

Council Meeting

to be held virtually on Tuesday 22 February 2022 commencing at 7:00pm.

Attachments

Carl Cowie
Chief Executive Officer

Thursday 17 February 2022

Distribution: Public

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Nillumbik Shire Council

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Council Meeting

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

Minutes

Vince Lombardi
Acting Chief Executive Officer

Friday 17 December 2021

Distribution: Public

Civic Drive, Greensborough
PO Box 476, Greensborough 3088
Telephone 9433 3111
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Council Meeting Minutes

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Nillumbik Shire Council

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Nillumbik Shire Council

**Minutes of the Meeting of Nillumbik Shire Council held Tuesday 14 December 2021.
The meeting commenced at 7.00pm.**

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 (8:14pm)
Cr Peter Perkins	Ellis Ward
Cr Ben Ramcharan	Sugarloaf Ward (Deputy Mayor)
Cr Geoff Paine	Wingrove Ward

Officers in attendance:

Vince Lombardi	Acting Chief Executive Officer
Hjalmar Philipp	Director Operations and Infrastructure
Blaga Naumoski	Executive Manager Governance, Communications and Engagement
Corrienne Nichols	Executive Manager Communities
Rosa Zouzoulas	Executive Manager Planning and Community Safety
Eddie Cheng	Manager, Information Technology
Katia Croce	Governance Lead
Leigh Northwood	Strategic Planning Lead

1. Welcome by the Mayor

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

Thank you for attending Council's meeting tonight, I would like to mention, the issue of COVID vaccination status is another unexpected fact of our daily lives – among the many adjustments we've had to make over the past two years as we learn live with the pandemic.

Tonight I would like to confirm - for the record – that all Nillumbik Shire Councillors and Council officers are fully vaccinated.

2. Acknowledgement of Country

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

The Mayor, Cr Frances Eyre also acknowledged those members of the public in the gallery tonight, and thanked them for attending in person as well as those watching the live stream.

3. Good Governance Pledge

The Good Governance Pledge was read by Cr Karen Egan.

4. Prayer

A prayer was read by Pastor Matthew Wyatt from the Manningham Christian Centre.

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5. Apologies

Nil

The Mayor Cr Frances Eyre advised that Cr Natalie Duffy would be in attendance later in the meeting by mobile phone in accordance with Omnibus legislation. Councillors and members of the public will be notified once Cr Natalie Duffy arrives.

6. Presentations

Condolence – Lorna Smith

I was saddened to hear of the recent passing of local community identity Lorna Smith.

A Hurstbridge Fire Brigade member and former staff member of the Shires of Eltham and Nillumbik, Lorna embodied the sense of community and commitment to giving, so characteristic of many in our Shire.

Lorna moved to Eltham in 1956 after migrating from the United Kingdom with her family as a young child. She moved to Hurstbridge in 1968 and from there ensued a life of tireless and admirable service to the local community.

Lorna's involvement with the Hurstbridge Brigade dates back to the early 1970s, following bushfires which burnt out much of Diamond Creek, Eltham and Panton Hill. Her work with the Brigade involved providing support to her husband Philip and the competition team, and assisting with Brigade fundraising events. Always a pillar of strength behind the scenes, she maintained this faithful support of her family's commitment to the Brigade and our community.

Lorna had an abiding interest in, and a commitment to, the promotion of lifelong learning. In 1977 she was employed by the-then Shire of Eltham at the newly-established North Riding Living and Learning Centre in Panton Hill, becoming Centre Coordinator in the early 1980s.

This commitment to serving the local community obviously runs deep, with her son Simon, now also an officer with Nillumbik Shire Council.

Her involvement in adult education crossed local and regional boundaries and she was also appointed to the Northern Metropolitan Adult and Further Education Board.

She also pursued a successful career in hospitality – owning and running the Wildwood Restaurant in Hurstbridge for a number of years.

Lorna became a strong advocate for greater support for carers of the aged, those with disability or chronic illness. This was a cause close to home, through her experience as the primary carer for her mother for the last five years of her life.

As in everything else, she pursued this cause with energy, commitment and compassion.

Lorna will be greatly missed.

On behalf of Nillumbik Shire Council, I would like to convey our deepest condolences to Philip, Tim and Simon, their families and friends.

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7. Confirmation of Minutes

Confirmation of the minutes of the Extraordinary Council Meeting held on Wednesday 24 November 2021 and the Council Meeting held on Tuesday 30 November 2021.

Council Resolution

MOVED: Cr Geoff Paine

SECONDED: Cr Richard Stockman

That Council confirms the minutes of the Extraordinary Council Meeting held on Wednesday 24 November 2021 (**Attachment 1**) and the Council Meeting held on Tuesday 30 November 2021 (**Attachment 2**).

CARRIED UNANIMOUSLY

8. Disclosure of conflicts of interest

Cr Richard Stockman declared a general conflict of interest in relation to CM.172/21 Future Use of the Old Plenty CFA Site.

9. Petitions

Nil

10. Questions from the gallery

The Mayor Cr Frances Eyre read the following statement.

Council's Meeting Procedure Governance rules states "that questions are limited to a maximum of two questions per individual." Furthermore, "a question will only be read to the meeting if the Chairperson and/or Chief Executive Officer has determined that the question is a question and not a statement or opinion".

Council has received seven questions in total tonight from four people. Four of the questions are from Gila Schnapp and Esther Caspi, which also includes an additional statement, the other two questions and a statement are from members of Grandmothers for Refugees.

In accordance with our Governance Rule – Meeting Procedure, I will not be reading statements made and I will proceed to only read the actual questions submitted.

Gila Schnapp has asked the following questions:

Question 1

How will Council rectify a flawed, inequitable 2020 MAC Structure Plan that unconscionably promotes the 'new' eastern side at the expense, exclusion and to the detriment of the original town centre, excluding the DC Primary School and businesses on Collins St and Main St from its boundary?

Response 1

Council undertook an open and transparent process in developing its now adopted 2020 Diamond Creek structure plan. This process included significant community consultation. The adopted 2020 Diamond Creek Structure plan is largely an update on the existing policy settings.

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Question 2

How will Council prevent the unfair and unreasonable redirection and erosion of established paid for urban reticulated infrastructure, in the Ironbark Rd and its adjoining Pioneer Rd catchment and other, to accommodate housing and other growth as proposed by the new DC MAC Structure Plan?

Response 2

The purpose of a major activity centre (MAC) is to provide an attractive and appropriate regional hub to provide for growth, where housing is concentrated in close walking distance to jobs, services, retail, community facilities and public transport. The purpose of the structure plan is to give effect to the adopted structure. The adopted Diamond Creek Structure Plan does not seek to redirect or erode any infrastructure. Ironbark Road is not within the structure plan boundaries.

Esther Caspi has asked the following questions:

Question 1

Please explain what is meant by 'Diamond Creek corridor' (p.11 CM Agenda), a term we have not heard before and one that was not openly and transparently included in this process or any other?

Response 1

The term 'Diamond Creek corridor' is a reference to the Diamond Creek (the actual creek not the activity centre) and the riparian (banks) area either side of the Creek itself.

Question 2

If the intention of the new 2020 DC MAC Structure Plan was to 'Reduce pressure to extend the Urban Growth Boundary (UGB) by strategically consolidating within the boundary', why was this not publically articulated in the documentation for the Plan put out to public consultation?

Response 2

The 2020 Diamond Creek Major Activity Centre Structure Plan seeks to respond to State Planning Policy, this is spelt out at Page 10.

In your question you reference Clause 11.01-1S and Clause 11.03-1S which are contained in the State Planning Policies, Council through the 2020 Diamond Creek Major Activity Centre Structure Plan is implementing these State Planning Policies.

The Mayor Cr Frances Eyre read the following statement.

I will now proceed to read both questions received on behalf of Grandmothers for Refugees Jagajaga Branch and provide a combined response to the following questions.

Janine Laurence on behalf of Grandmothers for Refugees Jagajaga Branch asked the following questions:

Question 1

Will the Nillumbik Council set up an ongoing support scheme, as distinct from one off grants, which could involve?

- a) An inclusive employment program, similar to that operating in Banyule, whereby refugees (and other local residents facing barriers to employment) can be offered job opportunities that will help them experience a supportive work environment, learn skills in areas appropriate to their experience and capabilities and develop confidence and knowledge about how an Australian workplace operates?

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- b) Offer financial assistance to help refugees prepare themselves for a satisfying and independent future. This could include: helping with fees and other costs involved in undertaking a course of studies or assisting with costs of rental accommodation?

Meg L'Estrange on behalf of Grandmothers for Refugees, Jagajaga Branch

Question 1

Would the Nillumbik Council pass the motion put before them tonight by Councillor Duffy and follow up by?

- a) helping local community groups such as Amnesty International, Grandmothers for Refugees, Welcome to Eltham and Montmorency Asylum Seekers Support Group in sponsoring refugees to settle into our community under an improved and expanded Community Sponsorship Program?
- b) writing to relevant Federal Government and Opposition MPs exhorting them to improve the Program to make it fairer and more accessible for community groups to undertake as outlined in Councillor Duffy's motion?

Response 1

As we have a Notice of Motion listed on this matter to be heard on the Agenda tonight, Council cannot pre-empt its decision before the matter is heard.

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11. Reports of Advisory Committees

AC.015/21 Advisory Committee Report - 14 December 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. Environment 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. Youth Council Advisory Committee Workshop held 11 October 2021;
5. Health and Wellbeing Advisory Committee Meeting held 14 October 2021;
6. PHBRS Users Group Advisory Committee Meeting held 21 October 2021;
7. Positive Ageing Advisory Committee Meeting held 5 November 2021; and
8. Recreational Trail Advisory Committee Meeting held 17 November 2021.

Council Resolution

MOVED: Cr Geoff Paine

SECONDED: Cr Peter Perkins

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

CARRIED UNANIMOUSLY

Procedural motion

Council Resolution

MOVED: Cr Peter Perkins

SECONDED: Cr Ben Ramcharan

That Council vary the order of the Agenda to consider Item 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) after Item CM.181/21 – Informal Meetings of Councillors Records – 14 December 2021.

CARRIED

The Motion was put to the vote which resulted in a tie. The Mayor, Cr Frances Eyre used her casting vote in favour of the Motion, which was then CARRIED.

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12. Officers' reports

CM.170/21 Kangaroo Ground War Memorial Park Management Plan

Distribution: Public

Manager: Rosa Zouzoulas, Executive Manager Planning and Community Safety

Author: Andrew Feeney, Senior Urban Designer

Summary

The recommended management plan for adoption outlines a range of capital expenditure improvement works that would be implemented according to a defined level of priority for delivery over a nominated seven-year timeframe, subject to allocation of funding and potential grant funding opportunities. The management plan also proposes increased annual operational expenditure for improved ongoing landscape maintenance.

An adopted management plan, as recommended, will enable Nillumbik Shire Council to maintain and enhance the existing essential character and function of the memorial park with minimum change and moderate investment.

Recommendation is made in this report for the adoption of the Kangaroo Ground War Memorial Park Draft Management Plan as the management plan for the park, subject to identified changes to be made to the draft management plan, including changes that have been informed by community feedback.

The timing of the recommendation for the adoption of a management plan is to enable January 2022 funding allocation of priority works in the 2022-2023 capital works budget (e.g., replacement of identified dying trees of heritage significance) subject to Council endorsement.

Recommendation

That Council:

1. Adopts the Kangaroo Ground War Memorial Park Draft Management Plan (**Attachment 1**) as the management plan for the Kangaroo Ground War Memorial Park, subject to the following changes being made to the draft management plan:
 - a) Including in the reference made in the draft management plan to the investigation into an alternate park road access (that is outside of the scope of the draft management plan), that the existing Moor-rul grasslands will not, in principle, be adversely impacted.
 - b) Noting in the management plan that consideration be given in the design of the Memorial Gardens to include some amount of rosemary planting to complement the existing Lone Pine and its significance to the Anzacs, as compensation for the removal of the existing rosemary planting as part of the Stone Edge Reinstatement around the Tower Base works in the draft management plan.
 - c) Noting in the management plan that consideration be given to the recycling of the existing cypress trees in the park that are to be replaced/ removed in the draft management plan, including the potential use of the tree timber in and/ or associated with park works outlined in the draft management plan.

Council Meeting Minutes

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12. Officers' reports

CM.170/21 Kangaroo Ground War Memorial Park Management Plan

- d) Noting in the management plan that consideration be given to the potential use of the salvaged timber from the original tower stair in and/ or associated with park works outlined in the draft management plan.
 - e) Inclusion of capital expenditure external improvement works in the management plan, to improve the appearance of the caretaker's residence (house) and to better visually integrate it within the park, i.e., removal of existing park/ yard vegetation (of no- to moderate retention value) blocking views and replacement with new planting, and provision of more presentable replacement yard fencing addressing the park, including budget allocation for the work provisionally estimated to be in the order of \$65,000 (+/- 20%) — amount to be confirmed in the cost plan of the management plan.
 - f) Explanation in the management plan of the level of the 'Priority sites' maintenance standard for the park that is identified to be increased in the draft management plan.
 - g) Amendment of any apparent technical anomalies in the draft management plan, including descriptions and budget calculations for detailed scope of work items.
 - h) Dating of the management plan as adopted on 14 December 2021.
- 2. Notes that the above changes to the draft management plan and its finalisation as the adopted management plan are planned to be undertaken by end January 2022, to inform Council's capital works budget allocations for the 2021-2022 FY.
 - 3. Instructs Officers to notify all submitters to the exhibition of the draft management plan, and park stakeholders, advising of Council's resolution, and expressing Council's gratitude for their contribution.
 - 4. Subject to point 1., instructs Officers to publish the adopted management plan on Council's Participate Nillumbik website, and notify all submitters to the exhibition of the draft management plan, and park stakeholders, of the availability of the adopted management plan.

Motion

MOVED: Cr Ben Ramcharan

SECONDED: Cr Karen Egan

That Council:

- 1. Adopts the Kangaroo Ground War Memorial Park Draft Management Plan (**Attachment 1**) as the management plan for the Kangaroo Ground War Memorial Park, subject to the following changes being made to the draft management plan:
 - a) Including in the reference made in the draft management plan to the investigation into an alternate park road access (that is outside of the scope of the draft management plan), that the existing Moor-rul grasslands will not, in principle, be adversely impacted.

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CM.170/21 Kangaroo Ground War Memorial Park Management Plan

- b) Noting in the management plan that consideration be given in the design of the Memorial Gardens to include some amount of rosemary planting to complement the existing Lone Pine and its significance to the Anzacs, as compensation for the removal of the existing rosemary planting as part of the Stone Edge Reinstatement around the Tower Base works in the draft management plan.
 - c) Noting in the management plan that consideration be given to the recycling of the existing cypress trees in the park that are to be replaced/ removed in the draft management plan, including the potential use of the tree timber in and/ or associated with park works outlined in the draft management plan.
 - d) Noting in the management plan that consideration be given to the potential use of the salvaged timber from the original tower stair in and/ or associated with park works outlined in the draft management plan.
 - e) Inclusion of capital expenditure external improvement works in the management plan, to improve the appearance of the caretaker's residence (house) and to better visually integrate it within the park, i.e., removal of existing park/ yard vegetation (of no- to moderate retention value) blocking views and replacement with new planting, and provision of more presentable replacement yard fencing addressing the park, including budget allocation for the work provisionally estimated to be in the order of \$65,000 (+/- 20%) — amount to be confirmed in the cost plan of the management plan.
 - f) Explanation in the management plan of the level of the 'Priority sites' maintenance standard for the park that is identified to be increased in the draft management plan.
 - g) Amendment of any apparent technical anomalies in the draft management plan, including descriptions and budget calculations for detailed scope of work items.
 - h) Dating of the management plan as adopted on 14 December 2021.
- 2. Notes that the above changes to the draft management plan and its finalisation as the adopted management plan are planned to be undertaken by end January 2022, to inform Council's capital works budget allocations for the 2021-2022 FY **2022-2023 FY**.
 - 3. Instructs Officers to notify all submitters to the exhibition of the draft management plan, and park stakeholders, advising of Council's resolution, and expressing Council's gratitude for their contribution.
 - 4. Subject to point 1., instructs Officers to publish the adopted management plan on Council's Participate Nillumbik website, and notify all submitters to the exhibition of the draft management plan, and park stakeholders, of the availability of the adopted management plan.

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

Council Meeting Minutes

14 December 2021

12. Officers' reports

CM.170/21 Kangaroo Ground War Memorial Park Management Plan

Council Resolution

MOVED: Cr Ben Ramcharan

SECONDED: Cr Karen Egan

That Council:

1. Adopts the Kangaroo Ground War Memorial Park Draft Management Plan (**Attachment 1**) as the management plan for the Kangaroo Ground War Memorial Park, subject to the following changes being made to the draft management plan:
 - a) Including in the reference made in the draft management plan to the investigation into an alternate park road access (that is outside of the scope of the draft management plan), that the existing Moor-rul grasslands will not, in principle, be adversely impacted.
 - b) Noting in the management plan that consideration be given in the design of the Memorial Gardens to include some amount of rosemary planting to complement the existing Lone Pine and its significance to the Anzacs, as compensation for the removal of the existing rosemary planting as part of the Stone Edge Reinstatement around the Tower Base works in the draft management plan.
 - c) Noting in the management plan that consideration be given to the recycling of the existing cypress trees in the park that are to be replaced/ removed in the draft management plan, including the potential use of the tree timber in and/ or associated with park works outlined in the draft management plan.
 - d) Noting in the management plan that consideration be given to the potential use of the salvaged timber from the original tower stair in and/ or associated with park works outlined in the draft management plan.
 - e) Inclusion of capital expenditure external improvement works in the management plan, to improve the appearance of the caretaker's residence (house) and to better visually integrate it within the park, i.e., removal of existing park/ yard vegetation (of no- to moderate retention value) blocking views and replacement with new planting, and provision of more presentable replacement yard fencing addressing the park, including budget allocation for the work provisionally estimated to be in the order of \$65,000 (+/- 20%) — amount to be confirmed in the cost plan of the management plan.
 - f) Explanation in the management plan of the level of the 'Priority sites' maintenance standard for the park that is identified to be increased in the draft management plan.
 - g) Amendment of any apparent technical anomalies in the draft management plan, including descriptions and budget calculations for detailed scope of work items.
 - h) Dating of the management plan as adopted on 14 December 2021.

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14 December 2021

12. Officers' reports

CM.170/21 Kangaroo Ground War Memorial Park Management Plan

2. Notes that the above changes to the draft management plan and its finalisation as the adopted management plan are planned to be undertaken by end January 2022, to inform Council's capital works budget allocations for the 2022-2023 FY.
3. Instructs Officers to notify all submitters to the exhibition of the draft management plan, and park stakeholders, advising of Council's resolution, and expressing Council's gratitude for their contribution.
4. Subject to point 1., instructs Officers to publish the adopted management plan on Council's Participate Nillumbik website, and notify all submitters to the exhibition of the draft management plan, and park stakeholders, of the availability of the adopted management plan.

CARRIED UNANIMOUSLY

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12. Officers' reports

CM.171/21 Adoption of Nillumbik Youth Strategy 2022-2026

Distribution: Public

Manager: Nichole Johnson, Manager Community Partnerships

**Author: Katie Camilleri, Coordinator Youth, Community & Place
Nicola Clutton, Youth Development Officer**

Summary

This report presents the Nillumbik Youth Strategy 2022-2026 (**Attachment 1**) for adoption, following public consultation, receipt of submissions and refinements to the plan in response to submissions received.

The Nillumbik Youth Strategy 2022-2026 (the Strategy) has been co-designed in partnership with the Nillumbik Youth Council, with support of Youth Affairs Council Victoria (YACVic) who is the peak body and leading policy advocate for young people and the youth sector in Victoria.

The Strategy has been informed by community and partner feedback and includes changes resulting from the public consultation period that was held from 30 September – 21 October 2021 and from the Planning and Consultation Committee meeting held on 16 November 2021.

Motion

MOVED: Cr Ben Ramcharan

SECONDED: Cr Geoff Paine

That Council:

1. Adopts the Nillumbik Youth Strategy 2022-2026 (**Attachment 1**)
2. Authorises the Executive Manager Community Services to make any further minor changes to the Nillumbik Youth Strategy that may be necessary and are inconsequential in nature.
3. Makes the adopted Nillumbik Youth Strategy 2022-2026 publicly available on Council's website.
4. Thanks submitters and advises them of the outcome of the consultation process.

CARRIED UNANIMOUSLY

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Cr Stockman declared a general conflict of interest in the following item as he had previously made a submission in relation to the matter under consideration.

Cr Stockman temporarily left the meeting prior to the commencement of the item at 7:36pm.

12. Officers' reports

CM.172/21 Future use of the Old Plenty Fire Station site

Distribution: Public

Manager: Hjalmar Philipp, Director Operations and Infrastructure

**Author: Natalie Campion, Coordinator Property
Jonathon Miller, Manager Property and Facilities Maintenance**

Summary

Council resolved on the 26 May 2020 to sell part of the Council owned land at 109-115 Yan Yean Road Plenty, to the Country Fire Authority (CFA) for the purpose of constructing a new Plenty Fire Station.

The adjacent old fire station is also located on Council land (**Attachment 1**). Council need to advise the CFA if it intends to keep and repurpose this building once the CFA relocate operations to the new fire station, or require the CFA to demolish the building and rehabilitate the site (land and building).

To help inform Council's decision on the matter, a community engagement process was conducted between 29 September and 26 October 2021 to seek community views in relation to demolishing/retaining the old fire station and possible future use of the site.

365 responses were received; 53.5% supported the proposal to demolish the old Plenty Fire Station, 46.2% supported the building being retained and repurposed, with the balance 0.3% undecided. Of the 212 submissions received from Plenty residents, 73.1% support the proposal to demolish the building.

The Planning and Consultation Committee considered a report on the written submissions, and received verbal presentations from a number of submitters at the meeting on 16 November 2021.

Having considered community feedback from the written and verbal submissions as well as additional information on the site, Council is now in a position to make a decision on the matter, and advise the CFA and submitters accordingly.

Council Resolution

MOVED: Cr Peter Perkins

SECONDED: Cr Geoff Paine

That Council:

1. Authorise the Manager Property and Facilities Maintenance to request the Country Fire Authority to demolish the old Plenty Fire Station located at 109-115 Yan Yean Rd, Plenty, remove all other improvements and revegetate the land.
2. Request Council Officers to complete further community engagement on developing the site for public open space and report back to Council with concept options and cost estimates within the next 12 months.

Council Meeting Minutes

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12. Officers' reports

CM.172/21 Future use of the Old Plenty Fire Station site

3. Thanks submitters and advises them of the outcome of the consultation process on the future use of the Old Plenty Fire Station site.

CARRIED UNANIMOUSLY

Cr Stockman returned to the meeting at the conclusion of the item at 7:45pm.

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CM.173/21 Recreation & Leisure Strategy 2022-2030 - Community Engagement

Distribution: Public

Manager: Hjalmar Philipp, Director Operations and Infrastructure

**Author: April Wilson, Sports and Recreation Development Officer
Rebecca Burton, Acting Manager Recreation and Leisure**

Summary

The purpose of this report is to seek Council endorsement to commence community engagement on the draft Recreation and Leisure Strategy 2022-2030.

Council Resolution

MOVED: Cr Geoff Paine

SECONDED: Cr Peter Perkins

That Council:

1. Commences a community engagement process as outlined in **Attachment 1** (Community Engagement Plan) to seek feedback from the Nillumbik community on the draft Recreation and Leisure Strategy 2022-2030 (**Attachment 2**).
2. Considers public submissions at the Planning and Consultation Committee meeting to be held on 12 April 2022.
3. Notes that any person who makes a submission in relation to the draft and requests to be heard in support of their submission, be heard at the 12 April 2022 Planning and Consultation Committee meeting.

CARRIED UNANIMOUSLY

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CM.174/21 Advocacy Priorities 2022

Distribution: Public

Manager: Blaga Naumoski, Executive Manager Governance, Communications and Engagement

Author: Licardo Prince, Communications and Advocacy Lead

Summary

Advocating on the community's behalf is a key Council responsibility and it does so on a range of issues including infrastructure, services and policy in order to deliver better outcomes.

Most of Council's advocacy is directed at State and Federal Governments and the next Federal and State Council elections will be held in 2022.

It is timely therefore, to focus Council's advocacy priorities more sharply, the aim being to advocate directly to major parties and local candidates in the lead-up to both elections.

The 2022 Advocacy Priorities document (**Attachment 1**) outlines Council's top priorities for 2022, with a particular focus on items that will resonate in a pre-election context. The priorities will help inform what Nillumbik Shire Council advocates for on behalf of the community in the State and Federal elections and leading up to any pre-budget periods scheduled to take place in 2022.

The list of advocacy priorities includes but are not limited to:

- Asking the State and Federal Governments for funding to boost youth outreach and support services in Nillumbik Shire.
- Building a Community Hub to provide a variety of services, centrally located in Diamond Creek.
- Funding support to foster increased social connection and promote health and wellbeing in our Shire.
- Bringing about greater connectivity between existing shared trails in the Shire to improve accessibility and extend the existing trails network.
- Improve sustainable and accessible transport.
- Funding to identify and develop additional fit for purpose BMX and off-road biking locations in the Shire.
- Greater enhancement and protection of our Green Wedge and open space.

The purpose therefore, is to seek Council endorsement of the Advocacy Priorities 2022 document (**Attachment 1**), as the priorities identified for Council-led advocacy for the 2022 calendar year.

Council Resolution

MOVED: Cr Richard Stockman

SECONDED: Cr Geoff Paine

That Council endorses the Advocacy Priorities 2022 (Attachment 1**).**

CARRIED UNANIMOUSLY

Council Meeting Minutes

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CM.175/21 Complaint Handling Policy

Distribution: Public

Manager: Jeremy Livingston, Executive Manager Business Transformation and Performance

Author: Craig King, Customer Experience Lead

Summary

An updated Complaint Handling Policy (the Policy) is presented for adoption. This policy has been updated in order to respond to the new requirements of the *Local Government Act 2020* and the latest guidance developed by the Victorian Ombudsman in the 'Councils and Complaints: A Good Practice Guide, 2nd edition' (July 2021) publication.

This operational 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 provides a framework which outlines:

- the organisation's commitment to complaint handling;
- a definition of what is and is not a complaint to be managed under this policy;
- a consistent, respectful and objective approach to handling complaints; and
- an accessible, transparent and easy to understand process on how complaints will be captured, managed and reported.

Complaints are 'free feedback' for Council about its services, and can highlight needs for improvement. The Policy also supports a maturing approach to recording, handling and reporting on complaints.

The Policy does not apply to complaints about individual Councillors.

Once adopted, the updated Policy will be published on Council's website.

Council Resolution

MOVED: Cr Ben Ramcharan

SECONDED: Cr Richard Stockman

That Council:

1. Adopts the updated Complaint Handling Policy (December 2021) (**Attachment 1**).
2. Makes the Complaint Handling Policy (December 2021) publicly available on Council's website.

CARRIED UNANIMOUSLY

Council Meeting Minutes

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CM.176/21 Pantan Hill Bushland Reserve System User Group Advisory Committee revised Terms of Reference and term extension

Distribution: Public

Manager: Hjalmar Philipp, Director Operations and Infrastructure

Author: Lisa Pittle, Manager Environment

Summary

The Pantan Hill Bushland Reserves System (PHBRS) User Group was formed in 2011 to support the implementation of the PHBRS Management Plan. The User Group has representatives from the various groups using the reserves or with an interest in the activities occurring in the reserves.

The User Group is an Advisory Committee of Council. The fourth, two-year term of the PHBRS User Group Committee commenced in October 2019 and expired in October 2021.

Recommendations on the revised Terms of Reference and a one year term extension for the current committee are presented.

Council Resolution

MOVED: Cr Ben Ramcharan

SECONDED: Cr Karen Egan

That Council:

1. Endorses the revised Terms of Reference of the Pantan Hill Bushland Reserve System User Group Advisory Committee 2021 (**Attachment 2**); and
2. Endorses a one-year extension of the current Pantan Hill Bushland Reserve System User Group Advisory Committee to the end of 2022.
3. Council will receive a further report at the end of 2022 on renewing the Pantan Hill Bushland Reserve System User Group Advisory Committee.

CARRIED UNANIMOUSLY

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CM.177/21 Tender Report - Contract 2122-026 Yarrambat Streetscape Works

Distribution: Public

Manager: Hjalmar Philipp, Director Operations and Infrastructure

Author: Steven Blight, Construction Coordinator

Enrique Gutierrez, Manager Capital Works

Lance Clark, Senior Procurement Specialist

Summary

This report recommends the awarding of contract 2122-026 for Yarrambat Streetscape Works. The works are to upgrade of the Yarrambat Township Streetscape in Ironbark Road, Yarrambat.

Works will include the construction of asphalt road pavement, kerb and channel, footpaths, indented parking bays, vehicle crossovers, underground drainage, and associated works

The Tender Evaluation Panel (TEP) has assessed all submissions and this report provides a summary of their evaluation in recommending the awarding of the contract for 2122-026 for Yarrambat Streetscape Works.

Pursuant to the Instrument of Delegation to the Chief Executive Officer, the value of this contract exceeds the specified financial limits and a Council resolution is therefore required to award the contract.

Recommendation

That Council:

1. Accept the tender submitted by the **preferred tenderer** for the sum of \$[Redacted] plus \$[Redacted] for contingency (inclusive of GST) and enter into the following contract:
Number: 2122-026
Title: Yarrambat Streetscape Works
Term: 10 January 2022 to 30 April 2022
2. Authorises the Director Operations and Infrastructure to finalise and execute the contract documentation.
3. Authorises the Director Operations and Infrastructure to approve additional cost variations that are a result of unknown latent site conditions or changes to operational requirements throughout the term of the contract with a total value of no more than the approved budget for the project.
4. Notes that any variations that exceed the agreed approved budget will require a further Council resolution.

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CM.177/21 Tender Report - Contract 2122-026 Yarrambat Streetscape Works

Motion

That Council:

1. Accept the tender submitted by the **preferred tenderer** for the sum of \$[Redacted] plus \$[Redacted] for contingency (**exclusive** of GST) and enter into the following contract:
Number: 2122-026
Title: Yarrambat Streetscape Works
Term: 10 January 2022 to 30 April 2022
2. Authorises the Director Operations and Infrastructure to finalise and execute the contract documentation.
3. Authorises the Director Operations and Infrastructure to approve additional cost variations that are a result of unknown latent site conditions or changes to operational requirements throughout the term of the contract with a total value of no more than the approved budget for the project.
4. Notes that any variations that exceed the agreed approved budget will require a further Council resolution.

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

Council Resolution

MOVED: Cr Richard Stockman

SECONDED: Cr Karen Egan

That Council:

1. Accept the tender submitted by the preferred tenderer MJ Construction Group Pty Ltd for the sum of \$348,199.00 plus \$69,639.80 for contingency (exclusive of GST) and enter into the following contract:
Number: 2122-026
Title: Yarrambat Streetscape Works
Term: 10 January 2022 to 30 April 2022
2. Authorises the Director Operations and Infrastructure to finalise and execute the contract documentation.
3. Authorises the Director Operations and Infrastructure to approve additional cost variations that are a result of unknown latent site conditions or changes to operational requirements throughout the term of the contract with a total value of no more than the approved budget for the project.
4. Notes that any variations that exceed the agreed approved budget will require a further Council resolution.

CARRIED UNANIMOUSLY

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CM.178/21 Tender Report - Contract 2122-020 Andrew Park Pocket Park Construction

Distribution: Public

Manager: Hjalmar Philipp, Director Operations and Infrastructure

Author: Steven Blight, Construction Coordinator
Enrique Gutierrez, Manager Capital Works
Lance Clark, Senior Procurement Specialist

Summary

This report recommends the awarding of contract 2122-020 for Andrew Park Pocket Park Construction.

The works within this contract include (but are not limited to) the following:

- Demolition of unwanted existing facilities inclusive of disposal off site of unwanted materials and vegetation to approved landfill.
- Construction of the pocket park as per the design.
- Supply and install play equipment, toilet, fence, bicycle station, shelter, shade sail, bins, drinking fountain, lighting and seating.

The contract period will commence on 10 January 2022 with works intended to be completed by 24 June 2022.

The Tender Evaluation Panel (TEP) has assessed all submissions and this report provides a summary of their evaluation in recommending the awarding of the contract for 2122-020 for Andrew Park Pocket Park Construction.

Pursuant to the Instrument of Delegation to the Chief Executive Officer, the value of this contract exceeds the specified financial limits and a Council resolution is therefore required to award the contract.

Recommendation

That Council:

1. Accept the tender submitted by the **preferred tenderer** for the sum of \$[Redacted] plus \$[Redacted] for contingency (exclusive of GST) and enter into the following contract:
Number: 2122-020
Title: Andrew Park Pocket Park Construction
Term: 10 January 2022 to 24 June 2022
2. Authorises the Director Operations and Infrastructure to finalise and execute the contract documentation.
3. Authorises the Director Operations and Infrastructure to approve additional cost variations that are a result of unknown latent site conditions or changes to operational requirements throughout the term of the contract with a total value of no more than the approved budget for the project.

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CM.178/21 Tender Report - Contract 2122-020 Andrew Park Pocket Park Construction

-
4. Notes that any variations that exceed the agreed approved budget will require a further Council resolution.
 5. Advises all tenderers accordingly.
 6. Makes public the decision regarding this contract but the Tender Evaluation Report (**Attachment 1**) remain confidential on the grounds specified in the definition of confidential information in section 3(1)(g) of the *Local Government Act 2020*.
 7. Resolves that the preferred tenderer be named.

Council Resolution

MOVED: Cr Geoff Paine

SECONDED: Cr Karen Egan

That Council:

1. Accept the tender submitted by the preferred tenderer Commericalscapes Pty Ltd for the sum of \$729,521.41 plus \$145,904.282 for contingency (exclusive of GST) and enter into the following contract:
Number: 2122-020
Title: Andrew Park Pocket Park Construction
Term: 10 January 2022 to 24 June 2022
2. Authorises the Director Operations and Infrastructure to finalise and execute the contract documentation.
3. Authorises the Director Operations and Infrastructure to approve additional cost variations that are a result of unknown latent site conditions or changes to operational requirements throughout the term of the contract with a total value of no more than the approved budget for the project.
4. Notes that any variations that exceed the agreed approved budget will require a further Council resolution.
5. Advises all tenderers accordingly.
6. Makes public the decision regarding this contract but the Tender Evaluation Report (**Attachment 1**) remain confidential on the grounds specified in the definition of confidential information in section 3(1)(g) of the *Local Government Act 2020*.
7. Resolves that the preferred tenderer be named.

CARRIED UNANIMOUSLY

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CM.179/21 Tender Report - Contract 2122-021 De Fredericks Road Special Charge Scheme

Distribution: Public

Manager: Hjalmar Philipp, Director Operations and Infrastructure

Author: Steven Blight, Construction Coordinator
Enrique Gutierrez, Manager Capital Works
Lance Clark, Senior Procurement Specialist

Summary

This report recommends the awarding of contract 2122-021 for De Fredericks Road Special Charge Scheme.

Works include the construction and sealing of De Fredericks Road and associated works between Ironbark Road and Hacketts Road, Yarrambat.

The Tender Evaluation Panel (TEP) has assessed all submissions and this report provides a summary of their evaluation in recommending the awarding of the contract for 2122-021 for De Fredericks Road Special Charge Scheme.

Pursuant to the Instrument of Delegation to the Chief Executive Officer, the value of this contract exceeds the specified financial limits and a Council resolution is therefore required to award the contract.

Recommendation

That Council:

1. Accept the tender submitted by the **preferred tenderer** for the sum of \$[Redacted] plus \$[Redacted] for contingency (exclusive of GST) and enter into the following contract:
Number: 2122-021
Title: De Fredericks Road Special Charge Scheme.
Term: 10 January 2022 to 30 April 2022
2. Authorises the Director Operations and Infrastructure to finalise and execute the contract documentation.
3. Authorises the Director Operations and Infrastructure to approve additional cost variations that are a result of unknown latent site conditions or changes to operational requirements throughout the term of the contract with a total value of no more than the approved budget for the project.
4. Notes that any variations that exceed the agreed approved budget will require a further Council resolution.
5. Any variations that exceed the agreed approved budget will require a further Council resolution.
6. Advises all tenderers accordingly.
7. Makes public the decision regarding this contract but the Tender Evaluation Report (**Attachment 1**) remain confidential on the grounds specified in the definition of confidential information in section 3(1)(g) of the *Local Government Act 2020*.
8. Resolves that the preferred tenderer be named.

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12. Officers' reports

CM.179/21 Tender Report - Contract 2122-021 De Fredericks Road Special Charge Scheme

Council Resolution

MOVED: Cr Richard Stockman

SECONDED: Cr Geoff Paine

That Council:

1. Accept the tender submitted by the preferred tenderer MJ Construction Group Pty Ltd for the sum of \$258,646.40 plus \$51,729.28 for contingency (exclusive of GST) and enter into the following contract:
Number: 2122-021
Title: De Fredericks Road Special Charge Scheme.
Term: 10 January 2022 to 30 April 2022
2. Authorises the Director Operations and Infrastructure to finalise and execute the contract documentation.
3. Authorises the Director Operations and Infrastructure to approve additional cost variations that are a result of unknown latent site conditions or changes to operational requirements throughout the term of the contract with a total value of no more than the approved budget for the project.
4. Notes that any variations that exceed the agreed approved budget will require a further Council resolution.
5. Any variations that exceed the agreed approved budget will require a further Council resolution.
6. Advises all tenderers accordingly.
7. Makes public the decision regarding this contract but the Tender Evaluation Report (**Attachment 1**) remain confidential on the grounds specified in the definition of confidential information in section 3(1)(g) of the *Local Government Act 2020*.
8. Resolves that the preferred tenderer be named.

CARRIED UNANIMOUSLY

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CM.180/21 Tender Report - Contract 2021-088 Road Signs, Lighting, Grates, Covers and Associated Traffic Products

Distribution: Public

Manager: Hjalmar Philipp, Director Operations and Infrastructure

Author: Lance Clark, Senior Procurement Specialist

Summary

This report recommends the awarding of contract 2021-088 for Road Signs, Lighting, Grates, Covers and Associated Traffic Products

The contract term is for an initial period of 3 years, with 2 x 1 year options to extend the contract. The total duration of the contract, including the exercising of any options, shall not exceed 5 years.

The Public Tender was issued via Procurement Australia on behalf of its members, of which, Nillumbik Shire Council is one.

The intent of the Public Tender process was to appoint a panel of suppliers to provide products across the following categories.

- Category 1 – Road & Traffic Signs & Accessories
- Category 2 – Grates, Access Covers & Associated Products
- Category 3 – Traffic Calming Devices
- Category 4 – Work Zone & Associated Products
- Category 5 – Road & Pedestrian Lighting & Associated Products

The Procurement team at Procurement Australia assessed all submissions and this report provides a summary of their evaluation in the appointment of a panel of product suppliers.

Pursuant to the Instrument of Delegation to the Chief Executive Officer, the value of this contract exceeds the specified financial limits and a Council resolution is therefore required to award the contract.

Recommendation

That Council:

1. Enter into the following panel contract arrangement via Procurement Australia for the list of preferred tenderer(s) as disclosed in (**Attachment 1**);
Council Contract Number: 2021-088
Procurement Australia Ref: 2409/0334
Title: Road Signs, Lighting, Grates, Covers and Associated Traffic Products
Term: 1 October 2021 to 30 September 2024
Options: Term extensions up to 30 September 2026
2. Authorises the Director Operations and Infrastructure to finalise and execute the contract documentation.

Council Meeting Minutes

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12. Officers' reports

CM.180/21 Tender Report - Contract 2021-088 Road Signs, Lighting, Grates, Covers and Associated Traffic Products

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3. Authorises the Director Operations and Infrastructure to approve contract term extensions for a maximum of up to two further years.
 4. Makes public the decision regarding this contract but the following documents remain confidential on the grounds specified in the definition of confidential information in section 3(1)(g) of the *Local Government Act 2020*.
 - Attachment 1 – Tender Evaluation Summary Report – *CONFIDENTIAL*
 - Tender Evaluation Report by Procurement Australia – *CONFIDENTIAL*
 - Appendix A – 2409-0034 Submission Summary – *CONFIDENTIAL*
 - Appendix B – 2409-0334 Schedule of Rates – *CONFIDENTIAL*
 - Appendix C – 2409-0334 Weighted Average Scores – *CONFIDENTIAL*
 - Appendix D – 2409-0334 Award Summary - *CONFIDENTIAL*
 5. Resolves that the preferred tenderer(s) be named.

Council Resolution

MOVED: Cr Ben Ramcharan

SECONDED: Cr Geoff Paine

That Council:

1. Enter into the following panel contract arrangement via Procurement Australia for the list of preferred tenderer(s) Artcraft Pty Ltd (Categories 1, 3 & 4), DeNeeffe Pty Ltd t/a DeNeeffe Signs (Categories 1, 3 4 & 5), Roadside Services and Solutions (Category 2), Terra Firma Industries (Category 2) as disclosed in (Attachment 1).

Council Contract Number: 2021-088
Procurement Australia Ref: 2409/0334
Title: Road Signs, Lighting, Grates, Covers and Associated Traffic Products
Term: 1 October 2021 to 30 September 2024
Options: Term extensions up to 30 September 2026
2. Authorises the Director Operations and Infrastructure to finalise and execute the contract documentation.
3. Authorises the Director Operations and Infrastructure to approve contract term extensions for a maximum of up to two further years.
4. Makes public the decision regarding this contract but the following documents remain confidential on the grounds specified in the definition of confidential information in section 3(1)(g) of the *Local Government Act 2020*.
 - Attachment 1 – Tender Evaluation Summary Report – *CONFIDENTIAL*
 - Tender Evaluation Report by Procurement Australia – *CONFIDENTIAL*
 - Appendix A – 2409-0034 Submission Summary – *CONFIDENTIAL*

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CM.180/21 Tender Report - Contract 2021-088 Road Signs, Lighting, Grates, Covers and Associated Traffic Products

- Appendix B – 2409-0334 Schedule of Rates – *CONFIDENTIAL*
- Appendix C – 2409-0334 Weighted Average Scores – *CONFIDENTIAL*
- Appendix D – 2409-0334 Award Summary - *CONFIDENTIAL*

5. Resolves that the preferred tenderer(s) be named.

CARRIED UNANIMOUSLY

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12. Officers' reports

CM.181/21 Informal Meetings of Councillors Records - 14 December 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 30 November 2021.

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

1. Recreational Trail Advisory Committee Meeting held 17 November 2021;
2. Youth Council Advisory Committee Meeting held 22 November 2021;
3. Climate Action Plan Committee Meeting held 23 November 2021.
4. Councillor Briefing held 23 November 2021;
5. Council Meeting Pre Meeting held 30 November 2021
6. Economic Development Advisory Committee Meeting held 2 December 2021; and
7. Positive Ageing Advisory Committee Meeting held 3 December 2021.

Motion

MOVED: Cr Geoff Paine

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.

CARRIED UNANIMOUSLY

The Mayor Cr Frances Eyre advised Councillors and members of the gallery that Cr Natalie Duffy had entered the meeting via mobile phone as a full Councillor participant, in accordance with Omnibus legislation. Members of the public will not be able to see Cr Natalie Duffy though they will be able to hear her. I, as the Chairperson of the meeting can hear Cr Natalie Duffy and in accordance with legal advice received, this satisfies our legal obligation.

Cr Natalie Duffy entered the meeting at 8:14pm.

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12. Officers' reports

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)

Distribution: Public

Manager: Rosa Zouzoulas, Executive Manager Planning and Community Safety

Author: Paul Fyffe, Senior Strategic Planner

Julie Paget, Strategic Planner

Leigh Northwood, Strategic Planning Lead

Summary

This report proposes that Council take the formal steps to commence and exhibit Amendments C143 and C144 to the Nillumbik Planning Scheme, which will implement and give statutory weight to the Eltham and Diamond Creek Major Activity Centre Structure Plans (2020).

The Amendment supports a priority action of the 2021-2025 Council Plan, which is to implement the adopted structure plans for the Eltham and Diamond Creek Major Activity Centres into the Scheme. The Amendments propose planning scheme changes which will particularly:

- Cite the 2020 Structure Plans as the relevant reference document.
- Improve particular urban design and land use restrictions.
- Make some minor, site specific changes to existing building height limits, whilst retaining extensive use of tight mandatory height controls and modest height limits.
- Further support the role of vegetation in cooling the urban environment.
- Make a series of administrative updates.
- For Eltham, extend application of Schedule 1 to the Activity Centre Zone (ACZ1) to the Bridge Street Business Area.

The proposed changes will retain and improve the key settings of the current suite of planning provisions in the Planning Scheme.

Pursuant with the *Planning & Environment Act 1987*, Council must request and receive authorisation from the Minister for Planning to "prepare" (i.e. commence) and exhibit the Amendments.

Subject to authorisation from the Minister Council may prepare and exhibit the Amendments which would include formal notification and (potentially) a Planning Panel to hear any objections and make recommendations on the amendment.

Recommendation

That Council:

1. Requests the Minister for Planning, under Section 8A of the *Planning and Environment Act 1987*, to authorise the preparation and exhibition of Amendments C143 and C144 to the Nillumbik Shire Planning Scheme; and
2. On receipt of that authorisation, places Amendments C143 and C144 to the Nillumbik Planning Scheme on exhibition.

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12. Officers' reports

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)

Motion

MOVED: Cr Geoff Paine

SECONDED: Cr Karen Egan

That Council:

1. Requests the Minister for Planning, under Section 8A of the *Planning and Environment Act 1987*, to authorise the preparation and exhibition of Amendments C143 and C144 to the Nillumbik Shire Planning Scheme; and
2. On receipt of that authorisation, places Amendments C143 and C144 to the Nillumbik Planning Scheme on exhibition.

LOST

Cr Karen Egan called for a division

For: Crs Karen Egan, Geoff Paine and Richard Stockman

Against: Crs Natalie Duffy, Frances Eyre, Peter Perkins and Ben Ramcharan

The Mayor Cr Frances Eyre declared the Motion LOST

Motion

MOVED: Cr Peter Perkins

SECONDED: Cr Ben Ramcharan

That Council:

1. Defers item *CM160/21 Proposed Amendments C143 and C144 to the Nillumbik Planning Scheme - Implementation of the Eltham and Diamond Creek Major Activity Centre Structure Plans (2020)* to the February Planning and Consultation Committee meeting.
2. Requests officers to make available the officer report and all associated attachments on council's website.

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

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14 December 2021

12. Officers' reports

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)

Council Resolution

MOVED: Cr Peter Perkins

SECONDED: Cr Ben Ramcharan

That Council:

1. Defers item *CM160/21 Proposed Amendments C143 and C144 to the Nillumbik Planning Scheme - Implementation of the Eltham and Diamond Creek Major Activity Centre Structure Plans (2020)* to the February Planning and Consultation Committee meeting.
2. Requests officers to make available the officer report and all associated attachments on council's website.

CARRIED

Cr Karen Egan called for a division

For: Crs Natalie Duffy, Frances Eyre, Peter Perkins and Ben Ramcharan

Against: Crs Karen Egan, Geoff Paine and Richard Stockman

The Mayor Cr Frances Eyre declared the Motion CARRIED

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12. Officers' reports

CM.182/21 BMX Site near Challenger St Reserve, Diamond Creek

Distribution: Public

Manager: Hjalmar Philipp, Director Operations and Infrastructure

Author: Rebecca Burton, Acting Manager Recreation and Leisure
Jonathon Miller, Manager Property and Facilities Maintenance
Heath Gillett, Acting Community Safety Manager

Summary

This report provides information on a community built BMX jump site in an area of VicTrack land under lease to Nillumbik Shire Council near Challenger Street Reserve, Diamond Creek.

A Council decision is required to direct the Chief Executive Officer on the next steps with respect to managing this land being leased from VicTrack land, including in relation to managing the risks associated with the BMX jumps.

Recommendation

That Council:

1. Requests officers to work with VicTrack, Metro Trains and Melbourne Water to mitigate the impacts and risks associated with the BMX jumps to the west of the railway line in the area of VicTrack land leased to Nillumbik Shire Council near Challenger Street Reserve, Diamond Creek. Where impacts and risks cannot be mitigated, proceed with removing the BMX jumps and rehabilitating the area.
2. Requests officers work with VicTrack to excise the area of VicTrack land between the railway line and Diamond Creek from the lease with Nillumbik Shire Council and Council execute a Deed of Variation of Lease to reflect the amended leased area.
3. Endorses the allocation of up to \$50,000 from 2021/2022 budgeted borrowings to consult and work with BMX specialist/s to develop a draft concept BMX and off ride facility at a suitable alternate location.

Motion

MOVED: Cr Natalie Duffy
SECONDED: Cr Peter Perkins

That Council:

1. Requests officers to work with VicTrack, Metro Trains and Melbourne Water to mitigate the impacts and risks associated with the BMX jumps to the west of the railway line in the area of VicTrack land leased to Nillumbik Shire Council near Challenger Street Reserve, Diamond Creek. Where impacts and risks cannot be mitigated, proceed with removing the BMX jumps and rehabilitating the area.
2. Requests officers work with VicTrack to excise the area of VicTrack land between the railway line and Diamond Creek from the lease with Nillumbik Shire Council and Council execute a Deed of Variation of Lease to reflect the amended leased area.

Council Meeting Minutes

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12. Officers' reports

CM.182/21 BMX Site near Challenger St Reserve, Diamond Creek

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3. Endorses the allocation of up to \$50,000 from 2021/2022 budgeted borrowings to consult and work with BMX specialist/s to develop a draft concept BMX and off ride facility at a suitable alternate location.
 4. **Requests Council officers to provide a PDF copy of the report and attachments on Council's Participate Nillumbik website.**

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

Council Resolution

MOVED: Cr Natalie Duffy

SECONDED: Cr Peter Perkins

That Council:

1. Requests officers to work with VicTrack, Metro Trains and Melbourne Water to mitigate the impacts and risks associated with the BMX jumps to the west of the railway line in the area of VicTrack land leased to Nillumbik Shire Council near Challenger Street Reserve, Diamond Creek. Where impacts and risks cannot be mitigated, proceed with removing the BMX jumps and rehabilitating the area.
2. Requests officers work with VicTrack to excise the area of VicTrack land between the railway line and Diamond Creek from the lease with Nillumbik Shire Council and Council execute a Deed of Variation of Lease to reflect the amended leased area.
3. Endorses the allocation of up to \$50,000 from 2021/2022 budgeted borrowings to consult and work with BMX specialist/s to develop a draft concept BMX and off ride facility at a suitable alternate location.
4. Requests Council officers to provide a PDF copy of the report and attachments on Council's Participate Nillumbik website.

CARRIED UNANIMOUSLY

Council Meeting Minutes

14 December 2021

14. Notices of Motion

NOM.008/21 Refugees Community Sponsorship Program 2021

Cr Natalie Duffy advised of her intention to move the following motion at the Council Meeting to be held on Tuesday 14 December 2021:

Motion

That Council:

1. Notes Nillumbik Shire is a community which welcomes refugees and reaffirms our commitment made in 2016 to be a Refugee Welcome Zone.
2. Notes that the Federal Government's Community Sponsorship Program enables individuals to cover a refugee's resettlement costs and that while this program is very expensive for sponsors, it comes out of Australia's existing humanitarian intake so does not provide any additional places;
3. Requests the Mayor write to the relevant Federal Ministers and the opposition spokespersons copying the local members The Hon. Kevin Andrews MP, Ms Kate Thwaites MP and Mr Rob Mitchell MP immediately to call on the Federal Government to:
 - a. improve and expand the Community Sponsorship Program to ensure the program:
 - i. Does not take places from others in need
 - ii. Provides adequate support and services
 - iii. Limits the costs on sponsors
 - iv. Allows community, family and businesses to act as sponsors
 - v. Creates more places for people in need of protection to settle in Australia
 - b. for those refugees medically evacuated to Australia from Nauru and Papua New Guinea, provide permanent residency, access to Medicare, employment and government support by way of a humanitarian visa.
 - c. take action to immediately resettle those refugees and people seeking asylum detained in Nauru and Papua New Guinea allowing them access permanent resettlement options in Canada, USA, New Zealand and Australia by way of a humanitarian visa.
 - d. increase Australia's intake of Afghani refugees by 20,000 in addition to our country's regular humanitarian intake.

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

Council Meeting Minutes

14 December 2021

14. Notices of Motion

NOM.008/21 Refugees Community Sponsorship Program 2021

Council Resolution

MOVED: Cr Natalie Duffy

SECONDED: Cr Ben Ramcharan

That Council:

1. Notes Nillumbik Shire is a community which welcomes refugees and reaffirms our commitment made in 2016 to be a Refugee Welcome Zone.
2. Notes that the Federal Government's Community Sponsorship Program enables individuals to cover a refugee's resettlement costs and that while this program is very expensive for sponsors, it comes out of Australia's existing humanitarian intake so does not provide any additional places;
3. Requests the Mayor write to the relevant Federal Ministers and the opposition spokespersons copying the local members The Hon. Kevin Andrews MP, Ms Kate Thwaites MP and Mr Rob Mitchell MP immediately to call on the Federal Government to:
 - a. improve and expand the Community Sponsorship Program to ensure the program:
 - i. Does not take places from others in need
 - ii. Provides adequate support and services
 - iii. Limits the costs on sponsors
 - iv. Allows community, family and businesses to act as sponsors
 - v. Creates more places for people in need of protection to settle in Australia
 - b. for those refugees medically evacuated to Australia from Nauru and Papua New Guinea, provide permanent residency, access to Medicare, employment and government support by way of a humanitarian visa.
 - c. take action to immediately resettle those refugees and people seeking asylum detained in Nauru and Papua New Guinea allowing them access permanent resettlement options in Canada, USA, New Zealand and Australia by way of a humanitarian visa.
 - d. increase Australia's intake of Afghani refugees by 20,000 in addition to our country's regular humanitarian intake.

CARRIED

Cr Karen Egan called for a division

For: Crs Natalie Duffy, Frances Eyre, Geoff Paine, Ben Ramcharan and Richard Stockman

Against: Crs Karen Egan and Peter Perkins

The Mayor Cr Frances Eyre declared the Motion CARRIED

Cr Duffy left the meeting at the conclusion of the above item at 9:24pm.

Council Meeting Minutes

14 December 2021

15. Delegates' Reports

Nil

Council Meeting Minutes

14 December 2021

16. Supplementary and urgent business

Council Resolution

MOVED: Cr Karen Egan

SECONDED: Cr Geoff Paine

That Council, in accordance with Clause 57 of the Governance Rule Meeting Procedure, admit the item of urgent business relating to Nillumbik Submission to Parliamentary Inquiry into Protections within the Victorian Planning Framework.

CARRIED UNANIMOUSLY

CM.183/21 Urgent Business Item - Nillumbik Submission to Parliamentary Inquiry into Protections within the Victorian Planning Framework

Distribution: Public

Manager: Rosa Zouzoulas, Executive Manager Planning and Community Safety

Author: Leigh Northwood, Strategic Planning Lead

Summary

The Legislative Council's Environment and Planning Committee is seeking submissions to its inquiry into the adequacy of the Planning and Environment Act 1987 and the Victorian planning framework with limited public hearings programmed in the first half of 2022 and a report to be tabled on the Inquiry in June 2022. The deadline for submission is 31 January 2022.

Officers note the Terms of Reference (TOR) for the Inquiry is very broad and far reaching including:

- a. The high cost of housing;
- b. Environmental sustainability and vegetation protection;
- c. Delivering certainty and fairness in planning decisions for communities;
- d. Protecting heritage in Victoria;
- e. Ensuring residential zones are delivering the type of housing that communities want; and
- f. Any other matter the Committee considers relevant.

Officers are seeking endorsement by Council at this December Council meeting to the attached submission on behalf of Nillumbik Shire Council given the next council sitting period is not until February 2022 (after the submission close date).

Council Meeting Minutes

14 December 2021

16. Supplementary and urgent business

CM.183/21 Urgent Business Item - Nillumbik Submission to Parliamentary Inquiry into Protections within the Victorian Planning Framework

Council Resolution

MOVED: Cr Peter Perkins

SECONDED: Cr Karen Egan

That Council:

1. Adopts Nillumbik Shire Council's Submission to the Parliamentary Inquiry into Protections within the Victorian Planning Framework (**Attachment 1**) and directs Council officers to formally lodge the adopted submission to the Environment and Planning Committee; and
2. Makes the adopted Submission to the Parliamentary Inquiry into Protections within the Victorian Planning Framework publicly available on Council's website.

CARRIED UNANIMOUSLY

Attachments:

1. Nillumbik Shire Council's Submission to the Parliamentary Inquiry into Protections within the Victorian Planning Framework

Discussion

1. The Legislative Council's Environment and Planning Committee is seeking submissions to its inquiry into the adequacy of the Planning and Environment Act 1987 and the Victorian planning framework.
2. The Committee intends to hold limited public hearings in the first half of 2022. It is the Committee's intention to table its report in mid-2022.
3. The functions of the Environment and Planning Committee are to inquire into and report on any proposal, matter or thing concerned with the arts, environment and planning the use, development and protection of land.
4. The Environment and Planning Committee may inquire into, hold public hearings, consider and report on any Bills or draft Bills referred by the Legislative Council, annual reports, estimates of expenditure or other documents laid before the Legislative Council in accordance with an Act, provided these are relevant to its functions
5. The [Department of the Environment, Land, Water and Planning](#) and [Department of Premier and Cabinet](#) are allocated over sight.
6. Officers 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 June 2022, 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.
7. It is considered 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 Meeting Minutes

14 December 2021

16. Supplementary and urgent business

CM.183/21 Urgent Business Item - Nillumbik Submission to Parliamentary Inquiry into Protections within the Victorian Planning Framework

8. Officers note the Terms of Reference (TOR) for the Inquiry is very broad and far reaching:
- i. *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;*
 - ii. *Environmental sustainability and vegetation protection;*
 - iii. *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;*
 - iv. *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; and*
 - v. *Any other matter the Committee considers relevant.*
9. Given the submission closing date is 31 January 2022, officers have had to expedite a draft submission to bring the matter to councillor briefing, and will bring the matter to the final council meeting in December for endorsement given the next council sitting period is not until February 2022 (after the submission close date).

Related Council decisions

10. Adopted submissions by Council to the following State planning documents/strategies/initiatives that are in draft but significantly have informed Councils submission to this Inquiry noting that the Inquiry should have regard to these documents/strategies/initiatives and Councils submissions to such in forming a view:
- a. *10 Year Social and Affordable Housing Strategy Discussion Paper February 2021 (Homes Victoria – Department of Health and Human Services)*
 - b. *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*

Council Meeting Minutes

14 December 2021

16. Supplementary and urgent business

CM.183/21 Urgent Business Item - Nillumbik Submission to Parliamentary Inquiry into Protections within the Victorian Planning Framework

- 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)*

Options

- 11. Officers have prepared a submission to the Inquiry (refer **Attachment 1**).
- 12. The content of the submission is almost entirely that made in recently adopted submissions to other State government initiatives by Council, so is consistent with Council's adopted views.

Council plans and policies

- 13. This report directly supports the achievement of the Council Plan 2021-2025 strategy:
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Sustainability implications

- 14. Not applicable.

Community engagement

- 15. The Parliamentary Inquiry is open to anyone who would like to make a submission. The timeframes will not allow for Council to consult with the community in regard to the matter.

Innovation and continuous improvement

- 16. Not applicable.

Collaboration

- 17. Strategic planning and Environment teams have collaborated in regard to preparation of the draft submission.

Budget implications

- 18. Not applicable.

Relevant law

- 19. *The Planning & Environment Act 1987.*

Regional, state and national plans and policies

- 20. Plan Melbourne 2050.

Conflicts of interest

- 21. No officers involved in the preparation of this briefing have a conflict of interest in this matter.

Council Meeting Minutes

14 December 2021

16. Supplementary and urgent business

Council Resolution

MOVED: Cr Karen Egan

SECONDED: Cr Geoff Paine

That Council, in accordance with Clause 57 of the Governance Rule Meeting Procedure, admit the item of urgent business relating to State Governments Planning Reforms and Advocacy.

CARRIED UNANIMOUSLY

CM.184/21 Urgent Business Item - State Governments Planning Reforms and Advocacy

Distribution: Public

Manager: Rosa Zouzoulas, Executive Manager Planning and Community Safety

Author: Leigh Northwood, Strategic Planning Lead

Summary

In March 2019, the Treasurer and Minister for Planning asked the Red Tape Commissioner to undertake 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.

The Commissioner convened an Advisory Board and review team who have prepared a report *Turning Best Practice into Common Practice – Planning & Building Process Review Report* (refer **Attachment 3**) to Government (released to Council and the public in November 2021) which makes 27 recommendations for improvements across 5 proposed programs:

- Update and simplify planning rules and processes;
- Partner with local council planning departments;
- Focus on major projects and attracting investment;
- Planning for priority precincts and growth areas; and
- Prioritising infrastructure delivery.

Officers note the following issues with regard to the proposed reforms:

- a. The key driver of this reform package appears to be lifting Victoria's post COVID economic performance through facilitating growth.
- b. It is vital that the reforms strike the right balance to ensure medium to longer term planning outcomes are not compromised.
- c. Protection of the role of councils and councillors as elected community representatives, in developing longer term visions for their built environments must be preserved.
- d. There must be a role for community voice in the planning system.
- e. There is a need for appropriate checks and balances on Ministerial powers within any reforms.

Council Meeting Minutes

14 December 2021

16. Supplementary and urgent business

CM.184/21 Urgent Business - State Governments Planning Reforms and Advocacy

-
- f. Short term economic recovery priorities should not compromise longer term strategic planning objectives.
 - g. Climate change mitigation and adaptation in our planning system may be overshadowed by an economic recovery lens.

Officers 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 and these submissions are prepared as 'urgent matters' with compressed timeframe, and this is in addition to delivery of programmed projects, policy and operations of Council.

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.

Officers note that given we are approaching an election year many State government initiatives/actions through this governments tenure are now being wrapped up and this may explain much of the urgency being directed into implementing reforms, and therefore hurrying limited consultation through to facilitate such.

Given the limited information revealed by the State government in regard to proposed reforms, and the breadth of submissions being called for as identified, Nillumbik Shire has been approached by other northern metropolitan region Councils including Banyule, Dandenong and Yarra Ranges to advocate to the Minister in regard to the overall approach to planning reforms generally and the lack of meaningful engagement around the constant call for submissions to proposed reforms.

Officers strongly recommend that there is an opportunity for Council to join other Councils in advocating to State government to be more strategic in its consultation being transparent around timing of upcoming consultation to allow local governments to better resource 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. Officers are seeking Councils endorsement to advocate to the Minister in regard to this matter.

Council Resolution

MOVED: Cr Peter Perkins

SECONDED: Cr Karen Egan

That Council:

- 1. Notes that the Victorian Government has made a number of changes to the planning system in the last 18 months and is currently considering further significant planning reform.

Council Meeting Minutes

14 December 2021

16. Supplementary and urgent business

CM.184/21 Urgent Business - State Governments Planning Reforms and Advocacy

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2. Calls on the Minister for Planning to include full consultation with local governments and community before any planning reform decisions are made and urgently writes to the Minister for Planning, and the shadow Minister for Planning to advocate Council's position (as per advocacy letter at **Attachment 5**).
 3. Request the CEO or delegate to continue to coordinate and undertake with other local governments advocacy.

CARRIED UNANIMOUSLY

Attachments:

- ⇒1. Review's Discussion Paper October 2019
- ⇒2. Nillumbik Shire Councils Submission to Review's Discussion Paper November 2019
- ⇒3. Red Tape Commissioners Final Report - Turning Best Practice into Common Practice November 2021
- ⇒4. MAV Members Brief October 2021
- ⇒5. Advocacy Letter to the Minister for Planning - Planning Reforms 12 December 2021

Discussion

Background

1. In March 2019, the Treasurer and Minister for Planning asked the Red Tape Commissioner to undertake 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.
2. The State government at the time claimed that the development industry had previously identified that problems and delays in the planning approval process are significant, particularly with respect to the internal and external referrals process and the further approvals required following the issue of a planning permit and that these issues in Victoria's building and planning systems, and in early building works infrastructure approvals, were potentially impeding the State's capacity to deliver housing, business and infrastructure investment efficiently.
3. The Planning and Building Approvals Process Review (the Review) was undertaken by the Red Tape Commissioner by convening an Advisory Board at the request of the State government 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.
4. The Review's Discussion Paper was released in October 2019 (refer **Attachment 1**), identifying a wide range of opportunities for improvement. The review 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, noting there are many decision-makers involved along the pipeline and reforming the planning and building approvals system will require coordination across all of these.

Council Meeting Minutes

14 December 2021

16. Supplementary and urgent business

CM.184/21 Urgent Business - State Governments Planning Reforms and Advocacy

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5. The Discussion Paper noted 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% of the value of the sector. Addressing these would impact housing affordability and reduce delays and costs.
 6. The Discussion Paper was prepared after undertaking 'extensive' consultation and was released in October 2019, identifying 27 points in the approvals chain where specific short- and medium-term improvements can be made. Many of these issues had been identified in the past and individual councils have already made significant efforts to address these (e.g. online planning permit application service). The Discussion Paper set out stakeholder's feedback, conclusions drawn from looking at the data and the analysis of council approvals processes undertaken by PwC, and identified the requirement for adoption of best practices, reforming the rules and simplifying processes, along the entire approvals chain.
 7. Nillumbik Shire made a submission to the Discussion Paper in November 2019 (refer **Attachment 2**) noting concerns raised by Council needed to be seriously considered in the final report and recommendations. Council's submission noted the impact of the proposed reforms on our planning and building services, adequate notice and support must be provided before the changes are implemented and among other matters, 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.
 8. The Advisory Board and review team reviewed the feedback provided by stakeholders in response to the Discussion Paper, and submitted a final report *Turning Best Practice into Common Practice – Planning & Building Process Review Report* (refer **Attachment 3**) to Government (released to Council and the public in November 2021), making 27 recommendations for improvements across 5 proposed programs (in alignment with all 27 points in the Discussion Paper).

Five themes of reform program

a) **Update and simplify planning rules and processes**

- i) 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.

Council Meeting Minutes

14 December 2021

16. Supplementary and urgent business

CM.184/21 Urgent Business - State Governments Planning Reforms and Advocacy

- b) **Partner with local council planning departments**
 - i) 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 (for example on line planning application processing – something that Nillumbik has already transitioned to).
 - c) **Focus on major projects and attracting investment**
 - i) 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.
 - d) **Planning for priority precincts and growth areas**
 - i) This area of reform is largely being led by the Victorian Planning Authority (VPA). Very limited information has been shared. MAV have advised 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.
 - e) **Prioritising infrastructure delivery**
 - i) Again little detail has been provided to date on how planning reform will impact decision making for infrastructure delivery. MAV have advised that the Department of Transport (DoT) is developing changes to planning, heritage and environmental assessments in infrastructure decisions.
 - ii) Council would be aware that 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.
9. One of the reforms proposed by the report is the current proposed ResCode Reforms recently released and currently out for consultation by DELWP - officers will brief Council in regard to the matter (as a separate item at this briefing) and have sought an extension to the deadline of the 17th December to allow Council to consider and potentially adopt a submission to the proposed reforms at a Council Meeting (in February).
10. The recommended actions in the final report have been sorted into those that can be commenced in 2021 and those that may take longer.

Council Meeting Minutes

14 December 2021

16. Supplementary and urgent business

CM.184/21 Urgent Business - State Governments Planning Reforms and Advocacy

Issues in regard to proposed reforms

11. The Municipal Association of Victoria (MAV) have prepared a member's brief in October 2021(refer **Attachment 4**) in response to proposed planning reforms. This comes as DELWP have been advising in recent months that proposed reforms were imminent but would not identify timing or release detail to Councils/stakeholders.
12. Officers generally support and concur with the issues raised by MAV in the member's brief, particularly:
 - a) The key driver of this reform package appears to be lifting Victoria's post COVID economic performance through facilitating growth.
 - b) It is vital that the reforms strike the right balance to ensure medium to longer term planning outcomes are not compromised.
 - c) Protection of the role of councils and councillors as elected community representatives, in developing longer term visions for their built environments must be preserved.
 - d) There must be a role for community voice in the planning system.
 - e) There is a need for appropriate checks and balances on Ministerial powers within any reforms.
 - f) Short term economic recovery priorities should not compromise longer term strategic planning objectives.
 - g) Climate change mitigation and adaptation in our planning system may be overshadowed by an economic recovery lens.

Lack of strategic and integrated consultation and collaboration on proposed reforms

13. Officer 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 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 timeframe, and this is all in addition to delivery of programmed projects, policy and operations of Council.
14. 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.
15. Officers also note recently submissions have been called by DELWP to proposed ResCode Reforms (as a recommendation of this 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 Meeting Minutes

14 December 2021

16. Supplementary and urgent business

CM.184/21 Urgent Business - State Governments Planning Reforms and Advocacy

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16. Officers further 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*.
 17. At the same time, a Parliamentary Inquiry into Protections within the Victorian Planning Framework has been released for submissions (Council are also updated on this matter at this briefing as a separate item), 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.
 18. MAV have confirmed they will prepare a submission to this Inquiry, however officers 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 June 2022, 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.
 19. It is contended by officers that 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.

Related Council decisions

20. Not applicable.

Options

Advocacy

21. Officers note that given we are approaching an election year many State government initiatives/actions through this governments tenure are now being wrapped up and this may explain much of the urgency being directed into implementing reforms, and therefore hurrying limited consultation through to facilitate such.
22. Given the limited information revealed by the State government in regard to proposed reforms, and the breadth of submissions being called for as identified, Nillumbik Shire has been approached by other northern metropolitan region Councils including Banyule, Dandenong and Yarra Ranges (see **Attachment 5**) to advocate to the Minister in regard to the overall approach to planning reforms generally and the lack of meaningful engagement around the constant call for submissions to proposed reforms.
23. Officers strongly recommend that there is an opportunity for Council to join other Councils in advocating to State government to be 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.

Council Meeting Minutes

14 December 2021

16. Supplementary and urgent business

CM.184/21 Urgent Business - State Governments Planning Reforms and Advocacy

Council plans and policies

24. This report directly supports the achievement of the Council Plan 2021-2025 strategy:

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Sustainability implications

25. Proposed reforms although in some instances will improve sustainability outcomes, it is contended the focus on driving 'Big Build' and COVID recovery (economically) may be at the expense of sustainability and such matters as climate action.

Community engagement

26. Timeframes in regard to State government consultation almost always 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.

Innovation and continuous improvement

27. Proposed reforms including to update and simplify planning rules and processes which would involve creating simpler planning pathways for smaller projects/permits, an partnering with local council planning departments to direct capacity and resource support, as well as process improvements, as proposed will result in opportunities for simplification and streamlining of permit processes, refreshed guidance material, and investment in digital systems (for example on line planning application processing – something that Nillumbik has already transitioned to).

Collaboration

28. As identified other local governments including Yarra Ranges, Dandenong, Banyule and the northern group of Councils and also MAV are keen to collaborate in regard to the proposed reforms and State government approach.

Budget implications

29. Not applicable.

Relevant law

30. *Planning & Environment Act 1987 (the Act)*

31. *Building Act 1993 and Regulations*

Regional, state and national plans and policies

32. Plan Melbourne 2050

33. Draft Regional Land Use Framework Plans (2021).

Conflicts of interest

34. No officers involved in preparation of this report has a conflict of interest.

Council Meeting Minutes

14 December 2021

17. Confidential reports

18. Close of Meeting

The Mayor Cr Frances Eyre advised that the next Planning and Consultation Committee Meeting will be held on Tuesday 8 February 2022 and the next Council Meeting on Tuesday 22 February 2022. The Mayor, wished all of those in our community a safe and fun-filled festive season, take this time for rest and spending time with loved ones. We look forward to seeing you in the New Year.

The meeting closed at 9:36pm.

Confirmed:

Cr Frances Eyre, Mayor

Positive Ageing Advisory Committee

Minutes



Date: Friday 3 December 2021
Time: 11:20am – 1pm
Venue: Hurstbridge Community Hub and Zoom

Chair:	Cr Natalie Duffy Deputy Chair Mayor Cr Frances Eyre
Minute Taker:	Fiona Vuong/ Iwona Trickett
Committee Members:	Tianjian Shen, Philip Green, Ray Carroll, Anne Fitzpatrick, Gertraud MacDonald, Sandra Verdam, Jan Taylor, Janice Crosswhite, Sabi Buehler, Sue Riley, Max Lee, Deanna Finn, Joy Ferguson
Other:	
Apologies:	Richard Kottek

Order of business

1. 11:20am Welcome

Observers are reminded their role is to observe only, unless called upon by the Chairperson to participate.

2. 11:21am 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. 11:24am Welcome and acknowledgment – introductions

Cr Duffy has been appointed new Chair for PAAC. Congratulated Cr Eyre for new appointment as Mayor. Cr Eyre will continue deputy chair for the PAAC.

Cr Duffy acknowledged Cr Eyre's commitment and work on the PAAC and as Deputy Chair. Hopes to work with the PAAC to achieve meaningful outcomes. Cr Duffy spoke of personal experience and interest in positive ageing. PAAC members introduced themselves and their reasons for being on PAAC.

Chair acknowledged Friday 3 December as International Day of People with Disabilities (IDPwD).

Sabi mentioned free electric king sized bed available for anyone who wants it or needs it– PAAC members to share this with networks.

Iwona acknowledged Rebecca Burton, and introduced self as new Coordinator of Community Support Services. Rebecca has been successful in a new role as

Coordinator Recreation and Leisure Planning and Operations in the Recreation and Leisure Services department.

David Nicholls tendered his resignation from the PAAC. The PAAC thanks David for his service and commitment to the PAAC, David was passionate about emergency preparedness, rural communities and health and wellbeing for older people.

4. 12:05pm Apologies

Received from Richard.

5. 12:06pm Conflict of Interest and Informal Meeting of Councillors Record

None disclosed

6. 12:07pm Minutes of previous meeting

Amendment to minutes – spelling of name.

That the minutes of the meeting held 5 November 2021 are confirmed as a true and accurate record of the meeting.

Moved by Janice C

Seconded by Ray C

Carried unanimously

7. 12:09pm Outstanding Action Items

Action	Responsible	Update
Circulate hard copies of policy declaration for signatures.	Fiona	Fiona provided hard copies to all members
Members to sign declaration on Advisory Committee policy and return to Fiona.	All members	Members provided signed declarations to Fiona
Fiona to raise with Governance for response to request to add 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.	Fiona / Iwona	Clarification sought from governance who advised that the intent of the policy is that the responsible department will report back to the supporting officer who will report to the committee. Commitment from Cr Duffy and Officers to adhere to the policy.
To produce work plan for the year 2022 and develop KPIs. Advise of planning session.	Fiona	Deferred. Planning session in Feb 2022

to give feedback on website to Communication Sub-Committee through Philip	All members	Members encouraged to continue to provide feedback about website
---	-------------	--

8. 12:15pm Communications subcommittee report back

Sue reported back an update for PAAC consideration (see attached Communications Subcommittee minutes). Janice provided an update on a recent Manningham Council communications survey, asking residents how they want to receive communications from Council). Sandra shared positive experience of being part of the Community Connect Network convened by Council's Community Development team as a way of sharing community information and updates.

Ageing Well in Nillumbik Priority 1: Access to services, and Priority 3: Community connection, resilience and engagement

9. 12:30pm Dementia subcommittee report back

Members from Dementia Subcommittee gave an update – members have been working with healthAbility to start the Memory Care Café for people with dementia/memory concerns and their carers in Hurstbridge. An introductory afternoon tea will be held at Hurstbridge Hub on 15 December to meet with prospective attendees, volunteers and staff from healthAbility that will facilitate and support the group in 2022.

Ageing Well in Nillumbik Priority 1: Access to services, and Priority 3: Community connection, resilience and engagement

10. 12:45pm Year in review

Summary of achievements over the past year, and brief overview of year ahead. Please see attached 2021 report of outcomes of actions from Ageing Well in Nillumbik Action Plan 2019-2022. Advised that next year is the final year of the current plan, and that Council will be seeking the support and guidance of the PAAC in developing the engagement plan for the development of the next ageing strategy. More on this next year.

11. 12:55pm Next meeting date and location

No meeting in January. Next meeting Friday 4 Feb 2022 12-2pm. Venue TBC.

12. 1:00pm Meeting close

Health and Wellbeing Advisory Committee

Minutes



Date:	Thursday 9 th December 2021
Time:	10.00 – 11.30am
Venue:	via Zoom
Chair:	Cr Richard Stockman
Minute taker:	Julie Alexander, Business Support Officer
Committee Members:	Cr Natalie Duffy, Cr, Richard Stockman, Nichole Johnson, Corrienne Nichols, Melissa Butler, Lauren Treby, Johanna Mithen, Kate Ferguson, Julia Bilton, Jacinta Geary, Olive Aumann
Apologies:	Rebecca Tipper, Mick McKay, Petra Begnell

Order of business

1. Welcome

2. Acknowledgement of Country

Acknowledgement of Country was read by Councillor Stockman

3. Apologies

4. Conflict of Interest and Informal Meeting of Councillors Record

5. Minutes of previous meeting

That the minutes of the meeting held October 14th are confirmed as a true and accurate record of the meeting.

6. Outstanding Action Items

Lauren Treby, Coordinator Social Planning and Equity introduced Nillumbik Shire Council's newly appointed Social Planning Officer, Melissa Butler.

7. Annual Implementation Plan

Summary:

- Nillumbik's Health and Wellbeing Plan, Annual Implementation Plan (AIP) Year 1 2021-2022 has been developed.
- The AIP was developed organisation wide and outlined actions to implement under the six priority areas in the Health and Wellbeing Plan Annual Implementation Plan. Melissa Butler made a presentation.
- The attendees were split into two breakout rooms to discuss observations and advise on feedback for the Year 1 AIP.
- Feedback included:
 - a need for a gendered lens over all actions
 - acknowledgement of the organisation approach
 - No current partner actions within the AIP, however opportunities exist for future AIP

Action: Annual Implementation Plan to be available before the end of the year at [Health and Wellbeing Plan - Nillumbik Shire Council](#)

8. Advisory Committee Survey

Summary:

- Melissa Butler thanked all those that contributed to the Health and Wellbeing Advisory Committee (HWAC) survey.
- The results to the survey were varied and the results displayed a need to establish a group purpose.
- A Poll was taken of committee members to clarify needs and purpose of the HWAC. Findings included
 - Relationship Building was said to be the most valued purpose of the HWAC
 - Members expressed a hope for; purpose, clarity, partnerships and collaboration
- All feedback will be considered when revising the new Terms of Reference

9. Updates to Terms of Reference

Summary:

- Lauren Treby detailed the revising of Terms of Reference process to the committee
- Feedback was sought regarding frequency of committee meetings for the next four years
- It was suggested that sub-groups/ working groups and existing partnerships to report back at future Advisory Committee meetings.

Action: Revised Terms of Reference will be distributed before the next advisory meeting.

10. End of Year Reflection & Updates

- Jacinta Geary- Relationships Australia
 - As a result of COVID-19, the need for Counselling has increased.
 - There are waiting lists for Counselling services.
 - On-line Counselling is being offered and will be will consider moving forward.
 - The ability to pay for services is down.
 - Free Counselling services are being offered.
 - There has been no increase in Federal Funding but state funding is consistent
- Johanna Mithen -North East Healthy Communities
 - Merging with Public Health Unit which will involve significant organisational change
 - Completed approximately March – April 2022.
 - Community / Consumer engagement and training needed.
 - Suggestion: Libraries are a great place for community engagement.

Nillumbik Shire Council Updates

- Aboriginal Partnerships Officer
 - Council currently recruiting Aboriginal Partnerships Officer in the New Year.
 - Position description and more information can be found [HERE](#).

- LGBTQIA+ Inclusion
 - Nillumbik Shire Council will be represented at the Midsumma Festival including Carnival and Pride March.
 - Nillumbik Shire Council will be promoting Melbourne Pride Festival.
 - IDAHOBIT Day is mid-March.

- COVID-19 Vaccination
 - There are high rates of vaccination in Nillumbik.
 - Panton Hill is the lowest vaccination rate in Nillumbik.
 - State Government vaccination hubs are winding down.

- Health and Wellbeing- Young People
 - Youth Strategy has identified high levels of anxiety in young people.
 - Discussion regarding how Youth Council and Health and Wellbeing Advisory Committee can align in Health and Wellbeing Plan implementation.

Next meeting date and location – T.B.A



DIAMOND CREEK TRADERS ASSOCIATION

PO Box 234
DIAMOND CREEK VIC 3089
0401 042 194
marketing@diamondcreekshopping.com.au

8 July 2021

Rosa Zouzoulas
Executive Manager Planning & Community Safety
Planning and Community Safety
34 Civic Drive
GREENSBOROUGH 3088

Dear Rosa,

**Diamond Creek Traders Association Marketing and Business
Development Special Rate**

I am writing on behalf of Diamond Creek Traders Association to request Council to commence the statutory process as soon as possible to put in place a new special rate to continue the marketing and business development program for the Diamond Creek business precinct.

We would like to keep the boundaries the same to apply to businesses trading from properties located in the core retail and business precinct including Main Road, Collins Street, Inglis Street, Chute Street, Elizabeth Street, Main Hurstbridge Road and George Street.

The rate to be collected is as follows:

- For the period of 5 years ending 30th June 2027
- No discounting to any business, ie all traders pay the full rate
- Funds raised in the first year will be \$120,000, and subject to Capital Improved Value (CIV) over the five year period for which the special rate is intended to remain in force.

To further support this request, a business survey was sent to businesses in Diamond Creek seeking their feedback on the current Special Rate that concludes on 30 June 2022.

From the 20 businesses that completed the survey, 1 was not in support of the special rate being renewed and 19 were in support of the special rate being renewed for a further 5 years. Survey results have been attached for your reference.

The rest of the questions will support the Association with future strategic business and marketing planning, should the special rate be renewed for a further 5 years.

Yours sincerely

A handwritten signature in black ink, appearing to read 'CN', with a stylized flourish extending from the end.

Claire Nolle
President
Diamond Creek Traders Association

printed by



Diamond Creek Special Rate Marketing Renewal 2022

Let's Continue the Special Marketing Rate

Dear Diamond Creek Trader,

This letter includes important information about the Special Marketing Rate Renewal.

Here are the key points you need to know:

- The proposed renewal will be for five years, from 1 July 2022 – 30th June 2027.
- There will be NO increase in fees.
- The Diamond Creek Traders Association have established a positive and collaborative working relationship with Nillumbik Shire Council.
- The Diamond Creek Traders Association intends to continue their new marketing direction with a holistic approach to benefit all businesses.

For the last five years, the Diamond Creek Traders Association has worked across multiple areas to promote and showcase businesses across the community. The renewal of the Special Marketing Rate is essential to continuing the growth, development, and continued prosperity of your business and others across Diamond Creek.

The Diamond Creek Traders Association Special Rate is supported by local property owners, traders, and the Nillumbik Shire Council. If renewed, this united group would enable the Association to continue activities that benefit local businesses and the community. However, if renewal is not achieved, there would be a significant decline in business promotional activities, local online presence, Council advocacy, and local event support.

We thank you for your support and look forward to continuing our work to manage, market, and support business activity in Diamond Creek. The remainder of this letter outlines what we've achieved with the Special Marketing Rate and our new direction for the next five years.

If you have any questions regarding the Special Rate Renewal, please contact Anna Henderson or Yvette Standfield on ☎ 0401 042 194.



What have we achieved with the Special Marketing Rate?

Streetscape

- Successful advocacy for the installation of more parking on Elizabeth Street.
- Maintenance of a low vacancy rate in the centre.
- Worked with local community members to maintain Chute Street planter boxes.
- Successful sale of Cube Z to the Diamond Creek RSL.
- Successful grant from State Government for \$10,000.
- Successful Council grant for \$2,000.
- Supported local art incentives, including the creation of murals, making art a community activity.

Marketing

- Redeveloped and elevated the Diamond Creek brand.
- Developed an email database to use as targeted, effective marketing
- Implemented the electronic gift card program.
- Sponsored local initiatives, including the Diamond Creek Rotary Town Fair, ANZAC Day events, and Diamond Creek's Christmas Community Carols.

Digital Marketing

- Built a new SEO-friendly website
🔗 www.diamondcreekshopping.com.au
- Created a unique page with new content and a Google Listing for EVERY business in Diamond Creek.
- Filmed and produced individual promotional videos for businesses that opted to participate.
- Produced industry promotional videos for the following industries: fitness, automotive, finance and banking, home improvement, health and wellbeing, and hair and beauty.
- Developed 'Meet the Trader', which showcases businesses across Diamond Creek.
- Implemented a social media marketing strategy to promote Diamond Creek businesses.
- Ran successful Facebook Ad campaigns, driving more online traffic and interest to businesses in Diamond Creek.
- Refer below to see results.

Events

- Clean Up Australia Day in Diamond Creek
- Easter Egg Hunt
- Halloween Trick or Treat
- Various Christmas activities, including decorating the streets with locally made decorations, Santa on the street, and other festive activities and events.

A New Direction that Benefits More Businesses

Over the past two years, we've initiated a holistic marketing strategy that strives to benefit all businesses, rather than a limited few. Renewal of the Special Marketing Rate would allow us to continue this approach which has a focus on digital and social presence. The strategy takes time but ultimately ensures that local businesses are front of mind in the community. We will also advocate more strongly to the council to invest in Diamond Creek, thereby ensuring that we keep the area looking fresh and green! This may include:

- Advocate for improvements, including streetscape plans, traffic management plans and precinct plans to create a more attractive and welcoming environment.
- Lobby to improve physical aspects of the centre.
- Encourage landowners to make improvements to buildings in the centre, particularly to the exterior facades.
- Investigate new signage opportunities.
- Assess the lighting in the car parks and around the centre to ensure it is adequate.
- Ensure the Traders Association is a part of the consultation for any new projects and streetscape to be undertaken in Diamond Creek.

NO Special Rate Renewal!

With no special rate renewal, Diamond Creek will lose the \$120,000 funds. The website will come down, and there will be no social media presence. This would have a significant impact on local businesses and the community. Most importantly, there will be no one advocating to Council for Diamond Creek, which means there is a high potential that council funds will be allocated to other centres in Nillumbik.

*Please note, there will be NO increase in fees, and the rate paid will be based on Capital Improvement Value (CIV).
The Diamond Creek Special Rate is up for renewal from 1st July 2022.*



Promote Your Business and Support the Diamond Creek Community:

Let's Continue the Special Marketing Rate!

We encourage you to support the Diamond Creek Traders Association through the Special Marketing Rate. The activities and initiatives benefit your business and the local community by implementing marketing, digital marketing, advocacy, event support, and more.

Once again, if you have any questions regarding the Special Rate Renewal, please contact Anna Henderson or Yvette Standfield on ☎ 0401 042 194.

Summary of Results

Website Traffic

This graph below indicates how much traffic is coming to the Diamond Creek website.

The Blue Line shows the number of people who visited the Diamond Creek website. As you can see since the new website went live in November 2022 there has been a steady rise.

The green line shows the number of people who have taken action when on the Diamond Creek website for example called a Diamond Creek business direct or gone to their own website.

YEAR 1



Conversions - Link Clicks

This table shows the number of people who have gone to the Diamond Creek website and then gone direct to a Diamond Creek business website. So essentially the Diamond Creek website has sent 308 people over 4 months direct to Diamond Creek trader websites.

Conversions Goal 1: Outbound Link Click ▼	
Outbound Link Click (Goal 1 Conversion Rate)	Outbound Link Click (Goal 1 Completions)
7.12% Avg for View: 4.04% (75.94%)	308 % of Total: 76.24% (404)
7.12%	308 (100.00%)



Telephone – Link Clicks

This table shows the number of people who have gone to the Diamond Creek website and then called a Diamond Creek business direct. So essentially the Diamond Creek website generated 99 calls direct to Diamond Creek businesses.

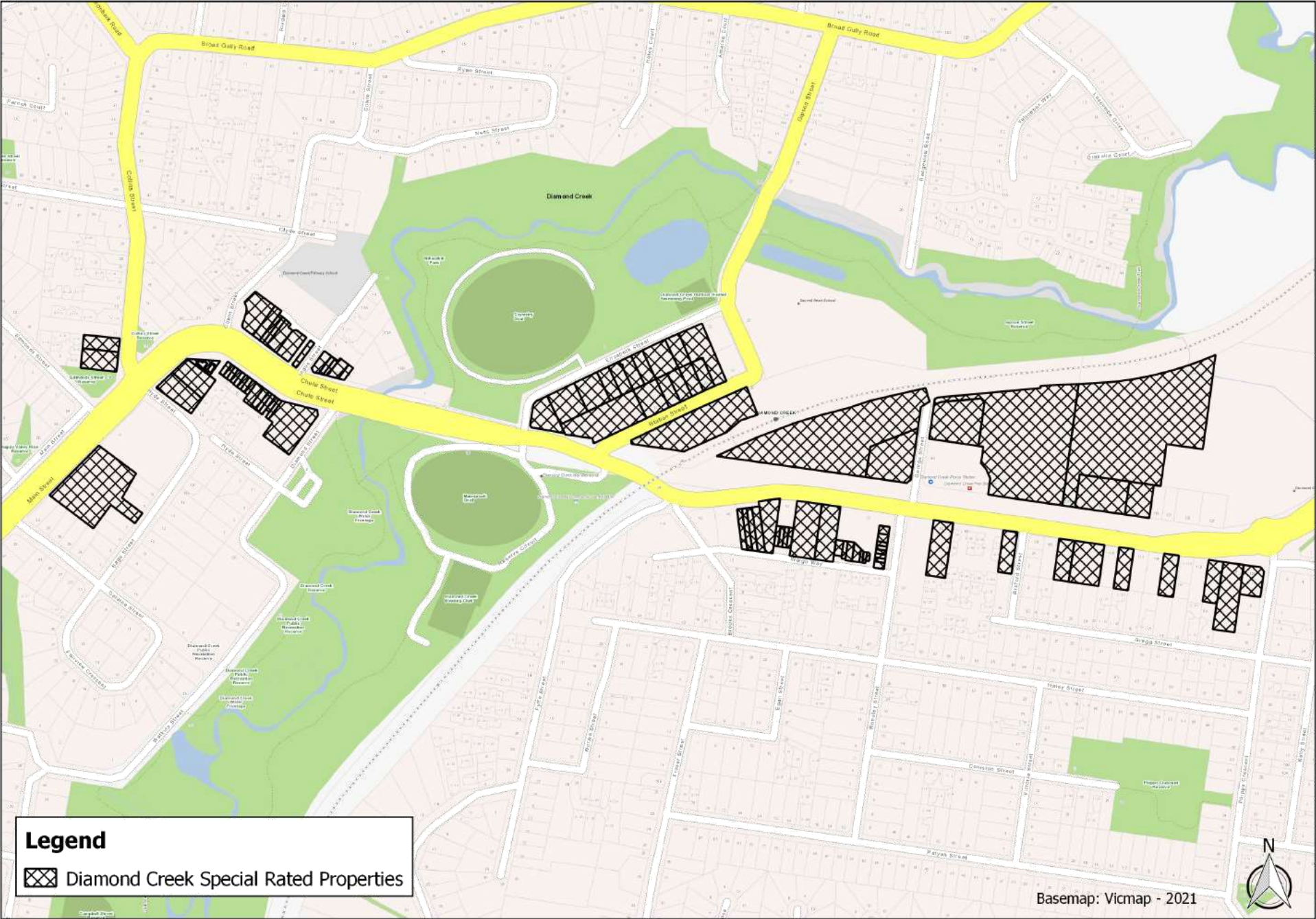
Conversions Goal 2: Outbound Link Click ▼	
Telephone Link Click (Goal 2 Conversion Rate)	Telephone Link Click (Goal 2 Completions)
2.29% Avg for View: 1.13% (102.18%)	99 % of Total: 87.61% (113)
2.29%	99 (100.00%)

Google Search Console – Top 20 Organic Queries

This list below shows the number of people coming to the Diamond Creek website and the Business pages people are going on. This is a very exhaustive list and we are happy to provide more detail if you are not listed below.

Top Queiries	▼ Clicks	-	CTR	Positions
Diamond Creek Noodle Bar	86	4,615	1.9%	6.2
Diamond Creek Panels	84	3,437	2.4%	5.9
BCK Automotive	73	1,162	6.3%	4.2
Diamond Creek Shops	64	489	13.1%	2
Cignall Diamond Creek	61	459	13.3%	1.9
Diamond Creek Pharmacy	59	3,847	1.5%	6.8
Volumes Diamond Creek	57	1,078	5.3%	3.7
Suziworld	52	2,561	2%	5.3
Diamond Creek Shopping Centre	51	640	8%	3.3
Veronicas Panrty	49	6,068	0.8%	4.8
Diamond Creek Newsagency	48	792	6.1%	5
Noodle Bar Diamond Creek	39	1,729	2.3%	6.8
Nillumbik Cellars	33	6,653	0.5%	8.9
Diamond Creek Barber	31	2,588	1.2%	6.6
Noodles Diamond Creek	28	620	4.5%	6.3
Yellowtail Fish And Chips	26	4,343	0.6%	9.9
Pleasant Surprises Diamond Creek	26	79	32.9%	2.8
Massage Diamond Creek	25	1,087	2.3%	8.2
Bua Ji	23	2,806	0.8%	10.6
Free Choice Diamond Creek	21	156	13.5%	1.9

The full list of businesses can be obtained by email @ marketing@diamondcreekshopping.com.au



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FRIDAY, AUGUST 27, 2021

heraldsun.com.au

CLASSIFIEDS 63

Notices

Public Notices

NILLUMBIK SHIRE COUNCIL NOTICE OF INTENTION TO DECLARE A SPECIAL RATE FOR THE DIAMOND CREEK CENTRE (Precinct)



Under Section 163 of the *Local Government Act 1989* (Act), Nillumbik Shire Council (Council), as resolved at its meeting on **24 August 2021**, gives notice of its intention to declare a special rate.

The special rate is to defray expenses of Council in providing funds to the Diamond Creek Traders Association for funding a centre coordinator, promotions, advertising, marketing, business development and related incidental expenses to encourage commerce, retail and professional activity and employment in the Diamond Creek commercial business centre (Precinct).

The area of the special rate will be based on geographic criteria: the location and the capital improved value of those rateable properties within the Precinct that are used, or reasonably capable of being used, for commercial, retail or professional purposes.

Council considers that each rateable property included in the area that will be required to pay the special rate will receive a special benefit through increased economic activity.

Council intends to levy and spend an amount of **\$120,000** for the first year; raising in total an estimated amount of **\$600,000**, subject to Capital Improved Value (CIV) over the five year period for which the special rate is intended to remain in force. The special rate is to be levied from **1 July 2022** and remain in force for the period ending **30 June 2027**. The land to which the special rate is to be declared: properties located in the retail and commercial business precinct comprising properties on Main Road, Collins Street, Ingis Street, Chute Street, Elizabeth Street, Main Hurstbridge Road and George Street in Diamond Creek as shown on the map.

The special rate will be assessed on the ownership of rateable land used, or zoned for commercial, retail or professional purposes located within the Precinct. The special rate is calculated by reference to the Capital Improved Value (CIV) of each property liable to pay the special rate in a similar manner to the calculation of the general rate and will be levied by Council sending quarterly notices each year to the persons liable to pay the special rate. It is payable by the due date fixed by Council in the notice. Council will consider cases of hardship and may reconsider other payment options for the special rate. There will be no incentives given for payment of the special rate before the due dates for payment.

For the total amount of the special rate to be levied, under section 163 (2)(a), (2A) and (2B) of the Act Council determines the estimated proportion of the total benefits of the special rate to which the performance of the function and the exercise of the power relates, including all special benefits and community benefits, that will accrue to the persons who are liable to pay the special rate, to be in a ratio of 1:1 for 100%.

CARL DOWIE - CHIEF EXECUTIVE OFFICER
NILLUMBIK SHIRE COUNCIL

In the opinion of Council, all of the services and activities to be provided from the proceeds of the expenditure of the special rate are marketing, promotion and advertising related and will accordingly only benefit those properties and businesses subject to the special rate that are used, or reasonably capable of being used, for retail, commercial or professional purposes.

Copies of the proposed declaration and a detailed plan of the area including a list of all properties to be liable to pay the special rate, with the estimated amounts payable by each property based on the 2021 CIV valuation, are available for inspection during office hours at Council offices in Greensborough and on Council's website www.nillumbik.vic.gov.au for a period of at least 28 days after the date of the publication of this notice.

Under section 163A of the Act any person may make a written submission to Council under 223 in relation to Council's proposal to make a declaration under section 163 of the Act.

Any person required to pay the special rate imposed by the proposed declaration, whether an owner or an occupier of a property, has a right to object to the proposed declaration. In addition to the right to make a submission given under section 163A, the person may make a written objection to Council under section 163B of the Act. An occupier is entitled to exercise the right of objection if they submit documentary evidence with the objection showing that it is a condition of the lease under which the person is an occupier that the occupier is to pay any special rate.

Written submissions to Council under section 223 of the Act and/or written objections to be lodged with Council under section 163B of the Act must be received by Council addressed to the Economic Development and Tourism Officer, Nillumbik Shire Council, PO Box 476, Greensborough 3088 by 5 pm on **Friday 24 September 2021**.

Any person who has made a written submission under section 223 of the Act and has requested to be heard in support of their submission is entitled to appear in person or to be represented by a person specified in the submission before a Delegated Committee appointed by the Council to hear submissions under section 223 of the Act. Submitters will be advised in writing of the date and time of the meeting. Council will consider any written submissions and take into account any objections in accordance with sections 163A, 163B, and 223 of the Act.

Council proposes to make the declaration in late January/early February 2022.

Further information on the special rate may be obtained from the Economic Development and Tourism Unit on 9433 3111 or business@nillumbik.vic.gov.au



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COM.BK

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27 August 2021

Property Owner Name
Property Owner address
Suburb State Postcode

Dear [Property Owner name],

Proposed Special Rate – Diamond Creek Business Precinct
PROPERTY ADDRESS

A special rate for the purposes of marketing, promotion and development of the Diamond Creek Business Precinct has been in place for the past 5 years. The current special rate expires on 30 June 2022.

The funds collected from a special rate assist in marketing and promoting the businesses within the precinct, and are also used to market the precinct as a whole to attract new visitors and shoppers. The Diamond Creek Traders Association has requested that Council seek to reintroduce the charge for a further five years.

This process is in accordance with the *Local Government Act 1989*. A public notice of Council's intention to declare the special rate has been published in a newspaper and a copy together with a map is enclosed. Please take the time to review these documents.

If the new special rate proceeds, the expected contribution payable will be calculated proportionately based on Capital Improved Value (CIV) for rateable properties within the Diamond Creek Special Rate area.

If you would like to make a written submission or objection to this proposal, it must be received by 5pm, Friday 24 September 2021. Submissions and objections are to be sent to Rania Mullins, Economic Development and Tourism Officer, Nillumbik Shire Council, PO Box 476, Greensborough VIC 3088 or emailed to business@nillumbik.vic.gov.au

If you provide a written submission, you will be invited to speak to Council to support your submission. This hearing of submissions is scheduled to be held at a Delegated Committee meeting on 16 November 2021.

If you have any questions about the renewal, please contact me on 9433 3111.

Yours sincerely,

Rania Mullins
Economic Development and Tourism Officer



Diamond Creek Business Precinct

What is a special charge?

A special charge is an annual fee paid by business properties that is pooled into a central fund and is spent on encouraging commerce and retail activity in Diamond Creek.

Who pays the special charge or rate?

- The property owner is liable to pay. However, some landlords have leasing arrangements that defer the special rate to the tenant.
- If you are leasing and unsure, please check your leasing arrangement or contact your landlord to find out who is liable for the special charge.
- See enclosed map to see the boundary of the Diamond Creek Special Rate proposed extension for 2022 to 2027.

What is Council's role in the special charge process?

- Council has been requested to declare a special rate at the request of a Trader Association/Chamber of Commerce/Incorporated Association.
- Under the Local Government Act 1989 (Act), Council must follow a statutory process and give notice under Section 163 of its intention to declare a special rate.
- Throughout this process, we work collaboratively with Traders Associations to market the local offer, drive growth, encourage commerce, retail and professionally activity and employment in our retail centres.

What is the Trader Association's role in the special charge process?

Each special rate charge is overseen by an incorporated traders association that has appointed a Centre Manager to coordinate the association's activities and act as a key point of contact between Council and the association (including its broader membership base).

Who manages the funds collected?

100% of the funds collected are directed toward the activities below and managed by the Traders Association/Chamber of Commerce/Incorporated Association:

- Digital, print and social media
- Marketing events
- Promotional materials
- Engaging a centre/events coordinator
- Improving centre décor and displays
- Enhancing the appearance of the centre to attract more customers

Council monitors the expenditure and ensures that the funds are only spent in accordance with the Special Charge agreement as stipulated by the Local Government Act 1989.

How can I be involved in the decision making of how the funds are spent?

The Diamond Creek Traders Association welcome new members to get involved and attend the regular meetings and also be involved in the development of a 5 year marketing plan.

How can I find out more about the Diamond Creek Traders Association?

Contact details:

Anna Henderson and Yvette Standfield Marketing Coordinator
marketing@diamondcreekshopping.com.au

Website:

<https://www.diamondcreekshopping.com.au/>

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[REDACTED]
Sent: Wednesday, 15 September 2021 8:15 AM
To: Business <Business@nillumbik.vic.gov.au>
Subject: Proposed Special Rate

Good Morning [REDACTED]

I would like to voice my objection to the proposed special rate because I can see no benefit to either the general public or the business owners because the whole shopping precinct of Diamond Creek is a total disaster with the car park at IGA in need of a good clean up and regular maintenance and not by a person who walks around most of the time picking up leaves which is just a waste of effort.

The car park at Coles is always a bottleneck when you are trying to enter or leave.

The public toilets in the Coles area are just a joke with only one being available to the public. Station Street is also a joke with a truck always parked in the street forcing all the traffic to form a single lane to go past it, and particularly at end of school time when parents are trying to access Mc Donalds drive through creating additional traffic chaos.

These are a few of the reasons that I believe a special rate cannot be justified as Diamond Creek is bursting at the seams and does not require any further promotion until such time that parking and traffic flow have been addressed.

Further more the entry /exit from the oval and the tram car cafe is another example of poor planning as there is only one way in and out which is controlled by traffic lights and takes forever to escape.

Therefore in my view I cannot see any logic in promoting Diamond Creek as it is already bursting at the seams and all the traders are probably doing it hard due to all the lockdowns and would not appreciate any further costs impacted by the council.

Thank You

Regards

[REDACTED]
[REDACTED]

From: [REDACTED]
Sent: Sunday, 19 September 2021 6:51 PM
To: [REDACTED]
[REDACTED]
[REDACTED]
Cc: [REDACTED]
Subject: Filed: RE: Special Rate Renewal update and important information - Diamond Creek Traders Association

Hi [REDACTED]
Thank you . HR Block have submitted our support .

Is there any opportunity , I can also speak on the 16th November 2021 , as well ?
I am arranging a back support to open the Office , while I am attending the Council session .

If can not, I understand .

Regards,

[REDACTED]



Monday, September 20, 2021

RE: Support for the Special Rates Diamond Creek Traders Association.

Having applied for this Marketing Rate many times, I would like to show my support for this arrangement into the future.

To centralize a marketing arrangement with the main purpose of drawing customers to Diamond Creek is necessary for the success of every business.

Competition from major shopping centers with their center Management advertising budgets, cause leakage from our old established town style shopping area. Every business needs not only to support itself but be recognized within the service area hub.

The marketing efforts by our Association should not be compared to individual business advertising it is not the same thing. We can all share at a very low and reasonable cost targeted advertising and community engagement. We all want to be seen and through the COVID-19 outbreak the association has been very successful with improvements to social media, and web designed promotions. Diamond Creek Shopping is using all kinds of opportunities to help the individual business promote themselves, it is up to the individual business to be involved and see how they can benefit by supporting each other.

We have a paid marketing consultants that we can all contact. There is a committee that gives freely of their time to assist Diamond Creek Business to succeed and be seen.

Sincerely,

A handwritten signature in black ink, appearing to read 'Andrew Gillard'.

Andrew Gillard
Managing Director

Secretary (Public Officer) Diamond Creek Traders Association

Darebin Travel Pty Ltd
Rivers Health Centre Room 4
28 Kurrajong Road, Yarrambat VIC 3091 Australia
T: +61 (3) 9438 3055
E: andrew@darebintravel.com.au
W: www.darebintravel.com.au



Darebin Travel Pty Ltd ABN 70 005 763 205 trading as:
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22nd September 2021

Rania Mullins

Economic Development and Tourism Officer
Nillumbik Shire Council
PO Box 476
Greensborough 3088

Dear Rania

Notice of Intention to Declare a Special Rate for Diamond Creek

I support the Diamond Creek marketing program funded by the special levy rate.

I am convinced the renewal of our special marketing program is the way to go. Over the past 2 years we have been able to make some positive changes through marketing levy which has been working well with the update of our website and online marketing campaign. I feel that is important to continue growing the online campaign and to help support the businesses currently struggling due to lockdown and not being able to operate.

We should continue with it.

Yours sincerely

Claire Nolle
President DCTA

11/02/2022, 15:51

Email - Business - Outlook

Special Rate for Diamond Creek

Thu 23/09/2021 03:38

To: Business <Business@nillumbik.vic.gov.au>

Dear [REDACTED]

Notice of Intention to Declare a Special Rate for Diamond Creek

I fully support the Diamond Creek marketing program funded by the special levy rate.

Over the past two years, I've seen excellent progress with the marketing campaign for Diamond Creek. Its continuation will promote all businesses in the local area and support the community.

Small businesses particularly need support now to help with recovering from the pandemic and lockdowns. That's why it's never been more important to grow the online campaign while some traders may not have the resources to invest in their own marketing.

I am in full support and wholeheartedly believe we should continue with it.

Yours sincerely

Simon Mauger



Simon Mauger
Director

P: (03) 8418 8055

E: simon@practiceedge.com.au



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practiceedge.com.au



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Diamond Valley Community Support Inc.
Shop 378a Level 3
Greensborough Plaza
Greensborough, Vic. 3088
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Email: info@dvsupport.org.au
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Hurstbridge Market

Performance Summary January – December 2019

Stallholders and Visitors

- Stallholder numbers when we took over the market was at 13 for the month of December 2018. All stallholders are treated as casual stallholders.
- Despite visitor numbers reported to us from previous management upon commencement, we do not believe those to be correct based on what we seen for December 2018 and from stallholder feedback.
- Below is a summary by month of stallholder numbers and visitors. Note: if visitor numbers not recorded, CFA were not on-hand to record them.

Month	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Xmas
Visitors	X	X	X	1350	590	495	691	678	495	543	460	X	974
Stallholders	X	17	23	29	25	20	27	29	35	26	23	26	55

Income and Expenditure

- Income for 12 months (Jan-Dec) was \$33,292, comprising \$18,292 market income plus \$15,000 Nillumbik grant
- Expenses for 12 month (Jan-Dec) was \$23,836
- Profit (surplus) = \$9,456. Note: income included \$15,000 grant from Nillumbik council

Growth and Trends

- The market was opened up to Makers and Growers stallholders, not just farmers.
- We regularly showed a 100% growth in stallholders from when we commenced.
- Visitor numbers remain constant other than when another event was attached to the market, noting April with the Open Farms Event, and Xmas with the mini-music concert which showed the highest number of visitors at the market for more than 3 years.

Funds distribution

- All profit from the market is used on our Emergency Relief (ER) services and programs.
- For 2019, we over-spent \$40,500 on ER material items to clients from our DSS funding. 100% of the Market income supported this over-spend; which was delivered to our service areas of Nillumbik and Banyule.

Challenges

- Stallholder and visitor numbers need to grow for the market to be sustainable. This clearly needs to have other events operated with the market to be successful. This is the aim for 2020 and will require a substantial amount of energy.



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Strengthening our Community



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25 August 2021

Hurstbridge Farmers Market Update Report to Nillumbik Council

Summary

DVCS has managed the Hurstbridge Market (previously called Hurstbridge Farmers Market) since late 2018. The market has grown significantly since we started operating the market. In 2020 we made some further changes to the location of the market and to the types of products that could sell at the market in an endeavour to grow it further to a sustainable level, which despite our initial improvements, had not gone to the level we hoped. Our update report on the status of the market is below.

As part of our strategy review, we have identified the need to put community engagement front and centre for the values of the market (although community has always been our focus) and believe a change of location, which is closer to the main road, and directly works with a community group, sets a statement that we wanted to reset the market and make it successful for years to come. This seems to have been successful since partnering with Hurstbridge Primary School to relocate the market to the school grounds.

The market continues to operate one day per month on the first Sunday as it has only from a different location.

One further change made allows stallholders selling other items other than just makers and growers, effectively opening the market up to all stallholder types. This is managed with a strict product approval process, to accommodate a good variety, with high quality items; so, no \$2 shop items etc.

We have seen all our markets as important to recovery from the Covid crisis, providing opportunities for local small business to participate and for the community to be able to start and get back to a "new" normal. DVCS strongly believes that community engagement is more critical now, as we recover from the crisis, and we are actively enabling that to happen. From a social enterprise point of view, we see this as a fantastic mechanism to engage community, with a whole community participation approach in a safe, outdoor environment. 100% of our profit from social enterprise go back into our community programs.

Our targets to measure success with the most recent changes were 1. Generally good public feedback, 2. On average 50 stallholders regularly per market, and 3. Engagement from other community groups including, but not only, the school through operating stalls, promotional activities, and information or display activities.

Stallholders and Visitors

Unfortunately, like most of the state we have been seriously affected by the Covid crisis. Stallholder and visitor numbers have varied drastically through the year dependent on the latest restrictions, with the market closed for many months throughout the past year.

Stallholder numbers when located at Fergusons Paddock averaged between 25-35 stalls on any given month. When we commenced managing the market in late 2018 it was at 13 stalls. Stallholder numbers were previously counted by the CFA who have not attended the market since Covid shutdowns occurred. When located at the paddock, we averaged 500-700 visitors per market, with the largest events being 900+ at a Xmas market with mini music festival and 1300 at an open farm's day.

In May of this year for a regular market (we had no events or no special promotions) we paid staff to count visitors and obtained 970 visitors and had 40 stallholders. We had a maximum of 72 stallholders for our Xmas market in 2020 (the largest since records provided to us) and a low of 22 stallholders coming out of a lockdown.

We now have monthly targets in which for 8 months of the year (the dry months) we target 50 stalls and for the wet months (4 months of the year) we target 25 stalls. Currently we are obtaining close to our targets monthly.

Growth and Trends

Since moving to the new location of the Hurstbridge Primary school, we have received good feedback from all stallholders; stating 'that the move has been successful, and we are more visible to passing traffic'. We have (and continue) to look for more stallholders and promote the market to visitors to achieve a regular target of 50 stallholder and 900+ visitors at all markets. This effectively doubles the success of the market compared to prior to the move.

We have also started a young entrepreneur's market, which has not yet had any stallholders, however Covid has significantly impacted that program. We are offering this at our Macleod Market (located at Macleod College) and Hurstbridge Market and do have young people booked in for Sept and Oct markets.

Our youth music event that was funded via a grant has been postponed on several occasions and is scheduled for Nov 2021. This will showcase youth talent within the local area.

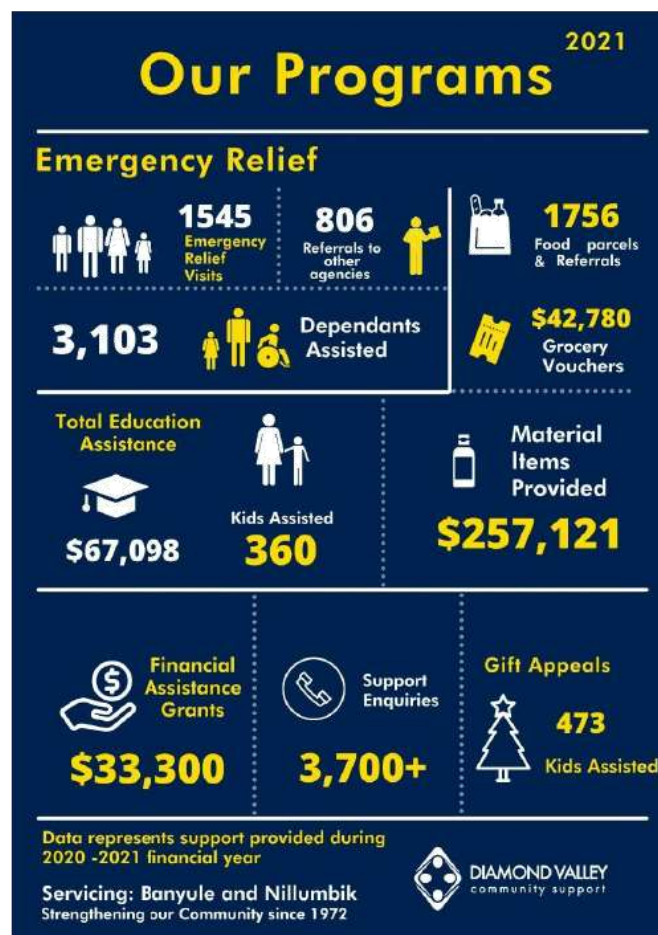
Income and Expenditure

If we achieve our targets with stallholders' numbers, then we are looking at a \$1500 profit per market after staff have been paid.

For the previous financial year, noting the market was only closed for 3 months of that financial year, generated a profit of \$19,500 which included the final service agreement payment from Nillumbik of \$9,000 and an event grant of \$4,949. This means the market is now profitable in its own right, although significant work still needs to be done for it to be supporting our community programs.

Funds Distribution

The impact DVCS has provided to the local community of Nillumbik and Banyule has been substantial with the Covid crisis, and as all our social enterprises have remained profitable despite shutdowns, the market has contributed to the following deliverables in our local area



Challenges and Goals

Covid restrictions have been the main challenge, and we continue to manage that well under guidelines provided. We have built a following of stallholders who are happy with how we manage our markets and come to any markets we operate, giving us a good reliable core group.

We hoped to engage with the local community more, and the possibilities of this are limited through restrictions or organizations remaining closed after restrictions. We have already conducted fundraisers with the school and installed a community food pantry at Hurstbridge Hub to support food security in the local area. We have also had some community groups including Lions Club and Nillumbik Council attending the market for their promotional/fundraising purposes.

Moving Forward

The Hurstbridge Primary School has reconfirmed we can continue with using their location, the stallholders are happy, we have seen a further increase in visitors and stallholders. Most visitors' cars are using the school carpark, as we had hoped; as market visitors are a transient crowd, the increase in numbers is not affecting car parking within the street.

For the above reasons we will be able to continue operating the Hurstbridge Market in its present form with no further financial supports from council, hopefully for a long time to come.

We have now branded our markets (of which we have 5) as DVCS Markets, the flyer is attached and the website for all markets is located at www.dvcsmarkets.com.au.



Gavin Watson
Executive Officer

Diamond Valley Community Support Inc.

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Strengthening our Community
Since 1972

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2021-2022 MID-YEAR (JANUARY 2022) LOCAL GOVERNMENT PERFORMANCE REPORTING FRAMEWORK (LGPRF) PERFORMANCE SUMMARY: NILLUMBIK SHIRE COUNCIL

* as defined by the LGPRF guidelines set by the Victorian Government

SERVICE AREA	INDICATOR	MEASURE DESCRIPTION	EXPECTED RANGE*	July 2019	January 2020	July 2020	January 2021	July 2021	January 2022	SIMILAR COUNCILS	NILLUMBIK WITHIN EXPECTED RANGE*	MID-YEAR COMMENTARY
Animal Management	Timeliness	Time taken to action animal management requests	1 to 10 days	1 day	1 day	1 day	1 day	1 day	2.01 days	2.64 days	✓	The majority of requests, including dog attacks and collection of wandering dogs, are actioned within one hour of receiving the request. Other requests, including nuisance barking dogs, are responded to within one business day.
	Service standard	Animals reclaimed from council	30% to 90%	92.35%	87.90%	93.00%	81.60%	82.43%	92.30%	49.76%	✓	While there has been a moderate decrease in animals reclaimed, there has been a bigger increase in dogs being rehomed. 92.3% of impounded dogs are returned or rehomed.
	Service cost	Cost of animal management service per population (NEW)	\$10 to \$70	NA	NA	NA	NA	\$11.33	\$11.33	\$7.97	✓	The animal management service has seen a moderate increase in costs. This is reflective of a fully staffed team and an increase in some costs such as access to mobile technologies required as a result of COVID-19. The service currently costs considerably less than income received through registrations and pound income.
	Health and Safety	Animal management prosecutions	50-100%	100%	0%	100%	100%	100%	0%	98.15%	N/A	There were no prosecutions in the July-December 2021 period.
Aquatic Facilities	Service standard	Health inspections of aquatic facilities	1 to 4 inspections	0	0	0	1	2	3	1.64	✓	Microbiological testing was performed in July 2021 for Eitham Leisure Centre (ELC) and October 2021 for Diamond Creek Outdoor Pool (DCOP), with a follow up test in November 2021.
	Service cost	Cost of aquatic facilities per visit	-\$3 to \$10	\$1.42	(\$0.60)	\$0.08	\$1.04	(\$3.11)	DCOP (\$8.60) ELC (\$20.90)	\$7.91	✗	High cost and negative result due to COVID-19 related closures leading to lack of participation and income.
	Utilisation	Number of visits to aquatic facilities per head of municipal population	1 to 10 visits	2.21 visits	5.9 visits	8.90 visits	1.1 visits	4.1 visits	DCOP - 0.08 visits ELC - 0.37 visits	1.59 visits	✓	Visits were significantly down on the previous years due to ongoing COVID-19 related closures. As a result, revenue received was significantly down on the previous year also, hence the negative result.
Food Safety	Timeliness	Time taken to action food complaints	1 to 10 days	2.13 days	1.88 days	1.88 days	1.47 days	1.47 days	1.7 days	1.79 days	✓	A slight increase in the number of days to action food complaints, however still comparable to similar councils.
	Service standard	Percentage of required food safety assessments undertaken	50% to 100%	100.00%	102.00%	100.00%	98.79%	98.41%	98.82%	91.50%	✓	253 premises of our 256 registered Class 1 and 2 premises received an annual inspection in the 2021 reporting period. Three premises did not receive an assessment as they were not operating as a result of the impact of COVID-19.
	Service cost	Cost of food safety service per premises	\$300 to \$1,200	\$469.43	\$469.43	\$524.40	\$524.40	\$484.22	\$484.22	\$417.00	✓	The cost of service per premises decreased slightly 2021, mostly due to staff vacancy.
	Health and Safety	Percentage of critical and major non-compliance outcome notifications followed up by council	60% to 100%	94.12%	98.70%	98.68%	90.63%	90.63%	94.40%	75.41%	✓	All except two major non-compliant results were followed up in 2021. The measure can vary depending on timing of the report and follow up at the beginning and end of the calendar year. COVID-19 has also contributed due to reduced operating hours of premises.

SERVICE AREA	INDICATOR	MEASURE DESCRIPTION	EXPECTED RANGE*	July 2019	January 2020	July 2020	January 2021	July 2021	January 2022	SIMILAR COUNCILS	NILLUMBIK WITHIN EXPECTED RANGE*	MID-YEAR COMMENTARY
Governance	Transparency	Council decisions made at meetings closed to the public	0% to 30%	13.92%	16.35%	16.82%	11.03%	6.69%	2.80%	8.37%	✓	Council made 143 resolutions at 12 Council and Delegated Committee meetings, of which 4 were made in a meeting closed to the public under section 66(2) of the <i>Local Government Act 2020</i> . As required by the Act, the reasons why a meeting was closed to the public are recorded in the public version of the minutes. The significant drop in percentage of confidential items is attributed to tenders now being resolved in open meetings.
	Consultation and Engagement	Community satisfaction with community consultation and engagement	40 to 70 out of 100	63.5/100	63.5/100	67.7/100	63.5/100	61.4/100	61.4/100	57.6/100	✓	Satisfaction with Council's community consultation and engagement decreased in 2020-2021 (down 6.3 percent compared to the previous year).
	Attendance	Councillor attendance at council meetings	80% to 100%	99.16%	100.00%	100.00%	100.00%	96.10%	100.00%	95.58%	✓	Council held 6 Council meetings and one Extraordinary Council meeting for the first half of 2021-2022. Nil absences were recorded.
	Service cost	Cost of elected representation	\$30,000 to \$80,000	\$43,461.99	\$21,600.00	\$42,170.00	\$18,332.29	\$40,330.86	\$22,974.43	\$89,980.91	✓	The cost of governance includes mandatory Councillor training as prescribed in the <i>Local Government Act 2020</i> , conference and seminar costs, travel, mobile, internet, Councillor allowances and other miscellaneous expenditure.
	Satisfaction	Community satisfaction with council decisions	40 to 70 out of 100	64.5/100	64.5/100	66.7/100	64.5/100	63/100	63/100	59.2/100	✓	Satisfaction with Council decisions decreased by 3.7 percent in 2020-2021 compared to the previous year. This is the first decrease since 2016-2017.
Libraries	Utilisation	Physical library collection usage	1 to 9 items	11.3 items	2.69 items	7.76 items	1.35 items	4.26 items	1.15 items	3.67 items	✓	The number of physical library loans continues to be impacted by the COVID-19 pandemic and related lockdown measures. Numbers are expected to improve once the pandemic conditions have normalised.
	Resource standard	Proportion of library resources less than 5 years old	40% to 90%	89.57%	89.70%	87.27%	87.01%	85.02%	42.31%	76.76%	✓	Collection purchases are still being impacted by supply chain and publisher output as a result of the COVID-19 pandemic. Yarra Plenty Regional Library service continues its usual collection development pattern.
	Participation	Active library members in municipality	10% to 40%	30.17%	17.65%	28.19%	17.08%	27.03%	7.39%	11.75%	✓	The active borrower figure has continued to be impacted due to significant changes in community activity due to the COVID-19 pandemic (termed shadow lockdown). Please note that this does not include the borrowers actively borrowing eCollections which has a higher take up during the pandemic.
	Satisfaction	Participation in 4-week key age and stage visit	90% to 110%	99.28%	103.33%	97.50%	100.75%	93.56%	95.78%	96.12%	✓	In 2020-2021, there was a gap in number of birth notifications received and home visits attended. This was due to documentation of clients attending the centre for their first visit during COVID-19 which enabled Maternal and Child Health to continue face-to-face service in Nillumbik. All birth notifications received did have a home visit to commence engagement with our service.

SERVICE AREA	INDICATOR	MEASURE DESCRIPTION	EXPECTED RANGE*	July 2019	January 2020	July 2020	January 2021	July 2021	January 2022	SIMILAR COUNCILS	NILLUMBIK WITHIN EXPECTED RANGE*	MID-YEAR COMMENTARY
Maternal and Child Health	Service standard	Infant enrolments in the MCH service	90% to 110%	100.00%	102.59%	101.60%	100.75%	94.22%	101.81%	100.21%	✓	The Maternal and Child Health service has increased the number of infants enrolled from birth notifications, potentially demonstrating responsive and timely service delivery to new families with babies.
	Service cost	Cost of the MCH service	\$50 to \$200	\$77.64	\$77.64	\$77.45	\$116.07	\$78.36	\$78.36	\$78.93	✓	Maternal and Child Health costs continue to remain steady.
	Participation	Participation in the MCH service	70% to 100%	79.82%	70.17%	81.95%	70.13%	81.65%	45.94%	71.28%	✓	The Maternal and Child Health service continues to provide a connected and responsive program to families with young children in Nillumbik. Despite COVID-19 restrictions affecting service delivery, this demonstrates strong participation in the service.
	Participation	Participation in the MCH service by Aboriginal children	60% to 100%	69.44%	60.00%	76.32%	76.13%	85.11%	44.44%	77.81%	✓	The overall Maternal and Child Health enrolment of Aboriginal families and young children demonstrates a connection to and linkages with the service in Nillumbik. An increase in the raw numbers of this client group accounts for what otherwise appears to be a significant percentage increase from the previous year. Aboriginal engagement has been a focus throughout COVID-19 due to the increased health risks for this group. Maternal and Child Health has held this focus in mind and actively encouraged participation.
Roads	Satisfaction	Sealed local road requests per 100km of sealed local roads	10 to 120 requests	89.61 requests	6.7 requests	112.61 requests	56 requests	86.24 requests	96 requests	63.8 requests	✓	There are 465km of sealed local roads in the Shire. There were 401 requests received in 2020-2021.
	Condition	Sealed local roads maintained to condition standards	80% to 100%	89.83%	89.83%	94.00%	91.64%	88.07%	88.07%	95.65%	✓	Of the 465km of sealed local roads in the Shire, 390km are maintained within condition standards.
	Service cost	Cost of sealed local road reconstruction per square metre	\$20 to \$200	\$0.00	\$0.00	\$0.00	\$177.90	\$177.89	\$177.89	\$113.88	✓	Costs in 2021 were driven by reconstruction works on failed sections of road with asphalt.
	Service cost	Cost of sealed local road resealing per square metre	\$4 to \$30	\$11.83	\$10.30	\$11.10	\$0.00	\$13.47	\$13.47	\$22.28	✓	Cost includes both spray seals and asphalt resurfacing.
	Satisfaction	Community satisfaction with sealed local roads	50 to 100 out of 100	65/100	65/100	69.9/100	69.9/100	63/100	63/100	60.2/100	✓	Satisfaction with sealed local roads decreased by 6.9 percent in 2020-2021, a reversal in trend following two consecutive increases.
	Timeliness	Time taken to decide planning applications	30 to 110 days	96.5 days	97 days	101 days	91 days	92 days	87 days	94.22 days	✓	Council is committed to increasing decision timeframes. In the first half of 2021-2022, our results improved by 5 days when compared to last year. This was achieved through the Planning Service being significantly transformed into a digital service. This has resulted in greater efficiencies for Council and its customers.

SERVICE AREA	INDICATOR	MEASURE DESCRIPTION	EXPECTED RANGE*	July 2019	January 2020	July 2020	January 2021	July 2021	January 2022	SIMILAR COUNCILS	NILLUMBIK WITHIN EXPECTED RANGE*	MID-YEAR COMMENTARY
Statutory Planning	Service standard	Planning applications decided within required time frames	40% to 100%	68.98%	66.00%	60.49%	57.10%	66.13%	65.01%	66.08%	✓	Our results remain consistent when compared to last year. This was achieved through the Planning Service being significantly transformed into a digital service. This has resulted in greater efficiencies for Council and its customers.
	Service cost	Cost of statutory planning service per planning application	\$500 to \$4,000	\$2,265.07	\$1,073.65	\$2,517.21	\$2,517.21	\$2,885.45	\$2,885.45	\$2,761.61	✓	Overall, the total number of incoming applications and decisions issued increased from the previous financial year, resulting in an increased cost of service.
	Decision making	Council planning decisions upheld at VCAT	30% to 100%	61.54%	71.00%	65.00%	89.00%	75.00%	73.00%	49.46%	✓	A total of 11 decisions were issued sent to the Victorian Civil and Administrative Tribunal (VCAT) for review, with 8 of those upheld.
Waste Collection	Satisfaction	Kerbside bin collection requests per 1,000 households	10 to 300 requests	222.53 requests	91 requests	190 requests	129 requests	207.08 requests	79 requests	202.3 requests	✓	The increase relates to a higher than anticipated number of requests for new bin options offered from 1 July 2020. The new bin options included a 240 litre green waste bin, a 140 litre landfill bin and a weekly landfill collection. In addition, promotion of bin options led to increased requests for existing services such as downsizing to smaller bins.
	Service standard	Kerbside collection bins missed per 10,000 households	1 to 20 bins	11.75 bins	12.26 bins	13.32 bins	8.24 bins	7.37 bins	6.97 bins	8.49 bins	✓	The number of missed bins reported has decreased significantly. Working with a new service provider and new management systems has significantly reduced the number of missed bins.
	Service cost	Cost of kerbside garbage bin collection service per bin	\$40 to \$150	\$73.17	\$38.64	\$79.68	\$38.25	\$76.31	\$46.02	\$105.79	✓	The number of bins provided to residents (particularly additional bins) has increased and the cost to provide the service has remained approximately the same, resulting in an overall decrease in service costs.
	Service cost	Cost of kerbside recyclables collection service per bin	\$10 to \$80	\$56.04	\$20.02	\$63.09	\$52.81	\$98.48	\$51.18	\$60.33	✓	The cost of providing the recyclables collection service increased due to increased cost for processing kerbside recyclables and charges for increased contamination of the recycling waste stream.
	Waste diversion	Kerbside collection waste diverted from landfill	20% to 60%	59.06%	53.00%	59.60%	75.00%	72.80%	75.00%	48.91%	✓	Nillumbik residents diverted 18,083 tonnes of kerbside waste from landfill during 2020-2021. The increase in diversion is due to an increase of 2,766 tonnes of green waste and the normalisation of recycling processing. The significant increase in green waste is due to a combination of factors including wetter weather caused by the La Nina weather system, COVID-19 lockdown increasing gardening behaviour and the provision of 240 litre green bins to residents. Nillumbik continues to be well above the State diversion targets.

Financial Report

31 December 2021



Financial Report - 31 December 2021

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Financial Report - 31 December 2021

Income Statement

For the financial year to date 31 December 2021

	YTD Budget	YTD Actuals & Comm	YTD Variance Fav / (Unfav)		Annual Budget	YTD Actuals & Comm
	\$	\$	\$	%	\$	\$
Income						
Rates	58,693,215	58,956,594	263,379	0.45	59,233,714	58,956,594
Waste management charge	10,719,059	10,783,319	64,260	0.60	10,719,059	10,783,319
Government grants-recurrent	2,713,976	2,871,062	157,086	5.79	5,708,605	2,871,062
Government grants-non-recurrent	14,540,813	15,948,769	1,407,956	9.68	20,624,043	15,948,769
User charges	6,816,709	2,851,693	(3,965,016)	(58.17)	16,504,466	2,851,693
Statutory fees and fines	955,932	910,735	(45,197)	(4.73)	1,916,240	910,735
Reimbursements	62,771	91,023	28,252	45.01	182,771	91,023
Interest income	135,498	42,368	(93,130)	(68.73)	271,000	42,368
Capital contributions	31,649	147,110	115,461	364.82	934,777	147,110
Other revenue-recurrent	347,046	383,921	36,875	10.63	682,425	383,921
Other revenue-non-recurrent	-	2,554	2,554	100.00	-	2,554
Contributions	104,998	1,468,177	1,363,179	1,298.29	118,500	1,468,177
Total income	95,121,666	94,457,325	(664,341)	(0.70)	116,895,600	94,457,325
Expenses						
Employee benefits	18,633,026	18,454,334	178,692	0.96	37,377,455	18,454,334
External contracts	13,239,039	10,232,985	3,006,054	22.71	21,706,142	10,232,985
Materials and related costs	10,080,121	10,747,503	(667,382)	(6.62)	16,170,415	10,747,503
Other expenditure	3,997,470	4,136,207	(138,737)	(3.47)	7,220,777	4,136,207
Interest expenditure	272,916	273,507	(591)	(0.22)	582,828	273,507
Financial year projects allocation	1,281,585	1,914,130	(632,545)	(49.36)	2,259,352	1,914,130
Total expenses	47,504,157	45,758,666	1,745,491	3.67	85,316,969	45,758,666
Earnings before Depreciation	47,617,509	48,698,659	1,081,150	2.27	31,578,631	48,698,659
Depreciation	6,249,000	6,249,000	-	-	12,498,000	6,249,000
Net Surplus	41,368,509	42,449,659	1,081,150	2.61	19,080,631	42,449,659

Financial Report - 31 December 2021

Balance Sheet

For the financial year to date 31 December 2021

	31-Dec-21	30-Jun-21
	\$	\$
ASSETS		
Current assets		
Cash assets	37,107,662	22,153,000
Other Financial Assets	-	26,325,000
Receivables	47,244,436	11,704,000
Accrued income	406,308	530,000
Prepayments	209,522	1,338,000
Land held for resale	3,080,000	3,080,000
Inventories	16,402	18,000
Total current assets	88,064,330	65,148,000
Non-current assets		
Investments in associates	1,671,148	1,671,000
Other Financial Assets	5,000	5,000
Property, infrastructure, plant & equipment		
At cost	1,179,022,779	1,183,713,000
Accumulated depreciation	(250,187,943)	(243,939,000)
Work in progress	42,349,067	24,432,000
Right of use assets	879,958	881,000
Total non-current assets	973,740,009	966,763,000
TOTAL ASSETS	1,061,804,339	1,031,911,000
LIABILITIES		
Current liabilities		
Creditors	5,346,965	4,644,000
Trust funds	1,607,484	1,994,000
Prepaid income	-	45,000
Unearned Income	-	14,775,000
Accrued expenses	1,001,165	4,220,000
Commitments	8,287,488	-
Provisions	7,519,051	13,493,000
Borrowings	2,021,474	4,942,000
Lease liabilities	416,676	417,000
Total current liabilities	26,200,303	44,530,000
Non-current liabilities		
Provisions	24,077,724	18,305,000
Borrowings	8,444,711	8,445,000
Lease Liabilities	424,457	424,000
Total non-current liabilities	32,946,892	27,174,000
TOTAL LIABILITIES	59,147,195	71,704,000
NET ASSETS	1,002,657,144	960,207,000
Presented by:		
Accumulated surplus	404,442,584	385,669,000
YTD surplus/(deficit)	42,449,659	18,773,000
Asset revaluation reserve	525,784,735	525,785,000
Other reserves	29,980,166	29,980,000
TOTAL EQUITY	1,002,657,144	960,207,000

Financial Report - 31 December 2021

Statement of Cash Flows

For the financial year to date 31 December 2021

	31-Dec-21 YTD \$	30-Jun-21 * \$
Inflows from operating activities		
Rates	34,323,169	68,473,000
Statutory fees & fines	910,735	1,843,000
User charges	2,806,693	10,942,000
Grants	4,044,831	29,113,000
Contributions	1,615,287	2,187,000
Interest	42,368	256,000
Other receipts	477,498	7,368,000
Total inflows from operating activities	44,220,581	120,182,000
Outflows from operating activities		
Payments to suppliers	(18,266,023)	(46,414,000)
Payments to employees	(18,454,334)	(36,290,000)
Trust	(386,516)	(171,000)
Other payments	(2,064,483)	(7,808,000)
Total outflows from operating activities	(39,171,356)	(90,683,000)
Movement in operating activities	5,049,225	29,499,000
Inflows from investing activities		
Proceeds from sale of assets	4,690,795	121,000
Proceeds from investments	26,325,000	-
Outflows from investing activities		
Payments for property, infrastructure, P&E	(17,916,168)	(34,984,000)
Payments for investments	-	(17,325,000)
Movement in investing activities	13,099,627	(52,188,000)
Inflows from financing activities		
Proceeds from borrowings	-	3,303,000
Outflows from financing activities		
Repayment of borrowings	(2,920,816)	(692,000)
Borrowing costs	(273,507)	(601,000)
Interest paid - lease liability	-	(21,000)
Repayment of lease liabilities	133	(492,000)
Movement in financing activities	(3,194,190)	1,497,000
TOTAL CASH MOVEMENT FOR PERIOD	14,954,662	(21,192,000)
Opening bank balance	22,153,000	43,345,000
Net increase/(decrease) in cash and cash equivalents	14,954,662	(21,192,000)
CLOSING BANK BALANCE	37,107,662	22,153,000

*Comparative reflective of annual report which has been rounded to the nearest thousand

Financial Report - 31 December 2021

1. Income Statement Variance Analysis

a. Operating Income year to date

	YTD Budget	YTD Actuals & Comm	YTD Variance Fav / (Unfav)		Annual Budget	YTD Actuals & Comm
	\$	\$	\$	%	\$	\$
Income						
Rates	58,693,215	58,956,594	263,379	0.45	59,233,714	58,956,594
Waste management charge	10,719,059	10,783,319	64,260	0.60	10,719,059	10,783,319
Government grants-recurrent	2,713,976	2,871,062	157,086	5.79	5,708,605	2,871,062
Government grants-non-recurrent	14,540,813	15,948,769	1,407,956	9.68	20,624,043	15,948,769
User charges	6,816,709	2,851,693	(3,965,016)	(58.17)	16,504,466	2,851,693
Statutory fees and fines	955,932	910,735	(45,197)	(4.73)	1,916,240	910,735
Reimbursements	62,771	91,023	28,252	45.01	182,771	91,023
Interest income	135,498	42,368	(93,130)	(68.73)	271,000	42,368
Capital contributions	31,649	147,110	115,461	364.82	934,777	147,110
Other revenue-recurrent	347,046	383,921	36,875	10.63	682,425	383,921
Other revenue-non-recurrent	-	2,554	2,554	100.00	-	2,554
Contributions	104,998	1,468,177	1,363,179	1,298.29	118,500	1,468,177
Total Operating Income	95,121,666	94,457,325	(664,341)	(0.70)	116,895,600	94,457,325

Significant variance commentary (variances over \$20,000):

Rates and Waste Management Charge \$327,639.

- Additional rateable properties processed throughout the financial year.

Recurrent Government Grants \$157,086.

- Additional funding received from:
 - Department of Education and Training for Eltham and Panton Hill Childcare centres childcare fee rebates \$58,136
 - Department of Health (Vic) for maternal and child health 'key ages and stages' program \$26,033
 - Department of Transport for school crossing supervision \$22,773

Non-Recurrent Government Grants \$1,407,956.

- New funding received from:
 - Department of Transport for:
 - North East Link tree planting \$87,010
 - L2P learner driver program \$50,092
 - Department of Environment, Land, Water and Planning for:
 - Household recycling plan \$69,985
 - Landcare facilitator \$57,985
 - Environmental volunteer program support \$30,000
 - Peri-urban weed management partnership \$30,000
 - Department of Jobs, Precincts and Regions for:
 - Outdoor activation \$300,000
 - Outdoor precincts \$275,000
 - Coventry Oval lighting upgrade \$135,000
 - Department of Families, Fairness and Housing for establishment of a carers support hub \$115,500
 - Department of Health (Vic) for COVID vaccination community engagement \$20,000
 - Department of Treasury and Finance for a better business approvals project \$115,200
 - Foundation for Rural and Regional Renewal for Place Shapers program \$20,000
 - Manningham City Council for emergency management officer \$80,000.

User Charges (\$3,965,016).

- Loss of income for facilities is being driven by closure of all facilities during lockdown periods
 - Leisure facilities (\$3,655,352). This is offset by a \$3,666,927 reduction in contract expenditure.
 - Recycling and Recovery Centre gate fees (\$123,958)
 - Edendale Farm - school program, venue hire and environmental product sales (\$72,732)
 - Eltham Community Reception Centre (\$45,349)
 - Cancellation of Living and Learning face-to-face programs (\$42,074).
- Reduced number of impoundments at the animal pound (\$29,268).
- Increased asset protection fee income \$22,008.

Financial Report - 31 December 2021

Significant variance commentary (continued):

Statutory Fees and Fines (\$45,197).

- No enforcement of time-based parking infringements during lockdown periods (\$130,907).
- Building permit applications have decreased significantly (\$77,639).
- Planning and subdivision applications have been much higher than anticipated \$166,198.

Interest Income (\$93,130).

- Interest on investments reduced due to interest rates remaining at very low levels (\$93,130).

Capital Contributions \$115,461.

- Diamond Valley Library upgrade contribution received \$95,000.

Contributions \$1,363,179.

- Developer contributions received for Open Space and DPO4 area open space \$1,367,973.

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b. Operating Expenditure year to date

	YTD Budget	YTD Actuals & Comm	YTD Variance Fav / (Unfav)		Annual Budget	YTD Actuals & Comm
	\$	\$	\$	%	\$	\$
Expenditure						
Employee benefits	18,633,026	18,454,334	178,692	0.96	37,377,455	18,454,334
External contracts	13,239,039	10,232,985	3,006,054	22.71	21,706,142	10,232,985
Materials and related costs	10,080,121	10,747,503	(667,382)	(6.62)	16,170,415	10,747,503
Bad and doubtful debts	-	-	-	-	-	-
Other expenditure	3,997,470	4,136,207	(138,737)	(3.47)	7,220,777	4,136,207
Interest expenditure	272,916	273,507	(591)	(0.22)	582,828	273,507
Financial year projects allocation	1,281,585	1,914,130	(632,545)	(49.36)	2,259,352	1,914,130
Total operating expenditure	47,504,157	45,758,666	1,745,491	3.67	85,316,969	45,758,666

Significant variance commentary (variances over \$20,000):

Employee Benefits \$178,692.

- Year to date variances mainly resulting from position vacancies.

External Contracts \$3,006,054.

- Closure of all leisure facilities due to COVID-19 has significantly lowered operational expenditure \$3,639,266.
- Agency and temporary staff have been engaged to backfill vacant roles (\$313,371).
- External consultants engaged to provide specialised services (\$191,078).
- Plenty Tip leachate disposal required following heavy spring rainfall (\$45,620).
- Fire mitigation works including hazardous trees and reserves maintenance (\$39,138).
- Cleaning of Operations Centre increased to allow for COVID safe operations (\$32,362).

Materials & Related Costs (\$667,382).

- Contractors engaged for:
 - Provision of reach arm and amenity mowing services (\$201,336)
 - Maintenance and beautification of high use sites throughout the Shire (\$60,420)
 - Parking pilot study (\$45,500)
 - Provision of building maintenance services (\$20,233).
- Cleaning and maintenance of synthetic and turf wickets in preparation for summer use (\$53,507).
- Materials required to maintain sportsgrounds within the Shire (\$34,067).
- Insurance policy premiums higher than budgeted due to insurance market conditions (\$32,689).
- VicRoads contracted works for landscaping, offset by income received (\$31,880).
- Delayed delivery of new grader has necessitated the external hiring of plant (\$28,933).
- Vandalism in parks and open spaces has been greater than anticipated (\$26,117).

Other Expenditure (\$138,737).

- Unbudgeted expenses incurred during the pandemic to ensure the organisation is operating in a COVID safe manner (\$47,801).
- Professional services engaged for Statutory Planning VCAT hearing representation (\$38,540).
- Lease costs for parking over-stay detection devices (\$24,488).

Financial Year Projects (\$632,545).

- Clean up costs associated with storm events in June and October 2021, classified under financial year projects to isolate costs for potential recovery purposes (\$316,305).
- Grant funding received has resulted in unbudgeted expenditure for:
 - North East Link tree planting (\$88,895)
 - L2P learner driver program (\$35,346)
 - Landcare network facilitator (\$27,730)
 - Business food waste project (\$20,000).

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2. Statement of Capital Works

For the financial year to date 31 December 2021

Asset Class	YTD Budget	YTD Actuals & Comm	YTD Variance Fav / (Unfav)		Annual Budget	YTD Actuals & Comm
	\$	\$	\$	%	\$	\$
Bridges	367,144	367,145	(1)	(0.00)	379,486	367,145
Children's playground equipment	49,473	50,953	(1,480)	(2.99)	131,722	50,953
Commercial centres/major streetscapes	346,647	559,442	(212,795)	(61.39)	396,647	559,442
Disability access works	-	-	-	-	163,549	-
Drainage	508,999	519,463	(10,464)	(2.06)	723,002	519,463
Footpaths	635,398	634,976	422	0.07	2,135,260	634,976
Landfill closure/regional park	218,852	479,259	(260,407)	(118.99)	6,310,000	479,259
Major leisure centres & community halls	6,425,417	6,694,700	(269,283)	(4.19)	6,565,417	6,694,700
Other council buildings	1,881,148	2,078,852	(197,704)	(10.51)	3,277,015	2,078,852
Plant & vehicle replacement	178,167	178,167	0	0.00	1,004,656	178,167
Public open space	1,177,758	1,256,096	(78,338)	(6.65)	2,037,123	1,256,096
Recreation trails	4,831,069	4,835,235	(4,166)	(0.09)	8,638,589	4,835,235
Roads	1,636,494	1,714,710	(78,216)	(4.78)	7,960,201	1,714,710
Special charge schemes	-	316,731	(316,731)	(100.00)	25,170	316,731
Sportsfields & pavilions	3,997,597	4,054,390	(56,793)	(1.42)	11,452,737	4,054,390
Traffic works	85,637	85,637	0	0.00	483,583	85,637
Various/miscellaneous capital	742,331	813,354	(71,023)	(9.57)	949,364	813,354
Total	23,082,131	24,639,109	(1,556,978)	(6.75)	52,633,521	24,639,109
Renewal	3,335,013	3,341,906	(6,893)	(0.21)	7,479,069	3,341,906
New	6,932,768	6,987,803	(55,035)	(0.79)	15,302,864	6,987,803
Upgrade	12,759,976	14,170,947	(1,410,971)	(11.06)	27,769,050	14,170,947
Expansion	54,374	138,452	(84,078)	(154.63)	2,082,538	138,452
Total	23,082,131	24,639,108	(1,556,977)	(6.75)	52,633,521	24,639,108

Commentary:

The 2021-22 annual capital works program is underway and is tracking well, with a total spend variance of 6.75% percent ahead of budget. This remains within annual budget projections. The variance is predominately attributable to:

Additional expenditure:

- De Fredericks Road Special Charge Scheme was declared by Council earlier in the year and works have commenced. Residents will be charged for the works.
- Plenty Landfill commitments for compliance works to meet final sign off requirements.
- Diamond Valley Sports and Fitness Centre required additional work to comply with building surveyance and fire protection regulations.
- Diamond Valley Library upgrade scope of works expanded to included upgrade of heating and cooling systems.
- Research carpark upgrade now complete after additional works were required.
- Townships and streetscapes due to additional design costs and permit fees from regulatory agencies.

The overall financial position of the capital works portfolio spend continues to be closely monitored.

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3. Treasury

a. Loans

Financial Institution	Start date	Term (years)	End date	Principal \$	Interest Rate %	Current Balance \$
ANZ	29/06/2012	10	29/06/2022	1,000,000	5.52%	64,089
CBA	30/06/2015	6	30/06/2022	1,480,000	0.84%	1,480,000
CBA	28/06/2013	10	28/06/2023	400,000	5.86%	75,820
NAB	28/06/2007	20	28/06/2027	2,200,000	6.96%	903,593
NAB	27/06/2008	20	27/06/2028	3,647,000	7.87%	1,819,229
NAB	10/06/2011	20	10/06/2031	2,120,000	7.91%	1,406,787
NAB	21/06/2021	10	20/06/2031	3,303,000	2.03%	3,137,850
ANZ	29/06/2012	20	29/06/2032	2,373,000	5.88%	1,578,817
Total						10,466,185

b. Investment activities

Council carries out investment activities according to Section 143 of the Victorian Local Government Act 1989. All Council funds are invested with Authorised Deposit Taking Institutions (ADI's), in either cash, at call or term deposits. The following tables provide our investment portfolio by maturity and rating type.

Financial Institution	Green Investment	S & P Rating	Investment Type	Principal \$	Maturity Date	Term (days)	Interest Rate %
Macquarie		A1	11:00am	10,115,057			0.40%
BOQ		A2	Term Deposit	2,500,000	1/02/2022	119	0.25%
AMP		A2	Term Deposit	800,000	7/02/2022	124	0.50%
NAB		A1+	Term Deposit	4,200,000	28/02/2022	91	0.34%
NAB		A1+	Term Deposit	7,000,000	7/03/2022	90	0.40%
Bendigo	Yes	A2	Term Deposit	1,000,000	15/06/2022	180	0.40%
AMP		A2	Term Deposit	3,000,000	29/06/2022	210	0.85%
AMP		A2	Term Deposit	5,000,000	6/07/2022	273	0.75%
Total				33,615,057		Weighted average	0.48%

Financial Institution Rating	Investment	Portfolio
A1+	11,200,000	33.32%
A1	10,115,057	30.09%
A2	12,300,000	36.59%
Total	33,615,057	100%

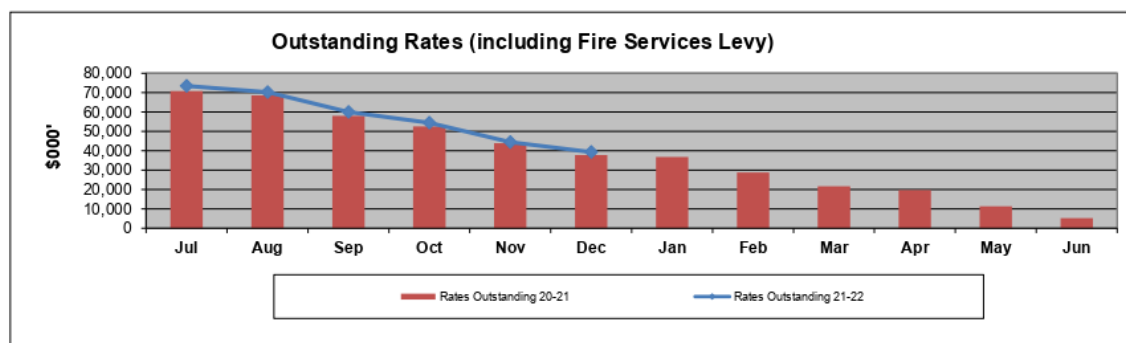
Council's current average rate of return on investments for the 2021-22 financial year is 0.48 percent and is compliant with Council's investment policy.

The portion of investment portfolio currently invested with green institutions is 2.97 percent.

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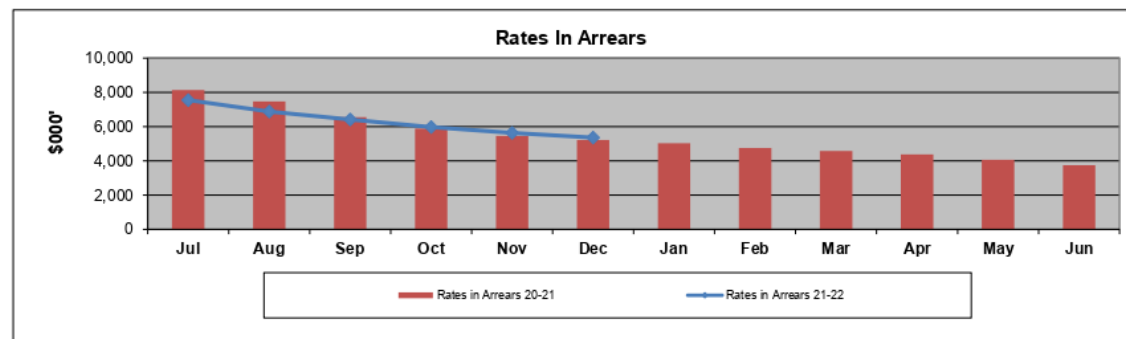
4. Rates Analysis

	YTD Actual 31-Dec-20 \$000'	YTD Actual 31-Dec-21 \$000'	Variance \$000'	Variance %
Rates Outstanding	37,794	39,315	(1,521)	(4.02)
Rates in Arrears (prior years)	5,216	5,357	(141)	(2.70)



As at 31 December 2021 the year to date actual Fire Service Levy charges outstanding are \$2,752,054; the outstanding rates balance is \$36,563,131.

When Council adopts the budget, rates are levied on properties and the full amount due is treated as income at that point.



Supplementary Valuations

Between the annual revaluation cycle, supplementary valuations are conducted to:

- record changes made to properties that affect property value,
- record changes to the rateability status, and
- consider any planning amendments made within the cycle.

Growth in the number of rateable assessments predominantly occurs as a result of developments within the Shire, creating assessments through subdivision of land and/or buildings.

Rateable properties at 1 July 2021	23,972
2021-22 growth	85
Rateable properties at 31 December 2021	<u>24,057</u>

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5. Grant Activity

The following table provides a summary of grant funding, greater than \$50,000, received for Council activities during the period 1 July 2021 to 30 September 2021.

Project Description	2021-22 Actuals YTD \$	Funding Body
Recurrent		
Maternal & Child Health universal funding	167,985	Department of Education and Training (Vic)
Living & Learning Vocational Education & Training	109,424	Department of Education and Training (Vic)
Best Start	62,760	Department of Education and Training (Vic)
Eltham Childcare rebates	77,436	Department of Education, Skills and Employment (Cwlth)
Panton Hill Childcare rebates	66,786	Department of Education, Skills and Employment (Cwlth)
Grants Commission - roads	325,504	Department of Environment, Land, Water and Planning
Grants Commission - general purpose	539,742	Department of Environment, Land, Water and Planning
Aged Care Regional Assessment Service funding	92,066	Department of Health (Vic)
Home & Community Care - transport	51,030	Department of Health (Vic)
Grow Communities Thriving Children	89,632	Department of Health (Vic)
School Crossing Supervision	294,618	Department of Transport
Total Recurrent	1,876,983	
Non-Recurrent		
Council Plan / Grant Funded Initiatives		
Household recycling plan	69,985	Department of Environment, Land, Water and Planning
Landcare facilitator 2021-24	57,985	Department of Environment, Land, Water and Planning
Carers support hub	115,500	Department of Families, Fairness and Housing
Outdoor activation	300,000	Department of Jobs, Precincts and Regions
Outdoor precincts	275,000	Department of Jobs, Precincts and Regions
Learner Driver Mentor Program	50,092	Department of Transport
North East Link tree planting	87,010	Department of Transport
Better business approvals	115,200	Department of Treasury and Finance
Emergency Management Officer	80,000	Manningham City Council
Capital Works		
Roads to recovery	295,000	Department of Infrastructure, Transport, Regional Development and Communications
Coventry Oval lighting upgrade	135,000	Department of Jobs, Precincts and Regions
Total Non-Recurrent	1,580,772	

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6. Defined Benefit Superannuation Update

Council has an obligation to contribute to any funding shortfalls within the Local Authorities Superannuation Fund (LASF) Defined Benefit Plan.

The Australian Prudential Regulation Authority (APRA) standard SPS160 uses the Vested Benefits Index (VBI) as its primary measure of fund solvency. The VBI measures the market value of assets in a defined benefit portfolio against the benefits that members would have been entitled to if they had all resigned on the same day.

The independent Actuary to the fund calculates the VBI at 30 June each year. It is necessary for the VBI to be 100% or greater at 30 June each year.

Vision Super produces interim quarterly VBI estimates based on actual quarterly assets and membership.

The recent history of the LASF VBI is shown below:

Estimated Vested Benefit Index

Year	30 Sept (estimated) %	31 Dec (actual) %	31 Mar (actual) %	30 Jun (actual) %
2021/22	109.90	**		
2020/21	104.50	109.60	111.50	109.70
2019/20	107.30	107.70	102.10	104.60
2018/19	106.90	101.90	105.40	107.10

** The 31 December 2021 estimated figure is not yet available from Vision Super.

To enable Council to monitor this risk, reliance is placed on the actuarial reviews conducted on the fund on a periodic basis. The most recent actuarial review was completed at 30 June 2021 and the fund actuary found that the LASF Defined Benefit Plan was in a satisfactory financial position.

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Council Plan 2021-2025 – Year 1 Action Plan (FY 2021-2022); Quarter 2, 2021-2022 Update

Theme	Action	Responsibility	Q2 - Action Progress Commentary	Status
Community and connection - to encourage inclusion and participation to support health and wellbeing and ensure that all our residents have equitable access to services, programs, events and initiatives				
Equity & Inclusion	We actively work towards reconciliation and the process of healing with the Wurundjeri Woi Wurrung people and recognise them as the Traditional Owners of the land and waterways of Nillumbik			
	Continue to work towards reconciliation with the Wurundjeri and other First Nations communities	Executive Manager Communities	Recruitment is underway for an Aboriginal Partnerships Officer (supported by Indigenous Employment Partners). This position will oversee the development of Council's Reconciliation Action Plan. Monthly cultural consultations with Wurundjeri Woi-wurrung Cultural Heritage Aboriginal Corporation have been held from October-December seeking Traditional Owner advice and input regarding: Council's Youth Strategy, Climate Action Plan, Kangaroo Ground War Memorial Park, public art and exhibitions and activities related to Montsalvat, environment, Edendale and Nillumbik Reconciliation Group.	ON TRACK
Health & Wellbeing	We address the social, environmental and economic factors of health to improve health and wellbeing outcomes for our communities			
	Implement annual actions in the Nillumbik Health and Wellbeing Plan 2021-2025	Executive Manager Communities	The Nillumbik Health and Wellbeing Plan 2021-2025 was adopted by Council on 26 October 2021. Health and Wellbeing Advisory Committee members and teams across the organisation contributed to the development of the Year 1 Annual Implementation Plan which is now available along with the plan on Council's website. A review of the Health and Wellbeing Advisory Committee Terms of Reference and membership is underway to ensure governance strengthens partnerships and outcomes for health and wellbeing priorities.	ON TRACK
Ages & Stages	We work towards creating an age-friendly community where all people regardless of their age or ability can live a good quality of life			
	Develop and implement a Youth Strategy in partnership with our Youth Council	Executive Manager Communities	Council's leisure services have been focussed on reopening following COVID-19 lockdowns between July and October in 2022. Program highlights in the quarter included: • Healthy Nillumbik continued to connect with Active Movers customers via weekly Zoom virtual morning teas. • Stadium booking numbers returned to pre-lockdown levels with domestic basketball beginning for a short season before the Christmas break. • Stadium user groups from Badminton, Basketball and Table Tennis returned. Returning Health Club and Group Fitness members kept participation numbers high. • Squad groups returned to the water and our Learn to Swim program commenced for 2021-2022 with 45 students. Service highlights in the quarter included: • Eltham Leisure Centre memberships have held steady, with a return rate still sitting at 75% of pre COVID-19 levels. Participation numbers have increased, reflecting that the community feels safe to return. Swimming Lessons have operated at 95% occupancy, as a nation-wide swim instructor shortage started to affect our program. • A new cohort of School Based Trainees was recruited for 2022, with retention of 72% of the 2021 students maintaining employment with Aligned Leisure.	ON TRACK
Place and space - to protect, enhance, maintain, plan and design places and spaces that strengthen identity, reinforce character, improve accessibility, encourage social connection and enjoyment, support biodiversity and respect the environment				
Identity	We celebrate and prioritise the protection of our heritage, arts and culture, places and spaces by focusing on the diversity of experiences that have shaped our shared history			
	Undertake a heritage review of the 'Stage 2' potential heritage sites of significance	Executive Manager Planning and Community Safety	A consultant has been engaged to undertake the review, with project inception taking place in November 2021. Fieldwork has been undertaken throughout December and January, with the preparation of a draft report to be completed in February-March 2022.	ON TRACK
	Develop the Kangaroo Ground War Memorial Park Management Plan	Executive Manager Planning and Community Safety	The Kangaroo Ground War Memorial Park Management Plan was adopted at December 2021 Council Meeting. The plan was adopted subject to final changes, which will be made and the final plan will be made available on the Participate Nillumbik website in early February 2022. A cost plan has been referred for 2022 budget allocation consideration for capital works expenditure.	ON TRACK
	We value, appreciate and enjoy our Green Wedge Shire, including our rural areas and leafy urban areas, which we work hard to protect and enhance			
	Prepare a Municipal Planning Strategy for inclusion into the planning scheme	Executive Manager Planning and Community Safety	Consultation Phase 2 of the Municipal Planning Strategy (MPS) themes undertaken throughout August and September 2021 was extended by 2 weeks into October. Collation and summary of submissions received were distributed to Councillors in December 2021. A briefing and Planning and Consultation Committee paper will be prepared in February 2022 to hear from submitters to the Phase 2 consultation. Phase 2 consultation outcomes will be used to draft a new Municipal Planning Strategy programmed to be brought to the May 2022 Council Meeting for consideration of approval to put out for public consultation.	MINOR ISSUES

Theme	Action	Responsibility	Q2 - Action Progress Commentary	Status
Open Space	We carefully protect, plan, maintain and improve open spaces, streetscapes and places to ensure that they are safe, accessible and enjoyable			ON TRACK
	Determine and action future site planning for the former Plenty CFA site	Director Operations and Infrastructure	The community engagement process was completed in October 2021 and Council considered submissions at the November 2021 Planning and Consultation Committee. After considering submissions, Council resolved to request CFA demolish the former fire station at the November 2021 Council Meeting. Officers formally notified the CFA of Council's decision in late December 2021, requesting the CFA demolish the building, and draft plans for rehabilitation of the land to open space.	
Neighbourhood Character	We respect and enhance the unique neighbourhood character in our communities to ensure a considered approach to planning and development			ON TRACK
	Develop a Neighbourhood Character Strategy	Executive Manager Planning and Community Safety	Given the breadth of work required, the Neighbourhood Character Strategy will be prepared over the 2021-2022 and 2022-2023 financial years with a programmed delivery of May 2023. Procurement and a formal tender process was undertaken in October/November 2021, with a consultant engaged and project programming completed in December 2021. January and February 2022 sees the finalisation of project programming and preparation of background reporting, with a Council briefing on strategy scope, engagement and milestones set for March 2022.	
	Develop the Wattle Glen Public Realm Framework	Executive Manager Planning and Community Safety	A Council briefing on the outcomes of the consultation process was held in October 2021, with the project program extended to accommodate resource availability. Submissions were considered at the November 2021 Planning and Consultation Committee. A draft framework is for community engagement in early-mid 2022, with the final framework scheduled to be adopted at a Council Meeting in mid-late 2022.	MINOR ISSUES
	We promote place making and shaping and advocate for the continuation and enhancement of local character			COMPLETE
Develop a set of guiding principles to facilitate place-making across the Shire	Executive Manager Communities	The Place-making Framework was adopted at the December 2021 Council Meeting. Officers will now implement the relevant priorities and action in the framework, designed to support Council staff, Councillors, community members, traders, stakeholders, contractors and consultants to plan and deliver place-making projects.		
Movement and Place	We work with our community, neighbouring councils and transport and planning agencies to advocate for improved transport solutions			ON TRACK
	Implement a range of traffic and transport initiatives that will promote more sustainable travel while addressing key safety issues in line with the Eltham Major Activity Centre Structure Plan, through the Eltham Urban Congestion Fund Project	Director Operations and Infrastructure	Council triaged the 22 projects that were identified following community consultation into the following phases: • Phase 1: Projects where detailed design is required, Council has full control of the project (no third party approvals) and the individual projects are contiguous in nature). • Phase 2: Projects where detailed design is required; Council has part control of the project; requires Department of Transport approval of major traffic control items; and the individual projects are contiguous in nature as they all involve 'activity centre' upgrades requiring close trader and community engagement and disruption. • Phase 3: Projects where Department of Transport approvals are required, detailed design is required and projects are relatively easy to deliver. • Administrative Phase: Projects that require third party approvals/discussions. In October 2021, detailed design commenced on Phase 1 projects. On 7 October 2021, Council submitted functional layout plans / major traffic control items and speed limit change application for DOT approval (Phase 2 and 3 projects). In October 2021, discussions commenced with VicTrack and St Vincents Health on the planned alignment of Diamond Creek Trail and with VicTrack on the St Laurence Lane carriageway closure.	
Sustainable and resilient - to manage and adapt to changing circumstances that affect our community to ensure it remains sustainable and resilient, both now and into the future				
Climate Action	We work with our community, First Nations People, partners and all levels of government to develop clear and effective initiatives to address climate change			ON TRACK
	Develop and adopt a Climate Action Plan	Director Operations and Infrastructure	The draft Climate Action Plan was presented to Council in September 2021 for endorsement to proceed to community consultation. The draft plan was on public exhibition from 4 October to 7 November 2021. 91 submissions were received (80 via the online Participate Nillumbik survey and 11 freeform submissions); and 15 people participated in four facilitated virtual drop-in sessions which included a session with Nillumbik's Youth Council. These submissions are currently being considered and Council will hear submissions at the February 2022 Planning and Consultation Committee Meeting.	
Sustainability	We favour sustainable and innovative investment; focussing on renewable energy initiatives			ON TRACK
	Progress the solar farm project in Plenty	Director Operations and Infrastructure	Two COVID-Safe, community information sessions were held overlooking the site of the proposed solar farm on 16 and 26 November 2021. The next step is to receive and consider the overall proposal outlining design and approval details in line with the requirements of the early contractor involvement phase, before moving into engineering, procurement and construction management phase.	
Resilience and Recovery	We support individuals, families and the community to be mentally and physically healthy, safe and enabled to participate in relief and recovery processes arising from crisis or emergency			ON TRACK
	Implement the Pandemic Recovery Plan 2021-2022	Executive Manager Communities	Six-weekly COVID-19 Taskforce meetings have been held to support and oversee delivery of the Pandemic Recovery Plan and ensure coordination of Council's response to the ongoing pandemic including vaccination program updates, ongoing strategic alignment and organisational response.	

Theme	Action	Responsibility	Q2 - Action Progress Commentary	Status
Business and Tourism	We support businesses, industries and events, and encourage investment within Nillumbik			ON TRACK
	Implement annual actions in the Economic Development Strategy 2020-2030	Executive Manager Planning and Community Safety	Progress on agreed actions in this quarter included: <ul style="list-style-type: none">• Annual events program delayed due to COVID-19 lockdowns in 2021. Postponed events are being rolled out in February-March 2022.• Participated in Melbourne's North Tourism Campaign generating over 5,000 followers.• Ongoing Shop Local campaign delivered through @visitnillumbik social media channels.• More than 3,000 businesses were contacted across the Shire and provided with general and COVID-19 specific business support.• State Government funding received for 2 COVID-19 support officers.• Three Special Rate Schemes were renewed (Hurstbridge, Eltham and Diamond Creek) for 5 years.• Outdoor activation funding was received (\$575,000) and a project plan created.• Melbourne's North Joblink partnership continued.• Submissions provided for NBN regional funding program.• Submission provided for Federal funding for minor projects - Hurstbridge Cycle Friendly Village and activation of Research Shopping Precinct.	
Responsible and accountable - to facilitate the best possible outcomes for our community, by demonstrating strong leadership and working actively to achieve the community's objectives				
	We continue to exercise sustainable and responsible financial management			ON TRACK
	Report quarterly on the annual budget	Chief Financial Officer	The report outlining Council's financial performance and financial position for the period ended 31 December 2021 is being presented to the February 2022 Council Meeting. The Income Statement shows an overall favourable year to date (YTD) variance of \$1.08 million representing 2.61 percent of YTD Budget. This reflects the combined result of lower than budgeted operating income of \$664,341 and lower than budgeted operating expenses of \$1.745 million. Council's overall financial position at the end of this quarter is sound, however the impacts of the state of emergency due to the coronavirus pandemic continue to be monitored and are adversely impacting the net result.	
Good Governance	We are forward-thinking, data-driven and evidence-led in our decision making, always looking to identify new opportunities			ON TRACK
	Continue the business transformation program encompassing systems, processes and people, to achieve our 'customer first' vision	Executive Manager Business Transformation and Performance	Our business transformation program continues to follow the three pillar approach of 'our people, our processes, our systems'. Key activities for the quarter included: <u>Our people:</u> <ul style="list-style-type: none">• Council's Strategic Workforce Plan 2022-2025, new Employee Code of Conduct and Recruitment and Selection Policy were endorsed by the Executive Management Team in December 2021.• Data from the Gender Equality Audit has been submitted to the Victoria Gender Equality Commission (VGEC) and the Gender Equality Action Plan is in its final draft stage ready for submission to the VGEC.• The Complaint Handling Policy, which will drive future continuous improvement, was endorsed by Council at the December 2021 Council Meeting and is now operational. <ul style="list-style-type: none">• Council continues to achieve excellent results in the CSBA Mystery Shopping Program, with Nillumbik remaining the top ranked local government nationally (of 49 councils) and eighth best ranked organisation overall (out of 198 organisations).• Our Biannual Customer Experience Survey identified an overall satisfaction rating improved compared to the April 2021 survey. In particular, there has been a notable improvement in satisfaction with online transactions. <u>Our processes:</u> <ul style="list-style-type: none">• 55 new processes were mapped in Promapp this quarter, with 1,087 processes mapped overall. A new reporting framework has been established to support the tracking of process views, process reviews and trained staff. <u>Our systems:</u> <ul style="list-style-type: none">• Development of our online booking system is progressing. A workshop with stakeholders was undertaken to gather information for the fees and charges structure to be built for the bookable venues. User Acceptance Testing (UAT) of the venue booking experience has commenced.• Our Asset Management System (AMS) implementation continues. Set-up of Council's centralised asset register and the integration between other internal systems is on schedule. Work for the strategic predicting modelling module with teams developing the cost and level of service modelling scenarios to support the development of Council's Asset Plan is complete.	
	We continue to meet Council's responsibilities for emergency management by working with the community and partner agencies, especially in relation to bushfire			ON TRACK
	Implement the annual actions of the Bushfire Mitigation Strategy 2019-2023 as outlined in the Municipal Fire Management Plan	Executive Manager Governance, Communications and Engagement	All identified actions from the three-year Bushfire Mitigation Action Plan remain on track. Progress has been made to reduce the number and impact of bushfire incidents, including: <ul style="list-style-type: none">• Completed the annual works program that includes roadside slashing and cyclic vegetation management on Council owned land.• Strengthened relationships and governance arrangements with the Municipal Fire Management Planning Committee. Significant progress has also been made in creating a community focussed approach to bushfire including: <ul style="list-style-type: none">• \$250,000 grant received to extend Communities First Program under Safer Together for 2021-2022.• Emergency resilience and recovery video series rolled out to support fire season preparedness campaign (preparing your property for the fire season, environment and fire, making your bushfire plan, triggers to leave a bushfire area, and Communities First program).	
Risk Management	We seek to enhance community safety, public health, amenity and the environment through improved planning and community engagement, prioritising fair and transparent approaches to managing compliance and enforcement			ON TRACK
	Undertake a review of our Local Laws	Executive Manager Planning and Community Safety	A draft General Local Law and a draft Bend of Islands Local Law were subject to public exhibition in November and December. Feedback is currently being compiled and Council will hear submissions on these draft local laws at the Planning and Consultation Committee Meeting in April 2022.	

Theme	Action	Responsibility	Q2 - Action Progress Commentary	Status
Services and Programs	We acknowledge our role in managing the significance of global risks			
	Review Council's strategic risk register periodically by identifying any external risks to the organisation and our community, and report back quarterly	Executive Manager Business Transformation and Performance	The Risk and Safety team has commenced the process to review the current set of strategic risks. Marsh Pty Ltd, the parent body of Council's brokers Jardine Lloyd Thompson Pty Ltd, has been engaged to undertake the review and the workshops with key Council staff were concluded in November 2021. Preliminary strategic risk categorisations, informed by the November workshops, have been reported in the December 2021 quarterly Risk and Insurance Report. Next steps are to develop and consult on the risk assessment, including alignment to the Council Plan 2021-2025.	ON TRACK
	We communicate clearly and regularly, taking the time to listen and engage with our community			
	Implement the Community Engagement Policy	Executive Manager Governance, Communications and Engagement	Our Community Engagement Policy continues to be shared through internal communications channels. Training and education to better understand our community engagement framework has been a focus and champions have been identified across the organisation to help ensure an effective and consistent application of our engagement principles, processes and behaviours. Guidelines and a toolkit for staff use is in its final stages of development with input from an internal working group.	ON TRACK
	We source alternative and innovative funding sources to support and complement Council services and infrastructure			
	Delivery of our capital works program, including completion of Diamond Valley Sports and Fitness Centre upgrade and Diamond Creek Trail	Director Operations and Infrastructure	80% of the programs and projects listed in the Capital Works Plan for 2021-2022 have been completed or are in progress. The Diamond Valley Sports and Fitness Centre (DVSFC) reached practical completion in September 2021, with the reopening of the facility occurring in February 2022. Works on the Diamond Creek Trail are progressing on schedule to have the project completed in March 2022.	ON TRACK

Status Key	COMPLETE	Action is Completed
	ON TRACK	Action is on track for completion within budget and timeframe
	MAJOR ISSUES	Action is off track, experiencing major issues which require management attention
	MINOR ISSUES	Action is off track, and experiencing minor issues being managed in-house.
	YET TO COMMENCE	Action works are yet to commence

Environment and Sustainability Advisory Committee Terms of Reference



Classification

Advisory committee of Council

Purpose

To provide a formal mechanism for Council to consult with key stakeholders, seek specialist advice and enable community participation in initiatives, policies and strategies concerning

- Climate resilience
- Renewable energy
- Water
- Biodiversity and the natural environment
- Sustainable land management
- Recycling and waste management
- Environmental education and engagement

Objectives

- Raising issues of interest and concern for Nillumbik for information to, and consideration by, Council on all aspects concerning environment and sustainability.
- Assist in the preparation or review of key environmental, land management and sustainability strategies and policies.
- Provide input and advice to Council on issues of environment, land management and sustainability.
- Check the progress of actions in the Green Wedge Management Plan with regard to environment and sustainability outcomes.
- Provide coordination, liaison and communication with other Council advisory groups and key external stakeholders.

Membership and chairperson

- Environment and Sustainability Portfolio Councillor to act as chairperson, with second Councillor to act as alternate chairperson
- Up to fourteen community representatives, selected to reflect a range of interests, expertise and experience from across the Shire.

Term of appointment

Community representatives will be appointed for a three year term or until otherwise resolved by Council. Members must be able to commit to meet at least bimonthly over the three-year period

Co-opted members

The Committee may invite suitably skilled persons to join the Committee as a co-opted member for a specified purpose and period of time. A co-opted member joins the Committee in an advisory capacity and does not form part of the quorum.

Mid-term vacancies

Vacancies during the Committee term may arise from resignations or where a Committee member doesn't attend meetings at the required frequency.

Vacancies will be advertised to those who initially applied and via website, council and local publications

The Committee Chair has discretion appoint members to vacant positions during the Committee term

Quorum

A meeting should only take place with a quorum of:

- Seven members.
- One Council officer must be present for administrative purposes.

Member responsibilities

In order to fulfil the Committee's objectives, members are expected to:

- Undertake induction as a volunteer of Nillumbik Shire Council.
- Demonstrate an understanding of at least one area of interest to this committee relevant to Nillumbik.
- Understand the role of local government as an educator, influencer or manager in the environmental and sustainability area.
- Be conversant with relevant Council plans and policies.
- Prepare for and actively participate in regular Advisory Committee meetings.
- Keep informed on current developments, issues and concerns in relation to rural and peri-urban environments
- Have knowledge of State Government policy and current issues regarding rural and peri-urban environments.
- Be reasonably available to attend meetings
- Respect confidentiality, if required, of matters discussed in meetings
- Declare conflicts prior to the discussion of an agenda item

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 Committee 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.

Meeting frequency

Meetings are held at bimonthly at the Civic Centre, Civic Drive, Greensborough, unless otherwise advised.

Management of the Committee

- Director Operations and Infrastructure or nominated delegate in the role of secretariat, will resource the Committee and attend all meetings, provide information, support and technical advice.
- The secretariat is responsible for the preparation of meeting agendas, minutes, reports and other administrative functions.

Reporting procedure

- The Committee is an advisory group that is established by Council. It is not a decision making body and does not require voting protocols or other decision making mechanisms.
- Any formal advice provided by the Committee will be reached by consensus. Where differing views may be expressed by the Committee, these views will be reflected in any minutes, reports and statements issued.
- Once confirmed, the minutes of the meetings are presented to Council at the next scheduled Council Meeting.

Public Statements

Members of the Committee cannot make public statements on behalf of Council.

References

- Biodiversity Strategy 2012
- Climate Change Action Plan 2016-20
- Council Plan 2017-2021
- Domestic Wastewater Management Plan 2015-18
- Economic Development Strategy
- Environmental Education Strategy 2012
- Environment Charter 2012
- Green Wedge Management Plan 2010-2025

- Integrated Water Management Strategy 2013
- Invasive Species Action Plan 2015
- Municipal Strategic Statement

Contacts for the Advisory Committee

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Approval date

June 2019

Next review date

May 2022

Nillumbik Shire Council

Environment and Sustainability Advisory Committee

Terms of Reference

Name

Environment and Sustainability Advisory Committee (**Advisory Committee**)

Introduction:

The Environment and Sustainability Advisory Committee provides an opportunity for Council to work with representatives of the community in developing and implementing environment and sustainability policies, strategies and plans. Committee members can also influence Council's direction on environment and sustainability matters by recommending action for Council consideration.

Policy Statement:

The Environment and Sustainability Advisory Committee is a broad interest group providing advice to Council on matters relating to environment and sustainability.

Aims:

The aim of ESAC is to enable community members with expertise and experience relating to environment and sustainability to provide advice to Council concerning strategic or policy issues.

Objectives:

- Provide feedback and advice to Council on environment and sustainability matters including:
 - Climate action
 - Biodiversity and land management
 - Sustainable water management
 - Waste management, pollution and circular economy
- Consider and provide advice to Council on the development and implementation of its policies, plans and services that impact environment and sustainability.
- Consider and provide advice on key Government initiatives, programs and reviews.
- Represent the views and needs of environment and sustainability stakeholder groups within Nillumbik.

- Assist Council to communicate, consult and engage more effectively with the broader Nillumbik community.
- Strengthen partnerships with residents, community groups and services in Nillumbik.
- Contribute to a cycle of continually assessing and improving Nillumbik's environment and sustainability programs.

Membership

The Advisory Committee membership will consist of up to fourteen members, selected to represent the broad range of environment and sustainability matters listed on page one, and will include up to:

- Two representatives of the Nillumbik Shire Council (Councillors) – one as Chair, one as alternate Chair.
- Eleven individual members representing the community, comprising a mix of urban and rural residents, businesses and community groups.
- One representative from the Nillumbik Youth Council.

Members will contribute specialist knowledge and expertise to the group, reflecting on and presenting community issues, rather than focusing on personal concerns or individual issues.

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 Environment Department.

Meeting Frequency

The Advisory Committee will be held every two months on the third Wednesday of the month in February, April, June, August, October and December.

Endorsed by Council

These Terms of Reference were endorsed by Council on [date]

Next Review Due

[month, 2024]

Informal Meetings of Councillors and Conflicts of Interest

The Advisory Committee is considered an Informal Meeting of Councillors as defined in Clause 19 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 (where relevant) 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

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:

- Qualifications, skills and/or expertise in the focus areas of the advisory committee
- 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 or 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.

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).

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.

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.
- 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.

Attachment 3 Comparison of 2019 and proposed ESAC terms of reference

2019 TOR	Proposed TOR
<p>Purpose</p> <p>To provide a formal mechanism for Council to consult with key stakeholders, seek specialist advice and enable community participation in initiatives, policies and strategies concerning</p> <ul style="list-style-type: none"> • Climate resilience • Renewable energy • Water • Biodiversity and the natural environment • Sustainable land management • Recycling and waste management • Environmental education and engagement 	<p>Introduction:</p> <p>The Environment and Sustainability Advisory Committee provides an opportunity for Council to work with representatives of the community in developing and implementing environment and sustainability policies, strategies and plans. Committee members can also influence Council's direction on environment and sustainability matters by recommending action for Council consideration.</p> <p>Policy Statement:</p> <p>The Environment and Sustainability Advisory Committee is a broad interest group providing advice to Council on matters relating to environment and sustainability.</p> <p>Aims:</p> <p>The aim of ESAC is to enable community members with expertise and experience relating to environment and sustainability to provide advice to Council concerning strategic or policy issues.</p>
<p>Objectives</p> <ul style="list-style-type: none"> • Raising issues of interest and concern for Nillumbik for information to, and consideration by, Council on all aspects concerning environment and sustainability. • Assist in the preparation or review of key environmental, land management and sustainability strategies and policies. • Provide input and advice to Council on issues of environment, land management and sustainability. • Check the progress of actions in the Green Wedge Management Plan with regard to environment and sustainability outcomes. • Provide coordination, liaison and communication with other Council advisory groups and key external stakeholders. 	<p>Objectives</p> <ul style="list-style-type: none"> • Provide feedback and advice to Council on environment and sustainability matters including: <ul style="list-style-type: none"> ○ Climate action ○ Biodiversity and land management ○ Sustainable water management ○ Waste management, pollution and circular economy • Consider and provide advice to Council on the development and implementation of its policies, plans and services that impact environment and sustainability.

2019 TOR	Proposed TOR
	<ul style="list-style-type: none">• Consider and provide advice on key Government initiatives, programs and reviews.• Represent the views and needs of environment and sustainability stakeholder groups within Nillumbik.• Assist Council to communicate, consult and engage more effectively with the broader Nillumbik community.• Strengthen partnerships with residents, community groups and services in Nillumbik.• Contribute to a cycle of continually assessing and improving Nillumbik's environment and sustainability programs.

Nillumbik Shire Council

Health and Wellbeing Advisory Committee

Terms of Reference

Name

Health and Wellbeing Advisory Committee

Introduction

The *Victorian Public Health and Wellbeing Act 2008* recognises the significant role of councils in improving the health and wellbeing of people in their municipality and requires Council to develop a Municipal Public Health and Wellbeing Plan within 12 months of a Council election on a four yearly cycle.

The *Nillumbik Health and Wellbeing Plan 2021-2025* (the Plan) outlines Council's health and wellbeing priorities over the next four years as well as the strategies we will use to maintain and improve the health and wellbeing of the Nillumbik community.

The Health and Wellbeing Advisory Committee provides a formal mechanism for Council to fulfill the requirements of the *Public Health and Wellbeing Act 2008* (the Act). The *Public Health and Wellbeing Act 2008* (s26.2) specifies that a Municipal Public Health and Wellbeing Plan must:

- (a) include an examination of data about health status and health determinants in the municipal district;
- (b) identify goals and strategies based on available evidence for creating a local community in which people can achieve maximum health and wellbeing;
- (c) provide for the involvement of people in the local community in the development, implementation and evaluation of the public health and wellbeing plan;
- (d) specify how the Council will work in partnership with the Department and other agencies undertaking public health initiatives, projects and programs to accomplish the goals and strategies identified in the public health and wellbeing plan;
- (e) be consistent with—
 - (i) the Council Plan prepared under section 125 of the Local Government Act 1989; and

(ii) the municipal strategic statement prepared under section 12A of the Planning and Environment Act 1987.

The Advisory Committee is a forum for governance for the Plan and will allow council consultation with stakeholders via information sharing, partnership building and alignment with regional priorities in the development, implementation and evaluation of the Plan.

Aim

To be a collaborative governing body for the *Nillumbik Health and Wellbeing Plan 2021-2025*, in which members provide knowledge, information and advice, whilst overseeing, planning and implementation to promote positive health and wellbeing outcomes for all Nillumbik Shire.

Objectives

- Contribute to the development of priorities, strategic goals and objectives throughout the development of the Plan to deliver improved health and wellbeing outcomes.
- Provide feedback and advice to Council on the Plan development, implementation, evaluation and governance.
- Consider and provide advice to Council on its policies and plans that impact health and wellbeing outcomes.
- Consider and provide advice on Government initiatives, programs and reviews.
- Represent the views and needs of all diverse communities within Nillumbik.
- Assist Council to communicate, consult and engage effectively with the Nillumbik community.
- Strengthen partnerships with residents, community groups and services in Nillumbik.
- Ensure alignment with broader public health agendas in the region.
- Contribute to a cycle of continually evaluating and improving Nillumbik's Health and Wellbeing Plan 2021-2025.

Membership

The Advisory Committee membership will consist of up to Twenty members and will include representation from:

- Up to two representatives of the Nillumbik Shire Council (Councillors);
- Up to six individual community members;
- Up to twelve representatives of community groups or local agencies; State and/or Federal government departments or independent organisations as appointed by Nillumbik Shire Council.

All Advisory Committee positions are unpaid positions unless otherwise specified in the Terms of Reference.

Council Directorate

The Advisory Committee falls within Council's Community Services directorate and will be managed by Council's Community Partnerships department.

Meeting Frequency

The Advisory Committee will be held quarterly during the planning phase, then bi-annually during the implementation phase. Exceptional meetings can be called if necessary. One meeting per year may take the format of a health and wellbeing partnership forum to support the implementation and evaluation.

Endorsed by Council

These Terms of Reference were endorsed by Council on *[date to be confirmed]*.

Next Review Due

October 2025

Informal Meetings of Councillors and Conflicts of Interest

The Advisory Committee is considered an Informal Meeting of Councillors as defined in Clause 19 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.

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 or services differently and if there are 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

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).

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.

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 every four years to align with the planning cycle 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.
- 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.

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Findings from review and proposed changes to the Terms of Reference

Review finding	Feedback to support finding	Proposed changes to Terms of Reference
Clarifying and realignment with the purpose of the Committee	<p>The purpose of the Advisory Committee is not always clear</p> <p>Benefits of the Committee include partnership building, information sharing and alignment of Council health and wellbeing priorities with regional health and wellbeing priorities.</p>	Updated purpose
Application of a prevention based lens to partner membership and committee practice and to be appointed as appropriate by Council as per needs of the Committee	Partnership opportunities to assist the governance of the Plan could be expanded to more opportunities outside of this forum as well as within the forum.	<p>An increase of community member allocations of the committee from 2 to 6 to be appointed by an Expression of Interest process.</p> <p>An increase of partner organisation membership to be appointed by Council to prioritise appropriate and targeted partnerships with a prevention lens. The following organisations will be invited to participate:</p> <ul style="list-style-type: none"> • healthAbility • Yarra Plenty Regional Libraries • Women's Health in the North • Victoria Police • Department of Health (DH) • Primary Care Partnership (PCP) • Primary Health Network (PHN) • Eastern Health • Local Education Network (LEN)
Less frequent but more purposeful meetings	Meetings are too frequent	<p>Less frequent, but more targeted deliberate meetings.</p> <p>Quarterly meetings throughout the planning phase and biannual meetings at all other times. Exceptional meetings can be called if necessary.</p>
Ongoing relationship and partnership building opportunities throughout the year in-between meetings.	Meetings, whilst structured, are not always meaningful and targeted in content, in part due to high frequency of communication between partners inside and outside this forum	One meeting taking the format of an Annual Health and Wellbeing Forum to support annual implementation progress reporting and planning.

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Improving the operation of ResCode

A new model for assessment



November 2021

Contributors

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Acknowledgment

We acknowledge and respect Victorian Traditional Owners as the original custodians of Victoria's land and waters, their unique ability to care for Country and deep spiritual connection to it. We honour Elders past and present whose knowledge and wisdom has ensured the continuation of culture and traditional practices.

We are committed to genuinely partner, and meaningfully engage, with Victoria's Traditional Owners and Aboriginal communities to support the protection of Country, the maintenance of spiritual and cultural practices and their broader aspirations in the 21st century and beyond.



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Department of Environment, Land, Water and Planning

Glossary

The Act	<i>The Planning and Environment Act 1987</i>
An application	An application for a planning permit lodged under section 47 of the Act or an application to amend a planning permit under section 72 of the Act
Building Regulations	<i>Building Regulations 2018</i>
DDO	Design and Development Overlay
DELWP	Department of Environment, Land, Water and Planning
GRZ	General Residential Zone
Notice and review	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
NCO	Neighbourhood Character Overlay
NPR	No permit required
NRZ	Neighbourhood Residential Zone
PAM	Performance Assessment Module
Planning scheme	The relevant local planning scheme
Permit	A planning permit granted under Part 4 of the Act
PPARS	The DELWP Planning Permit Activity Reporting System
Practitioners Guide	<i>A Practitioners Guide to Victorian Planning Schemes</i> , DELWP April 2020
Regulations	<i>The Planning and Environment Regulations 2015</i>
ResCode	Clauses 54, 55 and 56 of the VPP and all planning schemes
RGZ	Residential Growth Zone
VCAT	Victorian Civil and Administrative Tribunal
VicSmart	The application assessment process under clause 71.06 and other provisions of a planning scheme
VPP	Victoria Planning Provisions

Executive summary

The Victoria Planning Provisions (VPP) and ResCode have served Victorians well for more than two decades.

They have delivered simpler, more consistent and usable planning schemes based on state standard provisions. However, as expectations on the planning system have grown, the complexity of issues and how some scheme provisions have responded has created uncertainty, hindered usability and created an obstacle to delivering digital ready planning schemes.

This report sets out how the operation of assessment provisions in planning schemes can be improved through the introduction of a new Performance Assessment Model (the model) that will deliver consistent, digital ready assessment provisions that support streamlined decision making. The model will standardise how assessment provisions work, improving clarity for all users.

This report focuses on improving how planning schemes describe the desired planning objectives for residential development in ResCode and how proposals are assessed against those objectives, however the model can be applied to all discretionary provisions across the VPP and local provisions.

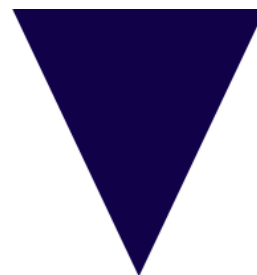
The model is made up of a new Performance Assessment Module (PAM) and new rules about how a design response is assessed against the PAM. The PAM will set out more precisely the performance objectives for a design matter and the considerations and information that are needed to make an assessment of that matter. The new rules will make it clear when a design response is deemed to achieve the performance objective.

The performance assessment model



Both these new provisions will significantly reduce uncertainty about what is expected for each design matter and whether a design response meets those expectations.

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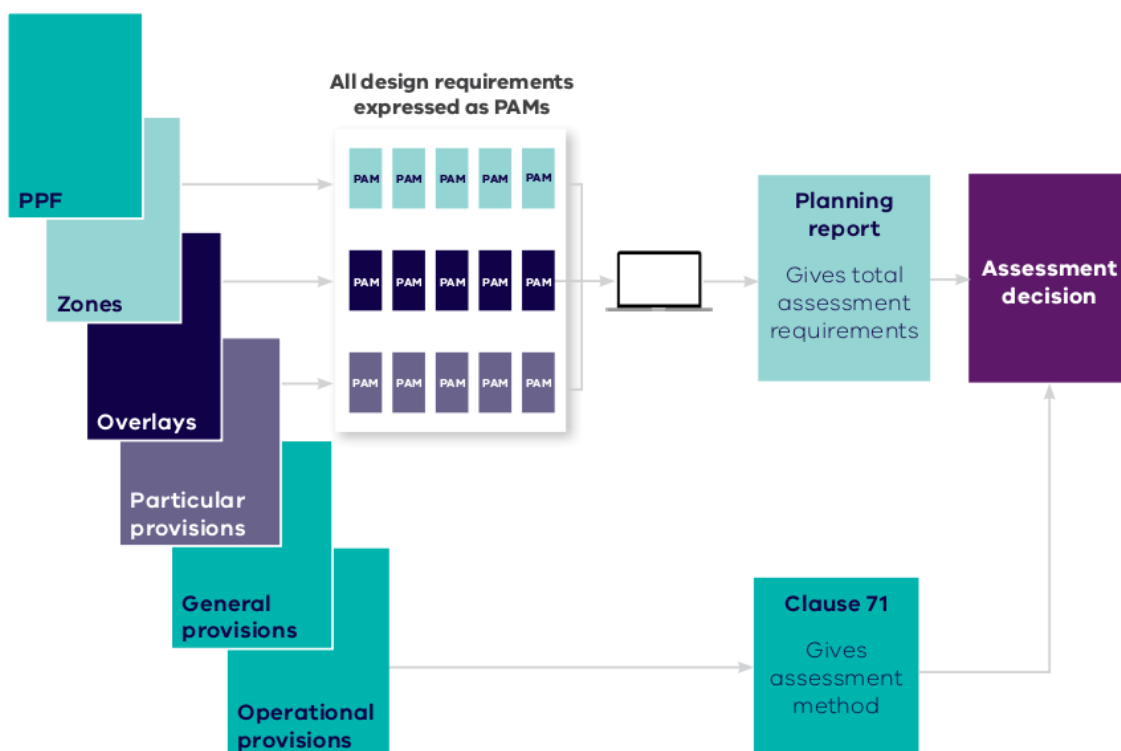
Converting assessment provisions to the proposed model will have the following benefits:

- A clear, consistent, more modular structure for the preparation of provisions that guide the exercise of discretion across the VPP.
- A more consistent operational framework that promotes the use of objective Performance Measures to clearly signal and facilitate outcomes that are deemed to be acceptable.
- A consistent structure and format for discretionary provisions that will support the long-term development and delivery of fully digital planning schemes.

Translating all development assessment provisions in planning schemes to the consistent use of PAM provisions will mean that, in the longer term, digital platforms will be able to 'collect' all the relevant PAMs for a matter and present them in a consistent, integrated form that will enable:

- an applicant to clearly see what performance objectives are required to be achieved, how they might be achieved and exactly what information is required to be presented with the application.
- the responsible authority to get a quick and complete checklist of all the matters that need to be assessed in a form suitable for direct inclusion in their planning report.
- the community to readily see which aspects of a proposal achieve expectations and the basis on which aspects that may not will be assessed.

Overview of how the proposed model will work



Why start with ResCode?

Residential development proposals make a significant contribution to the number of planning applications made each year. Of the 40,000 new permit applications received in 2019/20, about 30% included a residential element that was assessed against the residential development standards in ResCode.

This report shows how the operation of ResCode can be improved by using the model to update the format of the ResCode standards to be clearer about their expectations and to be better aligned with the principles of the VPP. This will lead to more certain and more efficient development assessment and decision making.

The proposed model builds and improves upon the operational model that currently underpins ResCode.

Translating the ResCode standards to PAMs will not change the content of established standards or affect the procedural settings that currently apply to the assessment of proposals, including third party notice or appeal rights.

What is ResCode?

Clauses 54 and 55 are commonly referred to as ResCode and were introduced in August 2001, shortly after the rollout of the VPP and new format planning schemes. These two initiatives marked the beginning of a new era in preparing and administering local planning schemes based on user friendly provisions that are consistent statewide.

In the two decades since the introduction of the VPP and ResCode, Victoria has undergone significant change. The Victorian population has increased by 1.9 million people to 6.6 million people. It is estimated that by 2051 Melbourne's population will increase by another 4 million people. Plan Melbourne (Direction 2.4) has highlighted the critical role the planning system plays in ensuring an adequate supply of well located, affordable housing, while maintaining Victoria's liveability. Plan Melbourne has identified the need to better streamline approvals for housing proposals that do not raise strategic policy issues through more code-based approaches to assessment.

Advances in technology over the last 20 years have also brought profound change in the way citizens interact with public services and the law. The ability to 'design out' complexity and improve access to the law using digital platforms offers significant efficiency and effectiveness benefits for the way that the planning system delivers desired housing outcomes. To realise this potential, clearer and more consistent approaches to the operation and drafting of planning provisions is needed to make them 'digital ready'.

The role of planning reform is to ensure that the planning system is calibrated to meet the current and future needs and expectations of the Victorian community, specifically so that:

- Provisions clearly describe desired planning outcomes that are consistent with those needs and expectations.
- Provisions and processes are consistently applied in a manner that is proportionate to risk and to efficiently deliver the desired outcomes.
- Provisions and processes, and any supporting initiatives, are designed to meet the needs of the system's users.

Since its introduction, there have been a number of reforms to the VPP affecting residential development, including the introduction of reformed residential zones, and a new assessment pathway (VicSmart), and new standards for apartment developments.

Against this background local councils have accumulated and refined a substantial body of strategic work on housing and neighbourhood character. This work has, to varying extents, been implemented in local planning schemes or supporting guidance documents, through neighbourhood character policies and associated variations to ResCode standards.

The ResCode standards are now well accepted and understood and have served Victorians well. ResCode's long use and the familiarity users have with its application to local neighbourhoods are significant assets. They provide a strong basis on which to recalibrate and improve its statutory operation in line with the VPP principles (including *User Focussed, Proportional and Digital First*).



What is a PAM?

The PAM is built on four components:

- **Performance Objectives** – that clearly describe acceptable design outcomes.
- **Performance Measures** – that specify quantitative measures or objectively ascertainable conditions. Compliance with performance measures will be deemed to achieve the relevant Performance Objective.
- **Performance Criteria** – where a Performance Measure cannot be specified or is not complied with, the Performance Criteria will specify qualitative standards for determining whether the proposal achieves the Performance Objective.
- **Information required** – that identifies any specific information needed to inform a decision about whether a Performance Objective is met.

Where the model is applied, a PAM must include one or more:

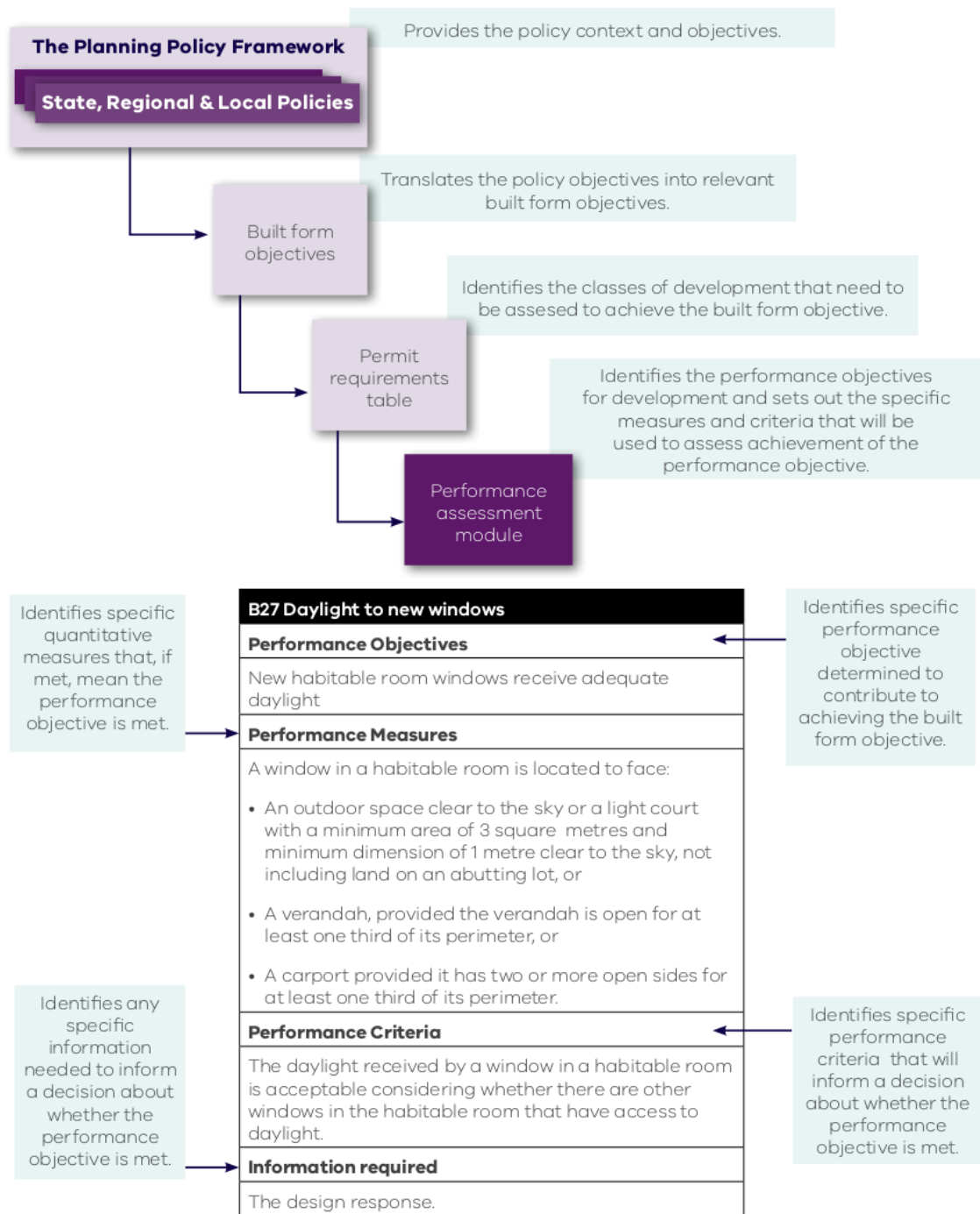
- Performance Objective
- Performance Criteria

The PAM may include one or more:

- Performance Measure
- Information Requirements

How a PAM is created is shown below. In drafting a PAM, it will be essential that the Performance Objective being sought is well thought out and can be clearly expressed. The PAM also ensures that the planning authority can express the measures that, if achieved, show that the Performance Objective is achieved. This will remove doubt and debate about whether certain design responses are acceptable or not.

Building a PAM

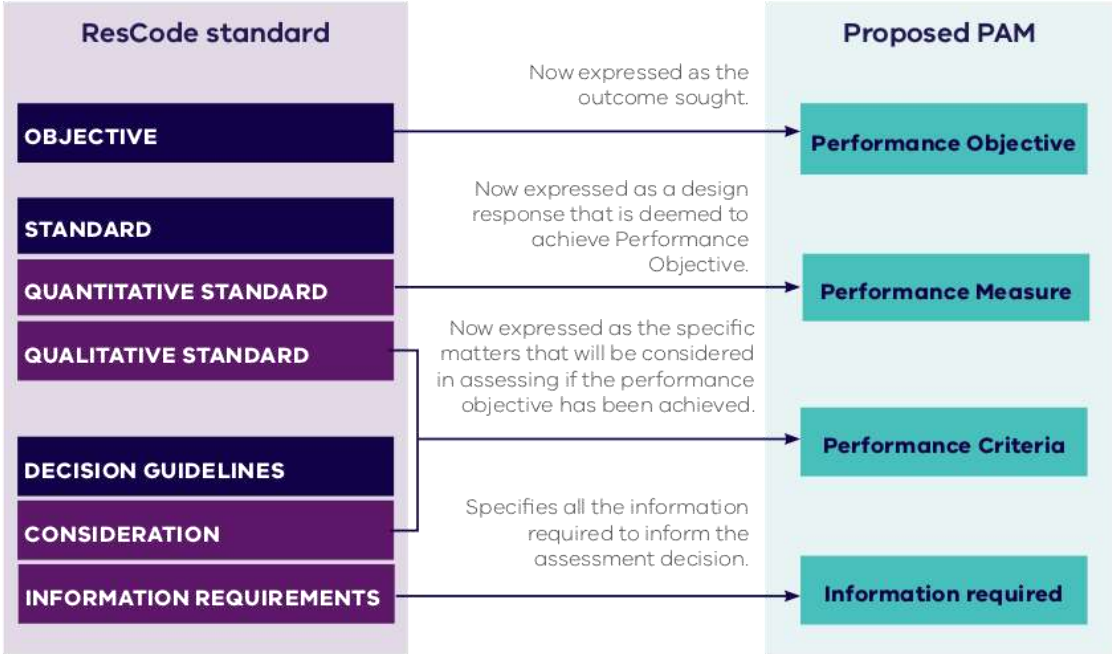


This report has found that all current ResCode standards can be expressed as a PAM (see APPENDICES 4, 5 and 6).

Department of Environment, Land, Water and Planning

Translating a ResCode standard to PAM

The difference between a ResCode standard and a PAM



Changes to apply the model

The proposed changes needed to introduce the model are summarised in the tables and diagrams below. How the model can be applied to ResCode is described in section 4.

1. A NEW PAM FOR DISCRETIONARY PROVISIONS IN THE VPP	
Proposal	<p>Implement a new PAM in the operational provisions of the VPP.</p> <p>The new model creates a PAM built on four components:</p> <p>Performance Objectives – that clearly describe acceptable residential development outcomes.</p> <p>Performance Measures – that specify quantitative measures or objectively ascertainable conditions. Compliance with the Performance Measures is deemed to achieve the relevant Performance Objective.</p> <p>Performance Criteria – where Performance Measures cannot be specified or are not complied with, Performance Criteria will specify qualitative standards for determining whether a proposal achieves the Performance Objective.</p> <p>Information Required – that identifies any specific information needed to inform a decision about whether a Performance Objective is met.</p>
Current issues	<p>Discretionary provisions are inconsistently articulated across the VPP and planning schemes, creating uncertainty regarding their intended outcomes and operation.</p> <p>The need to promote streamlined, code-based assessment for low risk applications where standards are well understood and accepted.</p> <p>A more consistent structure and operation of discretionary provisions can promote code-based assessment and digital ready provisions.</p>
Proposed changes	<p>A new operational provision (clause 71.XX – Performance Assessment (see APPENDIX 3)) to provide for:</p> <ul style="list-style-type: none"> • The use of the new PAM across the VPP and planning schemes. • Specification of a standard operation and decision-making framework where a PAM is applied.

Department of Environment, Land, Water and Planning

2. TRANSLATE EXISTING RESCODE PROVISIONS TO THE NEW PAM	
Proposal	<p>Translate the existing ResCode objectives and standards into PAMs.</p> <p>This translation will not change the existing ResCode quantitative standards and procedural settings, including third party notice and review rights.</p>
Current issues	<p>Existing quantitative ResCode standards and local variations are well understood and accepted.</p> <p>A divergence of views has created some uncertainty regarding the operation of some aspects of ResCode.</p> <p>The current expression of standards does not sufficiently facilitate approval for residential development that complies with an accepted standard or local variation.</p>
Proposed changes	<p>Translate clauses 54, 55 and 58 into the proposed new PAM format. APPENDICES 4, 5 and 6 set out drafts of how these would look.</p>

3. INTRODUCE A NEW OPPORTUNITY TO SPECIFY NEIGHBOURHOOD CHARACTER PERFORMANCE MEASURES	
Proposal	<p>Provide a new opportunity for councils to more precisely specify performance measures for Neighbourhood Character (A1 & B1) and Detailed Design (A19 & B31), within the planning scheme in the schedules to residential zones.</p>
Current issues	<p>Councils have accumulated substantial bodies of work that identify important features of neighbourhood character for local areas.</p> <p>Neighbourhood character study documents largely exist outside planning schemes or are imprecisely expressed in local policies.</p> <p>Opportunity to elevate important neighbourhood character elements to Performance Measures and facilitate appropriate residential development.</p>
Proposed changes	<p>Amendments to residential zones (clauses 32.04, Mixed Use Zone, 32.05 – Township Zone, 32.07 – Residential Growth Zone, 32.08 – General Residential Zone, 32.09 – Neighbourhood Residential Zone) to provide head of power for schedules to specify performance measures for Neighbourhood Character (A1 & B1) and Detailed Design (A19 & B31).</p> <p>Updates to Neighbourhood Character (A1 & B1) (clauses 54 and 55) to refer to Performance Measures specified in zone schedules.</p> <p>Amendment to Ministerial Direction (form and content of planning schemes) to vary schedule format for residential zones (clauses 32.04, Mixed Use Zone, 32.05 – Township Zone, 32.07 – Residential Growth Zone, 32.08 – General Residential Zone, 32.09 – Neighbourhood Residential Zone) to allow schedules to specify Performance Measures for Neighbourhood Character (A1 & B1) and Detailed Design (A19 & B31).</p>

It is important to note that the proposals in this report have only been developed to a 'proof of concept' stage. It will be necessary to ensure that any final package of statutory and operational provisions is developed and introduced in a coordinated way with all stakeholders and practitioners. As well, some of the proposed statutory drafting and decision-making changes are subtle. A substantial communication and training program will be essential for successful implementation.



1. The purpose of this report

Purpose

Operational experience and stakeholder feedback has identified aspects of the operation of assessment provisions that contribute to uncertainty and inconsistency of decision making, inconsistent expectations and outcomes, process inefficiencies and avoidable time and cost impacts.

Ongoing enhancement of the VPP and planning schemes for digital delivery is easier if provisions are consistent and modular.

The purpose of the report is twofold:

- To develop an improved statutory and operational model for assessment provisions
- To demonstrate the benefits of the model by applying it to ResCode.

The purpose is not to change any of the ResCode standards but to restructure the component elements to aid the process of efficient and consistent decision making.

The evolution of planning schemes and ResCode

It is over 20 years since the VPP and ResCode were introduced. During that time the provisions of both have evolved to address issues and shortcomings of the original concept. Planning schemes, including ResCode, are now far more sophisticated instruments than they were 20 years ago. However, the growth in volume and complexity has contributed to long timeframes for decision making, lack of certainty for proponents and the community and policy confusion, all of which cause frustration and add to development time and costs.

Many reports and reviews have emphasised the need to improve the planning system and streamline decision making especially for residential development¹. An overview of reviews and residential reforms since 2000 is set out in APPENDIX 1.

Why streamlining residential approval is important

The purpose of a planning assessment and approval process is to ensure that a proposed development is appropriate for its site and context, is aligned with state and local policy objectives and meets expected standards for matters such as amenity and community safety.

Good regulation should ensure that the process pathway for making this assessment is efficient and effective for proponents, the community and the decision maker (the responsible authority, usually a council). This is important both for the community generally and for the economic benefit that flows from both efficient facilitation of appropriate development and effective protection from inappropriate development.

¹ Such as Better Decisions Faster (August 2003), Cutting Red Tape in Planning (August 2006), Making Local Policy Stronger (June 2007), the DAF Leading Practice Model for Development Assessment in Australia (March 2005), the DELWP Smart Planning Program, and Turning best practice into common practice, BRV (2019).

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Recent planning permit activity²

	2018/19	2019/20	Change
Total applications	50,844	45,659	Down 10%
% of new permits that required assessment against ResCode (cl 54, 55 or 58).	na	About 30%	-
Total cost of works	Over \$34 billion	Over \$33 billion	Down 3%
Average cost of works per permit	About \$829,000	About \$756,000	Down 10%

Best practice decision making

To meet the economic, environmental and social challenges that lie ahead, the planning system needs application assessment and decision-making processes that ensure:

- Decision making occurs at the most effective level.
- The considerations guiding decision making are as targeted and simple as possible having regard to the potential impacts of the proposal.
- Decision makers are appropriately informed about the policy objectives, economic, environmental and social impacts and community aspirations relevant to the proposal being considered.
- The community has appropriate opportunity to be informed about and comment on proposals that may impact them.
- The cost of the assessment process for the proponent, the assessor and the community is kept as low as possible.
- The limited resources in the planning system are applied efficiently and where it matters most.

These considerations have informed the proposals in this report.




² Data does not include Central Goldfields, Hepburn, Minister for Planning, Mornington Peninsula, Mount Alexander, Southern Grampians, Stonnington.



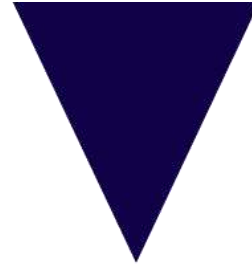
The VPP Principles

The six principles for the VPP are set out in *A Practitioner's Guide to Victorian Planning Schemes* (DELWP 2020, page 10) and reproduced below. The proposals in this report have been measured against and support a number of these principles.

The six principles of the VPP

		
<p>Digital first</p>	<p>User focused</p>	<p>Consistent</p>
<p>Provisions are optimised for efficient access and processing of planning information, including through better technology, digital interfaces and the user experience, to move from document driven to database driven planning schemes.</p>	<p>Provisions are user focused and provide transparent and understandable pathways to navigate the planning approval process. Planning schemes are structured so users can easily and intuitively access relevant information, using spatial means wherever possible.</p>	<p>Provisions are written and applied in a logical and consistent way, regardless of the content, so that a provision is easily understood and applied. Drafting rules and technology ensure that new and amended provisions are created in a way that maintains the integrity of the system and delivers the desired policy outcomes.</p>
		
<p>Proportional</p>	<p>Land use focused</p>	<p>Policy and outcome focused</p>
<p>Provisions and approval processes only impose a level of regulatory burden proportional to the planning and environmental risk of the proposal. Simple and low risk applications are assessed against objective criteria through a code assessment process.</p>	<p>Provisions focus on land use and development and do not conflict with or duplicate other legislation and regulatory instruments.</p>	<p>Provisions ensure requirements have a clear policy basis and are planning outcome driven. Technology and information data is applied to achieve strategy clarity and to create and apply requirements in a precise way.</p>

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The rules for planning schemes

A Practitioner's Guide to Victorian Planning Schemes also sets out rules for the preparation of planning scheme provisions. The rules apply to both state standard and local provisions. The opportunities in this paper support and, in some cases, 'hard wire' these rules into the proposed new provisions.


The entry rules seek to ensure the intended outcome sought by the provision is within the power of Planning and Environment Act 1987 (the Act) and has a sound basis in strategic planning and policy.

The application rules seek to ensure that an amendment to a planning scheme is necessary and proportional to the intended outcomes and applies the VPP in a proper manner.

The drafting rules seek to ensure that a provision is drafted clearly and unambiguously and will be effective in achieving the intended outcome.


The planning scheme rules

Entry Rules




1. A provision must be within the scope of the objectives and power of the Act.
2. A provision must implement the objectives of planning and be supported by a sound strategic planning and policy basis.
3. A provision must not conflict with or duplicate other legislation, instruments or planning scheme provisions.

Application Rules



4. The application of a provision must be necessary and proportional to the intended planning outcome.
5. A provision must be consistent with the operational provisions of the scheme, any parent provision and any relevant Ministerial Direction.
6. The application of a provision must be clear.

Drafting Rules



7. The requirements of a provision must be clear and unambiguous.
8. A provision must be structured to be clear and unambiguous.
9. A provision must be written to be clear and unambiguous.

2. The new model

The need for more consistent assessment provisions

The VPP and planning schemes have grown considerably in length since the introduction of new format planning schemes, reflecting responses to emerging state and local policy priorities and more nuanced approaches to regulation generally.

The growth in planning scheme length and the additional demands placed on the planning system in an increasingly complex public policy environment have also led to a rise in complexity, primarily because of the inconsistent use of language and different drafting adopted across new state standard provisions and schedules.

Over the years, courts and tribunals³ have confirmed that the Act, the VPP and the principle of 'integrated decision making' necessarily provide equal status to controls (or permit requirements) and discretionary provisions in planning schemes. Despite variations in subject matter or drafting, no control or clause takes precedence over another and a responsible authority must determine whether a proposal will result in an 'acceptable outcome' under each control.

Despite this fundamental commonality, discretionary provisions across the VPP and planning schemes are not consistently expressed or structured, which can give rise to confusion as to how they should be weighed or determined.

Uncertainty can arise when operational provisions, or provisions drafted in language implying operational consequences, are combined with substantive provisions, such as occurs in ResCode and increasingly in local schedules. In particular, when deontic modal verbs such as 'should' and 'must' are used differently across the VPP, confusion can arise in relation to the effect of that provision (for example, whether it is mandatory or discretionary) and the scope of matters required to be considered. This is particularly so when the use of these verbs is multiplied or layered across multiple provisions.

Inconsistent language has contributed to some uncertainty about the operation of ResCode and the scope of considerations in circumstances where quantitative standards are met.

Variations in the format and structure of discretionary provisions can also hinder the usability of planning schemes and their potential to be accessed with digital platforms. While ResCode might rely on an internally consistent format, discretionary provisions exist in various structural formats across other state standard provisions and schedules. In each instance, applicants and decision makers are required to understand the significance of each discretionary component and their role in decision making.

The adoption of more consistent and digital friendly provision formats can mitigate the effects of the increasing size of planning schemes, by enabling users to more easily access and understand provisions directly relevant to their proposals.

Consistency is a key VPP and usability principle. If provisions are expressed and operate in the same way, no effort is required in understanding how they work. There is an opportunity to establish a more consistent model for drafting discretionary provisions across the VPP that removes uncertainty about their operation.

³ For example, see *Boroondara City Council v 1045 Burke Road Pty Ltd & Ors* [2015] VSCA 27

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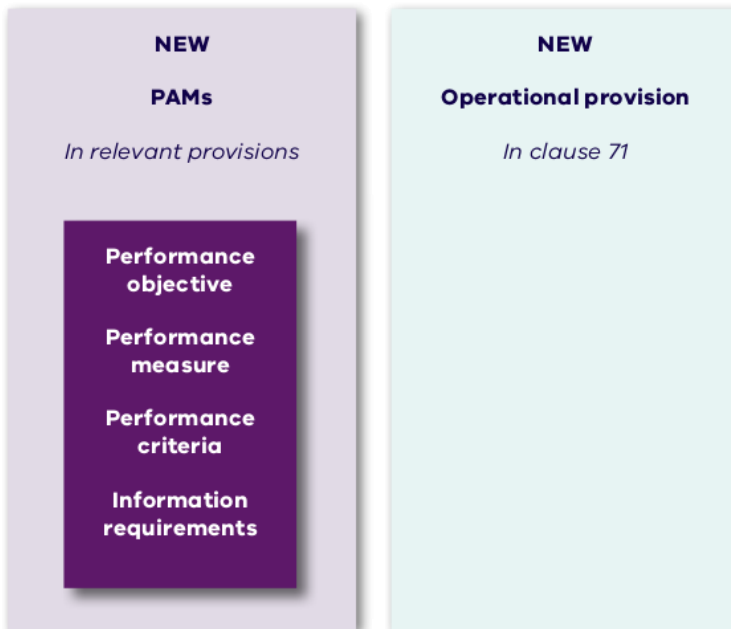


The proposed model

This report sets out how the operation of development assessment in planning schemes can be improved through the introduction of a new Performance Assessment Model that will deliver consistent, digital ready assessment provisions that support streamlined decision making. The model will standardise how assessment provisions work for all users.

This report focuses on improving how planning schemes describe the desired planning objectives for residential development in ResCode and how proposals are assessed against those objectives, however the model can be applied to all development provisions across the VPP and local provisions.

The PAM

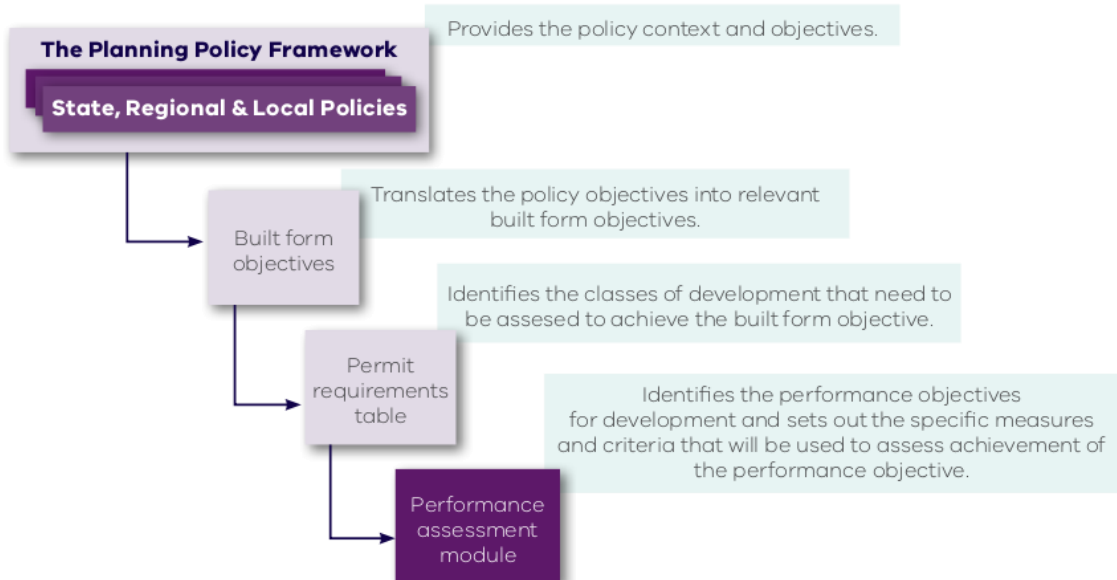


The model is made up of a new PAM and new rules about how a design response is assessed against the PAM. The PAM will set out more precisely the performance objectives for a design matter and the considerations and information that are needed to assess that matter. The new rules will make it clear when a design response is deemed to achieve the performance objective.

The PAM is built on four components:

- **Performance Objectives** - that clearly describe acceptable residential development outcomes.
- **Performance Measures** - that specify quantitative measures or objectively ascertainable conditions. Compliance with Performances Measures will be deemed to achieve the relevant Performance Objective.
- **Performance Criteria** - where a Performance Measure cannot be specified or is not complied with, the Performance Criteria will specify qualitative standards for determining whether the proposal achieves the Performance Objective.
- **Information required** - that identifies any specific information needed to inform a decision about whether a Performance Objective is met.

Building a PAM



Identifies specific quantitative measures that, if met, mean the performance objective is met.	<table><tr><th colspan="2">A27 Daylight to new windows</th></tr><tr><td>Performance Objectives</td><td>←</td></tr><tr><td colspan="2">New habitable room windows receive adequate daylight</td></tr><tr><td>Performance Measures</td><td></td></tr><tr><td colspan="2">A window in a habitable room is located to face:<ul style="list-style-type: none">• An outdoor space clear to the sky or a light court with a minimum area of 3 square metres and minimum dimension of 1 metre clear to the sky, not including land on an abutting lot, or• A verandah, provided the verandah is open for at least one third or its perimeter, or• A carport provided it has two or more open sides for at least one third of its perimeter.</td></tr><tr><td>Performance Criteria</td><td>→</td></tr><tr><td colspan="2">The daylight received by a window in a habitable room is acceptable considering whether there are other windows in the habitable room that have access to daylight.</td></tr><tr><td>Information required</td><td>←</td></tr><tr><td colspan="2">The design response.</td></tr></table>	A27 Daylight to new windows		Performance Objectives	←	New habitable room windows receive adequate daylight		Performance Measures		A window in a habitable room is located to face: <ul style="list-style-type: none">• An outdoor space clear to the sky or a light court with a minimum area of 3 square metres and minimum dimension of 1 metre clear to the sky, not including land on an abutting lot, or• A verandah, provided the verandah is open for at least one third or its perimeter, or• A carport provided it has two or more open sides for at least one third of its perimeter.		Performance Criteria	→	The daylight received by a window in a habitable room is acceptable considering whether there are other windows in the habitable room that have access to daylight.		Information required	←	The design response.		Identifies specific performance objective determined to contribute to achieving the built form objective.
A27 Daylight to new windows																				
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Information required	←																			
The design response.																				
Identifies any specific information needed to inform a decision about whether the performance objective is met		Identifies specific performance criteria that will inform a decision about whether the performance objective is met.																		

How will the new model work?

Where the model is applied, a PAM must include one or more:

- Performance Objectives
- Performance Criteria.

The module may include one or more:

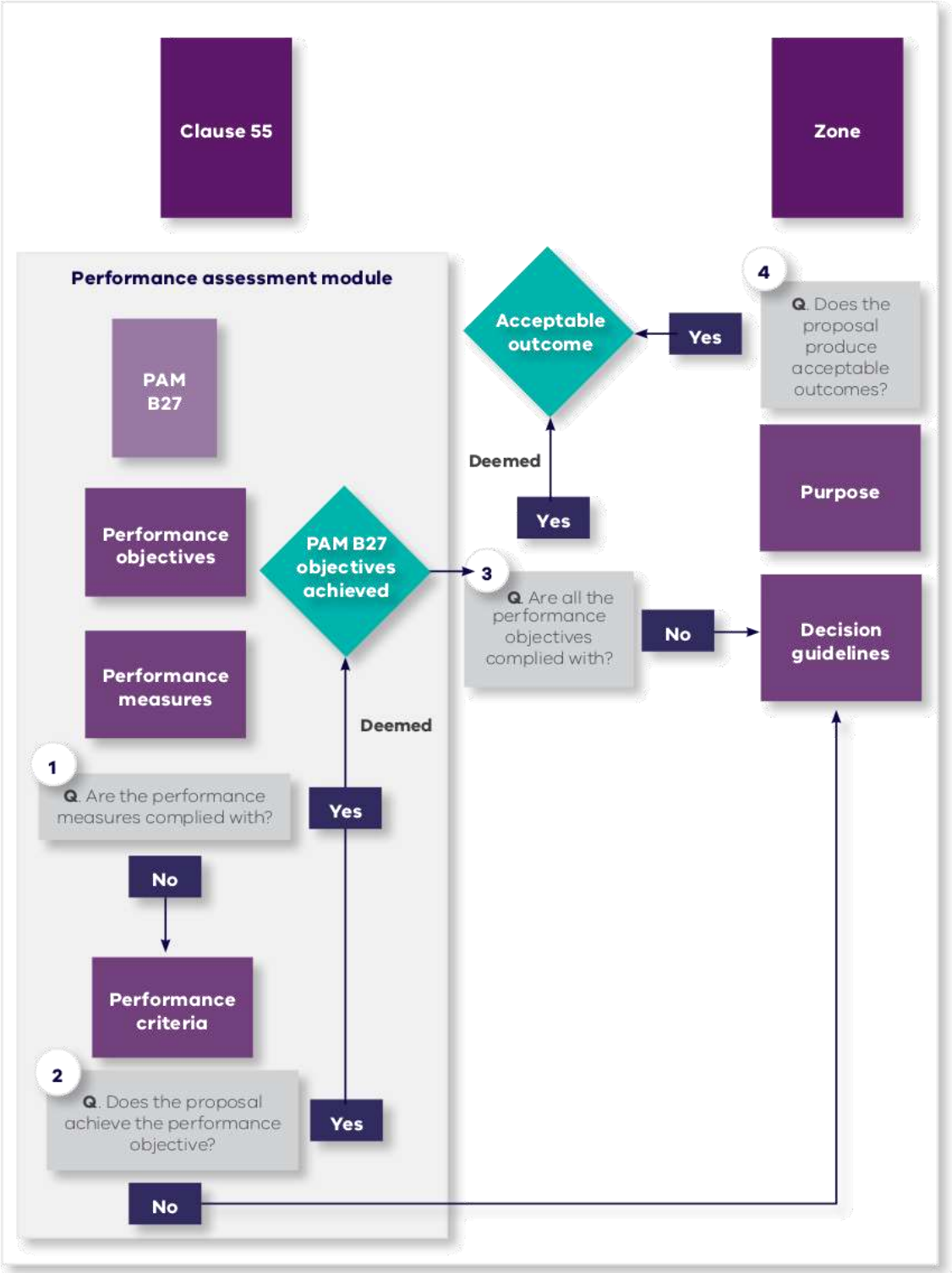
- Performance Measures
- Information Requirements.

The model also includes a new state standard Performance Assessment operational provision (clause 71.XX, see APPENDIX 3) that will enable any provision of a scheme to specify a PAM for a use or a class of development. Wherever a PAM is used in a provision, the same operational rules will apply. They cannot be varied by any other provision of the scheme.

How the Performance Assessment Module would operate is summarised in the tables and diagrams below.

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Making a decision using a performance assessment module



Please note: The version of this document published on the 8 November 2021 included an error in box 3 of this diagram, which has been amended above. The previous version read 'Q. Are all other PAMs complied with?'

Operation of the performance assessment module

Performance Objectives	
What is the role of a Performance Objective in decision making?	Describes an acceptable outcome that the provision seeks to deliver. A responsible authority must decide whether the use or class of development achieves the performance objective of each assessment provision.
What happens if a proposal achieves all specified Performance Objectives?	If an application achieves all applicable performance objectives, it is deemed to produce an acceptable outcome under the relevant zone provision.
What if a proposal does not achieve a Performance Objective?	The responsible authority must decide whether the proposal will still produce acceptable outcomes having regard to decision guidelines in the zone.

Performance Measures	
What happens if a proposal complies with Performance Measures?	If the proposed use or class of development complies with any specified Performance Measures, it is deemed to achieve the relevant Performance Objective. The responsible authority must not consider any Performance Criteria or decision guidelines.
What happens if a proposal does not comply with Performance Measures?	The responsible authority must decide whether the proposal achieves the Performance Objective having regard to any specified Performance Criteria and any relevant information requirements.
What if there are no Performance Measures specified?	As above.

Performance Criteria	
When are Performance Criteria applied?	As noted above, Performance Criteria can only be considered where no Performance Measures have been specified or any Performance Measures have not been complied with.
How should Performance Criteria be used?	The responsible authority must use Performance Criteria to decide whether the proposal achieves a Performance Objective.
What else can be considered?	In assessing a proposal against Performance Criteria, a responsible authority can only consider any specified information requirement. Any Decision Guidelines must not be considered.
What if a responsible authority decides that a Performance Objective has not been achieved?	As noted above, the responsible authority must then decide whether the proposal will still produce acceptable outcomes having regard to Decision Guidelines in the zone.

By standardising all residential performance objectives in the zone, relevant overlays and in ResCode into a standard modular format, the complete package of performance expectations can be consolidated into a consistent set of requirements that all operate in the same way and can be clearly related and aligned to each other.

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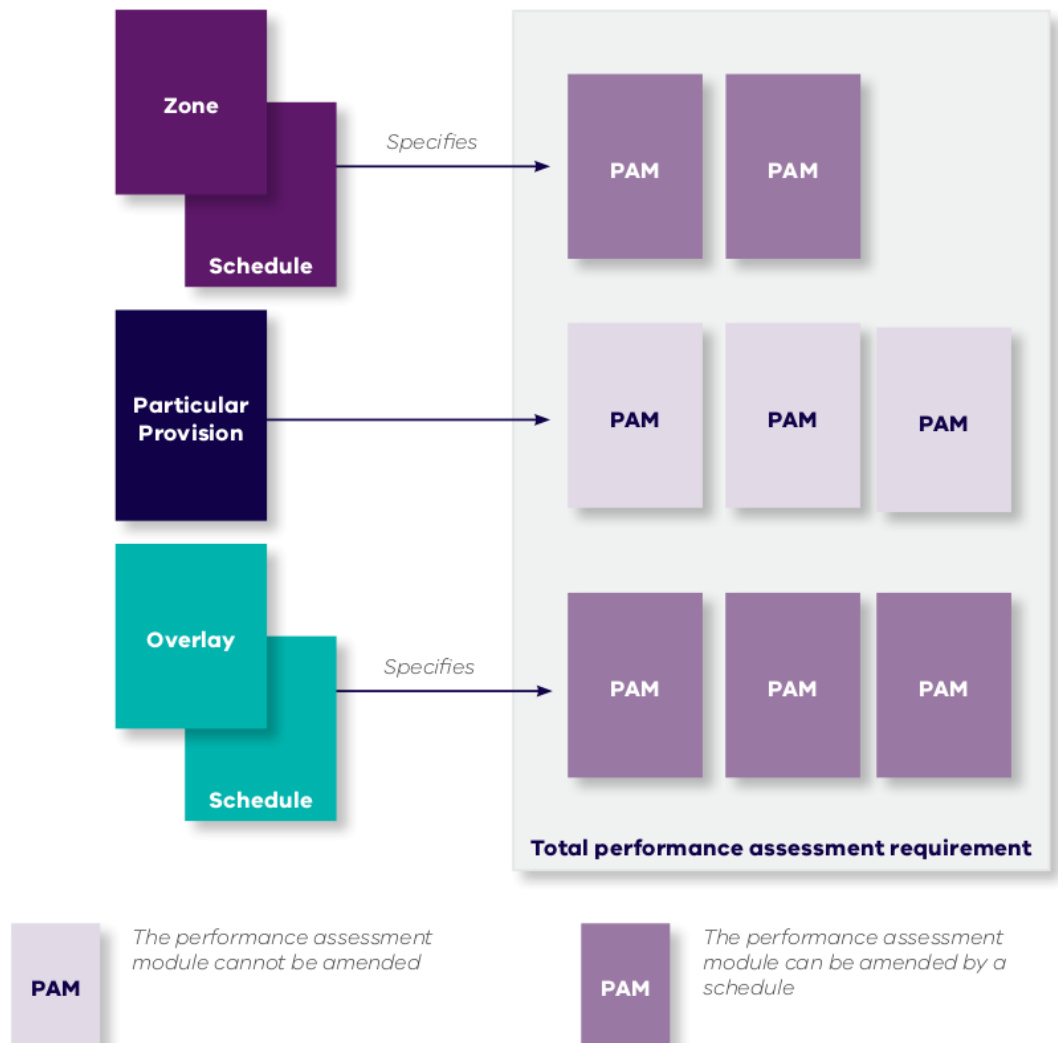
Benefits for the future of the VPP

The proposed reforms focus on improving how ResCode and local planning scheme provisions describe and facilitate desired planning outcomes. The model also has potential for broader application across the VPP and local provisions.

The new model provides the following benefits:

- A clear, consistent, more modular structure for the preparation of provisions that guide the exercise of discretion across the VPP.
- A more consistent operational framework that promotes the use of objective performance measures to clearly signal and facilitate outcomes that are deemed to be acceptable.
- A more consistent structure and format for discretionary provisions that will help the long-term development and delivery of fully digital planning schemes.

How the model can apply to non-residential provisions



A standard modular format for more focussed assessment

Beginning with ResCode, PAMs will provide a consistent format for the preparation of discretionary provisions for the VPP and local planning schemes.

The new format focusses on facilitating outcomes that are clearly described in each PAM. It will simplify the matrix of considerations that might otherwise need to be considered, in particular where a proposal complies with Performance Measures and delivers an acceptable outcome.

Providing clearer boundaries for the assessment of specific classes of proposals will reduce the administrative burden for decision makers and provide for more proportional levels of assessment for simpler proposals.

The model is also flexible and will allow for more complex, merit based assessments, where competing policy considerations might need to be weighed and integrated into a single planning permit.

To realise these benefits the model will need to be supported by clear drafting rules.

A clear operation that promotes streamlined assessment

The model will establish a clear operational framework for the operation of ResCode and other discretionary provisions across planning schemes.

Operational language and clauses will be removed from ResCode and standardised in a central operational provision that cannot be modified or altered. Once applied scheme-wide, users will no longer be required to study the operational model of each VPP or schedule assessment tool or schedules to determine how they work.

The proposed model would remove any uncertainty about the consequences of complying with existing quantitative standards.

In this way, it will promote the use of quantitative and objective Performance Measures as a means of signalling outcomes that are deemed to be acceptable. Where Performance Measures cannot be specified or are not complied with, Performance Criteria will establish qualitative expectations of what alternative design outcomes are likely to be considered acceptable for achieving a Performance Objective.

Digital ready provisions

The consistent format and operational framework for discretionary provisions that the PAM format will create across ResCode and planning schemes will facilitate future access through digital platforms.

When provisions are structured consistently and operate in an identical way, individual components that are relevant to the assessment of a proposal can be more easily identified for decision makers and proponents by electronic means.

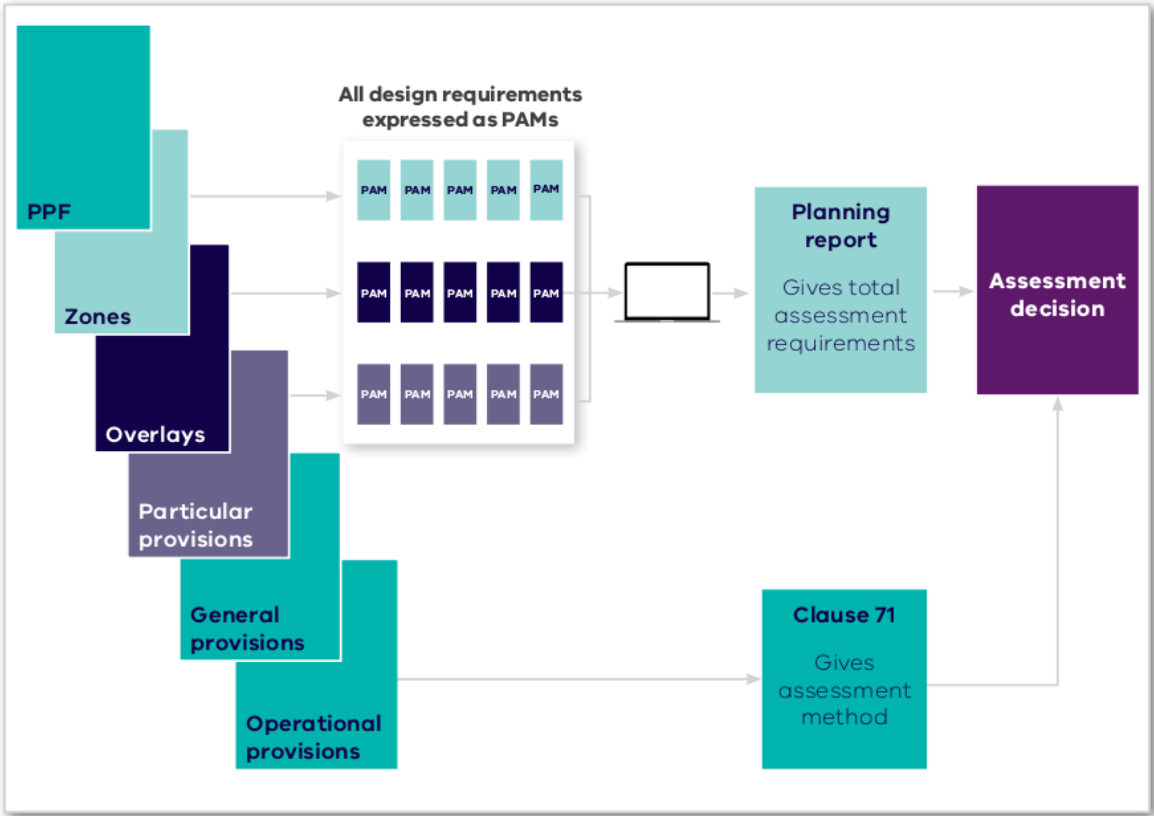
Over time, as other components of the VPP and planning schemes are also optimised, digital platforms have the potential to dramatically reduce complexity and provide more efficient access to planning schemes for all users.

Translating all development assessment provisions in planning schemes to the consistent use of PAM provisions will mean that, in the longer term, digital platforms will be able to 'collect' all the relevant PAMs for a matter and present them in a consistent, integrated form that will enable:

- An applicant to clearly see what performance objectives are required to be achieved, how they might be achieved and exactly what information is required to be presented with the application.
- The responsible authority to get a quick and complete checklist of all the matters that need to be assessed in a form suitable for direct inclusion in their planning report.
- The community will be able to readily see which aspects of a proposal achieve expectations and the basis on which aspects that may not will be assessed.

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Overview of how the proposed model will work





3. Understanding ResCode

Where did ResCode come from?

When the new format planning schemes based on the VPP were introduced they represented a shift from a prescriptive based planning system to a performance based system. Decision making was intended to be strategic and to be based on how a proposal meets relevant objectives. The application of planning controls by way of zones, overlays and particular provisions was intended to be an implementation of planning policies in the Act and the planning scheme, rather than an end in itself. Local planning policies were intended to guide decision making; they were not intended to be a de-facto control. Planning schemes were intended to facilitate decision making that met objectives and provide certainty for permitted development. Many more land uses than previously were now permitted by the zones, consequently decision makers were invested with a much wider range of discretion.

From the outset, this approach faced challenges, particularly with respect to the use of policy and the lack of certainty that a discretionary, performance based system of decision making entailed. There was strong community preference for more prescription and more opportunity for local variation to the standard planning controls, rather than a one-size-fits-all approach. Over the years, these preferences have resulted in the proliferation of local policies and increasingly detailed modifications to standard provisions. There has been ongoing tension between the flexibility inherent in discretionary performance based planning controls and the desire for certainty offered by mandatory controls.

In 1999-2000, The Good Design Guide and VicCode 1 were reviewed to test whether the techniques and performance measures they contained were meeting the community's expectations about public and private amenity. A key outcome of this review was the recommendation that there should be a single comprehensive code for the subdivision of land and the siting and design of all dwellings, and there should be no distinction in the standards that apply to dwellings based only on the fact of whether there is one or more dwellings on a lot. This led to the development of ResCode.

ResCode was prepared in response to Government commitments that communities should be provided with a choice of well-designed houses and, at the same time, the character of Victoria's streets, suburbs and towns should be protected. These commitments were made in response to widespread public concern that the previous Government's controls over housing and subdivision available under The Good Design Guide and VicCode 1 did not sufficiently protect areas of valued character and that the emphasis on urban consolidation outweighed consideration of the intrinsic value of streets and suburbs.

To provide greater certainty in development, the consultation Draft ResCode adopted mandatory standards with prescriptive requirements wherever possible. The Advisory Committee examining ResCode rejected this approach. It considered that this shift from an emphasis on the quality of outcomes to an emphasis on compliance with rules was a retrograde step which would promote a formula driven approach to both the design and assessment processes for residential development. It concluded that the exhibited ResCode would impose inefficient and unnecessary constraints on a major part of the housing market without guaranteeing better outcomes.

The preferred option recommended by the Advisory Committee was to develop new provisions and use the existing tools in the VPP, including a new Neighbourhood Character Overlay (NCO), and to facilitate a stronger local policy imperative for councils to develop a range of options for the location and management of new development.

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It was a framework that would seek a balance between the objectives of certainty and accommodating designs that respond to their context by:

- building on the existing performance based system;
- maintaining discretion to accommodate site responsive or innovative design solutions;
- recognising the desire for certainty regarding specific requirements by maintaining techniques or benchmarks that will normally meet objectives; and
- enhancing consistency and certainty through the inclusion of additional decision guidelines where alternative approaches are proposed.⁴

The introduction of ResCode involved: new provisions in the Building Regulations 2018 (the Building Regulations); new provisions in the residential zones in all planning schemes; three new Particular Provisions of all planning schemes (clauses 54, 55 and 56); and the new NCO. In particular, it incorporated: basic amenity standards, a greater emphasis on neighbourhood character, mandatory neighbourhood and site description and design responses for all applications, and new environmental standards. A number of the standards within the ResCode provisions could be varied at a local level by councils by way of schedules to residential zones and by applying the NCO.

Councils have enthusiastically embraced the opportunity to modify standard ResCode provisions, adding additional decision guidelines and requirements and introducing local planning policies. Numerous strategic reviews and neighbourhood character studies underpin such changes. Often, they have been driven by community concerns to protect existing neighbourhood character and residential amenity, and to provide more certainty of outcome for residents about the location of new development.

As a result, Design and Development Overlays (DDOs), NCOs and schedules to zones modifying ResCode standards have proliferated. There are approximately 408 residential zone schedules and 401 NCO and DDO schedules affecting land in

residential zones. This results in 1,438 permutations or variations to ResCode requirements in the parent zone.

At the heart of community concern about residential development, which has driven these controls and the proliferation of local policies, has been a desire to limit more intensive residential development in certain areas of valued neighbourhood character. Various reports⁵ identified that the onus ought to be on councils to identify where new residential development should be directed to provide certainty to communities and plan strategically for more housing. Councils were encouraged to plan for housing growth according to the following criteria:

- Areas where substantial change may be expected.
- Areas where incremental change within the framework of existing character may be expected.
- Areas where minimal change may be expected.

In 2017, new residential zones (the Residential Growth Zone (RGZ), the General Residential Zone (GRZ) and the Neighbourhood Residential Zone (NRZ)) were introduced to implement relevant strategic planning, reflect the true development capacity of the land, and provide the opportunity to apply local requirements to achieve preferred built form outcomes identified in the Planning Policy Framework.

4 ResCode Advisory Committee Report: Part 1: Response to terms of reference (December 2000) pp 6-7*

5 For example, see Monash Planning Scheme: Local Variations to The Good Design Guide Advisory Committee Report (August 1998); Good Design Guide and VicCode 1 Issues and Options Paper: (August 1999); Review of The Good Design Guide and Viccode 1: Final Report (March 2000); Making Local Policy Stronger: (June 2007)



How does ResCode work

While not identified as such in the VPP, 'ResCode' is the label given to the residential development standards introduced in 2001 to replace *The Good Design Guide*, *VicCode 1* and the array of local provisions that existed at the time.

The new ResCode standards consisted of:

- Clause 54 One Dwelling on a Lot
- Clause 55 Two or More Dwellings on a Lot
- Clause 56 Residential Subdivision.

Clause 58 Apartment Developments was subsequently added by Amendment VC136 in 2017.

ResCode applies to the development of one or more dwellings on a lot, and to the subdivision of land in residential zones. It establishes basic amenity, siting and design standards for new dwellings and requires preparation of a mandatory neighbourhood and site description and a design response to the neighbourhood and site context and the ResCode objectives. Quantitative siting and amenity standards from ResCode are replicated as regulations in the Building Regulations to ensure they apply in circumstances where a planning permit is not required.

An overview of the current standards in clauses 54, 55 and 58 is set out in APPENDIX 2.

Where a planning permit is required for a single dwelling, in addition to the siting and amenity standards, qualitative and quantitative standards covering neighbourhood character, energy efficiency, landscaping and the like are also required to be considered. Where two or more dwellings are proposed, additional standards applicable to multi-dwelling issues also require consideration (such as dwelling diversity and common property).

The siting and amenity standards in the Building Regulations are 'deemed to comply'; that is, where the quantitative standard is met, the regulation is considered to be met. Where a variation is sought to a siting or amenity regulation, a 'report and consent' process is required where an application to a reporting authority (usually a council) is required.

For a single dwelling on a lot that requires a planning permit, and a multi-dwelling application, the permit requirement is found in the applicable zone. The permit requirement also establishes that the requirements of clause 54 or 55 must be met (or clause 58 in the case of an apartment development of five or more storeys). The zone also provides the power for a schedule to the zone to vary a number of ResCode standards that will apply in place of the usual requirements⁶.

The zone requires that the neighbourhood and site description and the design response from ResCode are submitted with an application for residential development, and that the objectives, standards and decision guidelines of ResCode be considered by the responsible authority in determining any application for dwellings and residential buildings.

Both clause 54 and 55 include the following purposes:

To implement the Municipal Planning Strategy and the Planning Policy Framework.

To achieve residential development that respects the existing neighbourhood character or which contributes to a preferred neighbourhood character.

To encourage residential development that provides reasonable standards of amenity for existing and new residents.

To encourage residential development that is responsive to the site and the neighbourhood.

Both clauses then specify to which type of application they apply, with clause 54 to single dwellings and clause 55 to two or more dwellings on a lot. Both clauses provide:

Operation

The provisions of this clause contain:

Objectives. An objective describes the desired outcome to be achieved in the completed development.

Standards. A standard contains the requirements to meet the objective. A standard should normally be met. However, if the responsible authority is satisfied that an

⁶ Standards A3, A5, A6, A10, A11, A17 and A20 of clause 54, and Standards B6, B8, B9, B13, B17, B18, B28 and B32 of clause 55.

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application for an alternative design solution meets the objective, the alternative design solution may be considered.

Decision guidelines. The decision guidelines set out the matters that the responsible authority must consider before deciding if an application meets the objectives.

In the case of both clauses 54 and 55, objectives *must* be met, while standards *should* be met, and the decision guidelines must be considered. A permit may not be granted unless all the objectives are met. Clause 56, which relates to the subdivision of residential land, operates differently in that it contains objectives and standards but does not include decision guidelines that must be considered as part of the assessment of a residential subdivision.

Problems with the operation of ResCode

Over time, uncertainty about the proper operation of the ResCode standards and how they relate to the objectives has arisen. In particular, the relevance of the decision guidelines in circumstances where a standard is met has been the subject of a number of significant and well discussed determinations at VCAT. These include differing views about whether compliance with standards will be deemed to comply with objectives.

Some relevant cases include:

- Li Chak Lai v Whitehorse CC (No.1) [2005] VCAT 1274 (30 June 2005) (corrected by Li Chak Lai v Whitehorse CC (No.2) [2005] VCAT 1438 (18 July 2005)), in which the Tribunal found in relation to satisfying the standard:

...where the standards are met, the considerations against the proposal cannot include failure to meet the objectives to which the standards relates.⁷

- Lamaro v Hume CC & Anor (includes Summary) (Red Dot) [2013] VCAT 957 (13 June 2013), where the Tribunal attempted to rectify the mandatory requirement to consider the decision guidelines when assessing a standard:

...Reliance on the quantitative standards that apply everywhere do not necessarily achieve a design response that is respectful of the existing neighbourhood character or contributes to a preferred neighbourhood character; or a design that is responsive to its site and its neighbourhood

context. Therefore, whilst there may remain some question as to whether the three dot points under the 'operation' heading in clause 55 should be read sequentially or collectively, it is my view that they need to be taken as a whole and read collectively in order to achieve the purpose of clause 55. The decision guidelines therefore need to be considered in all cases irrespective of whether the standard is met.⁸

- Red Star Beaumaris Pty Ltd v Bayside CC (Correction) [2015] VCAT 305 (17 March 2015), where the Tribunal discussed if the approach in Lamaro was inconsistent with that taken in Li Chak Lai; determining in the end the question was not immediately relevant and that if there was any inconsistency, Li Chak Lai would be the preferred approach.
- 16 Taylor Pty Ltd v Nillumbik SC [2020] VCAT 673 (22 June 2020), a more recent decision where the Tribunal again battled with how to reconcile the mandatory requirement to consider the objective, standard and decision guidelines:

Whilst I give significant weight to the proposal's compliance, and indeed, exceedance of the preferred 5.5 metre setback, I find that an assessment cannot merely look at the quantitative outcome. The objective under clause 55.03-1, and the decision guidelines of this clause as well as both the ACZ1 and SLO1 require a qualitative assessment to be undertaken. ...⁹

The consequence of these conflicting interpretations of the operation of ResCode is that circumstances can arise where a residential development proposal may comply with a standard but is rejected because it is not deemed to meet the relevant objective having regard to the decision guidelines. Because ResCode requires that a development must meet all the objectives that apply to the application, this means that a permit cannot be granted.

More broadly, the cumulative result of this layering of controls and multiplicity of matters to be considered in the decision-making process is that users can incur significant costs and delays as they navigate the system.¹⁰ Decision making is protracted and made uncertain by the complicated, overlapping and sometimes contradictory policy settings. Conflicting views about the meaning of provisions result in uncertainty both for developers and residents. The mix of quantitative and qualitative criteria for decision making can mean that even if a proposal meets all the quantitative standards of

⁷ Li Chak Lai v Whitehorse CC (No.1) [2005] VCAT 1274, at [33]

⁸ Lamaro v Hume CC & Anor (includes Summary)(Red Dot) [2013] VCAT 957, at [16]

⁹ 16 Taylor Pty Ltd v Nillumbik SC [2020] VCAT 673, at [86]

¹⁰ As recognized in the Planning and Building Approvals Process Review: Discussion Paper BRV 2019

ResCode, it may still be rejected because it fails to meet the relevant objectives of those standards.

The issues highlighted above manifest most prominently when reconciling proposals with the neighbourhood character objectives contained in ResCode.

Bringing clarity to the operation of ResCode

Need for more focussed assessment

A maxim of statutory planning is that matters addressed through the assessment of a proposal must be directed to achieving the purpose of the permit requirement - the reason why the permit is required.

ResCode presently includes a range of decision guidelines that direct decision makers to consider broad categories of issues and documents. For example, the decision guidelines of some objectives of ResCode include the following:

Any relevant neighbourhood character objective, policy or statement set out in this scheme.

For residential matters, the decision guidelines of clause 65 and the zones can also bring into play the array of considerations set out in these clauses in addition to those in ResCode.

For applicants this can mean that, despite a proposal responding positively to specific standards or more specific decision guidelines, other unknown or vaguely defined matters might be weighed against it. For decision makers, it can also require a much broader inquiry (such as a range of PPF considerations) than is warranted by a proposal that might only raise a discrete set of amenity issues.

It will often be necessary for decision makers to conduct broader inquiries where proposals require multiple permissions that raise complex or competing policy outcomes, which need to be integrated into an overall decision and planning permit.

However, where provisions such as ResCode have established a comprehensive and well understood set of standards for a specific class of development, the consideration of broader decision guidelines is unlikely to be necessary nor yield any planning benefits given the purpose of the control. The administrative burden this level of inquiry imposes can also undermine the efficiency and usability of the system for all users.

Quantitative vs Qualitative

More streamlined approaches to assessment will work best and most efficiently if the standards to be assessed are quantitative or objective in character.

ResCode currently includes a combination of quantitative and qualitative standards, which contain the requirements to meet a given objective.

Quantitative standards, such as Side and rear setbacks (A10 and B17), require an assessment to determine whether a proposal will comply with a requirement delimited by a height and setback metric or profile. Quantitative standards effectively identify a pre-set or accepted level of performance to satisfy an objective. The quantitative standards and their operation are also reflected in Part 5 (Siting) the Building Regulations.

Qualitative standards on the other hand, such as Neighbourhood character (A1 and B1) and Detailed design (A19 & B31), require an exercise of discretion in their interpretation and determination as to whether the standard has been met, and consequently the objective. These types of standards usually require a finer grain consideration of contextual matters identified on the design response and neighbourhood context plans.

Where standards are quantitative, the relevant decision guidelines will often point to contextual factors that might justify a departure from the numeric standard to an alternative outcome that is acceptable. For example, the existence of an abutting laneway is identified as a decision guideline for A10 and B17 and will often support decisions to not require strict compliance with the standard. In this way, decision guidelines perform a similar role to qualitative standards and require the same level of inquiry into relevant contextual factors.

Presently no operational distinction is made between quantitative and qualitative standards, despite the different type of assessment required for each category. There also appears to be considerable overlap between the function and scope of qualitative standards and decision guidelines.

Similar issues can be observed in other provisions and local schedules, which also raise uncertainty about the function of quantitative standards and the consequences of compliance with them.

To facilitate more streamlined assessment, there is a need to clarify and better promote the use of quantitative standards for assessing residential development proposals.

Department of Environment, Land, Water and Planning

Neighbourhood character

ResCode evolved from a set of quantitative standards that were primarily directed at ensuring the provision of adequate infrastructure and facilities for new residential development and appropriate standards of amenity for existing and future residents.

In response to community concerns that a one-size-fits-all approach to development proposals failed to respond adequately to existing neighbourhood character, a greater emphasis on neighbourhood character was incorporated into ResCode in subsequent reforms. Respect for and response to neighbourhood character is now embedded in the purpose and many of the design and siting objectives in ResCode.

In addition to the ResCode provisions, references to neighbourhood character are dispersed throughout the planning scheme where they are firmly embedded in the Planning Policy Framework, zone provisions and overlays.

Planning policy framework

The Planning Policy Framework includes neighbourhood character in clause 15.01-5S. It provides:

Neighbourhood character

Objective

To recognise, support and protect neighbourhood character, cultural identity, and sense of place.

Strategies

Support development that respects the existing neighbourhood character or contributes to a preferred neighbourhood character.

Ensure the preferred neighbourhood character is consistent with medium and higher density housing outcomes in areas identified for increased housing.

Ensure development responds to its context and reinforces a sense of place and the valued features and characteristics of the local environment and place by respecting the:

- Pattern of local urban structure and subdivision.
- Underlying natural landscape character and significant vegetation.
- Neighbourhood character values and built form that reflect community identity.

Many planning schemes also include local policy about neighbourhood character in the Planning Policy Framework, often in great detail.

Zones

Neighbourhood character is included in many residential zone provisions as well. For example, see the following residential zones purposes:

Mixed Use Zone:

To encourage development that responds to the existing or preferred neighbourhood character of the area

Township Zone and General Residential Zone:

To encourage development that respects the neighbourhood character of the area.

Neighbourhood Residential Zone:

To recognise areas of predominantly single and double storey residential development. To manage and ensure that development respects the identified neighbourhood character, heritage, environmental or landscape characteristics.

The Mixed Use Zone, Township Zone and GRZ may, and the NRZ must, contain neighbourhood character objectives to be achieved for an area in a schedule. A schedule to the NRZ must also contain the heritage, environment, or landscape character objectives to be achieved for the area. A schedule to the RGZ must contain the design objectives to be achieved for the area.

Overlays

The NCO is designed to specifically address neighbourhood character. The purpose of the NCO includes:

To identify areas of existing or preferred neighbourhood character.

To ensure that development respects the neighbourhood character.

To prevent, where necessary, the removal of buildings and vegetation before the neighbourhood character features of the site and the new development have been evaluated.

A schedule to the NCO must contain a statement of the key features of the neighbourhood character and the neighbourhood character objectives to be achieved for the area affected by the schedule.

The NCO can be used to rewrite most clause 54 and clause 55 standards, except for several standards specified in the overlay at clause 43.05-3. Any rewritten standard must be consistent with the relevant objective and decision guideline in clause 54 or clause 55. The NCO cannot be used to rewrite the objectives or decision guidelines in clause 54 and clause 55. The objectives and decision guidelines continue to apply to a rewritten standard. Additional local neighbourhood character objectives and decision guidelines may be specified in the schedule to the NCO to achieve a preferred neighbourhood character.

The DDO, while not specifically designed to protect or enhance neighbourhood character, is also often used for this purpose.

Since its introduction in 2002 the NCO has only been applied in 15 planning schemes (out of 79) with 56 schedules. When considering residential land area, the application of the NCO affects an average of 3.10% of residential land in the 15 identified planning schemes and the impacts statewide are even less significant.

While there may be benefits to considering amendments to the NCO and its relationship with other overlays, the sparse application of this overlay across the state will limit the overall impact of such reforms. The greatest influence from the consideration of neighbourhood character on decision making for residential development comes from the zone provisions, the operation of ResCode and the opportunities to modify ResCode provisions by way of schedules to the residential zones.

Department of Environment, Land, Water and Planning

Understanding neighbourhood character

Since ResCode was introduced, a much greater understanding has developed of the built form and spatial elements that help to define neighbourhood character. They include street, side and rear setbacks; site coverage; walls on boundaries; front fences; height; landscape and gardens; and built form.

The following elements, which have quantitative standards specified in ResCode, are identified in the residential zones as capable of modification in a schedule to the zone to better reflect the existing or preferred neighbourhood character of an area – Street setbacks (A3 and B6); Site coverage (A5 and B8); Permeability (A6 and B9); Side and rear setbacks (A10 and B17); Walls on boundaries (A11 and B18); Private open space (A17 and B28); and Front fences (A20 and B32).¹¹

Height has quantitative standards in A4 and B7 of ResCode of 9 metres unless specified in a zone.

Garden areas are now recognised as another element of neighbourhood character. Minimum garden area requirements are specified in the NRZ and GRZ. A schedule to the GRZ may specify an exemption from the minimum garden area.

If the opportunity to customise standards in the residential zones to reflect the existing or preferred neighbourhood character of specific areas by modifying key quantitative standards in ResCode is not considered adequate, councils have the option to apply a DDO or NCO.

Another important element of neighbourhood character is design detail, which includes matters such as facade articulation and detailing, window and door proportions, roof form and verandahs, and eaves and parapets (standards A19 and B31). Many councils refer to these details in local planning policies and policy documents that sit outside the planning scheme, such as design guidelines.

Local policies and design guidelines will often detail other elements of existing and preferred neighbourhood character, which are not referenced in ResCode, such as a preference for a sense of separation and space between buildings or for multi-dwelling developments to read as a single detached dwelling from the street.

How do ResCode standards deliver neighbourhood character?

In most settings the basic ResCode standards will deliver developments that respect the neighbourhood character of the many locations where it applies.

The built form and spatial elements that help to define neighbourhood character include street, side and rear setbacks; site coverage; walls on boundaries; front fences; height; landscape and gardens; and built form.

Most of the standards in ResCode that affect these aspects of neighbourhood character are quantitative standards. They are all standards that can be modified in a schedule to the zone. Other standards that affect neighbourhood character, which have qualitative standards only, are the neighbourhood character objective itself,¹² and objectives relating to landscaping¹³ and design detail.¹⁴

Clauses 54 and 55 provide that an objective describes the desired outcome to be achieved by a development and a standard contains the requirements to meet that objective. Logically, if these quantitative ResCode standards affecting neighbourhood character are applied, it must be presumed that they will deliver development which produces an acceptable outcome in neighbourhood character terms. If the objective is, for example:

To ensure that the setbacks of buildings from a street respect the existing or preferred neighbourhood character ...; or To ensure that the height and setback of a building from a boundary respects the existing or preferred neighbourhood character ...; then on this basis, compliance with the relevant standard will comply with this objective.

In settings where this is not the case and the existing or preferred neighbourhood character requires the application of different quantitative standards for development to acceptably respect neighbourhood character, then there is the ability to modify the standards either by way of a schedule to the zone or an overlay.

¹¹ Landscaping (B13) is also capable of having different requirements specified in a schedule even though the standards are more qualitative and quantitative

¹² A1 and B1

¹³ A8 and B13

¹⁴ A19 and B31



Improving how neighbourhood character is applied

Neighbourhood character is an important element of ResCode, but its assessment remains vague compared to other objectives and standards. Resolving neighbourhood character outcomes has been a key source of uncertainty in ResCode's operation, particularly where design responses that exceed compliance with other quantitative standards are proposed.

The many reports that have emphasised the need to improve the planning system and streamline decision making for residential development highlight the need for certainty in decision making. Greater certainty in decision making can be achieved if it is accepted that the role of ResCode is to ensure that residential development provides reasonable standards of amenity for existing and new residents, that it is responsive to the site and its context; and that development which complies with ResCode standards will produce an acceptable response to neighbourhood character.

Development which does not comply with ResCode standards should be able to be considered on its merits having regard to ResCode objectives and ultimately the purposes of the zone and the policy framework of the zone.

Such an approach would consolidate the experience that has been gained in identifying and understanding the quantitative and design measures which will result in development that reflects and respects neighbourhood character. It provides an opportunity to:

- make ResCode the primary repository for provisions relating to the built form of residential development that focus on the provision of adequate infrastructure and facilities for new development and appropriate standards of amenity for existing and future residents
- make zones the primary repository for provisions relating to neighbourhood character considerations that depart from the ResCode standards, supplemented by overlays such as the DDO and the NCO
- create greater certainty for development proposals that comply with the quantitative measures of ResCode by deeming them to comply with relevant performance objectives and neighbourhood character purposes, and streamlining their approval
- retain the opportunity to consider proposals that do not comply with ResCode standards on their merits.

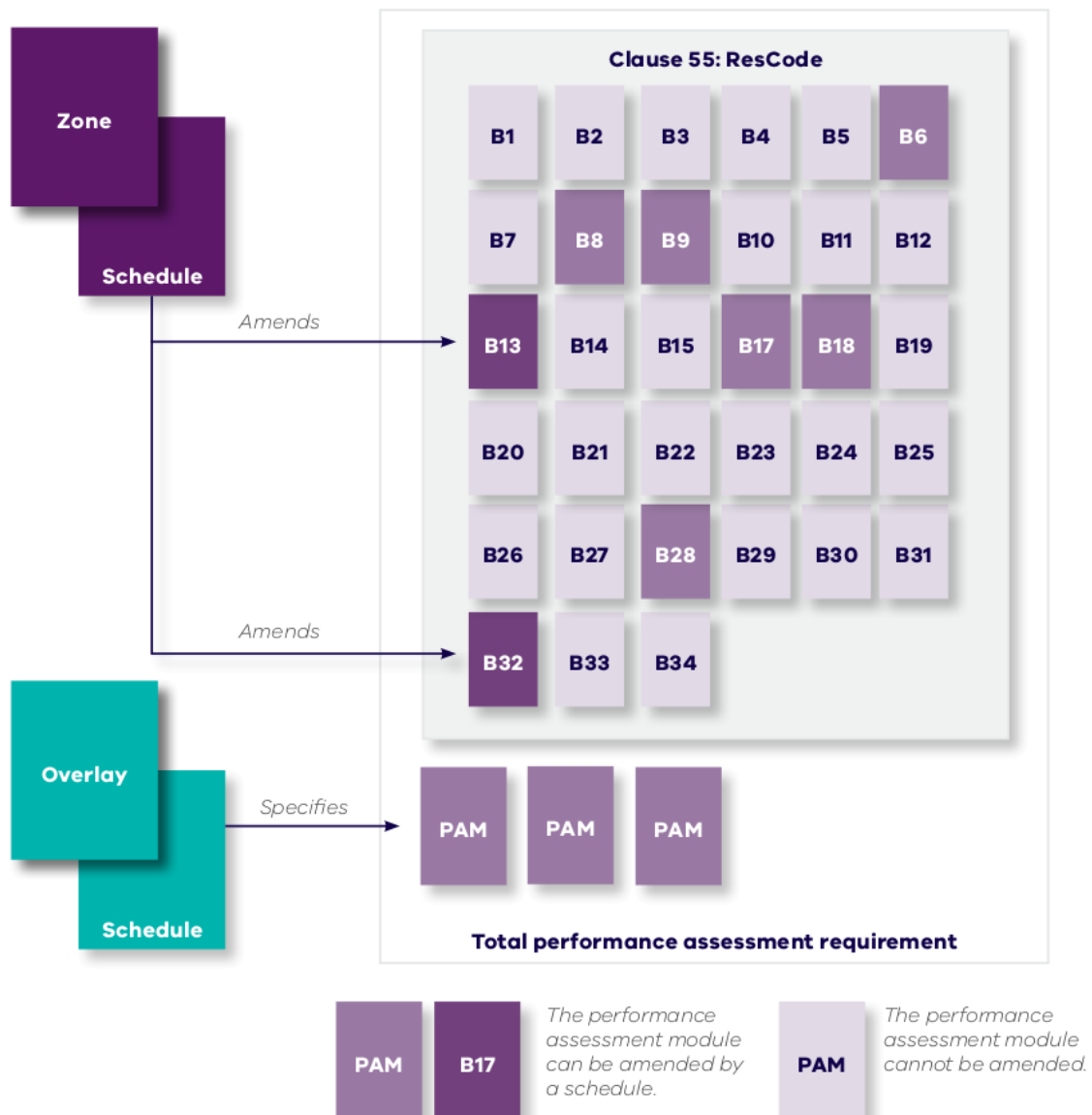
Restructuring ResCode and the residential zone provisions along these lines would not involve change to the substance of any of the ResCode standards or zone requirements. Rather, it offers an opportunity to introduce more certainty and make decision making more structured and consistent, and more focussed on outcomes and objectives, which was how the VPP was always intended to operate.

4. Applying the model to ResCode

How the new model can apply to ResCode

By repackaging all the built form standards that apply to a residential development into a set of consistent PAMs, the total performance assessment requirement for a residential development can be assembled and assessed in a comprehensive and consistent way. Both the designer and the assessor will be able to easily assemble all the PAMs relevant to a proposal and be clear about what is expected, what information is needed and how compliance will be assessed.

The total performance assessment requirement for a residential development



Translating the ResCode standards to PAMs

Currently, each ResCode standard is expressed as:

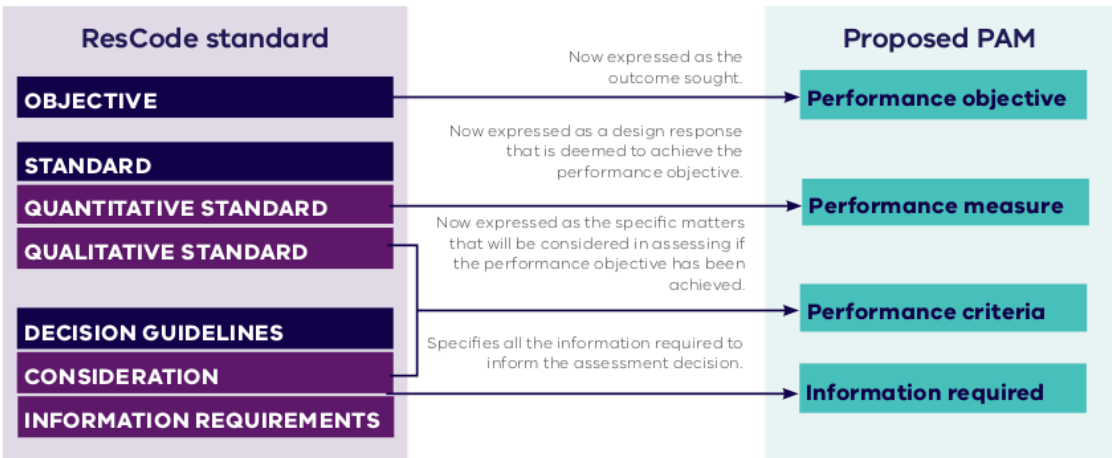
- An **Objective** that expresses an aspiration about what the design will achieve.
- A **Standard** that says what a proposal must or should do.
- **Decision Guidelines** that indicate what matters will be considered in assessing a proposal.

While this system is effective and understood, it can create uncertainty for all stakeholders about when a ‘should’ is really a ‘must’, about what information needs to be submitted with an application in relation to specific standards and what the specific criteria are that will be applied in assessing whether each standard has been achieved.

Translating the current provisions to the PAM format will significantly reduce the potential for uncertainty around such issues. In simple terms, the translation of a ResCode Standard to a PAM would follow the method in the table below.

Translating a ResCode standard

The difference between a ResCode Standard and a PAM



Department of Environment, Land, Water and Planning

Example of a current standard: Standard A6

CURRENT

54.03-4

Permeability objectives

To reduce the impact of increased stormwater run-off on the drainage system.

To facilitate on-site stormwater infiltration.

Standard A6

The site area covered by pervious surfaces should be at least:

- The minimum area specified in a schedule to the zone; or
- If no minimum area is specified in a schedule to the zone, 20 per cent of the site.

Decision guidelines

Before deciding on an application, the responsible authority must consider:

- The design response.
- The existing site coverage and any constraints imposed by existing development.
- The capacity of the drainage network to accommodate additional stormwater.
- The capacity of the site to absorb run-off.
- The practicality of achieving the minimum site coverage of pervious surfaces, particularly on lots of less than 300 square metres.

Example of a translated standard: Standard A6

TRANSLATED

A6 Permeability
Performance objective
The impact of increased stormwater run-off on the drainage system is reduced. Stormwater is infiltrated on-site.
Performance measure
The site area covered by pervious surfaces is at least: <ul style="list-style-type: none"> • The minimum area specified in a schedule to the zone; or • If no minimum area is specified in a schedule to the zone, 20 per cent of the site.
Performance criteria
Stormwater discharge is acceptable considering: <ul style="list-style-type: none"> • The existing site coverage and any constraints imposed by existing development. • The capacity of the drainage network to accommodate additional stormwater. • The capacity of the site to absorb run-off. • The practicality of achieving the minimum site coverage of pervious surfaces, particularly on lots of less than 300 square metres.
Information required
The design response. If not included in the design response, a statement documenting: <ul style="list-style-type: none"> • How the proposal responds to any relevant water and stormwater management objective, policy or statement set out in this scheme. • The capacity of the drainage network to accommodate additional stormwater.

The PAM format also makes the expression of requirements more precise by activating the concept that if a Performance Measure is complied with, then the Performance Objective is achieved. This has been an ongoing issue of uncertainty. Similarly, the extent of information and further information that is required before a decision can be made has also been an issue of uncertainty. Careful drafting of the PAM provisions will significantly improve that aspect of decision making.

The differences between the current and translated PAM provisions are in some cases subtle, but they are important. In particular:

- The translation removes the subjectivity embedded in the current standards about what should or should not happen. Performance Objectives and Performance Measures are expressed in neutral terms and clearly state an outcome or a measure.
- Similarly, the Performance Criteria clearly state what will be considered in assessing a proposal against the Performance Objective if the Performance Measure is not complied with. These are not expressed as 'guidelines' but as statements.
- In many cases, the current Decision Guidelines imply the need for certain information, but do not specifically state what is required. The proposed model more clearly states for each standard what specific information is required. Sometimes this is standard information, such as the design response, sometimes it is more specific, such as 'The capacity of the drainage system to accommodate additional stormwater'. In all cases, the information must directly relate to the standard being assessed.

It is important to note that neither the requirements of the model nor the draft translations in APPENDICES 4, 5 and 6 change the content or intent of any standard.

Draft translations of all the standards in clauses 54, 55 and 58 are included in APPENDICES 4, 5 and 6. Generally, each ResCode standard translates well to the PAM format.

Considering neighbourhood character under the new model

Schedule to residential zones

The new model starts from the premise that in most settings, the quantitative ResCode standards that refer to neighbourhood character will deliver developments that respect the neighbourhood character of the many locations where they apply.

In settings where this is not the case and the existing or preferred neighbourhood character requires the application of different quantitative standards for development to acceptably respect neighbourhood character, the standards can be modified either by way of a schedule to the zone or an overlay.

The model proposes a modified schedule to the residential zones that interacts more comprehensively with the assessment provisions of clauses 54 and 55. It specifies:

- The name of the particular element – Neighbourhood character; Minimum street setback; Site coverage; Permeability; Landscaping; Side and rear setbacks; Walls on boundaries; Private open space; Front fence height; and Design detail.
- The relevant Performance Objective – for example, A3 and B6, A5 and B8
- The Performance Measure, which must be a measure or standard that is quantitative or can be objectively ascertained or measured. If there is no performance measure, then the words "None specified" must be inserted.

The schedule will continue to make provision for neighbourhood character objectives.¹⁵ They must be completed if any Performance Measures are included in the schedule.

The neighbourhood character objectives set out in the zone schedule will form the basis for the Performance Measures in the schedule.

¹⁵ Or design objectives in the case of the Residential Growth Zone.

Department of Environment, Land, Water and Planning



For example, a schedule could read:

4.0

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C—

Assessment provisions of Clause 54 and Clause 55

	Performance objective	Performance measure
Neighbourhood character	A1 and B1	Only one dwelling faces the street Provide driveways to the side of the dwelling Site garages adjacent to or behind the dwelling A garage or carport is set back at least 1 metre behind the front wall of a dwelling There is no more than one vehicle crossover per site
Minimum street setback	A3 and B6	None specified
Site coverage	A5 and B8	None specified
Permeability	A6 and B9	None specified
Landscaping	B13	None specified
Side and rear setbacks	A10 and B17	None specified

A modified zone schedule will provide an opportunity for a council to be more specific about those particular design details or neighbourhood character elements that will respect existing or preferred neighbourhood character.

For developers, it will provide more certainty as to exactly what Performance Measures will be deemed to achieve Performance Objectives. If they choose a design that does not meet the Performance Measures, there is still an opportunity, having regard to the Performance Criteria, for the council to consider whether the Performance Objectives are met. If the Performance Objectives are still not met, then a proposal may be considered on its merits having regard to the decision guidelines set out in the zone.

However, if the Performance Measures are met, either as set out in the assessment provisions or a schedule to the zone, it will not be open to councils to seek additional 'beyond compliance outcomes' in the name of intangible ideas of neighbourhood character.

Focus on objectives

Each element of the assessment provisions is focussed on achieving the objectives for that element. Many objectives include reference to neighbourhood character. Others deal solely with particular design, infrastructure and amenity features of the development. Taken together, the combination of Performance Objectives will facilitate residential development outcomes that are deemed to be acceptable.

The objectives of all the ResCode standards that refer to neighbourhood character are to ensure that aspects of the development respect the existing or preferred neighbourhood character. They may also include a more site-specific design based objective or context objective.

The model retains these existing ResCode objectives as Performance Objectives in the assessment provisions.

Treatment of decision guidelines

Wherever a ResCode standard includes a reference to neighbourhood character, it includes the following decision guideline¹⁶.

Any relevant neighbourhood character objective, policy or statement set out in this scheme.

The decision guidelines will also usually contain a reference to the design response and relevant site-specific or neighbourhood context considerations.

The model removes all decision guidelines from the assessment provisions. Decision guidelines are instead converted to Performance Criteria where they relate to site-specific or neighbourhood context matters, or how to achieve the specific Performance Objective of the assessment provision other than neighbourhood character. Specifically, the decision guideline, which relates to consideration of any relevant neighbourhood character objective, policy or statement set out in the scheme, has been omitted.

This decision guideline is omitted from the proposed model because it is no longer necessary.

The reference in the ResCode decision guidelines to any relevant neighbourhood character objective, policy or statement set out in the scheme, is not a reference to neighbourhood character 'at large'. It refers to something more specific that is set out in the planning scheme.

This decision guideline is not referring to the site-specific or neighbourhood context of the proposed development because consideration of this context is encompassed and made relevant by other decision guidelines. Rather, the consistent wording of this decision guideline is in all the quantitative neighbourhood character objectives, and the fact that all these standards can be modified by a schedule to the zone, means that the neighbourhood character in question must be ascertainable by reference to the planning scheme.

The proposed model is based on the premise that compliance with Performance Measures will achieve the Performance Objectives, which include respecting the existing or preferred neighbourhood character. If Performance Measures are met, there is no need to consider a neighbourhood character objective or policy outside the assessment provision.

It is only if the Performance Measures are not met, that it becomes relevant to consider the Performance Criteria to decide if the particular Performance Objective is achieved. Under the model, this will be decided having regard to site-specific or neighbourhood context considerations, not broad neighbourhood character considerations.

It is only if, having considered the Performance Criteria, it is decided that the Performance Objective is not achieved, that an application must be considered on its merits having regard to the broader planning policy framework. In these circumstances, any neighbourhood character objectives in the zone or within the planning policy framework will be relevant. They will need to be considered and balanced as part of the integrated decision making required by clause 71.02-3. In this circumstance, any decision guidelines set out in the zone will be relevant.

Neighbourhood character objective

The neighbourhood character objective in ResCode (A1 and B1) is retained as a PAM. The Performance Objectives remain the same:

The design respects the existing neighbourhood character or contributes to a preferred neighbourhood character.

The development responds to the features of the site and the surrounding area.

The Performance Measures provide as follows:

The design of new development complies with the performance measures specified for the following performance objectives or any variation to them in a schedule to a zone or overlay:

- Street setback (A3).
- Building height (A4).
- Site coverage (A5).
- Side and rear setbacks (A10).
- Walls on boundaries (A11).
- Front fences (A20).

The design of new development complies with any performance measures specified for neighbourhood character and design detail in a schedule to a zone.

¹⁶ A1 and B1, A3 and B6, A4 and B7, A5 and B8, A8 and B13, A10 and B17, A11 and B18, A19 and B31, A20 and B32

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The Performance Criteria are:

A proposed variation to a performance measure in the design of new development does not unreasonably disturb the existing neighbourhood context described in the neighbourhood and site description.

The PAM for neighbourhood character is based on the premise, which underpins the proposed model, that in most settings, the existing quantitative ResCode standards referring to neighbourhood character will, without modification, deliver development that respects the neighbourhood character of the location.

In settings where this is not the case and the existing or preferred neighbourhood character requires the application of different quantitative standards for development to acceptably respect neighbourhood character, then the standards can be modified either by a schedule to the zone or an overlay. This approach will also remove the uncertainty inherent in the reliance on neighbourhood character studies that exist outside planning schemes.

The proposed PAM for neighbourhood character recognises and embodies this premise.

Design detail objective

The design detail objective in A19 and B31 is:

To encourage design detail that respects the existing or preferred neighbourhood character.

Standards A19 and B31 provide:

The design of buildings, including:

- *Façade articulation and detailing,*
- *Window and door proportions,*
- *Roof form, and*
- *Verandahs, eaves and parapets,*

should respect the existing or preferred neighbourhood character.

Garages and carports should be visually compatible with the development and the existing or preferred neighbourhood character.

The decision guidelines include:

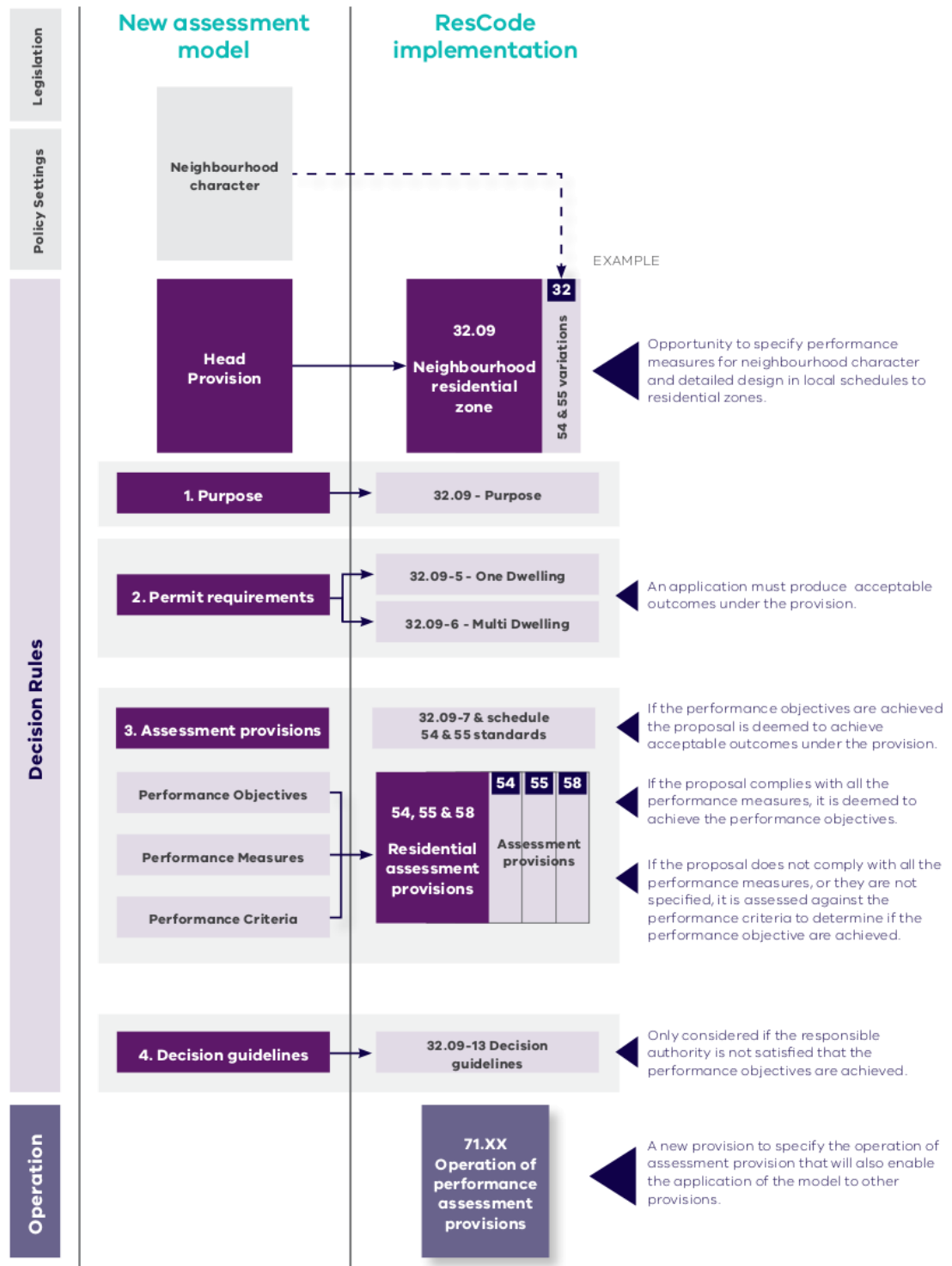
Any relevant neighbourhood character objective, policy or statement set out in this scheme.

The design of buildings is often an important aspect of neighbourhood character. However, to understand the type of design features such as façade articulation and detailing, window and door proportions, roof form, and verandahs, eaves and parapets, that will reflect existing or preferred neighbourhood character, these design features need to be adequately identified and described.

The model provides an opportunity to identify and describe such design features in the schedule to the residential zones. The Performance Objective in the PAM version of the design detail standard is less generic than the design detail objective of A19 and B31. It refers to design detail that respects the existing or preferred neighbourhood character set out in a schedule to a zone or overlay, or to the neighbourhood context. The Performance Measures relate to any design details included as Performance Measures in a schedule to the zone.

If there are no Performance Measures included in a schedule to the zone, then this Performance Objective must be considered according to the Performance Criteria. The Performance Criteria relate to whether design details are acceptable in the neighbourhood context.

A new performance assessment model



5. Considerations for implementation

Updating the drafting rules

The benefits of the new model will rely on clear drafting rules to ensure a consistent implementation and fully realise its benefits. The *Practitioner's Guide to Victorian Planning Schemes* sets out rules for the preparation of planning scheme provisions. The rules apply to both state standard and local provisions.

The new model seeks to better align ResCode and other discretionary provisions with the VPP principles and 'hardwire' the drafting rules set out in section 4 of the Practitioner's Guide into their structure and operation. More detailed drafting rules will need to be developed to support the introduction of the model into the VPP and local provisions, in particular to provide guidance for drafting Performance Objectives, Measures and Criteria.

It may be possible to develop a pattern book of standard PAMs to address common planning issues, such as roof and architectural forms and other design matters. Standard PAMs such as these could be easily adapted to implement local requirements, reduce the potential for errors and enhance the consistency and usability of schemes.

Other consequential actions

Other actions to support the efficient operation of the new model could include the following.

Update Clause 54.01 and 55.01 (Neighbourhood and site description and design response)

These clauses will require amendment to reflect the new model. There is also an opportunity to include a table that explains how the Performance Measures for each PAM are complied with, and if they are not complied with, how the proposal responds to the Performance Criteria. Such a requirement would streamline the assessment of proposals against each PAM.

Create a standard digital assessment proforma

To take that concept further, a standardised electronic assessment proforma could be created that an applicant can pre-populate as part of the Neighbourhood and Site Description and Design Response and provide to the responsible authority with an application. This could include space for the council's assessment response and be designed in a way that allows embedding in a council's report. This would save administrative effort for the council and act as a checklist for applicants to ensure that every PAM is responded to and all the required information is provided.

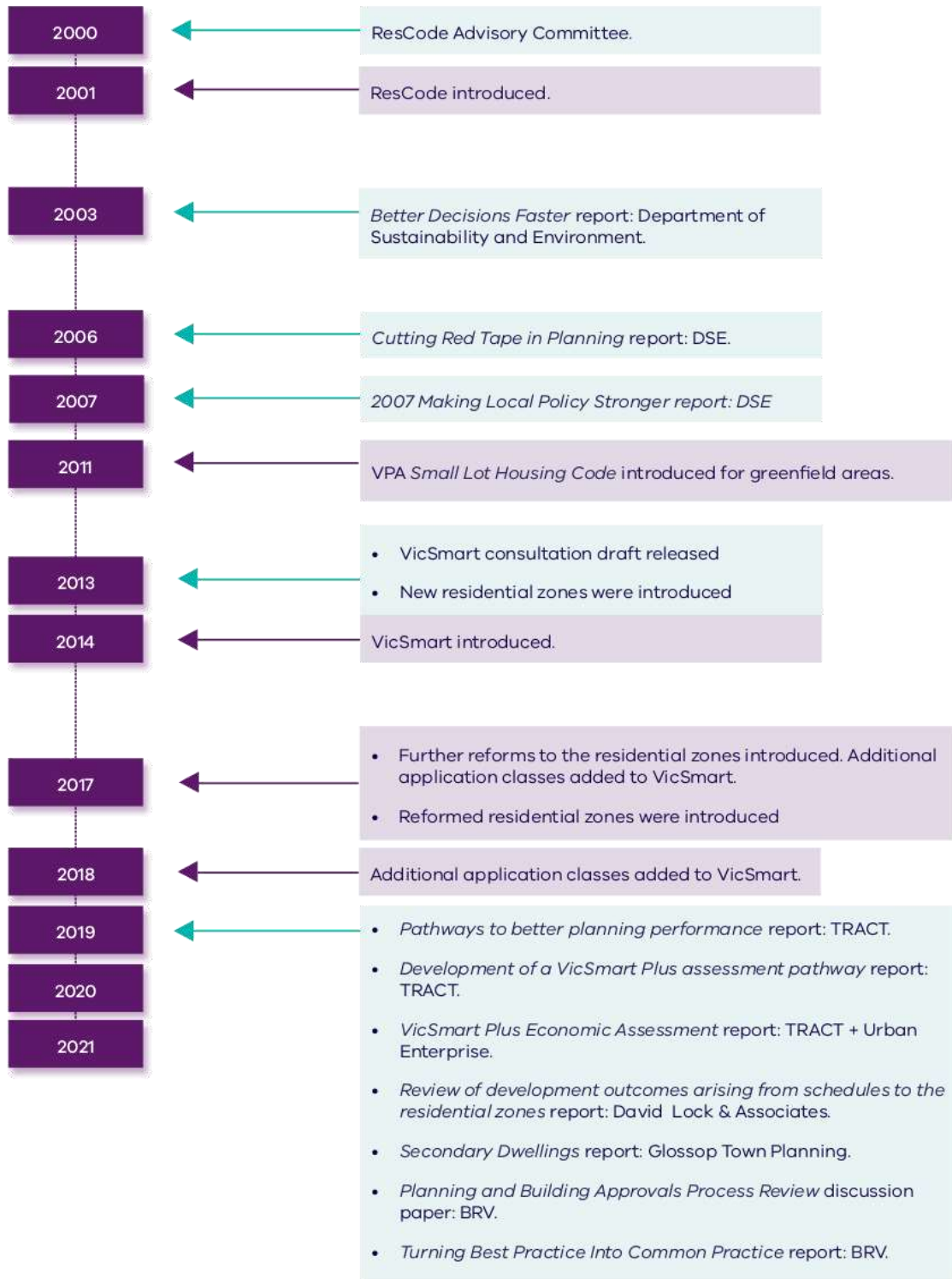


Appendices

Department of Environment, Land, Water and Planning

Appendix 1

An overview of residential reforms since 2000



Appendix 2: Overview of ResCode standards

Clause 54 One dwelling on a lot	Clause 55 Two or more dwellings on a lot and residential buildings	Clause 58 Apartments	Clause 55 Two or more dwellings on a lot and residential buildings
A1 Neighbourhood character	B1 Neighbourhood character		D1 Urban context
	B2 Residential policy		D2 Residential policy
	B3 Dwelling diversity		D3 Dwelling diversity
	B4 Infrastructure		D4 Infrastructure
A2 Integration with the street	B5 Integration with the street		D5 Integration with the street
A3 Street setback	B6 Street setback		
A4 Building height	B7 Building height		
A5 Site coverage	B8 site coverage		
A6 Permeability	B9 Permeability and stormwater management	B35 Energy efficiency	D6 Energy efficiency
A7 Energy efficiency protection	B10 Energy efficiency	B36 Communal open space	D7 Communal open space
	B11 Open space	B37 Solar access to communal outdoor open space	D8 Solar access to communal outdoor open space
	B12 Safety		D9 Safety
A8 Significant trees	B13 Landscaping		D10 Landscaping
	B14 Access		D11 Access
	B15 Parking Location		D12 Parking location
A9 No content	B16 No content	B38 Deep soil areas and canopy trees	
A10 Side and rear setbacks	B17 Side and rear setbacks		
A11 Walls on boundaries	B18 Walls on boundaries		
A12 Daylight to existing windows	B19 Daylight to existing windows		
A13 North facing windows	B20 North facing windows	B39 Integrated water and stormwater management	D13 Integrated water and stormwater management
A14 Overshadowing open space	B21 Overshadowing open space		D14 Building setback
A15 Overlooking	B22 Overlooking		
A16 Daylight to new windows	B23 Internal views		D15 Internal views
	B24 Noise impacts	B40 Noise impacts	D16 Noise impacts
	B25 Accessibility	B41 Accessibility	D17 Accessibility
	B26 Dwelling entry	B42 Building entry and circulation	D18 Building entry and circulation
	B27 Daylight to new windows		
A17 Private open space	B28 Private open space	B43 private open space above ground floor	D19 Private open space
A18 Solar access to open space	B29 Solar access to open space		
	B30 Storage	B44 Storage	D20 Storage
A19 Detail design	B31 Detail design		
A20 Front fences	B32 Front fences		
	B33 Common property		D21 Common property
	B34 Site services		D22 Site services
		B45 Waste and recycling	D23 Waste and recycling
		B46 Functional layout	D24 Functional layout
		B47 Room depth	D25 Room depth
		B48 Windows	D26 Windows
		B49 Natural ventilation	D27 Natural ventilation

* Standard may be modified by schedule

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Appendix 3

Draft Clause 71.XX

71.XX OPERATION OF ASSESSMENT PROVISIONS

71.XX-1 Assessment provisions

Any provision of this scheme may specify assessment provisions for a use or a class of development.

An assessment provision must include one or more:

- Performance objectives
- Performance criteria.

An assessment provision may include one or more:

- Performance measures
- Information requirements.

71.XX-2 Performance objectives

A performance objective describes an acceptable outcome for a use or a class of development.

71.XX-3 Performance measures

A performance measure is a measure or a standard that is quantitative or can be objectively ascertained or measured.

71.XX-4 Performance criteria

A performance criterion specifies a qualitative standard of performance for a use or a class of development.

71.XX-5 Information requirements

Information requirements set out the information that an application must include to enable an assessment against any relevant performance objective, performance measure or performance criterion.

71.XX-5 Making decisions about an assessment provision

Where a provision of a scheme specifies assessment provisions for an application:

- A responsible authority must decide whether the use or class of development achieves the performance objective of each assessment provision.
- If an application achieves all applicable performance objectives, it is deemed to produce an acceptable outcome under the relevant provision.
- If the proposed use or class of development complies with any specified performance measures, it is deemed to achieve the relevant performance objective and the responsible authority must not consider and is exempt from considering:
 - Any performance criteria specified for the use or class of development under that assessment provision.
 - Any decision guidelines specified for the use or class of development under the relevant provision or other provision under the which the application is made.
 - The Municipal Planning Strategy and Planning Policy Framework.

- The requirements of section 60(1)(b), (e) and (f) and (1A) (b) to (h) and (j) of the Act.
- The decision guidelines in Clause 65.
- Where performance measures are not complied with or are not specified, the responsible authority must decide whether the use or class of development achieves the performance objective having regard to any specified performance criteria and any relevant information requirements.
- In deciding whether a proposed use or class of development achieves a performance objective, the responsible authority must not consider and is exempt from considering:
 - Any decision guidelines specified for the use or class of development under the relevant provision or other provision under the which the application is made.
 - The Municipal Planning Strategy and Planning Policy Framework.
 - The requirements of section 60(1)(b), (e) and (f) and (1A) (b) to (h) and (j) of the Act.
 - The decision guidelines in Clause 65.
- If a responsible authority decides that the use or class of development does not achieve a performance objective, it must decide whether the use or class of development will produce acceptable outcomes having regard to decision guidelines specified for the use or class of development under the relevant provision or other provision under the which the application is made.

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Appendix 4

Test translation of Clause 54

NOTE: This translation is an initial 'proof of concept' version.

The detailed drafting of each module will require further review and refinement before coming into operation.

54.02 NEIGHBOURHOOD CHARACTER

CURRENT

54.02-1 Neighbourhood character objectives

To ensure that the design respects the existing neighbourhood character or contributes to a preferred neighbourhood character.

To ensure that the design responds to the features of the site and the surrounding area.

Standard A1

The design response must be appropriate to the neighbourhood and the site.

The proposed design must respect the existing or preferred neighbourhood character and respond to the features of the site.

Decision guidelines

Before deciding on an application, the responsible authority must consider:

- Any relevant neighbourhood character objective, policy or statement set out in this scheme.
- The neighbourhood and site description.
- The design response.

TRANSLATED

A1 Neighbourhood character
Performance objective
The design respects the existing neighbourhood character or contributes to a preferred neighbourhood character.
The development responds to the features of the site and the surrounding area.

Performance measure
<p>The design of new development complies with the performance measures specified for the following performance objectives or any variation to them in a schedule to a zone or overlay:</p> <ul style="list-style-type: none"> • Street setback (A3). • Building height (A4). • Site coverage (A5). • Side and rear setbacks (A10). • Walls on boundaries (A11). • Front fences (A20). <p>The design of new development complies with any performance measures specified for neighbourhood character and design detail in a schedule to a zone.</p>
Performance criteria
<p>A proposed variation to a performance measure in the design of new development does not unreasonably disturb the existing neighbourhood context described in the neighbourhood and site description or the neighbourhood character objectives in a schedule to a zone.</p>
Information required
<p>The neighbourhood and site description.</p> <p>The design response.</p>

CURRENT

54.02-2

Integration with the street objective

To integrate the layout of development with the street.

Standard A2

Dwellings should be oriented to front existing and proposed streets. High fencing in front of dwellings should be avoided if practicable.

Dwellings should be designed to promote the observation of abutting streets and any abutting public open spaces.

Decision guidelines

Before deciding on an application, the responsible authority must consider:

- Any relevant neighbourhood character objective, policy or statement set out in this scheme.
- The design response.

TRANSLATED

A2 Integration with the street
Performance objective
The development integrates with the street.

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Performance measure
Dwellings are oriented to front existing and proposed streets.
There is no high fencing in front of dwellings.
Dwellings promote the observation of abutting streets and any abutting public open space.
Performance criteria
The layout of development is integrated with the street.
Information required
The neighbourhood and site description.
The design response.

54.03 SITE LAYOUT AND BUILDING MASSING

CURRENT

54.03-1 Street setback objective

To ensure that the setbacks of buildings from a street respect the existing or preferred neighbourhood character and make efficient use of the site.

Standard A3

Walls of buildings should be set back from streets:

- At least the distance specified in a schedule to the zone, or
- If no distance is specified in a schedule to the zone, the distance specified in Table A1.

Porches, pergolas and verandahs that are less than 3.6 metres high and eaves may encroach not more than 2.5 metres into the setbacks of this standard.

Table A1 Street setback

Development context	Minimum setback from front street (Metres)	Minimum setback from a side street (Metres)
There is an existing building on both the abutting allotments facing the same street, and the site is not on a corner.	The average distance of the setbacks of the front walls of the existing buildings on the abutting allotments facing the front street or 9 metres, whichever is the lesser.	Not applicable
There is an existing building on one abutting allotment facing the same street and no existing building on the other abutting allotment facing the same street, and the site is not on a corner.	The same distance as the setback of the front wall of the existing building on the abutting allotment facing the front street or 9 metres, whichever is the lesser.	Not applicable
There is no existing building on either of the abutting allotments facing the same street, and the site is not on a corner.	6 metres for streets in a Road Zone, Category 1, and 4 metres for other streets.	Not applicable

The site is on a corner.	<p>If there is a building on the abutting allotment facing the front street, the same distance as the setback of the front wall of the existing building on the abutting allotment facing the front street or 9 metres, whichever is the lesser.</p> <p>If there is no building on the abutting allotment facing the front street, 6 metres for streets in a Road Zone, Category 1, and 4 metres for other streets.</p>	The same distance as the setback of the front wall of any existing building on the abutting allotment facing the side street or 2 metres, whichever is the lesser.
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Decision guidelines

Before deciding on an application, the responsible authority must consider:

- Any relevant neighbourhood character objective, policy or statement set out in this scheme.
- The design response.
- Whether a different setback would be more appropriate taking into account the prevailing setbacks of existing buildings on nearby lots.
- The visual impact of the building when viewed from the street and from adjoining properties.
- The value of retaining vegetation within the front setback.

TRANSLATED

A3 Street setback
Performance objective
The setbacks of buildings from a street respect the existing or preferred neighbourhood character.
The setbacks of buildings from a street make efficient use of the site.

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Performance measure		
<p>All building walls are set back from streets:</p> <ul style="list-style-type: none"> • At least the distance specified in a schedule to the zone, or • If no distance is specified in a schedule to the zone, the distance specified in Table A1; <p>except that a porch, pergola or verandah less than 3.6 metres high and an eave may encroach not more than 2.5 metres into the setbacks of this performance measure.</p>		
Table A1 Street setback		
Development context	Minimum setback from front street (Metres)	Minimum setback from a side street (Metres)
There is an existing building on both the abutting allotments facing the same street, and the site is not on a corner.	The average distance of the setbacks of the front walls of the existing buildings on the abutting allotments facing the front street or 9 metres, whichever is the lesser.	Not applicable
There is an existing building on one abutting allotment facing the same street and no existing building on the other abutting allotment facing the same street, and the site is not on a corner.	The same distance as the setback of the front wall of the existing building on the abutting allotment facing the front street or 9 metres, whichever is the lesser.	Not applicable
There is no existing building on either of the abutting allotments facing the same street, and the site is not on a corner.	6 metres for streets in a Road Zone, Category 1, and 4 metres for other streets.	Not applicable
The site is on a corner.	<p>If there is a building on the abutting allotment facing the front street, the same distance as the setback of the front wall of the existing building on the abutting allotment facing the front street or 9 metres, whichever is the lesser.</p> <p>If there is no building on the abutting allotment facing the front street, 6 metres for streets in a Road Zone, Category 1, and 4 metres for other streets.</p>	The same distance as the setback of the front wall of any existing building on the abutting allotment facing the side street or 2 metres, whichever is the lesser.
Performance criteria		
<p>The building setback is appropriate considering:</p> <ul style="list-style-type: none"> • Whether a different setback is more appropriate taking into account the prevailing setbacks of existing buildings on nearby lots. • The visual impact of the building when viewed from the street and from adjoining properties. • The value of retaining vegetation in the front setback. 		

Information required
The neighbourhood and site description.
The design response.

CURRENT

54.03-2

Building height objective

To ensure that the height of buildings respects the existing or preferred neighbourhood character.

Standard A4

The maximum building height should not exceed the maximum height specified in the zone, schedule to the zone or an overlay that applies to the land.

If no maximum height is specified in the zone, schedule to the zone or an overlay, the maximum building height should not exceed 9 metres, unless the slope of the natural ground level at any cross section wider than 8 metres of the site of the building is 2.5 degrees or more, in which case the maximum building height should not exceed 10 metres.

Changes of building height between existing buildings and new buildings should be graduated.

Decision guidelines

Before deciding on an application, the responsible authority must consider:

- Any relevant neighbourhood character objective, policy or statement set out in this scheme.
- Any maximum building height specified in the zone, a schedule to the zone or an overlay applying to the land.
- The design response.
- The effect of the slope of the site on the height of the building.
- The relationship between the proposed building height and the height of existing adjacent buildings.
- The visual impact of the building when viewed from the street and from adjoining properties.

TRANSLATED

A4 Building height
Performance objective
The height of buildings respects the existing or preferred neighbourhood character.
Performance measure
The maximum building height does not exceed the maximum height specified in the zone, a schedule to the zone or an overlay that applies to the land.
If no maximum height is specified in the zone, a schedule to the zone or an overlay, the maximum building height does not exceed 9 metres, unless the slope of the natural ground level at any cross section wider than 8 metres of the site of the building is 2.5 degrees or more, in which case the maximum building height does not exceed 10 metres.
Any change of building height between existing buildings and new buildings is graduated.

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Performance criteria
<p>The building height is acceptable considering:</p> <ul style="list-style-type: none"> • The relationship between the proposed building height and the height of existing adjacent buildings. • The visual impact of the building when viewed from the street and from adjoining properties. • The effect of the slope of the site on the height of the building.
Information required
<p>The neighbourhood and site description.</p> <p>The design response.</p>

CURRENT

54.03-3

Site coverage objective

To ensure that the site coverage respects the existing or preferred neighbourhood character and responds to the features of the site.

Standard A5

The site area covered by buildings should not exceed:

- The maximum site coverage specified in a schedule to the zone, or
- If no maximum site coverage is specified in a schedule to the zone, 60 per cent.

Decision guidelines

Before deciding on an application, the responsible authority must consider:

- Any relevant neighbourhood character objective, policy or statement set out in this scheme.
- The design response.
- The existing site coverage and any constraints imposed by existing development or the features of the site.
- The site coverage of adjacent properties.
- The effect of the visual bulk of the building and whether this is acceptable in the neighbourhood.

TRANSLATED

A5 Site coverage
Performance objective
<p>The site coverage respects the existing or preferred neighbourhood character.</p> <p>The site coverage responds to the features of the site.</p>

Performance measure
<p>The site area covered by buildings does not exceed:</p> <ul style="list-style-type: none"> • The maximum site coverage specified in a schedule to the zone, or • If no maximum site coverage is specified in a schedule to the zone, 60 per cent.
Performance criteria
<p>The site coverage is acceptable considering:</p> <ul style="list-style-type: none"> • The existing site coverage and any constraints imposed by existing development or the features of the site. • The site coverage of adjacent properties. • The effect of the visual bulk of the building and whether this is acceptable in the neighbourhood context.
Information required
<p>The neighbourhood and site description.</p> <p>The design response.</p>

CURRENT

54.03-4

Permeability objectives

To reduce the impact of increased stormwater run-off on the drainage system.

To facilitate on-site stormwater infiltration.

Standard A6

The site area covered by pervious surfaces should be at least:

- The minimum area specified in a schedule to the zone; or
- If no minimum area is specified in a schedule to the zone, 20 per cent of the site.

Decision guidelines

Before deciding on an application, the responsible authority must consider:

- The design response.
- The existing site coverage and any constraints imposed by existing development.
- The capacity of the drainage network to accommodate additional stormwater.
- The capacity of the site to absorb run-off.
- The practicality of achieving the minimum site coverage of pervious surfaces, particularly on lots of less than 300 square metres.

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TRANSLATED

A6 Permeability
Performance objective
The impact of increased stormwater run-off on the drainage system is reduced. Stormwater is infiltrated on-site.
Performance measure
The site area covered by pervious surfaces is at least: <ul style="list-style-type: none"> • The minimum area specified in a schedule to the zone; or • If no minimum area is specified in a schedule to the zone, 20 per cent of the site.
Performance criteria
Stormwater discharge is acceptable considering: <ul style="list-style-type: none"> • The existing site coverage and any constraints imposed by existing development. • The capacity of the drainage network to accommodate additional stormwater. • The capacity of the site to absorb run-off. • The practicality of achieving the minimum site coverage of pervious surfaces, particularly on lots of less than 300 square metres.
Information required
The design response. If not included in the design response, a statement documenting: <ul style="list-style-type: none"> • How the proposal responds to any relevant water and stormwater management objective, policy or statement set out in this scheme. • The capacity of the drainage network to accommodate additional stormwater.

CURRENT

54.03-5 Energy efficiency protection objectives

To achieve and protect energy efficient dwellings.

To ensure the orientation and layout of development reduce fossil fuel energy use and make appropriate use of daylight and solar energy.

Standard A7

Buildings should be:

- Oriented to make appropriate use of solar energy.
- Sited and designed to ensure that the energy efficiency of existing dwellings on adjoining lots is not unreasonably reduced.
- Sited and designed to ensure that the performance of existing rooftop solar energy systems on dwellings on adjoining lots in a General Residential Zone, Neighbourhood Residential Zone or Township Zone are not unreasonably reduced. The existing rooftop solar energy system must exist at the date the application is lodged.

Living areas and private open space should be located on the north side of the dwelling, if practicable.

Dwellings should be designed so that solar access to north-facing windows is maximised.

Decision guidelines

Before deciding on an application, the responsible authority must consider:

- The design response.
- The size, orientation and slope of the lot.
- The existing amount of solar access to abutting properties.
- The extent to which an existing rooftop solar energy system on an adjoining lot is overshadowed by existing buildings or other permanent structures.
- Whether the existing rooftop solar energy system on an adjoining lot is appropriately located.
- The effect of overshadowing on an existing rooftop solar energy system on an adjoining lot.
- The availability of solar access to north-facing windows on the site.

TRANSLATED

A7 Energy efficiency protection
Performance objective
<p>New development is energy efficient.</p> <p>The energy efficiency of existing buildings is protected.</p> <p>The orientation and layout of development reduces fossil fuel energy use and makes appropriate use of daylight and solar energy.</p>
Performance measure
<p>Buildings are oriented to make use of solar energy.</p> <p>Living areas and private open space are located on the north side of the dwelling.</p> <p>New dwellings maximise solar access to north-facing windows.</p> <p>Buildings are sited and designed to ensure that the energy efficiency of existing dwellings on adjoining lots is not reduced.</p> <p>Buildings are sited and designed to ensure that the performance of existing rooftop solar energy systems on dwellings on adjoining lots in a General Residential Zone, Neighbourhood Residential Zone or Township Zone are not reduced. The existing rooftop solar energy system must exist at the date the application is lodged.</p>
Performance criteria
<p>The energy efficiency of new development is acceptable considering:</p> <ul style="list-style-type: none"> • The size, orientation and slope of the lot. • The availability of solar access to north-facing windows on the site. <p>The energy efficiency protection for existing development is acceptable considering:</p> <ul style="list-style-type: none"> • The existing amount of solar access to abutting properties. • The extent to which an existing rooftop solar energy system on an adjoining lot is overshadowed by existing buildings or other permanent structures. • Whether the existing rooftop solar energy system on an adjoining lot is appropriately located. • The effect of overshadowing on an existing rooftop solar energy system on an adjoining lot.

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Information required
<p>The neighbourhood and site description.</p> <p>The design response.</p> <p>A written statement that identifies any existing rooftop solar energy systems on dwellings on adjoining lots in a General Residential Zone, Neighbourhood Residential Zone or Township Zone, and the likely effect of overshadowing by the development on their performance taking account of:</p> <ul style="list-style-type: none"> • The extent to which an existing rooftop solar energy system on an adjoining lot is overshadowed by existing buildings or other permanent structures. • Whether the existing rooftop solar energy system on an adjoining lot is appropriately located.

CURRENT

54.03-6

Significant trees objectives

To encourage development that respects the landscape character of the neighbourhood.

To encourage the retention of significant trees on the site.

Standard A8

Development should provide for the retention or planting of trees, where these are part of the neighbourhood character.

Development should provide for the replacement of any significant trees that have been removed in the 12 months prior to the application being made.

Decision guidelines

Before deciding on an application, the responsible authority must consider:

- Any relevant neighbourhood character objective, policy or statement set out in this scheme.
- The design response.
- The health of any trees that were removed or are proposed to be removed.
- Whether a tree was removed to gain a development advantage.

TRANSLATED

A8 Significant trees
Performance objective
<p>New development respects the landscape character of the neighbourhood.</p> <p>Existing significant trees on the site are retained where possible.</p>
Performance measure
<p>Existing significant trees on the site are retained.</p> <p>Any significant trees that have been removed in the 12 months prior to the application being made are replaced.</p>

Performance criteria
<p>The removal of a significant tree is acceptable considering:</p> <ul style="list-style-type: none"> • The health of any trees that have been or are proposed to be removed. • Whether a tree was removed to gain a development advantage
Information required
<p>The neighbourhood and site description.</p> <p>The design response.</p> <p>If not included in the design response, a statement documenting the health of any tree that is proposed to be removed or has been removed in the 12 months prior to the application being made.</p>

54.04 AMENITY IMPACTS

CURRENT

54.04-1 Side and rear setbacks objective

To ensure that the height and setback of a building from a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings.

Standard A10

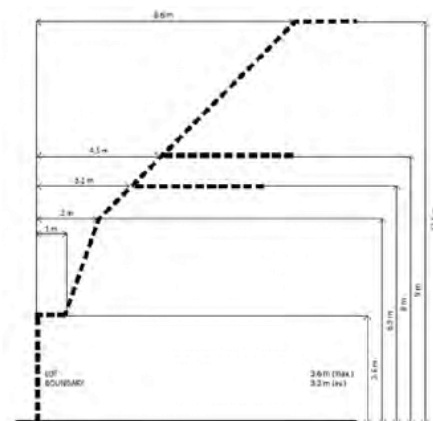
A new building not on or within 200mm of a boundary should be set back from side or rear boundaries:

- At least the distance specified in a schedule to the zone, or
- If no distance is specified in a schedule to the zone, 1 metre, plus 0.3 metres for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres.

Sunblinds, verandahs, porches, eaves, fascias, gutters, masonry chimneys, flues, pipes, domestic fuel or water tanks, and heating or cooling equipment or other services may encroach not more than 0.5 metres into the setbacks of this standard.

Landings having an area of not more than 2 square metres and less than 1 metre high, stairways, ramps, pergolas, shade sails and carports may encroach into the setbacks of this standard.

Diagram A1 Side and rear setbacks



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Decision guidelines

Before deciding on an application, the responsible authority must consider:

- Any relevant neighbourhood character objective, policy or statement set out in this scheme.
- The design response.
- The impact on the amenity of the habitable room windows and secluded private open space of existing dwellings.
- Whether the wall is opposite an existing or simultaneously constructed wall built to the boundary.
- Whether the wall abuts a side or rear lane.

TRANSLATED

A10 Side and rear setbacks
<p>Performance objective</p> <p>The height and setback of a building from a boundary respects the existing or preferred neighbourhood character.</p> <p>The height and setback of a building from a boundary limits the impact on the amenity of existing dwellings.</p>
<p>Performance measure</p> <p>A new building that is not on or within 200mm of a boundary is set back from side or rear boundaries:</p> <ul style="list-style-type: none"> • At least the distance specified in a schedule to the zone, or • If no distance is specified in a schedule to the zone, 1 metre, plus 0.3 metres for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres. <p>Diagram A1 Side and rear setbacks</p> <p>Sunblinds, verandahs, porches, eaves, fascias, gutters, masonry chimneys, flues, pipes, domestic fuel or water tanks and heating or cooling equipment or other services do not encroach more than 0.5 metres into the setback.</p> <p>Landings with an area of not more than 2 square metres and less than 1 metre high, stairways, ramps, pergolas, shade sails and carports may encroach into the setback.</p>

Performance criteria
<p>The height and setback of a building from a boundary is acceptable considering:</p> <ul style="list-style-type: none"> • The impact on the amenity of the habitable room windows and secluded private open space of existing dwellings. • Whether the wall is opposite an existing or simultaneously constructed wall built to the boundary. • Whether the wall abuts a side or rear lane.
Information required
<p>The neighbourhood and site description.</p> <p>The design response.</p>

CURRENT

54.04-2

Walls on boundaries objective

To ensure that the location, length and height of a wall on a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings.

Standard A11

A new wall constructed on or within 200mm of a side or rear boundary of a lot or a carport constructed on or within 1 metre of a side or rear boundary of a lot should not abut the boundary:

- For a length more than the distance specified in a schedule to the zone; or
- If no distance is specified in a schedule to the zone, for a length of more than:
 - 10 metres plus 25 per cent of the remaining length of the boundary of an adjoining lot, or
 - Where there are existing or simultaneously constructed walls or carports abutting the boundary on an abutting lot, the length of the existing or simultaneously constructed walls or carports, whichever is the greater.

A new wall or carport may fully abut a side or rear boundary where the slope and retaining walls or fences would result in the effective height of the wall or carport being less than 2 metres on the abutting property boundary.

A building on a boundary includes a building set back up to 200mm from a boundary.

The height of a new wall constructed on or within 200mm of a side or rear boundary or a carport constructed on or within 1 metre of a side or rear boundary should not exceed an average of 3.2 metres with no part higher than 3.6 metres unless abutting a higher existing or simultaneously constructed wall.

Decision guidelines

Before deciding on an application, the responsible authority must consider:

- Any relevant neighbourhood character objective, policy or statement set out in this scheme.
- The design response.
- The extent to which walls on boundaries are part of the neighbourhood character.
- The visual impact of the building when viewed from adjoining properties.
- The impact on the amenity of existing dwellings.
- The opportunity to minimise the length of walls on boundaries by aligning a new wall on a

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boundary with an existing wall on a lot of an adjoining property.

- The orientation of the boundary that the wall is being built on.
- The width of the lot.
- The extent to which the slope and retaining walls or fences reduce the effective height of the wall.
- Whether the wall abuts a side or rear lane.
- The need to increase the wall height to screen a box gutter.

TRANSLATED

A11 Walls on boundaries
Performance objective
The location, length and height of a wall on a boundary respects the existing or preferred neighbourhood character
The location, length and height of a wall on a boundary limits the impact on the amenity of existing dwellings.
Performance measure
<p>A new wall constructed on or within 200mm of a side or rear boundary of a lot or a carport constructed on or within 1 metre of a side or rear boundary of a lot does not abut the boundary:</p> <ul style="list-style-type: none"> • For a length more than the distance specified in a schedule to the zone; or • If no distance is specified in a schedule to the zone, for a length of more than: <ul style="list-style-type: none"> – 10 metres plus 25 per cent of the remaining length of the boundary of an adjoining lot, or – Where there are existing or simultaneously constructed walls or carports abutting the boundary on an abutting lot, the length of the existing or simultaneously constructed walls or carports, whichever is the greater. <p>A new wall or carport does not fully abut a side or rear boundary unless the slope and retaining walls or fences would result in the effective height of the wall or carport being less than 2 metres on the abutting property boundary.</p> <p>The height of a new wall constructed on or within 200mm of a side or rear boundary or a carport constructed on or within 1 metre of a side or rear boundary does not exceed an average of 3.2 metres with no part higher than 3.6 metres unless abutting a higher existing or simultaneously constructed wall.</p> <p><i>Note: A building on a boundary includes a building set back up to 200mm from a boundary.</i></p>

Performance criteria
<p>The location, length and height of a wall on a boundary is acceptable considering:</p> <ul style="list-style-type: none"> • The extent to which walls on boundaries are part of the neighbourhood character. • The visual impact of the building when viewed from adjoining properties. • The impact on the amenity of existing dwellings. • The opportunity to minimise the length of walls on boundaries by aligning a new wall on a boundary with an existing wall on a lot of an adjoining property. • The orientation of the boundary that the wall is being built on. • The width of the lot. • The extent to which the slope and retaining walls or fences reduce the effective height of the wall. • Whether the wall abuts a side or rear lane. • The need to increase the wall height to screen a box gutter
Information required
<p>The neighbourhood and site description.</p> <p>The design response.</p>

CURRENT

54.04-3 Daylight to existing windows objective

To allow adequate daylight into existing habitable room windows.

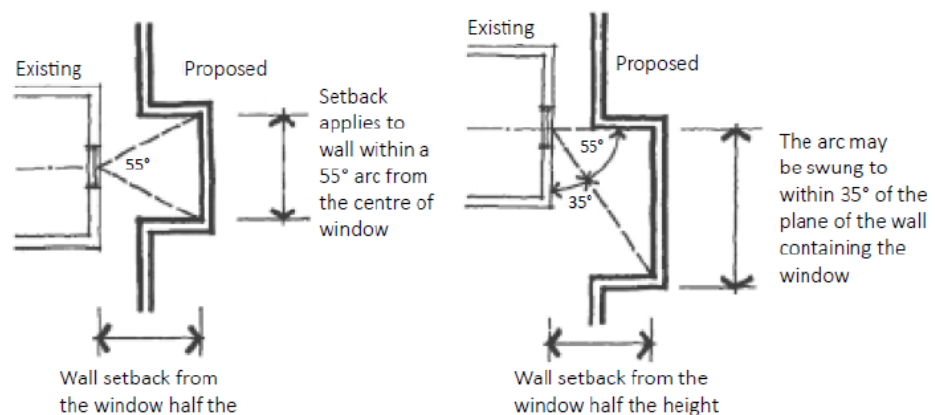
Standard A12

Buildings opposite an existing habitable room window should provide for a light court to the existing window that has a minimum area of 3 square metres and minimum dimension of 1 metre clear to the sky. The calculation of the area may include land on the abutting lot.

Walls or carports more than 3 metres in height opposite an existing habitable room window should be set back from the window at least 50 per cent of the height of the new wall if the wall is within a 55 degree arc from the centre of the existing window. The arc may be swung to within 35 degrees of the plane of the wall containing the existing window.

Where the existing window is above ground floor level, the wall height is measured from the floor level of the room containing the window.

Diagram A2 Daylight to existing windows



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Decision guidelines

Before deciding on an application, the responsible authority must consider:

- The design response.
- The extent to which the existing dwelling has provided for reasonable daylight access to its habitable rooms through the siting and orientation of its habitable room windows.
- The impact on the amenity of existing dwellings.

TRANSLATED

A12 Daylight to existing windows	
Performance objective	Existing habitable room windows receive adequate daylight.
Performance measure	<p>Any building opposite an existing habitable room window provides a light court to the existing window and the light court has a minimum area of 3 square metres and minimum dimension of 1 metre clear to the sky. The calculation of the area may include land on the abutting lot.</p> <p>A wall or carport more than 3 metres in height opposite an existing habitable room window is set back from the window at least 50 per cent of the height of the new wall if the wall is within a 55 degree arc from the centre of the existing window. The arc may be swung to within 35 degrees of the plane of the wall containing the existing window.</p> <p><i>Note: Where the existing window is above ground floor level, the wall height is measured from the floor level of the room containing the window.</i></p>
Diagram A2 Daylight to existing windows	<p>Existing Proposed</p> <p>Setback applies to wall within a 55° arc from the centre of window</p> <p>Wall setback from the window half the height of the wall</p> <p>Existing Proposed</p> <p>The arc may be swung to within 35° of the plane of the wall containing the window</p> <p>Wall setback from the window half the height of the wall</p>
Performance criteria	<p>The location, length and height of a wall on a boundary is acceptable considering:</p> <ul style="list-style-type: none"> • The extent to which the existing dwelling has provided for reasonable daylight access to its habitable rooms through the siting and orientation of its habitable room windows. • The impact on the amenity of existing dwelling
Information required	<p>The neighbourhood and site description.</p> <p>The design response.</p>

CURRENT

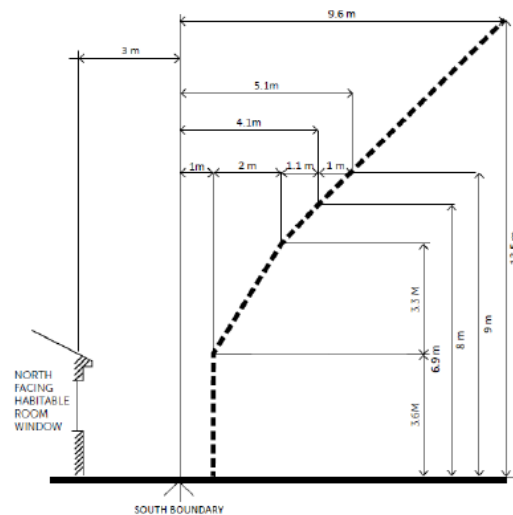
54.04-4 North facing windows objective

To allow adequate solar access to existing north-facing habitable room windows.

Standard A13

If a north-facing habitable room window of an existing dwelling is within 3 metres of a boundary on an abutting lot, a building should be setback from the boundary 1 metre, plus 0.6 metre for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres, for a distance of 3 metres from the edge of each side of the window. A north-facing window is a window with an axis perpendicular to its surface oriented north 20 degrees west to north 30 degrees east.

Diagram A3 North-facing windows



Decision guidelines

Before deciding on an application, the responsible authority must consider:

- The design response.
- Existing sunlight to the north-facing habitable room window of the existing dwelling. The impact on the amenity of existing dwellings.

TRANSLATED

A13 North facing windows
Performance objective
Existing north facing habitable room windows have adequate solar access.

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<p>Performance measure</p> <p>If a north-facing habitable room window of an existing dwelling is within 3 metres of a boundary on an abutting lot, any new building is setback from the boundary 1 metre, plus 0.6 metre for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres, for a distance of 3 metres from the edge of each side of the window.</p> <p><i>Note: A north-facing window is a window with an axis perpendicular to its surface oriented north 20 degrees west to north 30 degrees east.</i></p> <p>Diagram A3 North-facing windows</p>
<p>Performance criteria</p> <p>The setback of a building from a north-facing habitable room window of an existing dwelling that is within 3 metres of a boundary on an abutting lot is acceptable considering:</p> <ul style="list-style-type: none"> Existing sunlight to the north-facing habitable room window of the existing dwelling. The impact on the amenity of existing dwellings.
<p>Information required</p> <p>The neighbourhood and site description.</p> <p>The design response.</p>

CURRENT

54.04-5 Overshadowing open space objective

To ensure buildings do not unreasonably overshadow existing secluded private open space.

Standard A14

Where sunlight to the secluded private open space of an existing dwelling is reduced, at least 75 per cent, or 40 square metres with minimum dimension of 3 metres, whichever is the lesser area, of the secluded private open space should receive a minimum of five hours of sunlight between 9 am and 3 pm on 22 September.

If existing sunlight to the secluded private open space of an existing dwelling is less than the

requirements of this standard, the amount of sunlight should not be further reduced.

Decision guidelines

Before deciding on an application, the responsible authority must consider:

- The design response.
- The impact on the amenity of existing dwellings.
- Existing sunlight penetration to the secluded private open space of the existing dwelling.
- The time of day that sunlight is available to the secluded private open space of the existing dwelling.
- The effect of a reduction in sunlight on the existing use of the secluded private open space.

TRANSLATED

A14 Overshadowing open space
Performance objective
A new building does not unreasonably overshadow existing secluded private open space.
Performance measure
If sunlight to the secluded private open space of an existing dwelling is reduced, at least 75 per cent, or 40 square metres with minimum dimension of 3 metres, whichever is the lesser area, of the secluded private open space receives at least five hours of sunlight between 9 am and 3 pm on 22 September.
If existing sunlight to the secluded private open space of an existing dwelling is less than the requirement of this assessment provision, the amount of sunlight is not further reduced.
Performance criteria
Any reduction in sunlight to the secluded private open space of an existing dwelling is acceptable considering: <ul style="list-style-type: none"> • The impact on the amenity of the existing dwelling. • The existing sunlight penetration to the secluded private open space of the existing dwelling. • The time of day that sunlight is available to the secluded private open space of the existing dwelling. • The effect of a reduction in sunlight on the existing use of the secluded private open space.
Information required
The neighbourhood and site description.
The design response.
Overshadowing diagrams.

CURRENT

54.04-6

Overlooking objective

To limit views into existing secluded private open space and habitable room windows.

Standard A15

A habitable room window, balcony, terrace, deck or patio should be located and designed to avoid direct views into the secluded private open space and habitable room windows of an existing dwelling within a horizontal distance of 9 metres (measured at ground level) of the

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window, balcony, terrace, deck or patio. Views should be measured within a 45 degree angle from the plane of the window or perimeter of the balcony, terrace, deck or patio, and from a height of 1.7 metres above floor level.

A habitable room window, balcony, terrace, deck or patio with a direct view into a habitable room window of existing dwelling within a horizontal distance of 9 metres (measured at ground level) of the window, balcony, terrace, deck or patio should be either:

- Offset a minimum of 1.5 metres from the edge of one window to the edge of the other, or
- Have sill heights of at least 1.7 metres above floor level, or
- Have obscure glazing in any part of the window below 1.7 metres above floor level, or
- Have permanently fixed external screens to at least 1.7 metres above floor level and be no more than 25 per cent transparent.

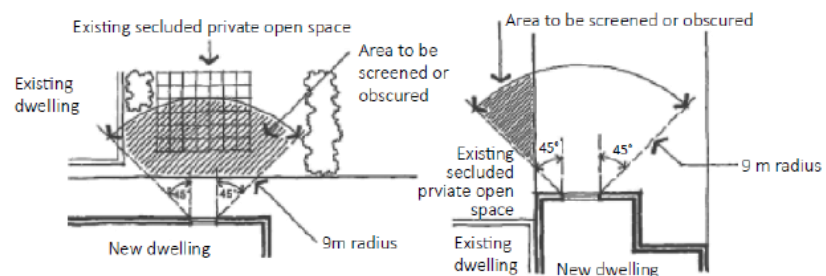
Obscure glazing in any part of the window below 1.7 metres above floor level may be openable provided that there are no direct views as specified in this standard.

Screens used to obscure a view should be:

- Perforated panels or trellis with a maximum of 25 per cent openings or solid translucent panels.
- Permanent, fixed and durable.
- Designed and coloured to blend in with the development.

This standard does not apply to a new habitable room window, balcony, terrace, deck or patio which faces a property boundary where there is a visual barrier at least 1.8 metres high and the floor level of the habitable room, balcony, terrace, deck or patio is less than 0.8 metres above ground level at the boundary.

Diagram A4 Overlooking open space



Decision guidelines

Before deciding on an application, the responsible authority must consider:

- The design response.
- The impact on the amenity of the secluded private open space or habitable room window.
- The existing extent of overlooking into the secluded private open space and habitable room windows of existing dwellings.
- The internal daylight to and amenity of the proposed dwelling.

TRANSLATED

A15 Overlooking
Performance objective
Views into existing secluded private open space and habitable room windows are limited.

Performance measure
<p>Any habitable room window, balcony, terrace, deck or patio is located and designed to avoid direct views into the secluded private open space and habitable room windows of an existing dwelling within a horizontal distance of 9 metres (measured at ground level) of the window, balcony, terrace, deck or patio.</p> <p><i>Note: Views should be measured within a 45 degree angle from the plane of the window or perimeter of the balcony, terrace, deck or patio, and from a height of 1.7 metres above floor level.</i></p> <p>A habitable room window, balcony, terrace, deck or patio with a direct view into a habitable room window of existing dwelling within a horizontal distance of 9 metres (measured at ground level) of the window, balcony, terrace, deck or patio is either:</p> <ul style="list-style-type: none"> • Offset a minimum of 1.5 metres from the edge of one window to the edge of the other, or • Have sill heights of at least 1.7 metres above floor level, or • Have obscure glazing in any part of the window below 1.7 metres above floor level, or • Have permanently fixed external screens to at least 1.7 metres above floor level and be no more than 25 per cent transparent. <p>Obscure glazing in any part of the window below 1.7 metres above floor level is only openable if there are no direct views as specified in this performance measure.</p> <p>Screens used to obscure a view are:</p> <ul style="list-style-type: none"> • Perforated panels or trellis with a maximum of 25 per cent openings or solid translucent panels. • Permanent, fixed and durable. • Designed and coloured to blend in with the development. <p>Diagram A4 Overlooking open space</p> <p>This performance measure does not apply to a new habitable room window, balcony, terrace, deck or patio that faces a property boundary where there is a visual barrier at least 1.8 metres high and the floor level of the habitable room, balcony, terrace, deck or patio is less than 0.8 metres above ground level at the boundary.</p>
Performance criteria
<p>Any overlooking of the secluded private open space of an existing dwelling is acceptable considering:</p> <ul style="list-style-type: none"> • The impact on the amenity of the secluded private open space or habitable room window. • The existing extent of overlooking into the secluded private open space and habitable room windows of existing dwellings. • The internal daylight to and amenity of the proposed dwelling.

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Information required
The neighbourhood and site description.
The design response.

54.05 ON-SITE AMENITY AND FACILITIES

CURRENT

54.05-1

Daylight to new windows objective

To allow adequate daylight into new habitable room windows.

Standard A16

A window in a habitable room should be located to face:

- An outdoor space clear to the sky or a light court with a minimum area of 3 square metres and minimum dimension of 1 metre clear to the sky, not including land on an abutting lot, or
- A verandah provided it is open for at least one third of its perimeter, or
- A carport provided it has two or more open sides and is open for at least one third of its perimeter.

Decision guidelines

Before deciding on an application, the responsible authority must consider:

- The design response.
- Whether there are other windows in the habitable room which have access to daylight.

TRANSLATED

A16 Daylight to new windows
Performance objective
New habitable room windows receive adequate daylight..
Performance measure
A window in a habitable room is located to face: <ul style="list-style-type: none"> • An outdoor space clear to the sky or a light court with a minimum area of 3 square metres and minimum dimension of 1 metre clear to the sky, not including land on an abutting lot, or • A verandah, provided the verandah is open for at least one third of its perimeter, or • A carport provided it has two or more open sides and is open for at least one third of its perimeter.
Performance criteria
The daylight received by a window in a habitable room is acceptable considering whether there are other windows in the habitable room that have access to daylight.
Information required
The design response.

CURRENT

54.05-2 Private open space objective

To provide adequate private open space for the reasonable recreation and service needs of residents.

Standard A17

A dwelling should have private open space of an area and dimensions specified in a schedule to the zone.

If no area or dimensions is specified in a schedule to the zone, a dwelling should have private open space consisting of an area of 80 square metres or 20 per cent of the area of the lot, whichever is the lesser, but not less than 40 square metres. At least one part of the private open space should consist of secluded private open space with a minimum area of 25 square metres and a minimum dimension of 3 metres at the side or rear of the dwelling with convenient access from a living room.

Decision guidelines

Before deciding on an application, the responsible authority must consider:

- The design response.
- The useability of the private open space, including its size and accessibility.
- The availability of and access to public open space.
- The orientation of the lot to the street and the sun.

TRANSLATED

A17 Private open space
Performance objective
Residents have adequate private open space for their reasonable recreation and service needs.
Performance measure
Each dwelling has private open space with the area and dimensions specified in a schedule to the zone.
If no area or dimensions are specified in a schedule to the zone, each dwelling has private open space consisting of an area of 80 square metres or 20 per cent of the area of the lot, whichever is the lesser, but not less than 40 square metres.
If no area or dimensions are specified in a schedule to the zone, at least one part of the private open space consists of secluded private open space with a minimum area of 25 square metres and a minimum dimension of 3 metres at the side or rear of the dwelling with convenient access from a living room.
Performance criteria
The private open space available to each dwelling is acceptable considering: <ul style="list-style-type: none"> • The useability of the private open space, including its size and accessibility. • The availability of and access to public open space. • The orientation of the lot to the street and the sun.
Information required
The neighbourhood and site description.
The design response.

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CURRENT

54.05-3 Solar access to open space objective

To allow solar access into the secluded private open space of a new dwelling.

Standard A18

The private open space should be located on the north side of the dwelling, if practicable.

The southern boundary of secluded private open space should be set back from any wall on the north of the space at least $(2 + 0.9h)$ metres, where 'h' is the height of the wall.

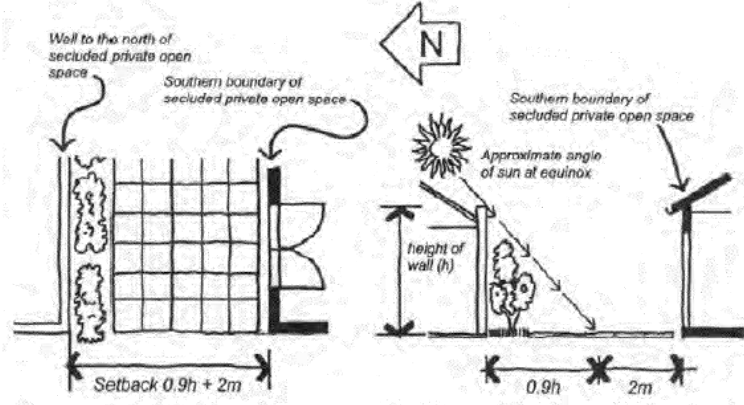
Diagram A5 Solar access to open space

Decision guidelines

Before deciding on an application, the responsible authority must consider:

- The design response.
- The useability and amenity of the secluded private open space based on the sunlight it will receive.

Diagram A5 Solar access to open space



TRANSLATED

A18 Solar access to open space

Performance objective

The secluded private open space of a new dwelling has adequate solar access.

<p>Performance measure</p> <p>The private open space is located on the north side of the dwelling.</p> <p>The southern boundary of secluded private open space is set back from any wall on the north of the space at least $(2 + 0.9h)$ metres, where 'h' is the height of the wall.</p> <p>Diagram A5 Solar access to open space</p>
<p>Performance criteria</p> <p>The solar access to the secluded private open space of any dwelling is acceptable considering the useability and amenity of the secluded private open space, based on the sunlight it will receive.</p>
<p>Information required</p> <p>The design response.</p>

54.06 DETAILED DESIGN

CURRENT

58.06-1 Detail design objective

To encourage design detail that respects the existing or preferred neighbourhood character.

Standard A19

The design of buildings, including:

- Façade articulation and detailing,
- Window and door proportions,
- Roof form, and
- Verandahs, eaves and parapets,

should respect the existing or preferred neighbourhood character.

Garages and carports should be visually compatible with the development and the existing or preferred neighbourhood character.

Decision guidelines

Before deciding on an application, the responsible authority must consider:

- Any relevant neighbourhood character objective, policy or statement set out in this

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scheme.

- The design response.
- The effect on the visual bulk of the building and whether this is acceptable in the neighbourhood setting.
- Whether the design is innovative and of a high architectural standard.

TRANSLATED

A19 Detail design
Performance objective
Design detail respects the existing or preferred neighbourhood character set out in a schedule to a zone or overlay, or to the neighbourhood context..
Performance measure
The design of new development complies with any performance measures specified for neighbourhood character and design detail in a schedule to the zone.
Performance criteria
<p>The design detail of buildings is acceptable in the neighbourhood context considering:</p> <ul style="list-style-type: none"> • Façade articulation and detailing • Window and door proportions • Roof form • Verandahs, eaves and parapets • Whether the design is innovative and of a high architectural standard. <p>Garages and carports are visually compatible with the development and the neighbourhood context.</p>
Information required
<p>The neighbourhood and site description.</p> <p>The design response.</p>

CURRENT

54.06-2

Front fences objective

To encourage front fence design that respects the existing or preferred neighbourhood character.

Standard A20

The design of front fences should complement the design of the dwelling and any front fences on adjoining properties.

A front fence within 3 metres of a street should not exceed:

- The maximum height specified in a schedule to the zone, or
- If no maximum height is specified in a schedule to the zone, the maximum height specified in Table A2.

Table A2 Maximum front fence height

Street context	Maximum front fence height
Streets in a Road Zone, Category 1	2 metres
Other streets	1.5 metres

Decision guidelines

Before deciding on an application, the responsible authority must consider:

- Any relevant neighbourhood character objective, policy or statement set out in this scheme.
- The design response.
- The setback, height and appearance of front fences on adjacent properties.
- The extent to which slope and retaining walls reduce the effective height of the front fence.
- Whether the fence is needed to minimise noise intrusion.

TRANSLATED

A20 Front fences	
Performance objective	
Front fence design respects the existing or preferred neighbourhood character.	
Performance measure	
<p>A front fence within 3 metres of a street should not exceed:</p> <ul style="list-style-type: none"> • The maximum height specified in a schedule to the zone, or • If no maximum height is specified in a schedule to the zone, the maximum height specified in Table A2. 	
Table A2 Maximum front fence height	
Street context	Maximum front fence height
Streets in a Road Zone, Category 1	2 metres
Other streets	1.5 metres
Performance criteria	
<p>The design of the fence is acceptable considering:</p> <ul style="list-style-type: none"> • Whether the fence complements the design of the dwelling and any front fences on adjoining properties. • The setback, height and appearance of front fences on adjacent properties. • The extent to which slope and retaining walls reduce the effective height of the front fence. • Whether the fence is needed to minimise noise intrusion. 	
Information required	
The neighbourhood and site description.	
The design response.	

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Appendix 5

Test translation of Clause 55

NOTE that this translation is an initial 'proof of concept' version.

The detailed drafting of each module will require further review and refinement before any consultation or adoption.

55.02 NEIGHBOURHOOD CHARACTER AND INFRASTRUCTURE

CURRENT

55.02-1 Neighbourhood character objectives

To ensure that the design respects the existing neighbourhood character or contributes to a preferred neighbourhood character.

To ensure that development responds to the features of the site and the surrounding area.

Standard B1

The design response must be appropriate to the neighbourhood and the site.

The proposed design must respect the existing or preferred neighbourhood character and respond to the features of the site.

Decision guidelines

Before deciding on an application, the responsible authority must consider:

- Any relevant neighbourhood character objective, policy or statement set out in this scheme.
- The neighbourhood and site description.
- The design response.

TRANSLATED

B1 Neighbourhood character
Performance objective
The design respects the existing neighbourhood character or contributes to a preferred neighbourhood character.
The development responds to the features of the site and the surrounding area.
Performance measure
<p>The design of new development complies with the performance measures specified for the following performance objectives or any variation to them in a schedule to a zone or overlay:</p> <ul style="list-style-type: none"> • Street setback (B6). • Building height (B7). • Site coverage (B8). • Side and rear setbacks (B17). • Walls on boundaries (B18). • Front fences (B32). <p>The design of new development complies with any performance measures specified for neighbourhood character and design detail in a schedule to a zone.</p>

Performance criteria
A proposed variation to a performance measure in the design of new development does not unreasonably disturb the existing neighbourhood context described in the neighbourhood and site description or the neighbourhood character objectives in a schedule to a zone.
Information required
The neighbourhood and site description.
The design response.

CURRENT

55.02-2

Residential policy objectives

To ensure that residential development is provided in accordance with any policy for housing in the Municipal Planning Strategy and the Planning Policy Framework.

To support higher density residential development where development can take advantage of public and community infrastructure and services.

Standard B2

An application must be accompanied by a written statement to the satisfaction of the responsible authority that describes how the development is consistent with any relevant policy for housing in the Municipal Planning Strategy and the Planning Policy Framework.

Decision guidelines

Before deciding on an application, the responsible authority must consider:

- The Municipal Planning Strategy and the Planning Policy Framework.
- The design response.

TRANSLATED

B2 Residential policy
Performance objective
New residential development accords with any policy for housing in the Municipal Planning Strategy and the Planning Policy Framework.
Higher density residential development is supported where development can take advantage of public and community infrastructure and services.
Performance measure
None specified.
Performance criteria
New development is consistent with any relevant policy for housing in the Municipal Planning Strategy and the Planning Policy Framework.
Information required
The design response.
If not included in the design response, a statement describing how the development is consistent with any relevant policy for housing in the Municipal Planning Strategy and the Planning Policy Framework.

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CURRENT

55.02-3

Dwelling diversity objective

To encourage a range of dwelling sizes and types in developments of ten or more dwellings.

Standard B3

Developments of ten or more dwellings should provide a range of dwelling sizes and types, including:

- Dwellings with a different number of bedrooms.
- At least one dwelling that contains a kitchen, bath or shower, and a toilet and wash basin at ground floor level.

TRANSLATED

B3 Dwelling diversity
Performance objective
New developments of ten or more dwellings include a range of dwelling sizes and types.
Performance measure
Developments of ten or more dwellings provide a range of dwelling sizes and types, including: <ul style="list-style-type: none"> • Dwellings with a different number of bedrooms. • At least one dwelling that contains a kitchen, a bath or shower and a toilet and wash basin at ground floor level.
Performance criteria
The dwelling diversity of the proposed development is acceptable considering the proposed range of dwelling sizes and types.
Information required
None specified.

CURRENT

55.02-4

Infrastructure objectives

To ensure development is provided with appropriate utility services and infrastructure.

To ensure development does not unreasonably overload the capacity of utility services and infrastructure.

Standard B4

Development should be connected to reticulated services, including reticulated sewerage, drainage, electricity and gas, if available.

Development should not unreasonably exceed the capacity of utility services and infrastructure, including reticulated services and roads.

In areas where utility services or infrastructure have little or no spare capacity, developments should provide for the upgrading of or mitigation of the impact on services or infrastructure.

Decision guidelines

Before deciding on an application, the responsible authority must consider:

- The capacity of the existing infrastructure.
- In the absence of reticulated sewerage, a Land Capability Assessment on the risks to human health and the environment of an on-site wastewater management system constructed, installed or altered on the lot in accordance with the requirements of the Environment Protection Regulations under the *Environment Protection Act 2017*.
- If the drainage system has little or no spare capacity, the capacity of the development to provide for stormwater drainage mitigation or upgrading of the local drainage system.

TRANSLATED

B4 Infrastructure
Performance objective
Appropriate utility services and infrastructure are provided to new development. New development does not unreasonably overload the capacity of utility services and infrastructure.
Performance measure
Development is connected to reticulated services, including reticulated sewerage, drainage, electricity and gas. Development does not exceed the capacity of utility services and infrastructure, including reticulated services and roads.
Performance criteria
Where a utility service or infrastructure has little or no spare capacity, new development provides for appropriate upgrading or mitigation of the impact on the service or infrastructure.
Information required
A report on the capacity of the existing infrastructure. If reticulated sewerage is not available, a Land Capability Assessment of the risk to human health and the environment of providing an on-site wastewater management system constructed on the lot in accordance with the requirements of the Environment Protection Regulations under the Environment Protection Act 2017.

CURRENT

55.02-5

Integration with the street objective

To integrate the layout of development with the street.

Standard B5

Developments should provide adequate vehicle and pedestrian links that maintain or enhance local accessibility.

Development should be oriented to front existing and proposed streets.

High fencing in front of dwellings should be avoided if practicable.

Development next to existing public open space should be laid out to complement the open space.

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Decision guidelines

Before deciding on an application, the responsible authority must consider:

- Any relevant urban design objective, policy or statement set out in this scheme.
- The design response.

TRANSLATED

B5 Integration with the street
Performance objective
The layout of new development is integrated with the street.
Performance measure
Dwellings are oriented to front existing and proposed streets.
There is no high fencing in front of dwellings.
Dwellings promote the observation of abutting streets and any abutting public open space.
New development provides vehicle and pedestrian links that maintain or enhance local accessibility.
Performance criteria
New development integrates with the street.
New development next to existing public open space is laid out to complement the open space.
Information required
The neighbourhood and site description.
The design response.
If not included in the design response, a statement describing how the design responds to any relevant urban design objective, policy or statement set out in this scheme.

55.03 SITE LAYOUT AND BUILDING MASSING

CURRENT

55.03-1 Street setback objective

To ensure that the setbacks of buildings from a street respect the existing or preferred neighbourhood character and make efficient use of the site.

Standard B6

Walls of buildings should be set back from streets:

- At least the distance specified in a schedule to the zone, or
- If no distance is specified in a schedule to the zone, the distance specified in Table B1.

Porches, pergolas and verandahs that are less than 3.6 metres high and eaves may encroach not more than 2.5 metres into the setbacks of this standard.

Table B1 Street setback

Development context	Minimum setback from front street (Metres)	Minimum setback from a side street (Metres)
There is an existing building on both the abutting allotments facing the same street, and the site is not on a corner.	The average distance of the setbacks of the front walls of the existing buildings on the abutting allotments facing the front street or 9 metres, whichever is the lesser.	Not applicable
There is an existing building on one abutting allotment facing the same street and no existing building on the other abutting allotment facing the same street, and the site is not on a corner.	The same distance as the setback of the front wall of the existing building on the abutting allotment facing the front street or 9 metres, whichever is the lesser.	Not applicable
There is no existing building on either of the abutting allotments facing the same street, and the site is not on a corner.	6 metres for streets in a Road Zone, Category 1, and 4 metres for other streets.	Not applicable
The site is on a corner.	<p>If there is a building on the abutting allotment facing the front street, the same distance as the setback of the front wall of the existing building on the abutting allotment facing the front street or 9 metres, whichever is the lesser.</p> <p>If there is no building on the abutting allotment facing the front street, 6 metres for streets in a Road Zone, Category 1, and 4 metres for other streets.</p>	<p>Front walls of new development fronting the side street of a corner site should be setback at least the same distance as the setback of the front wall of any existing building on the abutting allotment facing the side street or 3 metres, whichever is the lesser.</p> <p>Side walls of new development on a corner site should be setback the same distance as the setback of the front wall of any existing building on the abutting allotment facing the side street or 2 metres, whichever is the lesser.</p>

Decision guidelines

Before deciding on an application, the responsible authority must consider:

- Any relevant neighbourhood character objective, policy or statement set out in this scheme.
- The design response.
- Whether a different setback would be more appropriate taking into account the prevailing setbacks of existing buildings on nearby lots.
- The visual impact of the building when viewed from the street and from adjoining properties.
- The value of retaining vegetation within the front setback.

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TRANSLATED

B6 Street setback		
Performance objective		
The setbacks of buildings from a street respects the existing or preferred neighbourhood character.		
The setbacks of buildings from a street make efficient use of the site.		
Performance measure		
<p>All building walls are set back from streets:</p> <ul style="list-style-type: none"> • At least the distance specified in a schedule to the zone, or • If no distance is specified in a schedule to the zone, the distance specified in Table B1; <p>except that a porch, pergola or verandah less than 3.6 metres high and an eave may encroach not more than 2.5 metres into the setbacks of this performance measure.</p>		
Table B1 Street setback		
Development context	Minimum setback from front street (Metres)	Minimum setback from a side street (Metres)
There is an existing building on both the abutting allotments facing the same street, and the site is not on a corner.	The average distance of the setbacks of the front walls of the existing buildings on the abutting allotments facing the front street or 9 metres, whichever is the lesser.	Not applicable
There is an existing building on one abutting allotment facing the same street and no existing building on the other abutting allotment facing the same street, and the site is not on a corner.	The same distance as the setback of the front wall of the existing building on the abutting allotment facing the front street or 9 metres, whichever is the lesser.	Not applicable
There is no existing building on either of the abutting allotments facing the same street, and the site is not on a corner.	6 metres for streets in a Road Zone, Category 1, and 4 metres for other streets.	Not applicable
The site is on a corner.	<p>If there is a building on the abutting allotment facing the front street, the same distance as the setback of the front wall of the existing building on the abutting allotment facing the front street or 9 metres, whichever is the lesser.</p> <p>If there is no building on the abutting allotment facing the front street, 6 metres for streets in a Road Zone, Category 1, and 4 metres for other streets.</p>	<p>Front walls of new development fronting the side street of a corner site should be setback at least the same distance as the setback of the front wall of any existing building on the abutting allotment facing the side street or 3 metres, whichever is the lesser.</p> <p>Side walls of new development on a corner site should be setback the same distance as the setback of the front wall of any existing building on the abutting allotment facing the side street or 2 metres, whichever is the lesser.</p>

Performance criteria
<p>The building setback is appropriate considering:</p> <p>Whether a different setback is more appropriate taking into account the prevailing setbacks of existing buildings on nearby lots.</p> <p>The visual impact of the building when viewed from the street and from adjoining properties.</p> <p>The value of retaining vegetation in the front setback.</p>
Information required
<p>The neighbourhood and site description.</p> <p>The design response.</p>

CURRENT

55.03-2

Building height objective

To ensure that the height of buildings respects the existing or preferred neighbourhood character.

Standard B7

The maximum building height should not exceed the maximum height specified in the zone, schedule to the zone or an overlay that applies to the land.

If no maximum height is specified in the zone, schedule to the zone or an overlay, the maximum building height should not exceed 9 metres, unless the slope of the natural ground level at any cross section wider than 8 metres of the site of the building is 2.5 degrees or more, in which case the maximum building height should not exceed 10 metres.

Changes of building height between existing buildings and new buildings should be graduated.

Decision guidelines

Before deciding on an application, the responsible authority must consider:

- Any relevant neighbourhood character objective, policy or statement set out in this scheme.
- Any maximum building height specified in the zone, a schedule to the zone or an overlay applying to the land.
- The design response.
- The effect of the slope of the site on the height of the building.
- The relationship between the proposed building height and the height of existing adjacent buildings.
- The visual impact of the building when viewed from the street and from adjoining properties.

TRANSLATED

B7 Building height
Performance objective
The height of buildings respects the existing or preferred neighbourhood character.

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Performance measure
The maximum building height does not exceed the maximum height specified in the zone, a schedule to the zone or an overlay that applies to the land.
If no maximum height is specified in the zone, a schedule to the zone or an overlay, the maximum building height does not exceed 9 metres, unless the slope of the natural ground level at any cross section wider than 8 metres of the site of the building is 2.5 degrees or more, in which case the maximum building height does not exceed 10 metres.
Any change of building height between existing buildings and new buildings is graduated.
Performance criteria
The building height is acceptable considering: <ul style="list-style-type: none"> • The relationship between the proposed building height and the height of existing adjacent buildings. • The visual impact of the building when viewed from the street and from adjoining properties. • The effect of the slope of the site on the height of the building.
Information required
The neighbourhood and site description.
The design response.

CURRENT

55.03-3

Site coverage objective

To ensure that the site coverage respects the existing or preferred neighbourhood character and responds to the features of the site.

Standard B8

The site area covered by buildings should not exceed:

The maximum site coverage specified in a schedule to the zone, or

If no maximum site coverage is specified in a schedule to the zone, 60 per cent.

Decision guidelines

Before deciding on an application, the responsible authority must consider:

- Any relevant neighbourhood character objective, policy or statement set out in this scheme.
- The design response.
- The existing site coverage and any constraints imposed by existing development or the features of the site.
- The site coverage of adjacent properties.
- The effect of the visual bulk of the building and whether this is acceptable in the neighbourhood.

TRANSLATED

B8 Site coverage
Performance objective
The site coverage respects the existing or preferred neighbourhood character and responds to the features of the site.

Performance measure
The site area covered by buildings does not exceed: The maximum site coverage specified in a schedule to the zone, or If no maximum site coverage is specified in a schedule to the zone, 60 per cent.
Performance criteria
The site coverage is acceptable considering: <ul style="list-style-type: none"> • The existing site coverage and any constraints imposed by existing development or the features of the site. • The site coverage of adjacent properties. • The effect of the visual bulk of the building and whether this is acceptable in the neighbourhood context.
Information required
The neighbourhood and site description. The design response.

CURRENT

55.03-4

Permeability and stormwater management objectives

To reduce the impact of increased stormwater run-off on the drainage system.

To facilitate on-site stormwater infiltration.

To encourage stormwater management that maximises the retention and reuse of stormwater.

Standard B9

The site area covered by the pervious surfaces should be at least:

- The minimum area specified in a schedule to the zone, or
- If no minimum is specified in a schedule to the zone, 20 percent of the site.

The stormwater management system should be designed to:

- Meet the current best practice performance objectives for stormwater quality as contained in the *Urban Stormwater - Best Practice Environmental Management Guidelines* (Victorian Stormwater Committee, 1999).
- Contribute to cooling, improving local habitat and providing attractive and enjoyable spaces.

Decision guidelines

Before deciding on an application, the responsible authority must consider:

- The design response.
- The capacity of the site to incorporate stormwater retention and reuse.
- The existing site coverage and any constraints imposed by existing development.
- The capacity of the drainage network to accommodate additional stormwater.
- The capacity of the site to absorb run-off.
- The practicality of achieving the minimum site coverage of pervious surfaces, particularly on lots of less than 300 square metres.

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- Whether the owner has entered into an agreement to contribute to off-site stormwater management in lieu of providing an on-site stormwater management system.

TRANSLATED

B9 Permeability and stormwater management	
Performance objective	
<p>The impact of increased stormwater run-off on the drainage system is reduced.</p> <p>Stormwater is infiltrated on-site.</p> <p>Stormwater is retained and reused on the site.</p>	
Performance measure	
<p>The site area covered by pervious surfaces is at least:</p> <ul style="list-style-type: none"> • The minimum area specified in a schedule to the zone; or • If no minimum area is specified in a schedule to the zone, 20 per cent of the site. <p>The stormwater management system is designed to:</p> <ul style="list-style-type: none"> • Meet the current best practice performance objectives for stormwater quality as contained in the <i>Urban Stormwater - Best Practice Environmental Management Guidelines</i> (Victorian Stormwater Committee, 1999). • Contribute to cooling, improving local habitat and providing attractive and enjoyable spaces. 	
Performance criteria	
<p>Stormwater discharge is acceptable considering:</p> <ul style="list-style-type: none"> • The capacity of the site to incorporate stormwater retention and reuse. • The existing site coverage and any constraints imposed by existing development. • The capacity of the drainage network to accommodate additional stormwater. • The capacity of the site to absorb run-off. • The practicality of achieving the minimum site coverage of pervious surfaces, particularly on lots of less than 300 square metres. • Whether the owner has entered into an agreement to contribute to off-site stormwater management in lieu of providing an on-site stormwater management system. 	
Information required	
<p>The design response.</p> <p>If not included in the design response, a statement documenting:</p> <ul style="list-style-type: none"> • How the proposal responds to any relevant water and stormwater management objective, policy or statement set out in this scheme. • The capacity of the drainage network to accommodate additional stormwater. 	

CURRENT

55.03-5 Energy efficiency objectives

To achieve and protect energy efficient dwellings and residential buildings.

To ensure the orientation and layout of development reduce fossil fuel energy use and make appropriate use of daylight and solar energy.

Standard B10

Buildings should be:

- Oriented to make appropriate use of solar energy.
- Sited and designed to ensure that the energy efficiency of existing dwellings on adjoining lots is not unreasonably reduced.
- Sited and designed to ensure that the performance of existing rooftop solar energy systems on dwellings on adjoining lots in a General Residential Zone, Neighbourhood Residential Zone or Township Zone are not unreasonably reduced. The existing rooftop solar energy system must exist at the date the application is lodged.

Living areas and private open space should be located on the north side of the development, if practicable.

Developments should be designed so that solar access to north-facing windows is maximised.

Decision guidelines

Before deciding on an application, the responsible authority must consider:

- The design response.
- The size, orientation and slope of the lot.
- The existing amount of solar access to abutting properties.
- The availability of solar access to north-facing windows on the site.
- The extent to which an existing rooftop solar energy system on an adjoining lot is overshadowed by existing buildings or other permanent structures.
- Whether the existing rooftop solar energy system on an adjoining lot is appropriately located.
- The effect of overshadowing on an existing rooftop solar energy system on an adjoining lot.

TRANSLATED

B10 Energy efficiency
Performance objective
<p>New development is energy efficient.</p> <p>The energy efficiency of existing buildings is protected.</p> <p>The orientation and layout of development reduces fossil fuel energy use and makes appropriate use of daylight and solar energy.</p>
Performance measure
<p>Buildings are oriented to make use of solar energy.</p> <p>Living areas and private open space are located on the north side of the dwelling.</p> <p>New dwellings maximise solar access to north-facing windows.</p> <p>Buildings are sited and designed to ensure that the energy efficiency of existing dwellings on adjoining lots is not reduced.</p> <p>Buildings are sited and designed to ensure that the performance of existing rooftop solar energy systems on dwellings on adjoining lots in a General Residential Zone, Neighbourhood Residential Zone or Township Zone are not reduced. The existing rooftop solar energy system must exist at the date the application is lodged.</p>

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Performance criteria
<p>The energy efficiency of new development is acceptable considering:</p> <ul style="list-style-type: none"> • The size, orientation and slope of the lot. • The availability of solar access to north-facing windows on the site. <p>The energy efficiency protection for existing development is acceptable considering:</p> <ul style="list-style-type: none"> • The existing amount of solar access to abutting properties. • The extent to which an existing rooftop solar energy system on an adjoining lot is overshadowed by existing buildings or other permanent structures. • Whether the existing rooftop solar energy system on an adjoining lot is appropriately located. • The effect of overshadowing on an existing rooftop solar energy system on an adjoining lot.
Information required
<p>The neighbourhood and site description.</p> <p>The design response.</p> <p>A written statement that identifies any existing rooftop solar energy systems on dwellings on adjoining lots in a General Residential Zone, Neighbourhood Residential Zone or Township Zone, and the likely effect of overshadowing by the development on their performance taking account of:</p> <ul style="list-style-type: none"> • The extent to which an existing rooftop solar energy system on an adjoining lot is overshadowed by existing buildings or other permanent structures. • Whether the existing rooftop solar energy system on an adjoining lot is appropriately located.

CURRENT

55.03-6

Open space objectives

To integrate the layout of development with any public and communal open space provided in or adjacent to the development.

Standard B11

If any public or communal open space is provided on site, it should:

- Be substantially fronted by dwellings, where appropriate.
- Provide outlook for as many dwellings as practicable.
- Be designed to protect any natural features on the site.
- Be accessible and useable.

Decision guidelines

Before deciding on an application, the responsible authority must consider:

- Any relevant plan or policy for open space in the Municipal Planning Strategy and the Planning Policy Framework.
- The design response.

TRANSLATED

B11 Open space
Performance objective
The layout of development is integrated with any public and communal open space provided in or adjacent to the development.
Performance measure
Any public or communal open space provided in the development: <ul style="list-style-type: none"> • Is substantially fronted by dwellings. • Provides outlook for as many dwellings as practicable. • Protects any natural features on the site. • Is accessible and useable.
Performance criteria
The layout and design of any public and communal open space provided in or adjacent to the development is acceptable considering: <ul style="list-style-type: none"> • Any relevant plan or policy for open space in the Municipal Planning Strategy and the Planning Policy Framework. • How the any public and communal open space integrates with dwellings. • The accessibility and useability of the public and communal open space. • The natural features of the site.
Information required
<p>The neighbourhood and site description.</p> <p>The design response.</p> <p>If not included in the design response, a statement describing how the development is consistent with any relevant policy for open space in the Municipal Planning Strategy and the Planning Policy Framework.</p>

CURRENT

55.03-7

Safety objective

To ensure the layout of development provides for the safety and security of residents and property.

Standard B12

Entrances to dwellings should not be obscured or isolated from the street and internal accessways.

Planting which creates unsafe spaces along streets and accessways should be avoided.

Developments should be designed to provide good lighting, visibility and surveillance of car parks and internal accessways.

Private spaces within developments should be protected from inappropriate use as public thoroughfares.

Decision guideline

Before deciding on an application, the responsible authority must consider the design response.

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TRANSLATED

B12 Satefy
Performance objective
The layout of development provides for the safety and security of residents and property.
Performance measure
None specified
Performance criteria
Entrances to dwellings are not obscured or isolated from the street and internal accessways.
Planting does not create unsafe spaces along streets and accessways.
Private spaces within developments are protected from inappropriate use as public thoroughfares.
The development provides good lighting, visibility and surveillance of car parks and internal accessways.
Information required
The design response.

CURRENT

55.03-8

Landscaping objectives

To encourage development that respects the landscape character of the neighbourhood.

To encourage development that maintains and enhances habitat for plants and animals in locations of habitat importance.

To provide appropriate landscaping.

To encourage the retention of mature vegetation on the site.

Standard B13

The landscape layout and design should:

- Protect any predominant landscape features of the neighbourhood.
- Take into account the soil type and drainage patterns of the site.
- Allow for intended vegetation growth and structural protection of buildings.
- In locations of habitat importance, maintain existing habitat and provide for new habitat for plants and animals.
- Provide a safe, attractive and functional environment for residents.

Development should provide for the retention or planting of trees, where these are part of the character of the neighbourhood.

Development should provide for the replacement of any significant trees that have been removed in the 12 months prior to the application being made.

The landscape design should specify landscape themes, vegetation (location and species), paving and lighting.

Development should meet any additional landscape requirements specified in a schedule to the zone.

Decision guidelines

Before deciding on an application, the responsible authority must consider:

- Any relevant neighbourhood character objective, policy or statement set out in this scheme.
- Any relevant plan or policy for landscape design in the Municipal Planning Strategy and the Planning Policy Framework.
- The design response.
- The location and size of gardens and the predominant plant types in the neighbourhood. The health of any trees to be removed.
- Whether a tree was removed to gain a development advantage.

TRANSLATED

B13 Landscaping
Performance objective
<p>Appropriate landscaping is provided.</p> <p>New development respects the landscape character of the neighbourhood.</p> <p>The habitat of plants and animals in locations of habitat importance is maintained and enhanced.</p> <p>Mature vegetation on the site is retained where possible.</p>
Performance measure
<p>Landscaping is provided in accordance with a landscaping layout and design that:</p> <ul style="list-style-type: none"> • Specifies landscape themes, vegetation (location and species), paving and lighting. • Takes into account the soil types and drainage patterns of the site. • Allows for intended vegetation growth and structural protection of buildings. • Maintains existing mature vegetation. • Replaces any significant trees that have been removed in the 12 months prior to the application being made. • The habitat of plants and animals in locations of habitat importance is maintained and enhanced. • Landscaping complies with any performance measures specified for neighbourhood character and design detail in a schedule to a zone.
Performance criteria
<p>The proposed landscaping layout and design of the development is acceptable considering:</p> <ul style="list-style-type: none"> • Any relevant plan or policy for landscape design in the Municipal Planning Strategy and the Planning Policy Framework. • The location and size of gardens and the predominant plant types in the neighbourhood. • The health of any trees that have been or are proposed to be removed. • Whether a tree was removed to gain a development advantage.

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Information required
<p>The neighbourhood and site description.</p> <p>The design response.</p> <p>If not included in the design response, a statement describing how the development is consistent with any relevant policy for landscape design in the Municipal Planning Strategy and the Planning Policy Framework.</p> <p>If not included in the design response, a statement describing whether the site is in a location of habitat importance identified in this scheme and how the landscaping maintains and enhances the habitat of plants and animals.</p>

CURRENT

55.03-9

Access objective

To ensure the number and design of vehicle crossovers respects the neighbourhood character.

Standard B14

The width of accessways or car spaces should not exceed:

- 33 per cent of the street frontage, or
- if the width of the street frontage is less than 20 metres, 40 per cent of the street frontage.

No more than one single-width crossover should be provided for each dwelling fronting a street.

The location of crossovers should maximise the retention of on-street car parking spaces.

The number of access points to a road in a Road Zone should be minimised.

Developments must provide for access for service, emergency and delivery vehicles.

Decision guidelines

Before deciding on an application, the responsible authority must consider:

- The design response.
- The impact on the neighbourhood character.
- The reduction of on-street car parking spaces.
- The effect on any significant vegetation on the site and footpath.

TRANSLATED

B14 Access
Performance objective
The number and design of vehicle crossovers respects the neighbourhood context.

Performance measure
<p>The width of accessways or car spaces does not exceed:</p> <ul style="list-style-type: none"> • 33 per cent of the street frontage, or • if the width of the street frontage is less than 20 metres, 40 per cent of the street frontage. <p>No more than one single-width crossover is provided for each dwelling fronting a street.</p> <p>The location of crossovers maximises the number of on-street car parking spaces retained.</p> <p>The number of access points to a road in a Road Zone is minimised.</p> <p>Access for service, emergency and delivery vehicles is provided.</p>
Performance criteria
<p>Access to the development is acceptable considering:</p> <ul style="list-style-type: none"> • The impact on the neighbourhood context. • The reduction of on-street car parking spaces. • The effect on any significant vegetation on the site and footpath. • How access is provided for service, emergency and delivery vehicles.
Information required
<p>The neighbourhood and site description.</p> <p>The design response.</p>

CURRENT

55.03-10

Parking location objectives

To provide convenient parking for resident and visitor vehicles.

To protect residents from vehicular noise within developments.

Standard B15

Car parking facilities should:

- Be reasonably close and convenient to dwellings and residential buildings.
- Be secure.
- Be well ventilated if enclosed.

Shared accessways or car parks of other dwellings and residential buildings should be located at least 1.5 metres from the windows of habitable rooms. This setback may be reduced to 1 metre where there is a fence at least 1.5 metres high or where window sills are at least 1.4 metres above the accessway.

Decision guideline

Before deciding on an application, the responsible authority must consider the design response.

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TRANSLATED

B15 Parking location
Performance objective
Residents and visitors have access to convenient parking.
Residents are protected from vehicle noise in the development.
Performance measure
Car parking facilities are close and convenient to dwellings.
Car parking facilities are secure.
Car parking facilities are well ventilated if enclosed.
Shared accessways or car parks of other dwellings are located at least 1.5 metres from the windows of habitable rooms. This setback may be reduced to 1 metre where there is a fence at least 1.5 metres high or where window sills are at least 1.4 metres above the accessway.
Performance criteria
The design and location of resident and visitor parking is acceptable considering: <ul style="list-style-type: none"> • The convenience to dwellings • Security • Ventilation • The proximity of shared accessways and the car parks of other dwellings to habitable room windows.
Information required
The design response.

55.04 AMENITY IMPACTS

CURRENT

55.04-1

Side and rear setbacks objective

To ensure that the height and setback of a building from a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings.

Standard B17

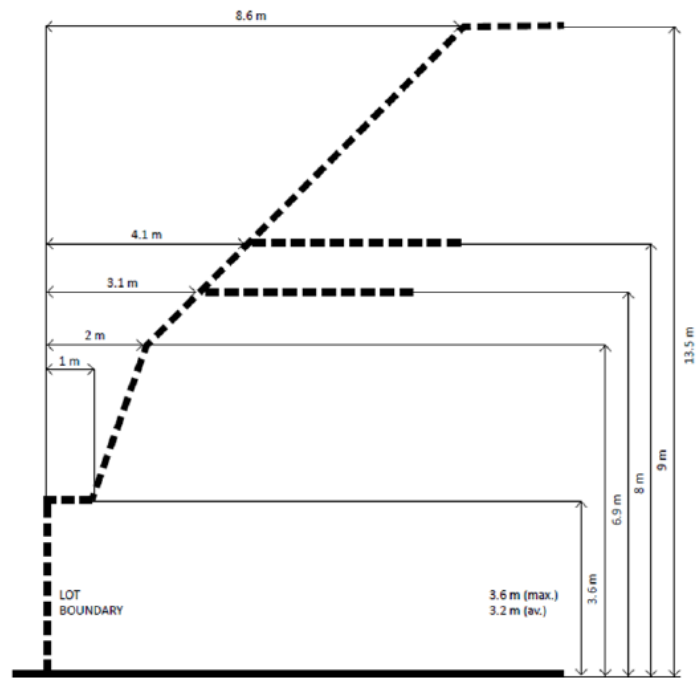
A new building not on or within 200mm of a boundary should be set back from side or rear boundaries:

- At least the distance specified in a schedule to the zone, or
- If no distance is specified in a schedule to the zone, 1 metre, plus 0.3 metres for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres.

Sunblinds, verandahs, porches, eaves, fascias, gutters, masonry chimneys, flues, pipes, domestic fuel or water tanks, and heating or cooling equipment or other services may encroach not more than 0.5 metres into the setbacks of this standard.

Landings having an area of not more than 2 square metres and less than 1 metre high, stairways, ramps, pergolas, shade sails and carports may encroach into the setbacks of this standard.

Diagram B1 Side and rear setbacks



Decision guidelines

Before deciding on an application, the responsible authority must consider:

- Any relevant neighbourhood character objective, policy or statement set out in this scheme.
- The design response.
- The impact on the amenity of the habitable room windows and secluded private open space of existing dwellings.
- Whether the wall is opposite an existing or simultaneously constructed wall built to the boundary.
- Whether the wall abuts a side or rear lane.

TRANSLATED

B17 Side and rear setbacks
Performance objective
The height and setback of a building from a boundary respects the existing or preferred neighbourhood character.
The height and setback of a building from a boundary limits the impact on the amenity of existing dwellings.

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<p>Performance measure</p> <p>A new building that is not on or within 200mm of a boundary is set back from side or rear boundaries:</p> <ul style="list-style-type: none"> At least the distance specified in a schedule to the zone, or If no distance is specified in a schedule to the zone, 1 metre, plus 0.3 metres for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres. <p>Diagram A1 Side and rear setbacks</p> <p>Sunblinds, verandahs, porches, eaves, fascias, gutters, masonry chimneys, flues, pipes, domestic fuel or water tanks and heating or cooling equipment or other services do not encroach more than 0.5 metres into the setback.</p> <p>Landings with an area of not more than 2 square metres and less than 1 metre high, stairways, ramps, pergolas, shade sails and carports may encroach into the setback.</p>
<p>Performance criteria</p> <p>The height and setback of a building from a boundary is acceptable considering:</p> <ul style="list-style-type: none"> The impact on the amenity of the habitable room windows and secluded private open space of existing dwellings. Whether the wall is opposite an existing or simultaneously constructed wall built to the boundary. Whether the wall abuts a side or rear lane.
<p>Information required</p> <p>The neighbourhood and site description.</p> <p>The design response.</p>

CURRENT

55.04-2 Walls on boundaries objective

To ensure that the location, length and height of a wall on a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings.

Standard B18

A new wall constructed on or within 200mm of a side or rear boundary of a lot or a carport constructed on or within 1 metre of a side or rear boundary of a lot should not abut the boundary:

- For a length more than the distance specified in a schedule to the zone; or
- If no distance is specified in a schedule to the zone, for a length of more than:
 - 10 metres plus 25 per cent of the remaining length of the boundary of an adjoining lot, or
 - Where there are existing or simultaneously constructed walls or carports abutting the boundary on an abutting lot, the length of the existing or simultaneously constructed walls or carports, whichever is the greater.

A new wall or carport may fully abut a side or rear boundary where the slope and retaining walls or fences would result in the effective height of the wall or carport being less than 2 metres on the abutting property boundary.

A building on a boundary includes a building set back up to 200mm from a boundary.

The height of a new wall constructed on or within 200mm of a side or rear boundary or a carport constructed on or within 1 metre of a side or rear boundary should not exceed an average of 3.2 metres with no part higher than 3.6 metres unless abutting a higher existing or simultaneously constructed wall.

Decision guidelines

Before deciding on an application, the responsible authority must consider:

- Any relevant neighbourhood character objective, policy or statement set out in this scheme.
- The design response.
- The extent to which walls on boundaries are part of the neighbourhood character.
- The visual impact of the building when viewed from adjoining properties.
- The impact on the amenity of existing dwellings.
- The opportunity to minimise the length of walls on boundaries by aligning a new wall on a boundary with an existing wall on a lot of an adjoining property.
- The orientation of the boundary that the wall is being built on.
- The width of the lot.
- The extent to which the slope and retaining walls or fences reduce the effective height of the wall.
- Whether the wall abuts a side or rear lane.
- The need to increase the wall height to screen a box gutter.

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TRANSLATED

B18 Walls on boundaries
Performance objective
<p>The location, length and height of a wall on a boundary respects the existing or preferred neighbourhood character</p> <p>The location, length and height of a wall on a boundary limits the impact on the amenity of existing dwellings.</p>
Performance measure
<p>A new wall constructed on or within 200mm of a side or rear boundary of a lot or a carport constructed on or within 1 metre of a side or rear boundary of a lot does not abut the boundary:</p> <ul style="list-style-type: none"> • For a length more than the distance specified in a schedule to the zone; or • If no distance is specified in a schedule to the zone, for a length of more than: <ul style="list-style-type: none"> – 10 metres plus 25 per cent of the remaining length of the boundary of an adjoining lot, or – Where there are existing or simultaneously constructed walls or carports abutting the boundary on an abutting lot, the length of the existing or simultaneously constructed walls or carports, whichever is the greater. <p>A new wall or carport does not fully abut a side or rear boundary unless the slope and retaining walls or fences would result in the effective height of the wall or carport being less than 2 metres on the abutting property boundary.</p> <p>The height of a new wall constructed on or within 200mm of a side or rear boundary or a carport constructed on or within 1 metre of a side or rear boundary does not exceed an average of 3.2 metres with no part higher than 3.6 metres unless abutting a higher existing or simultaneously constructed wall.</p> <p><i>Note: A building on a boundary includes a building set back up to 200mm from a boundary.</i></p>
Performance criteria
<p>The location, length and height of a wall on a boundary is acceptable considering:</p> <ul style="list-style-type: none"> • The extent to which walls on boundaries are part of the neighbourhood character. • The visual impact of the building when viewed from adjoining properties. • The impact on the amenity of existing dwellings. • The opportunity to minimise the length of walls on boundaries by aligning a new wall on a boundary with an existing wall on a lot of an adjoining property. • The orientation of the boundary that the wall is being built on. • The width of the lot. • The extent to which the slope and retaining walls or fences reduce the effective height of the wall. • Whether the wall abuts a side or rear lane. • The need to increase the wall height to screen a box gutter
Information required
<p>The neighbourhood and site description.</p> <p>The design response.</p>

CURRENT

55.04-3 Daylight to existing windows objective

To allow adequate daylight into existing habitable room windows.

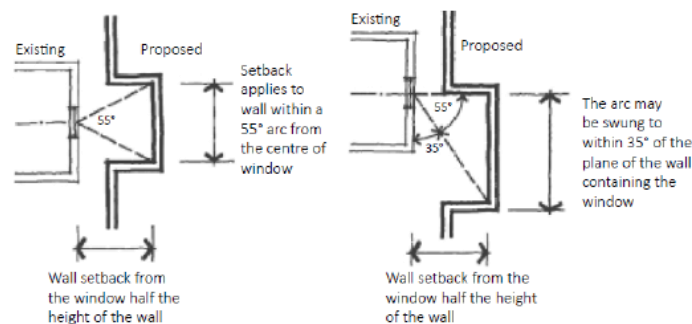
Standard B19

Buildings opposite an existing habitable room window should provide for a light court to the existing window that has a minimum area of 3 square metres and minimum dimension of 1 metre clear to the sky. The calculation of the area may include land on the abutting lot.

Walls or carports more than 3 metres in height opposite an existing habitable room window should be set back from the window at least 50 per cent of the height of the new wall if the wall is within a 55 degree arc from the centre of the existing window. The arc may be swung to within 35 degrees of the plane of the wall containing the existing window.

Where the existing window is above ground floor level, the wall height is measured from the floor level of the room containing the window.

Diagram B2 Daylight to existing windows



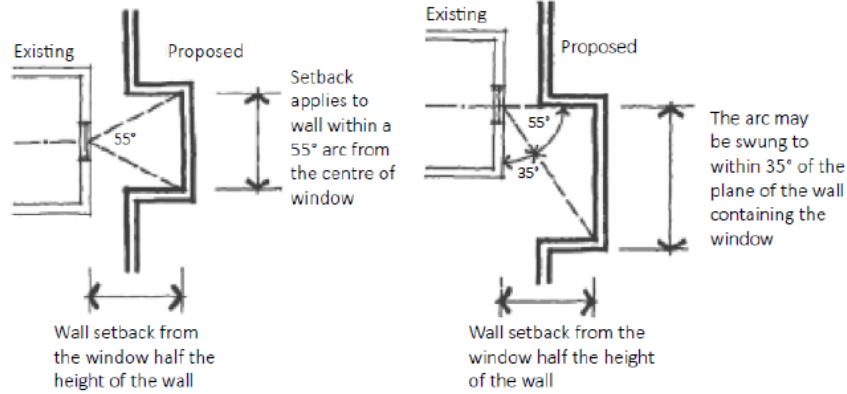
Decision guidelines

Before deciding on an application, the responsible authority must consider:

- The design response.
- The extent to which the existing dwelling has provided for reasonable daylight access to its habitable rooms through the siting and orientation of its habitable room windows.
- The impact on the amenity of existing dwellings.

Department of Environment, Land, Water and Planning

TRANSLATED

B19 Daylight to existing windows	
Performance objective	Existing habitable room windows receive adequate daylight.
Performance measure	<p>Any building opposite an existing habitable room window provides a light court to the existing window and the light court has a minimum area of 3 square metres and minimum dimension of 1 metre clear to the sky. The calculation of the area may include land on the abutting lot.</p> <p>A wall or carport more than 3 metres in height opposite an existing habitable room window is set back from the window at least 50 per cent of the height of the new wall if the wall is within a 55 degree arc from the centre of the existing window. The arc may be swung to within 35 degrees of the plane of the wall containing the existing window.</p> <p><i>Note: Where the existing window is above ground floor level, the wall height is measured from the floor level of the room containing the window.</i></p>
Diagram B2 Daylight to existing windows	 <p>Diagram B2 Daylight to existing windows</p> <p>The diagram illustrates the setback requirements for a proposed wall opposite an existing window. It shows two scenarios: one with a 55-degree arc and another where the arc can be swung to within 35 degrees of the wall plane. Both scenarios indicate that the wall setback from the window must be at least half the height of the wall.</p>
Performance criteria	<p>The location, length and height of a wall on a boundary is acceptable considering:</p> <ul style="list-style-type: none"> • The extent to which the existing dwelling has provided for reasonable daylight access to its habitable rooms through the siting and orientation of its habitable room windows. • The impact on the amenity of existing dwellings.
Information required	<p>The neighbourhood and site description.</p> <p>The design response.</p>

CURRENT

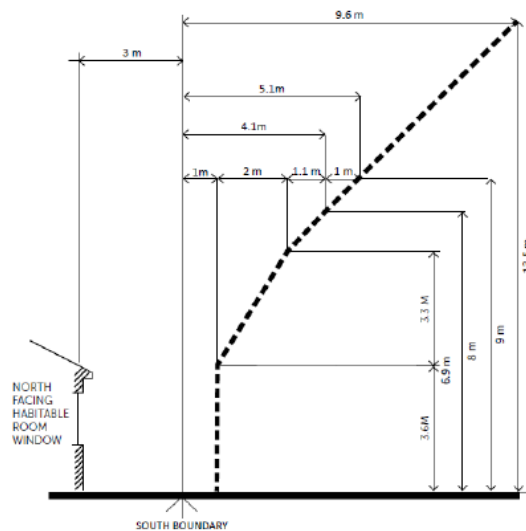
55.04-4 North facing windows objective

To allow adequate solar access to existing north-facing habitable room windows.

Standard B20

If a north-facing habitable room window of an existing dwelling is within 3 metres of a boundary on an abutting lot, a building should be setback from the boundary 1 metre, plus 0.6 metre for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres, for a distance of 3 metres from the edge of each side of the window. A north-facing window is a window with an axis perpendicular to its surface oriented north 20 degrees west to north 30 degrees east.

Diagram B3 North-facing windows



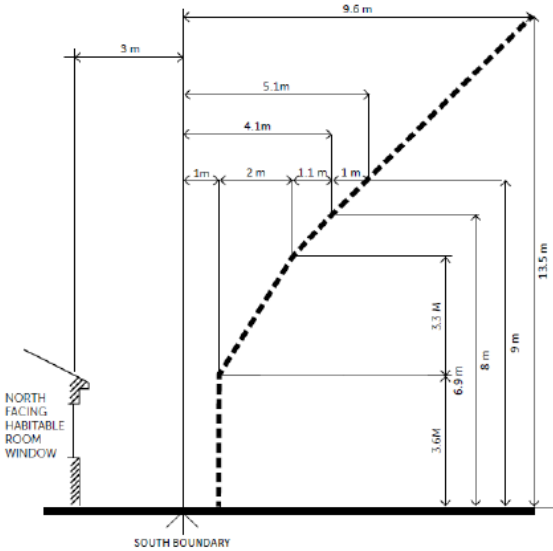
Decision guidelines

Before deciding on an application, the responsible authority must consider:

- The design response.
- Existing sunlight to the north-facing habitable room window of the existing dwelling. The impact on the amenity of existing dwellings.

Department of Environment, Land, Water and Planning

TRANSLATED

B20 North facing windows	
Performance objective	Existing north facing habitable room windows have adequate solar access.
Performance measure	<p>If a north-facing habitable room window of an existing dwelling is within 3 metres of a boundary on an abutting lot, any new building is setback from the boundary 1 metre, plus 0.6 metre for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres, for a distance of 3 metres from the edge of each side of the window.</p> <p><i>Note: A north-facing window is a window with an axis perpendicular to its surface oriented north 20 degrees west to north 30 degrees east.</i></p> <p>Diagram B3 North-facing windows</p> 
Performance criteria	<p>The setback of a building from a north-facing habitable room window of an existing dwelling that is within 3 metres of a boundary on an abutting lot is acceptable considering:</p> <ul style="list-style-type: none"> Existing sunlight to the north-facing habitable room window of the existing dwelling. The impact on the amenity of existing dwellings.
Information required	<p>The neighbourhood and site description.</p> <p>The design response.</p>

CURRENT

55.04-5 Overshadowing open space objective

To ensure buildings do not unreasonably overshadow existing secluded private open space.

Standard B21

Where sunlight to the secluded private open space of an existing dwelling is reduced, at least 75 per cent, or 40 square metres with minimum dimension of 3 metres, whichever is the lesser area, of the secluded private open space should receive a minimum of five hours of sunlight between 9 am and 3 pm on 22 September.

If existing sunlight to the secluded private open space of an existing dwelling is less than the requirements of this standard, the amount of sunlight should not be further reduced.

Decision guidelines

Before deciding on an application, the responsible authority must consider:

- The design response.
- The impact on the amenity of existing dwellings.
- Existing sunlight penetration to the secluded private open space of the existing dwelling.
- The time of day that sunlight is available to the secluded private open space of the existing dwelling.
- The effect of a reduction in sunlight on the existing use of the secluded private open space.

TRANSLATED

B21 Overshadowing open space
Performance objective
A new building does not unreasonably overshadow existing secluded private open space.
Performance measure
If sunlight to the secluded private open space of an existing dwelling is reduced, at least 75 per cent, or 40 square metres with minimum dimension of 3 metres, whichever is the lesser area, of the secluded private open space receives at least five hours of sunlight between 9 am and 3 pm on 22 September.
If existing sunlight to the secluded private open space of an existing dwelling is less than the requirement of this performance measure, the amount of sunlight is not further reduced.
Performance criteria
Any reduction in sunlight to the secluded private open space of an existing dwelling is acceptable considering: <ul style="list-style-type: none"> • The impact on the amenity of existing the dwelling. • The existing sunlight penetration to the secluded private open space of the existing dwelling. • The time of day that sunlight is available to the secluded private open space of the existing dwelling. • The effect of a reduction in sunlight on the existing use of the secluded private open space
Information required
The neighbourhood and site description.
The design response.

Department of Environment, Land, Water and Planning

CURRENT

55.04-6 Overlooking objective

To limit views into existing secluded private open space and habitable room windows.

Standard B22

A habitable room window, balcony, terrace, deck or patio should be located and designed to avoid direct views into the secluded private open space and habitable room windows of an existing dwelling within a horizontal distance of 9 metres (measured at ground level) of the window, balcony, terrace, deck or patio. Views should be measured within a 45 degree angle from the plane of the window or perimeter of the balcony, terrace, deck or patio, and from a height of 1.7 metres above floor level.

A habitable room window, balcony, terrace, deck or patio with a direct view into a habitable room window of existing dwelling within a horizontal distance of 9 metres (measured at ground level) of the window, balcony, terrace, deck or patio should be either:

- Offset a minimum of 1.5 metres from the edge of one window to the edge of the other, or
- Have sill heights of at least 1.7 metres above floor level, or
- Have obscure glazing in any part of the window below 1.7 metres above floor level, or
- Have permanently fixed external screens to at least 1.7 metres above floor level and be no more than 25 per cent transparent.

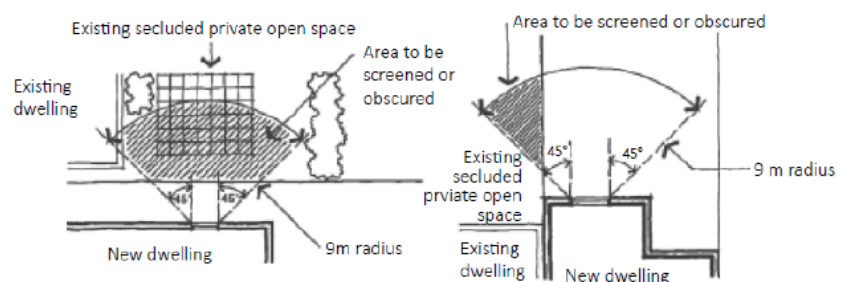
Obscure glazing in any part of the window below 1.7 metres above floor level may be openable provided that there are no direct views as specified in this standard.

Screens used to obscure a view should be:

- Perforated panels or trellis with a maximum of 25 per cent openings or solid translucent panels.
- Permanent, fixed and durable.
- Designed and coloured to blend in with the development.

This standard does not apply to a new habitable room window, balcony, terrace, deck or patio which faces a property boundary where there is a visual barrier at least 1.8 metres high and the floor level of the habitable room, balcony, terrace, deck or patio is less than 0.8 metres above ground level at the boundary.

Diagram B4 Overlooking open space



Decision guidelines

Before deciding on an application, the responsible authority must consider:

- The design response.
- The impact on the amenity of the secluded private open space or habitable room window.
- The existing extent of overlooking into the secluded private open space and habitable room windows of existing dwellings.

- The internal daylight to and amenity of the proposed dwelling or residential building.

TRANSLATED

B22 Overlooking
Performance objective
Views into existing secluded private open space and habitable room windows are limited.
Performance measure
<p>Any habitable room window, balcony, terrace, deck or patio is located and designed to avoid direct views into the secluded private open space and habitable room windows of an existing dwelling within a horizontal distance of 9 metres (measured at ground level) of the window, balcony, terrace, deck or patio.</p> <p>Note: Views should be measured within a 45 degree angle from the plane of the window or perimeter of the balcony, terrace, deck or patio, and from a height of 1.7 metres above floor level.</p> <p>A habitable room window, balcony, terrace, deck or patio with a direct view into a habitable room window of existing dwelling within a horizontal distance of 9 metres (measured at ground level) of the window, balcony, terrace, deck or patio is either:</p> <ul style="list-style-type: none"> • Offset a minimum of 1.5 metres from the edge of one window to the edge of the other, or • Have sill heights of at least 1.7 metres above floor level, or • Have obscure glazing in any part of the window below 1.7 metres above floor level, or • Have permanently fixed external screens to at least 1.7 metres above floor level and be no more than 25 per cent transparent. <p>Obscure glazing in any part of the window below 1.7 metres above floor level is only openable if there are no direct views as specified in this standard.</p> <p>Screens used to obscure a view are:</p> <ul style="list-style-type: none"> • Perforated panels or trellis with a maximum of 25 per cent openings or solid translucent panels. • Permanent, fixed and durable. • Designed and coloured to blend in with the development. <p>Diagram B4 Overlooking open space</p> <p>This performance measure does not apply to a new habitable room window, balcony, terrace, deck or patio that faces a property boundary where there is a visual barrier at least 1.8 metres high and the floor level of the habitable room, balcony, terrace, deck or patio is less than 0.8 metres above ground level at the boundary.</p>

Department of Environment, Land, Water and Planning

Performance criteria
Any overlooking of the secluded private open space of an existing dwelling is acceptable considering:
<ul style="list-style-type: none"> • The impact on the amenity of the secluded private open space or habitable room window. • The existing extent of overlooking into the secluded private open space and habitable room windows of existing dwellings. • The internal daylight to and amenity of the proposed dwelling or residential building.
Information required
The neighbourhood and site description.
The design response.

CURRENT

55.04-7

Internal views objective

To limit views into the private open space and habitable room windows of dwellings and residential buildings within a development.

Standard B23

Windows and balconies should be designed to prevent overlooking of more than 50 per cent of the private open space of a lower-level dwelling directly below and within the same development.

Decision guideline

Before deciding on an application, the responsible authority must consider the design response.

TRANSLATED

B23 Internal views
Performance objective
Views into the private open space and habitable room windows of dwellings and residential buildings are limited.
Performance measure
Windows and balconies do not allow overlooking of more than 50 per cent of the private open space of a lower-level dwelling directly below and within the same development.
Performance criteria
Views into the private open space and habitable room windows of dwellings and residential buildings are acceptable considering the reasonable privacy expectations of occupants.
Information required
The design response.

CURRENT

55.04-8

Noise impacts objectives

To contain noise sources in developments that may affect existing dwellings.

To protect residents from external noise.

Standard B24

Noise sources, such as mechanical plant, should not be located near bedrooms of immediately adjacent existing dwellings.

Noise sensitive rooms and secluded private open spaces of new dwellings and residential buildings should take account of noise sources on immediately adjacent properties.

Dwellings and residential buildings close to busy roads, railway lines or industry should be designed to limit noise levels in habitable rooms.

Decision guideline

Before deciding on an application, the responsible authority must consider the design response.

TRANSLATED

B24 Noise impacts
Performance objective
Noise sources in developments that may affect existing dwellings are contained.
Residents are protected from external noise.
Performance measure
Noise sources, such as mechanical plant, are not located near the bedrooms of immediately adjacent existing dwellings.
Noise sensitive rooms and secluded private open spaces of new dwellings and residential buildings are not located near noise sources on immediately adjacent properties.
Dwellings and residential buildings close to busy roads, railway lines or industry are designed to limit noise levels in habitable rooms.
Performance criteria
The noise impacts are acceptable considering: <ul style="list-style-type: none"> • The location of noise sources, such as mechanical plant. • Noise sources on immediately adjacent properties. • Other noise sources such as busy roads, railway lines or industry.
Information required
The neighbourhood and site description.
The design response.

Department of Environment, Land, Water and Planning

55.05 ON-SITE AMENITY AND FACILITIES

CURRENT

55.05-1 Accessibility objective

To encourage the consideration of the needs of people with limited mobility in the design of developments.

Standard B25

The dwelling entries of the ground floor of dwellings and residential buildings should be accessible or able to be easily made accessible to people with limited mobility.

TRANSLATED

B25 Accessibility
Performance objective
People with limited mobility can access new dwellings and residential buildings.
Performance measure
The entry to each ground floor dwelling and residential building is accessible or able to be easily made accessible to people with limited mobility.
Performance criteria
The accessibility of new development is acceptable considering the needs of people with limited mobility.
Information required
The design response.

CURRENT

55.05-2 Dwelling entry objective

To provide each dwelling or residential building with its own sense of identity.

Standard B26

Entries to dwellings and residential buildings should:

- Be visible and easily identifiable from streets and other public areas.
- Provide shelter, a sense of personal address and a transitional space around the entry.

TRANSLATED

B26 Dwelling entry
Performance objective
Each dwelling or residential building has its own sense of identity.
Performance measure
The entry to each dwelling and residential building is visible and easily identifiable from streets and other public areas.
The entry to each dwelling and residential building provides shelter, a sense of personal address and a transitional space around the entry.

Performance criteria
The entry to each dwelling and residential building is acceptable considering: <ul style="list-style-type: none"> • Visibility and identification from streets and other public areas. • The shelter, sense of personal address and transitional space around the entry proposed.
Information required
The design response.

CURRENT

55.05-3

Daylight to new windows objective

To allow adequate daylight into new habitable room windows.

Standard B27

A window in a habitable room should be located to face:

- An outdoor space clear to the sky or a light court with a minimum area of 3 square metres and minimum dimension of 1 metre clear to the sky, not including land on an abutting lot, or
- A verandah provided it is open for at least one third of its perimeter, or
- A carport provided it has two or more open sides and is open for at least one third of its perimeter.

Decision guidelines

Before deciding on an application, the responsible authority must consider:

- The design response.
- Whether there are other windows in the habitable room which have access to daylight.

TRANSLATED

B27 Daylight to new windows
Performance objective
New habitable room windows receive adequate daylight.
Performance measure
A window in a habitable room is located to face: <ul style="list-style-type: none"> • An outdoor space clear to the sky or a light court with a minimum area of 3 square metres and minimum dimension of 1 metre clear to the sky, not including land on an abutting lot, or • A verandah, provided the verandah is open for at least one third of its perimeter, or • A carport provided it has two or more open sides and is open for at least one third of its perimeter.
Performance criteria
The daylight received by a window in a habitable room is acceptable considering whether there are other windows in the habitable room that have access to daylight.
Information required
The design response.

Department of Environment, Land, Water and Planning

CURRENT

55.05-4 Private open space objective

To provide adequate private open space for the reasonable recreation and service needs of residents.

Standard B28

A dwelling or residential building should have private open space of an area and dimensions specified in a schedule to the zone.

If no area or dimensions is specified in a schedule to the zone, a dwelling or residential building should have private open space consisting of:

- An area of 40 square metres, with one part of the private open space to consist of secluded private open space at the side or rear of the dwelling or residential building with a minimum area of 25 square metres, a minimum dimension of 3 metres and convenient access from a living room, or
- A balcony of 8 square metres with a minimum width of 1.6 metres and convenient access from a living room, or
- A roof-top area of 10 square metres with a minimum width of 2 metres and convenient access from a living room.

The balcony requirements in Clause 55.05-4 do not apply to an apartment development.

Decision guidelines

Before deciding on an application, the responsible authority must consider:

- The design response.
- The useability of the private open space, including its size and accessibility.
- The availability of and access to public open space.
- The orientation of the lot to the street and the sun.

TRANSLATED

B28 Private open space
Performance objective
Residents have adequate private open space for their reasonable recreation and service needs.

Performance measure
Each dwelling or residential building has private open space with the area and dimensions specified in a schedule to the zone.
If no area or dimensions is specified in a schedule to the zone, a dwelling or residential building has private open space consisting of:
<ul style="list-style-type: none"> An area of 40 square metres, with one part of the private open space to consist of secluded private open space at the side or rear of the dwelling or residential building with a minimum area of 25 square metres, a minimum dimension of 3 metres and convenient access from a living room, or A roof-top area of 10 square metres with a minimum width of 2 metres and convenient access from a living room. If the development is not an apartment building, a balcony of 8 square metres with a minimum width of 1.6 metres and convenient access from a living room
Performance criteria
The private open space available to each dwelling is acceptable considering:
<ul style="list-style-type: none"> The useability of the private open space, including its size and accessibility. The availability of and access to public open space. The orientation of the lot to the street and the sun.
Information required
The design response.

CURRENT

55.05-5

Solar access to open space objective

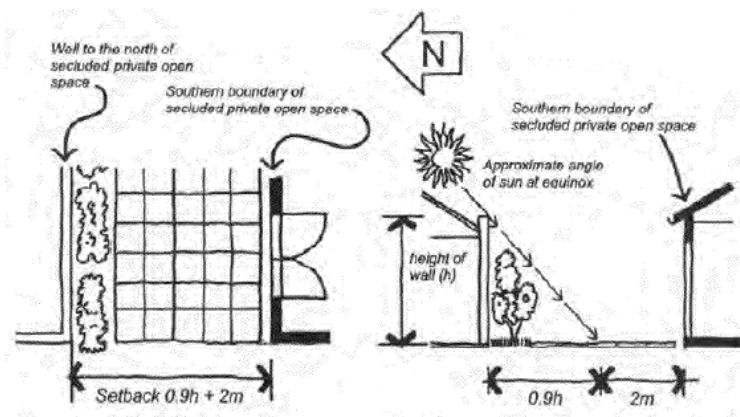
To allow solar access into the secluded private open space of new dwellings and residential buildings.

Standard B29

The private open space should be located on the north side of the dwelling or residential building, if appropriate.

The southern boundary of secluded private open space should be set back from any wall on the north of the space at least $(2 + 0.9h)$ metres, where 'h' is the height of the wall.

Diagram B5 Solar access to open space



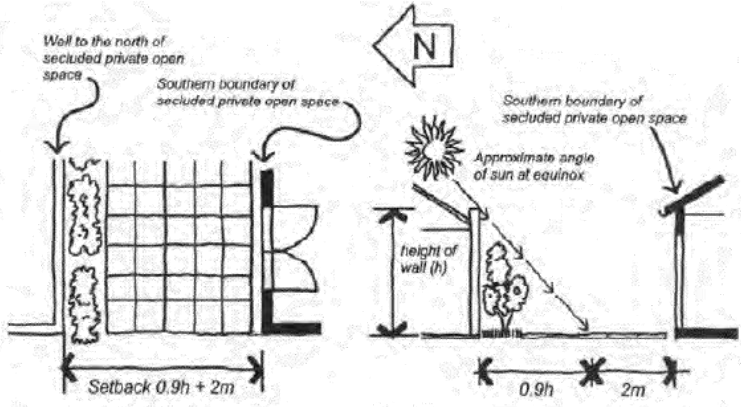
Department of Environment, Land, Water and Planning

Decision guidelines

Before deciding on an application, the responsible authority must consider:

- The design response.
- The useability and amenity of the secluded private open space based on the sunlight it will receive.

TRANSLATED

B29 Solar access to open space
Performance objective
<p>The secluded private open space of a new dwelling or residential building has adequate solar access.</p>
Performance measure
<p>The private open space is located on the north side of the dwelling.</p> <p>The southern boundary of secluded private open space is set back from any wall on the north of the space at least $(2 + 0.9h)$ metres, where 'h' is the height of the wall.</p>
<p>Diagram A5 Solar access to open space</p> 
Performance criteria
<p>The solar access to the secluded private open space of any dwelling or residential building is acceptable considering the useability and amenity of the secluded private open space, based on the sunlight it will receive.</p>
Information required
<p>The design response.</p>

CURRENT

55.05-6

Storage objective

To provide adequate storage facilities for each dwelling.

Standard B30

Each dwelling should have convenient access to at least 6 cubic metres of externally accessible, secure storage space.

TRANSLATED

B30 Storage
Performance objective
Each dwelling has adequate storage facilities.
Performance measure
Each dwelling has convenient access to at least 6 cubic metres of externally accessible, secure storage space.
Performance criteria
The storage provided to each dwelling is acceptable and is convenient, usable, sufficient and secure.
Information required
The design response.

Department of Environment, Land, Water and Planning

55.06 DETAILED DESIGN

CURRENT

55.06-1 Detail design objective

To encourage design detail that respects the existing or preferred neighbourhood character.

Standard B31

The design of buildings, including:

- Façade articulation and detailing,
- Window and door proportions,
- Roof form, and
- Verandahs, eaves and parapets,

should respect the existing or preferred neighbourhood character.

Garages and carports should be visually compatible with the development and the existing or preferred neighbourhood character.

Decision guidelines

Before deciding on an application, the responsible authority must consider:

- Any relevant neighbourhood character objective, policy or statement set out in this scheme.
- The design response.
- The effect on the visual bulk of the building and whether this is acceptable in the neighbourhood setting.
- Whether the design is innovative and of a high architectural standard.

TRANSLATED

B31 Detailed design
Performance objective
Design detail respects any existing or preferred neighbourhood character set out in a schedule to a zone or overlay, or the neighbourhood context.
Performance measure
The design of new development complies with any performance measures specified for neighbourhood character and design detail in a schedule to the zone.
Performance criteria
<p>The design detail of buildings is acceptable in the neighbourhood context considering:</p> <ul style="list-style-type: none"> • Façade articulation and detailing • Window and door proportions • Roof form • Verandahs, eaves and parapets • Whether the design is innovative and of a high architectural standard. <p>Garages and carports are visually compatible with the development and the neighbourhood context.</p>

Information required
The neighbourhood and site description.
The design response.

CURRENT

55.06-2

Front fences objective

To encourage front fence design that respects the existing or preferred neighbourhood character.

Standard B32

The design of front fences should complement the design of the dwelling or residential building and any front fences on adjoining properties.

A front fence within 3 metres of a street should not exceed:

- The maximum height specified in a schedule to the zone, or
- If no maximum height is specified in a schedule to the zone, the maximum height specified in Table A2.

Table B3 Maximum front fence height

Street context	Maximum front fence height
Streets in a Road Zone, Category 1	2 metres
Other streets	1.5 metres

Decision guidelines

Before deciding on an application, the responsible authority must consider:

- Any relevant neighbourhood character objective, policy or statement set out in this scheme.
- The design response.
- The setback, height and appearance of front fences on adjacent properties.
- The extent to which slope and retaining walls reduce the effective height of the front fence.
- Whether the fence is needed to minimise noise intrusion.

TRANSLATED

B32 Front fences
Performance objective
Front fence design respects the existing or preferred neighbourhood character.

Department of Environment, Land, Water and Planning

Performance measure	
A front fence within 3 metres of a street should not exceed:	
<ul style="list-style-type: none"> The maximum height specified in a schedule to the zone, or If no maximum height is specified in a schedule to the zone, the maximum height specified in Table B3. 	
Table B3 Maximum front fence height	
Street context	Maximum front fence height
Streets in a Road Zone, Category 1	2 metres
Other streets	1.5 metres
Performance criteria	
The design of the fence is acceptable considering:	
<ul style="list-style-type: none"> The design of the dwelling or residential building. The setback, height and appearance of front fences on adjacent properties. The extent to which slope and retaining walls reduce the effective height of the front fence. Whether the fence is needed to minimise noise intrusion. 	
Information required	
The neighbourhood and site description.	
The design response.	

CURRENT

55.06-3

Common property objectives

To ensure that communal open space, car parking, access areas and site facilities are practical, attractive and easily maintained.

To avoid future management difficulties in areas of common ownership.

Standard B33

Developments should clearly delineate public, communal and private areas.

Common property, where provided, should be functional and capable of efficient management.

TRANSLATED

B33 Common property
Performance objective
Communal open space, car parking, access areas and site facilities are practical, attractive and easily maintained.
Areas in common ownership do not have management difficulties.
Performance measure
None specified.

Performance criteria
Developments clearly delineate public, communal and private areas.
Common property, where provided, is functional and capable of efficient management.
Information required
The design response.

CURRENT

55.06-4

Site service objectives

To ensure that site services can be installed and easily maintained.

To ensure that site facilities are accessible, adequate and attractive.

Standard B34

The design and layout of dwellings and residential buildings should provide sufficient space (including easements where required) and facilities for services to be installed and maintained efficiently and economically.

Mailboxes and other site facilities should be adequate in size, durable, waterproof and blend in with the development.

Mailboxes should be provided and located for convenient access as required by Australia Post.

Decision guideline

Before deciding on an application, the responsible authority must consider the design response.

TRANSLATED

B34 Site service
Performance objective
Site services can be installed and easily maintained.
Site facilities are accessible, adequate and attractive.
Performance measure
None specified.
Performance criteria
The design and layout of dwellings and residential buildings provides sufficient space (including easements where required) and facilities for services to be installed and maintained efficiently and economically.
Mailboxes and other site facilities are adequate in size, durable, waterproof and blend in with the development.
Mailboxes are provided and located for convenient access as required by Australia Post.
Information required
The design response.

Department of Environment, Land, Water and Planning

55.07 APPARTMENT DEVELOPMENTS

CURRENT

58.03-1 Energy efficiency objectives

To achieve and protect energy efficient dwellings and buildings.

To ensure the orientation and layout of development reduce fossil fuel energy use and make appropriate use of daylight and solar energy.

To ensure dwellings achieve adequate thermal efficiency.

Standard B35

Buildings should be:

- Oriented to make appropriate use of solar energy.
- Sited and designed to ensure that the energy efficiency of existing dwellings on adjoining lots is not unreasonably reduced.
- Sited and designed to ensure that the performance of existing rooftop solar energy systems on dwellings on adjoining lots in a General Residential Zone, Neighbourhood Residential Zone or Township Zone are not unreasonably reduced. The existing rooftop solar energy system must exist at the date the application is lodged.

Living areas and private open space should be located on the north side of the development, if practicable.

Developments should be designed so that solar access to north-facing windows is optimised.

Dwellings located in a climate zone identified in Table B4 should not exceed the maximum NatHERS annual cooling load specified in the following table.

Table B4 Cooling load

NatHERS climate zone	NatHERS maximum cooling load MJ/M ² per annum
Climate zone 21 Melbourne	30
Climate zone 22 East Sale	22
Climate zone 27 Mildura	69
Climate zone 60 Tullamarine	22
Climate zone 62 Moorabbin	21
Climate zone 63 Warrnambool	21
Climate zone 64 Cape Otway	19
Climate zone 66 Ballarat	23

Note: Refer to NatHERS zone map, Nationwide House Energy Rating Scheme (Commonwealth Department of Environment and Energy).

Decision guidelines

Before deciding on an application, the responsible authority must consider:

- The design response.
- The size, orientation and layout of the site.
- The existing amount of solar access to abutting properties.
- The availability of solar access to north-facing windows on the site.

- The annual cooling load for each dwelling.
- The extent to which an existing rooftop solar energy system on an adjoining lot is overshadowed by existing buildings or other permanent structures.
- Whether the existing rooftop solar energy system on an adjoining lot is appropriately located.
- The effect of overshadowing on an existing rooftop solar energy facility on an adjoining lot.

TRANSLATED

B35 Energy efficiency	
Performance objective	
<p>New development is energy efficient.</p> <p>The energy efficiency of existing buildings is protected.</p> <p>The orientation and layout of development reduces fossil fuel energy use and makes appropriate use of daylight and solar energy.</p> <p>New dwellings achieve adequate thermal efficiency.</p>	
Performance measure	
<p>Living areas and private open space are located on the north side of the development</p> <p>A dwelling located in a climate zone identified in Table B4 does not exceed the maximum NatHERS annual cooling load specified in Table B4.</p>	
Table B4 Cooling load	
NatHERS climate zone	NatHERS maximum cooling load MJ/M ² per annum
Climate zone 21 Melbourne	30
Climate zone 22 East Sale	22
Climate zone 27 Mildura	69
Climate zone 60 Tullamarine	22
Climate zone 62 Moorabbin	21
Climate zone 63 Warrnambool	21
Climate zone 64 Cape Otway	19
Climate zone 66 Ballarat	23

Note: Refer to NatHERS zone map, Nationwide House Energy Rating Scheme (Commonwealth Department of Environment and Energy).

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Performance criteria
<p>The energy efficiency of new development is acceptable considering:</p> <ul style="list-style-type: none"> • The size, orientation and layout of the site. • How buildings are oriented to make use of solar energy. • The availability of solar access to north-facing windows on the site. • The annual cooling load for each dwelling. <p>The energy efficiency protection for existing development is acceptable considering:</p> <ul style="list-style-type: none"> • The existing amount of solar access to abutting properties. • The extent to which an existing rooftop solar energy system on an adjoining lot is overshadowed by existing buildings or other permanent structures. • Whether the existing rooftop solar energy system on an adjoining lot is appropriately located. • The effect of overshadowing on an existing rooftop solar energy facility on an adjoining lot.
Information required
<p>The neighbourhood and site description.</p> <p>The design response.</p> <p>A written statement that identifies the existing amount of solar access to abutting properties and the likely effect of overshadowing by the development on their performance taking account of:</p> <ul style="list-style-type: none"> • The extent to which an existing rooftop solar energy system on an adjoining lot is overshadowed by existing buildings or other permanent structures. • Whether the existing rooftop solar energy system on an adjoining lot is appropriately located.

CURRENT

55.07-2

Communal open space objective

To ensure that communal open space is accessible, practical, attractive, easily maintained and integrated with the layout of the development.

Standard B36

Developments with 40 or more dwellings should provide a minimum area of communal open space of 2.5 square metres per dwelling or 250 square metres, whichever is lesser.

Communal open space should:

- Be located to:
 - Provide passive surveillance opportunities, where appropriate.
 - Provide outlook for as many dwellings as practicable.
 - Avoid overlooking into habitable rooms and private open space of new dwellings.
 - Minimise noise impacts to new and existing dwellings.
- Be designed to protect any natural features on the site.
- Maximise landscaping opportunities.
- Be accessible, useable and capable of efficient management.

Decision guidelines

Before deciding on an application, the responsible authority must consider:

Any relevant urban design objective, policy or statement set out in this scheme.

The design response.

- The useability and amenity of the communal open space based on its size, location, accessibility and reasonable recreation needs of residents.
- The availability of and access to public open space.

TRANSLATED

B36 Communal open space
Performance objective
Communal open space is accessible, practical, attractive and easily maintained.
Communal open space is integrated with the layout of the development.
Performance measure
A development with 40 or more dwellings provides at least 2.5 square metres per dwelling or 250 square metres of communal open space, whichever is lesser.
Communal open space does not enable overlooking into habitable rooms and private open space of new dwellings.
Performance criteria
<p>The communal open space of new development is acceptable considering how the communal open space proposed is designed and located to:</p> <ul style="list-style-type: none"> • Provide passive surveillance opportunities. • Provide outlook for as many dwellings as practicable. • Avoid overlooking into habitable rooms and private open space of new dwellings. • Minimise noise impacts to new and existing dwellings. • Protect any natural features on the site. • Maximise landscaping opportunities. • Be accessible, useable and capable of efficient management. <p>The amount of communal open space of new development is acceptable considering:</p> <ul style="list-style-type: none"> • The availability of and access to public open space. • The reasonable recreation needs of residents.
Information required
<p>The design response.</p> <p>If not included in the design response, a statement describing how the design responds to any relevant urban design objective, policy or statement set out in this scheme.</p>

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CURRENT

55.07-3

Solar access to communal outdoor open space objective

To allow solar access into communal outdoor open space.

Standard B37

The communal outdoor open space should be located on the north side of a building, if appropriate.

At least 50 per cent or 125 square metres, whichever is the lesser, of the primary communal outdoor open space should receive a minimum of two hours of sunlight between 9am and 3pm on 21 June.

Decision guidelines

Before deciding on an application, the responsible authority must consider:

- The design response.
- The useability and amenity of the primary communal outdoor open space areas based on the urban context, the orientation of the building, the layout of dwellings and the sunlight it will receive.

TRANSLATED

B37 Solar access to communal outdoor open space
Performance objective
Communal outdoor open space has appropriate solar access.
Performance measure
At least 50 per cent or 125 square metres, whichever is the lesser, of the primary communal outdoor open space receives a minimum of two hours of sunlight between 9am and 3pm on 21 June.
Performance criteria
The solar access to communal open space of new development is acceptable considering the useability and amenity of the communal outdoor open space areas based on the urban context, the orientation of the building, the layout of dwellings and the sunlight the open space will receive.
Information required
The design response.

CURRENT

55.07-4

Deep soil areas and canopy trees objective

To promote climate responsive landscape design and water management in developments to support thermal comfort and reduce the urban heat island effect.

Standard B38

The landscape layout and design should:

- Be responsive to the site context.
- Consider landscaping opportunities to reduce heat absorption such as green walls, green roofs and roof top gardens and improve on-site storm water infiltration.
- Maximise deep soil areas for planting of canopy trees.

- Integrate planting and water management.

Developments should provide the deep soil areas and canopy trees specified in Table B5.

If the development cannot provide the deep soil areas and canopy trees specified in Table B5, an equivalent canopy cover should be achieved by providing either:

- Canopy trees or climbers (over a pergola) with planter pits sized appropriately for the mature tree soil volume requirements.
- Vegetated planters, green roofs or green façades.

Table B5 Deep soil areas and canopy trees

Site area	Deep soil areas	Minimum tree provision
750 - 1000 square metres	5% of site area (minimum dimension of 3 metres)	1 small tree (6-8 metres) per 30 square metres of deep soil
1001 - 1500 square metres	7.5% of site area (minimum dimension of 3 metres)	1 medium tree (8-12 metres) per 50 square metres of deep soil or 1 large tree per 90 square metres of deep soil
1501 - 2500 square metres	10% of site area (minimum dimension of 6 metres)	1 large tree (at least 12 metres) per 90 square metres of deep soil or 2 medium trees per 90 square metres of deep soil
>2500 square metres	15% of site area (minimum dimension of 6 metres)	1 large tree (at least 12 metres) per 90 square metres of deep soil or 2 medium trees per 90 square metres of deep soil

Decision guidelines

Before deciding on an application, the responsible authority must consider:

- Any relevant plan or policy for environmental sustainability in the Municipal Planning Strategy and the Planning Policy Framework.
- The design response.
- The suitability of the proposed location and soil volume for canopy trees.
- The ongoing management of landscaping within a development.
- The soil type and drainage patterns of the site.

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TRANSLATED

B38 Deep soil areas and canopy trees		
Performance objective		
Landscape design and water management is climate responsive.		
New development supports thermal comfort and reduces the urban heat island effect.		
Performance measure		
Heat absorption is reduced using landscape opportunities such as green walls, green roofs and roof top gardens.		
On-site storm water infiltration is provided.		
Planting and water management are integrated.		
Deep soil areas for planting of canopy trees are maximised and the deep soil areas and canopy trees specified in Table B5 are provided.		
Table B5 Deep soil areas and canopy trees		
Site area	Deep soil areas	Minimum tree provision
750 - 1000 square metres	5% of site area (minimum dimension of 3 metres)	1 small tree (6-8 metres) per 30 square metres of deep soil
1001 - 1500 square metres	7.5% of site area (minimum dimension of 3 metres)	1 medium tree (8-12 metres) per 50 square metres of deep soil or 1 large tree per 90 square metres of deep soil
1501 - 2500 square metres	10% of site area (minimum dimension of 6 metres)	1 large tree (at least 12 metres) per 90 square metres of deep soil or 2 medium trees per 90 square metres of deep soil
>2500 square metres	15% of site area (minimum dimension of 6 metres)	1 large tree (at least 12 metres) per 90 square metres of deep soil or 2 medium trees per 90 square metres of deep soil
<p><i>Note: Where an existing canopy tree over 8 metres can be retained on a lot greater than 1000 square metres without damage during the construction period, the minimum deep soil requirement is 7% of the site area.</i></p> <p>If the development cannot provide the deep soil areas and canopy trees specified in Table D2, an equivalent canopy cover is achieved by providing either:</p> <ul style="list-style-type: none"> • Canopy trees or climbers (over a pergola) with planter pits sized appropriately for the mature tree soil volume requirements. • Vegetated planters, green roofs or green façades. 		

Performance criteria
<p>The landscape layout and design is acceptable considering how it:</p> <ul style="list-style-type: none"> • Responds to the site context. • Integrates planting and water management. • Provides a safe, attractive and functional environment for residents. • Reduces heat absorption by means such as green walls, green roofs and roof top gardens. • Improves on-site stormwater infiltration. • Maximises deep soil areas for planting canopy trees.
Information required
<p>The design response.</p> <p>If not included in the design response, a statement documenting:</p> <ul style="list-style-type: none"> • Any relevant plan or policy for landscape character and environmental sustainability in the Municipal Planning Strategy and the Planning Policy Framework. • The suitability of the proposed location and soil volume for canopy trees. • The ongoing management of landscaping for the development. • The soil type and drainage patterns of the site.

CURRENT

55.07-5

Integrated water and stormwater management objectives

To encourage the use of alternative water sources such as rainwater, stormwater and recycled water.

To facilitate stormwater collection, utilisation and infiltration within the development.

To encourage development that reduces the impact of stormwater run-off on the drainage system and filters sediment and waste from stormwater prior to discharge from the site.

Standard B39

Buildings should be designed to collect rainwater for non-drinking purposes such as flushing toilets, laundry appliances and garden use.

Buildings should be connected to a non-potable dual pipe reticulated water supply, where available from the water authority.

The stormwater management system should be:

- Designed to meet the current best practice performance objectives for stormwater quality as contained in the *Urban Stormwater - Best Practice Environmental Management Guidelines* (Victorian Stormwater Committee, 1999).
- Designed to maximise infiltration of stormwater, water and drainage of residual flows into permeable surfaces, tree pits and treatment areas.

Decision guidelines

Before deciding on an application, the responsible authority must consider:

- Any relevant water and stormwater management objective, policy or statement set out in this scheme.
- The design response.
- Whether the development has utilised alternative water sources and/or incorporated

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water sensitive urban design.

- Whether stormwater discharge from the site will adversely affect water quality entering the drainage system.
- The capacity of the drainage network to accommodate additional stormwater. Whether the stormwater treatment areas can be effectively maintained.
- Whether the owner has entered into an agreement to contribute to off-site stormwater management in lieu of providing an on-site stormwater management system.

TRANSLATED

B39 Integrated water and storm water management	
Performance objective	
Alternative water sources such as rainwater, stormwater and recycled water are used.	
Stormwater is collected, used and infiltrated within the development.	
Stormwater run-off from the site is reduced.	
Stormwater is filtered for sediment and waste before being discharged from the site.	
Performance measure	
Buildings collect rainwater for non-drinking purposes such as flushing toilets, laundry appliances and garden use.	
Buildings are connected to a non-potable dual pipe reticulated water supply, where available from the water authority.	
The stormwater management system is designed to meet the current best practice performance objectives for stormwater quality as contained in the <i>Urban Stormwater - Best Practice Environmental Management Guidelines</i> (Victorian Stormwater Committee, 1999).	
The stormwater management system is designed to maximise infiltration of stormwater, water and drainage of residual flows into permeable surfaces, tree pits and treatment areas	
Performance criteria	
The proposed water and stormwater management arrangements are acceptable considering:	
<ul style="list-style-type: none"> • How the development has utilised alternative water sources and incorporated water sensitive urban design. • Whether stormwater discharge from the site will adversely affect water quality entering the drainage system. • The capacity of the drainage network to accommodate additional stormwater. • Whether the stormwater treatment areas can be effectively maintained. • Whether the owner has entered into an agreement to contribute to off-site stormwater management instead of providing an on-site stormwater management system. 	
Information required	
The design response.	
If not included in the design response, a statement documenting:	
<ul style="list-style-type: none"> • Any relevant water and stormwater management objective, policy or statement set out in this scheme. • The capacity of the drainage network to accommodate additional stormwater. • Whether the owner has entered into an agreement to contribute to off-site stormwater management instead of providing an on-site stormwater management system. 	

CURRENT

55.07-6 Noise impact objectives

To contain noise sources in developments that may affect existing dwellings.

To protect residents from external and internal noise sources.

Standard B40

Noise sources, such as mechanical plants should not be located near bedrooms of immediately adjacent existing dwellings.

The layout of new dwellings and buildings should minimise noise transmission within the site.

Noise sensitive rooms (such as living areas and bedrooms) should be located to avoid noise impacts from mechanical plants, lifts, building services, non-residential uses, car parking, communal areas and other dwellings.

New dwellings should be designed and constructed to include acoustic attenuation measures to reduce noise levels from off-site noise sources.

Buildings within a noise influence area specified in Table B6 should be designed and constructed to achieve the following noise levels:

- Not greater than 35dB(A) for bedrooms, assessed as an LAeq,8h from 10pm to 6am.
- Not greater than 40dB(A) for living areas, assessed LAeq,16h from 6am to 10pm.

Buildings, or part of a building screened from a noise source by an existing solid structure, or the natural topography of the land, do not need to meet the specified noise level requirements.

Noise levels should be assessed in unfurnished rooms with a finished floor and the windows closed.

Table B6 Noise influence area

Noise source	Noise influence area
Zone interface	
Industry	300 metres from the Industrial 1, 2 and 3 zone boundary
Roads	
Freeways, tollways and other roads carrying 40,000 Annual Average Daily Traffic Volume	300 metres from the nearest trafficable lane
Railways	
Railway servicing passengers in Victoria	80 metres from the centre of the nearest track
Railway servicing freight outside Metropolitan Melbourne	80 metres from the centre of the nearest track
Railway servicing freight in Metropolitan Melbourne	135 metres from the centre of the nearest track

Note: The noise influence area should be measured from the closest part of the building to the noise source.

Decision guidelines

Before deciding on an application, the responsible authority must consider:

- The design response.
- Whether it can be demonstrated that the design treatment incorporated into the development meets the specified noise levels or an acoustic report by a suitably qualified consultant submitted with the application.

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- Whether the impact of potential noise sources within a development have been mitigated through design, location and siting.
- Whether the layout of rooms within a dwelling mitigates noise transfer within and between dwellings.
- Whether an alternative design meets the relevant objectives having regard to the amenity of the dwelling and the site context.

TRANSLATED

B40 Noise impact	
Performance objective	
Residents of new development are not subject to unreasonable noise impacts from external and internal noise sources.	
Residents of existing dwellings are not subject to unreasonable noise impacts from new development.	
Performance measure	
Noise sources, such as mechanical plants, are not located near a bedroom of an immediately adjacent existing dwelling.	
Noise transmission within the site is minimised by the layout of new dwellings and buildings.	
Noise sensitive rooms (such as living areas and bedrooms) are located to avoid noise impacts from mechanical plants, lifts, building services, non-residential uses, car parking, communal areas and other dwellings.	
New dwellings are designed and constructed with acoustic attenuation that reduce noise levels from off-site noise sources.	
A building (other than a building or part of a building screened from a noise source by an existing solid structure or the natural topography of the land) that is within a noise influence area specified in Table B6, achieves the following noise levels:	
<ul style="list-style-type: none"> • For bedrooms: not greater than 35dB(A), assessed as an LAeq,8h from 10pm to 6am. • For living areas: not greater than 40dB(A), assessed LAeq,16h from 6am to 10pm. 	
<i>Note: Noise levels should be assessed in unfurnished rooms with a finished floor and the windows closed.</i>	
Table B6 Noise influence area	
Noise source	Noise influence area
Zone interface	
Industry	300 metres from the Industrial 1, 2 and 3 zone boundary
Roads	
Freeways, tollways and other roads carrying 40,000 Annual Average Daily Traffic Volume	300 metres from the nearest trafficable lane
Railways	
Railway servicing passengers in Victoria	80 metres from the centre of the nearest track
Railway servicing freight outside Metropolitan Melbourne	80 metres from the centre of the nearest track
Railway servicing freight in Metropolitan Melbourne	135 metres from the centre of the nearest track
<i>Note: The noise influence area should be measured from the closest part of the building to the noise source.</i>	

Performance criteria
<p>Noise impacts are acceptable considering:</p> <ul style="list-style-type: none"> • How the impact of potential noise sources within a development has been mitigated through design, location and siting. • The proximity of noise sources, such as mechanical plants, to a bedroom of an immediately adjacent existing dwelling. • How the layout of rooms within a dwelling mitigates noise transfer within and between dwellings. • How noise sensitive rooms (such as living areas and bedrooms) are located to avoid noise impacts from mechanical plants, lifts, building services, non-residential uses, car parking, communal areas and other dwellings. • How noise transmission within the site is minimised by the layout of new dwellings and buildings. • Whether new dwellings are designed and constructed with acoustic attenuation that reduces noise levels from off-site noise sources. • How any alternative design meets the relevant performance objectives having regard to the amenity of the dwelling and the site context.
Information required
<p>The design response.</p> <p>If not included in the design response, a statement documenting how the design treatment incorporated into the development meets the specified noise levels or an acoustic report by a suitably qualified consultant submitted with the application.</p>

CURRENT

55.07-7

Accessibility objective

To ensure the design of dwellings meets the needs of people with limited mobility.

Standard B41

At least 50 per cent of dwellings should have:

- A clear opening width of at least 850mm at the entrance to the dwelling and main bedroom.
- A clear path with a minimum width of 1.2 metres that connects the dwelling entrance to the main bedroom, an adaptable bathroom and the living area.
- A main bedroom with access to an adaptable bathroom.
- At least one adaptable bathroom that meets all of the requirements of either Design A or Design B specified in Table B7.

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Table B7 Bathroom design

	Design option A	Design option B
Door opening	A clear 850mm wide door opening.	A clear 820mm wide door opening located opposite the shower.
Door design	Either: A slide door, or A door that opens outwards, or A door that opens inwards that is clear of the circulation area and has readily removable hinges.	Either: A slide door, or A door that opens outwards, or A door that opens inwards and has readily removable hinges.
Circulation area	A clear circulation area that is: A minimum area of 1.2 metres by 1.2 metres. Located in front of the shower and the toilet. Clear of the toilet, basin and the door swing. The circulation area for the toilet and shower can overlap.	A clear circulation area that is: A minimum width of 1 metre. The full length of the bathroom and a minimum length of 2.7 metres. Clear of the toilet and basin. The circulation area can include a shower area.
Path to circulation area	A clear path with a minimum width of 900mm from the door opening to the circulation area.	Not applicable.
Shower	A hobless (step-free) shower.	A hobless (step-free) shower that has a removable shower screen and is located on the furthest wall from the door opening.
Toilet	A toilet located in the corner of the room.	A toilet located closest to the door opening and clear of the circulation area.

TRANSLATED

B41 Accessibility		
Performance objective		
The design of new development meets the needs of people with limited mobility		
Performance measure		
<p>At least 50 per cent of dwellings have:</p> <ul style="list-style-type: none"> • A clear opening width of at least 850mm at the entrance to the dwelling and main bedroom. • A clear path with a minimum width of 1.2 metres that connects the dwelling entrance to the main bedroom, an adaptable bathroom and the living area. • A main bedroom with access to an adaptable bathroom. • At least one adaptable bathroom that meets all of the requirements of either Design A or Design B specified in Table B7. 		
Table B7 Bathroom design		
	Design option A	Design option B
Door opening	A clear 850mm wide door opening.	A clear 820mm wide door opening located opposite the shower.
Door design	<p>Either:</p> <ul style="list-style-type: none"> • A slide door, or • A door that opens outwards, or • A door that opens inwards that is clear of the circulation area and has readily removable hinges. 	<p>Either:</p> <ul style="list-style-type: none"> • A slide door, or • A door that opens outwards, or • A door that opens inwards and has readily removable hinges.
Circulation area	<p>A clear circulation area that is:</p> <ul style="list-style-type: none"> • A minimum area of 1.2 metres by 1.2 metres. • Located in front of the shower and the toilet. • Clear of the toilet, basin and the door swing. • The circulation area for the toilet and shower can overlap. 	<p>A clear circulation area that is:</p> <ul style="list-style-type: none"> • A minimum width of 1 metre. • The full length of the bathroom and a minimum length of 2.7 metres. • Clear of the toilet and basin. • The circulation area can include a shower area.
Path to circulation area	A clear path with a minimum width of 900mm from the door opening to the circulation area.	Not applicable.
Shower	A hobless (step-free) shower.	A hobless (step-free) shower that has a removable shower screen and is located on the furthest wall from the door opening.
Toilet	A toilet located in the corner of the room.	A toilet located closest to the door opening and clear of the circulation area.

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Performance criteria
The accessibility of new development is acceptable considering the needs of people with limited mobility.
Information required
None specified

CURRENT

55.07-8

Building entry and circulation objectives

To provide each dwelling and building with its own sense of identity.

To ensure the internal layout of buildings provide for the safe, functional and efficient movement of residents.

To ensure internal communal areas provide adequate access to daylight and natural ventilation.

Standard B42

Entries to dwellings and buildings should:

- Be visible and easily identifiable.
- Provide shelter, a sense of personal address and a transitional space around the entry.

The layout and design of buildings should:

- Clearly distinguish entrances to residential and non-residential areas.
- Provide windows to building entrances and lift areas.
- Provide visible, safe and attractive stairs from the entry level to encourage use by residents.
- Provide common areas and corridors that:
 - Include at least one source of natural light and natural ventilation.
 - Avoid obstruction from building services.
 - Maintain clear sight lines.

Decision guidelines

Before deciding on an application, the responsible authority must consider:

- The design response.
- The useability and amenity of internal communal areas based on daylight access and the natural ventilation it will receive.

TRANSLATED

B42 Building entry and circulation
Performance objective
Each dwelling and building has its own sense of identity.
The internal layout of buildings allows residents safe, functional and efficient movement.
Internal communal areas have adequate access to daylight and natural ventilation.

Performance measure
<p>The entry to each dwelling and building is visible and easily identifiable.</p> <p>The entry to each dwelling and building provides shelter, a sense of personal address and a transitional space around the entry.</p> <p>The layout and design of buildings:</p> <ul style="list-style-type: none"> Clearly distinguishes entrances to residential and non-residential areas. Provides windows to building entrances and lift areas. <p>Stairs from the entry level are visible, safe and attractive and encourage use by residents.</p> <p>Common areas and corridors:</p> <ul style="list-style-type: none"> Include at least one source of natural light and natural ventilation. Avoid obstruction from building services. Maintain clear sight lines. <p>Internal communal areas receive reasonable daylight access and natural ventilation.</p>
Performance criteria
<p>The entry to each dwelling and residential building is acceptable considering:</p> <ul style="list-style-type: none"> Visibility and identification from streets and other public areas. The shelter, sense of personal address and transitional space around the entry proposed. How entrances to residential and non-residential areas are distinguished. The proposed windows and lighting to building entrances and lift areas <p>The internal layout of buildings is acceptable considering:</p> <ul style="list-style-type: none"> The visibility, safety and attraction of stairs from the entry area. The useability, lighting, ventilation and sight lines of common areas and corridors.
Information required
The design response.

CURRENT

55.07-9

Private open space above ground floor objective

To provide adequate private open space for the reasonable recreation and service needs of residents.

Standard B43

A dwelling should have private open space consisting of:

- An area of 15 square metres, with a minimum dimension of 3 metres at a podium or other similar base and convenient access from a living room, or
- A balcony with an area and dimensions specified in Table B8 and convenient access from a living room.
- If a cooling or heating unit is located on a balcony, the balcony should provide an additional area of 1.5 square metres.

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Table B8 Balcony size

Dwelling type	Minimum area	Minimum demension
Studio or 1 bedroom dwelling	8 square metres	1.8 metres
2 bedroom dwelling	8 square metres	2 metres
3 or more bedroom dwelling	12 square metres	2.4 metres

Decision guidelines

Before deciding on an application, the responsible authority must consider:

- The design response.
- The useability and functionality of the private open space, including its size and accessibility.
- The amenity of the private open space based on the orientation of the lot, the wind conditions and the sunlight it will receive.
- The availability of and access to public or communal open space.

TRANSLATED

B43 Private open space above ground floor
Performance objective
Residents have adequate private open space for their recreatoin and service needs.
Performance measure
Each dwelling has private open space consisting of: <ul style="list-style-type: none"> • An area of 15 square metres, with a minimum dimension of 3 metres at a podium or other similar base and convenient access from a living room, or • A balcony with an area and dimensions specified in Table B8 and convenient access from a living room. • If a cooling or heating unit is located on a balcony, the balcony provides an additional area of 1.5 square metres.
Performance criteria
The private open space provided above ground floor is acceptable considering: <ul style="list-style-type: none"> • The useability and functionality of the private open space, including its size and accessibility. • The amenity of the private open space based on the orientation of the lot, the wind conditions and the sunlight it will receive. • The availability of and access to public or communal open space.
Information required
The design response.

CURRENT

55.07-10

Storage objective

To provide adequate storage facilities for each dwelling.

Standard B44

Each dwelling should have convenient access to usable and secure storage space.

The total minimum storage space (including kitchen, bathroom and bedroom storage) should meet the requirements specified in Table B9.

Table B9 Storage

Dwelling type	Total minimum storage volume	Minimum storage volume within the dwelling
Studio	8 cubic metres	5 cubic metres
1 bedroom dwelling	10 cubic metres	6 cubic metres
2 bedroom dwelling	14 cubic metres	9 cubic metres
3 or more bedroom dwelling	18 cubic metres	12 cubic metres

Decision guidelines

Before deciding on an application, the responsible authority must consider:

- The design response.
- The useability, functionality and location of storage facilities provided for the dwelling.

TRANSLATED

B44 Storage		
Performance objective		
Each dwelling has adequate storage facilities.		
Performance measure		
The total minimum storage space (including kitchen, bathroom and bedroom storage) meets the requirements specified in Table B9.		
Table B9 Storage		
Dwelling type	Total minimum storage volume	Minimum storage volume within the dwelling
Studio	8 cubic metres	5 cubic metres
1 bedroom dwelling	10 cubic metres	6 cubic metres
2 bedroom dwelling	14 cubic metres	9 cubic metres
3 or more bedroom dwelling	18 cubic metres	12 cubic metres
Performance criteria		
The storage provided to each dwelling is acceptable and is convenient, usable, sufficient and secure.		
Information required		
The design response.		

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CURRENT

55.07-11 Waste and recycling objectives

To ensure dwellings are designed to encourage waste recycling.

To ensure that waste and recycling facilities are accessible, adequate and attractive.

To ensure that waste and recycling facilities are designed and managed to minimise impacts on residential amenity, health and the public realm.

Standard B45

Developments should include dedicated areas for:

- Waste and recycling enclosures which are:
 - Adequate in size, durable, waterproof and blend in with the development.
 - Adequately ventilated.
 - Located and designed for convenient access by residents and made easily accessible to people with limited mobility.
- Adequate facilities for bin washing. These areas should be adequately ventilated.
- Collection, separation and storage of waste and recyclables, including where appropriate opportunities for on-site management of food waste through composting or other waste recovery as appropriate.
- Collection, storage and reuse of garden waste, including opportunities for on-site treatment, where appropriate, or off-site removal for reprocessing.
- Adequate circulation to allow waste and recycling collection vehicles to enter and leave the site without reversing.
- Adequate internal storage space within each dwelling to enable the separation of waste, recyclables and food waste where appropriate.

Waste and recycling management facilities should be designed and managed in accordance with a Waste Management Plan approved by the responsible authority and:

- Be designed to meet the better practice design options specified in *Waste Management and Recycling in Multi-unit Developments* (Sustainability Victoria, 2019).
- Protect public health and amenity of residents and adjoining premises from the impacts of odour, noise and hazards associated with waste collection vehicle movements.

Decision guidelines

Before deciding on an application, the responsible authority must consider:

- The design response.
- Any relevant waste and recycling objective, policy or statement set out in this scheme.

TRANSLATED

B45 Waste and recycling
Performance objective
<p>Waste recycling is encouraged.</p> <p>Waste and recycling facilities are accessible, adequate and attractive.</p> <p>Waste recycling activities do not unreasonably impact residential amenity, health and the public realm.</p>
Performance measure
<p>Waste and recycling enclosures are provided that are:</p> <ul style="list-style-type: none"> • Adequate in size, durable, waterproof and blend in with the development. • Adequately ventilated. • Located and designed for convenient access by residents and made easily accessible to people with limited mobility. <p>A dedicated area is provided for collection, separation and storage of waste and recyclables, including where appropriate opportunities for on-site management of food waste through composting or other waste recovery.</p> <p>A dedicated area is provided for collection, storage and reuse of garden waste, including opportunities for on-site treatment, where appropriate, or off-site removal for reprocessing.</p> <p>There is adequate circulation to allow waste and recycling collection vehicles to enter and leave the site without reversing.</p> <p>There is adequate internal storage space in each dwelling to enable the separation of waste, recyclables and food waste.</p> <p>Waste and recycling management facilities are designed and managed in accordance with any Waste Management Plan approved by the responsible authority.</p> <p>Waste and recycling management facilities are designed to meet the better practice design options specified in <i>Waste Management and Recycling in Multi-unit Developments</i> (Sustainability Victoria, 2019).</p> <p>Waste and recycling management facilities are designed to protect public health and amenity of residents and adjoining premises from the impacts of odour, noise and hazards associated with waste collection vehicle movements.</p>
Performance criteria
<p>The waste management facilities provided for the development are acceptable considering:</p> <ul style="list-style-type: none"> • Any Waste Management Plan approved by the responsible authority. • The better practice design options specified in <i>Waste Management and Recycling in Multi-unit Developments</i> (Sustainability Victoria, 2019).
Information required
<p>The design response.</p> <p>If not included in the design response, a statement documenting how any relevant waste and recycling objective, policy or statement set out in this scheme is met.</p>

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CURRENT

55.07-12

Functional layout objective

To ensure dwellings provide functional areas that meet the needs of residents.

Standard B46

Bedrooms should:

- Meet the minimum internal room dimensions specified in Table B10.
- Provide an area in addition to the minimum internal room dimensions to accommodate a wardrobe.

Table B10 Bedroom dimensions

Bedroom type	Minimum width	Minimum depth
Main bedroom	3 metres	3.4 metres
All other bedrooms	3 metres	3 metres

Living areas (excluding dining and kitchen areas) should meet the minimum internal room dimensions specified in Table B11.

Table B11 Living area dimensions

Dwelling type	Minimum width	Minimum area
Studio and 1 bedroom dwelling	3.3 metres	10 sqm
2 or more bedroom dwelling	3.6 metres	12 sqm

Decision guidelines

Before deciding on an application, the responsible authority must consider:

- The design response.
- The useability, functionality and amenity of habitable rooms.

TRANSLATED

B46 Functional layout
Performance objective
New dwellings include functional areas that meet the needs of residents.

Performance measure		
Each bedroom has the minimum internal room dimensions specified in Table B10.		
Each bedroom has an area in addition to the minimum internal room dimensions to accommodate a wardrobe.		
Table B10 Bedroom dimensions		
Bedroom type	Minimum width	Minimum depth
Main bedroom	3 metres	3.4 metres
All other bedrooms	3 metres	3 metres
Living areas (excluding dining and kitchen areas) have the minimum internal room dimensions specified in Table B11.		
Table B11 Living area dimensions		
Dwelling type	Minimum width	Minimum area
Studio and 1 bedroom dwelling	3.3 metres	10 sqm
2 or more bedroom dwelling	3.6 metres	12 sqm
Performance criteria		
Habitable rooms are useable, functional and have acceptable amenity.		
Information required		
The design response.		

CURRENT

55.07-13

Room depth objective

To allow adequate daylight into single aspect habitable rooms.

Standard B47

Single aspect habitable rooms should not exceed a room depth of 2.5 times the ceiling height.

The depth of a single aspect, open plan, habitable room may be increased to 9 metres if all the following requirements are met:

- The room combines the living area, dining area and kitchen.
- The kitchen is located furthest from the window.
- The ceiling height is at least 2.7 metres measured from finished floor level to finished ceiling level. This excludes where services are provided above the kitchen.
- The room depth should be measured from the external surface of the habitable room window to the rear wall of the room.

Decision guidelines

Before deciding on an application, the responsible authority must consider:

- The design response.
- The extent to which the habitable room is provided with reasonable daylight access through the number, size, location and orientation of windows.

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- The useability, functionality and amenity of the dwelling based on layout, siting, size and orientation of habitable rooms.
- Any overhang above habitable room windows that limits daylight access.

TRANSLATED

B47 Room depth
Performance objective
Any single aspect habitable room has adequate daylight.
Performance measure
<p>The room depth of any single aspect habitable room is not more than 2.5 times the ceiling height.</p> <p>The depth of a single aspect, open plan, habitable room may be up to 9 metres if all the following requirements are met:</p> <ul style="list-style-type: none"> • The room combines the living area, dining area and kitchen. • The kitchen is located furthest from the window. • The ceiling height is at least 2.7 metres measured from finished floor level to finished ceiling level. This excludes where services are provided above the kitchen. <p><i>Note: The room depth is measured from the external surface of the habitable room window to the rear wall of the room.</i></p>
Performance criteria
<p>Daylight to habitable rooms is acceptable considering:</p> <ul style="list-style-type: none"> • the number, size, location and orientation of windows, • the useability, functionality and amenity of the dwelling based on layout, siting, size and orientation of habitable rooms • any overhang above habitable room windows that limits daylight access.
Information required
The design response.

CURRENT

55.07-17

Windows objective

To allow adequate daylight into new habitable room windows.

Standard B48

Habitable rooms should have a window in an external wall of the building.

A window may provide daylight to a bedroom from a smaller secondary area within the bedroom where the window is clear to the sky.

The secondary area should be:

- A minimum width of 1.2 metres.
- A maximum depth of 1.5 times the width, measured from the external surface of the window.

Decision guidelines

Before deciding on an application, the responsible authority must consider:

- The design response.
- The extent to which the habitable room is provided with reasonable daylight access through the number, size, location and orientation of windows.
- The useability and amenity of the dwelling based on the layout, siting, size and orientation of habitable rooms.

TRANSLATED

B48 Windows
Performance objective
New habitable rooms have adequate daylight.
Performance measure
Each habitable room has a window in an external wall of the building. A window may provide daylight to a bedroom from a smaller secondary area within the bedroom where the window is clear to the sky and the secondary area is: <ul style="list-style-type: none"> • A minimum width of 1.2 metres. • A maximum depth of 1.5 times the width, measured from the external surface of the window.
Performance criteria
The habitable room is provided with reasonable daylight access through the number, size, location and orientation of windows, and whether any overhangs above habitable room windows limit daylight access. The dwelling is useable and functional, and has acceptable amenity, based on the layout, siting, size and orientation of habitable rooms.
Information required
The design response.

CURRENT

55.07-4

Natural ventilation objectives

To encourage natural ventilation of dwellings.

To allow occupants to effectively manage natural ventilation of dwellings.

Standard B49

The design and layout of dwellings should maximise openable windows, doors or other ventilation devices in external walls of the building, where appropriate.

At least 40 per cent of dwellings should provide effective cross ventilation that has:

- A maximum breeze path through the dwelling of 18 metres.
- A minimum breeze path through the dwelling of 5 metres.
- Ventilation openings with approximately the same area.

The breeze path is measured between the ventilation openings on different orientations of the dwelling.

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Decision guidelines

Before deciding on an application, the responsible authority must consider:

- The design response.
- The size, orientation, slope and wind exposure of the site
- The extent to which the orientation of the building and the layout of dwellings maximises opportunities for cross ventilation.
- Whether an alternative design meets the relevant objectives having regard to the amenity of the dwelling and the site context. .

TRANSLATED

B49 Natural ventilation
Performance objective
New dwellings are able to be naturally ventilated.
An occupant can effectively manage the natural ventilation of their dwelling.
Performance measure
At least 40 per cent of dwellings provide effective cross ventilation that has: <ul style="list-style-type: none"> • A maximum breeze path through the dwelling of 18 metres. • A minimum breeze path through the dwelling of 5 metres. • Ventilation openings with approximately the same area. <i>Note: The breeze path is measured between the ventilation openings on different orientations of the dwelling.</i>
Performance criteria
<p>The natural ventilation features of the development respond to the size, orientation, slope and wind exposure of the site.</p> <p>The layout of each dwelling maximises the openable windows, doors or other ventilation devices in external walls of the building, where appropriate.</p> <p>The orientation of the building and the layout of dwellings maximises opportunities for cross ventilation.</p>
Information required
The design response.

Appendix 6

Test translation of Clause 58

NOTE that this translation is an initial 'proof of concept' version.

The detailed drafting of each module will require further review and refinement before any consultation or adoption.

58.02 URBAN CONTEXT

CURRENT

58.02-1

Urban context objectives

To ensure that the design responds to the existing urban context or contributes to the preferred future development of the area.

To ensure that development responds to the features of the site and the surrounding area.

Standard D1

The design response must be appropriate to the urban context and the site.

The proposed design must respect the existing or preferred urban context and respond to the features of the site.

Decision guidelines

Before deciding on an application, the responsible authority must consider:

- Any relevant urban design objective, policy or statement set out in this scheme.
- The urban context report.
- The design response.

TRANSLATED

D1 Urban context
Performance objective
New development responds appropriately to the urban context and the site.
New development responds to the features of the site and the surrounding area.
Performance measure
None specified
Performance criteria
The design of new development respects the existing or preferred urban context.
The design of new development responds to the features of the site and the surrounding area
The design responds to any relevant urban design objective, policy or statement set out in this scheme.
Information required
The urban context report.
The design response.

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CURRENT

58.02-2 Residential policy objectives

To ensure that residential development is provided in accordance with any policy for housing in the Municipal Planning Strategy and the Planning Policy Framework.

To support higher density residential development where development can take advantage of public and community infrastructure and services.

Standard D2

An application must be accompanied by a written statement to the satisfaction of the responsible authority that describes how the development is consistent with any relevant policy for housing in the Municipal Planning Strategy and the Planning Policy Framework.

Decision guidelines

Before deciding on an application, the responsible authority must consider: The Municipal Planning Strategy and the Planning Policy Framework. The design response.

TRANSLATED

D2 Residential policy
Performance objective
New residential development accords with any policy for housing in the Municipal Planning Strategy and the Planning Policy Framework.
Higher density residential development is supported where development can take advantage of public and community infrastructure and services.
Performance measure
None specified
Performance criteria
New development is consistent with any relevant policy for housing in the Municipal Planning Strategy and the Planning Policy Framework.
Information required
The design response.
If not included in the design response, a statement describing how the development is consistent with any relevant policy for housing in the Municipal Planning Strategy and the Planning Policy Framework.

CURRENT

58.02-3 Dwelling diversity objective

To encourage a range of dwelling sizes and types in developments of ten or more dwellings.

Standard D3

Developments of ten or more dwellings should provide a range of dwelling sizes and types, including dwellings with a different number of bedrooms.

TRANSLATED

D3 Dwelling diversity
Performance objective
New developments of ten or more dwellings include a range of dwelling sizes and types.

Performance measure
Developments of ten or more dwellings include a range of dwelling sizes and types, including dwellings with a different number of bedrooms.
Performance criteria
The dwelling diversity of the proposed development is acceptable considering the proposed range of dwelling sizes and types.
Information required
None specified.

CURRENT

58.02-4

Infrastructure objectives

To ensure development is provided with appropriate utility services and infrastructure.

To ensure development does not unreasonably overload the capacity of utility services and infrastructure.

Standard D4

Development should be connected to reticulated services, including reticulated sewerage, drainage, electricity and gas, if available.

Development should not unreasonably exceed the capacity of utility services and infrastructure, including reticulated services and roads.

In areas where utility services or infrastructure have little or no spare capacity, developments should provide for the upgrading of or mitigation of the impact on services or infrastructure.

Decision guidelines

Before deciding on an application, the responsible authority must consider:

- The capacity of the existing infrastructure.
- In the absence of reticulated sewerage, a Land Capability Assessment on the risks to human health and the environment of an on-site wastewater management system constructed, installed or altered on the lot in accordance with the requirements of the Environment Protection Regulations under the Environment Protection Act 2017.
- If the drainage system has little or no spare capacity, the capacity of the development to provide for stormwater drainage mitigation or upgrading of the local drainage system.

TRANSLATED

D4 Infrastructure
Performance objective
Appropriate utility services and infrastructure are provided to new development. New development does not unreasonably overload the capacity of utility services and infrastructure.
Performance measure
Development is connected to reticulated services, including reticulated sewerage, drainage, electricity and gas. Development does not unreasonably exceed the capacity of utility services and infrastructure, including reticulated services and roads.

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Performance criteria
Where a utility service or infrastructure has little or no spare capacity, new development provides for appropriate upgrading or mitigation of the impact on the service or infrastructure.
Information required
<p>A report on the capacity of the existing infrastructure.</p> <p>If reticulated sewerage is not available, a Land Capability Assessment of the risk to human health and the environment of providing an on-site wastewater management system constructed on the lot in accordance with the requirements of the Environment Protection Regulations under the Environment Protection Act 2017.</p>

CURRENT

58.02-5

Integration with the street objective

To integrate the layout of development with the street.

Standard D5

Developments should provide adequate vehicle and pedestrian links that maintain or enhance local accessibility.

Development should be oriented to front existing and proposed streets.

High fencing in front of dwellings should be avoided if practicable.

Development next to existing public open space should be laid out to complement the open space.

Decision guidelines

Before deciding on an application, the responsible authority must consider:

- Any relevant urban design objective, policy or statement set out in this scheme.
- The design response.

TRANSLATED

D5 Integration with the streets
Performance objective
The layout of new development is integrated with the street.
Performance measure
None specified.
Performance criteria
<p>Dwellings are oriented to front existing and proposed streets.</p> <p>There is no high fencing in front of dwellings.</p> <p>New development provides vehicle and pedestrian links that maintain or enhance local accessibility.</p> <p>New development next to existing public open space is laid out to complement the open space.</p>

Information required
The neighbourhood and site description.
The design response.
If not included in the design response, a statement describing how the design responds to any relevant urban design objective, policy or statement set out in this scheme.

58.03 SITE LAYOUT

CURRENT

58.03-1 Energy efficiency objectives

To achieve and protect energy efficient dwellings and buildings.

To ensure the orientation and layout of development reduce fossil fuel energy use and make appropriate use of daylight and solar energy.

To ensure dwellings achieve adequate thermal efficiency.

Standard D6

Buildings should be:

- Oriented to make appropriate use of solar energy.
- Sited and designed to ensure that the energy efficiency of existing dwellings on adjoining lots is not unreasonably reduced.

Living areas and private open space should be located on the north side of the development, if practicable.

Developments should be designed so that solar access to north-facing windows is optimised.

Dwellings located in a climate zone identified in Table D1 should not exceed the maximum NatHERS annual cooling load specified in the following table.

Table D1 Cooling load

NatHERS climate zone	NatHERS maximum cooling load MJ/M ² per annum
Climate zone 21 Melbourne	30
Climate zone 22 East Sale	22
Climate zone 27 Mildura	69
Climate zone 60 Tullamarine	22
Climate zone 62 Moorabbin	21
Climate zone 63 Warrnambool	21
Climate zone 64 Cape Otway	19
Climate zone 66 Ballarat	23

Note: Refer to NatHERS zone map, Nationwide House Energy Rating Scheme (Commonwealth Department of Environment and Energy).

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Decision guidelines

Before deciding on an application, the responsible authority must consider:

- The design response.
- The size, orientation and layout of the site.
- The existing amount of solar access to abutting properties.
- The availability of solar access to north-facing windows on the site.
- The annual cooling load for each dwelling.

TRANSLATED

D6 Energy efficiency	
Performance objective	
<p>New development is energy efficient.</p> <p>The energy efficiency of existing buildings is protected.</p> <p>The orientation and layout of development reduces fossil fuel energy use and makes appropriate use of daylight and solar energy.</p> <p>New dwellings achieve adequate thermal efficiency.</p>	
Performance measure	
<p>Living areas and private open space are located on the north side of the development</p> <p>A dwelling located in a climate zone identified in Table D1 does not exceed the maximum NatHERS annual cooling load specified in Table D1.</p>	
Table D1 Cooling load	
NatHERS climate zone	NatHERS maximum cooling load MJ/M ² per annum
Climate zone 21 Melbourne	30
Climate zone 22 East Sale	22
Climate zone 27 Mildura	69
Climate zone 60 Tullamarine	22
Climate zone 62 Moorabbin	21
Climate zone 63 Warrnambool	21
Climate zone 64 Cape Otway	19
Climate zone 66 Ballarat	23
<p><i>Note: Refer to NatHERS zone map, Nationwide House Energy Rating Scheme (Commonwealth Department of Environment and Energy).</i></p>	

Performance criteria
<p>The energy efficiency of new development is acceptable considering:</p> <ul style="list-style-type: none"> • The size, orientation and layout of the site. • How buildings are oriented to make use of solar energy. • The availability of solar access to north-facing windows on the site. • The annual cooling load for each dwelling. <p>The energy efficiency protection for existing development is acceptable considering:</p> <ul style="list-style-type: none"> • The existing amount of solar access to abutting properties. • The effect of overshadowing on an existing rooftop solar energy facility on an adjoining lot.
Information required
<p>The design response.</p> <p>If not included in the design response, a statement documenting the existing amount of solar access to abutting properties, the availability of solar access to north-facing windows on the site and the annual cooling load for each dwelling.</p>

CURRENT

58.03-2

Communal open space objective

To ensure that communal open space is accessible, practical, attractive, easily maintained and integrated with the layout of the development.

Standard D7

Developments with 40 or more dwellings should provide a minimum area of communal open space of 2.5 square metres per dwelling or 250 square metres, whichever is lesser.

Communal open space should:

- Be located to:
 - Provide passive surveillance opportunities, where appropriate.
 - Provide outlook for as many dwellings as practicable.
 - Avoid overlooking into habitable rooms and private open space of new dwellings.
 - Minimise noise impacts to new and existing dwellings.
- Be designed to protect any natural features on the site.
- Maximise landscaping opportunities.
- Be accessible, useable and capable of efficient management.

Decision guidelines

Before deciding on an application, the responsible authority must consider:

- Any relevant urban design objective, policy or statement set out in this scheme.
- The design response.
- The useability and amenity of the communal open space based on its size, location, accessibility and reasonable recreation needs of residents.
- The availability of and access to public open space.

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TRANSLATED

D7 Communal open space
Performance objective
Communal open space is accessible, practical, attractive and easily maintained.
Communal open space is integrated with the layout of the development.
Performance measure
A development with 40 or more dwellings provides at least 2.5 square metres per dwelling or 250 square metres of communal open space, whichever is lesser.
Communal open space does not enable overlooking into habitable rooms and private open space of new dwellings.
Performance criteria
<p>The communal open space of new development is acceptable considering how the communal open space proposed is designed and located to:</p> <ul style="list-style-type: none"> • Give passive surveillance opportunities. • Provide outlook for as many dwellings as practicable. • Avoid overlooking into habitable rooms and private open space of new dwellings. • Minimise noise impacts to new and existing dwellings. • Protect any natural features on the site. • Maximise landscaping opportunities. • Be accessible, useable and capable of efficient management. <p>The amount of communal open space of new development is acceptable considering:</p> <ul style="list-style-type: none"> • The availability of and access to public open space. • The reasonable recreation needs of residents.
Information required
<p>The design response.</p> <p>If not included in the design response, a statement describing how the design responds to any relevant urban design objective, policy or statement set out in this scheme.</p>

CURRENT

58.03-3

Solar access to communal outdoor open space objective

To allow solar access into communal outdoor open space.

Standard D8

The communal outdoor open space should be located on the north side of a building, if appropriate.

At least 50 per cent or 125 square metres, whichever is the lesser, of the primary communal outdoor open space should receive a minimum of two hours of sunlight between 9am and 3pm on 21 June.

Decision guidelines

Before deciding on an application, the responsible authority must consider:

- The design response.

- The useability and amenity of the primary communal outdoor open space areas based on the urban context, the orientation of the building, the layout of dwellings and the sunlight it will receive.

TRANSLATED

D8 Solar access to communal outdoor open space
Performance objective
Communal outdoor open space has appropriate solar access.
Performance measure
At least 50 per cent or 125 square metres, whichever is the lesser, of the primary communal outdoor open space receives a minimum of two hours of sunlight between 9am and 3pm on 21 June.
Performance criteria
The solar access to communal open space of new development is acceptable considering the useability and amenity of the communal outdoor open space areas based on the urban context, the orientation of the building, the layout of dwellings and the sunlight the open space will receive.
Information required
The design response.

CURRENT

58.03-4

Safety objective

To ensure the layout of development provides for the safety and security of residents and property.

Standard D9

Entrances to dwellings should not be obscured or isolated from the street and internal accessways.

Planting which creates unsafe spaces along streets and accessways should be avoided.

Developments should be designed to provide good lighting, visibility and surveillance of car parks and internal accessways.

Private spaces within developments should be protected from inappropriate use as public thoroughfares.

Decision guideline

Before deciding on an application, the responsible authority must consider the design response.

TRANSLATED

D9 Safety
Performance objective
The layout of development provides for the safety and security of residents and property.
Performance measure
None specified

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Performance criteria
Entrances to dwellings are not obscured or isolated from the street and internal accessways.
Planting does not create unsafe spaces along streets and accessways.
Private spaces within developments are protected from inappropriate use as public thoroughfares.
The development provides good lighting, visibility and surveillance of car parks and internal accessways.
Information required
The design response.

CURRENT

58.03-5

Landscaping objectives

To encourage development that respects the landscape character of the area.

To encourage development that maintains and enhances habitat for plants and animals in locations of habitat importance.

To provide appropriate landscaping.

To encourage the retention of mature vegetation on the site.

To promote climate responsive landscape design and water management in developments that support thermal comfort and reduces the urban heat island effect.

Standard D10

The landscape layout and design should:

- Be responsive to the site context.
- Protect any predominant landscape features of the area.
- Take into account the soil type and drainage patterns of the site and integrate planting and water management.
- Allow for intended vegetation growth and structural protection of buildings.
- In locations of habitat importance, maintain existing habitat and provide for new habitat for plants and animals.
- Provide a safe, attractive and functional environment for residents.
- Consider landscaping opportunities to reduce heat absorption such as green walls, green roofs and roof top gardens and improve on-site stormwater infiltration.
- Maximise deep soil areas for planting of canopy trees.

Development should provide for the retention or planting of trees, where these are part of the urban context.

Development should provide for the replacement of any significant trees that have been removed in the 12 months prior to the application being made.

The landscape design should specify landscape themes, vegetation (location and species), paving and lighting.

Development should provide the deep soil areas and canopy trees specified in Table D2.

If the development cannot provide the deep soil areas and canopy trees specified in Table D2, an equivalent canopy cover should be achieved by providing either:

- Canopy trees or climbers (over a pergola) with planter pits sized appropriately for the mature tree soil volume requirements.
- Vegetated planters, green roofs or green façades.

Table D2 Deep soil areas and canopy trees

Site area Deep soil areas Minimum tree provision		
750 - 1000 square metres	5% of site area (minimum dimension of 3 metres)	1 small tree (6-8 metres) per 30 square metres of deep soil
1001 - 1500 square metres	7.5% of site area (minimum dimension of 3 metres)	1 medium tree (8-12 metres) per 50 square metres of deep soil or 1 large tree per 90 square metres of deep soil
1501 - 2500 square metres	10% of site area (minimum dimension of 6 metres)	1 large tree (at least 12 metres) per 90 square metres of deep soil or 2 medium trees per 90 square metres of deep soil
>2500 square metres	15% of site area (minimum dimension of 6 metres)	1 large tree (at least 12 metres) per 90 square metres of deep soil or 2 medium trees per 90 square metres of deep soil

Note: Where an existing canopy tree over 8 metres can be retained on a lot greater than 1000 square metres without damage during the construction period, the minimum deep soil requirement is 7% of the site area.

Decision guidelines

Before deciding on an application, the responsible authority must consider:

- Any relevant plan or policy for landscape character and environmental sustainability in the Municipal Planning Strategy and the Planning Policy Framework.
- The design response.
- The location and size of gardens and the predominant plant types in the area.
- The health of any trees to be removed.
- The suitability of the proposed location and soil volume for canopy trees.
- The ongoing management of landscaping within the development.
- The soil type and drainage patterns of the site.

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TRANSLATED

D10 Landscape		
Performance objective		
<p>Appropriate landscaping is provided.</p> <p>New development respects the landscape character of the neighbourhood.</p> <p>The habitat of plants and animals in locations of habitat importance is maintained and enhanced.</p> <p>Mature vegetation on the site is retained where possible.</p> <p>Climate responsive landscape design and water management is promoted.</p> <p>New development supports thermal comfort and reduces the urban heat island effect.</p>		
Performance measure		
<p>Trees that are part of the urban context are retained or replaced.</p> <p>Any significant trees that have been removed in the 12 months prior to the application being made are replaced.</p> <p>The landscape design specifies landscape themes, vegetation (location and species), paving and lighting.</p> <p>The deep soil areas and canopy trees specified in Table D2 are provided.</p>		
Table D2 Deep soil areas and canopy trees		
Site area	Deep soil areas	Minimum tree provision
750 - 1000 square metres	5% of site area (minimum dimension of 3 metres)	1 small tree (6-8 metres) per 30 square metres of deep soil
1001 - 1500 square metres	7.5% of site area (minimum dimension of 3 metres)	1 medium tree (8-12 metres) per 50 square metres of deep soil or 1 large tree per 90 square metres of deep soil
1501 - 2500 square metres	10% of site area (minimum dimension of 6 metres)	1 large tree (at least 12 metres) per 90 square metres of deep soil or 2 medium trees per 90 square metres of deep soil
>2500 square metres	15% of site area (minimum dimension of 6 metres)	1 large tree (at least 12 metres) per 90 square metres of deep soil or 2 medium trees per 90 square metres of deep soil
<p>Note: Where an existing canopy tree over 8 metres can be retained on a lot greater than 1000 square metres without damage during the construction period, the minimum deep soil requirement is 7% of the site area.</p>		

Performance criteria
<p>The landscape layout and design is acceptable considering how it:</p> <ul style="list-style-type: none"> • responds to the site context. • Responds to any relevant plan or policy for landscape character and environmental sustainability in the Municipal Planning Strategy and the Planning Policy Framework. • protects any predominant landscape features of the area. • considers the soil type and drainage patterns of the site • integrates planting and water management • considers intended vegetation growth • provides structural protection of buildings • maintains existing habitat and provides for new habitat for plants and animals In locations of habitat importance • provides a safe, attractive and functional environment for residents. • considers landscaping opportunities to reduce heat absorption such as green walls, green roofs and roof top gardens • considers landscaping opportunities to improve on-site stormwater infiltration. • maximises deep soil areas for planting canopy trees. <p>If the development cannot provide the deep soil areas and canopy trees specified in Table D2, an equivalent canopy cover is achieved by providing either:</p> <ul style="list-style-type: none"> • Canopy trees or climbers (over a pergola) with planter pits sized appropriately for the mature tree soil volume requirements. • Vegetated planters, green roofs or green façades.
Information required
<p>The design response.</p> <p>If not included in the design response, a statement documenting:</p> <ul style="list-style-type: none"> • The location and size of gardens and the predominant plant types in the area. • The health of any trees to be removed. • The suitability of the proposed location and soil volume for canopy trees. • The ongoing management of landscaping for the development. • The soil type and drainage patterns of the site.

CURRENT

58.03-6

Access objective

To ensure the number and design of vehicle crossovers respects the urban context.

Standard D11

The width of accessways or car spaces should not exceed:

- 33 per cent of the street frontage, or
- if the width of the street frontage is less than 20 metres, 40 per cent of the street frontage.

No more than one single-width crossover should be provided for each dwelling fronting a

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street.

The location of crossovers should maximise the retention of on-street car parking spaces.

The number of access points to a road in a Road Zone should be minimised.

Developments must provide for access for service, emergency and delivery vehicles.

Decision guidelines

Before deciding on an application, the responsible authority must consider:

- The design response.
- The impact on the streetscape.
- The reduction of on-street car parking spaces.
- The effect on any significant vegetation on the site and footpath.

TRANSLATED

D11 Access
Performance objective
The number and design of vehicle crossovers respects the urban context.
Performance measure
<p>The width of accessways or car spaces should not exceed:</p> <ul style="list-style-type: none"> • 33 per cent of the street frontage, or • if the width of the street frontage is less than 20 metres, 40 per cent of the street frontage. <p>No more than one single-width crossover is provided for each dwelling fronting a street.</p> <p>The location of crossovers maximises the number of on-street car parking spaces retained.</p> <p>The number of access points to a road in a Road Zone is minimised.</p> <p>Access for service, emergency and delivery vehicles is provided.</p>
Performance criteria
<p>Access to the development is acceptable considering:</p> <ul style="list-style-type: none"> • The impact on the neighbourhood context. • The reduction of on-street car parking spaces. • The effect on any significant vegetation on the site and footpath. • How access is provided for service, emergency and delivery vehicles.
Information required
The design response.

CURRENT

58.03-7

Parking location objectives

To provide convenient parking for resident and visitor vehicles.

To protect residents from vehicular noise within developments.

Standard D12

Car parking facilities should:

- Be reasonably close and convenient to dwellings.
- Be secure.
- Be well ventilated if enclosed.

Shared accessways or car parks of other dwellings should be located at least 1.5 metres from the windows of habitable rooms. This setback may be reduced to 1 metre where there is a fence at least 1.5 metres high or where window sills are at least 1.4 metres above the accessway.

Decision guideline

Before deciding on an application, the responsible authority must consider the design response.

TRANSLATED

D12 Parking location
Performance objective
Residents and visitors have access to convenient parking.
Residents are protected from vehicle noise in the development.
Performance measure
Car parking facilities are reasonably close and convenient to dwellings.
Car parking facilities are secure.
Car parking facilities are well ventilated if enclosed.
Shared accessways or car parks of other dwellings are located at least 1.5 metres from the windows of habitable rooms. This setback may be reduced to 1 metre where there is a fence at least 1.5 metres high or where window sills are at least 1.4 metres above the accessway.
Performance criteria
The design and location of resident and visitor parking is acceptable considering: <ul style="list-style-type: none"> • The convenience to dwellings • Security • Ventilation • The proximity of shared accessways and the car parks of other dwellings to habitable room windows.
Information required
The design response.

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CURRENT

58.03-8

Integrated water and stormwater management objectives

To encourage the use of alternative water sources such as rainwater, stormwater and recycled water.

To facilitate stormwater collection, utilisation and infiltration within the development.

To encourage development that reduces the impact of stormwater run-off on the drainage system and filters sediment and waste from stormwater prior to discharge from the site.

Standard D13

Buildings should be designed to collect rainwater for non-drinking purposes such as flushing toilets, laundry appliances and garden use.

Buildings should be connected to a non-potable dual pipe reticulated water supply, where available from the water authority.

The stormwater management system should be:

- Designed to meet the current best practice performance objectives for stormwater quality as contained in the Urban Stormwater - Best Practice Environmental Management Guidelines (Victorian Stormwater Committee, 1999).
- Designed to maximise infiltration of stormwater, water and drainage of residual flows into permeable surfaces, tree pits and treatment areas.

Decision guidelines

Before deciding on an application, the responsible authority must consider:

- Any relevant water and stormwater management objective, policy or statement set out in this scheme.
- The design response.
- Whether the development has utilised alternative water sources and/or incorporated water sensitive urban design.
- Whether stormwater discharge from the site will adversely affect water quality entering the drainage system.
- The capacity of the drainage network to accommodate additional stormwater. Whether the stormwater treatment areas can be effectively maintained.
- Whether the owner has entered into an agreement to contribute to off-site stormwater management in lieu of providing an on-site stormwater management system.

TRANSLATED

D13 Integrated water and storm water management

Performance objective

Alternative water sources such as rainwater, stormwater and recycled water are used.

Stormwater is collected, used and infiltrated within the development.

Stormwater run-off from the site is reduced.

Stormwater is filtered for sediment and waste before being discharged from the site.

Performance measure
<p>Buildings collect rainwater for non-drinking purposes such as flushing toilets, laundry appliances and garden use.</p> <p>Buildings are connected to a non-potable dual pipe reticulated water supply, where available from the water authority.</p> <p>The stormwater management system is designed to meet the current best practice performance objectives for stormwater quality as contained in the <i>Urban Stormwater - Best Practice Environmental Management Guidelines</i> (Victorian Stormwater Committee, 1999).</p> <p>The stormwater management system is designed to maximise infiltration of stormwater, water and drainage of residual flows into permeable surfaces, tree pits and treatment areas.</p>
Performance criteria
<p>The proposed water and stormwater management arrangements are acceptable considering:</p> <ul style="list-style-type: none"> • How the development has utilised alternative water sources and incorporated water sensitive urban design. • Whether stormwater discharge from the site will adversely affect water quality entering the drainage system. • The capacity of the drainage network to accommodate additional stormwater. • Whether the stormwater treatment areas can be effectively maintained. • Whether the owner has entered into an agreement to contribute to off-site stormwater management instead of providing an on-site stormwater management system.
Information required
<p>The design response.</p> <p>If not included in the design response, a statement documenting:</p> <ul style="list-style-type: none"> • Any relevant water and stormwater management objective, policy or statement set out in this scheme. • The capacity of the drainage network to accommodate additional stormwater. • Whether the owner has entered into an agreement to contribute to off-site stormwater management instead of providing an on-site stormwater management system.

58.04 AMENITY IMPACTS

CURRENT

58.04-1 Building setback objectives

To ensure the setback of a building from a boundary appropriately responds to the existing urban context or contributes to the preferred future development of the area.

To allow adequate daylight into new dwellings.

To limit views into habitable room windows and private open space of new and existing dwellings. To provide a reasonable outlook from new dwellings.

To ensure the building setbacks provide appropriate internal amenity to meet the needs of residents.

Standard D14

The built form of the development must respect the existing or preferred urban context and respond to the features of the site.

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Buildings should be set back from side and rear boundaries, and other buildings within the site to:

- Ensure adequate daylight into new habitable room windows.
- Avoid direct views into habitable room windows and private open space of new and existing dwellings. Developments should avoid relying on screening to reduce views.
- Provide an outlook from dwellings that creates a reasonable visual connection to the external environment.
- Ensure the dwellings are designed to meet the objectives of Clause 58.

Decision Guidelines

Before deciding on an application, the responsible authority must consider:

- The purpose of the zone and/or overlay that applies to the land.
- Any relevant urban design objective, policy or statement set out in this scheme.
- The urban context report.
- The design response.
- The relationship between the proposed building setback and the building setbacks of existing adjacent buildings, including the interface with laneways.
- The extent to which the proposed dwellings are provided with reasonable daylight access through the layout of rooms and the number, size, location and orientation of windows.
- The impact of overlooking on the amenity of existing and proposed dwellings.
- The existing extent of overlooking into existing dwellings and private open space.
- Whether the development meets the objectives of Clause 58.

TRANSLATED

D14 Building setback
Performance objective
<p>The setback of a building from a boundary appropriately responds to the existing urban context or contributes to the preferred future development of the area.</p> <p>New dwellings receive adequate daylight.</p> <p>Views into habitable room windows and private open space of new and existing dwellings are appropriately limited.</p> <p>New buildings have a reasonable outlook.</p> <p>Buildings are setback to provide appropriate internal amenity for residents.</p>
Performance measure
None specified.

Performance criteria
<p>The built form of the development respects the existing or preferred urban context.</p> <p>The built form of the development responds to the features of the site.</p> <p>Buildings are set back from side and rear boundaries, and other buildings within the site to:</p> <ul style="list-style-type: none"> • Ensure adequate daylight into new habitable room windows. • Avoid direct views into habitable room windows and the private open space of new and existing dwellings without relying on screening. • Provide an outlook from each dwelling that creates a reasonable visual connection to the external environment. • Ensure each dwelling meets the objectives of clause 58.
Information required
<p>The urban context report.</p> <p>The design response.</p> <p>If not included in the design response, a statement documenting:</p> <ul style="list-style-type: none"> • The relationship between the proposed building setback and the building setbacks of existing adjacent buildings, including the interface with laneways. • The extent to which the proposed dwellings are provided with reasonable daylight access through the layout of rooms and the number, size, location and orientation of windows. • The impact of overlooking on the amenity of existing and proposed dwellings. • The existing extent of overlooking into existing dwellings and private open space.

CURRENT

58.04-2

Internal views objective

To limit views into the private open space and habitable room windows of dwellings within a development.

Standard D15

Windows and balconies should be designed to prevent overlooking of more than 50 per cent of the private open space of a lower-level dwelling directly below and within the same development.

Decision guideline

Before deciding on an application, the responsible authority must consider the design response.

TRANSLATED

D15 Internal views
Performance objective
Views into the private open space and habitable room windows of dwellings are limited.
Performance measure
Windows and balconies do not allow overlooking of more than 50 per cent of the private open space of a lower-level dwelling directly below and within the same development.

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Performance criteria
Views into the private open space and habitable room windows of dwellings and residential buildings are acceptable considering the reasonable privacy expectations of occupants.
Information required
The design response.

CURRENT

58.04-3

Noise impact objectives

To contain noise sources in developments that may affect existing dwellings.

To protect residents from external and internal noise sources.

Standard D16

Noise sources, such as mechanical plants should not be located near bedrooms of immediately adjacent existing dwellings.

The layout of new dwellings and buildings should minimise noise transmission within the site.

Noise sensitive rooms (such as living areas and bedrooms) should be located to avoid noise impacts from mechanical plants, lifts, building services, non-residential uses, car parking, communal areas and other dwellings.

New dwellings should be designed and constructed to include acoustic attenuation measures to reduce noise levels from off-site noise sources.

Buildings within a noise influence area specified in Table D3 should be designed and constructed to achieve the following noise levels:

- Not greater than 35dB(A) for bedrooms, assessed as an LAeq,8h from 10pm to 6am.
- Not greater than 40dB(A) for living areas, assessed LAeq,16h from 6am to 10pm.

Buildings, or part of a building screened from a noise source by an existing solid structure, or the natural topography of the land, do not need to meet the specified noise level requirements.

Noise levels should be assessed in unfurnished rooms with a finished floor and the windows closed.

Table D3 Noise influence area

Noise source	Noise influence area
Zone interface	
Industry	300 metres from the Industrial 1, 2 and 3 zone boundary
Roads	
Freeways, tollways and other roads carrying 40,000 Annual Average Daily Traffic Volume	300 metres from the nearest trafficable lane
Railways	
Railway servicing passengers in Victoria	80 metres from the centre of the nearest track
Railway servicing freight outside Metropolitan Melbourne	80 metres from the centre of the nearest track
Railway servicing freight in Metropolitan Melbourne	135 metres from the centre of the nearest track

Note: The noise influence area should be measured from the closest part of the building to the noise source.

Decision guidelines

Before deciding on an application, the responsible authority must consider:

- The design response.
- Whether it can be demonstrated that the design treatment incorporated into the development meets the specified noise levels or an acoustic report by a suitably qualified consultant submitted with the application.
- Whether the impact of potential noise sources within a development have been mitigated through design, location and siting.
- Whether the layout of rooms within a dwelling mitigates noise transfer within and between dwellings.
- Whether an alternative design meets the relevant objectives having regard to the amenity of the dwelling and the site context.

TRANSLATED

D16 Noise impacts
Performance objective
Residents of new development are not subject to unreasonable noise impacts from external and internal noise sources.
Residents of existing dwellings are not subject to unreasonable noise impacts from new development.

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Performance measure	
<p>Noise sources, such as mechanical plants, are not located near a bedroom of an immediately adjacent existing dwelling.</p> <p>Noise transmission within the site is minimised by the layout of new dwellings and buildings.</p> <p>Noise sensitive rooms (such as living areas and bedrooms) are located to avoid noise impacts from mechanical plants, lifts, building services, non-residential uses, car parking, communal areas and other dwellings.</p> <p>New dwellings are designed and constructed with acoustic attenuation that reduce noise levels from off-site noise sources.</p> <p>A building (other than a building or part of a building screened from a noise source by an existing solid structure or the natural topography of the land) that is within a noise influence area specified in Table D3, achieves the following noise levels:</p> <ul style="list-style-type: none"> • For bedrooms: not greater than 35dB(A), assessed as an LAeq,8h from 10pm to 6am. • For living areas: not greater than 40dB(A), assessed LAeq,16h from 6am to 10pm. <p><i>Note: Noise levels should be assessed in unfurnished rooms with a finished floor and the windows closed.</i></p>	
Table D3 Noise influence area	
Noise source	Noise influence area
Zone interface	
Industry	300 metres from the Industrial 1, 2 and 3 zone boundary
Roads	
Freeways, tollways and other roads carrying 40,000 Annual Average Daily Traffic Volume	300 metres from the nearest trafficable lane
Railways	
Railway servicing passengers in Victoria	80 metres from the centre of the nearest track
Railway servicing freight outside Metropolitan Melbourne	80 metres from the centre of the nearest track
Railway servicing freight in Metropolitan Melbourne	135 metres from the centre of the nearest track
<p><i>Note: The noise influence area should be measured from the closest part of the building to the noise source.</i></p>	

Performance criteria
<p>Noise impacts are acceptable considering:</p> <ul style="list-style-type: none"> • How the impact of potential noise sources within a development has been mitigated through design, location and siting. • The proximity of noise sources, such as mechanical plants, to a bedroom of an immediately adjacent existing dwelling. • How the layout of rooms within a dwelling mitigates noise transfer within and between dwellings. • How noise sensitive rooms (such as living areas and bedrooms) are located to avoid noise impacts from mechanical plants, lifts, building services, non-residential uses, car parking, communal areas and other dwellings. • How noise transmission within the site is minimised by the layout of new dwellings and buildings. • Whether new dwellings are designed and constructed with acoustic attenuation that reduces noise levels from off-site noise sources. • How any alternative design meets the relevant objectives having regard to the amenity of the dwelling and the site context.
Information required
<p>The design response.</p> <p>If not included in the design response, a statement documenting how the design treatment incorporated into the development meets the specified noise levels or an acoustic report by a suitably qualified consultant submitted with the application.</p>

58.05 URBAN CONTEXT

CURRENT

58.05-1 Accessibility objective

To ensure the design of dwellings meets the needs of people with limited mobility.

Standard D17

At least 50 per cent of dwellings should have:

- A clear opening width of at least 850mm at the entrance to the dwelling and main bedroom.
- A clear path with a minimum width of 1.2 metres that connects the dwelling entrance to the main bedroom, an adaptable bathroom and the living area.
- A main bedroom with access to an adaptable bathroom.
- At least one adaptable bathroom that meets all of the requirements of either Design A or Design B specified in Table D4.

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Table D4 Bathroom design

	Design option A	Design option B
Door opening	A clear 850mm wide door opening.	A clear 820mm wide door opening located opposite the shower.
Door design	Either: A slide door, or A door that opens outwards, or A door that opens inwards that is clear of the circulation area and has readily removable hinges.	Either: A slide door, or A door that opens outwards, or A door that opens inwards and has readily removable hinges.
Circulation area	A clear circulation area that is: A minimum area of 1.2 metres by 1.2 metres. Located in front of the shower and the toilet. Clear of the toilet, basin and the door swing. The circulation area for the toilet and shower can overlap.	A clear circulation area that is: A minimum width of 1 metre. The full length of the bathroom and a minimum length of 2.7 metres. Clear of the toilet and basin. The circulation area can include a shower area.
Path to circulation area	A clear path with a minimum width of 900mm from the door opening to the circulation area.	Not applicable.
Shower	A hobless (step-free) shower.	A hobless (step-free) shower that has a removable shower screen and is located on the furthest wall from the door opening.
Toilet	A toilet located in the corner of the room.	A toilet located closest to the door opening and clear of the circulation area.

TRANSLATED

D17 Accessibility
Performance objective
People with limited mobility can access new dwellings.

Performance measure		
<p>At least 50 per cent of dwellings should have:</p> <ul style="list-style-type: none"> • A clear opening width of at least 850mm at the entrance to the dwelling and main bedroom. • A clear path with a minimum width of 1.2 metres that connects the dwelling entrance to the main bedroom, an adaptable bathroom and the living area. • A main bedroom with access to an adaptable bathroom. • At least one adaptable bathroom that meets all of the requirements of either Design A or Design B specified in Table D4. 		
Table D4 Bathroom design		
	Design option A	Design option B
Door opening	A clear 850mm wide door opening.	A clear 820 mm wide door opening located opposite the shower.
Door design	<p>Either:</p> <p>A slide door, or</p> <p>A door that opens outwards, or</p> <p>A door that opens inwards that is clear of the circulation area and has readily removable hinges.</p>	<p>Either:</p> <p>A slide door, or</p> <p>A door that opens outwards, or</p> <p>A door that opens inwards and has readily removable hinges.</p>
Circulation area	<p>A clear circulation area that is:</p> <p>A minimum area of 1.2 metres by 1.2 metres.</p> <p>Located in front of the shower and the toilet.</p> <p>Clear of the toilet, basin and the door swing.</p> <p>The circulation area for the toilet and shower can overlap.</p>	<p>A clear circulation area that is: A minimum width of 1 metre.</p> <p>The full length of the bathroom and a minimum length of 2.7 metres.</p> <p>Clear of the toilet and basin.</p> <p>The circulation area can include a shower area.</p>
Path to circulation area	A clear path with a minimum width of 900mm from the door opening to the circulation area.	Not applicable.
Shower	A hobless (step-free) shower.	A hobless (step-free) shower that has a removable shower screen and is located on the furthest wall from the door opening.
Toilet	A toilet located in the corner of the room.	A toilet located closest to the door opening and clear of the circulation area.
Performance criteria		
The accessibility of new development is acceptable considering the needs of people with limited mobility.		
Information required		
The design response.		

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CURRENT

58.05-2 Building entry and circulation objectives

- To provide each dwelling and building with its own sense of identity.
- To ensure the internal layout of buildings provide for the safe, functional and efficient movement of residents.
- To ensure internal communal areas provide adequate access to daylight and natural ventilation.

Standard D18

Entries to dwellings and buildings should:

- Be visible and easily identifiable.
- Provide shelter, a sense of personal address and a transitional space around the entry.

The layout and design of buildings should:

- Clearly distinguish entrances to residential and non-residential areas.
- Provide windows to building entrances and lift areas.
- Provide visible, safe and attractive stairs from the entry level to encourage use by residents.
- Provide common areas and corridors that:
 - Include at least one source of natural light and natural ventilation.
 - Avoid obstruction from building services.
 - Maintain clear sight lines.

Decision guidelines

Before deciding on an application, the responsible authority must consider:

- The design response.
- The useability and amenity of internal communal areas based on daylight access and the natural ventilation it will receive.

TRANSLATED

D18 Building entry and circulation
Performance objective
Each dwelling and building has its own sense of identity.
The internal layout of buildings allows residents safe, functional and efficient movement.
Internal communal areas have adequate access to daylight and natural ventilation.

Performance measure
<p>The entry to each dwelling and building is visible and easily identifiable.</p> <p>The entry to each dwelling and building provides shelter, a sense of personal address and a transitional space around the entry.</p> <p>The layout and design of buildings:</p> <ul style="list-style-type: none"> • Clearly distinguishes entrances to residential and non-residential areas. • Provides windows to building entrances and lift areas. <p>Stairs from the entry level are visible, safe and attractive and encourage use by residents.</p> <p>Common areas and corridors:</p> <ul style="list-style-type: none"> • Include at least one source of natural light and natural ventilation. • Avoid obstruction from building services. • Maintain clear sight lines. <p>Internal communal areas receive reasonable daylight access and natural ventilation.</p>
Performance criteria
<p>The entry to each dwelling and residential building is acceptable considering:</p> <ul style="list-style-type: none"> • Visibility and identification from streets and other public areas. • The shelter, sense of personal address and transitional space around the entry proposed. • How entrances to residential and non-residential areas are distinguished. • The proposed windows and lighting to building entrances and lift areas <p>The internal layout of buildings is acceptable considering:</p> <ul style="list-style-type: none"> • The visibility, safety and attraction of stairs from the entry area. • The useability, lighting, ventilation and sight lines of common areas and corridors.
Information required
The design response.

CURRENT

58.05-3 Private open space objective

To provide adequate private open space for the reasonable recreation and service needs of residents.

Standard D19

A dwelling should have private open space consisting of:

- An area of 25 square metres, with a minimum dimension of 3 metres at natural ground floor level and convenient access from a living room, or
- An area of 15 square metres, with a minimum dimension of 3 metres at a podium or other similar base and convenient access from a living room, or
- A balcony with an area and dimensions specified in Table D5 and convenient access from a living room, or
- A roof-top area of 10 square metres with a minimum dimension of 2 metres and convenient access from a living room.

If a cooling or heating unit is located on a balcony, the balcony should provide an additional area of 1.5 square metres.

Table D5 Balcony size

Dwelling type	Minimum area	Minimum dimension
Studio or 1 bedroom dwelling	8 square metres	1.8 metres
2 bedroom dwelling	8 square metres	2 metres
3 or more bedroom dwelling	12 square metres	2.4 metres

Decision guidelines

Before deciding on an application, the responsible authority must consider:

- The design response.
- The useability and functionality of the private open space, including its size and accessibility.
- The amenity of the private open space based on the orientation of the lot, the wind conditions and the sunlight it will receive.
- The availability of and access to public or communal open space.

TRANSLATED

D19 Private open space
Performance objective
Residents have adequate private open space for their reasonable recreation and service needs.

Performance measure		
<p>Each dwelling has private open space consisting of:</p> <ul style="list-style-type: none"> • An area of 25 square metres, with a minimum dimension of 3 metres at natural ground floor level and convenient access from a living room, or • An area of 15 square metres, with a minimum dimension of 3 metres at a podium or other similar base and convenient access from a living room, or • A balcony with an area and dimensions specified in Table D5 and convenient access from a living room, or • A roof-top area of 10 square metres with a minimum dimension of 2 metres and convenient access from a living room. <p>If a cooling or heating unit is located on a balcony, the balcony should provide an additional area of 1.5 square metres.</p>		
Table D5 Balcony size		
Dwelling type	Minimum area	Minimum dimension
Studio or 1 bedroom dwelling	8 square metres	1.8 metres
2 bedroom dwelling	8 square metres	2 metres
3 or more bedroom dwelling	12 square metres	2.4 metres
Performance criteria		
<p>The private open space available to each dwelling is useable, functional and accessible.</p> <p>The private open space is of adequate size considering the availability of and access to public or communal open space.</p> <p>The private open space has adequate amenity, considering the orientation of the lot, the wind conditions and the sunlight the space will receive.</p>		
Information required		
The design response.		

CURRENT

58.05-4

Storage objective

To provide adequate storage facilities for each dwelling.

Standard D20

Each dwelling should have convenient access to usable and secure storage space.

The total minimum storage space (including kitchen, bathroom and bedroom storage) should meet the requirements specified in Table D6.

Dwelling type	Total minimum storage volume	Minimum storage volume within the dwelling
Studio	8 cubic metres	5 cubic metres
1 bedroom dwelling	10 cubic metres	6 cubic metres
2 bedroom dwelling	14 cubic metres	9 cubic metres

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3 or more bedroom dwelling	18 cubic metres	12 cubic metres
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Decision guidelines

Before deciding on an application, the responsible authority must consider:

- The design response.
- The useability, functionality and location of storage facilities provided for the dwelling.

TRANSLATED

D20 Storage		
Performance objective		
Each dwelling has adequate storage facilities.		
Performance measure		
The total minimum storage space (including kitchen, bathroom and bedroom storage) meets the requirements specified in Table D6.		
Table D6 Storage		
Dwelling type	Total minimum storage volume	Minimum storage volume within the dwelling
Studio	8 cubic metres	5 cubic metres
1 bedroom dwelling	10 cubic metres	6 cubic metres
2 bedroom dwelling	14 cubic metres	9 cubic metres
3 or more bedroom dwelling	18 cubic metres	12 cubic metres
Performance criteria		
The storage provided to each dwelling is acceptable and is convenient, usable, sufficient and secure.		
Information required		
The design response.		

58.06 DETAILED DESIGN

CURRENT

58.06-1 Common property objectives

To ensure that communal open space, car parking, access areas and site facilities are practical, attractive and easily maintained.

To avoid future management difficulties in areas of common ownership.

Standard D21

Developments should clearly delineate public, communal and private areas.

Common property, where provided, should be functional and capable of efficient management.

TRANSLATED

D21 Common property
Performance objective
Communal open space, car parking, access areas and site facilities are practical, attractive and easily maintained.
Areas in common ownership do not have management difficulties.
Performance measure
None specified.
Performance criteria
Developments should clearly delineate public, communal and private areas.
Common property, where provided, should be functional and capable of efficient management.
Information required
The design response.

CURRENT

58.06-2 Site service objectives

To ensure that site services can be installed and easily maintained.

To ensure that site facilities are accessible, adequate and attractive.

Standard D22

The design and layout of dwellings should provide sufficient space (including easements where required) and facilities for services to be installed and maintained efficiently and economically.

Mailboxes and other site facilities should be adequate in size, durable, waterproof and blend in with the development.

Mailboxes should be provided and located for convenient access as required by Australia Post.

Decision guideline

Before deciding on an application, the responsible authority must consider the design response.

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TRANSLATED

D22 Site service
Performance objective
Site services can be installed and easily maintained.
Site facilities are accessible, adequate and attractive.
Performance measure
None specified.
Performance criteria
The design and layout of dwellings provides sufficient space (including easements where required) and facilities for services to be installed and maintained efficiently and economically.
Mailboxes and other site facilities are adequate in size, durable, waterproof and blend in with the development.
Mailboxes are provided and located for convenient access as required by Australia Post.
Information required
The design response.

CURRENT

58.06-3

Waste and recycling objectives

To ensure dwellings are designed to encourage waste recycling.

To ensure that waste and recycling facilities are accessible, adequate and attractive.

To ensure that waste and recycling facilities are designed and managed to minimise impacts on residential amenity, health and the public realm.

Standard D23

Developments should include dedicated areas for:

- Waste and recycling enclosures which are:
 - Adequate in size, durable, waterproof and blend in with the development.
 - Adequately ventilated.
 - Located and designed for convenient access by residents and made easily accessible to people with limited mobility.
- Adequate facilities for bin washing. These areas should be adequately ventilated.
- Collection, separation and storage of waste and recyclables, including where appropriate opportunities for on-site management of food waste through composting or other waste recovery as appropriate.
- Collection, storage and reuse of garden waste, including opportunities for on-site treatment, where appropriate, or off-site removal for reprocessing.
- Adequate circulation to allow waste and recycling collection vehicles to enter and leave the site without reversing.
- Adequate internal storage space within each dwelling to enable the separation of waste, recyclables and food waste where appropriate.

Waste and recycling management facilities should be designed and managed in accordance with a Waste Management Plan approved by the responsible authority and:

- Be designed to meet the better practice design options specified in *Waste Management and Recycling in Multi-unit Developments* (Sustainability Victoria, 2019).
- Protect public health and amenity of residents and adjoining premises from the impacts of odour, noise and hazards associated with waste collection vehicle movements.

Decision guidelines

Before deciding on an application, the responsible authority must consider:

- The design response.
- Any relevant waste and recycling objective, policy or statement set out in this scheme.

TRANSLATED

D23 Waste and recycling
Performance objective
<p>Waste recycling is encouraged.</p> <p>Waste and recycling facilities are accessible, adequate and attractive.</p> <p>Waste recycling activities do not unreasonably impact residential amenity, health and the public realm.</p>
Performance measure
<p>Waste and recycling enclosures are provided that are:</p> <ul style="list-style-type: none"> • Adequate in size, durable, waterproof and blend in with the development. • Adequately ventilated. • Located and designed for convenient access by residents and made easily accessible to people with limited mobility. <p>An adequately ventilated facility is provided for bin washing.</p> <p>A dedicated area is provided for collection, separation and storage of waste and recyclables, including where appropriate opportunities for on-site management of food waste through composting or other waste recovery.</p> <p>A dedicated area is provided for collection, storage and reuse of garden waste, including opportunities for on-site treatment, where appropriate, or off-site removal for reprocessing.</p> <p>There is adequate circulation to allow waste and recycling collection vehicles to enter and leave the site without reversing.</p> <p>There is adequate internal storage space in each dwelling to enable the separation of waste, recyclables and food waste.</p> <p>Waste and recycling management facilities are designed and managed in accordance with any Waste Management Plan approved by the responsible authority.</p> <p>Waste and recycling management facilities are designed to meet the better practice design options specified in <i>Waste Management and Recycling in Multi-unit Developments</i> (Sustainability Victoria, 2019).</p> <p>Waste and recycling management facilities are designed to protect public health and amenity of residents and adjoining premises from the impacts of odour, noise and hazards associated with waste collection vehicle movements.</p>

Department of Environment, Land, Water and Planning

Performance criteria
The waste management facilities provided for the development are acceptable considering: <ul style="list-style-type: none"> Any Waste Management Plan approved by the responsible authority. The better practice design options specified in <i>Waste Management and Recycling in Multi-unit Developments (Sustainability Victoria, 2019)</i>.
Information required
The design response. If not included in the design response, a statement documenting how any relevant waste and recycling objective, policy or statement set out in this scheme is met.

58.06 INTERNAL AMENITY

CURRENT

58.07-1 Functional layout objective

To ensure dwellings provide functional areas that meet the needs of residents.

Standard D24

Bedrooms should:

- Meet the minimum internal room dimensions specified in Table D7.
- Provide an area in addition to the minimum internal room dimensions to accommodate a wardrobe.

Table D7 Bedroom dimensions

Bedroom type	Minimum width	Minimum depth
Main bedroom	3 metres	3.4 metres
All other bedrooms	3 metres	3 metres

Living areas (excluding dining and kitchen areas) should meet the minimum internal room dimensions specified in Table D8.

Table D8 Living area dimensions

Dwelling type	Minimum width	Minimum area
Studio and 1 bedroom dwelling	3.3 metres	10 sqm
2 or more bedroom dwelling	3.6 metres	12 sqm

Decision guidelines

Before deciding on an application, the responsible authority must consider:

- The design response.
- The useability, functionality and amenity of habitable rooms.

TRANSLATED

D24 Functional layout																				
Performance objective																				
New dwellings include functional areas that meet the needs of residents.																				
Performance measure																				
<p>Each bedroom has the minimum internal room dimensions specified in Table D7.</p> <p>Each bedroom has an area in addition to the minimum internal room dimensions to accommodate a wardrobe.</p> <p>Table D7 Bedroom dimensions</p> <table> <tr> <th>Bedroom type</th><th>Minimum width</th><th>Minimum depth</th></tr> <tr> <td>Main bedroom</td><td>3 metres</td><td>3.4 metres</td></tr> <tr> <td>All other bedrooms</td><td>3 metres</td><td>3 metres</td></tr> </table> <p>Living areas (excluding dining and kitchen areas) have the minimum internal room dimensions specified in Table D8.</p> <p>Table D8 Living area dimensions</p> <table> <tr> <th>Dwelling type</th><th>Minimum width</th><th>Minimum area</th></tr> <tr> <td>Studio and 1 bedroom dwelling</td><td>3.3 metres</td><td>10 sqm</td></tr> <tr> <td>2 or more bedroom dwelling</td><td>3.6 metres</td><td>12 sqm</td></tr> </table>			Bedroom type	Minimum width	Minimum depth	Main bedroom	3 metres	3.4 metres	All other bedrooms	3 metres	3 metres	Dwelling type	Minimum width	Minimum area	Studio and 1 bedroom dwelling	3.3 metres	10 sqm	2 or more bedroom dwelling	3.6 metres	12 sqm
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Dwelling type	Minimum width	Minimum area																		
Studio and 1 bedroom dwelling	3.3 metres	10 sqm																		
2 or more bedroom dwelling	3.6 metres	12 sqm																		
Performance criteria																				
Habitable rooms are useable, functional and have acceptable amenity.																				
Information required																				
The design response.																				

CURRENT

58.07-2

Room depth objective

To allow adequate daylight into single aspect habitable rooms.

Standard D25

Single aspect habitable rooms should not exceed a room depth of 2.5 times the ceiling height.

The depth of a single aspect, open plan, habitable room may be increased to 9 metres if all the following requirements are met:

- The room combines the living area, dining area and kitchen.
- The kitchen is located furthest from the window.
- The ceiling height is at least 2.7 metres measured from finished floor level to finished ceiling level. This excludes where services are provided above the kitchen.
- The room depth should be measured from the external surface of the habitable room window to the rear wall of the room.

Department of Environment, Land, Water and Planning

Decision guidelines

Before deciding on an application, the responsible authority must consider:

- The design response.
- The extent to which the habitable room is provided with reasonable daylight access through the number, size, location and orientation of windows.
- The useability, functionality and amenity of the dwelling based on layout, siting, size and orientation of habitable rooms.
- Any overhang above habitable room windows that limits daylight access.

TRANSLATED

D25 Room depth
Performance objective
Any single aspect habitable room has adequate daylight.
Performance measure
<p>The room depth of any single aspect habitable room is not more than 2.5 times the ceiling height.</p> <p>The depth of a single aspect, open plan, habitable room may be up to 9 metres if all the following requirements are met:</p> <ul style="list-style-type: none"> • The room combines the living area, dining area and kitchen. • The kitchen is located furthest from the window. • The ceiling height is at least 2.7 metres measured from finished floor level to finished ceiling level. This excludes where services are provided above the kitchen. <p><i>Note: The room depth is measured from the external surface of the habitable room window to the rear wall of the room.</i></p>
Performance criteria
<p>Daylight to habitable rooms is acceptable considering:</p> <ul style="list-style-type: none"> • the number, size, location and orientation of windows, • the useability, functionality and amenity of the dwelling based on layout, siting, size and orientation of habitable rooms • any overhang above habitable room windows that limits daylight access.
Information required
The design response.

CURRENT

58.07-3

Windows objective

To allow adequate daylight into new habitable room windows.

Standard D26

Habitable rooms should have a window in an external wall of the building.

A window may provide daylight to a bedroom from a smaller secondary area within the bedroom where the window is clear to the sky.

The secondary area should be:

- A minimum width of 1.2 metres.
- A maximum depth of 1.5 times the width, measured from the external surface of the window.

Decision guidelines

Before deciding on an application, the responsible authority must consider:

- The design response.
- The extent to which the habitable room is provided with reasonable daylight access through the number, size, location and orientation of windows.
- The useability and amenity of the dwelling based on the layout, siting, size and orientation of habitable rooms.

TRANSLATED

D26 Windows
Performance objective
New habitable rooms have adequate daylight.
Performance measure
Each habitable room has a window in an external wall of the building. A window may provide daylight to a bedroom from a smaller secondary area within the bedroom where the window is clear to the sky and the secondary area is: <ul style="list-style-type: none"> • A minimum width of 1.2 metres. • A maximum depth of 1.5 times the width, measured from the external surface of the window.
Performance criteria
The habitable room is provided with reasonable daylight access through the number, size, location and orientation of windows. The dwelling is useable and has acceptable amenity, based on the layout, siting, size and orientation of habitable rooms.
Information required
The design response.

Department of Environment, Land, Water and Planning

CURRENT

58.07-4

Natural ventilation objectives

To encourage natural ventilation of dwellings.

To allow occupants to effectively manage natural ventilation of dwellings.

Standard D27

The design and layout of dwellings should maximise openable windows, doors or other ventilation devices in external walls of the building, where appropriate.

At least 40 per cent of dwellings should provide effective cross ventilation that has:

- A maximum breeze path through the dwelling of 18 metres.
- A minimum breeze path through the dwelling of 5 metres.
- Ventilation openings with approximately the same area.

The breeze path is measured between the ventilation openings on different orientations of the dwelling.

Decision guidelines

Before deciding on an application, the responsible authority must consider:

- The design response.
- The size, orientation, slope and wind exposure of the site
- The extent to which the orientation of the building and the layout of dwellings maximises opportunities for cross ventilation.
- Whether an alternative design meets the relevant objectives having regard to the amenity of the dwelling and the site context. .

TRANSLATED

D27 Natural ventilation
Performance objectives
New dwellings are able to be naturally ventilated.
An occupant can effectively manage the natural ventilation of their dwelling.
Performance measures
At least 40 per cent of dwellings provide effective cross ventilation that has:
<ul style="list-style-type: none"> • A maximum breeze path through the dwelling of 18 metres. • A minimum breeze path through the dwelling of 5 metres. • Ventilation openings with approximately the same area.
<i>Note: The breeze path is measured between the ventilation openings on different orientations of the dwelling.</i>

Performance criteria
The natural ventilation features of the development respond to the size, orientation, slope and wind exposure of the site.
The layout of each dwelling maximises the openable windows, doors or other ventilation devices in external walls of the building, where appropriate.
The orientation of the building and the layout of dwellings maximises opportunities for cross ventilation.
Information required
The design response.



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Improving the Operations of ResCode

Discussion Paper Review

Nillumbik Shire Council Submission

22 February 2022 (Council Adopted Version)



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 nillumbik@nillumbik.vic.gov.au or phone 9433 3111.

Introduction

Nillumbik Shire Council welcomes the opportunity to provide a submission on the *Improving the Operations of ResCode reforms (the Discussion Paper)* being conducted by the Department of Environment, Land, Water and Planning (DELWP) as part of the recommendations from the Planning and Building Approvals Process Review Report.

It is noted that an earlier Council officer level only submission response to the Discussion Paper was submitted to the Department of Environment Land Water and Planning (DELWP) on 17 December 2021 to allow for DELWP's early consideration of feedback only. This was in accordance with an agreement made with the Department on the 22 November 2021. In the agreement, Council officers identified with DELWP that it would require to seek an adopted position from the Councillors and that additional time for consideration of the Discussion Paper by the Councillors was needed; noting the timing of the release and call for submissions to the Discussion Paper did not align with Council's meeting schedule, with no Council Briefings/Meetings scheduled throughout January 2022. To seek and adopted position, Council officers took the preliminary officer level response to a Council Briefing scheduled on 1 February 2022 to review and provide feedback to the preliminary submission. Subsequent to this, a finalised Council submission was prepared and taken to the Council Meeting of the 22 February 2022 for formal endorsement. Having received formal endorsement from the Council, this submission response now forms Council's formal adopted position to the Improving the Operations of ResCode Discussion Paper and associated planning reforms and supersedes the previous preliminary officer level submission that was provided to the Department on the 17 December 2021. Council consents to this submission response being made publically available on DELWP's website.

Nillumbik is 'the Green Wedge Shire' and contains one of 12 green wedge areas around metropolitan Melbourne. The Shire contains very limited 'urban areas' with the bulk of such being heavily treed with relatively steep topography in many of the urban areas. Notably many of the Shire's residential areas are also affected by the Bushfire Prone Area (BPA) and also the Bushfire Management Overlay (BMO). The green wedge covers approximately 91 per cent of the Shire and includes rural townships which are located within the Township Zone (encompassed within Urban Growth Boundary enclaves) including the townships of Hurstbridge, St Andrews and Panton Hill, which, although not part of the green wedge, are important service and gateway centres for the Nillumbik Green Wedge community. Council highlights that despite Nillumbik Shire forming part of Metropolitan Melbourne, these points of difference mentioned separates the Shire from other areas within the broader region, and understandably facilitates the consideration of the unique neighbourhood character values that the Shire has including within its residential areas. Nillumbik Shire's places and spaces make an important contribution to health, wellbeing, culture, the environment, biodiversity and economic success. Council continues to strengthen the Shire's identity through reinforcing existing natural and built form, improving accessibility and connectivity, protecting the environment, and enhancing both the Nillumbik Green Wedge and tree canopy in urban areas. It will achieve this by taking a considered approach to planning and development, ensuring that Nillumbik's unique environment and neighbourhood character are retained and enhanced as well as implementing effective neighbourhood character controls and community engagement activities to help support improved community wellbeing and sense of place.

Identifying and mitigating the barriers in the built environment approvals process is an important step towards an efficient, consistent and robust planning and building system. Council generally 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, solutions to address these challenges needs to be balanced; ensuring good quality development outcomes can still be achieved for the broader community.

The *Improving the Operations of ResCode Discussion Paper* (the Discussion Paper) is considered to miss the opportunity to give a more balanced or nuanced examination of the issues for residential development; particularly relating to protecting unique and varied neighbourhood character values. Council has concerns that the proposed reforms to the ResCode provisions will result in Council's loss of ability to apply discretion when it comes to deciding planning permit applications, particularly on matters regarding neighbourhood character and built form design; resulting in standard 'reproduced' built form outcomes.

With the Discussion Paper inferring that construction sector delay costs are predominantly caused by processes and relevant assessments through the planning and building systems, it fails to recognise other variable factors that occur in these processes including the influences made by proponents/consultants or submitters to any delay or costs associated with an application. These variable influences that need to be considered include but are not limited to:

- The frequency of poor quality or incomplete applications received.
- Pre-application advice being regularly ignored by proponents.
- The system being readily exploited to avoid notices and fees.
- Addressing submitter issues.

Whilst Council agrees that where possible the approvals process should be streamlined, the State Government should be cautious that the rigour and transparency of planning and building assessments are not diluted for the commercial benefit of the development industry and should continue to ensure that developments positively respond to their local contexts and appropriately balance the various planning considerations.

Some of the key issues Council has identified with regard to the Discussion Paper include:

- Potential effects on implementation of Council's future Neighbourhood Character Strategy.
- Potential diminishment of Council's discretion in determining planning decisions for residential development, including the ability to use discretion to ensure proposals align and comply with local neighbourhood character objectives and policy – noting a 'one-size-fits-all' approach is not considered appropriate.
- Limitations on residential planning decisions being confined to the Performance Assessment Model (PAM) in the majority of circumstances.

- The determination of a proposal meeting the Performance Criteria and the subjectivity in determining whether this criteria has been met between parties (e.g. Council, applicant and VCAT).
- The resultant development outcomes that will transpire as a result of these reform changes to the Nillumbik Planning Scheme ordinances and the detrimental impacts that may be caused to Nillumbik Shire's established and preferred neighbourhood character.
- Potential unconsidered and detrimental impacts to the flexibility and subsequent utilisation of existing planning controls/tools to strengthen neighbourhood character values.
- The timing of the proposed reforms, how it will be implemented into the Nillumbik Planning Scheme and what supporting department guidance/requirements will be provided to councils (i.e. when such implementation will likely occur and by what mechanism/s, content of any supporting Planning Practice Notes detailing the Department's views on appropriate residential and neighbourhood character implementation tools, etc.).
- Lack of clarity and detail about the inter-relationship of proposed reforms with identified future consideration and implementation into other planning controls (e.g. provisions and overlays). Without clarity on future reforms to other controls within planning schemes and how this may align to the Performance Assessment Model (PAM), it is difficult to ascertain how the suite of controls will work together to ensure the best planning outcomes are to be achieved; particularly with regard to neighbourhood character.
- Clarification regarding the time savings these reforms will have in the planning permit process – specifically where these time savings will be generated.

The structure of feedback from Council is based on the survey questionnaire that has been provided on the Engage Victoria consultation project webpage and makes various references to the *Improving the Operations of ResCode Discussion Paper*.

Feedback Survey Responses (Council Adopted Version)

Question 1: Do you think the new assessment model makes the assessment of a residential development proposals clearer?

0 ☐ Strongly Disagree

1 ☐

2 ☐

3 ☐

4 ☐

5 ☒

6 ☐

7 ☐

8 ☐

9 ☐

10 ☐ Strongly Agree

Unsure ☐

Do you have any further comments?

In terms of assessing the ResCode provisions in isolation, Council considers the new model will provide a framework that makes the assessment of residential development proposals under ResCode generally clearer. The Discussion Paper outlines that the new model will provide a complete package of performance expectations that are able to be consolidated into a consistent set of requirements that all operate in the same way and can be clearly related and aligned to each other. The Discussion Paper identifies the intent of the Performance Assessment Model (PAM) is to provide a consistent format for the preparation of discretionary provisions for the Victorian Planning Provisions (VPP) and local planning schemes; whereby the new format focusses on facilitating outcomes that are clearly described in each PAM and will simplify the matrix of considerations that might otherwise need to be considered. A proposal may then only need to comply with Performance Measures and this is deemed to be an acceptable outcome.

Council supports changes to planning scheme ordinances that will deliver consistent and digital ready assessment provisions that will streamline decision making and will improve clarity for all users of the planning system where appropriate. Likewise, Council supports an assessment model that will more precisely sets out the performance objectives for a design matter and the considerations and information that are needed to make an assessment of that matter through a more simplified procedural matrix with the aim to provide clearer expectations for users and better alignment of the assessment process with the principles of the VPP. It is acknowledged that this would work particularly well for specific classes of applications.

However, considering other provisions within the Nillumbik Planning Scheme, it is unclear how the model will affect/be applied to other parts of the planning scheme and subsequently how it will take into consideration particular needs found in local planning policies such as

neighbourhood character nuances. Council notes there is a lack of clarity and detail about the inter-relationship of proposed reforms with identified future consideration and implementation into other planning controls (e.g. zones and overlays).

The Discussion Paper outlines that the new assessment model places significant additional weight on zones and overlays to direct and inform local nuances in neighbourhood character, however the Discussion Paper provides insufficient information as to how overlays and zones will be structured to take on this role. For instance, the Discussion Paper provides little by way of examples of how these provisions will be structured; only explanations of how the provision might work. Whilst it is acknowledged that this may be part of a broader plan to the current project, without clarity on future reforms to other controls within planning schemes to align to the PAM, it is difficult to ascertain how the suite of controls will work together to ensure the best planning outcomes are delivered; particularly with regard to neighbourhood character. For example, it would be particularly beneficial to see examples of how the zones and overlays (i.e. the schedules to each) will be structured so that Council can form a view on whether there will be sufficient attention and flexibility regarding particular interest matters (e.g. neighbourhood, environmental and landscape character values).

Question 2: Do you think the new assessment model makes the assessment of residential development proposals more certain than the current process?

0 ☐ Strongly Disagree

1 ☐

2 ☐

3 ☐

4 ☐

5 ☒

6 ☐

7 ☐

8 ☐

9 ☐

10 ☐ Strongly Agree

Unsure ☐

Do you have any further comments?

In terms of assessing the ResCode provisions in isolation, Council considers the new model to provide some benefits in creating certainty in the assessment of residential development.

Council supports the general intention to provide greater clarity for Victoria's residential design standards and in identifying and expressing neighbourhood character and housing aspirations in planning schemes. ResCode is considered an appropriate place within the planning system to express these aspirations given it places all residential development assessment requirements and considerations into one location within planning schemes.

For this to be achieved however, councils must retain their ability to vary requirements to deliver desired neighbourhood character outcomes through zones and overlays (where appropriate). This is of particular importance in rural, regional and peri-urban areas where there are quite varied nuances in landscapes and environs and therefore neighbourhood character. The model also needs to consider the broader application of the Victoria Planning Provisions (VPP) and local policy when assessing residential applications in these settings.

Council concurs that the quality and extent of planning application information lodged and similarly information provided as part of any further information request continues to be an issue of frustration and a significant impost to time in assessment and issuing a decision. The new model appears to have clear benefits by establishing the expectations that are required of a proponent (application requirements); which would allow for both a better understanding of inputs to a planning application, but also remove the frustrations often with regard to a lack of understanding and clarity by the applicant, but also avoid Statutory Planning officers being perceived to ask for inputs that are not considered necessary by applicant (e.g. contours on a site plan, location and extent of cut/fill, dimensioned plans which include natural ground level annotations and maximum heights above natural ground level annotated on all elevations).

However, there will always be some circumstances where further information is needed after lodgement and this needs to be recognised as well, particularly where applicants are unfamiliar with the technical aspects of plans. Nillumbik Shire have for nearly 2 years now had a dedicated and free pre application service in place which has also been made available online during COVID. Where pre application has been undertaken, the quality of applications has noticeably increased. However, it is still an issue that without the specific application requirements being implemented into the planning scheme itself to support relevant officers, pre-application advice is still a matter of planning officers being seen to 'ask' for inputs, rather an acknowledgement that such advice is a requirement for a proposal. Council understands the State's planning reform program is looking at changes to planning processes that will require 'complete applications' upon lodgement. Council very much supports this concept and looks forward to working with the Department further on how this can be facilitated in a way that doesn't drastically increase resource requirements upon councils, noting that it concurs that a key area of impacts to assessment timelines is requesting and gaining suitable application material from proponents to allow for effective decision making guided by appropriate and accurate information.

Question 3: Do you expect any issues with the new assessment model?

0 ☐ Strongly Disagree

1 ☐

2 ☐

3 ☐

4 ☐

5 ☐

6 ☐

7 ☐

8 ☒

9 ☐

10 ☐ Strongly Agree

Unsure ☐

If so, what issues?

Council can see a number of issues with the operation of the new assessment model that particularly relate to discretionary decision making abilities when it comes to neighbourhood character values. Council understands the Municipal Association of Victoria (MAV) have provided a separate submission to the Discussion Paper, and it concurs with the draft submission MAV have prepared and shared with Council, particularly the statement, *"the planning system is at its most effective when planning tools are aligned with producing desired outcomes"*. For this to be achieved, the system requires a balance between mandatory controls with clear, concise wording and well-structured policy but also the ability to have discretion when it is needed to produce ideal outcomes from the local area and community. Council has the following issues that relate to the new assessment model.

1. Council has concerns that its discretion in determining planning decisions for residential development will be diminished in the new model, including the ability to use discretion to ensure proposals align and comply with local neighbourhood character objectives and policy given the greater emphasis placed on standardised quantitative controls proposed by the Discussion Paper. Council acknowledges that the current operation of residential assessment provisions (ResCode) can contribute to uncertainty and inconsistent decision making and expectations for proponents, and that process inefficiencies are inherent within the current system including time and cost impacts. However, Council cautions that prescriptive and quantitative performance measures will not always result in high quality development outcomes, particularly in areas where there are unique neighbourhood character values as well as areas where there are site context challenges (e.g. topography, lack of quality infrastructure services, environmental hazards, vegetation constraints, etc.)

As noted in the introduction, Nillumbik Shire like some other peri-urban (non-growth) councils has a unique set of neighbourhood character features that particularly relate to the features of the surrounding green wedge and environmental assets of the region. Nillumbik also has very different and sometimes difficult site context constraints that developments must respond to. These particularly relate to the undulating topography of the region, existing and protected vegetation cover on land, non-uniform configuration of parcels, threat of environmental hazards (particularly bushfire), lack of quality infrastructure services such as reticulated sewerage and paved roads to name a few but there are many more. These factors affect both rural and urban areas of the municipality. As such, Council requires discretion in its decision making due to the unique and established neighbourhood character values of the municipality as compared with other inner metropolitan and growth area municipalities.

Relying more on a series of standardised quantitative performance measures to achieve quality development outcomes is seen as impractical for environmental settings like Nillumbik Shire. Council has concerns with the generic development outcomes that may transpire as a result of these reform changes and the detrimental

impacts that may be caused to Nillumbik Shire's established neighbourhood character. The new model may have significant impacts on the results of development within the municipality through the production of stock standard/reproducible development outcomes, which do not appropriately respond to nuances in neighbourhood character – again a 'one-size-fits-all-approach'. Therefore, the new model alone is unable to address neighbourhood character nuances similar to Nillumbik Shire given a lot of measures that relate to neighbourhood character cannot be distilled down into a quantitative format. This is why specialised planning tools and mechanisms that can flexibly address its varied and unique neighbourhood character values through both quantities and qualitative measures are needed at councils' availability.

2. Extending from the point made above, Council has concerns regarding the limitations and restrictions that will be imposed on future residential planning decisions and being confined to the new Performance Assessment Model (PAM) in the majority of circumstances. There is a lack of detail and clarity in the Discussion Paper about the inter-relationship of proposed reforms with identified future consideration and implementation into other planning controls (e.g. provisions and overlays). Without this clarity on future reforms to other controls within planning schemes to align to the PAM, it is difficult to ascertain how the suite of controls will work together to ensure the best planning outcomes, particularly with regard to neighbourhood character. There is also a clear lack of detail in the Discussion Paper in regard to any supporting department guidance/requirements, (e.g. content of any supporting Practice Notes) and therefore Department views on future appropriate neighbourhood character implementation tools.

Council advises that discretion to utilise neighbourhood character policy is still needed in residential development applications in Nillumbik Shire due to Nillumbik Shire's unique and varied neighbourhood/landscape character values as mentioned above.

Whilst it has been advised that councils will have the flexibility to utilise other planning tools such to address nuances in neighbourhood character such as variations to residential zone schedules or application of a Neighbourhood Character Overlay (NCO) or Design and Development Overlay (DDO), it is currently still unclear whether these existing tools and mechanisms will achieve the desired development/neighbourhood character outcomes that Nillumbik Shire is seeking to achieve. It is noted that the justification to apply the NCO and effectively utilise it in achieving neighbourhood character outcomes is particularly challenging and is only applied in Council's understanding, to discrete 'pocket's' defined neighbourhood character, (e.g. particular legacy subdivisions that had a particular and notable style/development context). It is not a tool that would be used across large areas of a residential areas. Nillumbik Shire requires more flexibility (i.e. mixture of planning tools [e.g. adjusting residential zone schedules and utilising SLOs and DDOs]) to address neighbourhood and landscape character issues, in addition to any performance measures as defined by the PAM. Council notes there is concern that introduction of the PAM into ResCode, and then potentially across the wider suite of controls, may result in a Department view or required 'burden of proof' to justify the

use overlays to 'bolster' neighbourhood character outcomes where the PAM is not considered affective, that may result in Council's being required to reduce proposed neighbourhood character objectives to the 'the lowest common denominator' that is – the 'best fit for all'. This in Council's view then becomes more about 'codifying' the Victorian planning system to a point where generic outcomes will result rather than facilitating robust neighbourhood character outcomes and maintain the nuance of and between places.

Council notes the relevant planning practice notes only provide high level details of these tools and don't outline the limitations of the controls. Due to its flexibility, the Planning Policy Framework (PPF) currently provides a 'safety net' in the event the planning controls are unable to address particular issues. This is why it is important to still have regards to the PPF in decision making of planning application proposals.

3. The new model establishes additional key deliberation points or 'checkpoints' through which the assessment process may potentially go through (i.e. Performance Measure, Performance Criteria, PAM Objective and Acceptable Outcomes). Council has concerns regarding the determination of a proposal in meeting various 'checkpoints' within the PAM. For instance, the Performance Criteria is a set of qualitative measures. Council has identified that there will be subjectivity in determining whether this criteria has been met between parties (e.g. Council, applicant and VCAT). This process may cause of significant debate and associated delays in the assessment process due to deliberation as to whether:
 - a) the Performance Criteria are met (i.e. whether the application should proceed to be assessed against decision guidelines [Steps 2-3 on page 20]); and
 - b) whether the decision guidelines in the zone are not met (i.e. whether the application should proceed to a review on whether the application produces acceptable outcomes [Step 4 on page 20]).

At each of these two steps in particular, there is potential for the frequent occurrence of sustained, technical and protracted debate, including at VCAT, about whether a proposal satisfies the current step (criteria) or must proceed to the next step. These conflict scenarios are anticipated to lead to delays in processing planning permit applications, which reduces the time-savings that are supposed to be generated by these reforms. Given this, the assessment process offered by the new model could highlights that there is still room for subjectivity and debate when stepping through the different assessment criteria, which does not generate time savings in the application process and could be more complicated, lengthy, expensive and resource intensive than indicated by the Discussion Paper.

In light of this, we pose a number of questions to the Department:

- a) How can these scenarios be easily and quickly resolved under the new system?
- b) How is the Performance Criteria deemed to have been met?
- c) How does an assessment against the Performance Criteria save time?
- d) Will these types of assessments still go to VCAT? (E.g. Council could deem the Performance Criteria has not been met and subsequently refer to local policy yet the proponent could argue it has been met).

Question 4: Do you think there are benefits to the new assessment model?

(Please select ranking)

0 ☐ Strongly Disagree

1 ☐

2 ☐

3 ☐

4 ☐

5 ☒

6 ☐

7 ☐

8 ☐

9 ☐

10 ☐ Strongly Agree

Unsure ☐

If so/if not, what are they?

Council acknowledges the benefits to the new model and that there is merit in having specific measures that aim to provide certainty in addressing a ResCode requirements. Independent of earlier comments, some of what is intended to be implemented we agree will provide some certainty in the Performance Objective being met.

Specifically, Council supports the changes to the ResCode provisions that enable:

- an applicant to clearly see what performance objectives are required to be achieved, how they might be achieved and exactly what information is required to be presented with the application;
- a responsible authority to get a quick and complete checklist of all the matters that need to be assessed in a form suitable for direct inclusion in their planning report; and
- the community to readily see which aspects of a proposal achieve expectations and the basis on which aspects that may not will be assessed.

Council also supports the collection of all the relevant residential assessment provisions into a standardised electronic assessment proforma whereby:

- an applicant can pre-populate the relevant Performance Assessment Models (PAM) as part of their Neighbourhood and Site Description and Design Response and provide it to the council with an application; or
- be used as part of council's assessment response and designed in a way that allows embedding in a council's delegate reports.

It is also suggested that planning reports produced on VicPlan could also identify the relevant PAMs for a proposal if the model is adopted across other areas of the planning scheme.

It is noted that proposed reforms are seeking to align with strategic work being undertaken by councils to introduce neighbourhood character values into zones and overlays. It is noted that the Discussion Paper identifies that the reforms are also trying to align with previous

local government advocacy calling for the ability for localised variations to ResCode to be implemented to achieve more simplified planning schemes if state-developed tools can be customised to local needs. Council reiterates the commentary above, and highlight that local tailoring of ResCode can reduce the need for overlay controls and extra zone schedules, resulting in a simplification of the planning scheme in some instances – particularly for more generic landscapes, but not in isolation given the limitations of discretion inherent to the PAM.

Question 5: The new assessment model will make it easier for local councils to assess a planning permit application?

(Please select ranking)

0 ☐ Strongly Disagree

1 ☐

2 ☒

3 ☐

4 ☐

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6 ☐

7 ☐

8 ☐

9 ☐

10 ☐ Strongly Agree

Unsure ☐

Do you have any further comments?

To a very minimal degree, Council can see how the new assessment model will make it easier for local councils to assess a planning permit application in that because the model clearly highlights to the proponent the expectation of what is required to be achieved from the outset when it comes to ResCode, there will be less of a need for planning officers to require and subsequently request further information to comply with the set requirements. Likewise, because the new model seeks to translate current standards into quantitative outcomes (where possible), it is considered that there will be less debate as to whether the new Performance Measures (translated from the current Standards) will be met; thus reducing time spent going through the Victorian Civil Administrative Tribunal (VCAT) appeals process.

However, for the most part Council is of the view that the new model will not make a significant amount of difference when it comes to assessing applications. This is because a full ResCode assessment under the new model is still required to be conducted by Statutory Planners and will still need to use a standard ResCode table for assessment. The application under the new model will also still continue to need to go through notice and review (i.e. advertising) requirements. Therefore, the new model does not prevent people from objecting to applications. It is important to acknowledge that the planning process can be quite emotional for people and therefore, despite any changes to the system to improve process efficiencies, it won't prevent submissions being received for ResCode applications

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so long as notice and review rights are required as part of the application. This part of the planning process, along with securing effective inputs to the planning application, is considered by Statutory Planning officers where most of the application time is spent (i.e. addressing submissions after advertising). Subsequently, this may then lead to the need to still prepare relevant documentation for Council Meetings and VCAT hearings to address submissions and resolve proposal issues, which can also be a lengthy and time consuming process for Statutory Planners, and a greater impost on broader Council resources (e.g. consideration at Council meeting and legal costs for VCAT representation).

Additionally, whilst the model sets out the exceptions of achieving the 'acceptable' outcomes for residential development, it doesn't mean the proponent will adhere to the Performance Measures and may opt to an alternative design. In these scenarios, it will require the Statutory Planner to perform a more rigorous merit based assessment against other elements of the provisions or planning scheme more broadly. Whilst we support this ability to apply discretion, this will subsequently result in the same assessment of the ResCode provisions as is currently being conducted now; thus the time savings advantages for both the proponent and assessing officer are diminished. Also this scenario will in most circumstances lead to the need of requesting further information to ensure sufficient information is required to determine if the alternative proposal will produce an acceptable outcome deemed by council. Again, this leads to increases in the time for processing the application.

The Discussion Paper is silent on where the time savings are specifically to be generated in the planning assessment process and what metrics have been used to calculate anticipated times savings. It appears the Discussion Paper merely seem to suggest that time saving will be gained through assessing applications against the quantitative standards, implying that proponents will mostly opt for choosing an assessment against the Performance Measures. However, has the Department investigated the development industry's appetite for opting for an assessment of residential development against the quantitative Performance Measures in most circumstances. The Discussion Paper has not particularly highlighted this fact. Therefore, the benefits of the ResCode reforms to Statutory Planners is not obvious and we would like to see more information on where the Department thinks the benefits for council and more specifically Statutory Planners can be generated.

Question 6: The new assessment model will make it easier for applicants to comply with planning requirements?

(Please select ranking)

0 ☐ Strongly Disagree

1 ☐

2 ☐

3 ☐

4 ☐

5 ☐

6 ☐

7 ☒

8 ☐

9 ☐

10 ☐ Strongly Agree

Unsure ☐

Do you have any further comments?

Council can see benefits of the new model for applicants in being able to easily comply with ResCode requirements. As mentioned above, an applicant under the new model is clearly able to see what performance objectives are required to be achieved, how they might be achieved and exactly what information is required to be presented with the application. This will subsequently reduce ambiguity for applicants about what is expected for each design matter and whether a design response meets those expectations. This in turn will seek to reduce time and cost implications on the applicant.

However, again this will all depend on the applicant's choice to comply with the Performance Measures and not seek alternative design responses. It will also be subject to other factors such as the site and surrounding context and the other planning controls that will need to be assessed to address specific site context matters such as neighbourhood character, vegetation and landscape protection and environmental hazard reduction. These factors will inevitably re-add additional complexity to the proposal's assessment and subsequently reimpose time and cost implications for applicants.

Question 7: Because of the new assessment model, the paper highlights the changes that will be required to Victoria's planning schemes. Are further changes required?
(Please select ranking)

0 ☐ Strongly Disagree

1 ☐

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3 ☐

4 ☐

5 ☐

6 ☐

7 ☒

8 ☐

9 ☐

10 ☐ Strongly Agree

Unsure ☐

If so, what changes?

As outlined in the Discussion Paper, as the new model ultimately plans to be expanded throughout various planning controls of the planning scheme (i.e. zones, overlays and particular provisions), these reform changes will have quite wide implications for how the suite of current planning controls within planning schemes will work in the future. As has already been mentioned, there needs to be more clarity provided as to the proposed role

and structure of zones and overlays in response to the application of the new model in planning schemes (i.e. examples of the proposed ordinances need to be provided) given their inter-relationship between each other. Further to this, relevant supplementary resources such as new or updated Planning Practice Notes will need to be provided. Further clarity and details is required in regard to changes that will be made to these resources in order to form an informed view in regard to the proposed reforms.

In Council's view, changes to the operation of ResCode must not weaken local planning policy provisions in other areas of the planning scheme that cannot be translated into the Performance Assessment Model (PAM) under the ResCode provisions or under a zone, overlay or particular provision. It is essential that to address matters like neighbourhood character, the limitations of each control be detailed out in the relevant resources (e.g. planning practice notes) to identify gaps and subsequently ensure councils are well equipped and resourced to address and resolve any gaps identified. Where there are gaps in the use of appropriate planning controls to address particular planning matters, the use of the Planning Policy Framework including local planning policies should be permitted and enabled under the relevant operational provisions of the planning scheme. (Note: if no such operation provision exists, a new one may need to be established). It is also important to note that commercial, education and health buildings, industrial development and other special uses are not covered by ResCode. These types of development must still be protected and enhanced through specific local policies that seek design outcomes in respect to height, massing, separation, and greening, among other key considerations.

Question 8: What improvements could be made to the new assessment model?

Council sees the overall benefit of the new model in improving and streamlining the assessment of residential development proposals with regard to some areas of proposed reform, however this should not come at the expense of delivering good quality outcomes for the community and municipality as a whole. This is why there needs to be a balanced focus between both quantitative and qualitative standards and an ability where appropriate to refer to local or state planning policies in the Planning Policy Framework. The current model is too restrictive in simply utilising quantitative standards in the first instance of an assessment. Also there needs to be sufficient content provided in zones, overlays and particular provisions if and when the new model is implemented under these controls to articulate and support particular municipal matters such as neighbourhood character objectives and preferred design outcomes. The model needs to give consideration to these and the potential complexities in how these matters will be addressed. The model should not underestimate the importance of a holistic merit based assessment in particular situations to achieve key performance objectives.

Council also sees that there is potential for the proposed reforms to enable increased inclusion of Environmentally Sustainable Design (ESD) provisions in planning schemes. Many councils have been exploring simple ways to integrate ESD consideration into new residential development through the planning system. Local variations to the ResCode provisions could be one way for councils to achieve higher ESD targets across the residential areas of their municipality.

Question 9: The new assessment model makes it easier to identify and protect neighbourhood character attributes?

(Please select ranking)

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0 ☐ Strongly Disagree

1 ☐

2 ☒

3 ☐

4 ☐

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9 ☐

10 ☐ Strongly Agree

Unsure ☐

Do you have any further comments?

Whilst Council can see how the new model may make it easier to identify and protect some common and uniform neighbourhood character attributes that are shared across much of Victoria's residential areas, it does not sufficiently identify and protect neighbourhood character elements that contain specific localised nuances that require additional attention to detail.

The Discussion Paper highlights the improved use of residential zone and relevant overlay (e.g. Neighbourhood Character Overlay and Design and Development Overlay) schedules to address nuances in local neighbourhood character and revised provisions to the Neighbourhood Site Context and Design Response objectives within ResCode to ensure residential proposals adhere to these variations. However, these reform changes still intend to focus on establishing quantitative measures within these relevant schedules, that if met, are deemed to satisfy the performance objective and thus produce an 'acceptable outcome'. This style of model may be suitable in residential areas where the preferred character is closely tied to significant uniformity in parcel size and appearance as well as the siting and design of buildings as typically found in inner metro or growth area councils where a standard grid pattern is well established. However, there are areas such as peri-urban and regional councils where a more varied and holistic approach is required to support a preferred neighbourhood character outcomes. For example, Nillumbik Shire has many residential urban areas where residential development is required to respect local landscapes and sites can have undulating topography or are well-vegetated, but also where variation in design and siting of residential development may not be uniform but in turn has become an element of the preferred character of the area (i.e. having mixed characteristics). This style of preferred character is sought in significant portions of the residential areas within Nillumbik Shire, particularly within in Bush Garden, Bush and Semi-bush neighbourhood precincts as outlined in Nillumbik Shire's Local Planning Policy within Clause 15.01-5L.

- Semi-bush precinct objectives – *To maintain the appearance of development that is partly obscured from view by the topography or tree canopy and to maintain the precinct's rolling and hilly topography and its bushy vegetation character with significant indigenous or native canopy trees.*

- Bush precinct objectives - *To maintain the appearance of development that is sited and designed to form part of the continuous bushland that characterises the area and to maintain significant indigenous vegetation with substantial trees and the precinct's rolling topography that slopes down to the Yarra River.*
- Bush Garden precinct objectives - *To maintain the dominance of indigenous vegetation where development is sited to minimise disruption to the precinct's rolling and hilly topography and to maintain the significant native and indigenous tree canopy.*

In the scenarios highlighted above, a flexible approach is required that facilitates and makes significant use of discretion to balance a number of relevant site and character elements to supports a desired overall outcome for developments. The new model seeks to remove discretion due to the potential of uncertain outcomes for proponents, however looking at the other end of the spectrum, there are concern that specific nuances in neighbourhood character will not be appropriately identified and protected under the new model and will subsequently be diminished by standard quantitative response for all councils. A well-considered balance needs to be struck between achieving process efficiencies for all relevant parties involved and delivering well design and desired outcomes for the local community. Therefore, it is considered that there will always need to be a place within the planning system for both quantitative and qualitative assessments; particularly relating to subjective matters such as neighbourhood character and that a 'one size-fits all' approach should not always be the default assessment style.

Question 10: Do you think the new assessment model provides a better framework to communicate important neighbourhood character attributes?

(Please select ranking)

0 ☐ Strongly Disagree

1 ☐

2 ☐

3 ☒

4 ☐

5 ☐

6 ☐

7 ☐

8 ☐

9 ☐

10 ☐ Strongly Agree

Unsure ☐

Do you have any further comments?

Whilst Council supports the improvements made to the planning system to try to strengthen local neighbourhood character attributes, it is felt that the new model and broader framework is incomplete to communicate unique/varied nuances in neighbourhood character attributes

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and will result in missing gaps where specific local nuances in neighbourhood character that can't be made quantifiable to fit neatly into the new model will fall through (similar to Local Planning Policy during the Planning Policy Framework translation process). It is considered that it will be difficult to design quantifiable measures that can appropriately address Nillumbik Shire's variable neighbourhood character attributes and site conditions, in which many urban areas within Nillumbik contain non-uniform and more peri-urban attributes that influence its neighbourhood character such as site topography, vegetation coverage and environmental hazard mitigation and management. These attributes require additional assessment considerations that can't always be simplified into a 'code assessment' style of assessment.

As has been mentioned, Council has concerns that the new model and framework as whole will be too generic to address specific nuances in neighbourhood character that Nillumbik Shire and other peri-urban councils have and that there will be limitations or insufficient content in the zone and relevant overlay schedules to sufficiently articulate neighbourhood character objectives and preferred outcomes being sought. A holistic approach is required to be taken when considering land use and planning implications in Nillumbik Shire. As such, the complete picture of the framework including details about how it will be structured and operate needs to be provide to councils to identify potential missing gaps in the model and find solutions to address these.

Question 11: Do you have any final comments?

Nillumbik Shire like many smaller sized councils, are under-resourced (both staff and monetary resources) and will struggle to update our strategic work program to reflect the new operation of ResCode and its implementation. It is to be acknowledged that changing the operation of ResCode will impact the everyday planning decision-making processes for Council's assessing officers. Subsequently, Council supports any State led initiatives to help facilitate this process and transition of the planning system such as running and or funding workshops with Council on the proposed new assessment model with the developers and the local community. Council (i.e. council officers) also will need to be provided with workshops and training opportunities to comprehensively understand the operations of the new mode. This should be supplemented with guidance of relevant resources such as Planning Practice Notes.

Incorporating local experience and expertise is an integral element of the planning system. It is highly concerning that in the past other areas of planning reforms have not engaged openly with councils to obtain their expert input and knowledge. Local government input assists in smooth implementation of planning initiatives. Council strongly supports the Department's offer to continue to develop and work with councils in identifying existing best practice provisions for residential development and strongly request the Department's commitment to involve councils in developing these reforms further and the resulting planning scheme amendments that will subsequently be developed and implemented.

Conclusion

Council reiterates the key issues with regard to the Discussion Paper including:

- Potential effects on implementation of Council's future Neighbourhood Character Strategy.
- Potential diminishment of Council's discretion in determining planning decisions for residential development, including the ability to use discretion to ensure proposals align and comply with local neighbourhood character objectives and policy – noting a 'one-size-fits-all' approach is not considered appropriate.
- Limitations on residential planning decisions being confined to the Performance Assessment Model (PAM) in the majority of circumstances.
- The determination of a proposal meeting the Performance Criteria and the subjectivity in determining whether this criteria has been met between parties (e.g. Council, applicant and VCAT).
- The resultant development outcomes that will transpire as a result of these reform changes to the Nillumbik Planning Scheme ordinances and the detrimental impacts that may be caused to Nillumbik Shire's established and preferred neighbourhood character.
- Potential unconsidered and detrimental impacts to the flexibility and subsequent utilisation of existing planning controls/tools to strengthen neighbourhood character values.
- The timing of the proposed reforms, how it will be implemented into the Nillumbik Planning Scheme and what supporting department guidance/requirements will be provided to councils (i.e. when such implementation will likely occur and by what mechanism/s, content of any supporting Planning Practice Notes detailing the Department's views on appropriate residential and neighbourhood character implementation tools, etc.).
- Lack of clarity and detail about the inter-relationship of proposed reforms with identified future consideration and implementation into other planning controls (e.g. provisions and overlays). Without clarity on future reforms to other controls within planning schemes and how this may align to the Performance Assessment Model (PAM), it is difficult to ascertain how the suite of controls will work together to ensure the best planning outcomes are to be achieved; particularly with regard to neighbourhood character.
- Clarification regarding the time savings these reforms will have in the planning permit process – specifically where these time savings will be generated.

The identification and protection of neighbourhood character, and its evolution over time, is an important part of Council's land use planning and strategic work. To achieve positive

long-term outcomes for the municipality, Council must objectively balance the need for private/economic investment against the broader public good. This can be a complex task and often requires weighing up competing and strongly held views and vested interests amongst stakeholders.

Buildings and precinct areas have long lifespans and development can carry significant impact not only for the proponents, but for future occupants, neighbours, and the community as a whole. Many places across local communities continue to benefit from good foresight and long-term planning visions. However, these same communities also pay for mistakes where decision making has not ensured the delivery of quality outcomes. It is important to the planning process take sufficient time to reach the right decisions whilst also balancing expectations of various stakeholders involved in the process.

Developers and the private sector often call for increased consistency of provisions across municipalities whereby consistency often means certainty in deliverable outcomes. However, local variations to planning schemes are key to the operation of Victoria's planning system and must continue to be encouraged as they allow a unified system to be tailored to meet the different priorities and views of communities and deliver expected outcomes. Local variations ensure planning schemes are innovative and encourage creative strategic thinking that leads to better outcomes across communities and the state as a whole.

Council acknowledges that these reforms have the potential to enable planners to think more critically about the potential for the consolidation of use of existing overlay controls and zone schedules to achieve clearer and less complex planning schemes. However, it must be ensured that council officers assessing applications against the requirements of the Nillumbik Planning Scheme still have an ability to use discretion in appropriate settings to make decisions that benefit the whole of the community.



STATEMENT OF SIGNIFICANCE

Heritage Place: 'Fermanagh', 1080 Heidelberg-Kinglake Road, Hurstbridge

PS ref no: HO269



What is significant?

'Fermanagh' at 1080 Heidelberg-Kinglake Road, Hurstbridge, a single-storey timber Federation villa built in 1915 to a design by architect John Jenkin for Patrick and Margaret Burke, is significant.

Elements that contribute to the significance of the place include the:

- original Federation villa form and scale, including the low-pitched hip roof sweeping down to incorporate the returning verandah;
- Marseille terracotta roof tiles, including to the window awning, ridge capping and finials;
- weatherboard walls and roughcast render detailing;
- brick and roughcast chimneys and terracotta chimney pots;
- fenestration arrangement;
- gable end detailing, decorative timber fretwork and posts to the verandah, window and door joinery and leadlight glazing; and
- early garden at northwest of house with mature plantings including Golden Cypress trees (*Hesperocyparis macrocarpa* 'Horizontalis Aurea') arranged in an ovoid pattern and pair of Chinese Windmill Palms (*Trachycarpus fortunei*).

How is it significant?

Fermanagh at 1080 Heidelberg-Kinglake Road, Hurstbridge, is of local historic, aesthetic and associative significance to the Shire of Nillumbik.

Why is it significant?

Fermanagh at 1080 Heidelberg-Kinglake Road, Hurstbridge, is of historical significance for its ability to demonstrate the manner in which land in the Nillumbik area was subdivided and used for small agricultural pursuits. It illustrates the early period of development of the Hurstbridge township, which accelerated due to the opening of the railway line in 1912. 'Fermanagh' provides tangible evidence of its association with orcharding in Hurstbridge, which was the main agricultural industry in the Diamond Valley region from the 1880s to the 1930s, and with locally notable orchardists the Burke family. The Burke family lived at 'Fermanagh' for over 100 years, and ran an orchard on the property for at least 25 years. Patrick Burke had settled in the area in the 1860s and with his sons established a nursery, market garden and cool store. The Burke family employed many locals in their orchard at 'Fermanagh' and are known as prominent figures in Hurstbridge's agricultural history. (Criteria A and H)

Fermanagh and garden at 1080 Heidelberg-Kinglake Road, Hurstbridge, is aesthetically significant as a particularly well-executed and architect-designed Federation villa that retains an early garden. It is distinguished from other houses of the same era in Hurstbridge with its intact Queen Anne details including Marseille terracotta and roughcast render detailing, decorative timber fretwork and posts to the verandah, combined with the massing and verandah form of an Australian homestead. The property's aesthetic significance is further enhanced by the remaining garden elements including Golden Cypress trees (*Hesperocyparis macrocarpa* 'Horizontalis Aurea') arranged in an ovoid pattern and two Chinese Windmill Palms (*Trachycarpus fortunei*) arranged symmetrically in relation to the house. (Criterion E)

Primary source

Shire of Nillumbik Advisory Consultant Services: Nillumbik Shire Stage A Places 2021 (Context)

Planning and Environment Act 1987

NILLUMBIK PLANNING SCHEME

AMENDMENT C140

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 amendment applies to 1080 Heidelberg-Kinglake Road, Hurstbridge.

What the amendment does

The Amendment proposes to:

- Amend Schedule to Clause 43.01(Heritage Overlay) to include 1080 Heidelberg-Kinglake Road, Hurstbridge.
- Amends the Schedule to Clause 72.04 (Documents Incorporated in this Planning Scheme) to include the Statement of Significance for 1080 Heidelberg-Kinglake Road, Hurstbridge.
- Amend Planning Scheme Map No. 11HO to apply the Heritage Overlay to 1080 Heidelberg-Kinglake Road, Hurstbridge.
- Amend the Schedule to Clause 72.08 (Background Documents) to include the citation for 1080 Heidelberg-Kinglake Road, Hurstbridge.

The amendment replaces an interim Heritage Overlay (HO269) applied through C139Nill over the site known as 'Fermanagh' at 1080 Heidelberg-Kinglake Road, Hurstbridge. A citation recommending the protection of the dwelling and garden was prepared as part of the Nillumbik Heritage Review Stage A. This citation was adopted by Council on 29 June 2021.

The amendment amends Planning Scheme Map No 11HO to apply a new heritage overlay to cover the site to the property lines and replaces Clause 43.01 Schedule 1 to show the new heritage overlay (HO269).

Strategic assessment of the amendment

Why is the amendment required?

A planning permit application has been received for 1080 Heidelberg-Kinglake Road, Hurstbridge known as 'Fermanagh' which upon review has alerted Council officers to proposed additions to the dwelling that make substantial changes to the façade of the existing dwelling.

The citation for the site identifies the property is of local historic, aesthetic and associative significance to the Shire of Nillumbik. Fermanagh is noted of historical significance for its ability to demonstrate the manner in which land in the Nillumbik area was subdivided and used for small agricultural pursuits. It illustrates the early period of development of the Hurstbridge Township, which accelerated due to the opening of the railway line in 1912. 'Fermanagh' provides tangible evidence of its association with orcharding in Hurstbridge, which was the main agricultural industry in the Diamond Valley region from

the 1880s to the 1930s, and with locally notable orchardists the Burke family. The Burke family lived at 'Fermanagh' for over 100 years, and ran an orchard on the property for at least 25 years. Patrick Burke had settled in the area in the 1860s and with his sons established a nursery, market garden and cool store. The Burke family employed many locals in their orchard at 'Fermanagh' and are known as prominent figures in Hurstbridge's agricultural history. This context meets Criteria A and H for assessment.

Fermanagh and garden is also aesthetically significant as a particularly well-executed and architect-designed Federation villa that retains an early garden. It is distinguished from other houses of the same era in Hurstbridge with its intact Queen Anne details including Marseille terracotta and roughcast render detailing, decorative timber fretwork and posts to the verandah, combined with the massing and verandah form of an Australian homestead. The property's aesthetic significance is further enhanced by the remaining garden elements including Golden Cypress trees (*Hesperocyparis macrocarpa* 'Horizontalis Aurea') arranged in an ovoid pattern and two Chinese Windmill Palms (*Trachycarpus fortunei*) arranged symmetrically in relation to the house meeting Criterion E of heritage assessment.

Given this significance, the citation adopted as part of Councils Heritage Review Stage A recommends that the site is included in the Schedule to the Heritage Overlay in the Nillumbik Planning Scheme with mapping applied to the property boundaries and tree controls to the Golden Cypress Trees and Chinese Windmill Palms.

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

The amendment implements the objectives of planning in Victoria as set out in Section 4 (1) and 12 (1) of the *Planning and Environment Act 1987* (the Act). The following objectives in Section 4 (1) are particularly relevant to the amendment:

- 4(1d) - to conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value
- 4(1g) - to balance the present and future interests of all Victorians

The following objectives in Section 12 (1) are relevant to the amendment:

- 12(1) A planning authority must—
 - (a) implement the objectives of planning in Victoria

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

Pursuant to section 12(2)(b) and (c) of the Act, the likely social and economic effects have been assessed as follows:

Environmental effects

The introduction of a heritage overlay is unlikely to result in any significant environmental effects.

The amendment will conserve and enhance a place identified as being of aesthetic and historic significance.

The amendment will also make a significant positive contribution to the built environment conserving a heritage place.

Social effects

The amendment is expected to have positive social impacts by providing protection for a place identified as being of aesthetic and historic significance.

Economic effects

The amendment is not expected to have any adverse or significant economic repercussions for the community. Some additional costs are likely to be imposed on the owners or developers of affected residential properties, since the amendment will necessitate a planning permit for most buildings and

works. It is considered that economic effects will be offset by the contribution that the heritage place offers to the broader community.

Does the amendment address relevant bushfire risk?

The Amendment will not increase the risk of life, property, community infrastructure and the natural environment from bushfire.

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

The Amendment is consistent with the following Ministerial Directions:

- *Ministerial Direction on the Form and Content of Planning Schemes* under section 7(5) of the Planning and Environment Act 1987
- *Ministerial Direction No. 9 – Metropolitan Strategy (Plan Melbourne)* in terms of the identification and protection of places of heritage significance. The relevant components of Plan Melbourne are:
 - Direction 4.7 – Respect our heritage as we build for our future

This direction seeks to ensure that heritage is valued when managing growth and change. It acknowledges that Melbourne is recognised for its well-preserved heritage buildings and that there is a need to manage future growth and change so Melbourne's distinctive characteristics and heritage are maintained.
 - Initiative 4.7.1- Value heritage when managing growth and change

This initiative aims to protect the city's heritage and improve heritage management processes within the Victoria planning system.
- The Amendment is consistent with the directions and initiatives in the Metropolitan Strategy, in that it identifies and provides protection of a property of local heritage significance and conserves a part of Nillumbik Shire Council's heritage. The amendment also addresses the requirements of *Ministerial Direction No. 11 – Strategic Assessments of Amendments*.

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

The Amendment supports or implements the following clauses of the Planning Policy Framework:

Clause 15 Built Environment and Heritage

- Planning should ensure all land use and development appropriately responds to its surrounding landscape and character, valued built for form and cultural context.

Clause 15.03-1S Heritage conservation

- Objective: To ensure the conservation of places of heritage significance.
- Strategies:
 - Retain those elements that contribute to the importance of the heritage place.
 - Provide for the protection of natural heritage sites and man-made resources.
 - Support adaptive reuse of heritage buildings where their use has become redundant

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

The Local Planning Policy Framework and Municipal Strategic Statement have now moved into the Planning Policy Framework and Municipal Planning Strategy in the Nillumbik Planning Scheme. Please see above for response to the Planning Policy Framework.

The Amendment is consistent with the Municipal Planning Strategy and implements the following:

Clause 02.03-5 Built Environment under Heritage

- Protect and enhance places of heritage significance, including sites of Aboriginal heritage significance.

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

The application of the Heritage Overlay is the most appropriate mechanism for recognising and protecting the cultural heritage significance of the identified place. The assessment undertaken identifies that the property meets the threshold for local significance as a place that is important to the Nillumbik community or locality.

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

The views of relevant agencies will be sought during the public exhibition process of Amendment C140.

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

The Transport Integration Act 2010 requires that a planning authority have regard to transport system objectives and decision-making principles where a planning scheme amendment is likely to have a 'significant impact on the transport system'. There are no statements of policy principles relevant to the amendment.

Resource and administrative costs

The amendment will have minimal impact on the resource and administrative costs of the responsible authority.

Where you may inspect this amendment

The amendment can be inspected free of charge at the Nillumbik Council website at www.participate.vic.gov.au/amendment-c140

And/or

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 www.planning.vic.gov.au/public-inspection.

Submissions

Any person who may be affected by the amendment make a submission to the planning authority.
Submissions about the amendment must be received by **14 January 2022**

A submission must be sent to: Nillumbik Shire Council
Civic Drive (PO Box 476)
Greensborough 3088

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: Week starting 11 April 2022
- panel hearing: Week starting 9 May 2022

ATTACHMENT 1 - Mapping reference table

Location	Land /Area Affected	Mapping Reference
Hurstbridge	1010 Heidelberg-Kinglake Road	Nillumbik C140nill 001hoMap11 Exhibition

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Planning and Environment Act 1987

NILLUMBIK PLANNING SCHEME

AMENDMENT C140nill

INSTRUCTION SHEET

The planning authority for this amendment is the Nillumbik Shire Council.

The Nillumbik Planning Scheme is amended as follows:

Planning Scheme Maps

The Planning Scheme Maps are amended by a total of 1 attached map sheet.

Overlay Maps

1. Amend Planning Scheme Map No. 11HO in the manner shown on the attached map marked 'Nillumbik Planning Scheme Amendment C140nill'.

Planning Scheme Ordinance

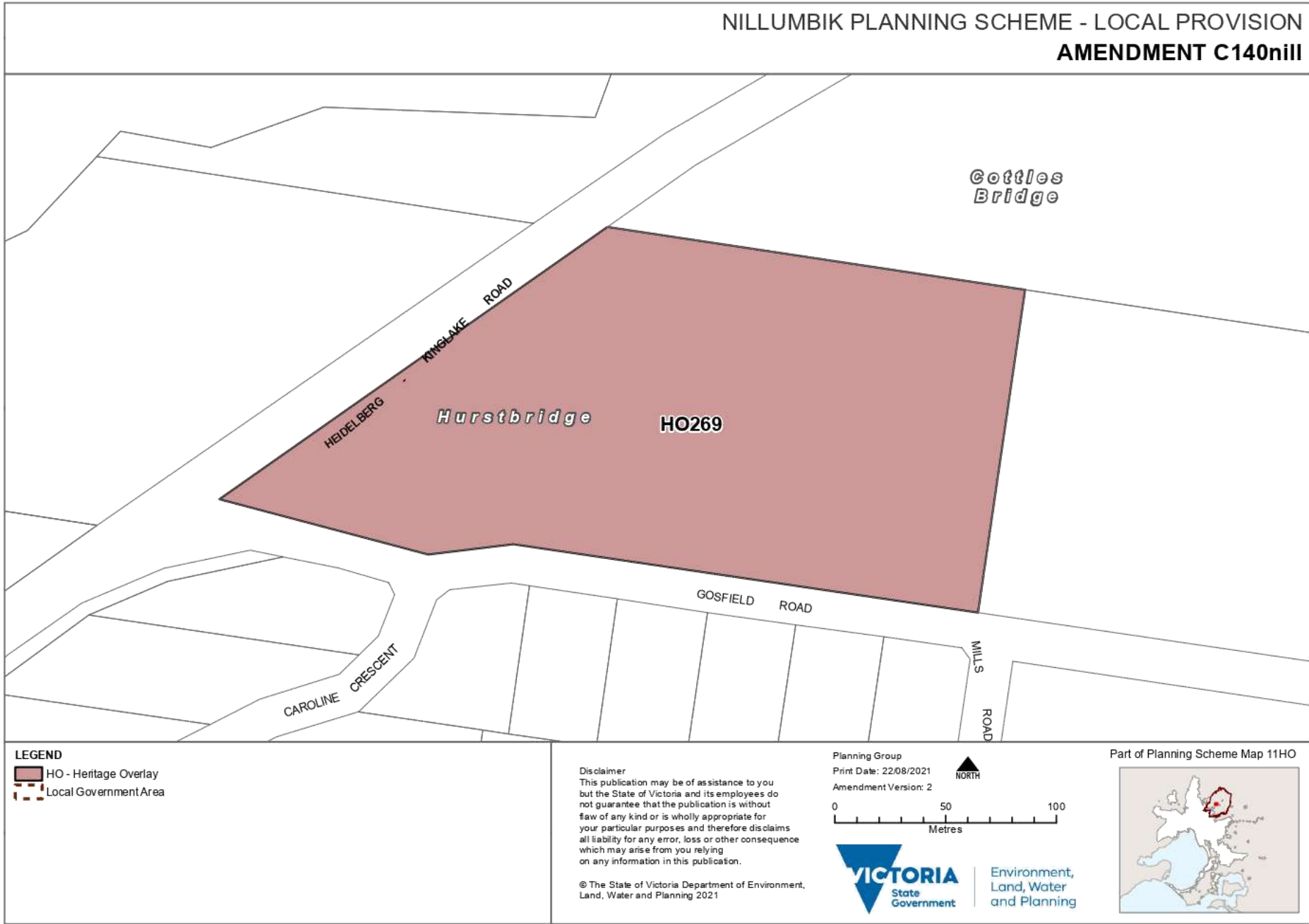
The Planning Scheme Ordinance is amended as follows:

2. In **Overlays** – Clause 43.01, replace the Schedule with a new Schedule in the form of the attached document.
3. In **Operational Provisions** – Clause 72.04, replace the Schedule with a new Schedule in the form of the attached document.
4. In **Operational Provisions** - Clause 72.08, replace the Schedule with a new Schedule in the form of the attached document.

End of document

OFFICIAL
OFFICIAL

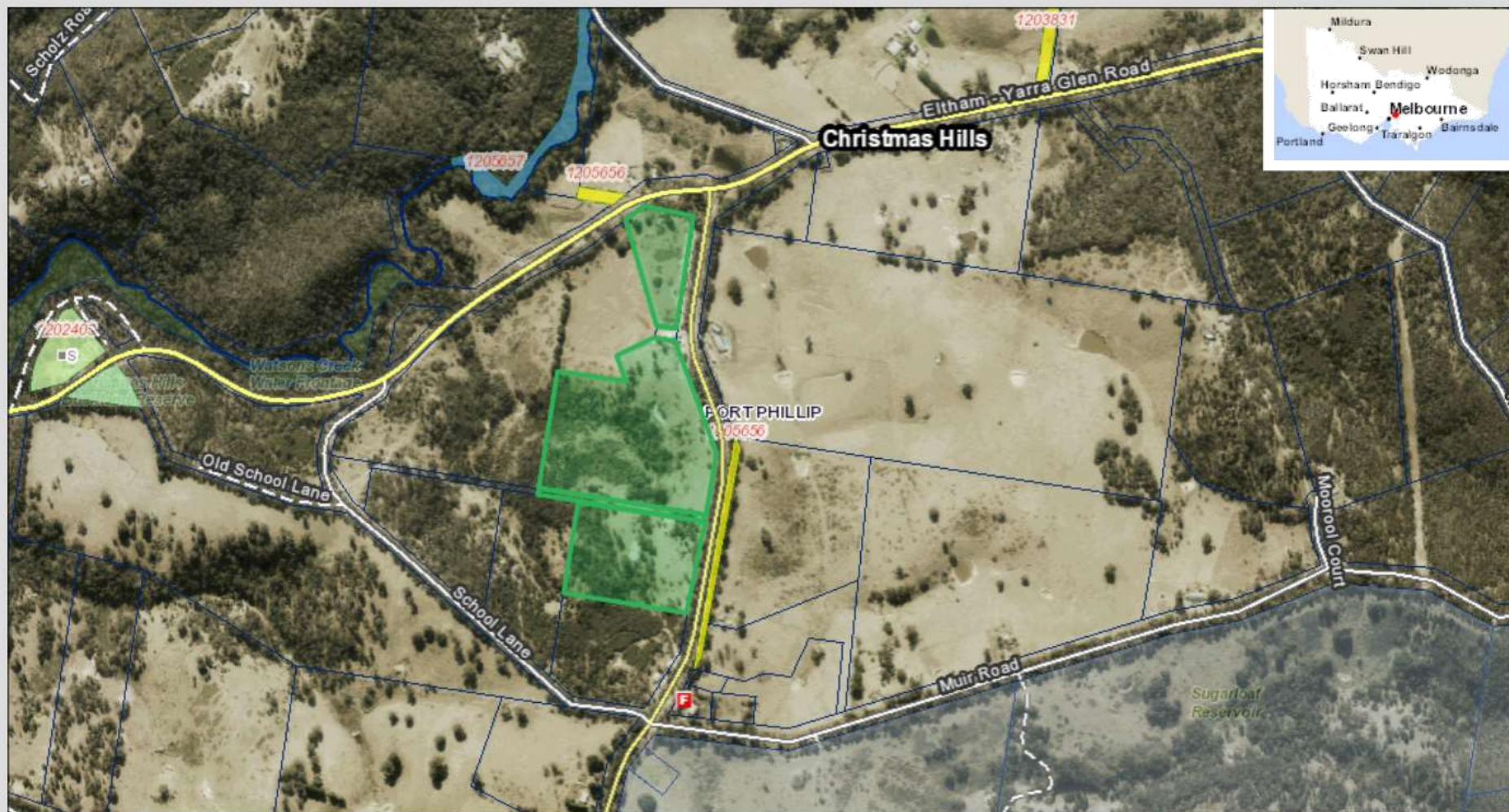
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Nillumbik Shire Council - COM Support Region (Historic Post Office and Tennis Courts)

Lot 1 & 2 TP382274, Lot 1 TP516578 & Lot 3 LP27152 _Part of 40 Simpson Rd, Christmas Hills



508 0 254 508 Meters

GDA_1994_VICGRID94

© The State of Victoria, Department of Environment, Land, Water and Planning 2021



Disclaimer: This map is a snapshot generated from Victorian Government data. This material may be of assistance to you but the State of Victoria does not guarantee that the publication is without flaw of any kind or is wholly appropriate for your particular purposes and therefore disclaims all liability for error, loss or damage which may arise from reliance upon it. All persons accessing this information should make appropriate enquiries to assess the currency of the data.

Map Created on 11-Nov-2021
 Scale 1:10,000



Nillumbik Shire Council - COM Support Region (Historic Post Office and Tennis Courts)

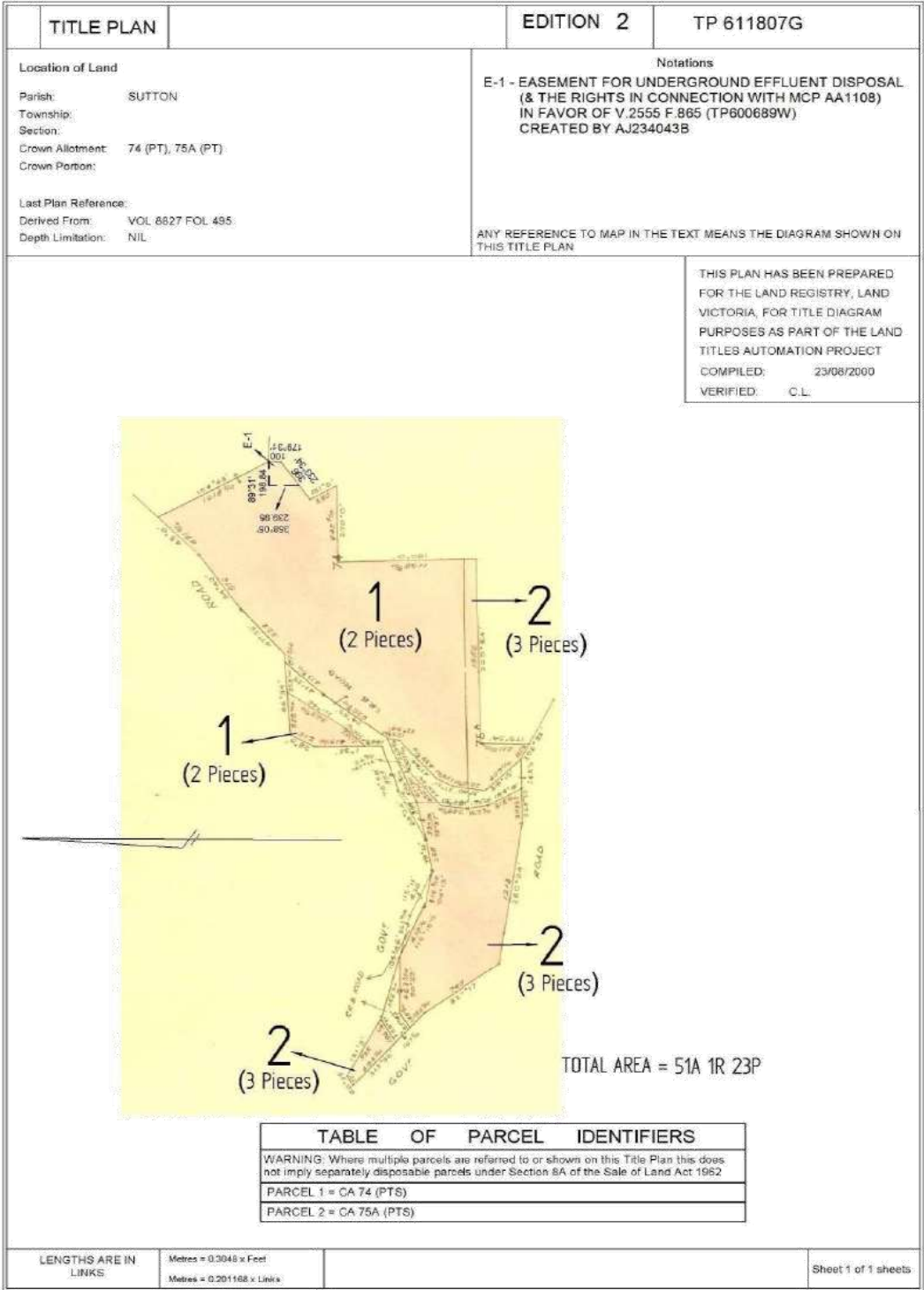
Lot 1 &2 TP382274, Lot 1 TP516578 & Lot 3 LP27152 _Part of 40 Simpson Rd, Christmas Hills

Legend

- | | |
|--------------------------------|---------------------------|
| DELWP Region | Services and Utilities |
| All Tenure Outline | State Forest |
| Lease | State Park |
| General Licence | Uncategorised Public Land |
| Riparian Management Licence | Water Body |
| Grazing Licence | Water Production |
| Water Frontage Licence | Wilderness Park |
| Unused Road Licence | Parcel |
| Government Road | |
| Dual Status Government Road | |
| Delegated Management Reserve | |
| Direct Management Reserve | |
| Public Land Detailed 0-1 | |
| Alpine Resort | |
| Coastal Reserve | |
| Commonwealth Land | |
| Community Use Area | |
| Earth Resources | |
| Essentially Natural Catchment | |
| Forest Park | |
| Historic Reserve | |
| Marine National Park | |
| Marine Sanctuary | |
| National Park | |
| Natural Features Reserve | |
| Nature Conservation Reserve | |
| NPA Schedule 3 Other Park | |
| NPA Schedule 4 Park or Reserve | |
| Other | |
| Plantation | |
| Port Coastal Facility | |
| Proposed National Parks Act | |
| Regional Park | |



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S6 Instrument of Delegation to Members of Council Staff

Updated February 2022

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Instrument of Delegation

In exercise of the power conferred by the legislation referred to in the attached Schedule, the Council:

1. delegates each duty and/or function and/or power described in column 1 of the Schedule (and summarised in column 2 of the Schedule) to the member of Council staff holding, acting in or performing the duties of the office or position described opposite each such duty and/or function and/or power in column 3 of the Schedule;
2. record that references in the Schedule are as follows:
 - CEH means Coordinator Environmental Health
 - CEO means Chief Executive Officer
 - CFO means Chief Financial Officer
 - CSC means Community Safety Coordinator
 - DOI means Director Operations and Infrastructure
 - DWO means Domestic Wastewater Officer
 - EHO means Environmental Health Officer
 - EMGCE means Executive Manager Governance, Communications and Engagement
 - EML means Emergency Management Lead
 - EMPCS means Executive Manager Planning and Community Safety
 - FM means Finance Manager
 - GL means Governance Lead
 - HTO means Health Technical Officer
 - MCSA means Manager Community Safety and Amenity
 - MCW means Manager Capital Works
 - ME means Manager Environment
 - MI means Manager Infrastructure
 - MPFM means Manager Property and Facilities Maintenance
 - MPS means Manager Planning Services
 - PBSC means Planning Business Support Coordinator
 - PIO means Planning Investigations Officer
 - PP means Principal Planner
 - PSO means Planning Support Officer
 - SO means Subdivisions Officer
 - SP means Statutory Planner
 - SPAO means Senior Planning Advisory Officer
 - SPC means Statutory Planning Coordinator
 - SPCIP means Statutory Planning Coordinator (Investigations and Planning)
 - SPL means Strategic Planning Lead
 - SSP means Senior Statutory Planner
 - SStrP means Senior Strategic Planner

- StrP means Strategic Planner
- SUD means Senior Urban Designer

3. declares that:

- 3.1 this Instrument of Delegation is authorised by a resolution of Council passed on 22 February 2022; and
- 3.2 the delegation:
 - 3.2.1 comes into force immediately the common seal of Council is affixed to this Instrument of Delegation;
 - 3.2.2 remains in force until varied or revoked;
 - 3.2.3 is subject to any conditions and limitations set out in sub-paragraph 3.3, and the Schedule; and
 - 3.2.4 must be exercised in accordance with any guidelines or policies which Council from time to time adopts; and
- 3.3 the delegate must not determine the issue, take the action or do the act or thing:
 - 3.3.1 if the issue, action, act or thing is an issue, action or thing which Council has previously designated as an issue, action, act or thing which must be the subject of a Resolution of Council; or
 - 3.3.2 if the determining of the issue, taking of the action or doing of the act or thing would or would be likely to involve a decision which is inconsistent with a
 - (a) policy; or
 - (b) strategy
adopted by Council;
 - 3.3.3 if the determining of the issue, the taking of the action or the doing of the act or thing cannot be the subject of a lawful delegation; or
 - 3.3.4 the determining of the issue, the taking of the action or the doing of the act or thing is already the subject of an exclusive delegation to another member of Council staff or delegated committee.

THE COMMON SEAL of NILLUMBIK)
SHIRE COUNCIL was affixed hereto)
On the day of 2022)
On the authority of the Council and)
signed by:)

..... Councillor

..... Chief Executive Officer

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v

SCHEDULE

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Domestic Animals Act 1994			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 41A(1)	Power to declare a dog to be a menacing dog	CSC, MCSA, EMPCS	Council may delegate this power to a Council authorised officer

Food Act 1984			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 19(2)(a)	Power to direct by written order that the food premises be put into a clean and sanitary condition	MCSA, EHO, DWO, CEH, EMPCS	If s 19(1) applies
s 19(2)(b)	Power to direct by written order that specified steps be taken to ensure that food prepared, sold or handled is safe and suitable	MCSA, EHO, DWO, CEH, EMPCS	If s 19(1) applies
s 19(3)	Power to direct by written order that the food premises not be kept or used for the sale, or handling for sale, of any food, or for the preparation of any food, or for any other specified purpose, or for the use of any specified equipment or a specified process	MCSA, CEH, EMPCS	If s 19(1) applies Only in relation to temporary food premises or mobile food premises
s 19(4)(a)	Power to direct that an order made under s 19(3)(a) or (b), (i) be affixed to a conspicuous part of the premises, and (ii) inform the public by notice in a published newspaper or otherwise	MCSA, CEH, EMPCS	If s 19(1) applies
s 19(6)(a)	Duty to revoke any order under section 19 if satisfied that an order has been complied with	MCSA, CEH, EMPCS	If s 19(1) applies
s 19(6)(b)	Duty to give written notice of revocation under section 19(6)(a) if satisfied that an order has been complied with	MCSA, EHO, DWO, CEH, EMPCS	If s 19(1) applies

Food Act 1984			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 19AA(2)	Power to direct, by written order, that a person must take any of the actions described in (a)-(c).	MCSA, CEH, EMPCS	Where Council is the registration authority
s 19AA(4)(c)	Power to direct, in an order made under s 19AA(2) or a subsequent written order, that a person must ensure that any food or class of food is not removed from the premises	MCSA, CEH, EMPCS	Note: the power to direct the matters under s 19AA(4)(a) and (b) not capable of delegation and so such directions must be made by a Council resolution
s 19AA(7)	Duty to revoke order issued under s 19AA and give written notice of revocation, if satisfied that that order has been complied with	MCSA, EHO, DWO, CEH, EMPCS	Where Council is the registration authority
s 19CB(4)(b)	Power to request copy of records	MCSA, EHO, DWO, HTO, CEH, EMPCS	Where Council is the registration authority
s 19E(1)(d)	Power to request a copy of the food safety program	MCSA, EHO, DWO, HTO, CEH, EMPCS	Where Council is the registration authority
s 19GB	Power to request proprietor to provide written details of the name, qualification or experience of the current food safety supervisor	MCSA, EHO, DWO, HTO, CEH, EMPCS	Where Council is the registration authority
s 19M(4)(a) & (5)	Power to conduct a food safety audit and take actions where deficiencies are identified	MCSA, EHO, DWO, CEH, EMPCS	Where Council is the registration authority
s 19NA(1)	Power to request food safety audit reports	MCSA, EHO, DWO, HTO, CEH, EMPCS	Where Council is the registration authority

Food Act 1984			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 19U(3)	Power to waive and vary the costs of a food safety audit if there are special circumstances	MCSA, CEH, EMPCS	
s 19UA	Power to charge fees for conducting a food safety assessment or inspection	MCSA, CEH, EMPCS	Except for an assessment required by a declaration under s 19C or an inspection under ss 38B(1)(c) or 39.
s 19W	Power to direct a proprietor of a food premises to comply with any requirement under Part IIIB	MCSA, EHO, DWO, CEH, EMPCS	Where Council is the registration authority
s 19W(3)(a)	Power to direct a proprietor of a food premises to have staff at the premises undertake training or instruction	MCSA, EHO, DWO, HTO, CEH, EMPCS	Where Council is the registration authority
s 19W(3)(b)	Power to direct a proprietor of a food premises to have details of any staff training incorporated into the minimum records required to be kept or food safety program of the premises	MCSA, EHO, DWO, HTO, CEH, EMPCS	Where Council is the registration authority
	Power to register, renew or transfer registration	MCSA, CEH, EMPCS	Where Council is the registration authority refusal to grant/renew/transfer registration must be ratified by Council or the CEO (see s 58A(2))
s 36A	Power to accept an application for registration or notification using online portal	MCSA, CEH	Where Council is the registration authority
s 36B	Duty to pay the charge for use of online portal	MCSA, CEH	Where Council is the registration authority

Food Act 1984			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 38AA(5)	Power to (a) request further information; or (b) advise the proprietor that the premises must be registered if the premises are not exempt	MCSA, EHO, DWO, HTO, CEH, EMPCS	Where Council is the registration authority
s 38AB(4)	Power to fix a fee for the receipt of a notification under s 38AA in accordance with a declaration under s 38AB(1)	MCSA, CEH, EMPCS	Where Council is the registration authority
s 38A(4)	Power to request a copy of a completed food safety program template	MCSA, EHO, DWO, HTO, CEH, EMPCS	Where Council is the registration authority
s 38B(1)(a)	Duty to assess the application and determine which class of food premises under s 19C the food premises belongs	MCSA, EHO, DWO, HTO, CEH, EMPCS	Where Council is the registration authority
s 38B(1)(b)	Duty to ensure proprietor has complied with requirements of s 38A	MCSA, EHO, DWO, HTO, CEH, EMPCS	Where Council is the registration authority
s 38B(2)	Duty to be satisfied of the matters in s 38B(2)(a)-(b)	MCSA, EHO, DWO, HTO, CEH, EMPCS	Where Council is the registration authority
s 38D(1)	Duty to ensure compliance with the applicable provisions of s 38C and inspect the premises if required by s 39	MCSA, EHO, DWO, HTO, CEH, EMPCS	Where Council is the registration authority
s 38D(2)	Duty to be satisfied of the matters in s 38D(2)(a)-(d)	MCSA, EHO, DWO, CEH, EMPCS	Where Council is the registration authority
s 38D(3)	Power to request copies of any audit reports	MCSA, EHO, DWO, HTO, CEH, EMPCS	Where Council is the registration authority

Food Act 1984			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 38E(2)	Power to register the food premises on a conditional basis	MCSA, CEH, EMPCS	Where Council is the registration authority not exceeding the prescribed time limit defined under s 38E(5)
s 38E(4)	Duty to register the food premises when conditions are satisfied	MCSA, CEH, EMPCS	Where Council is the registration authority
s 38F(3)(b)	Power to require proprietor to comply with requirements of this Act	MCSA, EHO, DWO, HTO, CEH, EMPCS	Where Council is the registration authority
s 38G(1)	Power to require notification of change of the food safety program type used for the food premises	MCSA, EHO, CEH	Where Council is the registration authority
s 38G(2)	Power to require the proprietor of the food premises to comply with any requirement of the Act	MCSA, EHO, CEH	Where Council is the registration authority
s 39A	Power to register, renew or transfer food premises despite minor defects	MCSA, CEH, EMPCS	Where Council is the registration authority Only if satisfied of matters in s 39A(2)(a)-(c)
s 40(2)	Power to incorporate the certificate of registration in one document with any certificate of registration under Part 6 of the Public Health and Wellbeing Act 2008	MCSA, CEH, EMPCS	
s 40C(2)	Power to grant or renew the registration of food premises for a period of less than 1 year	MCSA, CEH, EMPCS	Where Council is the registration authority

<i>Food Act 1984</i>			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 40D(1)	Power to suspend or revoke the registration of food premises	MCSA, CEH, EMPCS	Where Council is the registration authority
s 40F	Power to cancel registration of food premises	MCSA, CEH	Where Council is the registration authority
s 43F(6)	Duty to be satisfied that registration requirements under Division 3 have been met prior to registering, transferring or renewing registration of a component of a food business	MCSA, CEH, EMPCS	Where Council is the registration authority
s 43F(7)	Power to register the components of the food business that meet requirements in Division 3 and power to refuse to register the components that do not meet the requirements	MCSA, CEH, EMPCS	Where Council is the registration authority
s 46(5)	Power to institute proceedings against another person where the offence was due to an act or default by that other person and where the first person charged could successfully defend a prosecution, without proceedings first being instituted against the person first charged	MCSA, CEH, EMPCS	Where Council is the registration authority

<i>Heritage Act 2017</i>			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 116	Power to sub-delegate Executive Director's functions, duties or powers	CEO, MPS, EMPCS, SPL	Must first obtain Executive Director's written consent Council can only sub-delegate if the Instrument of Delegation from the Executive Director authorises sub-delegation

Local Government Act 1989			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 185L(4)	Power to declare and levy a cladding rectification charge	CEO	

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 4B	Power to prepare an amendment to the Victorian Planning Provisions	EMPCS, SPL	If authorised by the Minister
s 4G	Function of receiving prescribed documents and a copy of the Victorian Planning Provisions from the Minister	EMPCS, SPL	
s 4H	Duty to make amendment to Victoria Planning Provisions available in accordance with public availability requirements	EMPCS, SPL	
s 4I	Duty to keep Victorian Planning Provisions and other documents available in accordance with public availability requirements	EMPCS, SPL	
s 8A(2)	Power to prepare amendment to the planning scheme where the Minister has given consent under s 8A	EMPCS, SPL	

<i>Planning and Environment Act 1987</i>			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 8A(3)	Power to apply to Minister to prepare an amendment to the planning scheme	EMPCS, SPL	
s 8A(5)	Function of receiving notice of the Minister's decision	EMPCS, SPL	
s 8A(7)	Power to prepare the amendment specified in the application without the Minister's authorisation if no response received after 10 business days	EMPCS, SPL	
s 8B(2)	Power to apply to the Minister for authorisation to prepare an amendment to the planning scheme of an adjoining municipal district	EMPCS, SPL	
s 12(3)	Power to carry out studies and do things to ensure proper use of land and consult with other persons to ensure co-ordination of planning scheme with these persons	MPS, EMPCS, SPL	
s 12A(1)	Duty to prepare a municipal strategic statement (including power to prepare a municipal strategic statement under s19 of the Planning and Environment (Planning Schemes) Act 1996)	EMPCS, SPL	
s 12B(1)	Duty to review planning scheme	EMPCS, SPL	
s 12B(2)	Duty to review planning scheme at direction of Minister	EMPCS, SPL	

<i>Planning and Environment Act 1987</i>			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s.12B(5)	Duty to report findings of review of planning scheme to Minister without delay	EMPCS, SPL	
s 14	Duties of a Responsible Authority as set out in s 14(a) to (d)	EMPCS, SPL	
s 17(1)	Duty of giving copy amendment to the planning scheme	EMPCS, SPL	
s 17(2)	Duty of giving copy s 173 agreement	EMPCS, SPL	
s 17(3)	Duty of giving copy amendment, explanatory report and relevant documents to the Minister within 10 business days	EMPCS, SPL	
s 18	Duty to make amendment etc. available in accordance with public availability requirements	EMPCS, SPL	
s 19	Power to give notice, to decide not to give notice, to publish notice of amendment to a planning scheme and to exercise any other power under s 19 to a planning scheme	EMPCS, SPL	

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 19	Function of receiving notice of preparation of an amendment to a planning scheme	EMPCS, SPL	Where Council is not the planning authority and the amendment affects land within Council's municipal district; or Where the amendment will amend the planning scheme to designate Council as an acquiring authority.
s 20(1)	Power to apply to Minister for exemption from the requirements of s 19	EMPCS, SPL	
s 21(2)	Duty to make submissions available in accordance with public availability requirements	EMPCS, SPL	
s 21A(4)	Duty to publish notice	EMPCS, SPL	
s 22	Duty to consider all submissions	EMPCS, SPL	Except submissions which request a change to the items in s 22(5)(a) and (b)
s 23(1)(b)	Duty to refer submissions which request a change to the amendment to a panel	EMPCS, SPL	
s 23(2)	Power to refer to a panel submissions which do not require a change to the amendment	EMPCS, SPL	

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 24	Function to represent Council and present a submission at a panel hearing (including a hearing referred to in s 96D)	EMPCS, SPL	
s 26(1)	Power to make report available for inspection in accordance with the requirements set out in s 197B of the Act	EMPCS, SPL	
s 26(2)	Duty to keep report of panel available in accordance with public availability requirements	EMPCS, SPL	
s 27(2)	Power to apply for exemption if panel's report not received	EMPCS, SPL	
s 28(1)	Duty to notify the Minister if abandoning an amendment	EMPCS, SPL	Note: the power to make a decision to abandon an amendment cannot be delegated
s 28(2)	Duty to publish notice of the decision on Internet site	PBSC, SSP, SP, SPCIP, MPS, PSO, PP, SPAO, SStrP, StrP, SUD, EMPCS, SO, SPC, SPL	

<i>Planning and Environment Act 1987</i>			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 28(4)	Duty to make notice of the decision available on Council's Internet site for a period of at least 2 months	PBSC, SSP, SP, SPCIP, MPS, PSO, PP, SPAO, SStrP, StrP, SUD, EMPCS, SO, SPC, SPL	
s 30(4)(a)	Duty to say if amendment has lapsed	EMPCS, SPL	
s 30(4)(b)	Duty to provide information in writing upon request	EMPCS, SPL	
s 32(2)	Duty to give more notice if required	EMPCS, SPL	
s 33(1)	Duty to give more notice of changes to an amendment	EMPCS, SPL	
s 36(2)	Duty to give notice of approval of amendment	EMPCS, SPL	
s 38(5)	Duty to give notice of revocation of an amendment	EMPCS, SPL	
s 39	Function of being a party to a proceeding commenced under s 39 and duty to comply with determination by VCAT	EMPCS, SPL	
s 40(1)	Function of lodging copy of approved amendment	EMPCS, SPL	

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 41(1)	Duty to make a copy of an approved amendment available in accordance with the public availability requirements during inspection period	EMPCS, SPL	
s 41(2)	Duty to make a copy of an approved amendment and any documents lodged with it available in person in accordance with the requirements set out in s 197B of the Act after the inspection period ends	SStrP, StrP, SUD, EMPCS, SPL	
s 42(2)	Duty to make copy of planning scheme available in accordance with the public availability requirements	SPCIP, MPS, EMPCS, SPC, SPL	
s 46AAA	Duty to prepare an amendment to a planning scheme that relates to Yarra River land that is not inconsistent with anything in a Yarra Strategic Plan which is expressed to be binding on the responsible public entity	EMPCS, SPL	Where Council is a responsible public entity and is a planning authority Note: this provision is not yet in force, and will commence on the day on which the initial Yarra Strategic Plan comes into operation. It will affect a limited number of councils
s 46AW	Function of being consulted by the Minister	EMPCS	Where Council is a responsible public entity

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 46AX	Function of receiving a draft Statement of Planning Policy and written direction in relation to the endorsement of the draft Statement of Planning Policy Power to endorse the draft Statement of Planning Policy	EMPCS, SPL	Where Council is a responsible public entity
s 46AZC(2)	Duty not to prepare an amendment to a declared area planning scheme that is inconsistent with a Statement of Planning Policy for the declared area that is expressed to be binding on the responsible public entity	EMPCS, SPL	Where Council is a responsible public entity
s 46AZK	Duty not to act inconsistently with any provision of the Statement of Planning Policy that is expressed to be binding on the public entity when performing a function or duty or exercising a power in relation to the declared area	EMPCS, SPL	Where Council is a responsible public entity
s 46GI(2)(b)(i)	Power to agree to a lower rate of standard levy for a class of development of a particular type of land than the rate specified in a Minister's direction	CEO, EMPCS	Where Council is the planning authority, the municipal Council of the municipal district in which the land is located and/or the development agency
s 46GJ(1)	Function of receiving written directions from the Minister in relation to the preparation and content of infrastructure contributions plans	EMPCS, SPL	
s 46GK	Duty to comply with a Minister's direction that applies to Council as the planning authority	EMPCS, SPL	

<i>Planning and Environment Act 1987</i>			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 46GN(1)	Duty to arrange for estimates of values of inner public purpose land	EMPCS, SPL	
s 46GO(1)	Duty to give notice to owners of certain inner public purpose land	EMPCS, SPL	
s 46GP	Function of receiving a notice under s 46GO	EMPCS, SPL	Where Council is the collecting agency
s 46GQ	Function of receiving a submission from an affected owner who objects to the estimated value per hectare (or other appropriate unit of measurement) of the inner public purpose land	EMPCS, SPL	
s 46GR(1)	Duty to consider every submission that is made by the closing date for submissions included in the notice under s 46GO	EMPCS, SPL	
s 46GR(2)	Power to consider a late submission Duty to consider a late submission if directed to do so by the Minister	EMPCS, SPL	
s 46GS(1)	Power to accept or reject the estimate of the value of the inner public purpose land in a submission made under s 46GQ	EMPCS	

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 46GS(2)	Duty, if Council rejects the estimate of the value of the inner public purpose land in the submission, to refer the matter to the valuer-general, and notify the affected owner of the rejection and that the matter has been referred to the valuer-general	EMPCS, SPL	
s 46GT(2)	Duty to pay half of the fee fixed by the valuer-general for arranging and attending the conference	EMPCS, SPL	
s 46GT(4)	Function of receiving, from the valuer-general, written confirmation of the agreement between the planning authority's valuer and the affected owner's valuer as to the estimated value of the inner public purpose land	EMPCS, SPL	
s 46GT(6)	Function of receiving, from the valuer-general, written notice of a determination under s 46GT(5)	EMPCS, SPL	
s 46GU	Duty not to adopt an amendment under s.29 to an infrastructure contributions plan that specifies a land credit amount or a land equalisation amount that relates to a parcel of land in the ICP plan area of the plan unless the criteria in s 46GU(1)(a) and (b) are met	ND	
s 46GV(3)	Function of receiving the monetary component and any land equalisation amount of the infrastructure contribution Power to specify the manner in which the payment is to be made	EMPCS	Where Council is the collecting agency

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 46GV(3)(b)	Power to enter into an agreement with the applicant	CEO, EMPCS	Where Council is the collecting agency
s 46GV(4)(a)	Function of receiving the inner public purpose land in accordance with s 46GV(5) and (6)	EMPCS, SPL	Where Council is the development agency
s 46GV(4)(b)	Function of receiving the inner public purpose land in accordance with s 46GV(5) and (6)	EMPCS, SPL	Where Council is the collecting agency
s 46GV(7)	Duty to impose the requirements set out in s 46GV(3) and (4) as conditions on the permit applied for by the applicant to develop the land in the ICP plan area	SPCIP, MPS, EMPCS, SPC	
s 46GV(9)	Power to require the payment of a monetary component or the provision of the land component of an infrastructure contribution to be secured to Council's satisfaction	SPCIP, MPS, EMPCS, SPC, SPL	Where Council is the collecting agency
s 46GX(1)	Power to accept works, services or facilities in part or full satisfaction of the monetary component of an infrastructure contribution payable	SPCIP, MPS, MCW, EMPCS, SPC, SPL	Where Council is the collecting agency
s 46GX(2)	Duty, before accepting the provision of works, services or facilities by an applicant under s 46GX(1), to obtain the agreement of the development agency or agencies specified in the approved infrastructure contributions plan	SPCIP, MPS, EMPCS, SPC, SPL	Where Council is the collecting agency

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 46GY(1)	Duty to keep proper and separate accounts and records	CFO, SPCIP, MPS, EMPCS, SPC, SPL	Where Council is the collecting agency
s 46GY(2)	Duty to keep the accounts and records in accordance with the Local Government Act 2020	CFO, SPCIP, MPS, EMPCS, FM, SPC, SPL	Where Council is the collecting agency
s 46GZ(2)(a)	Duty to forward any part of the monetary component that is imposed for plan preparation costs to the planning authority that incurred those costs	CFO, EMPCS, FM, SPL	Where Council is the collecting agency under an approved infrastructure contributions plan This duty does not apply where Council is that planning authority
s 46GZ(2)(a)	Function of receiving the monetary component	CFO, SPCIP, MPS, EMPCS, FM, SPC, SPL	Where the Council is the planning authority This duty does not apply where Council is also the collecting agency
s 46GZ(2)(b)	Duty to forward any part of the monetary component that is imposed for the provision of works, services or facilities to the development agency that is specified in the plan, as responsible for those works, services or facilities	CFO, SPCIP, MPS, EMPCS, FM, SPC, SPL	Where Council is the collecting agency under an approved infrastructure contributions plan This provision does not apply where Council is also the relevant development agency

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 46GZ(2)(b)	Function of receiving the monetary component	CFO, SPCIP, MPS, EMPCS, FM, SPC, SPL	Where Council is the development agency under an approved infrastructure contributions plan This provision does not apply where Council is also the collecting agency
s 46GZ(4)	Duty to use any land equalisation amounts to pay land credit amounts under s 46GZ(7), except any part of those amounts that are to be forwarded to a development agency under s 46GZ(5)	CFO, SPCIP, MPS, EMPCS, FM, SPC, SPL	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZ(5)	Duty to forward any part of a land equalisation amount required for the acquisition of outer public purpose land by a development agency specified in the approved infrastructure contributions plan to that development agency	CFO, SPCIP, MPS, EMPCS, FM, SPC, SPL	Where Council is the collecting agency under an approved infrastructure contributions plan This provision does not apply where Council is also the relevant development agency
s 46GZ(5)	Function of receiving any part of a land equalisation amount required for the acquisition of outer public purpose land	CFO, SPCIP, MPS, EMPCS, FM, SPC, SPL	Where Council is the development agency specified in the approved infrastructure contributions plan This provision does not apply where Council is also the collecting agency
s 46GZ(7)	Duty to pay to each person who must provide an infrastructure contribution under the approved infrastructure contributions plan any land credit amount to which the person is entitled under s 46GW	CFO, SPCIP, MPS, EMPCS, FM, SPC, SPL	Where Council is the collecting agency under an approved infrastructure contributions plan

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 46GZ(9)	Duty to transfer the estate in fee simple in the land to the development agency specified in the approved infrastructure contributions plan as responsible for the use and development of that land	SPCIP, MPS, EMPCS, MPFM, SPC	If any inner public purpose land is vested in Council under the Subdivision Act 1988 or acquired by Council before the time it is required to be provided to Council under s 46GV(4) Where Council is the collecting agency under an approved infrastructure contributions plan This duty does not apply where Council is also the development agency
s 46GZ(9)	Function of receiving the fee simple in the land	MPFM	Where Council is the development agency under an approved infrastructure contributions plan This duty does not apply where Council is also the collecting agency
s 46GZA(1)	Duty to keep proper and separate accounts and records	MPFM	Where Council is the development agency under an approved infrastructure contributions plan
s 46GZA(2)	Duty to keep the accounts and records in accordance with the Local Government Act 2020	EMPCS, MPFM	Where Council is a development agency under an approved infrastructure contributions plan
s 46GZB(3)	Duty to follow the steps set out in s 46GZB(3)(a) – (c)	EMPCS, MPFM	Where Council is a development agency under an approved infrastructure contributions plan

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 46GZB(4)	Duty, in accordance with requirements of the VPA, to report on the use of the infrastructure contribution in the development agency's annual report and provide reports on the use of the infrastructure contribution to the VPA	MPS, MI, EMPCS, SPL	If the VPA is the collecting agency under an approved infrastructure contributions plan Where Council is a development agency under an approved infrastructure contributions plan
s 46GZD(2)	Duty, within 6 months after the date on which the approved infrastructure contributions plan expires, to follow the steps set out in s 46GZD(2)(a) and (b)	MPS, EMPCS	Where Council is the development agency under an approved infrastructure contributions plan
s 46GZD(3)	Duty to follow the steps set out in s 46GZD(3)(a) and (b)	MPS, EMPCS	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZD(5)	Duty to make payments under s 46GZD(3) in accordance with ss 46GZD(5)(a) and 46GZD(5)(b)	CFO, MPS, EMPCS, FM	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZE(2)	Duty to forward the land equalisation amount back to the collecting agency within 6 months after the expiry date if any part of a land equalisation amount paid or forwarded to a development agency for acquiring outer public purpose land has not been expended by the development agency to acquire that land at the date on which the approved infrastructure contributions plan expires	CFO, MPS, EMPCS, MPFM, FM	Where Council is the development agency under an approved infrastructure contributions plan This duty does not apply where Council is also the collecting agency

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 46GZE(2)	Function of receiving the unexpended land equalisation amount	CFO, MPS, EMPCS, FM	Where Council is the collecting agency under an approved infrastructure contributions plan This duty does not apply where Council is also the development agency
s 46GZE(3)	Duty, within 12 months after the date on which the approved infrastructure contributions plan expires, to follow the steps set out in s 46GZE(3)(a) and (b)	MPS, EMPCS	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZF(2)	Duty, within 12 months after the date on which the approved infrastructure contributions plan expires, to use the public purpose land for a public purpose approved by the Minister or sell the public purpose land	CFO, MPS, EMPCS, MPFM, FM	Where Council is the development agency under an approved infrastructure contributions plan
s.46GZF(3)	Duty, if land is sold under s.46GZF(2)(b), to follow the steps in s.46GZF(3)(a) and (b)	EMPCS, MPFM	Where Council is the development agency under an approved infrastructure contributions plan
s 46GZF(3)	s 46GZF(3)(a) function of receiving proceeds of sale	CFO, MPFM, FM	Where Council is the collection agency under an approved infrastructure contributions plan This provision does not apply where Council is also the development agency

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 46GZF(4)	Duty to divide the proceeds of the public purpose land among the current owners of each parcel of land in the ICP plan area and pay each current owner a portion of the proceeds in accordance with s 46GZF(5)	CFO, EMPCS, FM	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZF(6)	Duty to make the payments under s 46GZF(4) in accordance with s 46GZF(6)(a) and (b)	CFO, EMPCS, FM	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZH	Power to recover the monetary component, or any land equalisation amount of the land component, payable under Part 3AB as a debt in any court of competent jurisdiction	CFO, EMPCS, FM	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZI	Duty to prepare and give a report to the Minister at the times required by the Minister	MPS, EMPCS	Where Council is a collecting agency or development agency
s 46GZK	Power to deal with public purpose land which has vested in, been acquired by, or transferred to, Council	EMPCS, MPFM	Where Council is a collecting agency or development agency
s 46LB(3)	Duty to publish, on Council's Internet site, the payable dwelling amount for a financial year on or before 1 July of each financial year for which the amount is adjusted under s 46LB (2)	CFO, MPS, EMPCS, MPFM, FM	
s 46N(1)	Duty to include condition in permit regarding payment of development infrastructure levy	SPCIP, MPS, EMPCS, SPC	

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 46N(2)(c)	Function of determining time and manner for receipt of development contributions levy	SPCIP, MPS, EMPCS, SPC	
s 46N(2)(d)	Power to enter into an agreement with the applicant regarding payment of development infrastructure levy	SSP, SPCIP, MPS, SPAO, EMPCS, SPC	
s 46O(1)(a) & (2)(a)	Power to ensure that community infrastructure levy is paid, or agreement is in place, prior to issuing building permit	SPCIP, MPS, EMPCS, SPC	
s 46O(1)(d) & (2)(d)	Power to enter into agreement with the applicant regarding payment of community infrastructure levy	SPCIP, MPS, EMPCS, SPC	
s 46P(1)	Power to require payment of amount of levy under s 46N or s 46O to be satisfactorily secured	SPCIP, MPS, EMPCS, SPC	
s 46P(2)	Power to accept provision of land, works, services or facilities in part or full payment of levy payable	SPCIP, MPS, EMPCS, SPC	
s 46Q(1)	Duty to keep proper accounts of levies paid	SPCIP, MPS, EMPCS, SPC	

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 46Q(1A)	Duty to forward to development agency part of levy imposed for carrying out works, services, or facilities on behalf of development agency or plan preparation costs incurred by a development agency	SPCIP, MPS, EMPCS, SPC	
s 46Q(2)	Duty to apply levy only for a purpose relating to the provision of plan preparation costs or the works, services and facilities in respect of which the levy was paid etc	SPCIP, MPS, EMPCS, SPC	
s 46Q(3)	Power to refund any amount of levy paid if it is satisfied the development is not to proceed	SPCIP, MPS, EMPCS, SPC	Only applies when levy is paid to Council as a 'development agency'
s 46Q(4)(c)	Duty to pay amount to current owners of land in the area if an amount of levy has been paid to a municipal council as a development agency for plan preparation costs incurred by the Council or for the provision by the Council of works, services or facilities in an area under s 46Q(4)(a)	CFO, SPCIP, MPS, EMPCS, FM, SPC	Must be done within six months of the end of the period required by the development contributions plan and with the consent of, and in the manner approved by, the Minister
s 46Q(4)(d)	Duty to submit to the Minister an amendment to the approved development contributions plan	EMPCS, SPL	Must be done in accordance with Part 3
s46Q(4)(e)	Duty to expend that amount on other works etc.	SPCIP, MPS, EMPCS, SPC, SPL	With the consent of, and in the manner approved by, the Minister

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 46QC	Power to recover any amount of levy payable under Part 3B	SPCIP, MPS, EMPCS, SPC	
s 46QD	Duty to prepare report and give a report to the Minister	MPS, EMPCS, SPL	Where Council is a collecting agency or development agency
s 46V(3)	Duty to make a copy of the approved strategy plan (being the Melbourne Airport Environs Strategy Plan) and any documents lodged with it available	EMPCS, SPL	
s 46Y	Duty to carry out works in conformity with the approved strategy plan	SPCIP, MPS, EMPCS, SPC, SPL	
s 47	Power to decide that an application for a planning permit does not comply with that Act	SPCIP, MPS, EMPCS, SPC	
s 49(1)	Duty to keep a register of all applications for permits and determinations relating to permits	SPCIP, MPS, EMPCS, SPC	
s 49(2)	Duty to make register available for inspection in accordance with the public availability requirements	PBSC, SPCIP, MPS, EMPCS, SPC	

<i>Planning and Environment Act 1987</i>			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 50(4)	Duty to amend application	SSP, SP, SPCIP, MPS, PSO, PP, SPAO, SStrP, StrP, SUD, EMPCS, SO, SPC, SPL	
s 50(5)	Power to refuse to amend application	SSP, SP, SPCIP, MPS, PSO, PP, SPAO, SStrP, StrP, SUD, EMPCS, SO, SPC, SPL	
s 50(6)	Duty to make note of amendment to application in register	PBSC, SSP, SP, SPCIP, MPS, PSO, PP, SPAO, SStrP, StrP, SUD, EMPCS, SO, SPC, SPL	
s 50A(1)	Power to make amendment to application	SSP, SP, SPCIP, MPS, PSO, PP, SPAO, SStrP, StrP, SUD, EMPCS, SO, SPC, SPL	

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 50A(3)	Power to require applicant to notify owner and make a declaration that notice has been given	SSP, SP, SPCIP, MPS, PSO, PP, SPAO, SSrP, StrP, SUD, EMPCS, SO, SPC, SPL	
s 50A(4)	Duty to note amendment to application in register	PBSC, SSP, SP, SPCIP, MPS, PSO, PP, SPAO, SSrP, StrP, SUD, EMPCS, SO, SPC, SPL	
s 51	Duty to make copy of application available for inspection in accordance with the public availability requirements	PBSC, SSP, SP, SPCIP, MPS, PSO, PP, SPAO, SSrP, StrP, SUD, EMPCS, SO, SPC, SPL	
s 52(1)(a)	Duty to give notice of the application to owners/occupiers of adjoining allotments unless satisfied that the grant of permit would not cause material detriment to any person	SSP, SP, SPCIP, MPS, PSO, PP, SPAO, SSrP, StrP, SUD, EMPCS, SPC, SPL	

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 52(1)(b)	Duty to give notice of the application to other municipal council where appropriate	SSP, SP, SPCIP, MPS, PSO, PP, SPAO, SStrP, StrP, SUD, EMPCS, SPC, SPL	
s 52(1)(c)	Duty to give notice of the application to all persons required by the planning scheme	SSP, SP, SPCIP, MPS, PSO, PP, SPAO, SStrP, StrP, SUD, EMPCS, SPC, SPL	
s 52(1)(ca)	Duty to give notice of the application to owners and occupiers of land benefited by a registered restrictive covenant if may result in breach of covenant	SSP, SP, SPCIP, MPS, PSO, PP, SPAO, SStrP, StrP, SUD, EMPCS, SPC, SPL	
s 52(1)(cb)	Duty to give notice of the application to owners and occupiers of land benefited by a registered restrictive covenant if application is to remove or vary the covenant	SSP, SP, SPCIP, MPS, PSO, PP, SPAO, SStrP, StrP, SUD, EMPCS, SPC, SPL	

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 52(1)(d)	Duty to give notice of the application to other persons who may be detrimentally effected	SSP, SP, SPCIP, MPS, PSO, PP, SPAO, SStrP, StrP, SUD, EMPCS, SPC, SPL	
s.52(1AA)	Duty to give notice of an application to remove or vary a registered restrictive covenant	SSP, SP, SPCIP, MPS, PSO, PP, SPAO, SStrP, StrP, SUD, EMPCS, SPC, SPL	
s 52(3)	Power to give any further notice of an application where appropriate	SSP, SP, SPCIP, MPS, PSO, PP, SPAO, SStrP, StrP, SUD, EMPCS, SPC, SPL	
s 53(1)	Power to require the applicant to give notice under s 52(1) to persons specified by it	SSP, SP, SPCIP, MPS, PSO, PP, SPAO, SStrP, StrP, SUD, EMPCS, SPC, SPL	

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 53(1A)	Power to require the applicant to give the notice under s 52(1AA)	SSP, SP, SPCIP, MPS, PSO, PP, SPAO, SStrP, StrP, SUD, EMPCS, SPC, SPL	
s 54(1)	Power to require the applicant to provide more information	SSP, SP, SPCIP, MPS, PSO, PP, SPAO, SStrP, StrP, SUD, EMPCS, SO, SPC, SPL	
s 54(1A)	Duty to give notice in writing of information required under s 54(1)	SSP, SP, SPCIP, MPS, PSO, PP, SPAO, SStrP, StrP, SUD, EMPCS, SO, SPC, SPL	
s 54(1B)	Duty to specify the lapse date for an application	SSP, SP, SPCIP, MPS, PSO, PP, SPAO, SStrP, StrP, SUD, EMPCS, SO, SPC, SPL	

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 54A(3)	Power to decide to extend time or refuse to extend time to give required information	SSP, SP, SPCIP, MPS, PSO, PP, SPAO, SStrP, StrP, SUD, EMPCS, SO, SPC, SPL	
s 54A(4)	Duty to give written notice of decision to extend or refuse to extend time under s 54A(3)	SSP, SP, SPCIP, MPS, PSO, PP, SPAO, SStrP, StrP, SUD, EMPCS, SO, SPC, SPL	
s 55(1)	Duty to give copy application, together with the prescribed information, to every referral authority specified in the planning scheme	SSP, SP, SPCIP, MPS, PSO, PP, SPAO, SStrP, StrP, SUD, EMPCS, SO, SPC, SPL	
s 57(2A)	Power to reject objections considered made primarily for commercial advantage for the objector	SSP, SP, SPCIP, MPS, PSO, PP, SPAO, SStrP, StrP, SUD, EMPCS, SO, SPC, SPL	

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 57(3)	Function of receiving name and address of persons to whom notice of decision is to go	PBSC, SSP, SP, SPCIP, MPS, PSO, PP, SPAO, SStrP, StrP, SUD, EMPCS, SO, SPC, SPL	
s 57(5)	Duty to make a copy of all objections available in accordance with the public availability requirements	PBSC, PBSO, SSP, SP, SPCIP, MPS, PSO, PP, SPAO, SStrP, StrP, SUD, EMPCS, SO, SPC, SPL	
s 57A(4)	Duty to amend application in accordance with applicant's request, subject to s 57A(5)	SSP, SP, SPCIP, MPS, PSO, PP, SPAO, SStrP, StrP, SUD, EMPCS, SO, SPC, SPL	
s 57A(5)	Power to refuse to amend application	SSP, SP, SPCIP, MPS, PSO, PP, SPAO, SStrP, StrP, SUD, EMPCS, SO, SPC, SPL	

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 57A(6)	Duty to note amendments to application in register	PBSC, SSP, SP, SPCIP, MPS, PSO, PP, SPAO, SStrP, StrP, SUD, EMPCS, SO, SPC, SPL	
s 57B(1)	Duty to determine whether and to whom notice should be given	SSP, SP, SPCIP, MPS, PSO, PP, SPAO, SStrP, StrP, SUD, EMPCS, SO, SPC, SPL	
s 57B(2)	Duty to consider certain matters in determining whether notice should be given	SSP, SP, SPCIP, MPS, PSO, PP, SPAO, SStrP, StrP, SUD, EMPCS, SO, SPC, SPL	
s 57C(1)	Duty to give copy of amended application to referral authority	SSP, SP, SPCIP, MPS, PSO, PP, SPAO, SStrP, StrP, SUD, EMPCS, SO, SPC, SPL	

<i>Planning and Environment Act 1987</i>			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 58	Duty to consider every application for a permit	SSP, SP, SPCIP, MPS, PSO, PP, SPAO, SStrP, StrP, SUD, EMPCS, SO, SPC, SPL	
s 58A	Power to request advice from the Planning Application Committee	SPCIP, MPS, EMPCS, SPC	
s 60	Duty to consider certain matters	SSP, SP, SPCIP, MPS, PSO, PP, SPAO, SStrP, StrP, SUD, EMPCS, SO, SPC, SPL	
s 60(1A)	Duty to consider certain matters	SSP, SP, SPCIP, MPS, PSO, PP, SPAO, SStrP, StrP, SUD, EMPCS, SO, SPC, SPL	

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 60(1B)	Duty to consider number of objectors in considering whether use or development may have significant social effect	SSP, SP, SPCIP, MPS, PSO, PP, SPAO, SStrP, StrP, SUD, EMPCS, SO, SPC, SPL	
s 61(1)	Power to determine permit application, either to decide to grant a permit, to decide to grant a permit with conditions or to refuse a permit application	CEO, SPCIP, MPS, EMPCS, SPC	The permit must not be inconsistent with a cultural heritage management plan under the Aboriginal Heritage Act 2006 In accordance with delegations issued by Council (or unless called in by a ward Councillor or Councillors)
s 61(2)	Duty to decide to refuse to grant a permit if a relevant determining referral authority objects to grant of permit	CEO, SPCIP, MPS, EMPCS, SPC	
s 61(2A)	Power to decide to refuse to grant a permit if a relevant recommending referral authority objects to the grant of permit	CEO, SPCIP, MPS, EMPCS, SPC	
s 61(3)(a)	Duty not to decide to grant a permit to use coastal Crown land without Minister's consent	CEO, SPCIP, MPS, EMPCS, SPC	
s 61(3)(b)	Duty to refuse to grant the permit without the Minister's consent	CEO, SPCIP, MPS, EMPCS, SPC	

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 61(4)	Duty to refuse to grant the permit if grant would authorise a breach of a registered restrictive covenant	CEO, SPCIP, MPS, EMPCS, SPC	
s 62(1)	Duty to include certain conditions in deciding to grant a permit	SPCIP, MPS, EMPCS, SPC	
s 62(2)	Power to include other conditions	SPCIP, MPS, EMPCS, SPC	
s 62(4)	Duty to ensure conditions are consistent with paragraphs (a),(b) and (c)	SSP, SP, SPCIP, MPS, PSO, PP, SPAO, SStrP, StrP, SUD, EMPCS, SO, SPC, SPL	
s 62(5)(a)	Power to include a permit condition to implement an approved development contributions plan or an approved infrastructure contributions plan	SPCIP, MPS, EMPCS, SPC	
s 62(5)(b)	Power to include a permit condition that specified works be provided on or to the land or paid for in accordance with s 173 agreement	SPCIP, MPS, EMPCS, SPC	

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 62(5)(c)	Power to include a permit condition that specified works be provided or paid for by the applicant	SPCIP, MPS, EMPCS, SPC	
s 62(6)(a)	Duty not to include a permit condition requiring a person to pay an amount for or provide works except in accordance with ss 46N(1), 46GV(7) or 62(5)	SPCIP, MPS, EMPCS, SPC	
s 62(6)(b)	Duty not to include a permit condition requiring a person to pay an amount for or provide works except a condition that a planning scheme requires to be included as referred to in s 62(1)(a)	SSP, SP, SPCIP, MPS, PSO, PP, SPAO, SStrP, StrP, SUD, EMPCS, SO, SPC, SPL	
s 63	Duty to issue the permit where made a decision in favour of the application (if no one has objected)	SSP, SP, SPCIP, MPS, PSO, PP, SPAO, SStrP, StrP, SUD, EMPCS, SO, SPC, SPL	
s 64(1)	Duty to give notice of decision to grant a permit to applicant and objectors	SSP, SP, SPCIP, MPS, PSO, PP, SPAO, SStrP, StrP, SUD, EMPCS, SO, SPC, SPL	This provision applies also to a decision to grant an amendment to a permit - see s 75

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 64(3)	Duty not to issue a permit until after the specified period	SSP, SP, SPCIP, MPS, PSO, PP, SPAO, SSrP, StrP, SUD, EMPCS, SO, SPC, SPL	This provision applies also to a decision to grant an amendment to a permit - see s 75
s 64(5)	Duty to give each objector a copy of an exempt decision	SSP, SP, SPCIP, MPS, PSO, PP, SPAO, SSrP, StrP, SUD, EMPCS, SO, SPC, SPL	This provision applies also to a decision to grant an amendment to a permit - see s 75
s 64A	Duty not to issue permit until the end of a period when an application for review may be lodged with VCAT or until VCAT has determined the application, if a relevant recommending referral authority has objected to the grant of a permit	SSP, SP, SPCIP, MPS, PSO, PP, SPAO, SSrP, StrP, SUD, EMPCS, SO, SPC, SPL	This provision applies also to a decision to grant an amendment to a permit - see s 75A
s 65(1)	Duty to give notice of refusal to grant permit to applicant and person who objected under s 57	SSP, SP, SPCIP, MPS, PSO, PP, SPAO, SSrP, StrP, SUD, EMPCS, SO, SPC, SPL	

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 66(1)	Duty to give notice under s 64 or s 65 and copy permit to relevant determining referral authorities	SSP, SP, SPCIP, MPS, PSO, PP, SPAO, SStrP, StrP, SUD, EMPCS, SO, SPC, SPL	
s 66(2)	Duty to give a recommending referral authority notice of its decision to grant a permit	SSP, SP, SPCIP, MPS, PSO, PP, SPAO, SStrP, StrP, SUD, EMPCS, SO, SPC, SPL	If the recommending referral authority objected to the grant of the permit or the responsible authority decided not to include a condition on the permit recommended by the recommending referral authority
s 66(4)	Duty to give a recommending referral authority notice of its decision to refuse a permit	SSP, SP, SPCIP, MPS, PSO, PP, SPAO, SStrP, StrP, SUD, EMPCS, SO, SPC, SPL	If the recommending referral authority objected to the grant of the permit or the recommending referral authority recommended that a permit condition be included on the permit
s 66(6)	Duty to give a recommending referral authority a copy of any permit which Council decides to grant and a copy of any notice given under s 64 or 65	SSP, SP, SPCIP, MPS, PSO, PP, SPAO, SStrP, StrP, SUD, EMPCS, SO, SPC, SPL	If the recommending referral authority did not object to the grant of the permit or the recommending referral authority did not recommend a condition be included on the permit

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 69(1)	Function of receiving application for extension of time of permit	SSP, SP, SPCIP, MPS, PSO, PP, SPAO, SStrP, StrP, SUD, EMPCS, SO, SPC, SPL	
s 69(1A)	Function of receiving application for extension of time to complete development	SSP, SP, SPCIP, MPS, PSO, PP, SPAO, SStrP, StrP, SUD, EMPCS, SO, SPC, SPL	
s 69(2)	Power to extend time	SPCIP, MPS, EMPCS, SPC	
s 70	Duty to make copy permit available for inspection in accordance with the public availability requirements	PBSC, SSP, SP, SPCIP, MPS, PSO, PP, SPAO, SStrP, StrP, SUD, EMPCS, SO, SPC, SPL	
s 71(1)	Power to correct certain mistakes	SPCIP, MPS, EMPCS, SPC	

<i>Planning and Environment Act 1987</i>			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 71(2)	Duty to note corrections in register	PBSC, SSP, SP, SPCIP, MPS, PSO, PP, SPAO, SStrP, StrP, SUD, EMPCS, SO, SPC, SPL	
s 73	Power to decide to grant amendment subject to conditions	SPCIP, MPS, EMPCS, SPC	
s 74	Duty to issue amended permit to applicant if no objectors	SSP, SP, SPCIP, MPS, PSO, PP, SPAO, SStrP, StrP, SUD, EMPCS, SO, SPC, SPL	
s 76	Duty to give applicant and objectors notice of decision to refuse to grant amendment to permit	SSP, SP, SPCIP, MPS, PSO, PP, SPAO, SStrP, StrP, SUD, EMPCS, SO, SPC, SPL	

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 76A(1)	Duty to give relevant determining referral authorities copy of amended permit and copy of notice	SSP, SP, SPCIP, MPS, PSO, PP, SPAO, SStrP, StrP, SUD, EMPCS, SO, SPC, SPL	
s 76A(2)	Duty to give a recommending referral authority notice of its decision to grant an amendment to a permit	SSP, SP, SPCIP, MPS, PSO, PP, SPAO, SStrP, StrP, SUD, EMPCS, SO, SPC, SPL	If the recommending referral authority objected to the amendment of the permit or the responsible authority decided not to include a condition on the amended permit recommended by the recommending referral authority
s 76A(4)	Duty to give a recommending referral authority notice of its decision to refuse a permit	SSP, SP, SPCIP, MPS, PSO, PP, SPAO, SStrP, StrP, SUD, EMPCS, SO, SPC, SPL	If the recommending referral authority objected to the amendment of the permit or the recommending referral authority recommended that a permit condition be included on the amended permit
s 76A(6)	Duty to give a recommending referral authority a copy of any amended permit which Council decides to grant and a copy of any notice given under s 64 or 76	SSP, SP, SPCIP, MPS, PSO, PP, SPAO, SStrP, StrP, SUD, EMPCS, SO, SPC, SPL	If the recommending referral authority did not object to the amendment of the permit or the recommending referral authority did not recommend a condition be included on the amended permit

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 76D	Duty to comply with direction of Minister to issue amended permit	SSP, SP, SPCIP, MPS, PSO, PP, SPAO, SStrP, StrP, SUD, EMPCS, SO, SPC, SPL	
s 83	Function of being respondent to an appeal	SSP, SP, SPCIP, MPS, PSO, PP, SPAO, SStrP, StrP, SUD, EMPCS, SO, SPC, SPL	
s 83B	Duty to give or publish notice of application for review	SSP, SP, SPCIP, MPS, PSO, PP, SPAO, SStrP, StrP, SUD, EMPCS, SO, SPC, SPL	
s 84(1)	Power to decide on an application at any time after an appeal is lodged against failure to grant a permit	SPCIP, MPS, EMPCS, SPC	

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 84(2)	Duty not to issue a permit or notice of decision or refusal after an application is made for review of a failure to grant a permit	SSP, SP, SPCIP, MPS, PSO, PP, SPAO, SSrP, StrP, SUD, EMPCS, SO, SPC, SPL	
s 84(3)	Duty to tell principal registrar if decide to grant a permit after an application is made for review of its failure to grant a permit	SSP, SP, SPCIP, MPS, PSO, PP, SPAO, SSrP, StrP, SUD, EMPCS, SO, SPC, SPL	
s 84(6)	Duty to issue permit on receipt of advice within 3 working days	SSP, SP, SPCIP, MPS, PSO, PP, SPAO, SSrP, StrP, SUD, EMPCS, SO, SPC, SPL	
s 84AB	Power to agree to confining a review by the Tribunal	SSP, SPCIP, MPS, PSO, PP, SPAO, EMPCS, SPC	

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 86	Duty to issue a permit at order of Tribunal within 3 working days	SSP, SP, SPCIP, MPS, PSO, PP, SPAO, SSrP, StrP, SUD, EMPCS, SO, SPC, SPL	
s 87(3)	Power to apply to VCAT for the cancellation or amendment of a permit	SPCIP, MPS, EMPCS, SPC	
s 90(1)	Function of being heard at hearing of request for cancellation or amendment of a permit	SSP, SP, SPCIP, MPS, PSO, PP, SPAO, SSrP, StrP, SUD, EMPCS, SO, SPC, SPL	
s 91(2)	Duty to comply with the directions of VCAT	SSP, SP, SPCIP, MPS, PSO, PP, SPAO, SSrP, StrP, SUD, EMPCS, SO, SPC, SPL	

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 91(2A)	Duty to issue amended permit to owner if Tribunal so directs	SSP, SP, SPCIP, MPS, PSO, PP, SPAO, SSrP, StrP, SUD, EMPCS, SO, SPC, SPL	
s 92	Duty to give notice of cancellation/amendment of permit by VCAT to persons entitled to be heard under s 90	SSP, SP, SPCIP, MPS, PSO, PP, SPAO, SSrP, StrP, SUD, EMPCS, SO, SPC, SPL	
s 93(2)	Duty to give notice of VCAT order to stop development	SSP, SP, SPCIP, MPS, PSO, PP, SPAO, SSrP, StrP, SUD, EMPCS, SO, SPC, SPL	
s 95(3)	Function of referring certain applications to the Minister	SPCIP, MPS, EMPCS, SPC	

<i>Planning and Environment Act 1987</i>			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 95(4)	Duty to comply with an order or direction	SSP, SP, SPCIP, MPS, PSO, PP, SPAO, SStrP, StrP, SUD, EMPCS, SO, SPC, SPL	
s 96(1)	Duty to obtain a permit from the Minister to use and develop its land	CEO, SPCIP, MPS, DOI, EMPCS, SPC	
s 96(2)	Function of giving consent to other persons to apply to the Minister for a permit to use and develop Council land	CEO, SPCIP, MPS, DOI, EMPCS, SPC	
s 96A(2)	Power to agree to consider an application for permit concurrently with preparation of proposed amendment	SPCIP, MPS, EMPCS, SPC, SPL	
s 96C	Power to give notice, to decide not to give notice, to publish notice and to exercise any other power under s 96C	SPCIP, MPS, EMPCS, SPC, SPL	
s 96F	Duty to consider the panel's report under s 96E	SPCIP, MPS, EMPCS, SPC, SPL	

<i>Planning and Environment Act 1987</i>			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 96G(1)	Power to determine to recommend that a permit be granted or to refuse to recommend that a permit be granted and power to notify applicant of the determination (including power to give notice under s 23 of the Planning and Environment (Planning Schemes) Act 1996)	SPCIP, MPS, EMPCS, SPC	
s 96H(3)	Power to give notice in compliance with Minister's direction	SPCIP, MPS, EMPCS, SPC	
s 96J	Power to issue permit as directed by the Minister	SPCIP, MPS, EMPCS, SPC	
s 96K	Duty to comply with direction of the Minister to give notice of refusal	SPCIP, MPS, EMPCS, SPC	
s 96Z	Duty to keep levy certificates given to it under ss 47 or 96A for no less than 5 years from receipt of the certificate	SPCIP, MPS, EMPCS, SPC	
s 97C	Power to request Minister to decide the application	SPCIP, MPS, EMPCS, SPC	
s 97D(1)	Duty to comply with directions of Minister to supply any document or assistance relating to application	SPCIP, MPS, EMPCS, SPC	

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 97G(3)	Function of receiving from Minister copy of notice of refusal to grant permit or copy of any permit granted by the Minister	SPCIP, MPS, EMPCS, SPC	
s 97G(6)	Duty to make a copy of permits issued under s 97F available in accordance with the public availability requirements	PBSC, SSP, SP, SPCIP, MPS, PSO, PP, SPAO, SStrP, StrP, SUD, EMPCS, SO, SPC, SPL	
s 97L	Duty to include Ministerial decisions in a register kept under s 49	SSP, SP, SPCIP, MPS, PSO, PP, SPAO, SStrP, StrP, SUD, EMPCS, SO, SPC, SPL	
s 97MH	Duty to provide information or assistance to the Planning Application Committee	SSP, SP, SPCIP, MPS, PSO, PP, SPAO, SStrP, StrP, SUD, EMPCS, SO, SPC, SPL	
s 97MI	Duty to contribute to the costs of the Planning Application Committee or subcommittee	SPCIP, MPS, EMPCS, SPC	

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 97O	Duty to consider application and issue or refuse to issue certificate of compliance	SSP, SP, SPCIP, MPS, PSO, PP, SPAO, SStrP, StrP, SUD, EMPCS, SO, SPC, SPL	
s 97P(3)	Duty to comply with directions of VCAT following an application for review of a failure or refusal to issue a certificate	SSP, SP, SPCIP, MPS, PSO, PP, SPAO, SStrP, StrP, SUD, EMPCS, SO, SPC, SPL	
s 97Q(2)	Function of being heard by VCAT at hearing of request for amendment or cancellation of certificate	SSP, SP, SPCIP, MPS, PSO, PP, SPAO, SStrP, StrP, SUD, EMPCS, SPC, SPL	
s 97Q(4)	Duty to comply with directions of VCAT	SSP, SP, SPCIP, MPS, PSO, PP, SPAO, SStrP, StrP, SUD, EMPCS, SO, SPC, SPL	

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 97R	Duty to keep register of all applications for certificate of compliance and related decisions	PBSC, SSP, SP, SPCIP, MPS, PSO, PP, SPAO, SStrP, StrP, SUD, EMPCS, SO, SPC, SPL	
s 98(1)&(2)	Function of receiving claim for compensation in certain circumstances	SPCIP, MPS, EMPCS, SPC, SPL	
s 98(4)	Duty to inform any person of the name of the person from whom compensation can be claimed	MPS, EMPCS	
s 101	Function of receiving claim for expenses in conjunction with claim	MPS, EMPCS	
s 103	Power to reject a claim for compensation in certain circumstances	MPS, EMPCS	
s.107(1)	function of receiving claim for compensation	SPCIP, MPS, EMPCS, SPC, SPL	
s 107(3)	Power to agree to extend time for making claim	MPS, EMPCS, SPL	
s 114(1)	Power to apply to the VCAT for an enforcement order	SPCIP, MPS, EMPCS, SPC, PIO	

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 117(1)(a)	Function of making a submission to the VCAT where objections are received	SPCIP, MPS, EMPCS, SPC, PIO	
s 120(1)	Power to apply for an interim enforcement order where s 114 application has been made	SPCIP, MPS, EMPCS, SPC, PIO	
s 123(1)	Power to carry out work required by enforcement order and recover costs	SPCIP, MPS, EMPCS, SPC, PIO	
s 123(2)	Power to sell buildings, materials, etc salvaged in carrying out work under s 123(1)	CFO, MPS, EMPCS, MPFM	Except Crown Land
s 129	Function of recovering penalties	CFO, SPCIP, MPS, EMPCS, SPC	
s 130(5)	Power to allow person served with an infringement notice further time	SPCIP, MPS, EMPCS, SPC, PIO	
s 149A(1)	Power to refer a matter to the VCAT for determination	SSP, SP, SPCIP, MPS, PSO, PP, SPAO, SStrP, StrP, SUD, EMPCS, SO, SPC, PIO, SPL	

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 149A(1A)	power to apply to VCAT for the determination of a matter relating to the interpretation of a s.173 agreement	SSP, SP, SPCIP, MPS, PSO, PP, SPAO, SStrP, StrP, SUD, EMPCS, SO, SPC, PIO, SPL	
s 156	Duty to pay fees and allowances (including a payment to the Crown under s 156(2A)), and payment or reimbursement for reasonable costs and expenses incurred by the panel in carrying out its functions unless the Minister directs otherwise under s 156(2B)power to ask for contribution under s 156(3) and power to abandon amendment or part of it under s 156(4)	EMPCS, SPL	Where Council is the relevant planning authority
s 171(2)(f)	Power to carry out studies and commission reports	SPCIP, MPS, EMPCS, SPC, SPL	
s 171(2)(g)	Power to grant and reserve easements	SPCIP, MPS, EMPCS, SPC	
s 172C	Power to compulsorily acquire any outer public purpose land that is specified in the approved infrastructure contributions plan	CFO, EMPCS, MPFM	Where Council is a development agency specified in an approved infrastructure contributions plan
s 172D(1)	Power to compulsorily acquire any inner public purpose land that is specified in the plan before the time that the land is required to be provided to Council under s 46GV(4)	ND	Where Council is a collecting agency specified in an approved infrastructure contributions plan

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 172D(2)	Power to compulsorily acquire any inner public purpose land, the use and development of which is to be the responsibility of Council under the plan, before the time that the land is required to be provided under s 46GV(4)	ND	Where Council is the development agency specified in an approved infrastructure contributions plan
s 173(1)	Power to enter into agreement covering matters set out in s 174	SPCIP, MPS, EMPCS, SPC, SPL	
s 173(1A)	Power to enter into an agreement with an owner of land for the development or provision of land in relation to affordable housing	CEO, EMPCS	Where Council is the relevant responsible authority
	Power to decide whether something is to the satisfaction of Council, where an agreement made under s 173 of the Planning and Environment Act 1987 requires something to be to the satisfaction of Council or Responsible Authority	SPCIP, MPS, EMPCS, SPC, SPL	
	Power to give consent on behalf of Council, where an agreement made under s 173 of the Planning and Environment Act 1987 requires that something may not be done without the consent of Council or Responsible Authority	SPCIP, MPS, EMPCS, SPC, SPL	
s 177(2)	Power to end a s 173 agreement with the agreement of all those bound by any covenant in the agreement or otherwise in accordance with Division 2 of Part 9	SPCIP, MPS, EMPCS, SPC, SPL	

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 178	power to amend a s 173 agreement with the agreement of all those bound by any covenant in the agreement or otherwise in accordance with Division 2 of Part 9	SPCIP, MPS, EMPCS, SPC, SPL	
s 178A(1)	Function of receiving application to amend or end an agreement	SSP, SP, SPCIP, MPS, PSO, PP, SPAO, SStrP, StrP, SUD, EMPCS, SO, SPC, SPL	
s 178A(3)	Function of notifying the owner as to whether it agrees in principle to the proposal under s 178A(1)	SSP, SP, SPCIP, MPS, PSO, PP, SPAO, SStrP, StrP, SUD, EMPCS, SO, SPC, SPL	
s 178A(4)	Function of notifying the applicant and the owner as to whether it agrees in principle to the proposal	SSP, SP, SPCIP, MPS, PSO, PP, SPAO, SStrP, StrP, SUD, EMPCS, SO, SPC, SPL	
s 178A(5)	Power to propose to amend or end an agreement	SPCIP, MPS, EMPCS, SPC	

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 178B(1)	Duty to consider certain matters when considering proposal to amend an agreement	SSP, SP, SPCIP, MPS, PSO, PP, SPAO, SStrP, StrP, SUD, EMPCS, SO, SPC, SPL	
s 178B(2)	Duty to consider certain matters when considering proposal to end an agreement	SSP, SP, SPCIP, MPS, PSO, PP, SPAO, SStrP, StrP, SUD, EMPCS, SO, SPC, SPL	
s 178C(2)	Duty to give notice of the proposal to all parties to the agreement and other persons who may be detrimentally affected by decision to amend or end	SSP, SP, SPCIP, MPS, PSO, PP, SPAO, SStrP, StrP, SUD, EMPCS, SO, SPC, SPL	
s 178C(4)	Function of determining how to give notice under s 178C(2)	SSP, SP, SPCIP, MPS, PSO, PP, SPAO, SStrP, StrP, SUD, EMPCS, SO, SPC, SPL	

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 178E(1)	Duty not to make decision until after 14 days after notice has been given	SSP, SP, SPCIP, MPS, PSO, PP, SPAO, SStrP, StrP, SUD, EMPCS, SO, SPC, SPL	
s.178E(2)(a)	Power to amend or end the agreement in accordance with the proposal	SPCIP, MPS, EMPCS, SPC	If no objections are made under s 178D Must consider matters in s 178B
s 178E(2)(b)	Power to amend or end the agreement in a manner that is not substantively different from the proposal	SPCIP, MPS, EMPCS, SPC	If no objections are made under s 178D Must consider matters in s 178B
s 178E(2)(c)	Power to refuse to amend or end the agreement	SPCIP, MPS, EMPCS, SPC	If no objections are made under s 178D Must consider matters in s 178B
s 178E(3)(a)	Power to amend or end the agreement in accordance with the proposal	SPCIP, MPS, EMPCS, SPC	After considering objections, submissions and matters in s 178B
s 178E(3)(b)	Power to amend or end the agreement in a manner that is not substantively different from the proposal	SPCIP, MPS, EMPCS, SPC	After considering objections, submissions and matters in s 178B
s.178E(3)(c)	power to amend or end the agreement in a manner that is substantively different from the proposal	SPCIP, MPS, EMPCS, SPC	After considering objections, submissions and matters in s.178B

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 178E(3)(d)	Power to refuse to amend or end the agreement	SPCIP, MPS, EMPCS, SPC	After considering objections, submissions and matters in s 178B
s 178F(1)	Duty to give notice of its decision under s 178E(3)(a) or (b)	SSP, SP, SPCIP, MPS, PSO, PP, SPAO, SStrP, StrP, SUD, EMPCS, SO, SPC, SPL	
s 178F(2)	Duty to give notice of its decision under s 178E(2)(c) or (3)(d)	SSP, SP, SPCIP, MPS, PSO, PP, SPAO, SStrP, StrP, SUD, EMPCS, SO, SPC, SPL	
s 178F(4)	Duty not to proceed to amend or end an agreement under s 178E until at least 21 days after notice has been given or until an application for review to the Tribunal has been determined or withdrawn	SSP, SP, SPCIP, MPS, PSO, PP, SPAO, SStrP, StrP, SUD, EMPCS, SO, SPC, SPL	
s 178G	Duty to sign amended agreement and give copy to each other party to the agreement	SPCIP, MPS, EMPCS, SPC	

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 178H	Power to require a person who applies to amend or end an agreement to pay the costs of giving notices and preparing the amended agreement	PBSC, SSP, SP, SPCIP, MPS, PSO, PP, SPAO, SStrP, StrP, SUD, EMPCS, SO, SPC, SPL	
s 178I(3)	Duty to notify, in writing, each party to the agreement of the ending of the agreement relating to Crown land	SSP, SP, SPCIP, MPS, PSO, PP, SPAO, SStrP, StrP, SUD, EMPCS, SO, SPC, SPL	
s 179(2)	Duty to make copy of each agreement available in accordance with the public availability requirements	PBSC, SSP, SP, SPCIP, MPS, PSO, PP, SPAO, SStrP, StrP, SUD, EMPCS, SO, SPC, SPL	
s 181	Duty to apply to the Registrar of Titles to record the agreement and to deliver a memorial to Registrar-General	SPCIP, MPS, EMPCS, SPC	
s 181(1A)(a)	Power to apply to the Registrar of Titles to record the agreement	SPCIP, MPS, EMPCS, SPC	

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 181(1A)(b)	Duty to apply to the Registrar of Titles, without delay, to record the agreement	SPCIP, MPS, EMPCS, SPC	
s 182	Power to enforce an agreement	SSP, SP, SPCIP, MPS, PSO, PP, SPAO, SStrP, StrP, SUD, EMPCS, SO, SPC, PIO, SPL	
s 183	Duty to tell Registrar of Titles of ending/amendment of agreement	SPCIP, MPS, EMPCS, SPC	
s 184F(1)	Power to decide to amend or end an agreement at any time after an application for review of the failure of Council to make a decision	SPCIP, MPS, EMPCS, SPC	
s 184F(2)	Duty not to amend or end the agreement or give notice of the decision after an application is made to VCAT for review of a failure to amend or end an agreement	SSP, SP, SPCIP, MPS, PSO, PP, SPAO, SStrP, StrP, SUD, EMPCS, SO, SPC, SPL	

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 184F(3)	Duty to inform the principal registrar if the responsible authority decides to amend or end an agreement after an application is made for the review of its failure to end or amend the agreement	SSP, SP, SPCIP, MPS, PSO, PP, SPAO, SStrP, StrP, SUD, EMPCS, SO, SPC, SPL	
s 184F(5)	Function of receiving advice from the principal registrar that the agreement may be amended or ended in accordance with Council's decision	PBSC, SPCIP, MPS, EMPCS, SPC	
s 184G(2)	Duty to comply with a direction of the Tribunal	SSP, SP, SPCIP, MPS, PSO, PP, SPAO, SStrP, StrP, SUD, EMPCS, SO, SPC, SPL	
s 184G(3)	Duty to give notice as directed by the Tribunal	SSP, SP, SPCIP, MPS, PSO, PP, SPAO, SStrP, StrP, SUD, EMPCS, SO, SPC, SPL	
s 198(1)	Function to receive application for planning certificate	PBSC, SPCIP, MPS, EMPCS, SPC	

<i>Planning and Environment Act 1987</i>			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 199(1)	Duty to give planning certificate to applicant	PBSC, SPCIP, MPS, EMPCS, SPC	
s 201(1)	Function of receiving application for declaration of underlying zoning	SPCIP, MPS, EMPCS, SPC, SPL	
s 201(3)	Duty to make declaration	SPCIP, MPS, EMPCS, SPC, SPL	
	Power to decide, in relation to any planning scheme or permit, that a specified thing has or has not been done to the satisfaction of Council	SPCIP, MPS, EMPCS, SPC, SPL	
	Power, in relation to any planning scheme or permit, to consent or refuse to consent to any matter which requires the consent or approval of Council	SPCIP, MPS, EMPCS, SPC, SPL	
	Power to approve any plan or any amendment to a plan or other document in accordance with a provision of a planning scheme or condition in a permit	SPCIP, MPS, EMPCS, SPC, SPL	
	Power to give written authorisation in accordance with a provision of a planning scheme	SPCIP, MPS, EMPCS, SPC, SPL	

<i>Planning and Environment Act 1987</i>			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 201UAB(1)	Function of providing the Victoria Planning Authority with information relating to any land within municipal district	SPCIP, MPS, EMPCS, SPC, SPL	
s 201UAB(2)	Duty to provide the Victoria Planning Authority with information requested under s 201UAB(1) as soon as possible	SPCIP, MPS, EMPCS, SPC, SPL	

<i>Residential Tenancies Act 1997</i>			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 91ZU(1)	Power to give a renter a notice to vacate rented premises	MPFM	Where Council is a public statutory authority engaged in the provision of housing
s 91ZZC(1)	Power to give a renter a notice to vacate rented premises	MPFM	Where Council is a public statutory authority authorised to acquire land compulsorily for its purposes
s 91ZZE(1)	Power to give a renter a notice to vacate rented premises	MPFM	Where Council is a public statutory authority engaged in the provision of housing
s 91ZZE(3)	Power to publish Council's criteria for eligibility for the provision of housing	MPFM	Where Council is a public statutory authority engaged in the provision of housing

<i>Residential Tenancies Act 1997</i>			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 142D	Function of receiving notice regarding an unregistered rooming house	MCSA, EHO, DWO, HTO, CEH	
s 142G(1)	Duty to enter required information in Rooming House Register for each rooming house in municipal district	MCSA, EHO, DWO, HTO, CEH	
s 142G(2)	Power to enter certain information in the Rooming House Register	MCSA, EHO, DWO, HTO, CEH	
s 142I(2)	Power to amend or revoke an entry in the Rooming House Register if necessary to maintain the accuracy of the entry	MCSA, EHO, DWO, HTO, CEH	
s 206AZA(2)	Function of receiving written notification	MPFM	
s 207ZE(2)	Function of receiving written notification	MPFM	
s 311A(2)	Function of receiving written notification	MPFM	
s 317ZDA(2)	Function of receiving written notification	MPFM	
s 518F	Power to issue notice to caravan park regarding emergency management plan if determined that the plan does not comply with the requirements	MCSA, CEH, EML	

<i>Residential Tenancies Act 1997</i>			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 522(1)	Power to give a compliance notice to a person	MCSA, EHO, DWO, HTO, CEH	
s 525(2)	Power to authorise an officer to exercise powers in s 526 (either generally or in a particular case)	MCSA, DOI, CEH, EMPCS, MPFM	
s 525(4)	Duty to issue identity card to authorised officers	GL, EMGCE	
s 526(5)	Duty to keep record of entry by authorised officer under s 526	MCSA	
s 526A(3)	Function of receiving report of inspection	MCSA, DOI, CEH, EMPCS, MPFM	
s 527	Power to authorise a person to institute proceedings (either generally or in a particular case)	MCSA, DOI, EMPCS, MPFM	

Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 11(1)	Power to declare a road by publishing a notice in the Government Gazette	MI, DOI	Obtain consent in circumstances specified in s 11(2)
s 11(8)	Power to name a road or change the name of a road by publishing notice in Government Gazette	DOI, SO, EMGCE	
s 11(9)(b)	Duty to advise Registra	DOI, SO, EMGCE	
s 11(10)	Duty to inform Secretary to Department of Environment, Land, Water and Planning of declaration etc.	DOI, EMGCE	Subject to s 11(10A)
s 11(10A)	Duty to inform Secretary to Department of Environment, Land, Water and Planning or nominated person	MI, DOI	Where Council is the coordinating road authority
s 12(2)	Power to discontinue road or part of a road	DOI	Where Council is the coordinating road authority
s 12(4)	Duty to publish, and provide copy, notice of proposed discontinuance	MI, DOI	Power of coordinating road authority where it is the discontinuing body Unless s 12(11) applies

Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 12(5)	Duty to consider written submissions received within 28 days of notice	MI, DOI	Duty of coordinating road authority where it is the discontinuing body Unless s 12(11) applies
s 12(6)	Function of hearing a person in support of their written submission	MI, DOI	Function of coordinating road authority where it is the discontinuing body Unless s 12(11) applies
s 12(7)	Duty to fix day, time and place of meeting under s 12(6) and to give notice	MI, DOI	Duty of coordinating road authority where it is the discontinuing body Unless s 12(11) applies
s 12(10)	Duty to notify of decision made	MI, DOI	Duty of coordinating road authority where it is the discontinuing body Does not apply where an exemption is specified by the regulations or given by the Minister
s 13(1)	Power to fix a boundary of a road by publishing notice in Government Gazette	MI, DOI	Power of coordinating road authority and obtain consent under s 13(3) and s 13(4) as appropriate
s 14(4)	Function of receiving notice from the Head, Transport for Victoria	DOI	
s 14(7)	Power to appeal against decision of the Head, Transport for Victoria	DOI	

Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 15(1)	Power to enter into arrangement with another road authority, utility or a provider of public transport to transfer a road management function of the road authority to the other road authority, utility or provider of public transport	MI, DOI	
s 15(1A)	Power to enter into arrangement with a utility to transfer a road management function of the utility to the road authority	MI, DOI	
s 15(2)	Duty to include details of arrangement in public roads register	MI, DOI	
s 16(7)	Power to enter into an arrangement under s 15	MI, DOI	
s 16(8)	Duty to enter details of determination in public roads register	MI, DOI	
s 17(2)	Duty to register public road in public roads register	MI, DOI	Where Council is the coordinating road authority
s 17(3)	Power to decide that a road is reasonably required for general public use	MI, DOI	Where Council is the coordinating road authority
s 17(3)	Duty to register a road reasonably required for general public use in public roads register	MI, DOI	Where Council is the coordinating road authority
s 17(4)	Power to decide that a road is no longer reasonably required for general public use	MI, DOI	Where Council is the coordinating road authority

Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 17(4)	Duty to remove road no longer reasonably required for general public use from public roads register	MI, DOI	Where Council is the coordinating road authority
s 18(1)	Power to designate ancillary area	MI, DOI	Where Council is the coordinating road authority, and obtain consent in circumstances specified in s 18(2)
s 18(3)	Duty to record designation in public roads register	MI, DOI	Where Council is the coordinating road authority
s 19(1)	Duty to keep register of public roads in respect of which it is the coordinating road authority	MI, DOI	
s 19(4)	Duty to specify details of discontinuance in public roads register	MI, DOI	
s 19(5)	Duty to ensure public roads register is available for public inspection	MI, DOI	
s 21	Function of replying to request for information or advice	MI, DOI	Obtain consent in circumstances specified in s 11(2)
s 22(2)	Function of commenting on proposed direction	MI, DOI	
s 22(4)	Duty to publish a copy or summary of any direction made under s 22 by the Minister in its annual report.	DOI	

Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 22(5)	Duty to give effect to a direction under s 22	DOI	
s 40(1)	Duty to inspect, maintain and repair a public road.	MI, DOI	
s 40(5)	Power to inspect, maintain and repair a road which is not a public road	MI, DOI	
s 41(1)	Power to determine the standard of construction, inspection, maintenance and repair	MI, DOI	
s 42(1)	Power to declare a public road as a controlled access road	MI, DOI	Power of coordinating road authority and sch 2 also applies
s 42(2)	Power to amend or revoke declaration by notice published in Government Gazette	MI, DOI	Power of coordinating road authority and sch 2 also applies
s 42A(3)	Duty to consult with Head, Transport for Victoria and Minister for Local Government before road is specified	MI, DOI	Where Council is the coordinating road authority If road is a municipal road or part thereof
s 42A(4)	Power to approve Minister's decision to specify a road as a specified freight road	MI, DOI	Where Council is the coordinating road authority If road is a municipal road or part thereof and where road is to be specified a freight road

Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 48EA	Duty to notify the owner or occupier of land and provider of public transport on which rail infrastructure or rolling stock is located (and any relevant provider of public transport)	MI, DOI	Where Council is the responsible road authority, infrastructure manager or works manager
s 48M(3)	Function of consulting with the relevant authority for purposes of developing guidelines under s 48M	MI, DOI	
s 49	Power to develop and publish a road management plan	MI, DOI	
s 51	Power to determine standards by incorporating the standards in a road management plan	MI, DOI	
s 53(2)	Power to cause notice to be published in Government Gazette of amendment etc of document in road management plan	MI, DOI	
s 54(2)	Duty to give notice of proposal to make a road management plan	MI, DOI	
s 54(5)	Duty to conduct a review of road management plan at prescribed intervals	MI, DOI	
s 54(6)	Power to amend road management plan	MI, DOI	
s 54(7)	Duty to incorporate the amendments into the road management plan	MI, DOI	

Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 55(1)	Duty to cause notice of road management plan to be published in Government Gazette and newspaper	MI, DOI	
s 63(1)	Power to consent to conduct of works on road	MI, DOI	Where Council is the coordinating road authority
s 63(2)(e)	Power to conduct or to authorise the conduct of works in, on, under or over a road in an emergency	MI, DOI	Where Council is the infrastructure manager
s 64(1)	Duty to comply with cl 13 of sch 7	MI, DOI	Where Council is the infrastructure manager or works manager
s 66(1)	Power to consent to structure etc	MI, DOI	Where Council is the coordinating road authority
s 67(2)	Function of receiving the name & address of the person responsible for distributing the sign or bill	MI, DOI	Where Council is the coordinating road authority
s 67(3)	Power to request information	MI, DOI	Where Council is the coordinating road authority
s 68(2)	Power to request information	MI, DOI	Where Council is the coordinating road authority
s 71(3)	Power to appoint an authorised officer	DOI	
s 72	Duty to issue an identity card to each authorised officer	MI, DOI	

Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 85	Function of receiving report from authorised officer	MI, DOI	
s 86	Duty to keep register re s 85 matters	MI, DOI	
s 87(1)	Function of receiving complaints	MI, DOI	
s 87(2)	Duty to investigate complaint and provide report	MI, DOI	
s 112(2)	Power to recover damages in court	MI, DOI	
s 116	Power to cause or carry out inspection	MI, DOI	
s 119(2)	Function of consulting with the Head, Transport for Victoria	MI, DOI	
s 120(1)	Power to exercise road management functions on an arterial road (with the consent of the Head, Transport for Victoria)	MI, DOI	
s 120(2)	Duty to seek consent of the Head, Transport for Victoria to exercise road management functions before exercising power in s 120(1)	MI, DOI	
s 121(1)	Power to enter into an agreement in respect of works	MI, DOI	

Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 122(1)	Power to charge and recover fees	MI, DOI	
s 123(1)	Power to charge for any service	MI, DOI	
sch 2 cl 2(1)	Power to make a decision in respect of controlled access roads	MI, DOI	
sch 2 cl 3(1)	Duty to make policy about controlled access roads	MI, DOI	
sch 2 cl 3(2)	Power to amend, revoke or substitute policy about controlled access roads	MI, DOI	
sch 2 cl 4	Function of receiving details of proposal from the Head, Transport for Victoria	MI, DOI	
sch 2 cl 5	Duty to publish notice of declaration	MI, DOI	
sch 7 cl 7(1)	Duty to give notice to relevant coordinating road authority of proposed installation of non-road infrastructure or related works on a road reserve	MI, DOI	Where Council is the infrastructure manager or works manager
sch 7 cl 8(1)	Duty to give notice to any other infrastructure manager or works manager responsible for any non-road infrastructure in the area, that could be affected by any proposed installation of infrastructure or related works on a road or road reserve of any road	MI, DOI	Where Council is the infrastructure manager or works manager

Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
sch 7 cl 9(1)	Duty to comply with request for information from a coordinating road authority, an infrastructure manager or a works manager responsible for existing or proposed infrastructure in relation to the location of any non-road infrastructure and technical advice or assistance in conduct of works	MI, DOI	Where Council is the infrastructure manager or works manager responsible for non-road infrastructure
sch 7 cl 9(2)	Duty to give information to another infrastructure manager or works manager where becomes aware any infrastructure or works are not in the location shown on records, appear to be in an unsafe condition or appear to need maintenance	MI, DOI	Where Council is the infrastructure manager or works manager
sch 7 cl 10(2)	Where Sch 7 cl 10(1) applies, duty to, where possible, conduct appropriate consultation with persons likely to be significantly affected	MI, DOI	Where Council is the infrastructure manager or works manager
sch 7 cl 12(2)	Power to direct infrastructure manager or works manager to conduct reinstatement works	MI, DOI	Where Council is the coordinating road authority
sch 7 cl 12(3)	Power to take measures to ensure reinstatement works are completed	MI, DOI	Where Council is the coordinating road authority
sch 7 cl 12(4)	Duty to ensure that works are conducted by an appropriately qualified person	MI, DOI	Where Council is the coordinating road authority
sch 7 cl 12(5)	Power to recover costs	MI, DOI	Where Council is the coordinating road authority

Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
sch 7 cl 13(1)	Duty to notify relevant coordinating road authority within 7 days that works have been completed, subject to sch 7 cl 13(2)	MI, DOI	Where Council is the works manager
sch 7 cl 13(2)	Power to vary notice period	MI, DOI	Where Council is the coordinating road authority
sch 7 cl 13(3)	Duty to ensure works manager has complied with obligation to give notice under sch 7 cl 13(1)	MI, DOI	Where Council is the infrastructure manager
sch 7 cl 16(1)	Power to consent to proposed works	MI, DOI	Where Council is the coordinating road authority
sch 7 cl 16(4)	Duty to consult	MI, DOI	Where Council is the coordinating road authority, responsible authority or infrastructure manager
sch 7 cl 16(5)	Power to consent to proposed works	MI, DOI	Where Council is the coordinating road authority
sch 7 cl 16(6)	Power to set reasonable conditions on consent	MI, DOI	Where Council is the coordinating road authority
sch 7 cl 16(8)	Power to include consents and conditions	MI, DOI	Where Council is the coordinating road authority

Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
sch 7 cl 17(2)	Power to refuse to give consent and duty to give reasons for refusal	MI, DOI	Where Council is the coordinating road authority
sch 7 cl 18(1)	Power to enter into an agreement	MI, DOI	Where Council is the coordinating road authority
sch 7 cl 19(1)	Power to give notice requiring rectification of works	MI, DOI	Where Council is the coordinating road authority
sch 7 cl 19(2) & (3)	Power to conduct the rectification works or engage a person to conduct the rectification works and power to recover costs incurred	MI, DOI	Where Council is the coordinating road authority
sch 7 cl 20(1)	Power to require removal, relocation, replacement or upgrade of existing non-road infrastructure	MI, DOI	Where Council is the coordinating road authority
sch 7A cl 2	Power to cause street lights to be installed on roads	MI, DOI	Power of responsible road authority where it is the coordinating road authority or responsible road authority in respect of the road
sch 7 cl 3(1)(d)	Duty to pay installation and operation costs of street lighting - where road is not an arterial road	MI, DOI	Where Council is the responsible road authority
sch 7A cl 3(1)(e)	Duty to pay installation and operation costs of street lighting - where road is a service road on an arterial road and adjacent areas	MI, DOI	Where Council is the responsible road authority

Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
sch 7A cl (3)(1)(f)	Duty to pay installation and percentage of operation costs of street lighting - for arterial roads in accordance with cls 3(2) and 4	MI, DOI	Duty of Council as responsible road authority that installed the light (re: installation costs) and where Council is relevant municipal council (re: operating costs)

Planning and Environment Regulations 2015			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
r.6	function of receiving notice, under section 19(1)(c) of the Act, from a planning authority of its preparation of an amendment to a planning scheme	EMPCS, SPL	where Council is not the planning authority and the amendment affects land within Council's municipal district; or where the amendment will amend the planning scheme to designate Council as an acquiring authority.
r.21	power of responsible authority to require a permit applicant to verify information (by statutory declaration or other written confirmation satisfactory to the responsible authority) in an application for a permit or to amend a permit or any information provided under section 54 of the Act	SSP, SP, SPCIP, MPS, PSO, PP, SPAO, SStrP, StrP, SUD, EMPCS, SO, SPC, SPL	
r.25(a)	duty to make copy of matter considered under section 60(1A)(g) available for inspection free of charge	PBSC, SPCIP, MPS, EMPCS, SPC	where Council is the responsible authority

Planning and Environment Regulations 2015			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
r.25(b)	function of receiving a copy of any document considered under section 60(1A)(g) by the responsible authority and duty to make the document available for inspection free of charge	PBSC, SPCIP, MPS, EMPCS, SPC	where Council is not the responsible authority but the relevant land is within Council's municipal district
r.42	function of receiving notice under section 96C(1)(c) of the Act from a planning authority of its preparation of a combined application for an amendment to a planning scheme and notice of a permit application	SPCIP, MPS, EMPCS, SPC, SPL	where Council is not the planning authority and the amendment affects land within Council's municipal district; or where the amendment will amend the planning scheme to designate Council as an acquiring authority.

Planning and Environment (Fees) Regulations 2016			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
r 19	Power to waive or rebate a fee relating to an amendment of a planning scheme	EMPCS, SPL	
r 20	Power to waive or rebate a fee other than a fee relating to an amendment to a planning scheme	PBSC, SPCIP, MPS, EMPCS, SPC	
r 21	Duty to record matters taken into account and which formed the basis of a decision to waive or rebate a fee under r 19 or 20	PBSC, SPCIP, MPS, EMPCS, SPC, SPL	

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Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
r 7	Function of entering into a written agreement with a caravan park owner	MCSA, CEH	
r 10	Function of receiving application for registration	MCSA, CEH	
r 11	Function of receiving application for renewal of registration	MCSA, CEH	
r 12(1)	Duty to grant the registration if satisfied that the caravan park complies with these regulations	MCSA, CEH	
r 12(1)	Power to refuse to renew the registration if not satisfied that the caravan park complies with these regulations	MCSA, CEH	
r 12(2)	Duty to renew the registration if satisfied that the caravan park complies with these regulations	MCSA, CEH	
r 12(2)	Power to refuse to renew the registration if not satisfied that the caravan park complies with these regulations	MCSA, CEH	
r 12(3)	Duty to have regard to matters in determining an application for registration or an application for renewal of registration	MCSA, CEH	
r 12(4) & (5)	Duty to issue certificate of registration	MCSA, CEH	

Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
r 14(1)	Function of receiving notice of transfer of ownership	MCSA, EHO, DWO, CEH	
r 14(3)	Power to determine where notice of transfer is displayed	MCSA, EHO, DWO, CEH	
r 15(1)	Duty to transfer registration to new caravan park owner	MCSA, CEH	
r 15(2)	Duty to issue a certificate of transfer of registration	MCSA, CEH	
r 16(1)	Power to determine the fee to accompany applications for registration or applications for renewal of registration	MCSA, CEH	
r 17	Duty to keep register of caravan parks	MCSA, CEH	
r 18(4)	Power to determine where the emergency contact person's details are displayed	MCSA, EHO, DWO, CEH	
r 18(6)	Power to determine where certain information is displayed	MCSA, EHO, DWO, CEH	
r 22(1)	Duty to notify a caravan park owner of the relevant emergency services agencies for the caravan park, on the request of the caravan park owner	MCSA, EHO, DWO, CEH	
r 22(2)	Duty to consult with relevant emergency services agencies	MCSA, EHO, DWO, CEH	

Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
r 23	Power to determine places in which caravan park owner must display a copy of emergency procedures	MCSA, EHO, DWO, CEH	
r 24	Power to determine places in which caravan park owner must display copy of public emergency warnings	MCSA, EHO, DWO, CEH	
r 25(3)	Duty to consult with relevant floodplain management authority	MCSA, EHO, DWO, CEH	
r 26	Duty to have regard to any report of the relevant fire authority	MCSA, EHO, DWO, CEH	
r 28(c)	Power to approve system for the collection, removal and disposal of sewage and waste water from a movable dwelling	MCSA, EHO, DWO, CEH	
r 40	Function of receiving notice of proposed installation of unregistrable movable dwelling or rigid annexe	MCSA, EHO, DWO, CEH	
r 40(b)	Power to require notice of proposal to install unregistrable movable dwelling or rigid annexe	MCSA, EHO, DWO, CEH	
r 41(4)	Function of receiving installation certificate	MCSA, EHO, DWO, CEH	
r 43	Power to approve use of a non-habitable structure as a dwelling or part of a dwelling	MCSA, EHO, DWO, CEH	

Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
sch 3 cl 4(3)	Power to approve the removal of wheels and axles from unregistrable movable dwelling	MCSA, EHO, DWO, CEH	

Residential Tenancies Regulations 2021			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
sch 4 cl 3(a)(iii)	Power to approve any other toilet system	CEH	

Road Management (General) Regulations 2016			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
r 8(1)	Duty to conduct reviews of road management plan	MI, DOI	
r 9(2)	Duty to produce written report of review of road management plan and make report available	MI, DOI	
r 9(3)	Duty to give notice where road management review is completed and no amendments will be made (or no amendments for which notice is required)	MI, DOI	Where Council is the coordinating road authority
r.10	Duty to give notice of amendment which relates to standard of construction, inspection, maintenance or repair under s 41 of the Act	MI, DOI	

Road Management (General) Regulations 2016			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
r 13(1)	Duty to publish notice of amendments to road management plan	MI, DOI	where Council is the coordinating road authority
r 13(3)	Duty to record on road management plan the substance and date of effect of amendment	MI, DOI	
r 16(3)	Power to issue permit	MI, DOI	Where Council is the coordinating road authority
r 18(1)	Power to give written consent re damage to road	MI, DOI	Where Council is the coordinating road authority
r 23(2)	Power to make submission to Tribunal	MI, DOI, MCW	Where Council is the coordinating road authority
r 23(4)	Power to charge a fee for application under s 66(1) Road Management Act	MI, DOI, MCW	Where Council is the coordinating road authority
r 25(1)	Power to remove objects, refuse, rubbish or other material deposited or left on road	ME, MI, DOI, MCW	Where Council is the responsible road authority
r 25(2)	Power to sell or dispose of things removed from road or part of road (after first complying with regulation 25(3))	ME, MI, DOI, MCW	Where Council is the responsible road authority

Road Management (General) Regulations 2016			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
r 25(5)	Power to recover in the Magistrates' Court, expenses from person responsible	MI, DOI	

Road Management (Works and Infrastructure) Regulations 2015			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
r 15	Power to exempt a person from requirement under cl 13(1) of sch 7 of the Act to give notice as to the completion of those works	MI, DOI, MCW	Where Council is the coordinating road authority and where consent given under s 63(1) of the Act
r 22(2)	Power to waive whole or part of fee in certain circumstances	MI, DOI, MCW	Where Council is the coordinating road authority

S6 Instrument of Delegation to Members of Council Staff

Updated ~~March 2021~~ February 2022

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Instrument of Delegation

In exercise of the power conferred by the legislation referred to in the attached Schedule, the Council:

1. delegates each duty and/or function and/or power described in column 1 of the Schedule (and summarised in column 2 of the Schedule) to the member of Council staff holding, acting in or performing the duties of the office or position described opposite each such duty and/or function and/or power in column 3 of the Schedule;
2. record that references in the Schedule are as follows:
 - CEH means Coordinator Environmental Health
 - CEO means Chief Executive Officer
 - CFO means Chief Financial Officer
 - CSC means Community Safety Coordinator
 - DOI means Director Operations and Infrastructure
 - DWO means Domestic Wastewater Officer
 - EHO means Environmental Health Officer
 - EMGCE means Executive Manager Governance, Communications and Engagement
 - EML means Emergency Management Lead
 - EMPCS means Executive Manager Planning and Community Safety
 - FM means Finance Manager
 - GL means Governance Lead
 - HTO means Health Technical Officer
 - MCSA means Manager Community Safety and Amenity
 - MCW means Manager Capital Works
 - ME means Manager Environment
 - MI means Manager Infrastructure
 - MPFM means Manager Property and Facilities Maintenance
 - MPS means Manager Planning Services
 - PBSTLC means Planning Business Support ~~Team Leader~~ Coordinator
 - PIO means Planning Investigations Officer
 - PP means Principal Planner
 - PSO means Planning Support Officer
 - SO means Subdivisions Officer
 - SP means Statutory Planner
 - SPAO means Senior Planning Advisory Officer
 - SPC means Statutory Planning Coordinator
 - SPCIP means Statutory Planning Coordinator (Investigations and ~~Planning~~ projects)
 - SPL means Strategic Planning Lead
 - SSP means Senior Statutory Planner
 - SStrP means Senior Strategic Planner

- StrP means Strategic Planner
- SUD means Senior Urban Designer

3. declares that:

3.1 this Instrument of Delegation is authorised by a resolution of Council passed on ~~23 March 2021~~ 22 February 2022; and

3.2 the delegation:

3.2.1 comes into force immediately the common seal of Council is affixed to this Instrument of Delegation;

3.2.2 remains in force until varied or revoked;

3.2.3 is subject to any conditions and limitations set out in sub-paragraph 3.3, and the Schedule; and

3.2.4 must be exercised in accordance with any guidelines or policies which Council from time to time adopts; and

3.3 the delegate must not determine the issue, take the action or do the act or thing:

3.3.1 if the issue, action, act or thing is an issue, action or thing which Council has previously designated as an issue, action, act or thing which must be the subject of a Resolution of Council; or

3.3.2 if the determining of the issue, taking of the action or doing of the act or thing would or would be likely to involve a decision which is inconsistent with a

(a) policy; or

(b) strategy

adopted by Council;

3.3.3 if the determining of the issue, the taking of the action or the doing of the act or thing cannot be the subject of a lawful delegation; or

3.3.4 the determining of the issue, the taking of the action or the doing of the act or thing is already the subject of an exclusive delegation to another member of Council staff or delegated committee.

THE COMMON SEAL of NILLUMBIK)

SHIRE COUNCIL was affixed hereto)

On the day of 202~~12~~)

On the authority of the Council and)

signed by:)

..... Councillor

..... Chief Executive Officer

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SCHEDULE

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Domestic Animals Act 1994			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 41A(1)	Power to declare a dog to be a menacing dog	CSC, MCSA, EMPCS	Council may delegate this power to a Council authorised officer

Environment Protection Act 1970			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 53M(3)	Power to require further information	CEH, DWO, EHO, EMPCS, HTO, MCSA	
s 53M(4)	Duty to advise applicant that application is not to be dealt with	CEH, DWO, EHO, EMPCS, HTO, MCSA	
s 53M(5)	Duty to approve plans, issue permit or refuse permit	CEH, EMPCS, MCSA	Refusal must be ratified by Council or it is of no effect
s 53M(6)	Power to refuse to issue septic tank permit	CEH, EMPCS, MCSA	Refusal must be ratified by Council or it is of no effect
s 53M(7)	Duty to refuse to issue a permit in circumstances in (a)-(c)	CEH, EMPCS, MCSA	Refusal must be ratified by Council or it is of no effect

Food Act 1984			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 19(2)(a)	Power to direct by written order that the food premises be put into a clean and sanitary condition	MCSA, EHO, DWO, CEH, EMPCS	If s 19(1) applies
s 19(2)(b)	Power to direct by written order that specified steps be taken to ensure that food prepared, sold or handled is safe and suitable	MCSA, EHO, DWO, CEH, EMPCS	If s 19(1) applies
s 19(3)	Power to direct by written order that the food premises not be kept or used for the sale, or handling for sale, of any food, or for the preparation of any food, or for any other specified purpose, or for the use of any specified equipment or a specified process	MCSA, CEH, EMPCS	If s 19(1) applies Only in relation to temporary food premises or mobile food premises
s 19(4)(a)	Power to direct that an order made under s 19(3)(a) or (b), (i) be affixed to a conspicuous part of the premises, and (ii) inform the public by notice in a published newspaper or otherwise	MCSA, CEH, EMPCS	If s 19(1) applies
s 19(6)(a)	Duty to revoke any order under section 19 if satisfied that an order has been complied with	MCSA, CEH, EMPCS	If s 19(1) applies
s 19(6)(b)	Duty to give written notice of revocation under section 19(6)(a) if satisfied that an order has been complied with	MCSA, EHO, DWO, CEH, EMPCS	If s 19(1) applies
s 19AA(2)	Power to direct, by written order, that a person must take any of the actions described in (a)-(c).	MCSA, CEH, EMPCS	Where Council is the registration authority

Food Act 1984			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 19AA(4)(c)	Power to direct, in an order made under s 19AA(2) or a subsequent written order, that a person must ensure that any food or class of food is not removed from the premises	MCSA, CEH, EMPCS	Note: the power to direct the matters under s 19AA(4)(a) and (b) not capable of delegation and so such directions must be made by a Council resolution
s 19AA(7)	Duty to revoke order issued under s 19AA and give written notice of revocation, if satisfied that that order has been complied with	MCSA, EHO, DWO, CEH, EMPCS	Where Council is the registration authority
s 19CB(4)(b)	Power to request copy of records	MCSA, EHO, DWO, HTO, CEH, EMPCS	Where Council is the registration authority
s 19E(1)(d)	Power to request a copy of the food safety program	MCSA, EHO, DWO, HTO, CEH, EMPCS	Where Council is the registration authority
s 19GB	Power to request proprietor to provide written details of the name, qualification or experience of the current food safety supervisor	MCSA, EHO, DWO, HTO, CEH, EMPCS	Where Council is the registration authority
s 19M(4)(a) & (5)	Power to conduct a food safety audit and take actions where deficiencies are identified	MCSA, EHO, DWO, CEH, EMPCS	Where Council is the registration authority
s 19NA(1)	Power to request food safety audit reports	MCSA, EHO, DWO, HTO, CEH, EMPCS	Where Council is the registration authority
s 19U(3)	Power to waive and vary the costs of a food safety audit if there are special circumstances	MCSA, CEH, EMPCS	

Food Act 1984			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 19UA	Power to charge fees for conducting a food safety assessment or inspection	MCSA, CEH, EMPCS	Except for an assessment required by a declaration under s 19C or an inspection under ss 38B(1)(c) or 39.
s 19W	Power to direct a proprietor of a food premises to comply with any requirement under Part IIIB	MCSA, EHO, DWO, CEH, EMPCS	Where Council is the registration authority
s 19W(3)(a)	Power to direct a proprietor of a food premises to have staff at the premises undertake training or instruction	MCSA, EHO, DWO, HTO, CEH, EMPCS	Where Council is the registration authority
s 19W(3)(b)	Power to direct a proprietor of a food premises to have details of any staff training incorporated into the minimum records required to be kept or food safety program of the premises	MCSA, EHO, DWO, HTO, CEH, EMPCS	Where Council is the registration authority
	Power to register, renew or transfer registration	MCSA, CEH, EMPCS	Where Council is the registration authority refusal to grant/renew/transfer registration must be ratified by Council or the CEO (see s 58A(2))
s 36A	Power to accept an application for registration or notification using online portal	MCSA, CEH	Where Council is the registration authority
s 36B	Duty to pay the charge for use of online portal	MCSA, CEH	Where Council is the registration authority
s 38AA(5)	Power to (a) request further information; or (b) advise the proprietor that the premises must be registered if the premises are not exempt	MCSA, EHO, DWO, HTO, CEH, EMPCS	Where Council is the registration authority

Food Act 1984			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 38AB(4)	Power to fix a fee for the receipt of a notification under s 38AA in accordance with a declaration under s 38AB(1)	MCSA, CEH, EMPCS	Where Council is the registration authority
s 38A(4)	Power to request a copy of a completed food safety program template	MCSA, EHO, DWO, HTO, CEH, EMPCS	Where Council is the registration authority
s 38B(1)(a)	Duty to assess the application and determine which class of food premises under s 19C the food premises belongs	MCSA, EHO, DWO, HTO, CEH, EMPCS	Where Council is the registration authority
s 38B(1)(b)	Duty to ensure proprietor has complied with requirements of s 38A	MCSA, EHO, DWO, HTO, CEH, EMPCS	Where Council is the registration authority
s 38B(2)	Duty to be satisfied of the matters in s 38B(2)(a)-(b)	MCSA, EHO, DWO, HTO, CEH, EMPCS	Where Council is the registration authority
s 38D(1)	Duty to ensure compliance with the applicable provisions of s 38C and inspect the premises if required by s 39	MCSA, EHO, DWO, HTO, CEH, EMPCS	Where Council is the registration authority
s 38D(2)	Duty to be satisfied of the matters in s 38D(2)(a)-(d)	MCSA, EHO, DWO, CEH, EMPCS	Where Council is the registration authority
s 38D(3)	Power to request copies of any audit reports	MCSA, EHO, DWO, HTO, CEH, EMPCS	Where Council is the registration authority

Food Act 1984			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 38E(2)	Power to register the food premises on a conditional basis	MCSA, CEH, EMPCS	Where Council is the registration authority not exceeding the prescribed time limit defined under s 38E(5)
s 38E(4)	Duty to register the food premises when conditions are satisfied	MCSA, CEH, EMPCS	Where Council is the registration authority
s 38F(3)(b)	Power to require proprietor to comply with requirements of this Act	MCSA, EHO, DWO, HTO, CEH, EMPCS	Where Council is the registration authority
s 38G(1)	Power to require notification of change of the food safety program type used for the food premises	MCSA, EHO, CEH	Where Council is the registration authority
s 38G(2)	Power to require the proprietor of the food premises to comply with any requirement of the Act	MCSA, EHO, CEH	Where Council is the registration authority
s 39A	Power to register, renew or transfer food premises despite minor defects	MCSA, CEH, EMPCS	Where Council is the registration authority Only if satisfied of matters in s 39A(2)(a)-(c)
s 40(2)	Power to incorporate the certificate of registration in one document with any certificate of registration under Part 6 of the Public Health and Wellbeing Act 2008	MCSA, CEH, EMPCS	
s 40C(2)	Power to grant or renew the registration of food premises for a period of less than 1 year	MCSA, CEH, EMPCS	Where Council is the registration authority

Food Act 1984			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 40D(1)	Power to suspend or revoke the registration of food premises	MCSA, CEH, EMPCS	Where Council is the registration authority
s 40F	Power to cancel registration of food premises	MCSA, CEH	Where Council is the registration authority
s 43F(6)	Duty to be satisfied that registration requirements under Division 3 have been met prior to registering, transferring or renewing registration of a component of a food business	MCSA, CEH, EMPCS	Where Council is the registration authority
s 43F(7)	Power to register the components of the food business that meet requirements in Division 3 and power to refuse to register the components that do not meet the requirements	MCSA, CEH, EMPCS	Where Council is the registration authority
s 46(5)	Power to institute proceedings against another person where the offence was due to an act or default by that other person and where the first person charged could successfully defend a prosecution, without proceedings first being instituted against the person first charged	MCSA, CEH, EMPCS	Where Council is the registration authority

Heritage Act 2017			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 116	Power to sub-delegate Executive Director's functions, duties or powers	CEO, MPS, EMPCS, SPL	Must first obtain Executive Director's written consent Council can only sub-delegate if the Instrument of Delegation from the Executive Director authorises sub-delegation

Local Government Act 1989			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 185L(4)	Power to declare and levy a cladding rectification charge	CEO	

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 4B	Power to prepare an amendment to the Victorian Planning Provisions	EMPCS, SPL	If authorised by the Minister
s 4G	Function of receiving prescribed documents and a copy of the Victorian Planning Provisions from the Minister	EMPCS, SPL	
s 4H	Duty to make amendment to Victoria Planning Provision available in accordance with public availability requirements	EMPCS, SPL	
s 4I	Duty to keep Victorian Planning Provisions and other documents available in accordance with public availability requirements	EMPCS, SPL	
s 8A(2)	Power to prepare amendment to the planning scheme where the Minister has given consent under s 8A	EMPCS, SPL	

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 8A(3)	Power to apply to Minister to prepare an amendment to the planning scheme	EMPCS, SPL	
s 8A(5)	Function of receiving notice of the Minister's decision	EMPCS, SPL	
s 8A(7)	Power to prepare the amendment specified in the application without the Minister's authorisation if no response received after 10 business days	EMPCS, SPL	
s 8B(2)	Power to apply to the Minister for authorisation to prepare an amendment to the planning scheme of an adjoining municipal district	EMPCS, SPL	
s 12(3)	Power to carry out studies and do things to ensure proper use of land and consult with other persons to ensure co-ordination of planning scheme with these persons	MPS, EMPCS, SPL	
s 12A(1)	Duty to prepare a municipal strategic statement (including power to prepare a municipal strategic statement under s19 of the Planning and Environment (Planning Schemes) Act 1996)	EMPCS, SPL	
s 12B(1)	Duty to review planning scheme	EMPCS, SPL	
s 12B(2)	Duty to review planning scheme at direction of Minister	EMPCS, SPL	

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s.12B(5)	Duty to report findings of review of planning scheme to Minister without delay	EMPCS, SPL	
s 14	Duties of a Responsible Authority as set out in s 14(a) to (d)	EMPCS, SPL	
s 17(1)	Duty of giving copy amendment to the planning scheme	EMPCS, SPL	
s 17(2)	Duty of giving copy s 173 agreement	EMPCS, SPL	
s 17(3)	Duty of giving copy amendment, explanatory report and relevant documents to the Minister within 10 business days	EMPCS, SPL	
s 18	Duty to make amendment etc. available in accordance with public availability requirements	EMPCS, SPL	
s 19	Power to give notice, to decide not to give notice, to publish notice of amendment to a planning scheme and to exercise any other power under s 19 to a planning scheme	EMPCS, SPL	

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 19	Function of receiving notice of preparation of an amendment to a planning scheme	EMPCS, SPL	Where Council is not the planning authority and the amendment affects land within Council's municipal district; or Where the amendment will amend the planning scheme to designate Council as an acquiring authority.
s 20(1)	Power to apply to Minister for exemption from the requirements of s 19	EMPCS, SPL	
s 21(2)	Duty to make submissions available in accordance with public availability requirements	EMPCS, SPL	
s 21A(4)	Duty to publish notice	EMPCS, SPL	
s 22	Duty to consider all submissions	EMPCS, SPL	Except submissions which request a change to the items in s 22(5)(a) and (b)
s 23(1)(b)	Duty to refer submissions which request a change to the amendment to a panel	EMPCS, SPL	
s 23(2)	Power to refer to a panel submissions which do not require a change to the amendment	EMPCS, SPL	

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 24	Function to represent Council and present a submission at a panel hearing (including a hearing referred to in s 96D)	EMPCS, SPL	
s 26(1)	Power to make report available for inspection in accordance with the requirements set out in s 197B of the Act	EMPCS, SPL	
s 26(2)	Duty to keep report of panel available for inspection in accordance with public availability requirements	EMPCS, SPL	
s 27(2)	Power to apply for exemption if panel's report not received	EMPCS, SPL	
s 28(1)	Duty to notify the Minister if abandoning an amendment	EMPCS, SPL	Note: the power to make a decision to abandon an amendment cannot be delegated
s 28(2)	Duty to publish notice of the decision on Internet site	PBSC, SSP, SP, SPCIP, MPS, PSO, PP, SPAO, SStrP, StrP, SUD, EMPCS, SO, SPC, SPL	

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 28(4)	Duty to make notice of the decision available on Council's Internet site for a period of at least 2 months	PBSC, SSP, SP, SPCIP, MPS, PSO, PP, SPAO, SStrP, StrP, SUD, EMPCS, SO, SPC, SPL	
s 30(4)(a)	Duty to say if amendment has lapsed	EMPCS, SPL	
s 30(4)(b)	Duty to provide information in writing upon request	EMPCS, SPL	
s 32(2)	Duty to give more notice if required	EMPCS, SPL	
s 33(1)	Duty to give more notice of changes to an amendment	EMPCS, SPL	
s 36(2)	Duty to give notice of approval of amendment	EMPCS, SPL	
s 38(5)	Duty to give notice of revocation of an amendment	EMPCS, SPL	
s 39	Function of being a party to a proceeding commenced under s 39 and duty to comply with determination by VCAT	EMPCS, SPL	
s 40(1)	Function of lodging copy of approved amendment	EMPCS, SPL	

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 41(1)	Duty to make a copy of an approved amendment available in accordance with the public availability requirements during inspection period	EMPCS, SPL	
s 41(2)	Duty to make a copy of an approved amendment and any documents lodged with it available in person in accordance with the requirements set out in s 197B of the Act after the inspection period ends	SStrP, StrP, SUD, EMPCS, SPL	
s 42(2)	Duty to make copy of planning scheme available in accordance with the public availability requirements	SPCIP, MPS, EMPCS, SPC, SPL	
s 46AAA	Duty to prepare an amendment to a planning scheme that relates to Yarra River land that is not inconsistent with anything in a Yarra Strategic Plan which is expressed to be binding on the responsible public entity	EMPCS, SPL	Where Council is a responsible public entity and is a planning authority Note: this provision is not yet in force, and will commence on the day on which the initial Yarra Strategic Plan comes into operation. It will affect a limited number of councils
s 46AW	Function of being consulted by the Minister	EMPCS	Where Council is a responsible public entity

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 46AX	Function of receiving a draft Statement of Planning Policy and written direction in relation to the endorsement of the draft Statement of Planning Policy Power to endorse the draft Statement of Planning Policy	EMPCS, SPL	Where Council is a responsible public entity
s 46AZC(2)	Duty not to prepare an amendment to a declared area planning scheme that is inconsistent with a Statement of Planning Policy for the declared area that is expressed to be binding on the responsible public entity	EMPCS, SPL	Where Council is a responsible public entity
s 46AZK	Duty not to act inconsistently with any provision of the Statement of Planning Policy that is expressed to be binding on the public entity when performing a function or duty or exercising a power in relation to the declared area	EMPCS, SPL	Where Council is a responsible public entity
s 46GI(2)(b)(i)	Power to agree to a lower rate of standard levy for a class of development of a particular type of land than the rate specified in a Minister's direction	CEO, EMPCS	Where Council is the planning authority, the municipal Council of the municipal district in which the land is located and/or the development agency
s 46GJ(1)	Function of receiving written directions from the Minister in relation to the preparation and content of infrastructure contributions plans	EMPCS, SPL	
s 46GK	Duty to comply with a Minister's direction that applies to Council as the planning authority	EMPCS, SPL	

<i>Planning and Environment Act 1987</i>			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 46GN(1)	Duty to arrange for estimates of values of inner public purpose land	EMPCS, SPL	
s 46GO(1)	Duty to give notice to owners of certain inner public purpose land	EMPCS, SPL	
s 46GP	Function of receiving a notice under s 46GO	EMPCS, SPL	Where Council is the collecting agency
s 46GQ	Function of receiving a submission from an affected owner who objects to the estimated value per hectare (or other appropriate unit of measurement) of the inner public purpose land	EMPCS, SPL	
s 46GR(1)	Duty to consider every submission that is made by the closing date for submissions included in the notice under s 46GO	EMPCS, SPL	
s 46GR(2)	Power to consider a late submission Duty to consider a late submission if directed to do so by the Minister	EMPCS, SPL	
s 46GS(1)	Power to accept or reject the estimate of the value of the inner public purpose land in a submission made under s 46GQ	EMPCS	

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 46GS(2)	Duty, if Council rejects the estimate of the value of the inner public purpose land in the submission, to refer the matter to the valuer-general, and notify the affected owner of the rejection and that the matter has been referred to the valuer-general	EMPCS, SPL	
s 46GT(2)	Duty to pay half of the fee fixed by the valuer-general for arranging and attending the conference	EMPCS, SPL	
s 46GT(4)	Function of receiving, from the valuer-general, written confirmation of the agreement between the planning authority's valuer and the affected owner's valuer as to the estimated value of the inner public purpose land	EMPCS, SPL	
s 46GT(6)	Function of receiving, from the valuer-general, written notice of a determination under s 46GT(5)	EMPCS, SPL	
s 46GU	Duty not to adopt an amendment under s.29 to an infrastructure contributions plan that specifies a land credit amount or a land equalisation amount that relates to a parcel of land in the ICP plan area of the plan unless the criteria in s 46GU(1)(a) and (b) are met	ND	
s 46GV(3)	Function of receiving the monetary component and any land equalisation amount of the infrastructure contribution Power to specify the manner in which the payment is to be made	EMPCS	Where Council is the collecting agency

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 46GV(3)(b)	Power to enter into an agreement with the applicant	CEO, EMPCS	Where Council is the collecting agency
s 46GV(4)(a)	Function of receiving the inner public purpose land in accordance with s 46GV(5) and (6)	EMPCS, SPL	Where Council is the development agency
s 46GV(4)(b)	Function of receiving the inner public purpose land in accordance with s 46GV(5) and (6)	EMPCS, SPL	Where Council is the collecting agency
s 46GV(7)	Duty to impose the requirements set out in s 46GV(3) and (4) as conditions on the permit applied for by the applicant to develop the land in the ICP plan area	SPCIP, MPS, EMPCS, SPC	
s 46GV(9)	Power to require the payment of a monetary component or the provision of the land component of an infrastructure contribution to be secured to Council's satisfaction	SPCIP, MPS, EMPCS, SPC, SPL	Where Council is the collecting agency
s 46GX(1)	Power to accept works, services or facilities in part or full satisfaction of the monetary component of an infrastructure contribution payable	SPCIP, MPS, MCW, EMPCS, SPC, SPL	Where Council is the collecting agency
s 46GX(2)	Duty, before accepting the provision of works, services or facilities by an applicant under s 46GX(1), to obtain the agreement of the development agency or agencies specified in the approved infrastructure contributions plan	SPCIP, MPS, EMPCS, SPC, SPL	Where Council is the collecting agency

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 46GY(1)	Duty to keep proper and separate accounts and records	CFO, SPCIP, MPS, EMPCS, SPC, SPL	Where Council is the collecting agency
s 46GY(2)	Duty to keep the accounts and records in accordance with the Local Government Act 2020	CFO, SPCIP, MPS, EMPCS, FM, SPC, SPL	Where Council is the collecting agency
s 46GZ(2)(a)	Duty to forward any part of the monetary component that is imposed for plan preparation costs to the planning authority that incurred those costs	CFO, EMPCS, FM, SPL	Where Council is the collecting agency under an approved infrastructure contributions plan This duty does not apply where Council is that planning authority
s 46GZ(2)(a)	Function of receiving the monetary component	CFO, SPCIP, MPS, EMPCS, FM, SPC, SPL	Where the Council is the planning authority This duty does not apply where Council is also the collecting agency
s 46GZ(2)(b)	Duty to forward any part of the monetary component that is imposed for the provision of works, services or facilities to the development agency that is specified in the plan, as responsible for those works, services or facilities	CFO, SPCIP, MPS, EMPCS, FM, SPC, SPL	Where Council is the collecting agency under an approved infrastructure contributions plan This provision does not apply where Council is also the relevant development agency

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 46GZ(2)(b)	Function of receiving the monetary component	CFO, SPCIP, MPS, EMPCS, FM, SPC, SPL	Where Council is the development agency under an approved infrastructure contributions plan This provision does not apply where Council is also the collecting agency
s 46GZ(4)	Duty to use any land equalisation amounts to pay land credit amounts under s 46GZ(7), except any part of those amounts that are to be forwarded to a development agency under s 46GZ(5)	CFO, SPCIP, MPS, EMPCS, FM, SPC, SPL	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZ(5)	Duty to forward any part of a land equalisation amount required for the acquisition of outer public purpose land by a development agency specified in the approved infrastructure contributions plan to that development agency	CFO, SPCIP, MPS, EMPCS, FM, SPC, SPL	Where Council is the collecting agency under an approved infrastructure contributions plan This provision does not apply where Council is also the relevant development agency
s 46GZ(5)	Function of receiving any part of a land equalisation amount required for the acquisition of outer public purpose land	CFO, SPCIP, MPS, EMPCS, FM, SPC, SPL	Where Council is the development agency specified in the approved infrastructure contributions plan This provision does not apply where Council is also the collecting agency
s 46GZ(7)	Duty to pay to each person who must provide an infrastructure contribution under the approved infrastructure contributions plan any land credit amount to which the person is entitled under s 46GW	CFO, SPCIP, MPS, EMPCS, FM, SPC, SPL	Where Council is the collecting agency under an approved infrastructure contributions plan

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 46GZ(9)	Duty to transfer the estate in fee simple in the land to the development agency specified in the approved infrastructure contributions plan as responsible for the use and development of that land	SPCIP, MPS, EMPCS, MPFM, SPC	If any inner public purpose land is vested in Council under the Subdivision Act 1988 or acquired by Council before the time it is required to be provided to Council under s 46GV(4) Where Council is the collecting agency under an approved infrastructure contributions plan This duty does not apply where Council is also the development agency
s 46GZ(9)	Function of receiving the fee simple in the land	MPFM	Where Council is the development agency under an approved infrastructure contributions plan This duty does not apply where Council is also the collecting agency
s 46GZA(1)	Duty to keep proper and separate accounts and records	MPFM	Where Council is the development agency under an approved infrastructure contributions plan
s 46GZA(2)	Duty to keep the accounts and records in accordance with the Local Government Act 2020	EMPCS, MPFM	Where Council is a development agency under an approved infrastructure contributions plan
s 46GZB(3)	Duty to follow the steps set out in s 46GZB(3)(a) – (c)	EMPCS, MPFM	Where Council is a development agency under an approved infrastructure contributions plan

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 46GZB(4)	Duty, in accordance with requirements of the VPA, to report on the use of the infrastructure contribution in the development agency's annual report and provide reports on the use of the infrastructure contribution to the VPA	MPS, MI, EMPCS, SPL	If the VPA is the collecting agency under an approved infrastructure contributions plan Where Council is a development agency under an approved infrastructure contributions plan
s 46GZD(2)	Duty, within 6 months after the date on which the approved infrastructure contributions plan expires, to follow the steps set out in s 46GZD(2)(a) and (b)	MPS, EMPCS	Where Council is the development agency under an approved infrastructure contributions plan
s 46GZD(3)	Duty to follow the steps set out in s 46GZD(3)(a) and (b)	MPS, EMPCS	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZD(5)	Duty to make payments under s 46GZD(3) in accordance with ss 46GZD(5)(a) and 46GZD(5)(b)	CFO, MPS, EMPCS, FM	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZE(2)	Duty to forward the land equalisation amount back to the collecting agency within 6 months after the expiry date if any part of a land equalisation amount paid or forwarded to a development agency for acquiring outer public purpose land has not been expended by the development agency to acquire that land at the date on which the approved infrastructure contributions plan expires	CFO, MPS, EMPCS, MPFM, FM	Where Council is the development agency under an approved infrastructure contributions plan This duty does not apply where Council is also the collecting agency

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 46GZE(2)	Function of receiving the unexpended land equalisation amount	CFO, MPS, EMPCS, FM	Where Council is the collecting agency under an approved infrastructure contributions plan This duty does not apply where Council is also the development agency
s 46GZE(3)	Duty, within 12 months after the date on which the approved infrastructure contributions plan expires, to follow the steps set out in s 46GZE(3)(a) and (b)	MPS, EMPCS	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZF(2)	Duty, within 12 months after the date on which the approved infrastructure contributions plan expires, to use the public purpose land for a public purpose approved by the Minister or sell the public purpose land	CFO, MPS, EMPCS, MPFM, FM	Where Council is the development agency under an approved infrastructure contributions plan
s.46GZF(3)	Duty, if land is sold under s.46GZF(2)(b), to follow the steps in s.46GZF(3)(a) and (b)	EMPCS, MPFM	Where Council is the development agency under an approved infrastructure contributions plan
s 46GZF(3)	s 46GZF(3)(a) function of receiving proceeds of sale	CFO, MPFM, FM	Where Council is the collection agency under an approved infrastructure contributions plan This provision does not apply where Council is also the development agency

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 46GZF(4)	Duty to divide the proceeds of the public purpose land among the current owners of each parcel of land in the ICP plan area and pay each current owner a portion of the proceeds in accordance with s 46GZF(5)	CFO, EMPCS, FM	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZF(6)	Duty to make the payments under s 46GZF(4) in accordance with s 46GZF(6)(a) and (b)	CFO, EMPCS, FM	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZH	Power to recover the monetary component, or any land equalisation amount of the land component, payable under Part 3AB as a debt in any court of competent jurisdiction	CFO, EMPCS, FM	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZI	Duty to prepare and give a report to the Minister at the times required by the Minister	MPS, EMPCS	Where Council is a collecting agency or development agency
s 46GZK	Power to deal with public purpose land which has vested in, been acquired by, or transferred to, Council	EMPCS, MPFM	Where Council is a collecting agency or development agency
s 46LB(3)	Duty to publish, on Council's Internet site, the payable dwelling amount for a financial year on or before 1 July of each financial year for which the amount is adjusted under s 46LB (2)	CFO, MPS, EMPCS, MPFM, FM	
s 46N(1)	Duty to include condition in permit regarding payment of development infrastructure levy	SPCIP, MPS, EMPCS, SPC	

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 46N(2)(c)	Function of determining time and manner for receipt of development contributions levy	SPCIP, MPS, EMPCS, SPC	
s 46N(2)(d)	Power to enter into an agreement with the applicant regarding payment of development infrastructure levy	SSP, SPCIP, MPS, SPAO, EMPCS, SPC	
s 46O(1)(a) & (2)(a)	Power to ensure that community infrastructure levy is paid, or agreement is in place, prior to issuing building permit	SPCIP, MPS, EMPCS, SPC	
s 46O(1)(d) & (2)(d)	Power to enter into agreement with the applicant regarding payment of community infrastructure levy	SPCIP, MPS, EMPCS, SPC	
s 46P(1)	Power to require payment of amount of levy under s 46N or s 46O to be satisfactorily secured	SPCIP, MPS, EMPCS, SPC	
s 46P(2)	Power to accept provision of land, works, services or facilities in part or full payment of levy payable	SPCIP, MPS, EMPCS, SPC	
s 46Q(1)	Duty to keep proper accounts of levies paid	SPCIP, MPS, EMPCS, SPC	

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 46Q(1A)	Duty to forward to development agency part of levy imposed for carrying out works, services, or facilities on behalf of development agency or plan preparation costs incurred by a development agency	SPCIP, MPS, EMPCS, SPC	
s 46Q(2)	Duty to apply levy only for a purpose relating to the provision of plan preparation costs or the works, services and facilities in respect of which the levy was paid etc	SPCIP, MPS, EMPCS, SPC	
s 46Q(3)	Power to refund any amount of levy paid if it is satisfied the development is not to proceed	SPCIP, MPS, EMPCS, SPC	Only applies when levy is paid to Council as a 'development agency'
s 46Q(4)(c)	Duty to pay amount to current owners of land in the area if an amount of levy has been paid to a municipal council as a development agency for plan preparation costs incurred by the Council or for the provision by the Council of works, services or facilities in an area under s 46Q(4)(a)	CFO, SPCIP, MPS, EMPCS, FM, SPC	Must be done within six months of the end of the period required by the development contributions plan and with the consent of, and in the manner approved by, the Minister
s 46Q(4)(d)	Duty to submit to the Minister an amendment to the approved development contributions plan	EMPCS, SPL	Must be done in accordance with Part 3
s46Q(4)(e)	Duty to expend that amount on other works etc.	SPCIP, MPS, EMPCS, SPC, SPL	With the consent of, and in the manner approved by, the Minister

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 46QC	Power to recover any amount of levy payable under Part 3B	SPCIP, MPS, EMPCS, SPC	
s 46QD	Duty to prepare report and give a report to the Minister	MPS, EMPCS, SPL	Where Council is a collecting agency or development agency
s 46V(3)	Duty to make a copy of the approved strategy plan (being the Melbourne Airport Environs Strategy Plan) and any documents lodged with it available	EMPCS, SPL	
s 46Y	Duty to carry out works in conformity with the approved strategy plan	SPCIP, MPS, EMPCS, SPC, SPL	
s 47	Power to decide that an application for a planning permit does not comply with that Act	SPCIP, MPS, EMPCS, SPC	
s 49(1)	Duty to keep a register of all applications for permits and determinations relating to permits	SPCIP, MPS, EMPCS, SPC	
s 49(2)	Duty to make register available for inspection in accordance with the public availability requirements	PBSTLC, SPCIP, MPS, EMPCS, SPC	

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 50(4)	Duty to amend application	SSP, SP, SPCIP, MPS, PSO, PP, SPAO, SStrP, StrP, SUD, EMPCS, SO, SPC, SPL	
s 50(5)	Power to refuse to amend application	SSP, SP, SPCIP, MPS, PSO, PP, SPAO, SStrP, StrP, SUD, EMPCS, SO, SPC, SPL	
s 50(6)	Duty to make note of amendment to application in register	PBSTLC, SSP, SP, SPCIP, MPS, PSO, PP, SPAO, SStrP, StrP, SUD, EMPCS, SO, SPC, SPL	
s 50A(1)	Power to make amendment to application	SSP, SP, SPCIP, MPS, PSO, PP, SPAO, SStrP, StrP, SUD, EMPCS, SO, SPC, SPL	

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 50A(3)	Power to require applicant to notify owner and make a declaration that notice has been given	SSP, SP, SPCIP, MPS, PSO, PP, SPAO, SStrP, StrP, SUD, EMPCS, SO, SPC, SPL	
s 50A(4)	Duty to note amendment to application in register	PBSTLC, SSP, SP, SPCIP, MPS, PSO, PP, SPAO, SStrP, StrP, SUD, EMPCS, SO, SPC, SPL	
s 51	Duty to make copy of application available for inspection in accordance with the public availability requirements	PBSTLC, SSP, SP, SPCIP, MPS, PSO, PP, SPAO, SStrP, StrP, SUD, EMPCS, SO, SPC, SPL	
s 52(1)(a)	Duty to give notice of the application to owners/occupiers of adjoining allotments unless satisfied that the grant of permit would not cause material detriment to any person	SSP, SP, SPCIP, MPS, PSO, PP, SPAO, SStrP, StrP, SUD, EMPCS, SPC, SPL	

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 52(1)(b)	Duty to give notice of the application to other municipal council where appropriate	SSP, SP, SPCIP, MPS, PSO, PP, SPAO, SStrP, StrP, SUD, EMPCS, SPC, SPL	
s 52(1)(c)	Duty to give notice of the application to all persons required by the planning scheme	SSP, SP, SPCIP, MPS, PSO, PP, SPAO, SStrP, StrP, SUD, EMPCS, SPC, SPL	
s 52(1)(ca)	Duty to give notice of the application to owners and occupiers of land benefited by a registered restrictive covenant if may result in breach of covenant	SSP, SP, SPCIP, MPS, PSO, PP, SPAO, SStrP, StrP, SUD, EMPCS, SPC, SPL	
s 52(1)(cb)	Duty to give notice of the application to owners and occupiers of land benefited by a registered restrictive covenant if application is to remove or vary the covenant	SSP, SP, SPCIP, MPS, PSO, PP, SPAO, SStrP, StrP, SUD, EMPCS, SPC, SPL	

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 52(1)(d)	Duty to give notice of the application to other persons who may be detrimentally effected	SSP, SP, SPCIP, MPS, PSO, PP, SPAO, SStrP, StrP, SUD, EMPCS, SPC, SPL	
s.52(1AA)	Duty to give notice of an application to remove or vary a registered restrictive covenant	SSP, SP, SPCIP, MPS, PSO, PP, SPAO, SStrP, StrP, SUD, EMPCS, SPC, SPL	
s 52(3)	Power to give any further notice of an application where appropriate	SSP, SP, SPCIP, MPS, PSO, PP, SPAO, SStrP, StrP, SUD, EMPCS, SPC, SPL	
s 53(1)	Power to require the applicant to give notice under s 52(1) to persons specified by it	SSP, SP, SPCIP, MPS, PSO, PP, SPAO, SStrP, StrP, SUD, EMPCS, SPC, SPL	

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 53(1A)	Power to require the applicant to give the notice under s 52(1AA)	SSP, SP, SPCIP, MPS, PSO, PP, SPAO, SStrP, StrP, SUD, EMPCS, SPC, SPL	
s 54(1)	Power to require the applicant to provide more information	SSP, SP, SPCIP, MPS, PSO, PP, SPAO, SStrP, StrP, SUD, EMPCS, SO, SPC, SPL	
s 54(1A)	Duty to give notice in writing of information required under s 54(1)	SSP, SP, SPCIP, MPS, PSO, PP, SPAO, SStrP, StrP, SUD, EMPCS, SO, SPC, SPL	
s 54(1B)	Duty to specify the lapse date for an application	SSP, SP, SPCIP, MPS, PSO, PP, SPAO, SStrP, StrP, SUD, EMPCS, SO, SPC, SPL	

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 54A(3)	Power to decide to extend time or refuse to extend time to give required information	SSP, SP, SPCIP, MPS, PSO, PP, SPAO, SStrP, StrP, SUD, EMPCS, SO, SPC, SPL	
s 54A(4)	Duty to give written notice of decision to extend or refuse to extend time under s 54A(3)	SSP, SP, SPCIP, MPS, PSO, PP, SPAO, SStrP, StrP, SUD, EMPCS, SO, SPC, SPL	
s 55(1)	Duty to give copy application, together with the prescribed information, to every referral authority specified in the planning scheme	SSP, SP, SPCIP, MPS, PSO, PP, SPAO, SStrP, StrP, SUD, EMPCS, SO, SPC, SPL	
s 57(2A)	Power to reject objections considered made primarily for commercial advantage for the objector	SSP, SP, SPCIP, MPS, PSO, PP, SPAO, SStrP, StrP, SUD, EMPCS, SO, SPC, SPL	

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 57(3)	Function of receiving name and address of persons to whom notice of decision is to go	PBSTLC, SSP, SP, SPCIP, MPS, PSO, PP, SPAO, SStrP, StrP, SUD, EMPCS, SO, SPC, SPL	
s 57(5)	Duty to make available for inspection a copy of all objections available in accordance with the public availability requirements	PBSTLC, PBSO, SSP, SP, SPCIP, MPS, PSO, PP, SPAO, SStrP, StrP, SUD, EMPCS, SO, SPC, SPL	
s 57A(4)	Duty to amend application in accordance with applicant's request, subject to s 57A(5)	SSP, SP, SPCIP, MPS, PSO, PP, SPAO, SStrP, StrP, SUD, EMPCS, SO, SPC, SPL	
s 57A(5)	Power to refuse to amend application	SSP, SP, SPCIP, MPS, PSO, PP, SPAO, SStrP, StrP, SUD, EMPCS, SO, SPC, SPL	

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 57A(6)	Duty to note amendments to application in register	PBSTLC, SSP, SP, SPCIP, MPS, PSO, PP, SPAO, SStrP, StrP, SUD, EMPCS, SO, SPC, SPL	
s 57B(1)	Duty to determine whether and to whom notice should be given	SSP, SP, SPCIP, MPS, PSO, PP, SPAO, SStrP, StrP, SUD, EMPCS, SO, SPC, SPL	
s 57B(2)	Duty to consider certain matters in determining whether notice should be given	SSP, SP, SPCIP, MPS, PSO, PP, SPAO, SStrP, StrP, SUD, EMPCS, SO, SPC, SPL	
s 57C(1)	Duty to give copy of amended application to referral authority	SSP, SP, SPCIP, MPS, PSO, PP, SPAO, SStrP, StrP, SUD, EMPCS, SO, SPC, SPL	

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 58	Duty to consider every application for a permit	SSP, SP, SPCIP, MPS, PSO, PP, SPAO, SStrP, StrP, SUD, EMPCS, SO, SPC, SPL	
s 58A	Power to request advice from the Planning Application Committee	SPCIP, MPS, EMPCS, SPC	
s 60	Duty to consider certain matters	SSP, SP, SPCIP, MPS, PSO, PP, SPAO, SStrP, StrP, SUD, EMPCS, SO, SPC, SPL	
s 60(1A)	Duty to consider certain matters	SSP, SP, SPCIP, MPS, PSO, PP, SPAO, SStrP, StrP, SUD, EMPCS, SO, SPC, SPL	

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 60(1B)	Duty to consider number of objectors in considering whether use or development may have significant social effect	SSP, SP, SPCIP, MPS, PSO, PP, SPAO, SStrP, StrP, SUD, EMPCS, SO, SPC, SPL	
s 61(1)	Power to determine permit application, either to decide to grant a permit, to decide to grant a permit with conditions or to refuse a permit application	CEO, SPCIP, MPS, EMPCS, SPC	The permit must not be inconsistent with a cultural heritage management plan under the Aboriginal Heritage Act 2006 In accordance with delegations issued by Council (or unless called in by a ward Councillor or Councillors)
s 61(2)	Duty to decide to refuse to grant a permit if a relevant determining referral authority objects to grant of permit	CEO, SPCIP, MPS, EMPCS, SPC	
s 61(2A)	Power to decide to refuse to grant a permit if a relevant recommending referral authority objects to the grant of permit	CEO, SPCIP, MPS, EMPCS, SPC	
s 61(3)(a)	Duty not to decide to grant a permit to use coastal Crown land without Minister's consent	CEO, SPCIP, MPS, EMPCS, SPC	
s 61(3)(b)	Duty to refuse to grant the permit without the Minister's consent	CEO, SPCIP, MPS, EMPCS, SPC	

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 61(4)	Duty to refuse to grant the permit if grant would authorise a breach of a registered restrictive covenant	CEO, SPCIP, MPS, EMPCS, SPC	
s 62(1)	Duty to include certain conditions in deciding to grant a permit	SPCIP, MPS, EMPCS, SPC	
s 62(2)	Power to include other conditions	SPCIP, MPS, EMPCS, SPC	
s 62(4)	Duty to ensure conditions are consistent with paragraphs (a),(b) and (c)	SSP, SP, SPCIP, MPS, PSO, PP, SPAO, SStrP, StrP, SUD, EMPCS, SO, SPC, SPL	
s 62(5)(a)	Power to include a permit condition to implement an approved development contributions plan or an approved infrastructure contributions plan	SPCIP, MPS, EMPCS, SPC	
s 62(5)(b)	Power to include a permit condition that specified works be provided on or to the land or paid for in accordance with s 173 agreement	SPCIP, MPS, EMPCS, SPC	
s 62(5)(c)	Power to include a permit condition that specified works be provided or paid for by the applicant	SPCIP, MPS, EMPCS, SPC	

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 62(6)(a)	Duty not to include a permit condition requiring a person to pay an amount for or provide works except in accordance with ss 46N(1), 46GV(7) or 62(5)	SPCIP, MPS, EMPCS, SPC	
s 62(6)(b)	Duty not to include a permit condition requiring a person to pay an amount for or provide works except a condition that a planning scheme requires to be included as referred to in s 62(1)(a)	SSP, SP, SPCIP, MPS, PSO, PP, SPAO, SStrP, StrP, SUD, EMPCS, SO, SPC, SPL	
s 63	Duty to issue the permit where made a decision in favour of the application (if no one has objected)	SSP, SP, SPCIP, MPS, PSO, PP, SPAO, SStrP, StrP, SUD, EMPCS, SO, SPC, SPL	
s 64(1)	Duty to give notice of decision to grant a permit to applicant and objectors	SSP, SP, SPCIP, MPS, PSO, PP, SPAO, SStrP, StrP, SUD, EMPCS, SO, SPC, SPL	This provision applies also to a decision to grant an amendment to a permit - see s 75

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 64(3)	Duty not to issue a permit until after the specified period	SSP, SP, SPCIP, MPS, PSO, PP, SPAO, SStrP, StrP, SUD, EMPCS, SO, SPC, SPL	This provision applies also to a decision to grant an amendment to a permit - see s 75
s 64(5)	Duty to give each objector a copy of an exempt decision	SSP, SP, SPCIP, MPS, PSO, PP, SPAO, SStrP, StrP, SUD, EMPCS, SO, SPC, SPL	This provision applies also to a decision to grant an amendment to a permit - see s 75
s 64A	Duty not to issue permit until the end of a period when an application for review may be lodged with VCAT or until VCAT has determined the application, if a relevant recommending referral authority has objected to the grant of a permit	SSP, SP, SPCIP, MPS, PSO, PP, SPAO, SStrP, StrP, SUD, EMPCS, SO, SPC, SPL	This provision applies also to a decision to grant an amendment to a permit - see s 75A
s 65(1)	Duty to give notice of refusal to grant permit to applicant and person who objected under s 57	SSP, SP, SPCIP, MPS, PSO, PP, SPAO, SStrP, StrP, SUD, EMPCS, SO, SPC, SPL	

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 66(1)	Duty to give notice under s 64 or s 65 and copy permit to relevant determining referral authorities	SSP, SP, SPCIP, MPS, PSO, PP, SPAO, SStrP, StrP, SUD, EMPCS, SO, SPC, SPL	
s 66(2)	Duty to give a recommending referral authority notice of its decision to grant a permit	SSP, SP, SPCIP, MPS, PSO, PP, SPAO, SStrP, StrP, SUD, EMPCS, SO, SPC, SPL	If the recommending referral authority objected to the grant of the permit or the responsible authority decided not to include a condition on the permit recommended by the recommending referral authority
s 66(4)	Duty to give a recommending referral authority notice of its decision to refuse a permit	SSP, SP, SPCIP, MPS, PSO, PP, SPAO, SStrP, StrP, SUD, EMPCS, SO, SPC, SPL	If the recommending referral authority objected to the grant of the permit or the recommending referral authority recommended that a permit condition be included on the permit
s 66(6)	Duty to give a recommending referral authority a copy of any permit which Council decides to grant and a copy of any notice given under s 64 or 65	SSP, SP, SPCIP, MPS, PSO, PP, SPAO, SStrP, StrP, SUD, EMPCS, SO, SPC, SPL	If the recommending referral authority did not object to the grant of the permit or the recommending referral authority did not recommend a condition be included on the permit

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 69(1)	Function of receiving application for extension of time of permit	SSP, SP, SPCIP, MPS, PSO, PP, SPAO, SStrP, StrP, SUD, EMPCS, SO, SPC, SPL	
s 69(1A)	Function of receiving application for extension of time to complete development	SSP, SP, SPCIP, MPS, PSO, PP, SPAO, SStrP, StrP, SUD, EMPCS, SO, SPC, SPL	
s 69(2)	Power to extend time	SPCIP, MPS, EMPCS, SPC	
s 70	Duty to make copy permit available for inspection in accordance with the public availability requirements	PBSTLC, SSP, SP, SPCIP, MPS, PSO, PP, SPAO, SStrP, StrP, SUD, EMPCS, SO, SPC, SPL	
s 71(1)	Power to correct certain mistakes	SPCIP, MPS, EMPCS, SPC	

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 71(2)	Duty to note corrections in register	PBSTLC, SSP, SP, SPCIP, MPS, PSO, PP, SPAO, SStrP, StrP, SUD, EMPCS, SO, SPC, SPL	
s 73	Power to decide to grant amendment subject to conditions	SPCIP, MPS, EMPCS, SPC	
s 74	Duty to issue amended permit to applicant if no objectors	SSP, SP, SPCIP, MPS, PSO, PP, SPAO, SStrP, StrP, SUD, EMPCS, SO, SPC, SPL	
s 76	Duty to give applicant and objectors notice of decision to refuse to grant amendment to permit	SSP, SP, SPCIP, MPS, PSO, PP, SPAO, SStrP, StrP, SUD, EMPCS, SO, SPC, SPL	

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 76A(1)	Duty to give relevant determining referral authorities copy of amended permit and copy of notice	SSP, SP, SPCIP, MPS, PSO, PP, SPAO, SStrP, StrP, SUD, EMPCS, SO, SPC, SPL	
s 76A(2)	Duty to give a recommending referral authority notice of its decision to grant an amendment to a permit	SSP, SP, SPCIP, MPS, PSO, PP, SPAO, SStrP, StrP, SUD, EMPCS, SO, SPC, SPL	If the recommending referral authority objected to the amendment of the permit or the responsible authority decided not to include a condition on the amended permit recommended by the recommending referral authority
s 76A(4)	Duty to give a recommending referral authority notice of its decision to refuse a permit	SSP, SP, SPCIP, MPS, PSO, PP, SPAO, SStrP, StrP, SUD, EMPCS, SO, SPC, SPL	If the recommending referral authority objected to the amendment of the permit or the recommending referral authority recommended that a permit condition be included on the amended permit
s 76A(6)	Duty to give a recommending referral authority a copy of any amended permit which Council decides to grant and a copy of any notice given under s 64 or 76	SSP, SP, SPCIP, MPS, PSO, PP, SPAO, SStrP, StrP, SUD, EMPCS, SO, SPC, SPL	If the recommending referral authority did not object to the amendment of the permit or the recommending referral authority did not recommend a condition be included on the amended permit

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 76D	Duty to comply with direction of Minister to issue amended permit	SSP, SP, SPCIP, MPS, PSO, PP, SPAO, SStrP, StrP, SUD, EMPCS, SO, SPC, SPL	
s 83	Function of being respondent to an appeal	SSP, SP, SPCIP, MPS, PSO, PP, SPAO, SStrP, StrP, SUD, EMPCS, SO, SPC, SPL	
s 83B	Duty to give or publish notice of application for review	SSP, SP, SPCIP, MPS, PSO, PP, SPAO, SStrP, StrP, SUD, EMPCS, SO, SPC, SPL	
s 84(1)	Power to decide on an application at any time after an appeal is lodged against failure to grant a permit	SPCIP, MPS, EMPCS, SPC	

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 84(2)	Duty not to issue a permit or notice of decision or refusal after an application is made for review of a failure to grant a permit	SSP, SP, SPCIP, MPS, PSO, PP, SPAO, SStrP, StrP, SUD, EMPCS, SO, SPC, SPL	
s 84(3)	Duty to tell principal registrar if decide to grant a permit after an application is made for review of its failure to grant a permit	SSP, SP, SPCIP, MPS, PSO, PP, SPAO, SStrP, StrP, SUD, EMPCS, SO, SPC, SPL	
s 84(6)	Duty to issue permit on receipt of advice within 3 working days	SSP, SP, SPCIP, MPS, PSO, PP, SPAO, SStrP, StrP, SUD, EMPCS, SO, SPC, SPL	
s 84AB	Power to agree to confining a review by the Tribunal	SSP, SPCIP, MPS, PSO, PP, SPAO, EMPCS, SPC	

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 86	Duty to issue a permit at order of Tribunal within 3 working days	SSP, SP, SPCIP, MPS, PSO, PP, SPAO, SStrP, StrP, SUD, EMPCS, SO, SPC, SPL	
s 87(3)	Power to apply to VCAT for the cancellation or amendment of a permit	SPCIP, MPS, EMPCS, SPC	
s 90(1)	Function of being heard at hearing of request for cancellation or amendment of a permit	SSP, SP, SPCIP, MPS, PSO, PP, SPAO, SStrP, StrP, SUD, EMPCS, SO, SPC, SPL	
s 91(2)	Duty to comply with the directions of VCAT	SSP, SP, SPCIP, MPS, PSO, PP, SPAO, SStrP, StrP, SUD, EMPCS, SO, SPC, SPL	

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 91(2A)	Duty to issue amended permit to owner if Tribunal so directs	SSP, SP, SPCIP, MPS, PSO, PP, SPAO, SStrP, StrP, SUD, EMPCS, SO, SPC, SPL	
s 92	Duty to give notice of cancellation/amendment of permit by VCAT to persons entitled to be heard under s 90	SSP, SP, SPCIP, MPS, PSO, PP, SPAO, SStrP, StrP, SUD, EMPCS, SO, SPC, SPL	
s 93(2)	Duty to give notice of VCAT order to stop development	SSP, SP, SPCIP, MPS, PSO, PP, SPAO, SStrP, StrP, SUD, EMPCS, SO, SPC, SPL	
s 95(3)	Function of referring certain applications to the Minister	SPCIP, MPS, EMPCS, SPC	

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 95(4)	Duty to comply with an order or direction	SSP, SP, SPCIP, MPS, PSO, PP, SPAO, SStrP, StrP, SUD, EMPCS, SO, SPC, SPL	
s 96(1)	Duty to obtain a permit from the Minister to use and develop its land	CEO, SPCIP, MPS, DOI, EMPCS, SPC	
s 96(2)	Function of giving consent to other persons to apply to the Minister for a permit to use and develop Council land	CEO, SPCIP, MPS, DOI, EMPCS, SPC	
s 96A(2)	Power to agree to consider an application for permit concurrently with preparation of proposed amendment	SPCIP, MPS, EMPCS, SPC, SPL	
s 96C	Power to give notice, to decide not to give notice, to publish notice and to exercise any other power under s 96C	SPCIP, MPS, EMPCS, SPC, SPL	
s 96F	Duty to consider the panel's report under s 96E	SPCIP, MPS, EMPCS, SPC, SPL	

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 96G(1)	Power to determine to recommend that a permit be granted or to refuse to recommend that a permit be granted and power to notify applicant of the determination (including power to give notice under s 23 of the Planning and Environment (Planning Schemes) Act 1996)	SPCIP, MPS, EMPCS, SPC	
s 96H(3)	Power to give notice in compliance with Minister's direction	SPCIP, MPS, EMPCS, SPC	
s 96J	Power to issue permit as directed by the Minister	SPCIP, MPS, EMPCS, SPC	
s 96K	Duty to comply with direction of the Minister to give notice of refusal	SPCIP, MPS, EMPCS, SPC	
s 96Z	Duty to keep levy certificates given to it under ss 47 or 96A for no less than 5 years from receipt of the certificate	SPCIP, MPS, EMPCS, SPC	
s 97C	Power to request Minister to decide the application	SPCIP, MPS, EMPCS, SPC	
s 97D(1)	Duty to comply with directions of Minister to supply any document or assistance relating to application	SPCIP, MPS, EMPCS, SPC	

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 97G(3)	Function of receiving from Minister copy of notice of refusal to grant permit or copy of any permit granted by the Minister	SPCIP, MPS, EMPCS, SPC	
s 97G(6)	Duty to make a copy of permits issued under s 97F available for inspection in accordance with the public availability requirements	PBSTLC, SSP, SP, SPCIP, MPS, PSO, PP, SPAO, SStrP, StrP, SUD, EMPCS, SO, SPC, SPL	
s 97L	Duty to include Ministerial decisions in a register kept under s 49	SSP, SP, SPCIP, MPS, PSO, PP, SPAO, SStrP, StrP, SUD, EMPCS, SO, SPC, SPL	
s 97MH	Duty to provide information or assistance to the Planning Application Committee	SSP, SP, SPCIP, MPS, PSO, PP, SPAO, SStrP, StrP, SUD, EMPCS, SO, SPC, SPL	
s 97MI	Duty to contribute to the costs of the Planning Application Committee or subcommittee	SPCIP, MPS, EMPCS, SPC	

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 97O	Duty to consider application and issue or refuse to issue certificate of compliance	SSP, SP, SPCIP, MPS, PSO, PP, SPAO, SStrP, StrP, SUD, EMPCS, SO, SPC, SPL	
s 97P(3)	Duty to comply with directions of VCAT following an application for review of a failure or refusal to issue a certificate	SSP, SP, SPCIP, MPS, PSO, PP, SPAO, SStrP, StrP, SUD, EMPCS, SO, SPC, SPL	
s 97Q(2)	Function of being heard by VCAT at hearing of request for amendment or cancellation of certificate	SSP, SP, SPCIP, MPS, PSO, PP, SPAO, SStrP, StrP, SUD, EMPCS, SPC, SPL	
s 97Q(4)	Duty to comply with directions of VCAT	SSP, SP, SPCIP, MPS, PSO, PP, SPAO, SStrP, StrP, SUD, EMPCS, SO, SPC, SPL	

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 97R	Duty to keep register of all applications for certificate of compliance and related decisions	PBSTLC, SSP, SP, SPCIP, MPS, PSO, PP, SPAO, SStrP, StrP, SUD, EMPCS, SO, SPC, SPL	
s 98(1)&(2)	Function of receiving claim for compensation in certain circumstances	SPCIP, MPS, EMPCS, SPC, SPL	
s 98(4)	Duty to inform any person of the name of the person from whom compensation can be claimed	MPS, EMPCS	
s 101	Function of receiving claim for expenses in conjunction with claim	MPS, EMPCS	
s 103	Power to reject a claim for compensation in certain circumstances	MPS, EMPCS	
s.107(1)	function of receiving claim for compensation	SPCIP, MPS, EMPCS, SPC, SPL	
s 107(3)	Power to agree to extend time for making claim	MPS, EMPCS, SPL	
s 114(1)	Power to apply to the VCAT for an enforcement order	SPCIP, MPS, EMPCS, SPC, PIO	

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 117(1)(a)	Function of making a submission to the VCAT where objections are received	SPCIP, MPS, EMPCS, SPC, PIO	
s 120(1)	Power to apply for an interim enforcement order where s 114 application has been made	SPCIP, MPS, EMPCS, SPC, PIO	
s 123(1)	Power to carry out work required by enforcement order and recover costs	SPCIP, MPS, EMPCS, SPC, PIO	
s 123(2)	Power to sell buildings, materials, etc salvaged in carrying out work under s 123(1)	CFO, MPS, EMPCS, MPFM	Except Crown Land
s 129	Function of recovering penalties	CFO, SPCIP, MPS, EMPCS, SPC	
s 130(5)	Power to allow person served with an infringement notice further time	SPCIP, MPS, EMPCS, SPC, PIO	
s 149A(1)	Power to refer a matter to the VCAT for determination	SSP, SP, SPCIP, MPS, PSO, PP, SPAO, SStrP, StrP, SUD, EMPCS, SO, SPC, PIO, SPL	

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 149A(1A)	power to apply to VCAT for the determination of a matter relating to the interpretation of a s.173 agreement	SSP, SP, SPCIP, MPS, PSO, PP, SPAO, SStrP, StrP, SUD, EMPCS, SO, SPC, PIO, SPL	
s 156	Duty to pay fees and allowances (including a payment to the Crown under s 156(2A)), and payment or reimbursement for reasonable costs and expenses incurred by the panel in carrying out its functions unless the Minister directs otherwise under s 156(2B)power to ask for contribution under s 156(3) and power to abandon amendment or part of it under s 156(4)	EMPCS, SPL	Where Council is the relevant planning authority
s 171(2)(f)	Power to carry out studies and commission reports	SPCIP, MPS, EMPCS, SPC, SPL	
s 171(2)(g)	Power to grant and reserve easements	SPCIP, MPS, EMPCS, SPC	
s 172C	Power to compulsorily acquire any outer public purpose land that is specified in the approved infrastructure contributions plan	CFO, EMPCS, MPFM	Where Council is a development agency specified in an approved infrastructure contributions plan
s 172D(1)	Power to compulsorily acquire any inner public purpose land that is specified in the plan before the time that the land is required to be provided to Council under s 46GV(4)	ND	Where Council is a collecting agency specified in an approved infrastructure contributions plan

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 172D(2)	Power to compulsorily acquire any inner public purpose land, the use and development of which is to be the responsibility of Council under the plan, before the time that the land is required to be provided under s 46GV(4)	ND	Where Council is the development agency specified in an approved infrastructure contributions plan
s 173(1)	Power to enter into agreement covering matters set out in s 174	SPCIP, MPS, EMPCS, SPC, SPL	
s 173(1A)	Power to enter into an agreement with an owner of land for the development or provision of land in relation to affordable housing	CEO, EMPCS	Where Council is the relevant responsible authority
	Power to decide whether something is to the satisfaction of Council, where an agreement made under s 173 of the Planning and Environment Act 1987 requires something to be to the satisfaction of Council or Responsible Authority	SPCIP, MPS, EMPCS, SPC, SPL	
	Power to give consent on behalf of Council, where an agreement made under s 173 of the Planning and Environment Act 1987 requires that something may not be done without the consent of Council or Responsible Authority	SPCIP, MPS, EMPCS, SPC, SPL	
s 177(2)	Power to end a s 173 agreement with the agreement of all those bound by any covenant in the agreement or otherwise in accordance with Division 2 of Part 9	SPCIP, MPS, EMPCS, SPC, SPL	

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 178	power to amend a s 173 agreement with the agreement of all those bound by any covenant in the agreement or otherwise in accordance with Division 2 of Part 9	SPCIP, MPS, EMPCS, SPC, SPL	
s 178A(1)	Function of receiving application to amend or end an agreement	SSP, SP, SPCIP, MPS, PSO, PP, SPAO, SStrP, StrP, SUD, EMPCS, SO, SPC, SPL	
s 178A(3)	Function of notifying the owner as to whether it agrees in principle to the proposal under s 178A(1)	SSP, SP, SPCIP, MPS, PSO, PP, SPAO, SStrP, StrP, SUD, EMPCS, SO, SPC, SPL	
s 178A(4)	Function of notifying the applicant and the owner as to whether it agrees in principle to the proposal	SSP, SP, SPCIP, MPS, PSO, PP, SPAO, SStrP, StrP, SUD, EMPCS, SO, SPC, SPL	
s 178A(5)	Power to propose to amend or end an agreement	SPCIP, MPS, EMPCS, SPC	

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 178B(1)	Duty to consider certain matters when considering proposal to amend an agreement	SSP, SP, SPCIP, MPS, PSO, PP, SPAO, SStrP, StrP, SUD, EMPCS, SO, SPC, SPL	
s 178B(2)	Duty to consider certain matters when considering proposal to end an agreement	SSP, SP, SPCIP, MPS, PSO, PP, SPAO, SStrP, StrP, SUD, EMPCS, SO, SPC, SPL	
s 178C(2)	Duty to give notice of the proposal to all parties to the agreement and other persons who may be detrimentally affected by decision to amend or end	SSP, SP, SPCIP, MPS, PSO, PP, SPAO, SStrP, StrP, SUD, EMPCS, SO, SPC, SPL	
s 178C(4)	Function of determining how to give notice under s 178C(2)	SSP, SP, SPCIP, MPS, PSO, PP, SPAO, SStrP, StrP, SUD, EMPCS, SO, SPC, SPL	

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 178E(1)	Duty not to make decision until after 14 days after notice has been given	SSP, SP, SPCIP, MPS, PSO, PP, SPAO, SStrP, StrP, SUD, EMPCS, SO, SPC, SPL	
s.178E(2)(a)	Power to amend or end the agreement in accordance with the proposal	SPCIP, MPS, EMPCS, SPC	If no objections are made under s 178D Must consider matters in s 178B
s 178E(2)(b)	Power to amend or end the agreement in a manner that is not substantively different from the proposal	SPCIP, MPS, EMPCS, SPC	If no objections are made under s 178D Must consider matters in s 178B
s 178E(2)(c)	Power to refuse to amend or end the agreement	SPCIP, MPS, EMPCS, SPC	If no objections are made under s 178D Must consider matters in s 178B
s 178E(3)(a)	Power to amend or end the agreement in accordance with the proposal	SPCIP, MPS, EMPCS, SPC	After considering objections, submissions and matters in s 178B
s 178E(3)(b)	Power to amend or end the agreement in a manner that is not substantively different from the proposal	SPCIP, MPS, EMPCS, SPC	After considering objections, submissions and matters in s 178B
s.178E(3)(c)	power to amend or end the agreement in a manner that is substantively different from the proposal	SPCIP, MPS, EMPCS, SPC	After considering objections, submissions and matters in s.178B

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 178E(3)(d)	Power to refuse to amend or end the agreement	SPCIP, MPS, EMPCS, SPC	After considering objections, submissions and matters in s 178B
s 178F(1)	Duty to give notice of its decision under s 178E(3)(a) or (b)	SSP, SP, SPCIP, MPS, PSO, PP, SPAO, SStrP, StrP, SUD, EMPCS, SO, SPC, SPL	
s 178F(2)	Duty to give notice of its decision under s 178E(2)(c) or (3)(d)	SSP, SP, SPCIP, MPS, PSO, PP, SPAO, SStrP, StrP, SUD, EMPCS, SO, SPC, SPL	
s 178F(4)	Duty not to proceed to amend or end an agreement under s 178E until at least 21 days after notice has been given or until an application for review to the Tribunal has been determined or withdrawn	SSP, SP, SPCIP, MPS, PSO, PP, SPAO, SStrP, StrP, SUD, EMPCS, SO, SPC, SPL	
s 178G	Duty to sign amended agreement and give copy to each other party to the agreement	SPCIP, MPS, EMPCS, SPC	

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 178H	Power to require a person who applies to amend or end an agreement to pay the costs of giving notices and preparing the amended agreement	PBSTLC, SSP, SP, SPCIP, MPS, PSO, PP, SPAO, SStrP, StrP, SUD, EMPCS, SO, SPC, SPL	
s 178I(3)	Duty to notify, in writing, each party to the agreement of the ending of the agreement relating to Crown land	SSP, SP, SPCIP, MPS, PSO, PP, SPAO, SStrP, StrP, SUD, EMPCS, SO, SPC, SPL	
s 179(2)	Duty to make copy of each agreement available for inspection copy agreement in accordance with the public availability requirements	PBSTLC, SSP, SP, SPCIP, MPS, PSO, PP, SPAO, SStrP, StrP, SUD, EMPCS, SO, SPC, SPL	
s 181	Duty to apply to the Registrar of Titles to record the agreement and to deliver a memorial to Registrar-General	SPCIP, MPS, EMPCS, SPC	
s 181(1A)(a)	Power to apply to the Registrar of Titles to record the agreement	SPCIP, MPS, EMPCS, SPC	

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 181(1A)(b)	Duty to apply to the Registrar of Titles, without delay, to record the agreement	SPCIP, MPS, EMPCS, SPC	
s 182	Power to enforce an agreement	SSP, SP, SPCIP, MPS, PSO, PP, SPAO, SStrP, StrP, SUD, EMPCS, SO, SPC, PIO, SPL	
s 183	Duty to tell Registrar of Titles of ending/amendment of agreement	SPCIP, MPS, EMPCS, SPC	
s 184F(1)	Power to decide to amend or end an agreement at any time after an application for review of the failure of Council to make a decision	SPCIP, MPS, EMPCS, SPC	
s 184F(2)	Duty not to amend or end the agreement or give notice of the decision after an application is made to VCAT for review of a failure to amend or end an agreement	SSP, SP, SPCIP, MPS, PSO, PP, SPAO, SStrP, StrP, SUD, EMPCS, SO, SPC, SPL	

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 184F(3)	Duty to inform the principal registrar if the responsible authority decides to amend or end an agreement after an application is made for the review of its failure to end or amend the agreement	SSP, SP, SPCIP, MPS, PSO, PP, SPAO, SStrP, StrP, SUD, EMPCS, SO, SPC, SPL	
s 184F(5)	Function of receiving advice from the principal registrar that the agreement may be amended or ended in accordance with Council's decision	PBST LC , SPCIP, MPS, EMPCS, SPC	
s 184G(2)	Duty to comply with a direction of the Tribunal	SSP, SP, SPCIP, MPS, PSO, PP, SPAO, SStrP, StrP, SUD, EMPCS, SO, SPC, SPL	
s 184G(3)	Duty to give notice as directed by the Tribunal	SSP, SP, SPCIP, MPS, PSO, PP, SPAO, SStrP, StrP, SUD, EMPCS, SO, SPC, SPL	
s 198(1)	Function to receive application for planning certificate	PBST LC , SPCIP, MPS, EMPCS, SPC	

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 199(1)	Duty to give planning certificate to applicant	PBSTLC, SPCIP, MPS, EMPCS, SPC	
s 201(1)	Function of receiving application for declaration of underlying zoning	SPCIP, MPS, EMPCS, SPC, SPL	
s 201(3)	Duty to make declaration	SPCIP, MPS, EMPCS, SPC, SPL	
	Power to decide, in relation to any planning scheme or permit, that a specified thing has or has not been done to the satisfaction of Council	SPCIP, MPS, EMPCS, SPC, SPL	
	Power, in relation to any planning scheme or permit, to consent or refuse to consent to any matter which requires the consent or approval of Council	SPCIP, MPS, EMPCS, SPC, SPL	
	Power to approve any plan or any amendment to a plan or other document in accordance with a provision of a planning scheme or condition in a permit	SPCIP, MPS, EMPCS, SPC, SPL	
	Power to give written authorisation in accordance with a provision of a planning scheme	SPCIP, MPS, EMPCS, SPC, SPL	

<i>Planning and Environment Act 1987</i>			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 201UAB(1)	Function of providing the Victoria Planning Authority with information relating to any land within municipal district	SPCIP, MPS, EMPCS, SPC, SPL	
s 201UAB(2)	Duty to provide the Victoria Planning Authority with information requested under s 201UAB(1) as soon as possible	SPCIP, MPS, EMPCS, SPC, SPL	

<i>Residential Tenancies Act 1997</i>			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 91ZU(1)	Power to give a renter a notice to vacate rented premises	MPFM	Where Council is a public statutory authority engaged in the provision of housing
s 91ZZC(1)	Power to give a renter a notice to vacate rented premises	MPFM	Where Council is a public statutory authority authorised to acquire land compulsorily for its purposes
s 91ZZE(1)	Power to give a renter a notice to vacate rented premises	MPFM	Where Council is a public statutory authority engaged in the provision of housing
s 91ZZE(3)	Power to publish Council's criteria for eligibility for the provision of housing	MPFM	Where Council is a public statutory authority engaged in the provision of housing

Residential Tenancies Act 1997			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 142D	Function of receiving notice regarding an unregistered rooming house	MCSA, EHO, DWO, HTO, CEH	
s 142G(1)	Duty to enter required information in Rooming House Register for each rooming house in municipal district	MCSA, EHO, DWO, HTO, CEH	
s 142G(2)	Power to enter certain information in the Rooming House Register	MCSA, EHO, DWO, HTO, CEH	
s 142I(2)	Power to amend or revoke an entry in the Rooming House Register if necessary to maintain the accuracy of the entry	MCSA, EHO, DWO, HTO, CEH	
s 206AZA(2)	Function of receiving written notification	MPFM	
s 207ZE(2)	Function of receiving written notification	MPFM	
s 311A(2)	Function of receiving written notification	MPFM	
s 317ZDA(2)	Function of receiving written notification	MPFM	
s 518F	Power to issue notice to caravan park regarding emergency management plan if determined that the plan does not comply with the requirements	MCSA, CEH, EML	

Residential Tenancies Act 1997			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 522(1)	Power to give a compliance notice to a person	MCSA, EHO, DWO, HTO, CEH	
s 525(2)	Power to authorise an officer to exercise powers in s 526 (either generally or in a particular case)	MCSA, DOI, CEH, EMPCS, MPFM	
s 525(4)	Duty to issue identity card to authorised officers	GL, EMGCE	
s 526(5)	Duty to keep record of entry by authorised officer under s 526	MCSA	
s 526A(3)	Function of receiving report of inspection	MCSA, DOI, CEH, EMPCS, MPFM	
s 527	Power to authorise a person to institute proceedings (either generally or in a particular case)	MCSA, DOI, EMPCS, MPFM	

Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 11(1)	Power to declare a road by publishing a notice in the Government Gazette	MI, DOI	Obtain consent in circumstances specified in s 11(2)

Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 11(8)	Power to name a road or change the name of a road by publishing notice in Government Gazette	DOI, SO, EMGCE	
s 11(9)(b)	Duty to advise Registra	DOI, SO, EMGCE	
s 11(10)	Duty to inform Secretary to Department of Environment, Land, Water and Planning of declaration etc.	DOI, EMGCE	Subject to s 11(10A)
s 11(10A)	Duty to inform Secretary to Department of Environment, Land, Water and Planning or nominated person	MI, DOI	Where Council is the coordinating road authority
s 12(2)	Power to discontinue road or part of a road	DOI	Where Council is the coordinating road authority
s 12(4)	Duty to publish, and provide copy, notice of proposed discontinuance	MI, DOI	Power of coordinating road authority where it is the discontinuing body Unless s 12(11) applies
s 12(5)	Duty to consider written submissions received within 28 days of notice	MI, DOI	Duty of coordinating road authority where it is the discontinuing body Unless s 12(11) applies

Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 12(6)	Function of hearing a person in support of their written submission	MI, DOI	Function of coordinating road authority where it is the discontinuing body Unless s 12(11) applies
s 12(7)	Duty to fix day, time and place of meeting under s 12(6) and to give notice	MI, DOI	Duty of coordinating road authority where it is the discontinuing body Unless s 12(11) applies
s 12(10)	Duty to notify of decision made	MI, DOI	Duty of coordinating road authority where it is the discontinuing body Does not apply where an exemption is specified by the regulations or given by the Minister
s 13(1)	Power to fix a boundary of a road by publishing notice in Government Gazette	MI, DOI	Power of coordinating road authority and obtain consent under s 13(3) and s 13(4) as appropriate
s 14(4)	Function of receiving notice from the Head, Transport for Victoria	DOI	
s 14(7)	Power to appeal against decision of the Head, Transport for Victoria	DOI	
s 15(1)	Power to enter into arrangement with another road authority, utility or a provider of public transport to transfer a road management function of the road authority to the other road authority, utility or provider of public transport	MI, DOI	

Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 15(1A)	Power to enter into arrangement with a utility to transfer a road management function of the utility to the road authority	MI, DOI	
s 15(2)	Duty to include details of arrangement in public roads register	MI, DOI	
s 16(7)	Power to enter into an arrangement under s 15	MI, DOI	
s 16(8)	Duty to enter details of determination in public roads register	MI, DOI	
s 17(2)	Duty to register public road in public roads register	MI, DOI	Where Council is the coordinating road authority
s 17(3)	Power to decide that a road is reasonably required for general public use	MI, DOI	Where Council is the coordinating road authority
s 17(3)	Duty to register a road reasonably required for general public use in public roads register	MI, DOI	Where Council is the coordinating road authority
s 17(4)	Power to decide that a road is no longer reasonably required for general public use	MI, DOI	Where Council is the coordinating road authority
s 17(4)	Duty to remove road no longer reasonably required for general public use from public roads register	MI, DOI	Where Council is the coordinating road authority

Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 18(1)	Power to designate ancillary area	MI, DOI	Where Council is the coordinating road authority, and obtain consent in circumstances specified in s 18(2)
s 18(3)	Duty to record designation in public roads register	MI, DOI	Where Council is the coordinating road authority
s 19(1)	Duty to keep register of public roads in respect of which it is the coordinating road authority	MI, DOI	
s 19(4)	Duty to specify details of discontinuance in public roads register	MI, DOI	
s 19(5)	Duty to ensure public roads register is available for public inspection	MI, DOI	
s 21	Function of replying to request for information or advice	MI, DOI	Obtain consent in circumstances specified in s 11(2)
s 22(2)	Function of commenting on proposed direction	MI, DOI	
s 22(4)	Duty to publish a copy or summary of any direction made under s 22 by the Minister in its annual report.	DOI	
s 22(5)	Duty to give effect to a direction under s 22	DOI	
s 40(1)	Duty to inspect, maintain and repair a public road.	MI, DOI	

Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 40(5)	Power to inspect, maintain and repair a road which is not a public road	MI, DOI	
s 41(1)	Power to determine the standard of construction, inspection, maintenance and repair	MI, DOI	
s 42(1)	Power to declare a public road as a controlled access road	MI, DOI	Power of coordinating road authority and sch 2 also applies
s 42(2)	Power to amend or revoke declaration by notice published in Government Gazette	MI, DOI	Power of coordinating road authority and sch 2 also applies
s 42A(3)	Duty to consult with Head, Transport for Victoria and Minister for Local Government before road is specified	MI, DOI	Where Council is the coordinating road authority If road is a municipal road or part thereof
s 42A(4)	Power to approve Minister's decision to specify a road as a specified freight road	MI, DOI	Where Council is the coordinating road authority If road is a municipal road or part thereof and where road is to be specified a freight road
s 48EA	Duty to notify the owner or occupier of land and provider of public transport on which rail infrastructure or rolling stock is located (and any relevant provider of public transport)	MI, DOI	Where Council is the responsible road authority, infrastructure manager or works manager

Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 48M(3)	Function of consulting with the relevant authority for purposes of developing guidelines under s 48M	MI, DOI	
s 49	Power to develop and publish a road management plan	MI, DOI	
s 51	Power to determine standards by incorporating the standards in a road management plan	MI, DOI	
s 53(2)	Power to cause notice to be published in Government Gazette of amendment etc of document in road management plan	MI, DOI	
s 54(2)	Duty to give notice of proposal to make a road management plan	MI, DOI	
s 54(5)	Duty to conduct a review of road management plan at prescribed intervals	MI, DOI	
s 54(6)	Power to amend road management plan	MI, DOI	
s 54(7)	Duty to incorporate the amendments into the road management plan	MI, DOI	
s 55(1)	Duty to cause notice of road management plan to be published in Government Gazette and newspaper	MI, DOI	
s 63(1)	Power to consent to conduct of works on road	MI, DOI	Where Council is the coordinating road authority

Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 63(2)(e)	Power to conduct or to authorise the conduct of works in, on, under or over a road in an emergency	MI, DOI	Where Council is the infrastructure manager
s 64(1)	Duty to comply with cl 13 of sch 7	MI, DOI	Where Council is the infrastructure manager or works manager
s 66(1)	Power to consent to structure etc	MI, DOI	Where Council is the coordinating road authority
s 67(2)	Function of receiving the name & address of the person responsible for distributing the sign or bill	MI, DOI	Where Council is the coordinating road authority
s 67(3)	Power to request information	MI, DOI	Where Council is the coordinating road authority
s 68(2)	Power to request information	MI, DOI	Where Council is the coordinating road authority
s 71(3)	Power to appoint an authorised officer	DOI	
s 72	Duty to issue an identity card to each authorised officer	MI, DOI	
s 85	Function of receiving report from authorised officer	MI, DOI	
s 86	Duty to keep register re s 85 matters	MI, DOI	

Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 87(1)	Function of receiving complaints	MI, DOI	
s 87(2)	Duty to investigate complaint and provide report	MI, DOI	
s 112(2)	Power to recover damages in court	MI, DOI	
s 116	Power to cause or carry out inspection	MI, DOI	
s 119(2)	Function of consulting with the Head, Transport for Victoria	MI, DOI	
s 120(1)	Power to exercise road management functions on an arterial road (with the consent of the Head, Transport for Victoria)	MI, DOI	
s 120(2)	Duty to seek consent of the Head, Transport for Victoria to exercise road management functions before exercising power in s 120(1)	MI, DOI	
s 121(1)	Power to enter into an agreement in respect of works	MI, DOI	
s 122(1)	Power to charge and recover fees	MI, DOI	
s 123(1)	Power to charge for any service	MI, DOI	

Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
sch 2 cl 2(1)	Power to make a decision in respect of controlled access roads	MI, DOI	
sch 2 cl 3(1)	Duty to make policy about controlled access roads	MI, DOI	
sch 2 cl 3(2)	Power to amend, revoke or substitute policy about controlled access roads	MI, DOI	
sch 2 cl 4	Function of receiving details of proposal from the Head, Transport for Victoria	MI, DOI	
sch 2 cl 5	Duty to publish notice of declaration	MI, DOI	
sch 7 cl 7(1)	Duty to give notice to relevant coordinating road authority of proposed installation of non-road infrastructure or related works on a road reserve	MI, DOI	Where Council is the infrastructure manager or works manager
sch 7 cl 8(1)	Duty to give notice to any other infrastructure manager or works manager responsible for any non-road infrastructure in the area, that could be affected by any proposed installation of infrastructure or related works on a road or road reserve of any road	MI, DOI	Where Council is the infrastructure manager or works manager
sch 7 cla 9(1)	Duty to comply with request for information from a coordinating road authority, an infrastructure manager or a works manager responsible for existing or proposed infrastructure in relation to the location of any non-road infrastructure and technical advice or assistance in conduct of works	MI, DOI	Where Council is the infrastructure manager or works manager responsible for non-road infrastructure

Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
sch 7 cl 9(2)	Duty to give information to another infrastructure manager or works manager where becomes aware any infrastructure or works are not in the location shown on records, appear to be in an unsafe condition or appear to need maintenance	MI, DOI	Where Council is the infrastructure manager or works manager
sch 7 cl 10(2)	Where Sch 7 cl 10(1) applies, duty to, where possible, conduct appropriate consultation with persons likely to be significantly affected	MI, DOI	Where Council is the infrastructure manager or works manager
sch 7 cl 12(2)	Power to direct infrastructure manager or works manager to conduct reinstatement works	MI, DOI	Where Council is the coordinating road authority
sch 7 cl 12(3)	Power to take measures to ensure reinstatement works are completed	MI, DOI	Where Council is the coordinating road authority
sch 7 cl 12(4)	Duty to ensure that works are conducted by an appropriately qualified person	MI, DOI	Where Council is the coordinating road authority
sch 7 cl 12(5)	Power to recover costs	MI, DOI	Where Council is the coordinating road authority
sch 7 cl 13(1)	Duty to notify relevant coordinating road authority within 7 days that works have been completed, subject to sch 7 cl 13(2)	MI, DOI	Where Council is the works manager
sch 7 cl 13(2)	Power to vary notice period	MI, DOI	Where Council is the coordinating road authority

Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
sch 7 cl 13(3)	Duty to ensure works manager has complied with obligation to give notice under sch 7 cl 13(1)	MI, DOI	Where Council is the infrastructure manager
sch 7 cl 16(1)	Power to consent to proposed works	MI, DOI	Where Council is the coordinating road authority
sch 7 cl 16(4)	Duty to consult	MI, DOI	Where Council is the coordinating road authority, responsible authority or infrastructure manager
sch 7 cl 16(5)	Power to consent to proposed works	MI, DOI	Where Council is the coordinating road authority
sch 7 cl 16(6)	Power to set reasonable conditions on consent	MI, DOI	Where Council is the coordinating road authority
sch 7 cl 16(8)	Power to include consents and conditions	MI, DOI	Where Council is the coordinating road authority
sch 7 cl 17(2)	Power to refuse to give consent and duty to give reasons for refusal	MI, DOI	Where Council is the coordinating road authority
sch 7 cl18(1)	Power to enter into an agreement	MI, DOI	Where Council is the coordinating road authority

Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
sch7 cl 19(1)	Power to give notice requiring rectification of works	MI, DOI	Where Council is the coordinating road authority
sch 7 cl 19(2) & (3)	Power to conduct the rectification works or engage a person to conduct the rectification works and power to recover costs incurred	MI, DOI	Where Council is the coordinating road authority
sch 7 cl 20(1)	Power to require removal, relocation, replacement or upgrade of existing non-road infrastructure	MI, DOI	Where Council is the coordinating road authority
sch 7A cl 2	Power to cause street lights to be installed on roads	MI, DOI	Power of responsible road authority where it is the coordinating road authority or responsible road authority in respect of the road
sch 7 cl 3(1)(d)	Duty to pay installation and operation costs of street lighting - where road is not an arterial road	MI, DOI	Where Council is the responsible road authority
sch 7A cl 3(1)(e)	Duty to pay installation and operation costs of street lighting - where road is a service road on an arterial road and adjacent areas	MI, DOI	Where Council is the responsible road authority
sch 7A cl (3)(1)(f)	Duty to pay installation and percentage of operation costs of street lighting - for arterial roads in accordance with cls 3(2) and 4	MI, DOI	Duty of Council as responsible road authority that installed the light (re: installation costs) and where Council is relevant municipal council (re: operating costs)

Planning and Environment Regulations 2015			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
r.6	function of receiving notice, under section 19(1)(c) of the Act, from a planning authority of its preparation of an amendment to a planning scheme	EMPCS, SPL	where Council is not the planning authority and the amendment affects land within Council's municipal district; or where the amendment will amend the planning scheme to designate Council as an acquiring authority.
r.21	power of responsible authority to require a permit applicant to verify information (by statutory declaration or other written confirmation satisfactory to the responsible authority) in an application for a permit or to amend a permit or any information provided under section 54 of the Act	SSP, SP, SPCIP, MPS, PSO, PP, SPAO, SStrP, StrP, SUD, EMPCS, SO, SPC, SPL	
r.25(a)	duty to make copy of matter considered under section 60(1A)(g) available for inspection free of charge	PBS TLC , SPCIP, MPS, EMPCS, SPC	where Council is the responsible authority
r.25(b)	function of receiving a copy of any document considered under section 60(1A)(g) by the responsible authority and duty to make the document available for inspection free of charge	PBS TLC , SPCIP, MPS, EMPCS, SPC	where Council is not the responsible authority but the relevant land is within Council's municipal district

Planning and Environment Regulations 2015			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
r.42	function of receiving notice under section 96C(1)(c) of the Act from a planning authority of its preparation of a combined application for an amendment to a planning scheme and notice of a permit application	SPCIP, MPS, EMPCS, SPC, SPL	where Council is not the planning authority and the amendment affects land within Council's municipal district; or where the amendment will amend the planning scheme to designate Council as an acquiring authority.

Planning and Environment (Fees) Regulations 2016			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
r 19	Power to waive or rebate a fee relating to an amendment of a planning scheme	EMPCS, SPL	
r 20	Power to waive or rebate a fee other than a fee relating to an amendment to a planning scheme	PBS TLC , SPCIP, MPS, EMPCS, SPC	
r 21	Duty to record matters taken into account and which formed the basis of a decision to waive or rebate a fee under r 19 or 20	PBS TLC , SPCIP, MPS, EMPCS, SPC, SPL	

Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
r 7	Function of entering into a written agreement with a caravan park owner	MCSA, CEH	
r 10	Function of receiving application for registration	MCSA, CEH	
r 11	Function of receiving application for renewal of registration	MCSA, CEH	
r 12(1)	Duty to grant the registration if satisfied that the caravan park complies with these regulations	MCSA, CEH	
r 12(1)	Power to refuse to renew the registration if not satisfied that the caravan park complies with these regulations	MCSA, CEH	
r 12(2)	Duty to renew the registration if satisfied that the caravan park complies with these regulations	MCSA, CEH	
r 12(2)	Power to refuse to renew the registration if not satisfied that the caravan park complies with these regulations	MCSA, CEH	
r 12(3)	Duty to have regard to matters in determining an application for registration or an application for renewal of registration	MCSA, CEH	
r 12(4) & (5)	Duty to issue certificate of registration	MCSA, CEH	

Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
r 14(1)	Function of receiving notice of transfer of ownership	MCSA, EHO, DWO, CEH	
r 14(3)	Power to determine where notice of transfer is displayed	MCSA, EHO, DWO, CEH	
r 15(1)	Duty to transfer registration to new caravan park owner	MCSA, CEH	
r 15(2)	Duty to issue a certificate of transfer of registration	MCSA, CEH	
r 16(1)	Power to determine the fee to accompany applications for registration or applications for renewal of registration	MCSA, CEH	
r 17	Duty to keep register of caravan parks	MCSA, CEH	
r 18(4)	Power to determine where the emergency contact person's details are displayed	MCSA, EHO, DWO, CEH	
r 18(6)	Power to determine where certain information is displayed	MCSA, EHO, DWO, CEH	
r 22(1)	Duty to notify a caravan park owner of the relevant emergency services agencies for the caravan park, on the request of the caravan park owner	MCSA, EHO, DWO, CEH	
r 22(2)	Duty to consult with relevant emergency services agencies	MCSA, EHO, DWO, CEH	

Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
r 23	Power to determine places in which caravan park owner must display a copy of emergency procedures	MCSA, EHO, DWO, CEH	
r 24	Power to determine places in which caravan park owner must display copy of public emergency warnings	MCSA, EHO, DWO, CEH	
r 25(3)	Duty to consult with relevant floodplain management authority	MCSA, EHO, DWO, CEH	
r 26	Duty to have regard to any report of the relevant fire authority	MCSA, EHO, DWO, CEH	
r 28(c)	Power to approve system for the collection, removal and disposal of sewage and waste water from a movable dwelling	MCSA, EHO, DWO, CEH	
r 40	Function of receiving notice of proposed installation of unregistrable movable dwelling or rigid annexe	MCSA, EHO, DWO, CEH	
r 40(b)	Power to require notice of proposal to install unregistrable movable dwelling or rigid annexe	MCSA, EHO, DWO, CEH	
r 41(4)	Function of receiving installation certificate	MCSA, EHO, DWO, CEH	
r 43	Power to approve use of a non-habitable structure as a dwelling or part of a dwelling	MCSA, EHO, DWO, CEH	

Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
sch 3 cl 4(3)	Power to approve the removal of wheels and axles from unregistrable movable dwelling	MCSA, EHO, DWO, CEH	

Residential Tenancies Regulations 2021			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
sch 4 cl 3(a)(iii)	Power to approve any other toilet system	CEH	

Road Management (General) Regulations 2016			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
r 8(1)	Duty to conduct reviews of road management plan	MI, DOI	
r 9(2)	Duty to produce written report of review of road management plan and make report available	MI, DOI	
r 9(3)	Duty to give notice where road management review is completed and no amendments will be made (or no amendments for which notice is required)	MI, DOI	Where Council is the coordinating road authority
r.10	Duty to give notice of amendment which relates to standard of construction, inspection, maintenance or repair under s 41 of the Act	MI, DOI	

Road Management (General) Regulations 2016			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
r 13(1)	Duty to publish notice of amendments to road management plan	MI, DOI	where Council is the coordinating road authority
r 13(3)	Duty to record on road management plan the substance and date of effect of amendment	MI, DOI	
r 16(3)	Power to issue permit	MI, DOI	Where Council is the coordinating road authority
r 18(1)	Power to give written consent re damage to road	MI, DOI	Where Council is the coordinating road authority
r 23(2)	Power to make submission to Tribunal	MI, DOI, MCW	Where Council is the coordinating road authority
r 23(4)	Power to charge a fee for application under s 66(1) Road Management Act	MI, DOI, MCW	Where Council is the coordinating road authority
r 25(1)	Power to remove objects, refuse, rubbish or other material deposited or left on road	ME, MI, DOI, MCW	Where Council is the responsible road authority
r 25(2)	Power to sell or dispose of things removed from road or part of road (after first complying with regulation 25(3))	ME, MI, DOI, MCW	Where Council is the responsible road authority

Road Management (General) Regulations 2016			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
r 25(5)	Power to recover in the Magistrates' Court, expenses from person responsible	MI, DOI	

Road Management (Works and Infrastructure) Regulations 2015			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
r 15	Power to exempt a person from requirement under cl 13(1) of sch 7 of the Act to give notice as to the completion of those works	MI, DOI, MCW	Where Council is the coordinating road authority and where consent given under s 63(1) of the Act
r 22(2)	Power to waive whole or part of fee in certain circumstances	MI, DOI, MCW	Where Council is the coordinating road authority

Informal Meeting of Councillors Record

The Meeting commenced at 7:00pm

MEETING DETAILS:	Title:	Arts and Cultural Advisory Committee
	Date:	Monday 15 November 2021
	Location:	Zoom
PRESENT:	Councillors:	Cr. Paine, Mayor Cr. Perkins
	Council Staff:	Corrienne Nichols, Nichole Johnson, Sarah Hammond, Simon Doyle; Richard Holt, Angela Bailey, Renee Cosgrave
	Other:	Brian Gilkes, Pat Reynolds, Ona Henderson, Syd Tunn, Alli Spoor, Hana Zreikat, Jonathan Crowther, Liezl Shnookal, Sandra Miller, Leanne Ipsen, Dennis Coard, Rebecca Davies, Emma Roussel
APOLOGIES:		Tessa Christie, Thomas McEvoy, Cassie May

MATTERS CONSIDERED		DISCLOSURES AND COMMENTS
1	5. Matters Arising 5.1. 2022-26 Arts and Culture Strategy Update 5.2. Artwork Audit (addition to agenda) 5.3. Eltham Library Community Gallery Program 5.4. Leigh documentary premiere rescheduled	No disclosures were made
2	6. Curator and Collections Management Update 6.1 Potential Commissions/Acquisition to Collection	No disclosures were made
3	7. Arts Development Update 7.1. St. Andrews Wayfinding Project 7.2. Diamond Valley Sports & Fitness Centre Public Art Project 7.3. 2022 Nillumbik Prize for Contemporary Writing	No disclosures were made
4	8. Community Arts and Cultural Engagement Update 8.1 Artist in Own Residence Program 8.2 2021-22 History and Heritage Grants	No disclosures were made
5	9. ACAC Meeting Format – digital vs in person	No disclosures were made
6	10. Other Business 10.1. Committee Contribution 10.2. Eltham Art Show 10.3. Performing Arts Support 10.4. Significant Events	No disclosures were made
7	11. 2022 Meetings – Future Dates for Diary	No disclosures were made

The Meeting concluded at 9:00pm

RECORD COMPLETED BY:	Officer Name/Title:	Sarah Hammond, Community Arts and Cultural Engagement Officer
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Informal Meeting of Councillors Record

The Meeting commenced at 5.02pm

MEETING DETAILS:	Title:	Councillor Briefing – conducted virtually
	Date:	Tuesday 7 December 2021
	Location:	Virtual meeting
PRESENT:	Councillors:	Cr Peter Perkins, Cr Frances Eyre, Cr Natalie Duffy, Cr Karen Egan, 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, Robert Malignaggi, Melika Sukunda, Leigh Northwood, Renae Ahern, Enrique Gutierrez, Richard Rowe, Heath Gillett
	Other:	
APOLOGIES:		

MATTERS CONSIDERED		DISCLOSURES AND COMMENTS
1	CEO Update with Councillors	No disclosures were made
2	2021-2022 Mid-Year Financial Review	No disclosures were made
3	Landfill Rehabilitation – Works Overview and Proposed Funding	No disclosures were made
4	Nillumbik Submission to Parliamentary Inquiry into Protections within the Victorian Planning Framework	No disclosures were made
5	Nillumbik Submission - DELWP Improving the Operation of ResCode Discussion Paper	No disclosures were made
6	State Government Planning Reforms and Advocacy	No disclosures were made
7	Asset Management Plan Review Process	No disclosures were made
8	Business Improvement Opportunities	No disclosures were made
9	Edendale Update	No disclosures were made

The Meeting concluded at 9.30pm

RECORD COMPLETED BY:	Officer Name: Officer Title:	Blaga Naumoski Executive Manager Governance, Communications and Engagement
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Informal Meeting of Councillors Record

The Meeting commenced at 4:00pm

MEETING DETAILS:	Title:	Eltham Train Station Carpark meeting
	Date:	Tuesday 7 December 2021
	Location:	Youth Road and Diamond Street, Eltham
PRESENT:	Councillors:	Cr Fran Eyre (convenor); Cr Natalie Duffy; Cr Ben Ramcharan; Cr Peter Perkins; Cr Geoff Paine
	Council Staff:	Hjalmar Phillip, Lawrence Seyers, Paul Fyffe
	Other:	None
APOLOGIES:		None

MATTERS CONSIDERED		DISCLOSURES AND COMMENTS
1	Eltham Train Station Carpark	No disclosures were made

The Meeting concluded at 4:35pm

RECORD COMPLETED BY:	Officer Name:	Lawrence Seyers
	Officer Title:	Lead Transport Planner

Informal Meeting of Councillors Record

The Meeting commenced at 10.00am

MEETING DETAILS:	Title:	Health & Wellbeing Advisory Committee
	Date:	Thursday 9 December, 2021
	Location:	Zoom meeting
PRESENT:	Councillors:	Cr. Richard Stockman, Cr Natalie Duffy
	Council Staff:	Corrienne Nichols, Nichole Johnson, Lauren Treby, Melissa Butler, Julie Alexander.
	Other:	Committee Members: Johanna Mithen (North East Health & Communities), Kate Ferguson (YPRL), Julia Bilton (healthAbility), Olive Aumann (healthAbility), Jacinta Geary (Relationships Australia Victoria).
APOLOGIES:		Robyn Ellard (Yarra Plenty Regional Library), Petra Begnell (North Eastern Healthy Communities), Mitch Walker (Belgravia Leisure), Rebecca Tipper (Women's Health in the North) Rosie Haszler (Aligned Leisure),

MATTERS CONSIDERED		DISCLOSURES AND COMMENTS
1	Annual Implementation Plan	No disclosures were made.
2	Advisory committee Survey	No disclosures were made.
3	Advisory committee terms of reference	No disclosures were made.
4	Member Updates	No disclosures were made.

The Meeting concluded at 11.30am

RECORD COMPLETED BY:	Officer Name:	Melissa Butler
	Officer Title:	Social Planning and Policy Officer

Informal Meeting of Councillors Record

The Meeting commenced at 4pm

MEETING DETAILS:	Title:	Draft Climate Action Plan development
	Date:	Monday 13 December 2021
	Location:	Zoom
PRESENT:	Councillors:	Cr Frances Eyre, Cr Ben Ramcharan, Cr Geoff Paine, Cr Natalie Duffy
	Council Staff:	Hjalmar Philip, Lisa Pittle, Kirsten Reedy, Jon Miller, Laura Nix, Ian Culbard, Seamus Balkin
	Other:	-
APOLOGIES:		

MATTERS CONSIDERED		DISCLOSURES AND COMMENTS
1	Drafting of the Year 1 Implementation Plan	No disclosures were made

The Meeting concluded at 4.45pm

RECORD COMPLETED BY:	Officer Name:	Kirsten Reedy
	Officer Title:	Coordinator Environment

Informal Meeting of Councillors Record

The Meeting commenced at 5.03pm

MEETING DETAILS:	Title:	Council Meeting Pre-Meet
	Date:	Tuesday 14 December 2021
	Location:	Council Chamber
PRESENT:	Councillors:	Cr Peter Perkins, Cr Frances Eyre, Cr Natalie Duffy, Cr Karen Egan, Cr Geoff Paine, Cr Ben Ramcharan and Cr Richard Stockman
	Council Staff:	Vince Lombardi, Hjalmar Philipp, Blaga Naumoski, Corrienne Nichols, Rosa Zouzoulas, Leigh Northwood, Paul Fyffe, Andrew Feeney, Nichole Johnson, Katie Camilleri, Natalie Campion, Jonathan Miller, Rebecca Burton, April Wilson, Craig King, Heath Gillett, Tara Jolfaei, Lance Clark, Enrique Gutierrez, Katia Croce
	Other:	
APOLOGIES:		

MATTERS CONSIDERED		DISCLOSURES AND COMMENTS
1	Council Meeting Pre-meet	Cr Stockman indicated he has a Conflict of Interest in relation to item CM.172/21 – Future use of the Old Plenty Fire Station site and will be leaving the meeting for that item. This tem was not discussed during pre-meet. No other disclosures were made.

The Meeting concluded at 6:00pm

RECORD COMPLETED BY:	Officer Name: Officer Title:	Katia Croce Governance Lead
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Informal Meeting of Councillors Record

The Meeting commenced at 7pm

MEETING DETAILS:	Title:	Environment & Sustainability Advisory Committee (ESAC) December 2021
	Date:	Wednesday 15 December 2021
	Location:	Zoom
PRESENT:	Councillors:	Cr Ben Ramcharan
	Council Staff:	Kirsten Reedy, Laura Nix, Jaimee Corcoran, Elishia Jansz, Lawrence Seyers
	Other:	ESAC: Narelle Campbell, John Huf, David Turner, Andrew Robinson, Sali Bache, John Brennan
APOLOGIES:		Carol Jadraque , Liz Parsons, Zac Lombardo, Alan Thatcher, Lisa Pittle, Cr Karen Egan

MATTERS CONSIDERED		DISCLOSURES AND COMMENTS
1	Public communication support resource	No disclosures were made
2	Draft Nillumbik General Local Law	No disclosures were made
3	Clean Energy Nillumbik Report	No disclosures were made
4	Urban Canopy Update	No disclosures were made
5	New Council Advisory Committee Policy	No disclosures were made
6	Other business	No disclosures were made

The Meeting concluded at 8.56pm

RECORD COMPLETED BY:	Officer Name: Officer Title:	Laura Nix Environment Project Officer
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Informal Meeting of Councillors Record

The Meeting commenced at 5.02pm

MEETING DETAILS:	Title:	Councillor Briefing – conducted virtually
	Date:	Tuesday 1 February 2022
	Location:	Virtual meeting
PRESENT:	Councillors:	Cr Peter Perkins, Cr Frances Eyre, Cr Natalie Duffy, Cr Karen Egan, Cr Geoff Paine, Cr Ben Ramcharan and Cr Richard Stockman
	Council Staff:	Carl Cowie, Vince Lombardi, Hjalmar Philipp, Rosa Zouzoulas, Corrienne Nichols, Blaga Naumoski, Lawrence Seyers, Leigh Northwood, Lisa Pittle, Danielle Phyland, Kirsten Reedy, Renae Ahern, Lauren Treby, Melissa Butler, Sean Diffey, Paul Fyffe
	Other:	
APOLOGIES:		

MATTERS CONSIDERED		DISCLOSURES AND COMMENTS
1	Hurstbridge Farmers Market Tender Conclusion	No disclosures were made
2	Environment and Sustainability Advisory Committee revised Terms of Reference	No disclosures were made
3	Climate Action Plan	No disclosures were made
4	Nillumbik Shire Submission - DELWP Planning Reforms - Improving the Operations of ResCode Discussion Paper	No disclosures were made
5	Proposed Revised Planning Provisions for the Eltham and Diamond Creek Major Activity Centres	No disclosures were made
6	Municipal Planning Strategy - Phase 2 Consultation	No disclosures were made
7	Planning Scheme Amendment C140Nill Outcomes of Exhibition - Heritage Overlay 1080 Heidelberg-Kinglake Road, Hurstbridge	No disclosures were made
8	Planning Scheme Amendments C143 and C144 - Activity Centre Amendments	No disclosures were made
9	Submission: Discussion Paper Local Government Culture Project	No disclosures were made
10	Confidential - Yarra Plenty Regional Library (YPRL) Budget	No disclosures were made Only Councillors and Executive Management Team present for this item

MATTERS CONSIDERED		DISCLOSURES AND COMMENTS
11	Verbal updates on: <ul style="list-style-type: none"> Wattle Glen and Eltham Commuter Car Park projects Removal of illegal BMX jumps in Diamond Creek Bellavista Pine Trees Eltham North Dog Park 	No disclosures were made

The Meeting concluded at 9.25pm

RECORD COMPLETED BY:	Officer Name: Officer Title:	Blaga Naumoski Executive Manager Governance, Communications and Engagement
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Informal Meeting of Councillors Record

The Meeting commenced at 4:00pm

MEETING DETAILS:	Title:	Youth Council Formal Advisory Meeting
	Date:	Monday 7 February 2022
	Location:	Online
PRESENT:	Councillors:	Cr Natalie Duffy
	Council Staff:	Corrienne Nichols, Nichole Johnson, Katie Camilleri, Nicola Clutton
	Other:	Youth Council Members: Youth Mayor Fieke van der Kamp, Deputy Youth Mayor Jack Linehan, Bailey Cumming, Brianne Keogh, Maali Kerta-Rice, Indiana Sandwell, Kirra Imbriano, Lachlan Wadsworth, Maverick Knight, Orianna Edmonds
APOLOGIES:		Cr Peter Perkins, Cr Karen Egan, Cr Geoff Pane, Cr Ben Ramcharan, Cr Richard Stockman, Cr France Eyre

MATTERS CONSIDERED		DISCLOSURES AND COMMENTS
1	Welcome Guest Acknowledgment of Country	No disclosures
2	Black Saturday bushfires minute of silence.	Youth Council member Jack Linehan took the committee through a minute of silence for those effected by the Black Saturday bushfires on the anniversary.
3	Rec and Leisure Strategy Consultation	Officers took the Youth Council members through the Draft Rec and Leisure Strategy.
4	BMX Update	Officers updated the Committee on BMX Jump Park consultation progress
5	Goals and Priorities	Committee brainstormed their goals and priorities for the year ahead.

MATTERS CONSIDERED		DISCLOSURES AND COMMENTS
6	Recruitment Youth Council	<p>Youth Council members discussed the options of recruiting new advisory members due to the 4 vacant positions.</p> <p>Cr Natalie Duffy agreed with Officers that new members should be recruited.</p> <p>The final decision was made to recruit members prior to the next Formal Advisory meeting</p>

The Meeting concluded at 6:00pm

RECORD COMPLETED BY:	Officer Name:	Nicola Clutton
	Officer Title:	Acting Team Leader Youth Development

Informal Meeting of Councillors Record

The Meeting commenced at 5:06pm

MEETING DETAILS:	Title:	Planning and Consultation Committee Meeting Pre-Meet – conducted virtually
	Date:	Tuesday 8 February 2022
	Location:	Virtual meeting
PRESENT:	Councillors:	Cr Peter Perkins, Cr Frances Eyre, Cr Natalie Duffy, Cr Karen Egan, Cr Geoff Paine, Cr Ben Ramcharan and Cr Richard Stockman
	Council Staff:	Carl Cowie, Vince Lombardi, Hjalmar Philipp, Blaga Naumoski, Corrienne Nichols, Jeremy Livingston, Rosa Zouzoulas, Emma Christensen, Leigh Northwood, Paul Fyffe, Lisa Pittle, Kirsten Reedy, Renae Ahern
	Other:	
APOLOGIES:		

MATTERS CONSIDERED		DISCLOSURES AND COMMENTS
1	Planning and Consultation Committee meeting Pre-meet	No disclosures were made.

The Meeting concluded at 6:15pm

RECORD COMPLETED BY:	Officer Name: Officer Title:	Emma Christensen Acting Governance Lead
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Banyule City Council (Banyule)

Nillumbik Shire Council (Nillumbik)

Whittlesea City Council (Whittlesea)

Supplemental Agreement 2020

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Parties

Banyule City Council
275 Upper Heidelberg Road, Ivanhoe, Victoria 3079 ("**Banyule**")

Nillumbik Shire Council
Civic Drive, Greensborough, Victoria 3088 ("**Nillumbik**")

Whittlesea City Council
25 Ferres Boulevard, South Morang, Victoria 3752 ("**Whittlesea**")

Background

- A. Banyule, Nillumbik and Whittlesea are parties to an Agreement To Form Yarra Plenty Regional Library Service, made on **14 December 1995** and subsequently amended by Supplemental Agreements made in 2010 and 2015 (the Primary Agreement).
- B. The Primary Agreement was approved by the Minister administering the *Local Government Act 1989*, by a notice published in the *Victoria Government Gazette* on **21 December 1995**.
- C. Clause 14.1 of the Primary Agreement requires that the parties and the Board of the Yarra Plenty Regional Library Corporation review the operation of the Primary Agreement at least once in every five years.
- D. Banyule, Nillumbik and Whittlesea have, together with the Board of the Yarra Plenty Regional Library Corporation, reviewed the Primary Agreement in 2020 and have determined to amend the Primary Agreement in the manner set out in this Supplemental Agreement.

Operative Provisions

1. Definitions and interpretation

1.1 Definitions

In this Supplemental Agreement, unless the context or subject-matter indicates otherwise:

"the Minister" means the Minister Administering the *Local Government Act 1989*; and

"the Primary Agreement" means the Agreement To Form Yarra Plenty Regional Library Service, made on 14 December 1995 including the subsequent Supplemental Agreements made in 2010 and 2015.

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2. Amendments

- 2.1 The text of Schedule 1 to the Primary Agreement is deleted and replaced by the text of Annexure A to this Supplemental Agreement.
- 2.2 The text of Schedule 3 to the Primary Agreement is deleted and replaced by the text of Annexure B to this Supplemental Agreement.

3. Conditional Precedent

This Supplemental Agreement has no effect until it is approved by the Minister in accordance with section 196(8) of the *Local Government Act 1989*.

Executed on

2020

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Signing Page

Executed by the parties as a deed on the date earlier specified.

THE COMMON SEAL of BANYULE CITY COUNCIL was hereunto affixed in the presence of:

Councillor::

Chief Executive Officer:

THE COMMON SEAL of NILLUMBIK SHIRE COUNCIL was hereunto affixed in the presence of:

Councillor::

Chief Executive Officer:

THE COMMON SEAL of WHITTLESEA CITY COUNCIL was hereunto affixed in the presence of:

Councillor::

Chief Executive Officer:

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Annexure A

SCHEDULE 1

STATEMENT OF COUNCIL AND REGIONAL LIBRARY ASSETS

Part A

Council Assets provided for Regional Library Use:

All building fixtures and fittings as purchased by a Council

All structural elements of each library building, including plumbing, heating and air conditioning systems, hot water supply

Located at:

Banyule City Council

- (a) Ivanhoe Library and Cultural Hub (ILCH)
 275 Upper Heidelberg Road
 Ivanhoe 3079
- (b) Rosanna Branch Library
 72 Turnham Avenue
 Rosanna 3084
- (c) Watsonia Branch Library
 4-6 Ibbotson Street
 Watsonia 3087

City of Whittlesea Council

- (a) Lalor Branch Library
 2A May Road
 Lalor 3075
- (b) Mill Park Branch Library
 394 Plenty Road
 Mill Park 3082
- (c) Thomastown Branch Library
 52 Main Street
 Thomastown 3074
- (d) Whittlesea Branch Library
 Whittlesea Community Activity Centre
 57-61 Laurel Street
 Whittlesea 3757

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Nillumbik Shire Council

- (a) Diamond Valley Branch Library
 Civic Drive
 Greensborough 3088
- (b) Eltham Branch Library
 Panther Place
 Eltham 3095

Part B

Regional Library Assets:

Loose furniture including shelving

Books and other library materials

Computer hardware

All other Regional Library assets, as defined by the Library asset register

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Annexure B

SCHEDULE 3 **ROTATION OF CHAIR**

For the twelve month period commencing:

2021	Chair:	City of Whittlesea
	Deputy Chair:	Shire of Nillumbik
2022	Chair:	Shire of Nillumbik
	Deputy Chair:	City of Banyule
2023	Chair:	City of Banyule
	Deputy Chair:	City of Whittlesea
2024	Chair:	City of Whittlesea
	Deputy Chair:	Shire of Nillumbik
2025	Chair:	Shire of Nillumbik
	Deputy Chair:	City of Banyule

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