

MANNINGHAM

COUNCIL MEETING

AGENDA

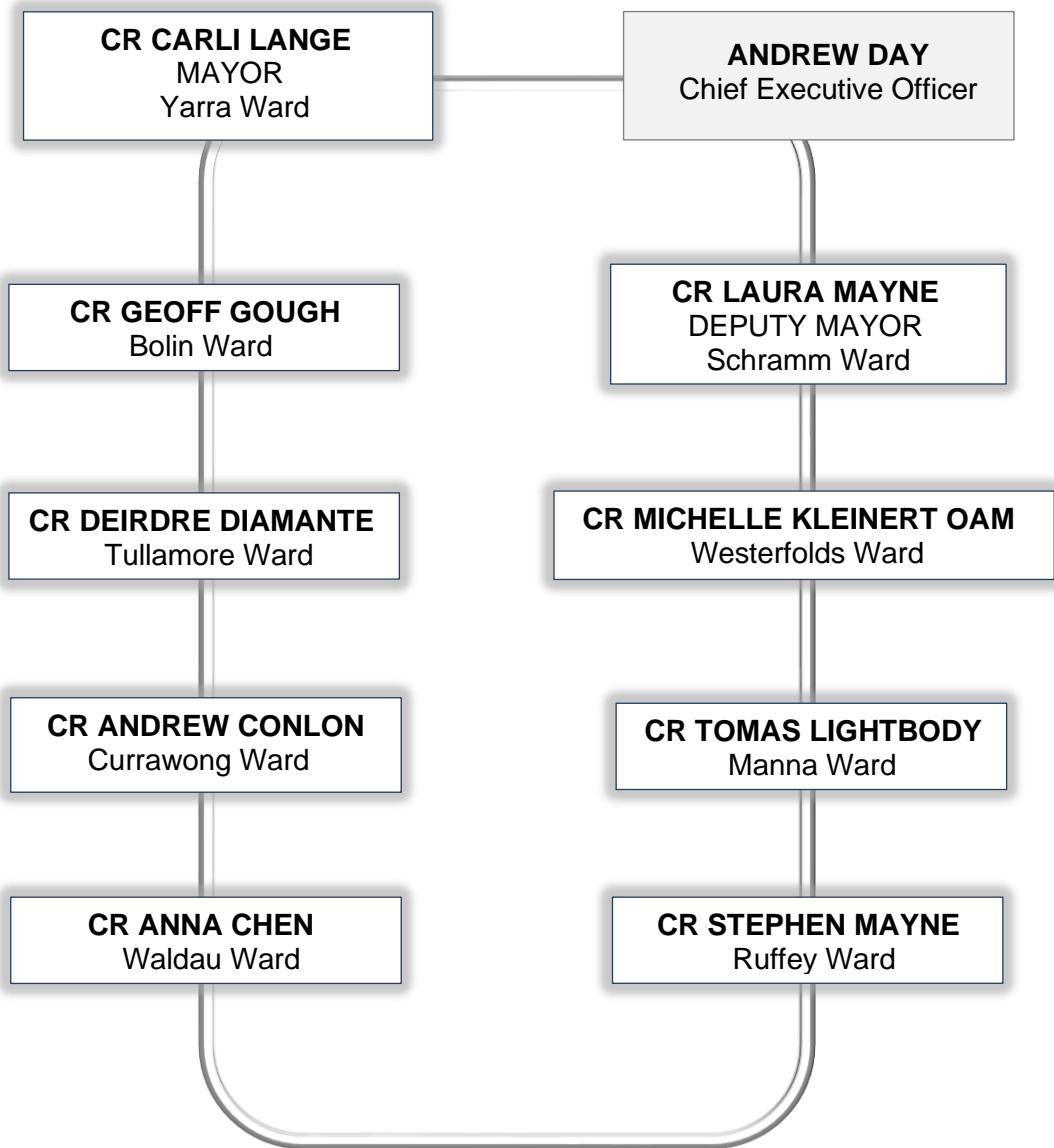
Date:	Tuesday, 12 December 2023
Time:	7:00pm
Location:	Council Chamber, Civic Centre 699 Doncaster Road, Doncaster

This meeting is convened to transact the business listed below.

Andrew Day
Chief Executive Officer

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

COUNCIL MEETING SEATING PLAN



INDEX

1 OPENING PRAYER AND STATEMENTS OF ACKNOWLEDGEMENT2

2 APOLOGIES AND REQUESTS FOR LEAVE OF ABSENCE2

3 PRIOR NOTIFICATION OF CONFLICT OF INTEREST.....2

4 CONFIRMATION OF MINUTES.....2

5 PRESENTATIONS.....2

6 PETITIONS2

7 PUBLIC QUESTION TIME.....2

8 ADMISSION OF URGENT BUSINESS2

9 PLANNING PERMIT APPLICATIONS.....3

9.1 Planning Application PLN22/0109 at Tram Road Reserve rear of 2-18 Tram Road, 6 Whittens Lane and 32 Grange Park Avenue, Doncaster, for the use and development of the land for a utility installation (wastewater recycling facility)3

10 CITY PLANNING99

10.1 Pilot 24-Hour Cat Confinement Initiative99

10.2 Endorsement of Liveable Places and Spaces Advisory Committee (LPSAC) Community Members..... 110

11 CONNECTED COMMUNITIES 119

11.1 Pricing Policy for use of Council Active Open Space..... 119

11.2 Community Grants Program Update 159

11.3 Supplementary Motion and Early Years Infrastructure Planning Update 185

11.4 Endorsement of the Advisory Committee membership..... 193

12 CITY SERVICES..... 205

12.1 Schramm's Visitor Centre - Recommended next steps 205

13 EXPERIENCE AND CAPABILITY 210

13.1 Communicating with our Multicultural Communities update 210

14 CHIEF EXECUTIVE OFFICER..... 222

14.1 Revised Instrument of Delegation to Members of Council Staff..... 222

14.2 Appointment of Authorised Officers - Planning and Environment Act 1987 305

14.3 Informal Meetings of Councillors 309

15 NOTICES OF MOTION 323

15.1 Notice of Motion by Cr Stephen Mayne (NOM No. 4/2023) 323

16 URGENT BUSINESS..... 324

17 COUNCILLOR REPORTS AND QUESTION TIME..... 324

18 CONFIDENTIAL REPORTS 324

**1 OPENING PRAYER AND STATEMENTS OF
ACKNOWLEDGEMENT**

2 APOLOGIES AND REQUESTS FOR LEAVE OF ABSENCE

3 PRIOR NOTIFICATION OF CONFLICT OF INTEREST

4 CONFIRMATION OF MINUTES

Confirmation of the Minutes of the Council Meeting held on 28 November 2023.

5 PRESENTATIONS

6 PETITIONS

7 PUBLIC QUESTION TIME

8 ADMISSION OF URGENT BUSINESS

9 PLANNING PERMIT APPLICATIONS

9.1 Planning Application PLN22/0109 at Tram Road Reserve rear of 2-18 Tram Road, 6 Whittens Lane and 32 Grange Park Avenue, Doncaster, for the use and development of the land for a utility installation (wastewater recycling facility)

File Number:	IN23/687
Responsible Director:	Acting Director City Planning
Applicant:	Yarra Valley Water
Planning Controls:	Public Park and Recreation Zone, General Residential Zone 1, Land Subject to Inundation Overlay, Significant Landscape Overlay 5, Environmental Significance Overlay 3
Ward:	Schramm
Attachments:	<ol style="list-style-type: none">1 Decision Plans ↓2 Superseded Easement Variation and Creation Plan ↓3 Legislative Requirements ↓4 Objector Map (confidential)

EXECUTIVE SUMMARY

Purpose of Report

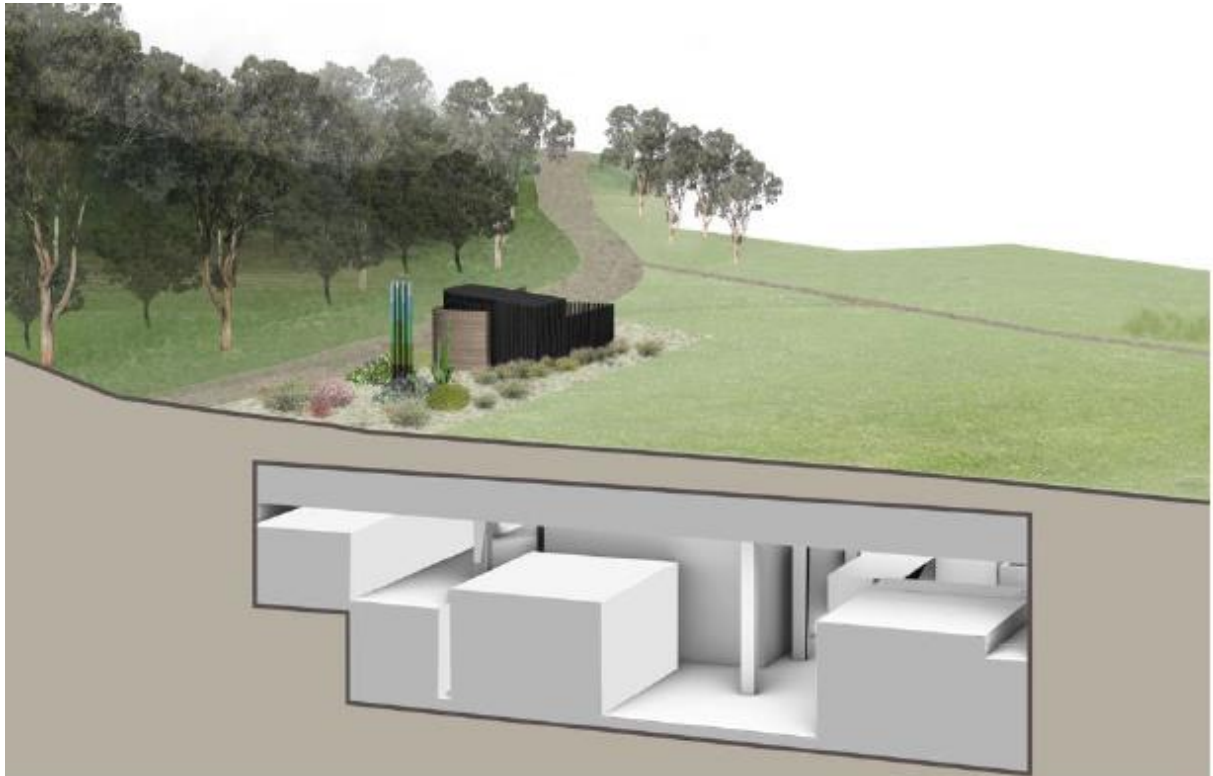
1. This report provides Council with an assessment of the above planning permit application. This report recommends approval of the submitted proposal, subject to changes by way of permit conditions.

The application is being reported to Council for consideration in accordance with the Instrument of Delegation to Members of Council Staff – *any land outside the demarcated Activity Centre Zone (ACZ) pursuant to the provisions of the Manningham Planning Scheme where more than 20 dwellings are proposed and/or the cost of works is greater than \$10 million, and the application is of significant community interest.*

Proposal

2. The permit application is made by Yarra Valley Water for the use and development of utility installation (water recycling facility) within part of the Tram Road Reserve, and with other land associated with the use including 6 Whittens Lane and 32 Grange Road Avenue.
3. The facility intends to extract wastewater (sewerage) from the nearby Koonung Creek branch and treat at least 750,000 litres of water per day to Class A recycled water. This recycled water is to be piped to properties within the Doncaster Hill Activity Centre for toilet flushing, washing clothes and irrigation of plants and gardens.

4. The majority of the water recycling facility is concealed below ground level. Underground, it occupies an area of approximately 40 metres wide by 76 metres long and extends 11 metres below ground level. It will contain supporting equipment such as storage tanks, odour scrubbing equipment, bioreactors, pumping equipment and staff facilities.
5. Above ground are the east and west entries providing access down into the facility. These entries occupy an area of approximately 180 square metres in total and reach approximately 4 metres in height, finished in back clad, timber and rammed earth finishes. The treated air vents sit between the entries and reach a height of 5.4 metres. Opportunities for artwork on the vents are indicated.



6. Once construction has concluded, the Reserve would be resurfaced and vegetated above the facility to return to its open space function. Three trees will require removal (no permit required).
7. The facility is to be accessed via a new 4-metre-wide road, running through 6 Whittens Lane and exiting through 32 Grange Park Road, generally running along the northern side of the facility. This access is to function as a shared area for pedestrians and vehicles. Five car parking spaces are proposed, including one informal bay next to the facility and 4 spaces within 6 Whittens Lane for the ongoing operations.
8. Operationally, the facility will require a combination of regular, periodic and ad-hoc attendance by Yarra Valley Water staff, with deliveries to occur at varying periods.
9. The estimated cost of works at the time of lodgement of the planning application was \$38 million.

Notification

10. Notice of the application was given in accordance with Section 52 of the Act for a minimum two-week period, concluding 18 August 2022. This included approximately 700 letters to the surrounding area, including the City of Whitehorse and five large signs on the site frontages and within the reserve. Notices were also published within The Age and Herald Sun.
11. To date, 55 objections have been received. Issues raised primarily relate to (from most common to least common): the proposal being out of character and an inappropriate use/inappropriate site, construction traffic impacts, proximity/buffer zone to residents, health and safety, odour, flooding, loss of parkland, unclear information/misleading description, visual impact, net community benefit versus risk, noise and vibration, traffic and parking during operation, wildlife/vegetation/creek environs impacts, facility failure, chemicals, operation hours and pollution.
12. A Consultation Meeting was held on 2 March 2023 with approximately 20 objectors, Councillors, the applicant and Council officers in attendance.
13. The location of submitter/objector properties is demonstrated on the map included in **Confidential Attachment 4**.

Key matters in considering the application

14. The key matters considered in the assessment of the application are provided in Section 8 of this report and respond to the following:
 - Is the proposal an appropriate response to the physical and planning context?
 - Has the previous refusal been addressed?
 - Are the amenity impacts during construction acceptable?
 - Are the amenity impacts of the use and development acceptable?
 - Will the open space outcomes be appropriate?
15. Also included in Section 9 is a further response to objector concerns.

Assessment

16. The proposal represents the culmination of a longstanding cooperative commitment between Council and Yarra Valley Water to actively seek integrated water conservation solutions for the Doncaster Hill area. The planning that arose from the original Memorandum of Understanding included a site selection process from which the current site was chosen.
17. As indicated in the background section of the report, numerous sites were considered by an independent panel and although Eram Park was the first priority (and ultimately not possible due to conflicts with NELP and flooding), Tram Road reserve was identified as the next preferred.

18. The broad weight of strategic and policy direction in the Manningham Planning Scheme is supportive of such a proposal. The proposal adequately responds to the purpose of the zones and the associated policy strategies that seek to prioritise integrated water management and sustainability, protect health and amenity, minimise the impacts of use and development upon public open space, and where a loss occurs, provide additional or replacement open space and increase the landscape values.
19. It can be demonstrated that there is a net community benefit that outweighs potential negative implications. Key benefits include environmentally sustainable water conservation in the delivery of recycled water, improved park connectivity to the street network via 6 Whittens Lane, and upgrades to the park, its vegetation and infrastructure as required by conditions of permit. It overcomes the previous refusal by its underground siting and inconspicuous ground level buildings and works, with a more considered access strategy in place.
20. Based on the information provided, amenity concerns have been adequately considered, such as through the extensive measures to limit odour below perceptible amounts and using technology comparable to the MCG recycled wastewater facility, a facility Council Officers have observed in operation.
21. Ongoing conditions require the facility to operate under stringent requirements, with failsafe measures in place to ensure the facility and associated odour control only operate under optimum conditions and that the ongoing traffic movements through the reserve are appropriately managed to avoid impacts and conflict with cyclists and pedestrians. During construction, amenity impacts are required to be managed in a manner that reduces disturbance to the local area as much as practical, including by requiring noise and vibration management for nearby residents and restricting construction traffic movements to avoid heavy vehicles in local roads, and local roads being used for construction parking.
22. The issuing of a Development Licence by the EPA further demonstrates that the use is deemed acceptable for its location, in the context of residential amenity and separation distances. The Licence includes a number of ongoing conditions and requirements to minimise risks of harm to human health, including by noise, vibration and odour, and to minimise impacts on the environment and waterways from pollution or waste associated with the facility.

Conclusion

23. It is recommended that the application be supported, subject to conditions.

1. RECOMMENDATION

That Council:

- A. **Having considered all objections, issue a Notice of Decision to Grant a Permit for Planning Application PLN22/0109 at Tram Road Reserve rear of 2-18 Tram Road, 6 Whittens Lane and 32 Grange Park Avenue, Doncaster, for the use and development of the land for a utility installation (wastewater recycling facility) subject to the following conditions:**

Amended Plans

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be generally in accordance with the amended plans (prepared by ARUP, job number 267164-29, revisions A to C, dated 25/2/22, 6/6/22, 28/9/23) but modified to show:
 - a) within 6 Whittens Lane:
 - i the access road setback at least 2 metres from the boundary of 4 Whittens Lane (to the south-west) to accommodate a landscape buffer
 - ii the staff parking spaces setback at least 2 metres from the boundary of 8 Whittens Lane (to the north-east) to provide a landscape buffer and redesigned in a manner that minimises earthworks and associated retaining wall heights
 - iii reference to part of the land being 'temporarily fenced until future development confirmed' deleted
 - b) deletion of any works outside the Municipal Boundary, any works not requiring a planning permit, references to indicative locations and maximum vehicle sizes
 - c) full dimensions of:
 - i vent stacks
 - ii minimum setbacks of the facility from the residential property boundaries to the north and east
 - iii the above ground structures
 - iv informal parking bay
 - d) the existing crossover to 6 Whittens Lane removed and the footpath and nature strip reinstated
 - e) planning application project boundary (blue line) to be wholly within the subject land
 - f) finished floor levels and all contours/spot levels (expressed to AHD) within all areas of works.
The responsible authority may consent in writing to vary any of these requirements.

Endorsed Plans – Layout not altered

2. The layout of the use and development as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.

Compliance with documents approved under this permit

3. The use and development any ongoing measures to be implemented must always be carried out in accordance with any approved document or management plan endorsed under this permit to the satisfaction of the Responsible Authority, unless modified with the prior written consent of the Responsible Authority.

Staging of plans for endorsement

4. The details to be shown on each relevant plan referred to under conditions of this permit (other than condition 1), may, with the agreement of the Responsible Authority, be submitted and approved in stages.

Landscape Plan

5. **Concurrent with the submission of development plans for endorsement under condition 1 or as agreed by the Responsible Authority, a landscape plan prepared by a suitably qualified person must be submitted to and approved by the Responsible Authority. When approved, the landscape plan will be endorsed and form part of the permit. The landscape plan must, to the satisfaction of the Responsible Authority:**
- a) **be consistent with the development plans required to be submitted for approval under condition 1 of this permit**
 - b) **be generally in accordance with Council's Landscape Guidelines as amended from time to time**
 - c) **identify existing trees and vegetation to be removed or protected**
 - d) **include a schedule of all proposed planting, including location and quantity, species names, approximate height and spread at maturity and planting size**
 - e) **ensure plant species within any visibility splays adjacent to accessways are a height of no greater than 0.9 metres at maturity**
 - f) **require all canopy trees to be at least 1.5 metres in height at the time of planting**
 - g) **provide details of the indigenous garden to be provided between the two proposed above-ground buildings within Tram Road Reserve and around the perimeters of the buildings**
 - h) **provide details of the replacement grass to be provided within Tram Road Reserve**
 - i) **provide landscaping and garden beds within 6 Whittens Lane, including but not limited to:**
 - i) **a decorative garden bed near the front (Whittens Lane) boundary**
 - ii) **in the setback to 4 Whittens Lane to accommodate a landscaped buffer to soften the retaining wall and accessway and with a layered planting theme agreed to with the Responsible Authority**
 - iii) **in the areas surrounding the staff car parking to accommodate a landscaped buffer with a layered planting extending at least 2 metres north-east and 3 metres north-west**
 - iv) **a minimum of ten (10) canopy trees capable of growing to a minimum height of 12 metres at maturity (such as Quercus sp., or Ulmus sp)**
 - j) **retaining walls associated with the accessway and staff car parking designed in a manner that minimises earthworks where possible and optimises landscape maintenance and safety**
 - k) **details of infill planting and remediation to be carried out within the bushland area generally north of the facility within Tram Road Reserve, including:**
 - i) **removal of existing woody weed species**
 - ii) **a minimum of 40 new indigenous trees or planting types as agreed with the Responsible Authority**
 - l) **details of any irrigation systems.**
- The responsible authority may consent in writing to vary any of these requirements.**

Detailed Works and Design Plan

6. Before the development starts, detailed works and design plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved the Plan will be endorsed and form part of the permit. The detailed design plans must, to the satisfaction of the Responsible Authority:
- a) be drawn to scale with dimensions and be submitted in electronic form;
 - b) be generally consistent with the design response surface treatment options detailed in the Urban Design Strategy dated February 2022 submitted with the permit application
 - c) be consistent with any relevant changes required by other conditions, or where contained on another plan approved under this permit, include reference to that
 - d) detail all final surface treatments, materials and finishes
 - e) include particulars of any creek path upgrades
 - f) include particulars of additional upgrades, such as an accessible pedestrian path in the land adjacent to the accessway within 6 Whittens Lane, or such other equivalent public benefit/facilities within the reserve as agreed to by the Responsible Authority
 - g) specify surface grades within 6 Whittens Lane, with all associated retaining wall heights and treatments
 - h) specify the location and detail of any safety barriers or fencing, if required
 - i) detail all materials, colours and finishes of external structures including detail any artwork to be on the rammed earth walls of the external buildings and vent stacks
 - j) specify materials and finishes of all proposed paths and accessways, including accessway levels and gradients
 - k) include design details of the vehicular access gates and explain how unimpeded pedestrian access is provided, including any pedestrian bypasses required (to be generally outside of the structural root zone of retained trees)
 - l) include details of any external lighting of the buildings, footpaths and accessways
 - m) include details of all signage (safety and directional)
 - n) include detail of anti-graffiti measures to be implemented for external structures.

Tree Protection Management Plan

7. Before the development starts, a Tree Protection and Management Plan (TPMP) prepared by a suitable qualified Arborist, setting out how the trees to be retained will be protected during construction and which generally follows the layout of Section 5 of AS4970 'Protection of trees on development sites', must be submitted to the Responsible Authority. When approved the TPMP will be endorsed and form part of the permit. The TPMP must include:
- a) a map showing the Tree Protection Zone (TPZ) and Structural Root Zone (SRZ) for all trees to be retained within and adjacent to the site area along with the location of protective fencing and/or areas where ground protection systems will be used

- b) details of any proposed work within a TPZ and construction controls required to reduce the impacts to retained trees
- c) a statement advising any removal or pruning of Council owned trees must be undertaken by a Council approved contractor
- d) an inspection timeframe (minimum frequency of every 3 months), with a compliance check list to be signed and dated by the developer's project arborist and project manager/foreperson

Construction Management Plan

8. Before the development starts, including works for any temporary construction access, a Construction Management Plan (CMP) to the satisfaction of the Responsible Authority, and which may be prepared in stages if required, must be submitted to and approved by the Responsible Authority. This plan must be prepared in accordance with the EPA Publication 1834.1 'Civil construction, building and demolition guide' (as amended from time to time). When approved, the CMP will be endorsed and will then form part of the permit. In addition to the construction management elements referenced in Council's CMP Template, the CMP must also detail and include:

- a) any staging to generally accord with the Construction Access Strategy (prepared by Arup dated March 2022) such as:
 - Stage 1: Early works (including temporary opening of Whittens Lane to Tram Road)
 - Stage 2: Civil (Excavation), Civil (Structures), M&E Install
 - Stage 3: External works and Commissioning
 - Stage 4: Closure of temporary access

Temporary construction opening of the Tram Road and Whittens Lane intersection
 - a) consistency with all plans and approvals required by the Department of Transport and Planning and approved construction engineering plans
 - b) the temporary opening of the Whittens Lane and Tram Road intersection to be constructed as a first priority, in the early works stage
 - c) demonstration of how vehicular access to Nos. 2 and 4 and 8 Whittens Lane and waste collection services will be preserved during construction
 - d) any indented parking spaces to be removed or replaced or temporary parking restrictions required
 - e) any modification to the electricity pole and associated stays in front of 6 Whittens Lane
 - f) works necessary to protect or remediate any surrounding or road infrastructure or services and to restore the road and intersection at completion of the development
- Construction access and traffic management**
- g) the location of all accessways, kerb and channelling, standing areas and designated vehicular parking for workers, consistent with any approved construction engineering plans

- h) all traffic management strategies and measures to be implemented, including:
- i the access routes, frequency and management of the classes of construction vehicles to be utilised, generally consistent with the information submitted as part of the application and any approvals or restrictions imposed by the Department of Transport and Planning and by the below
 - ii measures to ensure all vehicles greater than a 6.4 metre SRV length are directed to use the temporary Whittens Lane /Tram Road intersection only (once constructed in stage 1) and will not use any local roads, unless with the prior consent of the Responsible Authority
 - iii specific traffic control measures to minimise the use of local roads for larger vehicles during stage 1 and stage 4
 - iv how Eram Park will be accessed and managed for sewer connection including if accessed from City of Whitehorse
 - v location of trees and sensitive vegetation where protection will be required, including at the area south of the Koonung Creek Trail, with any protection fencing consistent with the Tree Protection Management Plan to be approved
- Construction worker parking**
- i) the parking demands of each stage of construction specified and with the following provided:
- i detail of how construction worker parking obligations (such as through construction contracts etc.) will be applied and enforced
 - ii the maximum number of worker construction vehicles expected during stage 1 and detail of how parking during this stage will be managed to not unreasonably impact local streets
 - iii the maximum number of worker construction vehicles required at any one time (following stage 1) to be accommodated wholly within the site. Where this cannot be achieved, any overflow parking must be:
 - accommodated within Council Land adjacent to the site, if suitably demonstrated that the park users and associated vegetation will not be unreasonably impacted and if agreed to by the Responsible Authority; or
 - accommodated through other measures that can be suitably enforced by the applicant, such as secure alternative overflow parking locations, shuttle buses
 - iv note and require that: if the approved parking strategy is not limiting impacts to nearby residential streets to the satisfaction of the Responsible Authority, temporary parking restrictions may be implemented within the affected local road network until construction is complete (such as applying resident parking permit restrictions during construction times), with the associated implementation costs paid for by the facility operator

Noise and vibration management

- j) provision for Noise and Vibration Management including:
 - i detail of the applicable environmental values and required indicators and objectives for the ambient sound environment outlined in the Environment Reference Standard 1 (ERS), the requirements of EPA Publication 1834 Civil construction, building and demolition guide (November 2020)
 - ii methods for controlling noise and vibration at the source. If necessary, special management measures to address noise impacts to sensitive receivers at 4 and 8 Whittens Lane and 30 and 34 Grange Park Avenue
 - iii a timetable of designated working hours highlighting when noise and vibration sensitive tasks can be undertaken
 - iv a procedure for approval of any noise/vibration sensitive tasks that need to be completed outside of designated working hours.
 - v a process for engagement stakeholders (community and asset holders) regarding appropriate noise and vibration mitigation measures
 - vi vibration limits agreed with belowground infrastructure asset owners (power and telecommunications)
 - vii building surveys (dilapidation surveys) of residential properties near the site as necessary to determine if any buildings require a reduced vibration limit.

Path access

- k) measures to maintain the access to and integrity of the continuous Koonung Creek Trail within the site (Tram Road Reserve) for pedestrians and cyclist. If temporary disruptions are to occur, the management of these are to be detailed and require the prior approval from the Responsible Authority

Communications strategy

- l) strategy for providing advance notice to affected residents of traffic and parking conditions and duration of impact
- m) strategy for receiving, recording and responding to complaints regarding construction impacts

General requirements

- n) hours of construction (to be consistent with the EPA Publication 1834.1 'Civil construction, building and demolition guide', as amended from time to time, and Council Local Laws)
- o) an emergency contact available for 24 hours per day for residents and the Responsible Authority in the event of relevant queries or problems experienced
- p) containment of dust, dirt and mud within the land and method and frequency of clean up procedures to prevent the accumulation of dust, dirt and mud outside the land
- q) any other relevant site-specific requirements, including all matters within Manningham's CMP template (where not addressed above) relevant to Public Safety, Amenity and Site Security, Operating Hours, Noise and Vibration Controls, Air Quality and Dust Management, Stormwater and Sediment Control and Tree Protection, Waste Minimisation, Traffic and Parking Management.

Operational Management Plan

9. Before the development starts, an Operational Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan (or plans if to be submitted and approved separately) must include:

Water supply

- a) commitment to the ongoing supply of Class A recycled water to properties in Doncaster Hill Major Activity Centre plumbed with a third/purple pipe
- b) detail of any areas beyond the Doncaster Hill Major Activity Centre area that may be supplied Class A recycled water, such as public reserves or other properties
- c) an indicative timing schedule for the supply of recycled water to be made available for use

Maintenance arrangements

- d) details of ongoing management and maintenance arrangements for all proposed planted, re-planted and landscaped areas and accessways, to the satisfaction of the Responsible Authority

Traffic and pedestrian management

- e) a requirement to ensure the accessways through 6 Whittens Lane and 32 Grange Park Avenue will provide unimpeded public access 24 hours, 7 day a week, and that the prior written consent of the Responsible Authority is required in any unavoidable event that it cannot
- f) a requirement to ensure both vehicular access points from Whittens Lane will be made available for council maintenance vehicles
- g) the security access arrangement to allow unimpeded access for all permitted vehicles (including for staff, deliveries, council maintenance vehicles, waste vehicles)
- h) details of the operational staffing, visitation, parking and vehicle characteristics (as generally detailed within Table 1 of the submitted Legacy Operations Transport Impact Assessment prepared by ARUP dated February 2022), including staff/vehicle frequency, vehicle size and parking locations), however with:
 - i) chemical delivery vehicles limited to no greater than 8.8 metres length (in lieu of 12.5 metres) and the frequency limited to fortnightly where possible
 - ii) a requirement that, for any event that a vehicle greater than 8.8 metres in length is required for any operational reasons, the prior written consent must be obtained from the Responsible Authority, unless the reason is safety critical, and carried out in accordance with any agreed traffic and safety measures
 - iii) the inclusion of waste vehicles and collections (as per the waste management requirements below)
- i) details of how pedestrian and cyclist access provided via the accessways through 6 Whittens Lane, 32 Grange Park Avenue and the Tram Road Reserve will be managed to avoid conflict with traffic

- j) a requirement for the approved traffic and pedestrian management to be included in any standard operating procedure for relevant staff
- k) visitors and deliveries limitations
- l) loading and unloading details

Waste management

- m) anticipated volumes of waste and recycling that will be generated and how the volumes are determined
- n) the type and number of waste bins and locations to be stored and collected
- o) the type and size of trucks required for waste collection (to not exceed any vehicle size limits required by any other condition of this permit)
- p) frequency and hours of waste collection (between the hours of 10.00am to 3.00pm Mondays to Fridays, or times where conflict with pedestrian and cyclist activity is demonstrated to be reduced)

Odour and safety management

- q) a detailed odour and safety management plan, which must include:
 - i protocols to manage equipment failure or upset conditions
 - ii odour detection level monitoring and stand by arrangements
 - iii procedures and guidelines to inform staff of odour management methods
 - iv means to ensure adequate maintenance is undertaken to optimise scrubber efficiency (to at least 95% efficiency), including safeguards such as backup activated carbon filters
 - v commitment to temporary facility shut downs during periods, such as if scrubber efficiency was to reduce to 80% or less or events where odour or safety require remediation
 - vi odour monitoring both at the boundary with the nearby receivers and within the park during the initial period of the Facility's operation to confirm that odour emissions are no greater than predicted in Scenario 3 of the odour impact assessment submitted with the planning permit application (prepared by Arup, dated 25 February 2022)

Complaint handling

- r) a detailed complaints evaluation and response plan, which must include:
 - i telephone number and email address for complaints
 - ii the erection of a small sign outside the buildings advising of the complaints number and email address
 - iii minimum recording requirements for complaints (date, time and description of complaint)
 - iv a protocol for response to each complaint
 - v provisions for the register to be available to be inspected by the Responsible Authority at any time
 - vi provisions for review of the plan every 12 months in conjunction with the Responsible Authority.

Detailed Engineering plans and plan checking

10. Before the development starts, certified engineering construction and drainage plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved the plans will be endorsed and will then form part of the permit. The plans must include:

Construction works plans

- a) a detailed pre-conditions survey (dilapidation report) for the land adjacent to the development site and all local roads and paths that are reasonably expected to be utilised for construction vehicles
- b) all approved functional layout plans, detailed engineering and construction designs relevant to the creation and reinstatement of the intersection opening between Tram Road and Whittens Lane as approved by the Department of Transport and Planning
- c) detailed engineering and construction design for all modifications to Whittens Lane for the purpose of construction, including all reinstatement works at completion, to be consistent with the approvals from the Department of Transport and Planning
- d) detail of any modification/relocation of the electricity pole and stays in front of 6 Whittens Lane
- e) detailed designs, including associated gradients and swept path diagrams (where required) for the location of all construction accessways within the site (to be sealed), standing areas and designated vehicular parking for workers
- f) drainage details to provide (and be installed prior to construction commencing):
 - i) an internal kerb and channel along the southern-western side of the proposed accessway within 6 Whittens Lane
 - ii) the swale along the southern side of the accessway within 32 Grange Park Avenue redefined to avoid nuisance stormwater runoffs into neighbouring properties

Final works plans

- g) any detailed engineering designs for existing pathways to be upgraded (and any other new pathways if required) including the existing gravel pathway within the site (from the bitumen section adjacent to 2 Whittens Lane up to 32 Grange Park Avenue, including the 'Y intersection') to be upgraded to Council's standards with concrete, or as agreed by the Responsible Authority
- h) detailed engineering designs, including associated widths, gradients and swept path diagrams (where required) for all final accessways within the site
- i) swept path diagrams to demonstrate ingress and egress movements between the site and Grange Park Avenue can be achieved without impacting or encroaching into existing on-street parking availability (using the maximum 8.8 metre vehicle permitted). If on-street parking availability is impacted, detailed engineering designs for replacement on-street parking bays, to be constructed at the cost of the facility operator to the satisfaction of the Responsible Authority

- j) any further drainage design (if drainage carried out for the purpose of construction requires further modification) and to demonstrate that any collected groundwater from the facility will not be discharged into Council's drainage network or into the local river system and will discharge directly into the sewerage network.

11. Before the development starts, a schedule of costs for the construction of all drainage and other works referred to in the above condition (which are beyond the Facility itself and in (or to be in) Council ownership) must be submitted to the Responsible Authority and the following amounts (or an amount otherwise agreed) must be paid to the Responsible Authority:

- a) a supervision fee equal to 2.5% of the cost of construction of the drainage and works
b) a plan checking fee equal to 0.75% of the cost of construction of the drainage and works.

Construction requirements

12. The Construction Management Plan may be approved in stages and construction of each stage must not commence until the Construction Management Plan has been approved for that stage, to the satisfaction of the Responsible Authority.

13. At all times, the construction works must be carried out in accordance with the approved Construction Management Plan and Tree Protection Management Plan to the satisfaction of the Responsible Authority, including.

14. All required temporary accessways, designated car parking areas and drainage works for the purpose of construction works must be carried out in accordance with the approved construction works engineering plans and maintained to the satisfaction of the Responsible Authority until the relevant stage of completion.

15. During construction, any required safety or acoustic fencing must be erected in accordance with the approved plans and maintained to the satisfaction of the Responsible Authority until the relevant stage of completion.

16. All tree protection fencing and protection measures must be maintained in good condition until the completion of the construction works on the site to the satisfaction of the Responsible Authority.

17. All contractors/tradespersons (including demolition workers) who install services or work near trees to be retained must be made aware of any tree protection measures required under this permit.

Completion of development

18. Within twelve (12) months of the use starting, the landscaping shown on the approved Landscape Plan must be carried out and completed to the satisfaction of the Responsible Authority. The Responsible Authority may agree in writing to vary the timing for carrying out and/or completing specific landscaping.

19. **Before the use starts, the works as shown in the approved Detailed Design plans must be completed to the satisfaction of the Responsible Authority. The Responsible Authority may agree in writing to vary the time for the completion of specific design details.**
20. **Before the use starts, the following must be carried out and completed in accordance with the endorsed plans and to the satisfaction of the Responsible Authority:**
 - a) **the temporary construction intersection at Whittens Lane and Tram Road reinstated to the satisfaction of the Department of Transport and Planning**
 - b) **remediation of any damage to roads and other infrastructure as a result of construction activities**
 - c) **drainage works installed**
 - d) **all new vehicular crossings constructed and any redundant existing vehicular crossings removed and the kerb, channel, footpath and nature strip (as relevant) reinstated**
 - e) **completion of all areas set aside for access lanes and vehicle parking**
 - f) **construction of any replacement on-street parking spaces, if required.**

The Responsible Authority may agree in writing to vary the time for the completion of specific requirements.

Drainage

21. **Stormwater must not be discharged from the facility and associated accessways other than to the legal point of discharge or other approved means to the satisfaction of the Responsible Authority. Before any connection is made to a Council maintained asset, a Connection to Council Drain Permit must be approved by the Responsible Authority.**
22. **The land, including landscaped and paved areas must be graded and drained to prevent ponding and to minimise overland flows onto adjoining properties to the satisfaction of the Responsible Authority.**
23. **Any collected groundwater from the facility must not be discharged into Council's drainage network or into the local river/creeks and must only discharge directly into the sewerage network.**

Maintenance

24. **The landscaping shown on the approved and endorsed plans must be maintained in accordance with the endorsed plans to the satisfaction of the Responsible Authority. Areas shown on the endorsed plans as landscaped must not be used for any other purpose and any dead, diseased or damaged plants must be replaced to the satisfaction of the Responsible Authority.**
25. **No vegetation, apart from that shown on the approved plans as vegetation to be removed, may be removed, destroyed or lopped without the written consent of the Responsible Authority.**

26. **Parking areas and access lanes must be kept available and maintained for these purposes at all times to the satisfaction of the Responsible Authority.**
27. **All buildings, paved areas and drainage must be maintained to the satisfaction of the Responsible Authority.**
28. **Any graffiti to be removed promptly to the satisfaction of the Responsible Authority.**
29. **Any damage to Council assets such as paths due to ongoing vehicular access to the facility must be promptly repaired or replaced to the satisfaction of the Responsible Authority.**

Amenity

30. **The use and development must be managed so that the amenity of the area is not detrimentally affected, to the satisfaction of the Responsible Authority, through the:**
 - a) **Transport of materials, goods or commodities to or from the land;**
 - b) **Storage of goods and wastes;**
 - c) **Appearance of any building, works or materials; and**
 - d) **Emission of noise, light, vibration, odour & dust.**

In the event of any nuisance being caused to the neighbourhood by activities related to the use and development the Responsible Authority may direct, in writing, such actions or works, as deemed appropriate, to eliminate or mitigate such nuisance be undertaken by the facility operator to the satisfaction of the Responsible Authority.

31. **The use and development must be conducted in accordance with the EPA Development Licence issued 27 January 2023 as amended from time to time and any other licence issued by the EPA.**
32. **Before the development starts, copies of all documents required by the EPA to commence construction as amended from time to time, must be submitted to the Responsible Authority.**
33. **Before the use commences, copies of all documents approved within the Development Licence issued 27 January 2023 as amended from time to time, must be submitted to the Responsible Authority.**
34. **At all times noise emanating from the facility and associated activities must comply with the requirements of the Environment Protection Regulations 2021 (as amended from time to time) as measured in accordance with the Noise Protocol set out in EPA Publication 1826.4 (as amended from time to time) to the satisfaction of the Responsible Authority. At the request of the Responsible Authority, the facility operator must demonstrate compliance with the requirements to the satisfaction of the Responsible Authority, in consultation with the EPA. Where compliance is not demonstrated, the facility operator must implement additional measures to achieve compliance to the satisfaction of the Responsible Authority.**

35. **Odours offensive to the senses of human beings must not be discharged from the facility to the satisfaction of the Responsible Authority. Where odour is not being managed to the satisfaction of the Responsible Authority, the facility operator must implement additional mitigation measures in consultation with the EPA and to the satisfaction of the Responsible Authority.**

Lighting and security

36. **External lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining residential land to the satisfaction of the Responsible Authority.**
37. **All security alarms or similar devices installed on the land must be of a silent type and be connected to a registered back to base security service, to the satisfaction of the Responsible Authority.**

Melbourne Water

38. **Any changes to the facility design likely to impact the 1 % AEP flooding are to be approved by Melbourne Water prior to the commencement of works.**
39. **Any construction activities within the 1 % AEP flood extent of Koonung Creek are to be approved by Melbourne Water prior to the commencement of works.**
40. **Before the development starts, a Site Environmental Management Plan (SEMP) prepared by a suitably qualified professional must be submitted to and approved by Melbourne Water. The SEMP must include:**
- a) **detailed pollution and sediment control measures which ensure that pollution and sediment laden runoff is not discharged directly or indirectly into Melbourne Water's drains or waterways;**
 - b) **vegetation management techniques;**
 - c) **access tracks;**
 - d) **spoil stockpiling;**
 - e) **machinery/ plant locations;**
 - f) **exclusion fencing around native vegetation and habitat.**

When approved the SEMP will form part of the permit. The SEMP must be implemented to the satisfaction of the Responsible Authority.

Cultural Heritage

41. **The development must be undertaken in accordance with the approved Cultural Heritage Management Plan Number 17476, Tram Road Reserve Proposed Water Recycling Facility, prepared by Andrew Long and Associates, dated 15 February 2022, as amended from time to time, and all recommendations contained within including a procedure in place for the unexpected discovery of Aboriginal cultural heritage during the proposed works.**

Permit Expiry

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

- a) The development is not started within three (3) years of the date of this permit
- b) The development is not completed within five (5) years of the date of this permit
- c) The use is not commenced within two (2) years of the completion of the development.

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

2. BACKGROUND**Background to the third pipe requirement**

- 2.1 As a result of a three-way Memorandum of Understanding (MoU) signed in 2009, Yarra Valley Water (YVW), Manningham Council (Council) and Melbourne Water undertook a joint study to look at the implications of development in Doncaster Hill and the Eastern Golf Course (Tullamore) on local water supply and sanitation, and stormwater management.
- 2.2 As a result of the MoU, a consultant was engaged to look at a range of water management options and projected population growth. This work identified that there may be constraints in water supply that could arise at the full build-out of Doncaster Hill. The provision of alternate water sources (i.e. recycled water) could augment the mains supply and offer improved environmental outcomes.
- 2.3 The Doncaster Hill Strategy (2004) and Manningham Council's Planning Scheme requirements for Doncaster Hill encourage the consideration of sustainable resource objectives. The prospect of an alternate water source was seen as a compatible outcome.
- 2.4 In 2010, YVW used its legislative powers to declare Doncaster Hill and the adjoining Eastern Golf Course site (Tullamore) as a mandated recycled water supply area. As such, all properties within the area are required by regulation to provide purpose built plumbing to connect to the recycled water network.
- 2.5 At its meeting on 27 July 2010, Council adopted a recommendation to include a requirement for new development in Doncaster Hill to include 'third pipe' (or purple pipe) plumbing to supply all toilet and laundry needs. This has been formalised by the issuing of planning permits for any apartment development within Doncaster Hill including a requirement for third pipe plumbing connections within each site, in addition to providing rainwater tanks and other water sensitive urban design measures.

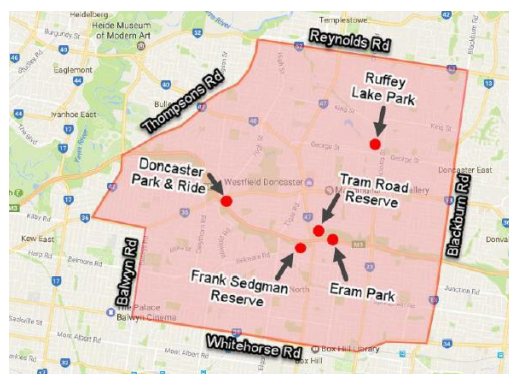
- 2.6 Since the recycled water area was declared in 2010, over 2,000 dwellings have been constructed in the recycled water area, and there has been a network of underground mains constructed in the Tullamore estate. All residences have internal plumbing that is 'ready' to receive recycled water, once available.

Previous permit application PL12/022631

- 2.7 Planning application PL12/022631 was made by YVW in 2012 and proposed a wastewater recycling facility within the same part of the Reserve, albeit with the facility to be constructed wholly above ground and more westward within the site, closer to residential properties. It was to be partially cut into the hill and would require the removal of a large number of established trees. The application received 207 objections.
- 2.8 At a meeting of Council held on the 28 August 2012, officers recommended approval of the proposal. However, the recommendation was overturned on grounds largely relating to the excessive visual impact of the above ground facility, its adverse impacts on the Reserve and the sole reliance on 32 Grange Park Avenue for both construction and ongoing site access.
- 2.9 In addition to refusing the permit application, a motion also sought to prohibit land being made available in the Koonung Ward (Doncaster) for the purposes of a recycled water treatment plant (this prohibition was later removed by Council prohibition).

Site selection process pre-lodgement of current permit application

- 2.10 In 2017 YVW re-affirmed its commitment to the project and developed a deliberative community engagement approach to engaging with the community to understand concerns, and to evaluate potential sites.
- 2.11 An independent panel was appointed to consult with the community. Letters were sent to 55,000 customers to announce the commencement of consultation. The consultation was led by an Independent Panel who sought community feedback about five sites identified as being feasible for the facility. The distribution of letters was determined based on contacting residents within approximately a 2.5km radius around each of the five sites (demonstrated in image below).



- 2.12 Public deliberation sessions were held in late 2017 and an Independent Panel Report was prepared in January 2018. The Independent Panel report identified that 2,300 responses were received from community members which included opportunities for one-on-one consultation and online feedback. It recommended Eram Park in Box Hill North (City of Whitehorse) as the preferred location, with Tram Road Reserve in Doncaster as the next most suitable location.

- 2.13 The other sites were found to be unsuitable due to a range of limitation such as; poor availability of source water, unable to meet the predicted demand for recycled water, future development implications, constrained available development areas, greater visual impacts to residents, and significant impacts to existing key open space.
- 2.14 In relation to Tram Road Reserve, the Independent Panel synthesised community feedback, and identified that an underground facility was the most popular choice.
- 2.15 Eram Park was later ruled out after discussions with the North East Link Authority (NELP) and Melbourne Water, due to the widening of the Eastern Freeway and associated drainage works and its role in storing floodwater.
- 2.16 In 2019, YVW announced the change in location for the facility and its intention to undertake a series of feasibility studies. This included stakeholder and community engagement and feedback sessions in 2020 and advising Council of its reconsideration of the proposal. In comparison to the original 2012 proposal, YVW advised that the revised proposal would:
- be underground in lieu of above;
 - retain open space and majority of vegetation, with minimal above ground structures and park enhancements based on community preferences; and
 - supply a water scheme to serve a broader area and community assets (including the constructed properties ready to receive and future development, irrigation of parks and ovals, opportunity to irrigate nearby resident gardens).
- 2.17 At its ordinary meeting on 24 March 2020, Council resolved to adopt the recommendation to revoke Part (B) of its resolution of 28 August 2012 (that Council undertakes not to lease or sell its land in Koonung Ward for a Recycled Water or Sewerage Treatment Plant), among other things.

Processing of the current permit application

- 2.18 The application was received on 24 March 2022. Officers requested further information on 5 April 2022.
- 2.19 Following receipt of the further information, notice of the application was given in accordance with Section 52 of the *Planning and Environment Act* (Act) for a minimum two-week period, concluding 18 August 2022. This included letters to the broader surrounds, five large signs and a notice published within The Age and Herald Sun.
- 2.20 In response to the number of objections received, a consultation meeting was held by officers on 2 March 2023, with approximately 20 objectors, Councillors, the applicant and Council officers in attendance.
- 2.21 In the period following, Council officers sought an independent review of the proposed access strategy. This resulted in the consideration of an alternative construction access, being via the Tram Road slip lane entering the Eastern freeway (as direct route through the reserve). This was ultimately not supported by the DTP and NELP and therefore the proposed construction access remains as proposed.

- 2.22 On 9 October 2023, the applicant sought to amend the application pursuant to Section 57A of the Act. This amendment simply involved the removal of the easement creation and variation aspects from the application and plans, as these were deemed to be made prematurely and without the required permissions. These aspects would need to be applied for separately later, should a permit issue.
- 2.23 The decision material for the purpose of this report is consequently based upon the amended Section 57A plans (Decision Plans) dated 25/2/22, 6/6/22, 28/9/23, as provided in **Attachment 1**. Also included in this attachment are the Design Response Plans dated May 2022. The superseded plan that was advertised prior to this amendment showing the easement creation and variations (no longer forming part of the application) is provided at **Attachment 2**.
- 2.24 The statutory clock that applies to planning applications provides an applicant with the option of appealing to VCAT due to a failure to determine ground after 60 days. For this application, that time recently passed on 8 December 2023.

3. THE SITE AND SURROUNDS

The Subject Site

- 3.1 The subject site (site) comprises three parcels of land, being the Tram Road Reserve, 6 Whittens Lane and 32 Grange Park Road, Doncaster. The site is generally to the north-east of the Tram Road and Eastern Freeway intersection, with the area subject to the permit application usefully demonstrated (by green outline) in the following image:



- 3.2 The Tram Road Reserve (Reserve):

- forms part of the broader Koonung Creek Linear Park (located at its far western end);
- is a Council owned public open space used for passive recreation, with walking trails and off-leash dog walking areas;
- is approximately 2.26 hectares in area and generally triangular in shape;

- features a large open grassed area that is relatively flat from past levelling (the disused cricket pitch) and with dense vegetation in the northern part;
- has steeper topography up toward the north and toward the south in the areas containing the Koonung Creek;
- includes an unsealed gravel path on the southern side, with connections to Tram Road, Grange Park Avenue and the Koonung Creek Linear Park (noting this trail is not the main “commuter” Koonung Creek Trail, which is an asphalt shared use path located on the southern side of the Eastern Freeway);
- connects the to the broader open space areas further east and Eram Park on the southern side of the creek (being land within the City of Whitehorse);
- is encumbered by an easement (E-)1 in the southwest corner junction of Whittens Lane with Tram Road which measures 1 metre in width and facilitates gas supply.

3.3 No. 32 Grange Park Avenue:

- is Council owned land used as part of the reserve (despite being residentially zoned);
- is approximately 665 square metres in area and rectangular in shape;
- contains a pedestrian path amidst grassed land and mature trees;
- contains bollards at the frontage to accommodate maintenance vehicle access to the reserve via Grange Park Road;
- is burdened by easements along its side and rear boundaries for the purpose of drainage, sewerage and gas supply.

3.4 No. 6 Whittens Lane:

- is residentially zoned land owned by Yarra Valley Water, located on the south-eastern side of Whittens Lane, approximately 20 metres east of the carriageways along Tram Road;
- is rectangular in shape with a frontage of approximately 16.7 metres and depth of 51.8 metres;
- is currently vacant (having been previously occupied by a dwelling) and has a slope of some 6 to 7 metres toward the reserve with a cross-fall toward the south-west;
- was previously issued approval for three dwellings on the land (permit PLN19/0674) which has since expired.

3.5 The titles of the council owned parcels (the Reserve and 32 Grange Park Avenue) are burdened by two restrictive covenants relevant to the purpose of the creation of easement to facilitate gas supply in favour of the Gas & Fuel Corporation of Victoria over part of the land (Covenant J891388 registered 19/01/1982) and restricting any buildings on 32 Grange Park Avenue to one dwelling house with external walls of brick (Covenant C617723 created 19/11/1966).

3.6 The restrictions will not be breached by the proposal.

The Surrounds

- 3.7 Contextually, the site sits within an established residential area north-west of Tram Road and the Eastern Freeway, located 1 km south of Westfield Doncaster, 1.6km south-east of the Tullamore Estate and approximately 600 metres from the southern boundary of the Doncaster Hill Activity Centre. The Applewood retirement village is on the opposite (western) side of Tram Road.
- 3.8 The subdivision pattern of the surrounding residential areas is generally curvilinear, with the local road network characterised by narrower streets, some of which include traffic calming measures.
- 3.9 Whittens Lane:
- historically formed an intersection with Tram Road (pre-1990). The intersection was thereafter terminated to form a cul-de-sac, with the Y-arrangements at its terminus later created in 2016 to facilitate waste vehicle movements;
 - generally runs in a northerly direction to connect to Doncaster Road and is classified as a local road, managed by Council, with two-way traffic movements. Near the site, it has a carriageway width of ranging between some 3 to 5.5 metres with indented parking generally provided in the narrower sections of the road and traffic calming measures further north; and
 - intersects with the local road Frank Street, which provides a connection between Tram Road and Whittens Lane (both ingress and egress permitted at the Frank Street/Tram Road intersection).
- 3.10 Tram Road:
- is an arterial road managed by the Department of Transport, supporting two lanes in each direction in addition to a slip lane adjacent to the land to direct traffic in an easterly direction along the Eastern Freeway;
 - has acoustic barriers to its east, generally commencing adjacent to the pedestrian path connecting to the Reserve (and the residential property beyond at No 2 Whittens Lane) and continues with the alignment of the on-ramp and freeway further south.
- 3.11 Grange Park Road:
- is a local road managed by Council which provides two-way traffic movements within carriageway width of approximately 7 metres and solid lines markings near bends.

3.12 The immediate interfaces are shown in the following aerial image:



3.13 Land immediately adjoining the Reserve to the north-west and north-east:

- is residential in nature, containing single and multi-dwelling houses fronting Whittens Lane and Grange Park Avenue respectively;
- contains dwellings setback varying distances from their rear boundaries that are shared with the reserve (with such setbacks being generally lesser where multi-dwelling developments have occurred) and their secluded private open spaces generally adjoining the reserve;
- are within the General Residential Zone, with exception of Nos. 2 and 4 Whittens Lane which are zoned for Residential Growth; and
- are setback from the physical location of the proposed underground facility and its associated above ground entrances by at least 40 metres and up to 100 metres.

3.14 Land immediately adjoining the reserve to the south:

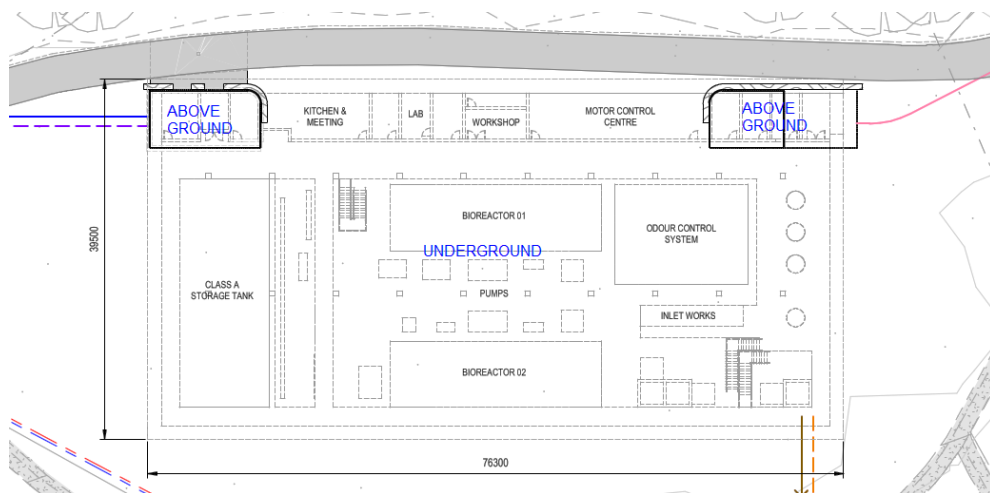
- contains the Koonung Creek, with vegetated embankments each side;
- is owned by the Department of Transport and generally provides a buffer between the site and Eastern Freeway further south (which is separated by sound walls);
- may be impacted by the North East Link Project (NELP), scheduled for completion in 2027 and includes freeway upgrades.

- 3.15 Land immediately adjoining the reserve to the east:
- is the continuation of the Koonung Creek, including the broader part of the reserve which extends north of the creek through to Windella Quadrant in a north-easterly direction, and Eram Park Reserve which occupies the parkland south of the Koonung Creek (this being located within the City of Whitehorse).
- 3.16 Land immediately adjoining 6 Whittens Lane to the south-west:
- is No. 4 Whittens Lane, containing four townhouses in an attached manner down the length of the site, serviced by a common driveway. The dwellings are setback a minimum 1.8 metres from 6 Whittens Lane and include windows and terraces facing the shared boundary, with those above ground level generally screened to a height of 1.7 metres. The rear dwelling (unit 4) includes a third storey roof terrace component with outlook toward the reserve.
- 3.17 Land immediately adjoining 6 Whittens Lane to the north-east:
- is No. 8 Whittens Lane, containing a detached single dwelling which is elevated toward the rear, with a carport upon the shared boundary and windows oriented towards this site and the Reserve.
- 3.18 Land immediately adjoining 32 Grange Park Avenue:
- are Nos. 30 and 34 Grange Park Avenue Whittens which each share their side boundary with the reserve. Both are developed with single dwellings, with that at No. 30 built very close to the shared boundary for a substantial length.

4. THE PROPOSAL

- 4.1 The purpose of the utility installation (the Facility) is to treat wastewater from the existing Koonung Creek branch sewer (sewer) to produce Class A recycled water for the Doncaster Hill Activity Centre and Tullamore Estate (Doncaster Hill) with the capacity to produce at least 750,000 litres of recycled water per day.
- 4.2 The Facility and the associated recycled water pipeline network (to be delivered separately), would allow connected residents and businesses to use recycled water for toilet flushing, washing clothes, car washing and for garden irrigation. The applicant has also indicated a potential to supply reserves and open space with recycled water.
- 4.3 The Facility itself is predominantly underground and:
- occupies an area approximately 76 metres by 40 metres, to a depth of approximately 11 metres below ground level;
 - contains filtration and disinfection equipment, pumping equipment, chemical storage and odour scrubbing equipment, alongside building services equipment and staff amenities; and

- has a general layout as follows:



4.4 The components above the ground include two buildings at either end of the Facility, measuring approximately 180 sqm in total area (17 metres x 7 metres and 13 metres x 7 metres), to approximately 4 metres in height. They contain lifts and stairs, allow for air intake, chemical deliveries, exhausts and a substation and are externally finished in black clad, timber and rammed earth finishes. Opportunity for artwork is suggested upon their northern elevations. Other visible components include:

- a row of 4 air vents situated between the two buildings, to a height of 5.4 metres, suggested to be finished with decorative finishes/artwork;
- lightwells between the two buildings;
- maintenance hatches including a larger buried hatch, to be unearthed and accessed should the need arise to service large components from underground;
- an indigenous garden between the two buildings;
- resurfacing of areas beyond the indigenous garden to their existing grassed condition and open space function; and
- an appearance as shown indicatively below:



4.5 Access and parking to the completed facility includes:

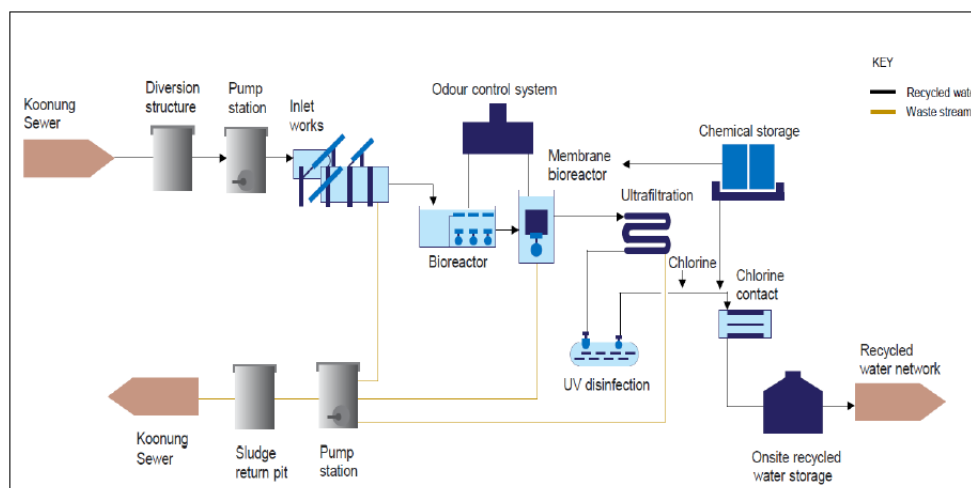
- a 4-metre-wide concrete access road within 6 Whittens Lane, continuing to the north of the Facility and through to 32 Grange Park Avenue, with connections to existing pedestrian paths within reserve;
- the access road to function as a shared path for pedestrians and service vehicles up to 12.5 metres in length;
- new crossovers and gated vehicle entries to 6 Whittens Lane and 32 Grange Park Avenue; and
- five car parking spaces, including one informal bay next to the Facility and 4 spaces within a small car park at 6 Whittens Lane for the ongoing staff operations.

4.6 It is proposed to remove three trees, with one (Willow Bottle Brush) being in the reserve and the others being street trees. No trees to be removed require planning permission.

4.7 The use operations generally require a combination of regular, periodic and ad-hoc attendance by Yarra Valley Water staff and involve:

- one operator expected on a daily basis in addition to one to three maintenance personal on most work days;
- other employees that may attend at variable times, including emergency maintenance and business support staff, management and cleaners;
- external visitors on rare occasion (such as for educational purposes);
- deliveries and water sample collections to occur weekly and for periods between 15 to 45 minutes; and
- chemical deliveries occurring on a fortnightly to monthly frequency for a 1 hour duration (these proposing the use of a large, 12.5 metre vehicle).

4.8 The water recycling treatment technology selected for this Facility incorporates technologies including the bioreactor and filtration for the solids and liquid separation, followed by ultrafiltration, ultraviolet system and chlorination for disinfection. The various steps involved in producing the Class A recycled water are demonstrated in the flow path (extracted from the submitted planning report) below:



- 4.9 Pipelines connected to and from the facility are exempt pursuant to Clause 62 of the Manningham Planning Scheme (as a Minor Utility Installation). For completeness, the provided details include:
- Two co-located pipelines connect the Facility with the sewer to the south. These pipelines will pass beneath Koonung Creek, partially within Manningham and the City of Whitehorse south of the creek.
 - The output of the Class A recycled water and associated water pipeline network, anticipated to the north, which is to be delivered separately and with the alignment subject to future design.
- 4.10 The permit application is further described in the plans and reports submitted with the permit application (with the planning report providing a summary of all accompanying documents).

5. LEGISLATIVE REQUIREMENTS

- 5.1 The relevant policy is included within **Attachment 3** (Planning & Environment Act 1987, Manningham Planning Scheme, other relevant legislation and policy).
- 5.2 The Reserve is within the Public Park and Recreation Zone. The other parcels forming the subject land at 6 Whittens Lane and 32 Grange Park Avenue are within the General Residential Zone 1.
- 5.3 A permit is required under the following Clauses of the Manningham Planning Scheme:
- Clause 36.02-1 of the Public Parks and Recreation Zone to use the land for a 'utility installation'.
 - Clause 36.02-2 of the Public Parks and Recreation Zone to construct a building or construct or carry out works.
 - Clause 32.08-2 of the General Residential Zone Schedule 1 to use the land for a 'utility installation'.
 - Clause 32.08-9 of the General Residential Zone Schedule 1 to construct a building or construct or carry out works for a use in Section 2.
 - Clause 44.04-2 of the Land Subject to Inundation Overlay to construct a building or construct or carry out works.

Use Classification

- 5.4 Relevant to the characterisation of the use:
- 'Utility installation' is defined by the Scheme as land used (among other things) to collect, treat, or dispose of storm or flood water, sewage, or sullage.
 - Within this definition, it also includes 'minor utility installation' which is defined as land used for a utility installation comprising of any of the following (these being of relevance):
 - sewerage or water mains;

- a sewerage treatment plant, and any associated disposal works, required to serve a neighbourhood.
- 5.5 Were the proposal considered as just a sewerage treatment plant as per the 'minor utility installation' land use definition, the use would not require a planning permit due to the exemptions it is afforded at Clause 62.01 of the Scheme. However, as the Facility seeks to recycle wastewater to a usable class A water, it deviates from the typical sewerage treatment plant classification and can be classified as a Utility Installation, therefore requiring a planning permit.

Zones

Clause 36.02 – Public Park and Recreation Zone (applying to reserve land)

- 5.6 The purpose of the zone is:
- To implement the Municipal Planning Strategy and the Planning Policy Framework.
 - To recognise areas for public recreation and open space.
 - To protect and conserve areas of significance where appropriate.
 - To provide for commercial uses where appropriate.
- 5.7 The Facility ('utility installation' use) is a Section 2 use (planning permit required) within the Public Park & Recreation Zone (PPRZ) as the proposed use is not conducted by or on behalf of the public land manager, that being Council. The decisions guidelines within the zone are therefore relevant to the application.

Clause 32.08 – General Residential Zone

- 5.8 The purpose of the zone is:
- To implement the Municipal Planning Strategy and the Planning Policy Framework.
 - To encourage development that respects the neighbourhood character of the area.
 - To encourage a diversity of housing types and housing growth particularly in locations offering good access to services and transport.
 - To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.
- 5.9 The Facility ('utility installation' use) is a Section 2 use (planning permit required) within the General Residential Zone (GRZ1). The decisions guidelines within the zone are therefore relevant to the application.

Overlays

Clause 44.04 – Land Subject to Inundation Overlay (LSIO)

- 5.10 The purpose of this overlay is:
- To implement the Municipal Planning Strategy and the Planning Policy Framework.
 - To identify flood prone land in a riverine or coastal area affected by the 1 in 100 (1 per cent Annual Exceedance Probability) year flood or any other area determined by the floodplain management authority.

To ensure that development maintains the free passage and temporary storage of floodwaters, minimises flood damage, responds to the flood hazard and local drainage conditions and will not cause any significant rise in flood level or flow velocity.

To minimise the potential flood risk to life, health and safety associated with development.

To reflect a declaration under Division 4 of Part 10 of the Water Act, 1989.

To protect water quality and waterways as natural resources by managing urban stormwater, protecting water supply catchment areas, and managing saline discharges to minimise the risks to the environmental quality of water and groundwater.

To ensure that development maintains or improves river, marine, coastal and wetland health, waterway protection and floodplain health.

- 5.11 The LSIO largely affects the creek area, with some minor encroachment into the broader site as demonstrated in blue below (these not impacting the location of the above ground level components).



- 5.12 The LSIO is governed by Melbourne Water as a determining referral authority. Melbourne Water supports the proposed facility subject to conditions which have been included verbatim within the Officer recommendation.

Clause 42.03 - Significant Landscape Overlay, Schedule 5

- 5.13 The site is partially affected by the Significant Landscape Overlay, Schedule 5 (affecting 'Watercourse Areas' and shown in green above). This overlay generally follow the creek line in the south-easter corner.

- 5.14 As the overlay applies to areas outside of the proposed works, a permit is not required under this provision and therefore not relevant to the processing of this application.

Clause 42.01 - Environmental Significance Overlay, Schedule 3

- 5.15 The Environmental Significance Overlay, Schedule 3 (ESO3 - *Buffer conservation areas supporting sites of biological significance*) affects the parkland further east and a small slither of land measuring less than 900mm on the site's eastern boundary near the existing rain garden (potential mapping anomaly).
- 5.16 As the overlay applies to areas outside of the proposed works, a permit is not required under this provision and therefore not relevant to the processing of this application.

Particular ProvisionsClause 52.06 – Car parking

- 5.17 Clause 52.06 regulates car parking requirements and design standards. A specific parking rate is not specified for a utility installation use. As such, the appropriateness of the proposed parking provision must be to the satisfaction of the responsible authority.

Clause 52.17 – Native vegetation

- 5.18 Clause 52.17 seeks to manage the removal, destruction or lopping of vegetation to minimise land and water degradation. This is achieved by applying a three-step approach, namely avoid, minimise and offset.
- 5.19 A planning permit is not required under Clause 52.17 of the Scheme as the vegetation to be removed is exempt from requiring a planning permit, being either non-native or planted.

Clause 53.10 – Uses with adverse amenity potential

- 5.20 Clause 53.10 seeks to identify the types of uses and activities, which if not appropriately designed and located, may cause offence or unacceptable risk to the neighbourhood.
- 5.21 Clause 53.10-1 details specific threshold distances, which in this case is measured as the shortest distance from any part of the land to land (not a road) in the nominated zones, which relevantly includes the residential zones. The Table to Clause 53.10-1 does not specify a threshold distance for a water recycling facility and as such, requires referral to the Environment Protection Authority under Section 55 of the Planning and Environment Act 1987 (P&E Act).

Cultural Heritage

- 5.22 The land is identified as having Cultural Heritage Significance. The proposed works (a utility installation) constitutes a high impact activity. As such, a mandatory Cultural Heritage Management Plan (CHMP) was required to be prepared in accordance with the Aboriginal Heritage Regulations 2018 (Vic) and approved prior to any permit issue. The applicant has submitted a CHMP which has been approved by the Wurundjeri Woi-wurrung Cultural Heritage Aboriginal Corporation on 18 February 2022.
- 5.23 A **condition** of permit, should one issue, will require the development to be in accordance with the recommendations within the approved CHMP.

General Provisions

Clause 65 – Decision Guidelines

- 5.24 Clause 65 requires that “*Because a permit can be granted does not imply that a permit should or will be granted. The responsible authority must decide whether the proposal will produce acceptable outcomes in terms of the decision guidelines of this clause*”. Clause 65.01 sets out the matters that the Responsible Authority must consider.

6. REFERRALS

External

Department of Transport and Planning

- 6.1 Pursuant to Clauses 66.03 and 52.29 of the Manningham Planning Scheme, Department of Transport (formally VicRoads) is a *determining* referral authority for an application to create or alter access to, or to subdivide land adjacent to, a road declared as a freeway or an arterial road under the Road Management Act 2004, land owned by the Head, Transport for Victoria for the purpose of a road.
- 6.2 The site is directly adjacent to Tram Road, which is declared road within the Transport 2 Zone. The application does directly alter vehicular access to Tram Road (having no vehicular access points to Tram Road at present) however does require the creation of the temporary intersection between Tram Road and Whittens Lane for the purpose of construction only.
- 6.3 The proposed changes to the Tram Road/Whittens Lane intersection are considered by the DTP as construction related works for the Facility. As such, any final design and/or restrictions for this intersection would be considered under a separate application to DTP pursuant to the Road Safety Act, following the issue of a planning permit.
- 6.4 The application does therefore not seek to create or alter access to a Transport 2 Zone under Clause 52.29-2 of the Scheme.
- 6.5 The DTP in their response dated 16 August 2022, did not object to the proposal. No conditions were offered. Council officers initially had significant concerns with the lack of feedback from DTP on whether the temporary intersection at Whittens Lane and Tram Road access was functional and if so, under what conditions. From an officer perspective, the temporary intersection to allow heavy vehicle access from Tram Road was imperative to the construction of the facility.
- 6.6 After further discussions and multiple meetings with the DTP, they have since provided their in-principle support for the proposed Whittens Lane and Tram Road temporary intersection for construction access. Their response, although not exhaustive, is considered adequate to enable Council to make an informed decision with confidence of its viability. The advice includes recommendations such as limiting construction access onto Tram Road outside of peak times, generally 8:15-9:15am and 4:45-5:45pm to reduce traffic impacts.

- 6.7 Officers also consulted with DTP to explore alternative construction access via the freeway on-ramp as an alternative to Whittens Lane, in efforts to avoid reliance on any local roads.
- 6.8 The officer proposed alternate access explored was ultimately not supported by DTP due to implications to existing soundwalls, impediments to nearby bus stop and the pedestrian networks.

Environmental Protection Authority

- 6.9 Pursuant to Clauses 66.02-1 and 66.02-7 of the Manningham Planning Scheme, the Environmental Protection Authority (EPA) is a determining referral authority as the application is:
- for a use or development requiring a Development Licence or Operating Licence in accordance with Part 4.4 of the Environment Protection Act 2017; and
 - seeking to use land for a utility installation - a purpose listed in the table to Clause 53.10 with no threshold distance specified.
- 6.10 In their referral response dated 26 April 2023, the EPA did not object to the proposal, nor impose any conditions. Their advice outlined the further environmental requirements the applicant would need to meet within the EPA Development Licence that was under consideration.
- 6.11 The EPA later advised that a Development Licence (DL000300022) was issued to YVW on 27 January 2023. The Development Licence seeks to minimise risks of harm to human health and the environment from pollution or waste associated with the facility, and has considered such matters as:
- Loss of, or encumbrance of public open space
 - Noise and vibration from construction activities impacting the surrounding community
 - Discharges to land or waterways– chemical deliveries, surface runoff, stormwater discharges, off-specification water produced by the plant, using recycled water for irrigation or spills during construction or operation
 - Odorous emissions during operation of the facility
 - Noise impacts to the surrounding community from operation of the facility
 - Management of waste materials
 - Wastewater discharge events
- 6.12 Following a public notification period undertaken by the EPA, one objection was received. The EPA notified the submitter of their decision when the development licence was issued. The EPA has not received any appeal by the objector regarding its decision to issue the Development Licence.

Melbourne Water

- 6.13 Pursuant to Clause 66.02-1 and Clause 44.04-7 the Manningham Planning Scheme, Melbourne Water is a determining referral authority as the application includes works within the mapped LSIO area.

6.14 In their referral response dated 11 October 2022, Melbourne Water did not object to the proposal subject to conditions requiring a Site Environmental Management Plan and other relevant approvals for works.

North East Link Project (NELP)

6.15 NELP were notified as a recommending referral authority as the works are within and adjacent to the package area for upgrading the Tram Road freeway slip lane. NELP have advised they have no objection (with no conditions required).

6.16 NELP were also contacted (during the same engagement process with DTP) to consider the alternate construction access route via the freeway slip lane as suggested by officers. NELP advised they were unable to support the alternative access proposition due to conflicts with the future freeway upgrade, slip lane works, traffic management, nearby sewerage infrastructure works and the impediment to pedestrian networks.

Other external referrals

- AGL (no objection subject to conditions)
- Multinet Gas (no response received)

6.17 The initial application was also referred to AGL and Multinet Gas prior to the Section 57A application being lodged at Council to remove the creation and variation of easements. These referrals and any conditions or comments are no longer relevant.

Internal

Service Unit	Comments
City Infrastructure	<p>Final advice was received on 29 November 2023 in support of the application, subject to conditions. Key comments include:</p> <ul style="list-style-type: none"> • The facility will support a sustainable future and make better use of our existing water resource, in a time of climate uncertainty and a less reliable rainfall. Therefore, this proposal aligns well with Council’s strategies and should be supported. • The traffic and noise impact to the community during the construction phase of the project is a key consideration of the proposal. The traffic access strategy documented in the planning report (Section 9.3 of Planning Assessment Report by Arup, dated 3 June 2022) provides high level information regarding construction access methodology for various stages of construction. This information is broadly consistent with what has been agreed with Yarra Valley Water (YVW) and the Department of Transport and Planning (DTP) during pre-application stage. • Construction access via 6 Whittens Lane, which is a property strategically acquired by YVW, and via a temporary opening of Whittens Lane on Tram Road, provides the most direct route to the construction site and minimises traffic and noise impact to the greater community.

Service Unit	Comments
	<ul style="list-style-type: none"> • Construction vehicles have the potential to damage Council assets such as roads and paths. Detailed dilapidation reports are required to be prepared for all the roads and paths that construction vehicles are reasonably expected to utilise, prior to the commencement of construction, so that any damages to Council assets will be rectified before the building and works are completed. • In respect to the traffic impact associated with the ongoing operations of the facility, on-site parking is proposed to include two formal parking spaces and two tandem spaces on 6 Whittens Lane, plus a chemical delivery bund and gravel 'pull-over' bay in the reserve. On most occasions, the parking provided can be accommodated without the reliance of on-street parking, and on a busy day, the expected car parking demand will be seven vehicles arriving on site generating a maximum demand for three on-street parking spaces. This is considered acceptable as traffic surveys revealed this level of parking demand can be accommodated within the local street network. • Council engineers do not support the routine use of service vehicles exceeding 8.8m in length to service the facility, due to the geometric constraints of the local road network. While it is acknowledged that some parking removal (time based) may be required on Grange Park Avenue to facilitate service vehicle access, the use of smaller service vehicles will significantly minimise these losses. Additionally, subject to engineering design and community support, indented parking could be constructed to help offset the parking losses. • On balance, City Infrastructure supports the granting of a permit for the proposal, subject to appropriate conditions included in any permit issued. <p>Key conditions include:</p> <ul style="list-style-type: none"> • Any Traffic Management arrangements as required by DTP • Construction traffic and parking impact, including but not limited to access routes for various construction vehicle classes, work hours, workers parking, and noise and vibration management. • Koonung Creek Trail access maintained during construction • Asset protection for any roads and paths that are to be utilised to facilitate construction of the facility. • Potential to mitigate parking loss on Grange Park Avenue through construction of indented parking spaces commensurate to the spaces lost. • Flood and stormwater management associated with the ongoing use and operation of the facility. • Traffic management associated with the ongoing operations of the facility, including service vehicle access via the paths

Service Unit	Comments
	within Tram Road reserve.
Statutory Planning Arborist and Parks Department	<p>Final Arboricultural advice was received on 24 August 2023 and did not object to the application. Key comments and requirement include:</p> <ul style="list-style-type: none"> • Trees 12, 144 and 312 are proposed to be removed. Although not shown on the plan, Tree 17 (street tree) may require removal to allow for the Grange Park Ave entrance. • Clause 52.17 does not apply to tree removed on site as would be planted and therefore exempt. Street tree removal will be subject to an amenity value to be determined by Councils Parks Department. • The walking path should be upgraded to concrete. • The proposed landscaping around the above ground buildings simplified with only small indigenous trees and large shrubs planted to soften the built form. Maintenance arrangements are to be agreed with Council and planting is to be of indigenous species grown at Councils nursery. • Yarra Valley Water to undertake all tree removals required for site access and removal of any woody weed species within the bushland area north of the development. New planting will replace any removed trees and infill planting within the Bushland area north of the proposed development. Between 12 to 72 replacement trees is suggested. • For 6 Whittens Lane, a decorative garden bed should be constructed at the front with large shade trees such as Quercus sp., Ulmus sp. or similar. A minimum of ten (10) canopy trees capable of growing to a minimum of 12m at maturity appears able to be planted, with possibility of constructing an accessible pedestrian path within this space.
City Design - Open Space	<p>Open space advice was received 29 August 2022 and did not object to the application. Key requirement include:</p> <ul style="list-style-type: none"> • No construction or maintenance vehicle access allowed along the Koonung Creek Trail from Windella Quadrant, all access must be from either Whittens Lane or Grange Park Avenue. • All existing park infrastructure must be reinstated at end of construction to satisfaction of Council. • No vegetation removal without prior consent of Council. • Final design and materials of above surface buildings and landscaping to be approved by City Design and Parks Units.
Integrated Water Management	<p>Integrated Water Management advice was received 29 August 2022 in support of the application. Key comments included:</p> <ul style="list-style-type: none"> • Following the exhaustive process undertaken, there is no known alternative to the proposed Tram Road site for the

Service Unit	Comments
	<p>development of a recycled water facility to supply Doncaster Hill and the Tullamore Estate, which are located in a mandated recycled water area.</p> <ul style="list-style-type: none"> • This project is in strong alignment with State Government direction in addressing adaptation to the water cycle risks posed by climate change and population growth. • One of the core benefits of recycled water is its availability, even during periods of drought.
Independent acoustic advice	<p>Renzo Tonin were engaged by Council officers to peer review the acoustic and vibration submission and the potential impacts associated with the construction of the facility. Key findings and recommendations included:</p> <ul style="list-style-type: none"> • The predications in the submitted applicant reports were accurate and agreed that the airborne construction noise impact would highly affect dwellings adjacent to the Grange Park and Whittens Lane construction access points for Stage 1-4 of the construction, and that vibration and noise would be significant to those properties for Stage 5-8 of the construction. • It was found that the submitted in-principle mitigation measures for construction noise and vibration impacts from the proposed works were typical for such projects. • To address the key impacts, it was recommended alternate heavy vehicles construction access be considered where possible, further from residential properties, or if not feasible that the Whittens Lane/Tram Road construction could be viable, provided that mitigation measures be included such as sound absorbing walls along 6 Whittens Lane access, acoustic treatments to habitable windows, and upkeep and hard surfacing of access roads, and consideration of resident respite/relocation during stages with most disturbance (such as excavation and piling works).
Independent traffic advice	<p>Impact Consulting were engaged by Council officers to undertake a peer review of the proposed construction vehicle access and traffic impacts. Key findings and recommendations included:</p> <ul style="list-style-type: none"> • Overall, to facilitate the main construction activities within the site, the Tram Road / 6 Whittens Lane temporary access is considered to be the least disruptive and most direct route to the site and should be used for construction vehicles larger than 6.4m small rigid vehicles. • It is expected that the movements in and out through this temporary access, specifically the egress movements, will require stoppages of traffic along Tram Road with appropriate traffic management in place. Hence, due to the constant disruption anticipated, it is expected that these

Service Unit	Comments
	<p>movements will be restricted to outside peak periods. Should this access be the primary route for vehicles larger than 6.4m small rigid vehicles, it is likely that the construction programme may require extending due to the expected restricted hours.</p> <ul style="list-style-type: none"> • In addition to the above, smaller vehicles (6.4 metres in length and below) should utilise the local roads as proposed, primarily the Grange Park Avenue access to enter/exit the site. It is not expected that any major/obvious disruptions will occur as these vehicle sizes can comfortably navigate the existing local road network. • Utilising a separated access through the local roads for the smaller vehicles reduces the daily volume of vehicles required to enter / exit via Tram Road, ultimately minimising disruptions to the road network. • Smaller vehicles are expected to be the majority of vehicles entering/exiting the site daily. It is also acknowledged that these smaller vehicles are expected to access and egress the site during peak times, as these are the main hours construction workers arrive on-site/leave site. Hence, reducing this load off Tram Road/Whittens Lane significantly reduces disruptions/stoppages of traffic. • Construction parking for the anticipated 95 vehicles could pose an unreasonable impact on residents but could be managed by parking within the Reserve in identified open grassed areas east of the development site, and by other mitigation measures such as worker busses/car sharing and on-site tool lockers to reduce the number/movements of trade vehicles.

7. NOTIFICATION AND CONSULTATION

7.1 Notice of the application was given over a minimum two-week period that concluded on 18 August 2022, by way of approximately 700 letters sent to adjacent and nearby properties including the City of Whitehorse, erecting 5 notices on the site frontages and within the Reserve and publishing notices within both The Age and Herald Sun and newspapers.

7.2 To date, 55 objections have been received. Issues raised primarily related to:

- out of character and an inappropriate use/inappropriate site;
- construction traffic impacts;
- proximity/buffer zone to residents;
- health and safety, odour, flooding;
- loss of parkland;
- unclear information/misleading description;
- visual impact;
- net community benefit versus risk;
- noise and vibration;

- traffic and parking during operation;
- wildlife/vegetation/creek environs impacts;
- facility failure/chemicals;
- health/safety;
- operation hours; and
- pollution.

7.3 A Consultation Meeting was held on the 2 March 2023, with approximately 20 objectors, Councillors, the applicant and Council officers in attendance. Objectors voiced concerns about the proposal, and the applicant responded or clarified as needed, however no formal agreements were reached.

7.4 The grounds of objection are largely considered within the assessment section and further responded to in Section 10 of this report.

Section 57A Amendment following notification

7.5 On 28 September 2023, the application was formally amended under Section 57A of the Planning and Environment Act 1987 (Act). The purpose of this amendment was to remove a part of the application that proposed the creation and/or variation of easements on the subject land. This component of the application has now been removed.

7.6 The application was amended in response to officer concerns that the creation of easements on land not owned by the applicant was prematurely made without the necessary permissions under the relevant sections of the Subdivisions Act 1998.

7.7 Notice of the amended application was not given under Section 57B of the Act as the proposal substantially remained unchanged and the removal of this aspect of the application does not cause any increased detriment to persons (being only relevant to Council and the gas authorities).

7.8 Should a permit issue, the required planning approval to create and vary these easements will need to be applied for separately, and prior to acting on any permissions authorised by this permit application. For completeness, the following permit notes would be included as a further warning regarding these future obligations:-

No proprietary interest in land

The grant of this permit does not give the permit applicant any proprietary interest in the land and should not be taken as an indication of consent by Manningham City Council, in its capacity as the landowner of 2-18 Tram Road, Doncaster and 32 Grange Park Road, Doncaster, to the permit applicant entering onto or occupying the land to implement the permit.

Easements on the land

The grant of this permit does not affect or derogate from the rights of any beneficiary in respect of any registered easement over the land subject of the permit or any requirement imposed by or under any legislation concerning such easements. Further, the grant of this permit should not be taken as an indication of consent by any beneficiary of a registered easement to allow any building or works to be constructed over such easement.

8. ASSESSMENT

8.1 The proposal has been assessed against the relevant state and local planning policies, the zone and overlay, and the relevant particular and general provisions of the Manningham Planning Scheme.

- 8.2 The assessment is made in consideration to the following key questions:
- Is the proposal an appropriate response to the physical and planning contexts?
 - Has the previous refusal been addressed?
 - Are the amenity impacts during construction acceptable?
 - Are the amenity impacts of the use and development acceptable?
 - Will the open space outcomes be appropriate?

Is the proposal an appropriate response to the physical and planning context?

- 8.3 The Facility within the Reserve is located within the Public Park and Recreation Zone (PPRZ) for which Council is the public land manager. The accessways to service the Facility (within 6 Whittens Lane and 32 Grange Park Avenue) are within the General Residential Zone (GRZ), however these aspects are somewhat ancillary to the main use.
- 8.4 Within both zones, there is provision within their purpose to allow for other uses such as commercial uses or other non-residential, with the appropriateness of such uses to be weighed against matters such as; whether they service local community needs, are in appropriate locations and suitably designed in consideration of their context, and importantly, the Municipal Planning Strategy and the Planning Policy Framework.
- 8.5 When considering the broader Planning Policy Framework, there is an equal balance placed upon the importance to promote sustainable practices and integrated water management, along with the need to protect amenity and protect and enhance open spaces.
- 8.6 Outcome 06 of Plan Melbourne 2017-2050 aims for Melbourne to be a sustainable and resilient City. This includes an integrated approach to managing the urban water cycle to best use all water sources, to protect the health of the city's waterways and bays, reduce the risk of flooding and keeping parks, gardens and street trees thriving. Direction 6.3 is to integrate urban development and water cycle management to support a resilient and liveable city. Integrated Water Management is the key approach aligned with this Direction.
- 8.7 At a higher level, Clause 11 (Settlement) includes objectives and strategies seeking to support a sustainable performance and urban environment by ways that include integrating the management of water resources and prioritising services, with the ongoing provision of land and supporting infrastructure to support these needs.
- 8.8 Clause 14 (natural resource management) identifies that planning is to assist in the conservation and wise use of natural resources including energy, water, land, stone and minerals to support both environmental quality and sustainable development. It further seeks to ensure the continued availability of clean, high-quality drinking water by protecting water catchments and water supply facilities.

- 8.9 Clause 19 (infrastructure) similarly includes objectives and strategies to sustainably manage water supply and demand, water resources, wastewater, drainage and stormwater through integrated water management. It further seeks to minimise the impact of the use and development of public open space on surrounding areas, increase the landscape values of these spaces and ensure, where there is a reduction of open space due to a change in land use or occupation, additional or replacement parkland of equal or greater size and quality is provided.
- 8.10 Numerous strategies such as Clause 13.07-1S (land use compatibility) emphasise the importance of amenity and require consideration of human health and safety through separation, siting, building design and operational measures, while facilitating appropriate infrastructure or other uses with potential adverse off-site impacts.
- 8.11 Clause 71.02-3 (integrated decision making) of the Scheme has an overarching requirement to foster appropriate land use and development planning policies and practices, to balance conflicting objectives and integrate relevant environmental, social and economic factors “in favour of net community benefit and sustainable development”.
- 8.12 At a local level, the Municipal Planning Strategy reflects these sentiments in seeking to promote early consideration of environmental sustainability efficiencies and benefits through integrated water management, protecting residential amenity and to provide a range of high quality and accessible public open space areas.
- 8.13 Evidently, there has been a clear commitment to deliver recycled water as demonstrated by the prior and ongoing work relevant to integrated water management and mandated third pipe connection to allow the supply of recycled water within Doncaster Hill.
- 8.14 Council is amidst delivering an Integrated Water Management Strategy that aligns with the Goal 2.4 of the Council Plan (2021-2025) and broader policy support within the Scheme and Plan Melbourne. Council’s Integrated Water Management Strategy Implementation Plan was adopted by Council on 27 June 2023. The Implementation Plan focuses on the development of this Strategy, with a key focus to shift from treating stormwater as a waste to be disposed, to stormwater being recognised as a valuable resource, including the treating and reusing of wastewater as an urban resource.
- 8.15 As a driver for integrated water management, it identifies:
- The forecast impacts of climate change, together with increased demand for water resulting from population growth will apply further pressure to our potable water supplies, reinforcing the need for an Integrated Water Management approach to ensure a sustainable future for our community.
- 8.16 Council’s Open Space Strategy (2014) recognises that community benefits can be maximised by utilising public open spaces for multiple purposes (such as recreation, flood retention and stormwater treatment). It further identifies that existing open spaces such as the Koonung Creek are potential locations to support such infrastructure.
- 8.17 The Koonung Creek Linear Park Management Plan (August 2011) gives specific in-principle support of a recycled water facility, with any such proposal along the

creek corridor needing to balance impact on the effective use of land for recreation purposes (and consider the potential to improve the recreational outcomes).

- 8.18 As demonstrated by the above, overarching policy along with the Council Plan and other adopted plans and strategies provide a clear prioritisation of sustainable practices and integrated water management that allow for alternative water supplies.
- 8.19 A key offering of the Facility is its contribution to Council's sustainability goals, improving water conservation to support a growing population with the ability to mitigate the effects of climate change. The facility provides the opportunity to connect up to 5000 apartments and 700 houses within the surrounding Doncaster Hill precinct with Class A recycled water, estimated to yield significant reduction to the use of drinking water currently relied upon for unsustainable purposes such as toilet flushing, washing clothes and within gardens.
- 8.20 The proposal suggests that the Facility has the further potential to facilitate irrigation to local sports fields and parks and other local areas, with the full potential supply of recycled water beyond Doncaster Hill to be further detailed as a **condition**.
- 8.21 Using public open space as means to provide such facilities (as acknowledged by the Open Space Strategy) is a logical response, particularly given the larger area offerings they provide and the need for the facilities to be located reasonably close the areas they service. As indicated in the background section of the report, numerous sites were considered by an independent panel, and although Eram Park was the first priority (and ultimately not possible due to conflicts with NELP and flooding), Tram Road Reserve was identified as the next preferred, with the other locations not deemed suitable.
- 8.22 The proposal is well sited so as to avoid conflict with any of the proposed works shown in the future works program for this particular area within Koonung Creek Linear Park Management Plan.
- 8.23 By way of siting the Facility substantially underground, the resulting loss of recreational public open space is minimised, as sought by both the abovementioned plan and directions in relevant policy. The loss is limited to the two above ground access buildings, totalling approximately 180 square metres in area. In the context of the Reserve area and broader Koonung Creek Linear Park, this is not a substantial loss and its placement ensures much of the usable levelled area, directly adjacent to the existing path further south, remains unaffected.
- 8.24 It should be recognised that the proposal will create a shared accessway formally connecting Whittens Lane through to Grange Park Avenue and the existing path network, therefore increasing the sealed areas available for the public to use for recreational purposes such as walking or cycling. The new accessway through 6 Whittens Lane is to be available for unrestricted use by the public and effectively acts as an additional land holding to the Reserve (in a similar way that 32 Grange Park Avenue does now).

- 8.25 The visibility that this entry provides is important also, in that it would provide a much improved alternative to the current pathway connection to Whittens Lane/Tram Road, which is largely concealed between the freeway sound wall and property boundary fencing and suffers from limited surveillance and sightlines. The applicant has committed to shared public access 24 hours / 7 days a week which is supported and will be preserved through an ongoing **condition**.
- 8.26 This would significantly improve the legibility of the reserve and connectivity to the local street network, and further contributes to a localised net community benefit to balance any loss to the open space. Furthermore, preliminary discussions have also been held with YVW regarding the potential transfer of 6 Whittens Lane to Council. Should this occur, the entire land holding would form part of the overall open space which would be a substantial gain.
- 8.27 The proposal offers an indigenous garden above the facility which is appropriate in context of the Koonung Creek environs and policy objectives, which seek to increase biodiversity and landscape contributions. During construction, the highly regulated management practices (to both Council's and Melbourne Water's requirements) will impose strict implementation measures to ensure sediment run off is avoided. Vegetation loss within the Reserve is limited to only one tree (to facilitate the new access), with the heavily vegetated embankment to the north remaining undisturbed.
- 8.28 While the location of the Facility is partially affected by flooding (LSIO), it has been supported by Melbourne Water and therefore satisfies the overlay requirements and objectives of Clause 13.03-1S (floodplain management) in avoiding intensifying the impact of flooding through inappropriately located use and development. The underground element of the facility will be flood-proof and is not anticipated to cause any direct risk with regard to flooding, noting it is sited at the farthest extent of the LSIO.
- 8.29 The location of the associated accessways within the residentially zoned land appropriately sites the more benign, ancillary aspect of the proposal adjacent to the more sensitive dwelling uses. Once constructed, vehicular movements will not be substantial and the impacts associated with this access can be suitably mitigated in consideration of residential amenity and landscape contribution, as further discussed below.
- 8.30 As is the case here, public open spaces within the municipality often have residential interfaces to maximise the number of users they service. The Facility will be setback between 40 metres to 100 metres from the rear boundaries of the adjoining residential land. Clause 53.10 of the Scheme seeks to regulate uses with potential adverse amenity impacts and identify the types of uses and activities, which if not appropriately designed and located, may cause offence or unacceptable risk.
- 8.31 Relevant to water and wastewater treatment, Clause 53.10 offers no specified minimum threshold distance from residential uses, with this distance instead to be determined by (and by way of referral to) the EPA.

- 8.32 As indicated in the referral section, the EPA do not object to the proposal and have already issued a Development Licence, this in turn giving assurance that they, as the overarching regulatory authority for such uses and their potential impacts, are satisfied with the separation distance proposed. Amenity impacts are considered within reasonable limits and can be managed by the rigorous development and operating EPA licenses required to be in place. This is further deliberated within the amenity assessment below, along with other potential impacts associated with traffic, parking and built form, which are deemed to be acceptable subject to some change and regulatory conditions.
- 8.33 A range of upgrades to the park, its vegetation, and infrastructure will be gained from this proposal, or required by way of condition as further described within the later assessment sections.
- 8.34 Overall, the proposal adequately responds the purpose of the zones and the associated policy strategies, demonstrating that a net community benefit will be achieved which will outweigh any potential negative implications. In addition to the highly beneficial sustainable water management practices and benefits to implementing the recycled water scheme, the use can be suitably controlled to protect health and amenity, and once completed, the proposal would not result in any tangible loss to functional parkland and will affectively improve access to the park area from 6 Whittens Lane.

Has the previous decision been addressed?

- 8.35 Planning Application PL12/022631 by Yarra Valley Water (YVW) proposed a similar wastewater recycling facility within the same part of the Reserve, albeit to be constructed wholly above ground and more westward closer to residents. It was to be partially cut into the hill and required the removal of a larger number of established trees. The application received 207 objections.
- 8.36 The application was refused by Council at a meeting on 28 August 2012, on grounds largely relating to the excessive visual impact of the above ground facility, adverse impact on the Reserve and that proposal also solely relied on 32 Grange Park Avenue for both construction and ongoing site access.
- 8.37 It is considered that the current application fully addresses the previous grounds of refusal for the following reasons:
- It is a predominantly underground facility with only minimal built form above ground that does not have the same visual imposition of the previous application, which occupied an above-ground area of 2,117 square metres.
 - Visual aspects of the current proposal have been addressed with a substantial reduction in the loss to the open space.
 - The Facility is more centred within the reserve, with greater physical separation from existing residents.
 - The Facility does not excavate into the vegetated embankment as previously proposed, therefore protecting the vegetated embankment and limiting tree loss to only one tree within the Reserve (plus two street trees).

- The construction access is no longer solely reliant on 32 Grange Park Avenue, and this access will be limited to small and medium vehicles, generally trade vehicles, less than 6.4m in length. No. 6 Whittens Lane also forms part of the application land and will facilitate heavy vehicle construction access to be directed out to Tram Road and as an additional access point once constructed.

8.38 A further difference in this application is that the EPA have already issued the Development Licence, giving assurance that the construction, vibration, odour and noise emissions are within acceptable limits, whereas in the previous application, no such approvals had been obtained.

Are the amenity impacts during construction acceptable?

8.39 Ordinarily, matters related to construction impacts fall outside the realms of what a planning permit application can consider. This being, that the Scheme considerations are limited to what the permit ultimately allows and the appropriateness of that use and development (once completed) in context of the relevant regulations.

8.40 However, planning permits do have the ability to require matters relevant to how a development is constructed and controlled, namely through other conditional requirements, such as a construction management plan. Such plans are extensive and an enforceable document that require all of the following matters to be addressed: traffic and parking management; public safety; amenity and site security; operating hours; noise and vibration controls; air quality and dust management; stormwater and sediment control; tree protection; and waste minimisation.

8.41 These plans and are reviewed and assessed by other departments of Council, including traffic engineers and local laws officers. In addition to the construction management requirements of Council, other regulatory authorities such as the EPA apply further restrictions upon construction, as can the DTP where arterial roads are implicated.

8.42 Given the unusual circumstances required to facilitate construction access in this instance, a more considered approach was required to ensure that the best possible outcome would be achieved and that all potential avenues to carry out construction were explored.

8.43 In first instance, this was considered by the applicant within their construction access strategy. The most suitable of the suggested options for access, as agreed by Council engineers, was the access route proposed (utilising 6 Whittens Lane and creating an opening between Whittens Lane and Tram Road).

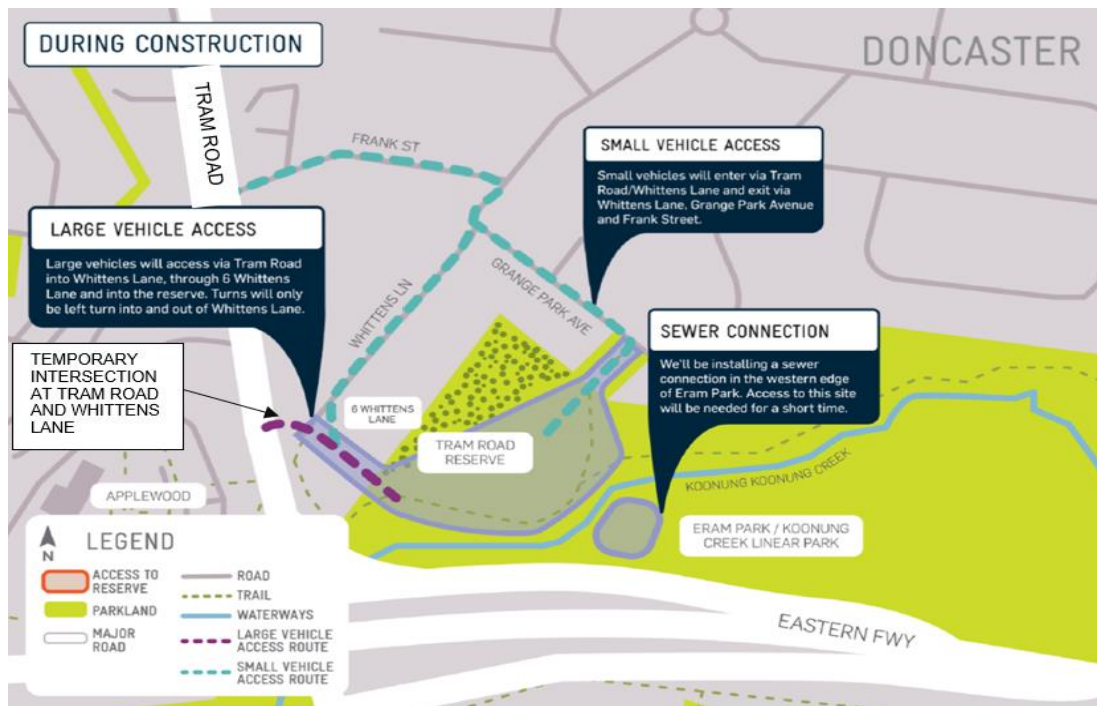
8.44 As detailed earlier, further officer attempts were also made to consider another alternate routes such as the Tram Road/freeway slip lane, this offering a potential means to avoid the reliance upon 6 Whittens Lane and to allow access to Tram Road directly through the Reserve (pictured below).



- 8.45 Ultimately this alternate access was not supported by the DTP or NELP, and therefore, the access strategy as proposed, remains the only feasible solution.

Construction traffic during construction

- 8.46 The Reserve itself does not have any direct access to an arterial road and the current access (through Grange Park Avenue) is hampered by an indirect and tight local road network that will be difficult for construction. Many of the surrounding local roads are constrained by winding narrow sections, road calming measures, tight corners and very steep gradients, which limits vehicle access and size and has the potential to cause safety conflicts.
- 8.47 Utilising the local road network for heavy/large construction vehicles was consequently deemed unsuitable by the applicant and by Council's traffic engineers. The applicant accordingly secured 6 Whittens Lane in attempt to provide a more direct route which can connect to Tram Road (through the creation of a temporary opening between Whittens Lane and Tram Road) to effectively avoid the use of the other local roads for larger vehicles.
- 8.48 The application seeks to utilise local roads for construction via 32 Grange Park Avenue for light to medium sized vehicles (worker vehicles, utes, 4WDs, delivery vans). To accommodate heavy vehicles (medium to large trucks, B-double / 18 wheeler semi-trailers, earthworks, oversized vehicles) it is proposed to utilise 6 Whittens Lane/Tram Road as shown below:



- 8.49 As noted, DTP has given their in-principle support to the temporary opening of Whittens Lane onto Tram Rd for construction purposes. Council's Traffic engineers and consultant traffic engineers support the access arrangements, subject to a **condition** requiring a highly detailed Construction Management Plan (CMP).
- 8.50 The proposal suggests that heavy vehicle movements could peak at 45 trips per weekday (equivalent to 4-5 vehicles passing by per hour) via 6 Whittens Lane. It is otherwise expected that earthworks vehicles could average around 30 movements a day (15 trucks in and out) during the main excavation period, dropping to almost no excavation trucks during most other construction phases. Trucks delivering concrete and other materials are expected to be more common after the excavation phase, averaging around 14-17 truck movements per day at this time (7-9 trucks in and out).
- 8.51 For small to medium vehicles, and light to medium vehicles, these are estimated between 37-95 vehicle movements per day (19-48 cars/vans in and out), depending on the construction phase. It is proposed these vehicles will enter the site by the same route as the trucks, however these vehicles will instead exit the site through the network of adjoining local streets, including Grange Park Avenue and Frank Street.
- 8.52 As a requirement of the CMP, all vehicles greater than 6.4 metres in length will be required to utilise the Tram Road intersection, with those that are less than 6.4m in length able to exit through onto Grange Park Avenue, this being to ensure the local road network is not unreasonably impacted.
- 8.53 It is acknowledged that some works will be required in the first stage of construction to establish the intersection opening, along with the internal travel paths and parking area. The CMP (which can be prepared as relevant to each stage of construction) will require the intersection opening works be done as a first priority, concurrently to establishing access routes within the site to ensure the following phases of construction, where larger vehicles are expected for

excavation, do not commence until the Tram Road intersection access route is created.

- 8.54 Some interim traffic and parking control measures will also require detailing within the CMP for the early stage construction of the access routes, to ensure any movements within the local road network are planned appropriately and with limitations upon the travel paths and size of vehicles utilised. It could be reasonable to expect that any larger vehicles required to construct the Tram Road opening would need to do so from Tram Road, rather than from Whittens Lane.
- 8.55 The creation and use of the construction path through to Tram Road will indeed result in some disturbances to the street, namely within the area between Tram Road and 6 Whittens Lane and the implications upon the properties in between will require careful management. In particular, the maintenance of vehicular access and bin collection arrangements for these affected properties (particularly for No. 2, 4 and 8 Whittens Lane) will need to be adequately demonstrated, along with any changes to on-street parking to ensure swept paths for trucks can be achieved through this area.
- 8.56 Thorough detail of any required road changes and how associated impacts will be suitably managed will be required through the CMP, in addition to detailed functional layout plans for the design of Whittens Lane and the access paths, to be approved by Councils engineers (and DTP as relevant to the Tram Road opening).
- 8.57 However, the DTP has advised that they will likely restrict hours for heavy vehicles access to occur outside of 8:15-9:15am and 4:45-5:45pm weekdays, to minimise delays to traffic along Tram Road. This will likely be of some benefit to residents, reducing construction traffic around times where local movements are generally higher.

Construction noise and vibration

- 8.58 It is acknowledged that the primary properties impacted during construction are those immediately adjoining the path of construction for heavy vehicles and that the anticipated length of construction is considerable.
- 8.59 In consideration of these impacts, officers engaged an independent acoustic firm, Renzo Tonin, to review the submitted application material and potential noise and vibration impacts from construction vehicles, to ensure they are within reasonable limits and to recommend any mitigation measures.
- 8.60 Renzo Tonin found that the predications in the submitted application reports were accurate, and agreed that the airborne construction noise will most affect the dwellings immediately adjacent to the heavy vehicle access route (namely at 4 and 8 Whittens Lane and 30 and 34 Grange Park Avenue). The most significant impacts being "highly noise affected" would be during Stages 1 to 4 and Stages 5 to 8 (these all involving works such excavation and piling).
- 8.61 To address the key impacts, Renzo Tonin recommended that an alternate heavy vehicle construction access, further away from residential properties, be considered if possible. As discussed above, alternative access arrangements were explored by Council officers and ultimately not supported by DTP and NELP.

- 8.62 Noting that an alternative access route may not be feasible, Renzo Tonin otherwise supported the proposed construction path, provided mitigation measures be included. Measures included acoustic treatments such as sound absorbing walls (approx. 3 m high) either side of the access route within the site, acoustic treatments to habitable windows, the upkeep and sealing of access paths, and consideration to providing resident respite/relocation during heavy excavation work.
- 8.63 The EPA have also considered construction noise and vibration modelling and found that it appears to be appropriate. The EPA have further required by condition of the Development Licence that the applicant submit a Construction Noise and Vibration Management Plan (CNVMP) detailing steps to mitigate construction noise and vibration, a program for the implementation of these measures, and a proactive engagement program with the local residents and the wider community throughout the construction works. It is also noted that the EPA have encouraged the applicant to consider resident respite as part of their future management plan.
- 8.64 The CMP **conditions** require detailed provisions for noise and vibration management, relevant to the differing stages of construction. This will need to address matters such as:
- compliance with related EPA regulations;
 - the scheduling of noise and vibration sensitive tasks;
 - building surveys (dilapidation surveys) of residential properties near the site as necessary to determine if any buildings require a reduced vibration limit;
 - methods for controlling noise and vibration at the source; and
 - any special management measures (as agreed to between residents and applicant) to the more sensitive receivers at 4 and 8 Whittens Lane and 30 and 34 Grange Park Avenue.
- 8.65 Ultimately, the most suitable measures to manage these impacts can only be determined once a more comprehensive construction strategy is developed, with a rigorous assessment of the proposed management to be required at the time the CMP is submitted for approval.

Construction parking

- 8.66 The application suggests that construction worker parking for up to 95 vehicles could be required. Again, in the absence of a more developed construction strategy, the actual number of workers and associated vehicle demands might be significantly less.
- 8.67 Allowing a high number of construction vehicles to rely on local streets is considered to pose unreasonable impact on residents. This concern is further increased by the need to remove some existing parking bays around the two access points to allow vehicles to adequately enter and exit the site.
- 8.68 Parking within the construction site may not be substantial enough to accommodate worker vehicle parking demands due to spatial requirements for development staging, excavation and stockpiling. Further constraints also include the need to prioritise maintaining access to the Koonung Creek Trail during construction.

- 8.69 Impact Consulting reviewed options to accommodate the vehicles on-site in their entirety, and alternate measures to reduce the number of vehicles travelling daily to the site. It was considered that providing parking within the Reserve was possible, but unlikely to be accommodated in its entirety within the associated construction zone and therefore suggested the grassed areas beyond to the east of the development site be considered.
- 8.70 The CMP will require that the maximum number of worker vehicles (once such number is established and confirmed) to be wholly accommodated on site. Where this cannot be achieved, any overflow parking could be considered in the area beyond the development boundary (further east) if agreed to and in consultation with the relevant departments of Council to demonstrate that impacts to vegetation and park users can be mitigated.
- 8.71 Alternatively, other measure, such as alternative sites, shuttle buses (that could reasonably be enforced) may need to be explored to reduce pressure on local streets. Details of how any parking strategies will be followed by workers (such as through their contracts) will be also required.
- 8.72 It is acknowledged worker parking can be difficult to enforce, particularly if there is a need to rely on parking alternatives that are not on or closely accessible to a construction site. Consequently, as a precautionary measure, the CMP will further require that if, Council is of the opinion that the approved parking strategy is not limiting impacts to nearby residential streets, it may implement temporary parking restrictions within the surrounds until construction is complete. This could involve, for example, applying resident parking permit restrictions during construction times. Any cost associated implementing such restrictions would need to be born by the applicant.
- 8.73 It is therefore considered that the proposed construction access strategy is acceptable and can be suitably managed with appropriate stringent conditions, in addition to the obligations imposed by the EPA.

Impacts to Tram Reserve and Eram Park during construction

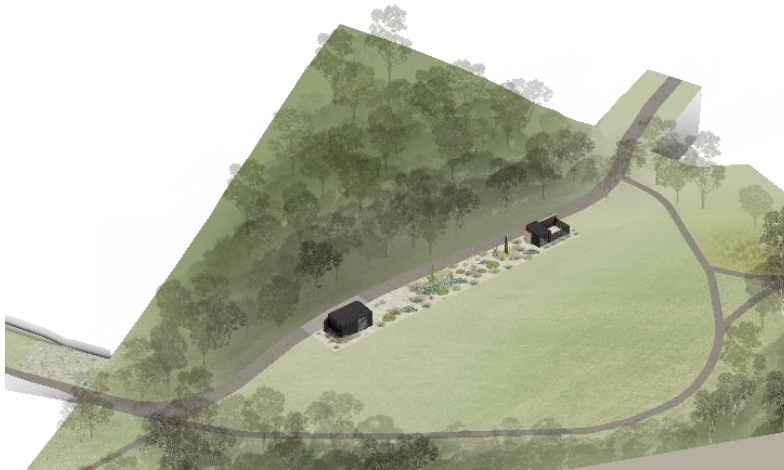
- 8.74 The usability of the overall Reserve will be largely reduced during construction and this is somewhat unavoidable, however it is intended to preserve access to the linear path during this time, with such methods to ensure this is safely and appropriately achieved to be detailed within the CMP by way of **condition**. This will ensure that the current walking and cycling network remains unaffected and that the broader open space connections east can still be accessed from Tram Road. Should a temporary, unexpected disruption to the path be required, these would require the prior approval from the Responsible Authority, however this is not anticipated to occur.
- 8.75 Construction is also proposed (although outside of the formal planning permit triggers) to create the sewer pipe connection to Eram Park within the City of Whitehorse, to feed to the proposed facility. Construction access via Church Road was an option by YVW to facilitate the pipe connection in Eram Park. To date, only limited information has been provided on this matter, other than it would be a lower impact construction by fewer vehicles over a 2 month timeframe.

- 8.76 Access to Eram Park from Manningham presents some constraints due to the potential creek and vegetation impacts, trail impacts (and potential unknowns at this stage). Such construction details will need to be detailed within the CMP, with preference to ideally engage with NELP to consider facilitating access through their works program and to ensure impacts to the creek environs and park users are minimised.

Are the visual and amenity impacts of the development acceptable?

Visual Impacts of the development

- 8.77 The visual impacts of the proposal are restricted to the two above ground access components and air vents. The facility will not have any prominence to the local streets by virtue of its siting at the base on the vegetated embankment. This dense bushland area rises up in topography and together with the tree canopies, should reasonably be expected to screen views from the rear of properties immediately adjoining. Should there be any visible elements, such views would be distant (being 40 metres or more away), filtered by this natural cover.



- 8.78 Understandably there will be direct visibility of the proposal from within the reserve and park trails. However, being visible does not mean a detriment is caused, particularly in the context of an open space area.



Indicative render of the above-ground buildings and vent stacks (above)

- 8.79 The existence of the extensive infrastructure below ground will be difficult to discern to a casual park user or anyone who is not familiar with this application, with the two above ground buildings having no apparent design features that are suggestive of the intended use.
- 8.80 The built form has been evidently designed to high architectural standards with a materiality complementary to the natural landscape, utilising a selection of rammed earth and black timber materials and finishes. The presence of these buildings within the Reserve will not appear out of character or unusual, given it is not uncommon to have buildings within a public reserve (such as pavilions or maintenance buildings), many of which usually offer little by way of architectural interest.
- 8.81 The air vent stacks are the most telling infrastructure, however these are narrow in breadth, well below the nearby canopy line and not of significant size in the context of the large space they sit within. The proposal suggests that artwork, such as selected colouring or designs will be proposed, which is a suitable means to ensure their appearance is complementary to the green space and not utilitarian in appearance.
- 8.82 There is further opportunity identified to provide artwork on the buildings, subject to future design. The slatted building design and adjacent landscaping is stated to minimise the potential of graffiti. **Conditions** are recommended to provide the details of such materials/finishes, graffiti prevention, and artwork. No signage is proposed on the facility, however any directional or safety signage, if required, should be designed in a manner that is suitable to its purpose and context, in consultation with open space officers.
- 8.83 The Facility overall is considered to be consistent with the objectives of Clause 15.01-5S (neighbourhood character) being of a compatible design to its surrounds and presenting limited above-ground structures.
- 8.84 Other associated works include the proposed accessways and small car park at the base of 6 Whittens Lane which are generally modest and occupy the extents required for practicality. However, the overall treatment of the land requires greater consideration to ensure that it is consistent with other scheme considerations, in addition to the community benefit offered by the unimpeded public use of the accessway.
- 8.85 When considering the decision guidelines under the GRZ, the requirements of clause 15.01-5-01L (landscaping - Manningham) and strategies relating to non-residential uses in residential areas at Clause 13.07-1L, there is need to suitably treat and soften these hardstand areas (particularly given the somewhat gun barrel access arrangement) and to ensure appropriate buffers are provided to the adjoining residential interfaces.
- 8.86 The application material does not provide detail as to how the areas beyond the accessway and car park will be fully treated (other than for the immediately adjoining areas as indicatively shown in the urban design report) and any references to being subject to future development are to be deleted, given this land forms part of which the permit applies.
- 8.87 The proposed 1 metre setback of the accessway from 4 Whittens Lane (to the south-west) includes provisions for a retaining wall and therefore reduces the soil volume to less than 1 metre. Given the proximity to the adjoining residential private open space, a greater separation and landscape treatment is warranted.

- 8.88 A **condition** will require that the accessway and associated retaining walls be offset at least 2 metres or more (such as 3 metres if required) to demonstrate that the soil volume within the setback can achieve the expected landscape outcome, which should comprise of a densely layered planting selection including screening species. The adjacent sensitive windows and terraces would also benefit from this increased separation.
- 8.89 Similarly, the employee parking spaces will require an offset at least 2 metres from 8 Whitens Lane (north-west), again to secure a landscape buffer along this residential interface and in consideration of the regular use of these spaces. A densely planted garden for at least 3 metres to the north-west of the parking bays is also suggested to further soften and screen this area from both street and residential views.
- 8.90 Further landscaping within the overall parcel is required to ensure that the hard surfacing is balanced with an appropriate landscape theme to achieve an overall outcome that is consistent with its context. Council's parks department and planning arborist suggest a decorative garden be included at the frontage along with at least 10 canopy trees within the area to the north-east of the accessway, which is to be required by way of **condition**. The finishing for the accessway and car spaces are suggested to potentially include permeable treatments, which will require clarity in the detailed design plan requirements. A more considered design and layout of the car parking area that reduces earthworks is also necessary to achieve policy requirements to account and respond to topography.
- 8.91 With the said changes, the proposal is considered to be consistent with decision guidelines of the zones and will not an unreasonable appearance of buildings and works.

Ongoing car parking and traffic conditions

- 8.92 Clause 52.06 (car parking) does not nominate a specified parking rate for a utility installation use. The required car parking provisions are therefore instead to be provided to the satisfaction of the Responsible Authority. For the ongoing operations, staff will utilise the 2 formal parking spaces and 2 tandem spaces at 6 Whittens Lane, plus the delivery loading bay space and gravel 'pull over' bay adjacent to the above-ground buildings in the reserve.
- 8.93 Council traffic engineers are satisfied that the proposed parking provisions and arrangements are suitable and will adequately meet the operational demands of the Facility.
- 8.94 The four formal car spaces exceed the typical staffing demands proposed. Usual operations, with no unexpected events occurring is expected to require one (1) vehicle for the operator and one (1) vehicle for proactive maintenance. This demand may be slightly higher initially until the operating and maintenance procedures for the Facility are regularised.
- 8.95 In addition to the typical operating day scenario, the car parking demand assessment anticipates an occasional demand to be generated for up to 7 vehicles on a busy day, or very rarely a demand of up to 13 vehicles for visitors and additional staff. This results in a net increase of 3 vehicles using on-street car parking on a busy day, or up to 9 vehicles on a rare day. Street car parking in the immediate vicinity during such days for the limited overflow would be available.

8.96 The general delivery requirements and frequencies are summarised within the application material (Legacy Operations Transport Impact Assessment) at Table 1. As detailed, there are a variety of delivery type vehicles that will access the Reserve, however the frequencies of such vehicles are varied, are generally for short periods and will typically utilise the informal area beside the building rather than demand any long term parking. Chemical delivery vehicles are proposed at 12.5 metres at a frequency of fortnightly to monthly.

8.97 However, to minimise such larger vehicles entering the Reserve, traffic engineers have required such vehicles be limited to 8.8 metres in length and ideally to a monthly frequency. A **condition** will require a traffic management plan to reflect the proposed access and vehicle arrangement (shown in part below) and size limitation aforementioned to ensure the use operation adhere to the approved plan. In the event of an occasion where a vehicle any larger than 8.8 metres is required, prior approval will be required to ensure any necessary traffic or safety controls can be suitably put in place.

8.98 Updated swept path diagrams will be required by **condition** to demonstrate that the reduced 8.8 metre delivery vehicles can exit onto Grange Park Avenue without interruption to on-site parking availability. In the event that this cannot be achieved, Council’s traffic engineers may require the applicant to provide replacement parking (following any required consultation with affected residents) to enable street parking elsewhere.

Table 1: Doncaster Hill Water Recycling Facility operational staffing, visitation, and parking characteristics

User / Visitor Type	Frequency	Duration	Likely times	Vehicle(s)	Materials	Proposed parking location		
						In car park	In Reserve	On street
Operator	Daily	Workday (long)	7am-4pm	1	None	Yes (preferred)	No	Yes (overflow)
Chemical Delivery (12.5m truck)	Monthly - fortnightly	1 hour (short)	7am-4pm	1	Large	No	Yes	No
Water Sample Collection	Weekly	45 min (short)	7am-4pm	1	Small	Yes (preferred)	Yes (if required for safe working methods)	No
Deliveries	Weekly	15 min (short)	7am-4pm	1	Small-Large	Yes (preferred)	Yes (large goods delivery only - rare)	No
Maintenance	Most working days	1hr – whole day (short to long)	7am-4pm	1-3	Small-Large	Yes (preferred)	Yes (when heavy tools required)	No
Emergency Maintenance	Variable	1hr – whole day (short to long)	24 hours	1-3	Small-Large	Yes (preferred)	Yes (when heavy tools required)	No
Business Support Services	Variable	1hr – whole day (short to long)	24hrs	1	Small	Yes (preferred)	No	Yes (overflow)
Management	Weekly	2hrs (short)	7am-5pm	1	None	Yes (preferred)	No	Yes (overflow)
Cleaners	Twice weekly	2hrs (short)	6pm-12am	1	Small	Yes (preferred)	No	No
External Visitors	Rare	1-2 hrs (short)	9am-4pm	1-10	None	No	No	Yes

- 8.99 It is considered that the overall parking demands and traffic movements generated by the proposal will not unreasonably cause detriment to the adjoining residents (particular considering the limited times in which these will occur during the day) and without significant impact to park users.
- 8.100 As discussed earlier, the accessway within 6 Whittens Lane will require a greater setback from the boundary shared with 4 Whittens Lane and the staff parking will similarly require a greater setback from 8 Whittens Lane (both increased to at least 2 metres). Although noise and amenity impacts associated with the use of these elements is considered modest, the increased landscape buffer and greater distance from vehicles movements provides for improved amenity outcomes.
- 8.101 The overall mechanisms to be put in place to ensure that conflicts are reasonably avoided and prevented will require further detailing within the required operational traffic management plan.

Odour and noise during operation

- 8.102 The Odour Impact Assessment submitted with the application outlines the parameters in which odour detection and risk is measured and demonstrates the predicted modelling of odour measurements for the Facility. The assessment was undertaken in accordance with the Environment Protection Authority Victoria (EPA) Publication 1883: Guidance for assessing odour.
- 8.103 The report explains that an odour unit range between 1-5 OU is essentially undetectable and of low impact risk, with an odour unit range of below 1 OU of negligible impact risk. Comparatively, other normally occurring odours such as cut grass or the neighbour's car exhaust can register odour readings of over 100.
- 8.104 The stack design parameters and associated odour emission rates have been based on the comparable existing Melbourne Cricket Ground (MCG) underground water recycling facility, which is owned and managed by the MCG and uses the same odour scrubbing technology as proposed for this Facility.
- 8.105 The report models three scenarios, with Scenario 3 of relevance where the method of treatment the air from the pump station is mechanically ventilated and treated within the Facility, before being discharged through the treated air vents/stacks. The other scenarios consider the alternate use of a "naturally" ventilated pump station with its own stack (scenario 1 considering pump station stacks south of the Koonung Creek, 105m from Facility and Scenario 2 considering stacks adjacent to Facility stacks).
- 8.106 In summary, the assessment demonstrates that proposed mechanically ventilated treatment (Scenario 3) as proposed presents the lowest risk, with the "Predicted Maximum Odour GLC" being only 0.35 OU within the Reserve and at a maximum of 0.26 OU at any residential property (receptor locations shown below). Table 20 of the report provides a full summary of the levels at each residential interface.
- 8.107 In further considering the general environmental duties and the degree of harm that would result if the risk eventuated, it was identified that the biggest potential for odour levels to increase was a deficiency in the scrubber performance, for example if it reduced to an 80% performance level (in lieu of at least 95%). Relevant to this scenario, the report states:

Low performing scrubber would increase maximum odour ground level concentrations (GLCs) up to 1.41 OU (Scenario 3), changing from a **negligible** to a **low** risk of human health impacts due to the potential for a very weak odour to be detectable at surrounding receivers. [Emphasis added]

Notwithstanding the low risk, on this basis, it is important to ensure that adequate maintenance is carried out to avoid any reduction in scrubber efficiency over time. A backup activated carbon filter could also be used as a safeguard in the event of deteriorated scrubber efficiency or performance.

- 8.108 While not clearly demonstrated in the application material (though as required to be detailed in their EPA Development Licence), YVW have confirmed that although equipment lifetime is generally expected to exceed ten years, the Facility design accounts for the possibility of unexpected failures. The type of failsafe measures to account for these include:
- having back up power sources to allow odour treatment to continue running in the event of power failure;
 - standby equipment for all parts of the process, meaning that equipment failure will not stop the odour treatment system from working effectively (like commonly in water supply, where continuous operation is critical); and
 - where odour treatment systems need to be stopped for planned maintenance, shutting down the entire Facility until the odour treatment is reinstated.
- 8.109 Despite the acceptable odour limits that would occur should the scrubber efficiency reduce to 80%, YVW have also confirmed that the Facility would be shut down rather than operate at such reduced levels. The efficiency of the equipment is maintained over time with planned servicing to operate at optimal levels. However, if for whatever reason, reduced efficiency was caused by an unexpected upset in the system, the early detection settings would provide notification of this, and the failsafe standby arrangement would be bought on line.
- 8.110 The EPA governs these matters with an extreme level of detail and control. The issuing of the Development Licence has fundamentally supported the proposal, including the expected odour levels and separation distances and considers that 'the risk of odour impact on the nearby sensitive land uses is deemed acceptable'. Their approval is subject to processes such as automatic shutdowns, automatic systems to change between odour filtering methods, and automatic discharge valves that can release all sewage back to the sewer if the odour control facility is not in operation. The EPA licence has also appropriately considered all stages of the development, including construction odour, commissioning odour, operational odour and odour monitoring and deemed all to be acceptable.
- 8.111 To consolidate the commitments to a high-performing operational level to manage odour and safety as aforementioned, a **condition** will require these measures be also detailed within an operational management plan to be approved by Council. This is to include safety and monitoring procedures, fail safes, and commitments to Facility shut downs to prioritise safety and odour, for example if the odour scrubbing performance reduced by 20% or more or odour is not being limited to the usual amounts. Odour monitoring at the initial stage will be further required to demonstrate that odour levels at the receptors within the park and surrounds are no higher than those indicated above within the risk assessment.

- 8.112 The other potential cause of detriment to amenity is any noise generation by the Facility. The location of the facility underground is a key factor to limiting operational noise levels.
- 8.113 Like odour, noise considerations have been subject to EPA consideration. It is noted that overall, the EPA state 'the risk of impact due to noise received at the nearest noise sensitive receptors is considered low for all periods'.
- 8.114 The EPA found that, based on the proposed measures and the predicted noise levels, it is expected that compliance with EPA Publication 1826.4 will be achieved. The EPA notes that the overall predicted noise level from the facility at 38db(A) would be below the night period noise limit of 42 db(A) as measured from the nearest property 30 Grange Park Avenue. The predicted noise levels at the other noise sensitive areas were lower, ranging from 22 to 32 db(A).
- 8.115 This demonstrates that the operation of the Facility will always remain well within the current ambient noise level.
- 8.116 There is further comfort in knowing the proposed Facility will utilise technology as used within the existing MCG facility, which has had no operational failures within some ten years of action and omits no noise or odour when standing in the land above.
- 8.117 It will be expected through **conditions** that all operational aspects will be managed as per the requirements of all conditions of any permit issued (and the EPA licences) which provide means to enforce the ongoing obligations that the use must adhere to. For any unexpected event that odour or noise was detected or reported, requirements will expect remediation to be actioned in consultation with the EPA and Council.
- 8.118 To provide further means for the public to report any observed issues and to ensure YVW as the operator can themselves also be aware of and address these, a further **condition** will also require the submission of a detailed complaints evaluation and response plan.
- 8.119 Overall, the application material has suitably demonstrated that the proposed use can operate while suitably protecting community amenity, human health and safety as policy intends, subject to strict operational requirements.

Will the open space outcomes be appropriate?

- 8.120 As previously discussed, the completed proposal would not result in any tangible loss to functional parkland. Once the development is complete the current grassed surface would be reinstated and the new accessway will be sealed. The applicant intends to improve on the grassed surface quality and drainage and provide an indigenous garden above the Facility.
- 8.121 There is also opportunity to improve the functionality of the existing paths and increase the environmental values through a net gain of vegetation and biodiversity, complementary to the creek environs, noting only one tree within the Reserve and two street trees are to be removed as part of the proposal. To achieve this, **conditions** will require:
- upgrading the existing gravel linear track within the Reserve that connects to the proposed shared access road; and

- removal of all woody weed species within the vegetated embankment, with new trees or plants (a minimum of 40) to be replaced within the same or other extended areas.
- 8.122 Opportunities for further improvements, such as fitness equipment within the Reserve, have also been suggested in the application material. As discussed earlier, a substantial planting theme is expected to be established within 6 Whitten Lane to ensure it presents a valuable landscape contribution.
- 8.123 Preliminary discussions have also been held with YVW regarding the potential transfer of 6 Whittens Lane into Council ownership. Should this occur, the entire land holding could form part of the overall public open space and further increase the net community benefit. This would also allow a greater consideration to the manner in which 6 Whittens Lane could more holistically contribute to the Reserve, which could be, for example, in the form of a new accessible path connection between Whittens Lane and the Reserve (separate to the accessway).
- 8.124 Were this land to remain in the ownership of YVW, other equivalent public benefit could be required within the existing Reserve area (such as gym equipment, more extensive path upgrades etc.).
- 8.125 A **condition** will therefore require a detailed design strategy to consider and finalise the further upgrades that may be ultimately provided; these pending the further agreed ownership and maintenance arrangements for 6 Whittens Lane, and a more substantive review of the functionality of any such improvements.
- 8.126 By design and with the above recommendations, the open space outcomes will be appropriate. A range of upgrades to the park, its vegetation, and infrastructure will be gained and all activities currently enjoyed can continue post construction without loss of parkland space or quality. The proposal has therefore effectively balanced the two competing objectives of retention of functional parkland and the minimisation of vegetation loss.

9. FURTHER RESPONSE TO THE CONCERNS OF OBJECTORS

9.1 The assessment above has largely considered the issues raised in the objections to the application, however, the following provides a summary of the concerns, including an officer response.

Ground of objection	Response
<p>Use and character</p> <ul style="list-style-type: none"> • Out of character • Inappropriate use • Inappropriate site 	<p>The site selection has been thorough, and this Reserve (second to Eram Park which was later ruled out) was deemed the most appropriate to accommodate this Facility. Other potential locations were not considered suitable for reasons as such as sourcing and delivery of water, constrained areas or visual impacts or loss to key open space.</p> <p>The visible entrance structures are limited and generally disguise their intended use so that it will not appear out of character.</p> <p>On balance, the zone anticipates other uses, particularly where they provide a net benefit, and policy places high priority upon</p>

	<p>sustainable and integrated water practices, as further recognised in the commitment to deliver recycled water to the Doncaster Hill area.</p> <p>It has been demonstrated that the effective regulatory conditions imposed by the EPA (and enforced through conditions) can ensure the Facility can compatibility operate in this location, and in a manner that minimises the risk of any harm to the environment, human health or amenity in consideration of the reserve users and nearby residential land uses.</p>
<p>Amenity impacts</p> <ul style="list-style-type: none"> • Visual impact • Proximity and buffer zone to residents • Odour • Noise 	<p>The buildings are modestly sized and feature a natural material palette to blend with its surrounds. The air vent stacks are proposed at 5.4 metres in height, although are slim in design and to be applied with feature treatments to not be utilitarian in appearance.</p> <p>Any detriment caused by the visible aspects of the Facility is considered minimal, as from the adjoining residential properties, there will be little, if any visibility due to the large separation (minimum 40 metres), rising topography and densely vegetated buffer in between.</p> <p>In considering the use, the planning scheme does not prescribe minimum separation from sensitive residential uses, with these instead determined by the EPA. The issuing of a Development Licence by the EPA gives certainty that the separation distance is appropriate, and that any potential health and safety implications through odour, noise or chemical handling etc. are heavily do not cause harm to health.</p> <p>The location of the air stacks (this being what releases treated air) is located 60 metres or more from any residential boundary. As detailed within the risk assessment report, an odour unit range between 1-5 OU is essentially undetectable and of low impact risk. Odours below 1 OU are of negligible impact risk.</p> <p>The predicted maximum odour (using odour scrubbing technology) is predicted to reach a maximum of 0.35 OU at the measured receptors, and a maximum of 0.26 OU at any residential property, these being undetectable. Noise is also limited to the acceptable limits, particularly given machinery is concealed below ground.</p> <p>In addition to the detailed obligations applied by the EPA, conditions will require an operational management plan to be approved, and to nominate all failsafe an shut down measures in place. For any unexpected event that odour or noise was detected or reported, conditions will oblige remediation, with a detailed complaints evaluation and response plan to be in place.</p>
<p>Reserve impacts and benefits</p> <ul style="list-style-type: none"> • Loss of 	<p>The Reserve has the capacity and space to accommodate a facility of size, and it is designed in a manner that avoids loss of parkland by way of placing the bulk of the Facility underground. The limited aspects that are visible to the Reserve is an</p>

<p>parkland</p> <ul style="list-style-type: none"> • Visual impact • Net community benefit versus risk • Flooding • Wildlife/vegetation/ creek environs impacts 	<p>acceptable outcome, and commensurate to other open spaces which feature buildings such as pavilions or for maintenance purposes.</p> <p>The supply of recycled water, when considering the sustainable and integrated water management principals, is a substantial benefit of the proposal. While it is to supply the mandated Doncaster Hill area as the first priority, this class A water could be used to service other areas, such as local reserves or other nearby properties.</p> <p>The proposal will effectively result in a loss of 180sqm of parkland upon completion (this being the area occupied by the two entrance buildings). The proposed shared accessway within 6 Whittens Lane affectively offsets this loss, offering park users an alternative, direct connection to Whittens Lane.</p> <p>Other local benefits include the addition of the sealed accessways proposed for shared use within the Reserve, the requirement to upgrade existing pathways and there is potential for the entirety of 6 Whittens Lane to be transferred to and managed by Council.</p> <p>Impacts to vegetation are minimised (one tree within the Reserve and two street trees) and substantial new landscaping will be required, along with the removal of woody weed species from the vegetated embankment to the north, with new indigenous replanting required to improve the environmental values and biodiversity.</p> <p>Strict conditions imposed, including by Melbourne Water, will ensure that the creek environs are protected, particularly during construction when sediment runoff must be managed carefully. Flooding impacts also fall within the jurisdiction of Melbourne Water who raise no objection and thereby consider that the proposal poses no risk of increasing flood risk, nor any risk from flood.</p>
<ul style="list-style-type: none"> • Construction traffic impacts • Traffic and parking during operation • Noise and vibration 	<p>The construction works associated with the Facility would be lengthy and does have the potential to cause significant disturbance. All potential construction alternatives were explored through the course of the application, however the strategy proposed was deemed the only viable option due to other conflicts associated with NELP and DPT.</p> <p>While falling largely outside of the scheme considerations, permit conditions have the ability to capture and ensure construction is appropriately managed through a construction management plan (CMP). A highly detailed CMP will be required to ensure that all associated impacts are regulated and managed during construction, such as (among other things):</p> <ul style="list-style-type: none"> - Construction traffic (limiting the use of local roads to vehicles of up to 6.4 metres only, with all larger vehicles and trucks greater than this length to utilise 6 Whittens Lane

	<p>and Tram Road through a newly created opening)</p> <ul style="list-style-type: none"> - Construction parking: to be retained on site or alternative sites which do not pose a reliance upon local street parking. The ability to impose restrictions, should this not be suitably managed, will remain an option to Council. - Noise and vibration: specifically for the properties directly abutting, with mitigation that may include large acoustic walls, or respite measured agreed between YVW and the impacted residents. <p>At completion, the use will operate with minimal staffing which can be accommodated within the nominated parking areas. Any overflow or reliance on the street parking would not be usual to normal operations and would be detailed through a required operational management plan. A condition will require that deliveries utilise vehicles not greater than 8.8 metres in length and be limited in frequency to ensure safety within the reserve is prioritised.</p>
<ul style="list-style-type: none"> • Misleading description 	<p>It is acknowledged the use of the term 'water recycling facility' throughout the permit application may not give sufficient clarity in isolation of reading the submitted resources that the proposal seeks the treatment of sewerage, i.e. waste water.</p> <p>The application has been referred to as a wastewater recycling facility throughout this assessment and in the recommended permit preamble.</p>
<ul style="list-style-type: none"> • Chemicals • Pollution • Facility failure 	<p>These matters have been thoroughly considered and found to be compliant by the EPA and Melbourne Water, noting the range of failsafe measures will be in place to manage risk, leaks, spills, storage, contamination to surface water, flood mitigation, waste etc. The Facility will be, in the first instance, designed to ensure such events do not occur and will include a range of back up procedures in place, with such operational management details to be included by way of condition for added precaution.</p>
<ul style="list-style-type: none"> • Lack of details for the future pipeline network alignment to Doncaster Hill. 	<p>Aspects of the proposal which require the laying of sewer mains are considered to be 'minor utility installations'. These aspects cannot be assessed as they are exempt from requiring planning permission pursuant to Clause 62 of the Manningham Planning Scheme.</p>
<ul style="list-style-type: none"> • Health 	<p>The EPA have issued a Development Licence which gives confidence that there are no potential health implications. In the issuing of this licence, the EPA have advised that the controls for minimising the risks of harm on human health posed by the quality of recycled water will be assessed and tested during the commissioning stage, subject to a Recycled Water Quality Management Plan (RWQMP) and a Health and Environment Management Plan (HEMP) for the Facility to EPA for approval</p>

	<p>prior to commencing operation. All stages of the process to create Class A water are fully contained underground. The emissions from the ventilation stack have been completely treated and pose no health risk. Class A water, on delivery to a dwelling, poses no health risk even if a modest amount is accidentally consumed and this is monitored by the Department of Health in the same manner as potable water.</p>
<ul style="list-style-type: none"> • Property devaluation • Structural damage to property 	<p>These matters are outside the scope of this application. They are not planning considerations under the Manningham Planning Scheme or the Planning & Environment Act 1987. It is however noted that the building regulation consider matters such as structural damage and dilapidation reports where required to ensure property integrity is protected. The CMP will also require copy of any dilapidation report, if required for the purpose of construction ad associated vibrations.</p>

10. CONCLUSION

10.1 For the reasons above, it is recommended the application be approved subject to conditions.

11. DECLARATION OF CONFLICT OF INTEREST

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

TRAM ROAD RESERVE WATER RECYCLING FACILITY



DRAWING INDEX		
DRAWING NUMBER	DRAWING TITLE	SCALE
00 COVER		
A0001	GENERAL - COVER SHEET	NTS
01 GA PLANS		
A0002	GENERAL ARRANGEMENT - EXISTING SITE PLAN	1:500
A0003A	GENERAL ARRANGEMENT - SITE PLAN - PROPOSED FACILITY	1:500
A0003B	GENERAL ARRANGEMENT - SITE PLAN - UNDERGROUND FACILITY	1:500
A0004	GENERAL ARRANGEMENT - ROOF PLAN & GROUND PLAN	1:200
A0005	GENERAL ARRANGEMENT - BASEMENT LEVEL 1 & 2 PLAN	1:200
A0006	GENERAL ARRANGEMENT - 8 WHITTENS LANE	1:200
A0006A	GENERAL ARRANGEMENT - 32 GRANGE PARK AVENUE	1:200
A0006B	SITE CIRCULATION PLAN	NTS
02 GA SECTIONS & ELEVATIONS		
A0007	GENERAL ARRANGEMENT - GA SECTIONS & ELEVATIONS	1:200

MATERIAL SCHEDULE		
CODE	DESCRIPTION	IMAGE
RF-01	TRAPEZOIDAL ROOF SHEETING WITH MATCHING TRIMS AND FEATURES. COLOUR TO BE COLOURBOND NIGHT SKY OR SIMILAR APPROVED.	
WL-01	TIMBER CLAD WALL TYPE 01 - VERTICAL TIMBER FINS CLAD OVER SOLID INSULATED WALL. TIMBER TO BE JAPANESE CHARRED WOOD 'SHOU SUGI BAN' OR SIMILAR APPROVED.	
WL-02	TIMBER CLAD WALL TYPE 02 - VERTICAL TIMBER FINS CLAD OVER TRANSPARENT WALL. TIMBER TO BE JAPANESE CHARRED WOOD 'SHOU SUGI BAN' OR SIMILAR APPROVED.	
WL-03	TIMBER CLAD WALL TYPE 03 - VERTICAL TIMBER FINS CLAD OVER LOUVRES. TIMBER TO BE JAPANESE CHARRED WOOD 'SHOU SUGI BAN' OR SIMILAR APPROVED.	
WL-04	TIMBER CLAD WALL TYPE 04 - VERTICAL TIMBER FENCING ON STEEL FRAME. TIMBER TO BE JAPANESE CHARRED WOOD 'SHOU SUGI BAN' OR SIMILAR APPROVED.	
WL-05	RAMMED EARTH FEATURE WALL. POTENTIAL TO INCORPORATE ARTWORK, TO BE AGREED WITH COUNCIL AND INDIGENOUS CORPORATIONS.	

NOTE: IN CASE OF TIMBER CLAD WALL TYPE 01, TIMBER IS TO BE SPAZED WITH MATERIALITY OF WALL BEHIND THE VERTICAL FINS.

Issue	Description	Date	By	Check	Appr

Issue	Description	Date	By	Check	Appr

Client
Yarra Valley Water Ltd

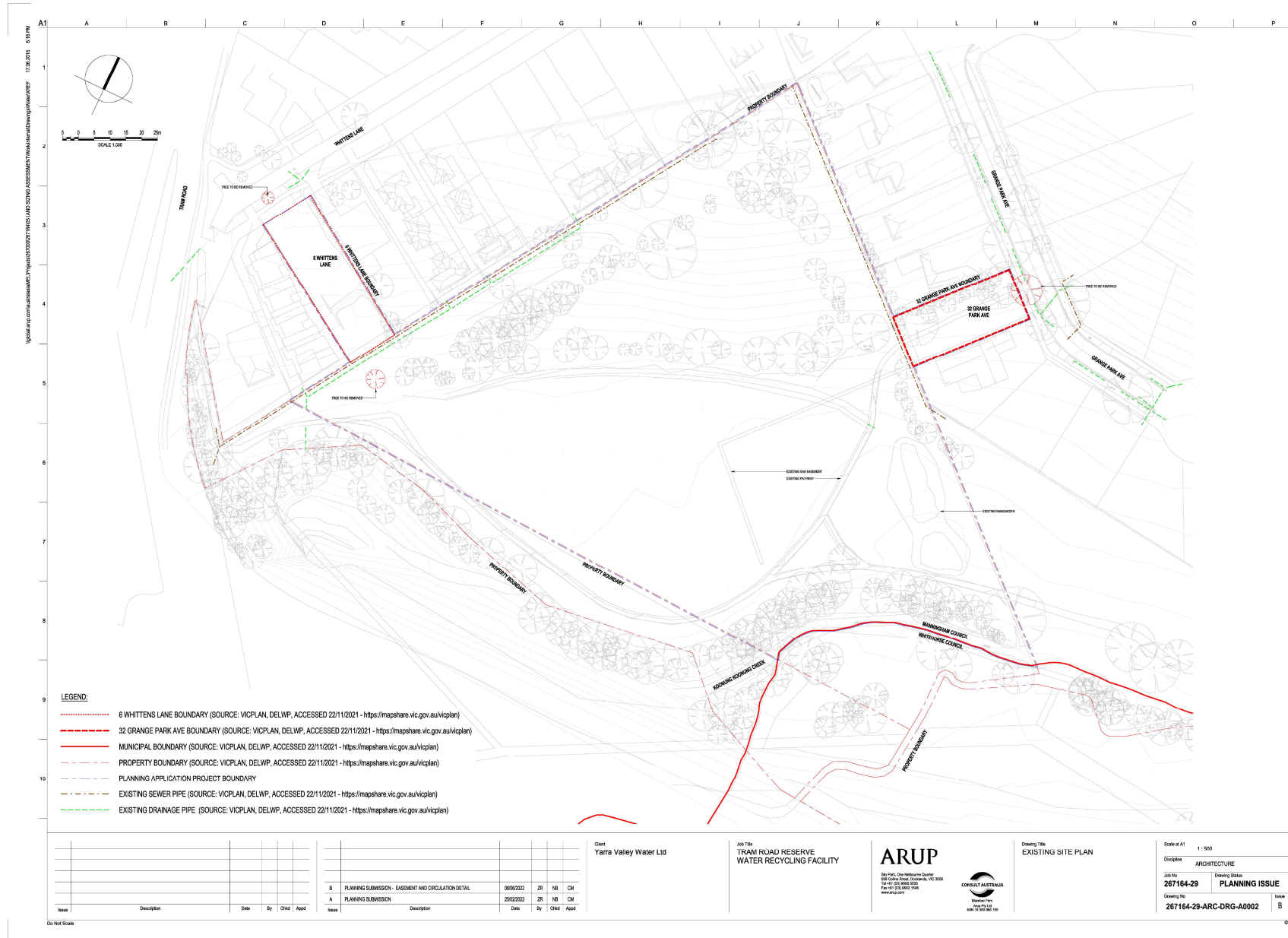
Job Title
TRAM ROAD RESERVE
WATER RECYCLING FACILITY

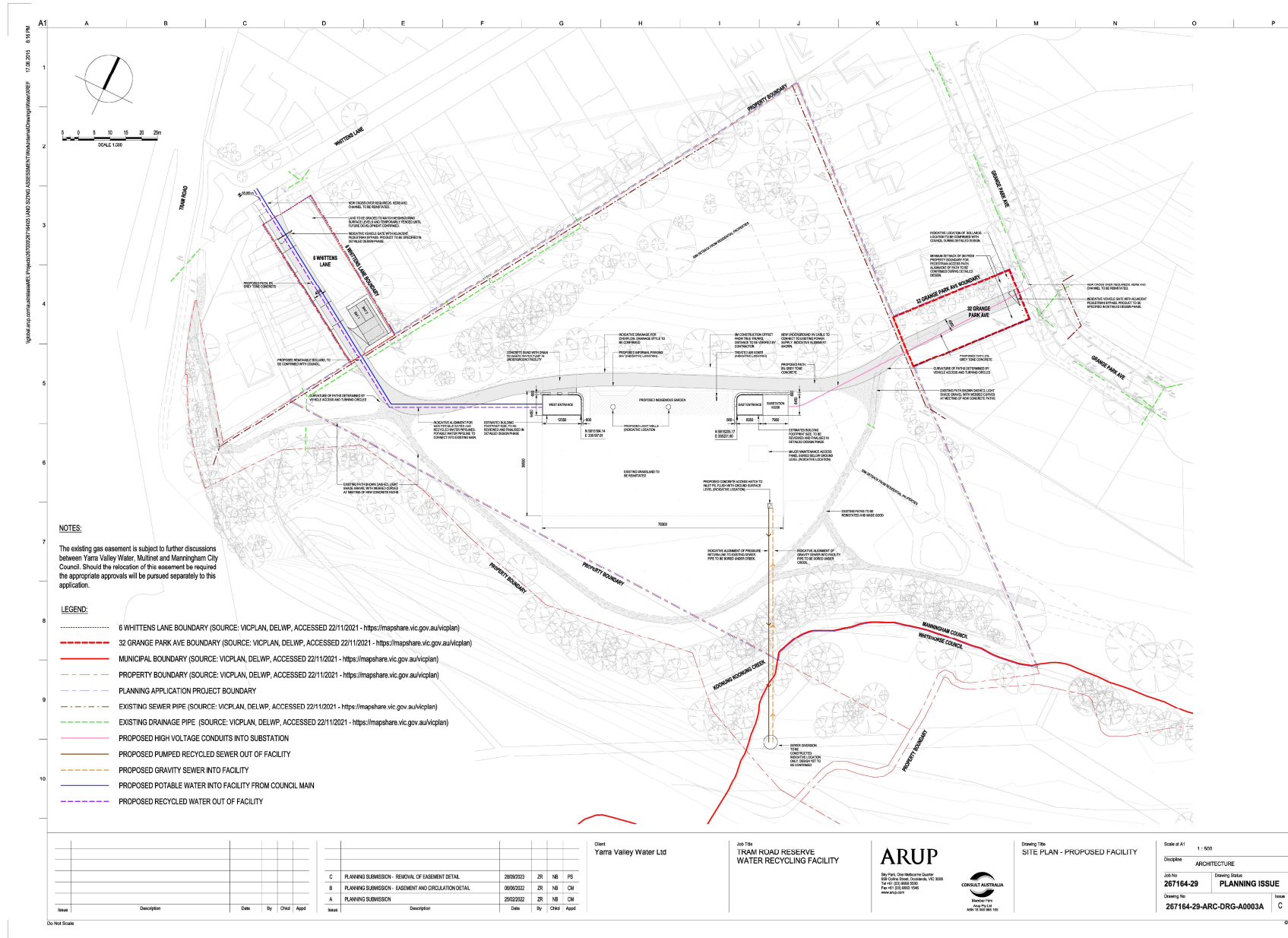
ARUP
100 Pitt Street, Melbourne, Victoria
145 Collins Street, Melbourne, VIC 3000
Phone: 03 9493 9400
www.arup.com

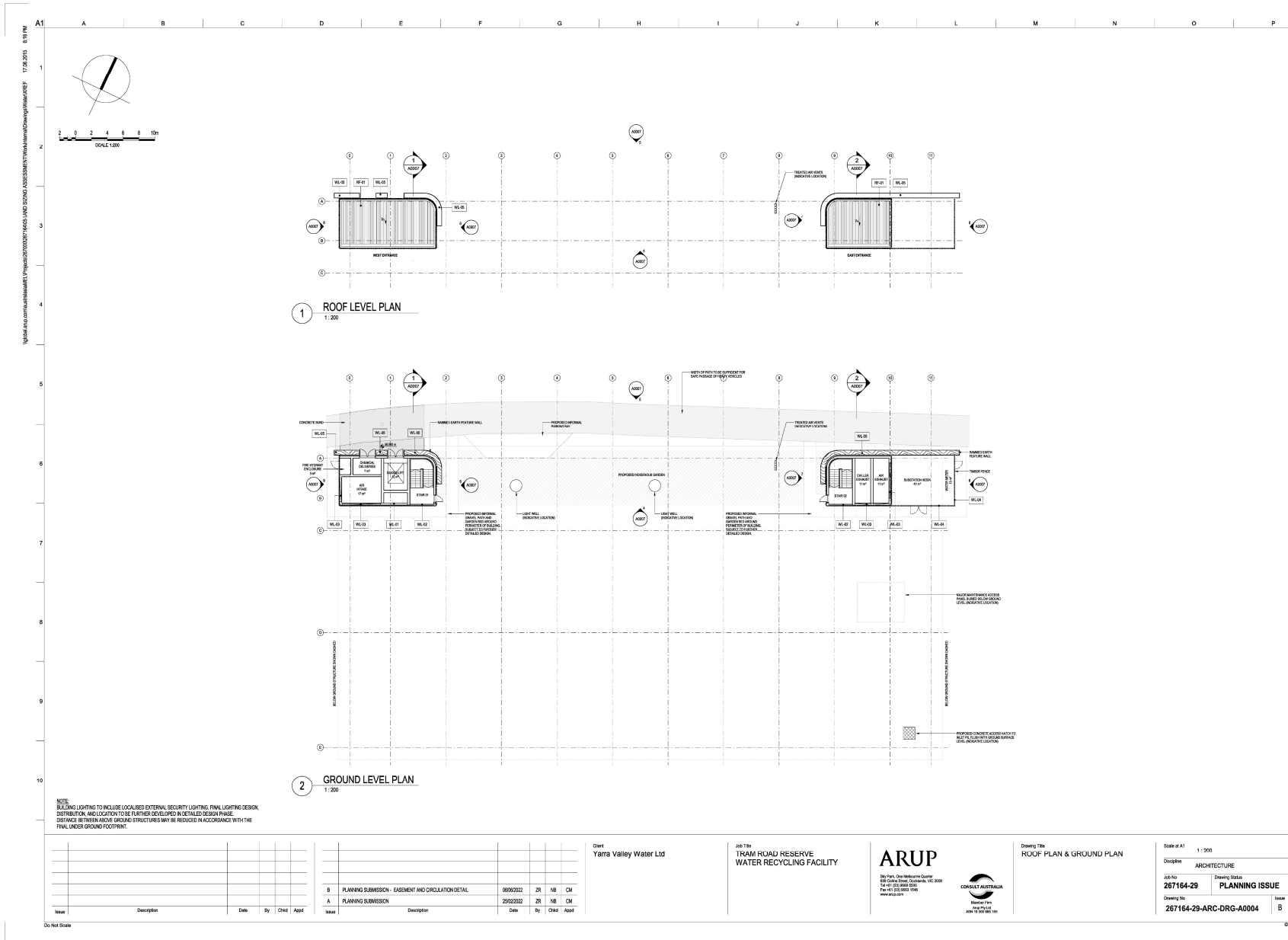


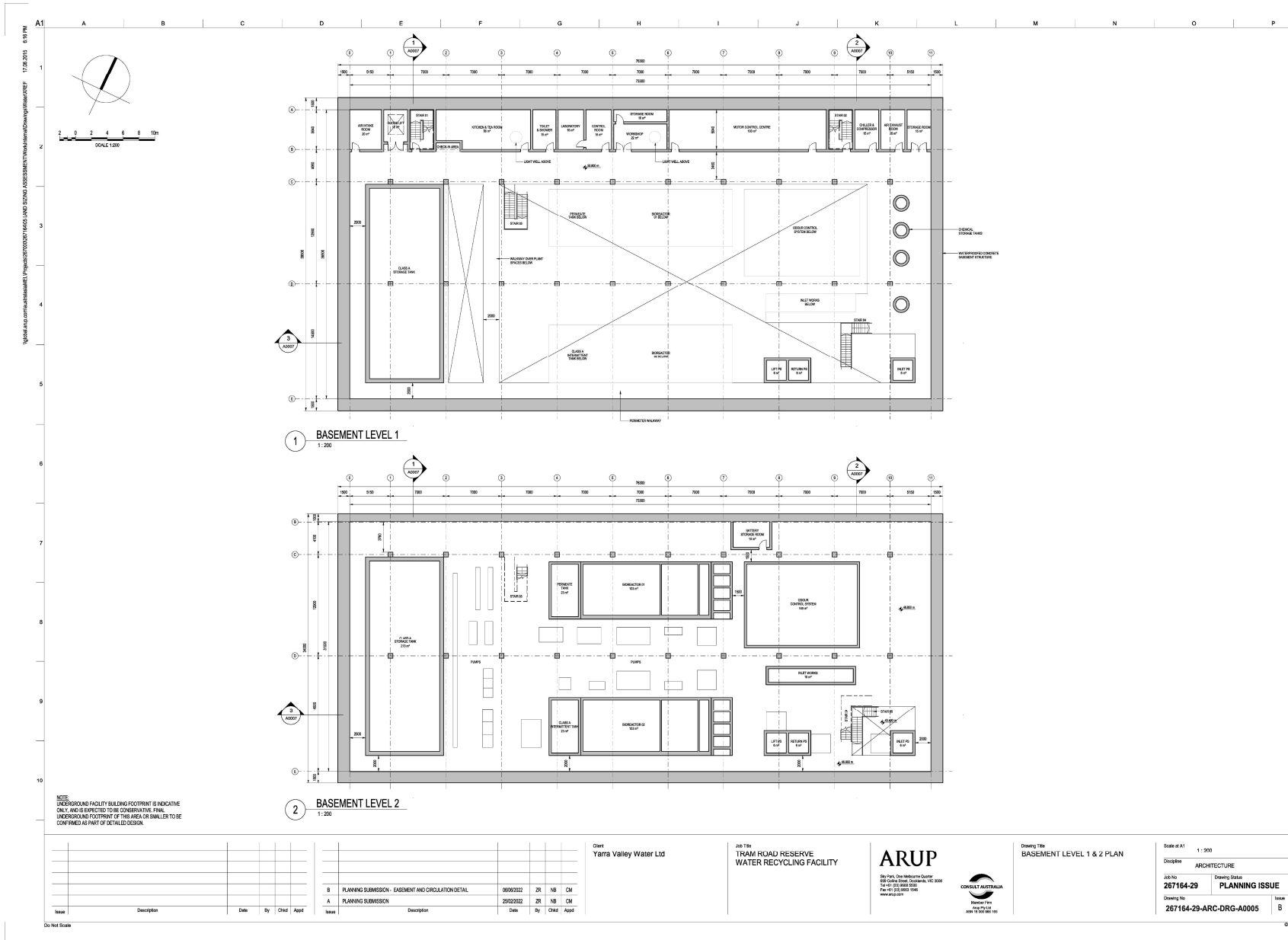
Drawing Title
COVER SHEET

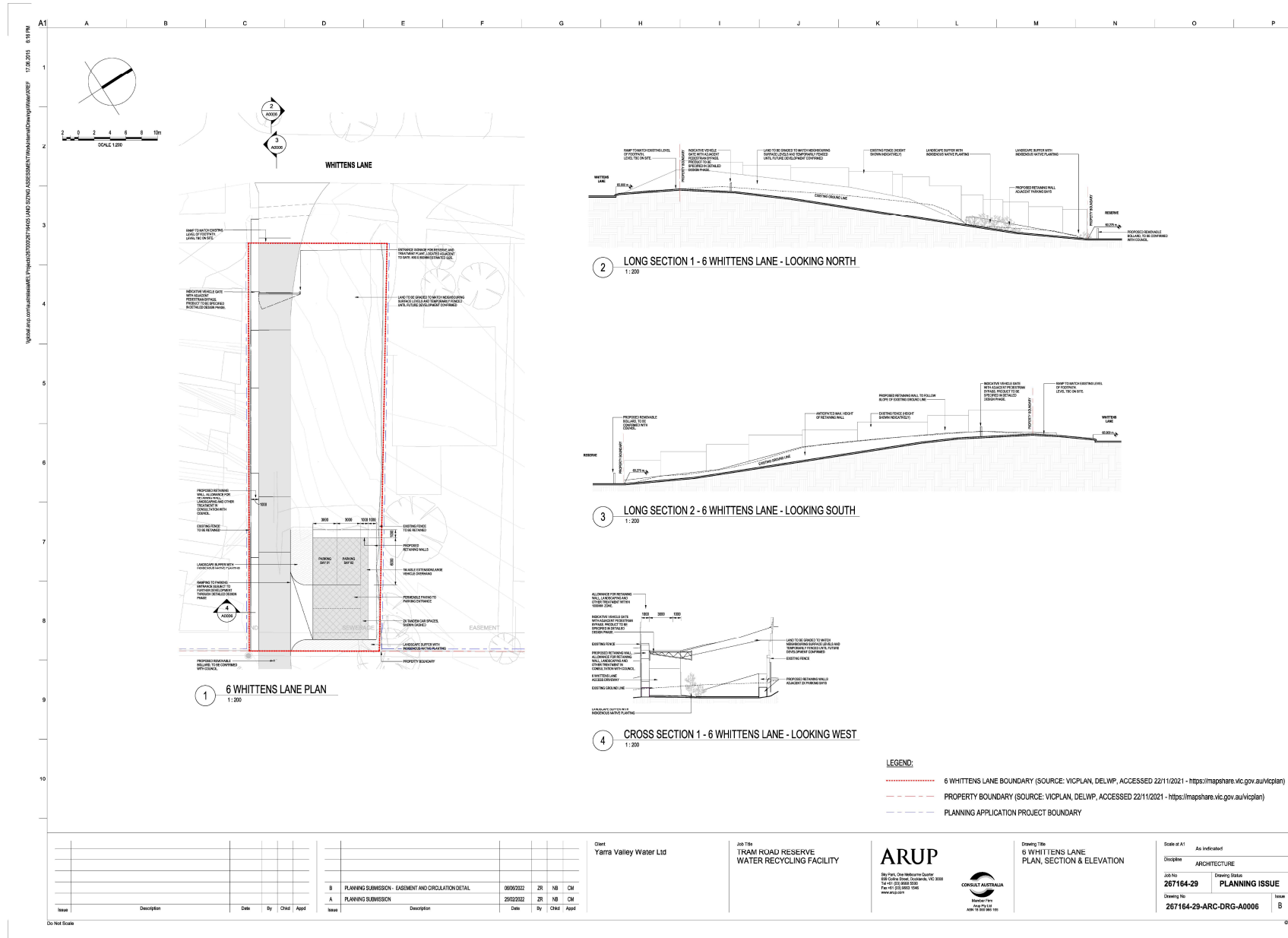
Scale of A1
Discipline
ARCHITECTURE
Job No.
267164-29
Drawing Status
PLANNING ISSUE
Drawing No.
267164-29-ARC-ORG-A0001
Issue
C

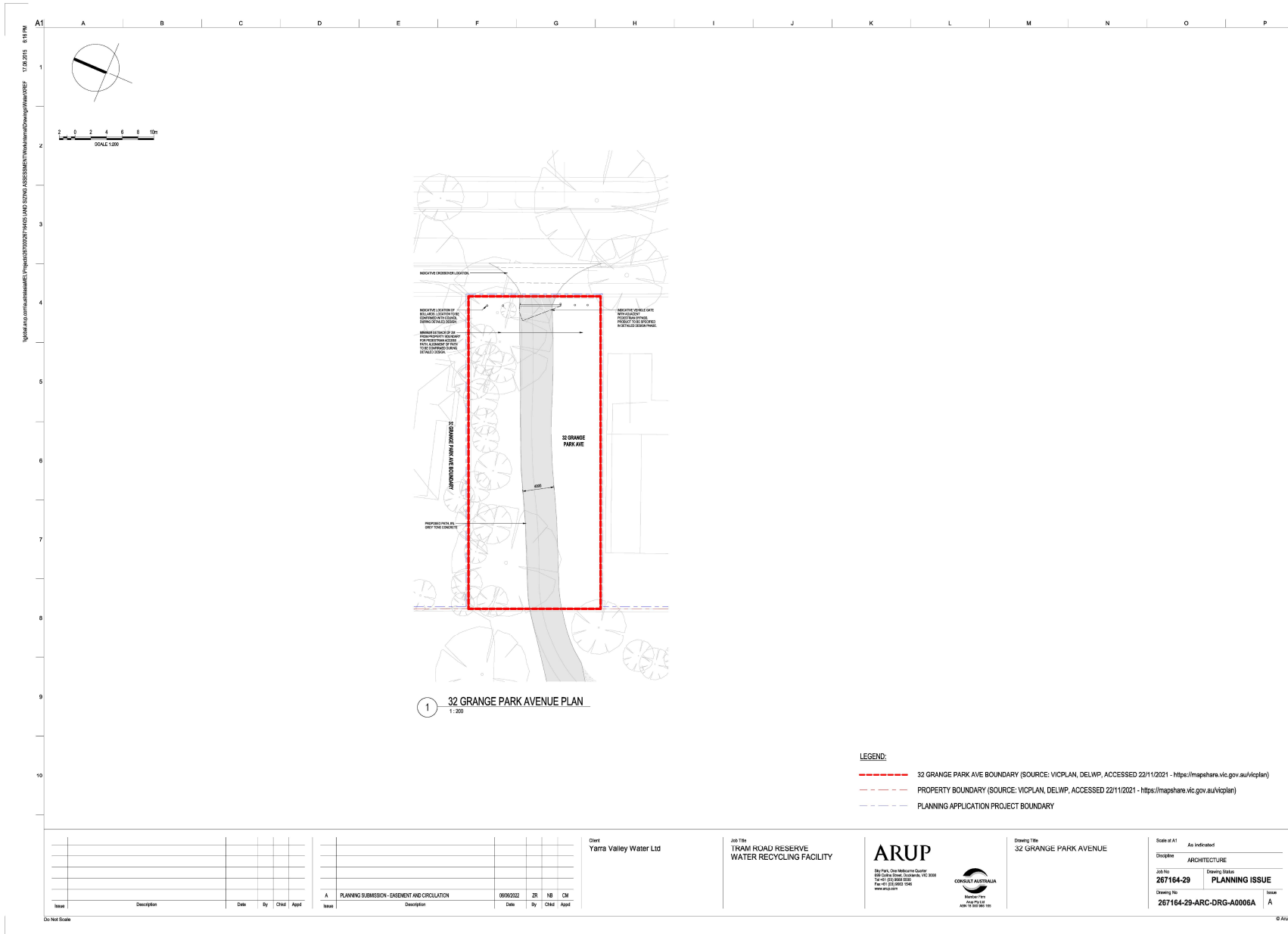


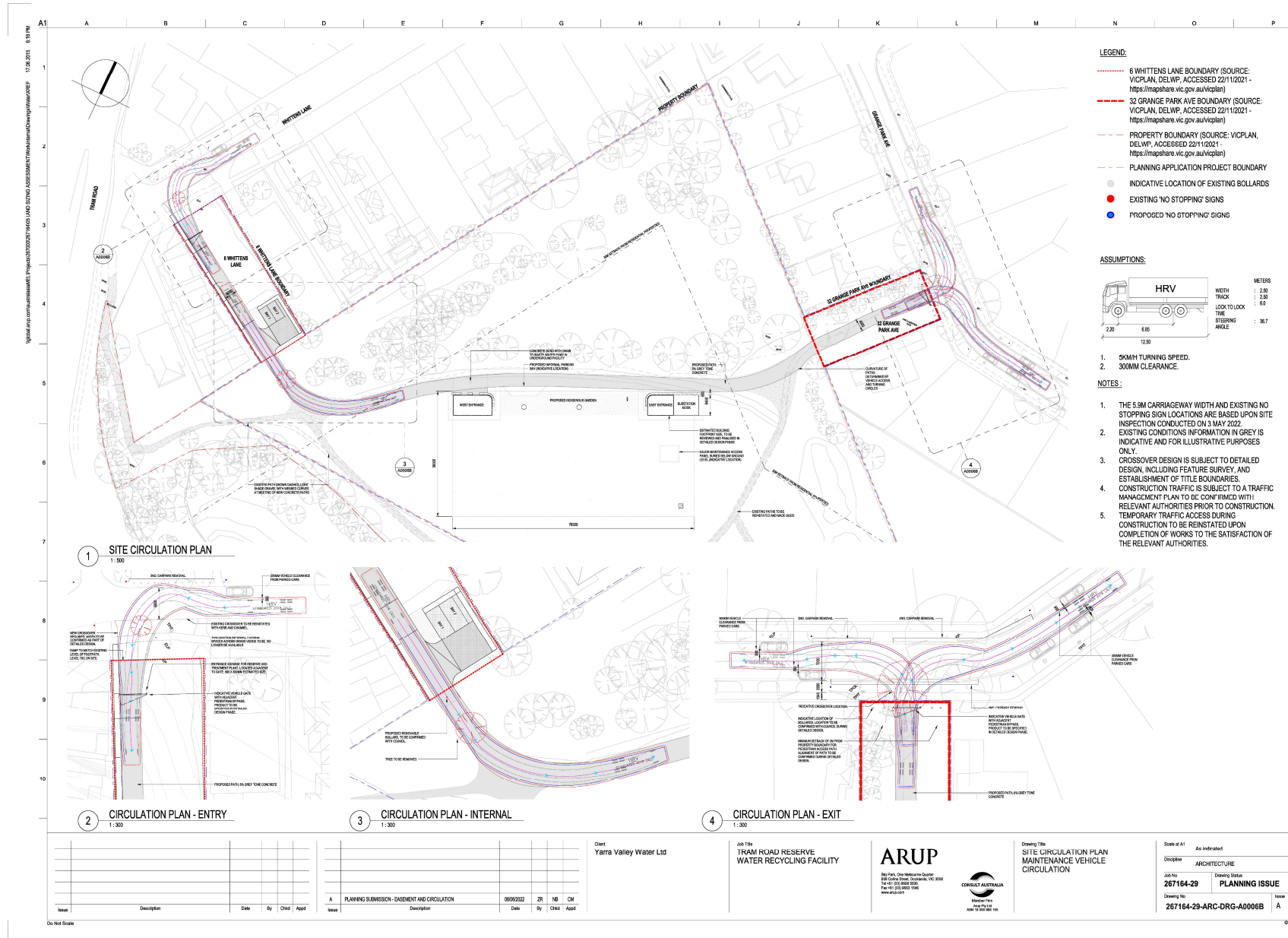


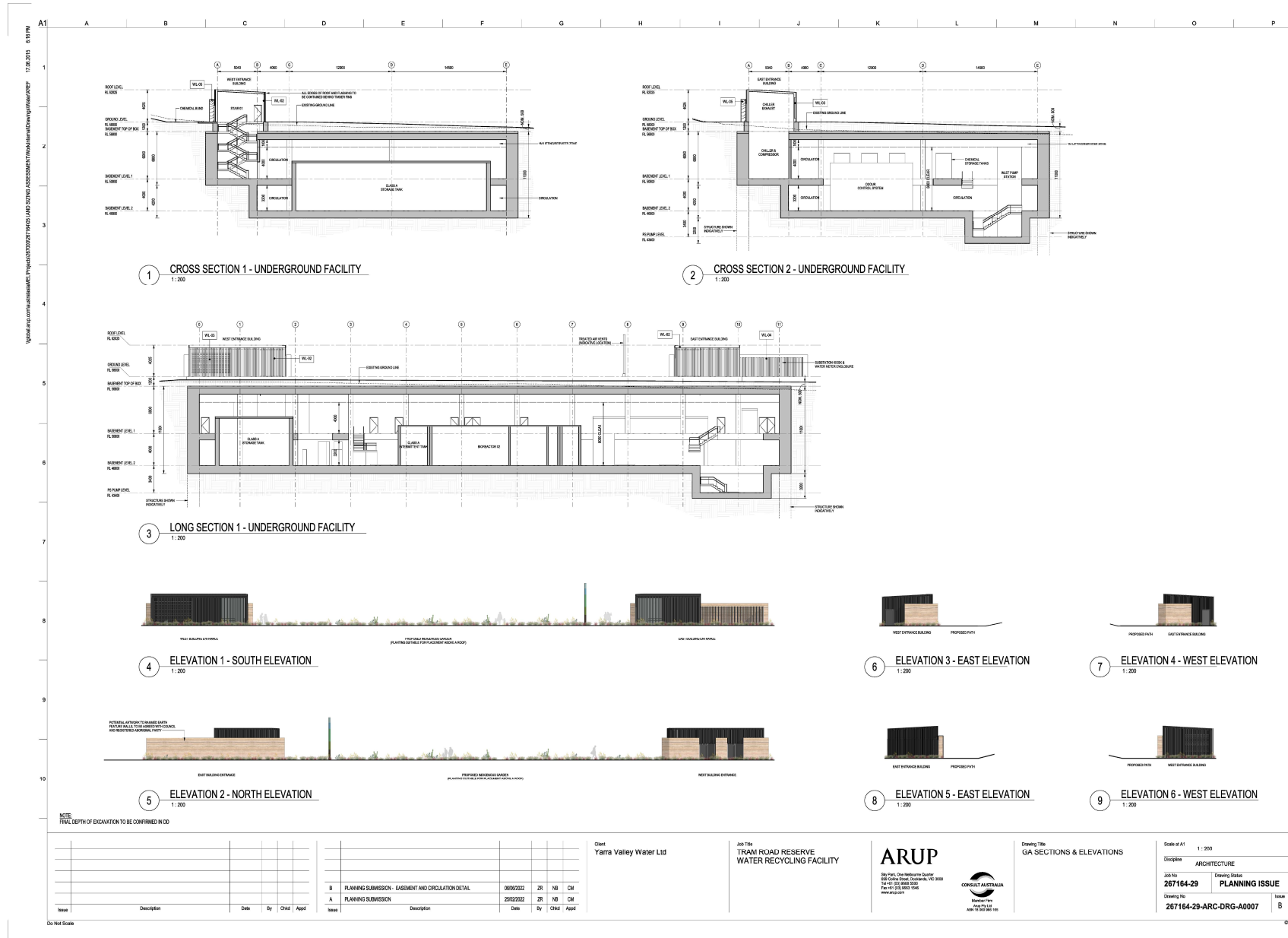












PLANNING AND ENVIRONMENT ACT 1987 - MANNINGHAM PLANNING SCHEME
ADVERTISED MATERIAL - Planning Application: PLN22/0109; Date: 14 July 2022; Page 24 of 37

This document is made available for the sole purpose of enabling its consideration and review,
as part of a planning process under the Planning and Environment Act 1987.
The document must not be used for any purpose which may breach any Copyright.

ARUP

05

Design response

- Proposed site layout
- Site access
- Facility access
- Architecture
- Materials
- Access and amenity
- Architecture
- Materials
- Landscape and amenity
- Cultural heritage

24

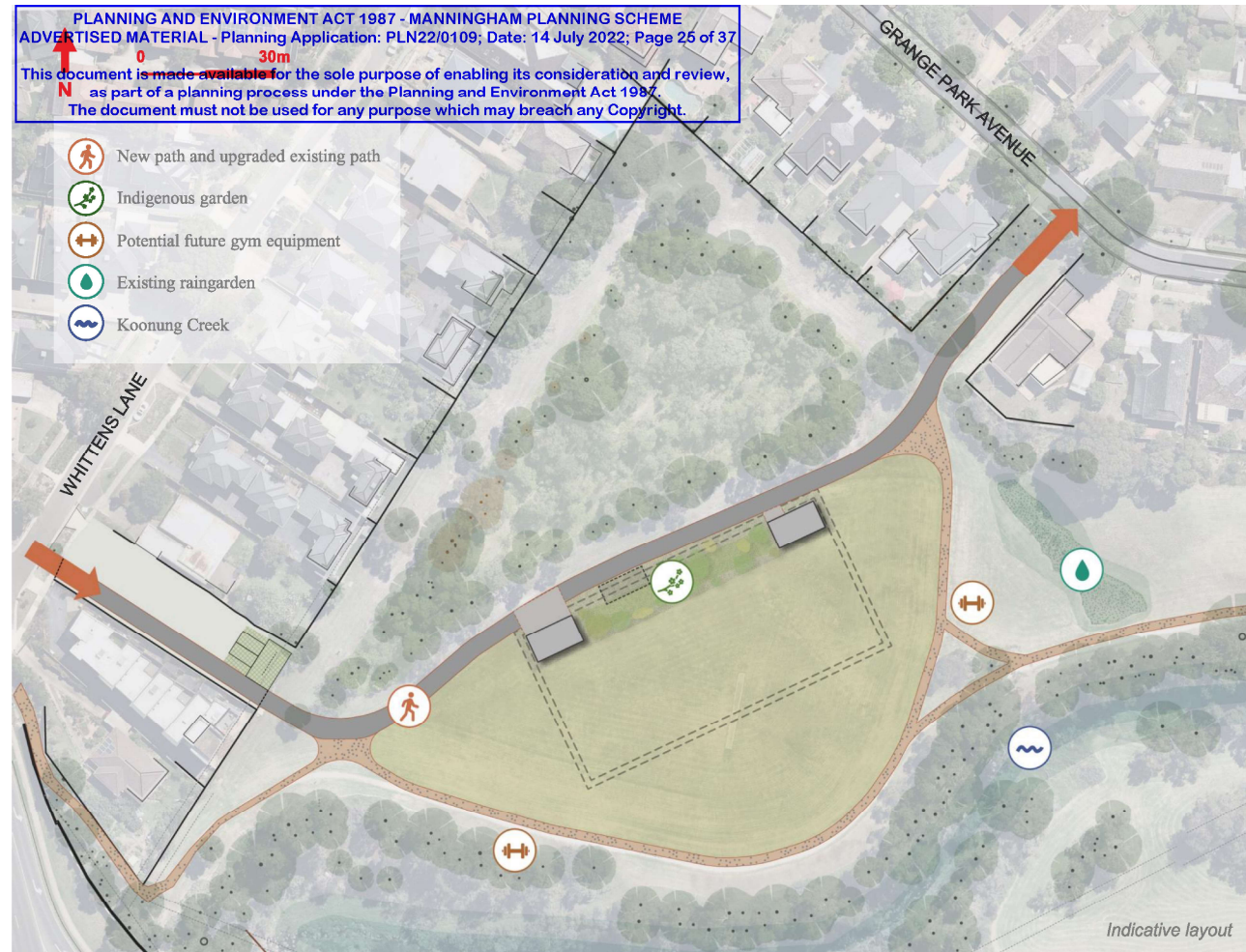
05 Design response

Proposed site layout

The key design focus is to return the Reserve close to its existing condition with minimal loss of open space whilst providing additional features that improve safety, access and amenity of the Reserve.

The proposed site layout includes the addition of a northern access pathway that enters from a new access point from 6 Whittens Lane and continues through to Grange Park Avenue. Operational access for vehicles, staff, maintenance and security will be via the new path. Low profile gates and bollards will be used to regulate vehicular access to the Reserve.

Otherwise, existing paths and access routes will be retained. The Facility's above-ground buildings will be placed on the north side of the Reserve to keep the main area of the Reserve open for casual recreation. Other improvements, such as gym equipment, are also possible.



PLANNING AND ENVIRONMENT ACT 1987 - MANNINGHAM PLANNING SCHEME
 ADVERTISED MATERIAL - Planning Application: PLN22/0109; Date: 14 July 2022; Page 26 of 37
 This document is made available for the sole purpose of enabling its consideration and review,
 as part of a planning process under the Planning and Environment Act 1987.
 The document must not be used for any purpose which may breach any Copyright.



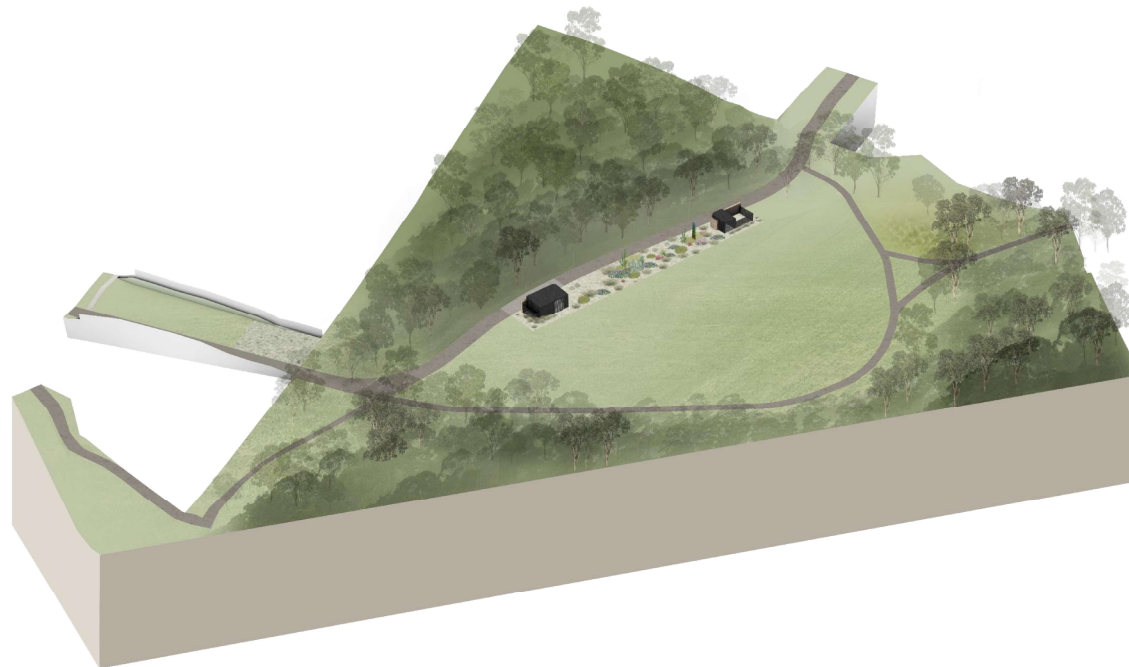
05 Design response

Proposed site layout

The design of access pathways and the above-ground buildings will minimise the impact on established areas of tree planting; sufficient distances from tree roots will be considered to mitigate any disturbance. To retain the natural character of the Reserve, the existing raingarden and vast majority of vegetation will be retained, with the design requiring the removal of one existing trees within the Reserve and two street trees.

Any significant planting will be sited between or immediately adjacent to the above-ground buildings. Plantings are generally expected to be low profile due to the underground Facility beneath not permitting deep root systems.

Any vegetation added would be Indigenous and maintained by Yarra Valley Water. It is envisaged that Indigenous landscape architects will be engaged to design the Indigenous garden.



PLANNING AND ENVIRONMENT ACT 1987 - MANNINGHAM PLANNING SCHEME
 ADVERTISED MATERIAL - Planning Application: PLN22/0109; Date: 14 July 2022; Page 27 of 37
 This document is made available for the sole purpose of enabling its consideration and review,
 as part of a planning process under the Planning and Environment Act 1987.
 The document must not be used for any purpose which may breach any Copyright.



05 Design response
6 Whittens Lane

A new access route is proposed via 6 Whittens Lane to provide entry for vehicles, staff and maintenance and security.

Pedestrian access will be 24/7, however vehicle access will be managed by gates and bollards. Such features will regulate visitors and parking spaces, and can act as a gateway operated by Yarra Valley Water to minimise vehicular entry into the Reserve.

The 6 Whittens Lane site will be regraded to permit vehicle access. This will require a new retaining wall alongside the new access route. Two formal and two informal tandem car parking spaces will be provided at the lowest point of the 6 Whittens Lane parcel adjoining the Reserve and within close proximity to the Facility. These spaces will be constructed using a permeable surface and will also have a small retaining wall.

The remaining 6 Whittens Lane land will be reserved for future development consistent with the Neighbourhood Residential Zone.



Potential retaining wall options: a) and b) in situ concrete with timber form work



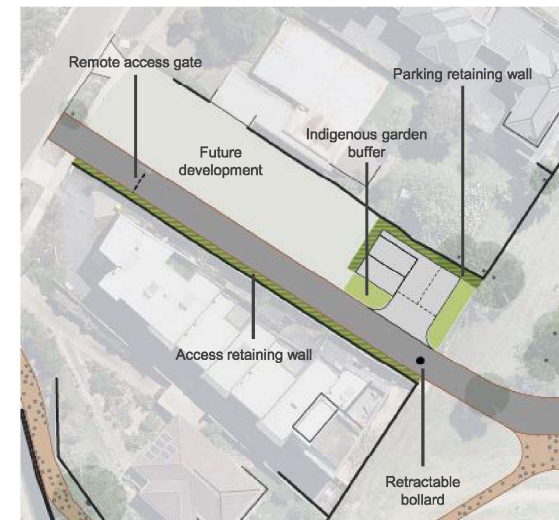
c) Gabion wall



d) Recycled Ironbark sleepers with steel H section



Potential permeable surface treatments



Access road through 6 Whittens Lane

PLANNING AND ENVIRONMENT ACT 1987 - MANNINGHAM PLANNING SCHEME
 ADVERTISED MATERIAL - Planning Application: PLN22/0109; Date: 14 July 2022; Page 28 of 37
 This document is made available for the sole purpose of enabling its consideration and review,
 as part of a planning process under the Planning and Environment Act 1987.
 The document must not be used for any purpose which may breach any Copyright.



05 Design response

Indigenous Species

With a focus on indigenous hardy and low maintenance species, the following suggested species can be incorporated for low screening and retaining elements for the retaining walls in 6 Whittens Lane.

Strap leaf species and grasses

- *Dianella revoluta*
- *Lomandra longifolia*
- *Poa labillardieri*

Shrubs

- *Bursaria spinosa*
- *Correa reflexa*
- *Chrysocephalum semipapposum*
- *Goodenia ovata*

Climbers / ground cover species

- *Billardiera macrantha*
- *Chrysocephalum appiculatum*
- *Clematis microphylla*
- *Dichonra repens*
- *Hardenbergia violacea*
- *Kennedia prostrata*



Potential retaining wall with indigenous species



PLANNING AND ENVIRONMENT ACT 1987 - MANNINGHAM PLANNING SCHEME
 ADVERTISED MATERIAL - Planning Application: PLN22/0109; Date: 14 July 2022; Page 29 of 37

This document is made available for the sole purpose of enabling its consideration and review,
 as part of a planning process under the Planning and Environment Act 1987.
 The document must not be used for any purpose which may breach any Copyright.

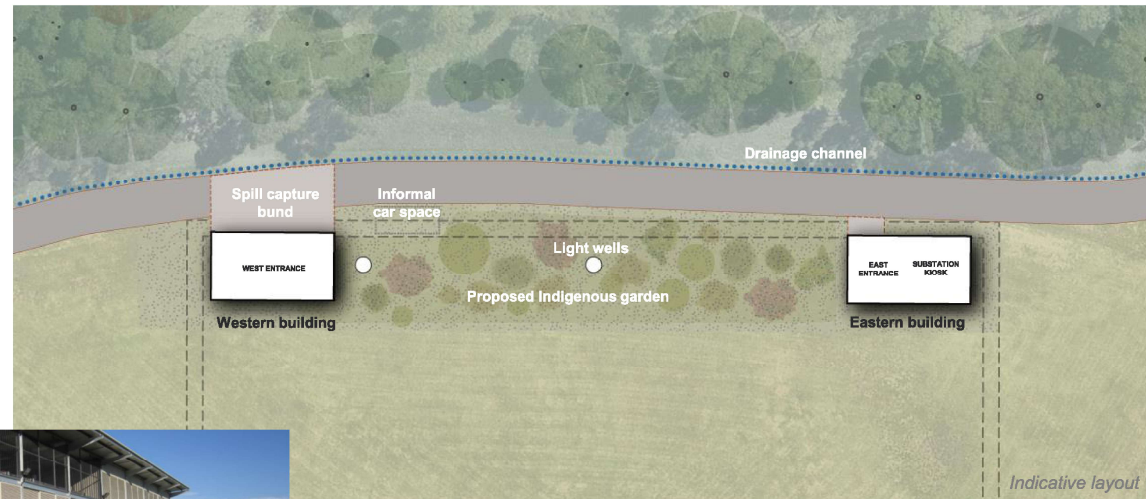


05 Design response
Facility layout

The location and design of the above-ground buildings have considered safety and vehicular sightlines of pedestrians. The Facility will need two above-ground buildings to enable staff to access to the underground Facility. Integrated into the eastern building will be a fenced area for an electricity kiosk that will provide power to the Facility.

The northern pathway will provide pedestrian and vehicle access to the Facility. The pathway complements the existing paths in the Reserve by helping form a walking loop for Reserve visitors. The pathway's design will incorporate drainage to manage runoff from the slopes to the north and help ensure the paths and Reserve remain useable during wet weather.

A spill capture bund (a slightly sunken area with a drain) is proposed to be imbedded within the northern pathway next to the western building to ensure any spills from deliveries are safely contained. An informal car space is also provided within the Indigenous garden for occasional visits by operational vehicles, helping minimise disruption to public use of the new path.



Example of spill capture bund within roadway

PLANNING AND ENVIRONMENT ACT 1987 - MANNINGHAM PLANNING SCHEME
ADVERTISED MATERIAL - Planning Application: PLN22/0109; Date: 14 July 2022; Page 30 of 37

This document is made available for the sole purpose of enabling its consideration and review, as part of a planning process under the Planning and Environment Act 1987.
The document must not be used for any purpose which may breach any Copyright.



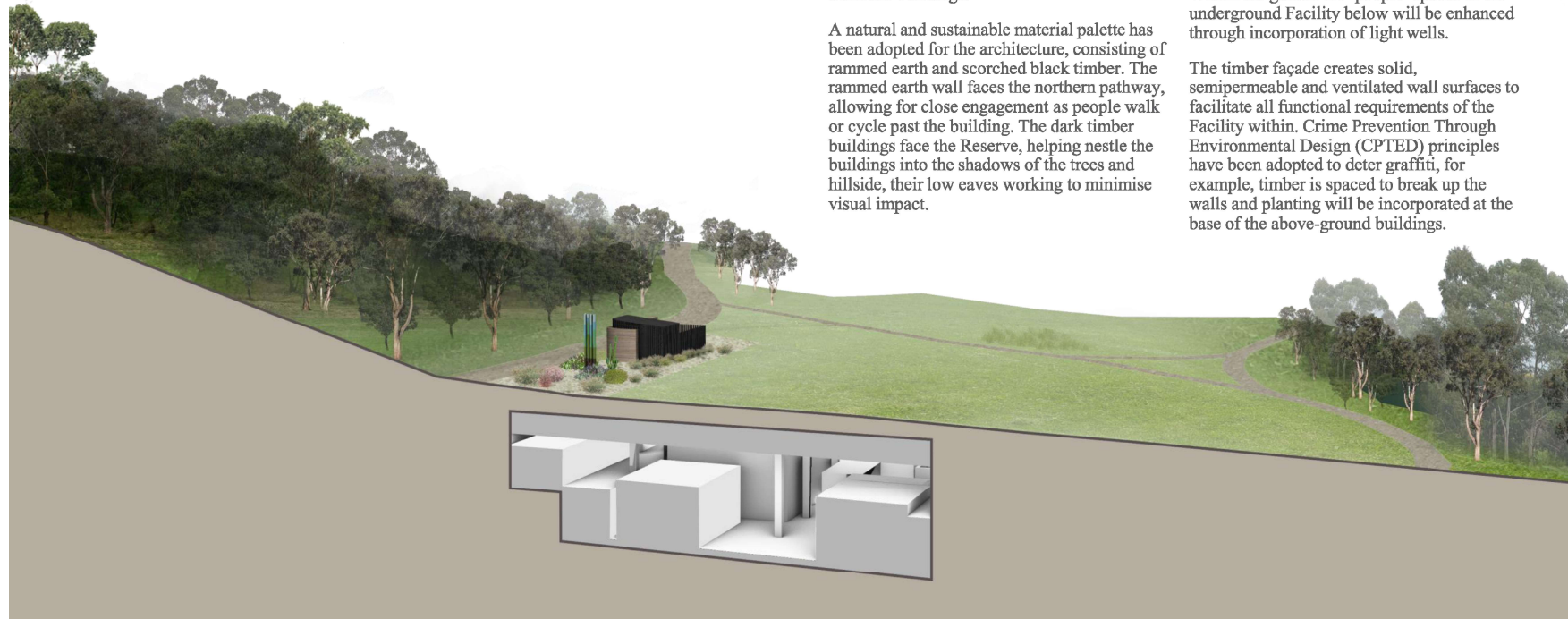
05 Design response
Architecture

The above-ground buildings aim to sit discretely within the site and blend with the surrounding landscape. The massing of the above-ground buildings aims to minimise their footprint and the visual impact of the architecture to suit the local scale of nearby domestic buildings.

A natural and sustainable material palette has been adopted for the architecture, consisting of rammed earth and scorched black timber. The rammed earth wall faces the northern pathway, allowing for close engagement as people walk or cycle past the building. The dark timber buildings face the Reserve, helping nestle the buildings into the shadows of the trees and hillside, their low eaves working to minimise visual impact.

The articulation of the architecture is aimed to provide visual interest along the northern pathway with the rammed earth walls, which will frame an Indigenous garden between the above-ground buildings. Indigenous artwork is a possibility as part of the walls and garden. Within the garden the 'people' spaces of the underground Facility below will be enhanced through incorporation of light wells.

The timber façade creates solid, semipermeable and ventilated wall surfaces to facilitate all functional requirements of the Facility within. Crime Prevention Through Environmental Design (CPTED) principles have been adopted to deter graffiti, for example, timber is spaced to break up the walls and planting will be incorporated at the base of the above-ground buildings.

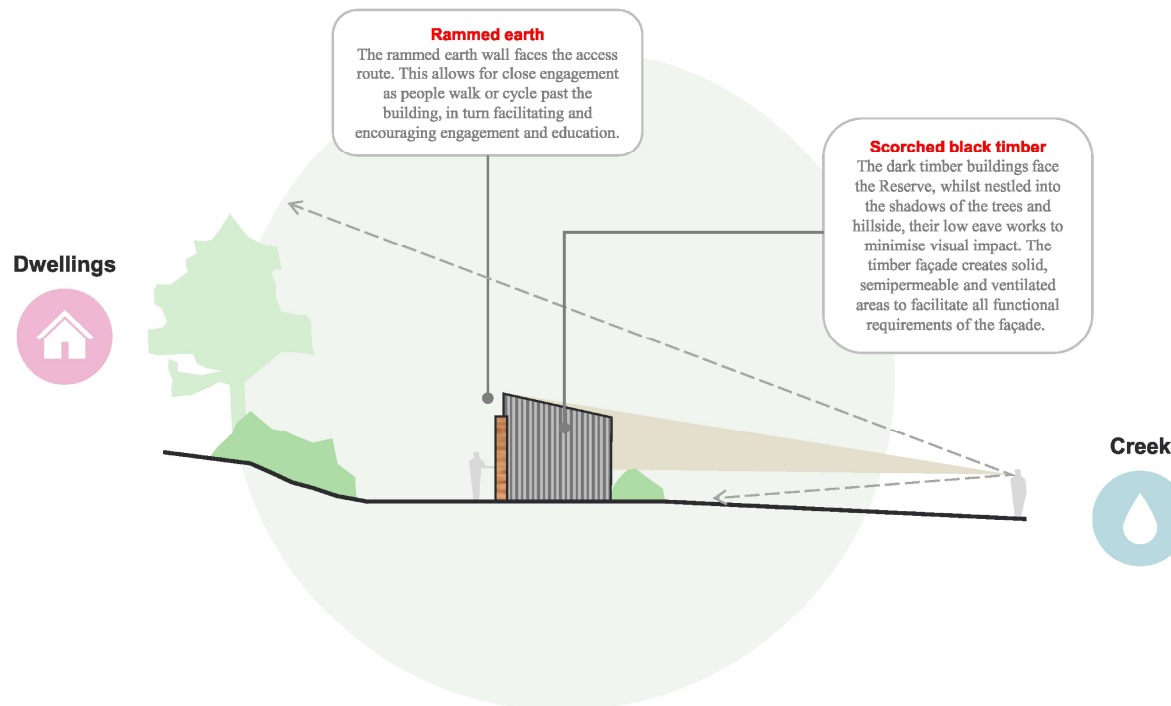


PLANNING AND ENVIRONMENT ACT 1987 - MANNINGHAM PLANNING SCHEME
ADVERTISED MATERIAL - Planning Application: PLN22/0109; Date: 14 July 2022; Page 31 of 37

ARUP

05 Design Response
1 Architecture

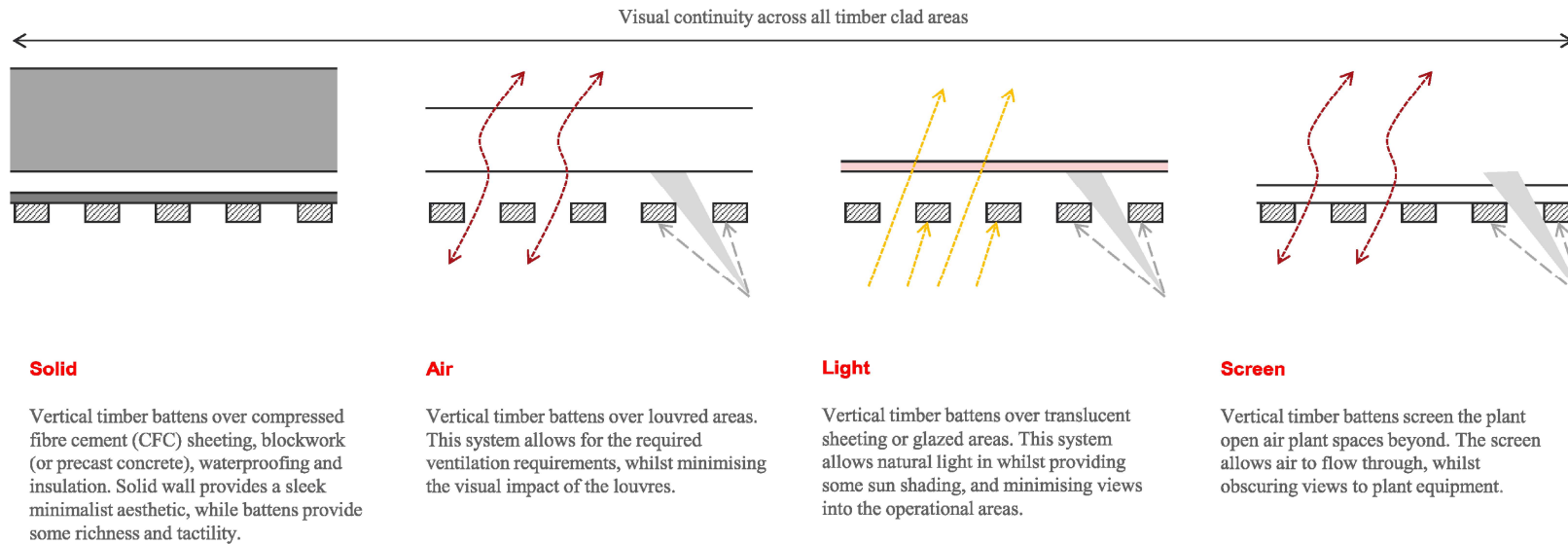
This document is made available for the sole purpose of enabling its consideration and review, as part of a planning process under the Planning and Environment Act 1987. The document must not be used for any purpose which may breach any Copyright.



PLANNING AND ENVIRONMENT ACT 1987 - MANNINGHAM PLANNING SCHEME
 ADVERTISED MATERIAL - Planning Application: PLN22/0109; Date: 14 July 2022; Page 32 of 37
 This document is made available for the sole purpose of enabling its consideration and review,
 as part of a planning process under the Planning and Environment Act 1987.
 The document must not be used for any purpose which may breach any Copyright.



05 Design response
Materials



PLANNING AND ENVIRONMENT ACT 1987 - MANNINGHAM PLANNING SCHEME
ADVERTISED MATERIAL - Planning Application: PLN22/0109; Date: 14 July 2022; Page 33 of 37
This document is made available for the sole purpose of enabling its consideration and review,
as part of a planning process under the Planning and Environment Act 1987.
The document must not be used for any purpose which may breach any Copyright.



05 Design response
Materials



05 Design response

Landscaping and amenity

An Indigenous garden will provide added amenity for the community; it will be maintained by Yarra Valley Water and designed through engagement with the Indigenous community. Within the area between above-ground buildings, the Indigenous garden will contain vegetation as well as skylights to provide daylight to the underground 'people' spaces.

There is also opportunity for Indigenous artwork to be incorporated on the rammed earth walls and ventilation. These walls face the northern path to encourage the community to engage with its motifs and messaging.

PLANNING AND ENVIRONMENT ACT 1987 - MANNINGHAM PLANNING SCHEME
ADVERTISED MATERIAL - Planning Application: PLN22/0109; Date: 14 July 2022; Page 34 of 37

This document is made available for the sole purpose of enabling its consideration and review, as part of a planning process under the Planning and Environment Act 1987.
The document must not be used for any purpose which may breach any Copyright.



PLANNING AND ENVIRONMENT ACT 1987 - MANNINGHAM PLANNING SCHEME
ADVERTISED MATERIAL - Planning Application: PLN22/0109; Date: 14 July 2022; Page 35 of 37

ARUP

05 Design response
Landscaping and amenity

This document is made available for the sole purpose of enabling its consideration and review, as part of a planning process under the Planning and Environment Act 1987. The document must not be used for any purpose which may breach any Copyright.



PLANNING AND ENVIRONMENT ACT 1987 - MANNINGHAM PLANNING SCHEME
ADVERTISED MATERIAL - Planning Application: PLN22/0109; Date: 14 July 2022; Page 36 of 37

This document is made available for the sole purpose of enabling its consideration and review,
as part of a planning process under the Planning and Environment Act 1987.
The document must not be used for any purpose which may breach any Copyright.

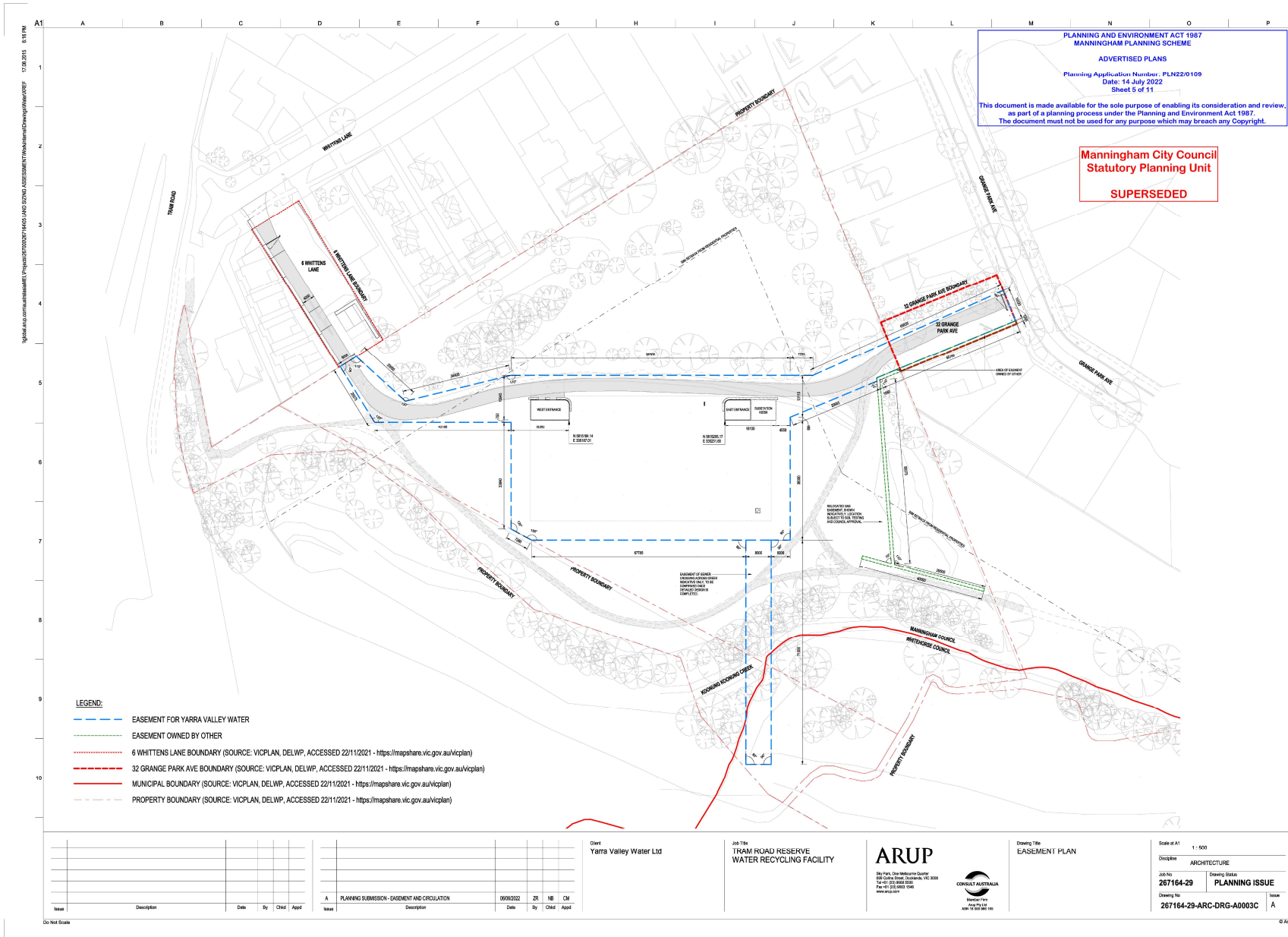
05 Design response

Water sustainability

The Facility will assist in providing sustainable water supply for dwellings in Doncaster Hill into the future. While the Facility is largely hidden below ground to preserve open space, it is important that the Facility's role in improving water security in the face of climate change and population growth be shared with the community. The Facility's above-ground presence will aim to do this through its design as well as appropriate signage and educational materials.

The narrative of water sustainability goes back to 65,000 years of Indigenous heritage. The design is inspired by the *Wurundjeri Woi wurrung* people living along Birrarung tributaries, honouring their deep connection to water and other natural features. The Facility design offers the opportunity to work with local Elders to recognise and honour this connection. There are opportunities to include artefacts and artwork in the design of rammed earth walls and ventilation, which will frame an Indigenous garden and tell the story of sustainable water from generation to generation.





5. LEGISLATIVE REQUIREMENTS

5.1 PLANNING AND ENVIRONMENT ACT 1987 (THE ACT)

The Act is the relevant legislation governing planning in Victoria. The Act identifies subordinate legislation in the form of Planning Schemes to guide future land use and development.

Section 60 of the Act, requires the Responsible Authority to consider the following before deciding on an application:

- *The relevant planning scheme;*
- *The objectives of planning in Victoria;*
- *All objections and other submissions which it has received;*
- *Any decision and comments of a referral authority which it has received; and*
- *Any significant effects which the responsible authority considers the use or development may have on the environment or which the responsible authority considers the environment may have on the use or development.*

Section 61(4) of the Act makes specific reference to covenants. Under Section 61(4) of the Act the Responsible Authority must not issue a planning permit that would result in a breach of a registered restrictive covenant.

5.2 MANNINGHAM PLANNING SCHEME

Clauses of the Manningham Planning Scheme the Responsible Authority must consider:

- Planning Policy Framework:
- Clause 36.02 – Public Park and Recreation Zone (applying to reserve land)
- Clause 32.08 – General Residential Zone
- Clause 44.04 – Land Subject to Inundation Overlay (LSIO)
- Clause 52.06 – Car parking
- Clause 53.10 – Uses with adverse amenity potential
- Clause 65 – Decision Guidelines
- Clause 65.01 Approval of an Application or Plan
- Clause 71.02-3 Integrated decision making

5.2.1 PLANNING POLICY FRAMEWORK

The relevant sections of the Planning Policy Framework are as follows:

Clause 11 - Settlement

Clause 11 identifies that Planning is to recognise the need for, and as far as practicable contribute towards (as relevant):

- Health, wellbeing and safety.
- Adaptation in response to changing technology.
- A high standard of environmental sustainability, urban design and amenity.
- Climate change adaptation and mitigation.
- Prevention of land, water, air and noise pollution.
- Protecting, conserving and improving biodiversity, waterways and other natural resources

- Waste minimisation and resource recovery

It further recognises the role of planning in anticipating and responding to the needs of existing and future communities through the provision of zoned and serviced land. It particularly looks at facilitating sustainable development that takes complete advantage of existing settlement patterns and investment in transport, utility, social, community and commercial infrastructure and services, expanded on in the relevant subclauses.

It includes objectives and strategies seeking to support a sustainable performance and urban environment by ways that include integrating the management of water resources and prioritising services, with the ongoing provision of land and supporting infrastructure to support these needs.

Clause 12 - Environmental and Landscape Values

Clause 12 recognises that planning should help protect the health of ecological systems and the biodiversity they support. Planning should aim to protect, restore and enhance site and features of native conservation, biodiversity, geological or landscape value.

Clause 12.01-1S Protection of biodiversity seeks to protect and enhance Victoria's biodiversity.

Clause 12.01-2S Native vegetation management seeks to ensure that there is no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation.

Clause 12.03-1S River corridors, waterways, lakes and wetlands seeks to protect river corridors and ensure development responds to and respects the significant assets of water bodies.

Clause 12.05-2S Landscape seeks to protect and enhance significant landscapes and open spaces that contribute to character, identity and sustainable environments. Strategies to achieve this include ensuring that development does not detract from the natural qualities of significant landscapes and open spaces, and improving landscape qualities and open space linkages and environmental performance.

Clause 13 - Environmental Risks and Amenity

Clause 13 recognises that planning should strengthen the resilience and safety of communities by adopting a best practice environmental management and risk management approach. It further requires planning should identify, prevent and minimise the risk of harm to the environment, human health, and amenity through:

- Land use and development compatibility.
- Effective controls to prevent or mitigate significant impacts.

It further recognises that:

Planning should identify and manage the potential for the environment and environmental changes to impact on the economic, environmental or social wellbeing of society.

Planning should ensure development and risk mitigation does not detrimentally interfere with important natural processes.

Planning should prepare for and respond to the impacts of climate change.

Specific sub-clauses relevant to the proposal include:

Clause 13.03-1S Floodplain management includes the objective to assist the protection of:

- Life, property and community infrastructure from flood hazard, including coastal inundation, riverine and overland flows.
- The natural flood carrying capacity of rivers, streams and floodways.
- The flood storage function of floodplains and waterways.
- Floodplain areas of environmental significance or of importance to river, wetland or coastal health.

Clause 13.05-1S Noise abatement seeks “*To assist the management of noise effects on sensitive land uses*”. Strategies seek to minimise impacts, manage locations and include mitigation measures. Clause 13.05-1L Noise abatement – Manningham includes further strategies that seek to minimise impacts, manage locations and include mitigation measures.

Clause 13.06-1S Air quality management seeks “*To assist the protection and improvement of air quality*.” Strategies seek to ensure where possible there is suitable separation between land uses that reduce air amenity and sensitive land uses.

Clause 13.07-1S Land use compatibility seeks “*To protect community amenity, human health and safety while facilitating appropriate commercial, industrial, infrastructure or other uses with potential adverse off-site impacts*”. Strategies include:

- Ensure that use or development of land is compatible with adjoining and nearby land uses
- Avoid locating incompatible uses in areas that may be impacted by adverse off-site impacts from commercial, industrial and other uses.
- Avoid or otherwise minimise adverse off-site impacts from commercial, industrial and other uses through land use separation, siting, building design and operational measures.
- Protect commercial, industrial and other employment generating uses from encroachment by use or development that would compromise the ability of those uses to function safely and effectively.

Clause 13.07-1L Non-residential uses and development in residential areas- Manningham applies to the residential zoned areas of the subject land. It includes the objectives:

- To ensure that non-residential uses in residential areas:
- Do not adversely impact the amenity of the area.
- Respond to the existing or preferred neighbourhood character of the area.
- Respond to existing environmental and landscape values.

Strategies include:

- General:
Discourage non-residential uses that do not have a community service role from locating in residential areas, particularly areas removed from activity centres and main roads.
- Design:
*Design non-residential development, including siting, scale and massing, height and setbacks, roof forms and window and proportions to ensure it:
Responds to existing or preferred neighbourhood character.
Responds to environmental and landscape values.*

- Amenity:
 - Ensure that residential amenity is not adversely affected by:*
 - Emission of noise, lighting, odours and waste.*
 - Loss of privacy.*
 - Traffic generation and car parking.*
 - Disturbance associated with hours of operation*

Clause 14 – Natural Resource Management

Clause 14 seeks planning is to assist in the conservation and wise use of natural resources including energy, water, land, stone and minerals to support both environmental quality and sustainable development. Specific sub-clauses relevant to the proposal include:

Clause 14-02-2S Water quality seeks to protect water quality. Strategies include:

- Protect reservoirs, water mains and local storage facilities from potential contamination.
- Ensure that land use activities potentially discharging contaminated runoff or wastes to waterways are sited and managed to minimise such discharges and to protect the quality of surface water and groundwater resources, rivers, streams, wetlands, estuaries and marine environments.
- Discourage incompatible land use activities in areas subject to flooding, severe soil degradation, groundwater salinity or geotechnical hazards where the land cannot be sustainably managed to ensure minimum impact on downstream water quality or flow volumes.

Clause 15 – Built Environment and Heritage

Clause 15 seeks to ensure all land use and development appropriately responds to its surrounding landscape, character, valued built form and cultural contexts. As such, planning should protect places and sites with significant heritage, architectural, aesthetic, scientific and cultural value. Planning should also promote development that is environmentally sustainable. Specific sub-clauses relevant to the proposal include:

Clause 15.01-5S Neighbourhood character

The objective seeks to recognise, support and protect neighbourhood character, cultural identity, and sense of place.

Strategies include:

- 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.

- o Neighbourhood character values and built form that reflect community identity.

Clause 15.01-5-01L Landscaping Manningham

This policy applies to the residential zoned part of the subject land.

Strategies include:

- Provide landscaping to soften built form and the appearance of large areas of car parking, accessways and development.
- Incorporate indigenous planting and canopy trees.
- Provide setbacks to enable the retention of canopy trees and landscape treatments along road frontages roadside boundaries and interfaces with adjoining sites to complement the boulevard theme and character of the area.
- Retain existing vegetation and canopy trees along road frontages.
- Retain native vegetation where possible or, incorporate new native vegetation into landscaping.
- Support landscaping that provides visual interest to commercial uses and carparking areas to the surrounding area

Clause 15.01-2L Environmentally Sustainable development – Manningham

The policy seeks to achieve best practice in environmentally sustainable development from the design stage through to construction and operation.

- Strategies

Facilitate development that minimises environmental impacts.

Encourage environmentally sustainable development that: o Is consistent with the type and scale of the development.

Responds to site opportunities and constraints.

Adopts best practice through a combination of methods, processes and locally available technology that demonstrably minimise environmental impacts.

- Integrated water management

Reduce total operating potable water use through appropriate design measures such as water efficient fixtures, appliances, equipment, irrigation and landscaping.

Encourage the appropriate use of alternative water (including greywater, rainwater and stormwater).

Incorporate best practice water sensitive urban design to improve the quality of stormwater runoff and reduce impacts on water systems and water bodies.

- Urban ecology

Protect and enhance biodiversity by incorporating natural habitats and planting indigenous vegetation.

Reduce urban heat island effects through building design, landscape design, water sensitive urban design and the retention and provision of canopy and significant trees.

Encourage the provision of space for productive gardens, particularly in larger residential developments.

Clause 15.03-2S Aboriginal cultural heritage:

Objective seeks to ensure the protection and conservation of places of Aboriginal cultural heritage significance.

Strategies include to:

- Identify, assess and document places of Aboriginal cultural heritage significance, in consultation with relevant Registered Aboriginal Parties, as a basis for their inclusion in the planning scheme.
- Provide for the protection and conservation of pre-contact and post-contact Aboriginal cultural heritage places.
- Ensure that permit approvals align with the recommendations of any relevant Cultural Heritage Management Plan approved under the Aboriginal Heritage Act 2006.

Clause 19 – Infrastructure

Clause 19 seeks to ensure planning facilitates the efficient use of existing infrastructure and minimises the impact of use and development on the operation of major infrastructure of national, state and regional significance. Specific sub-clauses relevant to the proposal include:

Clause 19.02-6S Open Space seeks to establish, manage and improve a diverse and integrated network of public open space that meets the needs of the community. Strategies include:

- Ensure that open space networks:
 - Are linked, including through the provision of walking and cycling trails.*
 - Are integrated with open space from abutting subdivisions.*
 - Maintain public accessibility on public land immediately adjoining waterways and coasts.*

Clause 19.02-6L Open space – Manningham seeks to provide a range of high quality and accessible public open space areas. Strategies include:

- Minimise the negative impacts of development on public open space, including flora and fauna habitat, hydrology, water, visual qualities and landscape qualities.
- Increase the landscape values of public open space.
- Minimise the impact of the use and development of public open space on surrounding areas.

Clause 19.03-3S Integrated water management seeks to sustainably manage water supply and demand, water resources, wastewater, drainage and stormwater through an integrated water management approach. Strategies include:

- Reduce pressure on Victoria's drinking water supplies.
- Minimise drainage, water or wastewater infrastructure and operational costs.
- Minimise flood risks.
- Provide urban environments that are more resilient to the effects of climate change.
- Integrate water into the landscape to facilitate cooling, local habitat improvements and provision of attractive and enjoyable spaces for community use.
- Ensure land is set aside for water management infrastructure at the subdivision design stage.
- Protect areas with potential to recycle water for forestry, agriculture or other uses that can use treated effluent of an appropriate quality.

5.2.2 ZONES

Clause 36.02 – Public Park and Recreation Zone (applying to reserve land)

The purpose of the zone is:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To recognise areas for public recreation and open space.
- To protect and conserve areas of significance where appropriate.
- To provide for commercial uses where appropriate.

A permit is required under the zone to:

- Clause 36.02-1 of the Public Parks and Recreation Zone to use the land for a 'utility installation'.
- Clause 36.02-2 of the Public Parks and Recreation Zone to construct a building or construct or carry out works.

The Decision Guidelines at Clause 36.02-5 require that, before deciding on an application to use or subdivide land, construct a building or construct or carry out works, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

The Municipal Planning Strategy and the Planning Policy Framework.

The comments of any public land manager or other relevant land manager having responsibility for the care or management of the land or adjacent land.

Whether the development is appropriately located and designed, including in accordance with any relevant use, design or siting guidelines.

Clause 32.08 – General Residential Zone (applying to 6 Whittens Lane and 32 Grange Park Avenue)

The purpose of the zone is:

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

- To encourage development that respects the neighbourhood character of the area.
- To encourage a diversity of housing types and housing growth particularly in locations offering good access to services and transport.
- To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.

A permit is required under the zone to:

- Clause 32.08-2 of the General Residential Zone Schedule 1 to use the land for a 'utility installation'.
- Clause 32.08-9 of the General Residential Zone Schedule 1 to construct a building or construct or carry out works for a use in Section 2.

The decision guidelines at Clause 32.08-13 require that, before deciding on an application in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- The Municipal Planning Strategy and the Planning Policy Framework.
- The purpose of this zone.
- Whether the use or development is compatible with residential use.
- Whether the use generally serves local community needs.
- The scale and intensity of the use and development.
- The design, height, setback and appearance of the proposed buildings and works.
- The proposed landscaping.
- The provision of car and bicycle parking and associated accessways.
- Any proposed loading and refuse collection facilities.
- The safety, efficiency and amenity effects of traffic to be generated by the proposal

5.2.3 OVERLAYS

Clause 44.04 – Land Subject to Inundation Overlay (LSIO)

The purpose of this overlay is:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To identify flood prone land in a riverine or coastal area affected by the 1 in 100 (1 per cent Annual Exceedance Probability) year flood or any other area determined by the floodplain management authority.
- To ensure that development maintains the free passage and temporary storage of floodwaters, minimises flood damage, responds to the flood hazard and local drainage conditions and will not cause any significant rise in flood level or flow velocity.
- To minimise the potential flood risk to life, health and safety associated with development.
- To reflect a declaration under Division 4 of Part 10 of the Water Act, 1989.
- To protect water quality and waterways as natural resources by managing urban stormwater, protecting water supply catchment areas, and managing saline discharges to minimise the risks to the environmental quality of water and groundwater.
- To ensure that development maintains or improves river, marine, coastal and wetland health, waterway protection and floodplain health.

A permit is required under Clause 44.04-2 to construct a building or construct or carry out works.

The decision guidelines at Clause 44.04-8 require that, before deciding on an application in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

The Municipal Planning Strategy and the Planning Policy Framework.

Any local floodplain development plan.

Any comments from the relevant floodplain management authority.

The existing use and development of the land.

Whether the proposed use or development could be located on flood-free land or land with a lesser flood hazard outside this overlay.

Alternative design or flood proofing responses.

The susceptibility of the development to flooding and flood damage.

The potential flood risk to life, health and safety associated with the development. Flood risk factors to consider include:

- The frequency, duration, extent, depth and velocity of flooding of the site and accessway.
- The flood warning time available.
- Tidal patterns.
- Coastal inundation and erosion.
- The danger to the occupants of the development, other floodplain residents and emergency personnel if the site or accessway is flooded.

The effect of the development on redirecting or obstructing floodwater, stormwater or drainage water and the effect of the development on reducing flood storage and increasing flood levels and flow velocities.

The effect of the development on river, marine and coastal health values including wetlands, natural habitat, stream stability, erosion, environmental flows, water quality, estuaries and sites of scientific significance.

Any other matters specified in a schedule to this overlay.

5.2.4 PARTICULAR AND GENERAL PROVISIONS

Clause 52.06 Car Parking

Clause 52.06 regulates car parking requirements and design standards. Relevant purposes include to ensure the provision of an appropriate number of car parking spaces having regard to the demand likely to be generated, the activities on the land and the nature of the locality and to ensure that car parking does not adversely affect the amenity of the locality.

A specific parking rate is not specified for the proposed utility installation use. As such, the appropriateness of the proposed parking provision must be to the satisfaction of the Responsible Authority.

Clause 53.10 Uses with adverse amenity potential

Clause 53.10 seeks to identify the types of uses and activities, which if not appropriately designed and located, may cause offence or unacceptable risk to the neighbourhood.

Clause 53.10-1 details specific threshold distances, which in this case is measured as the shortest distance from any part of the land to land (not a road) in the nominated zones,

which relevantly includes the residential zones. The Table to Clause 53.10-1 does not specify a threshold distance for a water recycling facility and as such, requires referral to the Environment Protection Authority under Section 55 of the Planning and Environment Act 1987 (P&E Act).

Clause 65.01 Approval of an Application or Plan

This clause outlines that before deciding on an application or approval of a plan, the responsible authority must consider, as appropriate:

- The matters set out in section 60 of the Act.
- Any significant effects the environment, including the contamination of land, may have on the use or development.
- The Municipal Planning Strategy and the Planning Policy Framework.
- The purpose of the zone, overlay or other provision.
- Any matter required to be considered in the zone, overlay or other provision.
- The orderly planning of the area.
- The effect on the environment, human health and amenity of the area.
- The proximity of the land to any public land.
- Factors likely to cause or contribute to land degradation, salinity or reduce water quality.
- Whether the proposed development is designed to maintain or improve the quality of stormwater within and exiting the site.
- The extent and character of native vegetation and the likelihood of its destruction.
- Whether native vegetation is to be or can be protected, planted or allowed to regenerate.
- The degree of flood, erosion or fire hazard associated with the location of the land and the use, development or management of the land so as to minimise any such hazard.
- The adequacy of loading and unloading facilities and any associated amenity, traffic flow and road safety impacts.
- The impact the use or development will have on the current and future development and operation of the transport system.

Clause 71.02-3 Integrated decision making

It is policy that Planning and responsible authorities should endeavour to integrate the range of planning policies relevant to the issues to be determined and balance conflicting objectives in favour of net community benefit and sustainable development for the benefit of present and future generations.

Planning authorities should identify the potential for regional impacts in their decision making and coordinate strategic planning with their neighbours and other public bodies to achieve sustainable development and effective and efficient use of resources.

10 CITY PLANNING

10.1 Pilot 24-Hour Cat Confinement Initiative

File Number: IN23/776
Responsible Director: Acting Director City Planning
Attachments: 1 Implementation Phasing Summary [↓](#)
2 Draft Cat Confinement Order [↓](#)

PURPOSE OF REPORT

To present recommendations in relation to introducing pilot cat confinement laws.

EXECUTIVE SUMMARY

Manningham Council's Domestic Animal management Plan endorses the a Pilot of a 24 hour cat confinement order. The Pilot 24-Hour Cat Confinement Initiative (Pilot) provides a phased approach over two years including initial pre-implementation education, an amnesty period until December 2024, before transition to compliance and enforcement. The Pilot will be evaluated against a balance of measures including environmental protection and cat welfare, to be developed with key stakeholders.

1. RECOMMENDATION

That Council:

- 1.1 Make an Order under Section 25(2) of the Domestic Animals Act 1994 to introduce 24-hour cat confinement laws within Manningham for a period of 2 years, taking effect from 1 April 2024 (in accordance with Attachment 2: Cat Confinement Order).**
- 1.2 Develop and implement a 2-year phased education and implementation plan to support the community to transition to the pilot 24-hour cat confinement initiative (in accordance with Attachment 1: Implementation Phasing Summary).**
- 1.3 Develop evaluation methodology and criteria and undertake evaluation of the pilot 24-hour cat confinement initiative in December 2024 and December 2025.**

2. BACKGROUND

- 2.1 All Victorian Councils are required to develop a Domestic Animal Management Plan (DAMP) in accordance with the Domestic Animals Act 1994.
- 2.2 Manningham's DAMP was informed by extensive community consultation and adopted by Council in May 2022. It contains several endorsed initiatives to promote responsible pet ownership.
- 2.3 One of these endorsed initiatives is to Pilot a 24-hour cat confinement initiative over two years that will require cat owners to always contain their cats within the property boundaries.

2.4 The purpose of the Pilot is to:

- Protect the welfare of cats from other animals and cat cruelty caused by human behaviour;
- Reduce the risk of cats getting lost or being exposed to extreme weather
- Reduce the risk of cats sustaining traumatic injuries from cars
- Protect the health of cats from the transmission of disease from other cats including feline immunodeficiency virus (i.e. feline AIDS)
- Reduce the risk associated with the transmission of disease from cats and people
- Protect wildlife from predatory behaviour of cats

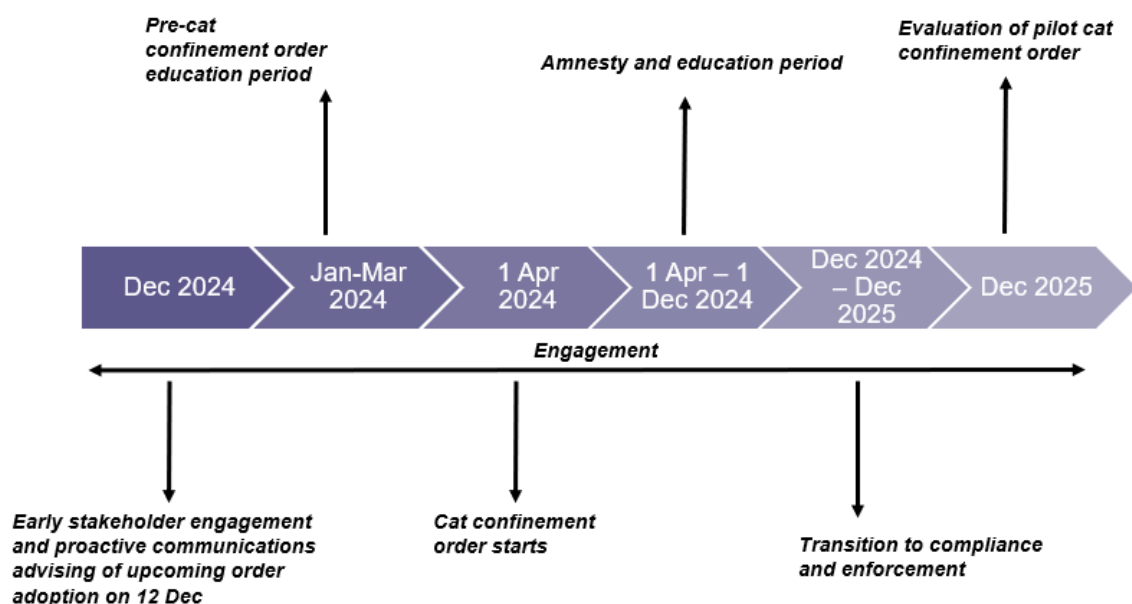
2.5 The Pilot is considered consistent with action being taking at a Federal level by the Australian Government. At this level, the Australian government is currently seeking feedback on an updated Threat Abatement Plan for Predation by Feral Cats 2023 (Plan), to address the impact of cats on the environment. The report and associated plan recognise the significant detrimental impact of feral cats on many Australian threatened species.

2.6 Objective 9 of the plan identifies the need to harmonise companion animal legislation across government including mandating principles of responsible pet ownership, such as the importance of registration, desexing to control the numbers of cats owned, as well as cat containment. The strategies and actions included within the Manningham Domestic Animal Management Plan, which also form the basis for this report, align with the Commonwealth Plan.

3. DISCUSSION

Milestone dates and approach

3.1 The Pilot provides a phased approach over two years including pre-implementation education and an amnesty period until December 2024, before transition to compliance and enforcement. Details on these phases follows.



Refer Attachment 1: Implementation Phasing Summary.

Pre-Order Adoption (period to 12 December 2023)

- 3.2 To enable the Pilot to commence, Council must make an Order under Section 25 of the *Domestic Animals Act 1994* to introduce 24-hour cat confinement laws within Manningham for a period of 2 years, taking effect from 1 April 2024. Refer Attachment 2 Cat Confinement Order.
- 3.3 An amnesty period is proposed until December 2024. Gazettal of the Order in the Victorian Government Gazette is proposed for March 2024. A notice will also be published in a local newspaper before the order becomes effective one month later in April 2024.
- 3.4 A Communications and Engagement Plan has been prepared to promote and encourage responsible cat ownership to support implementation of a new 24-hour cat confinement requirement.
- 3.5 Key messaging will focus on welfare benefits for cats, how to transition and confine your cat, and provide a range of guiding supports.
- 3.6 Officers have undertaken preparatory work to better understand potential implications of the December decision to implement the Pilot and plan for contingency. This includes:
 - Ensuring suitable cat enclosure, cat den and cat trap availability, in the event of higher community interest and requests for assistance with roaming cats.
 - Engagement with key internal staff.
 - Liaison with Blue Cross (Council's rehoming provider) and other rehoming providers to explore contingency options for rehoming cats, should there be a marked increase in the number of cats impounded.
 - Liaison with local veterinary clinics to explore introduction of a 'panel' of service providers to ensure the health and wellbeing of animals impounded.
 - Engagement with City of Whittlesea to learn about their recent experiences in implementing a cat confinement order, including resourcing impacts and community feedback.
 - Early engagement has commenced with other key stakeholders including Cat Protection Society and FOMDAC (Friends of Manningham Dogs and Cats) to hear their thoughts on key messaging and input to development of evaluation criteria.
- 3.7 Officers will continue implementation planning and early engagement with key stakeholders to ensure readiness for an April 2024 Order effective date.

Education Phase 1 (January to April 2024 – pre-order effective)

- 3.8 Education Phase 1 will run from January to April, until the commencement of the Pilot in April 2024.
- 3.9 All registered animal owners will be written to regarding the upcoming Pilot via:
 - A flyer included with annual pet registration renewals; and

- A separate, dedicated letter to registered cat owners.
- 3.10 During this time educational material will be circulated that provide information to the community on:
- the introduction of the cat confinement initiative;
 - the benefits of confining cats to their owners' properties;
 - how owners can confine their cats to their properties;
 - the amnesty period that is being provided to assist cat owners to prepare; and
 - Council's compliance strategy in monitoring compliance with the initiative.
- 3.11 Key messaging will be refined and adjusted as necessary ahead of the Pilot commencement in April 2024.
- 3.12 Officers will also develop an operational implementation plan including an assessment of the Pound facility capacity and compliance, staff and resourcing requirements to support the cat confinement order, and further engagement with key stakeholders. This will be further supported by a formal audit of the Pound facility by Department of Agriculture (Bureau of Animal Welfare).

Amnesty Period and Education Phase 2 (April to December 2024)

- 3.13 Upon commencement of the Pilot, an amnesty period of 9 months will be provided to assist in socialising the requirements of the new cat confinement order with pet owners and to provide the community an opportunity to prepare.
- 3.14 Throughout this period, officers will seek to reunite wandering cats with no release fee charged. Infringements will also not be issued to cat owners during this period.
- 3.15 Nuisance or unregistered cats whose owners cannot be identified will be taken into custody in accordance with Council's obligations under the Domestic Animal's Act 1994. Again, infringements will not be issued during this period.
- 3.16 Education will include additional messaging on the amnesty period, the obligations of cat owners and Council's response to cats found straying from their owners' properties.

Compliance and Education Phase 3 (January to December 2025)

- 3.17 Once the amnesty period concludes at the end of December 2024, the compliance phase of the Pilot will commence and will continue until the end of the Pilot in December 2025.
- 3.18 During the compliance stage of the Pilot, officers will continue to take an educative approach to its enforcement with cat owners issued a warning for a first offence and an infringement for any subsequent breaches to the Order, unless there is an appropriate reason for their cat being at large.
- 3.19 Upon commencement of the compliance stage of the Pilot, cats will be taken into custody, which will incur a release fee.
- 3.20 Phase 3 of the education phase will run concurrently with the compliance phase of the Pilot.

Evaluation Activities (Mid Pilot evaluation report - December 2024, Full Trail Evaluation Report - November 2025)

- 3.21 Between January and April 2024, prior to the Order coming into effect and the Amnesty and Education phase commencing, Officers will continue to work closely with key stakeholders to develop a methodology and criteria to assist in evaluating how the pilot is progressing.
- 3.22 The evaluation criteria will include a balance of measures that focus on cat welfare and environment protection and be guided by stakeholder feedback.
- 3.23 An initial evaluation of the Pilot will be undertaken in December 2024 as the Amnesty and Education phase concludes. A report of findings will be presented to Council with recommendations to inform potential changes to approach as the Pilot transitions to the Compliance and Education Phase in its second year.
- 3.24 A second evaluation of the Pilot will be undertaken in December 2025 as the Compliance and Education Phase concludes. A report of findings will be presented to Council with recommendations to inform Council's consideration of continuation of the 24-hour cat confinement initiative.

Current State Analysis**Manningham Pound Facility Capacity**

- 3.25 Local Laws Officers work hard to reunite animals with their owners at first point, without taking them to the Pound.
- 3.26 Local Laws Officers manage and run Council's Pound facility. Council's Pound is a safe environment where animals found wandering can be housed for up to 8 days, or longer if required. The Pound is audited regularly, and cleaned daily, including on weekends. Officers have 24/7 access and are 'on call' to attend to animals in our care.
- 3.27 The Pound is not open to the public for adoptions, instead Council has a Section 84Y agreement with Blue Cross. After 8 days of being held in our Pound facility, animals are transferred to Blue Cross' care for rehoming or adoption.
- 3.28 The Pound will have capacity to house 20 cats ahead of Pilot commencement in April 2024. Improvements including introduction of dens to cat enclosures will provide safer outcomes for both cats and Officers.
- 3.29 During the entire year 2022/2023, a total of 84 cat traps were reactively delivered upon residents' requests, and approximately 90 cats were impounded. This figure includes cats that were surrendered by their owners.
- 3.30 It is unclear whether the number of cat impoundments will increase as a result of the Pilot. Early engagement with Blue Cross (Council's rehoming provider) indicate that they have sufficient capacity to manage a potential influx of cats, including partnerships with other rehoming networks such as Lort Smith Animal Hospital, Lost Dogs Home and Second Chance Rescue. Blue Cross and its network of rehoming providers is considered sufficient at this stage.

- 3.31 Department of Agriculture (Bureau of Animal Welfare) is to undertake a formal audit of the pound facility ahead of Pilot commencement and will focus on Section 84Y agreements, health management plan, compliance with the Code of Practice for Management of Dogs and Cats in Shelters and Pounds, vehicles and animal enclosures. Outcomes will assist with operational implementation planning.

Cat Traps

- 3.32 Between 1 January and 13 November 2023, Council has received 84 requests for cat traps to be dropped off to residents withing Manningham.
- 3.33 Council will have in place 20 cat traps ahead of Pilot commencement in April 2024.
- 3.34 Cat traps will continue to be provided free to residents, with Officers delivering and collecting the traps.

Veterinary Services

- 3.35 Council is committed to ensuring the welfare of cats that come into Council's Pound facility by making sure they are able to receive the veterinary care required, particularly if additional animals are impounded. Council is exploring with the procurement team and local veterinary clinics the possibility of entering into a panel arrangement of S84Y agreements ahead of Pilot commencement in April 2024, thus ensuring preparedness should the Pilot result in an increase to the number of cats being housed within the pound.
- 3.36 Early engagement with veterinary clinics has been positive and will continue, to support operational implementation planning.

Experience at City of Whittlesea

- 3.37 City of Whittlesea implemented a 24-hour cat confinement Order in August 2023. Manningham Officers met with Whittlesea representatives to discuss learnings from the recent implementation.
- 3.38 Whittlesea developed a comprehensive communications plan, utilising various media, and also provided a phased approach to implementing the cat confinement order: Inform – Support – Embed.
- 3.39 At Whittlesea, there has not been a marked increase in the number of cats impounded since the introduction of the cat confinement order. A small spike in surrendered cats was observed in the lead up, but not as many as had been anticipated.
- 3.40 There has however been an influx of requests and nuisance complaints, which have been resource intensive. Whittlesea recommends adequate resourcing is in place to support implementation, and officers will monitor this during the Pilot.
- 3.41 Whittlesea confirm clarity of messaging, including a focus on cat welfare and life expectancy is key. This has also been critical to set up community expectations about the phased approach, and what enforcement looks like (e.g., information and education first).

Animal Aid (Coldstream)

- 3.42 Officers reached out to Animal Aid (Coldstream) to determine their capacity to support Manningham manage a potential influx of cats.
- 3.43 Animal Aid do not at this stage have capacity to take on another Council as they already provide services for 7 other Councils.
- 3.44 Animal Aid support 3 Councils with cat confinement orders (Yarra Ranges, Knox and Wellington). Anecdotally, they have indicated that they have not experienced a change in the number of cats impounded as a result.

Friends of Manningham Dogs and Cats (FOMDAC)

- 3.45 Early engagement with FOMDAC indicates that this key community organisation supports and is interested in collaborating with Council to support implementation of the Pilot. This follows a meeting at FOMDAC's premises in April 2023 where Council officers explained the purpose of the Pilot, and the collaborative approach it proposed to take in implementation of the Pilot - an approach that was supported by most FOMDAC members and other guests (including the Cat Protection Society) by the conclusion of the meeting.
- 3.46 FOMDAC have provided initial guidance to Officers on key messaging and have suggested that they could potentially provide further support by sharing Council communications with their members and networks.
- 3.47 Additionally, an information session hosted at FOMDAC club rooms for members and the community has been suggested for 2024, during the amnesty period.

Cat Protection Society Victoria

- 3.48 Early engagement with the Cat Protection Society indicates general support for confinement of cats to property, citing improved welfare outcomes including increased longevity for confined cats.
- 3.49 The Cat Protection Society have provided initial guidance to Officers on key messaging and emphasised the importance of programs that support and educate cat owners on what is best for them, their cat, and the community.
- 3.50 Partnership opportunities are currently being explored to support the Pilot.

Next Steps

- 3.51 Additional early engagement will continue with key stakeholder groups, including additionally the RSPCA and Middle Yarra Landcare Network.

4. IMPACTS AND IMPLICATIONS

- 4.1 Council Plan 2021-2025. Goal 1.1 – A Healthy, Resilient and Safe Community.
- 4.2 Domestic Animal Management Plan 2022-2025 (actions 2 and 3).

5. IMPACTS AND IMPLICATIONS

5.1 Finance / Resource Implications

The implementation of the cat confinement initiative has been budgeted for in City Safety’s operational budget. A recent service review conducted for the City Safety Unit recommends additional resourcing in order to effectively manage the existing City Safety Unit workload.

This may include generic project and administration resources. The phased approach to Pilot implementation considers, and is anticipated to temper, the impact on staff resourcing. Officers will monitor ongoing by reviewing the number of cat complaints and requests received, as well as the number of cats impounded.

The introduction of the cat confinement order will impact most cat owners, and the community more broadly. A detailed Communications and Engagement Plan inclusive of key messaging has been developed to support each of the implementation phases.

Officers have undertaken preparatory work to better understand other potential implications and plan for contingency.

Officers will continue implementation planning and early engagement with key stakeholders to ensure readiness for an April 2024 Order effective date. It is also noted that an amnesty period is proposed until December 2024.

6. IMPLEMENTATION

6.1 Communication and Engagement

Stakeholder Groups	<ol style="list-style-type: none"> 1. Cat owners 2. Manningham residents more generally 3. Animal welfare / interest groups 4. Veterinary services 5. Rehoming providers 6. Environmental groups 7. Commuters and visitors that are not local residents
Is engagement required?	Yes.
Where does it sit on the IAP2 spectrum?	<p><u>Inform</u>: Key external stakeholders and the community on cat confinement requirements, phased approach to implementation, and reasons.</p> <p><u>Engage</u>: Provide opportunities for key external stakeholders to shape messaging, implementation planning and review criteria.</p>
Approach	<p>Communications and engagement to be carried as detailed above, in four phases.</p> <ol style="list-style-type: none"> 1. Pre-Order Adoption (period to 12 December 2023) 2. Education Phase 1 (January to April 2024 – pre-order effective) 3. Amnesty Period and Education Phase 2 (April to December 2024) 4. Compliance and Education Phase 3 (January to December 2025)

6.2 Timelines

Refer Attachment 1 Implementation Phasing Summary.

7. DECLARATIONS OF CONFLICT OF INTEREST

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

MANNINGHAM CITY COUNCIL – PILOT 24-HOUR CAT CONFINEMENT INITIATIVE - IMPLEMENTATION PHASING SUMMARY

Milestone/ Phase	Oct 23	Nov 23	Dec 23	Jan 24	Feb 24	Mar 24	Apr 24	May 24	June 24	July 24	Aug 24	Sep 24	Oct 24	Nov 24	Dec 24	Jan 25	Feb 25	Mar 25	Apr 25	May 25	June 25	July 25	Aug 25	Sep 25	Oct 25	Nov 25	Dec 25
Pre-order adoption activities	Light Purple	Light Purple	Light Purple																								
Council decision			Yellow																								
Education Phase 1 – (Pre order effective)				Blue	Blue	Blue	Blue																				
Gazettal of Order						Yellow																					
Trial Order has effect							Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green
Amnesty Period							Orange	Orange	Orange	Orange	Orange	Orange	Orange	Orange													
Education Phase 2 (Amnesty)							Blue	Blue	Blue	Blue	Blue	Blue	Blue	Blue													
Compliance Warning phase																Orange	Orange	Orange	Orange	Orange	Orange	Orange	Orange	Orange	Orange	Orange	Orange
Education – Phase 3 (Compliance)																Blue	Blue	Blue	Blue	Blue	Blue	Blue	Blue	Blue	Blue	Blue	Blue
Mid trial evaluation report															Yellow												
Full trial evaluation report																									Yellow		
Council report																										Yellow	

[Insert Council Logo]

COUNCIL ORDER

Cat Confinement

1. On [insert date] Manningham City Council resolved to make an Order pursuant to section 25(2) of the *Domestic Animals Act 1994* regarding cat confinement.
2. In accordance with this Order, an owner of a cat that is kept within the municipal district, must ensure that the cat is securely confined to the owner's premises or the premises where the cat is usually kept, at all times.
3. This Order commences on [insert date of Council resolution] and will continue for a period of 2 years, unless earlier revoked by Council.
4. In this Order, the term 'Owner' has the same meaning as used in the *Domestic Animals Act 1994* and includes the registered owner.

Dated:

Andrew Day
Chief Executive Officer

10.2 Endorsement of Liveable Places and Spaces Advisory Committee (LPSAC) Community Members

File Number:	IN23/773
Responsible Director:	Acting Director City Planning
Attachments:	1 Terms of Reference - Liveable Places and Spaces Advisory Committee ↓
	2 Confidential - Recommended Community Member Appointments to the LPSAC (confidential)

PURPOSE OF REPORT

The purpose of this report is to seek Council endorsement of 14 community members to join the new Liveable Places and Spaces Advisory Committee (LPSAC).

EXECUTIVE SUMMARY

Council endorsed the Terms of Reference for the Liveable Places and Spaces Advisory Committee (LPSAC) at the 30 May 2023 meeting of Council.

The LPSAC is being established to implement the objectives of the Liveable City Strategy 2040 through ensuring an integrated approach to land use matters including housing, transport, passive open space, activity centres and urban design that promotes a resilient, inclusive, and well-connected community.

An Expressions of Interest (EOI) process seeking community membership was conducted between late July and mid-October 2023, during which time the advertising dates were extended to capture a wider audience. A total of 16 applications were received and assessed by officers, with 14 community members recommended for membership. The first meeting of the committee will occur on 28 February 2024.

1. RECOMMENDATION:

That Council:

- A. Notes the officer recommendations for the appointment of 14 community members to the Liveable Places and Spaces Advisory Committee (LPSAC).**
- B. Appoints the recommended community members as tabled in confidential attachment 2 to LPSAC with the appointments to be made publicly available in the Council minutes.**

2. BACKGROUND

- 2.1 Council's advisory committees provide a formal way for Council to seek input and guidance from the community. This guidance is used to support quality decision making and help Council to achieve its goals and objectives under the Council Plan.

- 2.2 The purpose of the LPSAC is to provide community representation and advice regarding the implementation of the Liveable City Strategy 2040 (LCS). The LCS is Council's 20-year aspirational long-term vision to improve the liveability of Manningham, across our urban/suburban neighbourhoods to our rural areas – protecting our balance of city and country and providing choice in how we live, work and play.
- 2.3 This Committee will contribute by ensuring an integrated approach to land use matters including passive open space, transport and environment, aligned to Manningham Council Plan 2021-25 goals under the 'Liveable Places and Spaces' theme. It will serve a strategic focus only, with the committee to assist in workshopping active projects in draft or under development.
- 2.4 Council endorsed the Terms of Reference for the Liveable Places and Spaces Advisory Committee (LPSAC) at the 30 May 2023 meeting of Council. A copy of the Terms of Reference (ToR) is contained as Attachment 1. This triggered the commencement of the call for Expressions of Interest (EOI) for membership.
- 2.5 Membership recruitment opened in late July 2023 and closed on 15 October 2023. The call for Expressions of Interest was promoted across local media channels including Council's website, Manningham Matters, social media and by invitation to relevant local and peak agencies and community organisations.
- 2.6 Every effort, including targeted recruitment where appropriate, was made to ensure a representative cross section of the Manningham community nominated to serve on the committees, as intended by the respective Terms of Reference, specifically seeking:
- 10 to 15 community members (ideally up to 12)
 - Spread across the municipal geographical area (Urban – 75% (6-7) & Green Wedge 25% (2-3))
 - Diversity of member skills including those with technical background (academics, field professionals, university graduates etc)

3. DISCUSSION / ISSUE

- 3.1 A total of 16 nominations were received.
- 3.2 Following a review of applicants, 14 nominees are recommended for the LPSAC membership for a 3-year term from start of 2024 to end of 2026. Details of the recommended nominees are shown in confidential attachment 2.
- 3.3 The 14 committee members reside in many suburbs across the City of Manningham, including to represent the Green Wedge areas (Warrandyte) and widely across the urbanised areas in the western part of Manningham. They also represent a broad range of demographic and skillset as recommended in the Terms of Reference.
- 3.4 The Terms of Reference stipulate that the initial list of community members needs to be formally endorsed by Council.

4. COUNCIL PLAN / STRATEGY

4.1 The establishment of the LPSAC is aligned to the Manningham Council Plan 2021-25 goals under the ‘Liveable Places and Spaces’ theme. The LPSAC is namely underpinned by the Liveable City Strategy 2040.

5. IMPACTS AND IMPLICATIONS

5.1 Advisory committees provide a formal way for Council to seek input and guidance from the community. This guidance is used to support quality decision making and help Council to achieve its goals and objectives under the Council Plan. The Committees act in an advisory capacity only and have no delegated authority to make decisions on behalf of Council.

5.2 Finance / Resource Implications

The administration of advisory committees is resourced through the operational budgets of the Integrated Planning Unit.

6. IMPLEMENTATION

6.1 Communication and Engagement

Stakeholder Groups	<p>1. Individual community members with interest or experience in general land use matters.</p> <p>2. Individual professionals working within relevant topics/industries but not formally representing organisations or peak bodies.</p>
Is engagement required?	Yes
Where does it sit on the IAP2 spectrum?	Consult Involve Collaborate
Approach	<p>The communications plan for the call for expressions of interest included the local media, Manningham Matters, on Council’s website and social media and by invitation to relevant local and peak agencies and community organisations.</p> <p>All nominees have been contacted to advise of their shortlisting and will be contacted following the outcome of the application process. Unsuccessful nominees will also be notified.</p>

6.2 Timelines

6.2.1 The new committee will commence its role at the first meeting on 28 February 2024.

6.2.2 Once members have been appointed, the advisory committees will continue to convene quarterly meetings, at a time and place determined by the respective committee Chairperson in consultation with the relevant advisory committee memberships.

6.2.3 This committee will sunset by 31 December 2026.

7. DECLARATIONS OF CONFLICT OF INTEREST

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

Liveable Places and Spaces Advisory Committee (LPSAC) Terms of Reference

<p>What is the Liveable Places and Spaces Advisory Committee?</p>	<p>To provide community representation and advice regarding the implementation of the Liveable City Strategy 2040 (LCS). The LCS is Council's 20-year aspirational long-term vision to improve the liveability of Manningham, across our urban/suburban neighbourhoods to our rural areas – protecting our balance of city and country and providing choice in how we live, work and play.</p> <p>This Committee will contribute by ensuring an integrated approach to land use matters including housing, transport, passive open space, activity centres and urban design that promotes a resilient, inclusive and well-connected community.</p>
<p>1. Purpose</p>	<p>The Liveable Places and Spaces Advisory Committee provides a formal way for Council to seek input and guidance from the community. This guidance is used to support quality decision making and help Council to achieve its goals and objectives under the Council Plan. The Liveable Places and Spaces Advisory Committee will act in an advisory capacity only and has no delegated authority to make decisions on behalf of Council.</p>
<p>2. Role and Objectives</p>	<p>The role of the Advisory Committee is to provide a direct link between Council and people who have expertise, knowledge, skills and/or lived experience in various matters related to land use planning, featured around open space, land use, transport, environment and urban design.</p> <p>Advisory Committee members will:</p> <ul style="list-style-type: none"> • Provide a representative sample of expert, independent and authentic voices of people with an ability to advise on current and emerging trends in the community or relevant sector. • Contribute constructively to support the delivery of key Council strategies, policies and plans, including Manningham's Council Plan 2021-2025, Liveable City Strategy 2040, Transport Action Plan 2021 and Manningham Open Space Strategy 2014. • Provide strategic advice and direction on the development and review of key Council strategies, policies and plans. • Contribute to the work of other Advisory Committees where relevant as subject matter experts. • Report to Council via the tabling of Advisory Committee minutes at Council meetings, and via an annual reporting template regarding the Advisory Committee's activities, advice and achievements.
<p>3. Delegated authority and decision making</p>	<ul style="list-style-type: none"> • Advisory Committees provide advice to Council and officers to assist their decision making. • In accordance with Section 124 of the <i>Local Government Act 2020</i>, it is an offence for a councillor to direct or seek to direct a member of Council staff in the performance of specific types of tasks and specifies a maximum penalty level.
<p>4. Chairperson</p>	<ul style="list-style-type: none"> • Meetings will be chaired by a Manningham Councillor, nominated by Council on an annual basis. If the Chairperson is absent, a Councillor representative will chair the meeting in order to maintain a quorum. • Meetings will be chaired in a way that promotes respectful discussion of the issues, to arrive at an agreed view that fairly reflects the sense and will of the meeting.



¹ Liveable Places and Spaces Advisory Committee – Terms of Reference
Approved by Council: 30 May 2023 / Review Date: 30 May 2027

	<ul style="list-style-type: none"> The Councillor Chairperson is responsible for reporting to Council any matters of interest that arise as part of meeting procedures.
5. Membership	<ul style="list-style-type: none"> At least two (up to three) Councillors appointed annually, one who acts as Chairperson and one as Deputy Chairperson. A range of volunteer Committee members (up to fifteen (15) appointed by Council through an expression of interest, selection and endorsement process to provide a mix of: <ul style="list-style-type: none"> Local community organisations; Community members (residing in the City of Manningham) with relevant skills and experience, if relevant; representation from both urban and Green Wedge areas of the City of Manningham. Council officers comprising: <ul style="list-style-type: none"> Director City Planning and/or Manager Integrated Planning; Coordinator City Planning and/or Coordinator City Design; Secretariat; and Subject matter expert/s
6. Co-opted Membership	<ul style="list-style-type: none"> Representatives from other local, state or federal governments departments, consultants and council may be invited to attend Advisory Committee meetings to provide specific advice on an as-need basis, and do not contribute to the Advisory Committee's quorum.
7. Quorum	<ul style="list-style-type: none"> 50% plus one comprising: <ul style="list-style-type: none"> One councillor or delegated representative; Five community representatives; and One officer.
8. Membership Criteria	<ul style="list-style-type: none"> Applications will be assessed against the specific criteria as follows: <ul style="list-style-type: none"> Represent diversity including age, gender, sexuality, ability, cultural background, intersectionality and geographic location. Demonstrated commitment to actively and constructively contributing to the Advisory Committee. Willingness and ability to engage in open and respectful discussions that add value to the Advisory Committee. Availability to attend 80% of the meetings scheduled throughout the year. Willingness to sign a Code of Conduct for Committee members and abide by the terms of appointment (see Section 11 below). NOTE: Priority will be provided to selecting community members who can demonstrate experience in technical matters that underpin the various disciplines of this committee, including innovation and future-thinking ideas.
9. Membership Appointment	<ul style="list-style-type: none"> Expressions of interest for the full Advisory Committee membership will be sought in the local media, on Council's website or by invitation to relevant local or peak agencies or community organisations: <ul style="list-style-type: none"> Nominations shall be submitted via the Council form (available on Council's website) within the advertised nomination period; Inclusive techniques will be used to ensure access for the broadest reach possible; Applicants will be supported to access, complete and submit the form in the way that best suits them; and Applications will be assessed by officers and recommendations will be presented at a Council meeting for formal approval.



	<ul style="list-style-type: none"> • Casual vacancies that occur due to a representative resigning or membership lapsing may be filled by co-opting suitable candidates identified from the most recent selection process for the remainder of the previous incumbent’s term: <ul style="list-style-type: none"> ○ Officers, in consultation with the chairperson, will make a recommendation to the Chief Executive Officer to appoint a suitable candidate to join the Advisory Committee for the remainder of the previous incumbent’s term; ○ Where there are no suitable candidates identified, a formal expression of interest and formal Council endorsement is required (as outlined earlier in Section 9); and ○ Where a vacancy occurs within six (6) months of the current membership term expiring, and providing that a quorum is maintained, there is no requirement to fill the vacancy for the remainder of the term.
<p>10. Membership Responsibilities</p>	<ul style="list-style-type: none"> • Councillors are bound by the Councillor Code of Conduct. • Council officers are bound by the Employee Code of Conduct. • Committee members are bound by an Advisory Committee member Code of Conduct, which includes the following: <ul style="list-style-type: none"> ○ Act with integrity; ○ Act with impartiality and exercise responsibility in the interests of the local community; ○ Not seek to confer an advantage or disadvantage on any person, including one’s self; ○ Disclose any actual or perceived conflict of interest; ○ Undertake Council values, WE ARE Manningham; ○ Take reasonable care of one’s own health and safety and that of others; ○ Commit to regular attendance at meetings, a minimum of 80%; Members should provide an apology, preferably in writing to the Chair and relevant officer as soon as they are aware that they cannot attend a meeting; ○ Commit to active contribution to the work of the Committee; ○ Committee members must defer any media enquiries to the Chairperson in the first instance and should not to respond as a representative of the Committee; ○ Committee members are also bound by Council’s Social Media Policy and must not respond to any media enquiries, but refer same to the Chairperson or Secretariat; and ○ Online behaviour should be consistent with the behaviours outlined above. Committee members must not engage in any conduct online that would not be acceptable in their workplace or that is unlawful. For example, do not make derogatory remarks, bully, intimidate, harass other users, use insults or post content that is hateful, slanderous, threatening, or discriminating. • A breach of the Code of Conduct may result in Committee membership terminating.
<p>11. Appointment Terms</p>	<ul style="list-style-type: none"> • Councillor representatives are appointed annually by Council. • Volunteer community representatives are appointed for the full three (3) year period: • A member of the Committee may resign at any time. Notice of resignation or change of service provider/organisation representation can be made at any time in writing to the Chairperson and the Secretariat; • Service providers and community organisations are able to appoint and/or substitute a representative at their discretion; and



	<ul style="list-style-type: none"> • If a Committee member fails to attend three (3) consecutive meetings without giving prior notice, membership is deemed to have lapsed.
12. Committee Administration	<ul style="list-style-type: none"> • The Secretariat will be responsible for preparation of meeting agendas, minutes, reports and other administrative functions: <ul style="list-style-type: none"> ○ Each agenda must commence with an Acknowledgement of Country; and ○ An agenda, prepared in consultation with the chairperson, will be circulated to Committee members a minimum of seven (7) days prior to the meeting. • Secretariats will be experienced in minuting Advisory Committees and the public distribution of minutes; and/or provided with appropriate training. • Committee members should familiarise themselves with the agenda material prior to the meeting and come to meetings prepared and informed. • Draft minutes of the Committee meeting will be circulated to Committee members within two weeks of the meeting. • Confirmed Committee meeting minutes will be tabled at the next Ordinary Meeting of Council and published on Council's website. • The Liveable Places and Spaces Advisory Committee will submit a written report and/or presentation to Council by November each year; summarising the Committee's activities and achievements for the preceding 12 months, and ensuring continued alignment with Council's strategic objectives.
13. Meeting Procedures	<ul style="list-style-type: none"> • Quarterly meetings will be pre-scheduled, at a time and place determined by the Chairperson in consultation with the Advisory Committee. • Additional meetings will be subject to approval by both the Chairperson and the relevant senior Council Officer. • With the exception of co-opted members, meetings are closed to the general public. • Any Councillor may attend any Advisory Committee meetings to observe. • Committee members provide advice, as far as practicable, on a consensus basis. • Committee members are supported by Council to participate in meetings remotely if unable to physically attend. • Committee members must not disclose information that they know, or should reasonably have known is confidential information. • Committee members have an obligation to not disclose any materials or information that is not publicly available unless approved by the Chairperson or a representative of Council. • Any actual or perceived conflicts of interests should be declared by Councillors, Committee members, or officers prior to the agenda item discussion, with the relevant Committee member leaving the room, with the declaration and absence recorded in the meeting minutes.
14. Review	<ul style="list-style-type: none"> • The Committee's terms of reference, membership, and productivity will be reviewed at least once every three years to ensure currency and effectiveness. • The Councillor Chairperson is responsible for reporting to Council on the Committee's progress and achievements on behalf of the Committee. • The terms of reference may be revoked at any time by Council. • The Liveable Places and Spaces Advisory Committee will sunset three years from the date of adoption.



⁴ Liveable Places and Spaces Advisory Committee – Terms of Reference
Approved by Council: 30 May 2023 / Review Date: 30 May 2027

Definition of Key Terms	Advisory Committee	Manningham Council's <i>Advisory Committee Policy 2019 - 2023</i> defines the main function of an Advisory Committee as enabling stakeholder engagement that provides input and guidance to support quality decision making and in turn, the achievements of Council's goals and objectives under the Council Plan. Advisory Committees facilitate access to independent advice from external stakeholders and collaboration with the community on a range of matters. Advisory Committees generally have a lifespan beyond one year and are aligned with a Council plan or strategy.
	Chairperson	The person appointed to facilitate an Advisory Committee meeting, in this case, a Councillor.
	Co-opted membership	Appointment to membership of an Advisory Committee by invitation of the existing members.
	Council	The Councillor group participating in decision making at a formally constituted Council meeting.
	Councillor	Elected representatives of Manningham City Council.
	Intersectionality	The combination of various characteristics such as age, gender, cultural background, sexuality and ability that contribute to a person's lived experience, and in some cases may lead to discrimination or disadvantage.
	Officer or Council Officer	An employee of Manningham City Council.
	Peak body	A non-government organisation that consists of individuals or smaller organisations that are united by a shared purpose.
	Quorum	The minimum number of Committee members required for a Committee meeting to proceed.
	Secretariat	The senior Officer appointed to administer the Advisory Committee, such as the service area Coordinator.
Strategic	Relating to the goals and objectives contained within documents such as the Council Plan, and how to achieve them.	

11 CONNECTED COMMUNITIES

11.1 Pricing Policy for use of Council Active Open Space

File Number:	IN23/740
Responsible Director:	Director Connected Communities
Attachments:	<ol style="list-style-type: none">1 Pricing Policy for Use of Council Active Open Space ↓2 Consultation Report - Pricing Policy for use of Council Active Open Space ↓3 Summary of Fees - Pricing Policy for Use of Council Active Open Space ↓

PURPOSE OF REPORT

The purpose of this report is to outline the outcomes from the community consultation phase for the Pricing Policy for use of Council Active Open Space. This report seeks endorsement of the Policy, including the proposed changes which respond to the consultation outcomes.

EXECUTIVE SUMMARY

Officers commenced a review of the Seasonal Sports Pricing Policy in 2019, engaging a consultant to lead the Policy review and provide independent recommendations on the Policy content. The key aim of the review was to develop a Policy that creates equality, rather than unsustainable fee increases for user groups.

Since engaging the consultant in 2019, significant consultation has been undertaken on a draft Pricing Policy for use of Council Active Open Space (Policy).

Surveys, workshops, and targeted emails to sporting clubs occurred in June 2022, seeking feedback on a non-endorsed draft Policy. Following refinement of the draft Policy based on the feedback received, Council endorsed the draft to be released for a further round of consultation in March 2023.

Feedback received from the most recent consultation in March 2023 identified several items for review, including:

- **Synthetic soccer pitch fees**

Previously, the hourly fee for synthetic pitches was not proposed to be amended. Further consultation has however identified that this figure is cost prohibitive for seasonal clubs. The Policy recommends retaining the hourly fee model, however reducing from the current 83% maintenance cost recovery (as currently listed in Council's Annual Budget) to a 35% cost recovery. This provides consistency with the remainder of the Policy.

- **Turf cricket wicket fees**

The Policy proposes to reduce the cost recovery from 50% (as listed in the previous draft Policy) to 35%. This amendment ensures the fees reflect a recent change in the maintenance model and are also not cost prohibitive for user groups.

- **Utility costs**
Internal consultation has identified an opportunity to consolidate utility costs into user group fees. In this instance, utility costs for sports field infrastructure (e.g. floodlights) have been embedded into the fees and charges. This aims to create an improved streamlined process, to reduce the workload required for both Officers and user groups under the current resource intensive process.
- **CPI Increases**
The fees and charges framework was developed using figures obtained in 2020. Since that time CPI has risen by 15.38%, resulting in the original figures not accurately reflecting current maintenance costs. To address this, all fees have had a 15.38% increase applied to reflect the CPI increases.

Endorsement of the Policy including the recent amendments, as well as the proposed implementation program is being sought. Implementation of the Policy is proposed to commence immediately, with:

- *Decreased synthetic soccer pitch fees applied for use immediately following policy endorsement.*
- *Other fee decreases applied at the beginning of the 2024 winter allocation period (1 April 2024).*
- *Fee increases deferred for a 12-month period, with implementation to commence in the 2025 winter season and be increased across a 3-year period.*

1. RECOMMENDATION

That Council endorse:

- A. the Pricing Policy for use of Council Active Open Space.**
- B. the proposed implementation program.**

1. BACKGROUND

- 1.1 In response to an action within the Active for Life Recreation Strategy 2010-2025 (2019 Review), a review of the Seasonal Sports Pricing Policy has been undertaken. This review has seen a significant amount of work completed including engaging a consultant to undertake the policy review, significant benchmarking against other Councils, reviewing our maintenance practices and the financial impact of this maintenance, and completing various fee modelling scenarios. A considerable amount of internal consultation was also completed including presenting at numerous Executive Management Team and Strategic Briefing Session meetings. This work resulted in the development of a draft Pricing Policy for Use of Council Active Open Space (Policy).
- 1.2 The draft Policy was presented to Council at the 3 May 2022 Strategic Briefing Session to seek support to proceed with a preliminary community consultation process. Following this endorsement, Officers sought feedback on the draft Policy from sporting clubs that tenant a Council outdoor sporting facility. This process included an online survey and a workshop attended by 18 sporting club representatives.

- 1.3 The feedback received from this process informed the next iteration of the draft Policy, which was subsequently endorsed as a 'draft' at the 28 February 2023 Council meeting, to proceed to further community consultation. In March 2023 a detailed community consultation process was undertaken which incorporated a workshop with user group representatives, along with a Your Say Manningham Survey. Direct emails and phone calls to key stakeholders was also completed.
- 1.4 The feedback received from this consultation process has informed proposed changes to the draft Policy, namely synthetic soccer pitch fees. Further internal consultation also identified proposed amendments to turf cricket wicket charges, utility costs and the application of CPI increases. The feedback has informed the final Policy (attachment 1), with a Consultation Report summarising all feedback received found at attachment 2.

2. DISCUSSION / ISSUE

- 2.1 As part of the community consultation phase, detailed feedback was received on the fee framework for synthetic soccer pitches. Furthermore, an alternate maintenance method was identified for turf cricket wickets, and as such further investigation was required to determine an accurate fee to reflect the change.
- 2.2 Synthetic Soccer Pitch Fees
 - 2.2.1 The draft Policy that was presented to user groups had no change to the current fee model for use of synthetic turf soccer pitches. That is, the current charge of \$47.60 for community groups would remain and increase by CPI annually. This decision was supported by benchmarking of other Councils which suggested the fee is reasonable, as well as the aim of creating a balance between affordability and paying for use of a high-quality asset.
 - 2.2.2 The community consultation process identified several concerns around this cost model, including the inequity between how synthetic pitches are charged versus how a turf pitch is charged. Feedback also suggested the current fee model creates a financial burden on users. Suggestions were received including amending the fee model to either have an hourly rate recouping 35% maintenance, or create a team fee, both of which are consistent with the turf sports field fee framework.
 - 2.2.3 Further investigation has been undertaken to substantiate the feedback received, with Officers acknowledging that amendments to the fee model can address financial barriers to access. As a result, further fee modelling was undertaken with the community's suggestions in mind. This included analysing an hourly fee based on a 35% cost recovery model, and a seasonal team fee.

Hourly Rate – 35% Cost Recovery

Turf sports field fees are calculated using a 35% cost recovery model. The current hourly rate for use of synthetic soccer pitches is \$47.60, which recoups approximately 83% of total maintenance costs. Should a 35% cost recovery model be applied to the hourly rate, it would see the fee reduce from the current \$47.60 to \$18.97. Further concessions may apply in line with section 2.10 of the Policy.

Team Fee – 35% Cost Recovery

To calculate a team fee, the current annualised maintenance cost for a synthetic pitch was considered, along with the average teams allocated across the 3 synthetic pitches. Applying the 35% cost recovery model results in a proposed senior team fee of \$2,766.52. This method of calculation is consistent with how the team fee for turf sports fields is calculated, and it would be subject to concessions being applied.

Officer Recommendation

Officers propose to retain the hourly fee model, however reducing the cost recovery percentage to 35% (\$18.97 per hour). This fee model provides consistency across other synthetic surfaces (e.g. athletics) and allows greater flexibility for users to utilise the pitch how they see fit (e.g. training 4 teams using ¼ pitch each).

Officers also propose an amendment to commercial and private user fees. It is proposed that private and commercial users located within Manningham would be charged \$54.19 per hour, which represents a 100% cost recovery figure, with commercial users outside of Manningham to be charged \$162.57 per hour, which represents triple the private user fee. This is consistent with the remainder of the policy.

Use of the small sided pitch at Anderson Park would remain as an hourly fee, which is calculated as 25% of the full sized pitch hourly fee (\$4.74 per hour for seasonal users based in Manningham). Different rates are applied for community and commercial users.

2.3 Turf Cricket Wicket Charges

2.3.1 The turf cricket wicket charges within the previous iteration of the Draft Policy were calculated based on the maintenance costs in 2020. Since that time, the management model for turf wicket maintenance has changed, with turf wickets now being maintained by an external contractor. As a result of the new maintenance model, the overall cost to maintain the wickets has changed. To reflect the current maintenance costs, Officers and the Consultant have reviewed the fee model and updated it with new pricing.

2.3.2 Overall, the new maintenance costs result in an average increase of \$4,170 per reserve compared to the fees listed in the previous draft Policy. Whilst this increase more accurately reflects the quality of facilities that are now being produced, under the current fee model it would see further increases to user fees. To respond to this, Officers and the Consultant calculated fees based on a 35% cost recovery model, which is consistent with the remainder of the Policy. By applying the 35% cost recovery, the total fees collected through all turf cricket wickets remains relatively consistent with the proposed fees within the original draft Policy, which aimed for a 50% cost recovery. This fee calculation method ensures the fees accurately reflect the current maintenance costs, ensures alignment with the remainder of the Policy, and ensures the fee is not cost prohibitive to user groups.

Officer Recommendation

Officers recommending proceeding with the amended fee structure of a 35% cost recovery, based on the current maintenance model for turf cricket wickets.

2.4 CPI Increases

2.4.1 The review of the Seasonal Sports Pricing Policy commenced in 2019, which included obtaining 2019/20 maintenance data. CPI increases since this time mean that any fees based on the original figures do not reflect the current day cost. To address this, CPI has been applied to turf sports field fees. This has resulted in the figures being 15.38% greater than those used for the community consultation phase, which is the measured CPI rate. Fees for synthetic soccer pitches and turf cricket wickets have not had CPI applied as these are recent figures.

2.4.2 A summary of fees can be found at attachment 3.

2.5 Utility Costs

2.5.1 Council currently has several utility accounts under its name, primarily electricity accounts relating to the use of sports field infrastructure such as floodlights and electronic scoreboards. In these instances, Officers receive the invoice from the utility provider and pay them accordingly. An invoice requisition is then raised by Officers, which is sent to the user group for payment. This manual process is resource intensive and as such, a more streamlined process has been proposed in the Policy.

2.5.2 It is proposed to incorporate utility costs for use of sports field infrastructure into a user group's fees and charges. A fee will be calculated for each site where a utility account is in Council's name and will be based on previous usage and consumption. It is proposed that this fee would be reviewed yearly to ensure it accurately reflects the user group's consumption.

3. COUNCIL PLAN / STRATEGY

3.1 The Pricing Policy for use of Council Active Open Space directly responds the following action from Council's Active for Life Recreation Strategy 2010-25 (2019 Review):

3.1.1 Action 1.3.2 – Review Council's Seasonal Sports Pricing Policy for sports field playing surfaces and update to ensure equity amongst users, with consideration to Council's Community Infrastructure Plan.

3.2 The Pricing Policy also responds to the following Council documents:

3.2.1 Council Plan 2021-25

Goal 1.1 – A healthy, safe and resilient community.

Identify strategies to get people to be more active at all stages of life to increase participation in juniors, women, culturally diverse and other priority groups.

Goal 2.4 – Well utilised and maintained community infrastructure.

Proactively plan, upgrade and improve our recreation facilities to ensure they are maintained and accessible for a broad range of community uses.

3.2.2 Health and Wellbeing Strategy 2021-25

Priority 3 – Increased active lifestyle.

Priority 7 – Increased connection to and engagement in community life.

4. IMPACTS AND IMPLICATIONS

4.1 Finance / Resource Implications

4.1.1 The Team fee model for natural turf sports fields has been developed to ensure the 35% cost recovery model can be achieved (before concessions are applied). It is noted that the team fee figures were based on the number of teams that utilised Council's sports fields in 2020. The figure calculated was then used for multiple community consultation sessions and has been built into the final Policy. Given the figure was developed 3 years prior, it has resulted in the 35% cost recovery target not specifically being met. This is due to some clubs merging and reducing their team numbers, other clubs not requiring allocations, and some clubs reducing their team numbers overall. The anticipated income for turf sports fields currently sits at 29% or \$304,388.27 prior to concessions being applied. With concessions applied, it is anticipated that an annual income of \$202,517 will be received, representing a cost recovery of 19.3% against the maintenance cost of \$1,050,488.

4.1.2 The overall financial impact resulting from the Policy is an increase of \$81,685.42, across all seasonal and annual outdoor active open space. This is compared to current income levels based on the existing Policy. For turf sports fields, the Policy will see an additional \$87,018 in overall income annually compared to current income levels. This is primarily due to the existing Policy not meeting its cost recovery objective. Furthermore, turf cricket wickets will see an additional \$38,522.05 in income, which is the result of a change in the cost recovery model. Conversely, synthetic soccer pitches will see a decrease of \$41,744.20 compared to current income as the cost recovery model has decreased, whilst the Tom Kelly Athletics Track will see a decrease of \$2,207.08, as the fee model more accurately reflects maintenance costs.

4.1.3 In total, approximately 35% of the user groups on seasonal, annual and lease agreements will experience a decrease in fees. 35% of user groups will experience nominal increases (under \$1,500), with the remaining 30% to experience an increase of \$1,500 or more. These figures do not consider users of turf wickets, users of synthetic soccer pitches (it is proposed that all users will experience a significant decrease in fees) or pavilion use (governed under the Community Facilities Access and Concession Policy).

4.1.4 The impacts of cost of living and other financial pressures are acknowledged. The aim of this Policy is to create equality, not unsustainable fee increases for user groups. Officers will support all clubs that experience financial hardship through providing payment plans and further resources around financial management, sponsorship, strategic planning, and other important sustainability topics.

Implementation Program

4.1.5 Any user groups with a seasonal, annual or turf wicket fee that is projected to increase, will not have the full increase applied in the first year. The increase will be deferred for 12 months with implementation commencing from the winter 2025 allocation period. For the winter 2024 and summer 2024/25 allocation periods, user groups impacted by increased fees will be charged a maximum of what they were charged the previous season, plus CPI. Implementation of fee increases will commence from the winter 2025 season and will occur over a 3-year period. This will see the fee increased by 33.33% year on year for 3 years (plus standard CPI increases) commencing from the 2025 winter season. An example of how this will be applied is as follows:

- 2025/26 Fee – This fee is calculated by increasing the 2024/25 fee by 33.33%, plus the standard CPI increase.
- 2026/27 Fee – Increasing the 2025/26 fee by 33.33%, plus standard CPI increase.
- 2027/28 Fee – Increasing the 2026/27 fee by 33.33%, plus standard CPI increase.

4.1.6 To demonstrate this impact, 3 case studies based on actual club fees are provided below based on the proposed fees.

Club A

Club A has a proposed fee of \$3,864.25, which is an increase of \$814.99 from their current fee of \$3,049.26. Across the proposed 3 year implementation period, Club A’s fees will increase by \$271.66 per annum plus CPI.

Proposed Fee	Year 1 Fee	Year 2 Fee	Year 3 Fee
\$3,864.25	\$3,320.92	\$3,592.59	\$3,864.25

Club B

An increase of \$1,485.10 is proposed for Club B, who’s current fees are \$2,249.63. The proposed implementation plan will see Club B’s fees rise by \$495.03 per annum plus CPI.

Proposed Fee	Year 1 Fee	Year 2 Fee	Year 3 Fee
\$3,734.73	\$2,744.66	\$3,239.70	\$3,734.73

Club C

Club C’s proposed fee of \$4,979.65 is \$2,156.47 higher than their current fee of \$2,823.18. Over the proposed 3 year implementation period, Club C will have a \$718.82 increase per annum plus CPI.

Proposed Fee	Year 1 Fee	Year 2 Fee	Year 3 Fee
\$4,979.65	\$3,542.00	\$4,260.83	\$4,979.65

4.1.7 It is proposed that the amended synthetic soccer pitch fees will be applied for any use directly following the Policy endorsement. Across the 2022/23 summer and 2023 winter allocation periods, a total of \$101,440 income was received through fees and charges for synthetic soccer pitches. This income will reduce to \$59,695.80 in year one with the new fee structure, representing a 35% cost recovery. This estimate is based on previous allocated hours and is subject to seasonal variation.

4.1.8 All other fee decreases will be applied from 1 April 2024.

4.1.9 The financial implications to Council of the proposed delayed implementation of fee increases is as follows. The tables below do not consider CPI increases, however it is noted that CPI increases would be applied each year.

Turf Sports Fields

Year	Income (with concessions)	Expenditure (excl. CPI increases)	Differentiation	Cost Recovery % (with concessions)
2024	\$115,499	\$1,050,488	\$934,989	11%
2025	\$149,811	\$1,050,488	\$900,677	14.3%
2026	\$176,164	\$1,050,488	\$874,324	16.8%
2027	\$202,517	\$1,050,488	\$847,971	19.3%

Turf Cricket Wickets

Year	Income	Expenditure (excl. CPI increases)	Differentiation	Cost Recovery %
2024	\$26,013.40	\$184,387	\$158,373.60	14.1%
2025	\$38,854.08	\$184,387	\$145,532.92	21.1%
2026	\$51,694.76	\$184,387	\$132,692.24	28%
2027	\$64,535.45	\$184,387	\$119,851.55	35%

4.1.10 The above implementation plan is considered a reasonable and balanced approach. It considers the current club environments, ensures equity in fees and charges, and allows Council Officers time to work with impacted clubs through upskilling in areas including financial management, fundraising and sponsorship.

5. IMPLEMENTATION

5.1 Communication and Engagement

Stakeholder Groups	<ol style="list-style-type: none"> 1. Sporting clubs 2. Casual users of reserves (e.g. schools) 3. General community members
Is engagement required?	Engagement occurred throughout the development of the Policy. No further engagement is required to inform changes to the Policy, however an inform piece is now required as part of the Policy implementation.
Where does it sit on the IAP2 spectrum?	Inform
Approach	Following endorsement of the Policy, all user groups of Council’s outdoor sporting facilities will be informed of the new Policy. Communication will occur via email, the Recreation Newsletter, updated Yoursay Manningham page and direct phone calls and emails to high impacted users. A suite of communication materials is also being developed to respond to any media enquiries.

5.2 Timelines

5.2.1 Following endorsement of the Policy, implementation is proposed to commence immediately as outlined in section 4.1.5 onwards of this report.

6. DECLARATIONS OF CONFLICT OF INTEREST

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

Policy Register

Pricing Policy for Use of Council Active Open Space

Draft - not approved

Policy Classification	- TBA
Policy N°	- TBA
Policy Status	- Draft
Responsible Service Unit	-
Authorised by	- TBA
Date Adopted	- TBA
Next Review Date	- TBA

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

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

Commercial In Confidence ©



**Policy Register
Pricing Policy for Use of Council Active
Open Space**



Contents

1.0 PURPOSE 2
2.0 POLICY STATEMENT 2
3.0 SCOPE OF POLICY 13
4.0 RESPONSIBILITY 13
5.0 DEFINITIONS 13
7.0 SUPPORTING PROCEDURES 15
8.0 ACTION PLANS 15
9.0 GUIDELINES 15
10.0 RELATED LEGISLATION 15
11.0 SUPPORTING RESEARCH AND ANALYSIS 16
12.0 DOCUMENT HISTORY 16

Policy Register Pricing Policy for Use of Council Active Open Space



1.0 PURPOSE

The purpose of this policy is to provide a pricing framework for the use of Council's outdoor active spaces by incorporated user groups, schools, private users and commercial hirers where fees and charges apply.

This policy sets out the terms and conditions offered by Council, including concession levels for sporting clubs and other hirers using these facilities.

2.0 POLICY STATEMENT

This policy outlines the pricing framework for the use of outdoor active spaces in a fair, transparent and consistent way. It indicates the level of fee applicable to each facility, the rationale for this as well as any concessions that are offered by Council to increase participation, address inequity and support community benefit and enhanced wellbeing.

This policy recognises that financial contributions received from user groups through fees and charges support Council's operations to meet the expectations of our community. The level of income received through fees and charges directly impacts the quality of the playing surfaces. As such, the fees applied for the use of sports fields by user groups, results in meaningful outcomes for both the user group and the community.

2.1 Guiding Principles

The principles set out below will be used by Council to determine the fees to be charged for the use of the Council owned outdoor sport and recreation facilities to which this Policy applies.

- **Equitable and Inclusive access;** Council wishes to actively encourage the participation of groups that may be under-represented in outdoor sports through providing a fee concession.

For the purposes of this policy underrepresented groups include the following:

- Females participating in male dominated sports such as Football, Soccer, Cricket, Baseball, Rugby where females represent 30 percent or less of participation in the sport across Victoria.
- Older Adults in all sports at the master's level.
- Teams eligible to participate in "All abilities" competitions.

Council is also committed to supporting the participation of children and young people in sport and will provide a concession for each junior team (which is any team that includes the words "under (insert age)" including Under 19's.

Policy Register Pricing Policy for Use of Council Active Open Space



Council will also fully subsidise the participation of teams for the first season of play in sports that are brand new within Manningham.

- **Transparent and consistent and efficient processes;** Fees will be documented in a manner that users and the community can understand e.g., how the fees have been calculated and why the level of fee imposed has been charged. The administration and system of charging for the use of outdoor active spaces will be simple, resource efficient, easy to understand and will be applied consistently.
- **Contribution / Commensurable;** Fees will be set and reviewed at a level that reflects a contribution towards Council's maintenance of outdoor active spaces. A scale of different charges will apply to commercial, private individuals and community groups.

2.2 Calculating Seasonal Fees

Seasonal Fees have been calculated based on recouping 35% of the total maintenance cost only, rather than full-service delivery costs. This framework applies to all outdoor sports fields except for satellite netball/basketball courts and leased facilities. The figure of 35% represents the amount of time on average that sporting clubs' book and occupy council sporting facilities, with the broader community having access to the facilities approximately 65% of the time.

The significant administration, construction and capital works costs of facilities have **not** been considered when developing fees. The exclusion of these costs when calculating fees demonstrates the value Council places on community sport as well as Council's commitment to the provision of facilities for organised sport. It also recognises the significant social and community benefits provided by sporting clubs.

Satellite netball/basketball court fees are based on a 15% cost recovery model, which more accurately reflects the amount of time these courts are used by clubs (section 2.8.2). Leased facilities are based on a peppercorn rate (section 2.11).

Fees have been developed with consideration that:

- Facilities which require higher maintenance costs will attract higher fees.
- There is no differentiation for the use of fields for training or competition.
- There is no differentiation for Tenant Clubs that play home and away fixtures.
- The standard of facility is reflected in the fees that are applied.

Use of turf sports field fees will be charged on a per team basis, with the fee reflecting the classification of the turf sports field used. Turf sports fields are

Policy Register Pricing Policy for Use of Council Active Open Space



classified in line with Council's Outdoor Sports Infrastructure Policy which includes:

- Regional
- Municipal
- District
- Local
- School

A per team fee is considered fairer than a ground fee as it ensures all participants pay an equitable amount to access council facilities, and that clubs pay for their actual usage of the facility.

Where soccer teams use both natural turf and synthetic soccer facilities, the club must nominate whether a team is predominantly a synthetic surface team or a natural turf team as part of their allocation application. The applicable team fee will apply based on what surface the team predominately uses.

Netball and athletics will be charged on a per hour basis.

All pricing within this Policy will increase annually in line with CPI to ensure that users continue to make a reasonable contribution to the maintenance of Council outdoor sports facilities. The cost of maintenance of sporting facilities which forms the basis of the fees and charges will be reviewed every three years to ensure they remain accurate, with the Policy itself to be reviewed every six years.

2.3 Sports Ground Maintenance

Sports ground maintenance is defined as those re-current maintenance costs which are required to ensure that the standard of the sports ground is maintained. These costs include but are not limited to:

- Mowing;
- Fertilising;
- Herbicide applications;
- Irrigation system maintenance;
- Top dressing;
- Turf replacement;
- Verti-draining;
- Materials, machinery and labour; and
- Water.

Policy Register Pricing Policy for Use of Council Active Open Space



2.4 Turf Sports Field Fees – Seasonal and Annual

2.4.1 Community Sports Clubs and Not For Profits

Team fees have been determined per sporting code based on recouping 35% of the total maintenance costs for each standard of natural turf facilities being Regional, District, Municipal and Local/School. The total maintenance cost for each standard of facility has been divided by the number of teams in each sporting code to derive a per team fee per sporting code for that standard of facility.

Team fees will be applied to any team playing in a formal competition, including competitions administered by a sporting association or social competitions within a club. Any team that pays registration fees (and is therefore covered by insurance) to participate will incur the team charge. Where teams do not train (such as in a social competition), or train on a Council sports field however play elsewhere (or don't play at all), will be charged 50% of the applicable team fees.

Bookings for council facilities for the purposes of junior sports development for children, such as Auskick, Cricket Blast or Miniroos will not be charged a fee, as Council wishes to actively encourage and support the participation of children in sport. This is only applied to programs being run by not-for-profit organisations.

A whole of club fee will be charged to the users of the Bulleen Park Archery Field and the Bulleen Park Aeromodel Field, as these sports do not have individual teams. A fee based on recouping 35% of the actual maintenance costs for each individual facility will be applied for these users. Should multiple user groups be allocated the same facility, the fee will be divided based on the amount of usage by each group (e.g. the fee would be split 70/30 if one group is allocated the sports field 70% of the time, and the other group is allocated 30% of the time).

2.4.2 Commercial Entities

There are some commercial entities who use Council open space under a seasonal tenancy allocation, such as personal trainers, dog training groups and private sports coaches for example. Whilst these users have a commercial aspect to them, they also assist Council to meet the health and wellbeing objectives for residents through the services they provide.

Accordingly, these commercial groups will be charged a per hour rate which is the standard casual hire day rate divided by 8 hours (not the commercial rate). This excludes use of leased facilities.

Commercial Hirers who do not contribute to the health and wellbeing objectives for residents will be charged the applicable commercial fee based

Policy Register Pricing Policy for Use of Council Active Open Space



on whether they have a registered address in Manningham or not. This includes hot air balloon companies who will be charged a commercial rate and invoiced retrospectively for their actual use. Should hot air balloon companies not provide information on their actual use, they will be charged based on their allocated hours.

2.5 Turf Sports Fields - Casual Use

2.5.1 Casual Hire of Sports Fields

There are 34 sports fields available for casual use within Manningham. The casual fee is derived from the total maintenance cost per standard of facility being Regional, District, Municipal and Local/School divided by the number of sports fields in each category and further divided by 350 (50 weeks) to determine a per day maintenance rate for each standard of facility.

An hourly rate has been derived by dividing the applicable day rate by 8 hours for casual users.

This rate is the basis of the community hire rate applicable to any community group which has a registered address in Manningham. This figure is doubled for private hirers who are residents of Manningham, commercial hirers located within Manningham and community groups located outside Manningham. The day rate is tripled for commercial users located outside of Manningham except for personal trainers who are permitted to hire sports fields casually and will be charged the community rate.

2.5.2 Casual Use of Sports Field Floodlighting

The casual use of sports field floodlighting will be charged based on actual usage, which will be determined after the booking date. It is noted that this will only apply to facilities where Council manages the electricity usage (e.g Petty's Reserve). The hirer must contact the tenant user group where the facility's electricity is paid by the tenant user group.

2.5.3 Pre-Season Training and Practice Matches

Turf sports field seasonal fees are inclusive of pre season training and practice matches for Manningham Clubs, and as such, no fee is applied to eligible user groups on a seasonal allocation.

A casual hire fee will be charged for pre season training or practice matches to clubs based outside Manningham or Manningham based clubs that are not currently on a seasonal tenancy.

Policy Register Pricing Policy for Use of Council Active Open Space



2.5.4 Finals

Sports field seasonal fees are inclusive of all home and away games (including training). A sports field fee for finals will be charged to the hiring club or association if the finals matches do not involve a Manningham based club. The club or association will not be charged if the competing teams in the finals matches involve a Manningham based club.

2.5.5 School Use

Manningham based schools will be permitted free use of 1 ground booking, or multiple bookings up to 6 hours' worth of total use per week (for turf sports fields and netball courts (see section 6.8.3). This free use does not extend to the Tom Kelly Athletics Track or synthetic soccer pitches). Any use above this will be charged at the community rate.

Schools located outside the municipality will be regarded as an external community group and charged fees accordingly which is double the community rate.

School Sports Victoria, State Sporting Associations or any other similar body who are running 'school pathway programs' will not be charged if a Manningham school is involved. Limits on these bookings will be considered on a case by case basis.

As per section 6.8.3, schools are also permitted 6 free hours of use on Manningham netball courts. If a Manningham based school or other eligible body has booked a turf sports field in the same week as their booking of a netball court, the hirer will be eligible for 6 free hours on the netball courts in addition to 6 free hours on the turf sports fields.

2.6 Turf Cricket Wicket Fees

Council maintains turf centre cricket wickets and turf practice wickets during the summer season at four reserves: Donvale, Koonung, Schramms and Zerbes Reserves. A turf wicket exists at Wilsons Reserve, however a fee is not applied for this wicket as it is not managed by Council

It is significantly more expensive to prepare turf cricket wickets and turf practice wickets compared to maintaining concrete and synthetic cricket pitches and practice wickets.

For seasonal use of turf wickets by community sporting clubs, Council will recoup 35% of the actual maintenance cost for preparation of individual turf wickets and turf practice wickets.

The 35% charge includes the preparation of practice wickets two nights a week as well as the centre match day wicket. The preparation of any

Policy Register Pricing Policy for Use of Council Active Open Space



additional wickets required outside the standard fixture (e.g. practice matches and other casual use) will be charged the 100% of the cost to prepare the wicket. Wickets for midweek T20 matches will be prepared using either wickets from the previous weekend, or wickets for the upcoming weekend, therefore no charge is applied. If new wickets are required, the casual charge rate will apply.

The turf wicket fee is in addition to the team fee that is applied (see section 2.4.1).

No additional fee will be charged for wickets prepared for Manningham clubs playing finals. Sporting associations who book Manningham grounds for finals (if a Manningham team is not playing) or for events like country carnivals will be charged 100% of the cost to prepare the wicket(s). Similarly, commercial, private groups or schools wishing to use turf wickets for casual or seasonal use will be charged 100% of the maintenance cost in preparing the wickets.

2.7 Tom Kelly Athletics Track

2.7.1 Tom Kelly Athletics Track - Seasonal and Annual

The recoupment of 35% of maintenance costs for the Tom Kelly Athletics Track will be apportioned to the user groups of the facility via an hourly fee.

This fee is calculated by considering the annual maintenance cost divided by 350 days (which is consistent with the synthetic turf report which considers 50 bookable weeks in a year) to determine a per week charge. This per week charge is then divided by 50 hours (as the facility is used around 50 hours per week for bookings). This then provides the hourly figure of which is multiplied by 0.35 to obtain the 35% cost recovery fee.

Commercial entities on seasonal allocations that provide health and wellbeing outcomes for the Manningham community (e.g., personal trainers, yoga instructors etc.) will be charged a per hour fee based on the community casual hire rate. Commercial hirers who do not contribute to the health and wellbeing objectives for Manningham residents will be charged the applicable commercial per hour rate based on whether they have a registered address in Manningham or not.

2.7.2 Tom Kelly Athletics Track – Casual Hire

The hourly rate for casual use is determined by using the method to calculate seasonal and annual hourly fees (section 1.7.1). A 35% cost recovery is not applied to the fee.

This rate is deemed a community hire rate and is applied to any community group within Manningham (including Manningham based schools). School

Policy Register Pricing Policy for Use of Council Active Open Space



Sports Victoria, State Sporting Associations or any other similar body who are running 'school pathway programs' involving Manningham based schools will be charged at the community rate.

The community rate is doubled for private hirers who are residents of Manningham, commercial hirers based in Manningham as well as community groups located outside Manningham. The community rate is tripled for commercial users based outside of Manningham with the exception of personal trainers who are permitted to hire the athletics track casually and will be charged the community rate.

Schools located outside the municipality, School Sports Victoria and State Sporting Associations (that are running programs that do not involve Manningham based schools/clubs) will be regarded as a community group outside of Manningham and charged the applicable casual hire rate.

2.8 Netball Courts

2.8.1 Netball Courts (Manningham Templestowe Leisure Centre) – Seasonal and Annual

The recoupment of 35% of maintenance costs for the netball courts at the Manningham Templestowe Leisure Centre (MTLC) will be apportioned to the user groups of the facility via an hourly fee.

This per court fee is calculated by considering the annual maintenance cost divided by 350 days (which is consistent with the synthetic turf report which considers 50 bookable weeks in a year) to determine a per week charge. This per week charge is then divided by 30 hours (as the facility is used around 30 hours per week for bookings). This then provides the hourly figure of which is multiplied by 0.35 to obtain the 35% cost recovery fee.

No charge will be made for the use of netball courts for junior development programs such as Net Set Go.

2.8.2 Satellite Netball/Basketball Courts – Seasonal and Annual

Satellite netball/basketball courts include those at Warrandyte Reserve and Wonga Park Reserve. These courts are traditionally used less than the courts at MTLC, with the courts only booked by user groups for 15% of their usable hours. As such, the maintenance cost recovery model applied is 15%.

This per court fee is calculated by considering the annual maintenance cost divided by 350 days (which is consistent with the synthetic turf report which considers 50 bookable weeks in a year) to determine a per week charge. This per week charge is then divided by 15 hours (as the facility is used around 15 hours per week for bookings). This then provides the hourly figure of which is multiplied by .15 to obtain the 15% cost recovery fee.

Policy Register Pricing Policy for Use of Council Active Open Space



2.8.3 Netball Courts - Casual

An hourly per court fee for casual hire of MTLC and satellite netball/basketball courts is determined by using the method to calculate seasonal and annual hourly fees (section 1.8.1 and 1.8.2 respectively). This represents 100% of the maintenance cost.

This rate is deemed a community hire rate and is applied to any community group within Manningham (including Manningham based schools). The community rate is doubled for private hirers who are residents of Manningham and community groups located outside Manningham. The community rate is tripled for commercial users.

Manningham based schools will be permitted free use of 2 netball courts per week up to a total of 6 hours. Any use above this will be charged at the community rate.

School Sports Victoria, State Sporting Associations or any other similar body who are running 'school pathway programs' will not be charged if a Manningham school is involved. Limits on these bookings will be considered on a case by case basis.

If a Manningham based school or other eligible body has booked a turf sports field in the same week as their booking of a netball court, the hirer will be eligible for 6 free hours on the netball courts in addition to 6 free hours on the turf sports fields.

2.9 Full Size Synthetic Soccer Facilities

The recurring maintenance costs of full-sized synthetic soccer facilities consider the routine professional grooming that is essential for playability and preventative maintenance, to maximise the synthetics field's life expectancy.

An hourly figure will apply for seasonal bookings, which considers a 35% maintenance cost recovery. Applicable fees concessions outlined in section 2.10 of this policy will apply.

This rate is the basis of the community hire rate applicable to any community group or school within Manningham (including School Sports Victoria and other like organisations that run 'school pathway programs' which involve Manningham based schools). Private hirers who are residents of Manningham and community groups located outside Manningham are charged a 100% cost recovery figure, with this figure tripled for commercial users.

Where soccer teams use both natural turf and synthetic soccer facilities, the club must nominate whether a team is predominantly a synthetic surface team or a natural turf team as part of their allocation application. All use of synthetic

Policy Register Pricing Policy for Use of Council Active Open Space



pitches will be charged at the applicable hourly rate, and a team nominated as predominantly “turf” will be charged the applicable team fee.

2.9.1 Small Sided Synthetic Soccer Facilities

A small sided pitch is approximately 25% of a full size synthetic soccer. Accordingly, 25% of the applicable hourly hire rate for the full sized synthetic soccer pitches will be charged. A seasonal per team fee does not apply to small sided pitches.

This rate is the basis of the community hire rate applicable to any community group or school within Manningham (including School Sports Victoria and other like organisations that run ‘school pathway programs’ which involve Manningham based schools). This figure is doubled for private hirers who are residents of Manningham and community groups located outside Manningham. The day rate is tripled for commercial users.

2.10 Fee Concessions

Clubs and not for profit groups who hold seasonal or annual bookings are eligible for a 50% fee concession. This fee concession will be applied to the following teams to encourage participation by underrepresented groups.

- Female teams participating in male dominated sports such as Football, Soccer, Cricket, Baseball, Rugby Rugby where females represent 30 percent or less of participation in the sport across Victoria
- Male teams participating in female dominated sports such as Netball where males represent 30 percent or less of participation in the sport across Victoria
- Older Adult teams in all sports at the Master’s level
- Teams eligible to participate in “All abilities” competitions

A 50% fee concession will be applied for each junior team (which is any team that includes the words “under (insert age)” including Under 19’s.

Please note: only one concession can be applied per team. For example, a female junior football team is only eligible for the 50% junior team discount or the female participation discount – not both.

Where juniors or participants from underrepresented groups are members of sports that operate as a whole club rather than fielding individual teams (e.g. athletics, archery, RC clubs etc.), the concession will be applied to the specific proportion of membership made up of junior or underrepresented members. E.g., if 10% of the membership are juniors, a 50% discount will be applied to 10% of the fee.

Council will not apply a fee to clubs for their first season of play in sports that are brand new within Manningham (e.g. a sport that is not yet played on a

Policy Register Pricing Policy for Use of Council Active Open Space



Council sports field). This is to support the development of new sporting opportunities for the community.

2.11 Leased Sporting Facilities

A flat peppercorn rent will apply per leased facility. This fee is for use of the playing area only and does not apply to use of pavilions, which are governed under Council's Community Facilities Access and Concession Policy. A peppercorn rate is applied to user groups occupying leased facilities, as user groups are responsible for daily and routine maintenance as outlined in the maintenance schedule attached to individual leases.

Leased facilities covered under this policy include:

- Horse and Pony Riding Clubs
- Lawn Bowls Clubs
- Mullum Mullum Reserve Hockey Pitch
- Stintons Reserve BMX Track
- Stintons Reserve Greyhound Slipping Track
- Templestowe Reserve RC Track
- Tennis Clubs

2.12 Ruffey Lake Park

No fee will be applied for the booked use of Ruffey Lake Park Disc Golf Course, as there are no additional maintenance costs incurred to facilitate the activity.

2.13 Utility Costs

Utility costs associated with the use of floodlights, scoreboards and other sports field infrastructure will be incorporated within a user group's fees and charges. This will occur at sites where the utility account is in the name of Council. This fee is based on previous usage and consumption and where multiple user groups are allocated a sports field, the cost will be portioned based on each use group's actual use. If the utility account is in the user group's name, no additional fee will be applied.

The fee will be reviewed yearly for changes in usage, consumption and CPI increases.

2.14 Bonds

Bonds will be applied as per the Sporting Facilities Allocations Policy. Bond amounts are determined based on a fair and reasonable amount as determined by Council Officers, and are included within Council's Annual Budget.

Policy Register Pricing Policy for Use of Council Active Open Space



3.0 SCOPE OF POLICY

This policy relates to all outdoor active spaces excluding pavilions and other built facilities within the City of Manningham. Fees and Charges for built facilities are covered in the Community Facilities Access and Concession Policy.

The fees and charges do not consider a 'whole of service' cost or consider investment into capital works, rather they consider the investment into maintenance only.

4.0 RESPONSIBILITY

This policy is the responsibility of the Coordinator Recreation and Leisure.

5.0 DEFINITIONS

Definitions Terms within the Policy requiring definition or explanation are:

Annual Allocation	The use of a sports field for a 12 month period between 1 October and 30 September.
Casual Hire	Sports field bookings required for 'once off use' or short term bookings e.g. preseason and finals training, finals matches and school use.
Commercial	An organisation, including incorporated body, co-operative society, partnership or sole trader conducting activities for the purposes of deriving a financial return to the proprietors or shareholders.
Community	An organisation that does not earn profits, and any monies used are to pursue the organisation's objective.
Competition	Competition includes any teams who pay registration fees and participate in a competition whether this is run by a Sporting Association or a community club. If the sports field is booked and allocated for this purpose, team fees will apply.
Council Facility	Council owned and/or managed property.
District Facility	Facilities that cater for senior and junior training and competition for higher participated sports (e.g., football and cricket and soccer). These facilities are generally a user group's primary venue and attract mainly Manningham residents. It is however acknowledged that participants outside of the municipality will use these facilities.
Health and Wellbeing	Health is a state of complete physical, mental and social wellbeing and not merely the absence of disease and infirmity. Our health and wellbeing can be enhanced by

Policy Register Pricing Policy for Use of Council Active Open Space



	participation in activities which contribute to our physical and mental health as well as enhance our connection to our community.
Junior Sport Development Programs	Junior Sport Development Programs are designed to introduce children aged approximately 5-11 to the rules and skills involved in a range of sports prior to participation in formal competition. These programs are run by not-for-profit organisations and not commercial organisations.
Lease	Exclusive occupancy of a facility by a user group e.g., hockey pitches, club tennis courts and bowling greens etc.
License	A license is a form of permission to enter and use land or land/facility for an agreed purpose for a stated period. The licensee does not have exclusive use of the land allowing Council to allocate other user groups or allow general public to use the facility at other times.
Local Facility	Facilities that primarily cater for junior and low-level senior training and competition. These facilities are typically a user group's secondary venue and can also be public access facilities (such as public tennis courts).
Municipal Facility	Facilities that cater for mainly Manningham residents and that accommodate sports and recreation activities that generally have a lower total participation rate (e.g., baseball etc.). Only one facility is required across the municipality for relevant sport and recreation activities, which generally cater for senior and junior training and competition.
Outdoor Active Space	The field of play for various sporting activities (i.e., football oval, soccer pitch, netball court, aero model field, archery field etc.). This excludes any leased sporting facility (e.g., tennis courts, hockey pitch, lawn bowl greens etc.).
Peppercorn Rent	A very low or nominal rent.
Regional Facility	Facilities that have a catchment greater than the Manningham community. Typically, these facilities cater for regional and state level competition
Seasonal Allocation	An allocation granting a user group use of a sports field for the duration of a season. Summer season 1 October – 31 March Winter season 1 April – 30 September
School Facility	Facilities that are not owned by Council however have a Joint Usage Agreement in place.
School Pathways Programs	School Pathway Programs are designed to introduce children from primary and secondary schools to the rules and skills involved in a range of sports. This includes carnivals being run involving multiple schools.
User	The commercial or community organisation or individual specified in the User Agreement Form and where it is consistent with the context, includes the User's members,

Policy Register Pricing Policy for Use of Council Active Open Space



	employees, agents, invitees and persons the Users allows in the facility.
--	---

6.0 RELATED POLICIES

Council Plans, Strategies and Policies

- Council Plan 2021-25
- Healthy City Strategy 2021-25
- Active for Life Recreation Strategy 2010-25 (2019 Review)
- Outdoor Sports Infrastructure Policy
- Sporting Facilities Allocation Policy
- Community Facilities Access and Concession Policy

A Gender Impact Assessment (GIA) has been conducted in the development of this policy. The outcomes of the GIA have influenced the policy direction with regard to the fee model developed and the subsidies to be applied.

7.0 SUPPORTING PROCEDURES

- Sporting Facilities Allocations Procedure

8.0 ACTION PLANS

- No Action Plan applies to this Policy.

9.0 GUIDELINES

- No Guidelines apply to this Policy.

10.0 RELATED LEGISLATION

- Gender Equality Act 2020
- Local Government Act 1989

**Policy Register
Pricing Policy for Use of Council Active
Open Space**



11.0 SUPPORTING RESEARCH AND ANALYSIS

Benchmarking was undertaken with the following surrounding Council’s to determine best practice in relation to the fees and charges applied for the use of outdoor active spaces:

- Whitehorse
- Boroondara
- Nillumbik
- Maroondah

12.0 DOCUMENT HISTORY

Policy Title:	Pricing Policy for Use of Council Active Open Space
Responsible Officer:	Robert Morton
Resp. Officer Position:	Coordinator Recreation
Next Review Date:	TBA
To be included on website?	Yes

Last Updated	Meeting type? - Council or EMT	Meeting Date	Item N°



Pricing Policy for use of Council Active Open Space

Consultation Report



Interpreter service

9840 9355

普通话 | 廣東話 | Ελληνικά

Italiano | عربي | فارسی





Contents

1	Introduction.....	1
2	Background.....	1
3	Consultation.....	1
3.1	Club Consultation Survey June – July 2022.....	2
3.2	Club Consultation Workshop June 2022	2
3.3	Community and Club Survey March 2023.....	4
3.4	Club Consultation Workshop March 2023.....	6

1 Introduction

The purpose of this project is to document the consultation undertaken with sporting clubs and the broader community in relation to the development of the Pricing Policy for use of Council Active Open Space.

This report captures the feedback received through the range of consultation opportunities as outlined below.

- Club Consultation Workshop – 23 June 2022
- Club Survey 9 May – 8 July 2022
- Club Consultation Workshop – 15 March 2023
- Club and Community Survey – 1 March to the 29 March

This report was developed by CMF Consulting in conjunction with Council Officers.

2 Background

The project team developed an initial draft Pricing Policy for use of Council Active Open Space, which was supported by Council on 3 May 2022 for preliminary consultation with sporting clubs prior to the preparation of a further draft policy. This non-endorsed draft policy was shared with clubs who were invited to a workshop held on 23 June 2022, to provide their feedback and comment.

Following this feedback, the non-endorsed draft policy was reviewed in response to the feedback received and changes were made.

This revised draft policy was presented to Council on 28 February 2023 who approved the policy for further club and community consultation.

In March 2023, a community and sporting club survey was undertaken and available for completion via Council's website. All sporting clubs within Manningham received emails inviting them to complete the survey during the period 1st March to the 29th of March. Sporting clubs were also invited to a club consultation workshop held on 15 March 2023.

The community was informed of the survey via Council's 'Your Say Manningham' page as well as Council's social media channels.

3 Consultation

This section documents each of the consultations undertaken in the preparation of the Pricing Policy for use of Council Active Open Space. In addition, the draft policy responds to results of the Community Satisfaction Survey of 2019 where the majority of respondents (48%) agreed that not-for-profit organisations should be charged a discounted fee, and the majority of respondents (45%) supported charging businesses the full cost for the use of Council spaces.

3.1 Club Consultation Survey June – July 2022

A club consultation survey was held through June and July 2022 to seek club feedback to the preliminary draft policy. All clubs were invited by email to complete a survey with 17 clubs across seven different sports responding to the initial club survey. Some of those responding were the same clubs who attended the first club consultation workshop.

Specific comments from the survey are outlined below:

- Any reduction in fees based on fairness and usage is supported.
- As a community sports club we recognise our role in bringing people together and participation has been one of our key goals. This policy would seem to penalise clubs that have been successful and generating high participation levels. We have invested heavily in school facilities in partnership with schools as many of our teams need to play outside of the Council grounds - The policy would involve paying for teams that aren't playing on Council space. The quality of the grounds that cricketers play on varies widely, and our second ground is not considered acceptable by the association for anything other than juniors and very low grades. One of our "home" grounds - some distance from our primary ground. This would also set up a disparity between football and cricket - with cricket paying several times more than football, although football teams have twice the number of players per side.
- Our netball courts receive little, if no maintenance, facilities for the girls are sorely lacking, lighting is an issue, court surfaces are asphalt with heavy community use inclusive of bikes/skateboards etc and we are unsure how this new annual maintenance use fee is applicable to the club.

These comments have been considered in the preparation of the final policy.

3.2 Club Consultation Workshop June 2022

A club consultation workshop was held on 23 June 2022 with all clubs being invited by email to attend. Representatives from soccer, cricket, tennis and bowls attended the workshop.

A presentation of the draft policy was delivered by Council Officer and the Project Consultant.

Attendees were then asked to share their views and feedback via smaller round table discussions. Below is a record of the discussions held on each table topic.

Table 1 - Team Fees and Floodlight Maintenance

- How is a team fee applied to a soccer team that plays and trains on both turf and synthetic?
- Is the 60/40 split for winter and summer team fees the best option?
- If clubs are sharing a ground, would the team fee be reduced similar to the current ground fee half share model?
- Will Council charge teams that train on a Council managed ground but play at a private facility?
- The charge is the same for use of Burgundy Reserve as for Schramm's Reserve. Does this need reviewing?
- Social teams -Will Council charge these teams especially if they don't play in a structured competition?

- When asked, no attendee provided any other alternative model. Attendees did however support retaining existing fee structure.

Table 2 - Hourly Fee for Netball, Athletics and Synthetic Soccer

- The main focus was on how schools are charged.
- Would Personal Trainers who use the athletics track be charged at the community hourly rate similar to turf sports fields?
- How is a team fee applied to a soccer team that plays and trains on both turf and synthetic?
- School charges - Do we charge more based on schools charging significant fees for use of their facilities?

Table 3 - Turf Wicket Fees

- Acknowledged fees need to be paid, however the increase in fees needs to reflect the quality of the wickets.
- Can the maintenance work that is undertaken to help wickets recover from winter use be quantified and then removed from the cricket charges?
- Clubs want the value of community sport considered within their fees.
- Finals - need to confirm that the seasonal charge includes finals when booked by the club, similar to turf sports fields.

Table 4 - Leased Facilities and Concession Rates

- Strong concerns raised by Tennis clubs in regard to the proposal to charge a separate fee per court for clubs who have a tennis professional operating from the courts. Clubs advocated strongly that this would impact viability for many clubs. They emphasised the vital role tennis professionals play within a club to recruit and coach new members especially juniors as well as other functions within the club.
- Tennis coaches don't use all courts and applying a commercial levy across all courts will put tennis clubs under duress.
- The one size fits all approach is not fair. Horse and pony clubs have large arenas but would pay the same as a tennis court.

Outcomes

As a result of the input provided by clubs at this workshop, officers and the consultant undertook further work, and the following changes were made to the draft policy:

- Leased facilities would be charged a single peppercorn rental amount due to the significant maintenance costs incurred by clubs using leased facilities as well as the contribution they make to capital improvements.
- A hierarchy of sportsgrounds was applied so that clubs using better regional or municipal facilities with higher maintenance costs will pay more than those using local or school facilities.

- Clarification that soccer teams need to nominate whether the club is primarily a turf club or a synthetic surface club and this would determine the team fee.
- Social teams who are not registered in a competition will not be charged fees.
- Fees are split 60% to winter clubs, 40% to summer clubs.
- Team fees will be reduced by 50% where teams only play matches or only train on a facility.
- Turf cricket wicket fees do include preparation for finals, therefore no change was proposed.
- Personal Trainers using the athletics track under a seasonal arrangement would be charged the same way that they are charged for turf, being the community rate.

3.3 Community and Club Survey March 2023

Following endorsement of the updated Draft Pricing Policy for use of Council Active Open Space, further feedback was sought from the local community and sporting clubs via a community survey. The period of the survey was from 1st March to the 29th of March 2023. A summary of feedback is listed below.

Respondent profile

In total there were 24 respondents to the survey. 32% of the respondents were from the general community, with 68% of feedback provided by representatives from community groups. The majority of feedback was provided by clubs on a license agreement making up 77% of the feedback, the remaining 23% was made up of leased groups, casual users and the general community.

Cricket clubs were the main respondents with 44% of responses, followed by soccer with 22% and netball, football and baseball making up 11% each. 77% of the feedback was provided by people on their club committee.

Assessment of the feedback provided

FEEDBACK	RESPONSE
The policy doesn't cover the level of maintenance and upgrade of facilities that will be provided by Council.	This feedback was not relevant to the policy, as Council has the Outdoor Sport Infrastructure Policy for future upgrades. Council's Parks Team maintain the fields to a standard required by individual sporting codes which vary from year to year, therefore it hasn't been covered in this policy. Fees do however differ depending on the level of facility e.g., regional level facilities that attract higher levels of maintenance are charged a higher fee than municipal/district and local level facilities
Does the policy apply to junior teams?	The policy does cover junior teams and incorporates a 50% concession for junior teams.
Cricket does not put as much strain on the fields as football games and in comparison, to	In recognition of the increased wear on sporting fields by winter codes Council has split the maintenance cost with winter codes

FEEDBACK	RESPONSE
the level of maintenance required for wear caused by football.	being charged 60% and summer codes being charged 40%.
The current model works well.	The new policy is being considered as the current policy does not meet the needs of all sports and does not reflect the current usage levels of the community and sporting clubs.
Concern around increased cost of turf cricket. Turf cricket is an important part of the pathway for cricket.	Council recognises the importance of turf cricket in municipality. Council has considered that turf wickets are exclusively used by cricket clubs, with the wicket table cordoned off preventing access to the community and casual users. Despite this, a 35% cost recovery has been applied which is consistent with the remainder of the Policy.
There is inequity in the way Council has proposed to charge clubs that use turf field surfaces vs synthetic surfaces. Further feedback was provided that Council should consider changing how fields are classified and synthetic surface maintenance should be the same as turf surfaces.	Council recognises that the current fee can be cost prohibitive for ongoing seasonal use of synthetic pitches. The hourly cost has been assessed, and the cost recovery model has been reduced to 35% in line with the remainder of the Policy.
Concern that there is no, or minimal maintenance being provided to satellite netball courts.	By applying a percentage fee to the use of the satellite netball courts it will provide Council with increased ability to conduct more regular maintenance on these facilities. The fee for satellite netball courts is 15% based on the level of use of these facilities by sporting clubs.
How will the outdoor netball court charges be applied.	Warrandyte and Wonga Park netball courts will be charged an hourly rate per court, based on recovering 15% which is the level of use of these facilities by sporting clubs.
Supported for the application of concession rates for underrepresented groups.	Council will use concessions to encourage an increase in participation by underrepresented groups.
Concern that schools based outside of Manningham may need to access Council facilities and will be charged to use Manningham facilities.	Council has increased the number of free hours of use provided to Manningham based schools and has not changed its position on charging external schools for use of Council reserves. Schools external to Manningham will be provided community rates to hire facilities which are lower than the current policy.
The club would like a breakdown of the current charge's vs the proposed charges.	This was provided by Council to user groups in the first round of the pricing policy consultation.
Feedback was provided in relation to the way the concession has been applied for underrepresented groups, specifically in	A Gender Impact Assessment was undertaken for this project. The outcome of the assessment was that the Policy can create

FEEDBACK	RESPONSE
relation to women in sport. The concession is being applied for women’s teams playing male dominated sports, and for men playing in female dominated sports.	equity in participation through fee concessions. As such, the Policy aims to create equity across all sports by giving concessions to teams which consist of the gender which is least represented in the sport. No further change is proposed.

3.4 Club Consultation March 2023

A club consultation workshop was held on 15 March 2023 with all clubs invited to attend. Representatives attended from soccer, tennis, cricket and bowls.

A presentation of the draft policy was delivered by Council officers and the Project Consultant. Attendees were then asked to share their views and feedback.

The key feedback received was in relation to the proposed recoupment of 100% of maintenance costs for synthetic soccer fields. Soccer clubs indicated the significant financial burden they experience due to the cost of using the synthetic soccer fields. They have large numbers of participants and rely on the use of the synthetic fields to accommodate them. Their view was that synthetic soccer fields should be charged at 35% of maintenance costs - the same as the natural turf fields. The other feedback was concern about social play and whether fees would be charged for that. There were also questions about whether fee discounts would apply to juniors using synthetic surfaces.

The tennis club appreciated that their feedback from the last consultation had been heard and changes made to the draft policy as a result with all leased clubs to be charged a single peppercorn rent for the use of their outdoor facilities. This was also supported by the bowls club.

The cricket club did not have any specific feedback in relation to the fees proposed for cricket.

Outcomes

As a result of the input provided by clubs at the workshop and through the survey, officers and the consultant undertook further work, and the following changes will be included in the Pricing Policy for use of Council Active Open Space to be considered by Council later in the year.

- Turf Wicket Fees** – These fees have been reviewed in light of Council’s amended management model for maintenance, with contractors preparing wickets. It is deemed fair that the fee reflects the level of service being provided. Accordingly, those using Schramm’s Reserve No 1 will pay a higher fee as this sports ground is a regional facility, with more time spent in wicket preparation compared to other turf ground. The 50% cost recovery model will also be reduced to 35%, to provide consistency across the Policy and to ensure that turf wicket fees are not cost prohibitive to clubs.
- Synthetic Turf Fees** – The hourly fee for synthetic pitches has been reduced to a 35% cost recovery. This provides consistency across the Policy, and ensures that the fee is not cost prohibitive for ongoing seasonal use.



Manningham Council

P: 9840 9333
E: manningham@manningham.vic.gov.au
W: manningham.vic.gov.au



Summary of Fees and Charges

Seasonal Fees

Turf Sports Fields

Baseball

Ground Classification	Team Fee
Regional	N/A
Municipal	\$233.61
Local/School	\$140.17

Cricket

Ground Classification	Team Fee
Regional	\$995.93
District	\$829.94
Local/School	\$497.97

Football

Ground Classification	Team Fee
Regional	\$1,104.07
District	\$920.05
Local/School	\$552.03

Soccer

Ground Classification	Team Fee
Regional	N/A
District	\$874.70
Local/School	\$524.82

Commercial groups providing health and wellbeing outcomes for the Manningham community are charged the 'community' casual rate. No seasonal or annual rate will be applied to other commercial groups, they will be charged in line with the casual use rates.

Other Facilities

Facility	Annual Fee	Hourly Fee
Bulleen Park Aeromodel Field	\$3,947.93	N/A
Bulleen Park Archery Field	\$2,406.85	N/A
Netball Courts - MTLC	N/A	\$1.65
Netball Courts – Warrandyte and Wonga Park	N/A	\$1.00
Tom Kelly Athletics Track	N/A	\$4.65

Turf Cricket Wickets

Reserve	Commercial Fee	Community Fee
Donvale Reserve South	\$31,869.83	\$11,154.44
Donvale Reserve North	\$24,183.83	\$8,464.34
Koonung Reserve	\$29,307.83	\$10,257.74
Schramm's Reserve South	\$42,971.83	\$15,040.14
Schramm's Reserve North	\$24,183.83	\$8,464.34
Wilson's Reserve	No fee – Managed by club	
Zerbes Reserve	\$31,869.83	\$11,154.44

Casual FeesTurf Sports Fields

Ground Classification	Manningham Based Community Groups/Schools	Private Users and Commercial (Within Manningham) and External Community Groups	Commercial (Outside of Manningham)
Regional	\$12.92 per hour	\$25.73 per hour	\$38.65 per hour
Municipal/District	\$10.73 per hour	\$21.46 per hour	\$32.19 per hour
Local/School	\$6.46 per hour	\$12.92 per hour	\$19.27 per hour

Tom Kelly Athletics Track

Manningham Based Community Groups/Schools	Private Users and Commercial (Within Manningham) and External Community Groups	Commercial (Outside of Manningham)
\$13.27 per hour	\$26.54 per hour	\$39.81 per hour

Netball Courts (MTLC)

Manningham Based Community Groups/Schools	Private Users and Commercial (Within Manningham) and External Community Groups	Commercial (Outside of Manningham)
\$4.71 per hour	\$9.42 per hour	\$14.12 per hour

Satellite Netball/Basketball Courts

Manningham Based Community Groups/Schools	Private Users and Commercial (Within Manningham) and External Community Groups	Commercial (Outside of Manningham)
\$6.66 per hour	\$13.32 per hour	\$19.97 per hour

Turf Cricket Wickets

Reserve	Casual Rate (community and commercial)
Donvale Reserve South	\$895.23 per day
Donvale Reserve North	\$742.23 per day
Koonung Reserve	\$957.88 per day
Schramm's Reserve South	\$1,147.83 per day
Schramm's Reserve North	\$573.90 per day
Wilson's Reserve	No fee – Managed by club
Zerbes Reserve	\$850.19 per day

Synthetic Soccer Pitches – Seasonal and CasualFull Size Pitch

Manningham Based Community Groups/Schools	Private Users and Commercial (Within Manningham) and External Community Groups	Commercial (Outside of Manningham)
\$18.97 per hour	\$54.19 per hour	\$162.57 per hour

Small Sided Pitch

Manningham Based Community Groups/Schools	Private Users and Commercial (Within Manningham) and External Community Groups	Commercial (Outside of Manningham)
\$4.74 per hour	\$13.55 per hour	\$40.64 per hour

Leased Facilities

The following fees apply for use of the playing area only. Fees for use of pavilions are determined under Council's Community Facilities Access and Concession Policy.

Facility	Fee
Horse and Pony Riding Clubs	\$110
Lawn Bowls Clubs	\$110
Mullum Mullum Reserve Hockey	\$110
Stintons Reserve BMX Track	\$110
Stintons Reserve Greyhound Slipping Track	\$110
Templestowe Reserve RC Track	\$110
Tennis Clubs	\$110

11.2 Community Grants Program Update

File Number:	IN23/759
Responsible Director:	Director Connected Communities
Attachments:	<ol style="list-style-type: none">1 Progress Report - Community Grants Program Update 091123 ↓2 Terms of Reference - Community Grants Program Update 091123 ↓3 Community Grants Policy 2022-25 - Community Grants Program Update 091123 ↓

PURPOSE OF REPORT

The purpose of this report is to provide Council with an update on:

- *The performance and tenure of the Community Grants Program Assessment Panel;*
- *Proposed amendments to the Terms of Reference governing the Community Grants Program Assessment Panel, and*
- *Proposed amendments to the Community Grants Policy 2022-25 to incorporate new grant streams and update funding criteria.*

EXECUTIVE SUMMARY

*The Community Grants Program Assessment Panel (the Panel) provides a process for Council to seek input and guidance from the community based on demonstrated lived experience, skills and knowledge related to community grants. The Panel is nearing completion of its first year of operation. A Report summarising the work of the Panel and its achievements is provided (**Attachment 1**).*

*The Panel was appointed for a term of 12 months. Under the Terms of Reference (**Attachment 2**) there is an option to extend the Panel's tenure for an additional 12 months. It is proposed that the Panel's tenure is extended until March 2025.*

Each Panel member is entitled to an honorarium of up to \$400 per year. It is proposed that this be amended to increase the honorarium to \$500 in vouchers to reflect the increase in the number of grants they will be required to assess in the 2024 calendar year.

The Terms of Reference currently specify which grants are to be assessed by the Panel. It is proposed that the Terms of Reference be amended to remove reference to specific grant categories. This will be replaced with a statement noting the Panel will be required to assess grants in accordance with the Community Grants Policy 2022-25.

Additionally, minor changes have been made to the funding criteria to improve clarity and understanding from applicants.

*The forthcoming Healthy Ageing service unit will operate two new grant streams: the Seniors Club Grant and the Healthy Ageing Grant. These were endorsed by Council in August 2023. The addition of these two grants, and minor changes to funding criteria requires an amendment to the Community Grants Policy 2022-25 (**Attachment 3**).*

1. RECOMMENDATION**That Council:**

- A. Notes the Community Grants Program Update Report (Attachment 1) and the performance of the Community Grants Program Assessment Panel.**
- B. Endorses the extension of the tenure of the Community Grants Program Assessment Panel until March 2025.**
- C. Endorses proposed amendments to the Terms of Reference (Attachment 2) governing the Community Grants Program Assessment Panel.**
- D. Endorses proposed amendments to the Community Grants Policy 2022-25 (Attachment 3) to incorporate new grant streams and update funding criteria.**
- E. Authorises Officers to make any minor grammatical or formatting changes to the Policy which may be necessary for publication, and which do not alter the intent or outcomes of the policy.**

2. BACKGROUND

- 2.1 The Community Grants Program Policy 2020-2024 was endorsed at the 25 August 2020 Council meeting.
- 2.2 Amendments to the Policy were endorsed at the 27 July 2021 Council meeting to include alignment to the Health and Wellbeing Strategy 2021-2025 and update the policy to be titled the Community Grants Program Policy 2021-25.
- 2.3 At the 24 May 2022 Council meeting, Council requested officers to develop a funding program for consideration to target life-long learning and associated community development in neighbourhood houses.
- 2.4 An update to the Community Grants Policy 2022-25 was endorsed at the 13 December 2022 Council meeting. This reflected recommendations in the 24 May 2022 report and findings from the audit of local government grant programs conducted by the Victorian Governor-General's Office (VAGO). This included but was not limited to funding for Neighbourhood Houses to be separated into its own funding stream; *Neighbourhood Houses Grant Program (2023-25)* and a 12-month pilot of a Grants Assessment Panel governed by a Terms of Reference.
- 2.5 After an open call for expressions of interest, and assessment of applications, the Community Grants Program Assessment Panel (the Panel) was endorsed by the CEO under delegation on 17 May 2023. The first grants assessment was held later that month. The Panel is comprised of three independent community members representing diverse ages and backgrounds, together with two senior officers: Director Connected Communities and Manager Economic and Community Wellbeing.

- 2.6 The Panel was provided with induction training and materials and was tasked to review 28 annual grants. In terms of the expectation of panel members, the following is required:
- Review all grant applications and do their own research, in preparation of the assessment panel meeting.
 - At the assessment panel meeting, the independent panel members and officers discuss the applications and provide recommendations.
 - In some instances, the independent panel members may request further information from the applicant and may conduct further enquiries of their own regarding the applications.
 - The independent panel members come to the assessment panel meeting fully prepared, having undertaken research where necessary, and given time to consider each application in order to fully engage. There was extensive discussion about each application during the panel meetings held in 2023 and full discussion about the merits (or otherwise) of each application.
- 2.7 The Panel has assessed grants in two rounds:
- 2.7.1 **Round 1. Annual Community Grants Program** (Community Development, Festival & Events and Arts Grants) in May 2023. The Panel's recommendations were endorsed by Council on 27 June 2023.
- 2.7.2 **Round 2. Neighbourhood House Program Grants** in September 2023. The Panel's recommendations were the subject of a report for the Council Meeting on 28 November 2023.
- 2.8 The objective of the Panel included adding value to the community grant assessment process through a demonstrated understanding of community development principles, the community services sector, program development and delivery. The Panel's knowledge, skills and lived experience were considered highly by Council representatives who participated in the 2023 assessment process.
- 2.9 The new Healthy Ageing service unit began operation on 13 November 2023 within the new Community Wellbeing and Partnerships department. Healthy Ageing will introduce two new grants streams beginning in 2024 to support Council's direction for older adults:
- 2.9.1 The **Seniors Club Support Grant** will have a focus of supporting the viability of seniors clubs; and
- 2.9.2 The **Healthy Ageing Support Grant** will allow organisations to apply for funding to support healthy ageing initiatives in the community.

3. DISCUSSION / ISSUE

- 3.1 By including independent community members in the Community Grants Program Assessment Panel, Council has strengthened alignment of community development programs to its strategic objectives. A report on the performance of the Panel is shown in **Attachment 1**.

- 3.2 In accordance with the Terms of Reference, each Panel member is appointed for 12 months with an option to extend the Panel's membership for an additional year. For 2023, the selection of independent panel members of the Panel will be endorsed by the Chief Executive Officer under delegation, and thereafter nominations to be endorsed by Council This is subject to a review every 12 months.
- 3.3 Officers have assessed the Panel as being highly effective. The Panel engaged enthusiastically with each other and Officers, demonstrating a high level of professionalism and understanding. It has enabled Manningham community members to directly impact Council's strategic objectives.
- 3.4 Council's assessment process has been strengthened through the Panel's lived experience and knowledge of the community services sector. An additional year's participation will consolidate the Panel's previous experience and further strengthen Council's Community Grants Program.
- 3.5 Officers have confirmed that the three Community Panel members have expressed interest in continuing their appointment in 2024.
- 3.6 Officers therefore recommend that the Panel's tenure be extended for 12 months until March 2025.
- 3.7 The Terms of Reference (**Attachment 2**) require updating for 2024 due to new grants being introduced. Officers propose removing reference to specific grants, noting the Panel will be required to assess grants *in accordance with the Community Grants Policy 2022-25*.
- 3.8 Each community panel member receives an honorarium of \$400. It is proposed that this be increased to \$500. The increase reflects the increase in grants they will be required to assess. The honorarium is provided through vouchers for local traders and excludes the purchase of tobacco or alcohol products. Specific reference to the amount has been removed from the Terms of Reference as the amount can be approved by Council as part of endorsing this report and at budget time thereafter.
- 3.9 The Community Grants Policy 2022-25 (**Attachment 3**) has been updated to include information on the Seniors Club Support Grant and the Healthy Ageing Support Grant. Additionally minor changes have been made to provide greater clarity regarding eligibility and the funding criteria, i.e. purchase of alcohol, tobacco, gambling related items, and fundraising support.

4. COUNCIL PLAN / STRATEGY

- 4.1 The **Council Plan** supports engaging community members:

Theme: Improve access to health and wellbeing services and programs for all people in our community.

Goal 1.1: A healthy, resilient and safe community

Theme: Improve Council practice for inclusive communication and engagement

Goal 1.2: Connected and inclusive community

Theme: Work with our partners and advisory networks to advocate and raise awareness of inclusive practices for key priority areas

Goal 5.2: A Council that values customers and community in all that we do

5. IMPACTS AND IMPLICATIONS

5.1 Finance / Resource Implications

- 5.1.1 The Community Grants program is resourced through existing operational budgets.
- 5.1.2 The small increased cost of the honorarium paid to the community members on the Panel will be met from existing budgets.
- 5.1.3 An amount of \$70,000 per annum is required to operate the Seniors Club Support Grant. This has already been endorsed by Council and will be included in the 2024/25 budget.
- 5.1.4 An amount of \$80,000 per annum is required to operate the Healthy Ageing Support Grant. This has already been endorsed by Council and will be included in the 2024/25 budget.

6 IMPLEMENTATION

6.1 Communication and Engagement

Stakeholder Groups	Community Grants Program Assessment Panel Members Grant applicants Community members
Is engagement required?	No
Where does it sit on the IAP2 spectrum?	Inform
Approach	Community Grants Program Assessment Panel Members will be informed that their membership has been extended for a period of 12 months and provided with a copy of the updated Terms of Reference. As the new Healthy Grants are developed, a communication plan will be developed to inform the community of these new streams and invite submissions. These will be advertised and promoted in similar ways to other grant streams.

6.2 Timelines

Panel members are currently appointed from 1 April 2023 to 31 March 2024. The aim would be to advise Panel members regarding their tenure for 2024 by 31 December 2023. If required, the recruitment of new Panel members will commence on 1 January 2024.

The Panel will commence its second 12-month term from 1 April 2024.

The Seniors Club Support Grant and the Healthy Ageing Support Grant will be available from 1 July 2024.

7 DECLARATIONS OF CONFLICT OF INTEREST

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

Attachment 1

MANNINGHAM COMMUNITY GRANTS PROGRAM ASSESSMENT PANEL**Progress Report 2023-2024**

An expression of interest process attracted a high level of interest from a diverse group of well qualified individuals from across the Manningham community. Three community members were recruited in 2023 with a breadth of expertise in diversity and gender, disability and health and wellbeing.

The participation of community panel members ensured broader representation and input of community interests in the grant assessment process. This added value to and strengthened Council's response to community needs, while ensuring alignment with Council priorities.

It is proposed that the Panel's tenure be extended for 12 months from 1 April 2023 to 31 March 2024.

The following grants were assessed and recommended / not recommended for funding.

COMMUNITY DEVELOPMENT GRANTS	
Recommended	
Sport & Life Training Limited	\$20,000
Care Net Ltd	\$19,960
Chinese Health Foundation of Australia	\$15,000
Intertwine	\$15,000
The Trustee for Raise Foundation	\$11,000
Manningham Christian Centre	\$10,830
The Water Well Project Limited	\$10,320
La Trobe University	\$8,800
Warrandyte Basketball Association	\$8,000
Chrisalis Foundation	\$5,360
Doncaster Bowling Club	\$3,140
Total for Community Development Grants	\$127,410
Not Recommended	
Horizontes projects with the Community Pty Ltd	\$0.00
Seniors Happy Life Club Inc	\$0.00
Nakita Malakooti being auspiced by Access Health and Community	\$0.00
Australian-Iranian Society of Victoria (AISOV) Inc	\$0.00

Referred to Manningham Community Fund
--

Attachment 1

Manningham Inclusive Community Housing Inc (MICH) (full funding)	\$19,303
Chrisalis Foundation (part funding)	\$2,472

ARTS GRANTS	
Recommended	
The Onemda Association	\$14,850
Doncaster Templestowe Artists Society	\$3,550
Not Recommended	
Thespian Theatre Company	\$0.00
Chinese Precinct Business Association	\$0.00
Total for Arts Grants	\$18,400

FESTIVAL AND EVENTS GRANTS	
Recommended	
Manningham United Blues Football Club	\$15,000
Heide Museum of Modern Art	\$13,052
Rotary Club of Templestowe	\$12,500
Community Music and Performances Incorporated	\$5,000
Trevisani Nel Mondo Melbourne	\$5,000
Beverley hills Junior Football Club	\$4,000
Warrandyte Senior Citizen Club	\$3,800
Not Recommended	
Manningham Business Network	\$0.00
Total for Festival and Events Grants	\$58,352

NEIGHBOURHOOD HOUSE GRANTS	
Recommended	
Living and Learning at Ajani	\$60,000
Park Orchards Community House and Learning Centre	\$60,000
Pines Learning	\$60,000
Warrandyte Neighbourhood House	\$60,000
Wonga Park Community Cottage	\$60,000
Total for Neighbourhood House Grants	\$300,000

*Neighbourhood House Grants panel recommendations are tabled for Council Meeting on 28 November 2023.

Community Grants Program Assessment Panel - Terms of Reference 2023-25

What is the Community Grants Assessment Panel?	<p>The Community Grants Program Assessment Panels (Panel) will assess community grants, utilising Officer advice, and provide recommendations to Council regarding the allocation of community grant program funds for all funding programs. <u>There will be two Panels as follows:</u></p> <ul style="list-style-type: none"> • <u>Internal Panel: will assess grants under the value of \$3,000</u> • <u>External Panel: Will assess all other grants.</u>
1. Purpose	<p>The Panels exists to:</p> <ul style="list-style-type: none"> • Deliver programs and projects that benefit the Manningham Community and demonstrate public value. • Ensure that the proposed allocation of funding aligns with Council strategies, program guidelines and other key priorities. • Ensure that the program guidelines and assessment criteria endorsed by Council, have been applied consistently in the assessment of the Community Grant Program.
2. Role and Objectives	<p>Panel Members will provide recommendations to Council for a range of grants that appear on Council's website in accordance with the Community Grants Policy 2022-25.:</p> <ul style="list-style-type: none"> • Community Development Grants (Annual) • Arts Grants (Annual) • Festival and Events Grants (Annual) • Community Partnership Grants (4 yearly) • Neighbourhood House Grants (4 yearly) <p>The role of the Panel is to add value to the assessment process through a demonstrated:</p> <ul style="list-style-type: none"> • Understanding and commitment to community development principles • Understanding of the community services sector • Experience in program development, delivery and evaluation • Experience in grant assessment • Expertise, knowledge, skills and/or lived experience relevant to community development within the context of Manningham, and • Understanding of Manningham and Community Grants Policy 2022-25, Manningham's Health and Wellbeing Strategy 2021-25, Council Plan and Community Grant Guidelines.

¹ Community Grants Program Assessment Panel – Terms of Reference
 Approved by Council: _____ Review Date: _____



<p>3. Panel Meeting procedures</p>	<ul style="list-style-type: none"> The Panel meetings will be scheduled, at a time and place determined by Grant Officers, in consultation with the Panel members. Panel members are expected to constructively contribute to the Panel meeting, having already familiarised themselves with the relevant grant program documentation and evaluation criteria and reviewed and assessed all grant applications assigned to them. Panel members are supported by Council to participate in meetings remotely, if unable to physically attend.
<p>4. Chairperson</p>	<ul style="list-style-type: none"> The Panel meeting will be chaired by the Service Unit Coordinator, supported by up to two Grants Officers, to ensure good governance and to answer questions from the Panel. The Chairperson and Grants Officers will not have voting rights. Meetings will be chaired to enable all Panel members to talk to their recommendations, express their views, and promote respectful discussion of the issues, to achieve a consensus.
<p>5. Membership</p>	<p>The Panel shall include:</p> <p><u>Internal Panel</u></p> <ul style="list-style-type: none"> <u>Two (2) Senior Council Officers, comprising either Director, and/or Manager</u> <u>One Service Unit Coordinator</u> <u>All Panel Members shall have voting rights</u>
	<p><u>External Panel</u></p> <ul style="list-style-type: none"> Two (2) Senior Council Officers, comprising either Director, and/or Manager Three (3) community representatives, appointed by CEO under delegation through an expression of interest (EOI) process. The selection and endorsement process shall provide community representatives with relevant skills and experience. All Panel members will have voting rights.
<p>6. Decision making and extent of authority</p>	<p>The Panel is expected to review the evaluations and scores of the subject matter expert review. The Panel is expected to reach a consensus in assessing each application. However, where consensus cannot be achieved a decision on the recommendation will be determined based upon a majority vote.</p> <ul style="list-style-type: none"> <u>The Internal Panel will make recommendations to the Director Connected Communities under delegation of the CEO.</u> The <u>External</u> Panel will make grant funding recommendations to Council for endorsement.
<p>7. Membership Criteria</p>	<p><u>Internal Panel</u></p> <ul style="list-style-type: none"> <u>Have experience and/or knowledge of community development principles and understanding of the needs and issues addressed by the Community Grants Program.</u> <u>Demonstrated commitment to constructively contribute to the Panel with or without support (e.g. interpreting service).</u> <p>External Panel</p> <p>Panel nominations will be assessed against the following criteria:</p> <ul style="list-style-type: none"> Provide direct links to active participation in their local community by living,

	<p>working or studying in Manningham.</p> <ul style="list-style-type: none"> • Have experience and/or knowledge of community development principles and understanding of the needs and issues addressed by the Community Grants Program. • Demonstrated commitment to constructively contribute to the Panel with or without support (e.g. interpreting service). • Willingness to sign a Code of Conduct for Committee members and abide by the terms of appointment (see Section 9).
<p>8. Membership Appointment</p>	<p>External Panel</p> <ul style="list-style-type: none"> • The call for expressions of interest for community representatives will be advertised annually in the local media, on Council’s website and on social media. <ul style="list-style-type: none"> ○ Nominations shall be submitted via Council’s Expressions of Interest (EOI) form (available on Council’s website) within the advertised nomination period; ○ Applicants will be supported by Grants Officers to access, complete and submit the EOI form; and ○ Nominations for the Panel in 2023 will be assessed by officers and recommendations made to the CEO of Manningham. Thereafter nomination will be endorsed by Council. • Casual vacancies that occur due to a representative resigning or membership lapsing may be filled by co-opting suitable candidates identified from the most recent selection process for the remainder of the previous incumbent’s term: <ul style="list-style-type: none"> ○ Officers, in consultation with the chairperson, will make a recommendation to the Chief Executive Officer to appoint a suitable candidate to join the Community Grants Program Assessment Panel for the remainder of the previous incumbent’s term; ○ Where there are no suitable candidates identified, a formal EOI and formal Council endorsement is required (as outlined earlier in Section 9); and • Where a vacancy occurs within the membership term, there is no requirement to fill the vacancy for the remainder of the term, unless a further grant round is expected to be assessed in that period. • Community representatives will receive an honorarium, valued up to \$400 • \$500-worth-of <u>comprising</u>-vouchers to be spent in the Manningham retail sector per 12 month term. Note: vouchers cannot be issued for purchase of alcohol or cigarettes<u>tobacco or similar products.</u>



<p>9. Membership Responsibilities</p>	<p>When appointed, Panel Members will be required to sign a Code of Conduct, which includes the following:</p> <ul style="list-style-type: none"> • Attend Panel meetings and provide an apology in advance where attendance is not possible; • Commit to active contribution to the work of the Panel; • Act in good faith, with honesty, impartiality, and integrity to apply my skills and expertise with diligence and care; • Respect the ideas and beliefs of all members, even if they differ from my own; • Not seek to confer an advantage or disadvantage on any person, including oneself; • Not disclose any materials or confidential information that is discussed by the Panel that is not publicly available unless approved by the Chairperson or a representative of Council; • Sign a Conflict of Interest Declaration Form prior to commencement of assessments notifying Council of any actual or perceived conflicts of interest that may arise with respect to their participation on the Committee; • Not make any media comment (including on social media) on behalf of the Panel unless approved by the chairperson; and • Act in accordance with Council's values, WE ARE Manningham: <ul style="list-style-type: none"> o Working Together; o Excellence; o Accountable; o Respectful; and o Empowered. • A breach of the Code of Conduct may result in Panel membership terminating.
<p>10. Appointment Terms</p>	<ul style="list-style-type: none"> • Community representatives are appointed for 12 months: <ul style="list-style-type: none"> o A member of the Panel may resign at any time. Notice of resignation can be made at any time in writing to the Chairperson and the grants office;
<p>11. Panel Administration</p>	<ul style="list-style-type: none"> • Grant Officers will be responsible for the preparation of meeting agendas, minutes, reports and other administrative functions: <ul style="list-style-type: none"> o The Panel meeting agenda will be circulated to Panel members a minimum of seven (7) days prior to the date of the meeting. o A conflict of interest declaration will be included, Panel members will need to complete the declaration and notify the Chair of any conflicts relating the application or applicant organisation. • Draft minutes of the Panel meeting will be circulated to Panel members for confirmation within two weeks of the meeting. • <u>Recommendations to Council:</u> <ul style="list-style-type: none"> o When Panel meeting minutes are confirmed, a formal report with recommendations will be drafted by council officers and tabled at the next Ordinary Meeting of Council for endorsement by Council. o Any questions from Councillors in relation to a specific application will be directed to the Panel for consideration. An investigation will be conducted by the Panel and the outcome will be reported to Councillors. • Award outcomes will be published on Council's website.



<p>12. Supporting Documentation</p>	<p>To ease <u>assist in panelists making</u> an informed decision, Panel members will be provided with the following:</p> <ul style="list-style-type: none"> • Community Grant Program Guidelines and Terms of Reference • Evaluation criteria • Conflict of Interest Declaration Form • All grant applications in full • Officer pre-evaluation of grant applications against selection criteria <u>and any additional information relevant to the application.</u> 	
<p>13. Review</p>	<ul style="list-style-type: none"> • The External Panel's membership and productivity will be reviewed each year. • The EOI process will be conducted annually, with the option to extend Panel membership for an additional year. • For 2023, the selection of independent panel members of the Panel will be endorsed by the Chief Executive Officer under delegation; and thereafter nominations to be endorsed by Council. • The Terms of Reference may be revoked at any time by Council. 	
<p>Definition of Key Terms</p>	<p>Chairperson</p>	<p>The person appointed to facilitate a Panel meeting, in this case the service unit coordinator.</p>
	<p>Co-opted membership</p>	<p>Appointment to membership of a Panel/Committee by invitation of the existing members.</p>
	<p>Council</p>	<p>The councillor group participating in decision making at a formally constituted Council meeting.</p>
	<p>Councillor</p>	<p>Elected representatives of Manningham City Council.</p>
	<p>Officer or Council Officer</p>	<p>An employee of Manningham City Council.</p>
	<p>Consensus</p>	<p>An opinion that all members of a group agree with.</p>



Policy Register

Community Grants Policy 2022-25

Policy Classification	- Community Programs
Policy N°	- POL/547 (D22/75617)
Policy Status	- Endorsed
Responsible Service Unit	- Economic and Community Wellbeing <u>Cultural Activation</u>
Authorised by	- Council
Date Adopted	- 123 December 202 <u>3</u> 2
Next Review Date	- July 2025

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

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

Commercial In Confidence ©



Policy Register
Community Grants Policy 2022-25



Contents

PURPOSE	2
POLICY STATEMENT	2
SCOPE OF POLICY	5
RESPONSIBILITY	5
RELATED POLICIES	6
SUPPORTING PROCEDURES	6
APPLICATION PROCESS	7
GUIDELINES.....	87
GRANT ASSESSMENTS	8
DOCUMENT HISTORY	12

Policy Register Community Grants Policy 2022-25



PURPOSE

The Manningham Community Grant Program provides financial support for local not-for-profit community organisations to develop activities, programs and services that benefit and respond to current and emerging needs and interests of the Manningham community.

The Community Grants Policy 2022-25 (the Policy) confirms principles for the management of the Manningham Community Grant Program, including alignment with Council's strategic objectives, overarching funding and governance requirements, and key processes and practices to deliver a robust and well-governed funding program.

POLICY STATEMENT

The Policy is consistent with the key action areas contained in the Manningham Council Plan 2021-25 and Health and Wellbeing Strategy 2021-25.

The Policy is based on the following principles:

- Community Grants are available to incorporated associations which are located within Manningham or predominantly to-deliver programs and projects within Manningham that benefit the Manningham Community
- Council funds incorporated associations on the basis that they are sustainable and self-sufficient, and that Council grants add to their existing programs and projects and is not relied upon for operational viability
- Funding is not guaranteed from one funded period to the next
- Community grants should also provide seed opportunities for new or emerging organisations to be funded through annual grants and small grants
- The grant application process reflects the value of the funding allocation and is easy to understand
- Applicants are aware of the assessment criteria, and the assessment process is consistent, transparent and supported by good governance
- Community grants are offered in a way that encourages applications from our non-English speaking community

Governance Principles

The management of the Policy will be based upon the following good governance principles:

- **Transparency** of the processes and practices supporting the program by providing clear and accessible information and ensuring well defined and well documented practices applied consistently across Council and the community
- **Equity** whereby all applicants will be offered the same level of information, advice, guidance and support, and will undergo consistent assessment and evaluation processes

Policy Register Community Grants Policy 2022-25



- **Accountability** through a rigorous process to ensure good governance is followed through appropriate policies and procedures and there are no conflicts of interest at any point throughout the grants management process
- **Efficiency** of the program will be prioritised through thorough application processes, effective and timely assessment, as well as sound program administration and management systems to streamline the administrative tasks associated with grants management through an online grants management system
- **Sustainable Practices** will reduce the reliance on paper-based practices and will embrace more sustainable practices such as online and digital systems

Objectives

Community grants are an opportunity for Council to partner with community organisations and empower them to deliver key actions contained in Manningham’s Council Plan 2021-25 and Health and Wellbeing Strategy 2021-25.

The Manningham Community Grant Program is underpinned by the principles of community and cultural development, which are reflected in the grant objectives below. Applicants are required to address these grant objectives in their applications.

Partnerships	Foster and develop partnerships between Council, groups and not-for-profit organisations for the delivery of shared outcomes.
Services and Activities	Provide a range of services and activities that respond to the needs of communities that align with Council's plans and strategies.
Participation	Foster community involvement and participation with a focus on groups and individuals that experience barriers to participating in community life.
Skills Development	Build community capacity and empower communities to further develop or gain new skills to enhance their quality of life.
Innovation	Pilot activities that provide an innovative response to local priorities and ensure ongoing environmental, economic and social sustainability.
Value	Provide a measurable, cost-effective and efficient means to deliver community outcomes in a transparent and accountable manner.

Funding Framework

The Community Grant Program is divided into four categories, with the grant processes detailed in the Community Grant Guidelines outlined below.

Grant Category	Purpose	Funding Allocation*	Assessment Timing
----------------	---------	---------------------	-------------------

Policy Register Community Grants Policy 2022-25



Community Partnership Grants	Available to not-for-profit or community organisations operating in Manningham to achieve longer term community development outcomes	Allocations of up to \$50,000 per year with a maximum of \$200,000 over four years	Four-year funding round
Neighbourhood Houses Grants	Support for Manningham's Neighbourhood Houses to deliver community development initiatives to benefit the health and wellbeing of the Manningham community	Allocations of up to \$60,000 per year with a maximum of \$180,000 over three years	Initial three-year funding round (2023-25)
Annual Community Grants	Support diverse range of community-led initiatives through three streams: <ul style="list-style-type: none"> • Community Development: responding to the needs of Manningham's diverse community • Arts: supporting activities that enable participation in the cultural life of Manningham • Festivals and Events: supporting the activation of key locations and the attraction of visitors to Manningham 	\$3,001 - \$20,000	Annual funding round
Small Grants	Support community strengthening initiatives and equipment purchases to enhance the quality of life of Manningham residents	Up to \$3,000. Equipment Purchase 50% contribution of the total cost up to \$1,500	Applications open all year with four assessment rounds per year
<u>Seniors Club Support Grant</u>	<u>Available to seniors clubs to support programs and activities, including meals that promote social connection and have positive mental health outcomes for Manningham's ageing community.</u>	<u>\$70,000</u> per year	<u>Annual funding round</u>
<u>Healthy Ageing Support Grant</u>	<u>Support not for profit organisations to deliver health ageing initiatives that reach a wide range of</u>	\$80,000 per year	<u>Annual funding round</u>

Policy Register Community Grants Policy 2022-25



	Manningham's older community.		
--	---	--	--

* Funding allocations are subject to adoption of Council's annual budget.

SCOPE OF POLICY

The Policy scope includes the **four** funding programs within the suite of the Manningham Community Grant Program, comprising:

- Small Grants (four rounds per year)
- Annual Community Grants, including its three streams:
 - Community Development Grants
 - Arts Grants
 - Festivals and Events Grants
- Community Partnership Grants (four-yearly)
- [Neighbourhood Houses Grants](#) (initially three-yearly)
- [Seniors Club Support Grant](#) (yearly)
- [Healthy Ageing Support Grant](#) (yearly)

RESPONSIBILITY

- **Project Lead:** ~~Coordinator Business, Events & Grants~~ [Manager Economic and Cultural Activation](#)
- **Grants Team – Council Officers:** Administration of program and assessment of applications
- **Subject Matter Experts – Council Officers:** Assessment of applications and provide advice to Panel
- **Assessment Panel:** Consider Officer advice and provide recommendations to Council
- **Council:** Endorse Panel recommendations

Conflict of Interest

All members involved in the Community Grants program and Councillors have an obligation in relation to conflict of interest and confidentiality.

Conflicts of interest must be avoided when carrying out duties and any potential conflicts of interest must be declared.

- Officers will be required to complete a Conflict of Interest Declaration upon receipt of the applications and act in accordance with the Conflict of Interest Policy (POL/566).

Policy Register Community Grants Policy 2022-25



- Panel will be required to complete a Conflict of Interest Declaration prior to assessment.
- Councillors are required to declare any conflicts of interest prior to endorsing any grants.

RELATED POLICIES

The Policy is strategically aligned with Council's planning framework and policies including the Council Plan 2021-25, the Health and Wellbeing Strategy 2021-25, and other key strategic Council documents.

The Policy is also to remain consistent with the intentions of the Sponsorship Policy (POL/533) and the Conflict of Interest Policy (POL/566).

SUPPORTING PROCEDURES

Eligibility

To be eligible for funding through the Community Grant Program all applicants must be either a:

- Not-for-profit constituted body such as an Incorporated Association or a Company Limited by Guarantee or be an entity auspiced by an incorporated not-for-profit organisation that accepts legal and financial responsibility for the funded activity; or
- School or kindergarten whose program or activity is not solely curriculum based and offers a benefit to the wider community. Schools and kindergartens are encouraged to partner with community groups to achieve this outcome

Ineligible

- Individuals
- Unincorporated organisations
- Organisations with outstanding debts to Council
- For profit, commercial organisations
- Organisations which are not located in Manningham or do not predominantly deliver programs and services within Manningham

What will not be funded?

The following are not funded by the Manningham Community Grant Program:

- inconsistent with the current Council Plan and Health and Wellbeing Strategy priorities or Community Grant Program objectives

Policy Register Community Grants Policy 2022-25



- are the responsibility of other tiers of government (e.g. State, Federal)
- that spend grant funding prior to signing of funding and service agreement (retrospective funding)
- have a religious or political purpose which seeks to promote core beliefs
- programs that involve gambling, tobacco, drugs and/or alcoholer-related
- inconsistent with the Health and Wellbeing Strategy priorities including organisations in receipt of other funding; sponsorship or grants, from external parties whose primary focus is gambling, tobacco, drugs and/or alcohol
- duplicate existing services/activities unless it can be demonstrated that it meets an unmet community need
- would normally be part of a reasonable operating budget for the organisation, i.e. staff salaries or administration (project management and administration costs for the grant-funded program may be accepted up to a maximum value of 20% of the grant value)
- are funded through other Council programs or activities, including grants and sponsorship programs
- are Council owned and run
- offer social outings and gatherings, unless it can be demonstrated it is a core part of the project delivery
- provide catering, unless it can be demonstrated that catering is integral to the activity and not the sole purpose of the funding
- seek conference sponsorship or fundraising support e.g. financial or technical support
- seek debt payment support
- are solely curriculum based (kindergarten, primary or secondary school). Only applications that demonstrate a broader community partnership approach will be considered
- are for fixed / permanent equipment, building maintenance or capital improvements (such as heating or cooling systems, shade sails, solar panels)
- are for the purchase of capital assets i.e. motor vehicles
- are listed as a sports club responsibility as set out in Council's Outdoor Sports Infrastructure Guidelines (www.manningham.vic.gov.au/find-a-sporting-venue)

APPLICATION PROCESS

Grant rounds will be advertised through a range of avenues to promote the programs across the municipality to encourage eligible organisations to apply.

The Community Partnership Grant guidelines shall specify Council's priority outcomes and be subject to endorsement by Council.

Policy Register Community Grants Policy 2022-25



Grant applications are administered via the SmartyGrants online grants administration system.

GUIDELINES

Each grant category will have its own guidelines that will set out:

- Objectives of the program
- Timelines
- Eligibility
- How to apply
- Assessment criteria
- Assessment process

Guidelines will be updated annually and will clearly communicate Council's priority outcomes for the next round of funding.

The Guidelines shall clearly detail the methodology, the weighting for each assessment criteria and shall include key dates and decision making points in the process. Details surrounding acquittal requirements will also be provided within the Guidelines.

GRANT ASSESSMENTS

Council is committed to a process that is:

- Transparent
- Consistent
- Free from conflict of interest

This includes, but is not limited to:

- Informing the community of Council's priorities prior to commencing the process
- Ensuring that applicants will be aware of the assessment criteria prior to submitting an application
- Making applicants aware of the decision making process
- Publicly reporting on outcomes of the assessment process - including unsuccessful grant applications
- Ensure all parties involved in the community grants process declare any conflicts of interest with applicants

Assessment Criteria

Policy Register Community Grants Policy 2022-25



The priority outcomes for **all grants**, shall align with the key action areas contained in the Council Plan 2021-25 and Health and Wellbeing Strategy 2021-25.

For **Community Partnership Grants**, Council shall, at its discretion, prioritise selected key action areas contained in the Council Plan 2021-25 and Health and Wellbeing Strategy 2021-25 and may target more specific outcomes where they align with key action areas. These priority outcomes as determined by Council shall be subject to endorsement prior to advertising the Community Grant Program Guidelines.

For Community Grants the assessment criteria is as follows:

- The alignment of the application with Council's priorities;
- The proposed community benefit derived from the program or initiative;
- An organisation's ability to successfully deliver the community outcome over time; and
- Public value

The assessment of community grant applications will be conducted based on the information provided by the applicant. Officers may seek further clarification on any information provided, however officers will not allow any grant applications to be re-written/re-submitted after the closing date.

While grant applications will be assessed against the proposed community benefit of the program or initiative, the evaluation process will also consider the accuracy and relevance of the information contained in the application.

With that in mind, grant applications will be evaluated against the published criteria and the level of detail required in an application shall reflect the level of grant funding sought.

Assessment Panels

Internal Panel

The Internal Panel will consist of:

- Two (2) Senior Council Officers, comprising either Director, and/or Manager
- One Service Unit Coordinator

External Panel

The External Panel will consist of:

- ~~two~~ (2) senior officers and ~~three~~
- Three (3) independent community members.

The community members will be selected through an Expression of Interest (EOI) process. The community members will be paid an honorarium. The senior officers will be voting members of the panel.

The EOI process will be conducted annually, with the option to extend assessment panel membership for an additional year. For the first year's program, the selection of independent community members of the Assessment Panel will be endorsed by the Chief Executive Officer under delegation; and thereafter nominations to be endorsed by Council.

The assessment panel will be chaired by the service unit coordinator, supported by one (1) grants officer, to ensure good governance and answer any questions from the panel. Both officers will not have voting rights. Prior to convening the independent assessment panel, officers with subject matter expertise will review the applications to ensure alignment with

Policy Register Community Grants Policy 2022-25



Council's priorities under the Health and Wellbeing Strategy and Council Plan. The level of alignment with Council's priorities will be presented to the independent assessment panel with each grant application.

Assessment Panel	Small Grant Quarterly	Community Grant Annual	Neighbourhood House Grant 3-Year	Community Partnership Grant 4-Year	Seniors Club Grant	Healthy Ageing Grant
Senior Officer assessment panel	✓				✓	
External Independent Community member/senior officer assessment panel		✓	✓	✓	✓	✓

Assessment Process

Composition of the assessment panels for respective grants categories and the accompanying decision making process are referenced in the Community Grants Program Assessment Panel Terms of Reference.

The assessment process shall be aligned to the grants program as follows:

Action	Small Grants	Annual Grants	Neighbourhood Houses Grants	Community Partnership Grants	Seniors Club Grants	Healthy Ageing Grants
Application assessed by Grant Officers for conformity with the eligibility criteria	✓	✓	✓	✓	✓	✓
Officers with subject matter expertise to provide feedback on the application, stated outcomes and evaluate against the selection criteria		✓	✓	✓	✓	✓
Officers' evaluation referred to the assessment panel for recommendation		✓	✓	✓	✓	✓
Panel recommendations presented to the Director Connected Communities for approval under delegation	✓				✓	

**Policy Register
Community Grants Policy 2022-25**



Action	Small Grants	Annual Grants	Neighbourhood Houses Grants	Community Partnership Grants	Seniors Hub Grant	Healthy Ageing Grant
Panel recommendations referred to Council for endorsement		✓	✓	✓	✓	✓

Any questions in relation to a specific application from Council will be directed to the Panel for consideration. An investigation will be conducted by the Panel and the outcome will be reported to Council.

**Policy Register
Community Grants Policy 2022-25**



DOCUMENT HISTORY

Policy Title:	Community Grants Policy 2022-25
Responsible Officer:	Ben Harnwell <u>Vanessa Bove</u>
Resp. Officer Position:	Manager Economic & Community Wellbeing and <u>Cultural Activation</u>
Next Review Date:	July 2025
To be included on website?	Yes

Last Updated	Meeting type? - Council or EMT	Meeting Date	Item N°
July 2021	Council	27 July 2021	10.1
December 2022	Council	13 December 2022	11.1
<u>December 2023</u>	<u>Council</u>	<u>12 December 2023</u>	

11.3 Supplementary Motion and Early Years Infrastructure Planning Update

File Number: IN23/752
Responsible Director: Director Connected Communities
Attachments: 1 Early Years Supplementary Motion Data for Council [↓](#)

PURPOSE OF REPORT

The purpose of this report is to provide a response to Council with data requested for kindergarten and childcare facilities in Manningham in the supplementary motion passed at the Council meeting on 22 August 2023 and to provide an update on the next steps in Early Years Infrastructure Planning.

EXECUTIVE SUMMARY

The Community Infrastructure Plan was endorsed by Council on 22 August 2023. At the same meeting, a supplementary motion was carried for Council officers to prepare a report on the kindergarten and childcare services in Council facilities as outlined below:

- A. decade in which the facility opened;*
- B. land and building value as at 30 June 2023;*
- C. current lease terms and management arrangements, including the identity of the manager if not a single site parents committee; 2023 program, occupancy, enrolments and waiting list information where applicable; and*
- D. any known material capital works projects exceeding \$50,000 in value on individual council-owned kindergarten facilities over the past 20 years.*

Data has been largely obtained through historical records, and with the exception of 20 years of capital expenditure, only 11 years of records have been able to be obtained. As we do not have centralised kindergarten enrolments, enrolment data has been obtained directly from each service. Additional data has been provided and includes projected demand, State Government kindergarten reform and Building Blocks Grant updates and capital forecasts to fill anticipated requirements.

1. RECOMMENDATION

That Council note the update on early years infrastructure planning as requested in the Council Resolution of 22 August 2023.

2. BACKGROUND

- 2.1 Our Early Years facilities are well used and highly valued by our community. Some are showing their age and require renewal or rebuilding and others require upgrades to meet the changing kindergarten landscape.
- 2.2 Sessional kindergarten and community run childcare are popular services in Manningham and enrolment numbers are steady with some services having waitlists.

- 2.3 The Early Years Infrastructure Plan is underway to develop the best solution for each facility. The plan will include identifying facilities for expansion/rebuild funded by State Government grants and capital works investment required for existing buildings to continue operating and meet contemporary standards and expectations.
- 2.4 The Community Infrastructure Plan indicates the areas of growth are Doncaster, East Doncaster, Lower Templestowe and in the longer term, Warrandyte. Private providers are operating in all areas except Warrandyte. Private industry provision and cost of living are factors likely to influence projected growth.
- 2.5 Kindergarten services in Manningham have started making changes to their programs to accommodate the additional program hours introduced by State Government kindergarten reform. Many are however restricted by the teacher-to-student ratios and licensed capacity of their centres. For example, the majority of our one room facilities are licensed for 28 children but will run at 22 places, as the teacher-to-student ratio is 1:11 and it is not feasible to put on a third teacher for 6 enrolments.
- 2.6 Of the 27 Manningham kindergarten services:
- 26 operate out of Council buildings and one out of a church building.
 - Two of these kindergartens have two rooms and one operates 2 kindergarten programs in the co-located childcare.
 - 19 are operated by Committees of Management.
 - 8 are operated by Early Years Managers.
- 2.7 Manningham has a total of 843 licenced kindergarten places in Council buildings.
- 2.8 When 2023 and 2024 enrolments are compared across 3- and 4-year-old places, the majority of centres have remained the same. Council Officers are in the process of gathering private provider licenced places in Manningham.
- 2.9 Four of our Council buildings run a community childcare service. Early Years at MC2 Doncaster is managed directly by Council and only provides a childcare service, not kindergarten.
- 2.10 Occasional Care in Council buildings include - Aquarena, Wonga Park Community Cottage and Park Orchards Community House.
- 2.11 Four Maternal & Child Health services operate in Council buildings with other shared services and two Toy Libraries operate from Council buildings.
- 2.12 A summary of the State Government reform is listed below:
- **3-year-old kinder** - Free Kinder for 3 and 4-year-old children available at participating services between 5 to 15 hours per week in 2023. Roll-out continues, programs will increase to 15 hours a week across the State by 2029.

- **4-year-old kinder** - Gradual transitioning of 4-year-old Kinder to 30 hours of Pre-Prep over the next decade. Increasing from 20-25 hours per week from 2023 to 30-hours a week by 2032 across Victoria.
- 2.13 This year, the Department of Education (DoE) have provided projected unmet demand estimates of 450 places across the municipality for the years 2024 to 2032. This is an increase of 67 places from the previous unmet demand estimates provided in 2021. The data indicates increases in Doncaster, East Doncaster South and Warrandyte between 2028 and 2032 which supports our kindergarten planning.
- 2.14 Private provider licenced places are not available at this time, however Council Officers are currently sourcing this data which will be provided in due course.
- 2.15 The average age of our early years assets is 50 years old. Buildings have undergone upgrades and renovations over time to continue operating to contemporary standards and comply with regulatory changes. The average condition rating for early years facilities is 2.4 - between Fair (3) and Good (2) on a scale of 0 to 5. An updated conditions audit will be carried out this financial year.
- 2.16 Total maintenance and improvement investment in these assets between 2012 to 2023 is \$5.45 million, an average of \$218k per site.
- 2.17 The capital works budget has an allocation \$100k per year for planning for renewals and upgrades from 2023/24 to 2032/33 for early years facilities. Capital projects in the last few financial years have included: Moresby Avenue, Warrandyte Kindergarten (Taroona Avenue), Cat Jump Preschool, and Tunstall Square.
- 2.18 Maintenance expenditure is generally guided by demand and enrolments. Approximately 6% (\$185k per year on average) of the facilities maintenance budget is allocated for Early Years infrastructure. This covers programmed maintenance such as heating and cooling, painting, flooring, gutter cleaning and reactive maintenance activities such as leaking pipes, drains, electrical faults etc.
- 2.19 Connected Communities utilise a minor capital works budget for Council owned kindergartens, childcare centres, toy libraries, neighbourhood houses and MCH Centres. This funding provides a nominal contribution to small capital works improvements that the service has requested which is on average \$5000 a year per site and predominately used for playground soft fall materials.
- 2.20 Council has already determined that new kindergarten developments should be funded by State grants with council working in partnership with the VSBA (Victorian School Building Authority). To date the following grants have been confirmed:
- Tunstall Square Kindergarten, FY22/23 \$744,700
 - Gum Nut Gully Kindergarten, FY 24/25 \$2 million
 - Planning grants for feasibility of expansions for Doncaster Park, Warrandyte Kindergarten and Beverly Hills Preschool, FY 23/24 \$150,000

- 2.21 Building blocks grant funding provided by the State Government can be applied for as follows:
- 2.22 Modular Kindergarten Buildings (includes modular building and associated works)
- a **one-room** (33 Approved Places), up to \$1.35m
 - a **two-room** (66 Approved Places), up to \$2.0m
 - a **three-room** (99 Approved Places), up to \$3.0m.
- 2.23 Modular Kindergarten Expansion (includes modular building and associated works)
- a **one-room** (33 Approved Places), up to \$1.5m, previously \$700k;
 - a **two-room** (66 Approved Places), up to \$3.0m;
 - a **three-room** (99 Approved Places), up to \$4.5m.
- 2.24 Planning grants:
- This stream provides grants for planning and pre-construction work on kindergarten building projects of up to \$150k.
 - This grant is for applicants who will be applying for a one of the above Building Blocks Capacity Grants once planning is complete.

3. DISCUSSION / ISSUE

- 3.1 The Community Infrastructure Plan 2023-2040 identifies a short-term priority project to develop an Early Years Infrastructure Implementation Plan to support the most recent kindergarten reform, changing demographics and condition of our assets.
- 3.2 Officers are currently working on this plan that will be delivered in 2 parts and worked on simultaneously with the aim of presenting findings in 2024.
- 3.2.1 **Part A** – Overarching document that outlines aims, objectives, guiding principles, strategy, scope, criteria to determine priorities (framework) and associated processes.
- 3.2.2 **Part B** – Site visits and updated conditions report to determine maintenance needs and or refurbishment, application of framework and implementation plan addressing early years asset rebuilds/expansions, renewals and maintenance for the next 10 years.
- 3.3 A project control group has been established to guide the project direction and provide internal resources and commitment to Part A and Part B of the project.

3.4 Projects in progress are:

- **Tunstall Square** – additional new 1 room modular installed on-site end of November 2023 to create a two room facility. Kindergarten is proposed to be ready to start term 2, 2024.
- **Gumnut Gully** – upgrade from a one room kindergarten to a new 2-room modular facility with grant funding from the State, construction commencing 2025.
- **State Government ‘Building Blocks’ Planning Grant** for Beverly Hills, Warrandyte Preschool, Doncaster Park approved. Feasibility of each site underway.

3.5 The CIP Principles below were presented to Council for discussion in mid-2023, confirming the outcomes which will be used for Early Year Infrastructure Planning.

3.6 Council will:

- Coordinate the planning and provision of infrastructure to support Kindergartens.
- Gather and interpret data to assess current and future needs and identify a priority list of services requiring expansion or refurbishment.
- Understand the condition of assets, ensuring kindergartens are fit for purpose, safe, accessible, sustainable and with indoor and outdoor environments meeting defined standards.
- Commit to expansion of kindergarten assets only where the projects are predominately funded by the State Government. Responsibility for the grants will be managed by Council in partnership the State Government and transitioned to Council’s asset management plan.
- Support the State Government’s initiative to co-locate kindergartens on school sites noting there are no sites currently identified in Manningham.
- Encourage those kindergartens not identified for expansion to maximise their capacity to make operational or program changes to address reform.
- Maintain a relationship with services, State Government and sector and advocate for service improvements.

4. COUNCIL PLAN / STRATEGY

4.1 The CIP links to the following goals in the Council Plan 2021 – 2025

4.1.1 Goal 1.1: A healthy, resilient and safe community

4.1.2 Goal 1.2: Connected and inclusive community

4.1.3 Goal 2.1: Inviting Places and Spaces

4.1.4 Goal 2.4: Well maintained and utilised community infrastructure

4.1.5 Health & Wellbeing Strategy 2021 – 2025

5. IMPACTS AND IMPLICATIONS

5.1 Influence Early Years infrastructure provision and investment to meet service needs now and in the future.

5.2 Quantify the investment in infrastructure to support early years programs and services for families in the community.

5.3 Finance / Resource Implications

5.3.1 Capital expenditure on early years assets will be determined through the Early Years Infrastructure Asset Planning Project. This will include grant contributions.

5.3.2 The plan will require internal and external resources to implement, and this should be included in the capital works plan.

6. IMPLEMENTATION

6.1 Communication and Engagement

Stakeholder Groups	1. Early Years Services in Manningham 2. Internal service units - City Projects, Connected Communities, planning, others
Is engagement required?	No, engagement not required for supplementary motion.
Where does it sit on the IAP2 spectrum?	Inform
Approach	An internal Project Control Group with a wide range of stakeholders has been meeting to guide the development of the Early Years Infrastructure Plan. Officers continue to meet with the VSBA regularly to stay abreast of changes within the requirements and funding programs for kindergartens. Officers also regularly liaise with the Department of Education regarding the State Government reform agenda for early years and the monitoring of demand data and trends.

6.2 Timelines

- Draft Early Years Infrastructure Asset Plan Part A – Proposed early 2024
- Draft Early Years Infrastructure Implementation Plan – Proposed mid 2024

7. DECLARATIONS OF CONFLICT OF INTEREST

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

11.4 Endorsement of the Advisory Committee membership

File Number:	IN23/741
Responsible Director:	Director Connected Communities
Attachments:	1 Amended Healthy Ageing Advisory Committee Terms of Reference ↓
	2 Confidential attachment - Advisory Committee Nomination Recommendations (confidential)

PURPOSE OF REPORT

The purpose of this report is to inform Council on the outcome from the call for Expressions of Interest for membership to four advisory committees:

- *Arts Advisory Committee,*
- *Disability Advisory Committee,*
- *Youth Advisory Committee; and*
- *Healthy Ageing Advisory Committee.*

EXECUTIVE SUMMARY

Advisory committees provide a formal way for Council to seek input and guidance from the community based on demonstrated lived experience, skills or knowledge related to the respective committee's subject matter. The Terms of Reference for each committee's membership identify the aim to attract a representative cross section of the Manningham community. This guidance is used to support quality decision making and help Council to achieve its goals and objectives under the Council Plan.

Council endorsed the Terms of Reference for the Arts Advisory Committee, Disability Advisory Committee, Youth Advisory Committee and Healthy Ageing Advisory Committee at the 26 September 2023 meeting of Council. Subsequently, a call was made through September and October 2023 for Expressions of Interest (EOI) for membership of the respective advisory committees.

A total of 81 applications were received and assessed by a panel comprising officers from relevant service areas and the Councillor Chairperson for the respective advisory committees. Applicants for each of the four advisory committees are recommended for Council's endorsement.

1. RECOMMENDATION

That Council:

- A. Notes officer recommendations for the respective advisory committee memberships; and the amended Healthy Ageing Advisory Committee Terms of Reference.**
 - B. Endorses the amended Healthy Ageing Advisory Committee Terms of Reference.**
 - C. Appoints the recommended community members as tabled in confidential attachment 2 to the following committees:**
 - **Arts Advisory Committee for 2024-28;**
 - **Disability Advisory Committee for 2024-28;**
 - **Youth Advisory Committee for 2024-26; and**
 - **Healthy Ageing Advisory Committee for 2024-26**
- with the appointments to be made publicly available in the Council minutes.**

- E. Thanks all applicants for their nominations, with particular thanks to former advisory committee members for their contributions.**

2. BACKGROUND

- 2.1 Council's advisory committees provide a formal way for Council to seek input and guidance from the community. This guidance is used to support quality decision making and help Council to achieve its goals and objectives under the Council Plan.
- 2.2 As presented to Council on 26 September 2023;
- 2.2.1 the current membership period for the Disability and Youth Advisory Committees expires at the end of 2023.
- 2.2.2 the Arts Advisory Committee be established.
- 2.3 Membership recruitment opened on 27 September and closed on 18 October 2023. The call for expressions of interest was promoted across local media channels including Council's website, Manningham Matters, social media and by invitation to relevant local and peak agencies and community organisations.
- 2.4 Every effort, including targeted recruitment where appropriate, was made to ensure a representative cross section of the Manningham community nominated to serve on the committees, as intended by the respective Terms of Reference for each advisory committee.
- 2.5 A total of 81 applications were received across the respective advisory committees:
- Arts Advisory Committee received 11 applications.
 - Disability Advisory Committee received 24 applications.
 - Youth Advisory Committee received 12 applications.
 - Healthy Ageing Advisory Committee received 34 applications.
- 2.6 While applicants could nominate for more than one committee, to ensure a good spread of representation across all advisory committees, applicants would only be recommended for endorsement to one committee only.
- 2.7 An assessment panel comprising the Council Chairperson for each advisory committee, and officers representing the relevant service areas, reviewed the applications, and have made recommendations.
- 2.8 Noting that the advisory committee membership is a volunteer role, the assessment criteria via the expressions interest included:
- 2.8.1 The reason for application, and what the applicant hopes to achieve.
- 2.8.2 Experience on an advisory or other committee.
- 2.8.3 Participation in the local community.
- 2.8.4 Skills and attributes that the applicant would bring to the advisory committee.

- 2.9 In relation to the Healthy Ageing Advisory Committee, applications were overwhelmingly over-subscribed with a highly competitive offering of diverse backgrounds, experiences and skill-sets. Consequently, officers have reviewed the Terms of Reference in order to provide a fresh and clear assessment criteria as follows:
- 2.9.1 Inclusion of the World Health Organisation's (WHO) Age-Friendly Cities Framework, the principles of which the new Healthy Ageing service area will be based upon, to form clarity of the committee's membership criteria.
 - 2.9.2 Increased membership number from 10 to 15.
 - 2.9.3 Removal of the "over 65" age requirement.
 - 2.9.4 Reduction of the appointment period from four to two years.
- 2.10 The amended Terms of Reference are attached.
- 2.11 The applications recommended for endorsement enable the generation of new ideas within each of the four advisory committees via:
- 2.11.1 a diverse mix of experience based on demographics and expertise;
and
 - 2.11.2 a strong mix of returning advisory committee members and new advisory committee members.
- 2.12 The applications that are not recommended for endorsement, have been declined for a range of reasons because:
- 2.12.1 the applicant did not provide sufficient information to answer the criteria or information provided was not relevant to the criteria;
 - 2.12.2 the applicant is already represented on another advisory committee and therefore ineligible; and/or
 - 2.12.3 the applicant has skills or attributes that are otherwise already represented on the committee.
- 2.13 Pending Council's endorsement, the new membership for each of the four advisory committees will commence in early 2024.

3. DISCUSSION / ISSUE

- 3.1 There was a high level of applications which supported being able to have a diverse committee membership, with a mix of former members and new members.
- 3.2 Applicants listed in the confidential attachment are recommended for advisory committee membership from 2024.
- 3.3 Unsuccessful applicants will be thanked for their application and provided with suggestions of other ways in which they may be able to contribute. Those unsuccessful applicants who are former advisory committee members will be particularly thanked for their contribution.

4. COUNCIL PLAN / STRATEGY

4.1 Council Plan

Goal 1.1: A healthy, resilient and safe community

Work with our partners and Advisory Groups to improve access to health and wellbeing services and programs for all people in our community.

Goal 1.2: Connected and inclusive community

Improve Council practice for inclusive communication and engagement.

Develop and deliver diverse community arts and public art programs that enable a celebration of local culture.

Goal 2.1: Inviting places and spaces

Improve activation of places and neighbourhoods for people to recreate, gather and participate in community life.

Goal 4.1: Grow our local business, tourism and economy

Support the development of local creative industries.

Goal 5.2: A Council that values customers and community in all that we do

Work with our partners and advisory networks to advocate and raise awareness of inclusive practices for key priority areas - considering people from First Nations, LGBTIQ+ communities, youth, culturally diverse communities and people with a disability.

Deliver initiatives that advocate or demonstrate Council leadership to promote equality across gender, age, diversity, ability and culture.

5. IMPACTS AND IMPLICATIONS

5.1 Advisory committees provide a formal way for Council to seek input and guidance from the community. This guidance is used to support quality decision making and help Council to achieve its goals and objectives under the Council Plan. The Committees act in an advisory capacity only and have no delegated authority to make decisions on behalf of Council.

5.2 Applicants who were unsuccessful will be encouraged to participate in other collaborative and consultative processes where relevant, and to maintain their interest in the Manningham community.

5.3 Finance / Resource Implications

The administration of advisory committees is resourced through the operational budgets of the respective service areas.

6. IMPLEMENTATION

6.1 Communication and Engagement

Stakeholder Groups	<p>1. Individual community members with direct lived experience of relevant topics (eg. disability).</p> <p>2. Peak bodies representing relevant topics/industries.</p> <p>3. Individual professionals working within relevant topics/industries but not formally representing organisations or peak bodies.</p>
Is engagement required?	Yes
Where does it sit on the IAP2 spectrum?	Consult Involve Collaborate
Approach	<p>The communications plan for the call for expressions of interest included the local media, Manningham Matters, on Council’s website and social media and specialist advertising platforms as relevant (eg. ArtsHub) and by invitation to relevant local and peak agencies and community organisations.</p> <p>Inclusive techniques were used to ensure access for the broadest reach possible such as the use of easy English documents and information session.</p> <p>All applicants will be contacted following the outcome of the application process. Unsuccessful applicants will be thanked for their offer to contribute and encouraged to seek other volunteer opportunities available, such as the Manningham Volunteer Resource Service.</p> <p>With the establishment of the new advisory committees in 2024, we will consult, involve and collaborate with the respective advisory committees.</p>

6.2 Timelines

- 6.2.1 The new advisory committee membership will commence early 2024.
- 6.2.2 The advisory committees will convene quarterly, at a time and place determined by the respective committee Chairperson in consultation with the relevant advisory committee memberships.

7. DECLARATIONS OF CONFLICT OF INTEREST

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

Healthy Ageing Advisory Committee

Terms of Reference

What is the Healthy Ageing Advisory Committee (HAAC)?	The Manningham Healthy Ageing Advisory Committee (HAAC) provides strategic advice to Council regarding the needs of older people. The HAAC will strengthen the voice of older residents to engage with Council and support the community to be inclusive for all Manningham residents.
1. Purpose	The HAAC provides a formal way for Council to seek input and guidance from the community. This guidance is used to support quality decision making and help Council to achieve its goals and objectives under the Council Plan. The HAAC will act in an advisory capacity only and has no delegated authority to make decisions on behalf of Council.
2. Role and Objectives	<p>The role of the HAAC is to provide a direct link between Council and people who have expertise, skills and/or lived experience relevant to healthy ageing and knowledge of the needs and aspirations of older residents.</p> <p>Advisory Committee members will:</p> <ul style="list-style-type: none"> • Provide a representative sample of expert, independent and authentic voices of older people with an ability to advise on current and emerging trends in the community or relevant sector. • Contribute constructively to support the delivery of key Council strategies, policies and plans, including Manningham's Council Plan 2021-2025 and Health and Wellbeing Strategy 2021-2025. This includes: <ul style="list-style-type: none"> ○ Ongoing actions to foster a dementia-friendly community based on the World Health Organisation's (WHO) Age-friendly Cities Framework; ○ Harnessing the wealth of knowledge and experience held by our older residents for the betterment of our community; and ○ Better understanding regarding how we can improve outcomes for older people who feel isolated or lonely. • Provide strategic advice and direction on the development and review of key Council strategies, policies and plans. • Contribute to the work of other Advisory Committees where relevant as subject matter experts. • Report to Council via an annual report regarding the Advisory Committee's activities, advice and achievements.
3. Delegated authority and decision making	<ul style="list-style-type: none"> • Advisory Committees provide advice to Council and officers to assist their decision making. • In accordance with Section 124 of the <i>Local Government Act 2020</i>, it is an offence for a councillor to direct or seek to direct a member of Council staff in the performance of specific types of tasks and specifies a maximum penalty level.

Manningham Healthy Ageing Advisory Committee - Terms of Reference September 2024

Approved by Council: 26 Sept 2023

Review Date: 2025

1



<p>4. Chairperson</p>	<ul style="list-style-type: none"> • Meetings will be chaired by a Manningham Councillor, nominated by Council on an annual basis. If the Chairperson is absent, they are able to nominate another person to chair. • Meetings will be chaired in a way that promotes respectful discussion of the issues, to arrive at an agreed view that fairly reflects the sense and will of the meeting. • The Councillor Chairperson is responsible for reporting to Council any matters of interest that arise as part of meeting procedures.
<p>5. Membership</p>	<ul style="list-style-type: none"> • At least one councillor appointed annually who acts as Chairperson. • A range of 15 volunteer committee members, who bring specialist expertise specific to the World Health Organisation’s Age Friendly City Framework listed in section 8 below, providing an even mix of: <ul style="list-style-type: none"> ○ Up to seven local community organisations and/or service providers who can add value through their knowledge; and ○ A minimum of eight community members with relevant skills and experience; • Up to three officers comprising: <ul style="list-style-type: none"> ○ A senior Council Officer, either Director or Manager; ○ Service area Coordinator to act as Secretariat; and ○ Subject matter expert.
<p>6. Co-opted Membership</p>	<ul style="list-style-type: none"> • Representatives from peak bodies, service providers and council may be invited to attend Advisory Committee meetings to provide specific advice on an as-needed basis, and do not contribute to the Advisory Committee’s quorum.
<p>7. Quorum</p>	<p>50% plus one comprising:</p> <ul style="list-style-type: none"> • One councillor or delegated representative; • Five community or service provider representatives. <p>Together with one officer as Secretariat.</p>
<p>8. Membership Criteria</p>	<p>Applications will be assessed on the following criteria:</p> <ul style="list-style-type: none"> • Have lived experience and/or possess knowledge and understanding of the needs and issues addressed by the HAAC and the eight elements of the WHO Age-Friendly Cities Framework: <ul style="list-style-type: none"> ○ Community and health care: Accessible and affordable health services, education and awareness of the health system and services. ○ Transportation: Accessible, affordable and safe public transport, together with age-friendly driving conditions and parking facilities. ○ Housing: Affordable, well-designed, age-friendly homes with good connectivity to social services. ○ Social participation: Accessible and affordable activities, encouraging participation and intergenerational integration. ○ Outdoor spaces and buildings: Pleasant, clean, safe environments and green spaces, with age-friendly paths and activity centres. ○ Social inclusion: Education and economic inclusion, valuing older people.



	<ul style="list-style-type: none"> ○ Employment Volunteering and employment opportunities, together with training, to support self-sufficiency. ○ Communication and information Appropriate and age-friendly distribution of information, and affordable access to computers and training. ● Older people, carers or people with professional experience, who live, work or study in Manningham. ● Represent diversity including age, gender, sexuality, ability, cultural background, intersectionality and geographic location. ● Bring a variety of experiences, capabilities and backgrounds. ● Have an interest in civic participation, community involvement or advocacy. ● Willingness and ability to engage in open and respectful discussions that add value to the HAAC. ● Availability to attend 80% of the meetings scheduled throughout the year. ● Willingness to sign a Code of Conduct for Committee members and abide by the terms of appointment (see Section 10 below).
<p>9. Membership Appointment</p>	<ul style="list-style-type: none"> ● Expressions of interest for HAAC membership will be sought in the local media, on Council’s website or by invitation to relevant local or peak agencies or community organisations: <ul style="list-style-type: none"> ○ Nominations shall be submitted via the Council form (available on Council’s website) within the advertised nomination period; ○ Inclusive techniques will be used to ensure access for the broadest reach possible; ○ Applicants will be supported to access, complete and submit the form in the way that best suits them; ○ Applications will be assessed by Officers and recommendations will be presented at a Council meeting for formal approval; ○ Advisory Committee membership appointments will be made by Council and formally endorsed, based on appropriate membership mix responsive to the criteria above. ● Casual vacancies that occur due to a representative resigning or membership lapsing may be filled by co-opting suitable candidates identified from the most recent selection process for the remainder of the previous incumbent’s term: <ul style="list-style-type: none"> ○ Officers, in consultation with the chairperson, will make a recommendation to the Chief Executive Officer to appoint a suitable candidate to join the Advisory Committee for the remainder of the previous incumbent’s term; ○ Where there are no suitable candidates identified, a formal expression of interest and formal Council endorsement is required (as outlined earlier in Section 9); and ○ Where a vacancy occurs within six (6) months of the current membership term expiring, and providing that a quorum is maintained, there is no requirement to fill the vacancy for the remainder of the term.

<p>10. Membership Responsibilities</p>	<ul style="list-style-type: none"> • Councillors are bound by the Councillor Code of Conduct. • Council officers are bound by the Employee Code of Conduct. • Committee members are bound by an Advisory Committee member Code of Conduct, which includes the following: <ul style="list-style-type: none"> ○ Act with integrity; ○ Act with impartiality and exercise responsibility in the interests of the local community; ○ Not seek to confer an advantage or disadvantage on any person, including one's self; ○ Disclose any actual or perceived conflict of interest; ○ Undertake Council values, WE ARE Manningham: <ul style="list-style-type: none"> • Working Together; • Excellence; • Accountable; • Respectful; and • Empowered. ○ Take reasonable care of one's own health and safety and that of others; ○ Commit to regular attendance at meetings, a minimum of 80%; Members should provide an apology, preferably in writing to the Chair and Secretariat as soon as they are aware that they cannot attend a meeting; ○ Commit to active contribution to the work of HAAC; ○ Committee members must defer any media enquiries to the Chairperson in the first instance and should not to respond as a representative of the committee;
<p>10. Membership Responsibilities (con't)</p>	<ul style="list-style-type: none"> ○ Committee members are also bound by Council's Social Media Policy and must not respond to any media enquiries, but refer same to the Chairperson or Secretariat; and ○ Online behaviour should be consistent with the behaviours outlined above. Committee members must not engage in any conduct online that would not be acceptable in their workplace or that is unlawful. For example, do not make derogatory remarks, bully, intimidate, harass other users, use insults or post content that is hateful, slanderous, threatening, or discriminating. • A breach of the Code of Conduct may result in HAAC membership terminating.
<p>11. Appointment Terms</p>	<ul style="list-style-type: none"> • Councillor representatives are appointed annually by Council. • Volunteer community representatives are appointed for a two (2) year period. • A member of HAAC may resign at any time. Notice of resignation or change of service provider/organisation representation can be made at any time in writing to the Chairperson and the Secretariat. • Service providers and community organisations are able to appoint and/or substitute a representative at their discretion. • If a committee member fails to attend three (3) consecutive meetings without giving prior notice, membership is deemed to have lapsed.



<p>12. Committee Administration</p>	<ul style="list-style-type: none"> • The Secretariat will be responsible for preparation of meeting agendas, minutes, reports and other administrative functions for the HAAC: <ul style="list-style-type: none"> ○ Each agenda must commence with an Acknowledgement of Country; and ○ An agenda, prepared in consultation with the chairperson, will be circulated to Committee members a minimum of seven (7) days prior to the meeting. • Secretariats will be experienced in minuting advisory committees and the public distribution of minutes; and/or provided with appropriate training. • Committee members should familiarise themselves with the agenda material prior to the meeting and come to meetings prepared and informed. • Draft minutes of the committee meeting will be circulated to Committee members within two weeks of the meeting. • Confirmed committee meeting minutes be placed on the Councillor Hub • The HAAC will submit a written report and/or presentation to Council by November each year; summarising HAAC’s activities and achievements for the preceding 12 months and ensuring continued alignment with Council’s strategic objectives. • The report on HAAC’s activities and achievements for the preceding 12 months will be published on the Council website.
<p>13. Meeting Procedures</p>	<ul style="list-style-type: none"> • Quarterly meetings will be pre-scheduled, at a time and place determined by the Chairperson in consultation with HAAC members. • Additional meetings will be subject to approval by both the Chairperson and the relevant senior officer. • With the exception of co-opted members, meetings are closed to the general public. • Any councillor may attend any advisory committee meeting to observe. • Committee members provide advice, as far as practicable, on a consensus basis. • Committee members are supported by Council to participate in meetings remotely if unable to physically attend. • Committee members must not disclose information that they know, or should reasonably have known is confidential information. • Committee members have an obligation to not disclose any materials or information that is not publicly available unless approved by the Chairperson or a representative of Council. • Any actual or perceived conflicts of interests should be declared by councillors, Committee members, or officers prior to the agenda item discussion, with the relevant Committee member leaving the room, with the declaration and absence recorded in the meeting minutes.



14. Review	<ul style="list-style-type: none"> • The HAAC Terms of Reference, membership and productivity will be reviewed at least once every four years to ensure currency and effectiveness. • The Councillor Chairperson is responsible for reporting to Council on the Committee's progress and achievements on behalf of the Committee. • The Terms of Reference may be revoked at any time by Council. • The HAAC will sunset four years from the date of adoption.
-------------------	--

Definition of Key Terms	Advisory Committee	<p>Manningham Council's <i>Advisory Committee Policy 2019 - 2023</i> defines the main function of an Advisory Committee as enabling stakeholder engagement that provides input and guidance to support quality decision making and in turn, the achievements of Council's goals and objectives under the Council Plan.</p> <p>Advisory committees facilitate access to independent advice from external stakeholders and collaboration with the community on a range of matters. Advisory committees generally have a lifespan beyond one year and are aligned with a Council plan or strategy.</p>
	Chairperson	The person appointed to facilitate an advisory committee meeting, in this case, a councillor.
Definition of Key Terms (con't)	Co-opted membership	Appointment to membership of an advisory committee by invitation of the existing members.
	Council	The councillor group participating in decision making at a formally constituted Council meeting.
	Councillor	Elected representatives of Manningham Council.
	Intersectionality	The combination of various characteristics such as age, gender, cultural background, sexuality and ability that contribute to a person's lived experience, and in some cases may lead to discrimination or disadvantage.
	Officer or Council Officer	An employee of Manningham Council.
	Peak body	A non-government organisation that consists of individuals or smaller organisations that are united by a shared purpose.
	Quorum	The minimum number of committee members required for a committee meeting to proceed.
	Secretariat	The senior officer appointed to administer the advisory committee, such as the service area Coordinator.
	Strategic	Relating to the goals and objectives contained within documents such as the Council Plan, and how to achieve them.



12 CITY SERVICES

12.1 Schramm's Visitor Centre - Recommended next steps

File Number: IN23/734
Responsible Director: Director City Services
Attachments: Nil

PURPOSE OF REPORT

The purpose of this report is to provide an update on the status of the proposed Schramm's Visitor Centre and provide options for the consideration of Council.

EXECUTIVE SUMMARY

At the August 2020 Council meeting, Council noted the concept plan and cost plan prepared for the proposed visitor centre adjacent to the Schramm's Cottage Museum complex. At the 4 April 2022 SBS, Councillors noted the project cost escalation to over \$4 million. In response, Councillors supported to consider a revised building detailed design with a budget of \$2.2 million.

A planning permit for the project has been obtained for the project and the detail design has now been completed as agreed with the Doncaster Templestowe Historical Society (DTHS).

The tender process has confirmed from the market that the construction of the building will now cost approximately \$3.3 million, a cost increase of \$777,000 above the agreed budget. To date, \$2.523m has been allocated for the project as part of Councils 10-year capital works program.

It is considered that all value management options have been exceeded for the project in accordance with the approved concept plan and stakeholder requirements.

As such, three (3) options are being considered regarding the future of this project, noting the preference of option 2:

- **Option 1** - *To not proceed further with the project and discontinue allocated funding within the capital works program;*
- **Option 2 (recommended)** - *To discontinue with the project in its current form and re-allocate the funding for improvement works to the existing Schramm's Cottage precinct.*
- **Option 3** – *To allocate an additional \$777,000 shortfall to the project as part of Councils capital works program and proceed with the new building project.*

Council officers met with the DTHS in late November 2023 to discuss the above recommendation. Discussions will continue with the DTHS to refine the scope for the improvement works as recommended in Option 2.

With the opportunity for the DTHS to influence positive public and community value outcomes within the existing Schramm's Cottage Precinct.

1. RECOMMENDATION:**That Council:**

- A. Endorse the Officer recommendation to rescope the project and proceed with recommended Option 2, to discontinue with the project in its current form (new building) and re-allocate the funding for improvement works to the existing Schramm's Cottage precinct.**
- B. Note that officers will seek to reallocate the budget for this project to allow for project to be re-scoped and designed to focus on the existing Cottage Precinct.**
- C. Note that Officers will engage with the Doncaster Templestowe Historical Society (DTHS) to define a scope of improvement works for the existing building, external areas and options for storage onsite.**

2. BACKGROUND

- 2.1 The objective of the project is to provide a new multi-purpose visitor centre building to complement the Schramm's Cottage Museum Complex. The visitor centre is intended to accommodate the operations of the Doncaster Templestowe Historical Society (DTHS).
- 2.2 In May 2019 Council endorsed the Waldau Precinct Masterplan (2019) to establish the Waldau Precinct area as a regional recreation and tourism destination, focussing on the heritage of the former Waldau Village in Doncaster. The Masterplan recommended several improvements, which included:
 - 2.2.1 **a new visitor centre** – construction of a new multipurpose visitor centre building, incorporating meeting and research spaces as well as accessible public toilets.
 - 2.2.2 **upgrades to the existing complex** – upgrades to surrounding paths, signage, and security (replacement of the existing fence) at the complex.
- 2.3 In response to the recommendations from the Margaret Birtley Consulting Report (dated 10 March 2020) "*A new visitor centre at Schramm's Cottage Museum Complex*", along with previous findings and consultation results from the Waldau Precinct Masterplan (2019), budget allocation was made to develop a concept plan for a visitor centre with a maximum area of 440 sqm centre at the Schramm's Complex site. A budget of between \$2 to \$2.2 million was identified for design and construction of the centre.
- 2.4 In April 2020, Katz Architecture (KA) were engaged by Council to develop a concept plan for the proposed visitor centre. The concept plan was developed in consultation with the DTHS.
- 2.5 At the 25 August 2020 meeting, Council resolved to endorse the concept plan, noted the estimated cost, and authorised officers to progress the project to detailed design phase.

- 2.6 At the 4 April 2022 SBS, Councillors noted the project cost escalation to over \$4 million. In response, Councillors supported to consider a revised building detailed design with a budget of \$2.2 million. An additional \$250,000 was also allocated within the program to deliver ancillary works to the existing Cottage precinct.
- 2.7 Since then, officers have worked extensively with DTHS to finalise the design to meet current and future needs for the centre. This includes extensive discussions to ensure that the project costs were managed to keep as low as practicably feasible. This included:
- 2.7.1 Siting the building to reduce headwork, civil and associated costs.
 - 2.7.2 Rationalising the floorplan to maximise use.
 - 2.7.3 Designing the building to allow for future potential usages.
 - 2.7.4 Selection of material which is in keeping with Council design principles whilst providing value for money.
- 2.8 Following extensive negotiation, officers have reached an agreement in principle with the DTHS on the design, subject to funding.
- 2.9 Consultation with surrounding residents occurred as part of the adoption of the Waldau Precinct Masterplan (2019), with further engagement undertaken in mid-2023 on the design.
- 2.10 Officers have worked with the neighbouring Doncaster East Scouts and confirmed that no additional accommodation is required. It is noted that the new visitor centre consists of multifunctional spaces which can be utilised by the public.
- 2.11 A planning permit for the project has been obtained for the project. However, it should be noted that an amendment will be required to be processed to account for any future additional changes associated with the building and siting if required.

3. DISCUSSION / ISSUE

- 3.1 In August 2020, officers advised Council that the anticipated cost of the project was \$2.2m.
- 3.2 Council has currently allocated \$2.523m, as part of its annual Capital works program for the project.
- 3.3 Officers have subsequently, advertised the tenders for the project with the total project costs confirmed at \$3.3m, resulting in a shortfall of \$777,000.
- 3.4 Additional external improvement works have also been identified that were not included within the original budgeted amount.
- 3.5 Three options have been considered by officers to progress the project:
- 3.5.1 **Option 1** - To not proceed with the project and discontinue allocated funding within the capital works program.

- 3.5.2 **Option 2 (recommended)** - To discontinue with the project in its current form and re-allocate the funding for improvement works to the existing Schramm's Cottage. This would involve improvement works to the existing building, and external areas, with the option to look at a small modular structure on the existing site to cater for the storage and workspace needs of the DTHS.
- 3.5.3 **Option 3** – To allocate an additional \$777,000 to the project as part of Council's capital works program and proceed with the project.
- 3.6 Option 2 is recommended due to a number of considerations:
 - 3.6.1 The escalated cost of the project, noting that all value-management options have been exhausted to reduce the size and scope of the building;
 - 3.6.2 The public value in investing in such a facility, compared to the opportunity to invest in improving the existing heritage Cottage and surrounding gardens and precinct;
 - 3.6.3 The opportunity for the DTHS to influence positive public and community value outcomes within the existing Schramm's Cottage Precinct.
 - 3.6.4 Council officers have continued to meet with the DTHS throughout the process to ensure DTHS is involved in defining the scope of works and well informed. Discussions will continue with the DTHS to refine the scope for the improvement works as recommended in Option 2.

4. COUNCIL PLAN / STRATEGY

- 4.1 In relation to the above, the provision of a visitor centre addresses the following Council Plan Goals:
 - 4.1.1 Inviting places and spaces;
 - 4.1.2 Well maintained and utilised community infrastructure; and
 - 4.1.3 A financially sustainable Council that manages resources effectively and efficiently.

5. IMPACTS AND IMPLICATIONS

- 5.1 Finance / Resource Implications
 - 5.1.1 The cost of the project will be funded by Council annual capital works program. A total of \$2.523m was endorsed by Council as part of the 2023/24 Capital Works Budget (this includes the \$250,00 Schramm's Cottage improvement works that were included within the program).
 - 5.1.2 Officers have undertaken significant value management during the design process to ensure that the scope of project is refined to as minimal as practicable in liaison with the DTHS.

- 5.1.3 Officers have spent \$115,000 on the development of the Schramm’s Cottage design. In addition to this \$2.523m has been allocated in the capital works program for the project split between FY 23/24 and FY 24/23, as part of the annual budget process. This budget of \$2.523 includes the \$250,000 which was allocated for improvement works to the facility.
- 5.1.4 To complete the project including external improvement works to the car park and landscaping, a total budget of \$3.55M is required, which is a shortfall of \$1.027M. This includes contingency and allowance for an increase in the cost of construction over time.

6. IMPLEMENTATION

6.1 Communication and Engagement

Stakeholder Groups	1. DTHS 2. Local Residents 3. Users of the reserve.
Is engagement required?	Yes
Where does it sit on the IAP2 spectrum?	Inform Consultation has occurred on the project, with an inform phase to follow post council decision.
Approach	Communication material (letter drops, website info, signs, social medial posts etc)

6.2 Timelines (associated with Option 2):

- 6.2.1 **December 2023 to early 2024:** Work with DTHS to define the scope of improvement works.
- 6.2.2 **Early to Mid-2024:** Confirm scope of building improvement works and modular storage options. Commence improvement work to external areas.
- 6.2.3 **Mid 2024 through to Dec 2025:** Plan and deliver building improvement works and modular storage options.

7. DECLARATIONS OF CONFLICT OF INTEREST

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

13 EXPERIENCE AND CAPABILITY

13.1 Communicating with our Multicultural Communities update

File Number: IN23/779
Responsible Director: Director Experience and Capability
Attachments: Nil

PURPOSE OF REPORT

To update Council on the various activities that have been implemented or are underway to improve how we communicate with our multicultural communities.

EXECUTIVE SUMMARY

Manningham has a diverse community comprising people from many cultural backgrounds, and we are keen to ensure they are aware and informed about our initiatives, programs, and activities.

This report focuses on several initiatives implemented over the last couple of years rather than including everything we do to improve our communication with our multicultural communities. There is still more work to do, but we have made improvements to the website, Your Say Manningham, eNews, letters, and communications plans, to name a few.

We are also working on initiatives, including partnering with Aligned Leisure, reviewing Manningham Matters and eNews, improving letter templates, and focusing on information for new residents.

1. RECOMMENDATION

That Council notes the increased focus on communication with our multicultural communities.

2. BACKGROUND

- 2.1 Manningham is a diverse community comprising people from many cultural backgrounds, many of whom are born overseas and/or speak languages other than English. These multicultural communities help enrich Manningham.
- 2.2 From the ABS data, a large portion (43.5%) of Manningham residents are born overseas, and 46.3% speak a language other than English at home. This is not an indicator that they cannot speak English as well; it is merely that they speak another language at home. Mandarin Chinese is the most commonly spoken language, with 13.9%, followed by Cantonese, Greek, Italian, Persian and Arabic, rounding out the top six languages.
- 2.3 Proficiency in English, also recorded in ABS data, indicates the number of Manningham residents who have self-reported their English skills levels. Of the 46.3% who speak a language other than English at home, data shows that 82.4% believe they speak English well or very well. This leaves 16.8% who identify as having limited or no English skills. These are the people we hardly reach, and we are trying hard to find ways to do so.

- 2.4 From the people with little or no English skills, the languages that people speak at home in order of the greatest number to the least is, Chinese, Greek, Persian, Italian, and Arabic.
- 2.5 The largest group with limited English skills is recent arrivals, and to reach them requires various communication styles: translated material, interpreter line, direct outreach with facilitators, non-written communications such as drawings, videos, Easy English translations and secondary outreach via multicultural community members with strong English skills.
- 2.6 Throughout our organisation, there are many ways we communicate with our multicultural communities and make service improvements such as: Maternal and Child Health initially engages new parents with limited English through an app on their phones that provides vital information. This first step is then followed up with a translator at each subsequent in-person consultation. The team completed nearly 500 consultations last year using in-person translators.
- 2.7 We have initiated several new approaches to improve how we communicate Council initiatives/services/plans to our multicultural communities however, we realise we can always do more and are constantly looking at improving communication with these community members. This report focuses on some recent initiatives rather than all initiatives in place throughout the organisation.
- 2.8 Below are some of the initiatives that we have delivered:

Benchmarking

- 2.9 In 2022, we benchmarked against six local governments and two organisations that regularly engage with people from multicultural communities to assess how and when we should translate our documents.
- 2.10 The three common key messages were:
- Easy English is a common way to engage with multicultural communities.
 - Translations should be done case-by-case when required (for example, if we are targeting the Iranian community, specifically on a discrete project).
 - Formalised relationships with multicultural community members or having bi-cultural workers in the workplace are highly effective strategies for informing when to translate or to have documents translated on behalf of Council.

Communications plans

- 2.11 As part of the 'fit for purpose' communications plans we build for initiatives/projects/activities we identify relevant audiences including the multicultural communities. Action plans are then developed with the aim to communicate to people who might be interested or impacted by the initiative.
- 2.12 Options are presented based on criteria (stakeholders, specific geographic area of Manningham, topic, size of project, budget, channels (e.g. Your Say, social media, website, Manningham Matters, etc.) to be used), and the project team determines the level of commitment and signs off the plan.
- 2.13 A recent example where a project team was committed to achieving the best communication outcomes was for a safety and amenity works project. The team were focused on communicating with traders as a specific stakeholder group.

This group had specific multicultural communications needs, including one trader who preferred hard copy documents (e.g., letters and footpath trading guidelines) translated into his language and several traders who preferred verbal communication. The team arranged both communication types to be available.

Website / digital

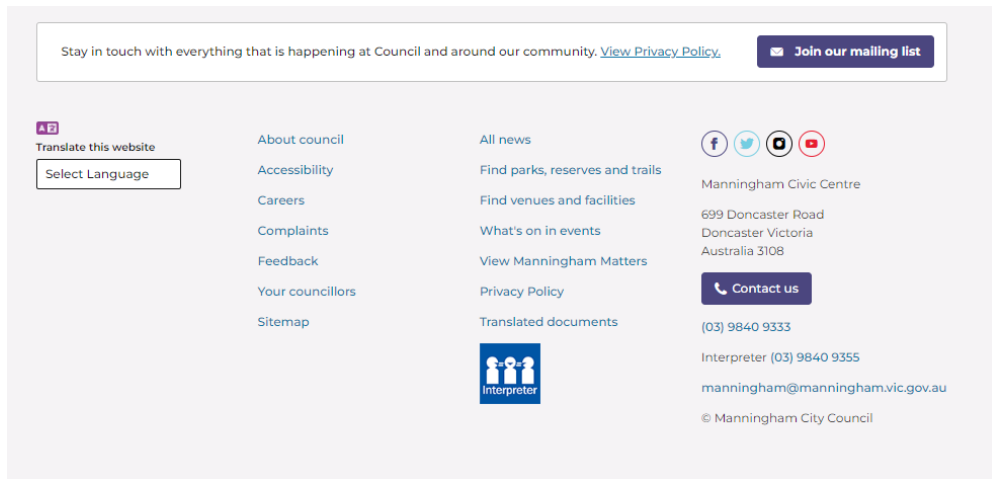
- 2.14 More than 50% of our website users are on iPhone. Users tend to continue using the functionality they are used to rather than multiple alternate approaches so these users will use the inbuilt translation functionality on their phones.
- 2.15 That said, there is no simple answer as our website user testing showed that many non-English speakers prefer support from people they know (and trust) for translations rather than translated information being available on the website.
- 2.16 We have a translation button at the bottom of our website, enabling users to translate information via Google Translate.
- 2.17 Visits on this page are tracked, and from 1 January to 17 November 2023, roughly 4% of people are viewing in another language. It is interesting to note these aren't the top six languages in Manningham. It is our hypothesis that Persian and Arabic are not on this list as machine translations for these languages are inaccurate – making them almost unreadable.

Top Language by Sessions

Jan 1–Nov 17, 2023

LANGUAGE	SESSIONS
English	734K
Chinese	28K
Korean	1.1K
Japanese	475
Spanish	417
French	365
Vietnamese	290
German	200
Italian	200
Greek	113

- 2.18 We have received some feedback that the Google translate button should be at the top of the page. That doesn't align with our user testing that ultimately decided on the position, and after benchmarking other sites, the bottom of a page is a common location. We will continue to monitor and review this location and other translated information on our website.

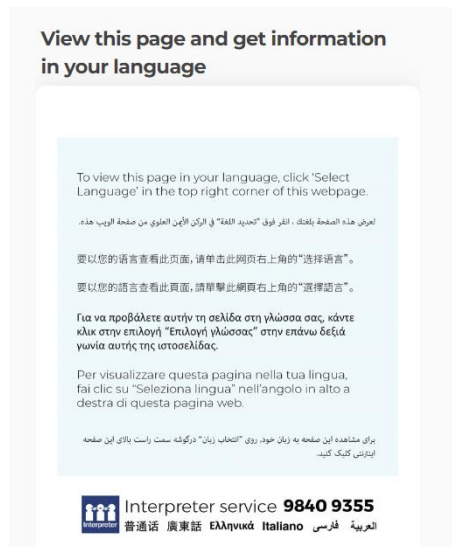


2.19 We have provided translated alternatives to social media content and captions (subtitles) where possible.

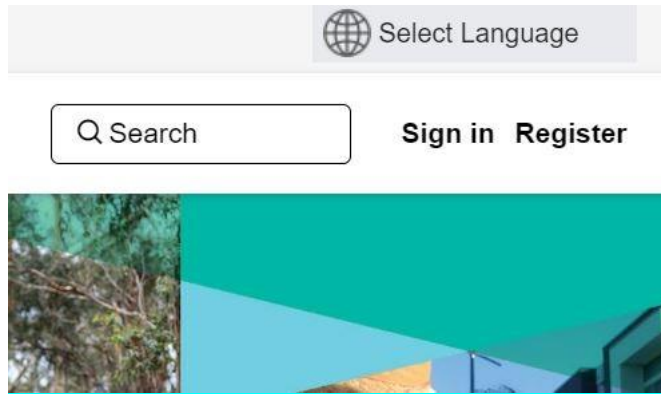
2.20 Web training is run throughout the organisation encouraging people to write in plain English as this assists with a better translation of the message.

Your Say Manningham (YSM)

2.21 We have added the following image to most of our projects on YSM but as this is an image, it is not accessible. To address this, we are currently using Alt Text but are approaching the software vendor about developing this into a widget that will make the information more accessible.



2.22 On-page translations are now available in our top languages via Google Translate on YSM pages. The software vendor determined the location of this feature, and it currently sits in the top right-hand corner.



Manningham Matters and eNews

2.23 Manningham Matters has a double-page spread summarising the main items in that issue translated into our six main languages. What we currently do in Manningham Matters is:

News in your language

<p>Simplified Chinese/简体中文</p> <p>镇长在年度报告中的致辞</p> <p>我们很高兴能与您分享我们的年度报告。您可以在重要的事项和计划中找到支持材料。</p> <p>manningham.vic.gov.au/fooo</p>	<p>Ελληνικά/Ελληνικά</p> <p>Επισημειώσεις για τους κάτοικοι</p> <p>Επισημειώσεις για τους κάτοικοι σχετικά με το πρόγραμμα ανταλλαγής προϊόντων οργάνων (Food Organics Garden Organics) ανταλλαγής προϊόντων οργάνων (FOOGO).</p> <p>manningham.vic.gov.au/fooo</p>	<p>Ελληνικά/Ελληνικά</p> <p>Επισημειώσεις για τους κάτοικοι</p> <p>Επισημειώσεις για τους κάτοικοι σχετικά με το πρόγραμμα ανταλλαγής προϊόντων οργάνων (Food Organics Garden Organics) ανταλλαγής προϊόντων οργάνων (FOOGO).</p> <p>manningham.vic.gov.au/fooo</p>	<p>Ελληνικά/Ελληνικά</p> <p>Επισημειώσεις για τους κάτοικοι</p> <p>Επισημειώσεις για τους κάτοικοι σχετικά με το πρόγραμμα ανταλλαγής προϊόντων οργάνων (Food Organics Garden Organics) ανταλλαγής προϊόντων οργάνων (FOOGO).</p> <p>manningham.vic.gov.au/fooo</p>	<p>Ελληνικά/Ελληνικά</p> <p>Επισημειώσεις για τους κάτοικοι</p> <p>Επισημειώσεις για τους κάτοικοι σχετικά με το πρόγραμμα ανταλλαγής προϊόντων οργάνων (Food Organics Garden Organics) ανταλλαγής προϊόντων οργάνων (FOOGO).</p> <p>manningham.vic.gov.au/fooo</p>	<p>Ελληνικά/Ελληνικά</p> <p>Επισημειώσεις για τους κάτοικοι</p> <p>Επισημειώσεις για τους κάτοικοι σχετικά με το πρόγραμμα ανταλλαγής προϊόντων οργάνων (Food Organics Garden Organics) ανταλλαγής προϊόντων οργάνων (FOOGO).</p> <p>manningham.vic.gov.au/fooo</p>
---	---	---	---	---	---

2.24 We have had little feedback on this, but recently, a resident told the previous Mayor that this did help her understand some of our major initiatives. We need to do more with this, and it will be a part of next year's Manningham Matters Review.

- 2.25 In August 2023, we added a translation option to our eNews (see below), and there have been 11 uses – Chinese simplified (4), Chinese traditional (2), Persians (3) and Italian (2). We will continue to promote this to groups in our community for whom this would be useful.

No images? [Click here](#)

Translate this: [Arabic](#) | [Chinese \(Simplified\)](#) | [Chinese \(Traditional\)](#) | [Greek](#) | [Italian](#) | [Persian](#)



November 2023

Congratulations to our winners of the **Manningham photo competition!** We can't wait to show off these photos, plus our top 12 finalists, in our 2024 Community Calendar, to be available early December.

Easy English Trial

- 2.26 Responding to feedback from a community organisation and liaising with our Multicultural and Disability Advisory Committees, we have worked with Scope to develop four documents in Easy English. These guides are published on our website and are being promoted to our community groups. They sit alongside other, more formal documents and aim to assist users to understand the content:
- What you should know about your rates
 - What if you get a fine?
 - How to renew your pet registration
 - Council Plan from 2021 to 2025

Get information in your language templates

- 2.27 In early 2022, community members expressed concerns regarding the adequacy of accessibility to information relating a specific project. We developed an information sheet to accompany future correspondence as an interim measure. It provided in-language instructions on accessing and translating essential information from the letter to their preferred language via YSM. We also increased the prominence of the interpreter symbol (enlarged and relocated to the top right-hand corner of the cover sheet).
- 2.28 Following those interim steps we identified further opportunities to improve access to information for our multicultural communities. We are now piloting 'in language' templates for our letters (including bulk letter box drops). The templates provides instructions for accessing the information via an interpreter or our websites; given the complexity of some of our projects, we have developed several versions of this template.

2.29 These templates are designed to be easily tailored, and two examples are provided below:

- For projects that don't have a webpage

Get information in your language
 This letter is about a proposed footpath, drainage or road project in your area. For information in your language, please call our interpreter service, select your language, and an interpreter will connect you to us. The interpreter will facilitate the communication between us. You will see a reference number on the first page of this letter. Please provide this to the interpreter so we can easily assist you.

以您的語言獲取資訊
 這封信是關於您所在地區預定的人行道、排水系統或道路工程項目。如需以您的語言來瞭解相關資訊，請致電我們的口譯服務。選擇您的語言，口譯員將會為您聯繫我們。這位口譯員將協助您與我們溝通。在本信的第一頁有一個參考編號。請將此號碼提供給口譯員，以便我們為您提供幫助。

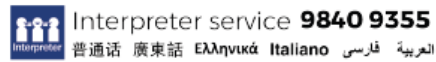
获取中文信息
 这封信是关于您所在地区拟议的人行道、排水系统或道路项目的。如需获取中文信息，请致电我们的口译服务，选择您的语言，口译员将帮您连通我们。口译员将协助我们之间的沟通。您会在此信件的首页看到参考编号（reference number）。请向口译员提供此编号，以便于我们为帮助您。

Αναζητήστε πληροφορίες στη γλώσσα σας
 Αυτή η επιστολή αφορά ένα προτεινόμενο έργο πεζοδρομίου, αποστράγγισης ή οδοποιίας στην περιοχή σας. Για πληροφορίες στη γλώσσα σας, παρακαλούμε καλέστε την υπηρεσία διερμηνείας μας, επιλέξτε τη γλώσσα σας και ένας διερμηνέας θα σας συνδέσει μαζί μας. Ο διερμηνέας θα διευκολύνει την επικοινωνία μεταξύ μας. Θα δείτε έναν αριθμό αναφοράς στην πρώτη σελίδα αυτής της επιστολής. Παρακαλούμε να τον δώσετε στον διερμηνέα, ώστε να μπορούμε να σας εξυπηρετήσουμε εύκολα.

Informazioni nella tua lingua
 Questa lettera riguarda una proposta per la realizzazione di un marciapiede, di un canale di scolo o di un progetto stradale nella tua zona. Per informazioni nella tua lingua, per favore chiama il nostro servizio d'interpretariato: seleziona la tua lingua e un interprete ti conatterà con noi. L'interprete faciliterà la comunicazione tra te e noi. Sulla prima pagina di questa lettera troverai un numero di riferimento, che dovrai comunicare all'interprete affinché ti possa assistere più agevolmente.

اطلاعات را به زبان خودتان بگیرید
 این نامه در مورد یک پروژه پیشنهادی برای مسیر پیاده روی، زهکشی یا جاده ای در ناحیه شما است. برای اطلاعات به زبان خودتان، لطفاً با خدمات مترجم شفاهی ما تماس بگیرید، زبان خودتان را انتخاب کنید و یک مترجم شفاهی شما را به ما وصل خواهد کرد. مترجم شفاهی بین ما را تسهیل خواهد کرد خواه کرد. شما در صفحه اول این نامه یک شماره ارجاع خواهید دید. لطفاً این را به مترجم شفاهی ارائه دهید تا ما بتوانیم به آسانی به شما کمک کنیم.

احصل على المعلومات بلغتك
 ترسل هذه الرسالة بشأن المشروع المقترح بإنشاء ممر مشاة و صرف صحي وطريق في منطقتك. يرجى الاتصال بخدمة الترجمة الشفهية إذا أردت الحصول على المعلومات بلغتك. اختر لثقتك حيث ستقوم بالتواصل معك عن طريق المترجم الشفهي. وستولى المترجم تسهيل التواصل بيننا وبينك. وسجد في الصفحة الأولى من هذه الرسالة رقماً مرجحاً. يرجى تزويد المترجم الشفهي بهذا الرقم من أجل أن نتمكن من مساعدتك بسهولة.



- For projects with a webpage (this has more information and provides instruction about accessing the translate function).

Get information in your language
 This letter is about a proposed footpath, drainage or road project in your area. You can now view the information provided in this letter in your preferred language via the link below. Please follow the instructions below to translate the webpage into your preferred language or access our interpreter service.

以您的語言獲取資訊
 這封信是關於您所在地區預定的人行道、排水系統或道路工程項目。您現在可以通過下面的網址用您偏好的語言查看此信件中提供的資訊。請按照以下說明將網頁翻譯成您偏好的語言或使用我們的口譯服務。

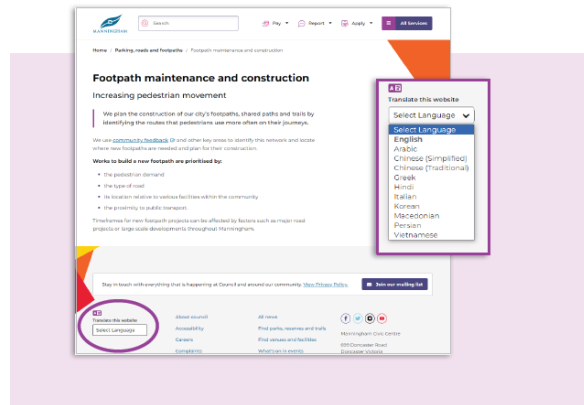
获取中文信息
 这封信是关于您所在地区拟议的人行道、排水系统或道路项目的。您现在可以通过下面的链接以您的语言查看信件中提供的信息。请按照以下说明将此网页翻译或您所选的语言或使用我们的口译服务。

Αναζητήστε πληροφορίες στη γλώσσα σας
 Αυτή η επιστολή αφορά ένα προτεινόμενο έργο πεζοδρομίου, αποστράγγισης ή οδοποιίας στην περιοχή σας. Μπορείτε τώρα να διαβάσετε τις πληροφορίες που παρέχονται σε αυτήν την επιστολή στη γλώσσα που προτιμάτε μέσω του παρακάτω συνδέσμου. Παρακαλούμε ακολουθήστε τις παρακάτω οδηγίες για να μεταφράσετε ή ιστοσελίδα στη γλώσσα που προτιμάτε ή να απευθυνθείτε στην υπηρεσία διερμηνείας μας.

Informazioni nella tua lingua
 Questa lettera riguarda una proposta per la realizzazione di un marciapiede, di un canale di scolo o di un progetto stradale nella tua zona. Le informazioni contenute in questa lettera possono ora essere visualizzate nella tua lingua preferita usando il link sottostante. Segui le istruzioni riportate di seguito per tradurre la pagina web nella tua lingua preferita o per accedere al nostro servizio di interpretariato.

اطلاعات را به زبان خودتان بگیرید
 این نامه در مورد یک پروژه پیشنهادی برای مسیر پیاده روی، زهکشی یا جاده ای در ناحیه شما است. شما اکنون می توانید اطلاعات ارائه شده در این نامه را به زبان مورد ترجیح تان از طریق آدرس اینترنتی مشاهده کنید. لطفاً دستورالعمل های زیر را دنبال کنید تا صفحه وب را به زبان مورد ترجیح تان ترجمه کنید یا به خدمات مترجم شفاهی ما دسترسی پیدا کنید.

احصل على المعلومات بلغتك
 ترسل هذه الرسالة بشأن المشروع المقترح بإنشاء ممر مشاة و صرف صحي وطريق في منطقتك. يمكنك الآن تصفح المعلومات المقدمة في هذه الرسالة بلغتك المفضلة من خلال الرابط أدناه. يرجى اتباع التعليمات أدناه لترجمة الصفحة (webpage) إلى لغة المفضلة أو استخدام خدمة الترجمة الشفهية.



- 2.30 Our Aged and Disability Support Services (ADSS) team also used this method in their letters to over 2,000 clients to communicate about the exit from aged care services and the appointment of new providers. The team found that only a handful of clients requested translations, as many had their adult children assisting them in this process, but people appreciated the offer.

Translated fact sheets

- 2.31 We currently have some general fact sheets on key Council information translated into Arabic, Chinese (Simplified + Traditional), Greek, Italian and Persian. These sit on the page manningham.vic.gov.au/contact-us/get-information-your-language and include the following topics:

- Emergency services
- Family services
- FOGO
- Parking
- Pets and Animals
- Planning and Building
- Roads and Footpaths
- Waste and Recycling
- Wellbeing support

- 2.32 Other translated fact sheets sit on our website under their specific topic. For example, the recently updated Local Laws fact sheets on lighting fires and open-air burning were translated into our top six languages and published on the Lighting fires and open-air burning webpage.

FOGO

- 2.33 Significant work went into communicating with our multicultural communities about FOGO, including the following:

- Series of videos with subtitles in our six main languages:
 - Welcome to FOGO - https://www.youtube.com/watch?v=yLNK_Fh0Ayg
 - How to get started and use your FOGO kitchen caddy - <https://www.youtube.com/watch?v=7WGK3hDQrIM&t=1s>
 - What can go into your FOGO bin? - <https://www.youtube.com/watch?v=h7CyyuUqDSk>
 - Tips for keeping your kitchen caddy clean and minimising smells - <https://www.youtube.com/watch?v=5qXbzNq5pcE&t=16s>

- FOGO information guides in different languages on the website:



Welcome to FOGO!

What is FOGO and why do we need it?

FOGO stands for Food Organics Garden Organics. You are now able to place food waste into your existing green lid bin with your garden waste for it to be recycled into compost.

Currently 56 per cent of waste found in our average red lid garbage bin is food waste. When food waste breaks down in landfill it creates methane, a greenhouse gas which is 23 times more damaging to the atmosphere than carbon dioxide.

Removing food waste from residential garbage bins in Manningham will divert up to 20,000 tonnes per year from landfill – that's enough waste to fill the outdoor pool at Aquarena 40 times.

This will help us move towards achieving our climate targets of net zero emissions by 2028 and net zero community emissions by 2035.

FOGO 'how to' videos

How FOGO will change your existing waste service

What can and cannot go in your FOGO bin

FOGO information guides in English, Easy English, Arabic, Chinese, Farsi, Greek and Italian

FAQs about this service

Interpreter service

Communicate with us through the Interpreter service if you do not speak or understand English:



- New FOGO bin tags - Following feedback from some community members, we redesigned the FOGO bin tags to incorporate the interpreter message and a QR code (for those who want to use this) that takes people to the webpage. These new tags will be rolled out in 2024.



Multicultural Direct Communications Channels

- 2.34 One of the most effective forms of communication with multicultural groups is through strong relationships with key leaders. Managing this across Manningham and keeping this information centrally available and current is complex however the Community Strengthening team is working on this.
- 2.35 The Community Strengthening team regularly engages with multicultural groups and consults with our Multicultural Advisory Group and Multicultural Network (which can involve other officers assisting with translations).
- 2.36 Another way the Community Strengthening team is communicating regularly with Multicultural Groups in Manningham is via a newsletter. A general news email is now being sent every two months to a growing number of community leaders. The team will continually add to this list and establish stronger relationships with the different groups. We will work with the team about how this sits alongside Manningham eNews.

Translating and Interpretive Service (TIS National)

2.37 Interpreters are crucial to reaching multicultural communities with limited or no English skills. Some of the community have limited or no English skills and have been utilising the interpreter function through Customer Service.

2.38 In May 2023, Customer Service transitioned to TIS, an interpreter service used by other Manningham Council service units to connect with our non-English speaking customers. TIS is a service the Australian Government provides and interprets into more than 150 languages. Many of our surrounding councils and other government agencies use TIS, so many community members already know about it.

Below are the statistics on TIS usage from May to September 2023.

Language Name	Serviced
Mandarin	159
Cantonese	54
Farsi	33
Greek	23
Italian	6
Arabic	4
Korean	3
Total	282

Table 1: Calls to Customer Service where customers have used TIS to assist them. Data is from May-September 2023 only.

2.39 We use the TIS symbol on many pieces of communication. We appreciate not everyone recognises it for what it is and we will look for opportunities to help give it meaning.

Bilingual Employees and Cultural Awareness

2.40 We continually look for ways to build capacity throughout the organisation and embed good practice through cultural awareness training, the Employee Bilingual Allowance and using the bilingual skills of our workforce.

3. DISCUSSION / ISSUE

3.1 While we have achieved a lot in the last couple of years, there is still more to do. We continue to look for opportunities and review the way we do things to identify initiatives that make the most significant difference in communicating with our multicultural communities. Below are some of the initiatives we are currently working on:

Aligned Leisure

3.2 Aligned Leisure is a very active partner in this space. We are exploring opportunities to use their communication channels to send other Council messages, particularly regarding fire preparedness, heat stress days, etc.

- 3.3 The Active Manningham website can be translated into over 100 languages through Google Translate. The Aligned Leisure team tell us they show people the translate function on their mobile phones at reception so they know it is used.
- 3.4 There is signage in English and Mandarin within our facility for Learn to Swim resources, Watch Around Water resources and general signage such as Towel Dry areas and disability bathrooms.
- 3.5 Aligned Leisure currently have 15 staff identified as fluent in languages other than English and are introducing name badges/tags to make them identifiable. Staff who speak fluently in another language have regular permanent shifts.
- 3.6 Aligned Leisure has agreed to use our standard text translated into our six languages wherever possible.

Manningham Matters and eNews Review

- 3.7 A key aim of the upcoming Manningham Matters review will be ensuring the content, design, and distribution meet community expectations for accessibility of Manningham Matters and eNews (ensuring the publications and content are accessible for everyone in our community).
- 3.8 Questions such as: Does our current translation page work for people from multicultural backgrounds? Could we do more (for example, translations on the front page depending on design possibilities) will be included in focus group discussions, and we hope to involve the relevant advisory groups in this work.

Other initiatives

- 3.9 Standard letters sent through our Property and Rating system – we have around 800 standard letter templates and, using criticality and quantity criteria, will work with teams to include a standard sentence translated our six languages advising residents how to contact us if they need assistance in understanding the content.
- 3.10 Project letter templates – following an evaluation of the current pilot, we will look at rolling this out across more letters across all communications projects. We are also exploring how we include this in system letters and communications.
- 3.11 Internal resources – we will develop more internal resources to encourage project teams to consider multicultural communications for each project and consistently embed them in communications plans.
- 3.12 Website – We will monitor and review information and site location on the website and update it as required.
- 3.13 New Residents – we are working with other teams to consider specific requirements for new arrivals to Manningham – data shows this group is the largest group with limited English skills. More research is required into what information they need most, what languages they need, and what channels are best for communication.

4. COUNCIL PLAN / STRATEGY

- 4.1 Well governed Council - A Council that values our customers and community in all that we do.

5. IMPACTS AND IMPLICATIONS

5.1 Finance / Resource Implications

We have some initiatives already funded through the current budget and at each budget cycle we will look at realigning budgets to include new initiatives as required.

Several Service Reviews are underway – including a review of the Engaged Communities Team – which may have an impact on finance/resources.

6. IMPLEMENTATION

6.1 Communication and Engagement

Is engagement required?	Yes
Stakeholder Groups	Manningham Teams EMT Councillors
Where does it sit on the IAP2 spectrum?	Inform and Consult
Approach	Various

6.2 Timelines

Improvements will occur throughout the next 12 months.

7. DECLARATIONS OF CONFLICT OF INTEREST

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

14 CHIEF EXECUTIVE OFFICER

14.1 Revised Instrument of Delegation to Members of Council Staff

File Number: IN23/777
Responsible Director: Chief Executive Officer
Attachments: 1 Draft Instrument of Delegation from Council to Staff [↓](#)

PURPOSE OF REPORT

The purpose of this report is to present to Council a revised Instrument of Delegation from Council to members of Council staff and to respond to Notice of Motion 6/2022 which requested staff to undertake a review of delegations under the Planning and Environment Act 1987. The revised draft Instrument of Delegation to Members of Council staff is shown at Attachment 1.

EXECUTIVE SUMMARY

The Local Government Act 2020 (the Act) empowers Council to delegate any of its powers, duties or functions under the Act or any other Act, with some exemptions. It is widely accepted that delegations are necessary to facilitate the efficient and effective function of councils as they enable day to day decisions to be made in relation to routine administrative and operational matters.

This report presents a periodic review of the Instrument of Delegation to members of council staff and responds to Notice of Motion 6/2022 tabled at the 13 December 2022 Council meeting.

1. RECOMMENDATION

In the exercise of the powers conferred by the legislation referred to in the attached Instrument of Delegation, Manningham City Council resolves that:

- 1 There be delegated to the members of Council staff holding, acting in or performing the duties of the offices or positions referred to in the attached *Instrument of Delegation to members of Council staff*, the powers, duties and functions set out in that Instrument, subject to the conditions and limitations specified in that Instrument.**
- 2 The Instrument comes into force immediately the common seal of Council is affixed to the Instrument.**
- 3 On the coming into force of the Instrument all previous delegations to members of Council staff (other than the Chief Executive Officer) are revoked.**
- 4 The duties and functions set out in the Instrument must be performed, and the powers set out in the Instrument must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.**
- 5 Note the officer's response to Notice of Motion 6/2022 tabled at the 13 December 2022 Council meeting.**

2. BACKGROUND

- 2.1 It is widely accepted that delegations are necessary to facilitate effective functioning of councils as they enable day to day decisions to be made in relation to routine administrative and operational matters.
- 2.2 This review has been undertaken in consultation with officers and responds to Council's Notice of Motion 6/2022 which requested officers to consider the following matters in their review of delegations under the Planning and Environment Act 1987:
 - 2.2.1 the benefit or otherwise of Manningham introducing an objections threshold for automatic call ins when an approval is proposed;
 - 2.2.2 the current arrangements for planning matters to be elevated to Council, including the ability for an individual Councillor to call in a planning matter; and
 - 2.2.3 advice on whether a periodic planning report to Council is warranted and, if so, what sort of data on applications received, activity at VCAT and other planning metrics could be included in such a report.
- 2.3 This report presents a revised Instrument of Delegation from Council to members of Council staff following this review.

3. DISCUSSION / ISSUE

Draft Instrument of Delegation to Council Staff (Attachment 1)

- 3.1 The Instrument of Delegation to Members of Council staff was last reviewed by Council on 29 June 2021 and included significant amendments following realignment of roles and responsibilities across the organisation.
- 3.2 Following a further alignment of roles and changes to position titles in 2023, the revised Instrument has been updated to incorporate further administrative updates to titles and reporting lines.
- 3.3 There have also been legislative amendments that require the Instrument to be updated. The amendments that are proposed broadly relate to:
 - 3.3.1 the removal of the *Environment Protection Act 1970* which is now subject to a separate Instrument of Sub-delegation by Council.
 - 3.3.2 insertion of new provisions into the *Food Act 1984*.
 - 3.3.3 Various amendments to the *Planning and Environment Act 1987*.
 - 3.3.4 various new provisions of the *Residential Tenancies Act 1997* which are now in force.
 - 3.3.5 the *Residential Tenancies Regulations 2021* which have been inserted and are in force.
 - 3.3.6 a minor amendment to the *Road Management Act 2004*.
- 3.4 Councillors have been briefed separately on the proposed amendments to the revised draft Instrument of Delegation to Council staff.

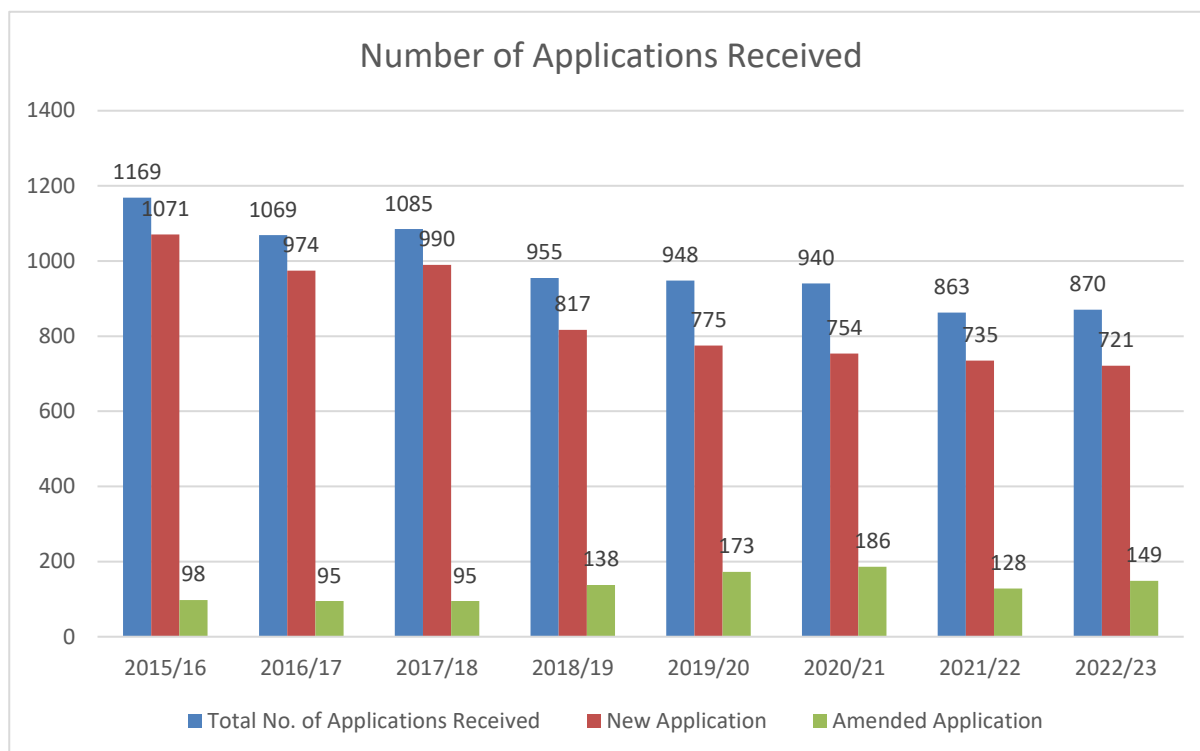
Response to Notice of Motion 6/2022 – Planning Delegations

- 3.5 Notice of Motion 6/2022 was tabled at the 13 December 2022 Council meeting and requested officers to undertake a review of planning delegations. Current arrangements for matters to be considered at a Council meeting are outlined below.
- 3.6 The conditions and limitations contained within the current Instrument of Delegation to Staff sets parameters for when an application is required to be referred to a meeting of Council.
- 3.7 These conditions and limitations were reviewed in depth at a Councillor briefing on 30 July 2019, and later endorsed at a full meeting of Council on the 17 September 2019. They were further endorsed by Council on 29 June 2021 when the Instrument was last reviewed.
- 3.8 The current conditions and limitations which require an application to be considered at a meeting of Council are as follows:-
- Any land demarcated Activity Centre Zone (ACZ) where more than 25 dwellings are proposed and/or the cost of works is greater than \$15 million;
 - Any land outside the demarcated Activity Centre Zone (ACZ) where more than 20 dwellings are proposed and/or the cost of works is greater than \$10 million;
 - Applications of significant community interest;
- 3.9 The conditions and limitations also exclude applications where an officer recommendation is to issue a “Notice of Refusal to Grant a Planning Permit” irrespective of the zoning, number of dwellings, cost of works or significant community interest.
- 3.10 Since the implementation of the conditions and limitations, a total of 13 applications have been referred to a meeting of Council. This period coincides with almost two years of Covid-19 lockdowns and a decline in the overall economy, impacting the development industry. At the time of writing this report, the following applications this year have been referred to Council:-

Date of Meeting	Application Details	Cost of Works	Submission No.
30 May 2023	PLA22/0031 - 1026-1030 Doncaster Road, Doncaster East An amendment to Planning Permit PL14/024793 to increase dwelling numbers to 107, modify height and overall design. - PL14/024793 was issued for an apartment style residential building (106 dwellings, part three-storey, part six-storey above three levels of basement car parking) and alteration to access to a Road Zone Category 1	32.5m	1
31 October 2023	PLN22/0462 - 7 Second Street, Warrandyte for a two-lot subdivision and associated works (including creation of access and removal of one Victorian native tree)	--	5

- 3.11 Whilst the number of planning applications received has remained generally consistent (with some minor fluctuations) since 2018/2019, there has been a decline in the number of major applications lodged.
- 3.12 Currently there are 6 major applications in the system. Two applications were lodged in 2020, two in 2022 and two in 2023. It should also be noted that the last significant

development application lodged in Doncaster Hill was the combined permit/planning scheme amendment in 2020 for the Church of Christ site.



***Source PPARS – (data updated October 2023)

Department of Transport & Planning (DTP) Delegation Principles

3.13 It is considered that Manningham’s planning delegations align with State Government best practice principles.

3.14 The principles provide a proportional approach to delegations in the decision-making process. The DTP principles suggest that Councillors should only be engaged in applications of significance or of broad community interest and that Council officers should have delegation to determine all other applications for planning permits as a default position.

3.15 In summary, DTP recommend that any instrument of delegation should adopt:-

- ‘delegation by exception’ approach where all powers, duties and functions should be delegated to council officers with exceptions clearly stated.
- clearly defined titles of officers to whom the powers, duties and functions are to be delegated and which are commensurate with the seniority of positions (e.g. senior positions (Principal Planners, Coordinators, Manager and Director) have more delegation than less senior positions within the team).
- Use of delegation guidelines which set out protocols and thresholds for when delegated powers, duties and functions should not be exercised by council officers.
- An approach where permit applications to be decided at a meeting of Council for applications of significance or of broad community interest.

- 3.16 Manningham's delegation delineates specific powers, responsibilities, and functions assigned to an officer's title. Only senior officers have the authority to make a decision on an application. Delegate reports have been structured in a way that necessitates the signatures of both the recommending officer and the decision maker (delegate), ensuring that necessary checks and balances are in place when determining the outcome of a planning application.
- 3.17 The conditions and limitations clearly set out the requirements for determining an application at a meeting of Council.
- 3.18 In addition to the above, Councillors are kept informed on planning applications/matters through various different avenues:-
- Weekly Reporting on the Councillor Hub;
 - New Application and Advertising Completed reports. The new application report provides information on all new applications received.

The advertising completed report provides a summary of concerns raised and the total number of objections received;
 - Monthly reporting on the Hub:
 - VCAT Upcoming Hearings report provides a summary of all applications currently being considered at VCAT.
 - Current Major Applications reports provides a summary of all active major applications.
 - Optional fortnightly Manager/Councillor planning application ward meetings;
 - Major Application Briefings (MAB) for recently lodged major planning application (new format);
 - Planning consultation meetings following completion of the advertising period (chaired by officers) providing Councillors the opportunity to hear objectors/submitters concerns;
 - Submitters meetings (chaired by Mayor/Deputy/Councillors) held the week prior to the Council providing objectors/submitters the final opportunity to address their concerns to Councillors before the application is decided at a meeting of Council.
 - Manningham's Quarterly Report;
 - Local Government Performance Reporting Framework (LGPRF).

Objection Threshold

- 3.19 In 2022/2023, Council determined a total of 816 planning applications:-
- 151 decisions were a Notice of Decision to Grant a Planning Permit (NOD) (18.5% of all decisions were NOD's);
 - 577 decisions were a Planning Permit (70.7% of all decisions were permits);
 - 17 decisions were a Refusal to Grant a Planning Permit (2% of all decisions were refusals);
 - 71 applications were either withdrawn by the applicant, lapsed or did not require a planning permit (8.7% of all decisions);
 - 422 applications were advertised;
 - A total of 176 applications received objections.

- 3.20 The introduction of an objection threshold is not considered warranted primarily because the majority of planning applications attract minimal or no objections as demonstrated in the table below:-

Number of Objections	2019/2020	2020/2021	2021/2022	2022/2023
1	92	101	93	103
2	33	38	41	31
3	20	22	19	15
4	11	11	12	9
5	10	7	4	3
6	3	4	6	1
7	3	2	1	3
8	0	2	4	1
9	0	1	0	3
10	3	1	1	1
11	3	3	0	0
12	1	1	1	0
13	0	2	0	0
14	1	0	1	1
15	0	0	1	0
16	3	2	1	1
17+	11	5	2	4

- 3.21 In addition, objection thresholds for planning applications may come with certain disadvantages. While having well-defined criteria for referring objections to the Chamber can be beneficial (for example, a set number), threshold numbers can inadvertently encourage "objection shopping." This refers to the practice of strategically submitting objections to meet the threshold number, automatically sending an application into the chamber for a decision.
- 3.22 This situation can lead to objections being received from individuals with minimal or no genuine interest in an application. Additionally, an increase in the number of applications referred to a meeting of Council for a decision can result in an extended statutory processing timeframe due to report deadlines and potentially lead to more appeals being lodged at VCAT against failure to determine the application within the statutory timeframes.
- 3.23 Several neighbouring Councils do not have objection thresholds – Maroondah, Banyule, and Monash. The State Government Planning Permit Activity Reporting (PPAR) results for 2022/2023 demonstrate that these Council's generally perform well.
- Monash – 82.55% applications decided in 60 statutory days;
 - Banyule – 80.21% applications decided in 60 statutory days;
 - Maroondah – 70.22% applications decided in 60 statutory days;
- 3.24 In comparison to other abutting municipalities with an objection threshold:-
- Boroondara – 55.08% applications decided in 60 statutory days -13+ objections;
 - Whitehorse – 49.78% applications decided in 60 statutory days - 12+ objections for dwellings & 20+ objections for non residential;
 - Yarra Ranges – 49.65% applications decided in 60 statutory days – 10+ objections;
 - Nillumbik – 52.66% applications decided in 60 statutory days – 6+objections;

***Source PPARS – (data updated October 2023)

3.25 It is considered that Manningham's current Instrument of Delegation works well and provides a good degree of flexibility as to when applications should be referred to the chamber for a decision. The current instrument also aligns with the State Government best practice guiding principles. Current operational processes throughout the planning application process ensure that there is a good level of community engagement, transparency and informed decision making.

Councillor Call-in Process

3.26 The DTP guiding principles clearly state that a planning application should not be called up by Councillors as common practice and that an application should generally not be called up by a single Councillor. At Manningham, the calling-in of planning applications is not a concern. Because call-ins are rare, there are currently no concerns with individual Councillors requesting applications be decided in the chamber, provided that:-

- the request is in writing and
- clearly states why the delegation should not be exercised and the reason for the call-in.

This will ensure that there is transparency and good governance is being adhered to.

3.27 Only two applications have been called in for a decision since 2019, those being an application for dwellings in Glendale Avenue, Templestowe and buildings and works for a commercial building in Templestowe Lower.

3.28 The DTP guiding principles suggest that call-in requests should be clearly documented i.e.: the reasons for the call-in and include why the delegation should not be exercised.

3.29 When a request to call-in an application is received, this request is typically documented using email communication and saved on Council's document management system. In addition, the introductory section of the Council report reflects that the application has been called in.

3.30 Councillors are regularly informed about planning applications through multiple channels, as outlined in this report. In the interests of transparency and accountability, a new CEO KPI has also been developed which provides for a quarterly report to Council on statutory planning activities.

3.31 In undertaking this review, affected departments have been consulted prior to referral to Council to ensure the accuracy and appropriateness of the delegations.

3.32 Council subscribes to services through its lawyers which provide advice regarding legislative amendments and template instruments which are tailored to meeting our needs. The proposed instruments have been prepared based on this advice.

3.33 It is submitted that the Instrument as drafted will facilitate the efficient operation of Council's functions, whilst continuing to meet community expectations regarding timely service delivery.

4. COUNCIL PLAN / STRATEGY

4.1 Delegations support Council's delivery of services and activities efficiently and effectively. They also support timely decision making to meet the needs of the community.

5. IMPACTS AND IMPLICATIONS

5.1 Finance / Resource Implications

There are no finance or resource implications regarding the preparation of this report.

6. IMPLEMENTATION

6.1 Communication and Engagement

Stakeholder Groups	The Council Council staff The Community
Is engagement required?	Yes
Where does it sit on the IAP2 spectrum?	Consult Inform
Approach	Engagement has occurred with relevant teams on the proposed changes. These will also be communicated upon formal approval at the December 2023 Council meeting. Councillors were briefed in detail of the proposed amendments to the revised draft Instrument of Delegation from Council to staff at a briefing session held on 21 November 2023. A copy of the delegations is also placed upon the Council website once approved.

6.2 Timelines

The Instrument comes into force immediately the common seal of Council is affixed to the Instrument.

7. DECLARATIONS OF CONFLICT OF INTEREST

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

S6. Instrument of Delegation – Members of Staff

Manningham City Council

Instrument of Delegation

to

Members of Council Staff

Instrument of Delegation

In exercise of the powers 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:

AOSP	Administrative Officer Statutory Planning
CAE	Coordinator Assets & Environment
CAMCW	Coordinator Asset Management & Capital Works
CC	Corporate Counsel
CCC	Coordinator City Compliance
CCP	Coordinator City Planning
CCPR	Coordinator Civil Projects
CEH	Coordinator Environmental Health
CLGO	Chief Legal and Governance Officer
CP	Coordinator Statutory Planning
CRI	Coordinator Roads & Infrastructure
CTD	Coordinator Traffic & Development
CTDS	Coordinator Drainage & Technical Services
DCC	Director Connected Communities
DCP	Director City Planning
DCS	Director City Services
EHO	Environmental Health Officer
GO	Governance Officer
MCA	Manager City Assets
MCP	Manager City Projects
MCS	Manager City Safety
MIP	Manager Integrated Planning
MIS	Manager City Infrastructure
MSF	Manager Sustainable Futures
MSP1	Manager Statutory Planning
PES	Project Engineering Specialist
PCO	Planning Compliance Officer
PP	Principal Planner
SGL	Senior Governance Lead
SLC	Senior Legal Counsel
SO	Subdivisions Officer
SP	Statutory Planner
SPAA	Statutory Planning Appeals Advisor
SPCO	Senior Planning Compliance Officer
SPCS	Statutory Planning Customer Service Officer
SSP	Senior Strategic Planner
SSP1	Senior Statutory Planner
TLAM	Team Leader Asset Maintenance

SCHEDULE

INDEX

DOMESTIC ANIMALS ACT 1994.....1
FOOD ACT 1984.....2
HERITAGE ACT 2017.....9
LOCAL GOVERNMENT ACT 1989.....10
PLANNING AND ENVIRONMENT ACT 1987.....11
RESIDENTIAL TENANCIES ACT 199751
ROAD MANAGEMENT ACT 200452
PLANNING AND ENVIRONMENT REGULATIONS 2015.....63
PLANNING AND ENVIRONMENT (FEES) REGULATIONS 2016.....64
RESIDENTIAL TENANCIES (CARAVAN PARKS AND MOVABLE DWELLINGS REGISTRATION
AND STANDARDS) REGULATIONS 202065
ROAD MANAGEMENT (GENERAL) REGULATIONS 201668
ROAD MANAGEMENT (WORKS AND INFRASTRUCTURE) REGULATIONS 2015.....70

DOMESTIC ANIMALS ACT 1994			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS AND LIMITATIONS
s 41A(1)	Power to declare a dog to be a menacing dog	TLLL, CCC, MCS, DCP	Council may delegate this power to a Council authorised officer

FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 19(2)(a)	Power to direct by written order that the food premises be put into a clean and sanitary condition	EHO, TLEH, CEH, MCS, DCP	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	EHO, TLEH, CEH, MCS, DCP	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	EHO, TLEH, CEH, MCS, DCP	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	EHO, TLEH, CEH, MCS, DCP	If s 19(1) applies
s 19(6)(a)	Duty to revoke any order under s 19 if satisfied that an order has been complied with	EHO, TLEH, CEH, MCS, DCP	If s 19(1) applies
s 19(6)(b)	Duty to give written notice of revocation under s 19(6)(a) if satisfied that an order has been complied with	EHO, TLEH, CEH, MCS, DCP	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).	EHO, TLEH, CEH, MCS, DCP	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	EHO, TLEH, CEH, MCS, DCP	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

FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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	EHO, TLEH, CEH, MCS, DCP	Where Council is the registration authority
s 19CB(4)(b)	Power to request copy of records	EHO, TLEH, CEH, MCS, DCP	Where Council is the registration authority
s 19E(1)(d)	Power to request a copy of the food safety program	EHO, TLEH, CEH, MCS, DCP	Where Council is the registration authority
s 19EA(3)	Function of receiving copy of revised food safety program	EHO, TLEH, CEH, MCS, DCP	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	EHO, TLEH, CEH, MCS, DCP	Where Council is the registration authority
S 19IA(1)	Power to form opinion that the food safety requirements or program are non-compliant.	EHO, TLEH, CEH, MCS, DCP	Where Council is the registration authority
s 19IA(2)	Duty to give written notice to the proprietor of the premises	EHO, TLEH, CEH, MCS, DCP	Where Council is the registration authority Note: Not required if Council has taken other appropriate action in relation to deficiencies (see s 19IA(3))
s 19M(4)(a) & (5)	Power to conduct a food safety audit and take actions where deficiencies are identified	EHO, TLEH, CEH, MCS, DCP	Where Council is the registration authority
s 19N(2)	Function of receiving notice from the auditor	EHO, TLEH, CEH, MCS, DCP	Where Council is the registration authority

FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 19NA(1)	Power to request food safety audit reports	EHO, TLEH, CEH, MCS, DCP	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	EHO, TLEH, CEH, MCS, DCP	
s 19UA	Power to charge fees for conducting a food safety assessment or inspection	EHO, TLEH, CEH, MCS, DCP	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	EHO, TLEH, CEH, MCS, DCP	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	EHO, TLEH, CEH, MCS, DCP	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	EHO, TLEH, CEH, MCS, DCP	Where Council is the registration authority
---	Power to register, or renew the registration of a food premises	EHO, TLEH, CEH, MCS, DCP	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	EHO, TLEH, CEH, MCS, DCP	Where Council is the registration authority
s 36B	Duty to pay the charge for use of online portal	TLEH, CEH, MCS, DCP	Where Council is the registration authority

FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & 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	EHO, TLEH, CEH, MCS, DCP	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)	EHO, TLEH, CEH, MCS, DCP	Where Council is the registration authority
s 38A(4)	Power to request a copy of a completed food safety program template	EHO, TLEH, CEH, MCS, DCP	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	EHO, TLEH, CEH, MCS, DCP	Where Council is the registration authority
s 38B(1)(b)	Duty to ensure proprietor has complied with requirements of s 38A	EHO, TLEH, CEH, MCS, DCP	Where Council is the registration authority
s 38B(2)	Duty to be satisfied of the matters in s 38B(2)(a)-(b)	EHO, TLEH, CEH, MCS, DCP	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	EHO, TLEH, CEH, MCS, DCP	Where Council is the registration authority
s 38D(2)	Duty to be satisfied of the matters in s 38D(2)(a)-(d)	EHO, TLEH, CEH, MCS, DCP	Where Council is the registration authority
s 38D(3)	Power to request copies of any audit reports	EHO, TLEH, CEH, MCS, DCP	Where Council is the registration authority
s 38E(2)	Power to register the food premises on a conditional basis	EHO, TLEH, CEH, MCS, DCP	Where Council is the registration authority; not exceeding the prescribed time limit defined under s 38E(5)

FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 38E(4)	Duty to register the food premises when conditions are satisfied	EHO, TLEH, CEH, MCS, DCP	Where Council is the registration authority
s 38F(3)(b)	Power to require proprietor to comply with requirements of this Act	EHO, TLEH, CEH, MCS, DCP	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	EHO, TLEH, CEH, MCS, DCP	Where Council is the registration authority
s 38G(2)	Function of receiving notice from proprietor if there is a change of the food safety program type used for the food premises	EHO, TLEH, CEH, MCS, DCP	Where Council is the registration authority
s 38G(4)	Power to require the proprietor of the food premises to comply with any requirement of the Act	EHO, TLEH, CEH, MCS, DCP	Where Council is the registration authority
s 39(2)	Duty to carry out an inspection of the premises during the period of registration before the registration of the food premises is renewed	EHO, TLEH, CEH, MCS, DCP	Where Council is the registration authority
s 39A	Power to register, or renew the registration of a food premises despite minor defects	EHO, TLEH, CEH, MCS, DCP	Where Council is the registration authority Only if satisfied of matters in s 39A(2)(a)-(c)
s 39A (6)	Duty to comply with a direction of the Secretary	EHO, TLEH, CEH, MCS, DCP	
s 40(1)	Duty to give the person in whose name the premises is to be registered a certificate of registration	EHO, TLEH, CEH, MCS, DCP	Where Council is the registration authority

FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 40(2)	Power to incorporate the certificate of registration in one document with any certificate of registration under Part 6 of the <i>Public Health and Wellbeing Act 2008</i>	EHO, TLEH, CEH, MCS, DCP	
s 40C(2)	Power to grant or renew the registration of food premises for a period of less than 1 year	EHO, TLEH, CEH, MCS, DCP	Where Council is the registration authority
s 40D(1)	Power to suspend or revoke the registration of food premises	EHO, TLEH, CEH, MCS, DCP	Where Council is the registration authority
s 40E	Duty to comply with direction of the Secretary	EHO, TLEH, CEH, MCS, DCP	
s 40F	Power to cancel registration of food premises	EHO, TLEH, CEH, MCS, DCP	Where Council is the registration authority
s 43	Duty to maintain records of registration	EHO, TLEH, CEH, MCS, DCP	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	EHO, TLEH, CEH, MCS, DCP	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	EHO, TLEH, CEH, MCS, DCP	Where Council is the registration authority
s 45AC	Power to bring proceedings	EHO, TLEH, CEH, MCS, DCP	

FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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	EHO, TLEH, CEH, MCS, DCP	Where Council is the registration authority

HERITAGE ACT 2017			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 116	Power to sub-delegate Executive Director's functions, duties or powers	MIP, MSP1, DCP	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			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 185L(4)	Power to declare and levy a cladding rectification charge	CEO ¹	

¹ The only member of staff who can be a delegate in Column 3 is the CEO.

S6. Instrument of Delegation – Members of Staff

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 4B	Power to prepare an amendment to the Victorian Planning Provisions	SSP, CCP, MIP, DCP	if authorised by the Minister
s 4G	Function of receiving prescribed documents and a copy of the Victorian Planning Provisions from the Minister	SSP, CCP, MIP, DCP	
s 4H	Duty to make amendment to Victorian Planning Provisions available in accordance with public availability requirements	SSP, CCP, MIP, DCP	
s 4I(2)	Duty to make a copy of the Victorian Planning Provisions and other documents available in accordance with public availability requirements	SSP, CCP, MIP, DCP	
s 8A(2)	Power to prepare amendment to the planning scheme where the Minister has given consent under s 8A	MIP, DCP	
s 8A(3)	Power to apply to Minister to prepare an amendment to the planning scheme	MIP, DCP	
s 8A(5)	Function of receiving notice of the Minister's decision	MIP, DCP	
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	MIP, DCP	
s 8B(2)	Power to apply to the Minister for authorisation to prepare an amendment to the planning scheme of an adjoining municipal district	SSP, CCP, MIP, DCP	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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	SSP, CCP, MIP, DCP	
s 12B(1)	Duty to review planning scheme	SSP, CCP, MIP, DCP	
s 12B(2)	Duty to review planning scheme at direction of Minister	SSP, CCP, MIP, DCP	
s 12B(5)	Duty to report findings of review of planning scheme to Minister without delay	SSP, CCP, MIP, DCP	
s 14	Duties of a Responsible Authority as set out in s 14(a) to (d)	SSP, CCP, MIP, DCP	
s 17(1)	Duty of giving copy amendment to the planning scheme	SSP, CCP, MIP, DCP	
s 17(2)	Duty of giving copy s 173 agreement	SSP, CP, CCP, MSP1, MIP, MCS, DCP, MIS, DCS	
s 17(3)	Duty of giving copy amendment, explanatory report and relevant documents to the Minister within 10 business days	SSP, CCP, MSP1, MIP, MCS, DCP	
s 18	Duty to make amendment etc. available in accordance with public availability requirements	SSP, CCP, MIP, DCP	Until the proposed amendment is approved or lapsed
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	MIP, DCP	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 19	Function of receiving notice of preparation of an amendment to a planning scheme	MIP, DCP	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	SSP, CCP, MIP, DCP	Where Council is a planning authority
s 21(2)	Duty to make submissions available in accordance with public availability requirements	SSP, CCP, MIP, DCP	Until the end of 2 months after the amendment comes into operation or lapses
s 21A(4)	Duty to publish notice	SSP, CCP, MIP, DCP	
s 22(1)	Duty to consider all submissions received before the date specified in the notice	SSP, CCP, MIP, DCP	Except submissions which request a change to the items in s 22(5)(a) and (b)
s 22(2)	Power to consider a late submission Duty to consider a late submission, if directed by the Minister	SSP, CCP, MIP, DCP	
s 23(1)(b)	Duty to refer submissions which request a change to the amendment to a panel	SSP, CCP, MIP, DCP	
s 23(2)	Power to refer to a panel submissions which do not require a change to the amendment	SSP, CCP, MIP, DCP	
s 24	Function to represent Council and present a submission at a panel hearing (including a hearing referred to in s 96D)	SSP, CCP, MIP, DCP	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 26(1)	Power to make report available for inspection in accordance with the requirements set out in s 197B of the Act	SSP, CCP, MIP, DCP	
s 26(2)	Duty to keep report of panel available in accordance with public availability requirements	SSP, CCP, MIP, DCP	During the inspection period
s 27(2)	Power to apply for exemption if panel's report not received	SSP, CCP, MIP, DCP	
s 28(1)	Duty to notify the Minister if abandoning an amendment	DCP	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	SSP, CCP, MIP, DCP	Does this need to be delegated down further?
s 28(4)	Duty to make notice of the decision available on Council's Internet site for a period of at least 2 months	SSP, CCP, MIP, DCP	Does this need to be delegated down further?
s 30(4)(a)	Duty to say if amendment has lapsed	SSP, CCP, MIP, DCP	
s 30(4)(b)	Duty to provide information in writing upon request	SSP, CCP, MIP, DCP	
s 32(2)	Duty to give more notice if required	SSP, CCP, MIP, DCP	
s 33(1)	Duty to give more notice of changes to an amendment	SSP, CCP, MIP, DCP	
s 36(2)	Duty to give notice of approval of amendment	SSP, CCP, MIP, DCP	
s 38(5)	Duty to give notice of revocation of an amendment	SSP, CCP, MIP, DCP	
s 39	Function of being a party to a proceeding commenced under s 39 and duty to comply with determination by VCAT	SSP, CCP, MIP, DCP	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 40(1)	Function of lodging copy of approved amendment	SSP, CCP, MIP, DCP	
s 41(1)	Duty to make a copy of an approved amendment available in accordance with the public availability requirements during inspection period	SSP, CCP, MIP, DCP	
s 42(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	SSP, CCP, MIP, DCP	
s 42(2)	Duty to make copy of planning scheme available in accordance with the public availability requirements	SSP, CCP, MIP, DCP	
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	MIP, DCP	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	MIP, DCP	Where Council is a responsible public entity
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	MIP, DCP	Where Council is a responsible public entity

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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	MIP, DCP	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	MIP, DCP	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	MIP, DCP	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	MIP, DCP	
s 46GK	Duty to comply with a Minister's direction that applies to Council as the planning authority	MIP, DCP	
s 46GN(1)	Duty to arrange for estimates of values of inner public purpose land	MIP, DCP	
s 46GO(1)	Duty to give notice to owners of certain inner public purpose land	MIP, DCP	
s 46GP	Function of receiving a notice under s 46GO	MIP, DCP	Where Council is the collecting agency

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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	MIP, DCP	
s 46GR(1)	Duty to consider every submission that is made by the closing date for submissions included in the notice under s 46GO	MIP, DCP	
s 46GR(2)	Power to consider a late submission Duty to consider a late submission if directed to do so by the Minister	MIP, DCP	
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	MIP, DCP	
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	MIP, DCP	
s 46GT(2)	Duty to pay half of the fee fixed by the valuer-general for arranging and attending the conference	MIP, DCP	
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	MIP, DCP	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 46GT(6)	Function of receiving, from the valuer-general, written notice of a determination under s 46GT(5)	MIP, DCP	
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	MIP, DCP	
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	MIP, DCP	Where Council is the collecting agency
s 46GV(3)(b)	Power to enter into an agreement with the applicant	MIP, DCP	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)	MIP, DCP	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)	MIP, DCP	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	MIP, MSP1, DCP	
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	MIP, MSP1, DCP	Where Council is the collecting agency

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 46GX(1)	Power to accept works, services or facilities in part or full satisfaction of the monetary component of an infrastructure contribution payable	MIP, MSP1, DCP	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	MIP, MSP1, DCP	Where Council is the collecting agency
s 46GY(1)	Duty to keep proper and separate accounts and records	MIP, MSP1, DCP	Where Council is the collecting agency
s 46GY(2)	Duty to keep the accounts and records in accordance with the <i>Local Government Act 2020</i>	MIP, MSP1, DCP	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	MIP, MSP1, DCP	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	MIP, MSP1, DCP	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	MIP, MSP1, DCP	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			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 46GZ(2)(b)	Function of receiving the monetary component	MIP, MSP1, DCP	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)	MIP, MSP1, DCP	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	MIP, MSP1, DCP	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	MIP, MSP1, DCP	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	MIP, MSP1, DCP	Where Council is the collecting agency under an approved infrastructure contributions plan

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & 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	MIP, MSP1, DCP	If any inner public purpose land is vested in Council under the <i>Subdivision Act 1988</i> 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	MIP, DCP	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	MIP, DCP	Where Council is a development agency under an approved infrastructure contributions plan
s 46GZA(2)	Duty to keep the accounts and records in accordance with the <i>Local Government Act 2020</i>	MIP, DCP	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)	MIP, DCP	Where Council is a development agency under an approved infrastructure contributions plan
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	MIP, DCP	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

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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)	MIP, DCP	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)	MIP, DCP	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)	MIP, DCP	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	MIP, DCP	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 46GZE(2)	Function of receiving the unexpended land equalisation amount	MIP, DCP	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)	MIP, DCP	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	MIP, DCP	Where Council is the development agency under an approved infrastructure contributions plan

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 46GZF(3)	Duty, if land is sold under s 46GZF(2)(b), to follow the steps in s 46GZF(3)(a) and (b)	MIP, DCP	Where Council is the development agency under an approved infrastructure contributions plan
s 46GZF(3)	Function of receiving proceeds of sale	MIP, DCP	Where Council is the collection agency under an approved infrastructure contributions plan This provision does not apply where Council is also the development agency
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)	MIP, DCP	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)	MIP, DCP	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	MIP, DCP	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	MIP, DCP	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	MIP, DCP	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)	MIP, DCP	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 46N(1)	Duty to include condition in permit regarding payment of development infrastructure levy	PP, CP, CCP, MSP1, MIP, DCP	
s 46N(2)(c)	Function of determining time and manner for receipt of development contributions levy	CCP, MSP1, MIP, DCP	
s 46N(2)(d)	Power to enter into an agreement with the applicant regarding payment of development infrastructure levy	CCP, MSP1, MIP, DCP	
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	CCP, MSP1, MIP, DCP	
s 46O(1)(d) & (2)(d)	Power to enter into agreement with the applicant regarding payment of community infrastructure levy	CCP, MSP1, MIP, DCP	
s 46P(1)	Power to require payment of amount of levy under s 46N or s 46O to be satisfactorily secured	CCP, MSP1, MIP, DCP	
s 46P(2)	Power to accept provision of land, works, services or facilities in part or full payment of levy payable	CCP, MSP1, MIP, DCP	
s 46Q(1)	Duty to keep proper accounts of levies paid	CCP, MSP1, MIP, DCP	
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	CCP, MSP1, MIP, DCP	
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	CCP, MSP1, MIP, DCP	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 46Q(3)	Power to refund any amount of levy paid if it is satisfied the development is not to proceed	CCP, MSP1, MIP, DCP	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)	MIP, DCP	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	MIP, DCP	Must be done in accordance with Part 3
s 46Q(4)(e)	Duty to expend that amount on other works etc.	MIP, DCP	With the consent of, and in the manner approved by, the Minister
s 46QC	Power to recover any amount of levy payable under Part 3B	MIP, DCP	
s 46QD	Duty to prepare report and give a report to the Minister	CP, CCP, MSP1, MIP, DCP	Where Council is a collecting agency or development agency
s 47	Power to decide that an application for a planning permit does not comply with that Act	CP, PP, SPAA, MSP1, DCP	
s 49(1)	Duty to keep a register of all applications for permits and determinations relating to permits	AOSP, SPCS, TLSPA, SP, SSP1, SO, PP, SPAA, CP, MSP1, DCP	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 49(2)	Duty to make register available for inspection in accordance with the public availability requirements	AOSP, SPCS, TLSPA, SP, SSP1, SO, PP, SPAA, CP, MSP1, DCP	
s 50(4)	Duty to amend application	SP, SSP1, SO, PP, SPAA, CP, MSP1, DCP	
s 50(5)	Power to refuse to amend application	PP, SPAA, CP, MSP1, DCP	
s 50(6)	Duty to make note of amendment to application in register	AOSP, SPCS, TLSPA, SP, SSP1, SO, PP, SPAA, CP, MSP1, DCP	
s 50A(1)	Power to make amendment to application	SP, SSP1, SO, PP, SPAA, CP, MSP1, DCP	
s 50A(3)	Power to require applicant to notify owner and make a declaration that notice has been given	SP, SSP1, SO, PP, SPAA, CP, MSP1, DCP	
s 50A(4)	Duty to note amendment to application in register	AOSP, SPCS, TLSPA, SP, SSP1, SO, PP, SPAA, CP, MSP1, DCP	
s 51	Duty to make copy of application available for inspection in accordance with the public availability requirements	AOSP, SPCS, TLSPA, SP, SSP1, SO, PP, SPAA, CP, MSP1, DCP	
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	SP, SSP1, SO, PP, SPAA, CP, MSP1, DCP	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 52(1)(b)	Duty to give notice of the application to other municipal council where appropriate	SP, SSP1, SO, PP, SPAA, CP, MSP1, DCP	
s 52(1)(c)	Duty to give notice of the application to all persons required by the planning scheme	SP, SSP1, SO, PP, SPAA, CP, MSP1, DCP	
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	SP, SSP1, SO, PP, SPAA, CP, MSP1, DCP	
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	SP, SSP1, SO, PP, SPAA, CP, MSP1, DCP	
s 52(1)(d)	Duty to give notice of the application to other persons who may be detrimentally effected	SP, SSP1, SO, PP, SPAA, CP, MSP1, DCP	
s 52(1AA)	Duty to give notice of an application to remove or vary a registered restrictive covenant	SP, SSP1, SO, PP, SPAA, CP, MSP1, DCP	
s 52(3)	Power to give any further notice of an application where appropriate	SP, SSP1, SO, PP, SPAA, CP, MSP1, DCP	
s 53(1)	Power to require the applicant to give notice under s 52(1) to persons specified by it	SP, SSP1, SO, PP, SPAA, CP, MSP1, DCP	
s 53(1A)	Power to require the applicant to give the notice under s 52(1AA)	SP, SSP1, SO, PP, SPAA, CP, MSP1, DCP	
s 54(1)	Power to require the applicant to provide more information	SP, SSP1, SO, PP, SPAA, CP, MSP1, DCP	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 54(1A)	Duty to give notice in writing of information required under s 54(1)	SP, SSP1, SO, PP, SPAA, CP, MSP1, DCP	
s 54(1B)	Duty to specify the lapse date for an application	SP, SSP1, SO, PP, SPAA, CP, MSP1, DCP	
s 54A(3)	Power to decide to extend time or refuse to extend time to give required information	SP, SSP1, SO, PP, SPAA, CP, MSP1, DCP	
s 54A(4)	Duty to give written notice of decision to extend or refuse to extend time under s 54A(3)	SP, SSP1, SO, PP, SPAA, CP, MSP1, DCP	
s 55(1)	Duty to give copy application, together with the prescribed information, to every referral authority specified in the planning scheme	SP, SSP1, SO, PP, SPAA, CP, MSP1, DCP	
s 57(2A)	Power to reject objections considered made primarily for commercial advantage for the objector	MSP1, DCP	
s 57(3)	Function of receiving name and address of persons to whom notice of decision is to go	AOSP, SPCS, TLSPA, SP, SSP1, SO, PP, SPAA, CP, MSP1, DCP	
s 57(5)	Duty to make a copy of all objections available in accordance with the public availability requirements	AOSP, SPCS, TLSPA, SP, SSP1, SO, PP, SPAA, CP, MSP1, DCP	
s 57A(4)	Duty to amend application in accordance with applicant's request, subject to s 57A(5)	SP, SSP1, SO, PP, SPAA, CP, MSP1, DCP	
s 57A(5)	Power to refuse to amend application	CP, MSP1, DCP	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 57A(6)	Duty to note amendments to application in register	AOSP, SPCS, TLSPA, SP, SSP1, SO, PP, SPAA, CP, MSP1, DCP	
s 57B(1)	Duty to determine whether and to whom notice should be given	SP, SSP1, SO, PP, SPAA, CP, MSP1, DCP	
s 57B(2)	Duty to consider certain matters in determining whether notice should be given	SP, SSP1, SO, PP, SPAA, CP, MSP1, DCP	
s 57C(1)	Duty to give copy of amended application to referral authority	SP, SSP1, SO, PP, SPAA, CP, MSP1, DCP	
s 58	Duty to consider every application for a permit	SP, SSP1, SO, PP, SPAA, CP, MSP1, DCP	
s 58A	Power to request advice from the Planning Application Committee	MSP1, DCP	
s 60	Duty to consider certain matters	SP, SSP1, SO, PP, SPAA, CP, MSP1, DCP	
s 60(1A)	Duty to consider certain matters	SP, SSP1, SO, PP, SPAA, CP, MSP1, DCP	
s 60(1B)	Duty to consider number of objectors in considering whether use or development may have significant social effect	SP, SSP1, SO, PP, SPAA, CP, MSP1, DCP	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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	SO, PP, SPAA, CP, MSP1, DCP	<p>The permit must not be inconsistent with a cultural heritage management plan under the <i>Aboriginal Heritage Act 2006</i></p> <p>Permit applications that meet one or more of the following criteria must be referred to Council for determination:</p> <ul style="list-style-type: none"> • Any land demarcated Activity Centre Zone (ACZ) pursuant to the provisions of the Manningham Planning Scheme where more than 25 dwellings are proposed OR the cost of works is greater than \$15 million; • Any land outside the demarcated Activity Centre Zone (ACZ) pursuant to the provisions of the Manningham Planning Scheme where more than 20 dwellings are proposed OR the cost of works is greater than \$10 million; • Applications of significant community interest. <p>Notwithstanding the above, an officer recommendation for the refusal of a permit application irrespective of the zoning, number of dwellings, cost of works or significant community interest is exempt from the requirement to be referred to Council for determination.</p> <p>The SO may only exercise these powers in respect of an approval of a subdivision where the subdivision application is following an approved development permit.</p>

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 61(2)	Duty to decide to refuse to grant a permit if a relevant determining referral authority objects to grant of permit	PP, SPAA, CP, MSP1, DCP	
s 61(2A)	Power to decide to refuse to grant a permit if a relevant recommending referral authority objects to the grant of permit	PP, SPAA, CP, MSP1, DCP	
s 61(4)	Duty to refuse to grant the permit if grant would authorise a breach of a registered restrictive covenant	PP, SPAA, CP, MSP1, DCP	
s 62(1)	Duty to include certain conditions in deciding to grant a permit	SP, SSP1, SO, PP, SPAA, CP, MSP1, DCP	
s 62(2)	Power to include other conditions	SP, SSP1, SO, PP, SPAA, CP, MSP1, DCP	
s 62(4)	Duty to ensure conditions are consistent with paragraphs (a), (b) and (c)	SP, SSP1, SO, PP, SPAA, CP, MSP1, DCP	
s 62(5)(a)	Power to include a permit condition to implement an approved development contributions plan or an approved infrastructure contributions plan	SP, SSP1, SO, PP, SPAA, CP, MSP1, DCP	
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 a 173 agreement	SP, SSP1, SO, PP, SPAA, CP, MSP1, DCP	
s 62(5)(c)	Power to include a permit condition that specified works be provided or paid for by the applicant	SP, SSP1, SO, PP, SPAA, CP, MSP1, DCP	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & 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)	SP, SSP1, SO, PP, SPAA, CP, MSP1, DCP	
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)	SP, SSP1, SO, PP, SPAA, CP, MSP1, DCP	
s 63	Duty to issue the permit where made a decision in favour of the application (if no one has objected)	SP, SSP1, SO, PP, SPAA, CP, MSP1, DCP	
s 64(1)	Duty to give notice of decision to grant a permit to applicant and objectors	SP, SSP1, SO, PP, SPAA, CP, MSP1, DCP	This provision applies also to a decision to grant an amendment to a permit – see s 75
s 64(3)	Duty not to issue a permit until after the specified period	SP, SSP1, SO, PP, SPAA, CP, MSP1, DCP	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	SP, SSP1, SO, PP, SPAA, CP, MSP1, DCP	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	SP, SSP1, SO, PP, SPAA, CP, MSP1, DCP	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	SP, SSP1, SO, PP, SPAA, CP, MSP1, DCP	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 66(1)	Duty to give notice under s 64 or s 65 and copy permit to relevant determining referral authorities	AOSP, SPCS, TLSPA, SP, SSP1, SO, PP, SPAA, CP, MSP1, DCP	
s 66(2)	Duty to give a recommending referral authority notice of its decision to grant a permit	SP, SSP1, SO, PP, SPAA, CP, MSP1, DCP	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	SP, SSP1, SO, PP, SPAA, CP, MSP1, DCP	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	AOSP, SPCS, TLSPA, SP, SSP1, SO, PP, SPAA, CP, MSP1, DCP	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
s 69(1)	Function of receiving application for extension of time of permit	AOSP, SPCS, TLSPA, SP, SSP1, SO, PP, SPAA, CP, MSP1, DCP	
s 69(1A)	Function of receiving application for extension of time to complete development	AOSP, SPCS, TLSPA, SP, SSP1, SO, PP, SPAA, CP, MSP1, DCP	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 69(2)	Power to extend time	PP, SPAA, CP, MSP1, DCP	
s 70	Duty to make copy permit available in accordance with public availability requirements	AOSP, SPCS, TLSPA, SP, SSP1, SO, PP, SPAA, CP, MSP1, DCP	
s 71(1)	Power to correct certain mistakes	SO, PP, SPAA, CP, MSP1, DCP	
s 71(2)	Duty to note corrections in register	AOSP, SPCS, TLSPA, SP, SSP1, SO, PP, SPAA, CP, MSP1, DCP	
s 73	Power to decide to grant amendment subject to conditions	SO, PP, SPAA, CP, MSP1, DCP	
s 74	Duty to issue amended permit to applicant if no objectors	SP, SSP1, SO, PP, SPAA, CP, MSP1, DCP	
s 76	Duty to give applicant and objectors notice of decision to refuse to grant amendment to permit	SP, SSP1, SO, PP, SPAA, CP, MSP1, DCP	
s 76A(1)	Duty to give relevant determining referral authorities copy of amended permit and copy of notice	AOSP, SPCS, TLSPA, SP, SSP1, SO, PP, SPAA, CP, MSP1, DCP	
s 76A(2)	Duty to give a recommending referral authority notice of its decision to grant an amendment to a permit	SP, SSP1, SO, PP, SPAA, CP, MSP1, DCP	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

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 76A(4)	Duty to give a recommending referral authority notice of its decision to refuse a permit	SP, SSP1, SO, PP, SPAA, CP, MSP1, DCP	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	AOSP, SPCS, TLSPA, SP, SSP1, SO, PP, SPAA, CP, MSP1, DCP	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
s 76D	Duty to comply with direction of Minister to issue amended permit	CP, MSP1, DCP	
s 83	Function of being respondent to an appeal	SP, SSP1, SO, PP, SPAA, CP, MSP1, DCP	
s 83B	Duty to give or publish notice of application for review	SP, SSP1, SO, PP, SPAA, CP, MSP1, DCP	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 84(1)	Power to decide on an application at any time after an appeal is lodged against failure to grant a permit	PP, SPAA, CP, MSP1, DCP	<p>Permit applications that meet one or more of the following criteria must be referred to Council for determination:</p> <ul style="list-style-type: none"> Any land demarcated Activity Centre Zone (ACZ) pursuant to the provisions of the Manningham Planning Scheme where more than 25 dwellings are proposed OR the cost of works is greater than \$15 million; Any land outside the demarcated Activity Centre Zone (ACZ) pursuant to the provisions of the Manningham Planning Scheme where more than 20 dwellings are proposed OR the cost of works is greater than \$10 million; Applications of significant community interest. <p>Notwithstanding the above, an officer recommendation for the refusal of a permit application irrespective of the zoning, number of dwellings, cost of works or significant community interest is exempt from the requirement to be referred to Council for determination.</p>
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	PP, SPAA, CP, MSP1, DCP	
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	PP, SPAA, CP, MSP1, DCP	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 84(6)	Duty to issue permit on receipt of advice within 3 business days	SO, PP, SPAA, CP, MSP1, DCP	
s 84AB	Power to agree to confining a review by the Tribunal	PP, SPAA, CP, MSP1, DCP	
s 86	Duty to issue a permit at order of Tribunal within 3 business days	SO, PP, SPAA, CP, MSP1, DCP	
s 87(3)	Power to apply to VCAT for the cancellation or amendment of a permit	TLPC, CCC, MSP1, MCS, DCP	
s 90(1)	Function of being heard at hearing of request for cancellation or amendment of a permit	PCO, SPCO, TLPC, CCC, SP, SSP1, SO, PP, SPAA, CP, MSP1, MCS, DCP	
s 91(2)	Duty to comply with the directions of VCAT	PCO, SPCO, TLPC, CCC, SP, SSP1, SO, PP, SPAA, CP, MSP1, MCS, DCP	
s 91(2A)	Duty to issue amended permit to owner if Tribunal so directs	PP, SPAA, CP, MSP1, DCP	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 92	Duty to give notice of cancellation/amendment of permit by VCAT to persons entitled to be heard under s 90	PP, SPAA, CP, MSP1, DCP	
s 93(2)	Duty to give notice of VCAT order to stop development	PCO, SPCO, TLPC, CCC, MCS, PP, SPAA, CP, MSP1, DCP	
s 95(3)	Function of referring certain applications to the Minister	MSP1, DCP	
s 95(4)	Duty to comply with an order or direction	MSP1, DCP	
s 96(1)	Duty to obtain a permit from the Minister to use and develop its land	CP, MSP1, DCP	
s 96(2)	Function of giving consent to other persons to apply to the Minister for a permit to use and develop Council land	MSP1, MIP, DCP	
s 96A(2)	Power to agree to consider an application for permit concurrently with preparation of proposed amendment	MSP1, MIP, DCP	
s 96C	Power to give notice, to decide not to give notice, to publish notice and to exercise any other power under s 96C	MSP1, MIP, DCP	
s 96F	Duty to consider the panel's report under s 96E	MSP1, MIP, DCP	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & 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 <i>Planning and Environment (Planning Schemes) Act 1996</i>)	MSP1, MIP, DCP	<p>Permit applications that meet one or more of the following criteria must be referred to Council for determination:</p> <ul style="list-style-type: none"> Any land demarcated Activity Centre Zone (ACZ) pursuant to the provisions of the Manningham Planning Scheme where more than 25 dwellings are proposed OR the cost of works is greater than \$15 million; Any land outside the demarcated Activity Centre Zone (ACZ) pursuant to the provisions of the Manningham Planning Scheme where more than 20 dwellings are proposed OR the cost of works is greater than \$10 million; Applications of significant community interest. <p>Notwithstanding the above, an officer recommendation for the refusal of a permit application irrespective of the zoning, number of dwellings, cost of works or significant community interest is exempt from the requirement to be referred to Council for determination.</p>
s 96H(3)	Power to give notice in compliance with Minister's direction	MSP1, MIP, DCP	
s 96J	Duty to issue permit as directed by the Minister	PP, SPAA, CP, MSP1, MIP, DCP	
s 96K	Duty to comply with direction of the Minister to give notice of refusal	MSP1, MIP, DCP	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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	MSP1, MIP, DCP	
s 97C	Power to request Minister to decide the application	MSP1, DCP	
s 97D(1)	Duty to comply with directions of Minister to supply any document or assistance relating to application	MSP1, DCP	
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	MSP1, DCP	
s 97G(6)	Duty to make a copy of permits issued under s 97F available in accordance with public availability requirements	AOSP, SPCS, TLSPA, SP, SSP1, SO, PP, SPAA, CP, MSP1, DCP	
s 97L	Duty to include Ministerial decisions in a register kept under s 49	AOSP, SPCS, TLSPA, SP, SSP1, SO, PP, SPAA, CP, MSP1, DCP	
s 97MH	Duty to provide information or assistance to the Planning Application Committee	MSP1, DCP	
s 97MI	Duty to contribute to the costs of the Planning Application Committee or subcommittee	MSP1, DCP	
s 97O	Duty to consider application and issue or refuse to issue certificate of compliance	CP, MSP1, DCP	
s 97P(3)	Duty to comply with directions of VCAT following an application for review of a failure or refusal to issue a certificate	SP, SSP1, SO, PP, SPAA, CP, MSP1, DCP	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 97Q(2)	Function of being heard by VCAT at hearing of request for amendment or cancellation of certificate	PCO, SPCO, TLPC, CCC, MCS, SP, SSP1, SO, PP, SPAA, CP, MSP1, DCP	
s 97Q(4)	Duty to comply with directions of VCAT	PCO, SPCO, TLPC, CCC, MCS, SP, SSP1, SO, PP, SPAA, CP, MSP1, DCP	
s 97R	Duty to keep register of all applications for certificate of compliance and related decisions	AOSP, SPCS, TLSPA, SP, SSP1, SO, PP, SPAA, CP, MSP1, DCP	
s 98(1)&(2)	Function of receiving claim for compensation in certain circumstances	DCP	
s 98(4)	Duty to inform any person of the name of the person from whom compensation can be claimed	DCP	
s 101	Function of receiving claim for expenses in conjunction with claim	DCP	
s 103	Power to reject a claim for compensation in certain circumstances	DCP	
s 107(1)	Function of receiving claim for compensation	DCP	
s 107(3)	Power to agree to extend time for making claim	DCP	
s 113(2)	Power to request a declaration for land to be proposed to be reserved for public purposes	DCP	DCS & CC?

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 114(1)	Power to apply to the VCAT for an enforcement order	PCO, SPCO, TLPC, CCC, MCS, SPAA, CP, MSP1, DCP	
s 117(1)(a)	Function of making a submission to the VCAT where objections are received	PCO, SPCO, TLPC, CCC, MCS, SPAA, CP, MSP1, DCP	
s 120(1)	Power to apply for an interim enforcement order where s 114 application has been made	PCO, SPCO, TLPC, CCC, MCS, SPAA, CP, MSP1, DCP	
s 123(1)	Power to carry out work required by enforcement order and recover costs	TLPC, CCC, MCS, MSP1, DCP	
s 123(2)	Power to sell buildings, materials, etc salvaged in carrying out work under s 123(1)	DCP	Except Crown Land
s 129	Function of recovering penalties	PCO, SPCO, TLPC, CCC, MCS, SPAA, CP, MSP1, DCP	
s 130(5)	Power to allow person served with an infringement notice further time	PCO, SPCO, IROCC, TLCCA, TLPC, CCC, MCS, SPAA, CP, MSP1, DCP	
s 149A(1)	Power to refer a matter to the VCAT for determination	TLPC, CCC, MCS, SPAA, CP, MSP1, DCP	
s 149A(1A)	Power to apply to VCAT for the determination of a matter relating to the interpretation of a s 173 agreement	TLPC, CCC, MCS, SPAA, CP, MSP1, DCP	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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)	MSP1, MIP, DCP	Where Council is the relevant planning authority
s 171(2)(f)	Power to carry out studies and commission reports	TLPC, CCC, MCS, SPAA, CP, MSP1, DCP	
s 171(2)(g)	Power to grant and reserve easements	MIP, MSP1, DCP	
s 172C	Power to compulsorily acquire any outer public purpose land that is specified in the approved infrastructure contributions plan	MCP, DCS	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)	MCP, DCS	Where Council is a collecting agency specified in an approved infrastructure contributions plan
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)	MCP, DCS	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	CP, CCP, CTDS, MIP, MSP1, MIS, DCP, DCS	CDTS can only exercise this power following consultation with MIS

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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	CP, CCP, MIP, MSP1, DCP	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 <i>Planning and Environment Act 1987</i> requires something to be to the satisfaction of Council or Responsible Authority	PP, SPAA, CP, CCP, CTDS, MIP, MSP1, MIS, DCP, DCS	CDTS can only exercise this power following consultation with MIS
---	Power to give consent on behalf of Council, where an agreement made under s 173 of the <i>Planning and Environment Act 1987</i> requires that something may not be done without the consent of Council or Responsible Authority	PP, SPAA, CP, CCP, CTDS, MIP, MSP1, MIS, DCP, DCS	CDTS can only exercise this power following consultation with MIS
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	MIP, MSP1, MIS, DCP, DCS	
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	MIP, MSP1, MIS, DCP, DCS	
s 178A(1)	Function of receiving application to amend or end an agreement	PP, SPAA, CP, CCP, CTDS, MIP, MSP1, MIS, DCP, DCS	
s 178A(3)	Function of notifying the owner as to whether it agrees in principle to the proposal under s 178A(1)	PP, SPAA, CP, CCP, CTDS, MIP, MSP1, MIS, DCP, DCS	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 178A(4)	Function of notifying the applicant and the owner as to whether it agrees in principle to the proposal	PP, SPAA, CP, CCP, CTDS, MIP, MSP1, MIS, DCP, DCS	
s 178A(5)	Power to propose to amend or end an agreement	CP, CCP, CTDS, MIP, MSP1, MIS, DCP, DCS	
s 178B(1)	Duty to consider certain matters when considering proposal to amend an agreement	SP, SSP1, SO, PP, SPAA, CP, MSP1, CCP, MIP, CTDS, MIS, DCP, DCS	
s 178B(2)	Duty to consider certain matters when considering proposal to end an agreement	SP, SSP1, SO, PP, SPAA, CP, MSP1, CCP, MIP, CTDS, MIS, DCP, DCS	
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	SP, SSP1, SO, PP, SPAA, CP, MSP1, CCP, MIP, CTDS, MIS, DCP, DCS	
s 178C(4)	Function of determining how to give notice under s 178C(2)	SP, SSP1, SO, PP, SPAA, CP, MSP1, CCP, MIP, CTDS, MIS, DCP, DCS	
s 178E(1)	Duty not to make decision until after 14 days after notice has been given	SP, SSP1, SO, PP, SPAA, CP, MSP1, CCP, MIP, CTDS, MIS, DCP, DCS	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 178E(2)(a)	Power to amend or end the agreement in accordance with the proposal	MSP1, MIP, MIS, DCP, DCS	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	MSP1, MIP, MIS, DCP, DCS	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	MSP1, MIP, MIS, DCP, DCS	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	MSP1, MIP, MIS, DCP, DCS	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	MSP1, MIP, MIS, DCP, DCS	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	MSP1, MIP, MIS, DCP, DCS	After considering objections, submissions and matters in s 178B
s 178E(3)(d)	Power to refuse to amend or end the agreement	MSP1, MIP, MIS, DCP, DCS	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)	MSP1, MIP, MIS, DCP, DCS	
s 178F(2)	Duty to give notice of its decision under s 178E(2)(c) or (3)(d)	MSP1, MIP, MIS, DCP, DCS	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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	MSP1, MIP, MIS, DCP, DCS	
s 178G	Duty to sign amended agreement and give copy to each other party to the agreement	MSP1, MIP, MIS, DCP, DCS	
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	MSP1, MIP, MIS, DCP, DCS	
s 178I(3)	Duty to notify, in writing, each party to the agreement of the ending of the agreement relating to Crown land	MSP1, MIP, MIS, DCP, DCS	
s 179(2)	Duty to make a copy of each agreement available in accordance with the public availability requirements	AOSP, SPCS, TLSPA, SP, SSP1, SO, PP, SPAA, CP, MSP1, CCP, MIP, MIS, CTDS, DCP, DCS	
s 181	Duty to apply to the Registrar of Titles to record the agreement	CCP, CP, MSP1, MIP, MIS, CTDS, MIS, DCP, DCS	
s 181(1A)(a)	Power to apply to the Registrar of Titles to record the agreement	CCP, CP, MSP1, MIP, MIS, CTDS, MIS, DCP, DCS	
s 181(1A)(b)	Duty to apply to the Registrar of Titles, without delay, to record the agreement	CCP, CP, MSP1, MIP, MIS, CTDS, MIS, DCP, DCS	

S6. Instrument of Delegation – Members of Staff

12 December 2023
page 47

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 182	Power to enforce an agreement	CCP, CP, MSP1, MIP, MIS, CTDS, MIS, DCP, DCS, PCO, SPCO, TLPC, CCC, MCS	
s 183	Duty to tell Registrar of Titles of ending/amendment of agreement	CCP, CP, MSP1, MIP, MIS, CTDS, MIS, DCP, DCS	
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	CCP, CP, MSP1, MIP, MIS, CTDS, MIS, DCP, DCS	
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	CCP, CP, MSP1, MIP, MIS, CTDS, MIS, DCP, DCS	
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	CCP, CP, MSP1, MIP, MIS, CTDS, MIS, DCP, DCS	
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	AOSP, SPCS, TLSPA, SP, SSP1, SO, PP, SPAA, CP, CCP, MSP1, MIP, MIS, CTDS, DCP, DCS	
s 184G(2)	Duty to comply with a direction of the Tribunal	SP, SSP1, SO, PP, SPAA, CP, MSP1, CCP, MIP, MIS, CTDS, DCP, DCS	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 184G(3)	Duty to give notice as directed by the Tribunal	SP, SSP1, SO, PP, SPAA, CP, MSP1, MIP, CCP, MIS, CTDS, DCP, DCS	
s 185B(1)	Duty to comply with a request from the Minister to provide the name, address, email address or telephone number of any person to whom the Minister is required to give notice	SP, SSP1, SO, PP, SPAA, CP, MSP1, CCP, MIP, DCP	
s 198(1)	Function to receive application for planning certificate	AOSP, SPCS, TLSPA, SP, SSP1, SO, PP, SPAA, CP, MSP1, DCP, CCP, MIP	
s 199(1)	Duty to give planning certificate to applicant	AOSP, SPCS, TLSPA, SP, SSP1, SO, PP, SPAA, CP, MSP1, DCP, CCP, MIP	
s 201(1)	Function of receiving application for declaration of underlying zoning	AOSP, SPCS, TLSPA, SP, SSP1, SO, PP, SPAA, CP, MSP1, DCP, CCP, MIP	
s 201(3)	Duty to make declaration	MIP, MSP1, DCP	
-	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	PP, SPAA, CP, MSP1, DCP, CCP, MIP, TLDS, CTD, CDTS, MIS, DCS, TLPC, CCC, MCS	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
	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	PP, SPAA, CP, MSP1, DCP, CCP, MIP, TLDS, CTD, CDTS, MIS, DCS, TLPC, CCC, MCS	
	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	PP, SPAA, CP, MSP1, DCP, CCP, MIP, TLDS, CTD, CDTS, MIS, DCS,	
-	Power to give written authorisation in accordance with a provision of a planning scheme	SPAA, PP, CP, CCP, MIP, MSP1, , DCP, CDTS, CTD, MIS, DCS	
s 201UAB(1)	Function of providing the Victoria Planning Authority with information relating to any land within municipal district	CP, CCP, MIP, MSP1, DCP	
s 201UAB(2)	Duty to provide the Victoria Planning Authority with information requested under s 201UAB(1) as soon as possible	CP, CCP, MIP, MSP1, DCP	

RESIDENTIAL TENANCIES ACT 1997			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 518F	Power to issue notice to caravan park regarding emergency management plan if determined that the plan does not comply with the requirements	EHO, TLEH, CEH, MCS, DCP	
s 522(1)	Power to give a compliance notice to a person	EHO, TLEH, CEH, MCS, DCP	
s 525(2)	Power to authorise an officer to exercise powers in s 526 (either generally or in a particular case)	EHO, TLEH, CEH, MCS, DCP	
s 525(4)	Duty to issue identity card to authorised officers	GO, SGL, CLGO	
s 526(5)	Duty to keep record of entry by authorised officer under s 526	EHO, TLEH, CEH, MCS, DCP	
s 526A(3)	Function of receiving report of inspection	EHO, TLEH, CEH, MCS, DCP	
s 527	Power to authorise a person to institute proceedings (either generally or in a particular case)	CEO	

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 11(1)	Power to declare a road by publishing a notice in the Government Gazette	SGL, CLGO, CTD, CAMCW, MIS, DCS	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	SGL, CLGO, CTD, CAMCW, MIS, DCS	
s 11(9)(b)	Duty to advise Registrar	SGL, CLGO, CTD, CAMCW, MIS, DCS	
s 11(10)	Duty to inform Secretary to Department of Environment, Land, Water and Planning of declaration etc.	SGL, CLGO, CTD, CAMCW, MIS, DCS	Subject to s 11(10A)
s 11(10A)	Duty to inform Secretary to Department of Environment, Land, Water and Planning or nominated person	SGL, CLGO, CTD, CAMCW, MIS, DCS	Where Council is the coordinating road authority
s 12(2)	Power to discontinue road or part of a road	SGL, CLGO, CTD, CAMCW, MIS, DCS	Where Council is the coordinating road authority
s 12(4)	Power to publish, and provide copy, notice of proposed discontinuance	SGL, CLGO, CTD, CAMCW, MIS, DCS	Power of coordinating road authority where it is the discontinuing body Unless s 12(11) applies

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 12(5)	Duty to consider written submissions received within 28 days of notice	SGL, CLGO, CTD, CAMCW, MIS, DCS	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	SGL, CLGO, CTD, CAMCW, MIS, DCS	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	SGL, CLGO, MIS, DCS	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	SGL, CLGO, MIS, DCS	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	MIS, DCS	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	MIS, DCS	
s 14(7)	Power to appeal against decision of the Head, Transport for Victoria	DCS	
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	MIS, DCS	

S6. Instrument of Delegation – Members of Staff

12 December 2023
page 53

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & 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	MIS, DCS	
s 15(2)	Duty to include details of arrangement in public roads register	MIS, DCS	
s 16(7)	Power to enter into an arrangement under s 15	DCS	
s 16(8)	Duty to enter details of determination in public roads register	CRI, CTD, CAMCW, MIS, DCS	
s 17(2)	Duty to register public road in public roads register	CRI, CTD, CAMCW, MIS, DCS	Where Council is the coordinating road authority
s 17(3)	Power to decide that a road is reasonably required for general public use	MIS, DCS	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	CRI, CTD, CAMCW, MIS, DCS	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	MIS, DCS	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	CRI, CTD, CAMCW, MIS, DCS	Where Council is the coordinating road authority
s 18(1)	Power to designate ancillary area	MIS, DCS	Where Council is the coordinating road authority, and obtain consent in circumstances specified in s 18(2)

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 18(3)	Duty to record designation in public roads register	CRI, CTD, CAMCW, MIS, DCS	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	CRI, CTD, CAMCW, MIS, DCS	
s 19(4)	Duty to specify details of discontinuance in public roads register	CRI, CTD CAMCW, MIS, DCS	
s 19(5)	Duty to ensure public roads register is available for public inspection	CRI, CTD, CAMCW, MIS, DCS	
s 21	Function of replying to request for information or advice	CRI, CTD, CAMCW, MIS, DCS	Obtain consent in circumstances specified in s 11(2)
s 22(2)	Function of commenting on proposed direction	MIS, DCS	
s 22(4)	Duty to publish a copy or summary of any direction made under s 22 by the Minister in its annual report.	MC, MIS, DCS	
s 22(5)	Duty to give effect to a direction under s 22	MIS, DCS	
s 40(1)	Duty to inspect, maintain and repair a public road.	CRI, MIS, DCS	
s 40(5)	Power to inspect, maintain and repair a road which is not a public road	CRI, MIS, DCS	

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 41(1)	Power to determine the standard of construction, inspection, maintenance and repair	CRI, CTD, MIS, DCS	
s 42(1)	Power to declare a public road as a controlled access road	MIS, DCS	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	MIS, DCS	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	MIS, DCS	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	DCS	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)	Not Delegated	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	CTD, MIS, DCS	
s 49	Power to develop and publish a road management plan	CAMCW, MIS, DCS	
s 51	Power to determine standards by incorporating the standards in a road management plan	PES, CAMCW, MIS, DCS	

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 53(2)	Power to cause notice to be published in Government Gazette of amendment etc of document in road management plan	CAMCW, MIS, DCS	
s 54(2)	Duty to give notice of proposal to make a road management plan	CAMCW, MIS, DCS	
s 54(5)	Duty to conduct a review of road management plan at prescribed intervals	CAMCW, MIS, DCS	
s 54(6)	Power to amend road management plan	CAMCW, MIS, DCS	
s 54(7)	Duty to incorporate the amendments into the road management plan	CAMCW, MIS, DCS	
s 55(1)	Duty to cause notice of road management plan to be published in Government Gazette and newspaper	CAMCW, MIS, DCS	
s 63(1)	Power to consent to conduct of works on road	TLAM, CRI, MIS, DCS	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	TLAM, CRI, MIS, DCS	Where Council is the infrastructure manager
s 64(1)	Duty to comply with cl 13 of sch 7	DCS	Where Council is the infrastructure manager or works manager
s 66(1)	Power to consent to structure etc	DCS	Where Council is the coordinating road authority

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 67(2)	Function of receiving the name & address of the person responsible for distributing the sign or bill	PCO, SPCO, TLPC, LLO, TLLL, CCC, MCS, DCP	Where Council is the coordinating road authority
s 67(3)	Power to request information	PCO, SPCO, TLPC, LLO, TLLL, CCC, MCS, DCP	Where Council is the coordinating road authority
s 68(2)	Power to request information	PCO, SPCO, TLPC, LLO, TLLL, CCC, MCS, DCP	Where Council is the coordinating road authority
s 71(3)	Power to appoint an authorised officer	CEO	
s 72	Duty to issue an identity card to each authorised officer	GO, SGL, CLGO	
s 85	Function of receiving report from authorised officer	MIS, DCS	
s 86	Duty to keep register re s 85 matters	CRI, CAMCW, MIS, DCS	
s 87(1)	Function of receiving complaints	MIS, DCS	
s 87(2)	Duty to investigate complaint and provide report	MIS, DCS	
s 96	Power to authorise a person for the purpose of instituting legal proceedings	CEO	
s 112(2)	Power to recover damages in court	MIS, DCS	

S6. Instrument of Delegation – Members of Staff

12 December 2023
page 58

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 116	Power to cause or carry out inspection	CRI, CAMCW, MIS, DCS	
s 119(2)	Function of consulting with the Head, Transport for Victoria	MIS, DCS	
s 120(1)	Power to exercise road management functions on an arterial road (with the consent of the Head, Transport for Victoria)	MIS, DCS	
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)	MIS, DCS	
s 121(1)	Power to enter into an agreement in respect of works	MIS, DCS	
s 122(1)	Power to charge and recover fees	MIS, DCS	
s 123(1)	Power to charge for any service	MIS, DCS	
sch 2 cl 2(1)	Power to make a decision in respect of controlled access roads	MIS, DCS	
sch 2 cl 3(1)	Duty to make policy about controlled access roads	MIS, DCS	
sch 2 cl 3(2)	Power to amend, revoke or substitute policy about controlled access roads	MIS, DCS	
sch 2 cl 4	Function of receiving details of proposal from the Head, Transport for Victoria	MIS, DCS	
sch 2 cl 5	Duty to publish notice of declaration	MIS, DCS	

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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	MIS, DCS	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	MIS, DCS	Where Council is the infrastructure manager or works manager
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	MIS, DCS	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	MIS, DCS	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	MIS, DCS	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	MIS, DCS	Where Council is the coordinating road authority
sch 7 cl 12(3)	Power to take measures to ensure reinstatement works are completed	MIS, DCS	Where Council is the coordinating road authority

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
sch 7 cl 12(4)	Duty to ensure that works are conducted by an appropriately qualified person	MIS, DCS	Where Council is the coordinating road authority
sch 7 cl 12(5)	Power to recover costs	MIS, DCS	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)	MIS, DCS	Where Council is the works manager
sch 7 cl 13(2)	Power to vary notice period	MIS, DCS	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)	MIS, DCS	Where Council is the infrastructure manager
sch 7 cl 16(1)	Power to consent to proposed works	MIS, DCS	Where Council is the coordinating road authority
sch 7 cl 16(4)	Duty to consult	MIS, DCS	Where Council is the coordinating road authority, responsible authority or infrastructure manager
sch 7 cl 16(5)	Power to consent to proposed works	MIS, DCS	Where Council is the coordinating road authority
sch 7 cl 16(6)	Power to set reasonable conditions on consent	MIS, DCS	Where Council is the coordinating road authority
sch 7 cl 16(8)	Power to include consents and conditions	MIS, DCS	Where Council is the coordinating road authority

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
sch 7 cl 17(2)	Power to refuse to give consent and duty to give reasons for refusal	MIS, DCS	Where Council is the coordinating road authority
sch 7 cl 18(1)	Power to enter into an agreement	MIS, DCS	Where Council is the coordinating road authority
sch 7 cl 19(1)	Power to give notice requiring rectification of works	MIS, DCS	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	MIS, DCS	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	MIS, DCS	Where Council is the coordinating road authority
sch 7A cl 2	Power to cause street lights to be installed on roads	MIS, DCS	Power of responsible road authority where it is the coordinating road authority or responsible road authority in respect of the road
sch 7A cl 3(1)(d)	Duty to pay installation and operation costs of street lighting - where road is not an arterial road	MIS, DCS	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	MIS, DCS	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	MIS, DCS	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			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS AND LIMITATIONS
r 6	Function of receiving notice, under s 19(1)(c) of the Act, from a planning authority of its preparation of an amendment to a planning scheme	PP, SPAA, CP, CCP, MIP, MSP1, DCP	Where Council is not the planning authority and the amendment affects land within its 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 s 54 of the Act	PP, SPAA, CP, MSP1, DCP	
r 25(a)	Duty to make copy of matter considered under s 60(1A)(g) available in accordance with the public availability requirements	AOSP, SPCS, TLSPA, SP, SSP1, SO, PP, SPAA, CP, MSP1, DCP	Where Council is the responsible authority
r 25(b))	Function of receiving a copy of any document considered under s 60(1A)(g) by the responsible authority and duty to make the document available for inspection free of charge	AOSP, SPCS, TLSPA, SP, SSP1, SO, PP, SPAA, CP, MSP1, DCP	Where Council is not the responsible authority but the relevant land is within Council's municipal district
r 42	Function of receiving notice under s 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	AOSP, SPCS, TLSPA, SP, SSP1, SO, PP, SPAA, CP, MSP1, DCP, CCP, MIP	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			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS AND LIMITATIONS
r 19	Power to waive or rebate a fee relating to an amendment of a planning scheme	MIP, MSP1, DCP	
r 20	Power to waive or rebate a fee other than a fee relating to an amendment to a planning scheme	MIP, MSP1, DCP	
r 21	Duty to record matters taken into account and which formed the basis of a decision to waive or rebate a fee under r19 or 20	MIP, MSP1, DCP	

RESIDENTIAL TENANCIES (CARAVAN PARKS AND MOVABLE DWELLINGS REGISTRATION AND STANDARDS) REGULATIONS 2020			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r 7	Power to enter into a written agreement with a caravan park owner	EHO, TLEH, CEH, MCS, DCP	
r 10	Function of receiving application for registration	EHO, TLEH, CEH, MCS, DCP	
r 11	Function of receiving application for renewal of registration	EHO, TLEH, CEH, MCS, DCP	
r 12(1)	Duty to grant the registration if satisfied that the caravan park complies with these regulations	EHO, TLEH, CEH, MCS, DCP	
r 12(1)	Power to refuse to renew the registration if not satisfied that the caravan park complies with these regulations	EHO, TLEH, CEH, MCS, DCP	
r 12(2)	Duty to renew the registration if satisfied that the caravan park complies with these regulations	EHO, TLEH, CEH, MCS, DCP	
r 12(2)	Power to refuse to renew the registration if not satisfied that the caravan park complies with these regulations	EHO, TLEH, CEH, MCS, DCP	
r 12(3)	Duty to have regard to matters in determining an application for registration or an application for renewal of registration	EHO, TLEH, CEH, MCS, DCP	
r 12(4) & (5)	Duty to issue certificate of registration	EHO, TLEH, CEH, MCS, DCP	
r 14(1)	Function of receiving notice of transfer of ownership	EHO, TLEH, CEH, MCS, DCP	

S6. Instrument of Delegation – Members of Staff

12 December 2023
page 65

RESIDENTIAL TENANCIES (CARAVAN PARKS AND MOVABLE DWELLINGS REGISTRATION AND STANDARDS) REGULATIONS 2020			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r 14(3)	Power to determine where notice of transfer is displayed	EHO, TLEH, CEH, MCS, DCP	
r 15(1)	Duty to transfer registration to new caravan park owner	EHO, TLEH, CEH, MCS, DCP	
r 15(2)	Duty to issue a certificate of transfer of registration	EHO, TLEH, CEH, MCS, DCP	
r 15(3)	Power to determine where certificate of transfer of registration is displayed	EHO, TLEH, CEH, MCS, DCP	
r 16(1)	Power to determine the fee to accompany applications for registration or applications for renewal of registration	CEH, MCS, DCP	
r 17	Duty to keep register of caravan parks	CEH, MCS, DCP	
r 18(4)	Power to determine where the emergency contact person's details are displayed	EHO, TLEH, CEH, MCS, DCP	
r 18(6)	Power to determine where certain information is displayed	EHO, TLEH, CEH, MCS, DCP	
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	EHO, TLEH, CEH, MCS, DCP	
r 22(2)	Duty to consult with relevant emergency services agencies	EHO, TLEH, CEH, MCS, DCP	
r 23	Power to determine places in which caravan park owner must display a copy of emergency procedures	EHO, TLEH, CEH, MCS, DCP	

S6. Instrument of Delegation – Members of Staff

12 December 2023
page 66

RESIDENTIAL TENANCIES (CARAVAN PARKS AND MOVABLE DWELLINGS REGISTRATION AND STANDARDS) REGULATIONS 2020			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r 24	Power to determine places in which caravan park owner must display copy of public emergency warnings	EHO, TLEH, CEH, MCS, DCP	
r 25(3)	Duty to consult with relevant floodplain management authority	EHO, TLEH, CEH, MCS, DCP	
r 26	Duty to have regard to any report of the relevant fire authority	EHO, TLEH, CEH, MCS, DCP	
r 28(c)	Power to approve system for the collection, removal and disposal of sewage and waste water from a movable dwelling	EHO, TLEH, CEH, MCS, DCP	
r 40	Function of receiving notice of proposed installation of unregistrable movable dwelling or rigid annexe	EHO, TLEH, CEH, MCS, DCP	
r 40(b)	Power to require notice of proposal to install unregistrable movable dwelling or rigid annexe	EHO, TLEH, CEH, MCS, DCP	
r 41(4)	Function of receiving installation certificate	EHO, TLEH, CEH, MCS, DCP	
r 43	Power to approve use of a non-habitable structure as a dwelling or part of a dwelling	CEH, MCS, DCP	
Sch 3 cl 4(3)	Power to approve the removal of wheels and axles from unregistrable movable dwelling	EHO, TLEH, CEH, MCS, DCP	

ROAD MANAGEMENT (GENERAL) REGULATIONS 2016			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r 8(1)	Duty to conduct reviews of road management plan	CAMCW, MIS, DCS	
r 9(2)	Duty to produce written report of review of road management plan and make report available	CAMCW, MIS, DCS	
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)	CAMCW, MIS, DCS	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	CAMCW, MIS, DCS	
r 13(1)	Duty to publish notice of amendments to road management plan	CAMCW, MIS, DCS	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	CAMCW, MIS, DCS	
r 16(3)	Power to issue permit	TLAM, CAE, CRI, CTD, MIS, DCS	Where Council is the coordinating road authority
r 18(1)	Power to give written consent re damage to road	TLAM, CAE, CRI, CTD, MIS, DCS	Where Council is the coordinating road authority
r 23(2)	Power to make submission to Tribunal	MIS, DCS	Where Council is the coordinating road authority
r 23(4)	Power to charge a fee for application under s 66(1) Road Management Act	CAE, CRI, CTD, MIS, DCS	Where Council is the coordinating road authority

ROAD MANAGEMENT (GENERAL) REGULATIONS 2016			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r 25(1)	Power to remove objects, refuse, rubbish or other material deposited or left on road	CAE, CRI, MIS, DCS	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))	CAE, CRI, MIS, DCS	Where Council is the responsible road authority
r 25(5)	Power to recover in the Magistrates' Court, expenses from person responsible	CAMCW, CAE, CRI, CTD, MIS, DCS	

ROAD MANAGEMENT (WORKS AND INFRASTRUCTURE) REGULATIONS 2015			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & 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	MIS, DCS	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	MIS, DCS	Where Council is the coordinating road authority

14.2 Appointment of Authorised Officers - Planning and Environment Act 1987

File Number:	IN23/774
Responsible Director:	Chief Executive Officer
Attachments:	1 S11A Instrument of Appointment and Authorisation - Sanjan Udumalagala ↓
	2 S11A Instrument of Appointment and Authorisation - Nicholas Hulston ↓

PURPOSE OF REPORT

The purpose of this report is to appoint two Council officers as Authorised Officers under the Planning and Environment Act 1987 (the Act).

EXECUTIVE SUMMARY

In accordance with the Act, Council is required to authorise officers for the purpose of enforcing the provisions of the Act. It is proposed to appoint the Council officers detailed below as an Authorised Officer pursuant to Section 147(4) of the Act.

The Local Government Act 1989 also empowers Council to appoint a person, other than a Councillor, to be an authorised officer for the purposes of the administration and enforcement of any Act, regulations or local laws which relate to the functions and powers of the Council.

A person who is appointed to a position has the powers of that position under the legislation which they have been appointed. Authorisations are necessary to facilitate the efficient and effective function of councils as they enable authorised officers to carry out compliance or enforcement under legislation related to their functions and powers of the Council.

Authorised officers will continue to be appointed under s224 of the Local Government Act 1989, as there are no provisions for appointing authorised officers under the Local Government Act 2020.

1. RECOMMENDATION

In the exercise of the powers conferred by section 224 of the *Local Government Act 1989* and the other legislation referred to in the attached instrument of appointment and authorisation, Council resolves that:

- A. the following Council Officers be appointed as an authorised officer:**
 - Sanjan Udumalagala
 - Nicholas Hulston
- B. the instrument will come into force immediately upon execution and will remain in force until Council determines to vary or revoke the Instrument or the officer ceases their employment with Council; and**
- C. the Instrument be signed and sealed.**

2. BACKGROUND

- 2.1 The *Planning and Environment Act 1987* (the Act) regulates enforcement of the Act and is reliant on authorised officers acting on behalf of the Responsible Authority which is Council.
- 2.2 The Act, unlike the *Local Government Act 1989*, does not permit appointments to be made by the Chief Executive Officer and therefore in order for the officer to legally undertake the duties of their position under the Act, it is necessary for Council to make appointments by formal resolution.
- 2.3 The Instrument of Appointment and Authorisation has been prepared based on advice from Maddocks Lawyers and empowers the relevant officer to exercise those powers granted in the Instrument.
- 2.4 The appointment will come into force immediately upon its execution under the Seal of Council and will remain in force until varied or revoked by Council or the officer ceases employment with Council.
- 2.5 In addition to the appointment under the Act, Council pursuant to Section 224 of the *Local Government Act 1989*, may appoint any person other than a Councillor to be an authorised officer for the purposes of the administration and enforcement of most other Acts, Regulations or Local Laws which relate to the functions and powers of Council. This broader Instrument of Appointment and Authorisation has already been carried out, in respect to the designated officers, under the delegated authority of the Chief Executive Officer as the first part of a dual appointment process.
- 2.6 The appointment will be recorded in the Authorised Officers Register that is required to be kept by Council and is available for public inspection.

3. IMPLEMENTATION

3.1 Communication and Engagement

Stakeholder Groups	Nominated Council officers
Is engagement required?	No. Council is required to make these administrative appointments.
Where does it sit on the IAP2 spectrum?	N/A
Approach	N/A

4. DECLARATIONS OF CONFLICT OF INTEREST

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

**Instrument of Appointment and Authorisation
(Planning and Environment Act 1987)**

In this instrument "officer" means -

Sanjan Udumalagala

By this instrument of appointment and authorisation Manningham City Council -

- 1. under section 147(4) of the *Planning and Environment Act 1987* - appoints the officer to be an authorised officer for the purposes of the *Planning and Environment Act 1987* and the regulations made under that Act; and
- 2. under section 313 of the *Local Government Act 2020* authorises the officer either generally or in a particular case to institute proceedings for offences against the Acts and regulations described in this instrument.

It is declared that this instrument comes into force immediately upon its execution and remains in force until varied or revoked.

This instrument is authorised by a resolution of the Manningham City Council on 12 December 2023.

The Common Seal of)
 Manningham City Council)
 was hereunto affixed)
 in the presence of:)

Mayor

Chief Executive Officer

Date:

**Instrument of Appointment and Authorisation
(Planning and Environment Act 1987)**

In this instrument "officer" means -

Nicholas (Nick) Hulston

By this instrument of appointment and authorisation Manningham City Council -

- 1. under section 147(4) of the *Planning and Environment Act 1987* - appoints the officer to be an authorised officer for the purposes of the *Planning and Environment Act 1987* and the regulations made under that Act; and
- 2. under section 313 of the *Local Government Act 2020* authorises the officer either generally or in a particular case to institute proceedings for offences against the Acts and regulations described in this instrument.

It is declared that this instrument comes into force immediately upon its execution and remains in force until varied or revoked.

This instrument is authorised by a resolution of the Manningham City Council on 12 December 2023.

The Common Seal of)
Manningham City Council)
was hereunto affixed)
in the presence of:)

Mayor

Chief Executive Officer

Date:

14.3 Informal Meetings of Councillors

File Number:	IN23/755
Responsible Director:	Chief Executive Officer
Attachments:	<ol style="list-style-type: none"> 1 Councillor Briefing - Recreation and Sports Advisory Committee - 21 August 2023 ↓ 2 Submitters Meeting - 25 October 2023 ↓ 3 Councillor Briefing - Recreation and Sports Advisory Committee - 13 November 2023 ↓ 4 Gender Equality and LGBTQIA+ Advisory Meeting - 16 November 2023 ↓ 5 Reconciliation Action Plan (RAP) Working Group Meeting - 16 November 2023 ↓ 6 Manningham Youth Advisory Committee - 15 November 2023 ↓ 7 Audit and Risk Committee - 17 November 2023 ↓ 8 Strategic Briefing Session - 21 November 2023 ↓ 9 Consultation Meeting - 22 November 2023 ↓ 10 Manningham Disability Advisory Committee - 27 November 2023 ↓ 11 Councillor and CEO Only Time - 28 November 2023 ↓

PURPOSE OF REPORT

The purpose of this report is to promote transparency in Council's business by providing a record of informal meetings attended by Councillors.

EXECUTIVE SUMMARY

Chapter 6, sub rule 1 of Manningham's Governance Rules requires a record of each meeting that constitutes an Informal Meeting of Councillors to be reported to Council and those records to be incorporated into the minutes of the Council Meeting.

1. RECOMMENDATION

That Council note the Informal Meetings of Councillors for the following meetings:

- **Councillor Briefing - Recreation and Sports Advisory Committee – 21 August 2023**
- **Submitters Meeting – 25 October 2023**
- **Councillor Briefing - Recreation and Sports Advisory Committee - 13 November 2023**
- **Manningham Youth Advisory Committee – 15 November 2023**
- **Gender Equality and LGBTQIA+ Advisory Meeting – 16 November 2023**
- **Reconciliation Action Plan (RAP) Working Group Meeting - 16 November 2023**
- **Audit and Risk Committee – 17 November 2023**
- **Strategic Briefing Session – 21 November 2023**
- **Consultation Meeting – 22 November 2023**
- **Manningham Disability Advisory Committee - 27 November 2023**
- **Councillor and CEO Only Time – 28 November 2023**

2. BACKGROUND

- 2.1 Section 60 of the *Local Government Act 2020*, requires a Council to develop, adopt and keep in force Governance Rules (the Rules).
- 2.2 Chapter 6, sub rule 1 of Manningham’s Governance Rules requires the Chief Executive Officer to ensure a summary of matters discussed at an informal meeting is tabled at the next convenient Council meeting and recorded in the minutes of that meeting.
- 2.3 An Informal Meeting of Councillors is a meeting that:
 - is a scheduled or planned meeting of all Councillors (irrespective of how many Councillors attend) with the Chief Executive Officer for the purpose of discussing the business of Council or briefing Councillors; or
 - is a scheduled or planned meeting of all Councillors (irrespective of how many Councillors attend) with the Executive Management Team for the purpose of discussing the business of Council or briefing Councillors; or
 - is a scheduled or planned advisory committee meeting attended by at least one Councillor and one member of Council staff; and
 - is not a Council meeting, Delegated Committee meeting or Community Asset Committee meeting.

3. DISCUSSION / ISSUE

Summaries of the following informal meetings are attached to this report:

- Councillor Briefing - Recreation and Sports Advisory Committee – 21 August 2023
- Submitters Meeting – 25 October 2023
- Councillor Briefing - Recreation and Sports Advisory Committee - 13 November 2023
- Manningham Youth Advisory Committee – 15 November 2023
- Gender Equality and LGBTQIA+ Advisory Meeting – 16 November 2023
- Reconciliation Action Plan (RAP) Working Group Meeting - 16 November 2023
- Audit and Risk Committee – 17 November 2023
- Strategic Briefing Session – 21 November 2023
- Consultation Meeting – 22 November 2023
- Manningham Disability Advisory Committee - 27 November 2023
- Councillor and CEO Only Time – 28 November 2023

4. IMPLEMENTATION

4.1 Communication and Engagement

Stakeholder Groups	Councillors, Officers and members of Manningham’s Advisory Committees
Is engagement required?	No. This information is provided in the interests of public transparency.

Where does it sit on the IAP2 spectrum?	N/A
Approach	N/A

5. DECLARATIONS OF CONFLICT OF INTEREST

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

Informal Meeting of Councillors

Chapter 6, Sub rule 1 of the Governance Rules 2020



MEETING DETAILS					
Meeting Name:	Councillor Briefing - Recreation and Sports Advisory Committee				
Date:	Monday, 21 August 2023				
	<table border="1"> <tr> <td>Time Opened:</td> <td>06:30pm</td> </tr> <tr> <td>Time Closed:</td> <td>08:30pm</td> </tr> </table>	Time Opened:	06:30pm	Time Closed:	08:30pm
Time Opened:	06:30pm				
Time Closed:	08:30pm				
Location:	Council Chambers, Civic Centre				
Councillors Present:	Cr Conlon, Cr Lange, Cr S Mayne				
Officers Present:	Andrew McMaster, Jen Martin, Robert Morton, Kayla Uildriks				
Apologies:	Nil				
Items discussed:	<ul style="list-style-type: none"> • Aligned Leisure overview • Workshop - Outdoor Infrastructure and Allocations Policy • Future meeting topics 				
CONFLICT OF INTEREST DISCLOSURES					
Were there any conflict of interest disclosures by Councillors?	No				

Informal Meeting of Councillors

Chapter 6, Sub rule 1 of the Governance Rules 2020



MEETING DETAILS					
Meeting Name:	Submitters Meeting				
Date:	Wednesday, 25 October 2023				
	<table border="1"> <tr> <td>Time Opened:</td> <td>6:00pm</td> </tr> <tr> <td>Time Closed:</td> <td>7:00pm</td> </tr> </table>	Time Opened:	6:00pm	Time Closed:	7:00pm
Time Opened:	6:00pm				
Time Closed:	7:00pm				
Location:	Function Room 1, Civic Centre				
Councillors Present:	Cr Diamante (Mayor), Cr Lange, Cr Chen, Cr L Mayne, Cr Conlon				
Officers Present:	Rowan La'Brooy, Simone Dionisio, Andrew McMaster				
Apologies:	Nil				
Items discussed:	Officers report and objectors concerns for Planning Application PLN22/0462 at 7 Second Street, Warrandyte				
CONFLICT OF INTEREST DISCLOSURES					
Were there any conflict of interest disclosures by Councillors?	N/A				

Informal Meeting of Councillors

Chapter 6, Sub rule 1 of the Governance Rules 2020



MEETING DETAILS					
Meeting Name:	Councillor Briefing - Recreation and Sports Advisory Committee				
Date:	Monday, 13 November 2023				
	<table border="1"> <tr> <td>Time Opened:</td> <td>06:30pm</td> </tr> <tr> <td>Time Closed:</td> <td>08:30pm</td> </tr> </table>	Time Opened:	06:30pm	Time Closed:	08:30pm
Time Opened:	06:30pm				
Time Closed:	08:30pm				
Location:	Council Chambers, Civic Centre				
Councillors Present:	Cr Lange (Mayor), Cr Conlon, Cr S Mayne				
Officers Present:	Jen Martin, Robert Morton, Ros Holding, Catherine Simcox, Janae Scott				
Apologies:	Nil				
Items discussed:	<ul style="list-style-type: none"> • Gambling and its link to sports • Active Manningham update • Defining barriers to participation – Volunteerism • Update on Projects for noting (Tom Kelly Athletics Track Usage Plan, Aquarena Outdoor Masterplan) 				
CONFLICT OF INTEREST DISCLOSURES					
Were there any conflict of interest disclosures by Councillors?	No				

Informal Meeting of Councillors

Chapter 6, Sub rule 1 of the Governance Rules 2020



MEETING DETAILS					
Meeting Name:	Gender Equality and LGBTQIA+ Advisory Meeting				
Date:	Thursday, 16 November 2023				
	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="background-color: #eee;">Time Opened:</td> <td>6:00pm</td> </tr> <tr> <td style="background-color: #eee;">Time Closed:</td> <td>8:15pm</td> </tr> </table>	Time Opened:	6:00pm	Time Closed:	8:15pm
Time Opened:	6:00pm				
Time Closed:	8:15pm				
Location:	Koonung Room, Civic Centre				
Councillors Present:	Cr L Mayne (Deputy Mayor)				
Officers Present:	Michelle Zemancheff, Catherine Simcox, Janae Scott				
Apologies:	Cr Lightbody				
Items discussed:	<ol style="list-style-type: none"> 1. Matters Arising – This Girl Can – review of campaign, actions from August minutes 2. Workshop on reducing gambling harm and problem gambling 3. Significant Dates and Events 2024 <ul style="list-style-type: none"> - GRIT 27 November - Pride Events (February) – Pride March – Council Diversity and Inclusion Working Group, Pride Swim and Gym Event – Active Manningham, International Women’s Day (March) – Option Business Breakfast, MC2 Gallery – women artist and Q&A, - IDAHOBIT (May) – Exploring ideas with committee 4. Review of 2023 Advisory Committee achievements <ul style="list-style-type: none"> - Snapshot of the year - Feedback on the year/committee operations - Emerging topics for 2024 5. Other Business 				
CONFLICT OF INTEREST DISCLOSURES					
Were there any conflict of interest disclosures by Councillors?	No				

Informal Meeting of Councillors

Chapter 6, Sub rule 1 of the Governance Rules 2020



MEETING DETAILS					
Meeting Name:	Reconciliation Action Plan (RAP) Working Group Meeting				
Date:	Thursday, 16 November 2023				
	<table border="1"> <tr> <td>Time Opened:</td> <td>2:30pm</td> </tr> <tr> <td>Time Closed:</td> <td>3:00pm</td> </tr> </table>	Time Opened:	2:30pm	Time Closed:	3:00pm
Time Opened:	2:30pm				
Time Closed:	3:00pm				
Location:	Online				
Councillors Present:	Cr Diamante				
Officers Present:	Michelle Zemancheff, Catherine Simcox, Michael Costello-Czok				
Apologies:	Nil				
Items discussed:	1. Reflection on the past year of RAP Working Group meetings and a discussion on how to make the RAP work group time effective in 2024.				
CONFLICT OF INTEREST DISCLOSURES					
Were there any conflict of interest disclosures by Councillors?	No				

Informal Meeting of Councillors

Chapter 6, Sub rule 1 of the Governance Rules 2020



MEETING DETAILS

Meeting Name:	Manningham Youth Advisory Committee		
Date:	Wednesday, 15 November 2023	Time Opened:	6:00pm
		Time Closed:	7:30pm
Location:	Council Chambers, Civic Centre		
Councillors Present:	Cr L Mayne (Deputy Mayor), Cr Chen		
Officers Present:	Michelle Zemancheff, Pamela Dewhurst, Felicity Raper, Aurelia Ginevra		
Apologies:	Cr Gough		
Items Discussed:	<ol style="list-style-type: none"> 1. Confirmation of Minutes from 13 September 2023 2. Presentation – Health and Wellbeing Strategy Plan Review 3. Manningham Youth Services Update 4. Other Business 		

CONFLICT OF INTEREST DISCLOSURES

Were there any conflict-of-interest disclosures by Councillors? No

Informal Meeting of Councillors

Chapter 6, Sub rule 1 of the Governance Rules 2020



MEETING DETAILS	
Meeting Name:	Audit and Risk Committee
Date:	Friday, 17 November 2023
	Time Opened: 9:00am
	Time Closed: 11:20am
Location:	Council Chambers, Civic Centre
Councillors Present:	Cr L Mayne (Deputy Mayor), Cr S Mayne
Officers Present:	Andrew Day (CEO), Carrie Bruce, Jon Gorst, Vicki Miller, Andrew McMaster, Liz Hammond, (Guests: Kerryn Paterson, David Bellchambers, Lawrie McLaughlin, Vanessa O'Toole, Asim Qureshi)
Apologies:	Nil
Items discussed:	<ul style="list-style-type: none"> • Conflict of Interest • In Camera Meeting of Audit and Risk Committee • In Camera Meeting Audit and Risk Committee & Management • Minutes of Previous Meeting • CEO Overview – November 2023 • Audit and Risk Committee Standard Questions • Matters Arising from Previous Meeting • Management Register – Outstanding Actions Internal Audit • Review the Performance of the External Auditors 2022/23 • Introduction and Welcome to new Internal Auditors • 2023/24 Internal Audit Plan Schedule • Internal Audit Scopes (1. Grants Management & 2. LGA Community Engagement Policy Framework) • Risk Register Report • Disaster Recovery Exercise September 2023 • Technology Program Update • Annual Workplace Health and Safety Report • AOB – election of Chair • Items for Noting – Contract Management System Update; Executive Risk Committee Meeting Minutes 25/10/23; Audit and Risk Committee Workplan
CONFLICT OF INTEREST DISCLOSURES	
Were there any conflict of interest disclosures by Councillors?	No

Informal Meeting of Councillors

Chapter 6, Sub rule 1 of the Governance Rules 2020



MEETING DETAILS

Meeting Name:	Strategic Briefing Session		
Date:	Tuesday, 21 November 2023	Time Opened:	6:30pm
		Time Closed:	8:43pm
Location:	Council Chambers, Civic Centre		
Councillors Present:	Cr Carli Lange (Mayor), Cr Laura Mayne (Deputy Mayor), Cr Anna Chen, Cr Deirdre Diamante, Cr Geoff Gough, Cr Michelle Kleinert OAM, and Cr Stephen Mayne		
Officers Present:	<p>Executive Officers Present</p> <p>Andrew Day, Chief Executive Officer Jon Gorst, Chief Financial Officer Kerryn Paterson, Director Experience and Capability Rachelle Quattrocchi, Director City Services Lee Robson, Director Connected Communities Andrew McMaster, Acting Director City Planning Molley Qi, Acting Chief Legal and Governance Officer</p> <p>Other Officers in Attendance</p> <p>Kim Tran, Acting Senior Governance Lead Fiona Troise, Manager Statutory Planning Paul Bonnicini, Coordinator City Compliance Anthony Drahtidis, Team Leader Local Laws Lisa DiCenso, Community Projects Lead Emma Michie, Manager Community Participation Kurt Pitts, Coordinator Roads and Infrastructure Niro Satchithanandha, Acting Coordinator Drainage & Technical Services Adrian English-Russell, Acting Manager City Assets</p>		
Apologies:	Cr Andrew Conlon and Cr Tomas Lightbody		
Items discussed:	<ol style="list-style-type: none"> 1. Revised Instrument of Delegation to Members of Council Staff 2. Pilot 24-Hour Cat Confinement Initiative 3. Supplementary Motion and Early Years Infrastructure Planning Update 4. Stormwater Management Update 5. Community Grants Program Update 6. Historical Societies Working Group 		

CONFLICT OF INTEREST DISCLOSURES

Were there any conflict of interest disclosures by Councillors? No

Informal Meeting of Councillors

Chapter 6, Sub rule 1 of the Governance Rules 2020



MEETING DETAILS					
Meeting Name:	Consultation Meeting				
Date:	Wednesday, 22 November 2023				
	<table border="1"> <tr> <td>Time Opened:</td> <td>6:00pm</td> </tr> <tr> <td>Time Closed:</td> <td>7:00pm</td> </tr> </table>	Time Opened:	6:00pm	Time Closed:	7:00pm
Time Opened:	6:00pm				
Time Closed:	7:00pm				
Location:	Koonung Room, Civic Centre				
Councillors Present:	Cr Lange (Mayor), Cr L Mayne (Deputy Mayor), Cr Chen, Cr Gough, Cr S Mayne, Cr Diamante, Cr Kleinert				
Officers Present:	Mel Tuangthong, Simone Dionisio				
Apologies:	Nil				
Items discussed:	Discussion from Council Officers, Submitters, and Councillors regarding PLN23/0209 for new sports ground facility ('shed') at Trinity Grammar 162-168 Bulleen Road, Bulleen.				
CONFLICT OF INTEREST DISCLOSURES					
Were there any conflict of interest disclosures by Councillors?	No				

Informal Meeting of Councillors

Chapter 6, Sub rule 1 of the Governance Rules 2020



MEETING DETAILS					
Meeting Name:	Manningham Disability Advisory Committee				
Date:	Monday, 27 November 2023				
	<table border="1"> <tr> <td>Time Opened:</td> <td>3:00pm</td> </tr> <tr> <td>Time Closed:</td> <td>4:45pm</td> </tr> </table>	Time Opened:	3:00pm	Time Closed:	4:45pm
Time Opened:	3:00pm				
Time Closed:	4:45pm				
Location:	Koonung Room, Civic Centre				
Councillors Present:	Cr Kleinert				
Officers Present:	Michelle Zemancheff, Catherine Simcox, Janae Scott, Gracie Benn				
Apologies:	Nil				
Items discussed:	<ol style="list-style-type: none"> 1. Conflict of Interest 2. Matters Arising 3. Workshop on reducing gambling harm and problem gambling 4. Outcomes of the Disability Royal Commission 5. Significant Dates and Events 2024 <ul style="list-style-type: none"> - International Day of People with Disability - GRIT event - Eastern Region Advisory Committees - Events for 2024 – Inclusion Expo (May 2024), Online workshops (4 scheduled) 6. Review of 2023 Advisory Committee achievements <ul style="list-style-type: none"> - Snapshot of the year 7. Feedback on the year/committee operations 8. Other Business 				
CONFLICT OF INTEREST DISCLOSURES					
Were there any conflict of interest disclosures by Councillors?	No				

Informal Meeting of Councillors

Chapter 6, Sub rule 1 of the Governance Rules 2020



MEETING DETAILS					
Meeting Name:	Councillor and CEO Only Time				
Date:	Tuesday, 28 November 2023				
	<table border="1"> <tr> <td>Time Opened:</td> <td>5:30pm</td> </tr> <tr> <td>Time Closed:</td> <td>6:25pm</td> </tr> </table>	Time Opened:	5:30pm	Time Closed:	6:25pm
Time Opened:	5:30pm				
Time Closed:	6:25pm				
Location:	Councillors Lounge, Civic Centre				
Councillors Present:	Cr Lange (Mayor), Cr L Mayne (Deputy Mayor), Cr Chen, Cr Conlon, Cr Diamante, Cr Gough, Cr Kleinert, Cr S Mayne				
Officers Present:	Andrew Day (CEO), Lee Robson (Item 1 only).				
Apologies:	Cr Lightbody				
Items discussed:	<ol style="list-style-type: none"> Meeting with United Muslims Migrant Association (UMMA) Centre and Community Representatives Upcoming Council meeting matters 				
CONFLICT OF INTEREST DISCLOSURES					
Were there any conflict of interest disclosures by Councillors?	No				

15 NOTICES OF MOTION

15.1 Notice of Motion by Cr Stephen Mayne (NOM No. 4/2023)

File Number: IN23/780

Attachments: Nil

MOTION

That Council call for high level advice to Councillors before April 30, 2023 to inform the 2023/24 budget on the following cricket-related topics:

- A. The prevalence of council-owned dedicated indoor cricket training facilities in the Eastern region of Melbourne and the options and demand for the construction of such a facility in Manningham.**
- B. Potential improvements (such as picketed fences) and indicative costings to raise Schramms oval No 1 to a comparable standard to premium and heritage cricket ovals in Sydney and England.**
- C. Advice on the need for a cricket and football pavilion at Serpells Reserve.**

16 URGENT BUSINESS

17 COUNCILLOR REPORTS AND QUESTION TIME

18 CONFIDENTIAL REPORTS

There are no confidential reports this month.