities for on-street parking.
- All industrial sheds should include a glazed office/display component to provide an
  interface with the street and to assist in concealing the bulky form behind.
- Front fencing along the street boundary is strongly discouraged.

Buildings fronting Main Hurstbridge Road should:

- Provide active frontages at ground level to provide a safe and lively environment.
- Be designed with ground floor street frontages with windows with displays and doors at the street level.

ZONES - CLAUSE 37.08 - SCHEDULE 2 COUNCIL MEETING - 14/12/21 - NILL C144 PAGE 23 OF 27

# NILLUMBIK PLANNING SCHEME

### 5.4-5 Any other requirements

Refer to Part 4.4 of this schedule for interface setback guidelines and requirements.

5.5 Precinct 6 - East of Wensley Street, South of Main Hurstbridge Road 11/08/2016 C106

### 5.5-1 Precinct map



### 5.5-2 Precinct objectives

- To encourage more intensive development that provides increased floorspace which
  integrates with the existing residential character of the area and takes advantage of the main road frontage in an efficient land use manner.
- To encourage new development to present a predominantly residential appearance in respect to form, heights, setbacks, streetscape and landscape
- To create a strong presence of indigenous vegetation on the main road.
- To protect and enhance the amenity within the Activity Centre and surrounding established residential neighbourhoods.

ZONES - CLAUSE 37.08 - SCHEDULE 2 COUNCIL MEETING - 14/12/21 - NILL C144 PAGE 24 OF 27

Attachment 11. Proposed ACZ2 Schedule (Diamond Creek MAC) with some explanatory comments

NILLUMBIK PLANNING SCHEME

### 5.5-3 Precinct requirements

Sub-Precinct	Discretionary height (Excluding basement)	Mandatory height (Excluding basement)	Preferred minimum setbacks
6A	4 storeys (14m).	None specified.	Consistent 2 storey street wall with 5.5m front setback along Main Hurstbridge Road and Wensley Street.  A 3m upper setback above the 2 storey street wall.  Landscaped setback along Main Hurstbridge Road and Wensley Street.
68	None specified.	3 storeys (10.5m).	Consistent 2 storey street wal with 5.5m front setback along Main Hurstbridge Road, Wen Street and Phipps Crescent.  A 3m upper setback along Main Hurstbridge Road, Wensley Street wall.  Landscaped setback along Main Hurstbridge Road, Wensley Street and Phipps Crescent.

# Landscaping

Development fronting 'landscaped setback' on the Precinct map should provide a 5.5 metre deep landscape setback to Main Hurstbridge Road.

### 5.5-4 Precinct guidelines

- · Encourage an active frontage and mix of activities including higher density housing, office development and medical services along the Main Hurstbridge Road frontage.
- Upgrade streets to provide footpaths along the Main Hurstbridge Road edge and provide protection to pedestrians.
- · Façade proportions and building articulation should be diverse in pattern, to create a visually interesting development.
- Provide upper level setbacks to reduce the visual bulk of buildings when viewed from Main Hurstbridge Road and from adjoining residential zoned land.
- Buildings should be designed with a predominantly residential appearance with front side and rear setbacks to allow for substantial landscaping.
- Buildings should transition in height and scale downwards to the residential hinterland
- Landscaping in the front, side and rear setbacks should include grasses, shrubs, substantial trees and sufficient permeable surface to ensure plant growth.
- Carparking should be provided in a basement or to the rear of the buildings to reduce their visual prominence.

ZONES - CLAUSE 37.08 - SCHEDULE 2 COUNCIL MEETING - 14/12/21 - NILL C144 PAGE 25 OF 27

Attachment 11. Proposed ACZ2 Schedule (Diamond Creek MAC) with some explanatory comments

### NILLUMBIK PLANNING SCHEME

## Non-residential development should:

- Locate habitable spaces on upper levels along the street frontage, with windows overlooking the street to create a sense of surveillance
- Locate windows with displays, doors, and the main building entrance on the street frontage, so that it is visible and easily recognised and provide access paths to building entrances.
- Minimise the number of driveway crossovers to improve footpath safety and opportunities for on-street parking.
- Minimise overshadowing and overlooking of private open space and habitable windows by applying the relevant provisions of Clause 54 and Clause 55.

# Buildings fronting Main Hurstbridge Road should:

- Encourage an active street frontage at ground level.
- Be designed to provide natural surveillance by addressing the street and overlooking the public realm.
- Include building articulation to create a visually interesting development.
- Locate the main building entrance on the street frontage, so that it is visible and easily recognised and provide access paths to building entrances.

### 5.5-5 Any other requirements

Refer to Part 4.4 of this schedule for interface setback guidelines and requirements.

### 6.0 Application requirements

07/02/2019 C116 n III None specified.

### 7.0 Notice and review

07/02/2019 C116nill

An application to use land under Clause 37.08-2 is not exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act.

An application for buildings and works is not exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act if the development exceeds the 'Discretionary Height' or 'Preferred Minimum Setbacks' specified in the relevant precinct requirements contained within this schedule.

To remove any doubt, where the preferred height limit is specified in both storeys and metres, if the proposal would exceed either of those figures, then the application is not exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act.

# 8.0 07/02/2019 C116nill

# Decision guidelines

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

# Design and built form

Whether the proposed development:

- Provides a high standard of urban design and well designed site responsive architecture.
- Does not present a blank façade to a pedestrian activity area or street.

ZONES - CLAUSE 37.08 - SCHEDULE 2 COUNCIL MEETING - 14/12/21 - NILL C144 PAGE 26 OF 27

Attachment 11. Proposed ACZ2 Schedule (Diamond Creek MAC) with some explanatory comments

# NILLUMBIK PLANNING SCHEME

- Provides for appropriate setbacks which respect the siting of adjacent developments where the schedule promotes landscaped setbacks to the street frontage.
- Incorporates any signs as an integral part of the architecture. The construction and design of signs should be of a high quality and should maintain and enhance the Diamond Creek form and character.

### Subdivision

Whether the subdivision is associated with a development proposal that supports the objectives promoted by this Schedule.

Whether the proposed development limits the number of vehicle crossings to each development

### 9.0 Signs

07/02/2019 C 11 Gn III

Sign requirements are at Clause 52.05.

All land located within Precincts 3 and 5 is in Category 2. All land located in Precincts 1A and 6 is in Category 3.

All remaining land is in Category 1.

10.0 Other provisions of the scheme

07/02/2019 © 11 6n III

None specified

11.0 Reference documents

07/02/2019 €11€nill

Diamond Creek Major Activity Centre Structure Plan, September 2020

Nillumbik Major Activity Centres Sustainable Transport Study and Strategy, 2010

Diamond Creek Major Activity Centre Car Parking Strategy, 2013

Commented [PF15]: The list of reference documents has been updated. Further, the list has been shortened, noting further guidance is provided within the schedule, rather then relying on reference documents to do this.

ZONES - CLAUSE 37.08 - SCHEDULE 2 COUNCIL MEETING - 14/12/21 - NILL C144 PAGE 27 OF 27

# CM.160/21

Proposed Amendments C143 and C144 to the Nillumbik Planning Scheme - Implementation of the Eltham and Diamond Creek Major Activity Centre Structure Plans (2020)

# Attachment 12. Proposed SLO1 (Eltham Town Centre) with points of change highlighted

# NILLUMBIK PLANNING SCHEME

### 25/09/2014 C51

# SCHEDULE 1 TO THE SIGNIFICANT LANDSCAPE OVERLAY

Shown on the planning scheme map as SLO1.

# **ELTHAM TOWN CENTRE**

### 1.0 25/09/2014 C51

# Statement of nature and key elements of landscape

The Eltham Major Activity Centre Structure Plan (July 2020) recognises that the Eltham Town Centre has a distinctive character which in part is defined by the integration of the built form and vegetation, particularly canopy trees, which should be preserved and enhanced. The Eltham Town Centre is also a designated area of substantial change, where the development potential of sites is to be realised in accordance with the Eltham MAC Structure Plan. Future development should thus seek to strike a balance between the retention and planting of vegetation and the accommodation of higher intensity development.

In the future, new development will contribute to a strong sense of place by reflecting the special qualities of the Eltham Town Centre through the achievement of the following preferred character:

- New development will employ earthy muted tones, natural building materials and innovative design.
- Buildings will not exceed the predominant tree canopy height and while visible from the street, their appearance will be softened though landscaping.
- Building forms will be modest and compact in scale and avoid excessive bulk through the use
  of articulation, low roof pitches, and other design elements.
- Vegetation, both native and exotic canopy trees, will dominate long distance views, the skyline
  of streetscape views, and front gardens.
- There will be little physical evidence of the boundary between private and public property at the front of buildings, and no solid fences.

# 2.0

25/09/2014 C51

# Landscape character objectives to be achieved

- To recognise, protect and enhance the contribution provided by canopy trees, particularly native trees, to the existing and preferred character of the Eltham Town Centre.
- To ensure that the health of existing canopy trees is not unnecessarily jeopardised by buildings and works.
- To restrict removal of vegetation to the minimum required to allow land to satisfy its
  development potential in accordance with the Eltham Major Activity Centre Structure Plan
  (July 2020).
- To ensure that new development contributes to the achievement of the preferred character through additional landscaping, particularly canopy trees.
- To reinforce the indigenous planting regime within the Eltham Town Centre.

# 3.0

25/09/2014 C51

# Permit requirement

A permit is not required to construct a building or carry out works more than five (5) metres from the base of any substantial tree.

A permit is not required for buildings and works for railway purposes including signals (and related control buildings), new tracks, track-work and realignment, train stabling, overhead power lines, gantries, buildings and works related to railway power requirements and any work required under the Disability Discrimination Act-Disability Standards for Accessible Public Transport 2002.

A permit is required to remove, destroy or lop any substantial tree. This does not apply to:

The pruning of a tree for regeneration or ornamental shaping

(2020)

# Attachment 12. Proposed SLO1 (Eltham Town Centre) with points of change highlighted

# NILLUMBIK PLANNING SCHEME

- . The removal of dead trees or dead limbs, or
- The partial removal of limbs and branches directly overhanging buildings.

For the purpose of this clause a substantial tree is defined as vegetation that has a trunk circumference greater than 0.5m at one metre above ground level, and/or a height greater than 6 metres.

### 4.0 25/09/2014 C51

# Decision guidelines

Before deciding on an application, the responsible authority must consider, as appropriate:

- Whethethe site is being restricted from realising its development potential in accordance with the Eltham Major Activity Centre Structure Plan (July 2020) by the retention of the vegetation.
- Whethethe removal or lopping of the vegetation will detract from the achievement of the preferred character of the Eltham Town Centre.
- Whethethe design of any proposed buildings and works has been adequately responsive to the
  objective of avoiding and/or minimising the extent of vegetation removal, destruction or
  lopping.
- Whethethe proposed location or design of any buildings or works will impair the appearance or health of the vegetation.
- The need for additional landscaping and screen planting to contribute to the achievement of the preferred, landscape qualities of the Eltham Town Centre.
- In the event that an adverse impact on vegetation cannot be avoided, the need for a
  comprehensive landscape plan which provides an adequate proposal to provide and manage
  replacement vegetation.
- The extent to which the proposed landscaping complements the landscape treatments of adjoining public realm areas.
- Whethethe proposed landscaping is of a high quality and uses indigenous species, including canopy trees.
- The extent to which front setbacks are landscaped to reinforce the appearance of vegetation dominating private allotments when viewed from the street.

# 5.0

# Reference Documents

25/09/2014 C51

Eltham Major Activity Centre Structure Plan (July 2020)

# CM.160/21

Proposed Amendments C143 and C144 to the Nillumbik Planning Scheme - Implementation of the Eltham and Diamond Creek Major Activity Centre Structure Plans (2020)

# Attachment 13. Proposed SLO6 (Diamond Creek MAC) with points of change highlighted

# NILLUMBIK PLANNING SCHEME

### 25/09/2014 C53

# SCHEDULE 6 TO THE SIGNIFICANT LANDSCAPE OVERLAY

Shown on the planning scheme map as SLO6.

# DIAMOND CREEK MAJOR ACTIVITY CENTRE

### 1.0 25/09/2014 C53

# Statement of nature and key elements of landscape

The Diamond Creek Major Activity Centre Structure Plan (September 2020) identifies a strong presence of vegetation and the town's semi-rural and bushland landscape setting as key contributing factors to an existing and preferred character for the Diamond Creek Major Activity Centre. The town contains many significant landscapes due to the vegetation planted throughout, the corridor of open space that runs through the centre and the surrounding bushland and open pastoral land.

While the Structure Plan encourages higher intensity development within the activity centre, future development should seek to strike a balance between the realisation of the development potential of sites, and the retention of the distinct semi-rural township character.

All new development shall contribute to the preservation and enhancement of the unique landscape setting of the Diamond Creek Major Activity Centre through the achievement of the following preferred character:

- Buildings will be sited and designed to integrate with the landscape setting and maintain views
  across the Diamond Creek valley.
- New development shall complement and reflect the historic qualities of the township and its landscape setting through the use of natural materials and colours.
- Buildings will be modest in scale to ensure the dominance of the tree canopy over built form, and avoid excessive bulk and create interest through articulation, roof forms, fenestration, parapets and other design elements.
- The use and retention of indigenous vegetation, particularly canopy trees, to reflect and reinforce
  the vegetation dominated character of the area.
- Use of exotic species in selected locations as an expression of the European heritage of the area.

### 2.0 25/09/2014 C.53

# Landscape character objectives to be achieved

- To retain and encourage the dominance of canopy trees in keeping with the distinct rural township image and character of Diamond Creek.
- To ensure that development is sensitive to the natural characteristics of the land including slope, terrain and existing vegetation.
- To ensure that the health of existing trees is not unnecessarily jeopardised by new development.
- To restrict removal of vegetation to the minimum required to allow land to satisfy its
  development potential in accordance with the Diamond Creek Major Activity Centre Structure
  Plan (September 2020).
- To ensure that new development contributes to the achievement of the preferred character through additional landscaping, particularly canopy trees.
- To reinforce the indigenous planting regime within the Diamond Creek Major Activity Centre.

### 3.0 25/09/2014 C53

# Permit requirement

A permit is not required to construct a building or carry out works more than five (5) metres from the base of any substantial tree.

Page 1 of 2

# CM.160/21

Proposed Amendments C143 and C144 to the Nillumbik Planning Scheme - Implementation of the Eltham and Diamond Creek Major Activity Centre Structure Plans (2020)

# Attachment 13. Proposed SLO6 (Diamond Creek MAC) with points of change highlighted

# NILLUMBIK PLANNING SCHEME

A permit is not required for buildings and works for railway purposes including signals (and related control buildings), new tracks, track-work and realignment, train stabling, overhead power lines, gantries, buildings and works related to railway power requirements and any work required under the Disability Discrimination Act-Disability Standards for Accessible Public Transport 2002.

A permit is required to remove, destroy or lop any substantial tree. This does not apply to:

- the pruning of a tree for regeneration or ornamental shaping
- . the removal of dead trees or dead limbs, or
- the partial removal of limbs and branches directly overhanging buildings.

For the purpose of this clause a substantial tree is defined as vegetation that has a trunk circumference greater than 0.5m at one metre above ground level, and/or a height greater than 6 metres.

### 4.0 25/09/2014 C.53

# **Decision guidelines**

Before deciding on an application, the responsible authority must consider, as appropriate:

- Whether the site is being restricted from realising its development potential [outlined in the Diamond Creek Major Activity Centre Structure Plan (September 2020)] by the retention of the vegetation.
- Whether the removal or lopping of the vegetation will detract from the achievement of the preferred character of the Diamond Creek Major Activity Centre.
- Whether the design of any proposed buildings and works has been adequately responsive to the objective of avoiding and/or minimising the extent of vegetation removal, destruction or lopping.
- Whether the proposed location or design of any buildings or works will impair the appearance or health of the vegetation.
- The need for additional landscaping and screen planting to contribute to the achievement of the preferred, landscape qualities of the Diamond Creek Major Activity Centre.
- In the event that an adverse impact on vegetation cannot be avoided, the need for a
  comprehensive landscape plan which provides an adequate proposal to provide and manage
  replacement vegetation.
- The extent to which the proposed landscaping complements the landscape treatments of adjoining public realm areas.
- Whether the proposed landscaping is of a high quality and uses indigenous species, including canopy trees.
- The extent to which front setbacks are landscaped to reinforce the appearance of vegetation dominating private allotments when viewed from the street.

# 5.0 25/09/2014

# **Reference Documents**

Diamond Creek Major Activity Centre Structure Plan (September 2020)

CM.160/21 Proposed Amendments C143 and C144 to the Nillumbik Planning Scheme -

Implementation of the Eltham and Diamond Creek Major Activity Centre Structure Plans

(2020)

Attachment 14. Proposed Clause 11.03-1L (Activity Centres in Nillumbik) with additions highlighted.

# NILLUMBIK PLANNING SCHEME

# 11.03-1L-01 Activity centres in Nillumbik

22/07/2021 C135nill

# Strategies

Concentrate major retail activities in the Eltham and Diamond Creek Major Activity Centres.

Encourage development that facilitates opportunities for meeting and community interaction in the Eltham and Diamond Creek Major Activity Centres.

Plan for the Eltham Major Activity Centre in accordance with The Eltham Major Activity Centre Structure Plan (July 2020)

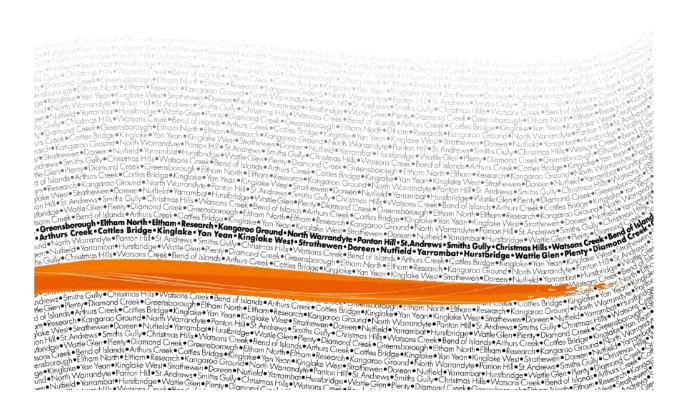
Plan for the Diamond Creek Major Activity Centre in accordance with the Diamond Creek Major Activity Centre (September 2020)

Attachment 1



# BMX Jump & Mountain Bike Track Policy

# September 2005



# Preamble

Over the past five years there have been an increasing number of informal dirt jumps and mountain bike tracks being built and regularly modified by young people on Council owned land. The trend has shifted significantly from BMX racing track style structured activities to a more unstructured free-style activity. It is recognised that unstructured and free-style bike tracks are an important way in which young people can participate in recreation and leisure.

Whilst these facilities have a legitimate role in providing valuable leisure opportunities to the community, there is a need for a degree of regulation over indiscriminate development to avoid environmental damage and minimise risk management issues.

By adopting a formal application process for the development of BMX jumps and mountain bike facilities Council will be better positioned to manage this growing trend, improve present risk management issues and provide safe facilities for young people in the Shire.

Freestyle BMX is the National Sporting Organisation for BMX incorporating freestyle dirt jumping, flatland, mini, street and vert riding. Mountain Bike Australia (MBTA) is the new national governing body for mountain biking across Australia. Both bodies were engaged in preparation of this policy.

This policy involves developing a partnership with young people. If the site is deemed suitable, the design and construction phase will involve potential users to ensure the facility meets expectations, will be used and also encourage ownership of the site.

# Definitions

Freestyle BMX ~

Incorporates all types of BMX riding that is not speed based, which may include dirt jumping, street obstacles, flatland and vert riding.

BMX dirt jumping ~ The construction of shaped mounds of dirt with specific takeoff and landing ramps usually with a gap in the middle. The purpose of this is to launch into the air, complete a trick or combination of tricks and land fluently on the landing ramp. Facilities may vary from small beginner rhythm jumps to larger extreme sport type facilities.

BMX racing ~

Requires a specific track usually containing a steep start followed by a combination of straights with jumps and banked corners where a number of participants can ride simultaneously.

Cross country mountain biking ~

An endurance sport on a set course of climbs and descents on tracks made entirely of dirt. The nature of the sport calls for tracks to be located in bush land.

Down hill mountain biking ~

A totally down hill racecourse on heavy duty bikes which may include rocks, jumps, corners and high speed sections.

Mountain cross ~ Similar to BMX racing, this course is usually built on a hill and contains larger jumps, drops, corners and obstacles.

Free ride mountain biking ~

Trails are usually constructed on a down hill slope and contain natural and man made obstacles which can include elevated wooden challenges.

This policy relates to BMX dirt jumping, Cross country mountain biking, Down hill mountain biking, Mountain cross and Free ride mountain biking.

# Policy principles

This policy aims to:

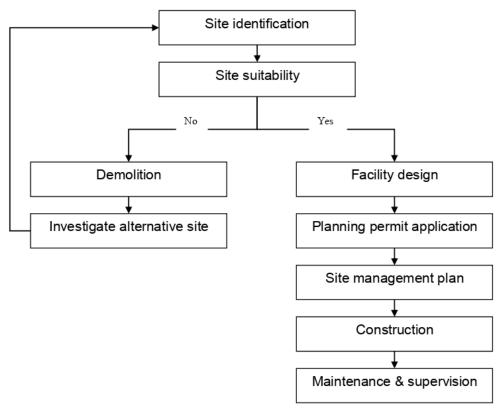
- Ensure appropriate public safety is achieved and maintained in this recreational setting.
- Establish a fair and reasonable process to deal with the emerging BMX and mountain bike facilities on Council land.
- Protect and enhancing the natural environment through appropriate site selection and placement of BMX and mountain bike tracks.
- Ensure the process of community engagement is effective, democratic and meets expectations.

The prime objective of this policy is to have in place formal processes to better manage BMX and mountain bike facilities, provide safe facilities for young people and improve present risk management issues.

# **Policy**

The BMX jump and mountain bike track policy details specific steps to be taken in such instances and can be separated into the following steps;

# Scope



This policy applies to all informal BMX and mountain bike facilities and potential sites for BMX and mountain bike tracks within the Shire of Nillumbik.

# Accountabilities

It is the responsibility of the Leisure Services Unit to implement this policy and to coordinate site inspections with relevant Council officers from Infrastructure Maintenance Unit, Environmental Works Unit and Youth Services Unit and a nominated local club representative if applicable.

Infrastructure Maintenance is responsible for monthly site inspections (see Policy Attachment 2), general maintenance issues and other activities negotiated as part of this policy.

The Youth Services Unit is accountable for undertaking consultation with users regarding site issues; including site suitability, demolition, facility design and site management.

Environmental Works Unit contribution to the implementation of this policy includes knowledge and expertise in site identification and site selection.

# Procedure

Following is the proposed process for the future development of BMX and mountain bike tracks on Council owned land.

# Step 1 - Site identification

The site may contain a set of existing informal tracks or is an area of open space that is frequently used by young people riding BMX or mountain bikes. This site is identified and inspected by Council as well as a nominated local club representative if applicable.

# Step 2- Site suitability

A set of criteria within a site assessment checklist (see Policy Attachment 1) is applied to determine the suitability of the site for a BMX and mountain bike track.

A site will be deemed inappropriate if it is identified as a Significant Environmental Reserve or Roadside and if it is located within either of the top two environmental classifications under the Roadside Management Plan (1997). If the site falls under the third classification of the Roadside Management Plan, discussions must be initiated with Environmental Works to determine if the site is appropriate.

# Mandatory site criteria

The following criteria must be met if the proposed facility is to be developed. If these criteria can not be satisfied the BMX Dirt Jumps will be demolished.

# The site must be:

- 1. in one of the following planning scheme zones:
  - Public Parks and Recreation
  - Public Use
- 2. separated from, or not too close to a road;
- 3. where there is access to water for aiding the construction of jumps;
- 4. at a suitable distance from a permanent water course based on an assessment by an environmental officer;
- where there are suitable soil and environmental conditions and at a suitable distance from mature trees to avoid damage to vegetation based on an assessment by an environmental officer and risk to participants;

- at a suitable distance from nearest permanent structure taking into account jump height, route, speed and structure type.
- 7. be accessible by emergency vehicles.

# Secondary site criteria

# The site should preferably be:

- 8. within a reasonable cycling distance to amenities, such as a phone, toilets, shade or where these can be provided;
- 9. where rubbish can be managed;
- 10. served by a bicycle path network or route;
- 11. adjacent to a facility where tools may be stored;
- 12. on a site large enough to allow for expansion;
- 13. where young people want to be or adjacent to where they congregate;
- at least 30 meters from nearest residential dwellings and incompatible land uses;
   and
- 15. at a sufficient distance from the drip zone of indigenous trees based on an assessment by an environmental officer.

# Step 3 - Demolishing existing dirt jumps

If it is established the site is unsuitable for BMX and mountain bike tracks Leisure Services will provide Infrastructure Maintenance with signage notifying the jumps will be removed (see Policy Attachment 2). Youth Services will be informed of the situation and will undertake consultation with the users.

After a notification period of two weeks the Environmental Works Unit will coordinate the demolition of jumps with the Infrastructure Maintenance Unit. This will be completed in an environmentally sound manner by and the area will be returned to its original state.

If Youth Services receive feedback and a need is established, an alternative site will be investigated.

If there is sufficient feedback in relation to the demolition and evidence of need is established for a facility an alternative site will be investigated.

# Step 4a- Facility design

If a site is deemed suitable for construction Council officers from Youth Services and Leisure Services will work collaboratively with local young people to establish a design for the facility based on the type of riding facility desired. A number of workshops facilitated by Council Officers may be required to finalise this design.

There are currently no Australian Standards that exist for the development of dirt jumps. Guidelines can be obtained through BMX Australia. The height of jumps, distance between jumps and the materials used for construction must be approved by Council.

Designs should consider safety, environmental issues, usability, maintenance requirements and should include a nominated local club representative if applicable.

# Step 4b- Application for a planning permit

Dependent on the controls that apply to a proposed site, planning approval may be required and will be subject to conditions set out in Council's Planning Scheme. The applicant will be notified of these conditions at the commencement of the planning process and all requirements must be adhered to.

# Step 5- Site management plan

Officers from Council's Leisure Services and Youth Services will work with the young people who will predominately be using the site to negotiate a Site Management Plan.

The purpose of the Management Plan is to provide Council and other stakeholders with a formal approach to issues such as safety and risk management, maintenance, rubbish and litter control, site access, and signage, anti social behavior and modification of jumps.

Each site will present a variety of different issues for Council and it will be necessary for the site Management Plan to individually reflect these issues.

The Management Plan will be governed by any permit conditions and appropriate consideration will be given to environmental management in protection of on site vegetation and wildlife.

# Step 6 - Construction

The construction of jumps must be in accordance with the conditions issued with any Planning Permit. Users will be responsible for constructing jumps in accordance with the conditions of the site management plan and specific facility design.

Users of the facility are not permitted to use any other material than dirt in the construction and reconfiguration of the jumps. For safety reasons, items such as logs, branches, rocks, timber, metal sheeting and wire mesh must not be used to build jumps.

# Step 7 – Maintenance & supervision

Council officers from Infrastructure Maintenance in accordance with Council's Risk Management Strategy will conduct monthly site inspections (see Attachment 3). This checklist will highlight any vandalism, graffiti or modification of jumps that is not in accordance with the site management plan or any approved amendment to the design.

Ultimately the use and management of the facility will be underpinned by the conditions of the site management plan.

# Related policies

Parts of this policy can be related to the Skate and BMX Facility Study (2001) and the Nillumbik Skate Facility draft Management Plan.

This policy also draws on information from the Roadside Management Plan (1997).

# Review

This policy will be reviewed after a two year period.

6 of 8

				Policy Attachment 1
Site A	ssessment Checklist			NILLUMBIK THE GREEN WEDGE SHIRE
Locati	on:	Date:		
<u> </u>	Criteria	Site	Y/N	Comments
yes)	Planning Zone (any site in ESO 1 requires planning approval)	PPRZ or PUZ		
with a	Distance from road	Greater than 10 meters / separated from		
riteria be mei	Access to water	Yes		
Mandatory Site Criteria this section must be m	Distance from permanent water supply (based on Environmental Officer assessment)	Approved distance		
ndatory s section	Soil type	Non-dispersive		
Mandatory Site Criteria (all criteria in this section must be met with a yes)	Distance from nearest mature tree (consider; jump height, route, speed & tree species)	Approved		
	Distance from nearest permanent structure (consider; jump height, route, speed & structure type)	Approved		
	Emergency vehicle access	Yes		
nly)	Distance from nearest amenities	Reasonable riding distance		
o pa	Can rubbish be managed?	Yes		
Iteria refen	Is the site serviced by a bike path or route?	Yes		
are p	Is there an adjacent storage facility?	Yes		
ary S ction	Can the site be expanded if required?	Yes		
cond his se	Is the site a congregation point for youth?	Yes		
Se	Distance from nearest residential dwelling.	At least 30m		
Secondary Site Criteria (criteria in this section are preferred only)	Distance from indigenous tree drip zone (based on Environmental Officer assessment)	Approved distance		
Site A	ssessed by:			Site Assessment:
Officer:		Signature:		☐ Approved
Officer:		Signature:		☐ Inappropriate
Club Re	ep:	Signature:		

# Policy Attachment 2

	BMX Jumps & Mountain Bike Track Maintenance and Condition Report				<b>—</b>	Ī
Site Location:	 Signature:	Date:	1	1	NILLUMBIK	

Condition			Maintenance		
Poor	Satisfactory	Good	Required Y/N	Complete Y/N	Comments
	Poor			Poor Satisfactory Good Required	Poor Satisfactory Good Required Complete

Policy Attachment 3



# NILLUMBIK SHIRE COUNCIL NOTICE

This site has undergone a suitability assessment for the construction of a BMX and/or mountain bike track.

The site has been determined as inappropriate due to the significant risk management issues it creates for the Land Owner/Manager.

This facility will be removed after a two week period.

For further information contact:

Shire of Nillumbik Leisure Services Unit Ph: 9433 3130

- CM.183/21 Urgent Business Item Nillumbik Submission to Parliamentary Inquiry into Protections within the Victorian Planning Framework
- Attachment 1. Nillumbik Submission to Parliamentary Inquiry into Protections with the Victorian Planning Framework

# Inquiry into Protections within the Victorian Planning Framework

Legislative Council - Environmental and Planning Committee Inquiry, consideration and report (by June 2022) on the adequacy of the Planning & Environment Act 1987 and the Victorian Planning Framework in relation to planning and heritage protection.

Submission: Nillumbik Shire Council

14 December 2021 (Adoption)



Attachment 1. Nillumbik Submission to Parliamentary Inquiry into Protections with the Victorian Planning Framework

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Attachment 1. Nillumbik Submission to Parliamentary Inquiry into Protections with the Victorian Planning Framework

#### Acknowledgement of Country

Nillumbik Shire Council respectfully acknowledges the Wurundjeri Woi-wurrung people as the Traditional Owners of the Country on which Nillumbik is located, and we value the significance of the Wurundjeri people's history as essential to the unique character of the shire. We pay tribute to all First Nations People living in Nillumbik, give respect to Elders past, present and future, and extend that respect to all First Nations People.

We respect the enduring strength of the Wurundjeri Woi-wurrung and acknowledge the ongoing impacts of past trauma and injustices from European invasion, massacres and genocide committed against First Nations People. We acknowledge that sovereignty was never ceded.

Wurundjeri Woi-wurrung people hold a deep and ongoing connection to this place. We value the distinctive place of our First Nations People in both Nillumbik and Australia's identity; from their cultural heritage and care of the land and waterways, to their ongoing contributions in many fields including academia, agriculture, art, economics, law, sport and politics.

If you require this document in another format, email <a href="mailto:nillumbik@nillumbik.vic.gov.au">nillumbik@nillumbik.vic.gov.au</a> or phone 9433 3111.

- CM.183/21 Urgent Business Item Nillumbik Submission to Parliamentary Inquiry into Protections within the Victorian Planning Framework
- Attachment 1. Nillumbik Submission to Parliamentary Inquiry into Protections with the Victorian Planning Framework

#### 1.0 Introduction

- Council welcomes the opportunity to provide a submission to the Legislative Council
  Environment and Planning Committee in regard to its inquiry (the Inquiry) into the adequacy
  of the Planning & Environment Act 1987, and the Victorian Planning Framework in relation to
  planning and heritage protection. Council specifically notes the Terms of Reference (TOR) for
  the Inquiry and note that each section of this submission broadly addresses theme(s) (where
  relevant to Council) of the TOR:
  - 1. The high cost of housing, including but not limited to:
    - (a) provision of social housing;
    - (b) access for first home buyers;
    - (c) the cost of rental accommodation;
    - (d) population policy, state and local;
    - (e) factors encouraging housing as an investment vehicle;
    - (f) mandatory affordable housing in new housing developments;
  - 2. Environmental sustainability and vegetation protection;
  - Delivering certainty and fairness in planning decisions for communities, including but not limited to:
    - (a) mandatory height limits and minimum apartment sizes;
    - (b) protecting Green Wedges and the urban growth boundary;
    - (c) community concerns about VCAT appeal processes;
    - (d) protecting third party appeal rights;
    - (e) the role of Ministerial call-ins;
  - 4. Protecting heritage in Victoria, including but not limited to:
    - (a) the adequacy of current criteria and processes for heritage protection;
    - (b) possible federal involvement in heritage protection;
    - (c) separating heritage protection from the planning administration;
    - (d) establishing a heritage tribunal to hear heritage appeals;
    - (e) the appointment of independent local and state heritage advisers;
    - (f) the role of Councils in heritage protection;
    - (g) penalties for illegal demolitions and tree removals;
  - Ensuring residential zones are delivering the type of housing that communities want;
  - 6. Any other matter the Committee considers relevant.
- Council note that there has been this year (2021) a call from State government to an extensive number of consultations on reform matters. This has placed significant pressure on local governments given preparation of submissions is very resource intensive, requires cross-departmental coordination (internally), needs to be adopted by Councils and therefore needs briefing/reporting to be prepared in regard to the matter, and is always in a required timeframe that does not consider Council reporting workflows and lead times. Therefore these submissions are prepared as 'urgent matters' with compressed timeframe, and this is all in addition to delivery of programmed projects, policy and operations of Council.
- Council strongly recommend that the State government is more strategic in its consultation being transparent around timing of upcoming consultation to allow local governments to better resources and respond to upcoming submissions AND that State government consider the timeframes associated with consultation, and at a minimum allow for time for officers to prepare a submission, brief Councillors to request feedback and then seek formal adoption at a Council meeting.
- Notwithstanding this, timeframes also do not allow for community consultation in regard to
  proposed reforms by Councils and this results in frustration within the community in regard to
  a lack of transparency and opportunity to have their local representative hear and consider
  their views on matters that will impact them.

### Attachment 1. Nillumbik Submission to Parliamentary Inquiry into Protections with the Victorian Planning Framework

- Council note recently submissions have been called by DELWP to proposed Rescode
  Reforms (as a recommendation of the Red Tape Commissioners review into Planning &
  Building Approvals Process Review) and also the Cooling and Greening project which
  responds to Plan Melbourne (Action 91 of Plan Melbourne's Implementation Plan) to engage
  in a 'whole of government approach to cooling and greening'.
- Council note we are still awaiting outcomes/detailed implementation from DELWP around submissions called to other proposed reforms though out this year including *Planning for Melbourne's Green Wedges and Agricultural Land Consultation Paper, 10 Year Affordable Housing Strategy, Melbourne's Land Use Framework Plans* and ESD Roadmap.
- At the same time, this Parliamentary Inquiry into Protections within the Victorian Planning Framework has been released for submissions, noting the Environment and Planning Committee will consider and report on, by June 2022, the adequacy of the Planning & Environment Act 1987 and the Victorian planning framework in relation to planning and heritage protection.
- Council question why such an Inquiry is underway with submissions called, given the number
  of planning reforms being consulted on, advanced and implemented via DELWP and other
  State departments, noting the Inquiry will report back in <u>June 2022</u>, when feasibly much of the
  work DELWP/State government is doing now in regard to planning reform will be either
  implemented or significantly advanced to implementation.
- If the State government is truly interested in 'the adequacy of the Planning & Environment Act 1987 and the Victorian planning framework in relation to planning and heritage protection' then undertaking this Inquiry now (after reforms are significantly advanced or implemented) does not allow for true consideration of key issues.
- Council note current key State planning documents/strategies/initiatives that are in draft but significantly advanced that Council has provided submissions to over the last year(s), and have informed Councils submission to this Inquiry and note that the Inquiry should have regard to these documents/strategies/initiatives in forming a view:
  - a. 10 Year Social and Affordable Housing Strategy Discussion Paper February 2021 (Homes Victoria – Department of Health and Human Services)
  - The Planning for Melbourne's Green Wedge and Agricultural Land Consultation Paper May 2020 (DELWP)
  - c. Open Space for Everyone: Open Space Strategy for Metropolitan Melbourne 2020
  - d. Protecting Victoria's Environment Biodiversity 2037
  - e. Melbourne's Future Planning Framework Plans (DELWP)
  - f. Environmentally Sustainable Development of Building & Subdivisions A Roadmap for Victoria's Planning System (DELWP)
- We also note a number of submissions on the same or other relevant matters by the Municipal Association of Victoria (MAV) which the Inquiry should have regard to given the TOR:

Submissions | MAV website<sup>1</sup>

<sup>1</sup> www.mav.asn.au/news-resources/publications/submissions

- CM.183/21 Urgent Business Item Nillumbik Submission to Parliamentary Inquiry into Protections within the Victorian Planning Framework
- Attachment 1. Nillumbik Submission to Parliamentary Inquiry into Protections with the Victorian Planning Framework

### 2.0 The High Cost of Housing

- (a) provision of social housing;
- (b) access for first home buyers;
- (c) the cost of rental accommodation;
- (d) population policy, state and local;
- (e) factors encouraging housing as an investment vehicle;
- (f) mandatory affordable housing in new housing developments.
- The TOR issues listed above are broadly responded to below. An adequate supply of social
  and affordable housing together with housing support and homelessness services, is
  considered by Council the best means of preventing homelessness and central to enhancing
  the quality of life of our community.
- Please refer to <u>Council's submission</u><sup>i</sup> to the 10 Year Social and Affordable Housing Strategy Discussion Paper February 2021 (Homes Victoria – Department of Health and Human Services) for further detail in regard to Councils views below.
- Council note that in 2018 the Planning and Environment Act 1987 (the Act) was amended to include a new objective to 'facilitate the provision of affordable housing in Victoria', and to include a definition of affordable housing. These amendments to the Act also included changes to clarify that Councils can enter into voluntary Section 173 agreements with developers for the provision of affordable housing. This 'elevation' of affordable housing implemented into planning policy through the Victorian Planning Provisions (VPP) has been an important step in acknowledging housing security as a major issue in Victoria.
- Council note that the primary responsibility for the provision of social and affordable housing, matched with funding capability, lies with Federal and State Governments. However, Council also acknowledges that it has an important, although more limited role to play facilitating sustainable housing options for our community that are affordable, appropriate and available.
- To ensure the supply of affordable housing better meets the demand, all levels of
  government, working with the private and not for profit sector will need to play a role. While
  planning mechanisms are imperative, effective solutions require a multifaceted approach and
  a suite of mechanisms at each level of government.
- Council note that the housing market responds to consumer needs and wants, and it is shaped by Federal, State and local regulations relating to building regulation, taxation, urban policy, zoning and social policy. For instance, housing markets must respond to Commonwealth government policies on taxation and population, and to State government policies on taxation, transport, urban consolidation, and the provision of social housing.
- Any interventions in the housing market that Council seeks to make occur within this wider setting. The primary role of local government in relation to the supply of housing is to regulate development approvals via the Planning Scheme. Councils determine where housing goes via the zoning of land (albeit this must align to State policy and identified growth as determined by the State) and it can influence local siting and design of housing via local policies and design controls.
- The State government's metropolitan strategy (<u>Plan Melbourne</u>) seeks to provide housing
  choices in locations close to jobs and services, and to increase the delivery of affordable
  housing. It also seeks to create inclusive, vibrant and healthy neighbourhoods where people
  can access their daily needs (the '20 minute neighbourhood').
- In Nillumbik, this means that the Eltham and Diamond Creek Major Activity Centres, and to a
  much lesser extent Hurstbridge (as a Neighbourhood Activity Centre), are the focus for
  implementing these outcomes.

### Attachment 1. Nillumbik Submission to Parliamentary Inquiry into Protections with the Victorian Planning Framework

- The State government's <u>Homes for Victorians</u>.<sup>2</sup> plan also includes a range of initiatives that include:
  - a. Increasing the supply of housing through faster planning;
  - b. Supporting people to buy their own home;
  - c. Increasing and renewing social housing stock; and
  - d. Promoting stability and affordability for renters.
- There are also some factors that are unique to the Nillumbik context of housing that require consideration to ensure that new housing responds to these:
  - Almost every suburb and several townships have a direct interface with the Urban Growth Boundary (UGB);
  - b. The commuter culture, with many residents working outside the Shire;
  - c. The generous provision of open space leading to Nillumbik being known as the "Green Wedge Shire", and which also contributes to the for higher leisure participation rates in the municipality compared to state and national trends;
  - d. The local impacts of climate change, with the <u>Nillumbik Climate Change Action Plan</u> 2016-2020 listing the following challenges:
    - the accommodation of increased population while minimising the impact on the natural environment;
    - ii. an ageing population;
    - iii. increasing expectations of community facilities (size, quality, automation, temperature control);
    - iv. increasing utilisation of facilities;
    - v. cost pressures of energy and water supplies and waste disposal;
    - vi. engaging our community to undertake change;
    - vii. limited public transport;
    - viii. development pressure from urban growth corridors to the west of the Shire;
    - ix. consideration of embodied energy and the supply chain;
    - x. aged building stock of Council and the community;
    - xi. the lifestyle of our residents in terms of land use and social activity; and
    - xii. importantly, finite Council resources.
- According to iD Consultants (profile.id.com.au/nillumbik³), and notwithstanding recent
  implications introduced by the COVID pandemic, 5.7% of households within the municipality
  were experiencing housing stress in 2016 (this is defined as households in the lowest 40% of
  incomes that are required to spend more than 30% of their usual gross weekly income on
  housing costs).
- The rise in property prices across the metropolitan region has resulted in substantial
  increases in housing stress since the 2016 Census. Whilst more recent data on housing
  stress levels in Nillumbik is not currently available, it is quite likely that the percentage of
  households experiencing housing stress within the municipality will have increased since
  2016.
- In Councils view, Federal and State governments will need to continue their role in the housing system predominantly facilitating (and innovating) in the areas of:
  - i. Financial assistance (pensions, rent assistance, etc.)
  - ii. Social housing provision (Victorian Housing Register waiting list)
  - iii. Tenancy law
  - iv. Taxation system
  - v. Industry incentives
  - vi. Victorian Planning Provisions (VPP)
  - vii. Building Law
  - viii. Services (homelessness, health, education, jobs and other)

<sup>3</sup> Home | Nillumbik Shire | Community profile (id.com.au)

<sup>&</sup>lt;sup>2</sup> <u>Homes for Victorians | Housing.vic.gov.au</u>

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- Local government needs to continue its role with acknowledgment of the significant funding
  gaps that are required in delivering services & infrastructure to support our community (in a
  rate-cap environment) by allocating shire resources. Nillumbik Shire are active in accessing
  grant funding or other subsidies to assist in delivering key community infrastructure and
  services, some of which support those parts of the community with housing vulnerability. Key
  local government functions in this space include:
  - Facilitating community safety and wellbeing through provision of local support services, facilities and coordination/connection to external services;
  - 2. Land use planning; and
  - 3. Advocacy and alliances.
- Local government particularly needs to advocate for equitable reforms and resourcing of the
  public housing, welfare, financial, taxation, residential tenancy, foreign investment,
  government surplus land, land use planning and building systems to bring affordable,
  appropriate and available housing to Nillumbik Shire.
- The land use planning system (through housing strategies) needs to adequately plan for at
  least a 15 year supply of housing, including land for affordable housing, and negotiate
  developer contributions when the planning scheme is amended or there are significant
  applications to increase residential density. Facilitating policy within planning schemes around
  affordable housing however requires funding to provide the strategic justification for such.
  Often smaller rate base Councils particularly non-growth Councils such as Nillumbik Shire,
  do not have the financial resources to undertake such strategic justification.
- Apart from the limited actions Nillumbik Shire Council and other local governments can
  undertake to support implementation of social housing, local governments can seek to partner
  with established social housing providers who have connections to disability services.
- Council note that for our community, currently people access social housing through the
  Department of Housing a large government department that is difficult for people (especially
  vulnerable people) to navigate. Taking the bureaucracy out of the process would help with
  access. It would be helpful for housing to be made a part of broader service delivery,
  specifically health service delivery.
- Council consider that housing could be viewed (particularly for at risk community members)
  and delivered through a health lens, as lack of secure housing is a social determinant of
  health. People who are more vulnerable and need social housing are likely accessing health
  services. Housing is an issue that would come up in conversations with clinicians and workers
  with clients. It is an important part of a person's health and wellbeing status.
- Other health issues need to be considered in the context of insecure housing and the need for social and affordable housing. For example, people experiencing housing stress, unsafe or insecure housing will find it much more difficult to address mental health problems. Often these issues are addressed separately when in reality they are interrelated.
- Council note that price, location, security of tenure, access to transport/amenity, connection to
  support services are all important, one is not more important than the other. It is important to
  add 'connection to social support networks' as well as 'support services'. For example, having
  cheap rent in an area that does not have accessible transport or employment opportunities
  will not provide effective outcomes and access for people as well as if that housing was in a
  location that was close to transport and job opportunities. These areas need to be considered
  as a whole, not individually.
- 2.1 Housing affordability and Land Use Planning and Victorian Planning Provisions
  - Council strongly supports the view that funding to implement affordable housing policy and
    outcomes should not rest with local government. Nillumbik Shire supports the initiatives and
    recommendations of the <u>Municipal Association of Victoria's (MAV's) Submission to Affordable
    Housing October 2019</u><sup>4</sup>, particularly where affordable housing models should be implemented

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<sup>&</sup>lt;sup>4</sup> MAV Submission Affordable Housing MAC

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through the creation of State provisions within the VPPs for Affordable Housing. Council particularly supports the identified requirement that any provisions should:

- a. 'Provide certainty and consistency, while allowing some flexibility to enable councils to respond to the specific needs of their community – an Overlay and Schedule to the Overlay could achieve this;
- Clearly set out the way in which the affordable housing contribution will be calculated, allowing developers to work out and build the cost into their development feasibility and enabling planners to calculate the affordable housing contribution;
- Articulate who pays for the affordable housing moving beyond a discussion about number of dwellings to certainty about the quantum of the overall affordable housing contribution; and
- d. Other aspects that will also need to be in place are:
  - A process to collect and distribute cash-in-lieu contributions, noting councils preference for contributions that come from their community to be invested within their community; and
  - ii. Mechanisms to secure the benefit of the affordable housing in the community, recognising that a requirement for a specific building to remain used as affordable housing in perpetuity will make management of that property unfeasible for any asset owner who will need to ability to divest of assets (and reinvest in other assets) as part of their long term asset management strategy'.
- Further Council strongly support the MAV recommendation of the same submission, specifically that:
  - e. 'A suite of Affordable Housing Planning Provisions is created that can be used by councils to seek affordable housing contributions for example:
    - Affordable Housing Planning Policy Framework (distinct from housing affordability PPF): and
    - ii. Affordable Housing Overlay, with the ability to create a Schedule to the Overlay 2.
  - f. The Provisions include mandatory (rather than discretionary) requirements so that there is certainty and clarity for landowners, developers, and planners.
  - g. The Provisions provide for land, dwelling, and/or cash affordable housing contributions and allows councils to specify the preferred form the contribution will
  - h. If the affordable housing contribution is to be delivered through the sale of dwellings, the Provisions clearly set out who will pay for the affordable housing (and at what discount) to provide certainty about the quantum of the affordable housing contribution.
  - i. That any requirements in the Provisions that set out the time for which a property will remain affordable housing, take into account the financial impact on the end owner of the affordable housing so that it does not create a burden on the community housing sector.
  - j. The State Government maximise the delivery of affordable housing on their existing land assets'

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### 3.0 Environmental sustainability and vegetation protection

- There are significant areas of relatively intact biodiversity particularly in north east Nillumbik, across public and private land. DELWP's own mapping shows that the high biodiversity Warrandyte to Kinglake habitat corridor, which extends far beyond is significant and worthy of long term biodiversity conservation investment. There are also a large number of nationally significant threatened species located within Nillumbik, including but not limited to the Eltham Copper Butterfly (FFG/EPBC listed), threatened orchids such as the Wine-lipped Spider-orchid, and threatened animals including the Brush-tailed Phascogale, Lace Monitor, Longnosed Bandicoot, Swift Parrot and Powerful Owl.
- The Planning and Environment Act (the P&E Act) itself as an enabler is quite strong when it
  comes to environmental sustainability and vegetation protection. However, the
  implementation of the P&E Act under the Victorian Planning Framework in addressing
  vegetation protection in practice is lacking. There is opportunity for the Victorian Planning
  Framework to better facilitate the objectives of the P&E Act.
- Council note there should be a strong alignment between the Planning & Environment Act
  and the Flora and Fauna Guarantee (FFG) Act which protects Victorian biodiversity and its
  significant species on public land. In Council's view, the P&E Act should enable the
  application of the FFG Act on private land.
- Effective regional planning in protecting biodiversity is also required (as discussed below).

#### 3.1 Application of the P&E Act and environmental sustainability and vegetation protection

- Development, particularly in Nillumbik, is often as-of-right so there is limited opportunity for the application of the objectives of the P&E Act including providing for sustainable development; providing for the protection of natural and man-made resources; and maintenance of ecological processes and genetic diversity.
- The P&E Act and Planning Policy Framework also offers environmental protection through zoning. In Nillumbik the Rural Conservation Zone is critical to minimising habitat impacts through development and it is a powerful tool for Council to place conditions on future management of the land. Likewise the Special Use Zone protects critical habitat in the Bend of Islands. However overlays play a significant role in securing environmentally appropriate outcomes.
- Together with planning overlays within the Nillumbik Planning Scheme, Victorian Planning Provision Clause 52.17 is designed to ensure that there is no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation. The ability to protect and consider loss of vegetation under Clause 52.17 and local overlays is a very positive part of the Planning Framework.
- However, this is limited to areas over 0.4ha in size. Therefore, without local overlays, there is
  very little remaining in the Planning Framework to allow for the consideration and protection of
  native vegetation in blocks smaller than this size. Anecdotally the cumulative impact of (at
  times substantial) vegetation removal from individual properties poses a significant threat to
  the highly valued 'treed' character of Nillumbik Shire's activity centres as well as the integrity
  of Nillumbik Shire's biodiversity, including native flora and fauna.
- Although the Guidelines for the Removal, Destruction, or Lopping of Native Vegetation 2017 require a proponent to account for past losses on their properties, there still needs to be a thoughtful consideration of <u>cumulative impacts</u>, including of past developments, which may lead to a continuation in the decline of biodiversity, particularly threatened species or communities. Environmental offsetting should only be used as a last resort with genuine effort made by a proponent to avoid or mitigate impacts as a matter of priority. If residual impacts cannot be avoided or mitigated, approval should only be given once a suitable offset has been identified and secured prior to an impact occurring.
- Trading the protection of a species or ecological community for its removal elsewhere will not
  halt the decline of that species or community, but if it is done with rigor and costed correctly, it
  will hopefully slow that decline and avoid total loss. Offsets need to be calculated and

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accounted for correctly. Adequate comparison of losses and gains is prudent in ensuring that the loss of biodiversity is compensated for in offsets, and gains should be higher than losses.

- Council supports the legislative intent that genuine effort be made by a proponent to avoid or
  mitigate impacts as a matter of priority and approval should only be given once a suitable
  offset has been identified and secured prior to an impact occurring if residual impacts cannot
  be avoided or mitigated.
- Offsets need to be calculated and accounted for correctly with adequate comparison of losses
  and gains to ensure that biodiversity loss is compensated for, and gains should be higher
  than losses.
- As noted Significant Landscape Overlays play an important role in more urban settings. While
  the primary objective of the SLO is tree protection for amenity purposes, this also affords
  some level of biodiversity protection in otherwise heavily modified landscapes.
- While the P&E Act provides the tools for native vegetation protection on private land, councils
  may be limited in their capability to apply native vegetation protections. With the extent of
  native vegetation in Nillumbik for example there is a significant cost to Council to both
  implement and update effective planning scheme overlays that would protect biodiversity and
  vegetation. Robust strategic justification is required to prepare evidence to support such
  overlays, and particularly for smaller rate base Council's this work is often cost prohibitive.
- Consideration also needs to be given to the fact that biodiversity does not stop at local government boundaries and often a regional approach is required to secure appropriate outcomes for biodiversity corridors. The outcome with regard to protecting significant habitat or species on private land is that Councils may allocate funds to prepare strategic justification for application of bespoke overlays, however due to resourcing constraints, cost, and political/local will, these may not eventuate into tools within the planning scheme, if the work is undertaken at all, and will not acknowledge or effectively protect regional linkages.

#### 3.2 Impact of 10/30 and 10/50 exemptions

- Clarity and greater ability for compliance on illegal vegetation clearance and taking threatened
  flora or fauna from private land should be pursued under the P& E Act in a more effective
  manner. The P&E Act needs to be strong and enforceable with sufficient associated
  resources to enable effectiveness. In particular, compliance and enforcement needs to
  adequately occur in situations of vegetation clearance. This may be in the form of increased
  penalties to create a greater deterrent. This is explored further at point 4 in regard to illegal
  vegetation removal, compliance and fines.
- Council supports empowering residents to prepare their properties for appropriate bushfire
  protection. Council has noted however, that a 'blanket' approach to bushfire protection
  exemptions is continuing to result in significant loss of vegetation with associated negative
  impacts on the valued character of Nillumbik's urban areas, particularly our Major Activity
  Centres.
- The rules allow landowners, in locations identified as Bushfire Prone Areas and where a
  Bushfire Management Overlay applies, to remove vegetation as-of-right so residents can
  make their properties safer in the event of a bushfire. The rules were introduced following the
  2009 ('Black Saturday') Victorian Bushfires Royal Commission and only apply to buildings
  used for accommodation that were constructed or approved before 10 September 2009.
- Councillors and the community have acknowledged the impacts that exemptions to clear vegetation are having (anecdotally) on neighbourhood character particularly in the urban areas of Nillumbik. Known as the 10/30 and 10/50 rules – these 'rules' allow vegetation removal to occur without the need for a planning permit. There is ongoing concern that these exemptions are having a detrimental impact on local vegetation, biodiversity and neighbourhood character on the Nillumbik Shire.
- Council has requested a review of the impacts of current exemptions for clearance of vegetation. Nillumbik Council recently advocated to the Victorian Planning Minister regarding the 10/30 and 10/50 rules which are planning permit exemptions specified in Clause 52.12-1: Bushfire Protection Exemptions of the Victoria Planning Provisions. Although the allowance

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for exemptions under the Planning Framework reduces red tape and can provide landowners with an easier way to manage their land, there is unintended consequences of applying planning permit exemptions for tree removal for bushfire mitigation in an essentially urban area further contributing to biodiversity loss.

- The concern relates to a trend in suburban property owners and developers taking advantage
  of the exemptions to maximise developable yield as opposed to mitigate genuine bushfire
  risk. This is also apparent in application of the exemptions to maximise views or other
  development outcomes that may be impeded by the location of existing trees.
- The ability to provide local protection of our local environment by using overlays like the Environmental Significance overlay or Vegetation protection overlay is a positive part of the Victorian Planning Framework. However, there is an increased level of complexity behind developing and adopting bespoke ESOs within the Planning Scheme to protect vegetation, habitats or threatened species, as they are costly and difficult to apply or update. The Environmental Significance Overlays (ESO) which cover 55% of Nillumbik Shire recognise the value of native vegetation, specifically, Identification, protection and enhancement of the environmentally significant sites and strengthening of connecting habitat links will assist in the maintenance of biodiversity within the Shire and surrounding areas. However, the main ESO that covers some areas of Nillumbik only provides a level of protection for fauna species and their habitats. Therefore there is a gap in protecting flora species in the Shire, particularly in areas that are less than 0.4ha in size.
- A clear mechanism for major infrastructure projects to fund nearby enhancement vegetation
  planting and nearby key vegetation protection works as part of their mitigation programs
  would assist with providing ongoing local habitat, e.g., associated with Yan Yean Road
  upgrade.

#### 3.3 Regional planning and collaboration

- Planning at a regional level is an opportunity for state and local governments to work together
  to manage long-term growth and change across Melbourne. It is important in Councils view
  that existing and future regional initiatives should guide regional planning and collaboration
  vertically (between state and local government) and horizontally (across local councils in
  partnership with other stakeholders, including Traditional Owners).
- Council support the importance of 'inter-regional' planning noting planning issues and influences do not stop at local government boundaries or 'lines drawn on a map'.
- An inter-regional approach would hopefully result in stronger policy direction and clarity, and
  reduce the politics (particularly) around green wedge areas. It would facilitate greater
  discussion and action between adjacent municipalities to ensure coherent planning across
  shared boundaries.
- Nillumbik Shire note land divestment policies of State Government and Authorities do not always facilitate appropriate planning that provides for the directions and outcomes envisaged by State and local policy. Such divestment legislation necessitate the Department or Authority to divest land for its highest and best use, and this at times may be at odds with the environmentally sustainable outcomes and net community benefit. For example land that has high environmental values is often divested within minimal if any planning provisions that recognise and protect said environmental values, leaving such a debate to occur at the planning permit stage which is often too late to protect and enhance such values.

#### 3.4 P&E Act enabling local community responses to climate change

- There is a need for the P&E Act to consider the effects of and contributors to climate change
  and to mitigate the environmental, social and economic effects of climate change and any
  emerging planning issues, such as defining appropriate locations for future development. For
  example, protecting land in open catchments from inappropriate development which may
  compromise harvested water quantity and quality and managing urban areas to minimise
  water demands are just two issues arising from climate change.
- It is important that climate change is addressed at State level and at local level and there is a clear need to acknowledge climate change within the planning system.

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  - Notably planning and decisions made in regard to the built environment only represent a small part of the overall response required to climate change, however it is an important role.
  - There is a distinct disconnect between policy objectives in the Planning Policy Framework in regard to climate change, and actual implementation tools within planning schemes.
  - Facilitation of effective content in regard to principally ESD outcomes in the Planning Scheme
    is important in allowing matters to be considered by decision-makers. Its application is
    frequently the primary influence on outcomes, particularly on lot, subdivision and built form
    outcomes.
  - There is a need for strong State government leadership in regard to this matter, particularly
    given the limited resources of some Council's in facilitating change into individual planning
    schemes, and undertaking the strategic work to justify municipal level planning scheme
    amendments, particularly given the overarching policy intents within the Victorian Planning
    Provisions. A disconnect is evident between State policy objectives, and actual
    implementation tools within planning schemes.
  - Council acknowledge the work of the Climate Change and Planning Advocacy Group,
    principally led by the Council Alliance for Sustainable Built Environment (CASBE) in regard to
    drawing attention to the need for reform of planning schemes in a number of key areas to
    support climate change adaption and mitigation. Key areas that the Climate Change and
    Planning Advocacy Group have identified, that Council support include:
    - The need for the Victorian Planning provisions and planning schemes to consider climate change, and not only sustainability.
    - b. Filling clear policy gaps.
    - Introducing mandatory development standards in targeted areas.
    - d. Ensuring that planning schemes and specific controls are consistent with scientific evidence base and best practice – again an area that individual Councils are not equipped to facilitate.

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### 4.0 Protecting heritage in Victoria

Protecting heritage in Victoria, including but not limited to:

- (a) the adequacy of current criteria and processes for heritage protection;
- (b) possible federal involvement in heritage protection;
- (c) separating heritage protection from the planning administration;
- (d) establishing a heritage tribunal to hear heritage appeals;
- (e) the appointment of independent local and state heritage advisers;
- (f) the role of Councils in heritage protection;
- (g) penalties for illegal demolitions and tree removals;

#### 4.1 Council and heritage protection

- Victoria's identity is strongly connected with its cultural environment of which heritage is a major contributor and provides many community benefits (social, environmental and economic). Not all these benefits can be quantified in terms of dollar value, and many contribute to neighbourhood character and sense of belonging. Also the maintenance and conservation of heritage buildings helps to achieve sustainable urban environments, where maintenance and conservation of existing buildings significantly reduce demolition and new construction waste. Nillumbik Shire has a tradition of mud brick building with the Heritage Overlay applied to some of those mud brick and pise (rammed earth) houses within the Shire.
- For local government Heritage Overlays (under the Victoria Planning Provisions) continue to be the main tool used by local government to protect heritage places in their municipality notwithstanding the Aboriginal Heritage Act 2006 acts primarily to provide for the protection of Aboriginal cultural heritage in Victoria.
- Prior to inclusion in a Heritage Overlay, the identification of historic heritage places is usually undertaken as part of a local heritage study to provide strategic justification for any future application of the Heritage Overlay through the planning scheme amendment process. There is a consistency in Victoria in the use of heritage criteria and these both align with the criteria of the Australian Heritage Council. The amendment process usually involves extensive public notice procedures that invite submissions and application of the Heritage Overlay does not prohibit demolition or development but requires that a planning permit first be obtained.
- Unfortunately for a significant number of councils, particularly those with lower rate bases it is
  difficult to fund the necessary heritage reviews that need to be prepared by suitably qualified
  heritage input to provide the strategic justification to apply the heritage overlay through the
  planning scheme amendment process. As a result, local governments may take many years
  (if at all) to undertake this strategic work to seek to protect identified heritage places. This
  means that many heritage places are vulnerable to be lost through demolition forever. This is
  particularly a problem for outbuildings, gardens, fences and trees that may have heritage
  value not just buildings themselves.
- In Councils experience there are a limited number of appropriately qualified and experienced
  heritage professionals and those offering this service as a consultancy service to local
  governments are highly sought after and often very expensive in terms of the scope of work
  that is produced through heritage reviews (in comparison to other types of land use studies).

#### 4.2 Tree removal, compliance and fines

- It is unclear if tree removal in the context of the TOR in regard to heritage is in regard to heritage trees or the wider issues of loss of substantial trees and tree canopy.
   Notwithstanding this, Councils views articulated in this section can also be considered a response to the TOR in regard to 'Environmental sustainability and vegetation protection'.
- The importance of vegetation (particularly native vegetation) is well established in State
  Planning Policy. However, changes brought about by the 2009 'Black Saturday' Victorian
  Bushfires Royal Commission saw a distinct and significant shift in the prioritisation of
  competing policy objectives with the introduction of (clause 13.02-1S: Bushfire planning)
  which declares that 'the protection of human life takes precedence over all other policy
  considerations'.
- The cumulative impact of (at times) substantive vegetation removal from individual properties
  poses a significant threat to the highly valued 'treed' character of Nillumbik Shire's activity

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centres as well as the integrity of Nillumbik Shire's biodiversity, including native flora and fauna. The value of vegetation, both as a defining element of township character and key component of Nillumbik's biodiversity and the associated need for its protection and enhancement is specifically recognised by the many policies and provisions of the Nillumbik Planning Scheme.

- Vegetation loss impacts are also compounded by the impacts of climate change. With higher
  temperatures and reduced rainfall predicted in climate change models, climate change is
  predicted to have a marked impact on biodiversity through many factors such as changes in
  vegetation structure including a decrease in foliage quality, and reduction in range for the
  majority of vertebrate species<sup>5</sup>.
- Council has advocated for the review of, and amendment to the *Planning & Environment Act* 1987 (the Act) to provide for greater powers to authorised officers to cause cessation of unauthorised clearing of vegetation and for increased fines for such activities.
- The issue of unauthorised vegetation removal results in poor outcomes for both our
  environment and community, and is also a costly and time consuming matter for Council.
  Council are often left with no other avenue than to engage in legal action against the owner of
  the property, under Section 126 at Magistrates Court through contravention of the Act.
- It is noted that any person who uses or develops land in contravention of, or fails to comply
  with, a planning scheme, a planning permit, or an agreement with the owner of land under
  section 173 of the Planning Act, is guilty of an offence. There are a range of enforcement
  options available to a Responsible Authority, including negotiation, warnings, infringement
  notices, injunctions and prosecution.
- It is noted that some councils also have local laws to protect trees on private and public land
  and they introduce these laws as an added protection mechanism where trees are important
  to the character of the area. These laws can supplement planning regulations. However given
  Nillumbik Shire is bushfire prone, such laws cannot be used as an additional deterrence to
  vegetation clearing.
- Penalties for breaches are administered through infringement notices and minor penalties, with larger fines for breaches of court orders. This regime has come under criticism however because the largest fines only occur once it has come to the attention of authorities that damage or destruction has taken place and an order has been made, in other words, "after the horse has bolted".
- Council contend that the State government should consider whether the value of the fines are
  adequate for the purposes of deterring illegal works, and whether the State government
  should play a role rather than leaving the action to local authorities to prosecute. Nillumbik
  Shire Council urge you review the value of infringements to ensure they sufficiently deter
  illegal works.
- As an example, a recent Nillumbik Shire Council prosecution for illegal tree removal under the
  Act resulted in a fine of \$30,000. Council noted that 'removing significant trees is something
  that this Council takes very seriously and the message is clear—if [residents] remove trees
  without a permit we will take action'.
- However even where Council are successful in achieving Court penalties for an offence against the Nillumbik Planning Scheme, the fines often remain unpaid and are handed down to Fines Victoria (as is the case for this example).
- The deterrence effect given the value of these fines clearly does not work. Unfortunately in
  this example, Council are now having to take legal action a second time for subsequent
  clearing of vegetation with the same plaintiff, and we will again have to pursue prosecution at
  Magistrates Court, at significant time and expense to our ratepayers given the deterrence of
  the still unpaid fines in the first instance has not been effective.

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<sup>&</sup>lt;sup>5</sup> Nillumbik Biodiversity Strategy 2012

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- Fines are very important in deterrence, however greater powers to authorized officers to
  cause cessation of unauthorised clearing of vegetation is also considered integral, particularly
  considering the limited ability for authorized officers to ensure the cessation of unauthorized
  activities whilst on-site with offenders.
- Current powers allow them to enter into discussions with the offender to ask them to cease
  unauthorized clearing. Officers are then required to call the Police where necessary to
  enforce an outcome should the need arise. Given the significant impact to the environment
  and landscape and the destruction that can occur post a site visit should the offender choose
  to continue unauthorized activities, it is imperative that changes be made to enable greater
  powers to cease unauthorized activities.
- The example provided above in Nillumbik has seen the clearing of the majority of substantial trees on a site many of which were removed post authorized officers attending the site, advising the offender of the breach of the planning scheme, and asking the offender to cease work

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# 5.0 Delivering certainty and fairness in planning decisions for communities

- (a) mandatory height limits and minimum apartment sizes;
- (b) protecting Green Wedges and the urban growth boundary;
- (c) community concerns about VCAT appeal processes;
- (d) protecting third party appeal rights;
- (e) the role of Ministerial call-ins;
- Notably Melbourne is growing, and the State government directs all metropolitan Councils to share in accommodating some of this growth. Nillumbik is predicted to be the lowest growth municipality in metropolitan Melbourne however, both in terms of the proportion of growth and the absolute numbers, with 0.4% annual population growth (6,140 additional people between 2016 and 2036). This compares to a city-wide average annual growth rate of 1.6%.
- The majority of land within Nillumbik is rural land located within the Metropolitan Green Wedge. This area comprises a mixture of farmland and bushland that is protected from future urban development under State planning legislation. Any growth within the rural townships will be contained within the existing township boundaries, as legislative Urban Growth Boundaries apply to these locations.
- The remaining area of Nillumbik is urban land located within the metropolitan Urban Growth Boundary. Almost every suburb and several townships have a direct interface with the Urban Growth Boundary and the unique neighbourhood character and 'tree'd' environment' is both unique and particularly strongly loved by the Nillumbik community. This unique environment offers certain constraints in consideration of growth and built form outcomes for the Shire.
- Council recently adopted in 2020 new structure plans for each of its Major Activity Centre's at Eltham and Diamond Creek which advance State policy and objectives for activity centre planning, and optimise access by the community (within walking distance) to amenity, services and public transport. Notably heights within these Major Activity Centres are controlled through a schedule to the Activity Centre Zone with some discretionary height controls, but a mandatory maximum height of 5 storeys is in place. The ability to apply mandatory controls, particularly within areas with unique environmental or character elements is crucial in ensuring the most effective outcomes in planning. A 'one-size-fits-all' approach is not considered suitable. One Major Activity Centre may be very different to another depending on location, access to infrastructure, population growth and environmental/landscape setting. Council would not support any consideration of removal of mandatory height controls within planning schemes, it is considered the outcomes for particularly peri-urban environs would be detrimental.

#### 5.1 Protecting Green Wedges

- In consideration of Outcome 6 of Plan Melbourne 'Melbourne is a sustainable and resilient city' it is noted that Green Wedges are places of regional significance. The Nillumbik Green Wedge is of high recreational and biodiversity value particularly within the context of northern metropolitan Green Wedges.
- Council supports that Green Wedge planning warrants specific address particularly in regard
  to regional planning. Green wedges also have very specific and important roles particularly in
  the context of climate change, biodiversity, food security and minimising the length of supply
  chains. Council support Direction 4.5 of Plan Melbourne 'Plan for Melbourne's green wedges
  and peri-urban areas' particularly policy at 4.5.1 to 'strengthen protection and management of
  green wedge land' and particularly identify the importance of the continued use of key
  planning tools that manage Green Wedge land specifically:
  - regulations requiring ratification by both Houses of Parliament for planning scheme amendments that alter the urban growth boundary or green wedge subdivision controls;
  - Core Planning Provisions for Metropolitan Green Wedge Land (Clause 57), which set out prohibited land uses and subdivision provisions;
  - green wedge zones, which primarily include the Green Wedge Zone, the Green Wedge A Zone and the Rural Conservation Zone; and

### Attachment 1. Nillumbik Submission to Parliamentary Inquiry into Protections with the Victorian Planning Framework

- d. Green Wedge Management Plans, which are council-adopted strategies that identify a vision, objectives and actions for the sustainable use and development of each green wedge.
- It is considered food security is a very important issue in regard to Green Wedge planning
  that has not been elevated within the VPP's. Nillumbik's draft Health and Wellbeing Plan, the
  draft Climate Action Plan as well as the Green Wedge Management Plan recognise the
  importance of strengthening the food system and the need for sustainable food production
  locally (e.g. regenerative agriculture).

#### 5.2 Regional 'Growth' Issues and impacts on Green Wedges

- Impacts of regional growth on Green Wedges as an implication growth (as identified in Plan Melbourne and Draft Regional Land Use Framework Plans) and the proximity of peri-urban Green Wedges to such is an area of constant tension. Council notes that except for the City of Hume's Green Wedge Zone, no permit is required for proposals to move and deposit soil on a site as a primary land use, unless the proposal has specific environmental impacts (e.g. changing the rate of flow of water). In some areas, overlays can provide limited control, however the issue of filling is secondary to the key requirements of the overlays. While existing planning and environmental legislation can be employed to address some of these issues, resolving the broader issue of soil and earth storage in our planning system would benefit from a regional approach.
- Nillumbik Shire is being impacted increasingly by the practice of soil dumping in our significant Green Wedge areas. Without proper control and/or the ability to carefully consider this activity, the dumping may result in irreversible damage and/or time consuming and costly rectification exercises, which affect our green wedge values. Of particular concern is the risk of potential damage being made to existing and future land used for food production, waterways and ecosystems. Nillumbik's proximity to the Northern Region Growth Corridor and future expansion of such compounds the issue of illegal soil dumping where ease of access makes the Green Wedge attractive when disposing of site fill from proximate growth areas.
- Council have advocated for the introduction of controls across all planning schemes to deal with the significant impacts on Green Wedges caused by the issue of illegal soil dumping, with the Municipal Association of Victoria (MAV) also in its submission to DELWP's Planning for Melbourne's Green Wedges and Agricultural Land: February 2021<sup>6</sup> identifying the ongoing issue of illegal soil dumping on Green Wedge and peri-urban council's and noting in regard to the consultation paper disappointment 'that the issue of soil dumping has been considered out of scope. A consistent state-wide approach is preferable to each council needing to address this individually. The MAV and councils have advocated for such an approach for some time'.

#### 5.3 Planning reform in the context of the 'Big Build'

- Since the introduction of Smart Planning Reforms, and then the introduction of the Victorian Big Build a series of amendments to the Victoria Planning Provisions (VPP's) and planning schemes have commenced (since 1 December 2020). The changes have been identified by the Minister for Planning to streamline the planning process and support economic recovery through the creation of jobs and the delivery of social and affordable housing. These changes were prompted by the unprecedented \$5.3 billion investment in social and affordable housing under the Victorian government's 'Big Housing Build' program which is set to deliver over 12,000 new dwellings and boost total social housing supply by 10 per cent.
- Amendments such as VC187 and VC190 have created a separate permit process for the
  development of housing projects (including apartments) by or on behalf of the Director of
  Housing and a planning permit exemption for projects funded under the Big Housing Build
  program. This comes as part of a series of other amendment that have been implemented into
  Planning Schemes to facilitate State government building and infrastructure spending
  initiatives, including amendment VC194 which sets out a new and significantly streamlined

https://www.mav.asn.au/\_\_data/assets/pdf\_file/0005/27239/MAV-Submission-Planning-for-Melbournes-Green-Wedges-and-Agricultural-Land.pdf

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approvals pathway for public projects, by introducing two new provisions to all planning schemes:

- Clause 52.30 (State projects), which allows the Minister for Planning to exempt defined infrastructure projects from planning scheme requirements; and
- Clause 52.31 (Local Government projects), which allows Councils to progress projects with a value of less than \$10 million without a planning permit.
- There is no obligation set out in Clause 52.30 for the Minister or the Department of Environment, Land, Water and Planning (DELWP) to provide any public notice or confirmation of any particular project obtaining designation as a 'State project'. The effect of the designation of a project is that it will not require a planning permit to be obtained, and will be exempt from any prohibition on use or development of that project.
- Importantly, the Minister for Planning retains flexibility within the controls to vary (or waive) some or all of the requirements relating to documentation and public consultation. Further, following approval of documentation, amendments to the form of the project can be approved by the Minister for Planning at any time. There is no consultation process explicitly contemplated in relation to the amendment of documents. Similarly, while there are consultation obligations set out in Clause 52.30 required after approval, but prior to commencement of the use or works, these can also be varied, or entirely waived by the Minister.
- The importance of community consultation and community expectations to have their views considered in planning matters has been significantly eroded by such amendments. Notwithstanding the need for larger infrastructure and building projects to avoid 'red tape', in Councils view the communities views have been effectively removed and this has created both mistrust and contempt in regard to State government projects/initiatives. This lack of consultation is in stark contrast to the requirements of local governments in regard to community consultation introduced through changes to the Victorian Local Government Act in March 2020, where it is mandatory for all councils to have a community engagement policy in place and such policy must identify a commitment to apply deliberative engagement practices as required by legislation. This in itself sets a transparent expectation by the community that they will be given adequate time for consideration of key matters (including planning matters) that may impact them.

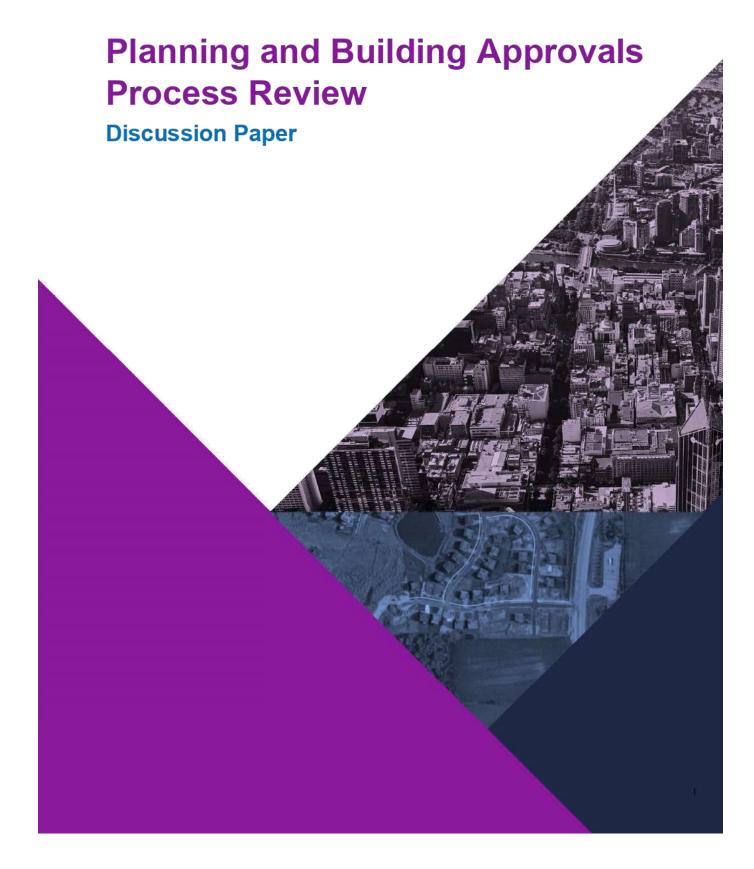
#### 5.4 Ensuring residential zones are delivering the type of housing that communities want

- Council note that in regard to any reforms 'one-size-fits-all' approach to zones which apply built
  form outcomes to all of Victoria (for example the General Residential Zone) where a 3-storey
  height limit is allowed is not useful in local government areas like Nillumbik where 3-storey
  development is very rare.
- The universal nature of the VPP provisions contributes to their inability to recognise local difference and achieve adopted strategic objectives.
- Council note that consideration of future reforms to the residential zones to facilitate housing
  to meet 'community wants' must not only have regard for market pressures, but must also
  have regard to the importance of tree canopy and urban heat island impacts.
- Canopy trees are a particularly important contributing element to the preferred character for both the Eltham and Diamond Creek Activity Centres, one which reflects both areas' landscape and heritage. Hence, Council's planning provisions for the activity centres strongly support the establishment of canopy trees in redevelopment of each centre, particularly as a means to modify the visual impact of larger buildings, including apartment buildings. It has been Council's experience, however, that it can be extremely hard to impress on applicants the need to adequately plan for canopy trees early in the design of apartments, which can both hinder the planning process and the quality of the final outcome. Too often designs proposed to place landscaping in highly constrained areas of a site, such as narrow side setbacks.
- Consistent with the above discussion, Council supports that residential zoning needs to strongly support landscape standards which aim to strengthen the need for landscaping, particularly canopy trees and to maximise the longevity, quality and benefits of the landscaping.

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- Attachment 1. Nillumbik Submission to Parliamentary Inquiry into Protections with the Victorian Planning Framework
  - Townships in Nillumbik are subject to the same urban heat effects as urban areas in more
    densely populated areas with the same issues of loss of canopy over time due to increasing
    urbanisation.
  - There is a fundamental issue where application of Bushfire Prone Area (BPA) mapping and
    planning scheme exemptions to clear for bushfire, result in constant 'tension' with actions to
    retain vegetation, given bushfire threat and exemptions. This demonstrates the importance of
    the continued application of the UGB and green wedge planning and should be a large
    consideration in the planning context.
  - Key directions in DELWP's draft Northern Land Use Framework Plan at Direction 26 identifies the need to 'increase urban tree canopy across the Northern Metro Region to achieve 27 per cent coverage by 2050' and further Direction 25 identifies the need to 'increase the network of cool places, particularly in areas with communities vulnerable to urban heat and areas with high urban heat'. Council support these initiatives however there is a focus on known sites of high urban heat which are a consequence of past decisions and new development. There is no acknowledgement of the ongoing land use decisions and practices which are creating the urban heat sites of the future through incremental subdivision.

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#### Foreword

This review has focused on how to eliminate unnecessary delays while improving the necessary scrutiny that planning and building applications need to ensure quality outcomes.

A planning system where approvals take far too long leaves all participants in the system frustrated about the outcomes and is clearly not working as well as it should. Building approvals that have not prevented a series of systemic problems are clearly in need of review.

This review has looked at the root causes for why planning and building approvals have become so complex and time consuming and, in many cases, less effective than they should be. This discussion paper has identified 27 points in the approvals chain where specific short and medium-term improvements can be made.

Many of these issues have been identified in the past and individual councils have already made significant efforts to address these. What is needed is adoption of best practices, reforming the rules and simplifying processes, along the entire approvals chain.

There are many decisions-makers involved along the pipeline and reforming the planning and building approvals system will require coordination across all of these. There is scope to improve the interactions between all decision-makers and potentially deliver a significant efficiency dividend as a result of these reforms

A range of estimates has been provided by various parties of the economic cost of avoidable delays in the \$33 billion construction sector. These appear to lie somewhere in the order of \$400 to \$600 million a year – or up to 2 per cent of the value of the sector. This would impact housing affordability and reduce delays and costs.

This discussion paper sets out what we have heard from stakeholders, the conclusions we have drawn from looking at the data and the analysis of council approvals processes being undertaken by PwC.

I would like to thank the advisory board of Bill Kusznirczuk, Kate Roffey and Radley de Silva as well as the review team for all their hard work on this discussion paper. Thanks are also due to the many councils, industry groups, associations of professionals and others with an interest in planning and building approvals for the time and guidance they gave us as we developed this paper. We look forward to their feedback.

Comments are being sought by Friday 15 November 2019 and can be submitted online at: www.engage.vic.gov.au/planning-and-building-approvals-process-review. A final report including specific recommendations on implementation will be submitted in December 2019.

Anna Cronin

Commissioner for Better Regulation Red Tape Commissioner



### This Discussion Paper

This discussion paper reports on the findings of the review of the planning and building approvals processes which was undertaken during 2019 by the Red Tape Commissioner, Anna Cronin, at the direction of the Treasurer, the Hon Tim Pallas MP, and the Minister for Planning, the Hon Richard Wynne MP.

The Terms of Reference for the review are in Appendix 1.

This discussion paper's findings and suggestions are based on consultation with a broad range of stakeholders and on the work of the review team which supported the Commissioner during the review

Feedback is sought on the suggestions for proposed improvements set out in this discussion paper to inform the final report, due in December 2019. This will include recommendations for short-term 'quick wins' as well as longer term reforms.

We welcome feedback by Friday 15 November 2019 on the proposed improvements set out in this discussion paper, in particular stakeholders' responses to the following questions for each proposal:

- · Are there benefits from this approach?
- · Are there other approaches which warrant consideration? What are they?
- Are there specific examples where these or similar approaches have already been adopted and, if so, what were the benefits of doing so?
- · Are there other factors that should be considered?

Comments can be submitted online at www.engage.vic.gov.au/planning-and-building-approvals-process-review.

As indicated in this report, there are several important parallel processes underway to reform particular parts of Victoria's planning and building system – most notably the foreshadowed review of the *Building Act 1993* and also the next stages of Smart Planning, VicSmart and the PSP 2.0 program.

It is envisaged that the final report will recommend an ongoing process to monitor progress in implementing its recommendations. As with previous reviews by the Commissioner for Better Regulation, this could be in the form of an annual 'check-up' on the progress being made. This will provide independent advice to Government and maintain momentum to implement measurable improvement in performance over time.



### Background to the Review

In March 2019, the Treasurer, the Hon Tim Pallas MP, and the Minister for Planning, the Hon Richard Wynne MP, directed the Red Tape Commissioner, Anna Cronin, to undertake a review of the planning and building approvals process and early works infrastructure approvals in Victoria. The Terms of Reference ask for the identification of 'opportunities to streamline these processes to reduce delays and costs without compromising the public interest'.

This review has been supported by an Advisory Board of planning and building experts comprising:

- Bill Kusznirczuk, Managing Director of Clement-Stone Town Planners, Deputy Chairman of the Victorian Planning Authority (VPA), Advisory Board Member of the Office of Projects Victoria and former Chairman and Chief Commissioner of the Victorian Building Authority (VBA);
- Kate Roffey, Director at the City of Wyndham and former Chief Executive Officer of the Committee for Melbourne; and
- Radley de Silva, former Chief Executive Officer of the Master Builders Association of Victoria (MBAV).

The Advisory Board has met monthly since March 2019 and, in addition to providing valuable guidance and insight into the planning and building processes, has supported the development and preparation of this discussion paper. The Advisory Board will continue to support this review to deliver the final report to the Treasurer and the Minister for Planning.

The process for conducting this review has included:

- · extensive stakeholder consultation;
- · mapping of council planning and building approval processes;
- a series of policy workshops; and
- · the release of this discussion paper.

#### Stakeholder consultation

A broad cross-section of stakeholders is interested in this review. Stakeholders that have been consulted and have contributed their views and experiences include:

- · industry associations;
- councils;
- referral authorities;
- · developers, building practitioners and consultants;
- · government departments, agencies and regulators; and
- professional practitioners and other experts.

Consultation has been undertaken through one-on-one and group meetings, site visits, presentations to relevant groups and at other forums.

Regular meetings have been held with representatives from the peak industry associations, including the Urban Development Institute of Australia (UDIA), the Property Council of Australia

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(PCA), the Housing Industry Association (HIA) and MBAV and with the Planning Institute of Australia (Victorian Division) (PIA). Written submissions, case studies and other materials have been received from these stakeholders and many others.

Wider consultation was facilitated through an invitation to provide feedback by completing an online survey or providing written submissions.

#### Mapping council processes

PricewaterhouseCoopers (PwC) was engaged to map council planning and building approval processes. This task, which was undertaken between June and August 2019, involved face-to-face consultations with relevant teams within councils as well as a number of follow-up meetings.

Thirteen councils participated in the mapping activity. These councils were a representative sample from a mix of geographical areas including metropolitan, growth areas and regional cities.

#### **Policy workshops**

In August and September 2019, four workshops were held with key stakeholders to canvas views on key issues. Two workshops were held with councils, one with referral authorities and one with planning experts. Further briefings of key stakeholders will be held before the final report is submitted in December.



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### **Glossary**

AER Australian Energy Regulator

AIBS Australian Institute of Building Surveyors

ATS Amendment Tracking System
BAB Building Appeals Board

BAMS Building Activity Management System

CAV Consumer Affairs Victoria
CEO Chief Executive Officer

DBDRV Domestic Building Dispute Resolution Victoria

DCP Development Contribution Plan

DELWP Department of Environment, Land, Water and Planning

DJPR Department of Jobs, Precincts and Regions
DTF Department of Treasury and Finance

DTF Department of Treasury and Finance
EES Environment Effects Statement

EPBC Act Environment Protection Biodiversity Conservation Act 1999

ESC Essential Services Commission

GAIC Growth Area Infrastructure Contribution

HIA Housing Industry Association ICP Infrastructure Contribution Plan

IT Information Technology
KPI Key Performance Indicator
LGV Local Government Victoria
LPP Local Planning Panel
LIV Land Use Victoria

LUV Land Use Victoria

MAV Municipal Association of Victoria MBAV Master Builders Association of Victoria MSA Melbourne Strategic Assessment NCC National Construction Code **PCA** Property Council of Australia **PEXA** Property Exchange Australia PIA Planning Institute of Australia Professional indemenity insurance PI insurance

PPARS Planning Permit Activity Reporting System

PPV Planning Panels Victoria
PSA Planning Scheme Amendment

PSP Precinct Structure Plan
PwC PricewaterhouseCoopers
RBA Reserve Bank of Australia

RCTP Rural Councils Transformation Program

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RFI Request for Information

RPS Regional Planning Services (DELWP)

SARA State Assessment and Referral Agency (Queensland)

SDO Service Delivery Obligation

SIC Service Improvement Commitment

SPA Staged Payment Agreement

SPEAR Surveying and Planning through Electronic Applications and Referrals

SRO State Revenue Office

TAFE Technical and Further Education

UDIA Urban Development Institute of Australia

UGZ Urban Growth Zone

VBA Victorian Building Authority

VCAT Victorian Civil and Administrative Tribunal
VLGA Victorian Local Government Association
VMBSG Victorian Municipal Building Surveyors Group

VPA Victorian Planning Authority

VPELA Victorian Planning & Environmental Law Association

VPP Victoria Planning Provision

WIK Work in Kind

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### Overview

This overview provides the context for this discussion paper.

The paper sets out a four-stage framework for understanding the nature of planning and building approvals processes and then explains how unnecessary delays and costs impose substantial constraints on the construction sector – and the impact of these delays and costs on the supply of land and on housing affordability in Victoria.

Proposed improvements to the approvals system to reduce delays and costs are outlined in this discussion paper with a focus on 27 specific aspects of the approvals framework.

#### The importance of planning: balancing private and public interests

The choices Victorians make about how to use their land and what to build on it are regulated through the planning and building system, created by the *Planning and Environment Act 1987* (Planning and Environment Act), the *Building Act 1993* (Building Act) and the *Subdivision Act 1988*.

The objectives of the Planning and Environment Act and the Building Act are supported by planning and building systems designed to deliver a range of economic, environmental and social benefits.

Owners of land must go through formal processes to obtain approval to:

- change the rules about how they can use and develop their land, such as rezoning their land from agricultural to residential or commercial (strategic approvals);
- change the use for their land under the existing rules, such as obtaining a permit to build a second dwelling on a residential lot (permit approvals);
- meet conditions required by a permit or variations to the terms of a permit, such as making a
  minor variation to the design of a building or approvals from other authorities, such as
  electricity distributors (post-permit approvals); and
- · commence, progress and complete building works (building approvals).

These four stages are illustrated in Figure 1. Each stage involves balancing the interests of the private individual and the public interest. Not all users necessarily move through each stage. Nonetheless, as illustrated in Figure 1, at each stage:

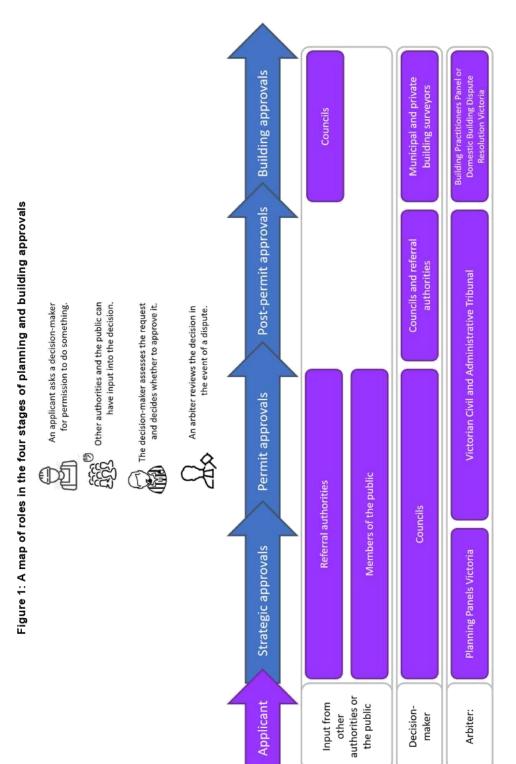
- · the user seeks approval from a decision maker;
- the decision maker will seek input or sometimes further approvals from other authorities or the public; and
- in the event of a dispute, there is an arbiter that can provide a second opinion or, in some cases, a binding resolution.

It is worth noting that the Minister for Planning must approve any planning scheme amendment adopted by a council and can "call in" permits in some sitations.

Decision makers approving proposals are required to consider the public interest so that the intended uses of land and buildings:

- are consistent with the planning and building rules and objectives;
- · achieve their intended economic, environmental and social benefits; and
- deliver efficient supply of land for residential, commercial and industrial development to meet the housing and employment needs of Victorians now and into the future.





This is a stylised representation of the most common configuration of these roles. For example, technically the decision maker at the strategic approvals stage will be whichever 'planning authority' has been delegated that role by the Minister for Planning, and the decision maker at the permit or 'statutory' approvals stage will be whichever 'responsible authority' has been delegated that role.

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#### The impact of delays on the economy and housing affordability

Approvals processes necessarily involve decision makers taking time to assess whether applications meet the requirements of the planning and building system. In some cases, additional time may be necessary to make a decision because the quality of information provided is not adequate.

The Victorian current planning approvals processes have accumulated over many years. The planning legislation, *Victoria Planning Provisions* and local planning provisions have been added to over time with the approvals system now containing many layers of State and local government policies, standards and requirements. There are many decision-making authorities in the mix and users can incur significant costs and delays as they navigate the system. These costs and delays are at risk of growing larger over time given prevailing pressures of the system.

This discussion paper identifies opportunities to improve planning and building approval processes, without undermining the intent of the regulations or rules which underpin them. In other words, this discussion paper proposes initiatives which will reduce administrative burden ('red tape') while ensuring that the objectives of State and local governments are maintained and respected.

Unnecessary delays in these processes have significant impacts, such as:

- keeping families in the private rental market for longer periods than necessary while they
  incur significant costs (waiting for work to start on new homes or to move into housing that
  has been constructed);
- putting upward pressure on house prices and rents;
- increasing the costs of getting the necessary permits approved for all types of construction, including commercial and industrial; and
- developers incurring significant additional holding and opportunity costs (these costs have been the focus of many of the submissions we have received).

Reducing delays in these approval processes can therefore generate jobs and underpin further growth in Victoria's \$33 billion construction sector as well as deliver improvements in housing affordability. Process improvements are needed not just to make the system more efficient, but also to make it more flexible – Victoria's planning and building system will continue to face pressure from significant growth in housing activity, driven by population growth, and the changing nature of housing demand.

#### The scale of the construction sector and the benefits of reducing delays

Planning approvals are the key gateway that can limit, delay or facilitate the development of land, buildings and infrastructure. The most immediate benefit of improving planning and building processes is a reduction in the delay costs incurred by the construction sector (and those involved in residential, commercial and industrial development), and the corresponding economic growth and employment that the sector creates (see Box 1).

<sup>&</sup>lt;sup>1</sup> Each of Victoria's municipalities has its own planning schemes, which contains statewide provisions drawn from the reference document *Victoria Planning Provisions* as well as municipal-level provisions. See Part A for an overview of these and other components of planning schemes, as well as the process for planning scheme amendments to keep these up to date.



### Box 1: Victoria's construction sector in three charts (Source: Australian Bureau of Statistics (ABS) data)

Over the last ten years, the construction sector's contribution to Victoria's gross value added has increased steadily from around \$24 billion (see Figure 2) to around \$33 billion, with a relatively stable mix of engineering, residential and non-residential construction (see Figure 3). The sector's contribution to Victorian jobs reflects the industry's cyclical nature, rising and falling between 8 and 10 per cent of total employment over the last decade (see Figure 4).

Figure 2: Gross value added by the construction sector, \$ millions, 2009-2018

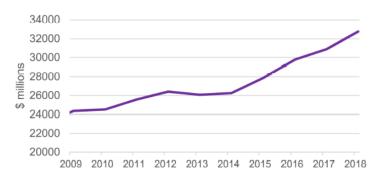


Figure 3: Construction work done, Victoria (share of total value), 2009-2019

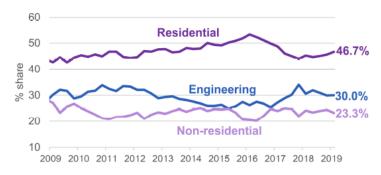
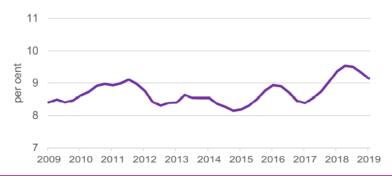


Figure 4: Construction sector's share of total Victorian employment (four-quarter moving average), 2009-2019



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The sheer size of the construction sector and its significance to the Victorian economy mean that while the total costs attributable to planning and building approvals processes can be difficult to quantify, they are likely to be large. The PCA, in a submission to this review, estimated that improving referrals and providing better resources to councils could reduce delays in all dwelling approvals by around one week, unlocking around half a billion dollars in value added to the Victorian economy each year. Similarly, SGS estimates that the potential benefits from improvements in planning and building processes could be from \$400 million to \$600 million per year, based on their analysis of delay costs faced by developers.

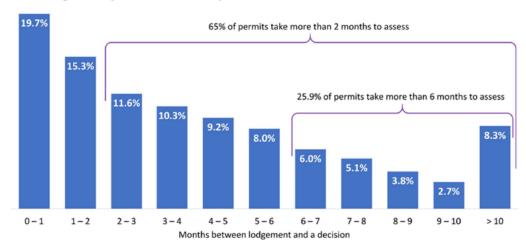
This estimate is based on the foregone rental yield that residential and commercial developments could otherwise be expected to generate. For commercial developments, for example, SGS estimates that the cost of a day's delay could be as high as \$50,000 per day for a single high-rise commercial development. Reducing the time taken to approve developments of this type by a month could save \$1.5 million for just one development.

The delay costs in the context of residential development are comparable. SGS estimates that the cost of a day's delay to an applicant can range from around \$70 per dwelling per day for low-rise dwellings to around \$180 per dwelling per day for high-rise, high quality development.

ABS data show that there were around 75,000 dwelling units approved in Victoria in 2017-18, of which around 46,500 were for new dwellings, including 19,500 high-rise dwellings. Using the SGS figures as estimates of the average delay costs for low- and high-rise residential dwellings suggests that for each additional day taken to approve residential permit applications for new dwellings as a category, applicants incur total delay costs of \$7.6 million.

Planning Permit Activity Reporting System (PPARS) data suggests that of all residential permits for new dwellings in Victoria in 2017-18, almost two-thirds took more than two months to assess, a quarter took more than six months to assess, and nearly one in ten took more than ten months to assess (see Figure 5). If process improvements reduced the time taken to approve permits in this category by an average of one month, this would equate to around \$200 million in avoided delay costs.

Figure 5: Proportion of permit applications for new residential dwellings processed, by gross days taken to assess permits





With large delay costs, long timeframes and so many permits in the system, small process improvements can quickly build up into large benefits.

In the permit approvals stage, for example, PwC's mapping of council processes for this review identified a number of 'best practices' where councils could focus their improvement. Preliminary analysis by PwC estimates that applying just five of these best practices to a subset of permit applications could generate benefits of up to \$100 million per year in avoided administrative and delay costs by:

- · engaging earlier with referral authorities through pre-application processes;
- sending referrals and requests for information concurrently;
- better coordinating and managing internal referrals and assessment;
- · adopting best practice delegations; and
- processing applications online with a system that applicants can view.<sup>2</sup>

PwC's estimated benefits are conservative because they only apply to a subset of applications and do not account for:

- the broader benefits of improved economic growth and employment in the construction sector; and
- any additional utility for applicants from faster processing of their applications (for example, making it easier for developers to make investment decisions with confidence in the likely timeframe for an outcome, helping families move into their new homes sooner).

Other benefits and reductions in delays will also be generated by improvements proposed in the other three stages of this discussion paper, contributing to the total potential savings of up to \$600 million

The potential benefits of process improvements in the planning and building system highlight the importance of continuing to invest in programs that support productivity improvements. These can yield substantial benefits for those using and administering the planning system, the construction sector, and for the Victorian economy as a whole. See below for a discussion of existing government initiatives.

### The impact of approvals processes on housing affordability

The delay costs discussed above put significant upward pressure on house prices. The SGS submission to the Council on Federal Financial Relations (*Affordable Housing Working Group Issues Paper*) in March 2016 identified efficient development assessment processes and standards as one of four major building blocks for improving housing affordability.

Delays in planning processes can also impact on housing affordability by slowing the release of land for development – previous work by the Reserve Bank of Australia and the Productivity Commission has identified the complexity of planning and its approval processes as a key constraint on land supply. These impacts vary in different parts of the housing market (see see below).

<sup>&</sup>lt;sup>2</sup> PwC generated these estimates using PPARS data and the method used for SPEAR to estimate delay costs, by applying this to subdivision applications, as well as the other application types where delay costs were most likely to be relevant (for example, single dwelling, multi-dwelling and one or more new building applications).



The Australian Housing and Urban Research Institute, in its report on housing supply responsiveness in Australia (May 2017), found that often the most important aspect of the planning system for developers was the certainty and consistency of advice provided by planning officers.

#### Supply of housing

Inner-city apartments

The boom in inner-city apartment developments over the last five years has been dramatic: Southbank, Docklands and the Central Business District have seen rapid growth driven by a high level of investor and overseas interest. These factors have ebbed in recent times and the focus has recently shifted to medium-rise apartment developments close to middle suburban activity centres.

The emergence of problems with use of non-compliant flammable cladding, construction defects and other issues has dampened buyer enthusiasm and placed pressure on industry to maintain higher standards.

Land supply in the middle suburbs

DELWP produces the Urban Development Program each year, providing a detailed analysis of the location and scale of approved developments across the metropolitan area. A partner report looks at the industrial land supply and a third looks at the greenfields development outlook.

DELWP has also produced a retrospective analysis of where developments have occurred over the last decade. This has indicated that policies to encourage higher densities around major activity centres has been largely successful. These developments have boosted price competition resulting in more affordable housing and increased amenity with population growth leading to revitalisation and improved liveability.

There is currently no government target for 'build ready' land across all the established urban areas of Melbourne and major regional towns. To promote more competition and provide stability to the development process it has been suggested that there should be a target to reach two years of build ready land in the urban market.

Land supply in regional towns

Most regional cities have significant land zoned for development, compared to current levels of demand. The growth of regional centres is less constrained by housing supply than by availability of jobs and the frequency of transport links to larger centres.

## Greenfields land supply

Over the last three years the Victorian Planning Authority provided funding through the Streamlining for Growth program and has assisted 26 regional councils to design their development plans. Historically Melbourne has enjoyed lot prices below the national average, and below those of lots in Sydney. This has been supported by the Victorian Government's forward planning to provide large areas for development and maintain a competitive greenfields lot market, which depends upon maintaining:

- an adequate long-term supply of land that is zoned for development; and,
- sufficient short-term supply of subdivided lots available for purchase.



However, the period from 2014 to 18 shows that land supply needs to be able to respond quickly to rising demand in order to meet the Government's objectives. Any unnecessary delays in approval processes stymie a swift response.

The Government has a long-term planning target of providing 15 years' supply of zoned land with a Precinct Structure Plan (PSP) in place, and a short-term target of having four months' supply of lots available for sale at any given point in time (see Part A for discussion of delays in the PSP process). Since 2018, the supply of zoned land has been around the 15-year long-term target (see Figure 6).

20 16 PSP Approved Land Supply (years) 15.7 15.3 14.1 14.1 12 8 4 0 2009 2010 2011 2012 2013 2014 2015 2016 2017 2018 2019\*

Figure 6: Victoria's supply of PSP-approved land in growth corridors

\*Estimated. Assumes average consumption of 15,500 lots p.a. Source: Research 4, Nation Market Report

However, from 2014 to 2018, the supply of subdivided lots available on the market fell far short of the four-month short-term target (see Figure 7).

<sup>3</sup> Homes for Victorians, February 2017.



2013

2014

Greenfield Lot Supply

Target

Figure 7: Melbourne's supply of greenfield lots, 2013-2019

2015

Source: Research 4, Nation Market Report

At one point, there was less than two weeks' supply on the market – subdivided lots were effectively selling as soon as they were available. Although the supply of lots for sale has now

2017

2018

2019

returned to the Government's target of four months, the sustained period of high demand had a significant effect on lot prices. By mid-2018, the median lot price in Melbourne had increased 55 per cent in two years and had exceeded the national average (see Figure 8).

2016



Figure 8: Median lot prices, Melbourne and other selected capital cities, 2013-2019

Source: Research 4, Nation Market Report

Had planning approvals processes for approving subdivisions been faster, supply would have been able to respond more quickly and the impact on Melbourne lot prices could have been mitigated. This example highlights the need to reduce any unnecessary delays in Victoria's planning and building approvals, and to improve its ability to adapt to changing trends in housing demand.



# Housing demand: rising in line with population and changing to reflect shifting preferences

The record demand for housing over the last five years has placed a great deal of pressure on the planning and building approvals system, with record demand for the approval of new lots in greenfield growth corridors and high-rise apartments in central Melbourne as well as growth in medium-rise apartments near suburban activity centres.

ABS data shows that Victoria's population growth has outpaced other states, with Melbourne growing faster than all other capital cities at 2.5 per cent in the last calendar year. In 2017, *Plan Melbourne 2017-2050* projected a statewide population increasing from six million in 2016 to 10.1 million in 2051: eight million of whom would live in Melbourne. These estimates are based on average population growth of 100,000 a year, which has been eclipsed in recent years with population growth averaging around 140,000 in each of the last three years.

The *Victoria in Future* July 2019 report projects a population of 11.2 million by 2056. Victoria's population has been growing faster than any other state or territory and this trend is predicted to continue. A third of this increase will come from natural growth and two-thirds from interstate and international net migration.

To deliver the housing supply required to meet *Victoria in Future* population growth forecasts, the Urban Development Institute of Australia (UDIA) estimates that up to 68,000 new dwellings would need to be built each year.

Population growth has driven strong growth in housing demand, as seen in Victoria's dwelling approvals over time (see Figure 9). Up until the late 1990s, annual dwelling approvals in Victoria were trending at around 30,000 per year. Since the late 1990s, there has been a steady increase in that trend from 30,000 per year to around 70,000 per year, peaking in 2018 with around 75,000 dwelling approvals.

Figure 9: Long-term trends in dwelling approvals

Source: ABS data



As depicted in Figure 9, dwelling approvals grew rapidly from 2014 to 2018, which put great stress on the planning system as developers in each market rushed to get their projects approved.

Over the last 12 months there has been a correction back to around 60,000 dwelling approvals, which has been attributed to several factors:

- tighter loan conditions being applied by the Australian Prudential Regulation Authority;
- changes in policies on approved borrowers arising from the Hayne Royal Commission; and
- a slow down in overseas investment in Victorian housing following controls on transfer of funds.

This recent dip in dwelling approvals presents a timely opportunity to streamline the approvals system. Streamlining the approvals will strengthen the system's capacity to deal with the longer-term growth trend driven by ongoing strong population growth and the expectation that, in the long term, demand for new building approvals will remain high.

### The changing nature of housing demand

Changing demographics have also driven a change in the type and location of housing in demand. There has been a strong shift away from traditional family homes on large blocks to a more diverse range of housing styles – including apartments, townhouses and homes suited to smaller family units. Despite record demand in the growth corridors, the proportion of sales there has declined due to a significant expansion in the number of high-rise apartments in central Melbourne and medium-rise apartments near suburban activity centres.

Changes in the type of housing in demand is reflected in the trend towards increasing density of housing, seen in the rapid rise in approvals for houses (including semi-detached, row or terrace houses and townhouses) with two or more storeys and flats, units or apartments with four or more storeys (see Figure 10).

25000 Annual dwelling approvals 20000 15000 10000 5000 0 2012 2013 2014 2006 2 666 201 Houses (two or more storeys) Flats, units or apartments (four or more storeys) – Houses (one storey) Flats, units or apartments (up to three storeys) Source: ABS data.

Figure 10: A tale of two decades - the shift in housing demand towards higher density



As noted above home buyer preferences have changed towards more affordable options including houses on smaller lots, town houses, and medium- and higher-density developments close to town centres, employment and transport hubs.

# The causes of delays

In seeking opportunities to improve the planning and building permit approvals processes, this review has:

- heard from a wide range of users and administrators of the system about what causes delays in the planning and building approvals process;
- considered more than 30 past reports into the planning and building approvals process in Victoria and elsewhere; and
- explored best practice approaches in other Australian states and territories and overseas, including those in Queensland, South Australia and Scotland.<sup>4</sup>

In doing so, we have developed an understanding of specific causes of delays in each of the four stages of the system, and these are explained in each of parts A, B, C and D. However, our consultations and literature review also revealed the systemic nature of the causes of delays, many of which have been raised consistently since the 1990s and persist today, including that approvals processes simply take longer than they should (see Box 3).

#### These include:

- disproportionate and inconsistent requirements for users to meet at each stage of the process;
- more decision points or decision makers than are necessary to support the intent of the regulations;
- unnecessary process steps or steps that could be better coordinated (see Box 4);
- · complicated, overlapping and sometimes contradictory policy settings;
- unclear information for users about what they need to do to meet those requirements;
- insufficient resources and skills for those administering the system;
- · a lack of user-focused culture in organisations administering the system;
- limited adoption of best-practice processes and technology to manage internal processes or provide users with access to information; and
- too little transparent monitoring and accountability for performance.

The fact that these problems persist over time demonstrates the importance of regularly pursuing new opportunities for improvement, or different ways of trying to make the most of opportunities that have already been identified.

<sup>&</sup>lt;sup>4</sup> See, for example, Better Decisions Faster (DSE 2003), Housing Regulation in Victoria Building Better Outcomes (VCEC 2005), Cutting Red Tape in Planning (DSE 2006), the 'Underwood Review' – Victorian Planning System Ministerial Advisory Committee Initial Report (2011), Compliance with Building Permits (VAGO 2011), Victoria's Consumer Protection Framework for Building Construction (VAGO 2015), Managing Land Use and Development (VAGO 2017), and Building Confidence – Improving the effectiveness of compliance and enforcement systems for the building and construction industry across Australia (Peter Shergold and Bronwyn Weir, 2018).



## Box 3: Avoidable delays - why do some decisions take so long?

A common systemic complaint is that council and government agency processes simply take a lot longer than they should. Typical examples of unnecessary delays referenced by stakeholders include:

- key decision makers going on leave, without any process to resolve current cases until their return;
- the need for decisions to be signed off by a succession of people, involving delays at each stage;
- files being mislaid or allocated to the wrong staff;
- contradictory advice, sometimes from the same agency or from two agencies which are then
  unable to resolve their differences, leaving no process or ability for the affected applicant to
  intervene; and
- receiving email advice that approval had been signed but not receiving the formal document granting approval.

The PCA cited one example which included several of the above problems in succession, causing great frustration and significant delays for the applicant.

### Box 4: Opportunities to build concurrent and better integrated approvals processes

Many of the planning, building and referral processes in the system are sequential: that is, process steps only start once the previous step is complete.

For example, the assessment of a planning permit application may need coordination of internal referrals to a council's engineers, traffic management and environment staff and consultation with building staff and external referral agencies, such as a water authority or VicRoads. Often this input is considered sequentially rather than concurrently, with obvious impacts on the time taken, and in some cases resulting in planning permits needing to be amended or resubmitted.

An example of problems created by not coordinating internal referrals was provided to the review. It referred to a municipal building surveyor who was not consulted at the beginning of an application process. This meant that the building requirements for building on flood-prone land were not identified until late in the process which resulted in the project being completely changed and requiring a new planning permit.

The mapping which was undertaken for the review confirmed the value of pre-application meetings with proponents, early engagement with relevant council staff (including those involved in any likely internal referrals) and external referral authorities as a way to improve the quality of decision making and reduce delays. Consolidating council planning and building staff into a 'development branch' located in one council office was an example of 'best practice'. Co-location can deliver faster, well-coordinated and consistent processes for internal and external referrals (see parts B and C).

# System-wide improvements to address persistent problems

Each of the improvements proposed in this discussion paper targets at least one of the causes outlined above. This review has also identified some bigger-picture opportunities for improvement that provide support at a whole-of-system level. These include:



- extending existing programs to support councils and simplifying system requirements;
- providing additional resources and training programs to address shortages, and focus on upskilling of planning and building practitioners;
- creating an end-to-end performance reporting system; and
- · undertaking a review of planning legislation.

### Extending programs to support councils and simplify system requirements

The review notes that the Victorian Government is already implementing a number of initiatives to address some of these issues, including:

- the Small Business Better Approvals program (which focuses on introducing a user-focused culture and creating concierge and concurrent approval processes within councils for small business – see Box 5);
- the Rural Council Transformation Fund (which has funded programs where councils receive incentives to collaborate with other councils to improve internal systems);
- the Streamlining for Growth program (which has been used in some cases to provide training
  to upskill councils in their administration of strategic planning matters and implement new
  process management techniques see Box 6); and
- DELWP's Smart Planning program (which has succeeded in identifying and implementing opportunities make the system's requirements simpler, more consistent, more proportionate and more accessible).

These initiatives have helped improve council operations and planning approval processes. This review supports extending and integrating programs like these to improve the effectiveness of Victoria's ongoing investment in the planning and building system's needs. Meeting those needs is a matter of continuous improvement, rather than a set-and-forget approach.

## Box 5: Better Approvals

Small Business Victoria's 'Better Approvals' program has seen substantial progress made in the way councils provide approvals to small business start-ups and operations.

This approach is based on a 'concierge model' where an applicant is given a single point of contact at the council who helps them navigate the council's approvals process. The objective is to end the 'nightmare' of an applicant, in this case a small business, being repeatedly referred from one officer to another, each time having to repeat their request and often submit similar paperwork. The Better Approvals approach also provides opportunities for approvals to be assessed concurrently.

There are key components of the Better Approvals process that could readily be adapted by councils and referral authorities to planning processes, including pre-application meetings, concierge approaches and concurrent assessment (see Part B). Post-permit approvals were noted by many stakeholders as being particularly difficult to deal with – a lack of feedback and responsiveness and accountability from decision makers was more evident in these stages (see Part C).

The potential benefits from applying a Better Approvals approach to planning processes are highlighted by the review's findings that, in general, faster approval times are delivered when preapplication stages (including meetings) are embedded in council processes and when there is a focus on coordinating processes concurrently.



### Box 6: Streamlining for Growth

The Streamlining for Growth program is administered by the Victorian Planning Authority (VPA). It was established in early 2016 as a post-PSP approvals program providing targeted funding and resourcing assistance to growth area councils. The program is designed to coordinate the efforts of all parts of the Victorian Government, local government and the private sector to deliver better outcomes for the fastest growing areas of the Victorian community.

Streamlining for Growth has received a total of \$24 million in funding since 2016 to support 169 projects across Victoria. Assistance provided includes grant funding (54 per cent of projects), provision of consultants (35 per cent) and VPA staff time (11 per cent). 47 per cent of funding has been for projects in metropolitan growth areas, 34 per cent to projects in other metropolitan areas and 19 per cent has been for projects in regional councils.

A recent evaluation of the program by consultants ACIL Allen found that it delivered savings of \$8 for every \$1 spent. The total estimated saving was \$170 million to \$210 million in land holding cost savings, including \$69 million in red tape reduction. Programs like this should continue to be prioritised for investment in improving the planning approvals system.

# Providing additional resources and training programs to address shortages of planning and building practitioners

Capacity issues in councils were the focus of a number of submissions to the review. As mentioned above, various current government initiatives are focused on building capacity and capability in councils, and this review proposes to build on those initiatives.

The review found that decision makers for planning and building approvals (particularly council planners) feel that they lack the time and resources to thoroughly consider and balance all relevant matters in a timely fashion. Many delays in planning approvals are attributed to a shortage of planners – particularly in regional and outer metropolitan Victoria. Another example given was that too often a planner is given half a day to prepare a report when, in the interest of fully informed decisions, several days should be allowed.

Shortages of planners – and building surveyors and inspectors – was a frequently cited reason for delays and inefficiencies in the planning and building approvals systems. As noted above the VPA has provided strategic planning support for councils through its core work program and the Streamlining for Growth program. In some cases, the VPA undertakes strategic planning on behalf of the council.

Councils often have difficulty retaining planners with examples given to the review of the stresses of working on the front counter and dealing with the complexity of the system.

Several suggestions have been made about how to address these problems, including the use of contract planners, better training and upskilling for planning and building staff, and creating new professional development opportunities and career advancement pathways.

This review proposes additional planning resources to assist regional councils with planning application complexity and workload, and to support council officer training (see B2).

To increase the supply and capability of building surveyors and inspectors, the review suggests a number of initiatives including:



- bridging courses for builders, engineers, architects and project managers who may wish to transition into building surveying and inspection work; and
- strengthening the quality of prescribed courses, including offering a mandatory unit of study
  on the National Construction Code requirements (as recommended by the Shergold and Weir
  Report, Building Confidence Improving the effectiveness of compliance and enforcement
  systems for the building and construction industry across Australia (see D1)).

Given the ever-changing nature of the planning and building system, measures such as these should be complemented by efforts to promote continuous improvement in the skills of those administering the system – for example, through continuous professional development for planning and building practitioners in relation to their role in this system. The proposal in the *Local Government Bill 2019* to require candidates and councillors to undertake training could be used to improve councillors' understanding of their role in the planning system.<sup>5</sup>

Concerns were also expressed about the level of experience available to consider referrals in authorities such as VicRoads (and its successor bodies). It was suggested that staff often lacked the detailed experience necessary to give authoritative answers and that many of the referrals could be dealt with by councils through the use of codes to improve timeliness of responses and give referral authority staff more time to focus on the more significant proposals, where, for example, safety issues require attention (see B8).

# Creating a comprehensive planning performance reporting system

A consistent feature of almost every previous report on the planning and building system is the need for greater transparency and accountability for performance, and it remains a priority issue for many of the stakeholders consulted in this review.

DELWP already maintains a database of council-reported performance in approving permit applications – PPARS – which is used to produce public quarterly reports, and Local Government Victoria (LGV) maintains the Know Your Council website based on PPARS data. DELWP has also recently introduced, as part of a Smart Planning initiative, the Amendment Tracking System (ATS) to assess the performance of authorising, assessing and approving planning scheme amendments. The Surveying and Planning through Electronic Applications and Referrals (SPEAR) system used for subdivision approvals also has tracking and monitoring capabilities.

While the data provided by these systems is not comprehensive across all decision-making points in the planning approvals system, it provides a strong foundation for a more comprehensive monitoring and reporting system. At present there is no systematic monitoring and public reporting of the real time taken in approval processes for post-permit approvals. The Victorian Building Authority (VBA) gathers a range of data relating to building permit approvals. However, it is somewhat limited as the data is not currently integrated with monitoring or reporting at other stages of the process and does not necessarily focus on timelines and delays (see Figure 11).

<sup>&</sup>lt;sup>5</sup> https://www.localgovernment.vic.gov.au/our-programs/local-government-act-review



Figure 11: We cannot improve what we cannot see - the current state of performance monitoring and reporting in Victoria's planning and building system

#### Strategic approvals

Through the Amendment Tracking System we monitor, but do not yet publicly report

- DELWP's assessment of an amendment submitted to the Minister for approval, including time between submission and assessment. assessment and recommendation, and recommendation and final approval;
- time taken by Councils in their role as
- planning authorities; or time take by Planning Panels Victoria in their role in reviewing any contested amendments

#### Permit approval

Through PPARS, we monitor and publicly report on:

- the time taken from lodgement of an application to a Council's decision regarding that outcome;
- the time taken from lodgement of an appeal to VCAT to a decision being made by VCAT; whether or not an application involved
- requests for information;
- whether or not an application involved

We do not systematically monitor and publicly report on:

- time taken at specific critical stages in Council's assessment of applications (e.g. time from lodgement to first request for information, or time taken from planning officer's recommendation to final decision);
- the number of requests for information or external referrals
- associated with an application; or referral authority timeframes for deciding on referred matters or for issuing requests for information.

#### Post-permit approvals

There is limited collection of data on the time taken to provide post permit approvals, grant permit variations and obtain approvals from other authorities — and almost no public reporting.

As these delays can add many months to a permit-holders plans to begin work, it is desirable to ensure accountability by adding public reporting obligations including:

- time taken by Council to approve finalised plans;
- delays in approving variations to permits; and
- performance of referral authorities in providing consent that conditions have been met

Data should be collected on the timeliness especially in relation to EPBC and heritage approvals

Currently there is quarterly reporting by electricity distribution businesses on the time taken to complete four stages of the connection process, as part of the ESC Service Improvement Commitment (see

### **Building approvals**

The VBA's Building Activity Management System started on 1 July 2019, and is collecting data on a number of measures

- date of application for a building permit;
- date of issue of building permit; date of any mandatory inspections;
- date of issue of occupancy permit.

There is an opportunity to integrate this data into a whole-of-system performance monitoring and reporting framework.

There is, therefore, an opportunity to create a whole-of-system monitoring and reporting framework by improving PPARS and the ATS to provide a deeper understanding of what drives delays and costs in approvals processes to, for example:

- identify the time taken at individual stages of the approvals process (such as from lodgement to first request for information, or from last referral to application outcome), rather than simply the date an application was lodged and the date an outcome was decided;
- provide the capability to routinely report on total timeframes for an application including any amendments, rather than treating any amendments as a separate application;
- report on the number of requests for further information and how long it took for those requests to be addressed; and
- report on referral authority timelines and progress towards reducing the number of referrals required (as recommended in DELWP's Referral and notice provisions Planning Practice Note).

In addition, monitoring could be improved by measures to:

- extend PPARS monitoring of councils and referral authorities from the permit approvals stage into the post-permit approvals stage (in the case of electricity distributors, this should involve integrating the data already being reported as part of the Service Improvement Commitment);
- introduce public reporting requirements for building and occupancy permits including, for example, the date a permit was requested and the date it was issued, along with timeframes for any requests to and responses from reporting authorities, the date and number of inspections, any notices and orders, and the date the occupancy permit was issued.

This review acknowledges that investing in datasets and reporting processes is not costless and that any new requirements for DELWP, councils, referral authorities or building practitioners to report data need to be proportionate to the benefit of being able to better understand the



bottlenecks in the system and how best to improve them. This review considers those potential benefits to be substantial given the current availability and quality of data relating to approval processes.

The mapping and anlaysis of council processes being undertaken by PwC has found that there is wide variation in the workflow tracking or management systems used by councils. Some have relatively detailed and sophisticated systems, while others do not have the facilities to easily report the type of data noted above. Assisting councils to upgrade their IT systems and management techniques, as proposed in Part B, would therefore expedite approvals processes and facilitate an improved monitoring and reporting system.

### Undertaking a review of legislation

This review is limited in scope to the approvals processes, rather than the system's overarching legislative framework. However, many of the issues raised highlight that the Planning and Environment Act is now 30 years old and in need of review.

Both users of the system and those that administer it raised issues that occur from overlapping or outdated provisions, too much specification of detail in legislation or poor integration between the Act and other legislation. Similarly, some of the improvements proposed in this paper would require legislative change.

The Victorian Government has recently committed to a review of the Building Act, and a number of the issues raised in this discussion paper should also be considered in the course of that review.

# Opportunities for improvement in specific approvals stages

In addition to the system-wide opportunities for improvement mentioned above, this review has identified 27 specific opportunities to reduce delays and costs across the four stages of planning and building approvals, including changes that can be made quickly as well as those involving reform pathways to best practice in those approvals (see Figure 12).

Parts A, B, C and D of this report explain these opportunities and suggest 102 proposed improvements. Comment is now sought on these opportunities for removing duplication, improving responsiveness and timeliness, modernising and better coordinating the internal (council) and external referral authority processes, increasing workforce capability, and introducing additional targeted benchmarking and reporting of approval and post-approval processes.

As noted above, a number of State and local government initiatives are already underway to improve the planning and building systems. This review has taken into consideration these initiatives, noting their impact and proposing to build on their effectiveness.



the workforce of building surveyors, inspectors and fire safety engineers Improve access to building records Distinguish building 'consultants' from building surveyors permit requirements for low-risk work consistency of council asset protection requirements Clarify processes for enforc **BUILDING APPROVALS** Figure 12 – 27 opportunities for improvement across the four approvals stages of the planning and building system STAGE Coordinate planning and building permit assessments payment of infrastructure contributions Approvats by other authorities ariations to the terms of a permit POST PERMIT APPROVALS Checking compliance with permit conditi odged applications are complete resources for councils online processing and tracking Promote best practice delegation of decisions PERMIT APPROVALS STAGE ng the application paring the applic 150 82 2 planning for sites of strategic importance Streamline the PSP process STRATEGIC APPROVALS STAGE Escalate

Planning and Building Approvals Process Review - Discussion Paper





# Part A – The Strategic Approvals Process

## Introduction

Strategic planning is the process of determining the framework of policies and strategies about how land can be used, developed and protected and creating plans and rules to implement those policies and strategies.

State, regional and municipal strategic statements, such as *Plan Melbourne* and the eight regional growth plans, are the primary components of Victoria's strategic planning framework. They provide a region-wide context and set the key parameters needed to deliver housing, jobs and liveability as the population grows. Strategic planning statements are key resources drawn on by planners and the Victorian Civil and Administrative Tribunal (VCAT) in deciding whether proposals are consistent with long-term policy goals and should or should not be approved.

Strategic statements are typically approved by the Minister and are often 'incorporated documents' in the planning scheme.

In addition, there are many issue-specific or site-specific plans, such as structure plans, which set out specific requirements, particularly where intensive development is expected.

### **Planning schemes**

These policies, strategies and rules are set out in planning schemes. A planning scheme is a form of subordinate legislation that sets out the planning objectives, polices and provisions that regulate the use, development, protection and conservation of land in a municipality. Matters that a planning scheme may provide for are described in section 6 of the Planning and Environment Act.

Under the Act, only the Minister for Planning (the Minister) or a 'planning authority' authorised by the Minister may prepare a planning scheme.

The local council, designated by the Minister, is usually the planning authority responsible for amending planning schemes. The Minister can also approve another minister or authority as the planning authority to amend a scheme.

The Act requires that a planning scheme must:

- seek to further the objectives of planning in Victoria;
- contain a Municipal Strategic Statement (MSS) or Municipal Planning Statement (MPS);
   and
- · make provisions which relate to the use, development, protection or conservation of land.

Section 7 of the Act prescribes the structure of planning schemes in Victoria, which must have a consistent format and include a range of 'standard provisions' – statewide planning provisions that are common across Victoria. The prescribed format and statewide provisions are set out in the reference document, *Victoria Planning Provisions* (VPP).

In preparing and maintaining planning schemes, councils draw from the VPP in two ways. First, councils must include any statewide provision schemes that the VPP prescribes as mandatory for all planning schemes. Second, councils may also include other statewide provisions in the VPP that



are relevant to or give effect to its MSS, MPS or local planning policies. The council may then also include its own local provisions, provided these do not conflict with statewide provisions.

Planning schemes also include maps that show where different land use zones and overlays apply. Zones and overlays regulate how land can be used and developed and can also apply to such matters as tree protection, heritage protection or identifying land potentially contaminated by its past use. Many of these zones and overlays are set out as standard statewide overlays, but also allow local provisions to be included as variations or additions in the form of schedules.

If a statewide provision is changed in the VPP, then all planning schemes with that provision are also changed. If a statewide provision is changed in the VPP and creates an inconsistency between the new statewide provision and the local provision, then the statewide provision prevails.<sup>6</sup>

# Structure planning

Planning schemes may reflect the vision of a council (or other planning authority, if relevant) for an 'activity centre' – defined as a community hub 'where people shop, work, meet, relax and often live'. These can include shopping centres, commercial areas and places undergoing major changes (such as the redevelopment of a disused industrial area for housing or greenfield development).

### Structure plans

Planning scheme amendments (PSAs) for these activity centres are often supported by detailed structure plans that set the physical layout of an activity centre, define its boundaries and outline the key objectives and parameters for managing the future growth of that area, including any infrastructure works.

Boundaries for these areas can be set at the council's discretion, and the proposal to amend a scheme to include a structure plan is coordinated by the council. Departmental guidelines provide advice to councils on the recommended process for preparing structure plans, including best practice for setting boundaries and preparing structure plans, including appropriate forms of community and inter-governmental consultation. Once created, a structure plan is usually exhibited along with the PSA that is proposed to implement it.

# Priority precincts and National Employment and Innovation Clusters

The Department of Jobs, Precincts and Regions (DJPR) is responsible for 'priority precincts' – areas capable of supporting jobs and housing growth with good access to other parts of Melbourne and Victoria. These include areas such as Parkville, Arden, Fishermans Bend and Richmond to Docklands and Sunshine.

DJPR's priority precincts portfolio is also responsible for coordination of Victoria's National Employment and Innovation Clusters (NEICs), which include Dandenong, Fishermans Bend, Latrobe, Monash, Parkville, Sunshine and Werribee. The VPA workplan for 2019-20 includes a new role supporting the delivery of priority precincts including areas around the Suburban Rail Loop project.

The delivery of these precincts and NEICs will, in most cases, require amendments to planning schemes usually supported by structure plans.

<sup>&</sup>lt;sup>6</sup> See Section 7(4)(b)(i) of Planning and Environment Act.



### **Precinct Structure Plans**

In 2005, Melbourne's growth corridors were created and the area within the Urban Growth Boundary was rezoned as the Urban Growth Zone (UGZ). PSAs to enable urban development of this land are underpinned by the preparation of 'Precinct Structure Plans' (PSPs). PSPs are structure plans tailored to support the development of new suburbs in the areas. Most PSPs are prepared by the VPA in collaboration with the local council. See Box A1 for more on the VPA's role in the planning system.

Through the PSP process the VPA, councils, developers and government agencies have successfully planned around 350,000 new dwellings and 39 new town centres. In a 2017 report from AHURI, one developer noted that '...you whinge and moan about [our PSP system], but in comparison to like New South Wales it's amazing'.

However, there are opportunities to improve the PSP process and to extend best practice approaches of the process to structure planning for other areas, including priority precincts (see A3 and A4).

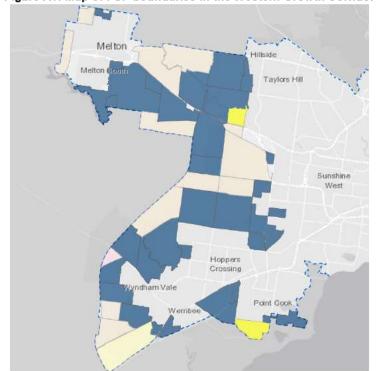


Figure A1: Map of PSP boundaries in the Western Growth Corridor

<sup>&</sup>lt;sup>7</sup> As declared by the Minister for Planning under the Planning and Environment Act.

Other complex structure plans that are not in the UGZ, such as those that may be required for some of DJPR's priority precincts, are not required to go through the VPA's PSP process, and instead are prepared following DELWP's structure plan guidance.

<sup>9</sup> See https://vpa-web.s3.amazonaws.com/wp-content/uploads/2017/11/VPA-Local-Town-Centres-PB-261017.pdf



### **Box A1: The Victorian Planning Authority**

The VPA is a Victorian Government statutory authority established under the *Victorian Planning Authority Act 2017*. Under the Act, a Board of directors is responsible for determining the general policies and strategic direction of the VPA, with clear purpose to provide advice and assistance as directed by the Minister for Planning and Minister for Priority Precincts in accordance with the objectives of planning in Victoria.

The VPA's purpose in designated areas is to:

- deliver spatial planning for urban growth, undertaking place-based planning that gives effect to Government policy; and
- · support the coordination of infrastructure and land use in growth areas

The VPA operates in designated areas in Melbourne's greenfields, established Melbourne and regional cities and peri-urban towns.

The VPA also developed and implemented the Government's Streamlining for Growth program to provide targeted support for councils across Victoria to accelerate the delivery of land for jobs and homes. This program has funded the reform and improvement of structure planning processes and post-structure plan approvals in designated growth areas.

The VPA is not empowered to undertake development or provide infrastructure, and the VPA does not operate or administer the planning system (this is a role undertaken by DELWP's planning group).

### The planning scheme amendment process

Rules about how land can be used or developed in a council area are changed by amending that area's planning scheme. A PSA can only be prepared and 'adopted' by a planning authority (usually councils). All amendments must then be approved by the Minister and laid before Parliament for a specified time before coming into effect. Parliament can revoke an amendment.

For example, to implement a policy to protect residential amenity, a planning scheme's zoning map might identify separate zones for residential and industrial uses with appropriate buffer zones. This is to ensure new factories are not permitted in that residential area so that conflicts over such issues as noise and traffic are avoided. Similarly, new housing might be prohibited in industrial zones that could restrict industry or manufacturing. Where factories and homes are already beside each other, 'zone controls' can put restrictions on the allowable industrial operations.

The purpose and scale of PSAs vary widely. For example, an amendment might be required where:

- the Minister needs to:
  - o transform former industrial land into a new residential neighbourhood; or
  - support a higher concentration of jobs as part of a NEIC by allowing a mixture of housing and offices in an existing residential area;
- a council wants to:
  - apply the Residential Growth Zone to facilitate higher density housing around an activity centre;
  - apply the Neighbourhood Residential Zone to areas where building height limits and garden requirements apply; or



- specify the information an applicant needs to provide when lodging a permit application;
- a developer and/or landowner wants to ask the council or the Minister to consider an amendment to:
  - allow redevelopment of rural land zoned for future development as a new residential community; or
  - allow redevelopment of existing industrial land for commercial use.

Once approved by the Minister, the PSA process may provide for public consultation about the proposed amendment, giving those potentially affected by the amendment an opportunity to comment.

PSAs are sometimes sought by proponents to enable them to change the use of their land. However, councils have no obligation to prepare, advertise or approve any request for an amendment. The only option the proponent has, if there is an impasse, is to raise the issue with the Minister.

In some cases, referral authority views are sought and if they are slow to respond, this can also delay the process.

The process for a PSA prepared by the council as the planning authority is outlined below.

Figure A2: Key steps in the Planning Scheme Amendment process



Note: The panel review is only required if the council does not make changes suggested in any submissions.

### Preparation of an amendment (if one is needed)

This first step in the amendment process is a decision by a planning authority that an amendment is needed. To make the decision, the planning authority reviews the existing planning scheme provisions, and the relevant strategies and policies, and drafts provisions, maps and documents to justify the amendment. An amendment will typically be needed to implement strategic planning work undertaken by a council, such as an open space strategy or to facilitate a development proposal by rezoning land.

### Authorisation

The Minister must authorise a planning authority to prepare a PSA. The planning authority provides its justification and documentation to the Minister. The Minister's decision is usually delegated to planning staff at DELWP, who have ten days to review the proposal. The Minister may authorise, refuse or decide that the application requires further review. Authorisation enables the Minister to ensure that a proposed amendment is consistent with Victorian Government policy. If the Minister decides that further review is needed before the council, as planning authority, can exhibit the proposed amendment, there is currently no specified time within which the review needs to be finalised

### Exhibition



Once authorised (and ten days before exhibiting the proposed amendment), the council is required to provide amendment documentation to the Minister as required by section 17(3) of Planning and Environment Act so that DELWP can check the content against the drafting rules and that the authorisation conditions, if any, have been met, that notice is being undertaken correctly and that the property database is informed of the proposed changes so property certificates are up-to-date when exhibition commences. The Minister also exhibits the amendment on DELWP's website. Where the Minister is the planning authority, the amendment is exhibited and notified unless it is a section 20(4) amendment where no exhibition or notice is required.

#### Submissions

The council may receive submissions from affected landowners and the community. A submission may support or oppose a proposed amendment. If a submission asks for changes to the proposed amendment, the council can decide to:

- adopt the amendment with the suggested changes and proceed to seek Ministerial approval;
- · abandon the amendment; or
- proceed with the amendment without incorporating the suggested changes.

If the council decides on the third option, it must first refer the relevant submissions, and may refer all submissions, to Planning Panels Victoria (PPV) for an independent review.

#### Panel review

When a council refers submissions to PPV, the Chief Panel Member (under delegation from the Minister) selects the panel to consider submissions from an independent pool of experts appointed by the Minister (see Box A2 for more detail on PPV's role and improvements they are making). The panel's task is to provide the council with a report on the referred submissions. Submitters can provide a further submission to the panel and can present their submission to the panel at a public hearing. Once the panel's review is complete, its report is provided to the council, which must make this report public after 28 days but can release the report earlier if it wishes. <sup>10</sup>

### Planning authority adoption

Having considered community input and any panel report, the council can decide to adopt a final version of the proposed amendment and submit it to the Minister for approval. The council may also decide not to proceed with the amendment.

## Ministerial approval

If the council decides to proceed with the amendment it is submitted to the Minister for approval. The Minister then decides to accept or reject the amendment adopted by the council. The Minister can approve it with changes, particularly if there are inconsistencies with statewide policies.

# Councils' discretion to progress the amendment process

It is important to note that councils are not obliged to take an amendment through any stage of the amendment process. A council may decline to commence a proposed amendment and may also decline to progress an amendment to exhibition once authorised. Once an amendment process has commenced, a council can also stop the process at any time, and there can be long pauses where

<sup>10</sup> Section 26 of the Planning and Environment Act allows councils to make a report public at any stage and requires them to do so after 28 days.



the fate of the amendment is unclear. If a council stops the process and does not resume it within two years of the exhibition of a proposed amendment, the amendment 'lapses'. If the proposal is to be reactivated, a new amendment will need to be authorised and exhibited.

The accumulation of multiple layers in the planning system has, not surprisingly, resulted in some inconsistencies, duplication and redundant elements. It now takes some considerable technical knowledge to navigate the system and find the information that is required. The unnecessary complications in this system create delays and costs which impact on economic efficiency, particularly in the construction industry and on housing affordability and employment.

# Box A2: PPV

Planning panels are established under the Planning and Environment Act as a means of obtaining independent advice and facilitating public participation in planning and environment decision making. Panels consider submissions, conduct hearings and prepare reports.

Planning panels are advisory and make recommendations; with the final decision made by the planning authority and ultimately the Minister for Planning. In addition to hearings on PSAs, PPV also provides panel members for advisory committees and Environment Effects Statement (EES) inquiries.

Under Chief Panel Member, Kathy Mitchell, there are six full-time panel members and 60 sessional members who are appointed by the Minister. They are subject to careful conflict of interest arrangements in which matters they are selected to hear. There is a small support staff with core funding but most of PPV's work is funded by the applicants.

In 2018-19 PPV panels were appointed to hear 59 PSAs, seven combined amendments and permits, two combined EES hearings, seven advisory committees and two Ministerial call ins. A total of 4,625 public submissions were received and considered.

PPV has procedures that respond to different types of hearings processes, broadly based around a directions hearing, initial submissions, 'taken as read' expert evidence which is then tested at hearing and further submissions focusing on the key issues. The proposed planning controls, permit conditions and environmental performance requirements are often canvassed with relevant parties on a 'without prejudice' basis as part of the hearing process.

The Chief Panel Member advised there are a number of current 'hot issues' in planning policy, some of which may result in process delays due to a lack of clarity or a means for the panel to make a recommendation in the absence of set policy.

A conundrum exists when changes are made to a proposal after the public exhibition stage. On the one hand this can be a good thing, where it reflects an improvement of the design to address concerns. However, it can also mean that other parties who were comfortable with the exhibited proposal may now be unable to comment on the changes proposed, thus being denied procedural fairness. A similar problem arises with permit applications which are amended between the time they are considered by council and the hearing by VCAT.

PPV is currently considering ways to address these issues without leaving proposals in a cycle of re-exhibition. Other improvements currently being implemented include greater use of electronic correspondence and tabling of documents, pre-setting dates for hearings and recording larger hearings. The Spring Street hearing rooms have been upgraded, including the introduction of a wifi 'click and share' capability.



### Recent reform efforts and outcomes

The Smart Planning program, which is designed to make the planning policy framework clear and accessible (see Box A3), has improved the system by simplifying existing provisions, making information and processing accessible online, adopting plain English provisions and expanding the VicSmart program (see Box B6.1 in Section B6).

Other reform processes underway include the streamlining of the PSP process being undertaken by the Victorian Planning Authority and its Streamlining for Growth grants which are assisting councils to improve their technology, coordination and customer service.

This review has noted the work in progress and listened to stakeholders about the work that still needs to be done.

Four opportunities to improve strategic planning processes and reduce delays and costs have been identified:

- A1. **Simplify planning schemes** to make it easier for users to understand and consistently interpret the requirements and thereby reduce costs and delays.
- A2. **Streamline the amendment process** by reducing delays in assessment by DELWP or a council and improving transparency about council decisions to discontinue amendments.
- A3. Reduce the time taken to prepare a PSP by **implementing the PSP 2.0** process, applying it to other precincts and **removing any overlap between PSP provisions and permit requirements** in the permit approvals process.
- A4. Reduce delays in approving PSAs for strategic sites by **appointing the VPA to prepare PSAs for specific sites** in collaboration with the relevant councils and other stakeholders.

These are discussed in detail below for comment.



### **Box A3: Smart Planning program**

Smart Planning was established in 2016 with \$26 million in funding for two years and then in 2018-19 was allocated another \$15.5 million in funding over three years.

Significant improvements delivered as a result of Smart Planning include:

- planning schemes across Victoria have been trimmed by 8,000 pages (removing redundant and duplicated material);
- new digital planning IT systems and tools provide access to 70,000 pages of planning rules online. The statewide Planning Portal now has 3 million hits a year;
- the new VicPlan interactive map has replaced 15,000 separate PDF maps, and is being accessed by 7,000 people a month;
- the expansion of permit types that are eligible for a ten-day approval through the VicSmart program; and
- permits are no longer required for straightforward proposals, such as installing domestic water tanks and electric car charging stations.

There is no doubt Smart Planning is making a difference and stakeholders have applauded its improvements.

DELWP is currently consulting with stakeholders about possible options for further reforms as part of Smart Planning, including:

- options to develop 'a code' that facilitates secondary dwellings on the same lot as an existing dwelling in a residential zone; and
- introducing a new assessment pathway the proposed VicSmart Plus with a 30-day turnaround and targeted notification.

The recommendations from this review complement these and a number of the initiatives already in the Smart Planning pipeline. An extension of Smart Planning – Smart Planning Stage 3 – is underway, aiming to improve planning schemes further through measures which include:

- consolidation of State, regional and local planning policy into the new Planning Policy Framework that is anticipated to trim planning schemes across Victoria by another 15,000 pages;
- mapping 250 incorporated documents into the new Specific Controls Overlay to improve transparency and create greater certainty on where those rules apply;
- streamlining policy and rules, cleaning out the clutter of unnecessary regulations, and reorganising the structure of planning schemes so that they are easier to administer and understand;
- new digital initiatives to bring more processes online and provide data on the performance of the planning system;
- updating land use terms to ensure that new uses such as battery storage for renewable energy
  are being catered for in the planning system;
- fixing errors and inconsistencies across 5,500 local schedules; and
- development of proposals for new assessment pathways and related codes for planning permit applications.



# A1. Simplify planning schemes

There are opportunities to simplify planning schemes, in order to improve their usability, for property owners, the community and planning professionals. Making the planning schemes easier to understand and use enables better decisions to be made and reduces delays and costs.

# Opportunities for improvement

Planning schemes are intended to reflect a community's preferred planning policies by setting specific requirements to apply those policies to each piece of land. The range of issues and policy objectives means that planning schemes can be complex.

Examples of the types of users who need to navigate planning schemes include:

- landowners who want to develop or modify the use of their land, and want to determine what
  they can or cannot do on that land (for example, by doing a planning report search)<sup>11</sup>;
- prospective land developers who want to know what information they need to include in planning permit applications;
- council planners, who need to be able to identify and apply local planning provisions to deliver the timely processing of planning applications;
- · members of the public seeking to understand the implications of proposed PSAs; and
- numerous other everyday users, such as Victorian Government authorities, architects, planners, and professionals in the development industry.

Stakeholders have noted that planning schemes are often difficult to navigate, because they are set out more as legal documents, and reading and understanding them requires a level of assumed knowledge. For example, planning schemes have no introductory plain language explanation of what the document is or the purpose it serves – although this can be found in supporting documentation on DELWP and council websites, including A Practitioner's Guide to Victorian Planning Schemes, using Victoria's planning system and practice notes.<sup>12</sup>

Each planning scheme starts with a detailed list and explanation of the scheme's objectives and strategies which, while fundamental to the system itself and often providing the rationale for specific requirements or standards, are not always relevant to a typical user who wants to know whether they might need a permit and, if so, what information they might need to provide.

The structure and layout of planning schemes often makes the documents unnecessarily long, due to content that is repeated across multiple sections. Schemes often contain multiple overlays that repeat the same permit requirements, and which could be consolidated in cases where they relate to common themes.

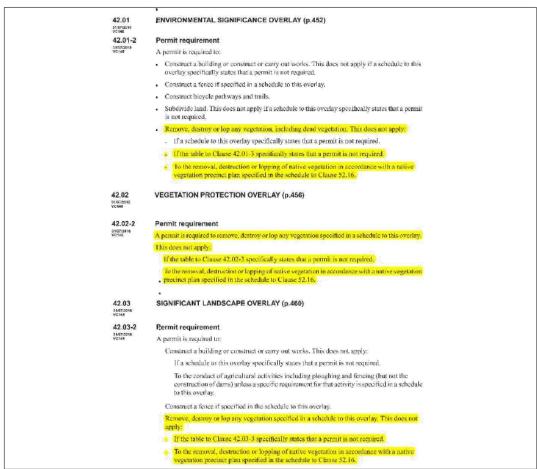
For example, the Environmental Significance Overlay, Vegetation Protection Overlay and Significant Landscape Overlay provisions all state that a permit is required to remove, destroy or lop any vegetation in areas covered by these overlays (see Figure A1.1). These could be consolidated, while still recognising the different reasons that vegetation controls are required.

<sup>11</sup> https://www.planning.vic.gov.au/schemes-and-amendments/planning-report-search

<sup>12</sup> For example, https://www.planning.vic.gov.au/schemes-and-amendments/planning-scheme-structure



Figure A1.1: Example of duplicative permit requirements from different overlays



Source: Victoria Planning Provisions

The opportunity to simplify planning schemes was recognised by the introduction of the Smart Planning program in 2016. Smart Planning has had considerable success in making planning schemes more accessible and readable by improving and standardising their online presentation. Smart Planning has also introduced the ATS, which provides a central system where amendments can be proposed and then tracked through the various stages of the planning scheme amendment process. As with many IT systems, this has not been universally embraced, but it is a step change that should be refined and persisted with.

In addition to planning schemes being too complex, this review also heard from many stakeholders who were frustrated by the variation between planning schemes in different council areas. This variation reflects different communities' attitudes to land use and development. Some stakeholders raised concerns about differences between local requirements which were minimal in practical terms, but which caused delays and costs by needing to meet slightly different standards when operating across different municipalities (for example, in relation to design requirements or



measures to protect agricultural land). It was suggested that the preparation of guidelines for councils, and the provision of support for councils to develop consistent regional requirements where council objectives are the same, would reduce delays and costs.

These concerns suggest that there are further opportunities to standardise planning rules and to apply system-wide decision rules more consistently to both State and local planning policies. The Smart Planning program has identified potential opportunities to standardise overlays and provide modular commonly referenced provisions, for example, in the way that a significant tree is defined and removal is assessed.

### Proposed improvements

Making planning schemes more user-friendly in their language and structure would improve assessment times and the quality of planning outcomes by:

- · enabling users to find information more easily;
- · reducing time spent by authorities in processing approvals;
- promoting better understanding of the information that applicants should provide;
- · being clearer about how authorities will consider applications;
- · reducing complexity in the permit process; and
- increasing the scope for integrated decision making.

Opportunities for improvements include:

- 1. Extending the Smart Planning program to further improve planning schemes with a focus on:
  - applying plain language drafting principles, including a contents page to enable users to find the sections relevant to their concerns;
  - revising the order of material in a planning scheme from 'most used' to 'least used' provisions
    to make it easier for users to navigate schemes and exit at the earliest point;
  - considering the way digital delivery may change how planning schemes are set out and how they can be searched;
  - · providing clear information up front about who will decide the application's outcome; and
  - continuing the translation of planning schemes into the integrated planning policy framework.

This review notes that simplifying planning schemes can involve substantial cost and effort, and the benefits of doing so would need to warrant wholesale change. It invites stakeholders to provide feedback on whether, in their view, changes such as those outlined above would yield substantial improvements in the planning process.

- Consolidating planning scheme requirements, principles or rules that serve similar purposes (while allowing for local variation).
- Faster policy resolution for emerging planning issues to ensure a consistent statewide approach with clear and appropriate frameworks for local council variation.
- 4. Councils working within their regions and across Victoria to harmonise their planning policies, where possible. Recent efforts through the Planning in the Economic Growth Zone (PEGZ) program in the Latrobe Valley have shown the benefits of this collaborative approach at a regional level (see Box A1.1). The proposal in Section B4 to create regional planning hubs to



support non-metropolitan councils' strategic and statutory planning functions would complement this collaborative approach.

### Box A1.1: Case study of PEGZ

The PEGZ initiative aimed to improve the planning system in the Latrobe Valley to make it easier and quicker for people to develop land and to establish and grow businesses. The goal was to simplify the three planning schemes for Latrobe City Council, Baw Baw Shire Council and Wellington Shire Council, and make them easier to understand and more consistent, so that the planning schemes would better facilitate development across the region rather than hinder it.

Key elements of the PEGZ initiative included:

- · building relationships and sharing information;
- simplifying processes;
- facilitating economic development through a priority project approach to fast track proposals;
- · providing resources to councils.

PEGZ has drawn on the expertise of DELWP's regional planners and council planners, and strategically used funding to streamline the planning system to boost economic growth and create jobs. It has set the groundwork for a range of new projects and initiatives to further improve planning systems.

DELWP has worked with the three PEGZ councils to translate their local planning policy framework into the new integrated planning policy framework as part of Smart Planning.

Significant insights and innovations were shared between the three council areas by looking at their work from a regional perspective.

Tangible benefits of the PEGZ project to date include:

- · reducing 589 standard permit conditions to 57;
- reducing 39 planning 'themes' to 13;
- · removing 20 per cent of permit triggers (assessed as low value) from planning schemes;
- · reducing 17 fees to four standardised fees across three councils;
- reducing backlogs with 101 permit applications processed;
- introducing fast track assessment and coordination of significant projects;
- · implementing online planning permit and electronic assessment systems; and
- creating 100 jobs as a result of rezoning approval being completed in 35 days.

PEGZ has demonstrated how planning can play a proactive role responding to economic shock in a region. It has also shown that collaboration across councils and government organisations can magnify efforts and deliver an 'open for business' culture.



# A2. Streamline planning scheme amendments

### Opportunities for improvement

Amending a planning scheme involves many steps and decisions, some of which duplicate others or add unnecessary administrative burden for councils. The time taken to complete PSAs has been noted by multiple stakeholders as a source of frustration and significant cost.

Opportunities to improve different stages or aspects of the process for approving amendments are outlined below.

#### Authorisation

In some cases, DELWP decides that it needs to review a proposal further before a council can exhibit the proposed amendment. Currently there is no specific timeframe for this additional review which creates uncertainty for councils.

### Quality of notification

DELWP's templates for amendment notices are drafted in technical language making it hard for non-planners to understand what is being proposed. This can result in objections based on misunderstandings or concerns being raised at later stages in the process, including in cases where the benefits of revitalising declining centres with higher density activity centres (and the corresponding attraction of more services and increased land values) are not well communicated.

It is important that there is appropriate engagement with the public when major PSAs are being adopted. The implications need to be well understood to avoid a negative reaction if the changes are misunderstood or misrepresented.

Failing to resolve and communicate key parameters at the PSA stage – such as height limits, infrastructure requirements and setbacks – can result in protracted disputes later on when individual permits are being considered.

As an example of good practice, when preparing PSAs to implement a PSP the VPA produces illustrated colour brochures and conducts public information sessions to explain each amendment. The brochures contain all the required statutory information but are more descriptive of the vision for the area and what development outcomes can be expected.

# **Decisions on submissions**

The time taken to assess and report on submissions made about amendments can add long periods to the assessment process. Councils need to ensure officer reports are tabled at council meetings within a reasonable period after the objection period has closed. If a council receives submissions requesting changes to a proposed amendment and does not wish to incorporate those changes into the amendment, it must refer the matter to PPV and should do so without delay.

### Panel review

After receiving a panel report, a council is not required to release it until 28 days after receipt. Councils do not always require this length of time to consider the report and it could be shared with interested parties sooner in some cases.



#### Multiple amendments

A common theme in contributions to the review was the opportunity to deal more expeditiously with simple or 'machinery' amendments, such as correcting errors or updating minor details.

For example, machinery amendments are often lodged separately by councils as individual proposals rather than bundled into groups for processing at the same time. <sup>13</sup> Data from the ATS suggests that 20 machinery amendments have been submitted by councils to DELWP since December 2018. These were submitted at irregular intervals, and six were submitted by councils making multiple submissions. There may also be other simple amendments which could be grouped together.

### Impasses in cases where councils abandon a proposed amendment

As noted above, councils are not obliged to take an amendment through any stage of the amendment process. The Planning and Environment Act requires that, if a council decides to 'abandon' an amendment, it must notify the Minister. However, the matter can be left in abeyance for many months before a decision is taken to abandon the amendment. As noted above, the Act and its regulations make no mention of proponents, so there is no statutory requirement to notify the proponent of an amendment and no avenue for the proponent to appeal or to reactivate the amendment.

While there are legitimate reasons for councils not to consider a proposed amendment or to stop pursuing a proposed amendment (for example, because it conflicts with State or local planning policies), stakeholders have raised concerns about the lack of feedback and the lack of a mechanism to break the impasse. In practice, proponents can seek the Minister's intervention to have an abandoned amendment completed by DELWP and/or referred to a panel for a report.

# **Proposed improvements**

# Authorisation

Councils could be provided with a final response within 30 days of DELWP initiating a further review of an authorisation request.

### Notification

 DELWP's notice templates should be rewritten in plain English (supplemented by technical language where required under legislation) and include images to show examples of what sort of changes a community can expect to see under the amended scheme, modelled on the VPA's approach.

### **Decisions on submissions**

In cases where where it is clear that there will be unresolvable issues, the recommendation to
proceed to a panel hearing should occur at the earliest opportunity (noting that Ministerial
Direction No.15 requires councils to request a panel if necessary within 40 business days of
the close of submissions).

<sup>13</sup> Machinery amendments such as these are known as section 20A amendments.



### Panel review

8. Panel reports should only be embargoed by councils for seven days (rather than 28).

### Multiple amendments

The number of administrative and simple amendments could be reduced by having councils and DELWP group non-urgent matters into periodic omnibus amendments.

### Reasons for decisions

10. Councils should be required to make a formal decision with reasons when deciding to abandon or not exhibit a proponent's amendment. This would ensure that both the proponent and the Minister for Planning are better informed if a proponent seeks the Minister's intervention on an abandoned amendment.



# A3. Streamline the PSP process

### Box A3.1: What is a PSP?

In 2005, Melbourne's growth corridors were created and the area within the Urban Growth Boundary was rezoned as the UGZ. PSAs within those zones are required to go through a PSP process. The map of PSPs was created by the GAA in 2006, dividing the growth corridors into 119 precincts.

The PSP process was intended to better coordinate the various organisations and decisions involved in master planning for large area developments.

PSPs provide the foundations for master planning development of the growth corridors around Melbourne and regional cities. They set out master plans within the policy framework outlined in *Plan Melbourne* and the eight Regional Growth plans. They are the core planning tool to shape new communities to achieve the Victorian Government's objective of '20-minute walkable communities'.

PSPs are high level strategic documents, which plan the locations for future town centres, schools, community facilities, open spaces, and how roads and public transport will connect them to nearby major activity centres in the UGZ.

Each PSP contains an Infrastructure Plan identifying who will pay for what and when. It also contains a series of maps setting out the planning controls and environmental constraints as well as controls to protect heritage and natural features.

Some PSPs are for commercial and industrial development to support jobs growth. In PSPs which plan residential precincts, the objective is to achieve densities of 20 dwellings per hectare on average, and to provide land to support one local job for every dwelling to reduce the need for long-distance commuting.

The priorities for PSPs are set by the Minister annually, based on a range of considerations, including land supply and the likely timing of major Victorian infrastructure projects such as schools and rail lines. This is done through the VPA Statement of Expectations and Annual Business Plan, published around August each year.

Over the two years to December 2018, 14 PSPs were developed and approved with capacity for 100,000 additional residential lots. Over the next two years, a further 13 PSPs have been prioritised to deliver 50,000 residential lots and employment land for 50,000 jobs.

So far, 70 metropolitan PSPs have been completed and approved. Another 17 are in preparation and 32 remain to be planned during the 2020s. Together, these areas will provide for Melbourne's growth corridor demand out to 2051 – absorbing 30 per cent of Melbourne's total population growth on its way to passing the eight million residents mark.

PSPs have also been developed for both greenfield and strategic sites in most regional cities to provide a future land supply. More are being planned, particularly around Geelong, Ballarat and Bendigo. These PSPs have mostly been developed as partnerships between the VPA and the respective councils, as many regional councils lack resources for longer term strategic planning (see B2 for proposed improvements to address this issue).

## From PSP to subdivision permits

After the PSP has been gazetted and the planning scheme amendment (and associated Infrastructure Contributions Plan) has been adopted, the next step is for the developer to submit its plans for the first stage of subdivision for approval. Often this does not happen for some time as the



PSPs are setting aside a 15-year land supply, and major services such as drainage and sewerage need to be planned for sequential roll out over time.

Stakeholders report that often, even after a only couple of years, referral authorities change their plans or standards advised during the PSP process, meaning that the proposed subdivisions often need substantial redesign. Developers also often change their plans to align with changes in market demand. Hence, disputes arise about whether the revised plans are sufficiently 'generally in accordance with' the PSP or whether cheaper alternatives are being proposed. The VPA is currently consulting on a specific guidance as to how the issue of variation between the PSP and the subdivision application should be handled.

For situations where development is ready to proceed, there is provision in section 96A of Planning and Environment Act for permits to be approved in the same process used to adopt the PSP. This can remove the need for a second process to approve the first stage of a new development.

In the past, the use of this section 96A has been problematic, resulting in patchy development with isolated groups of houses without access to infrastructure. Homebuyers in these scattered developments often feel disappointed as they expect all the promised schools and facilities to be there when they move in.

There is, however, a role for section 96A approvals where the first stage is well planned, integrated with adjacent developed areas and capable of providing a viable community during the initial development phase.

### Developer funding for subdivision assessment

Wyndham City Council has implemented a successful funding Memorandum of Understanding (MOU) with ten major developers, facilitated by the VPA. These developers made a contribution to support an increase in the Council's planning resources. This has enabled the Council to provide significant improvement in timeliness and reduced rework of proposals for subdivision permits without redirecting resources from other applications. A variation on this scheme has been adopted by Casey City Council.

Broadly these are appropriate measures as the Council retains control of the additional resources and the funding does not impact on the actual outcome of the assessment; it simply gives the Council more resources to complete the detailed work, which benefits everyone.

# **Opportunities for improvement**

In most cases, the VPA takes the role of 'lead agency' for the preparation of the PSP and the associated infrastructure contribution plans. It advises councils on the preparation of other PSPs in Melbourne and regional areas, prepares the growth corridor plans, produces guidance on drafting PSPs, and coordinates input into these processes from State and local government authorities, including councils. In a minority of cases, the local council acts as the lead agency.

Over time, the requirements and guidelines for PSP preparation have become more detailed and prescriptive. The time to prepare a PSP currently averages three-and-a-half years. There have been unpredictable and lengthy delays in finalising some PSPs which have created significant uncertainty for landowners and developers, delaying long-term land supply for housing.



Stakeholders (including the VPA) have identified a number of factors that drive these delays, including:

- slow responses from referral authorities including Victorian authorities and utilities;
- · PSP project management practices;
- · complex infrastructure contribution arrangements;
- lengthy hearings at PPV for complex PSP issues;
- duplication between the adopted PSP plan and the assessment of subsequent planning permit applications for the subdivision to deliver the outcome envisaged in the PSP;
- conflicts between commitments made during the PSP process by councils or referral authorities, and the later refusal of subsequent planning permit approvals (because the authority has formed a new view);
- slow approvals from the Commonwealth on endangered species offsets under the Melbourne Strategic Assessment; and
- out-of-date planning guidelines for PSPs (these are currently being reviewed by the VPA for greenfield developments).

To address these issues the VPA has undertaken a review of the PSP process, with a focus on greenfield development (where the majority of PSPs take place, given the location of the UGZ). Based on this review, the VPA has recently released a new 'PSP 2.0 Framework' for public comment. This is a set of improved project management techniques designed specifically for PSP preparation and approval. PSP 2.0 is expected to yield improvements that will reduce the time taken to complete a PSP to around two years in duration. The key findings and outputs of PSP 2.0 are described in Box A3.2.

# **Proposed improvements**

- 11. The PSP 2.0 approach should be implemented by the VPA and, as soon as possible, applied to the PSPs in the current program to speed up the rezoning of land and maintain the government target of a 15-year land supply.
- 12. The PSP 2.0 approach should be adapted to speed up the planning for the preparation of plans and precinct plans for regional cities' strategic sites prioritised by the Victorian Government (including those led by DJPR).
- 13. Differing views have been expressed by stakeholders regarding the most appropriate size for a PSP. The VPA should balance the need for strategic planning over larger areas with the desirability of approving manageable-sized precincts in a planned sequence that aligns with the delivery timeframes for new public transport and school infrastructure.
- 14. Once PSP 2.0 has been used in the development of a few PSPs, the approach should be evaluated to ensure that the process improvements are delivering reductions in delays and costs while maintaining quality outcomes.
- 15. Guidelines should be developed to encourage the proper sequencing of development across a PSP, including the issue of permits for the first stage of development using section 96A and combining the assessment with the process for approval of the PSP.



16. Wyndham City Council's MOU experience should be more widely utilised in growth corridor areas where the delays in bringing lots to market are a real constraint on competition and housing affordability.

### Box A3.2: What is a site of strategic importance?

In 2019 the VPA reviewed the PSP planning process with the objective of reducing delays and costs. The result is an updated 'PSP 2.0' process for PSPs that the VPA intends to use when preparing and coordinating PSPs. This aims for a two-year preparation-to-approval timeframe for PSPs. The VPA has set out the intended process improvements in the chart below, with councils and referral authorities involved in the first step in both cases.





The main opportunities to improve the PSP processes identified in the VPA's review are to:

- identify up front all public authorities, landowners and developers whose agreement is necessary for successful delivery of a precinct;
- directly involve all relevant authorities, landowners and developers in designing the precinct from the start of the PSP process;
- agree clear and fast dispute resolution methods between government authorities with competing interests;
- improve the speed and transparency of document production and distribution by using collaborative online portals; and
- apply plain language provisions consistently across all PSPs (for example the strategic objectives of all PSPs, or a standard requirement that applies to drainage designs across areas that require a PSP).

The VPA is testing this new approach in its preparation of the Craigieburn West PSP.



# A4. Escalate planning for sites of strategic importance

### Box A4.1: What is a site of strategic importance?

Overall, Melbourne remains a very low-density city with many areas of former manufacturing land and poor-quality buildings ripe for redevelopment. These range from major inner-city redevelopment precincts like Fishermans Bend and Arden to smaller suburban sites, such as Altona North, East Bentleigh Village and Lilydale Quarry, all of which are being currently planned.

At the same time, there is community concern about protecting existing residential character. Thus, the potential for greater density largely rests with finding sites that meet community expectations as good opportunities for redevelopment.

Significantly increasing residential density creates a need to plan for roads, public transport, major drainage, schools, power and utilities. This requires engagement and negotiation with numerous Victorian Government authorities and utility companies. Lack of infrastructure, in most cases, is the underlying reason why a site remains undeveloped.

The scale and complexity of some strategic sites means that planning processes require more resources and a wider range of skills than councils may have.

The Victorian Government may wish to identify these sites as being of strategic importance and to ensure that their development is well planned and coordinated across government.

## **Opportunities for improvement**

Some PSAs aim to transform large sites in ways that align with the Victorian Government's strategic priorities – for example, to improve housing affordability, increase population density close to recent or planned upgrades to public transport, increase employment through the creation of an NEIC, or facilitate urban renewal projects. This makes them sites of strategic importance to the Victoria.

These amendments tend to be more complex, involving significant pieces of land and new infrastructure works, and this means that planning processes for these sites are often slow. This creates uncertainty for the landowner, undermines investment confidence in similar opportunities for strategic development and, in cases where the sites are disused former industrial sites, blights the aesthetics of the local neighbourhood. These delays also lock up land that could otherwise be contributing to housing affordability and economic growth, and which offer major opportunities to revitalise local communities.

Determining the appropriate developer contributions for new State and local infrastructure is a particularly complex problem for such 'brownfield' sites. As noted above, councils often lack the information, skills and resources to prepare the detailed costings needed to underpin the setting of an appropriate rate for the true cost of developing the land and providing the infrastructure needed to support a residential development.

The VPA has developed these skills through its involvement with strategic planning for sites across Victoria. The Minister for Planning can allocate a number of strategic site planning roles to the VPA, ranging from acting as the planning authority to supporting a council in its work (see Table A4.1).



Table A4.1: Four levels of engagement between VPA and councils

VPA ROLE	DESCRIPTION
AUTHORITY	Where the Victorian Planning Authority is the appointed <i>planning authority</i> with the mandate to lead the project and deliver outcomes (including recommending a Planning Scheme amendment to the Minister) in partnership with the relevant council(s) and government agencies.
PROVIDER	Where the local council or Minister is the <i>planning authority</i> and the Victorian Planning Authority has the lead role to prepare a plan or other report, working in partnership with the relevant council(s) and government agencies, which the Victorian Planning Authority then submits to the <i>planning authority</i> for them to progress through the statutory process.
ADVISOR	Provide advice, finance and technical advice and support in relation to a plan being prepared by a council or government agency. The Victorian Planning Authority advises and influences but does not determine the content.
FACILITATOR	Victorian Planning Authority assists a council or government agency with their work, providing a grant or general advice about how planning policies need to be considered. May involve participation in a steering committee or project group.

Source: Victorian Planning Authority – Minister's Statement of Expectations 2019-22

These roles vary in terms of how much control the VPA has over planning, but they all involve the VPA working in partnership with councils and relevant authorities so that the objectives of *Plan Melbourne* (or the respective Regional Growth plans) are incorporated into the planning process, and that the future infrastructure needs and funding arrangements are identified from the outset.

The VPA Business Plan sets out how the VPA will deliver on the Statement of Expectations and Ministerial Direction issued by the Hon Richard Wynne MP, Minister for Planning, and how they provide advice on priority precincts to the Hon Gavin Jennings MP, Minister for Priority Precincts. The Business Plan sets out the VPA's approach and substantial list of priority projects for the year and provides details on these projects, including its role, project timing and targets, and funding information.

The benefits of partnerships between the VPA and councils are demonstrated in the case of Precinct 15 (see Box A4.2), in which one such partnership was the most effective way to coordinate planning for this strategic site. Wider application to other sites of strategic importance is the best way to reduce delays and improve community benefits.

### **Proposed improvements**

Planning for sites of strategic importance needs to be timely and well-coordinated with delivery of the major infrastructure required to underpin development, while ensuring sound planning principles are applied. There are several steps that could be taken to prioritise sites for planning escalation.

- 17. The VPA and DJPR could advise the Minister for Planning and the Minister for Priority Precincts of the pipeline of sites of strategic importance in Melbourne and regional cities after consulting with councils and other stakeholders. The selection criteria could include whether:
  - development is strategic and desirable to implement a direction in Plan Melbourne or helps leverage key government infrastructure such as the Suburban Rail Loop;



- the site matches areas identified by government for future housing and/or job growth;
- · the precinct spans multiple local government boundaries;
- · the landowner has requested the amendment be given priority; and/or
- the council concerned has failed to decide in a reasonable time or is not able to prepare a plan for its development.
- 18. The VPA, in consultation with DJPR, the Suburban Rail Loop Authority and relevant councils and stakeholders, should advise the Minister for Planning and the Minister for Priority Precincts about which of the sites could be prioritised and the best form of engagement with the council for planning to be undertaken jointly in each case.



### Box A4.2: Case Study - Precinct 15 in Hobson's Bay

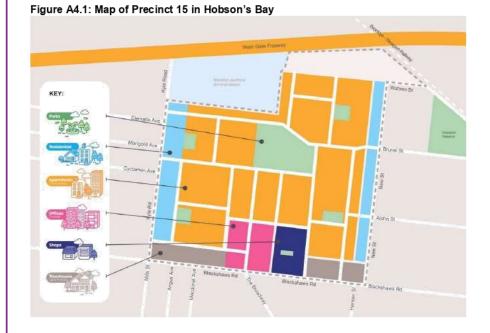
In 2008, Hobson's Bay City Council identified the 67-hectare location of a former Don Smallgoods site in Altona North (see Figure A4.1) as a strategic development opportunity, and the Minister for Planning approved its inclusion in the Council's planning scheme.

For five years, the process of planning the site was characterised by delays due to challenges in reaching agreement between the Council and landowners, resource issues at the Council and difficulty in coordinating multiple infrastructure authorities. By 2015 planning had ground to a halt.

In 2016, the Minister for Planning provided the VPA with the resources to work with the Council to actively plan the site, and the process was completed within two years with the agreement of all stakeholders on key issues.

Development is now underway to provide 3,000 new homes (including 150 dedicated affordable homes), a local shopping centre and parks, all just 8 kilometres from Melbourne's CBD. The development will also include provision of \$58 million of local community infrastructure.

Had this tailored approach to planning for the site been used at the outset, the total time from identification of site to development could have been reduced by at least five years.





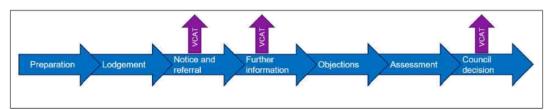
## Part B – The Permit Approval Process

## Introduction

The planning permit approval process is at the core of the planning system's determination of what a landowner may do on their land. The power to issue permits is held by the 'responsible authority' (usually the local council) and must be exercised consistently with the planning scheme.

This approval process is the main mechanism for a council and the community to exercise judgement about whether a proposed use and development of land meet the State and local planning objectives for that land.

Figure B1: Seven key steps in the permit approval process



### Preparation

Before starting any construction or changing the use of land, the owner needs to first establish whether a planning permit will be required, given the zoning and overlays that apply to the property.<sup>15</sup>

In preparing the planning permit application, the applicant must describe their proposal in plans and other documents and provide any information required by the planning scheme. The more effort that goes into preparation, the more unlikely it is that the application will encounter delays. Some councils offer pre-application services to help an applicant prepare their application.

## Lodgement

The formal assessment process commences once the applicant lodges an application with the responsible authority, with the accompanying fee and prescribed information. The council planning staff then record the application in the planning permit register and start the formal approval process, which may involve giving notice, referral to a specified agency or requesting further information from the applicant.<sup>16</sup>

<sup>&</sup>lt;sup>14</sup> The duties of the 'responsible authority' role are described at section 14 of the Planning and Environment Act. By default, the local council carries out the responsible authority role in its municipality; see section 13(2)(a) of the Act. A planning scheme can specify a different responsible authority – for example, every Victorian planning scheme specifies the Minister for Planning as the responsible authority for wind turbine permit applications.

specifies the Minister for Planning as the responsible authority for wind turbine permit applications.

15 Depending on the planning controls for each parcel of land, there are uses that are exempt from needing a planning permit, but for most substantial changes of use a permit is required.

16 Every responsible authority must maintain an up-to-date register of the applications that it receives. The

<sup>&</sup>lt;sup>16</sup> Every responsible authority must maintain an up-to-date register of the applications that it receives. The information that must be included in the register is set out in regulation 15 of the Planning and Environment Regulations 2015.



Increasingly, applicants can lodge their application online and then track its progress.

Once an application is received, the council is expected to make its decision within 60 statutory days. However, the 'statutory clock' is not continuous and can pause and reset at various stages through the assessment process, which can extend the total timeframe.

#### Notice and referral

As soon as possible after receiving the application, the council must identify any relevant referral authority that must be notified. <sup>17</sup> A referral authority is an authority responsible for such things as flood or bushfire management, utility provision, access to adjacent roads and a range of other issues. A referral authority is expected to provide its response within 28 days.

The council must give notice of the application if the council determines that the proposal may cause material detriment to another person or if the planning scheme specifies that notice must given. 

18 Depending on the size and intensity of the proposed use or development, notice may be given by:

- mailing information to property owners or occupiers who may be affected by the proposal;
- displaying a notice on the land;
- putting a notice in the local newspaper; and/or
- any other method considered necessary.

A council must not make a decision on the application until at least 14 days after the last notice has been given.

### **Further information**

A council may ask the applicant to provide additional information if it thinks that is necessary to inform its understanding of the proposal or the conditions of approval. This resets its statutory 'decision clock' and may extend the time it has to make a decision.

A referral authority may also request further information, which also resets the clock for its response.

### Objections

In response to the public notice of the planning application, a member of the public may make a submission to the council objecting to the proposal and outlining the reasons for their objection.

Objections are encouraged to be submitted within 14 days of receiving the notice, but the council must consider any objection received before it makes its decision.

### Assessment

Having obtained all necessary information from the applicant, input from any referral authority and considered all objections raised by members of the public, the council planning officers assess the

<sup>&</sup>lt;sup>17</sup> A planning scheme can require that specified persons or bodies be given notice of specified classes of application in accordance with section 52(1)(c) of the Planning and Environment Act.

<sup>18</sup> This is a requirement of the Planning and Environment Act.



application and prepare a recommendation about whether it should be approved and, if so, any conditions which should be included in the approval.

#### Council decision

The decision on a planning application is legally made by the council as the responsible authority. In practice most applications are decided by senior planning staff under delegation. Different councils have different approaches to delegations.

The decision to grant a planning permit will usually include a range of conditions. A condition of the permit may be that amended plans addressing various matters must be submitted and approved by the council before the development can commence (these are called post-permit conditions and secondary consents).

### VCAT appeal

An applicant can apply to VCAT for a review of:

- · a requirement to give notice;
- a requirement for more information to be provided;
- · the failure of a council to determine a permit within 60 days; or
- · a council's decision to refuse a permit.

Applications to VCAT can take several months to be heard. The process can include a compulsory conference and then a formal hearing before an expert Tribunal member. Community members who objected to the application also have VCAT review rights. A dispute over a matter of law can be taken to the Supreme Court.

There are few appeals on the first two grounds due to the length of time involved in being listed for a hearing. Stakeholders suggested that there was a need for increased use of the 'Short Cases List' to tackle these simpler issues quickly.

### Recent reform efforts and outcomes

The Smart Planning program has simplified the permit arrangements by making them more uniform across Victoria, raising the triggers to exempt minor building works to existing buildings from requiring a permit and providing a fast track for new categories of work to enable a permit to be issued within ten days.

In regional Victoria and in Melbourne's growth areas, the issue of permits for new subdivisions is a critical step in bringing new lots to market and enabling the development of new communities.

Victoria's strong economy and record population growth resulted in the submission of a high volume of planning permit applications between 2016 and 2018. Many councils were struggling to find the resources to manage the demand. This sparked several reform efforts to boost council capacity to achieve greater consistency in the outcomes.

Considerable effort has gone into speeding up the process and boosting capacity in the growth area councils through the VPA's Streamlining for Growth program.

Ten opportunities for improvement have been identified in the permit approvals process where further improvements appear possible.



These include opportunities across the three broad stages of the permit application process:

### Preparing the application

- B1. Provide more help with applications, including **better information** on websites about information requirements and **greater use of preapplication meetings**.
- B2. Ensure lodged applications are complete by going straight back to the applicant about missing information before starting the assessment process.
- B3. Set a target for all councils to adopt an online system for accepting and processing permits, which enables applicants and objectors to track progress.
- B4. Ensure council planning staff are properly resourced and have the right skills in the workforce to manage demand.

### Assessing the application

- B5. Modernise public notification of proposals by using online alerts and contemporary advertising to explain the proposal more effectively.
- B6. Stream applications according to risk to handle simple issues faster and give sufficient time for complex matters to be assessed.
- B7. Reduce the use of requests for further information (RFIs) and set expectations for prompt responses.
- B8. Reduce response **times from referral authorities** and seek exeprt input from the council (internal referrals) at an earlier stage.

### Deciding the application

- B9. Ensure decisions are made within a **reasonable time** and address the problem of too many matters being appealed to VCAT for 'failure to determine'.
- B10. Promote best **practice delegation** of decisions by having consistent practices about which permits are determined by staff and which need a full council decision.



## B1. More help with applications

### **Opportunities for improvement**

Both individuals and professionals acting for developers need to be able to obtain detailed and accurate information to help them to complete their applications. This highlights the importance of access to information on council websites and the availability of staff to explain over the counter or on the phone what is required in each case.

Stakeholders advised that when councils and referral authorities hold pre-application meetings, the process is significantly improved as the applicant can explain their proposal and the council or referral authority can provide detailed information about the requirements for lodging a complete application. Councils and referral authorities are not required to offer pre-application meetings; however, when councils do provide a pre-application meeting the process is more productive and efficient. Robust applications that include all the information needed to make a timely decision limit the need for the council or referral authority to make multiple RFIs, which are resource-intensive for all concerned and delay consideration of the applicant's proposal. The quality of the advice councils and referral authorities can provide at this stage in the process also depends on the accuracy and level of detail provided by the applicant.

There is considerable variation among councils in the use of pre-application meetings and the way they are conducted. For example, some councils charge a fee to fund the service. Others provide the service for applications of a certain complexity. Some councils provide written advice following a pre-application meeting, while others provide less formal advice that is not recorded.

Our consultation suggests that few councils involve referral authorities or their internal specialists in pre-application meetings.

If applicants wish to, they can approach referral authorities directly to resolve issues early on and even get prior approvals. However, this option is rarely taken up, even by large professional developers.

There is frustration among applicants that pre-application meetings are not always encouraged or available. Their value in reducing later delays also depends on councils being consistent in their response to the application throughout the assessment process. This issue was addressed for small business applications, as part of the Better Approvals Program, by introducing a 'Concierge', or case management, approach which provides consistent advice to the applicant throughout the process.

## **Proposed improvements**

There is significant value in councils providing clear and user-friendly information to planning applicants about what is required of them and in ensuring that application forms are designed to elicit all the information that is required for different types of developments. It may be useful for DELWP, in consultation with the MAV and VLGA, to produce model application forms for different types of developments which specify the Victorian planning requirements to which councils could add their local planning scheme requirements.

For a permit application of any degree of complexity, a pre-application meeting with the council and referral authorities offers the potential for all parties to understand the nature of the proposal, to clarify the specific requirements and to outline the steps in the approval process.



- 19. It would be useful for DELWP to provide a Planning Practice Note (PPN) and model application forms to councils about how pre-application processes can be used to identify the key issues and the information requirements, including:
  - which elements of a proposal trigger the need for a permit and what planning policies apply;
  - the supporting information that will be required to be submitted with the application;
  - which referral authorities and which council officers will need to consider the application;
  - · whether early engagement by the user with referral authorities would be useful;
  - · any additional information that will be required for those referrals; and
  - any potential major issues with the proposal and ways to address them.

Ideally, councils should provide written advice after these meetings within a reasonable timeframe, addressing the matters discussed and noting any unresolved issues.

Councils should outline the process for pre-application meetings on their websites and provide checklists of material that users should bring to the meetings or provide in advance.

- 20. To ensure that pre-application meetings are effective, senior planners should be involved to bring their knowledge of recent decisions made by the council and by VCAT (to promote consistency of advice). For larger proposals, these meetings could also involve other staff and decision makers, such as referral authorities and internal referrals such as drainage engineers or heritage advisers.
- 21. Councils could be required to offer pre-application meetings and be able to charge a reasonable fee for more complex matters. These fees could be reimbursed when a complete application is lodged, and no further information is required. The best practice guidelines should establish some benchmarks for these fees.

The goal of these pre-application meetings is to provide applicants with a level of certainty before they lodge applications and reduce the risk of applications facing lengthy delays once in the system. While pre-application stages involve additional resources and effort, those councils which have introduced these meetings have noted improvements in the quality of applications that are subsequently lodged, reducing the need for RFIs and reducing administrative burden and delays later on.

Referral authorities could also consider formalising and offering pre-application meetings.

22. Difficulties later in the process would be avoided by adopting a Better Approvals approach focused on council planning and building approvals processes. This would facilitate concurrent decision making, streamline referrals and embed the concierge model as a form of case management. This would give each applicant a consistent contact with whom to discuss their issues. Ideally this contact would be maintained throughout all other stages of approval in which councils were involved, including the post-permit approvals and building approvals processes. Councils could be assisted to adopt best practices and implement relevant changes being recommended by this review.



## B2. Ensure lodged applications are complete

#### Box B2.1: Quality of applications submitted

To be considered 'complete' under the Planning and Environment Act, an application must also include all information required by a council's planning scheme. 19

When a proposal in an application does not contain required information, or the information provided does not clearly or properly describe the proposal, a council may request further information.

According to PPARS data, 50 per cent of planning permit applications submitted to councils result in a later RFI. This proportion has been growing steadily over recent years.

Ensuring applications are complete would complement the reforms proposed to improve preapplication engagement (see B1) and to move the processing of permits online (see B3).

A recent Innovation by the Titles Office (now part of Land Use Victoria) shows the potential benefits of having correct information at the beginning of the process. The average time taken to process large subdivisions (over 100 lots) was five weeks due to errors in the applications. The error rate fell when a new fast track system of three days was introduced for applications that were accurate, resulting in significant time savings for applicants and Titles Office staff.

#### Opportunities for improvement

Ensuring an application is complete is the first step towards reducing the unacceptably high rate of later RFIs which are a primary cause of avoidable delay.<sup>20</sup>

Both council staff and applicants have reported that incomplete applications are a significant cause of delay and confusion during the assessment process. Sometimes councils accept an incomplete application, intending to address the information deficiency later on. This diverts a council's resources from its core task of deciding applications.

PPARS data suggests that in the past three years incomplete applications took on average 85 days longer to decide than applications that were decision-ready at lodgement.<sup>21</sup>

There are good examples of councils that have adopted practices to tackle this problem:

- Latrobe City Council only accepts complete applications and uses a concierge approach to
  manage prospective applicants' understanding of information requirements. The Council has
  noted that its adoption of this approach over the last few years has seen a significantly more
  efficient use of its resources; and
- the City of Banyule augments its pre-application meetings by using a traffic light system to communicate with applicants about the status of particular issues relevant to a planning permit application. Progress and agreement on various matters are documented throughout the planning permit process.

21 PwC analysis of PPARS data.

<sup>19</sup> See section 47 of the Planning and Environment Act.

<sup>&</sup>lt;sup>20</sup> Planning schemes list 'application requirements' and 'information requirements' for most application types – these list aspects of a proposal that must be described when lodging an application. Theoretically at least, if all of the information requirements are met and the description is accurate, the council can make a decision.



Given the large number of applications for which further information is sought and the time taken by councils and applicants to provide additional information, there is potential for significant time savings by ensuring applications are complete when lodged.

### **Proposed improvements**

- 23. Councils should only accept applications once they are complete. Guidelines, standard forms and checklists should be developed to help applicants prepare complete applications.
- 24. To support this, the VPP should be amended to increase clarity of application requirements by:
  - · reviewing all VPP application requirement lists for clarity, consistency and relevance;
  - developing standard application requirement lists and forms for common application types, including land use, building and works, subdivision, signs, and vegetation removal; and
  - testing the development of application requirements lists for certain applications types.<sup>22</sup>
- 25. DELWP, through its Smart Planning program should work with councils to review the information requirements in local schedules to check whether they duplicate requirements under the VPPs and, if not, whether the additional requirements are actually necessary to enable consideration of local issues.

<sup>&</sup>lt;sup>22</sup> Amendments would be made under Part 1A of the Planning and Environment Act.



## B3. Move to online planning permit processing and tracking

#### Box B3.1: The current state of online processing

Digital technology can underpin substantial efficiencies in planning assessment processes, increase transparency to users and improve public access to information. There is currently no statewide e-planning platform in Victoria and wide variation exists in councils' use of digital platforms.

The Smart Planning program has recently reached a milestone with all councils having their planning schemes online and able to be accessed from a common portal. There are, however, further steps required to make this a truly integrated online planning scheme which is fully searchable.

Currently, many councils do not provide for electronic lodgement of applications: they still process their applications manually. For some councils, the cost of developing new digital systems is a major barrier to their adoption.

The most recent overview of capability was two years ago when the MAV surveyed all councils to gain a snapshot of their digital planning processing capabilities. The feedback revealed that fewer than 10 councils had digital planning platforms that provided public access, such as electronic lodgement of planning applications or objections. The councils that did have digital functionality were found to use a wide range of software tools and products from different developers.

Around half of the councils surveyed were in the process of converting to digital planning or had committed to future transitions, so the current situation may be more advanced. While other councils have digital platforms that could be used in their planning processes, these differ in capability and compatibility. Consultation suggests that councils use different digital platforms for a range of functions, including customer service, approvals, data storage and payments.

## **Opportunities for improvements**

While larger, well-resourced councils are able to prioritise their operations to invest in digital technology, some regional and rural councils struggle to do so. The Rural Councils Transformation Program (RCTP) has an important role to play in overcoming this barrier.

Regional groups of councils have been funded under the RCTP to develop common systems, technologies and processes to maximise the use of digital solutions in service delivery, resulting in economies of scale and improved collaboration, including planning. For example, the City of Ballarat and four of its neighbouring councils have received funding to deliver a shared IT platform to support finance, payroll, records, safety, fleet management, building, environmental health, planning, waste and community services.

Digital planning portals offer the possibility for real-time monitoring of the progress of planning permit applications. They can also provide visible dashboards for all parties involved in the process, including for referral authorities and the community to input their responses or objections and for councils to publish decisions and reports. Fully digitised planning portals would also enable improved monitoring and performance reporting. The digital management of planning permits should also link to the SPEAR system (see Box B3.2) used for subdivisions and the digital handling of permits, thereby providing a complete, trackable, end-to-end record of a development cycle, including enforcement matters.

Some stakeholders have argued for a single statewide planning portal, but it is unrealistic at this time. Each council has its own IT system that is tied to larger platforms used to manage all council business.



#### **Proposed improvements**

- 26. An achievable timeframe should be set for all councils to have their planning permit applications fully trackable online and further efforts should be made to ensure greater compatibility between the different systems. An achievable statewide goal would be for the DELWP website to offer a direct entry point to each of the 79 councils' planning web pages.
- 27. Desirable features for council-based permit management systems should include:
  - development and introduction of common data standards which will help to drive greater standardisation of planning permit application requirements and allow for easier sharing of data across council systems; and
  - an end-to-end system for managing and tracking all aspects of council processes, with the capacity to coordinate engagement between parties, read and compare different versions of plans, pay planning fees, and so on.

Implementing these systems should be considered in the context of other related initiatives, including:

- the significant modernisation achieved by DELWP's Smart Planning reforms in digitising planning schemes, Ministerial planning permits and the PSA process; and
- the existing use of SPEAR (see Box B3.2) for managing subdivisions and the investment that authorities and private users have made in adapting their systems to SPEAR.
- The RCTP should be extended to support initiatives that deliver online tracking and processing
  of planning applications for rural councils.

### BOX B3.2: The benefits of the SPEAR system for subdivision applications<sup>23</sup>

In Victoria, the subdivision process has been handled electronically for some time with SPEAR-a Government-subsidised online portal for land subdivision approvals. SPEAR has proven to be a useful and popular tool for developers, practitioners and authorities alike.

Councils, referral authorities, and applicants and their agents use it to process permit applications (including partial processing of VCAT reviews) and approvals of official subdivision plans. The system also integrates with Victoria's land title registration system. It can also be used by anyone to view basic information about applications across Victoria.<sup>24</sup>

<sup>23</sup> https://www.spear.land.vic.gov.au/spear/index.shtml

<sup>&</sup>lt;sup>24</sup> https://www.spear.land.vic.gov.au/spear/pages/eplan/about/victorian-eplan-implementation.shtml



## B4. Improve planning resources for councils

### Opportunities for improvement

Councils and industry stakeholders have identified a shortage of planners in some councils as a significant constraint for the efficient delivery of planning and other services. While shortages are experienced across Victoria, they appear to be particularly acute in regional Victoria and outer metropolitan Melbourne.

The MAV released the *Local Government Workforce and Future Skills Report for Victoria* in March 2018. It estimated that 74 per cent of Victorian councils are experiencing skills shortages with the key gaps including:

- · engineers;
- planners;
- · building surveyors;
- · project managers; and
- IT specialists.

The report found that a shortage of planners is experienced by 42 per cent of Victorian councils.<sup>25</sup>. Together with engineers and building surveyors, these were by far the highest reported skill shortages.

The report also found that:

- almost 60 per cent of Victorian councils identified experience gaps between the skill level of the employee and the specific skills required to effectively perform the role;
- this skill shortage is mainly experienced at the senior level, in management and supervisory roles:
- there was a critical skill gap for project management in major strategic and development projects; and
- the skill gap was attributed to a high demand for experienced planners coupled with some councils' inability to meet market wages because of budgetary restraints.

There may be opportunities to address these issues by better aligning council planning fee revenue and expenditure on those planning services (see Box B4.1).

The MAV report found that councils have responded to the shortage by offering cadetships, visa sponsorship and a broadening of the geographic area in which they advertise. Despite this, difficulties persist in attracting and retaining mid-level planning and other related staff.

Councils often face sudden increases in the need for resources during times of peak workflow. While councils can sometimes supplement their own planning staff with consultant planners to assist in completing assessment tasks, this is often costly and does not help councils to build an in-house skill base.

<sup>&</sup>lt;sup>25</sup> Local Government Workforce and Future Skills Report, Victoria, Section 3 (Municipal Association of Victoria, December 2018).



### Box B4.1: Planning fee revenue and council planning services

Planning application fees were last changed in 2016, under the *Planning and Environment Fee Regulations 2016*. The fee changes were intended to reflect the councils' costs for providing planning services, based on a sample of 15 councils. In many cases there were significant increases in the fees.

Several contributions to this review have suggested that there needs to be a greater transparency in how planning fee revenue is used, as there was a perception that some councils had not reinvested the increased revenue in their planning activities. The PIA suggested this was squeezing council planning departments and contributing to work overloads and delays.

Given the impact of these fees, they will be revisited in 2021 or earlier through the mid-cycle fee evaluation regulatory review process. This will provide an opportunity to assess their relationship to the costs of providing planning activities.

Some councils use contract planners to help with backlogs and fill capacity gaps. For example, Latrobe City Council uses contract planners to prepare planning reports and do other planning work, but the approval of permits rests with Council or its delegated officers. This is a potential way for councils to deal with pressing shortages and reduce backlogs. In this context, it may be useful for councils to have access to a list of accredited planners from which they can draw relevant contractors to undertake this work on their behalf, subject to their delegations.

The HIA suggested in a submission to this review that an '...accredited approvals process [for contract planners] could operate on a user pays basis and could be an option for applicants to elect to adopt'. This review is interested in the views of councils, industry and other stakeholders on this suggestion and its practical application.

Councils reported that their capacity to access and deliver training to existing staff is limited by time constraints to attend training, difficulty in sourcing local trainers and a lack of suitable courses, as well as their high costs.

The VPA also provided planning support to councils across Victoria by undertaking strategic planning on behalf of the council or through the Streamlining for Growth program.

### **Proposed improvements**

- 29. Provide additional resources for DELWP's Regional Planning Services network to act as regional planning hubs, providing resources and facilitating training to support councils' planning functions (see Box B4.2). This support is mainly needed in non-metropolitan areas, where councils often lack the resources to deal with complex or strategic planning issues and manage staff gaps. While the most critical role of these additional resources would be in permit approvals, these hubs could also provide additional resources and facilitate training to support councils' strategic planning functions.
- 30. DELWP and PIA could develop online training packages for planners across Victoria. Peak industry bodies could also be funded to work in partnership with DELWP to deliver training packages based on the successful development and delivery of the DELWP/UDIA training module Property Economics: A short introduction for Urban Planners dealing with Affordable Housing.
- DELWP could encourage harmonisation between councils' local planning requirements and processes by holding regular regional meetings between councils, referral authorities, the VPA



and other relevant bodies, to facilitate communication and resolution of issues. The MAV annual regional conference is a good forum for sharing statewide experiences and regular regional meetings could be built on this.

### Box B4.2: Regional Planning Hubs

DELWP's Regional Planning Services (RPS) division is an existing network of regional offices, with the core role of delivering the Minister for Planning's statutory planning obligations (such as processing Ministerial permits and amendments, and the authorisation and approval of council amendments).

There are five regional offices (based in the Gippsland, Grampians, Hume, Loddon Mallee and Barwon South regions) that are staffed with teams of qualified and experienced planning practitioners who have local knowledge and existing relationships with each of the councils in their region.

Given the RPS division's locations and skill base, these offices would be well placed to be the base for additional resources as 'regional planning hubs', with additional staff on hand to provide resources and facilitate training for councils in need of support for both their strategic and statutory planning responsibilities. This would offer a greater breadth of assistance to regional councils and help them manage their workforce challenges.

Councils could then seek support from these hubs if they require additional assistance, including:

- providing backup planners when councils are experiencing temporary shortages (for example, when staff are on leave, or positions are vacant pending recruitment) to avoid applications sitting unprocessed;
- helping councils manage peak workloads by providing immediate assistance with planning permit and planning scheme amendment assessments;
- helping councils resource strategic work such as a planning scheme review or a heritage study;
- supporting regional planning training initiatives for planning and other staff;
- facilitating regional forums and working groups (including involvement from regional referral
  authorities) to resolve complex strategic proposals and share innovative ideas to improve the
  quality and performance of planning schemes; and
- coordinating the assistance from a panel of technical specialist consultants to provide expert advice on complex permit and amendment assessments.



## B5. Modernise public advertising of proposals

#### Box B5.1: How notification of planning permits currently works

When a council receives a planning permit application, it must notify all the parties that may be affected by the proposal (or require the applicant to notify those parties) unless:

- the council is satisfied that the proposal would not cause any detriment; or
- the category of application is exempted from notice by the planning scheme.<sup>26</sup>

As a minimum, notices must describe why the proposal needs a permit, identify the permit applicant and the land address, where to view plans and how to object.

In general, a council may give notice by putting a sign on the land concerned, publishing a notice in local newspapers, giving notice personally to affected landowners, sending notices by post or any other way it deems appropriate. Specific provisions apply to notifying the removal or change to a restrictive covenant on the use of land.<sup>27</sup>

Those receiving formal notice are invited to inspect plans and can make a submission to the council regarding the permit by the specified date.<sup>28</sup>

### Opportunities for improvement

Current procedures for notifying parties of a planning permit application often rely on newspaper advertisements and the notices erected on properties where a development is proposed. These are often difficult for an interested non-planner to understand.

The prescribed form of the statutory notice is complicated and dense. There is little opportunity to include images and the mechanism for broad notice relies on newspapers, which are increasingly less effective. The use of web-based notices is voluntary and varies with councils.

These deficiencies reduce the effectiveness of the notification process and make it difficult for members of the public to engage in the early stages of the planning permit approval process. Providing clear and understandable information about a development and being clear about what aspects are open to objection is fundamental to the fair operation of the planning permit system.

Poor communication at the notification stage can increase the likelihood of objections being raised at later stages, including last-minute concerns about planning permit applications (for example, about there being insufficient time for the community to consider proposals) or even appeals to VCAT to raise issues that should have been addressed early on.

The content and readability of notices could be greatly improved. Glen Eira City Council has developed a new format (see Figure 5.1) which is far more informative than other notification styles, is easier to understand by non-planners, includes additional information and contains all the prescribed information from the regulations.

<sup>&</sup>lt;sup>26</sup> This describes the general or default notification requirements in the planning system. In some cases, for example, planning schemes may exempt specific types of applications from these notification requirements.

<sup>&</sup>lt;sup>27</sup> The Planning and Environment Act prescribes what notice must be given for applications effecting a registered restrictive covenant on a title.

<sup>&</sup>lt;sup>28</sup> Submissions are not limited to those who receive formal notice: anyone may make submission, and anyone may inspect the planning application at the council office, and request copies from the council. Formal notice simply ensures that specific parties have been notified.



Figure 5.1: Glen Eira City Council application notice



## **Proposed improvements**

- 32. Experience in Queensland has suggested a significant improvement in public understanding of proposals as a result of a requirement under the Sustainable Planning Act 2009, which states that the notice of a permit application should include a picture of the proposal where a significant building is proposed. A similar requirement could be adopted in Victoria for applications involving a new building or larger developments. Pictures could be displayed on signs similar to real estate display boards. The cost to the applicant would be modest but there would be significant benefits, including a reduction in objections based on misunderstandings of the proposal.
- 33. Formal notice should be provided on council websites, via email alerts and on social media. Formal notification by mail for affected landowners should remain a requirement. Councils could use their regular local newspaper columns and advertisements to give notice about major developments currently on display.
- DELWP could prepare an updated PPN on 'Best Practice' modern notification processes for different types of applications, in consultation with MAV and VLGA.



## B6. Stream applications according to risk

### **Opportunities for improvement**

Currently all permit applications go through a standard assessment process unless they fit the criteria for VicSmart (see Box B6.1). There is a strong case for more risk-based streamlining of applications by providing alternative pathways for the assessment of permit applications.

Some stakeholders argue that a number of the permits they currently apply for are for low-risk work that could go into VicSmart or be exempted altogether. A need has also been identified for a new code assessment pathway for permit applications that are too complex for VicSmart, but are straightforward enough to not require the full 60-day assessment process. The Smart Planning program is working on providing this pathway – VicSmart Plus – which would see appropriate permit applications assessed within 30 days.

In some instances, the level of effort that goes into considering some issues of detail in a permit application is disproportionate to the potential impact of the activity being considered. Sometimes the original reason for a planning control has evaporated over time; for example, a temporary sales office no longer requires a permit on a new housing development site as it creates little if any detrimental impact and can bring the benefit of surveillance over an otherwise vacant site before construction starts. Other matters previously subject to planning permits can be better managed by other means. For example, councils use their local road and food safety powers to manage food trucks.

There are further opportunities to use exemptions or reductions in the thresholds in planning schemes and referral authority requirements that could streamline approvals. Some of these issues are being analysed as part of the Smart Planning program with a view to striking a better balance about how low-risk issues are managed.

#### Issues include:

- non-retail land uses (such as gyms, dance studios, wellness centres and light industry),
  which add vitality and patronage to shopping strips and centres but currently cannot be
  located in these areas. Instead they have to locate in less attractive local industrial areas with
  substandard pedestrian access and low visibility;
- provide greater flexibility in the definitions of zones to enable important community facilities to be located in residential areas – for example removing current restrictions on child care centres, aged care homes and social housing and in appropriate situations allow greater heights and other concessions;
- a home owner wanting to construct an additional dwelling in a backyard to rent out or accommodate relatives is currently treated in the same way as a developer wanting to construct a multi-unit development for resale. A less onerous requirement would be preferable;
- · dependent persons units are permit free but subject to restrictive conditions;
- other secondary dwellings could be assessed under the VicSmart Plus approach subject to
  meeting garden requirements and any other appropriate conditions. It should be noted that
  building permit requirements for setbacks and design matters address the same
  requirements as those in the planning scheme. Smart Planning has proposed to standardise
  requirements for building a second dwelling on one title and remove limits on its use; and



for lots of less than the minimum size (either 300 or 500 square metres), Rescode does not
provide the VicSmart ten-day turnaround for permit applications. Stakeholders have argued
that siting and design issues for smaller blocks can be adequately dealt with through the
siting standards in the building code and the building permit or at least brought within
VicSmart.

#### Box B6.1: VicSmart

VicSmart provides a 10-day assessment and approval pathway for simple applications, including:

- · building a front fence for a dwelling;
- building a house extension;
- removing a tree; or
- displaying a sign in a commercial or industrial zone.

All planning schemes make the Chief Executive Officer of a council or their delegate the responsible authority for VicSmart applications in their municipalities. VicSmart applications are assessed against a limited list of criteria. Given the low impacts of these types of activities, public notice is not required and there are no third-party appeal rights.

In 2017, Smart Planning expanded the application categories eligible for VicSmart to double the number of applications that can be processed using this pathways. The new classes of permit included buildings and works of up to \$100,000 in value in residential zones and of up to \$500,000 in value in commercial zones, and extensions to dwellings on small lots, provided they comply with specified amenity requirements set out in the planning scheme including, for example, setbacks, the length of boundary walls, and buildings that would overlook secluded private space.<sup>29</sup>

The extensions to the VicSmart process mean the proportion of permits fast-tracked in ten days has increased from 7 per cent to 16 per cent of all planning applications.

As part of the VicSmart program, 25,000 permits a year for new or renovated dwellings are being issued more quickly. The responsible authority, typically the council, no longer has to inform the applicant in writing that the neighbourhood and site description plans are satisfactory prior to notice being given or the application determined. Previously, when the council had to formally respond in writing that the plans were acceptable, this could add weeks or months to the process. Now councils include consideration of these plans as part of their application assessment process.

DELWP is currently consulting on the possibility of introducing a new assessment pathway – VicSmart Plus – which would feature a 30-day turnaround with targeted notice provisions. DELWP is consulting on whether this pathway would be suited to approvals for secondary dwellings, extensions of home businesses, extensions to dwellings, and the construction of a dwelling on lots smaller than 500 square metres.

There may also be other opportunities to use VicSmart to promote other faster assessment pathways that are currently possible but not systematised. For example, one stakeholder has noted that under the current planning provisions developments within specific overlays (for example, the Special Building Overlay and Land Subject to Inundation Overlay) can be processed via VicSmart as long as there are no other triggers, and pre-development consent has been obtained from relevant referral authorities. They have used this approach to obtain ten-day turnarounds from councils in applications of this kind.

<sup>&</sup>lt;sup>29</sup> See clause 54.04 of the Victoria Planning Provisions.



## **Proposed improvements**

- 35. The Smart Planning program should review the identified issues with current prohibited and restricted uses, to allow:
  - · non-retail land uses that add vitality and patronage to shopping strips and centres; and
  - planning concessions for child care centres, aged care facilities and social housing located in residential areas.
- 36. The proposed VicSmart Plus should enable 30-day streamlined issuing of permits for:
  - · secondary dwellings on an existing lot; and
  - · dwelling applications on a small lot in an established area.
- 37. Following the review of the small lot code for growth areas, consider the case for amending Rescode and then dealing with siting and other issues through building permits.



## B7. Reduce requests for further information

#### Box B7.1: What is an RFI?

Under the provisions of section 54(1) of Planning and Environment Act, the responsible authority (a council) can require the applicant to provide more information about a proposal, either for itself or on behalf of a referral authority. The RFI must be in writing and set out the information to be provided. If the RFI is made within the prescribed time, the request must also specify a date by which the information must be received.

The prescribed time for a VicSmart application RFI is five business days after the responsible authority received the application. For all other applications, the prescribed time is 28 days after the responsible authority received the application. In Queensland it is ten days after receipt of the application.

An RFI within the prescribed time means that the 'clock' is stopped and reset. The clock counts the number of days until the applicant may apply for a review of the failure of the responsible authority to determine the application. The clock starts again from zero when a satisfactory response to the responsible authority's request is received. <sup>30</sup>

An applicant can ask the responsible authority to extend the date specified to provide further information. The request to extend the date must be made before the end date.

For performance reporting purposes, councils currently report to DELWP on the gross days elapsed between the start of the most recently reset clock and the date the decision is made.

### **Opportunities for improvement**

RFIs are a major cause of delay in the planning approvals system. While such requests are an important mechanism to ensure that decision makers are fully informed, stakeholders suggest that these requests are sometimes used to 'manage' workloads or to meet performance reporting targets.

Analysis of PPARS data shows that almost half of all applications received at least one RFI (compared to around one-third ten years ago) and that one RFI adds an average of 85 days to the time taken for processing a planning permit application. These figures imply that RFIs added over 2.2 million days of time to the planning process in 2017-18.

Consultation suggests that RFIs:

- are often made by councils to obtain information that should have been included when the
  application was lodged (based on the requirements of the planning scheme) (see B2);
- can include requests for changes to the application itself, rather than for information about
  the application (which can prompt amending applications that restart the assessment process
  in cases where the change could be implemented through a permit condition); and
- can ask for information that the applicant considers:
  - o unnecessary to inform the decision;
  - o more detailed than is necessary to inform the decision; and/or

<sup>&</sup>lt;sup>30</sup> In resetting the notional decision time, an RFI provides a council more time to assess and decide an application and divert resources to other pressing applications. See, for example, Stephen Rowley, 'The Victorian Planning System: Practice, Problems & Prospects' (The Federation Press, 2017), pp 65-73.



is information already available or that has been provided.

Feedback from some councils suggests that better use of pre-application meetings (see B1) and refusing to accept incomplete applications (see B2) are more effective ways for them to ensure that applications contain the information required by a planning scheme and would help to reduce the use of RFIs and the associated delays.

A council and an applicant may interpret what constitutes 'required' information differently. While an applicant is entitled to appeal to VCAT against an RFI, in the 2018-19 financial year, VCAT only received three applications for review of a council's RFI.<sup>31</sup> Stakeholder feedback suggests that the applicants are reluctant to appeal at that stage of the application because the costs and delays associated with such an appeal are often prohibitive.

### **Proposed improvements**

- 38. Where RFIs are necessary, responsiveness could be improved by having councils 'pause the clock' on statutory timelines for decisions, rather than reset it. This recognises that, in many cases, assessment of other aspects of an application can continue even if all relevant information is not yet present. This would also have the effect of reducing the use of RFIs as a tool to manage workload or performance reporting. The applicant would still be responsible for any time they take to respond to the RFI.
- 39. Set a deadline to encourage prompt assessment of the need for further information and curb multiple requests possibly based on the Queensland cut-off time of ten days.
- 40. VCAT could improve and promote the prominence, availability and turnaround times of its Short Cases List to enable an applicant to seek a prompt review of an RFI, which could, in many cases, be done on the day of the hearing.
- 41. DELWP could support councils to help them more accurately and efficiently assess the need for RFIs by issuing a PPN and facilitating training opportunities for councils that illustrate:
  - how to distinguish between further information requirements and requests for amendments to an application;
  - the type and level of information necessary to inform common decisions (see B2);
  - the types of changes to applications that are better dealt with through permit conditions rather than asking for the change in an RFI; and
  - · best-practice for addressing requests for amendments to applications, including:
    - using pre-application meetings to offer applicants a choice between having councils request and finalise changes to an application before issuing the permit or do so by using permit conditions;
    - when requesting an amendment, being clear that the request is for a change to the application rather than information;
    - advising the applicant as to whether a requested amendment is a minor matter or one which is likely to affect the applicant's chances of having the permit approved; and
    - ensuring the applicant understands that where an amendment has been requested, the applicant has choices about how to respond (for example, the applicant may choose not to make changes and proceed with the application, and this will not necessarily jeopardise the chances of having the permit approved).

<sup>31</sup> These were appeals under section 78 of the Planning and Environment Act.



## B8. Reduce response times for referrals

#### Box B8.1: What is a 'referral authority'?

Councils must refer permit applications to a 'referral authority' where required by the planning scheme. These authorities are either 'determining authorities' who make a concurrent decision on the application or 'recommending authorities' whose advice is considered by council. This process is generally referred to as 'a referral'.<sup>32</sup>

The intention is to ensure the requirements of all authorities are known and reflected in the one decision. Having referrals coordinated by councils avoids the applicant needing to seek separate approvals from each of these authorities for each aspect of the proposal.

There are approximately 68 referral authorities in the Victorian planning system, with a wide range of workloads. These include planning bodies, water authorities, electricity and gas utilities as well as Ministers and their departments, managing approvals for environment, roads, public transport, health service providers and health and safety and resource regulators.

These authorities are also routinely involved in the strategic planning phase. For example, this enables their strategic requirements to be provided when PSPs are first drawn up (how roads will be linked to the overall road network and how electricity or water will be delivered to the precinct). They are also engaged in the post-permit phase as infrastructure is built by the developer and ownership transfers to the long-term operator (usually the referral authority).

Being designated as a referral authority in a planning scheme carries a responsibility to act efficiently and effectively in protecting the community benefit outcome that warranted its designation as a referral authority. This responsibility is no doubt generally understood by referral authorities, but is not currently clearly articulated in the planning scheme or Planning and Environment Act.

## Opportunities for improvement

According to DELWP's PPARS data, 13,248 planning permit applications (25 per cent of total applications) were referred to at least one authority in 2017-18. If a referral authority has not provided a final response within 28 days, the council may proceed to decide an application without referral authority input. However, in practice, it is rare for a council to decide an application without some input where a referral is required by the planning scheme.

Stakeholders also reported that significant delays are experienced when matters are referred to referral authorities, with the clock being stopped while further information is sought. They also reported lack of customer focus and responsiveness in the approach of some referral authorities to managing their responsibilities as referral authorities, rather than according them priority and communicating with applicants. This may be in part because referral authorities receive no fees for undertaking these duties, and there is very limited information reported on performance.<sup>33</sup>

<sup>32</sup> See section 55 of the Planning and Environment Act and clause 66 of each planning scheme.

<sup>&</sup>lt;sup>33</sup> DELWP's PPARS data currently includes a binary measure for each application that indicates whether a referral was required or not. This can be correlated with gross days for each application to move from lodgement to approval to indicate the average effect of referrals on time taken to approve a permit, but does not reflect how many referrals were made or which referral authorities were involved.



#### Box 8.2: SARA in Queensland

Queensland's SARA (State Assessment and Referral Agency) is a Victorian Government body assessing a small number of pre-identified major impact applications, and more commonly is the single point of contact for some referral responses on State matters to a council considering a permit application. All other application types follow the model currently operating in Victoria, with applications sent to the local council and referred out to relevant authorities for a concurrent decision or feedback.

Prior to the establishment of SARA, permit applicants needed an approval from individual authorities (for example, a roads approval, a drainage approval, a planning approval – a system with inherent inefficiencies and poor coordination).

SARA, and the many other Queensland referral authorities, charge fees for their assessment services – mostly between \$3,000-\$12,000 per referral, with SARA development assessments starting at \$20,000. Required referral response times range between two weeks for local government building work referrals to four weeks for utility service referrals. By contrast, Victorian referral authorities charge no assessment fees and all applications must be decided in four weeks.<sup>34</sup>

The SARA model for referral and assessment of larger State-interest applications has been well received by the development industry.<sup>35</sup>

While Victoria's referral system already channels referrals through a single point of contact (councils), there are aspects of the SARA model incorporated in the proposed escalation of planning for sites of strategic importance. In those cases, the VPA could function in a similar way to SARA in coordinating all referrals and enforcing timeliness.

There is a need for greater proportionality in applying what are often routine referrals to referral authorities. A more efficient model would be to focus their assessment effort on more complex matters (or at the most relevant point for the given authority).

### Involve authorities at the most relevant point

For instance, power and water/sewer supply companies are referral authorities. In growth areas they generally need to see detailed plans after a permit has been issued ('certification plans') and agree with the developer on how to best connect their service to the subdivision. Normally they do not provide input to the design of a new subdivision before the permit is issued. They may require easements and small infrastructure lots on the certification plans. Yet every subdivision application for three or more lots is referred to these authorities before the planning permit is issued.

Moving to a standard subdivision permit condition for referral of certification plans and connection agreements could have removed up to 40,000 unnecessary administrative actions for the 7,000 new land subdivisions in 2018-19. As these authorities are already integrated into the SPEAR portal, they can anticipate upcoming referrals by checking on current permit applications in the system.

## Focus effort on nonconforming or more complex matters

The Department of Transport (DoT) (formerly Public Transport Victoria and VicRoads) receives around 5,000 referrals each year. About 40 per cent of these referrals are for residential driveway

<sup>34</sup> Sustainable Planning Regulation 2009 (QLD).

<sup>35</sup> Property Council of Australia, Cutting the costs: Streamlining state agency approvals (November 2017).



access to a main road for five or less homes. At the other end of the scale are major reconfigurations of highways resulting from adjacent development involving millions of dollars of public infrastructure. Currently both types of application go through the same assessment processes. A clear design code could enable councils to undertake assessment of 'driveway' applications on behalf of DoT, which they already do for local roads. This would enable more assessment effort to be applied to the complex and higher impact road reconfiguration applications.

Similarly, the CFA receives high volumes of referrals for largely standardised fire hydrant installations in new subdivisions as well as highly complex fire safety installations for commercial and industrial buildings. Again, both categories of application go through the same procedure, despite the former being highly suited to a standard condition approach and the latter a more rigorous individualised assessment befitting the differing risk profiles of each type of installation.

An appropriate council officer (such as a traffic engineer or municipal fire prevention officer) could be trained and accredited to make straightforward decisions (such as for vehicle crossings or subdivision hydrant installations) on behalf of the referral authority so that only more significant matters are triaged to the referral authority for full review. This would also promote closer liaison between the referral authority and the council about the types of matters that are being referred and which could be dealt with more efficiently.

### **Proposed improvements**

This review has found that while there are examples of efficient systems in place for some approvals at some authorities, the more common experience of stakeholders (including councils) is one of difficulty in communicating with them, slow decision making, and being surprised by policy positions that change between the strategic and statutory planning phases. Improvements that could address these issues include:

- 42. Improving performance by having the relevant Ministers for referral authorities emphasise the importance of abiding by the expected 28-day turnaround and pausing – not resetting – the clock for RFIs, and:
  - · giving appropriate focus and resources to the role;
  - better managing referrals through such actions as standardising and removing simple referrals and focusing resources on more complex referrals;
  - consulting on and providing up-front guidance on referral decision criteria and authority requirements; and
  - · considering delegation of simple approvals.
- 43. Improving performance reporting, with the Planning Minister requiring referral authorities to regularly report under section 14A of the Planning and Environment Act:
  - their published guidance for applicants and councils regarding application information requirements, their decision-making criteria and policies and how they apply to their referral decisions including evidence of the consultative processes undertaken to inform this material;
  - their decisions including timeframes, outputs and post-permit timeframes;
  - the resourcing of the role and anticipated resourcing needs; and
  - targets for a reduction in referrals required by developing standards for less complex, matters.



- 44. Supporting improvements in referral authority performance, eligibility for funding through the Streamlining for Growth program which could be extended to all councils and referral authorities seeking to improve their responsiveness and decision quality and reducing unnecessary referrals.
- 45. Resourcing the VPA to enable it to provide continuous improvement assistance to referral authorities including:
  - hosting information sharing and inter-authority, authority-council and authority-industry relationship building at the regional level (many councils reported improved referral authority performance when inter-agency relationships and communication channels were maintained);
  - designing standard form publications about application guidance and decision-making guidance for referral authority use; and
  - strategically reviewing workloads for opportunities to rationalise the type of referrals that
    require individual review, those that may be addressed through standard conditions, or
    may only require notification or other methods.

This support could be focused on identifying opportunities to improve proportionality in the work done by referral authorities and collaborating with councils and referral authorities to coordinate referrals in complex cases.

- 46. Referral authorities should be engaged early in the design process to ensure that their issues are properly addressed and do not arise late in the process. Subsequent referrals should check compliance with the agreed scheme in accordance with section 55(1) of Planning and Environment Act.
- 47. The triggers for referral should be reviewed to enable simpler matters to be dealt with directly by a council, based on design codes issued by the referral authority.



#### B9. Make decisions within a reasonable time

#### Box B9.1: Current provisions on decision timeframes

If the council does not make a decision within 60 statutory days of receipt of a planning permit application, the applicant can choose to seek a review at VCAT. There is a general expectation, therefore, that a council should endeavour to make a decision on an application within 60 days.

Permit applications have become increasingly complex in content and scale over time, and particularly complex cases can be difficult for a council to consider and decide on in 60 days. However, there are detailed provisions for 'stopping or resetting the clock' which means the actual gross time taken is, on average, nearly double this set period.

The time taken is compounded by the issues of constrained resources (see B4), repeated RFIs (see B7) and delayed responses from referral authorities (see B8).

If a council does not make a decision within the 60-day timeframe, it is considered to have 'failed to determine' the application. At this point, an applicant can either wait until the council makes a decision after the timeframe has elapsed or they can exercise their right to appeal to VCAT against a failure to determine.

PPARS data suggests that from 2015-16 to 2018-19, of the 220,000 permit applications lodged, over 115,000 took longer than 60 gross days to determine. Of these, over 61,000 were judged by responsible authorities to take more than the statutory timeframe. Less than 1,250 were the subject of appeals to VCAT on the grounds of failure to determine. Applicants still incur substantial costs from delays due to failures to determine, but typically do not appeal to VCAT because they regard the costs and delays associated with the appeals process to be prohibitive.

VCAT has advised this review of several initiatives underway to reduce costs and delays in the appeals process (see Box B9.2).

### Opportunities for improvement

The Smart Planning program has recognised a proportionate approach to planning permit processes in cases for simpler matters by:

- increasing the number of minor works which are now exempt from requiring a planning permit;
- expanding the VicSmart process for dealing with certain types of permit applications with a target of a delegated decision within ten days (see Box B6); and
- developing a potential further assessment pathway for permits which could be brought within the VicSmart process with a target of 30 days.

In all other cases, it is expected that the council will make a decision within 60 days.

Some applications are complex, and it is legitimate for councils to require additional assessment time. Indeed, some stakeholders have suggested that allowing longer timeframes for more complex applications could provide councils with the additional time they need to make a fully informed decision without resorting to 'stop the clock' provisions as well as providing the applicant with greater clarity about when they would be likely to get an outcome. The example of Scotland was raised by the PIA where councils and applicants agree on an alternative approval deadline for complex matters as part of the pre-application process.



Some stakeholders have suggested that extending the statutory timeframe for more complex applications might provide a more reasonable time for decisions that often require negotiations, extensive notice and are followed by a formal hearing at a council meeting. Suggested timeframes are in the order of 90 to 120 days.

Others have highlighted the importance of a narrow definition of 'complex applications' to avoid this becoming the new default timeframe, regardless of actual complexity. This move should be seen as part of bringing the actual 'end-to-end' time for assessment more in line with the trigger for 'failure to determine' applications to VCAT. At the end of the day for a developer, the important thing is to have some certainty about what to expect. A longer timeframe is acceptable, provided it is realistic and is adhered to. The current situation, where the gross time bears little relationship to the statutory goal, is unacceptable.

Support for council planning capacity and capability through regional support hubs (see B4) could improve councils' ability to manage complex caseloads, reducing the number of cases that result in failures to make a decision (and the associated delays and costs associated with a VCAT review in cases where applicants pursue an appeal (see Box B9.2)).

#### Proposed improvement

48. Consider a longer statutory timeframe for complex applications. Guidance on the definition of the threshold for what is 'complex' should be set based on the complexity of the assessment rather than just the size of the project.

Alternatively, a negotiated approach could be considered, enabling councils to enter an agreement with an applicant on the expected timeframe.

This review notes that the effectiveness of these changes to timeframes would depend on the definition of 'complex', and that creating this definition would have other statutory implications. This review invites stakeholder feedback on whether creating a longer timeframe for more complex applications would improve the planning process on balance and, if so, what criteria would be best to use to define complex.

Improvements proposed in other sections of this report are likely to reduce the number of applications that are not determined within timeframes and/or the likelihood that an applicant appeals to VCAT when a timeframe is not met. For example:

- better resourcing and training for councils (see B4) should make it easier for them to meet these timeframes;
- pre-application meetings (see B1);
- accepting only complete applications (see B2); and
- improving the quality of council RFIs (see B7) should help provide councils with the information they need to make decisions more quickly once an application is lodged.

Other measures that could improve the proportion of decisions made within reasonable timeframes include:

49. Councils should report on the time taken for applications at different stages of the assessment and decision process, so that key performance indicators can be determined for the median time and the proportion of cases exceeding a maximum limit.



50. As part of the proposal for user-focused concierge services that begin at the pre-application stage (see B1), councils should also provide users with updates throughout the assessment process, so that they are aware of any potential delays and have confidence about the expected timeframe for a decision even if that timeframe exceeds the statutory minimum.

## Box B9.2: VCAT Appeals

VCAT is part of Victoria's judiciary, separate to the Executive, and hence outside the Terms of Reference for this review. However, a number of interface issues were raised by contributors to the review that relate to the overall time taken to resolve planning and building permit issues, including VCAT processes. VCAT informed this review of initiatives underway to improve the timeliness and outcomes of the processes of the Tribunal.

The VCAT Court Services division is currently working on a package of process improvements. Many of these apply across all VCAT divisions, not just the Planning Division. These include:

- changes to the registry arrangements to improve the handling of applications;
- appointment of well qualified planners in the registry to facilitate the accurate triaging of planning cases and better estimate the time needed to resolve them;
- seeking funding to replace current paper-based processes with full online lodgement (currently
  applications can be prepared online but are then printed out for processing);
- exploring the increased use of electronic notification of hearings and lodgement of legal papers to speed up the advancement of cases; and
- seeking additional funding to support more members to deal with current caseloads.

A number of contributors to this review have raised the desirability of having a separate 'Short Hearings List' to more expeditiously deal with matters where only one or two issues are at stake and can be resolved on the day by the VCAT member after hearing from both parties.

In fact, such a list already exists – the Short Cases List – and applicants can seek to use it by ticking a box on the lodgement form. However, it is not currently widely used and there is low awareness of this option. The Tribunal advised that it plans to increase awareness of the list.

The Tribunal has also advised that it has adopted policies to more accurately estimate the time required to hear cases and to keep parties appearing before the court on track and adhering to the points in dispute to reduce unnecessary extension to the length of hearings.

#### Major Cases List

Of particular interest to many planning applicants is the Major Cases List, which allows matters to be dealt with by priority on account of their economic importance. This list is self-funded and is not intended to delay consideration of other matters.

Developers expressed concern that the list is not delivering a significantly faster outcome than the standard list and therefore queried the basis for charging higher fees. Currently these matters are taking 20 to 22 weeks – not dissimilar to the average for other matters.

VCAT advised that consideration of options to improve timelines for the Major Cases List is underway.



## B10. Promote best practice delegation of decisions

#### Box B10.1: How are decisions delegated?

The decision on a planning application is legally made by the responsible authority, in most cases councils and, in practice, most are decided by planning staff under delegation.<sup>36</sup> The form of these delegations is determined by the council and varies considerably across different councils.<sup>37</sup> If a decision is not delegated, it will be referred to a council or committee meeting and interested parties may be invited to address the council.

Only the more substantial matters are then taken to council. Typically, a delegated decision will be made where the application is considered to be consistent with the planning policies set by the council.

#### **Opportunities for improvement**

There is considerable variation in the way that councils delegate their planning decisions to their officers and when applications are referred to councillors.

Over the two years, 2016-17 and 2017-18, there were an average of 54,207 planning permit applications per year. Of these 43,577 (80 per cent) led to a decision and the remaining applications either did not require a permit, or were withdrawn, lapsed or failed to be determined.

However, PPARs data indicates that 97 per cent of decisions were determined by a delegate with 3 per cent directly decided by council. The council determined:

- · 13.3 per cent of complex applications;
- 2.8 per cent of average applications; and
- 1.2 per cent of simple applications (but these still represent 11 per cent of the matters going to council).<sup>38</sup>

On average, 72 per cent of applications that were determined by council received less than six objections.

Some simple permit decisions are handled through the fast track VicSmart process that aims to make a decision within ten days. All Victorian planning schemes specify that a VicSmart application must be decided by the council's CEO or a delegate.

Some councils embed the role of councillors in setting strategic planning policy, while delegating most planning permit decisions to senior staff. Others define the circumstances in which councillors make the decisions.

Most new councillors have training in their obligations to make decisions based on the planning policies and not to inappropriately intervene or fail to disclose any conflicts of interest. The MAV

<sup>&</sup>lt;sup>36</sup> Unless the application is a VicSmart application or has been referred to VCAT or 'called-in' by the Minister for Planning.

<sup>&</sup>lt;sup>37</sup> See section 188 of the Planning and Environment Act and section 14 of the Local Government Act.

<sup>38</sup> PPARS contains an 'estimated effort' data field – provided by council officers as a number of processing hours. These have been simplified into three categories of complex/average/simple.



runs councillor training and produces a guidebook for councillors that contains guidance on planning rules.

Proposed amendments to the *Local Government Act 1989* would strengthen these provisions and provide more guidance on the balance of responsibilities between councillors and council staff. It will also introduce mandatory induction training for councillors to help them better understand the position requirements.

The role of councillors came in for some comment by stakeholders during this review. Some stakeholders suggested that decisions should be made by independent or semi-independent panels as is the case in South Australia. Deferral of decisions by councils was another area of concern. Stakeholders advised this often occurred because of reservations of one councillor.

Elected councillors have an important role to reflect local opinion and to manage local issues. The community expects them to exercise their powers carefully and to determine each issue before them in the best interests of the whole community. Stakeholders suggested that when sitting as a 'Planning Committee', councillors are more clearly acting in this determinative role based on their municipality's planning scheme.

## **Proposed improvements**

- 51. The current status of delegation arrangements across councils could be reviewed to streamline council officer delegations and develop a model 'deed of delegation' which reflects best practice, helps councils to triage matters and reduces delays.
- 52. A model deed of delegation could be developed and supported by a general guideline that defines common criteria for which matters are suitable for determination by the council's CEO, the director of planning, other senior staff, council or council committees for determination.
- 53. The frequency of councils' planning subcommittee meetings came in for some criticism. 'Missing a meeting' can add a month to the final approval. Shorter, more frequent meetings (say fortnightly) may mean that the volume of approvals can be transacted without such long pauses.
- 54. There is also scope for the government to review the current training given to councillors about their roles and responsibilities when making decisions within the planning framework. The proposal in the Local Government Bill 2019 to require candidates and councillors to undertake training could support this improvement.





## Part C - The Post-permit Approval Process

## Introduction

This part of the review focuses on approvals required after the planning permit has been issued. In this phase, the proponent moves up from being the 'applicant' to being a 'permit holder'.

Stakeholder feedback suggests that some permit holders spend six to 12 months getting post-permit approvals for permit conditions before obtaining final 'sign off'. This post-permit phase is sometimes the most challenging of the development process as it may involve obtaining approvals from authorities outside the planning process and sometimes from the Commonwealth.

If details remain to be finalised at the time the permit is approved, conditions may be added requiring final plans to be approved. Further approvals are often required for subdivision, the construction of a building or the carrying out of early infrastructure works (for example, building electricity assets in greenfield developments).

For a number of reasons, the permit holder may decide to change their plans or the timing of the project, often in a relatively small way, and this can trigger the need for a variation to the permit.

Examples of requirements that are part of the post-approval phase include the following:

- a permit holder's designs may need to be amended to meet conditions set by the council
  and any requirements imposed by a referral authority. Disputes over how to interpret the
  conditions and get sign off for compliance can result in matters being referred to VCAT;
- the submission of plans showing the specific dimensions of lots and council reserves on a subdivision, the quantity of earth to be moved on a site and any changes to site levels, construction and site management requirements and landscaping;
- for new housing estates, developers need to have plans approved by separate authorities
  and companies for roads and local drainage, water and sewer supply, major drainage,
  electricity, gas and telecommunications connections. These need to meet strict safety
  standards before authorities will accept ownership of the final constructed asset;
- while many of these plans comprise standard components, they can be complex if the site
  or surrounds have sensitive environmental features or there is a significant amount of
  development being planned. Landscape design and vegetation retention plans are also
  generally required before construction commences;
- when subdividing land in Melbourne's growth areas, developers must also pay the Growth Areas Infrastructure Contribution (GAIC) which contributes to upgrades and establishment of public transport, schools, health and emergency services, and recreation and community facilities.<sup>39</sup> GAICs must be paid before the titles can be issued for subdivided lots;
- when developing land in other areas, developer contributions may be required by the planning scheme. These contributions are usually required to be paid prior to the commencement of development;

<sup>39</sup> https://www.localgovernment.vic.gov.au/funding-programs/growth-areas-infrastructure-contribution-fund/growth-areas-infrastructure-contribution-projects



- GAIC needs to be paid and Infrastructure Contributions Plans (ICPs), Staged Payment Agreements (SPAs) and Works in Kind (WIK) contributions negotiated where they apply to the site;
- councils sometimes enter into section 173 agreements with permit holders, and the terms of
  these agreements are reflected in the permit itself. These agreements can create conditions
  that must be completed, often before works commence. These conditions can often require
  the permit holder to make additional payments or to deliver WIK<sup>40</sup>;
- approvals may also be required from other authorities, including permits or exemptions from Heritage Victoria, Worksafe, EPA Victoria, airspace and airport authorities and the Commonwealth Government for nationally endangered flora and fauna;
- internal approvals across council may be required from engineering, waste management, landscaping, heritage, design or environmental areas; and
- finally, before premises can be occupied, the assets built by the developer for utility services such as electricity and water supply need to be certified for safety so that they can be transferred to the utility which becomes the new owner of the supply assets.

### Recent reform efforts and outcomes

Recent reforms to the post-permit stage include:

- the VPA's Streamlining for Growth program, which has focused on council capacity, technology and skills. It has included funding for a number of improvements to post-permit processes, particularly for new housing developments, by local government and the VPA. A recent review of the program found the reforms carried out have generated significant benefits and been well received across government and private stakeholder<sup>41</sup>;
- the Essential Services Commission's establishment of a Service Improvement Commitment (SIC) with electricity distribution businesses and industry to address electricity connection delays in new housing estates. This has led to Victoria's five distributors improving their performance, including better online approval systems and the implementation of more efficient infrastructure audit practices. While some early gains have been acknowledged by developer customers, the performance of the electricity distributors on these measures continues to be monitored, and this review has identified opportunities to strengthen the commitment:
- the State Revenue Office has reached agreement with Land Use Victoria (the former Titles
  Office) to move from paper to electronic lodgement of GAIC documentation. The process of
  lodging title-related documents electronically is anticipated to improve further with the

<sup>&</sup>lt;sup>40</sup> This review has also heard from stakeholders with examples of section 173 agreements being used to introduce additional requirements that go beyond the standard requirements for permits, or which impose clauses or conditions that apply to the later use of the property after construction, serving as a type of covenant. Stakeholders in the community housing sector in particular noted that section 173 agreements were routinely used in ways that compromised the viability of projects intended to provide affordable housing, community housing and/or social housing.

<sup>&</sup>lt;sup>41</sup> See https://vpa.vic.gov.au/streamlining-for-growth-program/ for program details and a copy of the independent review.



widespread take-up of the Property Exchange Australia's (PEXA) electronic lodgement technology; 42

- Land Use Victoria has successfully implemented a three-day approval for new subdivisions
  of more than 10 lots if the application is free of errors. The immediate effect of this reform
  has been a significant reduction in the error rate of submitted documentation; and
- in 2018 the Victorian Government introduced changes to the infrastructure contribution
  system via the Planning and Environment Amendment (Public Land Contributions) Act
  2018, in response to concerns raised by the development industry and councils. The Act
  addresses these concerns by allowing landowners to transfer land directly as part of their
  infrastructure contribution. As there were a number of implementation issues raised by
  stakeholders, DELWP and VPA are working with industry and councils to identify ways to
  further improve the system.

This review has identified six opportunities for improvement in the post-permit approvals process where further streamlining appears possible:

- C1. Checking compliance with permit conditions for example, the process for the approval of changes to plans and work required to be completed to the satisfaction of the council or a referral authority before the start of construction.<sup>43</sup>
- C2. Streamlining variations to the terms of a permit for example, variations in the conditions or timeframe of a permit requested by the permit holder.
- C3. Faster timelines for electricity connections including completion of audits of constructed infrastructure before the handover to the ultimate operator, such as electricity supply poles and wires
- C4. Simplifying payment of infrastructure contributions for example, payments under development contributions, GAIC, ICP and section 173 agreements or 'works in kind'.
- C5. Finalising approvals by other authorities for example, Commonwealth Government endangered species approvals, heritage permits, Aboriginal Cultural Heritage Management Plans and other potential approvals needed in parallel with the planning system.
- C6. Coordinating planning and building permit assessments.

With respect to early building works approvals and utilities, the Terms of Reference asked that the review identify utilities other than electricity that are experiencing connection issues. Consultation undertaken by this review to date has not identified any systematic or significant connection issues relating to water or gas. The issue of delays in telecommunications connections affects new residents rather than developers seeking post-permit approvals. This review invites stakeholders to provide feedback on whether, in their view, there are significant connection issues relating to other utilities that should be considered.

<sup>&</sup>lt;sup>42</sup> PEXA was the first privately-owned Electronic Lodgement Network Operator to meet the Model Operating Requirements as assessed by the Australian Registrars National Conveyancing Council and has subsequently gained approval to operate an Electronic Lodgement Network in each Australian state. See: <a href="https://www.arnecc.gov.au/resources/links/electronic">https://www.arnecc.gov.au/resources/links/electronic</a> lodgment network operators

<sup>&</sup>lt;sup>43</sup> See Writing Planning Permits (*Department of Sustainability and Environment (Vic), 2007*) and Growth Area Model Planning Permit Conditions – A Manual for Implementation (*Growth Areas Authority (Vic), 2011*) for typical conditions that require post-permit approvals.



### C1. Checking compliance with permit conditions

### **Opportunities for improvement**

When granting a permit, councils are entitled to attach to that permit conditions that must be met at a stage of the process including, for example:

- · before construction can commence;
- before construction can be completed; or
- before a building can occupied.

Most permits have conditions attached, and they are not necessarily significant hurdles. However, stakeholder feedback suggests that:

- there are too many conditions being attached to permits;
- · the wording of conditions is often ambiguous;
- the approach to what is managed through a condition (as opposed to amending the application itself) and how conditions are expressed varies substantially between and within councils:
- some conditions are not planning matters and should be assessed under other legislation;
   and
- section 62(4) of Planning and Environment Act is not as clear as it could be on conditions
  that are appropriate and those that are not.

The use of inconsistent and unclear conditions creates uncertainty about how and when the matters raised in those conditions can be met or whether in fact they should be met.

Conditions should focus on describing the impacts of the proposed development and ensure that:

- · they achieve a planning outcome;
- · they meet planning scheme requirements;
- they provide sufficient infrastructure improvements to offset new demand arising from the life of the use or development;
- they do not use the land in ways that unduly affects amenity (for example, the opening hours and number of patrons for a nightclub); and
- they enable the council to enforce compliance with these conditions and the planning scheme requirements in general.

A UK Government circular (updated in July 2019) provides clear advice that conditions can only be imposed within the powers available and must be reasonable, explaining each of those powers in detail.<sup>44</sup> There is also advice on what approach should be taken to using conditions.

Planning conditions are to be kept to a minimum and only used if they satisfy the following the test of being:

- necessary;
- relevant to planning;

<sup>44</sup> See https://www.gov.uk/guidance/use-of-planning-conditions.



- relevant to the development to be permitted;
- · enforceable;
- precise; and
- · reasonable in all other respects.

Model acceptable conditions and examples of unacceptable conditions are attached to the circular.

There are model conditions and guidance about writing planning permits and some example conditions for specific land uses on the DELWP website; however, they are not as clear as they could be and do not appear to have been updated since 2007. There are also model conditions provided by the VPA for growth area permit conditions, and VCAT decisions inform the way conditions are written.<sup>45</sup>

#### Points of delay when satisfying permit conditions

From the perspective of councils, an increasing proportion of their workload is spent handling permit conditions. Permits were once likely to have only a few conditions that stipulated relatively simple and clear compliance requirements (for example, requiring that the use and development of the land be carried out in accordance with the plans that had been endorsed by council). Today, however, a typical permit has many more conditions, and these conditions can be more complex.

For example, a typical multi-dwelling development permit can contain 15 to 30 conditions and, rather than specifying simple compliance requirements, may include a number of conditions that can generate substantial work and may create the need to make substantial changes to the intended design later in the process (for example, requiring the permit holder to undertake a full traffic assessment and intersection design before construction can commence). Sometimes these conditions duplicate those in the building permit or matters which are more reasonably handled at that stage.

Feedback from councils suggests that:

- permit holders frequently submit final plans that do not address all the specified conditions, with councils then needing to issue multiple RFIs;
- where conditions stipulate expert reports or substantial changes to plans, these require significant council resources to assess; and
- works done to meet conditions will sometimes raise new issues that require the permit holder to lodge an application to the council to amend the application permit, which means going back to the start of the statutory planning phase.

Permit holders have also outlined a range of systemic delay points including that:

- they do not have the same protection against delays and disputes that are offered in the permit phase because council timeframes for action are not monitored or reported;
- councils sometimes do not provide clear information regarding their post-permit processes, the council's requirements or the permit holder's VCAT review rights;
- conditions that are applied to planning permits by councils are sometimes unnecessary, unreasonable, have no legal standing or may duplicate requirements in other legislation;

<sup>&</sup>lt;sup>45</sup> For the VPA's model conditions, see https://vpa.vic.gov.au/greenfield/model-planning-permit-conditions/. The VPA's model conditions are currently being reviewed and updated.



- councils could obtain information earlier in the process through the pre-application and permit consideration stage;
- sometimes conditions added by other council departments (for example, engineering and drainage requirements) conflict with planning conditions (as the internal referrals were not considered concurrently earlier in the process);
- different council departments can be unresponsive to permit holders' queries and can be difficult to negotiate with; and
- section 173 agreements can be costly to negotiate and prepare, and delay the process.
   Permit holders are routinely required to pay all legal costs associated with transacting these arrangements, so the more difficult they are to negotiate the greater the cost to the proponent.

#### Disputes over conditions

Despite the delays in obtaining post-permit approvals, applicants advised that in some cases it is not considered cost effective to appeal to VCAT as it is more cost and time effective to wait for council's response (or accept unfavourable requirements) because of the perception that it could take six months or more for a VCAT hearing.

VCAT's Short Cases List is already able to hear disputes about secondary consents. It is not clear that this list is used as effectively as it could be. VCAT could further promote its availability and turnaround times to prompt permit holders to use this avenue to resolve post-permit matters.

### Proposed improvements

- 55. DELWP, in consultation with the VPA, VCAT and the MAV, should formalise post-permit processes and set appropriate timeframes for granting approvals by providing a PPN and updating the *Writing Planning Permits* guide to consolidate and enshrine best practice principles.
- 56. These best practice principles should take into consideration the UK example, include model conditions, provide examples of unacceptable conditions and provide clear advice to planning staff so that they:
  - only apply planning conditions that arise directly from the specific issues related to the permit;
  - only use conditions that are necessary and reasonable where existing provisions under planning and other legislation cannot more effectively or appropriately manage compliance; and
  - clearly communicate draft conditions to applicants before a permit is granted, to ensure that there is a common understanding.
- 57. DELWP together with PIA and VPELA could develop an education and guidance program aimed at promoting:
  - more effective and targeted use of conditions; and
  - collaboration between councils to develop consistent conditions.
- 58. Encourage the development of a statewide manual of standardised engineering infrastructure requirements and conditions. The manual should aim to facilitate greater consistency across councils and reduce the time taken to negotiate infrastructure contributions. An example is the



- Local Government Infrastructure Design Association's *Infrastructure Design Manual* or the VPA's *Engineering Design and Construction Manual for Melbourne's Growth Areas*.
- 59. In adopting the Better Approvals approach for planning and building approvals processes (see B1), councils should consult with applicants about draft conditions before the permit is finalised to ensure that there is a common understanding of the problem and what the condition seeks to achieve. This would be a continuation of the case amangement approach that this review proposes should commence in pre-application meetings.
- 60. As part of the more comprehensive data collection and monitoring framework being proposed in this review (see Introduction), councils would collect performance data for the post-permit process (for example, the time taken by councils to review amended plans submitted to meet a permit condition).



### C2. Streamline variations to the terms of a permit

### **Opportunities for improvement**

#### Making changes to an existing permit that requires secondary consents

After a permit is granted, a permit holder may wish to change some aspect of it. Any change to the permit must be approved by the council or relevant referral authority.

For substantial changes, a permit holder will need to lodge an amending application (essentially going back through the permit approvals stage). However, in cases where the changes are relatively minor or within the parameters set out in the permit, the applicant can instead seek a 'secondary consent' from the council or relevant referral authority, avoiding the need to go back through the permit approvals stage.

Despite the intention that secondary consents should be about minor changes, councils have said that assessing applications for secondary consents often requires considerable effort. Sometimes lengthy assessment reports are required as applications often include multiple changes and must be assessed against a complex set of established VCAT principles.

Permit holders have noted that there are no specific fees prescribed in the *Planning and Environment Act (Fees) Regulations 2016* for the assessment of secondary consents (or for other 'checks' undertaken in the post-permit phase).

Instead, councils have adopted their own fee structures for applications for secondary consent. These vary widely (from around \$150 to \$1,000) and it is often not clear which factors in an application for a secondary consent determine the total fees charged. While the fees might legitimately represent cost recovery for the council, there is a lack of clarity and consistency.

Permit holders have also complained that council processes for assessing secondary consents are not transparent and that, as a result, it is difficult to anticipate how long the assessment of requested changes may add to their timelines.

### Requests for extensions of time

Planning permits often prescribe a date by which development must commence and a date by which it must be completed. Permit holders may request an extension of either of these times from council. While most councils have online information and forms for permit holders to complete to request an extension, the information and forms vary widely. In some cases, the forms do not provide applicants with all the relevant information about reasonable grounds for a request, or how the council will assess a request. <sup>46</sup> The criteria for when such a request can be refused are unclear and subject to VCAT precedents.

Requests for time extensions are common, which indicates that timeframes prescribed in permits may be unrealistic. The assessment processes draw heavily on council resources and, in the case of disputes, those of VCAT as well.

As the *Planning and Environment (Fees) Regulations 2016* do not include fees for extensions of time requests, councils set their own fees for 'extension of time' requests.

<sup>&</sup>lt;sup>46</sup> There are no prescribed legislative or regulatory criteria for extension of time requests. Councils (and, in the case of disputes, VCAT) instead assess these requests against a set of principles established by case law.



### **Proposed improvements**

#### Secondary consents

- VCAT's Short Cases List could be used more often to hear secondary consent disputes quickly.
- 62. DELWP could develop a PPN to guide councils and permit holders about the process and assessment criteria for secondary consents. This should be based on the VCAT principles about what constitutes a reasonable secondary consent amendment. The aim would be to make the principles more accessible for less frequent users and reduce the time council staff take to examine individual cases. A PPN could be clear about which matters are appropriate for secondary consents and establish expected approval times, depending on the complexity of the changes. For example, it could specify a quick turnaround for changes to plans that relate to buildings and works that are otherwise exempt from the requirement for a permit. A PPN could also provide advice on when a secondary consent is not appropriate and when a planning permit amendment is required.
- 63. Fees should be prescribed for secondary consents (as well as other post-permit fees), thereby replacing the various local fees charged by councils and providing consistency across Victoria. Fees could be scaled in a number of ways, for example, according to the number of changes requested or the overall cost of development. This may require amending legislation and/or regulations.
- 64. As part of the broadening of performance monitoring for planning activities, councils should be required to report the number of conditions added to permits and the time taken for post-permit decisions.

### Requests for extensions of time

65. A PPN should be developed to provide guidance for councils about how to set specific timeframes that reflect the nature and complexity of a proposal, and for councils and permit applicants about the process and assessment criteria for extensions of time requests



### C3. Reduce timelines for electricity connections

### **Opportunities for improvement**

Electricity distributors are required by the Electricity Distribution Code<sup>47</sup> to meet prescribed timeframes for standard and basic connections (for example, existing buildings or small urban redevelopments), but there are no prescribed timeframes for non-standard connections (which generally capture newly-created lots in estates in greenfield developments). The level of performance has been a long-standing problem.

The Terms of Reference sought a review of the issue given long-standing and ongoing complaints from industry that Victoria's electricity distributors take too long to complete non-standard connections and seem unaccountable and unresponsive in their dealings with developers. These delays impact on the home buyer's ability to take ownership of land and start building, and on the developer's ability to redirect their resources to developing further stages of the project.

The safety and functionality of the electricity network is of paramount importance, and reliability is fundamental to both developers and consumers.

The delivery model for electricity infrastructure is that electricity assets are built by developers and then transferred to the responsible distribution company. Distributors have a keen interest to ensure that in taking ownership of the infrastructure, network supply and reliability can be maintained. Therefore, they closely audit the work done on site by the developer (and their contractors and subcontractors). The distributor will only proceed to make connections if the work is considered to be of sufficient quality and is safe.

These audits routinely pick up cases of poor on-site work that would potentially jeopardise reliable network supply over time. The work of the civil contractor is often failed by the audit process due to non-conformance to the distributor's safety standards. The audit failure rates remain very high and in some distribution areas in 2018, more than half of all projects failed their first audit. Developers have suggested that distributors' auditors often refuse to sign off an audit because of non-safety-related issues with examples cited being a scratched power pole and a ground cable cover not laid precisely in line with the finished soil height of a nature strip.

A particular source of aggravation for developers had been 'auditor walk-offs', where the distribution business auditor leaves a site partially audited after identifying a sample of defects. Since March 2019, all distributions businesses have adopted procedures to ensure that audits are completed in full. Developers have noted this improvement.

### The SIC

To improve performance a SIC was introduced in September 2018 by the Essential Services Commission (ESC). This is a voluntary agreement that sets out objectives for electricity distribution businesses to meet in the connection process. The Electricity Connections Governance Committee<sup>48</sup> (the 'SIC committee'), which first met in December 2018, is now meeting every second month. The SIC is scheduled to run for a 24-month period (finishing in October 2020). There is no

<sup>&</sup>lt;sup>47</sup> Essential Services Commission, Version 9A (20 August 2018)

<sup>&</sup>lt;sup>48</sup> The Committee membership comprises representatives from: AusNet Services; CitiPower/Powercor/United Energy; Jemena; the Property Council of Australia; the Urban Development Institute of Australia (Victorian Branch); the Victorian Planning Authority; and the Essential Services Commission.



clarity at present about what ongoing process is envisaged or whether there will be any enforcement mechanism where commitments for improved performance are not met.

Reporting on the first six months of the SIC's operation indicates that that there have been some improvements to the timeliness of construction audits and the provision of temporary connections but timelines for certain steps in the connection process have not improved.

More broadly, development industry feedback has been that improvements have occurred in the timeliness of audits since the SIC was introduced. Developers have also reported that distribution businesses were introducing improved systems and had changed certain policies to enable a more pragmatic approach (for example, accepting photographs as evidence that certain construction work has been completed). In addition, each distribution businesses represented on the SIC reported that they are actively working on implementing more customer-focused approaches (such as online portals) which will improve their responsiveness to customer requests.

#### **Electricity Distribution Code review**

In parallel to the SIC process the ESC is also undertaking a review of the Electricity Distribution Code ('the Code'). In order to undertake the business of distributing electricity in Victoria, electricity distribution businesses are required to obtain a licence from the ESC. Licensed distribution businesses are required to comply with the rules that are set out by the ESC within the Code, which the ESC reviews and makes changes to on a periodic basis. The ESC states that this review of the Code will be a staged process over several years but its principal focus in 2019 is on technical and customer service standards.

Under the existing regulatory structure, distributors are given significant discretion to determine their own standards and requirements for electricity connections. This is evidenced by the significant differences in processes for approvals by different distributors. The Code enables the distributors to self-regulate by requiring customers to satisfy the reasonable technical requirements of that distributor as detailed in the *Service and Installation Rules* (a set of rules developed by each of the five distribution businesses, with no explicit regulatory oversight).

There is uncertainty about the respective roles of the Australian Energy Regulator (AER) and the ESC regarding responsibilities for monitoring the effectiveness of greenfield electricity connections. Both entities have agreed to draft a regulatory roadmap by mid-2020 outlining responsibilities. Notwithstanding this, the ESC has implemented the SIC, with the support of the AER.

Incorporating clearer and standardised timelines for non-standard connections and consequences for non-compliance into the Code could act as an effective mechanism to 'lock in' some of the recently observed improvements. The SIC committee met for the sixth time in September 2019 and received updates from the distribution businesses on progress. Notably, there was discussion at this meeting of the scope to codify SIC provisions, but no specific agreement or outcome was reached. It is noted that the ESC has the power to unilaterally amend the Code if it determines that the amendment would better achieve its objectives.

#### **Proposed improvements**

66. The ESC should amend the Code to include an appropriate performance framework for distributors in respect of the non-standard connection. The framework would encourage continuous improvement, maintain safety standards and include consequences for non-



compliance. Specific targets could be set for each stage of the non-standard connection process which are not contestable for each distributor.

For example, targets could be that 90 per cent of applications are completed within:

- · 20 business days for master planning design approval;
- · 15 business days for practical completion;
- · 5 business days for initial audit; and
- · 20 business days for tie-in of new developments.
- 67. The Civil Contractors' Federation and Energy Safe Victoria could lead work with all five distribution businesses to develop training and support for contractors and subcontractors with the aim of decreasing construction audit failure rates. This could involve:
  - enhancing shared understanding and engagement between civil contractors and distribution businesses;
  - · the promotion of the role of a site coordinator;
  - setting of minimum standards for professional accreditation and qualifications for design, engineering, civil construction and project management; and
  - · establishing clear and accessible technical and construction standards.



### C4. Simplify payment of infrastructure contributions

#### Box C4.1: When are infrastructure contributions levied?

Development projects for new housing or increased densification create and add demand for community infrastructure. Such development activity is therefore often tied to a requirement to make contributions towards improving those facilities and building new infrastructure as a condition of the permit.

These financial arrangements broadly come in three types:

- ICPs and, for smaller developments, Development Contribution Plans (DCPs). ICPs pay for
  council infrastructure such as local roads, parks, children's centres, libraries and other
  community facilities. Outside the growth corridors, ICPs can provide for State Infrastructure,
  whereas DCPs apply only to local facilities. ICPs are struck at a rate to share the cost of all
  infrastructure between a group of landowners in the designated precinct;
- GAIC is charged at a flat rate per hectare for land in the growth corridors to pay for State
  infrastructure half for public transport and half for community facilities such as schools,
  emergency services and regional parks; and
- Section 173 Agreements are individual agreements struck between a council and developer to
  provide for infrastructure related to a development on a single site. These normally cover basic
  council infrastructure and are increasingly being used to strike arrangements over the provision
  of affordable housing as part of large multi-unit developments.

In most cases, developers can offer to provide land or undertake works of equivalent value in lieu of paying cash. The nature, scope and standard of these agreements is subject to negotiation and open to the council to accept or reject.

For example, a developer may offer to construct a community park and playground instead of paying a contribution. Frequently, after the permit is issued, the developer and the council have trouble agreeing on the specific design of that park and playground. Developers argue for basic standards, councils argue that community expectations have increased.

The obligation to pay GAIC is registered on the title and has to be paid at one of a number of trigger points – although it can usually be deferred and paid in stages when growth corridor land is finally subdivided. This means that a proof of payment of GAIC becomes an obstacle in registering new titles, the last step before selling the land to new owners. Since its introduction in 2010, a series of amendments has made GAIC quite complicated – to the point where the requirements occupy 100 pages of the Planning and Environment Act.



#### Table C4.1 - GAIC

Funding state-level infrastructure in Melbourne's fringe growth areas.

The GAIC is a one-off charge payable by land owners in Melbourne's growth areas that contributes to the cost of providing state-level infrastructure in new suburbs. The GAIC only applies to events involving land over 0.41 hectares (slightly less than half a soccer field). The GAIC is jointly administered by the Victorian Planning Authority, the State Revenue Office and DELWP, and was established in 2010.

Where is it applicable?	Only on certain types of land in seven growth area councils (Cardinia, Casey, Hume, Melton, Mitchell, Whittlesea, Wyndham).
What is it for?	Intended to contribute to the cost of providing State infrastructure – principally schools,
	transport projects (bus and rail), and all emergency services.
How much?	An indexed amount per hectare – for 2019-20 from \$97,360 to \$115,640.
Who collects it?	The State Revenue Office (SRO).
When is it paid?	There are certain trigger events that include buying, subdividing, or applying for a building permit on large blocks of land.

### Table C4.2 - ICP

Funding community infrastructure in new suburbs – applies in greenfields but can extend to regional and strategic sites.

An ICP is a plan that is prepared by the council and the developer, and in the case of PSPs by the VPA. It outlines what community infrastructure is to be established in a specified PSP area and what contributions are required to be made by developers. Once complete, the ICP is incorporated into the local planning scheme. Legislation was established in 2016 to introduce the new ICP process which superseded the previous system known as DCPs.

Where is it applicable?	Currently only applicable to metropolitan greenfield growth areas. This may be added to in time by the Minister for Planning.
What is it for?	It is intended to contribute to the cost of funding basic transport and community infrastructure needs of new communities. Examples of infrastructure categories that can be included in an ICP are community and recreation infrastructure, transport infrastructure, drainage infrastructure, public land for community and recreation, transport and drainage infrastructure.
How much?	The cost of infrastructure is divided between all landowners in the precinct. There are complex arrangements for equalising the contribution of land and an ability to provide some WIK.
Who collects it?	Typically, ICP payments are collected by the relevant local council.
When is it paid?	At the time of development (specified as a condition within the planning permit).



### **Opportunities for improvement**

There are opportunities for improvement in:

- arrangments for ICPs;
- · the administrative arrangements for the GAIC; including with
  - Staged Payment Arrangements;
  - SRO notices;
  - o approval of subdivisions;
  - o the GAIC Hardship Board; and
- the use of section 173 agreements.

#### ICP arrangements

The reform of the previous DCP arrangements for greenfield sites began in 2014 with the intention of simplifying how infrastructure needs were identified and costed. In 2016, legislation established a new system of ICPs based on flat charges per hectare set to cover three categories – transport, community infrastructure and land.

The ICP arrangements were designed to fund State infrastructure in locations where GAIC did not apply and were intended to be progressively applied to regional developments and strategic sites.

This first round of reforms was complicated by the variation in land values between different growth corridors and a higher rate was set for the land component in the south-east compared to the northern and western growth corridors.

Industry sought further changes to equalise the impact between landowners with different amounts of developable land and to enable the contribution of land in lieu of cash. These amendments were passed in 2018 but have proved complicated to implement and the transitional arrangements imposed considerable delays for some of the recently approved PSPs – where subdivisions could not be approved until interim ICP arrangements had been agreed.

Fundamental differences between developers and councils about what standard of community services should be funded through the ICP and how they are to be costed has further complicated the finalisation of plans. It now appears that the same degree of complexity applies to ICPs as for the former DCPs.

Attempts to negotiate a flat rate for regional developments failed as there were too many variable factors between different towns, particularly in relation to drainage – which in Melbourne is handled by a separate funding levy. Practically, the funding of infrastructure in the regions has reverted to a case-by-case basis and there has been no reduction in the time required to finalise DCPs.

Similarly, there has been no resolution of a standard method for calculating the ICP rates for developments on strategic sites in established areas. There has been a lengthy process to try to resolve a rate for Fishermans Bend. Further work is being done drawing on the lessons from this process.

In the meantime, some councils in established areas have seen a pattern of strong development but scattered over their municipality. These councils have sought to adopt municipal-wide DCP arrangements – that is, requiring contributions from a number of separate medium-sized developments to fund community infrastructure needed to cope with a rapidly expanding local population.



The PCA submission went into considerable detail about the technical issues its members have with the ICP arrangements, the impact on different landowners, the process for valuations, rights of appeal, the method of offering land, including alternative land outside the precinct, credits given for WIK and a range of other matters.

The detailed design of the ICP system is outside the scope of this review. However, the ICP problem is a significant issue, as it is a major factor in any development. The VPA is in discussions with industry stakeholders and is working towards resolution of these issues.

#### GAIC administrative arrangements

The GAIC is administered by the SRO, the VPA and DELWP. Allocation of the contributions to infrastructure projects is administered by LGV, within DELWP and by the VPA. The amount of GAIC contributions has steadily increased from around \$10 million in the year it came into effect (2010-11) to around \$150 million in 2018-19. There are a number of steps involved in this process and the completion of each step takes longer than necessary.

The UDIA and PCA, whose members most frequently make GAIC payments, have identified bottlenecks in the administration of GAIC.

VPA - Staged Payment Agreements

When the liability for GAIC is triggered (for example, by the subdivision of land) the developer normally elects to pay 30 per cent of the total liability and enters into a SPA.

The SPA sets out the amounts to be paid and when they fall due. However, the rate is indexed each year and interest accrues until the actual payment is made which introduces the need for individual calculations.

The VPA is responsible for approving SPAs. It determines priority for considering each application.

Currently VPA's average processing time is eight to 12 weeks – although the VPA has an internal objective of approving SPAs within four weeks. There is a backlog of 25 to 40 applications which are prioritised based on how soon the first payment will become due. The backlog is primarily due to a shortage of resources at the VPA, as it is not funded for the costs of collecting the GAIC, unlike the SRO which is funded. Another factor contributing to delays in VPA approval of some SPAs is the poor quality of applications.

Incomplete applications, or the need to go back and secure additional information, delays the approval process. In some cases, the zone boundary between land liable for GAIC runs and land that is not liable for GAIC runs through an individual title, or there are surveying anomalies that need to be checked.

The Minister has delegated approval of SPAs of less than \$10 million to the CEO of the VPA. Some stakeholders sought a higher delegation to remove the further time required for Ministerial sign off.

To improve GAIC processes the VPA has recently:

- · reallocated internal resources to assist with increased payment staging requests;
- revised the SPA application form and guidelines;
- updated the assessment framework for approvals by the CEO or Minister;
- removed the need for developers to request minor changes to payment dates as the timing of their development changes by providing greater flexibility; and

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 increased digital information sharing with SRO on payment staging requests to enable greater cross-agency visibility of the contribution status of land across the growth areas.

From discussions with the UDIA there remain several additional areas where the current arrangements are inflexible and further reforms could be considered such as:

- streamlining the minor amendment of SPAs;
- automatically reissuing a SPA if the GAIC liability is not triggered within the anticipated year

   adjusting the payment date and the indexed GAIC rate without a fresh application from
   the developer; and
- amending legislation to allow the proposed 'super lot' method of deferring the payment of GAIC on the balance of a title not actually subdivided.

#### State Revenue Office

Currently a person wishing to pay their GAIC liability needs to email the SRO to get a calculation of the additional interest due for a planned payment date. This involves adjusting for the current indexed rate of GAIC and applying interest at the ten-year bond rate. This calculation process takes some time and, on occasion, the SRO response is provided too late and the payment date may be missed and a new calculation required.

The SRO has considered the issues raised in this review and has agreed to develop a 'GAIC Staged Payment Calculator' to be available on the SRO website.

#### Approval of subdivisions

The SRO is responsible for the formal issuing of various notices required under the GAIC legislation which are a prerequisite for the approval of a subdivision and creation of new lots for sale. Historically this process has been, at times, quite protracted.

The issuing of new land titles has been going through a series of reforms. In 2017 the Titles Office (now Land Use Victoria (LUV)) successfully introduced a fast-track system which committed to a three-day turnaround for complete and accurate applications. The error rate plummeted as a result and all parties agree the new system is far more efficient.

Since the establishment of LUV, the outsourcing of the titles function and the establishment of PEXA as the national title processing body have meant the subdivision process has increasingly gone online and delays have been reduced.

The online tracking system SPEAR is also well regarded as being an efficient and helpful tool to identify issues that might hold up an approval.

### GAIC Hardship Board

The GAIC hardship provisions <sup>49</sup> were originally included to address potential situations where small landowners were in hardship due to having to pay significant GAIC without having sufficient equity in their land. In practice these transitionary provisions proved unnecessary and very few applications were made. In the last five years there was only one application and the reasons for the existence of a Hardship Relief Board have disappeared. All the land within the UGZ has substantially increased in value since being rezoned and there is no foreseeable GAIC hardship in the future. The Hardship Relief Board still exists with members paid sitting fees, if required.

<sup>49 201</sup>TH to 201TM of the Planning and Environment Act.



#### Section 173 agreements

These agreements have traditionally been used to raise funding by councils for required infrastructure where development is on a single site. Councils need to be able to demonstrate the 'nexus' between the development and the additional infrastructure requirement.

They are also used in order to avoid delay in the issue of a permit where the long-term ICP/DCP arrangement for the precinct has yet to be determined. In Fishermans Bend, for example, in 2014 a section 173 condition was included on every permit issued, requiring the developer to contribute \$15,000 per dwelling (indexed) towards the precinct infrastructure. This obligation will be replaced by another amount to be determined once the precinct plans and an ICP scheme is in place.

Stakeholders have expressed concern that some councils are using these agreements to extract unreasonable contributions from developers. It has been asserted that in some cases councils withhold approval for planning permits unless they get contributions to infrastructure through S173 agreements.

More recently, by amending the Planning and Environment Act, section 173 agreements have now been legislated as the preferred method for entering affordable housing voluntary agreements. Under these arrangements the developer undertakes to gift (or sell at a discount), a small proportion of units in a residential development for use as affordable housing, usually in partnership with a Community Housing Association (CHA). There have been some issues that have arisen in negotiating section 173 affordable housing agreements that have delayed the agreement process. For example, the basis for transferring ownership to a community housing association and the number of units of affordable housing involved has been negotiated in a case-by-case basis.

The Minister for Planning has recently established a Ministerial Advisory Committee chaired by Jude Munro AO to recommend a longer-term strategy for delivery of affordable housing as part of new developments and to clarify the intention of the legislation.<sup>50</sup>

### **Proposed improvements**

### Simplify calculation of ICPs

68. The VPA, developer organisations and councils should continue working towards an agreement on how to move to a simpler arrangement that can deliver an ICP for developments in a parallel timeframe to approval of a PSP.

### Simplify GAIC administrative arrangements

- 69. Efforts to streamline the staged payment system should continue with the goal of achieving the four-week target timeframes for processing staged payment requests and a simple method to roll over SPAs when the GAIC liability has not been triggered within the financial year.
- 70. The VPA should be funded adequately to enable it to process in a timely way the collection of GAIC – possibly by enabling it to be reimbursed in the same way as the SRO is for its costs.<sup>51</sup>

<sup>50</sup> See terms of reference at: https://www.planning.vic.gov.au/\_\_data/assets/pdf\_file/0021/435054/TOR-MAC-Planning-Mechanisms-Affordable-Housing-10.09.2019.pdf

<sup>&</sup>lt;sup>51</sup> Adding them to the provision in section 201VA (c) of the Planning and Environment Act, which currently reimburses the SRO for its costs.



- 71. SRO's current work with LUV to fully integrate GAIC notices will facilitate land transfers within the electronic PEXA system and the SPEAR system used to manage subdivision plans, and the availability of an online calculator for staged payments will further improve response times.
- 72. A regular meeting (at least annually) should be held with VPA, LUV and SRO senior staff and representatives of the land development industry to monitor the implementation of reforms and deal with other issues as they arise.
- The GAIC Hardship Board should be abolished by repealing the relevant sections of the Planning and Environment Act.

### Section 173 agreements

74. DELWP, councils and MAV should develop model section 173 agreements and explore the opportunity to create benchmark prices for standard infrastructure that can be applied across Victoria.



### C5. Approvals by other authorities

### **Opportunities for improvement**

Apart from the planning approvals that a project requires, there are several other categories of approvals that development projects often require that lie outside the planning system. Ideally these approvals should be sought early in the process and resolved prior to the planning matters being finalised.

However, sometimes these issues remain unresolved and become the determinant of whether the project will proceed (for example, construction of a missing section of Edgars Road, a major arterial in Epping, was largely resolved and funded until a lengthy delay occurred due to the need for Commonwealth approval of an endangered grassland offset).

### **Endangered species**

Geographically, Melbourne is surrounded by grasslands and bush areas which contain key remnant areas of native vegetation – including important habitat for more than a dozen endangered species of animals, plants and reptiles. Some of these areas are contained within regional parks and others are protected from future urban development by their location in the dozen 'green wedges' which lie outside the Urban Growth Boundary.

There are some 36 other areas inside the Urban Growth Boundary (but yet to be developed) which have been identified under the *Victorian Biodiversity Conservation Strategy* to be set aside as future conservation parklands as the PSPs in these areas are developed. A significant number of these lie along local creeks and protect the habitat of the endangered Growling Grass Frog. These can be areas that are subject to flooding and are often proposed to create new parks along creeks as an attractive urban design.

There are patches of grasslands or other habitat that remain in areas which are zoned for future urban development. In these cases, developers can apply to remove the vegetation if they fund 'offsets' elsewhere – that is, the acquisition of land and propagation of the particular species involved.

This Biodiversity Management Framework is controlled by the Federal Government under the *Environment Protection Biodiversity Conservation Act 1999* (EPBC). Victoria entered into an agreement with the Commonwealth Government in 2008 called the Melbourne Strategic Assessment (MSA) which established clear frameworks for the operation of the offset system. This included the establishment of two grassland reserves west of Melbourne and a grassy woodland reserve in the north, funded through payments from developers requiring offsets.

This system has broadly been successful and enabled development to occur in a number of places where it might otherwise have been blocked. However, the rollout of PSPs requires minor changes to be made to the MSA. The process of making these changes has become bogged down in delays as every variation has to be assessed by DELWP and then approved by the Federal Department of the Environment.

One of the impediments in dealing with this biodiversity framework is that approvals ultimately lie with the Commonwealth and timelines are, therefore, subject to its prioritisation.



#### Heritage

The role of the Victorian Government, through the work of Heritage Victoria and the Heritage Council of Victoria, is to protect and preserve places and objects of Victorian heritage significance such as Flinders Street Station and the Brighton Bathing Boxes. The Victorian Heritage Register established under the *Heritage Act 2017* includes 2,358 places and objects of State-level significance.

Permits for changes to Victorian heritage-listed places are determined by the Executive Director of Heritage Victoria. The Heritage Council, an independent statutory authority, acts as the review body for permit decisions made by Heritage Victoria.

The protection of places of local heritage significance is the responsibility of Victoria's 79 councils. Councils are responsible under the Planning and Environment Act for ensuring their planning schemes protect places with local heritage significance by applying a Heritage Overlay. To introduce a Heritage Overlay for a local place or precinct, a planning scheme amendment is prepared by the council with final approval by the Minister for Planning. There are more than 180,000 properties included in Heritage Overlays, and councils are responsible for issuing planning permits for the use and development of local heritage places.

Many stakeholders reported a mismatch between heritage and planning approvals which can create uncertainty and deter investment. Ideally, heritage issues should be dealt with in parallel with planning and early in the process

#### Aboriginal Cultural Heritage Management Plans (CHMPs)

The protection of Aboriginal heritage is a legislative requirement. As with other heritage issues, the lessons from recent developments is that it is critical to identify Aboriginal heritage issues at an early stage, prior to an application being made, and to be proactive about them to avoid the approval of the CHMP ending up as the last matter to be resolved.

CHMPs have detailed requirements that require close consultation with the relevant Aboriginal communities, Traditional Owners and Aboriginal Victoria, the Government agency responsible for oversight.

A CHMP is a report prepared by a heritage adviser. As well as the costs of the adviser, fees are paid to the organisation which approves the CHMP (the Registered Aboriginal Party (RAP) for the area or Aboriginal Victoria if there is no RAP).52 It contains an assessment of the potential impact of a proposed activity on Aboriginal cultural heritage. It outlines measures to be taken before, during and after an activity in order to manage and protect Aboriginal cultural heritage in the activity area.

A CHMP is required when high impact activities are planned in an area of cultural heritage sensitivity, as defined by the Aboriginal Heritage Regulations 2018. In such an area, planning permits, licences and work authorities cannot be issued unless a CHMP has been approved for the activity.

### Heritage protection and demolition permits

<sup>&</sup>lt;sup>52</sup> https://w.www.vic.gov.au/aboriginalvictoria/heritage/planning-and-heritage-management-processes/cultural-heritage-management-plans.html



Recently there have been several prominent cases where a developer has secured a demolition permit, under the Building Act, consented to by the council, for a building which is not protected by a Heritage Overlay. Subsequently the council decided that the building has local heritage significance and then asked the Minister for Planning to amend the planning scheme without public exhibition to apply the Heritage Overlay for a 12-month interim period, during which time an amendment to apply the Heritage Overlay on a permanent basis is prepared and exhibited

Given the existence of a planning permit and demolition permit for a property, both consented to by the council, a decision to reverse directions raises concerns of fairness, property rights and due process. It also causes significant delays and costs for proponents who may have signed contracts with builders and will have unforeseen holding and other costs.

The Building Act requires that before a private building surveyor approves a demolition permit it should be referred to the council to avoid this situation arising. This is sometimes referred to as the Building Act safety net and has been in place since the year 2000.

If councils consider that a building proposed for demolition has heritage value but it has not yet been assessed then the council can ask the Minister to approve an interim Heritage Overlay. Until the Minister makes a decision, the demolition permit application is suspended. If the Minister agrees to an interim Heritage Overlay then the council generally has 12 months to complete the heritage study and, if appropriate, apply an ongoing Heritage Overlay. If, at the end of this period, a property where the owner was seeking a demolition permit is included in the Heritage Overlay a planning permit will be required for any work on that property.

Ideally, all councils should redouble their efforts to update their Heritage Overlays to minimise risk and meet community expectations. Also, they should not consent to demolition permits if they consider that a property is of local heritage significance. The Heritage Council of Victoria has commenced a review that will provide an opportunity to explore these issues (see Box C5.2).

### Box C5.2: The State of Heritage Review: Local Heritage

At the Minister's direction, the Heritage Council of Victoria has commenced a review into local cultural heritage recognition, protection and management. The main aims of the review are to:

- establish a clear picture of local cultural heritage protection and management arrangements across Victoria to identify what support is required to improve local cultural heritage management;
- identify examples of best-practice local cultural heritage management and how this may be shared and celebrated:
- provide tangible and practical opportunities for enhancing the way State and local governments work together to recognise, protect and manage local heritage; and
- promote and encourage community understanding of the benefits of State and local cultural heritage protection and make heritage protection arrangements across Victoria easier to understand.



### **Proposed improvements**

- 75. Proponents need to be aware of the full range of approvals that they need, including those from other authorities. Improved pre-application processes (see B1) should enable these approvals to be identified by council planners at an early stage.
- 76. The Minister for Planning and the Minister for Environment and Climate Change could seek direct talks with the Commonwealth to reduce the time taken for approvals under the EPBC Act by ensuring that assessments under the existing bilateral agreements are used as extensively as possible and that the potential for bilateral approvals by the Victorian Government have been pursued. This would give greater flexibility to negotiate offsets while securing viable reserves of endangered habitat.
- 77. Councils should ensure their heritage studies and Heritage Overlays in planning schemes are up to date and in line with current community expectations to protect buildings of local heritage significance.
- 78. DELWP, in consultation with relevant parties, should provide clearer advice and information for councils and proponents about State and local heritage responsibilities and processes, including the safety protections of the Building Act.



### C6. Coordinate planning and building permit assessments

### **Opportunities for improvement**

Concerns have been raised about unexpected or overlapping requirements and conditions that result from the separate assessment of planning and building permits and which cause unnecessary delays to obtain a building permit. For example, there have been conditions where:

- the subsequent assessment of a building permit raises matters not stipulated or anticipated
  at the planning permit stage that necessitate an amendment to the planning permit before the
  building permit can be issued; and
- an occupancy permit cannot be issued, or a building occupied until conditions on a planning permit have been met.

It can take substantial time and effort to address these requirements and considerable frustration for permit holders and builders. Examples of issues that arise are detailed below.

### Flooding requirements in flood-prone areas that set minimum floor levels for plans

This issue arises because details in planning schemes about flood-prone areas are not always up-do-date. Some areas in a municipality may be flood-prone even though they are not shown as such in the planning scheme. As a result, a planning permit may be issued without stipulating that the area is flood-prone, and without prescribing any minimum floor level requirements. When the applicant subsequently applies for a building permit, they are required to obtain a 'building information statement' and include it in their application. This statement provides up-to-date information about flood-prone areas, triggering the imposition of minimum floor level requirements.

### Planning permits tying conditions to occupancy permits

Another issue which has been brought to our attention is that some planners are linking their planning conditions to the issuing of the occupancy permit by the building surveyor for the occupation of a building. However, the building surveyor does not have any planning powers and is not obliged under the Building Act to consider planning matters before issuing an occupancy permit. Examples of these conditions include:

- · completing specific work for the realignment of an existing drainage easement;
- providing a certified survey on floor levels as constructed to Melbourne Water;
- providing a written report on the measures specified in a Sustainable Management Plan; and
- · ensuring that common walls limit noise transmission.

As noted in the post-approval phase of this discussion paper, planning conditions should not rely on other legislation for their enforcement.

In addition to delaying the building permit process, these conditions delay the finalisation of the building contract. This in turn delays the payment of the builder, which is a particular concern where the builder is not the developer.

These types of issues arise more frequently where there is lack of communication about permit applications between council planning and building departments. Some councils, such as the City of Melbourne, have addressed this by creating a single 'Development Branch', which co-locates planning and building staff, and fosters a culture to strengthen consultation and collaboration on the



assessment of permit applications. In addition, they have also dedicated significant time and effort into designing a 'best practice' process flow which involves close interaction between all relevant council approvals teams required for any given development project.

#### Proposed improvements

As outlined in previous sections, the proposed improvements include the implementation of a more coordinated internal referral 'whole of project' approach to approvals within councils and an enhanced training initiative to promote best practice when drafting planning permits – a Planning Better Approvals process.

Specific improvements include:

- 79. Councils should use the concierge approach proposed in this review (see B1) to anticipate and address specific issues early in the approvals process and to underpin effective coordination of planning, building, engineering, heritage and other specialist staff at councils. This 'whole of project' customer focus would provide oversight and coordination of internal approvals, monitor timeframes to ensure responses are provided in a timely manner and assist to broker compromises or alternative solutions when necessary.
- 80. With respect to flooding, the relevant authorities (for example, drainage authorities and catchment management authorities) should collaborate to develop a single, consolidated set of flood mapping information, with this data then made available to all parties who use and administer the system. Smart Planning could then consider integrating this information into the online portal.
- 81. An additional measure that could be implemented in the short term is to require the 'building information statement' to be provided at the time information is provided about the planning permit application requirements. It could then be considered as part of the planning approval process and provide access to any flooding information held by a council under the building regulations. This would enable building designers to incorporate this information in their planning permit application, avoiding unnecessary rework causing increased costs and delays if the information is discovered later.





### Part D – The Building Approvals Phase

### Introduction

This section reports on the building approvals process, which stakeholder feedback indicates is generally not experiencing the same degree of delays, but nevertheless there are some opportunities for improvement.

The building approvals process is an important regulatory control in Victoria providing verification that building design and construction complies with the regulated standards both before work commences and at the mandatory and other stages during construction. Together the *Building Act* 1993 (the Building Act) and the Building Regulations 2018 (the Building Regulations) set out the regulated standards.

The Building Act provides the legal framework for controlling building work, building standards, building and occupancy approvals – commonly referred to as 'permits'– and the maintenance of specific building safety features. The central objective of the Building Act is to protect the safety and health of people who use buildings and places of public entertainment.<sup>53</sup>

The Building Regulations prescribe the specific requirements and standards necessary to implement the policy objectives of the Building Act. These include the requirements for building permits, building inspections, occupancy permits, regulatory enforcement and maintenance of buildings. The Building Regulations also adopt the National Construction Code (NCC) as a technical reference for the design and construction of buildings and other structures in Victoria.

Over the last few years, there has been concern about the effectiveness and integrity of the building regulatory framework. Numerous reviews, inquiries and audits have been undertaken into the Victorian building regulatory framework since 2000 that have identified deficiencies in this framework. In response, the Victorian Government has undertaken an extensive reform program and further initiatives are underway to continue to address the deficiencies and concerns.

The reform program includes implementing recommendations made by the Victorian Cladding Taskforce in both its 2017 'Interim Report' and its 'Report from the Co-Chairs' released in July 2019 to address the use of non-compliant combustible cladding on buildings in Victoria.

In July 2019, the Victorian Government also foreshadowed a review of the Building Act to identify the legislative changes needed to strengthen the regulatory framework.

The goal of this review is to identify ways in which some processes can be improved, including strengthening the effectiveness of regulations and the professionalism of building practitioners.

<sup>&</sup>lt;sup>53</sup> The objectives of the Building Act are set out in section 4 of the Act and include to protect the safety and health of people who use buildings and places of public entertainment, enhance the amenity of buildings, promote plumbing practices which protect the safety and health of people and the integrity of water supply and wastewater systems, facilitate the adoption and efficient application of national building and plumbing standards, facilitate the cost-effective construction and maintenance of buildings and plumbing systems, facilitate the construction of environmentally and energy efficient buildings, and aid the achievement of an efficient and competitive building and plumbing industry.



#### **Building permit process**

Figure D1 shows the five stages that a project must progress through in the building permit process.

Figure D1: The stages in the building permit process



Specific activities occur at each stage in the building permit process with the responsibilities shared between several individuals and authorities. Key among these is the building surveyor who is involved in all of the five stages.<sup>54</sup>

Building surveyors perform the core regulatory function of authorising all classes and types of building work and are responsible for carrying out mandatory inspections that are intended to ensure that the construction of buildings complies with the Building Act, Building Regulations and the building permit. A building surveyor may be either a municipal building surveyor, who is employed by a local council, or a private building surveyor.

Building surveyors must be registered with the VBA before they can commence work. To be eligible for registration, building surveyors must, along with probity requirements, complete training and experience requirements and hold professional indemnity insurance.

Each of the five stages in the building permit process are described below, along with the roles of the building surveyor and the relevant authorities.

### Appointment of a building surveyor

All new construction, alteration and demolition work, unless specifically exempt under the Building Regulations, requires a building permit.

To obtain a permit, the owner of the property (or their agent, for example a project manager they engage to act on their behalf) must either appoint a private building surveyor or apply to a municipal building surveyor to assess their application. The appointment of a building surveyor is intended to ensure that the application is independently reviewed as adequate to support the proposed construction and meets all the legal requirements that apply to the builder and the project

An application for a building permit must contain enough information to enable it to be processed and to show that the proposed building work complies with the Building Act and the Building Regulations. Therefore, among other matters, an application must detail the nature and cost of the

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<sup>&</sup>lt;sup>54</sup> Once appointed, a building surveyor usually remains for the duration of a building project although they can transfer the project to another building surveyor provided, they notify the VBA and the relevant council. This may occur, for example, if a building surveyor temporarily or permanently shuts down their business.



building work, and include drawings, specifications, plans and title documents. Many of the certificates and records required for a building permit application are held by councils.

On receiving an application, the building surveyor calculates the building levies and applies to the VBA for a permit number. The owner or their agent then pays the levy direct to the VBA. The VBA cannot issue a permit number until the levy has been paid.

#### Assessment of the building permit application

In assessing a building permit application, a building surveyor must:

- determine if the permit application complies with the Building Act and the Building Regulations;
- ensure that the builder who will carry out the work meets the requirements under the Building Act and the Building Regulations; and
- · be satisfied that any reports and consents from the reporting authorities have been obtained.

Like referral requirements for planning permits, a building permit application must be referred to a reporting authority by the building surveyor, if the applicant has not already done so.

The authorities that must report on or consent to a building permit include the council responsible for the land where the proposed building work will occur, any other affected council, and any relevant service authorities such as for drainage, sewerage, electricity, gas or water supply. The purpose of the referral is to ensure that the proposed building work does not adversely affect the assets and infrastructure of the reporting authorities, the operational requirements of emergency services or the amenity of the community.

Examples of situations where a permit application will be referred to a reporting authority are to obtain the consent of a water supply authority if building over an easement, the consent of a sewerage authority when installing or altering a septic tank system or the consent of a drainage authority for building in a flood-prone area.

If the reporting authority does not provide a report within the prescribed time<sup>55</sup>, the building surveyor may decide on the building permit. An applicant may appeal a referral authority report, or lack of a report, to the Building Appeals Board (BAB).<sup>56</sup>

Depending on the requirements of the relevant planning scheme, proposed building work may require a planning permit. If a planning permit is required, the building surveyor cannot issue a building permit unless they are satisfied that the planning permit has been obtained and any relevant conditions on the planning permit have been met. For example, there may be a condition for the builder to prepare a construction management plan before the building permit can be issued (see D4 for a discussion of construction management plans).

### Decision to issue a building permit

<sup>&</sup>lt;sup>55</sup> Under regulation 34 of the Building Regulations, reporting authorities have between ten and 15 days, depending on the class of building, to advise on an application for a building permit.

<sup>&</sup>lt;sup>56</sup> The Building Appeals Board (BAB) is an independent statutory body established under the Building Act to hear and determine appeals, disputes and requests for modifications to the regulations for a particular building project.



After receiving the reports and consents from the reporting authorities, a building surveyor may issue (with or without conditions) or refuse a building permit. If a permit is refused, the building owner may appeal the decision through the BAB.

A permit may be for the whole or a stage of the proposed project.

The building surveyor must lodge a copy of the building permit and associated documentation with the council. This enables the council to maintain a public register of all building work in its municipality (see D2 for a discussion of building records).

#### Construction including inspecting building work

Once the permit is issued, the building work can start and be carried out according to the building permit conditions. A building surveyor, a building inspector or an engineer must inspect the building work at the end of each of the mandatory stages or at any other times specified in the building permit.

### Box D1 - Building surveyors, inspectors and engineers

A building surveyor is responsible for inspecting work as a building is constructed. They may do this personally or engage a building inspector to complete the inspection on their behalf, or a suitably qualified engineer to inspect an aspect of the work. For example, a civil engineer may be appointed to inspect the structural, sewerage, water or drainage works while a mechanical engineer may be appointed to inspect the hydraulic services.

Where the work is complex, multiple people may be involved in the inspection, such as a fire safety engineer to inspect the fire and smoke-resisting elements and a building inspector to inspect other aspects of the building work.<sup>57</sup> Whoever carries out the inspection must do it in person; they cannot rely on photographs, videos, declarations or reports.

Like building surveyors, building inspectors and civil, mechanical, electrical and fire safety engineers involved in the building industry must be registered with the VBA.

The mandatory inspection stages are different for new construction and demolition work. For construction of a new building or alterations to an existing building, the five mandatory inspection stages are:

- · before the footings are placed;
- · before pouring the reinforced concrete slab;
- when the frame is up;
- the fire and smoke-resisting elements in multi-unit residential buildings such as a boarding
  house, hostel, student and backpacker accommodation, the residential part of a hotel, motel,
  school or detention centre, a health building and an aged-care building; and
- when work is completed.

The purpose of the inspections is to carry out an independent assessment of the building work to check that at the time of the inspection it complies with the Building Act, the Building Regulations and the building permit.

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<sup>&</sup>lt;sup>57</sup> This example is drawn from the VBA Practice Note 69-2018; Mandatory notification stages and inspection of building work; p 3.



#### Decision to issue an occupancy permit

An occupancy permit means that the building is fit for occupation; it does not confirm that the building work complies with the Building Act and the Building Regulations. It is the builder who is responsible for ensuring that the building work complies with the legislative requirements. An occupancy permit is only required if specified in the building permit. If an occupancy permit is not required, a certificate of final inspection will be issued instead.<sup>58</sup>

The five stages in the building permit process can be undertaken by either a municipal building surveyor or a private building surveyor. Municipal and private building surveyors perform some functions in common and municipal building surveyors have some additional functions. Figure D2 compares the roles of municipal and private building surveyors.

**Private Building** Municipal Building Surveyors Surveyors Can issue building permits Can issue building permits Can conduct inspections of Can conduct inspections of building work building work Can issue occupancy permits Can issue occupancy permits Issue notices, orders & Issue notices, orders & directions to fix for permits directions to fix for permits they manage they manage \*Enforce laws in their \*Refer matters to the VBA municipalities in their own right or on behalf of councils for enforcement Lodge permit documents with councils

Figure D2: Roles of municipal and private building surveyors\*

#### Recent reform efforts and outcomes

Previous reports, including the 2011 and 2015 reports by the Auditor-General, identified issues with the building permit process and made recommendations for improvement. Many of the issues have been addressed by the Victorian Government through its ongoing program of reform to the building regulatory framework.

<sup>\*</sup>Note: Details of the enforcement responsibilities of municipal and private building surveyors are described in Section D7 and illustrated in Figure D7.1.

<sup>58</sup> A certificate of final inspection is usually issued for extensions or alterations to existing homes.



Some of the important reforms to the building permit process that have been implemented by the Victorian Government since 2015 include:

- addressing potential conflicts of interest by requiring owners to appoint private building surveyors;
- giving the VBA and private building surveyors stronger powers to direct builders to fix defective work to ensure early intervention and the rectification of defective and noncompliant work by builders;
- providing tools for building surveyors, such as checklists, to assist them to carry out their functions and to ensure all required documents are lodged with councils;
- introducing corporate registration for building practitioners, including building surveyors, to
  enable the probity of these businesses to be checked and the VBA to take disciplinary action
  against their directors;
- strengthening the regulation of building inspections to provide greater assurance that the
  person who carries out an inspection of building work is qualified to do so;
- clarifying that the administrative and enforcement functions of councils apply where private building surveyors have been appointed;
- introducing an online system at the VBA to issue building permit numbers;
- confirming that the builder named on the building permit is responsible for ensuring that the
  work complies with the Building Act, Regulations and permit; and
- broadening the power of the VBA and councils to obtain court orders for rectification of noncompliant building work.

In July 2019, the Victorian Government announced a package of initiatives to address high-risk cladding in buildings. The initiatives include a review of the Building Act 'to identify what legislative change is needed to strengthen the system and better protect consumers'. The Victorian Government is currently considering the scope of that review and how it will be delivered. Depending on the scope of this discussion paper, it could consider some of the possible opportunities for improvement identified below.

### What this review found about the building approvals process

Stakeholder feedback and analysis undertaken for this review has identified five blockages which are delaying building and increasing costs for owners and developers.

These include delays in the:

- preparation, assessment and lodgement of building permit applications;
- · issuing of building permits and the commencement of building work;
- · inspections of building work and the completion of buildings;
- discharge of any conditions on planning permits that must be met before building and occupancy permits can be issued; and
- issue of occupancy permits and the occupation of buildings.

<sup>&</sup>lt;sup>59</sup> Media Release from the Premier of Victoria 'Tackling High-Risk Cladding to Keep Victorians Safe'; 16 July 2019.



In most instances delays are the result of a mix of factors with some causing delays at multiple stages in the building permit process.

The causes of delays include:

- shortage of building surveyors, inspectors and fire safety engineers (see Section D1);
- difficulty accessing certificates and documents held by councils and needed for the preparation and assessment of building permit applications (see Section D2) and for enforcement (see Section D7);
- certain types of small low-risk building work unnecessarily requiring a building permit (see Section D3);
- the cost and timing of preparing construction management plans (see Section D4);
- inconsistent requirements for the protection of council assets and infrastructure (see Section D5):
- poor quality reports from building consultants escalating/creating disputes between owners and builders and stopping building work (see Section D6);
- the rectification of poor-quality work that should have been detected earlier (see Section D7);
- directions and orders awaiting enforcement (see Section D7); and
- conditions on planning permits that must be completed during the building permit process (see Section C6).

Eight opportunities for improvement have been identified to address these delays:

- D1. Expand the workforce of building surveyors, building inspectors and fire safety engineers.
- D2. Improve access to building records.
- D3. Streamline building permit requirements for low-risk work.
- D4. Standardise construction management plans.
- D5. Improve consistency of council asset protection requirements.
- D6. Distinguish building 'consultants' from building surveyors.
- D7. Clarify processes for enforcement.

Each opportunity is discussed below.



# D1. Expand the workforce of building surveyors, inspectors and fire safety engineers

#### **Opportunities for improvement**

The Australian Institute of Building Surveyors (AIBS), MBAV, HIA and Victorian Municipal Building Surveyors Group (VMBSG) have reported shortages of building surveyors, building inspectors and fire engineers for the private sector and local government, particularly in regional areas and for smaller building projects.

These shortages are consistent with the finding of Infrastructure Australia's 2019 'Australian Infrastructure Audit' – that the increasing size and complexity of infrastructure projects, particularly in Victoria and New South Wales, are exceeding industry capacity and that '[a]t all levels and for all types of infrastructure, access to appropriate skills is a problem'.<sup>60</sup> Infrastructure Australia advises that '[i]f we are going to continue to be productive and accommodate change, we need to grow industry skills and capacity'.<sup>61</sup>

The shortages of building surveyors, inspectors and fire engineers are resulting in heavy workloads and causing delays in the approval and construction of buildings. Stakeholders have advised that for some projects it is difficult to find a building surveyor; to organise timely inspections with a building surveyor or inspector; to find a fire safety engineer to design and approve performance solutions; and to schedule a time for a building surveyor to undertake the final inspection and issue an occupancy permit.

AIBS has been reporting a national shortage of building surveyors since at least 2015. <sup>62</sup> Data provided by the VBA suggests that while the number of registered building surveyors in Victoria has increased since 2013-14, their workloads have remained high, and the complexity of their work and the value of building work has increased significantly. Practicing building surveyors registered with the VBA are estimated to have issued on average around 205 building permits in 2017-18 compared to 202 in 2013-14, and 163 occupancy permits and certificates of final inspection in 2017-18 compared to 165 in 2013-14.<sup>63</sup>

A recent report by the Municipal Association of Victoria (MAV) ranked building surveyors third highest in the list of the top ten occupations with skill shortage in local councils.<sup>64</sup>

In addition, building surveyors, along with inspectors, carry out inspections of building work at the mandatory and other stages of constructing or renovating a building to ensure that the work at those stages complies with the Building Act, the Building Regulations and the building permit.

Infrastructure Australia; An Assessment of Australia's Future Infrastructure Needs – The Australian Infrastructure Audit 2019; June 2019; p 237.
 Media Release 'Record Infrastructure spend the new normal, 2919 Infrastructure Australian Audit warns', 13

Media Release 'Record Infrastructure spend the new normal, 2919 Infrastructure Australian Audit warns', 13 August 2019.

 <sup>&</sup>lt;sup>62</sup> Sydney Morning Herald; 'Government: Building surveying is a growth industry – Business is booming for building surveyors, with many practitioners now approaching retirement'; March 2015.
 <sup>63</sup> Building survey average workloads have been calculated based on an estimate of 83 per cent of building

<sup>&</sup>lt;sup>63</sup> Building survey average workloads have been calculated based on an estimate of 83 per cent of building surveyors registered with the VBA being active, i.e. issuing building and occupancy permits.

<sup>&</sup>lt;sup>64</sup> Municipal Association of Victoria; Local Government Workforce and Future Skills Report Victoria; December 2018; p 46.



During 2017-18, each registered surveyor and inspector is estimated to have carried out on average around 424 inspections compared to 421 in 2013-14.

Where a mandatory stage involves the inspection of fire and smoke-resisting building elements, this is required to be carried out by a fire safety engineer, or a building surveyor or inspector with fire safety qualifications. As the mandatory fire safety inspection was only introduced in July 2018, there is some concern that this may be putting additional pressure on the 208 registered fire safety engineers, <sup>65</sup> given the engineering skill shortage predicted by Engineers Australia.

The mix of factors contributing to these shortages are the:

- · broad scopes of work for each of the two classes of building surveyors;
- · coverage and increasing cost of professional indemnity (PI) insurance;
- · lack of interest from school leavers in the profession; and
- ageing nature of the profession.

These factors are each outlined below.

#### Scope of work of registered building surveyors

The two classes of registration for building surveyors (unlimited and limited) have broad scopes of work that authorises them to perform the full range of functions for all classes of buildings and are only distinguished by the size and height of buildings. Such broad scopes of work result in high entry requirements and increase the liability of building surveyors and their risk profile for PI insurance, both of which can discourage people from entering and remaining in the profession. It also means that for the approval of low-rise domestic buildings such as single dwellings, owners are still required to use building surveyors, either limited or unlimited.

#### PI insurance

In July 2019, the PI insurance issue came to a head with the only remaining insurer responding to a potential increase in claims arising from defective building work, in particular, combustible cladding, by withdrawing exclusion free policies and increasing premiums for some building surveyors by a reported 300 per cent. Insufficient information on the incidence of defective work and the cost of rectification have made it difficult for the insurer to determine its likely exposure and appropriately price PI insurance policies.

To address this information gap, the VBA wrote to building surveyors in June 2019 advising them of their cladding exposure as identified in the statewide Cladding Audit and that they should disclose this information to their insurer to enable any future claim to be covered by their existing policies.

The Victorian Government responded to the PI insurance policy changes by amending the Building Practitioners' Insurance Ministerial Order to allow PI insurance policies with certain exclusions for external wall cladding products. Cladding Safety Victoria was established in July 2019 to provide support and guidance to building owners and occupants of buildings with combustible cladding about how to reduce fire risks, help them find qualified project managers and other professionals and, in higher risk situations, provide funding for approved rectification works.

 $<sup>^{65}</sup>$  There was a marginal increase in the number of fire safety engineers registered with the VBAuthority at 30 June 2019 up from 195 registered on 30 June 2018.



At the July 2019 meeting of the Building Ministers' Forum, states and territories agreed to work towards a coordinated approach to PI insurance. An options paper is being developed in collaboration between New South Wales and Queensland that will set out a pathway for professional standards schemes and alternative PI insurance options. The options paper will be released for targeted consultation with insurers and the building industry.<sup>66</sup>

#### Interest in the profession

Enrolment and graduation rates are low in the university and TAFE courses students are required to complete to be eligible for registration with the VBA as building surveyors and inspectors. This is due to a lack of interest among school leavers in studying the relevant courses.<sup>67</sup>

A study commissioned by the MBAV in 2017 reported that 45 students commenced the Bachelor of Building Surveying at Victoria University in 2015 but only nine students completed the course that year. 68 Low numbers of graduates in university building surveying courses has been experienced across Australia since 2002. 69

While enrolments in the Advanced Diploma of Building Surveying were significantly higher and increased from 145 students in 2015 to 215 students in 2018,70 the numbers completing the course were much lower with 45 students graduating in 2015 and 55 graduating in 2018.71 While the numbers of graduating students in the Advanced Diploma are encouraging, stakeholders have advised that many students seek employment in related occupations instead of building surveying and inspection. There is also a gender imbalance as there are very few female building surveyors or inspectors.

This lack of interest is attributed to building surveying and inspection being seen as a 'risky profession'. The roles are not well publicised and recent reports on building issues emphasise the liabilities and risks placed on surveyors and inspectors and discourage new entrants.<sup>72</sup>

There is also a perception that there are no clear career pathways in the profession for graduates, and no targeted entry paths or 'bridging' arrangements that recognise the knowledge and skills of practitioners from related occupations such as builders, architects, engineers and project managers, who may wish to move across to building surveying and inspection work. For example, there is a pool of experienced builders facing physical challenges as they age in their current roles who could be expected to be interested in becoming building surveyors or inspectors.

In response to these issues, the VBA is implementing a long-term strategy to promote interest in the

<sup>66</sup> Building ministers' Forum; Communiqué; July 2019

<sup>&</sup>lt;sup>67</sup> The courses prescribed for registration include the Bachelor of Building Surveying at Holmesglen and Victoria University for building surveyors and inspectors (unlimited and limited), and the Advanced Diploma of Building Surveying for building surveyors and inspectors (limited). The Advanced Diploma in Building Surveying is offered at Holmesglen, Victoria University, Melbourne Polytechnic and is expected to commence delivery in 2020 at the Ballarat campus of Federation University.

<sup>68</sup> Deloitte Access Economics for the Master Builders Association of Victoria; Construction workforce in Victoria; November 2017; p 23.

<sup>&</sup>lt;sup>69</sup> Conference Paper; 'Building Surveyors in Australia: an emerging profession?'; July 2006. (Based on the findings of the AIBS Skills Shortage Reports 2005.)

<sup>&</sup>lt;sup>70</sup> As the Advanced Diploma of Building Surveying is a two-year full-time course, average student enrolments for each of the course were 73 students in 2015 and 108 in 2018.

<sup>71</sup> Course data extracted from the National Centre for Vocational Education Research website accessed on 12 September 2019.

<sup>&</sup>lt;sup>72</sup> Kim Maund, Willy Sher and Rosemary Naughton; Understanding the Building Certification System: A Need for Accreditation Reform; Australasian Journal of Construction Economics and Building; Vol. 2, No. 2 (2014); p 67-68.



profession and encourage the participation of women.

The strategy includes:

- participating in careers expos and speaking at schools to promote the professions;
- supporting graduate surveyors to gain registration through placements with councils and the VBA:
- designing a formal graduate program for building surveyors; and
- investigating professional development programs and online training to keep industry knowledge up to date.<sup>73</sup>

Other barriers to entering the profession identified by stakeholders include:

- the quality and level of courses;
- the availability of courses (which are mostly delivered face-to-face and concentrated in Melbourne);
- · the availability of qualified trainers with practical knowledge and experience; and
- the cost of courses (full fees are estimated to be between \$30,000 to \$50,000 per course depending on whether it is a TAFE or university course).

The Commonwealth Government has a subsidy program to assist with course tuition fees for university courses, including the Bachelor of Building Surveying. The Victorian Government introduced the 'Free TAFE Program' in early 2019, which, among other courses, includes the TAFE Advanced Diploma in Building Surveying that is prescribed for the registration of the limited class of building surveyors and inspectors.

In terms of course quality, stakeholders have raised concerns about the content of some courses, noting that there are gaps in key areas such as the practical application of the technical requirements and standards for the construction of buildings under the Building Act and the NCC. Consistent with this observation, Peter Shergold and Bronwyn Weir, in their 2018 report to the Building Ministers' Forum, noted that 'there are gaps in the accountability of practitioners with key responsibilities for compliance with the NCC across Australia'. Accordingly, they recommended a compulsory unit on this topic in the National Construction, Plumbing and Services Training Package:

'An essential element of training packages must be training on the NCC and the manner in which it needs to be applied. This is not presently a compulsory unit of study for all qualifications which are required for registration. It should be. Effective implementation of the NCC depends upon it.'75

The building permit is the means by which the requirements of the NCC are incorporated into the build. The NCC specifies the minimum building standards but there can be a variation from the

<sup>&</sup>lt;sup>73</sup> VBA website; 'Inspiring the next generation of building surveyors'; Thursday 27 June 2019; accessed 16 August 2019. https://www.vba.vic.gov.au/news/news/2019/inspiring-the-next-generation-of-building-surveyors
<sup>74</sup> Peter Shergold and Bronwyn Weir; Building Ministers' Forum Expert Opinion, Building Confidence: Improving the effectiveness of compliance and enforcement systems for the building and construction industry across Australia;

February 2018; p 15.
<sup>75</sup> Peter Shergold and Bronwyn Weir; p 17.



standards when a building surveyor approves a performance solution which certifies that an alternative approach, usually at a lower cost, is the equivalent of the standards.

The concern for the engineering professions is future capacity. The low number of local engineering graduates each year means that, for at least the last 15 years, Australia has been relying heavily on skilled migration to meet local demand. A recent report by Engineering Australia, 'Engineers Make Things Happen', noted that there are risks with this approach, in particular, in terms of building local engineering capability to meet future demand as Australia diversifies from a resource-based economy.<sup>76</sup>

### Ageing profession

While the number of new entrants to the industry is low with an average of 29 new building surveyors and 45 new inspectors registered with the VBA each year between 2013-14 and 2018-19, to date this has been enough to offset the number leaving through retirement or moving to other professions. However, with 30 per cent of building surveyors and inspectors over the age of 55, it is anticipated that an estimated 330 building surveyors and inspectors will retire in the next 10 to 15 years. In these circumstances it is essential to increase the number of people entering the profession each year to reduce workloads and improve the quality and timeliness of services provided by building surveyors and inspectors.

### **Proposed improvements**

The following improvements are proposed.

82. Establish a new class of building surveyor for low-risk building work.

Depending on the scope of the Victorian Government's recently foreshadowed review of the Building Act, it is proposed that a new class of building surveyor be created that has a narrower scope of work. This scope of work would be limited to low-rise domestic building works (Class 1 and 10 buildings) not exceeding 500 square metres floor area.

### Box D1.2: Building Classes

#### Class 1 buildings

A residential dwelling including:

- a single detached dwelling, or one of a group of two or more attached dwellings, each being a
  building, separated by a fire-resisting wall, including a row house, terrace house, town house
  or villa unit; and
- a boarding house, guest house, hostel or similar, with a total area of all floors not exceeding 300 square metres, and where not more than 12 people reside, and is not located above or below another dwelling or another Class.

#### Class 10 Buildings

Non-habitable building or structure including a:

- · private garage, carport, shed or the like;
- structure being a fence, mast, antenna, retaining or free-standing wall, swimming pool or the like; and;
- · private bushfire shelter.

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<sup>&</sup>lt;sup>76</sup> Andre Kaspura on behalf of Engineering Australia; 'Engineers Make Things Happen: The need for an engineering pipeline strategy'; 2017; p 6.



A narrower scope of work would reduce the risks arising for building surveyors from carrying out that work compared to the existing limited and unlimited classes of building surveyors. The reduction in liability for potentially defective building work resulting from this lower risk profile for low-rise domestic building work would be expected to ease the cost of PI insurance for the new class of building surveyor.

Increasing the supply of building surveyors to perform functions for low-rise domestic building work would free up more qualified surveyors to do more complex work, thereby reducing delays associated with appointing building surveyors for that work and improving quality assurance.

The proposal is consistent with evidence that around 83 per cent of building permits issued over the last 10 years were for Class 1 and 10 buildings of less than two storeys. It would also support national harmonisation by aligning Victoria with equivalent classes of registration in New South Wales, Queensland and South Australia and facilitate the movement of surveyors into Victoria through mutual recognition.

#### Box D1.3: Registration categories for building surveyors (certifiers) in Queensland

Building Certifier Level 1 - all classes of buildings and structures.

**Building Certifier Level 2** – buildings and structures up to three storeys and with a total floor area of up to 2,000 square metres, or, under the supervision of a Building Certifier Level 1, helps assess and inspect all classes of buildings and structures.

Building Certifier Level 3 - Class 1 buildings and Class 10 buildings and structures.

- Increasing interest in the building and engineering professions.
  - To interest school leavers in the building surveying and inspection professions, the following improvements could be considered:
    - the VBA, supported by the Victorian Government, the peak industry associations and training providers, continues to deliver its long-term strategy to market the profession as a desirable career option for school leavers and people wanting to change occupations, with a particular focus on encouraging women to consider careers as building surveyors and inspectors;
    - the VBA, together with the peak industry associations and training providers, should:
      - identify opportunities to increase the availability of training, particularly in regional Victoria, and provide flexible modes of study to support students to access and complete courses;
      - identify and recommend, as appropriate, any additional courses that could be prescribed for the registration of building surveyors and inspectors; and
      - strengthen the coverage in the prescribed courses of the technical requirements and standards under the Building Act and the NCC by recommending the preparation of a separate unit of study on this topic and developing local content and materials for use by training providers.
    - o the Victorian Government should:
      - in partnership with the VBA and peak industry associations, consider promoting and providing scholarships for approved university and TAFE courses;



- consider subsidising HECS fees and providing other funding support for university students studying the Bachelor of Building Surveying to complement the extension of the Free TAFE Program announced in August 2019:
- consider funding training providers to support the development of trainers with industry experience, robust training materials and assessment tools to enhance training standards; and
- consider providing support for cadetships.
- To address the predicted engineering skills shortage and the impact this may have on the
  availability of appropriately skilled fire safety engineers, Engineering Australia's 'pipeline
  strategy' is supported, which calls on the Commonwealth Government to try to reverse the
  decline in secondary school students, in particular women, taking up science, technology,
  engineering and maths subjects.
- 84, Set-up new bridging pathways for practitioners from related professions.

A new entry pathway for building surveyors and inspectors should be introduced for practitioners from related professions such as builders, architects, engineers and project managers. This would comprise a series of targeted bridging courses that recognise the knowledge and experience of these practitioners while providing top-up competencies in building surveying, law and practice.

The bridging course pathway could be developed by the VBA in consultation with relevant peak industry bodies and training providers. The VBA could then recognise the bridging pathway using the power under section 171 of the Building Act, which gives it the authority to consider alternative non-prescribed qualification pathways for applicants for registration as building surveyors and inspectors. However, to support the VBA in promoting this pathway, it could be set out in a Ministerial Direction to the VBA. The VBA could also prepare and publish guidelines on its approach to administering the bridging pathway to ensure that the process is consistent and transparent. Consideration could also be given to whether the bridging courses should be accredited by the Victorian Registration and Qualification Authority or other relevant accrediting body.

Introducing a clear pathway for practitioners from related professions to transition into building surveying and inspection work would both expand the career paths for these practitioners and assist in alleviating the shortages of building surveyors and inspectors.



## D2. Improve access to building records

### Opportunities for improvement

Councils are currently the central repository for records relating to building and occupancy permits, notices and orders and certificates of final inspection. They receive these documents from building surveyors at various stages during the building permit process. These documents become public records and are frequently needed for the preparation of subsequent building permits, for example, in the case of alterations and for enforcement.

Stakeholders have reported that delays can arise if these records are not available, they are incomplete, or are kept in hard copy and assessing them is time consuming and difficult. Despite changes to the Building Regulations to clarify that building records can be lodged, stored and retrieved electronically, some records are still lodged in hard copy by building surveyors and stored by councils. Additionally, many historic records are still stored as hard copy. Therefore, as time passes and properties are sold it can become increasingly difficult to access past building records.

'It is frequently difficult to access all the relevant documents about the construction of a building, especially when the building has been sold. Important assumptions and requirements that underpin the design and performance solutions for the building are not always available to subsequent owners. This has become a bigger issue as the complexity of buildings and their fire safety systems have increased, especially where performance solutions have been used.'77

Where accurate building records are not available, there are potential safety risks and owners can incur unnecessary additional costs and delays in preparing a building permit. Without access to the relevant building records about the materials or methods used in constructing the building, owners need to engage an independent professional, for example, an architect, engineer or building inspector to compile the information they need. Depending on the condition of the building, these reports can cost up to \$30,000 and in many cases are based, at least in part, on the expert opinion and assumptions made by the professional, rather than a verified written record.

As Shergold and Weir noted, the inaccessibility of building records can have broader implications.

'Unfortunately, despite requirements for record creation and keeping, key information is not readily accessible or auditable. The recent cladding audits have demonstrated that the ability to identify buildings for audit and to examine building approvals documentation in a comprehensive manner has been challenging for some jurisdictions.'<sup>78</sup>

Previous inquiries and reports<sup>79</sup> have recommended that building records be centralised and digitised to increase the speed, accuracy, and availability of records, and to reduce the lodgement and storage costs.

<sup>77</sup> Peter Shergold and Bronwyn Weir; p. 27.

<sup>78</sup> Peter Shergold and Bronwyn Weir; p. 27.

<sup>&</sup>lt;sup>79</sup> For example, Stephen Kip (Warrington Fire Research [Aust.] Pty Ltd) & Matthew Curtain (Pitt and Sherry); 1mproving the Efficiency and Effectiveness of the Building and Occupancy Permit Process under the Building Act 1993 – Research and Survey outcomes Report'; prepared for the Building Commission; June 2004; p. 4.



### **Proposed improvement**

85. A central database for Victoria that is managed by the VBA is the intention of the Victorian Government. In the longer term, the Building Activity Management System (BAMS) platform, recently introduced by the VBA to manage building permit numbers, is intended to provide a central building records database.

Once the needed software and infrastructure are in place through BAMS, councils could be assisted to migrate existing digitised records to BAMS and digitise and lodge remaining hard copy building information.

The intention of the BAMS system is that building surveyors would lodge records electronically direct to BAMS and would have unlimited access to records held in BAMS to support them to perform their building permit and enforcement functions. Councils would use the access they have through BAMS to records in their jurisdictions to respond to public requests for access to records.



## D3. Streamline building permit requirements for low-risk work

### Opportunities for improvement

There are many categories of building work that are exempt from the requirement to obtain a building permit and an occupancy permit. These are listed in schedule 3 of the Building Regulations and include 18 categories of buildings and works, such as for the repair, renewal or maintenance of an existing part of a building or the demolition of a garage.

The rationale for the exemptions is that the work is of such a minor nature that the protections and advantages that a permit provides are not necessary. However, to ensure public protection, each category of exempt work is subject to certain conditions being met. For example, to be exempt, a pergola must meet certain siting requirements and be no larger than 20 square metres and no higher than 3.6 metres.

Stakeholders have identified additional areas where the requirement for building and occupancy permits could be removed without compromising safety or standards. Where the risk of building work is low, removing the requirement to obtain a building permit and an occupancy permit would mean the earlier commencement of that building work and would reduce the cost of completing the work

While the list of exemptions has been progressively expanded with each sunset review of the Building Regulations, there remain some categories of low-risk, high-volume work where a building and occupancy permits are unnecessary, impractical or burdensome in terms of the cost compared to the potential benefits. Such permit requirements may lead to delays and costs, put additional pressure on the heavy workloads of building surveyors, and can lead to works being done illegally to circumvent the permit process.

Stakeholders have highlighted small decks, mobility access ramps and small sheds as examples where the requirement to obtain permits is disproportionate to the risks posed by those structures.

### Decks

While certain pergolas are exempt from a building permit, the construction of any type of deck associated with a building, regardless of whether it is attached to a building, requires a permit in Victoria. In other states, such as New South Wales, Queensland, and South Australia, certain decks do not require a permit provided they meet specified requirements about size and siting. For example, among other requirements, a deck is exempt from building approval if its maximum height is one metre in New South Wales and 500 millimetres in South Australia.



#### Mobility access ramps

There is no specific exemption for mobility access ramps in the Building Regulations. Whether the construction of a particular ramp is exempt from obtaining a building permit, depends on it meeting the conditions set out in clause 4 of Schedule 3 of the Building Regulations.<sup>80</sup>

As councils consider exemptions on a case-by-case basis and are reported as being generally conservative in their approach to the conditions specified in clause 4, in particular whether the structural soundness of the building or the safety of the public will be adversely affected, it means that permits may usually be required for mobility access ramps. It also means that decisions on the need for permits vary both within councils and across councils and, therefore, it may not be easy to predict when a permit will be required.

In addition, the cost of building permits for such low-risk building works can be more than the cost of building a mobility access ramp.

Regardless of whether a building permit is required for particular case, the construction of a mobility ramp must comply with the accessibility standards in the NCC.

#### Sheds

In Victoria, as in other states, sheds (Class 10a non-habitable buildings) are exempt from a building permit in certain circumstances, although these vary across states. For example, the size of an exempt shed is 10 square metres or less in Victoria, Queensland and Western Australia, 15 square metres in South Australia and generally 20 square metres in New South Wales, except in certain rural areas where the limit is 50 square metres. Only Tasmania has a smaller limit of nine square metres.

### **Proposed improvements**

To address the costs and delays that arise where low-risk, low impact work requires a building and an occupancy permit, the range of exemptions could be expanded, on the condition that the work meets certain requirements.

#### 86. Decks

The construction of a low-rise deck could be exempted from the requirement to obtain a building permit provided its maximum height does not exceed 800 millimetres. This height aligns with the overlooking requirements. To ensure its structural integrity, the construction of a deck would continue to be captured by Part 2 of the Building Regulations so that it is subject to the requirements of the NCC.

- · adversely affect the structural soundness of the building and does not include
  - a change in the floor area or height of the building;
  - underpinning or replacement of footings
     removal or alteration of a support element of a building.
- project beyond the street alignment:
- adversely affect the safety of the public or occupiers of the building;
- involve work on a building included in the Heritage Register; and
- adversely affect an essential safety measure relating to the building

<sup>80</sup> Clause 4 applies to alterations to a building and exempts building work if it will not:



#### 87. Mobility access ramps

To ensure that all mobility access ramps are exempt from the requirement to obtain a building permit, including those that provide higher level access, exemptions could be introduced for:

- mobility access ramps that do not exceed 800 millimetres in height provided they comply with the NCC; and
- mobility ramps that exceed 800 millimetres in height provided they comply with the NCC and are certified on completion by a building surveyor or inspector.

Under both these sets of conditions, mobility access ramps would be exempted from the front, side and rear setback requirements.<sup>81</sup>

#### 88. Sheds

The existing exemption for sheds could be expanded by increasing the current 10-square-metre floor area trigger to 16 square metres. Stakeholders have advised that increasing the size to 16 square metres would ensure that enough space is available in exempt sheds to store tools and equipment for land and bushfire management.

The proposed exemptions would require amendments to the Victorian Planning Provisions and the Building Regulations to specify the details and conditions, provide an exemption from the setback requirements and require 'as built documents' to be lodged with councils. The Building Act would also need to be amended to set out the responsibility of building surveyors and inspectors to certify certain mobility access ramps when construction is completed.

<sup>&</sup>lt;sup>81</sup> Setback is specified in the Victorian Planning Provisions, the Planning Schemes and the Building Regulations and is the minimum distance from the front, side and rear boundaries of a property within which a building must not be located.



## D4. Standardise construction management plans

### Opportunities for improvement

Construction management plans are required for large or difficult to build developments and address matters such as public safety, amenity and site security, operating hours, noise and vibration controls, air and dust management, stormwater and sediment control, waste and materials re-use and traffic management. The purpose of a construction management plan is to ensure that building work and demolitions do not adversely affect the community or the environment in the surrounding area.

The requirement for a builder to prepare a construction management plan is made through a condition on a planning permit which must be met before a building permit can be issued.

Major builders have identified that the approval processes for construction management plans can be costly and time consuming. One stakeholder identified three projects in Melbourne where it took 12 months for the construction management plans to be approved, and two projects in the suburbs where the construction management plans took six months to be approved.

One cause of delay is that the building surveyor is prohibited from issuing a building permit until the council is satisfied that the building permit complies with the planning permit. This only occurs when the council confirms, and communicates, that it is satisfied with the construction management plan which is a condition on the planning permit.

One major builder also identified an apparent skills gap in certain councils that did not have the ability to assess and approve construction management plans, citing multiple questions that demonstrated a lack of experience in the relevant field. This inexperience was seen to cause a delay in the review and approval of a construction management plan that took six months to be approved.

Stakeholders have also advised that the details required in construction management plans can be unclear, that the standards of documentation vary between councils and that procedures for administering plans are inconsistent across councils.

Rather than being imposed as a condition on a permit, stakeholders have suggested that construction management plans be agreed at the same time as planning permits so that work can commence immediately.

### **Proposed improvements**

In October 2018, the Victorian Government committed to introducing mandatory construction management plans to put an end to residents being disturbed by noise from construction workers or rubbish removalists outside reasonable hours.

In line with this commitment, DELWP recently consulted on the next stage of the 'Building Better Apartments' initiative and included the following proposal in its 2019 Better Apartments in Neighbourhoods Discussion Paper:

Before the development commences, including demolition, bulk excavation and site preparation works, a Construction Management Plan must be submitted to and



approved by council. The Construction Management Plan must consider the following, as appropriate:

- · Public safety and site security
- · Operating hours, noise and vibration controls
- Air quality (airborne dust and pollutants)
- · Traffic management
- · Erosion and sediment
- Stormwater
- Litter, concrete and other construction wastes
- Chemical contamination'.82

DELWP's proposal to standardise the requirements for the preparation of construction management plans, if applied across Victoria, should provide benefits in terms of consistency.

- 89. As many of the elements included in a construction management plan draw on local laws, DELWP could also prepare a model local law in consultation with councils and MAV to further facilitate standardisation across Victoria. The model local law would encourage a standard form and application of standard requirements, which could be varied by councils in certain circumstances to suit local conditions. Councils would need to replace their existing local laws with the model laws in line with the procedure for doing so set out in the Local Government Act
- 90. To accompany the model local law, a model construction management plan and guidelines for the model plan could be developed. These would support the consistent preparation and assessment of construction management plans within Victoria. The guidelines and model plan prepared by the City of Melbourne are examples of current best practice that could guide this work.
- 91. Consideration could also be given to including construction management plans in the concierge model of case management in councils (see B1). The City of Greater Dandenong has been cited by stakeholders as an example of using this practice efficiently.

<sup>82</sup> Department of Environment, Land, Water and Planning; Better Apartments in Neighbourhoods Discussion Paper 2019; p 37.



## D5. Improve consistency of council asset protection requirements

### Opportunities for improvement

The HIA has expressed concern about inconsistent requirements for the protection of council assets and other matters prior to the commencement of building work.

Before work can commence, a developer or their builder must obtain an Asset Protection Permit from the relevant council and pay a security bond. Council assets include, for example, footpaths, driveways, roads, kerbs and channels, trees, drains and pit lids and nature strips. Councils may also require developers and their builders to obtain permits for utility or development-related work, such as working in a road reserve, temporary road closures, constructing or altering a vehicle crossing, service authority works, drainage works in easements, building over easements and applying to connect storm water to a legal point of discharge.

The purpose of these permits is to ensure that public assets and infrastructure are kept safe during demolition and building work and fully restored afterwards. They also avoid developers and builders having to pay for pre-existing damage to council assets and infrastructure.

Despite previous attempts to improve greater consistency, the HIA submission notes that the requirements for these permits vary between councils in both form and substance. As a result, builders experience additional administrative burden to identify and respond to the different requirements of each council. Many of these matters are implemented by councils through local laws or administrative requirements. They may also be required to be addressed as part of a construction management plan condition for a planning permit.<sup>83</sup>

The inconsistency of these requirements across councils creates unnecessary administrative overheads for developers and builders operating in more than one municipality to comply with each requirement.

### **Proposed improvements**

- 92. Stakeholders have recommended that a standard practice guide should be set for buildingrelated work that could be adopted by all councils to create uniformity across Victoria.
- 93. To support such a practice guide and standardise the requirements for council permits and asset protection, a model local law could be developed in consultation with councils and MAV. As proposed for construction management plans, the model local law could adopt a standard form and consistent requirements, which could be varied by councils to suit local conditions. Councils could also publish enforcement policies relating to these local laws. The model local law could be adopted by councils through an amendment to their local laws using the power given to them by the Local Government Act.
- Consideration could also be given to including asset protection requirements in the concierge model within councils (see B1).

<sup>&</sup>lt;sup>83</sup> In April 2013, the Department of Planning and Community Development, now DELWP, published the 'Good Practice Guide for Asset Protection Permits in Local Government'. Among other matters, these guidelines were aimed at promoting greater consistency in the permit conditions and the application of local laws across councils in Victoria.



## D6. Distinguish building 'consultants' from building surveyors

## **Opportunities for improvement**

Building consultants are generally engaged by owners undertaking small building projects, such as building, renovating or extending a single or dual occupancy dwelling.<sup>84</sup> They are engaged by owners to seek advice about the quality of the building work that is independent of the builder and the building surveyor and inspector.

However, stakeholder feedback suggests that building consultants are, in some instances, raising minor matters that are causing disputes between owners and builders and unnecessarily delaying building work. In a submission to this review, the HIA advised that its members have indicated that building consultants are causing disputes, raising unnecessary complaints about the quality of work, trying to direct builders and trade contractors and giving inappropriate advice to clients. Where a dispute arises, this may result in the builder not being paid and work stopping while the dispute is resolved.

While agreeing that owners should not be restricted from engaging building consultants, the HIA is concerned that they are not registered and that there are no mandatory qualification and experience requirements for building consultants, and no process for builders and owners to complain when consultant reports are inadequate or incorrect.<sup>85</sup>

Much of the concern arises because building consultants' inspections duplicate the functions of private/municipal building surveyors and inspectors but without the legislative authority of these statutory roles. The roles of building surveyor/inspector and building consultant are further confused where the building consultant carries out inspections at the mandatory inspection stages or after the occupancy permit has been issued. Stakeholders have observed that in many cases the reports provided by building consultants tend to highlight minor technical matters, for example, reporting work as defective where it is within agreed tolerances.

DBDRV, which was established in 2017 to provide binding dispute resolution services for owners and builders before a matter goes to VCAT, has confirmed that owners are lodging disputes based on the reports from building consultants. DBDRV identified three categories of building consultants, including those who:

- · are skilled and qualified, and provide good quality and accurate reports;
- are unskilled and provide reports that are technically inaccurate and misquote regulatory requirements and building standards (stakeholders have also raised concerns that some building consultants may not be qualified to prepare reports and may be unfamiliar with domestic building contracts and the NCC); and
- aggressively market their services and provide reports that, while technically correct, tend to mislead owners about the consequences of the 'defect'.

Building consultants, also known as independent building inspectors, private inspectors and third-party inspectors, carry out property inspections and provide reports in a range of circumstances, such as for the purchase or renovation of a property, off-the-plan sales, pests, asbestos, insurance and new construction management.
 While they are not required to be licensed or registered, the quality of their work is subject to the Australian Consumer Law, which among other matters, prohibits false and misleading statements and conduct, and applies guarantees to ensure that services for consumers, including those provided by building consultants, are fit for purpose and delivered with due care and skill and within a reasonable time.



An example of a 'defect' listed in a report by the last category of building consultant that resulted in the owner applying to DBDRV was the width of the perpend (vertical) mortar layer used in the construction of a wall. Because the perpend was one millimetre over (which was technically correct) the owner was led to believe that the 'defect' jeopardised the structural integrity of the wall and, therefore, that the wall needed to be rebuilt. An independent expert report by DBDRV found no structural concerns.

### **Proposed improvements**

- 95. It is proposed that in the short term, Consumer Affairs Victoria (CAV) runs a communications campaign to raise consumer awareness of the the role of building consultants compared to building surveyors, the importance of engaging a qualified person, what to look for when engaging a building consultant, the risks, the relevant laws, where to get help and how to make a complaint.
- 96. In the longer term, DELWP and CAV could undertake a joint review into the:
  - issues raised by stakeholders, such as the HIA, and the risks for building owners and consumers more generally arising from the operation of building consultants; and
  - measures, both regulatory and non-regulatory, to address the issues including, but not limited to, the costs and benefits of a consumer awareness campaign and a registration scheme for building consultants. A registration scheme could consider standards of practice including permitted and prohibited conduct, which may be in the form of a mandatory code of conduct.



## D7. Clarify processes for enforcement

### **Opportunities for improvement**

The building permit process in Victoria relies heavily on the approvals of private building surveyors who have statutory responsibility for the complete process from issuing the permit that approves the start of building work through to verifying work at mandatory stages during construction and, finally, certifying that a completed building is suitable for occupation. This means that private building surveyors have a critical role in ensuring the integrity of the permit process and the quality and standard of building work at the mandatory inspection stages.

Private certification was introduced in Victoria in July 1993 to encourage competition by providing the option to use a private or a municipal building surveyor to certify building work. By 2018-19, private building surveyors issued over 96 per cent of building permits.

However, since then problems have emerged with the operation of private certification. There is:

- an inherent conflict of interest between private building surveyors and builders; and
- fragmentation of the respective accountabilities and processes of private building surveyors, municipal building surveyors, councils and the VBA for ensuring the quality of building work and enforcing compliance with the Building Act and the Building Regulations.

#### Conflict of interest

Several recent reports have found an inherent conflict of interest with the way in which private certification in the building permit process works. This conflict, which is not unique to Victoria, arises because of the control that private building surveyors have over all aspects of the permit process combined with the commercial relationships they have with builders who they depend on for ongoing work. This makes them vulnerable to competing interests and demands which may compromise the public interest.

The conflict of interest and its consequences was highlighted in the 2011 and 2015 reports on the building regulatory framework by successive Victorian Auditors-General.

'The current regulatory framework also entrenches a long-recognised conflict of interest for private building surveyors who are assessing the compliance of other building practitioners while often also relying on them for work. This undermines the building surveyors' statutory role.'86

In 2017, the Victorian Government amended the Building Act to address this conflict by prohibiting builders from engaging private building surveyors on behalf of owners. Despite this prohibition, Shergold and Weir advise that even if the building surveyor is appointed by the owner, the conflict will remain as this appointment will be influenced by the private building surveyors' relationships with builders and/or designers.<sup>87</sup>

87 Peter Shergold and Bronwyn Weir; p 11.

<sup>86</sup> Victorian Auditor-General; Victoria's Consumer Protection Framework for Building Construction, May 2015; p xi.



Shergold and Weir also noted that:

'It is consistently reported that many private building surveyors are not inclined to take enforcement action against their 'clients'.'88

Underpinning the conflict is the broad range of statutory functions that private building surveyors perform in Victoria. As previously noted, they have control over all of the stages in the building permit process. This means that verification of the standard and quality of building work, for all but a few projects, depends solely on the views and expertise of a single private building surveyor. This increases the potential risk to public health and safety.

For example, if a private building surveyor, either intentionally or unintentionally, approves flawed designs and specifications or unsuitable alternative fire safety measures, they are less likely to identify and require rectification of these problems during construction. Similar issues arise where the same private building surveyor conducts the mandatory inspections and also issues the occupancy permit.

Like Victoria, full private certification models are in place in other states, such as New South Wales and Queensland. Shergold and Weir noted that some jurisdictions with full private certification are '... considering limiting the involvement of private building surveyors...'. <sup>89</sup> Other states and territories, such as Western Australia, have partial private certification models that limit the roles of private building surveyors. In Western Australia, building surveyors are responsible for certifying that proposed building work complies with the NCC, but councils are responsible for issuing both building and occupancy permits.

### Fragmentation of enforcement processes and accountabilities

Shergold and Weir concluded that it is not just the inherent conflict of interest that contributes to problems in the building permit process but, among other factors, the gaps and weaknesses in the processes and accountabilities for the building permit process.<sup>90</sup>

Figure D7.1 shows the statutory processes and accountability for issuing permits and undertaking enforcement in Victoria. It also shows the new role of the State Building Surveyor.

The position of the State Building Surveyor was recommended by the Victorian Cladding Taskforce in its 2017 Interim Report '... to provide authoritative compliance advice, provide technical guidance and provide interpretations of relevant standards'.<sup>91</sup> The inaugural State Building Surveyor was appointed in June 2019 and as head of the profession '... will support the industry change required to ensure buildings are consistently well-built, safe and fit for purpose'.<sup>92</sup>

As shown in Figure D7.1, the enforcement accountabilities for the building permit process are split between four groups – private building surveyors, municipal building surveyors, local councils and the VBA – which leads to fragmentation and confusion.

Stakeholder feedback to this review and previous inquiries have reported that this fragmentation means, in practice, that it is often not clear who is responsible for enforcement of building permit

<sup>88</sup> Peter Shergold and Bronwyn Weir; p 26.

<sup>89</sup> Peter Shergold and Bronwyn Weir; p 12.

<sup>90</sup> Peter Shergold and Bronwyn Weir, p 19.

<sup>&</sup>lt;sup>91</sup> Victorian Cladding Taskforce; Interim Report; November 2017; p 5.

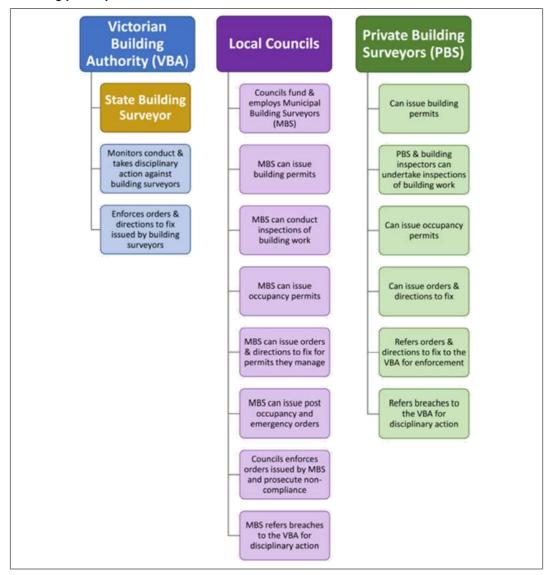
<sup>92</sup> Victorian Building Authority, Media Release; VBA Appoints new State Building Authority; 14 June 2019.



matters. As a result, matters may be referred to the wrong person or authority, referred on from one person or authority to another on multiple occasions, or not fully considered.

For example, where a private building surveyor finds non-compliant work during an inspection, they are required to direct the builder to fix the work. If the builder does not fix the non-compliant work, the private building surveyor is required to refer the matter to the VBA for enforcement, which in turn, may refer it to the municipal building surveyor at the relevant council.

Figure D7.1 Statutory processes and accountabilities for issuing permits and enforcement – building permit process





### Box D7.1: Enforcement accountabilities

### Private and municipal building surveyor accountabilities

For work they have been appointed to manage, both private and municipal building surveyors may require the rectification of non-compliant building work or work that presents a risk to the life, safety or health of any person by:

- issuing a direction to a builder to fix work that fails to comply with the Building Act, the Building Regulations and the permit; and
- serving a notice and order on a building owner to stop work or to require certain work to be carried out

While the powers of private building surveyors are limited to these matters, municipal building surveyors have the power to issue orders after building work has been completed, including issuing emergency orders.

Any non-compliance with orders and directions issued by private building surveyors is referred to the VBA for enforcement while orders issued by municipal building surveyors are enforced by councils.

#### Council accountabilities

Though councils are responsible for dealing with unlawful building work and have the power to prosecute offences for non-compliance, these functions are generally delegated to their municipal building surveyor. Municipal building surveyors also perform an array of other building functions on behalf of councils, such as issuing reports and consents, dealing with changes of building use and enforcing essential safety measures.

However, the extent to which municipal building surveyors and councils can proactively undertake enforcement activities is limited by a lack of sufficient funding. The building function must complete with other council activities for funding from rates, with only limited opportunity for cost recovery,

#### VBA accountabilities

The VBA shares responsibility for enforcing the building permit process. It has responsibility for enforcing directions, notices and orders issued by private building surveyors that have not been complied with by the builder or the owner and, like councils, can prosecute offences.

The VBA's compliance-monitoring and enforcement responsibilities extend beyond the building permit process. It also monitors the conduct of building practitioners, including building surveyors, inspectors and engineers, and is responsible for enforcement of their compliance with the Building Act and the Building Regulations. It has powers to undertake inspections, investigations and audits of work carried out by building practitioners and can take disciplinary action where necessary.

Shergold and Weir have described state and territory enforcement arrangements, such as those in Victoria, as fragmented and patchy:

'This results in a fragmented system of regulatory oversight which is prone to duplication, confusion, unclear lines of responsibility and a lack of information sharing. This can be exacerbated in cases if some authorities believe that they have received inadequate funding. To the public, especially when things go wrong, this often looks like a game of buck-passing.'93

The problems outlined above – conflict of interest and fragmentation of enforcement processes and accountabilities – contribute to delays and additional costs in the building permit process.

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<sup>93</sup> Peter Shergold and Bronwyn Weir; p 15.



To streamline the process, both the VMBSG and AIBS have proposed that the processes and functions be reconsidered.

The key features of the proposal put to this review by the VMBSG are:

- a single regulator which has clear responsibility for ensuring that building work is complaint at all stages of the building permit process;
- the single regulator be funded from the building permit levy;<sup>94</sup>
- private building surveyors be limited to only issuing building permits, or alternatively be limited to dealing with specific classes of building work or only inspecting and certifying work for which they did not issue the building permit and have no relationship with the private building surveyor that issued that permit;
- certain classes of building permits issued by private building surveyors be approved by municipal building surveyors;
- municipal building surveyors be responsible for inspecting building work and issuing
  occupancy permits, although they could engage private building surveyors and building
  inspectors to undertake inspections on their behalf; and
- municipal building surveyors integrated into the structure of the single regulator.

The VMBSG supports the State Building Surveyor as the single regulator with responsibility for administering and enforcing the building regulations in Victoria and employing all municipal building surveyors. As a transitional option, the VMBSG suggests that councils be responsible for administering and enforcing the building regulations in their municipalities and continue to employ municipal building surveyors who would be accountable to the State Building Surveyor.

Stakeholder feedback is sought on the need to streamline the process and clarify enforcement accountabilities, and the approach and particular features needed to do this.

### **Proposed improvements**

### Accountability and enforcement

- 97. Depending on the scope of the Victorian Government's recently foreshadowed review of the Building Act, that alternative models for the administration and enforcement of the building permit process be considered, including those proposed by stakeholders.
  - Addressing the fragmentation of the enforcement processes would assist in building consumer confidence in the operation and integrity of the building permit process and the regulatory system.
- 98. That Recommendation 6 of the 2019 Victorian Cladding Taskforce be implemented 'that consideration be given to the development and implementation of a protocol between the VBA and councils, which sets out accountabilities, mechanisms for cooperation and communication, strategic interventions and agreed procedures for referring enforcement actions.'95 Similarly, the 2015 report by the Auditor-General noted the opportunity for the VBA and councils to establish communication and reporting protocols. Protocols were raised as an administrative

 $<sup>^{94}</sup>$  Administration and enforcement functions are, in part, funded by the building levy under section 206G(1) of the Building Act.

<sup>95</sup> Department of Environment, Land, Water and Planning; Victorian Cladding Taskforce; Report from the Co-Chairs; July 2019; p 42.



approach to addressing ongoing uncertainty about responsibilities for enforcement that 'would have significantly enhanced system-wide monitoring. <sup>96</sup> The development of local council building plans could also be considered to complement the protocol.

### Performance reporting

99. The State Building Surveyor should include monitoring and regular reporting on the operation and performance of the building permit process, including making recommendations to improve the process, where needed.

The 2005 inquiry into housing regulation by the Victorian Competition and Efficiency Commission and, more recently, the 2015 report by the Victorian Auditor-General, noted the need for a performance monitoring framework for the building regulatory system.

#### Conflict of interest

- 100, To remove the inherent conflict, the review of the Building Act could also consider the respective roles of municipal and private building surveyors.
- 101. That a practice guide for building surveyors and inspectors be developed, which benchmarks the processes and the matters they must consider when inspecting each class of building. By clarifying processes and accountabilities for building inspections, a practice guide would assist with quality of work issues arising from conflicts of interest. A similar guide is in place in Queensland and proposed in New South Wales. The practice guide would be supported by templates for building surveyors and inspectors to record the details and outcomes of inspections.

The 2011 report on the building permit process by the Victorian Auditor-General recommended standard templates and procedures to assist building surveyors to '... to adequately document their assessment approach and basis of their decisions ...[and] ... to demonstrate, using these templates and procedures, their consideration and acquittal of mandatory safety and technical requirements'.<sup>97</sup>

Implementation of the guide and templates would require an amendment to the Building Act to provide a head of power for the VBA to approve and enforce a practice guide for building surveyors and inspectors.

102. The code of conduct being developed by the VBA would support the proposed practice guide and strengthen the conflict of interest obligations of private building surveyors and inspectors.

While the Building Act imposes obligations on surveyors and inspectors to avoid conflicts of interest, and since 2017 has prohibited builders from engaging building surveyors, the VBA's code of conduct will strengthen the professional conduct of building surveyors and inspectors and further promote their independence. As noted by Shergold and Weir:

'Codes of conduct can be an effective means of documenting the clear standards of behaviour expected of professionals who have statutory responsibilities. They also provide a reference against which auditing can be carried out and disciplinary action taken where the code is not met.'.98

<sup>&</sup>lt;sup>96</sup> Victorian Auditor-General; May 2015; p 34.

<sup>97</sup> Victorian Auditor-General; 'Compliance with Building Permits'; December 2011; p xv.

<sup>98</sup> Peter Shergold and Bronwyn Weir; p 25.



## Appendix 1 – Terms of Reference



Minister for Economic Development Minister for Industrial Relations 1 Treasury Place GPO Box 4379 Melbourne Victoria 3001 Telephone: +613 9651 5201 Facsimile: +613 9651 0759 DX 210759

Ms Anna Cronin
Commissioner for Better Regulation and Red Tape Commissioner
Level 37
2 Lonsdale Street
MELBOURNE VIC 3000

Dear Ms of onin Anna,

## REVIÉW INTO VICTORIA'S BUILDING AND PLANNING APPROVALS PROCESSES AND EARLY BUILDING WORKS INFRASTRUCTURE

I am writing to commission a review of State and local government processes surrounding building and planning approvals and early building works infrastructure approvals and to identify opportunities to streamline processes and reduce delays.

As you know, the development industry has previously identified that problems and delays in planning approval processes are significant, particularly with respect to the internal and external referrals processes and the additional approvals required following the issue of a planning permit.

These issues in Victoria's building and planning systems, and in early building works infrastructure approvals, are potentially impeding the State's capacity to deliver housing, business and infrastructure investment efficiently.

Many of the delays and hurdles are due to multiple referral processes and duplication. This includes the widely variable internal referral process within local government.

Your review of these issues over the next nine months should be based on the attached Terms of Reference. In addition to the consultation specified in those Terms of Reference, you will be supported by an Advisory Board who will assist in identifying opportunities to present in your draft and final reports. Any additional staff resources may be sought from relevant VPS staff within departments, which I have noted with my Ministerial colleagues.

Yours sincerely

TIM PALLAS MP





Red Tape Commissioner Terms of Reference

Review into Victoria's building and planning approvals processes and early building works infrastructure

#### Background

The development industry has previously identified that problems and delays in planning approval processes are significant, particularly with respect to the internal and external referrals processes and the additional approvals required following the issue of a planning permit.

These issues in Victoria's building and planning systems, and in early building works infrastructure approvals, are potentially impeding the State's capacity to deliver housing, business and infrastructure investment efficiently.

Many of the delays and hurdles are due to multiple referral processes and duplication. This includes the widely variable internal referral processes within local government.

It makes sense to review the State and local government processes surrounding building and planning approvals and early building works infrastructure approvals and to identify opportunities to streamline processes and reduce delays.

#### Scope of Review

#### The Review will:

- Map a select number of council planning permit approval processes in the building and
  planning systems, with a particular focus on the internal and external referral processes, that
  impact on the development of land and construction of dwellings (freestanding houses,
  townhouses and apartments and commercial buildings including offices, factories and
  warehouses). This mapping exercise will cover State and local government processes,
  institutional arrangements and their interactions.
- Draw on findings and outcomes of previous reviews and studies as required, including from other jurisdictions, such as the Queensland central referrals process.
- Undertake consultation with:
  - o industry associations;
  - relevant State Government departments and agencies;
  - o MAV, VLGA and Victorian local government, and
  - o relevant planning and building experts.
- Identify early and medium-term opportunities to streamline these processes to reduce delays and costs without compromising the public interest.

With respect to early building works approvals and utilities, the Review will:

- Examine work previously undertaken by the Essential Services Commission with regards to electricity connections and identify if issues still persist.
- · Identify other utilities that are having connection issues.
- Identify other areas of early building works that are prone to delays.
- Identify early and medium-term opportunities to streamline these processes to reduce delays and costs without compromising the public interest (including safety).
- Feed findings into other relevant reviews

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The Review will not consider third party appeal rights and its impact on the planning system.

The final report will recommend immediate actions to improve Victoria's building and planning approvals processes and early building works infrastructure approvals and recommend reform pathways towards best practice.

#### Timing

The Review and final report will be completed within 9 months of receiving the terms of reference with a draft report provided to the Treasurer and Minister for Planning within 6 months from date of commencement.

Tim Pallas MP Treasurer Hon Richard Wynne MP Minister for Planning

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# Submission on Planning and Building Approvals Process Review Discussion Paper

Nillumbik Shire Council 15 November 2019



#### Introduction

Nillumbik Shire Council welcomes the opportunity to comment on the Planning and Building Approvals Process Review Discussion Paper. Identifying and mitigating the barriers in the approvals process is an important step towards an efficient, consistent and robust planning and building system. Council supports the commitment of State Government to address these barriers and discuss possible measures that could streamline and optimise the approvals process for the benefit of all participants.

However, whilst Council agrees there is a need to remove unnecessary delays and costs in the approvals system, it is unfortunate that the Discussion Paper misses an opportunity to give a more balanced or nuanced examination of the issues. By placing responsibility of construction sector delay costs squarely on the planning and building systems, the Discussion Paper avoids examination of the proponent/ consultant's role in any delay or costs associated with an application. For example, the frequency of poor quality or incomplete applications, pre-application advice being regularly ignored, or, the system being readily exploited to avoid notices and fees. Whilst Council does agree that, where possible, the approvals process should be streamlined, the State Government should be cautious that the rigour and transparency of planning and building assessment is not diluted for the commercial benefit of the development industry.

This submission addresses each approvals process with comments in support of, or against the proposed improvements.

#### Part A - The Strategic Approvals Process

#### **Proposed Improvement** Comment 1. Extending the Smart Planning The proposals appear to have merit in relation to simplifying the program to further improve planning scheme for the general public and improving customer planning schemes with a focus on: service. applying plain language drafting Applying more plain language drafting principles, including a principles, including a contents more accessible content page, appears a sensible improvement. page to enable users to find the As part of this, it would be beneficial to provide a page or two sections relevant to their which provides links to other pages which explain how the concerns: planning system and scheme works and to provide a contact for · revising the order of material in further assistance. a planning scheme from 'most used' to 'least used' provisions It is also important to consider digital delivery of the scheme to make it easier for users to and there are some key improvements that could be made in navigate schemes and exit at the this area. The planning scheme maps are rather difficult to earliest point; navigate, particularly as there are quite a number of steps to accessing an overlay or zoning map for a particular property considering the way digital delivery may change how



planning schemes are set out and how they can be searched;

- providing clear information up front about who will decide the application's outcome; and
- continuing the translation of planning schemes into the integrated planning policy framework.

This review notes that simplifying planning schemes can involve substantial cost and effort, and the benefits of doing so would need to warrant wholesale change. It invites stakeholders to provide feedback on whether, in their view, changes such as those outlined above would yield substantial improvements in the planning process.

While Council supports making planning schemes more accessible, some notes of caution or limitation are made regarding Proposal No.1, which are explained as follows:

 Planning Schemes are intrinsically technical, statutory, planning documents and they have been designed to operative effectively as such. Simplifying certain aspects of planning schemes may compromise some of the technical efficiencies of these documents for planning professionals and the industry.

A case in point may be the proposal (second dot point) to revise the order of the content in schemes from most to least used. Planning schemes are currently organised to clearly separate different sections in terms of role and jurisdiction. A different method, based on most used, may undermine the useability and clarity of the schemes in professional settings. A better option might be to largely retain the current structure, but provide clear cross-referencing between different parts of a scheme regarding a particular topic.

- Council notes that the clear intent of the review, evident from the Terms of Reference, is to improve the speed and efficiency of the planning system in providing planning approval. Whilst Proposal No.1 may make it easier for the general community to understand the planning scheme, which is a positive in itself, there is no clear reason why this outcome will necessarily provide significantly faster decisions.
- Any reduction in the technicality of schemes needs to be careful not to undermine the quality of the assessment provided. A faster decision is not in itself a good outcome, if it is a poorer decision.
- Consolidating planning scheme requirements, principles or rules that serve similar purposes (while allowing for local variation).

This is definitely an area requiring improvement and Council strongly supports this proposal.

Council notes a particular issue for users of the Nillumbik Planning Scheme is the location of numerous different planning permit triggers and/or exemptions to permit triggers at different points in the scheme pertaining to the matter of vegetation removal on a particular piece of land.



For example permit triggers and/or exemptions for vegetation removal exist at all the following separate locations in the Nillumbik Planning Scheme:

- Particular Overlays (e.g. ESO and SLO)
- Special Use Zone Schedule 2 (Bend of Isles)
- Clause 52.12 Bushfire Protection Exemptions
- 2009 Bushfire Recovery Exemptions
- 2009 Bushfire Replacement Buildings
- Clause 52.16 Native Vegetation Precinct Plan
- Clause 52.17 Native Vegetation
- Clause 62.02 Buildings and Works (not requiring a permit)

Most of the above are State provisions.

The complexity of the scheme on vegetation removal is further enhanced by the fact that VPP's provide exemptions and permit triggers at notably separate points in the one provision. For example, an ESO will have permit triggers and exemptions in both the parent (VPP) document and the schedule.

The complexity of the scheme in relation to vegetation removal as detailed above creates a highly confusing situation for members of the public in the following instances:

- When trying to understand from reading the scheme if they need a planning permit for removal of vegetation.
- When seeking to understand the impact of a planning scheme amendment in relation to its impact on the ability of vegetation to be removed with or without a planning permit.

There may be limitations which reduce the ability of the above matter to be addressed by simply modifying the structure and content of schemes. A better approach may be to look at user-friendly computer modelling which translates and provides the stance of a planning scheme on a particular action (e.g. vegetation removal) at a particular property.

 Faster policy resolution for emerging planning issues to ensure a consistent statewide approach with clear and appropriate frameworks for local council variation. Council supports this proposal. It is highly important that planning schemes keep abreast of emerging planning issues. To not do this, creates significant delay and confusion in responding to new issues.

For example, rebuilding after bushfire provisions. A consistent, statewide approach is required across the state as introduced following the 2009 Bushfires without timeframe limitations. Environmentally sensitive design provisions are another example.



Council supports this proposal. It is important that a consistent 4. Councils working within their and integrated approach is taken across municipal boundaries. It regions and across Victoria to is particularly important where the preferred land use on either harmonise their planning policies, side of a boundary significantly contrasts and as a consequence, where possible. Recent efforts conflicting outcomes on each side of the boundary can easily through the Planning in the Economic Growth Zone (PEGZ) An example where the proposal could be of benefit is the program in the Latrobe Valley have boundary between Whittlesea City Council and the Shire of shown the benefits of this Nillumbik on Yan Yean Road. A long section of the road is the collaborative approach at a UGB, with green wedge land on the Nillumbik side and an urban regional level (see Box A1.1). The growth corridor on the Whittlesea side. A collaborative proposal in Section B4 to create approach at a regional level, would be particularly useful in regional planning hubs to support helping to protect this sensitive boundary. non-metropolitan councils' strategic and statutory planning functions would complement this collaborative approach. Council supports this proposal. Setting such a limit to provide a 5. Councils could be provided with a response is fair to Council, proponents and the community. final response within 30 days of It is important to note that DELWP has through ministerial DELWP initiating a further review Direction had response timeframes set that have not been of an authorisation request. adhered to for example authorization requests. It is important that in setting such timeframes DELWP are not able to enact other mechanisms to avoid the 30 day timeframe as they have with the FI request mechanism. Council supports this proposal. It is important that notice 6. DELWP's notice templates should templates clearly facilitate notice documents which are clear be rewritten in plain English and informative. (supplemented by technical language where required under legislation) and include images to show examples of what sort of changes a community can expect to see under the amended scheme, modelled on the VPA's approach. 7. In cases where it is clear that there Council contends this proposal is somewhat superfluous, as it is already enforced by Ministerial Direction No.15. More broadly, will be unresolvable issues, the there is on balance, probably little that can be done to make the recommendation to proceed to a Planning Panel process faster, as this has already been the panel hearing should occur at the subject of significant reform. earliest opportunity (noting that



Ministerial Direction No.15

requires councils to request a panel if necessary within 40 business days of the close of submissions).

What could be of more benefit is to consider whether Planning Panels should be given the right to determine instances where a planning panel is not necessary or a reduced response is appropriate, even though opposing submissions may remain. Such an outcome might be appropriate in an instance where:

- It is clear that the proposed amendment is fundamentally in support of state and local planning policy and the matters raised in submissions do not challenge that.
- The submissions raise matters which are superfluous to the assessment of the amendment, or which have already been clearly addressed.

Planning Panels could make its determination by conducting its own desk-top review with provision for a preliminary hearing if required. Further, the response could vary from requiring a VCAT style mediation session, agreeing to a Panel Hearing or to a determination that the matters raised in submissions do not warrant a Panel.

Such a modification would need to be handled carefully so as not to erode any reasonable third party appeal rights, or reduce the quality of assessment provided. If this could be done, it could significantly reduce the cost and time taken for the proper assessment of proposed planning scheme amendments.

 Panel reports should only be embargoed by councils for seven days (rather than 28). Council does not support this proposal. It is not possible for Councils to properly consider and formulate a response to a Panel Report in seven days. The State Government should understand that on receiving a Panel report, the recommendations of the Panel need to be considered by various sections and levels within Council and a response scoped, often in consultation with external public authorities. This work includes formal briefing of Councillors, which has internal report writing timelines that extend well beyond seven days.

It is also important to note that providing twenty eight days to Council to consider a Panel Report can greatly assist the processing of an amendment, rather than hinder it. This is because it allows Council time to fully consider the Panel's recommendations and to have a co-ordinated and measured response ready for other parties, such as the proponent and the community, prepared for when the report is made public.

Council can see no benefit in this proposal.



 The number of administrative and simple amendments could be reduced by having councils and DELWP group non-urgent matters into periodic omnibus amendments. Council supports the proposal, provided there is still provision to expedite administrative and simple amendments where required.

Regarding the proviso just mentioned, Council notes that there are often situations where a simple or administrative amendment needs to be expedited. For example, where a resident seeking to sell their property finds there is a planning scheme mapping error which impacts on their potential sale. Proposal 9 should not create a situation where it is harder to expedite such amendments.

Perhaps, one way the State Government may be able to reduce the number of amendments, but yet retain sufficient frequency of these amendments to avoid hold ups for the community and others, is to bundle simple amendments irrespective of their municipality.

10. Councils should be required to make a formal decision with reasons when deciding to abandon or not exhibit a proponent's amendment. This would ensure that both the proponent and the Minister for Planning are better informed if a proponent seeks the Minister's intervention on an abandoned amendment. Council's would already give a formal decision in the form of a resolution, which is included in the minutes of the relevant Council meeting.

If the emphasis is on providing reasons for a decision, then consideration needs to be given to how the requirement will work within the context of a Council meeting. In particular, the requirement will need to be sufficiently simple to be achievable within a public meeting that is considering a range of separate items within a limited time. Perhaps, such a requirement could be a simple statement of grounds for abandoning or not exhibiting an amendment.

- 17. The VPA and DJPR could advise the Minister for Planning and the Minister for Priority Precincts of the pipeline of sites of strategic importance in Melbourne and regional cities after consulting with councils and other stakeholders. The selection criteria could include whether:
  - development is strategic and desirable to implement a direction in Plan Melbourne or helps leverage key

Council supports this proposal given that it would appear to place more onus on the State Government to play a more active role in assisting Councils to prioritise and broker key projects in support of Plan Melbourne.

However, Council contends that the tone of the proposal is too heavily pitched to major projects. The action should be extended to a wider range of projects, including lesser projects which are still important to a particular local site and/or the local community. The context for Council raising this point is that it has been Council's experience that it is very hard to broker action from the State Government on much needed improvements to the Eltham and Diamond Creek Public Transport Hubs. Each of these hubs is centrally located within an activity centre, but both are in need of significant upgrade and do not integrate well with their respective centre. Despite



government infrastructure continued efforts, Council has found it very hard to achieve meaningful assistance and co-operation from the State such as the Suburban Rail Government to improve the situation in each centre. Council Loop; contends that these efforts would be more successful if State the site matches areas authorities were given a stronger directive to assist and coidentified by government for operate with Council to address the situation. future housing and/or job growth; the precinct spans multiple local government boundaries; the landowner has requested the amendment be given priority; and/or · the council concerned has failed to decide in a reasonable time or is not able to prepare a plan for its development. Council's response to Proposal No. 17, also applies to Proposal 18. The VPA, in consultation with DJPR, No. 18. the Suburban Rail Loop Authority and relevant councils and stakeholders, should advise the Minister for Planning and the Minister for Priority Precincts about which of the sites could be prioritised and the best form of engagement with the council for planning to be undertaken jointly in each case.

### Part B - The Permit Approval Process

Proposed Improvement	Comment
19. It would be useful for DELWP to provide a Planning Practice Note (PPN) and model application forms to councils about how pre-	Council already runs a pre-app process in the manner outlined.



Would a pre application meeting become mandatory for certain application processes can be used types of applications? If so, this may have implications on to identify the key issues and the Council resources. information requirements. The applicant would have to provide more information at preapplication stage make this a valuable and integral part of the planning process. Council have found that sometimes applicants use the pre-app process as a way to sound out Council's preliminary thoughts. Not to make changes but to know whether they need to prepare for VCAT later on. In these circumstances, Councils should be supported when they refuse applications without testing it on public notice because the applicant has wasted Councils effort and experience in trying to get applications right at the preapplication. Council agrees that engaging internal departments make larger 20. To ensure that pre-application proposals run smoother. However, this does put a strain on meetings are effective, senior resources and applicants need to appreciate that pre-application planners should be involved to responses will take longer when involving departments other bring their knowledge of recent than statutory planning. decisions made by the council and by VCAT (to promote consistency of advice). For larger proposals, Having said this, involving necessary internal departments would these meetings could also involve improve the user experience of the pre-application process. other staff and decision makers, such as referral authorities and internal referrals such as drainage engineers or heritage advisers. 21. Councils could be required to offer Is the fee for pre-applications going to be listed under statutory pre-application meetings and be able to charge a reasonable fee for more complex matters. These fees Agree that this could be taken off the application fee when the could be reimbursed when a application is lodged with agreed outcomes. complete application is lodged, and Another point is that pre-applications must be collaborative no further information is required. both within and across Council and agencies. For example, if the The best practice guidelines should CFA has a pre-application meeting with an applicant, this could establish some benchmarks for be taken as in-principle approval by the CFA without taking into these fees. account Council's consideration for veg removal, use, siting and design etc. Ensuring collaboration between agencies and Councils at this stage would remove uncertainties for the applicant.



This would not align with the current legislative requirements 23. Councils should only accept under the Act. Council agrees that guidelines and standards applications once they are should be developed and greater legislative provisions should be complete. Guidelines, standard introduced to rely upon when faced with making such decisions. forms and checklists should be A significant portion of Nillumbik's applications are incomplete developed to help applicants applications regardless of advice given both at a pre-app stage prepare complete applications. and at lodgment. According legislative provisions would provide greater certainty to ensure better applications. 32. Experience in Queensland has Council supports this idea. The applicant can be requested to suggested a significant supply 3 photos for notice board comprising ground floor site improvement in public plan, and street view and side elevation view as photo understanding of proposals as a montages. There would need to be clarity on types of result of a requirement under the applications that would warrant this requirement. Sustainable Planning Act 2009, which states that the notice of a permit application should include a picture of the proposal where a significant building is proposed. A similar requirement could be adopted in Victoria for applications involving a new building or larger developments. Pictures could be displayed on signs similar to real estate display boards. The cost to the applicant would be modest but there would be significant benefits, including a reduction in objections based on misunderstandings of the proposal. 33. Formal notice should be provided In addition to formal notification requirements, Council supports on council websites, via email the use of all media platforms to interact and spread the alerts and on social media. Formal message and inform the community. notification by mail for affected landowners should remain a requirement. Councils could use their regular local newspaper columns and advertisements to

give notice about major

developments currently on display.



35. The Smart Planning program should review the identified issues with current prohibited and restricted uses, to allow:  • non-retail land uses that add vitality and patronage to shopping strips and centres; and  • planning concessions for child care centres, aged care facilities and social housing located in residential areas.	Use is often the contention in residential areas. Allowing concessions undermines the assessment rigour Council currently performs to ensure that these non-residential uses adequately consider the amenity impacts to nearby properties.
36. The proposed VicSmart Plus should enable 30-day streamlined issuing of permits for:   • secondary dwellings on an existing lot; and  • dwelling applications on a small lot in an established area.	Council does not agree with this proposal. Questions that this raises include:  • What is the 30 day timeframe based on? If 60 days is outdated – how has 30 days been considered appropriate?  • What is the justification to exempt a second dwelling other than for commercial gain?  • How do we control the use changing?  This could create issues further down the track if owner applies for subdivision.  DPU restrictions are reasonable given that they do not need to comply with Clause 55 etc. A common place scenario is that applicants later apply for conversion to a second dwelling and this can be difficult when they do not achieve compliance with ResCode.
37. Following the review of the small lot code for growth areas, consider the case for amending Rescode and then dealing with siting and other issues through building permits.	Agree that siting standards for small lots could be dealt with through building permits. The Discussion Paper's previous point (36) proposed using VicSmart for dwelling applications on a small lot. Council's preference is to avoid VicSmart for this type of application but use the building approvals system instead.
38. Where RFIs are necessary, responsiveness could be improved by having councils 'pause the	Pausing the clock would create further pressure on planners and could result in poorly constructed FIs. However if improvements to a pre-app process was achieved then the likelihood of lengthy



clock' on statutory timelines for RFI's would decrease or not even be necessary. Agree - pausing clock could discourage overuse of RFI and encourage planners to decisions, rather than reset it. This review applications earlier. This could all be achieved by recognises that, in many cases, reducing the planning permit triggers, establishing a formal preassessment of other aspects of an app process with fees, and negotiate timeframes for decisions application can continue even if all with applicants at the pre-app stage. relevant information is not yet present. This would also have the Should there be a limit to extensions of time to provide RFIs? effect of reducing the use of RFIs as a tool to manage workload or Extensions of time may imply that an application was not performance reporting. The complete, especially if Council has allowed adequate time based applicant would still be upon information requirements. responsible for any time they take to respond to the RFI. 39. Set a deadline to encourage Unrealistic if an application requires referrals. This would impact prompt assessment of the need on various internal and external stakeholders. for further information and curb multiple requests - possibly based on the Queensland cut-off time of ten days. 42. Better managing referrals through Council supports removing simple referrals to referral such actions as standardising and authorities, particularly for subdivisions as often their removing simple referrals and requirements do not affect the size of each new lot. focusing resources on more complex referrals Council agrees with this. It is unnecessary to refer applications 47. The triggers for referral should be to DoT and CFA when design codes could be utilised to give reviewed to enable simpler comfort to referral authorities that Council can make the matters to be dealt with directly by appropriate approval. a council, based on design codes issued by the referral authority. 48. Consider a longer statutory Council agrees that negotiating timeframes allows Council to timeframe for complex factor in things like council meeting timeframes, unexpected applications. Guidance on the volume of objections, and issues raised from internal referrals. definition of the threshold for what is 'complex' should be set Council also suggests that a timeframe review should also be an based on the complexity of the option after public notice if this has required that a decision can only be made at a council meeting.



	assessment rather than just the size of the project.  Alternatively, a negotiated approach could be considered, enabling councils to enter an agreement with an applicant on the expected timeframe.	
50.	As part of the proposal for user-focused concierge services that begin at the pre-application stage (see B1), councils should also provide users with updates throughout the assessment process, so that they are aware of any potential delays and have confidence about the expected timeframe for a decision even if that timeframe exceeds the statutory minimum.	Council agrees with this proposal.
55.	DELWP, in consultation with the VPA, VCAT and the MAV, should formalise post-permit processes and set appropriate timeframes for granting approvals by providing a PPN and updating the Writing Planning Permits guide to consolidate and enshrine best practice principles.	Council agrees with providing a PPN for post permit assessment and re-write guide to Writing Planning Permits.
58.	Encourage the development of a statewide manual of standardised engineering infrastructure requirements and conditions. The manual should aim to facilitate greater consistency across councils and reduce the time taken to negotiate infrastructure contributions.	Council agrees with this proposal as delays in decisions have often been caused by the requirements of engineering referrals and negotiating around them. There should though, be the ability to amend to account for local nuances to achieve greater and better local outcomes.



59. In adopting the Better Approvals approach for planning and building approvals processes (see B1), councils should consult with applicants about draft conditions before the permit is finalised – to ensure that there is a common understanding of the problem and what the condition seeks to achieve.	Council agrees that giving applicants a list of draft conditions would avoid delays in endorsing plans post permit approval.
62. DELWP could develop a PPN to guide councils and permit holders about the process and assessment criteria for secondary consents.	Council agrees with this. Applicants have abused the secondary consent process to avoid higher fees and the chance that they may receive an RFI or be required to conduct public notice.
63. Fees should be prescribed for secondary consents (as well as other post-permit fees), thereby replacing the various local fees charged by councils and providing consistency across Victoria. Fees could be scaled in a number of ways, for example, according to the number of changes requested or the overall cost of development. This may require amending legislation and/or regulations.	Council supports the scaling of fees for degrees of secondary consent however this should be led by State Government.  Nillumbik has a fee structure whereby the fee increases based upon the number of changes requiring approval.
65. A PPN should be developed to provide guidance for councils about how to set specific timeframes that reflect the nature and complexity of a proposal, and for councils and permit applicants about the process and assessment criteria for extensions of time requests.	Council agrees as setting suitable longer timeframes would reduce the requests for extensions of time.



74. DELWP, councils and MAV should develop model section 173 agreements and explore the opportunity to create benchmark prices for standard infrastructure that can be applied across Victoria.

Council requires assistance with the appropriate mechanism to secure affordable housing from development proposals. Often there is a debate on what is the appropriate number or percentage of affordable housing to be provided by the developer. Currently Councils use a \$173 to require such compliance with state housing policy. We look forward to the outcomes of the Ministerial Advisory Committee on how Councils will be supported in meeting the requirements of state legislation.

### Part C - Building Approvals

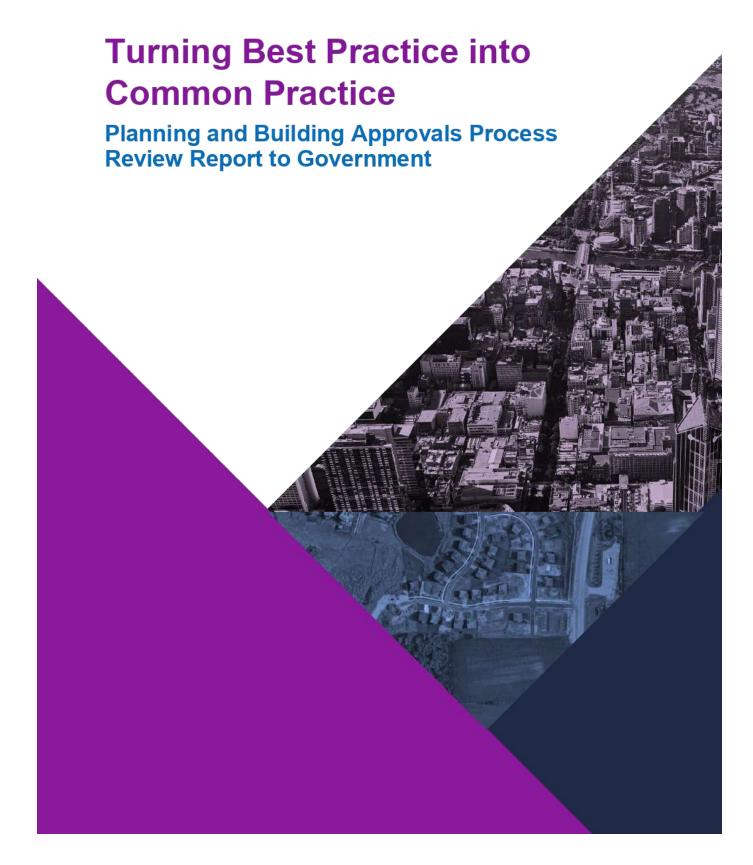
Proposed Improvement	Comment
D1 Expand the workforce of building surveyors, building inspectors and fire engineers.	Council is supportive of the proposed measures to address shortage of building practitioners.
D2 Improved access to building records	Council is supportive of a centralised database maintained by the VBA provided that unrestricted, fast and reliable access is provided to the relevant council.
D3 Streamline building permit requirements for low rise work	Council is supportive of the suggested exemptions from the requirements of a building permit for the minor structures.
D6 Distinguish building 'consultants' from building surveyors	Council is supportive of measures that provide better protection to consumers.
D7 Clarify processes for enforcement	Council's MBS has been consulted as part of the submission by the VMBSG Group and in principal is supportive of the recommendations, noting that the complete submission made by the VMBSG Group has not been included.

### Conclusion

Council hopes the concerns raised will be seriously considered in the final report and recommendations. Given the impact of these proposed reforms on our planning and building services, adequate notice and support must be provided before the changes are implemented.







#### Disclaimer

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### Better Regulation Victoria

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# Foreword

The Planning and Building Approvals Process Review was established in March 2019 to look in detail at how the current system could be streamlined to reduce delays and unnecessary costs and to increase the focus on the quality of outcomes. After extensive consultation with stakeholder groups and councils, the Review's Discussion Paper was released in October 2019, identifying a wide range of opportunities for improvement. We have now reviewed the extensive feedback provided by stakeholders and finalised this Report to Government, making 27 recommendations which include specific actions.

I would like to thank the members of the Advisory Board, Bill Kusznirczuk, Kate Roffey and Radley De Silva for their wise counsel and valuable contributions. It was a pleasure to work with each of them and the report benefited from their expertise.

Part 1 of this Report sets out these recommendations and actions into five separate programs to reduce delays and costs, grouped together for coordinated delivery. Many will require close cooperation between DELWP and councils.

Part 2 identifies the priorities for immediate action by key agencies as part of these programs.

Part 3 sets out a complete list of the 27 recommendations and the actions required to implement them. Part 4 contains a discussion of each recommendation including the existing issues it addresses, a summary of stakeholder feedback on the improvements proposed in the Discussion Paper and the way in which those proposals have been refined.

The terms of reference sought advice on both short and medium-term opportunities to streamline planning processes. Our recommended actions have therefore been sorted into those that can be commenced in 2020 and those that may take longer.

The scale and speed of reform efforts will depend on additional resources being made available to deliver the recommended reforms.

One of the major challenges in reforming these systems is the many decision-makers and decision-making parts across the approvals spectrum. Councils and referral authorities have a substantial role in the approvals process and thus are the focus of much of this Report.

From our consultation with the many councils that made submissions it is clear that councils are aware of the opportunities to improve their operations and that many have already made significant efforts to address them. What is needed is for best practices to become common practice, reforming the rules and simplifying processes along the entire approvals chain. Councils have demonstrated themselves eager and capable of driving these changes – in addition to the many examples of best practice mentioned in the Discussion Paper, submissions highlighted further good examples, many of which are noted in this Report.

The terms of reference specify the goal of this Review as reducing unnecessary delays and costs without compromising the intent of the regulations to deliver quality outcomes for the community. The recommendations in this Report are consistent with this goal and have the potential to deliver significant improvements in the approval system's effectiveness and efficiency and to boost Victoria's productivity.

Anna Cronin Commissioner for Better Regulation Red Tape Commissioner



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# Part 1: Introduction

Victoria's planning and building system provides the legislative and regulatory framework for the appropriate use and development of buildings and land. The system protects the amenity and safety of the community and supports the efficient implementation of government land use planning, building and infrastructure policies.

Over time, planning approvals processes have become more complex with many decision-makers and decision points, some of them repetitive or no longer necessary. This has resulted in concerns about delays and the quality of decisions. Building approvals processes have similarly become more complex and require updating to meet community expectations. Improvement is clearly needed in both these areas. For applicants, (individuals, families or developers) time is money. The harder it is to navigate the system, the more costs are incurred at the expense of efficiency and the system's overall effectiveness.

Balancing the demands of growth, employment, sustainability, climate change, housing affordability and liveability for our community is a huge, ongoing challenge.

Consultation undertaken as part of this Review demonstrates there is scope for immediate improvement in how we assess and approve land use and development proposals and scope for more fundamental improvements in the medium term.

Currently there is too much fragmentation, inconsistency and complexity in the voluminous documents that underpin the planning and building rules that apply in Victoria. This leads to uncertainty for applicants, repeat work needed by council and referral authority staff and much wasted time and effort. Almost half of all applications result in a formal "request for further information" (RFI) and around a quarter are referred to other agencies for advice.

Processes should be fit for purpose, requirements should relate directly to the purpose of the assessment, policies should be clear about their expected outcomes, the business processes of assessment should be efficient and decisions should be made at the most effective organisational level.

Electronic process management should promote complete and accurate applications that are decision-ready, access to all necessary information for the applicant, the community and the decisionmaker and automatically track progress and generate appropriate performance reporting data

The assessment should deliver the intended policy, amenity and safety outcomes. The level of assessment should align with the nature of the risk and statutory and business processes should recognise the costs and impacts on all stakeholders and the community.

Guidance material should ensure that applicants are clear about all the information they need to prepare a decision-ready application. The community should be able to access appropriate information about a proposal and decision-makers should have the training and support they need, as well as an appropriate authorising environment in which to make good decisions.

It is clear from our work in this Review that it is not sensible to consider separately information requirements for planning permits, the submission of applications or ways to deal with the need for additional information. Although each of these is the focus of separate sets of recommendations, this Report emphasises the need to integrate these.



# The benefits of improving the planning and building system

Improving the efficiency of the planning and building system will benefit Victoria in a range of ways.

The cost to the economy of delays in the \$33 billion planning and building industry has been estimated by SGS to be as large as \$400 million to \$600 million a year (based on estimated value of additional rental yields that would be realised sooner if approvals were granted faster). This is a burden that can be significantly reduced. These avoidable costs are better re-channelled into productive outcomes such as more affordable housing, rather than just being lost to the economy as they are now.

Promoting better and faster approvals processes will not only bring forward residential, commercial and industrial construction but also dwelling occupation, delivering economic benefits associated with household expenditure for goods and services and increased employment. For example, according to the Performance of Construction Index, September 2019 was the thirteenth consecutive month of contraction for Australia's construction industry. Forecasts by Charter Keck Cramer suggest the residential construction industry across the eastern States is entering a 12 to 18 month period of decline. While these forecasts have now improved slightly, bringing forward construction activity will provide the needed stimulus to the Victorian construction industry.

Following the release of the Discussion Paper, SGS was reviewed the proposed improvements and estimated the likely economic and revenue benefits of implementing them. SGS considered that a one-month reduction in the average time taken in approvals processes as a result of proposed improvements was readily attainable.

SGS has estimated the benefits of the reforms based on this improved capacity in the planning and building system bringing forward an additional 4,800 units of dwelling construction worth \$1.8 billion. These benefits over five years (from 2022 to 2026) are estimated to be:

- an increase in gross state product of around \$775 million over five years;
- · an increase in State revenue of up to \$330m over five years; and
- the creation of around 550 jobs per year, on average, over five years, with a peak impact of around 1,200 jobs in the construction sector alone in 2024.

Victoria's population growth means there will be around 55,000 new households each year on average. To accommodate this growth requires over 65,000 dwelling approvals a year, after accounting for replacement homes and demolished buildings.

Dwelling approvals peaked at 75,000 in 2017 but dropped to 59,000 in 2018 as the market adjusted. The planning and building systems need to be streamlined and capable of supporting the necessary capacity to assess and approve projects as they are put forward, if projected growth is to be facilitated. Recent experience shows that when there is a shortage of supply, house prices can increase sharply. A strong supply of available properties, in the places that people want to live, delivers competitive prices.

Streamlined approval processes and greater system efficiency will lead to increased investment and underpin the supply of new homes. This will result in economic benefits such as increased employment in construction and building supplies and increased commercial and industrial development to create jobs.

Victoria is often regarded as having the best fundamental framework for planning nationally. This is a significant competitive advantage that we must strive to maintain. A better planning and building system is crucial to meeting the community's infrastructure needs. The recommendations in this

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Report will help meet these needs through improvements that reduce delays and costs for all types of projects. In terms of new precincts and strategic sites, this Report makes several recommendations which will enable greater clarity about the timing and delivery of infrastructure such as roads, schools, public transport and community facilities. Examples of the latter include improving the sequencing of infrastructure delivery in new communities, prioritising and expediting planning for sites of strategic importance and simplifying the processes for payment of infrastructure contributions.

The positive engagement by the range of stakeholders involved in this Review demonstrates a commitment by all parties to implement more efficient processes and realise the potential economic and community benefits of the reforms in this Report.

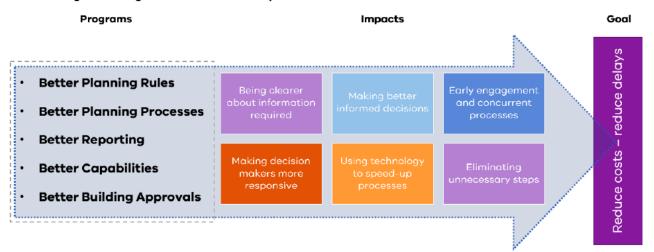
The people who operate or interact with the system – including those in government agencies, councils, the community, business and the planning and building industry peak bodies and individuals who have made significant contributions to this Review – are the key to achieving more effective and efficient planning and building approvals. Investing in the people administering the system, including providing training and additional resources to address workloads and system needs, will deliver better planning and building outcomes for the community and industry.



# Five proposed programs to reduce unnecessary delays and costs

The programs of recommendations proposed in this Report, and shown in Figure 1 below, aim to lift the performance of the system by locking in permanent and sustainable improvements while also setting a solid foundation for further improvements over time.

Figure 1: Programs to deliver this Report's recommendations.



The recommendations in this Report will be most effective if delivered together in a coordinated way. There are several ways of configuring these recommendations within the different programs, and Figure 2 below shows an indicative grouping of how the recommendations could be allocated to these programs. However, most of these recommendations contain several elements some of which are short term and others medium term and involve several agencies working together on implementation. A summary of each proposed program is set out below the table.

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Figure 2: Indicative grouping of recommendations by program, lead agency and timeframe

PROGRAM	SHORT TERM	MEDIUM TERM
BETTER PLANNING RULES DELWP	B2: Ensure applications are decision-ready B8: Reduce response times for external referrals B10: Provide guidance on delegations C4: Simplify payment of infrastructure contributions	A1: Simplify planning schemes A2: Streamline the planning scheme amendment process
VPA and DJPR	A3: Streamline the PSP process (complete PSP 2.0)	A4: Expedite planning for precincts and strategic sites
BETTER PLANNING PROCESSES Councils and DELWP	B1: Improve pre-application processes B5: Modernise public advertising of proposals B6: Stream applications according to risk B7: Reduce requests for further information C1: Improve the use of the post permit conditions	B3: Move to online permit tracking and processing D2: Improve access to building records D5: Improve consistency of asset protection requirements C2: Streamline variations to the terms of a permit
BETTER REPORTING DELWP and Councils	B9: Improve transparency for decision timeframes	B3: Move to online permit tracking and processing C3: Reduce timelines for electricity connections
BETTER CAPABILITIES DELWP and Councils	B4: Improve planning resources for councils C5: Engage earlier with other authorities	C6: Improve coordination of internal referrals
BETTER BUILDING APPROVALS DELWP/VBA/Councils	D1: Expand the building certification workforce D3: Streamline building permits for low-risk work	D4: Standardise construction management plans D6: Distinguish building "consultants" from surveyors D7: Clarify processes for enforcement



# **Program 1: Better Planning Rules**

Legislation and regulations set the requirements for the planning scheme amendment and planning permit and building permit assessment processes. Improving these processes while focusing on good outcomes will require reviewing and resetting the regulatory requirements to embed best practices. Changes to regulations will be essential to implementing several key process improvements relating to pausing the clock and only assessing complete applications.

Areas for change include defining roles and responsibilities, 'front loading' business processes to ensure all the required information is provided to decision-makers from the outset, establishing performance requirements and timelines and providing clarity about how notice is prepared and given.

It will also include more consistent drafting of requirements and policies, standardisation of similar provisions, improved user focus and guidance and improved proportionality of planning provisions with the expected impact of land use and development. A new program, Better Planning should be established, working in conjunction with councils to deliver the core recommendations from this Report over the next two years. This would build on and extend the work already delivered through Smart Planning.

The current Department of Environment, Land, Water and Planning (DELWP) agenda for Smart Planning reforms should be refocused to deliver various recommendations from the Review over the next two years, working in conjunction with councils. We are suggesting revamping this program as Better Planning Rules. This program will address several areas where new practice notes, guidelines and ministerial directives need to be drafted to streamline the current requirements and simplify the steps to consider applications.

# **Program 2: Better Planning Processes**

This program is focused on improving processes at councils as well as in DELWP and other government agencies. Councils will be supported in improving their processes by a State-led Better Planning Approvals program, and DELWP will lead work with a range of other State agencies to improve their processes and practices.

The Better Approvals program run by Small Business Victoria has delivered substantial improvements in how councils provide approvals to small business. This program has enabled councils to adopt concierge approaches – where an applicant is given a single point of contact with the council. It also involves enabling councils to set up systems to assess applications concurrently and develop problem-solving mind sets. The Better Approvals program also yielded useful insights into councils' own practices in approvals for small businesses.

Better Planning Approvals will support councils' planning and building teams in applying a 'concierge' model to their planning and building approvals operations, implementing concurrent assessment and improving application processes overall. This will also help them implement the best practices identified in the Discussion Paper and identify any obstacles to adopting them.

This program will include, for example, checking what stage of development a council's process management systems and IT platforms are at and any challenges councils face in improving these, with this information supporting the upgrade of digital systems and introduction of a Better Reporting framework in Program 3. This approach will also be aimed at addressing the substantial

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stakeholder feedback regarding issues relating to quality of applications, access to and clarity of information and the delays caused by sequential approaches to obtaining technical and specialist comment on applications.

DELWP will work with a range of State agencies to improve their processes and practices. This will contribute to a wide range of improvements in efficiency, including faster resolution of disputes, faster approval of Precinct Structure Plans (PSPs), clearer guidelines and requirements from referral authorities and faster electricity connections to new development.

Better Planning Approvals will be complemented by several improvements in State agency activities, including the review underway of the various Victorian Civil and Administrative Tribunal (VCAT) listing options and approach of the Victorian Planning Authority (VPA) to managing staged payment arrangements for the Growth Areas Infrastructure Contribution (GAIC).

Developing a more collaborative working culture within and between councils, agencies and applicants will promote more efficient and concurrent assessment and decision processes. Harmonising policies and requirements for like matters between adjacent councils will also generate efficiencies for proponents, referral authorities and councils.

# **Program 3: Better Reporting**

This program is based on the fundamental requirement to deliver significant improvements in data collection and reporting across the entire planning and building approval systems. The Better Reporting framework will provide accurate and comparable data on planning and building approvals performance.

The existing Planning Permit Activity Reporting System (PPARS) data provides a good starting point. However, data entry is variable and does not include specific data on some matters of particular interest such as the total time taken in specific stages of processing an application. In conjunction with upgrading councils' digital systems, improving the quality of performance reporting data and automating how it is collected would enable real time management and assist in achieving best practice.

Key milestones and decision points in all four stages of permit approvals (strategic, statutory, postpermit and building) will be recorded to allow better identification of bottlenecks and further opportunities for improvement.

There also needs to be a stocktake of the different councils' IT process management systems. More work is needed to define what is best practice and the pathways different councils can follow to upgrade their systems.

More comprehensive use of a digital portal for applications that ensures they are decision-ready before they are assessed would deliver significant efficiencies.

While a State-wide system or network of compatible systems is a widely supported end goal, existing council systems are at various stages of development. Joining up the varied systems will not be easy. In the first instance the DELWP Planning portal can give access to each council's planning permit applications, just as they currently link to local planning schemes.



# **Program 4: Better Capabilities**

A recurring theme in stakeholder feedback was the need for improved capabilities in councils and other decision-making bodies and participants in the approvals system.

This program aims to address these issues by providing the resources, support, guidance and training required by councils and users of the system. This will involve the establishment of Regional Planning Hubs to provide additional resources for councils and facilitate training and regional collaboration.

The DELWP regional office network offers an opportunity to create Regional Planning Hubs that can provide short-term resource support, address peak workloads, provide specialist support and a centre for training. These Hubs would support both the strategic and statutory functions of councils.

The nature of the support they offer will vary between regions based on their specific needs. For example, some regions may require more support for strategic planning than statutory planning. Some may require more support from heritage, native vegetation or drainage experts than others.

Based on existing best practice in some councils (see successful efforts in Gippsland and among the Wimmera councils), these would be most effective if established at a regional level. This would support the establishment of the "communities of practice". The Regional Planning Hubs would be a logical channel through which DELWP could convene and support collaboration between councils in a region.

Improved guidance material is an important mechanism for ensuring that best practice is established across the State regarding how similar matters are managed and decided. Up to date and user-oriented documentation will promote best practice as common practice and underpin the provision of new education and training pathways.

A system can only operate efficiently when people who operate it perform at their best. Shortages of skilled people, particularly in regional areas in the planning and the building areas were consistently raised. This program aims to increase training opportunities in key areas, such as the application of permit conditions, expanding training for councillors and staff and developing programs to increase the attractiveness of the planning, engineering, building surveying and building inspection professions.

### **Program 5: Better Building Approvals**

This program of work includes several actions to minimise delays by increasing the supply of skilled practitioners and streamlining and clarifying responsibilities for the building approvals process.

Stakeholder feedback has confirmed that actions to increase the supply of suitably qualified building surveyors, inspectors and fire safety engineers will support the timely issue of permits, inspection of work and certification of completed buildings. This work will include promoting these professions as career options for secondary students (with a focus on women to address the current gender bias), improving the quality and availability of training, particularly in regional and rural areas, and assisting graduates to build their experience through structured on-the-job programs such as cadetships. The Victorian Building Authority (VBA) commenced some of this work in 2019 and plans to continue to do so in partnership with the peak industry associations.

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Complementary measures include the creation of a new category of building surveyor for low-rise domestic building work, and the VBA providing bridging pathways for practitioners from related occupations such as builders, architects, engineers and project managers. A new category of building surveyor for low-risk domestic building work will not only assist with the high cost of professional indemnity insurance but will free up more experienced practitioners for the quality assurance of high-risk buildings.

Building approval processes can be streamlined, for example, by removing the requirement to obtain a building permit for some decks, mobility access ramps and small sheds that have a low risk and low impact.

Expanding the scope of the Building Activity Management System (BAMS) to become the central digital registry for all building records for Victoria is also recommended. Expanding BAMS will make it easier for builders and developers to quickly find copies of the records they need to support their application and obtain a building permit, and for the VBA to access the records it needs to undertake its ongoing building inspection and audit programs.

The Victorian Government recently announced a comprehensive review of the *Building Act 1993* and appointed an expert panel to lead the review. This Report refers several matters to the Building Act Review for consideration to clarify the roles and responsibilities for verifying the standard and quality of building work and for administering and enforcing the building approvals process. Consistent with work Program 3, Better Reporting, the Building Act Review will also consider an ongoing role for the State Building Surveyor to monitor and report on the performance of the system.

Some short-term measures which could be implemented (while the Building Act Review is being conducted) include introducing a protocol to guide co-operation and communication between the VBA and councils, and the development of a practice guide setting out the matters to be examined when inspecting buildings.



# Part 2: Priority actions for agencies

The proposed programs are intended to promote an efficient and coordinated delivery of all the recommended actions, based on best practice. Most of the gains will take some time to achieve and will depend on both management commitment from both the Victorian Government and councils and the availability of training in new policies and processes.

In the short-term, there are some twenty opportunities for significant early improvement that should be given priority. These are listed below, grouped by the responsible agency.

### **Priorities for DELWP**

### 1. Better planning rules

A new program, Better Planning should be established working in conjunction with councils to deliver the core recommendations from this Report over the next two years. This would build on and extend the work underway through Smart Planning.

There are several areas where new practice notes, guidelines and ministerial directives need to be drafted to streamline the current requirements and simplify the steps to consider applications. More substantial regulatory changes will require regulatory and legislative amendments.

### 2. Reforms related to applications

The most prospective set of changes is to tackle the problem of incomplete applications and the high rate of requests for further information. By only starting the "statutory clock" once an application is decision-ready and pausing – instead of resetting – the clock for requests for further information there will be incentives for both applicants to submit more complete and higher quality applications and for councils to be more timely and effective in their use of RFIs.

### 3. Make amendment authorisation decisions quickly

DELWP should review the process and criteria for planning scheme amendment authorisation with a view to making all decisions within 10 days or, if further review is required, within an additional 30 days.

### 4. Introduce VicSmart Plus

Introducing VicSmart Plus, subject to further consultation on and refinement of the proposal, will expand the number of low-risk applications (particularly for residential development) that can be determined quickly through the VicSmart assessment process.

### 5. Establish regional planning hubs

Regional councils have very limited planning resources and face significant variations in demand. There are considerable benefits in having shared resources, harmonised policies and access to reserve staff to cover absences and peaks.



### 6. Introduce the Better Reporting framework

DELWP to examine how to improve data collection and performance reporting, including using and expanding the existing PPARS and Know Your Council data. The Better Reporting framework addresses the need to report additional data across many different points in the system (this is reflected in links to the Better Reporting framework note in Recommendations A2, B8, B9, C1 and C2).

### 7. Provide guidance on delegation models and processes

DELWP should work with councils to develop frameworks based on several best practice examples of delegation arrangements, that councils can elect to adopt or amend, in accordance with local circumstances. This work should involve preparing example deeds of delegation to support councils in choosing and applying the delegation mechanisms that best suits their needs and supporting councillors to understand their roles and responsibilities when making decisions under the planning framework through training.

### Priorities for VPA and DJPR

#### 1. Establish a strategic sites pipeline

DELWP and the Department of Jobs, Precincts and Resources (DJPR) should lead work with the VPA and councils to develop clear criteria for prioritising precincts and strategic sites that warrant direct facilitation and management by the Victorian Government. A Standing Advisory Committee should be created to advise the Minister for Planning at the Minister's request on which precincts or strategic sites to expedite, the appropriate role for different agencies in order to expedite planning for those precincts or strategic sites and the most appropriate mechanisms with which to do so. This Committee could also form the Panel for hearings on planning scheme amendments relating to precincts and strategic sites.

### 2. Streamlining for Growth program

Continuing this program, which is managed by the VPA, would continue to fund councils that do not have the resources to implement the reforms needed to manage growth or undertake strategic planning for the release of land for housing growth.

# 3. Coordination of infrastructure delivery

The Department of Premier and Cabinet (DPC) and the Department of Treasury and Finance (DTF) should seek a whole of government approach to forward planning for infrastructure across portfolios to ensure that land use development can progress with confidence in the way strategic sites and growth corridors will be supported by new investment in schools, transport and community facilities.



### Priorities for councils

The review identified several best practices already implemented by some councils that could be adopted by other councils as common practice. Councils could review their current arrangements and implement operational and business process improvements that support the objectives of this Review immediately. Some of these opportunities are listed below, including supporting councils in these efforts through a State-led Better Planning Approvals program.

### 1. A Better Planning Approvals concierge approach

The Better Approvals program delivered significant improvements to the handling of small business approvals. Several councils have redesigned their business processes to provide every applicant with a single point of contact through the approvals process. This approach enables concurrent assessments to be used. DELWP, in collaboration with Local Government Victoria, could oversee the implementation of the Better Planning Approvals program focused on improving planning and building approvals processes through a similar concierge service.

#### 2. Merging development branch silos

Disconnected (and sometimes physically separated) strategic, statutory, building, heritage, engineering, traffic and environment units within councils create significant inefficiencies as a project passes through the four stages of approval. Some councils have delivered significant efficiencies by creating development branches that co-locate some or all of these functions. This co-location boosts opportunities to deliver concurrent and well-informed assessments.

### 3. Modernising public notification

It is not necessary to change the *Planning and Environment Regulations 2015* to implement a more modern and user-friendly basis for public notice of an application. Some councils such as Glen Eira do this already. Creating a template for councils to adapt and use would deliver an immediate improvement.

# 4. Reducing use of conditions

There is scope to update and simplify the use of conditions. The United Kingdom Government recently updated its guidance to councils and it is worth considering the principles on which this was based. An updated Practice Note is needed to define the appropriate circumstances more appropriately and to manage the timeframes for post permit approvals.

#### 5. Construction management plans and protection of local assets

This requires development of model local faws for the range of matters included in construction management plans and asset protection permits along with supporting guidance materials and template documents, as required. This should be centrally coordinated but needs to involve DELWP, councils and the Municipal Association of Victoria (MAV).

## 6. Permits for low-rise low-impact building work

Work to expand the types of minor building work that can be exempt from the requirement to obtain a building permit while maintaining public safety could be progressed ahead of the Building Act

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Review. This would include the construction of certain decks, mobility access ramps and sheds that meet the relevant building standards.

# Priorities for other agencies

#### VBA: Expand the building surveyor workforce

While the VBA is already working to promote careers in building surveying and inspection to secondary students, providing more flexibility for practitioners from related professions to move into these professions will also assist in expanding the future workforce. Work by DELWP and the VBA to create a new class of building surveyor for low-risk domestic building work would assist with building surveyor workloads and could also progress in advance of the Building Act Review.

#### ESC: Amend the electricity distribution code

The Essential Services Commission (ESC) should formalise ongoing public reporting requirements for non-standard connections. A performance management framework could be introduced with enforceable timelines for defined residential non-standard electricity connection in greenfield developments with clear and effective compliance obligations. This could be introduced in parallel with ESC's current review of Electricity Distribution Code (EDC).

### **VCAT: Listing options**

Given the delays that are experienced by developers through the VCAT process, there is considerable opportunity for review and improvement. This may result in streamlining processes, better registry support and greater opportunity for mediation, ultimately realising the economic value of these developments sooner.

VCAT already has a reform process in train for its Planning and Environment Division, under the new Deputy President Teresa Bisucci. VCAT is aware of the need to better promote the availability of its existing Short Cases List and the ability to settle simple matters "on the day". There is another infrequently used process to request a "practice day hearing" for matters that can be dealt with in 30 minutes.

#### Consumer Affairs Victoria: Awareness about the role of building consultants

In regard to the use of building consultants, the recommendation is that Consumer Affairs Victoria (CAV) should continue its consumer awareness program. Other related actions – such as limiting the use of the term "building surveyor" or "inspector" to registered and qualified people – should be considered by the VBA.

### Federal Government: Timely environmental approvals

These issues are being considered as part of the recently announced inquiry into "green tape" being led by Graeme Samuel. This issue can be directly raised by the Premier with the Prime Minister – possibly by listing it on the agenda for the Council of Australian Governments. In the first instance the issue can be raised with DELWP and a 'whole of Department' view put to the Ministers for Environment and Planning.



# Part 3: List of recommendations

### Recommendation A1 – simplify planning schemes

This Report recommends simplifying planning schemes by:

- building on recent reforms, focusing on plain language drafting principles, improving digital delivery and accessibility and completing the translation of planning schemes into the integrated Planning Provisions Framework;
- consolidating planning scheme requirements that serve similar purposes and updating longstanding policies to reduce overlap and duplication;
- DELWP prioritising the development of State-wide planning policies, particularly on emerging issues (as has been recently done in the case of developments overshadowing solar panels);
- developing tighter criteria for where local variations of planning policy are justified to provide a better framework for local policy development; and
- councils working together within their regions and across Victoria, to harmonise local planning policies where possible.

These measures should be led by DELWP, working in consultation with councils.

### Recommendation A2 – streamline the planning scheme amendment process

This Report recommends streamlining the planning scheme amendment process by:

- DELWP providing councils with a final response within 30 days of DELWP initiating a "further review" of an authorisation request;
- DELWP exploring opportunities to stream different types of planning scheme amendments and package multiple amendments in omnibus amendments;
- as part of Better Reporting, DELWP to measure and review the performance of the planning scheme amendment process from start to finish and to identify the steps in the chain that are causing some amendments to take unreasonable time;
- modernising how proposed planning scheme amendments are publicly explained, updating
  notice templates to support plain-language, multi-language notices and using images for
  significant planning scheme amendments DELWP should provide an updated Planning
  Practice Note to support the use of these new provisions;
- councils referring exhibited amendments to Planning Panels Victoria (PPV) at the earliest
  opportunity in cases where there are clearly unresolvable objections DELWP should
  provide guidance on how this can be managed through delegations;
- reducing the maximum period for publication of Panel reports by councils from 28 days to 14 days;
- requiring councils to provide reasons as well as notice for a decision to abandon or to not consider or progress an amendment; and
- clarifying the process for applicants to formally seek a planning scheme amendment related
  to their land and how such requests can be referred to the Minister should the council
  unreasonably reject the proposal this may require an amendment to the *Planning and*Environment Act 1987.

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# CM.184/21 Attachment 3.

Urgent Business - State Governments Planning Reforms and Advocacy Red Tape Commissioners Final Report - Turning Best Practice into Common Practice November 2021



# Recommendation A3 - streamline the precinct planning process

This Report recommends streamlining the Precinct Structure Planning (PSP) process by:

- finalising the VPA's PSP 2.0 process and applying this to the current round of greenfield precincts, in order to reduce the average completion time to two years;
- adapting the VPA's PSP 2.0 process as the standard method for structure planning for all major precincts, strategic sites and regional developments;
- requiring early engagement of key government agencies in the VPA planning process to
  ensure that future requirements for infrastructure, including transport, education, health and
  other community facilities are properly embedded in agency forward plans, with timing of
  delivery linked to future development needs;
- using the PSP plans to empower the sequencing of how a new community develops over time and community facilities are delivered, enabling infrastructure providers to use trigger points (for example, population) and capital works programming to ensure that schools, parks and public transport are delivered at the appropriate point in the cycle and not built at the end:
- DPC and DTF considering how the longer-term planning for infrastructure development is integrated with the State budget cycle and timely utilisation of developer contributions, including consideration of development-related need for State infrastructure; and
- reducing delays between precinct planning and permits for the first stage of development by
  encouraging concurrent assessment processes for subdivision and permits and the PSP
  process, bearing in mind the provisions in section 96A of the *Planning and Environment Act*1987 are rarely used.



### Recommendation A4 – expedite planning for precincts and strategic sites

This Report recommends expediting planning for precincts and strategic sites by:

- DELWP and DJPR classifying the numerous precincts already identified in Plan Melbourne and the Regional Growth Plans into three tiers of responsibility:
  - o State priority precincts (the responsibility of DJPR);
  - o precincts of strategic importance (generally referred to VPA); and
  - o key local growth precincts (generally planned by the responsible council);
- DELWP and DJPR issuing clear criteria to designate new precincts and strategic sites;
- including in the criteria for precincts and strategic sites factors such as economic and job
  potential, community support, opportunities for innovation and synergies with State
  infrastructure projects other considerations include opportunities for value uplift and the
  need for coordination:
- providing ongoing funding through the Streamlining for Growth program for the VPA to support councils planning key local growth precincts, in each case using the most appropriate of the VPA's four engagement levels;
- facilitating better coordinated planning by the Minister, where appropriate, using the existing
  powers to appoint him or herself as the responsible authority for State priority precincts and
  some sites of strategic importance, appointing the VPA or DJPR as planning authority and
  setting clear timeframes for outcomes;
- creating a Standing Advisory Committee under the Planning and Environment Act 1987 to advise the Minister for Planning on strategic sites at the Minister's request (and to form the Panel for hearings on planning scheme amendments if requested);
- looking at adopting similar mechanisms to the Major Transport Projects Facilitation Act 2009 to aid the delivery of major sites; and
- considering new approaches to expediting the issuing of planning permits and subdivisions in State priority precincts and precincts of strategic importance (such as adopting a coordinated approach to referrals and secondary approvals, utilising some of the lessons from the Queensland SARA model).

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## Recommendation B1 – support councils to improve pre-application processes

This Report recommends supporting councils to improve their pre-application processes and provide more help to applicants by:

- supporting councils to adopt early engagement opportunities through the Better Planning Approvals program;
- focusing early engagement approaches to assist applicants to provide all the information required under the planning scheme (see also Recommendation B2 regarding decisionready applications) and supporting early engagement with external referral authorities and council departments for internal referrals; and
- using the upcoming review of planning fees to consider prescribing fees or fee structures
  for pre-application services (including fees that may vary within prescribed limits and giving
  councils discretion over whether to charge fees).

The Report notes that to deliver significant improvements in application processing including reducing delays and ensuring sound decision-making, it is imperative that the improvements regarding early engagement, clarity of information requirements, improvements having decision-ready applications and managing assessment times are integrated and that the relevant recommendations considered together. This means that these recommended actions overlap with those in Recommendations B2 and B7, relating to only assessing applications that are decision-ready and pausing (rather than resetting) the clock for requests for information.

Further work is being done to integrate these three recommendations and address concerns raised by stakeholders.

# Recommendation B2 – ensure applications are decision-ready before being assessed

This Report recommends ensuring applications are decision-ready before they are assessed by:

- developing guidelines, forms and checklists to ensure that applicants are clear about what
  information is required under a planning scheme (this work to be led by DELWP, in
  collaboration with councils) and the standards that applications must meet;
- reviewing and clarifying the the Victorian Planning Provisions (VPP) information requirements, and identifying opportunities to remove any duplicative or unnecessary information requirements (this work to be led by DELWP, in collaboration with councils);
   and
- amending the regulatory framework to allow councils to only assess applications once they
  are decision-ready and for the statutory clock on council decision to start once applications
  are decision-ready.

See also the related comments under B1 regarding the need for integrating improvements regarding early engagement, clarity of information requirements, improvements having decision-ready applications and managing assessment times.



# Recommendation B3 – complete the move to online permit tracking and processing

This Report recommends that, as part of the Better Planning Approvals program (see Part 1), DELWP should support all councils completing the move to online permit tracking and processing by:

- conducting a stocktake of the current situation and the capabilities of digital platforms in each council;
- identifying which improvements in these systems would be required to facilitate the best
  practices identified in this Review, and to determine which would be most beneficial to each
  council's planning processes as part of the Better Planning Approvals program; and
- exploring mechanisms like the Rural Council Transformation Fund to target support for
  online tracking and processing of planning applications for groups of rural and regional
  councils and prioritising those that will accelerate collaboration towards a standardised and
  integrated system across councils.

### Recommendation B4 - improve planning resources for councils

This Report recommends improving planning resources for councils by expanding the five DELWP Regional Planning Service offices to create Regional Planning Hubs which would provide councils with:

- access to staff to help manage short-term workloads as well as provide access to specialist strategic and statutory planning skills suited to the needs of each region;
- training packages (including online modules) focused on the practical skills required in each region to deliver improved processes, including the implementation of the reforms coming out of this Report; and
- support to underpin collaboration between regional groups of councils and to facilitate regular forums to promote best practice as well as an annual state-wide conference.

## Recommendation B5 - modernise public advertising of proposals

This Report recommends modernising public advertising of proposals by:

- requiring planning notices for proposals to include a picture of the intended development subject to specific triggers (for example, size or significance of development) with clear guidelines on the form and content of images;
- supporting councils to deploy user-friendly notice designs with quick and clear pathways (including QR codes) to access further information about an application;
- supporting councils to provide supplementary notice via council websites, email alerts and/or social media (to be done as part of the Better Planning Approvals program); and
- updating guidance on best-practice processes for notifications of different types of permit
  applications, including reviewing greater use of online notification and the requirement for
  formal newspaper advertisements.

This work should be done as part of the Better Planning Approvals program in collaboration with councils

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## Recommendation B6 – stream applications according to risk

This Report recommends streaming applications according to risk by:

- reducing restrictions on specific land use types where those uses are compatible with the
  purpose of the zone (such as non-retail service provision uses being allowed in retail
  centres without a permit)
- facilitating the provision of important community services such as child care, aged care or social housing facilities in residential areas;
- further consulting on and refining the proposed VicSmart Plus to provide a third pathway for low-risk applications:
- reducing the current occupancy restrictions and including secondary dwellings on a single title in the proposed VicSmart Plus permit approval stream – there should be further consultation with councils and industry to confirm standard characteristics; and
- developing a small lot code for established areas as part of VicSmart Plus and in consultation with councils and industry.

### Recommendation B7 - reduce requests for further information

This Report recommends reducing requests for further information (RFIs) by focusing them on those matters which go beyond that which is required for a complete application by:

- · starting the 'decision clock' only once an application is decision-ready;
- pausing rather than resetting the clock when council issues an RFI;
- adopting guidelines to focus the use of RFIs on requests for information that is needed to inform a decision:
- discouraging the use of RFIs by councils for purposes other than to obtain information to inform a decision (for example, using RFIs to request changes to a design);
- supporting councils to share insights about and improve their practices for accurately
  assessing the need for RFIs by issuing a PPN and facilitating training opportunities; and
- making more use of VCAT's Short Cases List in the event of disputes about the content of RFIs.

See also the related comments under B1 regarding the need for integrating improvements regarding early engagement, clarity of information requirements, improvements having decision-ready applications and managing assessment times.

Given the improvements embedding early engagement and the discipline around "decision-ready" applications, there will be less need for requests for further information later in the process.



## Recommendation B8 – reduce response times for referrals

This Report recommends reducing response times for external referrals by:

- the Government giving formal advice to referral authorities about the importance of their statutory role in the planning system and the need to provide timely responses;
- · authorities providing the appropriate focus and resources to their role as referral authorities;
- improving the customer-focus of referral authorities by engaging early with applicants to
  provide up-front direction on triggers for referrals and the likely information required (as part
  of councils' early engagement services see B1);
- DELWP collaborating with referral authorities and councils to standardise requirements for simple, low-risk referrals so that these can be assessed directly by councils and referral authorities can focus resources on complex referrals;
- considering giving referral authorities access to grants under Streamlining for Growth to improve their internal systems;
- requiring referral authorities to report their performance as part of the Better Reporting framework; and
- establishing regional forums among referral authorities to share insights about best-practice (to be led by DELWP in collaboration with the VPA).

# Recommendation B9 – improve transparency for decision timeframes

This Report recommends improving transparency and accountability for decision timeframes by:

- keeping applicants up to date about their application's progress through the assessment process (achieving this through the proposed Better Planning Approvals program and the adoption of online management of applications);
- councils reporting on time taken at different stages of the assessment and decision process through PPARS in the Better Reporting framework; and
- in cases where applicants indicate at the beginning of an application process that they are
  willing to agree to longer approval timeframes, in return for confidence that it will be met,
  having councils agree up front.

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### Recommendation B10 - provide guidance on delegation models and processes

This Report recommends providing frameworks for councils, based on several best practice examples of delegation arrangements, that councils can elect to adopt or amend, in accordance with local circumstances:

- DELWP working with councils to develop suitable criteria for delegation of decision-making based on approaches used by councils already where decision-making frameworks are clear, effective and efficient;
- DELWP and MAV preparing example deeds of delegation to support councils in choosing and applying the delegation mechanisms that are appropriate to their needs and consistent with other councils' practices; and
- supporting councillors through training to better understand their roles and responsibilities
  when making decisions under the *Planning and Environment Act 1987* and the planning
  scheme

# Recommendation C1 – simplify post-permit approvals

This Report recommends reducing the time taken for post-permit approvals and improving the clarity and quality of post permit conditions and approvals by:

- DELWP developing guidance and training on best-practice post-permit approvals processes and standards;
- focusing guidance and training on applying conditions that arise directly from issues relating
  to a permit and only using conditions that are necessary and reasonable where other
  provisions cannot manage compliance:
- incorporating benchmark approval timeframes into post-permit guidance;
- setting standards for urban and non-urban areas through a manual of standardised engineering infrastructure requirements and conditions – this approach should aim to facilitate greater consistency across councils and reduce the time taken to negotiate infrastructure contributions;
- reporting through PPARS as part of the Better Reporting framework on time taken for key stages in post-permit approval processes; and
- utilising the Better Planning Approvals approach to ensure internal referrals are considered up front and concurrently with planning assessment as part of the permit process to avoid conflicting or unnecessary conditions.

This Report notes that implementing Recommendations B1, B2 and B7 to coordinate internal referrals as part of a concierge approach that begins with early engagement pre-application services, improve the quality of applications and only assess applications that are decision-ready should lead to fewer post approval conditions and faster assessment of endorsed plans.



## Recommendation C2 – streamline variations to a permit

This Report recommends making it easier to get variations to the terms of a permit approved by:

- DELWP collaborating with councils to prepare a Planning Practice Note to update guidance on post-permit variations (including both secondary consents and extensions of time) along with benchmarks for reasonable timeframes for approvals; and
- using the upcoming review of fees as an opportunity to consider prescribing fees or fee structures for post-permit services provided by councils;
- making more use of VCAT's Short Cases List hear appropriate secondary consent disputes more frequently and more guickly; and
- as part of the Better Reporting framework, supporting councils to report on key aspects of the post-permit process (see also Recommendation B3 regarding supporting councils to upgrade digital systems to make such reporting easier).

## Recommendation C3 - reduce timelines for electricity connections

This Report recommends reducing timelines for electricity connections by:

- developing a performance reporting framework for residential non-standard electricity connections including common timeframes for distribution businesses;
- formalising ongoing public reporting requirements, including enforceable timelines for defined residential non-standard electricity connection in greenfield developments with clear and effective compliance obligations, in parallel with the ESC's current review of the EDC;
- increasing training requirements and encouraging tighter endorsement for civil contractors to improve the quality of civil works; and
- reviewing sources of locational data to identify opportunities to have a single address database for electricity connections and other purposes.

### Recommendation C4 – simplify payment of infrastructure contributions

This Report recommends simplifying the payment of infrastructure contributions by:

- boosting efforts by the VPA to streamline the GAIC staged payment system (including a simpler method for rolling these over if the GAIC liability has not been triggered within the financial year);
- establishing regular meetings between the VPA, Land Use Victoria (LUV) and the State
  Revenue Office (SRO) and industry representatives to monitor the implementation of
  current reforms (such as SRO's work with LUV to integrate GAIC notices in the PEXA and
  SPEAR systems and the provision of an online calculator for staged payments);
- · abolishing the (now redundant) GAIC Hardship Board; and
- developing a stronger and more predictable policy framework for future developer contributions, drawing on recent work by the VPA, DELWP, councils and industry on Infrastructure Contribution Plans (ICPs), the work of the current Ministerial Advisory Committee on Affordable Housing and the recent experience with councils' existing section 173 model agreements.

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# Recommendation C5 – engage earlier with authorities outside the planning system

This Report recommends engaging earlier with authorities outside the planning system by:

- using councils' early engagement approaches including pre-application processes to alert applicants to other approvals that may apply and involving other authorities earlier as appropriate;
- working with the Commonwealth at both Ministerial and Departmental levels to reduce the time taken for approvals under the *Environmental Protection and Biodiversity Conservation Act 1999* (including raising the issues through the Commonwealth's recently announced review of the national environmental approvals system);
- considering the issues of keeping council heritage studies and overlays up to date, interim
  heritage protection requests and the relation with demolition permits as part of the Heritage
  Council's current review of local heritage issues; and
- DELWP providing clearer guidance for councils and proponents about State and local heritage responsibilities and processes, including the safety protections of the *Building Act* 1993.

# Recommendation C6 – improve coordination of internal referrals

This Report recommends improving coordination of internal referrals by:

- involving planning and building staff as well as heritage, drainage, engineering and other specialist staff in councils in early engagement services to identify key issues up front (as part of the Better Planning Approvals program);
- · developing a consolidated flood mapping dataset; and
- councils requesting that applicants include up-to-date flood information (provided by the appropriate authority) and other information required by a planning scheme in flood-prone areas.



## Recommendation D1 – expand the building certification workforce

This Report recommends expanding the workforce of building surveyors, inspectors and fire safety engineers by:

- DELWP collaborating with the VBA to Introduce a new class of registration for building surveyors restricted to certifying Class 1 and Class 10 buildings and structures with a floor area of up to 500 square metres. To ensure national consistency this recommendation should take into consideration equivalent classes of registration in other states and territories and be aligned with the current Commonwealth national training package project, which is reviewing the vocational education and training qualifications for building surveyors;
- the VBA partnering with industry bodies to continue to promote the building surveying and inspection professions as a career option for secondary school students (with a focus on women);
- the VBA partnering with industry bodies and training providers to work towards improving
  the availability and quality of the courses prescribed for the registration of building
  surveyors and inspectors by:
  - o improving access to these courses in regional Victoria;
  - strengthening the coverage of the Building Act 1993 and the National Construction
     Code (NCC) in the curriculum for those courses;
  - exploring whether other courses could be prescribed for the registration of building surveyors and inspectors; and
  - o supporting the development of industry trainers and training materials;
- the VBA, municipal building surveyors and industry bodies working together to introduce cadetships to assist graduate surveyors to obtain relevant work experience in the sector;
- supporting Engineer Australia's pipeline strategy to address the predicted shortage in local engineering skills; and
- the VBA developing bridging pathways to enable practitioners from related occupations to transfer into building surveying and inspection work.

### Recommendation D2 - improve access to building records

This Report recommends improving access to building records by making the Building Activity Management System (BAMS), introduced by the VBA to manage building permit numbers, the State's central registry for these records for councils and building practitioners in Victoria.

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# Recommendation D3 – streamline building permit requirements for low-risk work

This Report recommends DELWP and VBA streamlining building permit requirements for low-risk work while maintaining safety and quality by considering the following exemptions in the context of national harmonisation:

- exemptions for the construction of decks and sheds from the requirement to obtain a
  building permit if they comply with the NCC and any other conditions determined necessary
  to ensure the standard of building work, nearby amenity and community safety, for
  example:
  - o the deck is less than 800 millimetres in height; and
  - o the shed has a floor area not exceeding 16 square metres; and
- an exemption from the requirement to obtain a building permit for mobility access ramps, for example based on the criteria such as:
  - it complies with the NCC;
  - it complies with any other conditions determined necessary to ensure the standard of building work, nearby amenity and community safety;
  - if the mobility ramp is 800 millimetres or above in height, it is certified on completion by a building surveyor or inspector; and
  - the appropriate class or classes of buildings to which the exemption is to apply have been assessed and determined.

### Recommendation D4 – standardise construction management plans

This Report recommends standardising construction management plans by DELWP working with councils and MAV to:

- develop a model law for adoption by councils on the matters needed to be included in different levels of construction management plans. The model law should standardise these matters to the extent possible;
- prepare a standard template for each level of construction management plan identified in
  the model law along with supporting guidelines for builders and developers that could be
  adopted by councils across Victoria with local variation, where required. Development of the
  standard templates and guidelines should draw on the documentation already being used
  by some councils; and
- include the construction management plan process in the Better Planning Approvals program.



# Recommendation D5 – improve consistency of council asset protection requirements

This Report recommends improving the consistency of council asset protection requirements by DELWP working with councils and MAV to:

- prepare a standard practice guide for applicants for asset protection permits that could be adopted by councils across Victoria, allowing local variation, where required;
- develop a model law and enforcement policy to be adopted by councils on the matters
  needed to be covered by permits to protect council assets, utility assets and other
  development related work the model law should standardise these matters to the extent
  possible while recognising the different needs of individual and groups of councils; and
- · include the asset protection permit process in the Better Planning Approvals program.

# Recommendation D6 – distinguish building "consultants" from building surveyors

This Report recommends distinguishing building "consultants" from building surveyors by:

- · CAV continuing to raise consumer awareness of:
  - o what to look for when engaging a building consultant; and
  - o the importance of engaging a qualified and/or experienced building consultant; and
- DELWP (in consultation with the VBA) reviewing the role and conduct of building consultants, and the measures to address the issues identified – the review should consider non-regulatory and regulatory measures such as a registration scheme and a code of conduct for building consultants.

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## Recommendation D7 – clarify processes for enforcement

This Report notes that there are several measures underway which support this outcome, and in that context, recommends clarifying the processes for enforcement of the building permit approvals process through:

- the review of the Building Act 1993 announced by the Victorian Government in 2019 considering:
  - alternative models to clarify and strengthen responsibility and processes for the administration and enforcement of the building permit approvals process;
  - the respective roles of private and municipal building surveyors to minimise the conflict of interest inherent in the private certification of building work; and
  - expanding the role of the State Building Surveyor to include ongoing monitoring and reporting on the performance of the building permit approvals process, and to make recommendations to improve that process, where needed;
- developing the protocol between the VBA and councils that was recommended in the 2019 Report from the Co-Chairs of the Victorian Cladding Taskforce to set out accountabilities, mechanisms for cooperation and communication, strategic interventions and agreed procedures for referring enforcement actions;
- the VBA continuing its current work to:
  - develop and implement a code of conduct for building surveyors and inspectors;
     and
  - develop VBA/council statements of intent to strengthen information sharing; and
- DELWP and the VBA also developing practice guides for building surveyors and inspectors
  on the processes and matters they must examine when conducting inspections of the
  various classes of buildings.



# Part 4: Summary of the recommendations and stakeholder feedback

# Recommendation A1 - simplify planning schemes

This Report recommends simplifying planning schemes by:

- building on recent reforms, focusing on plain language drafting principles, improving digital delivery and accessibility and completing the translation of planning schemes into the integrated Planning Provisions Framework;
- consolidating planning scheme requirements that serve similar purposes and updating longstanding policies to reduce overlap and duplication;
- DELWP prioritising the development of State-wide planning policies, particularly on emerging issues (as has been recently done in the case of developments overshadowing solar panels);
- developing tighter criteria for where local variations of planning policy are justified to provide a better framework for local policy development; and
- councils working together within their regions and across Victoria, to harmonise local planning policies where possible.

These measures should be led by DELWP, working in consultation with councils.

# **Existing process(es)**

Planning schemes are often difficult to navigate and reading them requires an assumed level of knowledge. The structure and layout of planning schemes often makes them unnecessarily long with sections that could be better organised or consolidated.

Smart Planning and the Planning Policy Framework (PPF) program have started addressing these issues, to remove duplication and consolidate and update planning schemes.

In cases where emerging policy issues or VCAT or Planning Panels Victoria decisions have created the need for State-wide policy clarification, State responses have been slow or inconsistent. This has increased complexity and reduced certainty for councils, proponents and the community about how to update, interpret and apply planning schemes.

### Feedback from stakeholders based on the discussion paper

The Discussion Paper proposed:

- extending the Smart Planning program to continue improving planning schemes;
- consolidating planning scheme requirements, principles or rules that serve similar purposes;
- faster policy resolution for emerging planning issues to ensure consistent state-wide approach with clear and appropriate frameworks for local council variation; and
- · harmonise council planning policies where possible through collaboration.

There was strong support for extending moves to redraft and simplify planning schemes using plain language drafting principles and for continuing the translation of planning schemes into the integrated PPF. Some councils noted the importance of ensuring that this proposal did not exacerbate the already heavy workload associated with current efforts to translate planning

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schemes or create backlogs in DELWP's authorisation of proposed amendments to implement changes in planning schemes.

Reordering schemes from most used to least used was not supported and was not considered necessary given DELWP's work on planning schemes that can now be searched online. It was considered more important to have an accessible digital platform which shows the triggers relevant to a proposal as well as the associated information requirements.

There was support for consolidating planning scheme requirements and removing duplication without diminishing protection for overlays and for DELWP to give priority to development of Statewide planning schemes for emerging issues.

In terms of harmonising planning policies, many submissions supported the proposal to reduce any unnecessary local variation and to create clear frameworks for local policy development. In the same context, councils advised that they spend time preparing planning scheme amendments that are then left in abeyance for long periods until a state position is formed. It was generally felt that the Victorian Government should be more proactive particularly in relation to emerging policy issues rather than waiting for councils to lead the way and that guidance on implementing state policies needed to be developed concurrently with those policies.

The proposal for councils to work at a regional and State-wide level to harmonise and simplify local planning policies was supported. Councils advised that this requires additional resources and support from DELWP.



# Recommendation A2 – streamline the planning scheme amendment process

This Report recommends streamlining the planning scheme amendment process by:

- DELWP providing councils with a final response within 30 days of DELWP initiating a "further review" of an authorisation request;
- DELWP exploring opportunities to stream different types of planning scheme amendments and package multiple amendments in omnibus amendments;
- as part of Better Reporting, DELWP to measure and review the performance of the planning scheme amendment process from start to finish and to identify the steps in the chain that are causing some amendments to take unreasonable time;
- modernising how proposed planning scheme amendments are publicly explained, updating
  notice templates to support plain-language, multi-language notices and using images for
  significant planning scheme amendments DELWP should provide an updated Planning
  Practice Note to support the use of these new provisions;
- councils referring exhibited amendments to Planning Panels Victoria (PPV) at the earliest
  opportunity in cases where there are clearly unresolvable objections DELWP should
  provide guidance on how this can be managed through delegations;
- reducing the maximum period for publication of Panel reports by councils from 28 days to 14 days;
- requiring councils to provide reasons as well as notice for a decision to abandon or to not consider or progress an amendment; and
- clarifying the process for applicants to formally seek a planning scheme amendment related
  to their land and how such requests can be referred to the Minister should the council
  unreasonably reject the proposal this may require an amendment to the Planning and
  Environment Act 1987.

#### Existing process(es)

### DELWP's further review of proposed amendments

Planning scheme amendments proposed by councils in their role as planning authorities must be authorised by DELWP before they can be exhibited. DELWP must either approve or reject the proposed amendment within 10 days or decide that it needs to review the amendment further. There are no timeframes for this further review, and stakeholders have pointed to examples where proposed amendments have been held in limbo for long periods of time.

### Giving notice for a proposed amendment

When a council exhibits a proposed amendment (subsequent to DELWP's authorisation) they must give formal notice. DELWP's notification provisions for proposed amendments use a lot of technical terms and the notification requirements are not always proportionate to the scale or significance of the proposed amendment. Examples of notice provision used provided by the VPA suggest there are more effective ways to communicate the intent and expected outcome of the proposed amendments in ways that can result in better understanding of a proposal and reduce the risk of concerns being raised at the last minute.

#### Referring proposed amendments to PPV

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If, after exhibiting an amendment, a council has received submissions from the community requesting changes to the proposal and intends to proceed with the amendment without making those changes, then the council needs to refer the matter to PPV for review. Ministerial Direction 15 currently requires planning authorities to do so within 40 days. In some cases councils have taken much longer than 40 days.

### Embargo on release of a Panel report

When PPV reviews a proposed amendment and associated submissions, the Panel provides a report to the relevant council. The council can embargo the release of that report for up to 28 days, during which time any proponents of the amendment and any other affected parties remain unaware of PPV's position on the amendment.

#### A council's decision to abandon an amendment

Councils can abandon a proposed amendment at any time during the planning scheme amendment process. While they are required to notify the Minister if they abandon an amendment, there is no requirement for councils to inform the community of their reasons for abandoning an amendment.

More generally, the legal standing of proponents of planning scheme amendments under the *Planning and Environment Act 1987* is unclear, as are any avenues for appeal if their proposed amendments are abandoned. The regulatory framework does not recognise the role of proponents apart from regulation 6 of the *Planning and Environment Fees Regulations 2016* which prescribes fees to be paid by anyone requesting an amendment to a planning scheme. There are no prescribed timeframes within which a planning authority must make a decision).

### The potential to package amendments as omnibus amendments

Data from the recently introduced Amendment Tracking System suggest that there are cases in which councils propose multiple planning scheme amendments at different points in time which could instead be packaged together as omnibus amendments to move through the entire planning scheme amendment process in bulk.

### Feedback from stakeholders based on the discussion paper

The Discussion Paper proposed addressing each of the above issues in turn by:

- DELWP providing councils with a final response within 30 days of DELWP initiating a further review of an authorisation request;
- DELWP updating its notice templates in simpler language and enabling the use of images to show the changes the community can expect to see;
- councils referring exhibited amendments to PPV at the earliest opportunity in cases where there are unresolvable objections;
- · reducing the embargo on Panel reports from 28 days to 7 days;
- · requiring councils to give reasons why an amendment has been abandoned; and
- DELWP exploring with councils the merit of further opportunities to package multiple amendments in omnibus proposals.

### DELWP's further review of proposed amendments

The proposal for DELWP to provide councils with a final response within 30 days received widespread support. Council feedback supported this Report's recommendation that 30 days be used as a benchmark (rather than a hard time limit), given the wide variation in complexity of planning scheme amendments. To address this and other feedback, this Report recommends that



the 30 days be counted excluding time taken to go back and request further information from the planning authority.

### Giving notice for a proposed amendment

The proposal to improve notice templates had broad support, with suggestions that fact sheets should include information in different languages relevant to the affected community and that the provisions be accompanied by clear guidance material from DELWP to support councils in preventing the use of images that may mislead the community.

#### Referring proposed amendments to Planning Panels Victoria

Feedback from councils reinforced the Discussion Paper's statements that Ministerial Order 15 required councils to refer matters to PPV within 40 days and highlighted examples of councils already trying to find ways to expedite the process. Some noted that meeting this timeframe was sometimes difficult depending on the scheduling of council meetings and the interpretation of the requirement for councils to formally decide to refer matters to PPV.

The Report recommends supporting councils in their efforts to streamline the referral of matters to PPV through DELWP providing guidance on how referrals to PPV could be managed through delegations.

#### Embargo on release of a Planning Panels Victoria report

Many councils noted that they use the embargo period to brief councillors on key issues relating to the Panel report. Some submissions suggest that the Discussion Paper's proposal was interpreted as requiring councils to make a formal decision within 7 days of receiving a Panel report. This Report emphasises that the recommendation is that the embargo period be reduced, rather than setting a timeframe for decision by council. Considering the common practice of briefing councillors prior to release of a Panel report, this Report recommends reducing the embargo period from 28 days to 14 days (rather than 7).

# Setting out reasons for a council's decision to abandon an amendment

This proposal was widely supported, with several councils noting that a formal decision is already made in council meetings and recorded in council minutes. Some councils noted that while it is not a legislative requirement, they provide reasons for their decision when notifying the Minister that they are abandoning an amendment. Given that preparing reasons for a decision to abandon an amendment is common practice, this Report recommends that these reasons by published when an amendment is abandoned so that proponents and the community can easily access them.

Council feedback also highlighted a range of approaches to their roles and responsibilities in relation to proponents of planning scheme amendments, given a lack of clarity in the *Planning and Environment Act 1987* about how councils should engage with proponents.

For example, there are no provisions in the Act for circumstances in which a council decides not to prepare or exhibit an amendment sought by a proponent, or for timeframes for council decisions on proposed amendments (which, if not formally abandoned, go into abeyance).

This is compounded by the absence in the Act of any procedural provisions surrounding how a proponent can request an amendment. This is commonly done by way of a letter, but there is no recourse if the council fails to act or disagrees (with or without reasons). The Minister has overall powers to approve that an amendment be exhibited but there is no formal provision for an applicant rebuffed by a council to submit the matter to the Minister.

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Given the uncertainty surrounding these matters, this Report recommends that DELWP clarifying the process for applicants to formally seek a planning scheme amendment related to their land and how such requests can be referred to the Minister should the council unreasonably reject the proposal – this may require an amendment to the *Planning and Environment Act 1987*.

### The potential to package amendments as 'omnibus amendments'

Submissions were strongly supportive of this proposal. Councils expressed an enthusiasm to work with DELWP to identify other amendment types that placed a high administrative burden on DELWP and which could be streamlined through omnibus amendments. Councils were also eager to consider get further guidance from DELWP regarding the range of amendments that could be considered for these purposes (under sections 20(4) and 20A). This Report notes that the recommendation would not preclude councils from continuing to pursue one-off, urgent amendments.



# Recommendation A3 - streamline the precinct planning process

This Report recommends streamlining the Precinct Structure Planning (PSP) process by:

- finalising the VPA's PSP 2.0 process and applying this to the current round of greenfield precincts, in order to reduce the average completion time to two years;
- adapting the VPA's PSP 2.0 process as the standard method for structure planning for all major precincts, strategic sites and regional developments;
- requiring early engagement of key government agencies in the VPA planning process to
  ensure that future requirements for infrastructure, including transport, education, health and
  other community facilities are properly embedded in agency forward plans, with timing of
  delivery linked to future development needs;
- using the PSP plans to empower the sequencing of how a new community develops over time and community facilities are delivered, enabling infrastructure providers to use trigger points (for example, population) and capital works programming to ensure that schools, parks and public transport are delivered at the appropriate point in the cycle and not built at the end;
- DPC and DTF considering how the longer-term planning for infrastructure development is integrated with the State budget cycle and timely utilisation of developer contributions, including consideration of development-related need for State infrastructure; and
- reducing delays between precinct planning and permits for the first stage of development by
  encouraging concurrent assessment processes for subdivision and permits and the PSP
  process, bearing in mind the provisions in section 96A of the *Planning and Environment Act*1987 are rarely used.

#### Existing process(es)

Many stakeholders have highlighted long delays in preparing and approving PSPs for greenfield areas.

In some cases stakeholders have noted that out-of-sequence provision of infrastructure has contributed to delays in developing these areas.

The VPA is developing a revised process for preparing structure plans – PSP 2.0. This work is nearing completion and consultation with councils and industry is underway.

PSP 2.0 has the potential to be used as the process for developing other structure plans outside greenfield areas. Currently, there are various names and types of plan being used for precincts outside the greenfield areas – these include vision statements, opportunity statements, framework plans, structure plans and precinct plans.

Mostly, subdivision permits are sought well after a PSP has been planned and gazetted. While the existing legislation has a mechanism under section 96A that could reduce delays by supporting the issue of permits in the first stage of development, the use of this section is associated by councils and other stakeholders with previous out-of-sequence developments and delays.

### Feedback from stakeholders based on the discussion paper

The Discussion Paper proposed:

applying PSP 2.0 as soon as possible to existing PSPs;

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- adapting PSP 2.0 to support structure planning in other areas;
- evaluating the effectiveness of PSP 2.0 as soon as practicable;
- balancing the need to plan over large areas with PSPs that are of a manageable scale to deliver; and
- developing guidelines on sequencing development within a PSP, including using section 96A of the Planning and Environment Act 1987 to issue early permits for development.

The Discussion Paper also invited stakeholder feedback on the idea of supporting councils' resource requirements through memoranda of understanding such as those agreed between developers and Wyndham Council.

Stakeholder feedback suggested that it is important to have more certainty about long term planning for infrastructure development. There is also a lack of transparency about the use of developer contributions (such as GAIC).

#### Applying, adapting and evaluating PSP 2.0

There was strong support for a more streamlined and predictable timeframe for preparing PSP's and for PSP 2.0's consolidation of structure planning into the readily understandable steps of:

- initial consultation and engagement with agencies to identify opportunities;
- preparation of a PSP and ICP;
- · exhibition and referral to a Panel for consideration of comments; and
- adoption of a planning scheme amendment;

The main concern was that other government agencies were not sufficiently engaged in the PSP planning process and that the final plans were not "binding" – that other agencies came up with their own strategies which differed from the overall plan. This reinforces the importance of early engagement from all government agencies in order to achieve the goal of completing any PSPs in no more than two years.

Concern was expressed that the PSP 2.0 process may need to be varied for other locations – particularly rural settings. Submissions also noted that while the VPA can recover costs for preparing PSPs through fees, regional councils cannot do so and so have to fund this work themselves. In several cases this cost has been partly offset by grants from Streaming for Growth. DJPR noted the potential for adapting the PSP process to metropolitan strategic sites.

Some concern was expressed that there had not been sufficient industry consultation in the development of the PSP 2.0 approach. This is being rectified as part of the current consultation on the proposal, prior to its adoption.

Several comments supported careful assessment of the initial round of plans produced using the new approach.

#### The size and sequencing of PSPs

There was general agreement that the current size is appropriate for residential PSP planning. The more significant issue of concern in submissions was how development within PSPs is sequenced and commitments to infrastructure are delivered. Councils highlighted that out of sequence development was a huge drain on resources (for example, roads having to be built earlier than intended and before they are fully utilised). This issues also impacts on the funding and planning of State-provided infrastructure.



There was not support for the current section 96A provisions from either councils or the Urban Development Institute of Australia, on the basis that using these provisions has proved problematic and resulted in delays. An informal practice that has emerged in recent years called "ghost planning" was supported: subdivision permit applications are accepted after the Panel report stage and processed in parallel with the PSP planning scheme amendment and the ICP. This enables prompt approval once the PSP has been gazetted.

#### Using memoranda of understanding with developers to support council resources

Feedback on the Discussion Paper suggested that this can be an effective method for supporting council resources, but that it was important that this remain a tailored approach to be used at the discretion of councils and as a stop-gap in cases where other resourcing options were not available, rather than adopted as standard practice. Several councils noted that any council preparing such an agreement would need to be careful that any such agreement guarded against any potential conflict of interest.



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# Recommendation A4 – expedite planning for precincts and strategic sites

This Report recommends expediting planning for precincts and strategic sites by:

- DELWP and DJPR classifying the numerous precincts already identified in Plan Melbourne and the Regional Growth Plans into three tiers of responsibility:
  - o State priority precincts (the responsibility of DJPR);
  - o precincts of strategic importance (generally referred to VPA); and
  - o key local growth precincts (generally planned by the responsible council);
- DELWP and DJPR issuing clear criteria to designate new precincts and strategic sites;
- including in the criteria for precincts and strategic sites factors such as economic and job
  potential, community support, opportunities for innovation and synergies with State
  infrastructure projects other considerations include opportunities for value uplift and the
  need for coordination;
- providing ongoing funding through the Streamlining for Growth program for the VPA to support councils planning key local growth precincts, in each case using the most appropriate of the VPA's four engagement levels;
- facilitating better coordinated planning by the Minister, where appropriate, using the existing
  powers to appoint him or herself as the responsible authority for State priority precincts and
  some sites of strategic importance, appointing the VPA or DJPR as planning authority and
  setting clear timeframes for outcomes;
- creating a Standing Advisory Committee under the Planning and Environment Act 1987 to advise the Minister for Planning on strategic sites at the Minister's request (and to form the Panel for hearings on planning scheme amendments if requested);
- looking at adopting similar mechanisms to the Major Transport Projects Facilitation Act 2009 to aid the delivery of major sites; and
- considering new approaches to expediting the issuing of planning permits and subdivisions in State priority precincts and precincts of strategic importance (such as adopting a coordinated approach to referrals and secondary approvals, utilising some of the lessons from the Queensland SARA model).

#### Existing process(es)

There are several differing processes currently used to designate strategic sites.

DJPR has designated certain Priority Precincts and developed a framework for identifying priorities. Particular attention is being paid to Fishermans Bend, Arden, Parkville, the Richmond to Docklands corridor, Footscray and Sunshine as the first priority precincts. In addition, DJPR is managing the Geelong City Deal and a range of projects being delivered by Development Victoria and is also considering the approach to be taken for stations on the Suburban Rail Loop.

The VPA has a detailed work program as part of its 2019-20 Statement of Expectations which includes work on strategic sites across metropolitan and regional areas. This has included the ongoing provision of spatial growth planning and post-PSP Approval services through the VPA's Regional Planning team.



Various councils have strategic planning work underway for other activity centres that are not on the VPA program. Many of these are looking for assistance from the Victorian Government for future planning.

#### Feedback from stakeholders based on the discussion paper

The Discussion Paper proposed:

- the VPA and DJPR advising the Minister for Planning and the Minister for Priority Precincts
  of the pipeline of sites of strategic importance; and
- the VPA (in consultation with DJPR, the Suburban Rail Loop Authority and councils) advising the Ministers about which of the sites could be prioritised and the best role for the VPA in engaging councils to jointly plan these sites.

The responses from government agencies provided detailed accounts of their current priorities.

Several councils' submissions set out their own priorities and emphasised the value of identifying and prioritising strategic sites of regional – not just State or metropolitan – importance.

Some councils noted in their submissions the need for additional funding and assistance associated with strategic planning while emphasising that councils should retain a central role in planning strategic sites. Previously, funding has mostly been provided through the Streamlining for Growth program with the focus being housing developments for greenfield areas and regional sites rather than sites of strategic importance in established areas. This Report notes that the recommended Regional Planning Hubs (see Recommendation B4) are intended to provide a mix of strategic and statutory planning support to councils depending on each region's needs.

In general, feedback highlighted that:

- there are a range of views about what should constitute sites of strategic importance or State significance;
- there are multiple bodies currently working to prioritise sites without a clear and shared framework structuring those choices;
- there is clear support for transparent criteria for identifying and prioritising sites of strategic significance;
- sites of strategic importance need to include those in Regional Growth Plans as well as Plan Melbourne: and
- it is important to be clear about whether we are proposing criteria for designating and expediting new sites of strategic importance or for expediting those already identified in Plan Melbourne and the Regional Growth Plans.

This Report therefore recommends that DELWP and DJPR should create clear criteria for designating new strategic sites and that DELWP and DJPR should also assign responsibility for sites already identified in Plan Melbourne and the Regional Growth Plans by classifying these into three tiers of responsibility:

- · State priority precincts (the responsibility of DJPR);
- sites of strategic importance (generally referred to VPA); and
- · key local growth precincts (generally planned by the responsible council).

This Report also recommends creating a Standing Advisory Committee under the *Planning and Environment Act 1987* to advise the Minister for Planning on precincts and strategic sites at the



Minister's request. This Committee could also form the Panel for hearings on planning scheme amendments.

For new sites designated as strategic sites the Committee would advise the Minister for Planning on which of those sites to expedite and the appropriate options for doing so. Options may vary from one site to the next, including examples such as the Minister using their existing powers under the *Planning and Environment Act 1987*, adopting similar mechanisms to those under the *Major Transport Projects Facilitation Act 2009* or considering new approaches to expediting sites of strategic importance (such as adopting a coordinated approach to referrals and secondary approvals, utilising some of the lessons from the Queensland SARA model).



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# Recommendation B1 – support councils to improve preapplication processes

This Report recommends supporting councils to improve their pre-application processes and provide more help to applicants by:

- supporting councils to adopt early engagement opportunities through the Better Planning Approvals program;
- focusing early engagement approaches to assist applicants to provide all the information required under the planning scheme (see also Recommendation B2 regarding decisionready applications) and supporting early engagement with external referral authorities and council departments for internal referrals; and
- using the upcoming review of planning fees to consider prescribing fees or fee structures
  for pre-application services (including fees that may vary within prescribed limits and giving
  councils discretion over whether to charge fees).

The Report notes that to deliver significant improvements in application processing including reducing delays and ensuring sound decision-making, it is imperative that the improvements regarding early engagement, clarity of information requirements, improvements having decision-ready applications and managing assessment times are integrated and that the relevant recommendations considered together. This means that these recommended actions overlap with those in Recommendations B2 and B7, relating to only assessing applications that are decision-ready and pausing (rather than resetting) the clock for requests for information.

Further work is being done to integrate these three recommendations and address concerns raised by stakeholders.

### Existing process(es)

Clear details about what information needs to be provided with an application can be hard to find and understand for both applicants and authorities (see also Recommendation B2).

Many councils offer pre-application services aimed at helping applicants better understand these requirements and, in some councils, promoting early engagement with referral authorities.

While applicants and authorities both report early engagement with councils, council internal referral teams and external referral authorities as valuable, there is significant variation in the practice and quality of early engagement (including pre-application services) and in the subsequent impact on application quality. Submissions note that in cases where early engagement is not offered, applicants face multiple requests for further information from councils seeking to obtain all required information (see Recommendation B7).

# Feedback from stakeholders based on the discussion paper

The Discussion Paper proposed that:

- DELWP prepare a Planning Practice Note for councils on best-practice application processes, including benchmarks for costs of these services to inform potential fees;
- pre-application should involve experienced council staff and, where appropriate, include staff responsible for internal referrals and staff from external authorities where relevant;

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- councils be required to offer pre-application services and should be able to charge fees for pre-application services; and
- pre-applications should form the first step in a concierge service offered by councils and supported by a Better Approvals approach.

Feedback confirmed that early engagement, including pre-application services, are widely practiced, and councils and other stakeholders welcomed an opportunity to develop more consistent practices. Submissions noted that effective pre-application services, would improve application quality and reduce council and referral authority administrative costs and delays (for example, by reducing the need for further information requests or design changes – see Recommendation B7).

Consultation suggested differing views on the timing and purpose of these services, including whether they:

- refer to support provided by council to prospective applicants up until an application form is lodged, or until all information required by the planning scheme has been received;
- should focus on helping applicants prepare decision-ready applications and on early
  engagement with internal and external referral authorities, or provide a form of preliminary
  assessment or indication of likely approval; and

Many council and non-council submissions emphasised that pre-application comments should not be mistaken for application assessment or a form of in-principle approval. This is consistent with our understanding that best-practice pre-application services focus on matters such as:

- · communicating to the applicant which policies and triggers apply to their application;
- clarifying the information required to accompany the application based on the planning scheme;
- identifying which other agencies or other parts of council will be involved; and
- · supporting early engagement with internal and external referrals, where appropriate.

This Report considers that early engagement, including pre-application services, are best aimed at helping applicants prepare and submit accurate and relevant information about a proposal and its impacts and making sure that the applicant is aware of what else they may need to provide during assessment: they are not a means for seeking in-principle approval or early assessment. This is reflected in the Report's recommendations about changes to the regulatory framework for the planning system, outlined in the Part 1.

This Report notes that feedback also highlighted that some councils may require further resources to offer such services, particularly if written advice was to be provided. A pre-application fee was generally supported, provided it was set in response to application complexity or scale and the level of service each council can provide. Others noted that while early engagement is to be encouraged, offering pre-application services for simple applications may not be worthwhile. These issues should be considered both in DELWP's Planning Practice Note for councils on best-practice for these services and in the upcoming fee review.



# Recommendation B2 – ensure applications are decision-ready before being assessed

This Report recommends ensuring applications are decision-ready before they are assessed by:

- developing guidelines, forms and checklists to ensure that applicants are clear about what
  information is required under a planning scheme (this work to be led by DELWP, in
  collaboration with councils) and the standards that applications must meet;
- reviewing and clarifying the the Victorian Planning Provisions (VPP) information
  requirements, and identifying opportunities to remove any duplicative or unnecessary
  information requirements (this work to be led by DELWP, in collaboration with councils);
- amending the regulatory framework to allow councils to only assess applications once they
  are decision-ready and for the statutory clock on council decision to start once applications
  are decision-ready.

See also the related comments under B1 regarding the need for integrating improvements regarding early engagement, clarity of information requirements, improvements having decision-ready applications and managing assessment times.

### Existing process(es)

Applications are often submitted to councils without all the information required by the planning scheme or with some accompanying information being of too low quality to be ready for assessment by council planners.

While the *Planning and Environment Act 1987* requires that all information required in a planning scheme must accompany an application, past VCAT decisions have found that councils must accept an application provided that a valid application form has been received, even if the application lacks the information required for council to be able to assess and decide on an application.

There is a range of views about the minimum required form and content of plans or other information that must accompany the application to enable council to assess and make a decision on the application.

### Feedback from stakeholders based on the discussion paper

The Discussion Paper proposed ensuring that applications are complete by going back to the applicant about information before starting the assessment process, and that to support this:

- councils should only accept complete applications;
- the information requirements in the VPP should be improved; and
- duplication and unnecessary local information requirements should be removed.

While there was widespread support for the proposal to only accept applications that are decision-ready on the grounds that many applications were incomplete or of poor quality, several submissions highlighted the need for support to help applicants prepare an application that contained all required information and provided an description of the proposal that is of sufficient quality to be assessed.

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Councils and other stakeholders acknowledged that applicants can't always identify all the relevant permit triggers and requirements from the planning scheme – these matters are often only identified when the council planner undertakes a considered preliminary assessment after lodgement.

Several councils noted that pre-application services are used to address issues like this and Recommendation B1 of this Report recommends focusing on the helping applicants prepare decision-ready applications during the pre-application stage.

Several stakeholders highlighted that their interpretation of the existing regulatory framework made it difficult for councils to only assess decision-ready applications, on the grounds that they were currently required both to accept incomplete applications and to start the clock, which created pressure for councils to start assessing incomplete applications or to rely on RFIs to 'reset the clock' (see Recommendation B7 for more on this).

Feedback reinforced the Discussion Paper's suggestion that improving this stage of the process should be focused on assessing applications once they were decision-ready – not on turning people away or refusing to accept submitted documents until all required information can be submitted at once.

The proposal to improve the clarity of application requirements in planning schemes and the VPPs was widely supported – including removing, adding and clarifying requirements as needed. The value in this was the potential to agree a common understanding on application standards.

Submissions supported DELWP consulting closely with councils in undertaking work to clarify and consolidate information requirements, to ensure that the requirements reflect the information councils need to be able to make fully-informed decisions.



# Recommendation B3 – complete the move to online permit tracking and processing

This Report recommends that, as part of the Better Planning Approvals program (see Part 1), DELWP should support all councils completing the move to online permit tracking and processing by:

- conducting a stocktake of the current situation and the capabilities of digital platforms in each council;
- identifying which improvements in these systems would be required to facilitate the best
  practices identified in this Review, and to determine which would be most beneficial to each
  council's planning processes as part of the Better Planning Approvals program; and
- exploring mechanisms like the Rural Council Transformation Fund to target support for
  online tracking and processing of planning applications for groups of rural and regional
  councils and prioritising those that will accelerate collaboration towards a standardised and
  integrated system across councils.

#### Existing process(es)

There is wide variation between councils (particularly between rural, regional and urban councils) in terms of their investment in and use of digital platforms, as well as the perceived demand for those platforms and the resources available to fund them.

Many councils have e-planning capabilities including electronic lodgement and payment of applications, ability for the public to view advertised plans and lodge objections online and dashboards for staff to track and record progress of applications. Some have also adopted digital plan reading and assessment tools. A limited number provide publicly viewable stage-by-stage process tracking.

Many rural and regional councils do not yet provide for electronic lodgement and tracking. However basic facilities enabling the emailing of applications and uploading of files are common. Many referral authorities do not have online lodgement services, which makes it harder for an applicant to contact the referral authority directly (instead of having council handle that task after the application has been lodged).

The Rural Councils Transformation Project (RCTP) has approved funding for 4 groupings of regional and rural councils (19 councils) for shared digital platforms. One of these groupings, Central Highlands, has committed to delivering planning services within its shared services model.

#### Feedback from stakeholders based on the discussion paper

The Discussion Paper proposed that:

- timeframes should be set for councils to adopt online permit processing systems;
- these systems should be designed to allow compatibility with other council systems; and
- funding initiatives to deliver such systems should target collaborative proposals.

The majority of stakeholders support the Discussion Paper's proposal for councils to improve their online planning processes and to move towards greater standardisation and compatibility between systems. Many, including Referral Authorities, noted the usefulness of the SPEAR system for subdivision and suggested extending this system for other application types, or developing a similar

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system. One submission suggested that online systems could help improve referral times by providing a standard format for referrals.

While many respondents noted that a single state-wide planning portal would offer the greatest benefits in terms of efficiencies, transparency and monitoring, many councils stressed that its introduction would require significant investment, research and testing.

Several councils have recently invested heavily in the development of their own digital planning platforms which integrate with their other corporate systems but may not easily integrate with other council platforms.

This Report notes that while a single. State-wide platform may be preferable in the longer term, the immediate priority is to assist those councils with limited or no digital functionality, to build and transition to fully digitised portals and tracking systems that are compatible with other systems for future integration.

Feedback suggested that for several rural and regional councils, building online systems would require substantial resources and that in some cases these councils had relatively low quantities of applications. This reinforces the importance of State-led initiatives focusing on supporting groups of councils.

Feedback in response to several parts of the Discussion Paper emphasised the importance of having good tracking and processing systems in place to support improved reporting.



# Recommendation B4 – improve planning resources for councils

This Report recommends improving planning resources for councils by expanding the five DELWP Regional Planning Service offices to create Regional Planning Hubs which would provide councils with:

- access to staff to help manage short-term workloads as well as provide access to specialist strategic and statutory planning skills suited to the needs of each region;
- training packages (including online modules) focused on the practical skills required in each region to deliver improved processes, including the implementation of the reforms coming out of this Report; and
- support to underpin collaboration between regional groups of councils and to facilitate regular forums to promote best practice as well as an annual state-wide conference.

#### Existing process(es)

Councils regularly experience shortages of planners. Shortages are most acute in regional Victoria and outer metropolitan Melbourne.

A 2018 MAV report noted that immediate shortages are often filled with contractors, which is costly and does not build in-house expertise, and that councils' capacity to access and deliver training to their staff is limited by resources and the availability of expert trainers. The problem is particularly acute for rural and regional councils.

A lack of resources for strategic planning in councils makes it difficult for councils to keep their planning schemes up to date. This means that important work to update schemes for matters like flooding and heritage studies can fall behind. Outdated planning schemes are more likely to result in unnecessary variations between schemes in different municipalities, are less likely to deliver good planning outcomes, and can place additional administrative burden on council planners assessing permits.

Councils have welcomed existing efforts to support their resource needs, including the VPA's ongoing provision of spatial growth planning and post-PSP approval services through the VPA's Regional Planning team and ongoing Streamlining for Growth funding for regional areas.

Councils have also expressed a need and an eagerness to share ideas about planning policies and practices more frequently than they currently do.

### Feedback from stakeholders based on the discussion paper

The Discussion Paper proposed:

- establishing Regional Planning Hubs to supplement and share authority resources;
- develop more online training packages to improve non-metropolitan access;
- hosting regular regional level forums to encourage communication, collaboration and harmonisation between authorities.

Most stakeholders strongly support the Discussion Paper's proposals for a State-led initiative to provide additional resources for DELWP's Regional Planning Services network to enable it to become a network of Regional Planning Hubs, providing resources and facilitating training to support councils' planning functions.

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Feedback supported the proposal in the Discussion Paper that this support be offered in addition to existing DELWP services. Stakeholders also reinforced the value of staffing these hubs with planners with specialist knowledge and skills relevant to each region (for example, skills in assessing biodiversity including native vegetation requirements or experience in considering bushfire impacts).

There is widespread support for in-house training via DELWP's regional networks and via elearning and roadshows. A common theme of feedback was training for council planners should use modern training methods and provide trainers with practical experience, focusing on the real-world challenges facing councils and industry in administering and using the system.

Providing or coordinating this training through the regional hubs was supported by stakeholders who noted that the training needs of different regions will vary (much as the resourcing needs may differ between councils).

Councils also saw this as a good opportunity for DELWP to provide guidance and training on how to interpret and apply the VPP, especially in the case of changes to the VPP. Several organisations including the Planning Institute of Australia, VPA, the Housing Industry Association and UDIA offered to help develop and deliver training.

Councils were enthusiastic about the suggestion of structured and routine regional collaboration in meetings and workshops. The Wimmera councils noted that they already meet quarterly and include referral authorities and regional DELWP staff in these meetings. In facilitating communities of practice to support council collaboration, DELWP can draw on Wimmera's experience and that of the Planning in the Economic Growth Zone councils. The regional hubs provide a logical structure for DELWP to use to support regional communities of practice.



# Recommendation B5 – modernise public advertising of proposals

This Report recommends modernising public advertising of proposals by:

- requiring planning notices for proposals to include a picture of the intended development subject to specific triggers (for example, size or significance of development) with clear guidelines on the form and content of images;
- supporting councils to deploy user-friendly notice designs with quick and clear pathways (including QR codes) to access further information about an application;
- supporting councils to provide supplementary notice via council websites, email alerts and/or social media (to be done as part of the Better Planning Approvals program); and
- updating guidance on best-practice processes for notifications of different types of permit applications, including reviewing greater use of online notification and the requirement for formal newspaper advertisements.

This work should be done as part of the Better Planning Approvals program in collaboration with councils.

#### Existing process(es)

A prescribed written planning permit application notice is used by most councils for direct owner and occupier notices, and for public notices such as on-site signs and newspaper notices.

The form and language of these notices is often technical and not very user friendly, making it harder for those receiving or seeing the notice to understand the nature of the proposed development.

Consultation with stakeholders suggested that this sometimes means concerns or objections are raised late in the process, rather than at an earlier stage where they may be able to be addressed more easily and in a less adversarial manner.

Councils with online permit registers often provide direct online access to plans and information for currently advertised applications, but the pathways for members of the community to learn about and easily access this information vary widely between councils.

#### Feedback from stakeholders based on the discussion paper

The Discussion Paper proposed:

- including pictures of development proposals on planning permit application notices;
- · encouraging notice to be given via online platforms;
- updating guidance on best practice notification processing.

There was strong support for improving the presentation of notices including by using images of development proposals. Some noted that it would save time by reducing the need for interested parties to visit council offices. Some councils use notices that provide details of where users can get more information online. One council suggested that it would be helpful for DELWP's guidance and the prescribed public notice form to be updated to clarify which aspects of an application are valid grounds for objections from the public, as councils currently adapt the prescribe form to provide the public with more practical parameters for their feedback.

Submissions reinforced the value of have user-friendly notices that made it simple and easy for members of the community to access further information (as shown in the Discussion Paper's

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example of Glen Eira's use of QR codes). Councils such as Moreland are using augmented reality software to allow users to see what a site would look like once developed as proposed.

Others noted that images may only be suitable for certain types of applications. Many submitters noted that consistent guidance on the quality and type of images is required to ensure that images are presented as objectively as possible, with one noting VCAT's guidelines for presenting images to tribunal hearings.

Many submissions supported the Discussion Paper's suggestion that written notification for affected landowners remain a requirement, with notice via other media (websites, email, social media) to be used where feasible and practicable. Submissions noted some obstacles to systematic use of electronic communication for notices, such as councils not having valid email addresses for ratepayers.

Other submissions emphasised the importance of ensuring that if using other media to provide notice to the community there would need to be a clear distinction between these and formal notices provided in writing and formal written objectives, to avoid situations in which a member of the public believes they have formally 'objected' by expressing concerns via social media.



# Recommendation B6 - stream applications according to risk

This Report recommends streaming applications according to risk by:

- reducing restrictions on specific land use types where those uses are compatible with the
  purpose of the zone (such as non-retail service provision uses being allowed in retail
  centres without a permit)
- facilitating the provision of important community services such as child care, aged care or social housing facilities in residential areas;
- further consulting on and refining the proposed VicSmart Plus to provide a third pathway for low-risk applications;
- reducing the current occupancy restrictions and including secondary dwellings on a single
  title in the proposed VicSmart Plus permit approval stream there should be further
  consultation with councils and industry to confirm standard characteristics; and
- developing a small lot code for established areas as part of VicSmart Plus and in consultation with councils and industry.

#### Existing process(es)

Stakeholders have identified several examples where streamlined assessment pathways or simplified requirements could expedite planning approvals.

In terms of restrictions on specific types of land use, concerns raised by stakeholders usually focused on current provisions that were capturing quite modest changes in use and tying up a lot of effort and resources for applicants in getting the right permit for their intended use of land. In cases where planning schemes have fallen behind changing patterns in land use and community preferences, restrictions on land use may no longer be up to date.

The development of VicSmart Plus is still in the consultation phase and a proposal will be put to the Minister for consideration after further consultation in early 2020. The proposal would create a third assessment pathway with 30-day assessment and targeted notice provisions.

Under Rescode there is an "as of right" power to build a dwelling that complies with the building code on a lot larger than a specified size (usually 500 square metres). A VPA-produced code for building single dwellings on small growth corridor lots has been operating since 2012 to streamline home-building as the preference for smaller home lots has grown.

### Feedback from stakeholders based on the discussion paper

The Discussion Paper proposed:

- reviewing issues with current prohibited and restricted uses to allow non-retail land uses
  that add vitality and patronage to shopping strips and centres and to allow planning
  concessions for child care centres, aged care centres and social housing in residential
  areas;
- enabling 30-day streamlined issuing of permits through VicSmart Plus for secondary dwellings and for dwelling applications for small lots in an established area; and
- considering amending Rescode and dealing with siting and other issues through building permits, following the review of the small lot code for growth areas.

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Many submissions suggested in-principle support for more streamlined assessment pathways and requirements, provided that there were corresponding efforts to reduce administrative burden and to prevent any of these changes from compromising the quality of outcomes. Several councils also emphasised that while they were open to further streaming of application types, they did not support exempting the example land uses from permit requirements altogether.

Submissions from councils highlighted their detailed knowledge of the tradeoffs involved in streamlining applications and a variety of views on the merits of the proposed improvements, and an enthusiasm to be involved in the ongoing development of any streamlined pathways or changes in land use requirements.

In terms of concessions for some types of land use, councils' views were heavily dependent on the form of concession that might be offered. Some councils pointed out that in cases where decisions needed to be made on a case-by-case basis the requirement for a permit might be preferable to offering additional concessions. The Country Fire Authority (CFA) noted that there may be limited scope for additional land uses concessions in areas at risk from bushfire.

Based on this feedback, this Report considers that there is value in DELWP collaborating with councils in 2020 on opportunities to reduce prohibitions and restrictions on specific land use types (such as non-retail land use in commercial centres and child card, aged care or social housing facilities in residential areas).

Regarding the proposed VicSmart Plus assessment pathway, some councils suggested that while a third pathway for assessment might provide faster assessment for eligible applications it could also add administrative burden for council officers triaging applications (in cases where such operations are manual and not supported by an online system as recommended in B4). Council feedback suggests that this burden would be reduced if other recommendations in this Report were introduced to improve the quality of applications (see Recommendations B1 and B2 regarding preapplication services and only assessing applications that are decision-ready) and could also be addressed in the upcoming fee review by considering cost-reflective fees for this service.

Council feedback also highlighted different levels of awareness of the nature of the proposed VicSmart Plus. For example, while consultation to date has included consideration of the definition of secondary dwellings on a lot for inclusion in VicSmart Plus, feedback from some councils suggests that broader and deeper engagement to confirm an appropriate definition is warranted.

Based on this feedback, this Report recommends that DELWP continue consulting on the proposed VicSmart Plus and refining its development of VicSmart Plus with these issues in mind, and to ensure that the use of VicSmart Plus in established areas does not undermine the intention of an underlying zone (for example, the CFA noted in its submission that otherwise simple proposals for small lots may still require detailed assessment if the lot is in a Bushfire Management Overlay).

Feedback on the proposal to consider a small lot code in established areas suggests a key role for councils in working with DELWP to develop such a code, given the range of issues raised by different councils. For example, most council submissions mostly on the question of whether a State-wide small lot code would be suitable for their municipalities compared to growth zones. Similarly, several councils noted in their submissions that a single State-wide code would not appropriately capture the neighbourhood and amenity concerns of some municipalities. Among these councils the commonly held view was that a small lot code would need to be carefully designed in order to be used outside of the growth areas. Another example of the level of detail that needs to be considered in developing such a code for established areas is the question of how minimum garden requirements would apply.



This Report recommends DELWP consult with councils on these matters to consider the merits of a small lot code for established areas following the refinement and development of VicSmart Plus and the adoption of a small lot code for growth areas.





## Recommendation B7 – reduce requests for further information

This Report recommends reducing requests for further information (RFIs) by focusing them on those matters which go beyond that which is required for a complete application by:

- starting the 'decision clock' only once an application is decision-ready;
- pausing rather than resetting the clock when council issues an RFI;
- adopting guidelines to focus the use of RFIs on requests for information that is needed to inform a decision;
- discouraging the use of RFIs by councils for purposes other than to obtain information to inform a decision (for example, using RFIs to request changes to a design);
- supporting councils to share insights about and improve their practices for accurately
  assessing the need for RFIs by issuing a PPN and facilitating training opportunities; and
- making more use of VCAT's Short Cases List in the event of disputes about the content of REIs

See also the related comments under B1 regarding the need for integrating improvements regarding early engagement, clarity of information requirements, improvements having decision-ready applications and managing assessment times.

Given the improvements embedding early engagement and the discipline around "decision-ready" applications, there will be less need for requests for further information later in the process.

#### Existing process(es)

On average, councils make at least one request further information for every second application they receive. This has increased from every third application in 2008.

An application with complete and adequate information about the proposal and its impacts is critical to enable councils to make good decisions and for the planning system to achieve good outcomes.

However, applicants suggest that further information requests are often used to address other matters such as council amendment requests, workload management and matters capable of being addressed through assessment.

Any request for further information issued by a council within 28 days of an application being lodged resets the 60-day statutory 'decision clock'. Councils report that they often end up issuing repeated requests for information before applicant provides the information required by the planning scheme.

The current system creates delays and frustration for those administering and those using the permit system.

#### Feedback from stakeholders based on the discussion paper

The Discussion Paper proposed reducing requests for information by:

- pausing instead of resetting the time after which an appeal right for failure to decide arises;
- considering the merit of a 10-day deadline for further information requests;
- improving and promoting VCAT's Short Cases List for review of further information requests; and
- developing a practice note on assessing further information and preparing requests.

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There was overall support in principle for reducing further information requests, with many submissions reinforcing that the proposed improvements would only work if supported by the actions outlined in Recommendations B1 and B2. Those include, for example, having properly resourced pre-application services that focus on the quality of applications prior to assessment commencing, having a clearer standard for the minimum required information and putting in place a strong incentive for applicants to submit high-quality applications that are decision-ready.

If pausing the clock were implemented in the absence of these other changes, councils anticipated that the result would be lower quality applications. This was on the basis that applicants would have less incentive to ensure the application was decision-ready if a request for further information did not pose potentially longer timeframes for the assessment of their application.

Other councils acknowledged the usefulness of resetting the clock in managing their assessment workload in the face of incomplete or poor-quality applications, suggesting that to pause instead of resetting the clock without complementary measures to improve the quality of applications would place significant additional burden on council planning staff.

The proposal that DELWP develop guidance on using requests for information was welcomed by councils. Feedback emphasised the relationship between this and the need for clearer guidance on what constitutes the minimum required information under the planning scheme (see B2). This was particularly important to councils in cases where new VPP provisions are created without councils being given much context, guidance or training regarding the information the provisions require. This makes it challenging for applicants and planning officers alike to know what information is needed.

Given Recommendations B1, B2 and B7 and their refinement in response to stakeholder feedback – which will reduce the need for and number of requests for further information – there is no need to introduce a 10-day time limit for requests for information.

Submissions were generally supportive of using the VCAT Short Cases List. The Better Reporting framework (see Part 1) will help evaluate whether this results in any significant change in the number of appeals and, if so, what factors might be driving that change.



# Recommendation B8 – reduce response times for external referrals

This Report recommends reducing response times for external referrals by:

- the Government giving formal advice to referral authorities about the importance of their statutory role in the planning system and the need to provide timely responses;
- authorities providing the appropriate focus and resources to their role as referral authorities;
- improving the customer-focus of referral authorities by engaging early with applicants to provide up-front direction on triggers for referrals and the likely information required (as part of councils' early engagement services - see B1);
- DELWP collaborating with referral authorities and councils to standardise requirements for simple, low-risk referrals so that these can be assessed directly by councils and referral authorities can focus resources on complex referrals;
- considering giving referral authorities access to grants under Streamlining for Growth to improve their internal systems;
- requiring referral authorities to report their performance as part of the Better Reporting framework; and
- establishing regional forums among referral authorities to share insights about best-practice (to be led by DELWP in collaboration with the VPA).

#### Existing process(es)

Councils are required to refer certain permit applications to referral authorities for a decision or comment, unless an applicant has already referred the relevant matter to a referral authority and received approval within the three months before lodging an application.

There is a 28-day statutory clock for referral authority decisions on applications referred to them by councils. If a referral authority requests further information from council within 21 days, this 28-day statutory clock is reset.

There is no public reporting of referral authority performance, with limited self-initiated reporting.

Nearly all applications requiring referral authority involvement have the same processing rules, with no differentiation for complexity or scale.

#### Feedback from stakeholders based on the discussion paper

The Discussion Paper proposed:

- emphasising referral authorities' role in efficiently meeting their planning duties;
- pausing not resetting the clock for RFIs from referral authorities;
- improving referral authority performance reporting;
- supporting continuous improvement by referral authorities;
- engaging referral authorities early in the permit process; and
- removing referral triggers for simple and low-risk matters.

Almost all submissions on this issue expressed frustration at the lack of prioritisation of or resourcing for referral authorities' roles in the planning system. Some submissions noted that in some cases applicants had to consult with multiple divisions within a referral authority.

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There was widespread in-principle support for better targeted referral triggers, reducing timeframes for responses to more straightforward applications and using standardised requirements for simple, low-risk referral matters that could then be code-assessed by councils.

Further work will need to be done by DELWP in collaboration with referral authorities and councils to refine the recommendation that simple, low-risk referrals be standardised and code-assessed by councils. This should consider any associated resource requirements that councils may need to do this work. The examples of driveways and fire hydrants noted in the Discussion Paper are worthwhile starting points for this work, in collaboration with Department of Transport (Roads) and the Country Fire Authority.

There were mixed views on the merits of pausing – rather than stopping – the clock for RFIs from referral authorities. Some authorities suggested that it would have little impact on their work, either because they did not issue many RFIs or because the more burdensome work for them came in the post-permit stage with the check to ensure permit conditions had been met. Some authorities expressed concern that pausing the clock would result in unrealistically short timeframes for them to assess referrals, particularly in the case of more complex referrals. These can include, for example, referrals relating to otherwise simple applications that involve lots in Bushfire Management Overlays, where a proper CFA assessment can be vital.

Based on this feedback, this Report does not recommend changing the current arrangements for the statutory clock for referral authority decisions, meaning that the statutory clock for referral authority responses would still be reset in cases where a referral authority requests further information from a council within 21 days of receiving a referral. This Report notes that the recommended Better Reporting framework would, however, keep track of each time that a referral is issued and the total gross – rather than statutory – days a referral is handled by a referral authority. The option to pause the clock for referral authorities could be reviewed after implementing the other recommendations of this Report along with the Better Reporting framework.



# Recommendation B9 – improve transparency and accountability for decision timeframes

This Report recommends improving transparency and accountability for decision timeframes by:

- keeping applicants up to date about their application's progress through the assessment process (achieving this through the proposed Better Planning Approvals program and the adoption of online management of applications);
- councils reporting on time taken at different stages of the assessment and decision process through PPARS in the Better Reporting framework; and
- in cases where applicants indicate at the beginning of an application process that they are
  willing to agree to longer approval timeframes, in return for confidence that it will be met,
  having councils agree up front.

### Existing process(es)

Applicants can appeal to VCAT against a council for failing to grant a permit within 60 days of an application being received.

Based on PPARS data, almost a third of applications are not assessed within this statutory timeframe.

Several users of the planning scheme who were consulted in this Review noted that they were often unaware of whether their application was likely to be assessed within this timeframe and of how long assessment would take.

### Feedback from stakeholders based on the discussion paper

The Discussion Paper proposed:

- considering a longer timeframe for more complex applications, along with guidance defining the threshold for 'complex';
- requiring councils to report on the time taken at different stages of the assessment and decision process; and
- user-focused concierge service to update users throughout the assessment process on the likely timeframe for a decision on their application.

Feedback from a range of stakeholders noted that the idea of longer timeframes for more complex applications had merit, but that defining 'complex' could be challenging and costly exercise. Given the potential for this to add more red tape, this Report does not recommend creating a longer timeframe for complex applications.

Several councils noted that they sometimes enter into agreements with applicants regarding timeframes, and several applicants noted that they are often happy to do so. This Report therefore recommends that as standard practice all councils should – through their preapplication processes and potentially through changes to the prescribed application form – make it easy for applicants to declare if they are willing to agree to longer timeframes.

There was widespread support among councils for the adoption of a concierge service (such as the proposed Better Planning Approvals program) to provide better communication with stakeholders throughout the assessment process. Some councils noted that they already have such practices in place, and that if councils have a proper end-to-end online process management platform in place

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(see Recommendation B3) then this reduces the administrative burden of making sure applicants know where their application is in the system.

As with Recommendation B9 (which includes improving reporting during the permit process), many stakeholders, including several councils, supported the proposal to improve the measurement and reporting of activity and timeframes during the permit process as part of the State-led creation of a Better Reporting framework (see Part 1). To deliver this improvement effectively and with due consideration of the resource implications for councils, any additional reporting should be integrated with the existing PPARS system. The potential resource requirements for the Better Reporting framework can be scoped out for each council as part of the Better Planning Approvals program's stocktake of councils' digital platforms and systems (see Part 1).



# Recommendation B10 – provide guidance on delegation models and processes

This Report recommends providing frameworks for councils, based on several best practice examples of delegation arrangements, that councils can elect to adopt or amend, in accordance with local circumstances:

- DELWP working with councils to develop suitable criteria for delegation of decision-making based on approaches used by councils already where decision-making frameworks are clear, effective and efficient;
- DELWP and MAV preparing example deeds of delegation to support councils in choosing and applying the delegation mechanisms that are appropriate to their needs and consistent with other councils' practices; and
- supporting councillors through training to better understand their roles and responsibilities when making decisions under the *Planning and Environment Act 1987* and the planning scheme

### Existing process(es)

Councils are the appropriate level of government to make local planning decisions.

When acting as a responsible authority under the *Planning and Environment Act 1987*, councils may delegate powers relating to planning permit decisions to a committee or to council officers. The council can determine what categories of applications should be considered directly by the council (or its Planning Subcommittee). This is usually done by the council adopting a "deed of delegation" at the commencement of each term.

Many councils delegate powers in this way. Indeed 97 per cent of planning permit applications are decided under delegation. In cases where assessment of applications is delegated to officers, the primary role of the councillors is to set the policies and guidelines that enable these to be undertaken effectively. Over time the nature of these deeds has varied significantly with many different triggers being set for when a contested application should be considered by council.

Unclear delegation processes and practices can be challenging for councils to administer and can make it difficult for applicants to anticipate the way in which their application will be assessed (particularly in cases where applicants work across municipalities).

The time delays for an application that is decided directly by the council can be significant due to the timing of council meetings and the lead time required for reporting to council.

The Local Government Bill 2019 is currently before Parliament. It includes a provision in section 32 that requires all councillors to receive induction training. This training should include specific legal advice on the distinction between a council acting as planning authority and its general duties and the individual obligations on councillors when handling planning matters.

#### Feedback from stakeholders based on the discussion paper

The Discussion Paper proposed:

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- developing a best practice model 'deed of delegation' and supporting guideline for planning permit decisions;
- · increasing the frequency of councils' planning subcommittee meetings; and
- providing training for councillors about their roles and responsibilities in the planning system.

Submissions reinforced the Discussion Paper emphasis of the importance of councillors' role in reflecting community opinion and managing local issues. Submissions also confirmed the Discussion Paper's understanding of the substantial variation in delegation practices and highlighted some of the key factors that should be considered by DELWP in developing guidance and model deeds to support councils in choosing the delegation mechanism that best suits their needs. For example, some rural councils with low volumes of applications reported low levels of delegation from their councillors, while councils with higher application volumes generally had higher levels of delegation, coupled with the ordinary right of councillors to call in an individual application.

One submission noted that one example of potential improvements from clearer and more transparent delegation processes would be providing certainty about whether delegated powers extended to being able to represent a council at VCAT hearings or not.

Smaller councils noted that more frequent meetings of their full council would be impractical, particularly in rural areas, which points to the value of councils convening planning sub-committees. Given the large variation in application loads, council sizes and the administrative burden of scheduling additional meetings, this Report notes that other opportunities to reduce decision timeframes through more frequent meetings may be identified through support provided to councils in the State-led Better Planning Approvals program.

There was widespread support for councillor training on their role and responsibilities in the planning system.



# Recommendation C1 – simplify post-permit approvals

This Report recommends reducing the time taken for post-permit approvals and improving the clarity and quality of post permit conditions and approvals by:

- DELWP developing guidance and training on best-practice post-permit approvals processes and standards;
- focusing guidance and training on applying conditions that arise directly from issues relating
  to a permit and only using conditions that are necessary and reasonable where other
  provisions cannot manage compliance;
- incorporating benchmark approval timeframes into post-permit guidance;
- setting standards for urban and non-urban areas through a manual of standardised engineering infrastructure requirements and conditions – this approach should aim to facilitate greater consistency across councils and reduce the time taken to negotiate infrastructure contributions;
- reporting through PPARS as part of the Better Reporting framework on time taken for key stages in post-permit approval processes; and
- utilising the Better Planning Approvals approach to ensure internal referrals are considered up front and concurrently with planning assessment as part of the permit process to avoid conflicting or unnecessary conditions.

This Report notes that implementing Recommendations B1, B2 and B7 to coordinate internal referrals as part of a concierge approach that begins with early engagement pre-application services, improve the quality of applications and only assess applications that are decision-ready should lead to fewer post approval conditions and faster assessment of endorsed plans.

### Existing process(es)

When granting a planning permit, councils may attach conditions that must be met. These allow for important factors that cannot be included in a planning permit to be considered.

While most planning permits come with conditions attached, and many are not significant hurdles, applicants have reported that conditions are often overused, ambiguous, or could be dealt with via other means (for example in the permit itself or through the building permit system instead of being stipulated as a condition of a planning permit).

There are some cases in which planning permits have been issued subject to all conditions from DELWP's now 12-years-old guidance material in a 'kitchen sink' approach.

In other cases a condition such as 'must comply with the Road Management Act' is attached to a permit without the permit holder being aware that this can involve lengthy and complex approval processes with Department of Transport (Roads) engineers, and then counter-approval from council traffic engineers. The result is raised expectations about being 'nearly finished' with approvals processes, only to find several more stages await.

These issues can cause delays to applicants that are incurred through testing whether a condition is valid in the first instance, gathering additional information to demonstrate that a permit condition has been met and amending plans to meet those conditions.

From the point of view of councils, planning staff end up spending large portions of their time handling permit conditions and having to repeatedly send back incomplete or poor-quality requests for post-permit conditions to be approved.

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#### Feedback from stakeholders based on the discussion paper

The Discussion Paper proposed developing:

- a planning practice note and updating guidance to focus on best-practice principles and timeframes for post-permit processes;
- an education and guidance program to better target conditions and improve consistency of conditions across councils;
- using the Better Planning Approvals concierge approach to coordinate internal referrals including those between planning and building teams within local council;
- a State-wide manual of standardised engineering infrastructure requirements and conditions; and
- collecting and reporting council performance data in the post-permit stage.

The idea of providing guidance and education to improve post-permit processes was well received. In developing this guidance, DELWP will be able to address issues raised by stakeholders regarding the varying types and complexity of post-permit approvals, rather than taking a one-size-fits-all approach. This variation will also be reflected in DELWP's guidance on benchmark approval timeframes (noting that these benchmarks would not equate to prescribing timeframes).

The Discussion Paper suggested that the principles recently adopted in the United Kingdom for the use of permit conditions are worth consideration. This was broadly supported. One of the principles is for draft conditions to be clearly communicated to applicants before a permit is granted. This would enable applicants to take proactive steps to address likely conditions or reduce their necessity. Several councils noted in their submissions that they already do this either as a formal step in providing a planning permit or in the general course of communication with applicants during the permit process.

Other councils noted they would be reluctant to share written draft conditions with applicants – they were concerned that doing so would create another formal consultation stage and result in applicants trying to negotiate conditions. The intention of the proposed improvement was not that councils would be required by law to provide written copies, but that it was good practice where practicable, for councils to communicate and consult with applicants so that they were aware of the types of conditions they were likely to have attached to a permit, and why.

Submissions reinforced the Discussion Paper's observation (also noted in Recommendation B1) that internal referrals could be better coordinated to deal with matters up front and make sure that conditions were used only when necessary to manage issues relating to the permit.

There was widespread support for a State-wide infrastructure manual, with submissions from both councils and users of the system wanting to ensure a degree of flexibility. This Report notes that rather than setting uniform State-wide standards for all infrastructure requirements and conditions, this manual would be developed in collaboration with councils, government agencies and industry to establish more consistent standards. This Report envisages that councils would retain the authority to deviate from the requirements in the manual and that they would be able to explain to applicants the rationale using the manual as a benchmark.

As with Recommendation B9 (which includes improving reporting during the permit process), many stakeholders, including several councils, supported the proposal to measure and report activity and timeframes during the post-permit process as part of the State-led creation of a Better Reporting framework (see Part 1). To deliver this improvement effectively and with due consideration of the resource implications for councils, post-permit reporting should be integrated with the existing



PPARS system. The potential resource requirements for the Better Reporting framework should be scoped for each council as part of the Better Planning Approvals program's stocktake of councils' digital platforms and systems (see Part 1).



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# Recommendation C2 – streamline variations to a permit

This Report recommends making it easier to get variations to the terms of a permit approved by:

- DELWP collaborating with councils to prepare a Planning Practice Note to update guidance on post-permit variations (including both secondary consents and extensions of time) along with benchmarks for reasonable timeframes for approvals; and
- using the upcoming review of fees as an opportunity to consider prescribing fees or fee structures for post-permit services provided by councils;
- making more use of VCAT's Short Cases List hear appropriate secondary consent disputes more frequently and more quickly; and
- as part of the Better Reporting framework, supporting councils to report on key aspects of the post-permit process (see also Recommendation B3 regarding supporting councils to upgrade digital systems to make such reporting easier).

#### Existing process(es)

In contrast to post-permit approvals processes that are created by a condition or requirement of a responsible authority or a referral authority (see Recommendation C1) there are also post-permit approvals that are triggered by requests from permit-holders.

These most commonly include requests for secondary consent (where a permit-holder requests a change in their permit or attached conditions that requires consent to be obtained again from a responsible authority or referral authority) and requests from a permit-holder for an extension of a time limit on their permit (for example, a requirement that development commence before a specified date).

The post permit processes are the most unclear, with some stakeholders saying that it sometimes takes as long to get any changes arising from applicant actions or requests that need to be approved to be reflected in the permit.

Consultation with stakeholders to inform the Discussion Paper revealed conflicting and uncertain views on any prescribed timeframes for approvals for secondary consents or extensions of time. Decisions made as part of post-permit approvals are not reported and so there is no monitoring or reporting on council performance or on how quickly and accurately applicants meet conditions.

Under the *Planning and Environment (Fees) Regulations 2016* there are no prescribed fees for variations to a permit or extension of times.

#### Feedback from stakeholders based on the discussion paper

The Discussion Paper proposed:

- DELWP preparing a Planning Practice Note to update guidance on post-permit approvals (including both secondary consents and extensions of time) along with benchmarks for reasonable timeframes for approvals; and
- VCAT promoting their Short Cases List to hear secondary consent disputes more frequently and more quickly;
- · prescribing post-permit fees; and
- requiring councils to report on the number of conditions and time taken to approve postpermit conditions.

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There was widespread support for DELWP providing guidance on best-practice post-permit approvals, and submissions suggest that councils would welcome the opportunity to provide input to the development of the Planning Practice Note. Submissions supported the Discussion Paper's suggestion that DELWP's guidance provide benchmarked timeframes rather than prescribing new statutory time limits (see also Recommendation C1 for a discussion of the need for any benchmarks to reflect variation in post-permit processes).

There was broad support for the recommendation concerning VCAT Short Cases List. Some stakeholders seemed unaware of the opportunity this list provides to get an early hearing date, which reinforces this Report's recommendation that the list be promoted.

There was strong support for scaling fees for post permit consents with a suggestion that these needed to be set centrally by the Victorian Government. Submissions emphasised the importance of these being cost reflective given the complexity of some consent applications. *The Planning and Environment (Fees) Regulations 2016* are scheduled to have a mid-term review completed by October 2021. The scope of the mid-term review can include new fee structures for post-permit services provided by councils.

Council submissions were broadly supportive of reporting on post-permit approvals provided this was done as an extension of PPARS (as suggested in this Report's recommended Better Reporting framework initiative). Feedback supports this Report's suggestions that such reporting should include clear delineation of the time spent by applicants in meeting permit conditions and not just the time taken by councils to approve those efforts. Council feedback supported the observation in the Discussion Paper that additional reporting requirements can impose administrative burden on councils and so should prioritise the most important information.



## Recommendation C3 - reduce timelines for electricity connections

This Report recommends reducing timelines for electricity connections by:

- developing a performance reporting framework for residential non-standard electricity connections including common timeframes for distribution businesses;
- formalising ongoing public reporting requirements, including enforceable timelines for defined residential non-standard electricity connection in greenfield developments with clear and effective compliance obligations, in parallel with the ESC's current review of the EDC;
- increasing training requirements and encouraging tighter endorsement for civil contractors to improve the quality of civil works; and
- reviewing sources of locational data to identify opportunities to have a single address database for electricity connections and other purposes.

### Existing process(es)

The timeframes for non-standard electricity connections, which are largely in greenfield areas, are negotiated between distribution businesses and developers. Non-standard are generally more costly and complex than basic or standard connections and may require network augmentation. Unlike basic and standard connections, there are no regulated timeframes or penalties for poor service.

The ESC has introduced a voluntary Service Improvement Commitment (SIC) to address delays in the connection process. Since being introduced, the development industry has noted some improvements to the timeliness of construction audits and the provision of temporary connections. But timelines for some steps in the connection process have not improved and there is some doubt among developers that any improvement are "locked in" for the future. There is no formal compliance obligation under the SIC and there are no ongoing formal public reporting requirements.

In parallel to the SIC process, the ESC is also undertaking a review of the Electricity Distribution Code ('the Code'). The ESC states that this Review of the Code will be a staged process over several years but its principal focus in 2019 and 2020 is on technical standards. Matters related to timeliness of connections are yet to be scheduled for review. The ESC and the Australian Energy Regulator are also outlining their respective responsibilities for non-standard connections. The ESC advises that this is yet to commence. Previous advice suggested this would be completed by mid-2020. Regardless of the outcome of the EDC review and responsibility mapping, the EDC can be changed by the ESC after consultation with industry.

Developers engage civil contractors to carry out many of the steps in the connection process including construction (each distribution business determine which steps are contestable). Some of the work conducted is of low quality which increases the time taken for electricity to be connected and threatens safety.

To have electricity connected, data on addresses needs to be provided to retailers and in turn to Energy Safety Victoria and distribution businesses. Sometimes addresses are not compatible or not up to date, causing delays in simple connections.

## Feedback from stakeholders based on the discussion paper

The Discussion Paper proposed:

amending the EDC to include a performance framework for distributors;

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- include timeframes for connection stages in that framework with penalties for noncompliance; and
- developing training and support for contractors and subcontractors to improve work quality.

There was broad support for the introduction of a performance measurement framework, as delays in this area can have significant costs. Distribution businesses have noted that some refinement is required to the way in which the proposal was couched in the Discussion Paper. For example, non-standard connections may include large scale projects such as solar farms and wind farms. Other feedback raised included the feasibility of applying specific timelines for certain steps, the effect of factors outside distribution businesses' control (such as weather) and differences in the connection processes of distribution businesses.

An exemption process for large scale projects such as solar farms and wind farms could be introduced. Subject to further consultation, this could mean regulators are able to grant an exemption for projects outside the scope of this Review (e.g. non-housing or energy projects), for factors outside of the distribution businesses control (e.g. severe weather events or other works) or for safety reasons.

Overall, there was support from the development industry, councils, civil contractors and distribution businesses about training to increase the quality of contractor's work. It was also noted that existing bodies, such as the Victorian Electrical Distribution Network (VEDN), already have processes in place to administer training. Further consultation with distributors and industry will be important in the development of training programs to improve the quality of work to ensure the training is tailored to the needs of the sector and provided by trainers with the relevant expertise.

The issue of inconsistent locational data sources used by retailers, distribution businesses and some regulators was also raised. An application which contains locational data inconsistent with the receiving party's locational data is immediately rejected. This impacts up to 2.5 percent of all electricity connections. The source of locational data should be reviewed for the purposes of aggregating these data.



## Recommendation C4 – simplify payment of infrastructure contributions

This Report recommends simplifying the payment of infrastructure contributions by:

- boosting efforts by the VPA to streamline the GAIC staged payment system (including a simpler method for rolling these over if the GAIC liability has not been triggered within the financial year);
- establishing regular meetings between the VPA, Land Use Victoria (LUV) and the State
  Revenue Office (SRO) and industry representatives to monitor the implementation of
  current reforms (such as SRO's work with LUV to integrate GAIC notices in the PEXA and
  SPEAR systems and the provision of an online calculator for staged payments);
- · abolishing the (now redundant) GAIC Hardship Board; and
- developing a stronger and more predictable policy framework for future developer contributions, drawing on recent work by the VPA, DELWP, councils and industry on Infrastructure Contribution Plans (ICPs), the work of the current Ministerial Advisory Committee on Affordable Housing and the recent experience with councils' existing section 173 model agreements.

#### Existing process(es)

Reform efforts to streamline GAIC payments have been underway for some time, in an environment that is changing significantly. The outsourcing of major land title functions to LUV, the implementation of PEXA and the shift to greater online processing of subdivision applications have all resulted in significant process improvements in recent times.

Since the GAIC Hardship Board's establishment, legislative changes to the *Planning and Environment Act 1987* have been made which render it unnecessary. Under the current provisions a purchaser can elect to defer their GAIC liability and, if they cannot pay the GAIC, they would be able to on-sell the development and would therefore not be required to pay the GAIC.

Three common recent uses for section 173 agreements by councils are:

- as an interim measure to secure infrastructure payments until an ICP or Development Contribution Plan is negotiated;
- as a "one off" contribution towards infrastructure outside the growth corridors; and
- as an agreement with developers to provide affordable housing.

Stakeholders raised concerns that the use of section 173 agreements resulted in protracted discussion between stakeholders and councils about the appropriate cost and specifications for stipulated infrastructure. Community housing developers noted that section 173 agreements were being used in ways that (unintentionally) compromised the viability of those projects from the developer's perspective due to council planners being unfamiliar with Community housing developers' business models.

Feedback from stakeholders based on the discussion paper

The Discussion Paper proposed that:

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- the VPA continue to streamline the GAIC staged payment system (including a simpler method for rolling these over if the GAIC liability has not been triggered within the financial year);
- the VPA, LUV and the SRO meet regularly with industry representatives to monitor the
  implementation of reforms (such as SRO's work with LUV to integrate GAIC notices in the
  PEXA and SPEAR systems and the provision of an online calculator for stage payments);
- the GAIC Hardship Board should be abolished by repealing the relevant sections of the Planning and Environment Act 1987;
- the VPA, councils and industry continue working towards agreement on using simpler arrangements to deliver infrastructure contributions; and
- DELWP, councils and the MAV develop model section 173 agreements and explore the
  opportunity to create benchmark infrastructure prices.

There was good support for the proposals relating to GAIC. The VPA and SRO have committed to take additional steps, including the provision of an online calculator and convening regular meetings to examine issues as they arise. No submissions opposed the abolition of the GAIC Hardship Board.

Broadly there was support for the concept of model s173 agreements. In the growth corridors the revised implementation arrangements for ICPs should mean that interim s 173 agreements would no longer be necessary. The primary focus was on individual developments and several councils said they were happy with their own model agreements. However, there is still a lot of time and money spent on negotiations over the details and the quantum of support to be provided. DELWP has already produced a model s173 agreement for affordable housing and this issue is currently being considered by a Ministerial Advisory Committee.

More attention was given to whether it is possible to set benchmark prices for infrastructure, given the variation in circumstances across the State – both in terms of the standards to be met and the cost of delivery in different locations. As with the proposal for a State-wide manual of engineering standards, there is a strong view that different standards are appropriate for non-metro councils which do not want to have to deliver standards suited to denser urban areas.

Based on feedback about section 173 agreements and infrastructure prices, this Report recommends DELWP collaborate with councils and industry to draw on recent work on growth corridor ICPs, the current Ministerial Advisory Committee on Affordable Housing and councils' existing section 173 model agreements to evaluate the way in which costs are currently considered.



## Recommendation C5 – engage earlier with authorities outside the planning system

This Report recommends engaging earlier with authorities outside the planning system by:

- using councils' early engagement approaches including pre-application processes to alert applicants to other approvals that may apply and involving other authorities earlier as appropriate;
- working with the Commonwealth at both Ministerial and Departmental levels to reduce the time taken for approvals under the Environmental Protection and Biodiversity Conservation Act 1999 (including raising the issues through the Commonwealth's recently announced review of the national environmental approvals system);
- considering the issues of keeping council heritage studies and overlays up to date, interim
  heritage protection requests and the relation with demolition permits as part of the Heritage
  Council's current review of local heritage issues; and
- DELWP providing clearer guidance for councils and proponents about State and local heritage responsibilities and processes, including the safety protections of the *Building Act* 1993.

#### Existing process(es)

There is a range of approvals that are outside the planning system – each with their own processes and complexities.

Consultation with stakeholders found that engaging later in the process with other authorities can cause delays and frustration for permit-holders.

Generally, these processes work best when proponents engage early and when the responsible authority ensures that the necessary provisions and information requirements are up to date.

Councils maintain heritage studies for buildings of local heritage significance. Sometimes these studies are not up to date. As a result applying for a demolition permit can trigger interim measures that result in delays which would have been avoided if the Heritage Overlays were up to date.

### Feedback from stakeholders based on the discussion paper

The Discussion Paper proposed that:

- early engagement (including through preapplication processes) should enable council
  planners to inform proponents of the range of approvals they will need;
- the Victorian Government and the Commonwealth should work together to reduce time taken for approvals under the Environmental Protection and Biodiversity Conservation Act 1999;
- · councils should ensure that their heritage studies and overlays are up to date; and
- DELWP should provide clearer advice and information about heritage responsibilities and processes including coordination with demolition applications under the *Building Act 1993*.

Several councils noted in their submissions that they seek to flag 'other approvals' early in approvals processes for applicants where relevant and where they are aware of them. Many councils also noted that as they are not technically responsible for approvals by other authorities,

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they do not have the resources or expertise to provide applicants with any certainties about which future approvals from other authorities will or will not be required.

This reinforces the Discussion Paper's suggestion that – while it is the responsibility of proponents to be aware of and obtain all the necessary approvals that may be required for their proposal – councils' early engagement (including preapplication services) can help identify potential approvals required later and facilitate engagement with authorities early in discussions where appropriate. This is consistent with this Report's recommendation that council concierge services can help applicants get a 'whole of project' perspective on approvals processes, without making councils responsible for all parts of that process.

The Commonwealth has recently announced a new initiative that will work towards digitising environmental approvals and building a national biodiversity database. This represents a significant opportunity for the Victorian Government to work collaboratively with the Commonwealth to advance sensible reforms that improve coordination and efficiency of the environmental approvals process. The priority that this initiative has been given by the Commonwealth is welcome and represents a good opportunity to streamline the process.

In relation to heritage, councils pointed to the cost and time involved in heritage studies and that this is a challenge in a resource constrained environment. These resourcing requirements could be further explored as part of the Heritage Council's review of local heritage issues and as part of the Better Planning Approvals initiative (see Part 1) supported in part by the Regional Planning Hubs (see Recommendation B4). Councils also noted that there are sometimes differing views among heritage consultants which can result in varying advice being provided to councils. The subjective nature of heritage issues was a clear theme from the submissions that were received. A greater role for DELWP in providing guidance about heritage matters was widely supported by councils.

The matters concerning heritage are particularly complex. We acknowledge that councils have expressed concern over their ability to resource the costly work of maintaining heritage studies and note that this activity is a responsibility of councils.



## Recommendation C6 - improve coordination of internal referrals

This Report recommends improving coordination of internal referrals by:

- involving planning and building staff as well as heritage, drainage, engineering and other specialist staff in councils in early engagement services to identify key issues up front (as part of the Better Planning Approvals program);
- developing a consolidated flood mapping dataset; and
- councils requesting that applicants include up-to-date flood information (provided by the appropriate authority) and other information required by a planning scheme in flood-prone areas.

## **Existing process(es)**

In some instances, the assessment of a building permit raises matters not previously stipulated or anticipated at the planning permit stage. These take times to resolve and may require additional conditions to be attached to the planning permit or amending the permit itself before the building permit can be issued.

Some councils have attempted to address these issues by creating 'development' branches that colocate council planning and building staff, to deliver faster and more integrated coordination of internal referrals.

One prominent concern regarding the intersection of requirements prescribed on planning permits and the requirements of building permits relates to flooding. Examples include planning permits not considering flooding requirements that are likely to be dealt with in the building approvals stage and flooding information being inconsistent across the two stages.

## Feedback from stakeholders based on the discussion paper

The Discussion Paper proposed:

- councils using the concierge approach, which would start with preapplication services (see B1), to coordinate internal referrals;
- development of a consolidated flood mapping dataset to reduce frequent contradictions between the requirements prescribed through planning permit assessments compared to those prescribed through building permit assessments; and
- requiring building statements to be prepared when lodging planning permit applications in flood prone areas (as an interim measure until a consolidated dataset can be developed).

Councils largely supported a concierge approach that provides more integration between their planning and building services.

The Better Planning Approvals program would work with councils to apply these concierge and concurrent approaches in a proportionate way. Council feedback confirmed the value of a proportionate approach. In some cases, for example, councils' Municipal Building Surveyors are active in assessing and granting building permits, so the need to focus the concierge approach on building permits would vary between councils.

Many submissions supported the suggestion of councils adopting the 'development branch' organisational structure, with better integration between council planning, engineering and building

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teams. The Better Planning Approvals program should help councils explore opportunities to adopt this practice.

The proposal to develop a single, consolidated set of flood mapping information was largely supported by stakeholders. The interim measure proposed in the Discussion Paper – using Building Information Statements (BISs) earlier in the planning and building approvals process to provide upto-date flood level information – was widely supported. This proposal was to change the point in time at which a Building Information Statement was prepared, without changing the party that would complete the Building Information Statement. Feedback suggests that there are other ways of councils or permit applicants obtaining this information from the relevant authority. This Report recommends that councils request that applicants include up-to-date flood level information along with other information required by a planning scheme.



## Recommendation D1 – expand the building certification workforce

This Report recommends expanding the workforce of building surveyors, inspectors and fire safety engineers by:

- DELWP collaborating with the VBA to Introduce a new class of registration for building surveyors restricted to certifying Class 1 and Class 10 buildings and structures with a floor area of up to 500 square metres. To ensure national consistency this recommendation should take into consideration equivalent classes of registration in other states and territories and be aligned with the current Commonwealth national training package project, which is reviewing the vocational education and training qualifications for building surveyors;
- the VBA partnering with industry bodies to continue to promote the building surveying and inspection professions as a career option for secondary school students (with a focus on women);
- the VBA partnering with industry bodies and training providers to work towards improving
  the availability and quality of the courses prescribed for the registration of building
  surveyors and inspectors by:
  - o improving access to these courses in regional Victoria;
  - strengthening the coverage of the Building Act 1993 and the National Construction
     Code (NCC) in the curriculum for those courses;
  - exploring whether other courses could be prescribed for the registration of building surveyors and inspectors; and
  - o supporting the development of industry trainers and training materials;
- the VBA, municipal building surveyors and industry bodies working together to introduce cadetships to assist graduate surveyors to obtain relevant work experience in the sector;
- supporting Engineer Australia's pipeline strategy to address the predicted shortage in local engineering skills; and
- the VBA developing bridging pathways to enable practitioners from related occupations to transfer into building surveying and inspection work.

### Existing process(es)

Shortages of building surveyors, building inspectors and fire safety engineers are causing delays in the approval of building plans and the construction of buildings. The problem is more acute in regional areas and for smaller building projects.

Some of the factors contributing to the shortages are the:

- inadequate numbers of students enrolling in and completing the courses for entry to the building surveying and engineering professions, and for building surveyors and inspectors an ageing workforce;
- limited access to courses for building surveying and inspection careers;
- lack of bridging pathways for building practitioners seeking a career change into building surveying; and
- · heavy reliance on skilled migration to meet local demand for engineers.

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### Feedback from stakeholders based on the Discussion Paper

The Discussion Paper sought feedback on several proposals including creating a new class of building surveyor, increasing interest in the building and engineering professions as a career option, improving the quality and availability of training; and developing bridging pathways for practitioners from related occupation to transition into building surveying and inspection work.

There was widespread support for these proposed improvements.

The proposal to create a new class of building surveyor for low-rise domestic buildings was supported by the majority of stakeholders. Stakeholders who did not support the proposal appear to have misinterpreted it as duplicating the existing class of 'limited' building surveyor. By comparison the limited building surveyor class is authorised to deal with all classes of building up to three storeys and with a maximum floor area of 2,000 square metre whereas, the proposed new class of building surveyor would be restricted to class 1 and 10 buildings with a floor area of up to 500 square metres.

A small number of stakeholders were concerned that the new class of building surveyor may risk public safety. However, setting the appropriate training and experience standards for the new class of building surveyor would ensure practitioner competency. Other stakeholders noted that further work would be required to set these standard. This work would be undertaken as part of implementing the proposal and should consider the review of the building surveying qualifications contained in the national Construction, Plumbing and Services Training Package being undertaken by Artibus Innovation on behalf of the Commonwealth Government. Stakeholders also commented that the training and experience standards for the new class of building surveyor should be consistent with those in the other states and territories where there is an equivalent class of registration.

Almost all stakeholders supported the proposals outlined in the discussion to increase interest in the building and engineering professions as career options, and to improve the quality and availability of training. These proposals included, for example, scholarships, subsidised tuition fees, cadetships, a specialised unit of study on building law and the NCC to be included in the courses prescribed for the registration of building surveyors and inspector, exploring whether additional course could be prescribed and improving training delivery. These measures were seen as necessary to address current shortages and to ensure that sufficient numbers of practitioners are available to meet future demand from private sector and government projects.

Councils, industry associations and regulators all supported the introduction of bridging pathways for builders, architects, engineers, project managers and the like wishing to move into building surveying and inspection work. Stakeholders noted that courses forming the bridging pathways would need to recognise the existing skill sets of the different categories of practitioners while being sufficiently rigorous to ensure public health and safety.

Some stakeholders raised the increasing cost and the coverage of professional indemnity insurance for building surveyors as affecting the numbers of people entering and exiting the building surveying profession. However, given the action taken by the Victorian Government in mid-2019 and the work underway by the Building Ministers' Forum, at this time no further action is recommended on professional indemnity insurance for building surveyors.

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## Recommendation D2 – improve access to building records

This Report recommends improving access to building records by making the Building Activity Management System (BAMS), introduced by the VBA to manage building permit numbers, the State's central registry for these records for councils and building practitioners in Victoria.

## Existing process(es)

Building owners and developers are experiencing delays preparing building permit applications where the records of a property - such as previous building plans or records of construction materials or methods - are not available, incomplete or only kept in difficult to access hard copies.

The issue is compounded over time and as properties are sold. The consequences where accurate records are not available include safety risks, challenges for regulators undertaking audits and building inspections, including for combustible cladding, and additional costs and delays to prepare a building permit particularly where an owner must engage a consultant to compile the information

While building records can be lodged electronically with councils by building surveyors, some records continue to by lodged as hard copies and many historic records are still stored as hard copies.

### Feedback from stakeholders based on the Discussion Paper

The Discussion Paper supported the Victorian Government's longer-term objective to centralise the storage and retrieval of building records by utilising the BAMS platform managed by the VBA.

Almost all stakeholders responding to this proposal agreed with the BAMS platform becoming the central database for all building records for Victoria. Where the proposal was not supported this appears to be based on early experience with software issues following the introduction of BAMS in mid-2019, and highlights the important role that systems design, consultant and support for councils will play in implementing this proposal.

In supporting the proposal councils commented on the heavy workload that would be required to migrate their records to the BAMS database and the need for funding assistance to do this. Council resourcing and funding along with technical queries about the platform, such as the need for ease of use and maintenance of records would be considered as part of the implementation of this proposal.

Concerns about loss of council revenue from the introduction of BAMS for the storage of building records are speculative as councils would be able to continue to respond to, and charge for, public request for access to building records in their jurisdictions.

Some stakeholders suggested further extending BAMS to manage all building permit activity or to capture other building records, for example, fixtures, fittings and appliances to track faulty products and assist with rectification. While extending BAMS in these ways may have merit, it is a longer-

As BAMS develops it will become a rich source of data that could be utilised to monitor and report on the performance of the building permit process as recommended in D7. In addition, this data could be integrated with the data proposed to be collected on the planning permit approval process. This would provide a holistic view of the performance of the planning and building system from the

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application for planning permit through to the issue of a certificate of occupancy on completing the construction of a building.



## Recommendation D3 – streamline building permit requirements for low-risk work

This Report recommends DELWP and VBA streamlining building permit requirements for low-risk work while maintaining safety and quality by considering the following exemptions in the context of national harmonisation:

- exemptions for the construction of decks and sheds from the requirement to obtain a
  building permit if they comply with the NCC and any other conditions determined necessary
  to ensure the standard of building work, nearby amenity and community safety, for
  example:
  - o the deck is less than 800 millimetres in height; and
  - o the shed has a floor area not exceeding 16 square metres; and
- an exemption from the requirement to obtain a building permit for mobility access ramps, for example based on the criteria such as:
  - o it complies with the NCC;
  - it complies with any other conditions determined necessary to ensure the standard of building work, nearby amenity and community safety;
  - if the mobility ramp is 800 millimetres or above in height, it is certified on completion by a building surveyor or inspector; and
  - the appropriate class or classes of buildings to which the exemption is to apply have been assessed and determined.

## Existing process(es)

For some categories of low-risk, low-impact building works, such as sheds, mobility access ramps and decks, the requirement to obtain a building permit:

- imposes a cost that outweighs the potential benefits of the permit;
- · leads to delays for developers and builders;
- · puts additional pressure on the heavy workloads of building surveyors; and
- · can result in work being done illegally to circumvent the permit process.

## Feedback from stakeholders based on the discussion paper

The Discussion Paper proposed exemptions from the requirement to obtain a building permit for the construction of:

- decks up to the height of 800 millimetres;
- mobility access ramps provided those above 800 millimetres in height are certified on completion by a building surveyor or inspector; and
- sheds up to the size of 16 square metres, which would mean increasing the current exemption that is set at 10 square metres.

In each case the exemption is proposed as being conditional on the building work continuing to meet the requirements of the NCC.

There was broad support for the proposed exemptions provided that appropriate conditions are imposed to ensure the standard of building work, nearby amenity and community safety is maintained, and that the proposals are considered in the context of national consistency.

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In addition to the NCC requirements proposed in the Discussion Paper, the additional conditions suggested by stakeholders for decks are the size of the deck, its set back from the property boundary, overlooking into neighbouring properties, easements and the protection of utility assets. Similar areas for conditions were raised for mobility access ramps and sheds with the addition of height and number of structures for sheds. The flexibility to consider such conditions in drafting the exemptions has been incorporated into the actions recommended above.

Ensuring that the details of the exemptions are consistent with the VPP was also considered important. Except for sheds, the proposals are consistent with the VPP, which exempts mobility access ramps from requiring a planning permit and also decks that are less than 800 millimetres high unless a permit is specifically required in a particular zone or overlay. There are exemptions in the VPP for sheds (described as out-buildings) in specific zones and overlays, however, the trigger is less than 10 square metres, which is the same as the current exemption from a building permit. Increasing the building exemption trigger, therefore, may prompt a review of the trigger for sheds in the VPP.

In addition, the VBA has advised that the exemption for decks should also consider any findings or recommendations of the current Coronial inquest into the collapse of a balcony in Melbourne in 2017. However, it is noted that this was a second storey balcony and, therefore, may have limited application to the proposed exemption.

Although most stakeholders agreed with the thresholds for the exemptions for decks and sheds, some suggested that for decks it be lower at 600 millimetres or 250 millimetres, and for sheds it be increased from 10 square meters to either 15 or 20 square metres. In response, 800 millimetres is considered to be the appropriate threshold for decks as this height qualifies a deck for an exemption from the overlooking requirements of the VPP, while 16 square metres for sheds ensures that enough space is available to store land and bushfire management equipment.

A challenge raised in relation to the proposed mobility access ramp exemption is the complexity of the NCC and the difficulty of identifying the requirements for ramps attached to different types of buildings. Therefore, one suggestion was to limit the exemption to ramps attached to Class 1 and Class 10 buildings. To address this, an action is recommended above to consider the classes of building to which the exemption for mobility access ramps should apply.

While some stakeholders were generally cautious of exemptions referring to the issues that had arisen in the past when there was a permit exemption for all building work under the value of \$5,000, there was also recognition of the narrower character of the proposed exemptions.

The approach to ensuring the compliance of exempt building work with the building standards was also raised by stakeholders. This will be clarified as part of the implementation of the recommended actions



## Recommendation D4 – standardise construction management plans

This Report recommends standardising construction management plans by DELWP working with councils and MAV to:

- develop a model law for adoption by councils on the matters needed to be included in different levels of construction management plans. The model law should standardise these matters to the extent possible;
- prepare a standard template for each level of construction management plan identified in the model law along with supporting guidelines for builders and developers that could be adopted by councils across Victoria with local variation, where required. Development of the standard templates and guidelines should draw on the documentation already being used by some councils; and
- include the construction management plan process in the Better Planning Approvals program.

### Existing process(es)

Delays of between six to 12 months for the approval of some construction management plans are, in turn, delaying the issue of building permits. The causes of these delays are:

- unclear and varying requirements;
- inconsistent standards of documentation and administrative procedures between councils;
- inexperience and gaps in the skills of some council officers assessing construction management plans: and
- poor communication between council officers and building surveyors issuing permits.

## Feedback from stakeholders based on the Discussion Paper

The improvements proposed in the Discussion Paper included the development of a model local law supported by a template for a construction management plan and guidelines for builders and developers who need to prepare a plan. It was also proposed to include the construction management plan process in a Better Planning Approvals approach to enable councils to case manage builders and developers through the process.

There is strong support for the development of a model law, template plan and guidelines.

Some stakeholders suggested that the model law would need to provide for different levels of construction management plans to reflect the nature, scale and complexity of different types of developments. Different template plans and guidelines would also need to be developed to support each of the different level of construction management plans. The first action recommended above recognises this need for different levels of construction management plans and supporting documentation.

It was also suggested that development of the model law and associated documentation should draw on any relevant state or national standards and be clear on the circumstances that trigger the need for a construction management plan.

A collaborative approach that involves DELWP, the MAV and councils as outlined in the Discussion Paper was confirmed by stakeholders as the approach to developing the model law and standard

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documentation. However, it was noted that councils would need support to participate in the process and adopt the model laws, which among other matters, would require changes to council processes and amendments to the laws that each council makes locally under the authority of the *Local Government Act 1989*. B4 recommends action to improve planning resources for councils that could assist with this process.

The development of a model law and standard documentation was welcomed as a means of achieving certainty and consistency for both industry and councils. However, councils agreed with the proposition in the Discussion Paper that they should be able to vary the model law and documentation in certain circumstances to reflect their local conditions, in particular, the different needs of metropolitan and regional and rural councils.

While the Discussion Paper acknowledged some councils as having pre-existing templates and guidelines, other councils indicated that they also have templates that could support the development of the proposed model law and documentation.

All stakeholders supported the Better Planning Approvals approach as proposed in the Discussion Paper to manage the preparation and assessment of constriction management plans. B1 recommends that councils adopt a Better Planning Approvals approach that features early engagement with permit and other applicants.



## Recommendation D5 – improve consistency of council asset protection requirements

This Report recommends improving the consistency of council asset protection requirements by DELWP working with councils and MAV to:

- prepare a standard practice guide for applicants for asset protection permits that could be adopted by councils across Victoria, allowing local variation, where required;
- develop a model law and enforcement policy to be adopted by councils on the matters
  needed to be covered by permits to protect council assets, utility assets and other
  development related work the model law should standardise these matters to the extent
  possible while recognising the different needs of individual and groups of councils; and
- include the asset protection permit process in the Better Planning Approvals program.

## Existing process(es)

Inconsistent requirements between councils for the protection of council and other assets, such as utility assets, are delaying the start of building work and imposing additional administrative overheads on builders and developers operating in more than one municipality.

Many of the requirements are imposed by councils through their local laws and administrative arrangements.

#### Feedback from stakeholders based on the Discussion Paper

The Discussion Paper proposed several improvements to streamline the asset protection permit process by standardising the requirements across councils. These included:

- · developing a model law and consistent enforcement policies; and
- proving support for permit applicants through a standard practice guide and a Better Planning Approvals approach at councils.

Stakeholders were unanimous in their support for a standard practice guide that could be adopted by all councils to create uniformity in asset protection permit requirements across Victoria. There was also widespread support for a model law to establish the uniform requirements that would underpin the standard practice guide. Some stakeholders noted that in certain circumstance councils would need to retain the ability to be able to vary the model law and standard practice guide to meet particular local conditions. This need for flexibility was reflected in the improvements proposed in the Discussion Paper and is included in the relevant actions recommended above.

Stakeholders reinforced the view in the Discussion Paper that the practice guide and model law should not be limited to council assets but should encompass the requirements for protecting utility assets and other relevant development related work.

An online portal was suggested by stakeholders as the long-term goal for recording, tracking and reporting on building permit applications, including asset protection permits, and also planning permit applications. Recommendation B3 sets out the actions for moving towards digital planning processing and tracking, which in the future could be extended to the building approvals process, and Recommendation D2 outlines the actions for establishing an online registry of building records.

There was general agreement that councils would need assistance, in particular additional resources, to support them to contribute to the development and implementation of these proposed

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improvements, and subsequentially to enforce compliance with the model law. B4 recommends action to improve planning resources for councils that may also benefit the building approvals processes.

As with construction management plans, all stakeholders supported the asset protection permits process being managed through the Better Planning Approvals approach recommended in B1 to support early engagement by councils with permit applicants.



## Recommendation D6 – distinguish building "consultants" from building surveyors

This Report recommends distinguishing building "consultants" from building surveyors by:

- · CAV continuing to raise consumer awareness of:
  - o what to look for when engaging a building consultant; and
  - o the importance of engaging a qualified and/or experienced building consultant; and
- DELWP (in consultation with the VBA) reviewing the role and conduct of building
  consultants, and the measures to address the issues identified the review should consider
  non-regulatory and regulatory measures such as a registration scheme and a code of
  conduct for building consultants.

#### Existing process(es)

Some building consultants employed by owners to provide them with independent advice on the quality of building work are causing unnecessary disputes between owners and builders that are causing delays to building work while the matter is resolved.

Disputes referred to Domestic Building Dispute Resolution Victoria demonstrate that some building consultants are either unskilled and provide reports that are incorrect and misquote regulatory requirements, or aggressively market their services and provide reports that while technically correct mislead owners about the consequences of minor matters.

Some building consultants have been targeting particular ethnic communities and older home owners.

As there is no requirement for building consultants to be qualified or registered, the only action that can be taken is by the property owner under the Australian Consumer Law for false or misleading conduct and representations, or for services that are not fit for purpose or not provided with due care

## Feedback from stakeholders based on the Discussion Paper

The Discussion Paper proposed a review of the role and conduct of building consultants and, as an interim measure, a communications campaign to raise consumer awareness of the issues that can arise from the reports provided by building consultants.

Almost all stakeholders responding to this issue supported these proposals. It was noted that in some cases consultants were targeting more vulnerable community members who are less able to check their qualifications and levels of expertise.

The proposed review was strongly supported with most stakeholders considering that mandatory qualifications and/or a registration scheme were the preferred solution. Alternatively, some stakeholders agreed with the view in the Discussion Paper that the review should also consider other measures to protect consumers. Examples of such measures raised by stakeholders for consideration were mandatory insurance requirements for building consultants and the role that the industry bodies could play.

While the conduct of building consultants may be misleading and have financial consequences for consumers, building practitioners and related occupations are regulated under the *Building Act* 1993 to ensure public safety. As DELWP has policy responsibility for the Act, the above

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recommendation is for DELWP to lead the review in consultation with the VBA, as the regulator for building practitioners.

In the context of the proposed review, the VBA noted that a registration and licensing framework for building trades is currently being developed and is scheduled for implementation in September 2020. There is an opportunity for this work to consider the role and regulatory framework for building consultants.

There was also strong support for the proposed communications campaign as an interim measure. The above recommendation acknowledges that since the release of the Discussion Paper CAV has commenced work on such a campaign.



## Recommendation D7 - clarify processes for enforcement

This Report notes that there are several measures underway which support this outcome, and in that context, recommends clarifying the processes for enforcement of the building permit approvals process through:

- the review of the Building Act 1993 announced by the Victorian Government in 2019 considering:
  - alternative models to clarify and strengthen responsibility and processes for the administration and enforcement of the building permit approvals process;
  - the respective roles of private and municipal building surveyors to minimise the conflict of interest inherent in the private certification of building work; and
  - expanding the role of the State Building Surveyor to include ongoing monitoring and reporting on the performance of the building permit approvals process, and to make recommendations to improve that process, where needed;
- developing the protocol between the VBA and councils that was recommended in the 2019 Report from the Co-Chairs of the Victorian Cladding Taskforce to set out accountabilities, mechanisms for cooperation and communication, strategic interventions and agreed procedures for referring enforcement actions;
- · the VBA continuing its current work to:
  - develop and implement a code of conduct for building surveyors and inspectors;
     and
  - o develop VBA/council statements of intent to strengthen information sharing; and
- DELWP and the VBA also developing practice guides for building surveyors and inspectors
  on the processes and matters they must examine when conducting inspections of the
  various classes of buildings.

### Existing process(es)

Fragmentation of responsibility for enforcing the building permit approvals process along with an inherent conflict of interest in private certification for building surveyors contribute to delays that add costs to the permit approvals process.

Accountability for enforcement is split between four groups – private building surveyors, municipal building surveyors, local councils and the VBA – meaning that, in practice, it is often not clear who is responsible for enforcing building permit matters.

In addition, there is evidence that some private building surveyors are reluctant to act against builders with whom they have a commercial relationship and depend on for ongoing work. This is a concern as private building surveyors have control over all stages of the building approvals process and, therefore, for all but a few projects have responsibility for verifying the standard and quality of building work in Victoria.

## Feedback from stakeholders based on the Discussion Paper

The Discussion Paper sets out several proposals to:

- clarify the accountabilities for enforcement for the building permit approvals process;
- introduce ongoing performance monitoring and reporting of that process, and
- · minimise the inherent conflict of interest in the private certification of building work.

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Stakeholder feedback confirms that the improvements proposed in each of these areas are appropriate measures to address the issues and bottlenecks identified in the Discussion Paper.

### Responsibility for enforcement

The majority of stakeholders supported a review of the enforcement arrangements on the basis that the current arrangements are ineffective and limited funding makes enforcement challenging for councils, particularly those in regional and rural Victoria.

As an early action there was also broad support for developing the protocol recommended by the Co-Chairs of the Victorian Cladding Taskforce in their 2019 Report, which is aimed at fostering cooperation and communication between the VBA and councils and guiding enforcement actions. The VBA advised in its response that, as a complementary measure, statements of intent have been finalised with the majority of councils that will strengthen information sharing and grow its market intelligence.

There was some support for councils to develop local building control plans. However, the timing for considering such plans may be of more benefit following the review of the Building Act 1993, which is due to commence in 2020, and the subsequent implementation of any changes to the enforcement accountabilities resulting from that review. Therefore, while the development of local building central plans was suggested in the Discussion Paper, it has not been included in the above recommendations.

#### Performance monitoring and reporting

There was unanimous support from councils and the VBA for expanding the role of the State Building Surveyor to include monitoring and reporting on the performance of the building permit approvals process. A performance monitoring framework was considered to be a positive step in facilitating ongoing process improvements, although it was noted that councils would require funding assistance if further reporting obligations were imposed on them.

Any monitoring and reporting functions given to the State Building Surveyor would be supported by the information and data available by expanding BAMS, in the first instance, to capture all building records, as proposed in Recommendation D2, and in the future to potentially record all building permit activity. In addition, date collected on the building permit approvals process could be integrated with the planning data collected through the approach to digital processing and tracking outlined in Recommendation B3.

### Conflict of interest

There was widespread support for the proposals outlined in the Discussion Paper to address the inherent conflict of interest that arises with the private certification of building work.

All stakeholders supported a review of the respective roles of private and municipal building surveyors. Most stakeholders saw merit in practice guides for building surveyors and inspectors on the processes and matters they must examine when inspecting buildings during construction, and a code of conduct for building surveyors and inspectors, in particular, to strengthen their obligations to avoid conflicts of interest.

In its response to the Discussion Paper, the VBA confirmed that it is currently developing a Code of Conduct to set out the core principles and conduct expected of building surveyors when performing their statutory functions and other work they undertake as building surveyors. For clarity, the VBA intends to publish example of the types of conduct that would breach this code, which should include conduct and practices that create a conflict of interest.



# Appendix 1: Summary of feedback on the Discussion Paper

Alongside the release of the Discussion Paper there was an open consultation process capturing a wide range of stakeholder groups including councils, industry and Victorian Government officials. This was an essential undertaking to ensure that the areas canvassed in the Discussion Paper were well understood by key stakeholders and that they were well placed to contribute to the review process.

A number of activities were completed, including:

- publication of the Discussion Paper on the Engage Victoria website (the Discussion Paper was the second most downloaded file from Victorian Government domains during the consultation period);
- an open submission process which attracted over 100 submissions (including 40 from local councils and 50 from a range of businesses, community groups and industry associations);
- a number of panel sessions and forums that were hosted by industry organisations where
  Advisory Board members and the Commissioner provided an overview of key areas of the
  Discussion Paper and facilitated open questions and answer sessions;
- public briefings provided by the Commissioner and the review team that were offered to key industry stakeholders and councils (with these sessions live streamed to accommodate regional and rural stakeholders);
- a webinar through the Planning Institute of Australia which included a presentation by the Commissioner and an open Q&A session that involved over 200 planning practitioners;
- workshops held in Gippsland to further test certain recommendation areas involving five Gippsland councils, a number of referral authorities and regional Department of Land Water and Planning (DELWP) staff; and
- promotion of the consultation process and the discussion paper release via DELWP local government news and via direct email to a wide range of industry and local government stakeholders.

This represented the second consultation period as part of the review with the initial round one consultation period attracting around 40 submissions.





## MAV Brief on Victorian Government planning reforms

The Victorian Government is embarking on the most significant reforms to the Victorian planning system since the *Planning and Environment Act 1987* was enacted. Consultation with local government has been extremely limited to date.

The key driver of this reform package appears to be lifting Victoria's post COVID economic performance through facilitating growth. The roots of this reform program can be found in the Red Tape Commissioner's 2019 review of planning and building approval systems. This agenda is already apparent in recent planning scheme amendments (VC187, VC190, VC194, VC198).

While we recognise the priority of driving economic growth, we believe it is vital that the reforms strike the right balance to ensure medium to longer term planning outcomes are not compromised. We think some of the key aspects for consideration include:

- Protecting the role of councils and councillors as elected community representatives, in developing longer term visions for their built environments
- Ensuring there is a role for community voice in the planning system
- · Creating appropriate checks and balances on Ministerial powers within any reforms
- · Balancing shorter term economic recovery priorities with longer term strategic planning objectives
- Addressing climate change mitigation and adaptation in our planning system may be overshadowed by an economic recovery lens

The following table summarises the five themes of the reform program, and our view of the risks and opportunities associated with each.

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Theme	Risks	Opportunities
Update and simplify planning rules and processes  Legislative and non-legislative changes intended to reduce complexity and delays in strategic and statutory planning processes.  This includes VPP changes targeted at specific application types.	<ul> <li>Limited consultation means reforms and support may not be appropriately targeted</li> <li>Eroding the social licence of the planning system</li> <li>Loss of third party appeal rights for some application types which currently act as an important check on decision making</li> </ul>	<ul> <li>Addressing "high footprint, low impact" aspects of the planning system to free up resources for dealing with strategic planning and higher impact development</li> <li>Requiring permit applications to be complete and ready for assessment before being submitted would aid this. A complete application requirement should also serve to deter applicants from lodging incomplete applications with the intent to use VCAT for primary assessment rather than review.</li> <li>Improving transparency and timeliness of DELWP and other agencies' roles in the planning system, i.e., approval of planning scheme amendments, and responses from referral authorities</li> </ul>
Partner with council planning departments Both process improvements and direct support provided to councils	<ul> <li>Support programs do not target identified needs of individual councils</li> <li>Longer term council capacity and capability development not supported by partnering approaches</li> </ul>	<ul> <li>Continuation of already successful programs like         Streamlining for Growth</li> <li>Strengthening relationships between DELWP and councils</li> <li>Ability for councils to address backlogged or aspirational         work that otherwise would not occur (i.e. Regional Planning         Hubs program)</li> </ul>

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Theme	Risks	Opportunities
Focus on major projects and attracting investment Facilitation of "state significant" projects including by making the Minister the decision maker, having a concierge service within DELWP (similar to the Building Victoria's Recovery Taskforce) and streamlining the application process	<ul> <li>Loss of community input into applications that have major local impacts through transfer of decision making to the State</li> <li>Councils being responsible for administering permits granted by the State creating reputational risk, challenges with resourcing and potential technical complexity for enforcement</li> <li>Resourcing impacts as councils still need to provide input while the State absorbs application fees</li> <li>Potential for misalignment between Ministerial decisions and council strategy</li> </ul>	<ul> <li>Clear criteria for Ministerial call-ins could improve consistency and transparency compared to the current highly discretionary system</li> <li>Clear criteria for call-ins may reduce instances of councils spending resources on an application only for it to be called in</li> </ul>
Planning for priority precincts and growth areas Led largely by the VPA, we have very limited knowledge on this theme currently.	<ul> <li>Funding and delivery of associated infrastructure undermined by 'streamlined' precinct development proce4ss</li> <li>Unsubstantiated claims of "gold-plating" by both private industry and state agencies</li> </ul>	<ul> <li>Developing fit for purpose infrastructure contribution tools for different development settings</li> <li>Addressing unmet need for social housing through a contributions system</li> </ul>
Prioritising infrastructure delivery Facilitating major infrastructure projects, particularly transport	<ul> <li>Community impact marginalised and/or ignored</li> <li>Strategic policy being overridden or re-written to suit major infrastructure decisions</li> <li>Erosion of environmental and heritage assessment for major infrastructure</li> </ul>	<ul> <li>Integrated transport planning, supported by a metropolitan and regional transport plan would give local government and private sector confidence to plan and invest</li> <li>Potential for increased transparency of infrastructure planning and alignment with municipal strategies</li> </ul>



## MEMBERS BRIEF

October 2021

## Risks and Opportunities in the Five Focus areas of Planning Reform

The State Government is developing a range of planning reforms that will change how planning decisions are made and how the planning system operates. These reforms will appear to be the most significant changes to the planning system since the creation of the *Planning and Environment Act 1987*.

DELWP has publicly stated that the reforms are grouped under five broad themes:

- 1. Update and simplify planning rules and processes
- 2. Partner with local council planning departments
- 3. Focus on major projects and attracting investment
- 4. Planning for priority precincts and growth areas
- 5. Prioritising infrastructure delivery

The key driver of this reform package appears to be lifting Victoria's post COVID economic performance through facilitating growth. The roots of this reform program can be found in the Red Tape Commissioner's 2019 review of planning and building approval systems which has not been released publicly. This agenda is already apparent in recent planning scheme amendments (VC187, VC190, VC194, VC198) which have streamlined decisions for Big Housing Build and State and Local government projects.

Some reforms will likely be welcomed by local government. Any focus on investing in process improvement and refining the Victoria Planning Provisions (VPPs) to enable more streamlined decision making will be valuable to councils. We believe it is vital to balance this against local planning policies and strategic vision. We also believe that council and community must retain their roles in Victoria's planning system. Considered, community-informed decision making should not be undermined for short term economic outcomes.

The Government is determined to complete the reforms as quickly as possible, with DELWP officers given tight timeframes to design and implement the changes.

We recognise the priority of driving economic growth as Victoria recovers from the impacts of COVID. We also believe it is vital that the reforms strike the right balance to ensure medium to longer terms planning outcomes are not compromised.

We think some of the key aspects for consideration include:

• Protecting the role of councils and councillors as elected community representatives, in developing longer term visions for their built environments: To date consultation on the reforms with councillors has been extremely limited. The absence of engagement with elected community representatives is a major concern. It sets a worrying precedent for the relationship between the State Government and councils. Despite the MAV and individual councils repeatedly calling on the State to consult and engage openly and accountably, the reforms have by and large been developed without consultation with councillors. It is a missed opportunity to work with representatives who know and understand their constituents and local areas intimately. This would assist DELWP to identify, pursue and promote reforms in the interests of all Victorians.

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## MEMBERS BRIEF

October 2021

- Ensuring there is a role for community voice in the planning system: Victoria's planning system is well known for incorporating community consultation in planning decisions. It is a component of our system that is enshrined in legislation and gives social license to planning decisions. We are concerned the positive influence community input often has on development outcomes has not been adequately considered. Existing processes have allowed councils to facilitate tens of billions of dollars' worth of development every year while maintaining a high degree of community input. Recent changes have seen decision making for key developments, including social housing and major projects, transferred to the Minister, with consideration of local planning policies and direct community input severely diminished.
- Creating appropriate checks and balances on Ministerial powers within any
  reforms: Council and community input will be limited for projects that the Minister
  considers "state-significant", while less significant applications will follow the existing
  process with councils. In many instances, consultation must merely be carried out "to
  the satisfaction of the Minister," but this can itself be waived. Essentially the State is
  creating a parallel planning system for projects that have the most impact on
  communities, providing these projects with a decision-making pathway that has the
  least amount of oversight.
- Balancing shorter term economic recovery priorities with longer term strategic
  planning objectives: In seeking faster decision-making to help deliver short-term
  economic gain, the State must ensure that our built and natural environment is
  enhanced for future generations. Development must not undermine the planning
  vision for an area and must align with strategic planning work undertaken by councils
  with their communities. This will reduce the likelihood of substandard outcomes.
  Strategic work such as council housing and environment policy as well as urban
  design, heritage and neighbourhood character objectives are vital to achieving
  balanced outcomes.
- Addressing climate change mitigation and adaptation in our planning system may be overshadowed by an economic recovery lens: Councils continue to push for greater consideration of climate change in the planning system and within their own planning schemes. If these reforms are the most significant in a generation, they must address the biggest challenge of the generation the climate crisis. Across all the reform focus areas, there are opportunities to support and facilitate the transition to net-zero emissions and increase resilience to climate change impacts. While the Government is working on some changes, such as the ESD roadmap, we must create systemic planning reform that readies and enables the planning system to deeply integrate climate thinking into decision-making. This work must be focused on long term interests and must not be overshadowed by an economic recovery lens. Changes to the planning system must include listing some decisions (such as planning scheme amendments) under the Planning and Environment Act in Schedule 1 of Climate Change Act 2017, mandating net-zero buildings, integrating electric vehicle charging, and planning for increased environmental hazard risk.

The MAV has consolidated an assessment of the wider risks and opportunities in the reform program's five focus areas for local government. They are outlined below. We welcome council feedback on this to help inform our advocacy.



## MEMBERS BRIEF

October 2021

## Reform Theme 1: Update and simplify planning rules and processes

Reforms under this theme include both statutory and legislative changes that seek to reduce complexity and delays. This will involve creating simpler planning pathways for smaller projects/permits, including code-based assessments or removing permit requirements. Legislative changes will aim for more efficient planning scheme amendment processes.

### **OPPORTUNITIES**

### **Process improvement**

- There are several opportunities to address existing "high footprint, low impact" situations where significant resources are expended for minimal benefit. This includes further reform of the VPPs to streamline assessment of more minor development applications.
- Process improvements free up council planning officer time to focus on more significant projects that have a greater impact. Requiring permit applications to be complete and ready for assessment before being submitted would aid this by reducing the time spent by councils shepherding applications to an acceptable standard. A complete application requirement should also serve to deter applicants from lodging incomplete applications with the intent to use VCAT for primary assessment rather than review.
- Process improvements must also extend to DELWP and referral authorities. Referral authorities should be required to meet their obligation to provide timely and well considered advice.

## Improved Planning Scheme Amendment process

- In progressing a planning scheme amendment there are several steps at which
  council must wait to receive approval from the Minister. In theory there are time limits
  for these Ministerial decisions. In reality, the experience of councils is these are
  frequently exceeded. The Minister should be required to meet these timeframes, with
  councils permitted to continue the amendment process if they are not met.
- The Planning Panel process should be simplified, including by limiting panels to complex matters. Less complex amendments or those with few submissions to be undertaken 'on the papers'.
- There should be stronger guidelines for community and stakeholder submissions to assist the community to engage with applications on valid planning grounds.

#### RISKS

## Limited consultation means reforms and support may not be appropriately targeted

- Councils continue to implement process improvements for simple applications to free up council planner time. The key risk here is that the State targets application types that should follow standard processes with third-party appeal rights.
- By further eroding review processes and protections in the planning system that seek
  to manage reasonable community expectations of change in an area, there is a risk
  of eroding public confidence in the planning system.
- Any reform agenda that seeks to streamline decision making must ensure no net detriment to the community and to the environment.





## Reform Theme 2: Partner with local council planning departments

Direct capacity and resource support, as well as process improvements, are proposed under this reform theme. There is some overlap between this theme and theme one, Update and simplify planning rules and processes. Process reforms include opportunities for simplification and streamlining of permit processes, refreshed guidance material, and investment in digital systems.

#### **OPPORTUNITIES**

In addition to the positives that partnering more closely with DELWP would bring in developing process improvements for simple and less-impactful applications, we see opportunities for councils in the following areas:

## Streamlining for Growth

Continued support for programs like Streamlining for Growth that have been effective in assisting councils to improve processes and boost capacity and capability would be welcome. DELWP should work with councils to identify where this is most needed.

### Regional Planning hubs

- · The Regional Planning Hub program has supported rural and regional councils to progress statutory and strategic planning work, including permit application backlogs and planning scheme amendment processes. Training opportunities for planners are also available through the program.
- There would be potential for significant economic benefit if this program had additional funding to better resource rural and regional councils.

#### Digital reform

- There are numerous frustrations with the systems councils currently use to manage planning permits and amendments. This includes the Amendment Tracking System (ATS), which both council and DELWP planners say cause delays and frustrations in drafting provisions and general administration.
- Investment in new technology and processes could be welcome news for councils looking to address the digital process side of their planning departments.

## Local government planning not tapped into effectively

- Councils process over 50,000 planning permits every year. The vast majority are uncontroversial. Local government is a critical partner in the planning system. It has knowledge and expertise that, if tapped into, could help deliver a reform package in the interests of all Victorians.
- Limiting engagement with councils despite their detailed knowledge of the system risks missing key insights regarding how to best understand critical bottlenecks in the system, or how to enhance the public's engagement in planning applications whether they be an applicant or submitter.
- Longer term council capacity and capability development not supported if ongoing investment is discontinued and council insight is sidelined.



## Reform Theme 3: Focus on major projects and attracting investment

A dedicated development facilitation program will be formalised within DELWP and direct decision-making powers for major 'state-significant' projects to the Minister or independent committees. Public consultation on these projects will be limited.

#### **OPPORTUNITIES**

- Clear criteria and agreed-upon thresholds for Ministerial call-ins could improve
  consistency and transparency. The current experience of the system is one of high
  levels of Ministerial discretion. It will clarify the role of councils in providing advice on
  and managing community input on such applications.
- Clear criteria for call-ins may reduce instances of councils spending resources on an
  application only for it to be called in. This could potentially free up council time to
  focus on other pressing planning issues, or other important projects that might be
  significant, but do not meet the Ministerial call-in criteria.

#### RISKS

#### Resource impact on councils

- Even where decision-making power is transferred to the Minister, councils will still be required to provide their expert advice to DELWP as part of the process.
- Councils will be required to administer planning permits that may not have been granted if council had been the decision maker. Councils will need to resource this work while also receiving reduced planning application fee revenue which helps fund council planning departments.

#### Misalianment with council vision

- State-significant developments will likely not be required to align with strategic planning work undertaken by councils with their communities. This raises the real prospect of decision making that undermines the local planning vision.
- Strategic work such as council housing and environment policy as well as urban design, heritage and neighbourhood character objectives are vital to achieving balanced outcomes and must be considered.
- Strategic planning projects are time-consuming and costly for councils to undertake, and benefit from significant community input. Sidelining this work further erodes trust in the planning system and weakens a council's ability to shape the future of its community.

## Reform Theme 4: Planning for priority precincts and growth areas

This area of reform is largely being led by the Victorian Planning Authority (VPA). Very limited information has been shared. We understand some of the reforms under this theme may be informed by the Victorian Auditor-General's audit report on *Managing Developer Contributions (March 2020)*, and the subsequent work of the Minister's Infrastructure Contributions Advisory Committee. More information will not be available until late 2021 or 2022.

#### **OPPORTUNITIES**

 Improvements to infrastructure contribution tools are necessary. The availability of different tools for different situations should be a strength of the system, not a weakness. Different tools respond better in different contexts.



- Affordable housing is a form of infrastructure that has broad social benefits. A certain
  percentage of social and affordable housing funding could be realised through broad
  developer contributions schemes, providing ongoing funding beyond the Big Housing
  Build.
- Provision of land for public purposes has proven to be one of the most complex aspects of the Development Contribution Plan (DCP) system, and the source of some of the costliest funding shortfalls. There are promising signs from the land equalisation model implemented through Infrastructure Contribution Plans. There is merit in exploring whether this mechanism could be adapted for use in a DCP model.

#### RISKS

- Councils are responsible for the implementation of Precinct Structure Plans (PSPs) and delivery of infrastructure on the ground. Planning for PSPs lies with the VPA. Councils therefore administer PSP areas over which they have had a limited contribution to strategic plan.
- Efforts to streamline contribution processes must not compromise the quality of infrastructure being provided and the outcomes sought.
- Councils continue to take on great financial risk through the current system. Reforms
  must ensure that the levies accurately reflect the true cost of delivery with an
  appropriate balance found to cost sharing.
- There is still no guide to what constitutes the 'basic and essential' standard of infrastructure. This should be addressed through the reform program.

### Reform Theme 5: Prioritising infrastructure delivery

We have little detail on how planning reform will impact decision making for infrastructure delivery. We understand that the Department of Transport (DoT) is developing changes to planning, heritage and environmental assessments in infrastructure decisions.

DoT has already rolled out some of these changes through amendment VC194 which was gazetted in March 2021. This amendment created new permit exemptions for any State Government led or funded (or part-funded) project, or project carried out on Crown land. Notably, the amendment also exempted Councils from planning requirements for public-led projects valued under \$10million.

#### **OPPORTUNITIES**

- There are opportunities to reform major infrastructure projects planning assessments, particularly transport infrastructure. Review of legislation and planning tools should be undertaken alongside the development of a comprehensive transport plan for metropolitan Melbourne and regional Victoria.
- An integrated transport plan is critical to giving local government and private entities
  confidence to plan and invest in supporting or complementary infrastructure. The
  current haphazard approach to transport planning decisions in Victoria is further
  eroding confidence in planning for State-significant infrastructure.
- Victoria's Infrastructure Strategy (Infrastructure Victoria 2021) makes a number of recommendations to address these issues, particularly recommendations 32 to 34.





#### RISKS

- The planning, placement and design of critical government infrastructure is important to all Victorians. Leaving community consultation to the discretion of the Minister jeopardises the quality and transparency of decision making on publicly funded projects.
- There are already significant concerns about the effectiveness and value of environmental and heritage protections when planning for state-significant public projects - particularly transport infrastructure such as road and rail. Any changes to these processes must add greater rigour to environmental and heritage review to ensure costly mistakes are not repeated.
- Planning for large-scale infrastructure rarely considers existing council strategic planning policy for an area. Further weakening of planning protections and processes will actively undermine council's strategic planning work, and further constrain public

If you have any feedback or comments on the above, please contact James McLean, Senior Policy Adviser - Natural and Built Environment at imclean@mav.asn.au



**Enquiries**: Rosa Zouzoulas **Telephone**: 03 9433 3270

12 December 2021

The Hon. Richard Wynne MP Minister for Planning 8 Nicholson Street EAST MELBOURNE VIC 3000

Via email: Richard.Wynne@parliament.vic.gov.au

Dear Minister

## **Planning System Reforms**

Nillumbik Shire Council has recently become aware that the State Government has announced new planning system reforms as a result of the very recent release to the public of the Red Tape Commissioners report *Turning Best Practice into Common Practice – Planning & Building Process Review*.

Council note that there has been this year (2021) a call from State government to an extensive number of consultations on reform matters already. This has placed significant pressure on local governments generally given preparation of submissions is very resource intensive, requires cross-departmental coordination (internally), needs to be adopted by Councils and therefore needs briefing/reporting to be prepared in regard to the matter, and is always in a required timeframe that does not consider Council reporting workflows and lead times. Therefore these submissions are prepared as 'urgent matters' with compressed timeframes, and this is all in addition to delivery of programmed projects, policy and operations of Council.

Notwithstanding this, timeframes also do not allow for community consultation by Council with its community in regard to proposed reforms and this results in frustration within the community in regard to a lack of transparency and opportunity to have their local representatives hear and consider their views on matters that will impact them.

Council note recently submissions have been called by DELWP to proposed ResCode Reforms (as a recommendation of the review into Planning & Building Approvals Process Review) and also the Cooling and Greening project which responds to Plan Melbourne (Action 91 of Plan Melbourne's Implementation Plan) to engage in a 'whole of government approach to cooling and greening'.

Council further note we are still awaiting outcomes/detailed implementation from DELWP around submissions called to other proposed reforms though out this year

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including Planning for Melbourne's Green Wedges and Agricultural Land Consultation Paper, 10 Year Affordable Housing Strategy, Melbourne's Land Use Framework Plans and ESD Roadmap.

At the same time, a Parliamentary Inquiry into Protections within the Victorian Planning Framework has been released for submissions, noting the Environment and Planning Committee will consider and report on, by June 2022, the adequacy of the Planning & Environment Act 1987 and the Victorian planning framework in relation to planning and heritage protection.

Council acknowledges the Victorian Government's commitment for major reforms to respond to the Red Tape Commissioner for Better Regulation's review of planning and building approvals processes and the Building Victoria's Recovery Taskforce. Council also supports the removal of unnecessary regulation and targeted measures to boost economic recovery, and acknowledge the important role that local government can play to advance such reforms.

Council are, however very concerned that the proposed reforms may have significant, far-reaching and unintended consequences for the delivery of planning in Victoria and for local government, and that the State Government has not provided specific details about nature of the planned reforms to date.

Council strongly support that all local governments in Victoria should be provided with an opportunity to input and shape the proposed reforms that will have different implications for different Councils. Similarly such consultation should be meaningful and conducted so as to allow local government enough time to provide resolved positions in regard to such.

I would welcome the opportunity to further discuss this matter with yourself or officers of DELWP's planning reform team. If you have further queries, please contact Rosa Zouzoulas, Executive Manager Planning & Community Safety on 9433 3270.

Yours sincerely

Frances Eyre Mayor Nillumbik Shire Council

Cc:

The Hon. Ryan Smith – Shadow Minister for Planning & Heritage: ryan.smith@parliament.vic.gov.au

COM.001/21 Confirmation of Minutes Extraordinary Council Meeting held Wednesday 24 November

Attachment 2. Council Meeting held on Tuesday 30 November 2021