



Ordinary Meeting of the Council

AGENDA

Date:	Tuesday, 23 June 2020
Time:	7:00pm
Location:	held via Zoom video conferencing in accordance with section 394 of the <i>Local Government Act 2020</i>

This meeting is convened to transact the business listed below.

Andrew Day
Chief Executive Officer

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.....2

10 CITY PLANNING & COMMUNITY3

 10.1 Planning Scheme Amendment C130mann - 11 Toronto Avenue, Doncaster.
 Consideration of Panel Report3

 10.2 Request for a Disability Advisory Committee.....39

 10.3 2020/2021 Community Grants Program Allocations.....47

11 CITY SERVICES62

 11.1 Procurement Options Update - Renewable Energy Power Purchase
 Agreement (RE PPA).....62

 11.2 2020 General Valuation Return.....68

 11.3 Recreational Lands – Charges in Lieu of Rates 2020-2173

12 SHARED SERVICES78

13 CHIEF EXECUTIVE OFFICER.....79

 13.1 Record of Assembly of Councillors79

14 URGENT BUSINESS89

15 COUNCILLORS’ QUESTION TIME89

16 CONFIDENTIAL REPORTS89

 16.1 Ten Year Parks Improvement Program.....89

 16.2 Rental Relief Request89

**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 Ordinary Meeting of Council held on 26 May 2020 and the Special Meeting of Council held on 28 May 2020.

5 PRESENTATIONS

6 PETITIONS

7 PUBLIC QUESTION TIME

8 ADMISSION OF URGENT BUSINESS

9 PLANNING PERMIT APPLICATIONS

There are no Planning Permit Applications reports.

10 CITY PLANNING & COMMUNITY

10.1 Planning Scheme Amendment C130mann - 11 Toronto Avenue, Doncaster. Consideration of Panel Report

File Number: IN20/363
Responsible Director: Director City Planning and Community
Attachments: 1 Amendment C130mann Panel Report [↓](#)

EXECUTIVE SUMMARY

The purpose of this report is for Council to consider the report of the independent panel (the Panel) appointed to consider submissions to Amendment C130mann to the Manningham Planning Scheme, and to make a decision to adopt the amendment in the manner recommended by the Panel.

Amendment C130mann proposes to delete the Design and Development Overlay, Schedule 7 from the Manningham Planning Scheme. This control that only applies to 11 Toronto Avenue, Doncaster, and has the effect of prohibiting the subdivision of the land.

Council received the panel report on 4 May 2020 and it was released to the public on 1 June 2020. A copy of the panel report is included in Attachment 1.

Panels Victoria advised that Amendment C130mann is strategically justified and that there was no justification for the continued application of the DDO7. As such, the Panel have recommended that it be adopted as exhibited. In their assessment, the Panel acknowledged and summarised the very extensive planning history of the site and the reasons behind the objection being made. The following specific comments were made in the report:

- *The Panel is satisfied that the land can be subdivided (subject to a planning permit) and the existing dwelling converted into two dwellings in a manner that meets the requirements of the Planning Scheme, and that does not result in unreasonable impacts on the Submitter's property.*
- *It is regrettable that the Submitter sought to use the Amendment and Panel process to raise issues that are beyond the scope of the Amendment, and to reopen old arguments that have been authoritatively settled by VCAT.*

1. RECOMMENDATION

That Council:

- A. Note the content of the Panel Report for Amendment C130mann to the Manningham Planning Scheme.**
- B. Pursuant to section 29 of the *Planning and Environment Act 1987* adopt Amendment C130mann, as recommended by the Panel.**
- C. Submit adopted Amendment C130mann to the Minister for Planning for approval pursuant to section 31 of the *Planning and Environment Act 1987*.**
- D. Advise the submitter and proponent of Council's decision.**

2. BACKGROUND

- 2.1 Amendment C130mann applies to the property at 11 Toronto Avenue, Doncaster (the Site). The site is developed with one, two-story dwelling constructed across the entire width of the site. From Toronto Avenue and the rear, the dwelling appears as two side by side dwellings in a near symmetrical design. A party wall divides the dwelling into two halves, however large openings at the ground and upper level allows the free movement of people between both sides of the building limiting its use to a single dwelling. The dwelling has one kitchen.
- 2.2 The site and surrounding area is included in a General Residential Zone – Schedule 1.
- 2.3 The purposes of the GRZ are:
- *‘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’.*
- 2.4 A permit is required to subdivide land. The site is also covered by a site specific control, being the Design and Development Overlay – Schedule 7 (DD07).
- 2.5 Schedule 7 contains the following provision relating to the subdivision of the land:
- *The land must not be subdivided into two or more lots unless the subdivision is in accordance with the development approved by Planning Permit PL02/013542.*
 - *A permit cannot be granted to subdivide the land which is not in accordance with this requirement.*
- 2.6 The DDO7 only allows the subdivision of the land in accordance with the development approved under Planning Permit PL02/013542, which allowed the construction of two dwellings on the land. Permit PL02/013542 has expired. As a result, the DDO7 effectively prohibits the subdivision of the land, even though a permit can be granted for subdivision under the General Residential Zone.
- 2.7 The site has a complex planning history. Whilst the planning history is not directly relevant to the Amendment, it is necessary to understand the planning history to understand how the DDO7 came to be applied to the land.
- 2.8 In summary, DDO7 was introduced in 2004 as a result of a long running dispute regarding whether the single dwelling on the land was in fact two dwellings that had been unlawfully constructed. That dispute was resolved in late 2007 or early 2008, when the (now) single dwelling on the land was brought into compliance with plans approved by VCAT pursuant to an enforcement order. Further information regarding the planning history is addressed in the Council Minutes of 27 August 2019.

2.9 On 27 August 2019, Council resolved to:

- *'Seek authorisation from the Minister for Planning under Section 8A of the Planning and Environment Act 1987 to prepare Amendment C130 to the Manningham Planning Scheme in accordance with Attachment 1.*
- *Note the proposed concurrent amendment and planning permit application process for two, two-storey dwellings in accordance with section 96A of the Planning and Environment Act 1987.*
- *Note that subject to authorisation being granted by the Minister for Planning, exhibit Amendment C130 to the Manningham Planning Scheme and the draft planning permit for a period of one (1) month in accordance with section 19 of the Planning and Environment Act 1987'.*

2.10 Ministerial authorisation was granted on 21 October 2019. It was conditional on the removal of the accompanying planning permit application that sought for the development of a dual occupancy. The Amendment therefore relates to only the removal of the existing DDO7.

Exhibition and Submission

2.11 The Amendment was exhibited for 5 weeks between 5 December 2019 and 13 January 2020. One (1) objection was received. The grounds of the objection were primarily based on the historical planning events of the site, and did not directly relate to exhibited Amendment. Following a request from Council officers to clarify the nature of the objection, a supplementary submission was received.

2.12 In essence, the submissions centred on the historical planning events of the site, but did not require changes to the amendment or state why the amendment should not be supported. It was unclear to Council officers how these directly related to the Amendment as it was exhibited.

2.13 The main grounds of objection related to concerns that an unlawful building would become lawful. The key issues are:

- Previous Manningham administrations have not acted on enforcement orders
- If the Amendment is approved it would send a clear message that Manningham has no effective building regulations
- The existing buildings are not in accordance with approved building plans
- The need to protect space, trees and vegetation
- The existing building creates excessive overshadowing

2.14 At its meeting of 25 February 2020, Council resolved to request the Minister for Planning to appoint an Independent Panel under part 8 of the *Planning and Environment Act 1987* (the Act). A key issue was whether the submissions were indeed valid as they did not directly relate to the exhibited amendment. The recommendation to request the appointment of a Panel was made to ensure the submission was duly considered by Council in accordance with the Act.

2.15 Council received the Panel's report on 4 May 2020 (Attachment 1), which was released to the public on 1 June 2020.

3. DISCUSSION / ISSUE

3.1 Section 27 of the *Planning and Environment Act 1987* requires that Council review the Panels comments and recommendations prior to determining whether or not to adopt the amendment (with or without changes), or abandon all or part of the Amendment.

3.2 As previously mentioned, the submissions relate to the past events associated with the construction of the existing building, rather than the matters relating to the amendment which is about the future subdivision of the land. The panel report therefore focussed on the following:

- whether the submission is 'relevant'?
- The strategic justification of the DDO7
- The submitter's issues regarding potential amenity impacts of developing the site for a dual occupancy development and the subsequent subdivision of the land.

3.3 The considerations of the Panel's report are discussed below:

Are the submissions relevant?

3.4 In determining the relevance of the submissions, the Panel relied upon the deliberations of *Australian Conservation Foundation Inc v Minister for Planning* [2004] VCAT 2029. The Panel cited the following paragraphs from the 2004 decision.

'In that case, Justice Morris said at paragraph 26:

'I think the true position is that a panel can refuse to consider a submission referred to it (or part of a submission) if the submission (or the part of it) is irrelevant to the amendment. Further, the panel can refuse to give a submittor an opportunity to be heard if the submittor seeks to advance a submission which is irrelevant to the amendment. Section 21(1) of the Act permits a person to make a submission "about an amendment". To the extent that the submission is irrelevant, it will not satisfy that test. It would thus be illogical for the panel to be required to consider an irrelevant submission'.

3.5 *Justice Morris' consideration on what amounts to be a 'relevant' submission is further discussed. He said at paragraph 36:*

'... a submission concerning a planning scheme amendment will only be relevant if it raises planning issues, as ascertained by reference to the Planning and Environment Act, and it relates to the amendment'.

3.6 Based on this previous determination, a submission must raise planning issues that relate to the *Planning and Environment Act 1987* and in particular Victorian planning objectives. In this regard, the Panel of Amendment C130mann determined the scope of the Act does not extend to matters regulated under building legislation, such as construction materials and compliance with building permits and regulations, or issues related to the legality or otherwise of past actions. The Panel determined that these matters were not planning issues and therefore were not considered further in their report.

- 3.7 The matter of direct and indirect effects of an amendment was also considered in Justice Morris' decision.

'One way of assessing whether the nexus is sufficient will be to ask whether the effect may flow from the approval of the amendment; and, if so, whether, having regard to the probability of the effect and the consequences of the effect (if it occurs), the effect is significant in the context of the amendment.'

- 3.8 Based on this reasoning, the Panel determined that the submissions were relevant. The Panel concluded that impacts on overshadowing and space, trees and vegetation could be considered as indirect effects resulting from the subdivision of the land. This is because the layout of the subdivision will determine building envelopes and setbacks, which could, in turn, impact overshadowing, vegetation and a sense of space.

Is the Amendment strategically justified?

- 3.9 The Panel concluded that the Amendment is strategically justified. The site is located in Residential Character Precinct 1 in which incremental growth is anticipated. Subdivision within Precinct 1, particularly on larger lots, is consistent with incremental growth.

- 3.10 The Panel concludes:

'The opportunity for subdivision of the land is entirely consistent with the incremental growth the PPF expects in this area. The continued application of the DDO7 effectively stifles any opportunity for incremental growth. Not only is this inconsistent with the PPF, it is inconsistent with the planning controls applying to the neighbouring properties, the surrounding area and to Precinct 1 areas across the municipality more broadly.'

- 3.11 Both the subdivision of the land and the conversion of the existing dwelling into two dwellings require planning permits. The assessment of those proposals would be undertaken having regard for the relevant provisions of Clause 55 and Clause 56 (subdivision) of the Manningham Planning Scheme.

Relevant issues raised by the submitter?

- 3.12 The Panel determined the only relevant issues raised by the submitter are:

- *'space, trees and vegetation in the area should be protected*
- *the size of the existing building generates excessive overshadowing'*

- 3.13 Although they do not directly relate to the Amendment, or to the question of whether the land should be allowed to be subdivided, the Panel report addressed these issues for completeness.

- 3.14 The Panel concluded that it was satisfied that the land could be subdivided, and the existing dwelling converted into two dwellings in a manner that meets the requirements of the Manningham Planning Scheme. Any impacts on open space, vegetation or overshadowing have already been assessed by VCAT as acceptable.

3.15 *The Panel concludes:*

- *The Panel is confident that if the DDO7 is removed, the land can be subdivided, and the existing dwelling could be converted into two dwellings, in a manner that is consistent with the requirements of the Planning Scheme.*
- *Impacts on space, trees and vegetation and overshadowing are issues that will be considered as part of any future permit application.*
- *There is no justification for retaining the DDO7 on the basis of potential impacts to overshadowing, open space or vegetation’.*

4. COUNCIL PLAN / STRATEGY

- 4.1 The proposed amendment aligns with the Council Plan theme of Healthy Community.

5. IMPACTS AND IMPLICATIONS

- 5.1 If the DDO7 is removed from the Manningham Planning Scheme, the landowner may lodge a planning application to convert the dwelling into two or more dwellings, and to subdivide the land. Any decision of the Council on the planning application would be subject to the usual appeal rights, reviewed by VCAT.

6. IMPLEMENTATION

6.1 Finance / Resource Implications

- 6.1.1 The applicant is responsible for the costs of the amendment process in accordance with the *Planning and Environment (Fees) Regulation 2005*.

6.2 Communication and Engagement

- 6.2.1 The submitter has been kept informed at each stage of the amendment process.

6.3 Timelines

- 6.3.1 In accordance with Ministerial Direction 15, Council (the planning authority) is required to make a decision on the Amendment within 40 business days of the date it receives the Panel’s report (being 30 June).

- 6.3.2 A planning authority must submit an adopted amendment under section 31 of the Act, together with the prescribed information within 10 business days of the date the amendment was adopted.

7. DECLARATIONS OF CONFLICT OF INTEREST

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

Planning and Environment Act 1987

Panel Report

**Manningham Planning Scheme Amendment C130mann
Removal of site specific controls at 11 Toronto Avenue,
Doncaster**

4 May 2020



How will this report be used?

This is a brief description of how this report will be used for the benefit of people unfamiliar with the planning system. If you have concerns about a specific issue you should seek independent advice.

The planning authority must consider this report before deciding whether or not to adopt the Amendment. [section 27(1) of the *Planning and Environment Act 1987* (the Act)]

For the Amendment to proceed, it must be adopted by the planning authority and then sent to the Minister for Planning for approval.

The planning authority is not obliged to follow the recommendations of the Panel, but it must give its reasons if it does not follow the recommendations. [section 31 (1) of the Act, and section 9 of the *Planning and Environment Regulations 2015*]

If approved by the Minister for Planning a formal change will be made to the planning scheme. Notice of approval of the Amendment will be published in the Government Gazette. [section 37 of the Act]

Planning and Environment Act 1987

Panel Report pursuant to section 25 of the Act

Manningham Planning Scheme Amendment C130mann

Removal of site specific controls at 11 Toronto Avenue, Doncaster

4 May 2020



Sarah Carlisle, Chair

Contents

	Page
1 Introduction.....	1
1.1 The Amendment.....	1
1.2 Procedural issues.....	2
1.3 Summary of issues raised in submissions	3
1.4 The Panel's approach	4
2 Planning context	6
2.1 Planning policy framework.....	6
2.2 Planning scheme provisions	8
3 Planning history	11
3.1 Chronology	11
3.2 Amendment C42.....	13
3.3 Changes to Clause 62.02	14
3.4 VCAT decisions	14
4 Strategic justification	17
4.1 Council's analysis.....	17
4.2 Discussion	18
4.3 Conclusions and recommendations	20
5 Relevant issues raised by the Submitter	21
5.1 Submissions.....	21
5.2 Council's analysis.....	21
5.3 Discussion	21
5.4 Conclusions and recommendations	22

Appendix A Documents considered by the Panel

List of Figures

	Page
Figure 1 The subject land	1
Figure 2 Zoning of the subject land and surrounds	8
Figure 3 DDO7 map	9

Glossary and abbreviations

ACF	Australian Conservation Foundation
Act	<i>Planning and Environment Act 1987</i>
Council	Manningham City Council
DELWP	Department of Environment, Land, Water and Planning
GRZ	General Residential Zone
<i>Jurkic No. 1</i>	<i>Manningham v Jurkic</i> [2005] VCAT 324
<i>Jurkic No. 2</i>	<i>Jurkic v Manningham CC</i> (Red Dot) [2005] VCAT 1162
<i>Jurkic No. 3</i>	Unreported VCAT decision of Justice Morris in December 2005
<i>Jurkic No. 4</i>	<i>Jurkic v Manningham CC</i> [2007] VCAT 2364
MSS	Municipal Strategic Statement
P2999/2002	Dragan James Enterprises Pty Ltd v Manningham CC, unreported VCAT decision P2999/2002
PPF	Planning Policy Framework
subject land	11 Toronto Avenue, Doncaster
VCAT	Victorian Civil and Administrative Tribunal
VPP	Victoria Planning Provisions

Overview

Amendment summary	
The Amendment	Manningham Planning Scheme Amendment C130mann
Common name	Removal of site specific controls at 11 Toronto Avenue, Doncaster
Brief description	The Amendment proposes to remove the Design and Development Overlay Schedule 7 from the land
Subject land	11 Toronto Avenue, Doncaster
The Proponent	Roz Wilson (Solicitor and Urban Planner) on behalf of the owner of the land
Planning Authority	Manningham City Council
Authorisation	21 October 2019
Exhibition	5 December 2019 to 13 January 2020
Submissions	Number of Submissions: 1 (opposed), plus a supplementary submission, from Raymond Smith

Panel process	
The Panel	Sarah Carlisle
Directions Hearing	Not required
Panel Hearing	29 April 2020, via video conference
Appearances	Matthew Lynch appeared for Council Roz Wilson appeared for the Proponent Raymond Smith appeared for himself
Site inspections	Unaccompanied, 1 May 2020
Citation	Manningham PSA C130mann [2020] PPV
Date of this Report	4 May 2020

Executive summary

The Amendment seeks to remove a site specific Design and Development Overlay (DDO7) from the land at 11 Toronto Avenue, Doncaster that effectively prohibits the subdivision of the land. The DDO7 was introduced in 2004 amidst a long running dispute about whether the purported single dwelling constructed on the land was in fact two dwellings that were unlawfully constructed. That dispute was resolved in late 2007 or early 2008, when the (now) single dwelling on the land was brought into compliance with plans approved by VCAT pursuant to an enforcement order.

Council received only one submission when the Amendment was exhibited. The Submitter's concerns relate to the existing development on the land, not to the proposal to allow the land to be subdivided. In fact, the Submitter stated at the Hearing that he has no concerns in relation to the subdivision of the land. The Panel is therefore somewhat perplexed as to why he lodged a submission. It appears to be an opportunistic attempt to reopen matters in relation to the existing development on the land that have been resolved by VCAT. It appears that the resolution of those matters was never satisfactory in the mind of the Submitter.

The opening paragraphs of the decision in *Jurkic v Manningham CC* [2007] VCAT 2364 – the last in a series of VCAT decisions relating to the existing development on the subject land – accurately capture the context in which the Panel is required to undertake its task:

This is a matter in which there are no winners, and it is no longer clear whether there is anyone deserving of the moral or legal high ground. The applicants deserve little sympathy, having blatantly breached the planning scheme and having been tardy in their response to an enforcement order. Faced with contempt proceedings, they at least belatedly sought to have amended plans approved by the responsible authority pursuant to the enforcement order. The responsible authority has however failed to properly exercise its discretion to consider those amendments on their merits, instead issuing an arbitrary and misconceived refusal which has had the effect of prolonging the saga rather than resolving it. Similarly, the longstanding objector Mr Smith has offered no objective basis for his opposition to the amended plans, seeking rather to 'maintain his rage' over the original noncompliance.

The saga of 11 Toronto Avenue, Doncaster has now been before this Tribunal on some 14 occasions. A final resolution, albeit one that not everyone may consider ideal in planning terms, is long overdue.

The Submitter has already fought his battles against the existing development on the land. VCAT has found the existing built form to be acceptable. It is regrettable that the Submitter sought to use the Amendment and Panel process to raise issues that are beyond the scope of the Amendment, and to reopen old arguments that have been authoritatively settled by VCAT.

The removal of the DDO7 would allow the land to be subdivided, subject to obtaining a permit. The opportunity for subdivision of the land is entirely consistent with the level of incremental growth the planning policy framework expects in this area. The continued application of the DDO7 effectively stifles any opportunity for incremental growth. Not only is this inconsistent with the policy framework, it is inconsistent with the planning controls applying to the neighbouring properties, the surrounding area and to Precinct 1 Residential Character Precincts across the municipality more broadly.

To the extent that the DDO7 sought to ensure that the existing dwelling on the land could not be converted into two dwellings without a permit, that concern no longer exists. Under the current controls, both the subdivision of the land and the conversion of the existing dwelling into two will require a permit. Any such proposals will be assessed against Clauses 55 and 56 of the Planning Scheme, and any impacts on the amenity of neighbouring properties, including the Submitter's property, will need to be addressed through the permit process.

The Panel is satisfied that the land can be subdivided and the existing dwelling converted into two dwellings in a manner that meets the requirements of the Planning Scheme, and that does not result in unreasonable impacts on the Submitter's property. The Panel sees no justification for the continued application of the DDO7.

Recommendations

Based on the reasons set out in this Report, the Panel recommends that Council:

- 1. Adopt Manningham Planning Scheme Amendment C130mann as exhibited.**

1 Introduction

1.1 The Amendment

(i) Amendment description

The purpose of the Amendment is to remove a site specific Design and Development Overlay (DDO7) from the subject land. The DDO7 effectively prohibits the subdivision of the land, notwithstanding that subdivision is allowed under the General Residential Zone (subject to a permit being obtained).

(ii) The subject land

The Amendment applies to land at 11 Toronto Avenue, Doncaster (the subject land).



Figure 1 The subject land

Source: Council report dated 25 February 2020

The subject land is on the west side of Toronto Avenue opposite the intersection of Toronto Avenue and Warren Street. It is approximately 770 square metres, with a frontage of around 20 metres and a depth of around 37.5 metres.

The subject land is developed with one two storey dwelling constructed across the full width of the site. From the street, the dwelling appears as two side-by-side dwellings, divided by a party wall. However according to the Council report dated 27 August 2019 (Document 5), large internal openings at the ground and upper levels allow the free movement of people between both sides of the building, limiting its use to a single dwelling. The Council report also indicates that the dwelling contains only one kitchen.

The neighbourhood is characterised by detached single and double-storey brick dwellings on conventionally shaped lots ranging between 650 square metres and 900 square metres. According to the Council report of 27 August 2019, the existing housing stock in the area is gradually being replaced by medium density housing. This was borne out by the Panel's observations on its site visit. The Panel observed several dual occupancy or multi unit developments in the neighbourhood, including at 3 and 3A Toronto Avenue, and on the corner of Toronto Avenue and Stanton Street.

1.2 Procedural issues

(i) Combined amendment and permit originally requested

The original request for the Amendment was combined with a permit application under section 96A of the Act to develop the subject land into two dwellings.

The authorisation for the preparation of the Amendment was subject to a condition that the permit application be removed. The letter of authorisation (Document 6) pointed out that the permit application only sought the construction of two dwellings on the land – not the subdivision of the land. The permit application was permitted under the current controls, and did not need to form part of the Amendment under section 96A.

Council proceeded to prepare and exhibit the Amendment without the permit application. Accordingly, the permit application is not before the Panel.

(ii) Late requests to be heard

The Panel wrote to the Planning Authority, the Proponent and the Submitter on 24 March 2020 advising them that the Panel had been appointed, and requesting that any party who wished to be heard complete a Request to be Heard form by 3 April 2020. No party requested to be heard, and the Panel wrote to the parties on 16 April 2020 advising that it would consider the matter on the papers.

On 16 April 2020, the Submitter wrote to Planning Panels Victoria making what the Panel took to be a late request to be heard. The Panel agreed to provide the Submitter with an opportunity to make further oral submissions, and informed the parties accordingly. The Proponent requested an opportunity to hear the Submitter's oral submissions and to reply. The Panel conducted a brief video hearing on 29 April 2020 in which all parties participated.

As well as the oral submissions made by the parties at the Hearing, the Panel considered a number of documents. The documentation considered by the Panel is listed in Appendix A.

1.3 Summary of issues raised in submissions

(i) The issues

The Submitter's key objection was that the Amendment "*in essence aims to have an unlawful building become lawful*". He raised the following concerns in his original and supplementary objections (Documents 8 and 9):

- previous Manningham administrations did not act on enforcement orders, and delayed repeated demands of Council and VCAT to demolish the existing building on the subject land
- the Amendment would create a precedent for developers to build multiple units in the guise of a single dwelling
- space, trees and vegetation in the area should be protected
- permission has never been granted for "*the units*" or the single dwelling on the subject land
- the existing dwelling is larger than what is shown in the building surveyor's plans
- potentially dangerous materials have been used in the construction of the building
- the size of the existing building generates excessive overshadowing
- the Amendment aims to reverse 17 years of previous decisions and orders of previous councils and VCAT
- if the Amendment is approved, it would send a clear message that Manningham has no effective building regulations.

The submissions remain outstanding.

(ii) Are the submissions relevant?

Council requested the Proponent to respond to the Submitter's original submission. It did so by letter dated 15 January 2020 from Ms Wilson (Document 10), which included the following:

Section 23(2) of the Planning and Environment Act 1987 states: "A planning authority may refer to the panel submissions which do not require a change to the amendment" [emphasis added].

Mr. Smith's purported 'submission' is a list of his grievances to past actions of Council, the Tribunal and the developer with respect to the existing dwelling at 11 Toronto Avenue. His 'submission' does not address Amendment C130 and he has not raised any planning reasons (or any factual reasons) against deleting the DDO7. It is not "a submission to the planning authority about an amendment" in terms of Section 21(1) of the Planning and Environment Act.

It is therefore submitted that Council should exercise its discretion and not require a Panel hearing.

Council nevertheless chose to refer the submission to a Panel.

Under section 24, a panel must consider all submissions referred to it and give a reasonable opportunity to be heard to any person who made a submission that has been referred to the panel.

However, the obligation of a panel to consider all submissions referred to it (and to provide submitters with the opportunity to be heard) only extends to relevant submissions. This was

established in *Australian Conservation Foundation Inc v Minister for Planning* [2004] VCAT 2029 (Document 13). In that case, Justice Morris said at paragraph 26:

I think the true position is that a panel can refuse to consider a submission referred to it (or part of a submission) if the submission (or the part of it) is irrelevant to the amendment. Further, the panel can refuse to give a submitter an opportunity to be heard if the submitter seeks to advance a submission which is irrelevant to the amendment. Section 21(1) of the Act permits a person to make a submission “about an amendment”. To the extent that the submission is irrelevant, it will not satisfy that test. It would thus be illogical for the panel to be required to consider an irrelevant submission.

Justice Morris went on to consider what amounts to a ‘relevant’ submission. He said at paragraph 36:

... a submission concerning a planning scheme amendment will only be relevant if it raises planning issues, as ascertained by reference to the Planning and Environment Act, and it relates to the amendment.

The first limb of the test is that the submission must raise planning issues. Planning issues are those that fall within the scope of the Planning and Environment Act, and in particular the Victorian planning objectives outlined in section 4 of the Act. While the Victorian planning objectives (which are discussed in more detail in Chapter 2.1) are broad, they do not extend to matters that are regulated under building legislation, such as construction materials and compliance with building permits and regulations. Nor do they include issues related to the legality or otherwise of past actions. These matters raised in the submissions are not planning issues, and the Panel has not addressed them further.

The second limb of the test is that the submission must relate to the amendment. Amendment C130 is about the possible future subdivision of the land. It is not about the building constructed on the land. None of the issues raised in the submissions relate directly to the subdivision of the land. They all relate to the building on the land. On one view, all the issues raised in the submissions fail the second limb of the relevance test.

That said, Justice Morris found in *Australian Conservation Foundation Inc v Minister for Planning* that a submission may satisfy the second limb of the relevance test if it relates to direct or indirect effects of the amendment, if there is a sufficient nexus between the amendment and the effect. He stated at paragraph 41:

One way of assessing whether the nexus is sufficient will be to ask whether the effect may flow from the approval of the amendment; and, if so, whether, having regard to the probability of the effect and the consequences of the effect (if it occurs), the effect is significant in the context of the amendment.

Although some degree of logical flexibility is required, it could be argued that impacts on overshadowing and space, trees and vegetation could be indirect effects of the subdivision of the land. This is because the layout of the subdivision will determine building envelopes and setbacks, which could, in turn, impact overshadowing, vegetation and a sense of space. The Panel has therefore addressed these aspects of the submissions for completeness in Chapter 5.

1.4 The Panel’s approach

The Panel considered all written submissions made in response to the exhibition of the Amendment, oral submissions at the Hearing, observations from its site visit, and the

documentation listed in Appendix A. It has assessed the Amendment against the principles of net community benefit and sustainable development, as set out in Clause 71.02-3 (Integrated decision making) of the Planning Scheme.

This Report deals with the issues under the following headings:

- Planning context
- Planning history
- Strategic justification
- Relevant issues raised by the Submitter.

2 Planning context

2.1 Planning policy framework

The following clauses in the Planning Policy Framework (PPF) are relevant.

Victorian planning objectives

These include:

- to provide for the fair, orderly, economic and sustainable use, and development of land
- to facilitate development in accordance with the above objective
- to facilitate the provision of affordable housing in Victoria
- to facilitate development which achieves the objectives of planning in Victoria and planning objectives in planning schemes
- to provide for effective enforcement procedures to achieve compliance with planning schemes, permits and agreements.

Clause 11 (Settlement)

Clause 11 objectives and strategies include:

- facilitating sustainable development that takes full advantage of existing settlement patterns and investment in transport, utility, social, community and commercial infrastructure and services
- limiting urban sprawl and direct growth into existing settlements
- promoting and capitalising on opportunities for urban renewal and infill redevelopment
- creating mixed-use neighbourhoods at varying densities that offer more choice in housing, create jobs and opportunities for local businesses and deliver better access to services and facilities.

Clause 15 (Built environment and heritage)

Clause 15 objectives and strategies include:

- requiring development to respond to its context and contribute to existing or preferred neighbourhood character
- ensuring development reinforces a sense of place by emphasising the pattern of local urban structure and subdivision.

Clause 16 (Housing)

Clause 16 objectives and strategies include:

- increasing the supply of housing in existing urban areas by facilitating increased housing yield in appropriate locations
- locating new housing in designated locations that offer good access to jobs, services and transport
- increasing the proportion of new housing within established urban areas and reducing the share of new dwellings in greenfield and dispersed development areas
- identifying opportunities for increased residential densities to help consolidate urban areas
- delivering more affordable housing closer to jobs, transport and services.

Clause 21 (the Municipal Strategic Statement)

The MSS includes Clause 21.05 (Residential), which highlights key issues and challenges facing the municipality's residential areas. The policy encourages infill residential development that consolidates the role of established urban areas and reduces pressure in areas with environmental values. The Clause recognises that while detached single dwellings will continue to represent the largest proportion of Manningham's housing stock, there will be the need for a greater mix of housing, including medium density housing.

Clause 21.05-1 (Overview) states:

Subdivision

Effective subdivision design should respond to site opportunities and constraints. There are limited opportunities for large scale subdivision in Manningham. A key issue for Council is inappropriate infill subdivision of smaller lots.

Map 1 (Part 1) – Residential Character Precincts in Clause 21.05 identifies the site as forming part of Precinct 1, residential areas removed from Activity Centres and main roads. It states that an incremental level of change is expected in Precinct 1, with a less intense urban form that reinforces existing front and rear setbacks and site coverage. Opportunities for landscaping and open space in Precinct 1 is a strong theme in Clause 21.05-1.

Clause 21.05-2 (Housing) highlights the need for urban consolidation to address housing growth, and the potential impact of new development on surrounding areas, as key issues. The objectives of Clause 21.05-2 include:

- To accommodate Manningham's projected population growth through urban consolidation, in infill developments and Key Redevelopment Sites.
- To ensure that housing choice, quality and diversity will be increased to better meet the needs of the local community and reflect demographic changes.
- To ensure that areas removed from activity centres and main roads as well as areas with predominant environmental or landscape features are protected from higher density development.

Strategies include:

- Allow housing development that respects existing neighbourhood character and supports incremental level of change in areas removed from activity centres and main roads identified as Precinct 1 on the Residential Framework Plan 1 and Map 1 to this clause.

Clause 21.05-3 specifically addresses subdivision. Key issues are site responsive subdivision, and inappropriate infill subdivision. Objectives include:

- Ensure subdivision responds positively to site features and constraints, integrates well with the neighbourhood, provides a functional environment and achieves energy efficient and environmentally sensitive layouts.
- To ensure the upgrading or provision of appropriate infrastructure and open space as part of subdivision proposals.
- To ensure that infill subdivision addresses future development impacts on adjoining properties and the neighbourhood.
- To ensure that subdivision adopts environmentally sustainable design principles.

Strategies include encouraging subdivision layouts that consider neighbouring uses and developments, and to ensure that subdivision layout considers lot orientation and size and location of building envelopes to achieve ecologically sustainable development outcomes.

Clause 22 (local planning policies)

Clause 22.15 (Dwellings in the GRZ1) is not directly relevant, as the key question in relation to the Amendment is whether it is appropriate to allow the subdivision of the land rather than a consideration of the existing or future built form on the land. Nevertheless, Clause 22.15 will guide future decisions about permit applications for dwellings on the land.

2.2 Planning scheme provisions

A common zone and overlay purpose is to implement the MSS and the PPF.

(i) General Residential Zone

The subject land and the surrounding area are in the General Residential Zone Schedule 1 (GRZ1).



Figure 2 Zoning of the subject land and surrounds

Source: Council report dated 25 February 2020

The purposes of the GRZ are:

- 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 to subdivide land (Clause 32.08-3). A subdivision application must meet the requirements of Clause 56 (Residential subdivision). Any vacant lots of less than 400 square metres that are created by a subdivision must include at least 25 percent as garden area. The garden area requirements do not apply to an application to subdivide land into lots created in accordance with a permit for development.

A permit is also required to construct two or more dwellings on a lot (Clause 32.08-6).

(ii) Design and Development Overlay Schedule 7

The DDO7 applies to the subject land and is proposed to be removed by the Amendment.



Figure 3 DDO7 map

Source: Council report dated 25 February 2020

The purpose of the DDO is:

To identify areas which are affected by specific requirements relating to the design and built form of new development.

The DDO7 contains the following:

3.0 Subdivision

The land must not be subdivided into two or more lots unless the subdivision is in accordance with the development approved by Planning Permit No. PL02/013542.

A permit cannot be granted to subdivide the land which is not in accordance with this requirement.

In other words, the DDO7 only allows the subdivision of the land in accordance with the development approved under Planning Permit PL02/013542, which allowed the construction of two dwellings on the land. Permit PL02/013542 has expired. As a result, the DDO7 effectively prohibits the subdivision of the land, even though a permit can be granted for subdivision under the General Residential Zone.

The relevance of Permit PL02/013542 and the application of the DDO7 is explained in more detail in Chapter 3, which details the planning history of the subject land.

(iii) Clause 56 (Residential subdivision)

Clause 56 sets out various objectives, standards and decision guidelines for residential subdivisions.

Clause 56.01-1 requires an application for subdivision to be supported by a site and context description and design response that explains how the proposed subdivision:

- responds to any site and context features for the area identified in a local planning policy or a Neighbourhood Character Overlay
- responds to any relevant objective, policy, strategy or plan
- meets the objectives of Clause 56, which include:
 - to create compact neighbourhoods that are oriented around easy walking distances to activity centres, schools and community facilities, public open space and public transport
 - to provide a range of lot sizes to suit a variety of dwelling and household types.

(iv) Clause 55 (Construction of two or more dwellings on a lot)

Clause 55 sets out various objectives, standards and decision guidelines for the construction of multiple dwellings on a lot. The standards are both quantitative and qualitative. For example:

- Standard B10 states that buildings should be:
 - oriented to make appropriate use of solar energy
 - sited and designed to ensure that the energy efficiency of existing dwellings on adjoining lots is not unreasonably reduced.
- Standard B20 states that if a north-facing habitable room window of an existing dwelling is within 3 metres of a boundary on an abutting lot, a building should be set back from the boundary 1 metre, plus 0.6 metres for every metre of height over 3.6 metres up to 6.9 metres.

3 Planning history

The site has a complex planning history. While the planning history is not directly relevant to the Amendment, it is necessary to understand the planning history to understand how the DDO7 came to be applied to the land.

3.1 Chronology

Table 1 is based on the planning history provided by the Proponent (Document 11), the history in the Council report dated 27 August 2019 (Document 5), the Explanatory Report for Amendment C42 which introduced the DDO7 (Document 1) and three VCAT decisions involving the subject land (Documents 2, 3 and 4).

Table 1: Chronology

Date	Event
March 2001	The Proponent (or related parties) lodged Planning Application PL01/012404 with Council for two attached two-storey dwellings. Eight objections were received.
6 March 2002	Planning Application PL01/012404 was refused by Council, confirmed by VCAT on appeal. <i>Dragan James Enterprises v City of Manningham & R. Smith</i> , unreported (P51405/2001)
May 2002	The Proponent (or related parties) lodged a revised application (Planning Application PL02/013542) for two attached two-storey dwellings. Two objections and a petition were received.
November 2002	The Proponent (or related parties) lodged an application for review for Council's failure to determine Planning Application PL02/013542 (P2999/2002). Council subsequently advised that it would have refused the application.
25 March 2003	Building Permit BA-03/51529 issued for a single dwelling with a footprint and layout similar to the two dwellings sought under the application plans submitted with Planning Application PL02/013542. The single dwelling did not require a planning permit under the then Residential 1 Zone.
26 May 2003	VCAT determined that a permit should be granted for two dwellings on the site, subject to amended plans being submitted that showed a number of changes to minimise the impact of the development on the amenity of adjoining properties. <i>Dragan James Enterprises Pty Ltd v. Manningham CC, R Smith & R Wilkinson</i> , unreported (P2999/2002)
3 June 2003	Planning Permit PL02/013542 issued for the construction of two dwellings. This is the permit referred to in the DDO7. Amended plans that addressed VCAT's requirements in P2999/2002 were never submitted endorsed under the permit. The permit was never acted upon and has since expired.

Date	Event
July 2004	Council formed the view that the Proponent had commenced construction of two dwellings on the site, not one, in contravention of the Planning Scheme. Although Permit PL02/01542 (which allowed construction of two dwellings on the land) had issued, no modified plans were submitted and endorsed as required under condition 1 of the permit. The permit was therefore not active. Council commenced enforcement action against the Proponent.
8 July 2004	The DDO7 was applied to the site by Amendment C42 (see Chapter 3.2 below for more detail).
25 February 2005	VCAT determined Council's enforcement action. VCAT agreed with Council that two dwellings were under construction, not one. It issued an Enforcement Order that required the two dwellings to be: <ul style="list-style-type: none"> (a) removed (b) modified to comply with Planning Permit PL02/01542 (c) otherwise brought into compliance with the Planning Scheme to the satisfaction of the responsible authority. <i>Manningham v Jurkic</i> [2005] VCAT 324 (<i>Jurkic No. 1</i> , Document 2)
21 March 2005	The Proponent submitted plans for two dwellings for endorsement under Permit PL02/013542, seeking to satisfy paragraph (b) of the Enforcement Order.
24 March 2005	Council refused to endorse the plans on the basis that they were unsatisfactory.
April – May 2005	The Proponent lodged amended plans for two dwellings with Council under Permit PL02/013542.
18 May 2005	Council refused to approve the amended plans on the basis that they were unsatisfactory.
Some time around June 2005	The Proponent lodged single dwelling plans with Council, pursuant to paragraph (c) of the Enforcement Order.
6 June 2005	Council advised that the single dwelling plans were unsatisfactory and indicated changes that Council required.
Some time around June 2005	The Proponent applied to VCAT to: <ul style="list-style-type: none"> - extend the time to comply with the Enforcement Order (section 121 of the Act) - amend Planning Permit PL02/01542 to allow two dwellings in accordance with the 'as built' building, with relatively minor modifications (section 87) - approve the single dwelling plans as satisfying paragraph (c) of the Enforcement Order (section 149). The Proponent indicated that it preferred to succeed on the section 87 application (ie to construct two dwellings).

Date	Event
24 June 2005	VCAT: - extended the time to comply with the Enforcement Order from 10 June 2005 to 1 September 2005 - refused the Proponent's section 87 application on the basis that, among other things, the as built dwelling(s) failed to meet the requirements of Clause 55 and impacted unreasonably on the Submitter's dwelling - deferred a decision on the Proponent's section 149 application. <i>Jurkic v Manningham CC (Red Dot) [2005] VCAT 1162 (Jurkic No. 2, Document 3).</i>
2 December 2005	VCAT declared that single dwelling plans prepared by EATAS Design dated 7 October 2005 satisfy the requirements of paragraph (c) of the Enforcement Order. <i>Panel note: the Panel assumes that this is the decision on the Proponent's section 149 application. This decision is unreported.</i>
Some time between December 2005 and December 2007	The Proponent failed to amend the building to comply with the EATAS Design single dwelling plans, and Council commenced contempt proceedings for the Proponent's failure to comply with the Enforcement Order. It is not clear what the outcome of those proceedings was.
Some time between December 2005 and December 2007	The Submitter built a roofed structure adjacent to the southern boundary of the Proponent's land which called into question the need for changes to the southern boundary wall that had been intended to prevent overshadowing or overlooking of this area.
30 July 2007	Council refused to approve amended plans prepared by EATAS Design in satisfaction of paragraph (c) of the Enforcement Order. The Proponent subsequently lodged an application under section 149 of the Act seeking a declaration that the single dwelling plans were satisfactory.
11 December 2007	VCAT determined the Proponent's section 149 application, and ordered that the amended single dwelling plans satisfied the requirements of paragraph (c) of the enforcement order. <i>Jurkic v Manningham CC [2007] VCAT 2364 (Jurkic No. 4, Document 4).</i>
Some time after December 2007	The construction of the single dwelling was then completed in accordance with these amended plans.

3.2 Amendment C42

Amendment C42 applied the DDO7 to the site on 8 July 2004. It was prepared by the Minister for Planning at Council's request. The Council report dated 27 August 2019 (Document 5) explained that the purpose of Amendment C42 was to restrict how the site could be subdivided, having regard to past unauthorised building activity, and the possibility that further unauthorised activities may occur.

The Explanatory Report for Amendment C42 (Document 1) explains that:

- The Proponent had commenced construction of a dwelling without consideration of VCAT's requirements (presumably a reference to VCAT's 26 May 2003 decision,

which held that a number of amendments were required to the original application plans for the two dwellings to render them acceptable).

- A building approval had issued for a single dwelling with a similar footprint and layout to the two dwellings originally proposed.
- Internal changes to a building, including the types of changes necessary to convert a single dwelling into two dwellings, may not require a permit and could occur without consideration of clause 55 of the planning scheme.
- Council was concerned that the Proponent may at a later date request a permit to subdivide the existing dwelling into two attached dwellings.
- Council had previously requested the Proponent to enter into a section 173 Agreement to prevent the use of the land for two dwellings or for the land to be subdivided at any time, other than in accordance with Planning Permit No. PL02/013542.
- The Proponent had refused to enter into any such section 173 Agreement.

3.3 Changes to Clause 62.02

Clause 62.02 lists buildings and works that do not require a permit (unless specifically required by the scheme). Internal works to a building are exempt, subject to qualifications. When Amendment C42 was gazetted, the relevant exemption stated:

- The internal rearrangement of a building or works provided the gross floor area of the building, or the size of the works, is not increased.

Therefore, at the time Amendment C42 was introduced, the single dwelling on the land could have been converted into two dwellings without triggering a permit. Council explained that this was a key rationale for putting the DDO7 in place.

Since Amendment C42 was introduced, Clause 62.02 has been amended. The relevant exemption now reads (changes underlined):

- The internal rearrangement of a building or works provided the gross floor area of the building, or the size of the works, is not increased and the number of dwellings is not increased.

Converting the existing dwelling into two will therefore no longer be exempt under Clause 62.02, and will require a permit under the GRZ (Clause 32.08-6). Council explained at the Hearing that the rationale for applying the DDO7 therefore no longer applies, and the control is no longer necessary.

3.4 VCAT decisions

As the chronology in Chapter 3.1 shows, there are five relevant VCAT decisions relating to the existing development on the site, only three of which are reported:

- *Dragan James Enterprises Pty Ltd v Manningham CC*, unreported P2999/2002, where VCAT decided that Permit PL02/013542 should be granted for two dwellings on the site, although the original application plans needed to be amended to include a number of changes to minimise the impact of the development on the amenity of adjoining properties.
- *Manningham v Jurkic* [2005] VCAT 324, the Enforcement Order issued by VCAT on 25 February 2005 which required the two dwellings unlawfully constructed on the

site to be removed, modified to comply with Planning Permit PL02/01542, or otherwise brought into compliance with the Planning Scheme (*Jurkic No. 1*).

- *Jurkic v Manningham CC (Red Dot)* [2005] VCAT 1162, the 24 June 2005 decision in which VCAT (among other things) refused to amend Planning Permit PL02/01542 to allow the two dwellings as built, on the basis that the as built dwelling(s) failed to meet the requirements of Clause 55 and impacted unreasonably on the Submitter's dwelling (*Jurkic No. 2*).
- The unreported decision of Justice Morris on 2 December 2005, that the single dwelling plans prepared by EATAS Design dated 7 October 2005 satisfy the requirements of paragraph (c) of the Enforcement Order (*Jurkic No. 3*).
- *Jurkic v Manningham CC* [2007] VCAT 2364, the 11 December 2007 decision at which VCAT decided that amended single dwelling plans prepared by EATAS Design dated 19 May 2007 and 13 September 2007 satisfy the requirements of paragraph (c) of the Enforcement Order (*Jurkic No. 4*).

In *Jurkic No. 2*, Justice Morris found that the 'as built' development then on the site failed to meet the standards in Clause 55, and had an unreasonable impact on the amenity of the Submitter's property. His main concerns were the height, extent and setback of the upper level of the development abutting the Submitter's property, which he considered did not provide for adequate solar access to the Submitter's dwelling, and compromised the energy efficiency of the Submitter's dwelling.

However Justice Morris observed at paragraph 22:

Significantly, I observe that it would be possible to design a dual occupancy on the subject land – even a large, two level dual occupancy – which reasonably protected the energy efficiency of the Smith dwelling. This could be achieved by concentrating the bulk of any upper level towards the centre of the site in much the same way as the permit requires.

He went on to observe at paragraph 26:

But it can only be resolved in one of two ways. One way is for the upper level of the dwelling abutting the Smith property to be substantially changed; but the applicants have not sought this outcome notwithstanding an opportunity to do so. The other way – and this may be a remote possibility – is that the existing solar access to the windows in the Smith dwelling is no longer required or desired by a new owner of that land. But it would be premature to seek to cross that bridge at this stage.

Since then, Justice Morris approved amended plans that presumably increased the upper level setbacks for the development on the site (*Jurkic No. 3*).

Subsequent to that, VCAT approved further amended plans that allowed the retention of the garage wall on the Submitter's boundary, and smaller openings in the internal wall that separated the two dwellings originally constructed on the site (*Jurkic No. 4*). VCAT stated at paragraphs 29 and 30:

... Since that time, however, Mr Smith has constructed a permanent roofed structure and pergola over this open space. It is now Mr Smith's own structure that causes the loss of solar access to the private open space and prevents any prospect of overlooking. The removal of the wall would no longer have any material bearing on these matters ...

Having regard to the structure now erected on Mr Smith's land, we find that the removal of the former garage wall on the southern boundary is unnecessary and would no longer achieve any useful planning outcome – certainly not one that has any

bearing on the objective of the enforcement order and compliance with the planning scheme.

The Council report dated 27 August 2019 indicates that the dwelling is now complete, and in accordance with the plans approved in *Jurkic No. 4*. The dwelling therefore complies with the Enforcement Order, and the Planning Scheme.

4 Strategic justification

4.1 Council's analysis

Council's report dated 27 August 2019 includes an extensive discussion of the strategic justification for the Amendment. It states:

- 3.14 The development of the site with two dwellings is considered to meet all relevant objectives under clause 15 [State policy relating to the built environment]. The existing dwelling has contributed to the safety, health and function of the neighbourhood ensuring a sense of place for at least 10 years. Converting the existing dwelling into two dwellings would achieve the same outcomes in this urban environment.
- 3.15 The existing built form is consistent with the neighbourhood character in respect to scale, form, materials, setbacks to the boundaries and contemporary design. All material impacts from the dwelling have already been established. There are currently no unacceptable amenity impacts. The conversion into two dwellings is unlikely to create any additional unacceptable amenity impacts.

In terms of consistency with State housing policy in Clause 16, the report states:

- 3.18 The development of one additional dwelling adds to the residential housing stock of Manningham and contributing to the housing market needs of the community. The side-by-side design is one of several design typologies available in the Manningham housing market.

The report notes that the site is located near services, particularly Westfield Doncaster which is a Major Activity Centre. Jobs and transport are also readily accessible.

The report analyses the Amendment against local planning policy in Clause 21.05 (Residential) and Clause 22.15 (Dwellings in the General Residential Zone, Schedule 1). It states:

- 3.20 Manningham is divided into four residential character precincts. The site and neighbourhood are located in Precinct 1 (Residential Areas Removed from Activity Centres and Main Roads), where an incremental level of change is expected.
- 3.21 The future development vision is to encourage development that reinforces existing front and rear setbacks and site coverage to provide opportunities for landscaping and retain areas of open space. Precinct 1 therefore encourages a less intensive urban form.
- 3.22 Whilst the design of future dwellings may vary from the existing built forms, dwellings will need to provide increased open space for the planting and retention of trees and associated landscaping. The prevailing character of low front fences, retaining walls or the absence of front fences is also encouraged.
- 3.23 The proposal is consistent with this policy. Developing the existing dwelling into two dwellings is considered an incremental level of change as anticipated in Precinct 1. The existing dwelling already reinforces the setbacks and site coverage, and there are ample opportunities to provide landscaping in the open spaces areas.
- ...
- 3.25 The proposal generally complies with clause 22.15. An assessment is at Attachment 7.

Council's 27 August 2019 report refers to observations made by Council's Corporate Counsel, which were summarised as follows at paragraph 3.8:

- Planning Scheme Amendment C42 appears to have been directed towards the punishment of the then landowner for their conduct through the planning system rather than prosecuting the landowner for a breach of the Planning and Environment Act 1987, or seeking a VCAT enforcement order, which would be the usual enforcement methods for dealing with such breaches.
- In the absence of strategic justification for the control remaining in the planning scheme, it is considered insistence upon the retention of the control would be punishment of the landowner, rather than a good planning outcome having regard to the controls council has otherwise determined should apply to this land by virtue of the present zoning.

The report goes on to note that the existing development on the site exceeds the minimum garden area requirements that now apply under the GRZ1, including the requirements that would apply if the land were to be subdivided into two lots.

4.2 Discussion

The Victorian planning objectives provide for the fair, orderly, economic and sustainable use and development of land in Victoria and seek to facilitate development which achieves the planning objectives. Stifling development that is otherwise consistent with planning objectives, for reasons of addressing past non-compliance with planning and building controls, or (in the words of Council's Corporate Counsel) to 'punish' landowners, is not a legitimate function of planning controls.

So, is the prevention of subdivision by the DDO consistent with contemporary planning objectives for the land?

The planning objectives include facilitating sustainable development that takes full advantage of existing settlement patterns and investment in infrastructure and services. The PPF recognises the need to limit urban sprawl, to increase the supply of affordable housing, to increase housing diversity including through offering different forms of housing typology, and for varying density neighbourhoods that offer more choice in housing, as well as access to existing services and facilities.

The PPF recognises a clear need to increase housing yield in established urban areas, in appropriate locations. It seeks to identify opportunities for increased residential densities to help consolidate existing urban areas, and to ensure an adequate supply of redevelopment opportunities within established urban areas, to reduce the pressure for fringe development and development in environmentally sensitive areas.

The site is located in Residential Character Precinct 1, in which incremental growth is anticipated. Incremental growth does not mean no growth. Subdivision within Precinct 1, particularly on larger lots, is consistent with incremental growth.

The Panel acknowledges that Clause 21.05 states that Precinct 1 areas are located away from Activity Centres and main roads. However the site is close to multiple public open space facilities and a primary school, and is not too distant from a large Park and Ride facility serviced by multiple bus routes, and Doncaster Shopping Centre. It has relatively good access to transport and services.

While the PPF encourages incremental growth and infill development in this area, any such growth must be appropriate, and must respect neighbourhood character and the amenity of

surrounding properties. For example, key themes in Clause 21.05 in relation to subdivision include:

- avoiding inappropriate infill subdivision of smaller lots
- ensuring that infill subdivision addresses future development impacts on adjoining properties and the neighbourhood
- ensuring that subdivisions respect existing development patterns and neighbourhood character
- ensuring that subdivisions allow opportunities for landscaping and open space.

Clause 21.05-3 recognises the need for subdivision layouts to consider neighbouring uses and developments, and lot orientation and size and location of building envelopes to achieve ecologically sustainable development outcomes.

The need to respect neighbourhood character and protect neighbouring amenity is also well recognised in the purposes of the GRZ and in the applicable particular provisions (Clauses 55 and 56).

At 770 square metres, the subject land is a relatively large lot. The Panel observed on its site visit that the lot size of the subject land is consistent with surrounding lots, perhaps on the larger size. Subdivision of the land would introduce smaller lot sizes, although it appears this has already started to occur in the area (for example, the lots on the corner of Stanton Street and Toronto Avenue). In any event, the PPF calls for urban consolidation and a diversity of housing in established urban areas. Subdividing the subject land into smaller lots is not inconsistent with this policy objective, and would not, in the Panel's view, adversely impact on the neighbourhood character.

The opportunity for subdivision of the land is entirely consistent with the incremental growth the PPF expects in this area. The continued application of the DDO7 effectively stifles any opportunity for incremental growth. Not only is this inconsistent with the PPF, it is inconsistent with the planning controls applying to the neighbouring properties, the surrounding area and to Precinct 1 areas across the municipality more broadly.

The policy framework provides detailed guidance for assessing any future subdivision application. Future subdivision proposals would be assessed against the policy objectives of addressing development impacts on adjoining properties and the neighbourhood, ensuring that subdivisions respect existing development patterns and neighbourhood character, and providing opportunities for landscaping and open space.

Both the subdivision of the land and the conversion of the existing dwelling into two will require a permit under the GRZ. Any future subdivision proposal would be assessed against the requirements of Clause 56, and any future proposal to convert the existing dwelling into two would be assessed against the requirements of Clause 55. The permit process would include consideration of any potential impacts on the Submitter. If Council considers that the Submitter could be materially affected by future permit applications, he will be notified and will have review rights.

In reality, the Panel expects that future subdivision proposals on the site will be largely driven by the existing built form. Both Council and VCAT have recognised that the existing built form (at least following *Jurkic No. 4*) provides appropriate front and rear setbacks that are consistent with the neighbourhood character, appropriate garden areas and opportunities for landscaping and open space, and appropriate solar access to the

Submitter's property, now that he has constructed a pergola and roofed structure along his northern boundary.

The original request for the Amendment to be prepared was accompanied by a permit application to convert the existing dwelling into two dwellings. As noted in Chapter 1.2(i), the permit application was removed from the Amendment and is not before the Panel. Nevertheless, the Panel notes that the Council report of 27 August 2019 contains a detailed assessment of that application against the current requirements of the Planning Scheme, including Clause 55. The report concluded that the proposed permit application was largely compliant with the requirements of the Planning Scheme.

The Council report also notes that a building permit will be required if the existing dwelling were to be converted into two dwellings, to (among other things) complete the fire-rated wall between the dwellings. Council's Building Services Unit were consulted and advised that the buildings works required to convert the dwelling are achievable.

This gives the Panel considerable comfort that any future proposal to convert the existing single dwelling into two in association with a future subdivision of the site will be achievable and able to meet the requirements of the Planning Scheme and building regulations.

In light of these previous assessments, it is difficult to see how any subdivision that reflects the existing built form could impact unreasonably on the Submitter.

The Panel notes that the Victorian planning objectives include to provide for effective enforcement procedures to achieve compliance with planning schemes, permits and agreements. It appears that in the past, there has been some difficulty in securing the Proponent's compliance with the Planning Scheme and with Permit PL02/013542. While the Panel acknowledges the frustration that this has clearly caused for both the Submitter and the Council, it is not the role of planning controls to punish recalcitrant landowners. Redressing past breaches of planning controls provides no strategic justification for the continued application of the DDO7.

4.3 Conclusions and recommendations

The Amendment is strategically justified and should be supported. The Panel recommends:

- 1. Adopt Amendment C130mann as exhibited.**

5 Relevant issues raised by the Submitter

5.1 Submissions

As noted in Chapter 1.3(ii), most of the issues raised by the Submitter are not relevant matters for the Panel to consider. The only planning issues raised by the Submitter are:

- space, trees and vegetation in the area should be protected
- the size of the existing building generates excessive overshadowing.

Even these issues are not directly related to the Amendment (or the question of whether the land should be allowed to be subdivided), but rather to the built form of the existing development of the land. Nevertheless, the Panel has addressed these issues for completeness.

5.2 Council's analysis

Council's report dated 25 February 2020 (Document 12) provided a detailed and thorough response to all of the grounds raised by the Submitter, notwithstanding that the majority of those issues are irrelevant.

In response to the Submitter's objections about the protection of space, trees and vegetation, the report noted that the separation of buildings and vegetation characteristics in Toronto Avenue are elements of neighbourhood character that must be considered in the assessment of any future permit application. The report pointed out that *"opportunities can be created to enhance a property should a planning permit be granted. This is most obvious in the landscaping treatments that are required and which can contribute to the existing neighbourhood character."*

Council's report noted that overshadowing was assessed in the planning permit application that originally accompanied the Amendment. It noted:

The extent of overshadowing was assessed as being well within the allowable limits under the Scheme. Given that this planning application no longer forms part of Amendment C130mann, overshadowing would now only be formally considered under a separate planning permit application.

5.3 Discussion

As noted in Chapter 4.2, any future application to subdivide the land, or to convert the existing dwelling into two dwellings, is likely to be largely driven by the existing built form on the site. Based on the Council's assessment of the permit application that originally accompanied the request for the Amendment, the Panel is confident that the land can be subdivided, and the existing dwelling converted into two dwellings in a manner that meets the requirements of the Planning Scheme. Any impacts on open space, vegetation or overshadowing have already been assessed by VCAT as acceptable. The Panel agrees with these assessments.

5.4 Conclusions and recommendations

The Panel concludes:

- The Panel is confident that if the DDO7 is removed, the land can be subdivided, and the existing dwelling could be converted into two dwellings, in a manner that is consistent with the requirements of the Planning Scheme.
- Impacts on space, trees and vegetation and overshadowing are issues that will be considered as part of any future permit application.
- There is no justification for retaining the DDO7 on the basis of potential impacts to overshadowing, open space or vegetation.

Appendix A Documents considered by the Panel

No.	Date	Description	Provided by
1	undated	Explanatory Report for Amendment C42, which was gazetted on 8/7/2004	Panel's own research
2	25/2/2005	<i>Manningham v Jurkic</i> [2005] VCAT 324 (<i>Jurkic No. 1</i>)	Panel's own research
3	24/6/2005	<i>Jurkic v Manningham CC (Red Dot)</i> [2005] VCAT 1162 (<i>Jurkic No. 2</i>)	Panel's own research
4	11/12/2007	<i>Jurkic v Manningham CC</i> [2007] VCAT 2364 (<i>Jurkic No. 4</i>)	Panel's own research
5	27/8/2019	Council report supporting Council's resolution to seek authorisation to prepare and exhibit the Amendment	Council
6	21/10/2019	Letter from DELWP to Council authorising Council to prepare the Amendment	Council
7	N/A	Exhibited amendment documentation: <ul style="list-style-type: none"> - Explanatory report - Instruction sheet - proposed schedule to Clause 72.03 (What does this Planning Scheme consist of?) - map indicating the proposed deletion of DDO7 from the subject land 	Council
8	12/1/2020	Original submission from R Smith	Council
9	21/1/2020	Supplementary submission from R Smith	Council
10	15/1/2020	Letter from R Wilson to Council in response to the Submitter's original submission	Proponent
11	undated	Planning History of 11 Toronto Avenue, Doncaster prepared by Proponent	Proponent
12	25/2/2020	Council report supporting Council's resolution to consider the submissions and refer them to an independent panel	Council
13	29/10/2004	<i>Australian Conservation Foundation Inc v Minister for Planning</i> [2004] VCAT 2029	Panel's own research

10.2 Request for a Disability Advisory Committee

File Number: IN20/305
Responsible Director: Director City Planning and Community
Attachments: 1 Benchmarking - Disability Advisory Committees [↓](#)

EXECUTIVE SUMMARY

This report was deferred to this meeting at the 26 May 2020 Council meeting.

It has been requested that Council establish a Disability Advisory Committee. A report on the advantages and disadvantages of different Disability Advisory Committee (DAC) structures has been prepared for Council's consideration.

To inform this report and the recommendations, officers have conducted research into disability legislative requirements, undertaken benchmarking with other Councils, as well as collated feedback from the current Access and Equity Advisory Committee (AEAC) on how the committee can be strengthened.

Taking into consideration these elements, four options for the Manningham context were devised and include:

- A. Retain the existing committee structure but manage membership and content to focus more equitably on disability issues;*
- B. Create a new stand-alone Disability Advisory Committee;*
- C. Create a Disability Working Group within the existing AEAC structure; and*
- D. Develop a Disability Network that feeds into the existing Access and Equity Advisory Committee via one or more members.*

Whilst the proposed options are detailed within the body of the report, it is considered that a dedicated disability focused advisory committee should be established.

RECOMMENDATION:

That Council:

- A. Support the establishment of a dedicated Disability Advisory Committee through an Expressions of Interest commencing in July with the Committee formally established in late 2020.**
- B. Request officers explore and report back on alternative models to the current Access & Equity Advisory Committee with an emphasis on culturally diverse community issues having a greater focus.**

1. BACKGROUND

- 1.1 Council's Access and Equity Advisory Committee (AEAC) has been operating in various forms since 1978. Over the years it has been known as the:
 - City of Doncaster and Templestowe Advisory Committee on the Needs of the Handicapped (1978 – late 1980's);
 - City of Doncaster and Templestowe Disability Advisory Committee (late 1980's – 1994);
 - Manningham City Council Disability Advisory Committee (1994 – 2002); and
 - AEAC (since 2003).
- 1.2 The purpose of the AEAC is to advise Council to support it in making decisions that consider the interests, values and needs of Manningham's diverse communities as they relate to human rights, access, equity and inclusion.
- 1.3 Accordingly, representation on the AEAC is described in broader inclusion terms and includes people from culturally and linguistically diverse backgrounds, disability, people who identify as gay, lesbian, bisexual, transgender, intersex and/or queer and, women and men in terms of gender equality.
- 1.4 The Terms of Reference for the AEAC was last reviewed in 2018 and the current tenure for members ceases June 2021. The process to seek committee membership expressions of interest will begin at the end of 2020.
- 1.5 This report provides a number of recommendations for consideration on the establishment of a Disability Advisory Committee. The development of these recommendations are informed by:
 - Feedback from the disability focused members of the AEAC regarding the lack of traction on disability issues within the committee
 - Council's legislative requirements as it relates to inclusion of people with disability
 - Benchmarking outcomes with other Councils to understand what disability advisory structures have been adopted.
- 1.6 Local Government legislation is informed by international, federal, state and local policies and plans that determines that, because people with disability are not yet equal participants in society due to traditional societal structures, specific actions must be applied to encourage equity.
- 1.7 The Victorian [Disability Act 2006](#) under Section 38, states Councils are required to prepare Disability Action Plans that identifies actions to remove barriers for people with a disability. This is designed to promote inclusion and participation of persons with a disability and change attitudes and practices which discriminate against persons with a disability.
- 1.8 At Manningham, the Disability Action Plan actions have been absorbed into the Healthy City Action Plan. The advantages of this is that disability inclusion is at the heart of Council legislation, and the disadvantage is that it is more generalised and less specific and measurable.

- 1.9 In addition, during March 2018, the Victorian Government partnered with the University of Melbourne to conduct a survey to help provide a baseline measure of community attitudes around disability. This report indicates that there is still a large amount of discrimination, discomfort and avoidance of people with a disability within the community.
- *“Nearly three-quarters agreed that people without disability are unsure how to act toward people with disability.”*
 - *“One-third of respondents agreed that people without disability are uncomfortable asking people with disability what support they need.”*
- 1.10 The statistics indicate there is a lot of work to be done on raising awareness about disability and the unconscious bias within the community, including workplaces and by extension, advisory committees too. In this context, the current advisory committee may not be an effective avenue for people with disability to openly advocate for themselves and their community.
- 1.11 The National Disability Insurance Scheme (NDIS) is the largest health reform since Medicare and a significant change for people with disability. For many people it has improved their quality of life, but for others who are not eligible for it or who have struggled with the bureaucracy around it, it remains a difficult navigation. At this time of national reform, it is imperative that Council hears from people directly impacted.
- 1.12 In addition, because the landscape of disability is vast, diverse and so intrinsically complex within itself, it is difficult for many people who do not experience disability, to understand the issues and how to address the issues of discrimination facing people with disability.

2. DISCUSSION / ISSUE

Access and Equity Advisory Committee current membership

- 2.1 The AEAC Terms of Reference states, “As far as possible, there will be a balance in representation between people representing different aspects of diversity and inclusion...” and that there should be “Diversity in terms of gender, age and culture”. To note, this criteria does not refer to sexuality or disability.
- 2.2 The current membership in the AEAC comprises 15 representatives (after a recent resignation) from a diverse range of backgrounds. In the initial expression of interest process, candidates were asked to identify their area of interest/expertise. Of the criteria groups represented:
- 13 marked Social Inclusion;
 - 11 marked Multiculturalism;
 - 9 marked Gender Equality;
 - 7 marked disability; and
 - 4 marked LGBTQIA+.
- 2.3 It is relevant to note, that whilst there is ‘lived experience and expertise’ representing cultural diversity, gender diversity and LGBTQIA+, disability matters is currently represented by members without disability.

- 2.4 It is best practice to hear directly from residents with lived experience of disability and the *Local Government Act 2020* states, “participants in community engagement must be representative of the persons and groups affected by the matter that is the subject of the community engagement.”
- 2.5 The AEAC was recently reviewed and a number of areas for improvement identified. This included a more intentional focus on disability.
- 2.6 Important to note too, is that there is currently a vacancy within the AEAC after one member resigned in 2019.

Benchmarking with other Councils

- 2.7 In late 2019, the Municipal Association of Victoria undertook a survey of local governments to understand what disability advisory structures were in place and those that had been utilised in the past.
- 2.8 26 Councils responded to the survey and the current disability advisory committee/networks in operation include:
- 15 dedicated Disability Advisory Structures;
 - 3 Disability Networks;
 - 5 have different structures - this includes broader focus advisory groups instead of a disability issues focused group (Kingston - Access and Equity Advisory Committees, Warrnambool- Health & Wellbeing Advisory Committee).
 - 1 has both an advisory committee and network (Brimbank)
 - 2 have similar structures but under a different name (Bendigo - Disability Inclusion Reference Committee, Indigo - Community Access Committee etc.)
- 2.9 A more detailed example of four existing disability advisory structures is provided in Attachment 1.
- 2.10 Past disability advisory structures have predominantly utilised the traditional Disability Advisory Committee model chaired by a Councillor. In addition to the Committee, some Councils have also created disability networks, working groups or held large consultations to respond to specific issues arising.
- 2.11 Another question compared the main objectives of Disability Advisory Committees/Networks. Seventeen Councils responded. The majority stated the primary activity as providing advice to Council (15). Other objectives included acting as advocacy for the rights of local residents with disability, supporting the development and overseeing the Disability Action Plan/Access Plan and sharing information and raising awareness of people with disability.
- 2.12 Overall, most of the disability inclusion officers who responded, indicated that a disability focused structure, whether it be a Committee, Network or project based focus group worked better to address disability inequity than a broader issues group. Issues to look out for were attracting positive community contributors on the committee who were either already skilled advocates or equipping less experienced people with capacity building support. Strong links with Council was also important to avoid tokenism and to influence and gain traction.

2.13 Options

Informed by legislative requirements, benchmarking and the Manningham context, four options for Councillors consideration have been prepared.

2.14 Option A – Retain the existing Committee but manage content and membership to focus more equitably on disability issues

To achieve this, it would require filling the current vacancy in the AEAC with a strong advocate with lived experience of disability to support this option and develop two more positions specifically for people with lived experience of disability. It would also require a highly managed agenda by Council officers and strong facilitation by the Chair. It could be that the meeting content is divided up equitably across interest groups. This option does not allow for the disability focus required in the long term.

Pros

- This can be achieved in a minimal amount of time and impact on resources.
- It provides opportunities potentially for three more community members to come onto the Committee.
- There is a currently a lack of lived experience disability representation, which indicates members do not have the disability literacy required to advocate for disability inclusion. This could be mitigated in some part, by three new members with lived experience of disability coming onto the Committee. This means Council plans and projects receive authentic disability inclusion consultation which will have direct impact on the lives and community engagement of people with disability in Manningham.

Cons

- This does not replace the need for a disability issues focussed group to address disability inequities in Manningham.
- The topics of discussion are determined by member interests and council priorities. It may be difficult to manage equity of content in this environment.

2.15 Option B – Create a new stand-alone Disability Advisory Committee

To achieve this, relating to the conditions stipulated for other DACs in other Councils, the group would need to represent at least 80 percent of people with lived experience of disability, and a/some carer/s, plus a diversity of age, gender, sexuality and culture. It should also contain an element of capacity building to acknowledge the inequity of civic participation, employment and education of people with disability.

Pros

- The Council has direct access to a group of people who have a diverse and authentic understanding of living with a disability in Manningham.
- Council honours its commitment to the Council Plan 2017-2021, Healthy City Strategy 2017-2021 and other umbrella policies and legislation.

- An increased perception of an inclusive and accessible Council by residents/potential residents with disability and their families and carers in Manningham.
- Increased capacity for individuals living within Manningham towards employment and/ or civic engagement.

Cons

- The staff and resources required to maintain an additional committee.

2.16 Option C - Create a Disability Working Group within the existing AEAC structure

To achieve this, this separate working group could comprise of two or three members who have identified disability as a key area of focus and would report back to the Committee. This could provide a platform to focus on disability issues separate to the main group. This option could work well as a short term measure.

Pros

- It provides a space and place to focus on disability issues and doesn't have to compete with the existing interests of other groups.
- It allows the rest of the group to recognise the importance of disability inclusion by highlighting it.
- It is flexible and responsive to new and upcoming issues.

Cons

- It doesn't address the lack of members on the Committee with lived experience of disability.
- Staff and resources required to make it successful.

2.17 Option D – Develop a Disability Network that feeds into the existing Access and Equity Advisory Committee via one or more members

This option provides a less formal opportunity for residents of Manningham with disability to feed directly into the AEAC, and create a space that is focused on issues relating specifically to disability inclusion. An empowered capacity building aspect would provide new advocacy skills for people with disability and support council processes and projects towards accessibility.

Pros

- As a less formal structure, it has the capacity to allow people with disability to come and go as available.
- Council potentially gains from multiple disability perspectives.
- An increased perception of an inclusive and accessible Council by residents/potential residents with disability and their families and carers in Manningham.
- The possibility of increased capacity for individuals living within Manningham towards employment and or civic engagement.

Cons

- There will need to be clarity around the mechanism into the AEAC in order for the network to have traction.
- It doesn't address the imbalance of representation on the AEAC and lack of people with lived experience of disability.

3. COUNCIL PLAN / STRATEGY

- 3.1 Council Plan 2017- 2021–This action is aligned across the Council Plan but relates specifically to these themes, goals and action areas within it:
- 3.2 Healthy Community – 1.1 – ‘a healthy, resilient and safe community’ and 1.2 – ‘A connected and inclusive community’ and action areas: ‘Inclusive of our community in age, ability and diversity’ and ‘Support people to connect and engage in community life’
- 3.3 Liveable Places and Spaces; 2.3 – ‘Well connected and accessible travel’, and action area: ‘Accessible and connected mixed-use places to recreate, gather and celebrate’
- 3.4 Vibrant and Prosperous Economy – 4.1 – Grow our local tourism and economy and action area: ‘Strengthen accessibility and viability in activity centres for retail, employment and community’, and ‘Foster the greater Melbourne east economy’
- 3.5 Healthy City Strategy
- This action is aligned with the HCS and relates to Priority Issue 1 within the Manningham Health City Action Plan 2019-2021, which states ‘Deliver a range of initiatives that increase the social and economic participation of residents living with a disability’ and ‘Inclusion and equity at Manningham Council’

4. IMPACTS AND IMPLICATIONS

- 4.1 The proposed options outline an informed and considered approach on how Council should intentionally focus on understanding and responding to the needs of people with disability. By strengthening the voice of people with a disability on a future Disability Advisory Committee, advice pertaining to Council policies and practices will be more authentically accessible and inclusive of the community.

5. IMPLEMENTATION

- 5.1 A council officer will need to develop, support and maintain the new committee with Admin support.
- 5.2 With Option B, officers will commence seeking expressions of interest in July. The Committee will be formally established in late 2020.

6. DECLARATIONS OF CONFLICT OF INTEREST

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

ATTACHMENT 1

Knox City Council has a Multicultural Advisory Committee, a Multi-faith Advisory Committee, LGBTQIA+ advisory Committee and a Disability Advisory Committee. The Disability Advisory Committee is made up predominantly of people with disability, some carers and some service providers. Membership is carefully monitored to ensure a range of disability lived experience, age and cultural backgrounds.

Hume City Council used to have a Disability Advisory Committee but this was disbanded in 2018 as the members were frustrated by a lack of impact on Council decision making and weren't attending regularly. In the absence of this committee, an Empowerment Group model was established. The tenets of this group were around developing advocacy skills for people with disability. Although there were many good outcomes from this group, it lacked real power to impact council policy and practices as there was not a councillor connected to the group.

Monash City Council has a Disability Advisory Committee that meets about every two months. People stay for two years, then have an option to extend for two. They have also started having consultations and workshops with all of their advisory groups together and these have been very successful in a less formal workshop style with 60+ people.

Moreland City Council has several working groups (including a Disability Working Group). All people on the disability working group have a disability except one, who has two children with Autism. There are no service providers. The working groups have a representative who sits on the Moreland Human Rights Committee, which is convened by a councillor. Moreland also runs a large Disability Service Provider Network.

10.3 2020/2021 Community Grants Program Allocations

- File Number: IN20/371
- Responsible Director: Director City Planning and Community
- Attachments:
 - 1 2020 Community Development Recommendation Report [↓](#)
 - 2 2020 Arts and Culture Recommendation Report [↓](#)

EXECUTIVE SUMMARY

This report seeks Council’s consideration of the proposed recommendations for the 2020 Community Grants Program.

Council’s Community Grant Program (the Program) provides funding to not-for-profit community groups and organisations that deliver programs and activities that strengthen and support communities and improve people’s quality of life in the Manningham community.

The 2020 Program includes the following three categories:

- Community Development
- Arts and Culture, and
- Small Grants.

Small grants are allocated under delegation and this report focusses on the recommended funding allocations for the 2020/21 Community Development and Arts and Culture grant applications.

Applications for the 2020/21 Arts and Culture and Community Development and grants opened on Monday 10 February and closed on Monday 16 March 2020. A total of 37 applications were received in the Arts and Culture and Community Development streams, requesting funding of \$503,274.

All applications were assessed and scored by officers against the assessment criteria and reviewed by the Grant Assessment Panel. The Assessment Panel has recommended 22 grant applications to Council for funding totalling \$223,192. In addition 3 grant applications were recommended to be funded through the Small Grant Program and 3 grant applications referred to the COVID-19 Urgent Relief Fund.

1. RECOMMENDATIONS:

That Council:

- A. notes the report summarising the 2020 Community Grant Program.**
- B. endorses:**
 - 1 Funding allocations for 2020/21 Community Development Grants totalling \$139,142 as per Attachment 1; and**
 - 2 Funding allocations for 2020/21 Arts and Culture Grants totalling \$84,050 as per Attachment 2.**
- C. notes that three grant applications were re-allocated to the COVID-19 Urgent Relief Fund and a further three grant applications are recommended for funding through the Small Grants program.**

2. BACKGROUND

- 2.1 Council's Community Grant Program provides funding to not-for-profit community groups and organisations to deliver activities that strengthen and support communities that live, work, study and recreate in Manningham.
- 2.2 The total draft 2020/21 budget allocation for the Arts and Culture and Community Development grants is \$240,000 nominally divided into \$120,000 across each category. Small Grant category has an annual notional allocation of \$110,000, approximately \$77,000 remained in this round of funding.
- 2.3 The Community Grants Program includes the following three categories:
 - 2.3.1 **Community Development Grants:** provide \$3,001 to \$20,000 for projects that benefit and respond to the diverse needs of the Manningham community. This grant is available once a year.
 - 2.3.2 **Arts and Culture Grants:** provide \$3,001 to \$20,000 for projects that celebrate and enhance community life through access to local arts, culture and heritage. This grant is available once a year.
 - 2.3.3 **Small Grants:** provide up to \$3,000 for one-off projects that support one-off community strengthening initiatives and equipment purchases that enhance the quality of life of residents. This grant is available twice a year, in February and September. Small Grant funding allocations are made under delegation.
- 2.4 Applications for the 2020/21 Arts and Culture, Community Development grants opened on Monday 10 February and closed on Monday 16 March 2020 and were advertised on Council's website, in the local Leader newspaper and across Council's social media platforms. In addition, officers directly notified almost 500 community groups and individuals of the current round of funding and invited the same groups to information sessions on the programs.
- 2.5 Officers conducted two information sessions on the grants program and used the sessions to communicate the process including Community Grant Program Guidelines, categories and their criteria as well as the grant application software, SmartyGrants.
- 2.6 Throughout the process, Council officers provided advice to applicants during information sessions and pre-application meetings to ensure that proposed projects and activities were aligned with Council's grant priorities and assessment criteria and to provide assistance with project development.
- 2.7 Community organisations were also invited to participate in six community training workshops to improve their grant writing skills. The focus of the workshops was skill development and capacity building within local organisations and included sessions on Developing a Fundraising Plan, Building a Website, Community Demographics, Tax Essentials for Community Groups and two grant writing workshops. In total, 135 people attended the information sessions and workshops.

- 2.8 Council also sought applications for the February round of the Small Grants category between 10 February and 16 March. Approvals for this category are made under delegation and all organisations were notified of the outcome of their application in May 2020. The assessment panel will consider redirecting grant applications to the small grants program where it is deemed to be a more appropriate source of funding.

3. DISCUSSION / ISSUE

Applications received and assessment process

- 3.1 The applications recommended for funding represent a diverse range of disciplines including community services, disability, health, multicultural services, disability, gender equity, arts and culture, and sport and recreation with an even spread across the municipality, with six community organisations submitting applications for the first time.
- 3.2 The Grant Assessment Panel met on 12 May. Membership of the panel included:
- Angelo Kourambas, Director City Planning and Community;
 - Lee Robson, Manager Community Resilience;
 - Carly Kluge, Community Liaison Officer, Bendigo Bank;
 - Justin Hanrahan, Acting Group Manager Community Programs
- 3.3 Officers from the Business, Events and Grants team were also in attendance to support the Panel.
- 3.4 Table 1 below provides an overview of 2020 grant applications received:

<i>Category</i>	<i>Applications received</i>	<i>Funding Amount Requested</i>
<i>Community Development</i>	22	\$ 309,902
<i>Arts and Culture</i>	15	\$ 193,372
TOTAL	37	\$503,274

Table 1: Grant applications received

- 3.5 The 2020/21 Community Development and Arts and Culture grants were oversubscribed, with Council receiving 37 applications requesting funding of \$503,274 against the draft budget of \$240,000.
- 3.6 While 37 grant applications were received in both the Community Development and Arts and Culture categories, the nature and scale of three applications were such that the Grant Assessment Panel recommended these applications be transferred to the Small Grant category for consideration.
- 3.7 A further three applications were recommended to be funded through the Community Relief Fund. This funding will include an allocation to support urgent needs within our community as well as ongoing support for 2020/21. These applications are from:
- Women's Friendship Group
 - Living and Learning at Ajani Inc.
 - VP Community Holdings

- 3.8 As the Community Development grants were initially oversubscribed, the Panel recommended these applicants be supported via the COVID-19 Urgent relief fund to enable Council to maximise the number of organisations able to access Community Development grant funding.
- 3.9 Where an application was not recommended for funding the panel made the decision based on the basis that the application failed to:
- address the priorities of the Community Development and Arts and Culture categories;
 - comply with the funding criteria; or
 - clearly demonstrate a need for the period of funding.
- 3.10 Officers will contact all unsuccessful applicants to provide feedback on their application.
- 3.11 Due to the quantum of funding requested, the assessment panel gave consideration to supporting some organisations with less funding than was requested in their applications. In the event that partial funding was recommended, the viability of the activity being delivered successfully with reduced funding was confirmed with the applicant.
- 3.12 The Assessment Panel has recommended 22 grant applications to Council for funding totalling \$223,192 (refer table below).

Proposed Community Development grant allocations		Proposed Arts and Culture grant allocations	
Eastern Domestic Violence Service Inc.	\$14,176.00	Warrandyte Community Church	\$6,700.00
Warrandyte Uniting Church	\$5,129.00	The Pottery Expo	\$20,000.00
Link Health and Community Limited	\$15,000.00	Manningham Musicians Association	\$9,100.00
Warrandyte Neighbourhood House Inc	\$13,785.00	Australian Iranian Society of Victoria (AISOV)	\$7,535.00
Manningham Inclusive Community Housing Inc (MICH)	\$16,650.00	Warrandyte Mechanics' Institute and Arts Association	\$7,645.00
Manningham Uniting Church	\$7,000.00	Japan Club of Victoria	\$12,500.00
Chinese Health Foundation of Australia	\$13,000.00	Warrandyte Historical Society	\$4,000.00
Doncaster Community Care and Counselling Centre Inc. (Doncare)	\$18,487.00	Rejoice Chinese Christian Communication Centre Inc.	\$7,500.00
Macedon Blues United Football Club	\$5,000.00	Wonga Park Community Cottage Inc	\$5,390.00
Rights Employment Accommodation Leisure Inc	\$12,000.00	Rotary Club of Templestowe Inc	\$3,680.00
The Onemda Association	\$15,000.00		
Doncaster & Districts Netball Association	\$3,915.00		
Total	\$139,142.00	Total	\$84,050.00

Table 2: Proposed Community Development and Arts and Culture grant allocations

- 3.13 In addition to Council's contributions, the applicants are contributing more than \$236,000 of financial and in-kind support towards the projects, with the estimated value of the recommended projects being in excess of \$700,000.

4. COUNCIL PLAN / STRATEGY

- 4.1 The 2018 Community Grant Program Policy is aligned with the key priorities of the Council Plan 2017-2021, the Generation 2030 Community Plan and the Healthy City Strategy 2017-2021.

5. IMPACTS AND IMPLICATIONS

- 5.1 The Community Grant Program seeks to improve the quality of life of Manningham residents. The program's aims are linked to outcomes in the Council Plan and Healthy City Strategy. The program provides a measureable, cost-effective and efficient means to deliver community outcomes in a transparent and accountable manner.
- 5.2 Endorsement of the panel's recommendation for the Annual Grants programs will maximise the number of community organisations receiving grant funding and will increase the diversity of stakeholders and participants in these activities.

6. IMPLEMENTATION

Finance / Resource Implications

- 6.1 The Draft 2020/21 budget includes \$240,000 for the Community Development and Arts and Culture grants program. (refer table 3 below).

Program	Draft 2019/20 budget	Recommended allocations	Unallocated funding
Community Development and Arts and Culture grants	\$240,000	\$223,192	\$16,808
Total	\$240,000	\$223,192	\$16,808

Table 3: Proposed grant allocations against Draft 2020/21 Budget

- 6.2 Subject to Council endorsing the panel's recommended grant allocations in Table 2 and the subsequent endorsement of the 2020/21 budget, the approved grants would leave \$16,808 unallocated. This could be directed to the small grants funding program in September 2020 and February 2021.

Communication and Engagement

- 6.3 Promotion of the 2020 Grant Program to community groups and organisations was undertaken through a targeted promotion campaign including, referrals, local newspaper advertisements, direct email, Council's website and promotion at Council events.

- 6.4 A suite of six community training workshop sessions were also offered including, Developing a Fundraising Plan, Building a Website, Community Demographics, Tax Essentials for Community Groups and two Grant Writing workshops. In addition to these sessions, two Grant Information Sessions were held. The sessions attracted 135 attendees in total.
- 6.5 Officers consulted with community groups and organisations throughout the application and assessment stages, including one-to-one pre-application meetings. During the assessment process, officers and Managers from five Departments across Council provided relevant subject matter expertise.
- 6.6 As a key component of the evaluation of the Grant Program, community organisations in the grants database will be invited to provide feedback on the 2020 Community Grant Program processes. The responses received will be used to inform the operations and processes of the 2021/22 Grant Program.

Timelines

- 6.7 Subject to Council's endorsement, applicants will be notified of the outcomes of their applications and a list of successful applicants will be published on Council's website in July 2020.

7. DECLARATIONS OF CONFLICT OF INTEREST

- 7.1 One Council Assessment Panel Member declared a potential conflict of interest for a single application received and did not discuss, assess or provide advice on that application during the assessment period or at the assessment panel meeting.

2020 Community Development Recommendation Report

Application ID	Organisation name	Project Title	Brief Project Description	Location	Activity category	Target age group	Project Start Date	Total Project Cost	Total Amount Requested	Panel funding allocation	Panel recommendation	Funding conditions
								\$1,187,088.60	\$309,902.10	\$139,142.00		
RECOMMENDED												
CD2020016	Eastern Domestic Violence Service Inc.	Ways to Play – Free from Gender Stereotypes	EDVOS will develop and deliver 6 - 8 Ways to Play (WTP) workshops to 60-120 families living in Manningham. The workshops are designed to bring families together to build connections and learn ways to interact with their child without reinforcing gender stereotypes. Gender stereotypes affect the skills children develop, the knowledge they acquire and the way they see themselves and others over a lifetime. To provide the best start in life, it's important to give children different play experiences that help their learning and development.	Various locations	Gender Equity	Children under 5 years, Women, Men	01/08/2020	\$20,191.00	\$14,176.00	\$14,176.00	It is recommended that Council fund Eastern Domestic Violence Service at the reduced amount of \$14,176 to deliver the Ways to Play Workshops. The program aligns with the grant category objectives and will increase awareness of parents/carers and children aged 0-6 years of the impacts of gender stereotyping and build parents capacity to address and challenge gender stereotypes with their children to create a community free of violence. The workshops will be delivered to in early learning settings and the library.	
CD2020003	Warrandyte Uniting Church	Rain garden and Community Peace Space	A reflective community peace space and rain garden. Our rain garden will collect and treat the rainwater that moves through our land before it heads to the river system. As well as community members participating in the environmental and practical impacts of this project, there will be participation by diverse community groups in activities around the theme of 'Peace with the Earth'.	Warrandyte	Environment and Sustainability	All Ages	01/08/2020	\$22,436.00	\$12,900.00	\$5,129.00	It is recommended that Council fund the Warrandyte Uniting Church for the reduced amount of \$5,129 for the group sessions component of the project as the establishment of the river garden involves fixed/permanent equipment and can be considered a capital improvement and therefore not eligible for funding. The program aligns with the grant category objectives and will provide opportunities for inclusion and participation in a range of activities that will build a safer and more resilient community in a space that will foster an inclusive and harmonious environment.	The funding will support the group sessions only to build community resilience and awareness in the areas of sustainability.
CD2020010	Link Health and Community Limited	Opening Doors: A Community Leadership Program for Social Inclusion	Opening Doors is a strength-based community leadership program, committed to promoting social inclusion and community connectedness. Opening Doors has produced 234 graduates, more than 130 innovative community projects, and connected an estimated 70,000 people with their communities in new and positive ways over its eleven year history.	Manningham wide	Community Development	Girls 18-24, Boys 18-24, Women, Men, Non Binary, Older Adults	05/01/2021	\$100,052.50	\$20,000.00	\$15,000.00	It is recommended that Council fund Link Health and Community at a reduced amount of \$15,000. The project aligns with the grant category objectives. The applicant has demonstrated their capacity to deliver the Opening Doors leadership program that will support community members to identify and initiate new local projects to increase social inclusion and community connections. To date the program has graduated 234 participants across the 4 LGA's of which 57 reside in Manningham and regularly contribute to the municipality. This program is also supported with financial contributions from neighbouring local Councils and Access Health (confirmed \$10,000).	The activity to involve a minimum of 8 Manningham residents. Seek additional funding to reduce reliance on Council i.e. Service clubs

CD2020012	Warrandyte Neighbourhood House INC	Community Development - health and well being and sustainability	We will establish a Kitchen Library that will offer equipment and books for loan, host cooking demonstrations (facilitated by staff, dieticians and volunteers) and host community meals. It will also work in partnership with our new garden club. The Kitchen Library will have a sustainability element; loaning instead of buying equipment and extending equipment's life before landfill; contribute to extending food security knowledge and will also have strong community development focus. It will be a tool to combat social isolation, promote new connections and provide learning about healthy living and food sustainability.	Warrandyte	Health and Wellbeing	Women, Men, All Ages	01/08/2020	\$23,552.00	\$13,785.00	\$13,785.00	It is recommended that Council fund Warrandyte Neighbourhood House the amount of \$13,785 for the Kitchen Library project. The project aligns with the grant category objectives and is an innovative project and the first in Manningham which will offer equipment and books for loan and support sustainability practices. The project will also provide an opportunity for engagement and participation of all of community including socially isolated individuals, youth, CALD, through the sharing of skills and knowledge in preparing healthy meals and offering community meals. Partnerships have been established and other funding and financial contributions sought to deliver the project which will be a nominal fee for service model to enable it to be sustainable in the future.	
CD2020004	Manningham Inclusive Community Housing Inc (MICH)	Equipping young people with an intellectual disability to live independently	A post-project review of MICH members who moved into new homes showed that they and their families were quite unprepared to deal with the practical aspects of transition into independent living. To be successful, this has to be planned well in advance, with the young people and their families equipped with the necessary skills and emotional capabilities – which is what this project seeks to achieve.	Doncaster East	Special Needs / Disability	Girls 18-24, Boys 18-24, Women, Men, Non Binary	03/08/2020	\$28,633.00	\$16,650.00	\$16,650.00	It is recommended that Council fund Manningham Inclusive Community Housing Inc (MICH) the amount of \$16,650 to deliver the "Equipping Young People with an Intellectual Disability to Live Independently program". The program aligns with the grant category objectives and will provide people with an intellectual disability and their families with the necessary practical skills and emotional awareness on living independently. The program will build the confidence of the participants ability to be safe while living independently and the family are better equipped for the transition.	
CD2020006	Manningham Uniting Church	Building Bridges Through Story - Connecting Community	The program will provide opportunities for deep listening to real stories of people who have been marginalised or isolated in our community because of their culture, colour, race, religion, gender, sexuality or ability. Stories will be experienced through story telling, art, craft, song, dance, music. "Stories" will come from indigenous people, the Muslim community and people with disabilities. Purpose. To break down walls that divide and build a more inclusive community that accepts difference and celebrates diversity.	Lower Templestowe	Community Development	Women, Men, Older Adults, All Ages	03/10/2020	\$98,800.00	\$10,000.00	\$7,000.00	It is recommended that Council fund Manningham Uniting Church at the reduced amount of \$7,000 to host the Building Bridges Through Story - Connecting Community event. The event aligns with the grant category objectives and will build on the previous years program and create a greater understanding of marginalised groups (Indigenous, Muslim community and people with disabilities) and encourage acceptance, fostering an inclusive and harmonious community, which aligns with Council's Healthy City Strategy.	The applicant is encouraged to seek alternate source of funding to ensure sustainability of future events. The applicant to liaise with Council's Reconciliation Officer to to ensure appropriate communication and engagement of Wurundjeri elders.

CD2020008	Chinese Health Foundation of Australia	Love, respect and support - no elderly abuse in Manningham	As an old buddy of Manningham community we are passionate to run elderly abuse prevention program as we believe: Everyone deserves to live in safety, with dignity and respect. Our program activities include: seminars, support groups, Family Connection Celebration Party in Moon Festival, volunteer training, community on-site visit, program brochures and Hot-Line Support.	Doncaster East	Multicultural / Diversity	Children under 5 years, Children over 5 years, Girls 12-18, Boys 12-18, Girls 18-24, Boys 18-24, Women, Men, Non Binary, Older Adults, All Ages	15/08/2020	\$32,488.00	\$20,000.00	\$13,000.00	It is recommended that Council fund Chinese Health Foundation of Australia the reduced amount of \$13,000 to deliver the 'Love, respect, support - no elderly abuse in Manningham' program. The program aligns with the grant category objectives and Council's strategies and will inform the Chinese community of the potential risks of elder abuse and how to seek help and support. It will also educate volunteer carers on the topic to be able to identify and support people affected by elder abuse. The program will be delivered with a strong partnership approach linking in with key agencies such as Doncare and Eastern Community Legal Centre.	
CD2020007	Rights Employment Accommodation Leisure	REAL Volunteering	Employment of a coordinator 12 hours a week will enable REAL members to participate in a supported, diverse, individualised volunteering program of their choice. Members will have the capacity to move outside recreation and social activities to meaningful pathways to employment.	Various locations	Special Needs / Disability	Girls 18-24, Boys 18-24, Women, Men, Non Binary, Older Adults	01/08/2020	\$17,040.00	\$12,000.00	\$12,000.00	It is recommended that Council fund REAL N/A the amount of \$12,000 to provide opportunity for people with a disability to volunteer in their local community. The program aligns with the grant category objectives and will provide opportunities for inclusion, reduce social isolation and will also assist participants to increase their skills through new experiences and learning which may lead to future employment.	
CD2020020	Macedon Blues United Football Club	All Abilities/Special Needs Children's Soccer Program	An opportunity for children who have developmental, physical or learning limitations to be welcomed into a weekly soccer-based activity . With modified activities and a caring coaching group, the children can access a sporting experience that builds motor skills, friendships and health levels, that typically does not cater for them.	Doncaster	Special Needs / Disability	Children over 5 years, Girls 12-18, Boys 12-18	04/02/2021	\$25,890.00	\$7,000.00	\$5,000.00	It is recommended that Council fund Macedon Blues United Football Club the reduced amount of \$5,000 to deliver the All Abilities / Special Needs Children's Soccer Program. The program aligns with the grant category objectives and will be the first All Abilities soccer program in the municipality that will provide an opportunity for children with disabilities to participate in soccer and develop improved motor skills and increase social connections. The program aligns to Council's Recreation Strategy and Health City Strategy.	Applicant
CD2020001	Doncaster Community Care and Counselling Centre Inc. (Doncare)	Doncare Warrandyte Community Engagement	Doncare Warrandyte is being established as a local service delivery access point for Warrandyte. Doncare will employ a staff member to proactively connect with existing community groups, schools and local businesses to build strong ties and partnerships to ensure people in the Warrandyte area who need assistance are best served.	Warrandyte	Community Development	All Ages	03/08/2020	\$56,487.00	\$19,987.00	\$18,487.00	It is recommended that Council fund Doncare at a reduced rate of \$18,487.00 to establish a outreach service in Warrandyte. Doncare are well established and have a good reputation and this service will enhance the previous services provided by information Warrandyte. The program aligns with the grant category objectives and will build community awareness of the services offered by Doncare Warrandyte to meet the needs of vulnerable community members. The program will encourage collaboration through partnerships with local community organisations and businesses to gain support and increase referral pathways. Volunteering will be encouraged.	

CD2020023	The Onemda Association	Education to Independence	Onemda is seeking funding to implement its "Education to Independence" framework which has been developed to support young people with intellectual disabilities (ID) transition successfully to independent life after school. Young people with ID are less likely to be engaged in education, in work and in the community than their non-disabled peers. This can often result in social isolation and poor health outcomes for them and their families. Through this project Onemda aims to provide evolutionary support to young people with ID, by creating the community partnerships and opportunities vital for this cohort to become valued and active members of their local community.	Doncaster East	Community Development	Girls 18-24, Boys 18-24	01/08/2020	\$34,875.00	\$18,084.00	\$15,000.00	It is recommended that Council fund Onemda the reduced amount of \$15,000 to implement the 'Education to Independence Framework'. The program aligns with the grant category objectives and will provide people with an intellectual disability (ID) the opportunity to build their capacity to be active and independent members of the community and will also engage with local organisations to create opportunities for people with ID to participate in community life.
CD2020018	Doncaster & Districts Netball Association	All Abilities Netball Competition / Program	Doncaster and Districts All Abilities provide people of all abilities within our community the opportunity to actively participate in netball and be part of our association empowering them to be physically active and productive, improving their health and well-being.	Templestowe	Other: Special Needs / Disability and Health and Wellbeing	All Ages	01/02/2021	\$11,215.60	\$4,955.60	\$3,915.00	It is recommended that Council fund the Doncaster & Districts Netball Association the reduced amount of \$3,915 to deliver the All Abilities Netball Competition/Program. The program aligns with the grant category objectives and will continue to provide people with a disability the opportunity to participate in netball and develop skills appropriate to their abilities and improve their health and wellbeing. In addition the project will encourage social connections through being involved with their local community.
TRANSFER TO SMALL GRANTS											
CD2020002	Manningham Walking Group for Carers	Multicultural Cooking and Lunch for Carers	A monthly program for carers of children and young adults with disabilities and mental illness to meet, socialise, cook different cultural food and have lunch together. It's an activity to reduce social isolation for carers and to support carers mental health through food. Every month a carer from a different cultural background will run the class. We will learn about healthy eating through cultural food.	Doncaster East	Other: Mental health	Women, Men	02/10/2020	\$10,877.00	\$5,165.00	\$3,000 through Small Grants	It is recommended that Council fund the Manningham Walking Group for Carers through their auspice Chrisalis Foundation for the reduced amount of \$3,000 through the Small Grant program to deliver the Multicultural Cooking Workshop for Carers. The program aligns with the grant category objectives and will increase social inclusion of carers through participation and sharing of cultural recipes and improve their health and wellbeing. The applicant is encouraged to seek alternate source of funding for future programs.
REFER TO COMMUNITY RELIEF FUND											
CD2020014	Living and Learning at Ajani Inc	Eat & Greet Pantry @ Ajani Foodbank Year 1	The Eat & Greet Pantry @ Ajani will provide a 'food bank for Manningham'. Evidence and research from the Eat and Greet program which provides free cooked and frozen meals to people in need in Manningham indicates that to support food security in Manningham much more than the immediate meals is required by individuals and families. As a food bank in Manningham the 'shopping room' at Living and Learning at Ajani will provide non perishable items for health and welfare as well as contributing more perishable foods. Volunteers and local Rotary groups will be engaged to undertake food collection from Food Bank and local providers.	Lower Templestowe	Health and Wellbeing	Children under 5 years, Children over 5 years, Girls 12-18, Boys 12-18, Girls 18-24, Boys 18-24, Women, Men, Non Binary, Older Adults, All Ages	01/08/2020	\$157,760.00	\$19,760.00	Refer to Community Relief Fund	It is recommended that Council refer this application to the Community Relief Fund. Living and Learning at Ajani seeks to establish the Eat and Greet Pantry. The program will respond to the growing concern of food insecurity experienced by vulnerable residents in Manningham. It will provide food security and the opportunity for social inclusion through other programs at the centre. This service will compliment the existing programs at the centre ie.Eat and Greet and Community Garden program.

CD2020017	VP Community Holdings Ltd	Enhancement of the foodbank program	The foodbank program gives access to groceries, fresh food and vegetables for people experiencing food insecurity, and provides opportunities for vulnerable groups and for those experiencing isolation for social cohesion and community participation. We are seeking the support from Manningham Council for a targeted response to the needs of vulnerable groups who suffer from food insecurity, while increasing the partnerships with other providers.	Donvale	Community Development	Women, Older Adults, All Ages	01/08/2020	\$394,618.00	\$20,000.00	Refer to Community Relief Fund	Note: in response to a Conflict of Interest, Justin Hanrahan left the meeting during the discussion of VP Community Holdings application. It is recommended that this application be referred to the Community Relief Fund. VP Community Holdings seeks to expand the food bank program to service an additional 54 families to extend the reach to 450 people. The service responds to a growing community need of vulnerable people in our community facing food insecurity. The program also enables people with a disability the opportunity for skill development through the operations of the food bank.	
CD2020025	Women's Friendship Group Inc.	Community Support	Women's Friendship Group provides an opportunity for CALD women to create winter warmth items (rugs) for disadvantaged members of the community. The activity will provide the group with a sense of worth in helping the needy and provides those who are disadvantage with the necessary items. Due to the current health crisis with the Coronavirus the WFG has had to cancel all meetings/programs and personal contact with the members.	Bulleen	Health and Wellbeing	Women, Men, Older Adults	25/09/2020	\$4,900.00	\$4,900.00	Refer to Community Relief Fund	It is recommended that this application be referred to the Community Relief Fund. The activity will continue to provide women from CALD background with the opportunity to be socially connected and participate in creating winter warmth items for our disadvantaged community.	
NOT RECOMMENDED												
CD2020009	Park Orchards Community House & Learning Centre Inc	Mental Health First Aid subsidised Training	We aim to train 60 community group representatives in Mental Health First Aid. We will offer a 50% subsidy to this training. We hope to target Manningham community groups like local sporting clubs and social groups (Rotary). The ability to have a Mental Health First aid trained representative in a community group or club will mean community members will be supported and the benefit of this initiative will be far reaching throughout the Manningham community.	Park Orchards	Education / Training	All Ages	08/09/2020	\$12,316.00	\$5,500.00	\$0.00	It is not recommended that Council fund Park Orchards Community House to deliver Mental Health Awareness training. While the activity has merit, the application requires further development and could be considered for funding through the Community Relief Fund.	Recommend the applicant contact Council's Gender Equity and Safety Officer and/or Women's Health East for advice and information on how to appropriately connect with the LGBTQ community to advertise the training. Put in place a measure (number of people trained) to make sure the number is geared towards diversity, geared towards people of varying ages and geared towards gender equality.
CD2020013	The Funding Network Australia	Strengthening Non Profits and Community organisations - Pitch Coaching Workshops	The Funding Network will help non-profits and community groups in Manningham to build their organisation's capacity and capabilities by delivering '3 pitch with purpose workshops'. Participants will learn to powerfully articulate their case for funding and support and why their work is vital to enhance the health and wellbeing of the community.	Doncaster East	Community Development	All Ages	01/09/2020	\$15,500.00	\$12,500.00	\$0.00	No, it is not recommended that Council fund The Funding Network to deliver Pitch Coaching Workshops to community organisations in Manningham. Council currently provides Community Training to community organisations in Manningham and this would be considered a duplicate of an existing service. Council may consider including this topic in the annual grant survey to community groups to establish if there is any interest.	

CD2020011	Belgravia Foundation Pty Ltd	Healthy Kitchen: Food, Cooking, Nutrition and Exercise	Healthy Kitchen program is a hands-on healthy Iranian cooking, physical activity and conversations on healthy food, nutrition, eating habits and behaviours. This program utilises a strength-based approach to acquaint Iranian community with their kitchen to make smart, healthy Iranian food choices. An interactive participatory approach empowers Iranian participants to realise how easy it can be to plan and prepare quick, and healthy Iranian meals and an active lifestyle to take control of their own (and their family's) health.	Doncaster East	Health and Wellbeing	Women, Men, All Ages	08/09/2020	\$29,492.50	\$19,962.50	\$0.00	No, it is not recommended that Council fund Belgravia Foundation to deliver the Healthy Kitchen: Food, Cooking, Nutrition and Exercise Program. The application requires further development and the applicant is encouraged to work with Council Officers to strengthen the application and apply in a future round. It would be recommended that the applicant seek a Small Grant in September to pilot a modified program on a smaller scale, with the option to apply for further funding to progress the initial outcomes.
CD2020024	Noha Aly	Painting on Canvas Classes for Seniors	Seniors will be invited to paint on canvas in a guided setting. A series of 24 workshops will be conducted with a final reception screening to view all the canvasses that will have been created during these workshops. The goal is to create a masterpiece in 2 workshops while giving our senior citizens a reason to get up, get dressed and come paint in a setting that enhances their general emotional and mental wellbeing. This activity is for our senior citizens over the age of 60.	Doncaster East	Community Development	Women, Men, Older Adults	19/03/2021	\$23,730.00	\$20,000.00	\$0.00	No, it is not recommended that Council fund Noha Aly (auspice Benevolence Australia) to deliver the Painting on Canvas Classes for seniors. The applicant has not demonstrated the programs alignment to the grant category objectives and requires further development.
CD2020015	Chrisalis Foundation Inc	All Abilities Health and Social Program	We are seeking funding to deliver an All Abilities Health and Social Program for people with disability and their immediate families/carers. We aim to increase social inclusion and improve the physical health of people with a disability and their immediate families by delivering Self Defence and Forest Therapy programs.	Doncaster East	Special Needs / Disability	All Ages	01/08/2020	\$22,800.00	\$17,200.00		No, it is not recommended that Council fund Chrisalis Foundation for the All Abilities Health and Social Programs. The applicant was funded in 2019 for a similar program which was well received although the program was not completed due to Covid-19 and funds remain. This application requires further development and it is recommended that they contact Council's Metro Access Officer to provide guidance on the development of future programs.
CD2020022	Wonga Park Community Cottage	Community Engagement Officer Trainee - Pilot Program	Pilot program for additional hours to capitalize human resources based on existing strengths and upskilling for capacity building within our organisation, this would enhance community development and strengthening within Wonga Park. Providing mentor program to share knowledge and provide on the job training for future programs and establishing or rebuilding partnerships.	Wonga Park	Community Development	All Ages	03/08/2020	\$43,435.00	\$15,377.00	\$0.00	No, it is not recommended that Council fund Wonga Park Community Cottage to recruit a Community Engagement Officer trainee. The position will respond to an organisational need that can be considered an organisational operating expense. The application requires further development to have a more external focus to benefit the community.

Arts and Culture Grant 2020 Recommendation Report

Appl ID	Organisation name	Project Title	Brief Project Description	Location	Activity category	Target age group	Project Start Date	Total Project Cost	Total Amount Requested	Panel funding allocation	Panel recommendation	Funding conditions
RECOMMENDED												
								\$387,437.67	\$193,372.68	\$84,050.00		
ACG2020006	The Pottery Expo	The Pottery Expo at Warrandyte	A weekend outdoor ceramics art event, involving about 80 ceramic artists from Australia and overseas. Clay activities for children, talks and workshops relating to ceramics for adults. Live music, by local musicians on the riverbank at Warrandyte.	Warrandyte	Arts and Cultural	All Ages	27/02/2021	\$42,600.00	\$20,000.00	\$20,000.00	It is recommended that Council fund The Pottery Expo which has been operating for 20 years, and has built sound project planning and event management skills and is extremely well run. The event aligns with the grant category objectives and is a community-led arts and cultural activity which supports art, tourism, local business and has develop strong community connections. The event supports artists to showcase their work, creates tourism opportunities due to increased visitation to Warrandyte and is a valued event by the local and business communities.	Applicant to comply with the conditions outlined in the Events and Festivals Info kit including traffic and parking management. Applicant to submit "Request to Hold an event on Council land" form via Council's Community Events page to officially request to book event site. Traffic management company to be engaged for the event. Applicant to include in Activity Completion Report visitation numbers to the expo; survey attendees to gather data on which postcode they are from and provide Council with photos from event.
ACG2020002	Warrandyte Community Church	Warrandyte Community Carols	The combined churches of Warrandyte/Park Orchards will present the Warrandyte Community Carols at Stiggants Reserve. It is a festive atmosphere celebrating Christmas, singing carols, mingling with friends with a positive ambience, advocating diversity. Local singers and musicians will be performing for the wellbeing of Warrandyte and surrounding suburbs.	Warrandyte	Visual or Performing Arts	All Ages	19/12/2020	\$15,599.00	\$6,699.00	\$6,700.00	It is recommended that Council fund Warrandyte Community Church to deliver this popular event. This event aligns with the grant category objectives and is a well managed and community driven event that enhances the inclusion and participation of residents and brings many benefits to the local community.	Applicant to submit a "Request to Hold an event on Council land" form via Council's Community Events page to officially request to book event site. The applicant to comply with the requirements outlined in Council's Events Information Kit and submit a risk management and safety plan for the event. Applicant must include a minimum of 2 qualified security guards be engaged to attend the event. The applicant is encouraged to seek alternate sources of income such as sponsorship and gold coin donations from event attendees.
ACG2020001	Manningham Musicians Association	Manningham Concert Band Concert Program	To present a series of concerts in the local community involving music of diverse backgrounds, in various performing formats and venues. The band is a non-auditioning ensemble, open to people of all ages and backgrounds. It presents programs of artistic merit including a broad program that is inclusive of the multicultural background that makes up Manningham. The band uses a large and varied instrumentation, which provides the flexibility to produce varied and quality music and performs at a range of events including citizenship ceremonies, the annual Manningham Carols and delivers a series of Sunday concerts open to the broader community.	Various locations	Visual or Performing Arts	All Ages	01/08/2020	\$35,889.00	\$13,189.00	\$9,100.00	It is recommended that Council fund the Manningham Musicians at the reduced amount of \$9,100. The applicant is the only band in Manningham who's program of performances contributes to the vibrancy and community spirit of Manningham. The applicant enables members to pursue music through skill development and performance, provides residents with the opportunity to experience and enjoy the performing arts.	The applicant to comply with the requirements outlined in the Events and Festivals Information Kit. The applicant to attend at least six citizenship ceremonies per year with a minimum of 10 band members. The applicant to develop a marketing plan with the aim of increasing audience reach and to liaise with Council's marketing Unit to publicise events, as well as band membership. The applicant to demonstrate that they have pursued opportunities to perform at schools and aged care facilities as demonstrated in their application. The applicant is encouraged to seek alternate sources of funding and attend a fundraising workshop to secure financial viability for ongoing operational costs.
ACG2020010	Australian Iranian Society of Victoria (AISOV)	Persian Fire Festival	The Nowruz Festival comprises a suite of events starting with the Fire Festival, New Years Eve function and the Sizdah Bedar picnic. The Fire Festival is a celebration reminiscent of a 3,000 year old ancient tradition held on the last Tuesday before the Persian New Year. The event will commence with music and dance and be followed by participants jumping over small bonfires which is symbolic of cleansing the old and embracing the new as well as bringing joy into participants lives.	Doncaster	Arts and Cultural	All Ages	16/03/2021	\$37,000.00	\$20,000.00	\$7,535.00	It is recommended that Council fund Iranian Society of Victoria the reduced amount of \$7,535 for the Fire Festival to assist with infrastructure requirements of the event. This event aligns with grant category objectives and will celebrate and promote Persian culture and traditions to community members.	Applicant to submit "Request to Hold an event on Council land" form via Council's Community Events page to officially request to book event site.

Arts and Culture Grant 2020 Recommendation Report

ACG2020014	Warrandyte Mechanics' Institute and Arts Association	Community Theatre Performances, specifically The Follies Variety show	The theatre company stages four productions annually including the Warrandyte Follies which is an original variety show incorporating material from local writers, musicians, film makers and actors. To continue to stage professional productions portable stairs to access the stage and flats which assist in scene construction are needed.	Warrandyte	Visual or Performing Arts	All Ages	01/08/2020	\$10,000.00	\$7,645.00	\$7,645.00	It is recommended that Council fund Warrandyte Mechanics Institute to deliver the activity which will support a community led art and cultural based program. The project aligns with the grant category objectives and the provision of resources to support future productions will be well received as performance attendance is high and providing artistic opportunities to the community contributes to the vibrancy of Manningham.	N/A
ACG2020016	Warrandyte Historical Society	Warrandyte's Art History	An upgrade of exhibits and displays for the art room in the Warrandyte Museum. The exhibition will highlight the local areas art history, including the art circle that formed around Clara Southern, Perleigh Boyd, Danila Vassilieff and others. The work of architects such as Fritz Janeba and Robin Boyd, and the wonderful pottery history centred around Potters Cottage and its potters will also be included in the exhibition.	Warrandyte	Historical / Heritage	All Ages	01/08/2020	\$7,390.00	\$5,750.00	\$4,000.00	It is recommended that Council fund Warrandyte Historical Museum at the reduced amount of \$4,000. This activity aligns with grant category objectives and will assist with the preservation of historical information pertaining to Warrandyte's vibrant arts community.	N/A
ACG2020017	Japan Club of Victoria	Sakura Picnic Day	The purpose of the Sakura Picnic Day is to build on the success of the preceding picnic days. The event will highlight Japanese cultural performances, facilitated nature walks along the Cherry Tree Trail at Banksia Park and activities for children.	Bulleen	Multicultural/ Diversity	All Ages	18/10/2020	\$35,000.00	\$20,000.00	\$12,500.00	It is recommended that Council fund the Japan Club of Victoria at the reduced amount of \$12,500 to assist with infrastructure requirements of the event. This event aligns with the grant category objectives and will promote Japanese culture and showcase the Cherry Tree Trail at Banksia Park to the wider community.	Site to be booked through Parks Victoria. Sponsorship for future year events to be sought to support a self-sustaining model. In-kind contribution for project management in future years to come from Japan Club of Victoria and involvement of external event organiser to be reduced or ceased.
ACG2020012	Rejoice Chinese Christian Communication Centre Inc.	Rejoice Manningham Lunar New Year 2021	A community celebration of Lunar New Year at MC ³ to promote mutual understanding and integration of multiculturalism in Manningham. Stalls and performance will be invited from various community services, local business and community groups. Mutual understanding and appreciation of different cultures will be promoted.	Doncaster	Multicultural / Diversity	All Ages	01/11/2020	\$29,238.00	\$10,000.00	\$7,500.00	It is recommended Council fund Rejoice Chinese Christian Communication Centre at the reduced amount of \$7,500 to support the infrastructure cost of the event. This event aligns with the grant category objectives. Manningham has a large population of Chinese residents and due to this being the only event in the municipality celebrating the Chinese New Year support should be provided.	Applicant to submit "Request to Hold an event on Council land" form via Council's Community Events page to officially request to book event site. Applicant to comply with conditions outlined in the Events and Festivals Information Kit. Applicant to provide a list of stall holders to Council before the event. Applicant is encouraged to seek alternate sources of income such as sponsorship and gold coin donations Event must not have any balloon give-aways or balloons releases The focus of the event must not be held for any political or religious purpose
ACG2020013	Wonga Park Community Cottage Inc	Back to the Cottage	A community event celebrating the Cottage's 40th anniversary. The event will include the unveiling of a piece of art which will be co-designed by an artist in residence with the involvement of the local community, a display of artworks and crafts produced by students, children's activities and an afternoon tea. An A4 brochure will be produced highlighting 40 years of the Wonga Park Community Cottage.	Wonga Park	Arts and Cultural	All Ages	13/09/2020	\$11,109.68	\$7,389.68	\$5,390.00	It is recommended that Council fund Wonga Park Cottage the reduced amount of \$5,390 to engage an artist to facilitate community workshops for local residents to produce a piece of artwork, copywriting and printing of brochure, catering and hire of display board. The activity aligns with the grant category objectives and will utilise arts as a means to enhance the inclusion and participation of the community.	Applicant to submit "Request to Hold an event on Council land" form via Council's Community Events page to officially request to book event site. Applicant to comply with conditions outlined in the Events and Festivals Information Kit.

Arts and Culture Grant 2020 Recommendation Report

ACG2020011	Rotary Club of Templestowe Inc	Manningham Family Festival	To host a family-friendly festival to showcase the artistic talents of primary and secondary school children and further enhance the events multicultural focus by engaging cultural and faith groups to partner in delivering the event. In addition a wide variety of craft stalls, an animal farm, camels, ponies and children's rides and food stalls will add to the attractions of the day.	Templestowe Lower	Multicultural / Diversity	All Ages	15/11/2020	\$24,363.00	\$8,000.00	\$3,680.00	It is recommended that Council fund Rotary Club of Templestowe at the reduced amount of \$3,680 to contribute to the traffic management costs. The activity aligns with the grant category objectives and will contribute to the vibrancy of Manningham by celebrating local culture and diversity.	Applicant to submit "Request to Hold an event on Council land" form via Council's Community Events page to officially request to book event site. Applicant to comply with conditions outlined in the Events and Festivals Information Kit.
TRANSFER TO SMALL GRANTS												
ACG2020007	Melbourne Shandong Australian Association	Fostering the arts culture	A suite of performances of traditional Chinese folk dance and performance at events which will benefit participants and the community. Dance and drumming training will be provided to the performance to enhance their skill.	Various locations	Multicultural / Diversity	Women, Men, All Ages	07/06/2020	\$6,800.00	\$6,800.00	\$3,000 from Small Grants	It is recommended that Council fund Melbourne Shandong for the reduced amount of \$3,000 through the Small Grant program as a co-contribution towards the deliver of the cultural dance training and performances. nt. This event aligns with the grant category objectives and aims to promote and celebrate Chinese culture, and encourage inclusive and harmonious relationships in the community. It also supports older Chinese in getting out in the community, participating in dance and assisting with them not feeling socially isolated.	
ACG2020015	Yarra Foundation	Yarra Nowruz Market	To hold a community market to celebrate Persian New Year. Activities will include art and cultural performances to introduce the New Year celebration to the local community. Children's activities will also be provided at the event and will include face painting and story telling for children to have a better idea about Persian New Year and why it is celebrated in March. The event provides an opportunity to improve communication between different groups of Iranian, Afghans, and all other Persian speaking communities as they all celebrate Nowruz regardless of their other differences.	Doncaster	Arts and Cultural	All Ages	14/03/2021	\$30,000.00	\$20,000.00	\$2,400 from Small Grants	It is recommended that Council fund Yarra Foundation at the reduced amount of \$2,400 for infrastructure costs of the event. The applicant received a Small Grant of \$3,000 to hold a Nowruz Market which was cancelled due to the Coronavirus. There is a balance of \$2,607 unspent funds which will support this event. This event aligns with the grant category objectives and will contribute to the vibrancy of Manningham and foster community spirit and sense of belonging.	Applicant to attend Grant Writing training and Grant Information session. Applicant must submit "Request to Hold an event on Council land" form via Community events page to officially request to book event site. Event planning documentation will then be requested as part of the event approval process. Applicant must pay for an additional toilet clean for use of the MC Square toilets. Recommend applicant apply to Multicultural Arts Victoria and other grant sources for future events.
NOT RECOMMENDED												
ACG2020005	Food For Thought Network Inc	Oral History Book - 40 authentic intersectionality voices - diverse women	To produce an oral history book documenting the lived experiences of 40 diverse women who have navigated gendered and cultural barriers to achieve success in a range of fields and having made invaluable contributions to Australian society.	Various locations	Gender Equity	All Ages	01/09/2020	\$61,458.99	\$16,900.00	\$0.00	No, this activity is not recommended for funding. Whilst the application aligns with grant category objectives, the percentage of Manningham residents who will benefit from the activity is only 25-30 percent which is not very high when considering the level of funding being requested.	
ACG2020004	Australian Oriental Martial Arts Tai Chi Inc.	Mid-Autumn Fitness Festival	To deliver three events for the community to view demonstration or participate in Tai Chi. The activity will promote the health benefits of tai chi in Manningham. The events will be filmed to promote the health benefits of tai chi and for future promotion.	Doncaster East	Health and Wellbeing	Adults	09/10/2020	\$17,260.00	\$11,000.00	\$0.00	No, this activity is not recommended for funding. Whilst the activity aligns with grant category objectives, the application requires further development and the applicant should be encouraged to work with Council Officers to strengthen future applications.	
ACG2020008	Noha Aly	Colour Your World - Painting on Canvas Classes for Women	To provide a series of twenty four art workshops with the aim of bringing women together particularly targeting women who are facing family violence or stress at home. The workshops aim to encourage women's empowerment explored through the process of painting on canvas.	Doncaster East	Arts and Cultural	Females from 12 years	18/09/2020	\$23,730.00	\$20,000.00	\$0.00	No, this activity is not recommended for funding. Whilst the application aligns with the grant category objectives, experience of workshop facilitator in assisting women who have been traumatised by family violence is unknown. There is no demonstration that any key agencies have been approached to confirm if they would refer their clients to the workshops or offer any form of support.	

11 CITY SERVICES

11.1 Procurement Options Update - Renewable Energy Power Purchase Agreement (RE PPA)

File Number: IN20/362
Responsible Director: Director City Services
Attachments: Nil

EXECUTIVE SUMMARY

In mid-2019, Council endorsed the CEO's decision to proceed to the tender stage for a renewable electricity Power Purchase Agreement (PPA).

At that time, the procurement option proposed was to proceed with the Local Government Power Purchase Agreement (LG PPA) project led by Darebin Council. And to commit Council's large buildings – MC², Civic Office, Depot and Pines Learning and Activity Centre - to the tender stage.

This report outlines a new development that has occurred since then. Another PPA procurement option has emerged through a company called Procurement Australia.

Consequently, this report seeks Council approval of delegated authority for the CEO to determine which procurement option to proceed with to tender.

The report also notes that Council at its 28 January 2020 meeting announced a climate emergency declaration in support of stronger and urgent climate action. This report describes how using emissions-free renewable electricity, such as wind or solar, to power large buildings will result in 2,243 tCO₂e greenhouse abatement which amounts to 25% of the 2008/09 Baseline.

1. RECOMMENDATION

That Council:

- A. Notes the July 2019 Council decision to commit Manningham's large buildings to the tender stage of a renewable energy Power Purchasing Agreement (PPA).**
- B. Notes there are two procurement options - the Darebin Council led LG PPA project and the Procurement Australia PPA project.**
- C. Delegates power to the Chief Executive Officer to determine which procurement option to proceed with to the tender stage.**

2. BACKGROUND

Council Resolutions

- 2.1 In November 2018, Manningham joined a group of 39 Victorian Local Governments to investigate the viability of joint procurement of a renewable energy power purchase agreement (PPA). This would be for wind or solar electricity supply free of greenhouse gas emissions. Darebin Council is the lead organisation of this group and the Northern Alliance for Greenhouse Action (NAGA) and other alliances are collaborating.
- 2.2 The business case for this project forecast that a PPA with a term of up to 10 years had the potential to provide participating councils with clean energy at a competitive price.
- 2.3 At its 28 May 2019 meeting, Council resolved as follows:
That Council:
- A. *Note the participation in the Local Government Purchasing Power Agreement (LG PPA) Business Case, which has the potential to deliver competitively priced wind and/or solar generated electricity to Manningham Council and that the Business Case will be assessed by independent consultants.*
 - B. *Note the intention to present a report to the 23 July 2019 Council meeting on the Business Case findings and recommendations, to consider whether or not to proceed to the next stage of participating in the joint tendering and procurement of a renewable energy PPA.*
 - C. *For the purpose of progressing discussions on Council's participation in the proposed LG PPA, delegate authority to the Chief Executive Officer to determine the percentage of Council's electricity that may be purchased through this scheme if Council chooses to proceed.*
- 2.4 At that time, the Chief Executive Officer determined to commit Council's larger buildings to the tender stage of the LG PPA project. These buildings are MC², Civic Offices, Depot and Pines Learning and Activity Centre and currently consume approximately 40% of Council's total electricity.
- 2.5 And at the meeting of the 23 July 2019, Council endorsed the following recommendations:
- A. *Endorse the decision to commit Manningham to the Tender Stage of the project by signing the LG PPA Participation Agreement; and*
 - B. *Note that Manningham's financial contribution to the next stage of the LG PPA project will be sourced from existing funds within the environmental budget.*

3. DISCUSSION / ISSUE

Climate Emergency – Pathway to Zero Emissions – a Renewable Energy PPA for Large Buildings

- 3.1 Switching to renewable electricity is the single biggest climate action that Council can undertake.

- 3.2 Council has indicated it seeks stronger and urgent climate action with its January 2020 climate emergency resolution.
- 3.3 Large buildings constitute 40% of Council's electricity consumption that would be included in the PPA.
- 3.4 Relative to the 2008/09 baseline, the renewable energy PPA would result in an emissions reduction of 2,243 tCO₂e or 25% of the baseline. Combined with the reductions already achieved to date, a 50% total reduction from the baseline would be achieved when the PPA commences. These reductions and history of Council's emissions are summarised in the following table.

Council Greenhouse Gas Emissions	
2008/09 baseline	8939
Reduction achieved by 2018/19	(- 2277)
Proposed reduction from renewable energy PPA	(- 2243)
Remaining emissions (other buildings, public lighting, fleet, gas)	4419

Procurement Options

- 3.5 Since Council's resolutions in 2019, in addition to the original LG PPA project led by Darebin City Council, another renewable energy PPA procurement option has emerged with a company called Procurement Australia. An update on these options is provided in the following sections.
- 3.6 Darebin City Council - LG PPA
- 3.6.1 The Local Government (LG) buyers group consists of 39 Victorian Councils. A Business Case funded by the group forecast that joint procurement of renewable energy through a power purchase agreement (PPA) with a term of up to 10 years had the potential to provide participating councils with clean energy at a competitive price.
- 3.6.2 Manningham has continued participation in the LG PPA project led by Darebin Council but there has been a delay in reaching the tendering stage of the project. The Municipal Association of Victoria (MAV) were to act as the Tender Agent. Manningham signed a Participation Agreement with MAV in October 2019 but this agreement has since been withdrawn as MAV and Darebin City Council were unable to form a contractual agreement.
- 3.6.3 Consequently, in addition to the LG PPA procurement option, Manningham is free to also consider an alternative, the Procurement Australia procurement option.
- 3.6.4 Procurement Australia has just launched a new procurement project, named PPA Phase 2, which is anticipated to have 10 Victorian Councils participating. Manningham Council has been invited to participate in this project.

3.7 Procurement Australia PPA

3.7.1 Procurement Australia is one of Australia's leading procurement agents and are regarded as a leader in negotiating and facilitating contracts for clients across the private and public sectors.

3.7.2 They began as MAPS Group in 1985 when the City of Melbourne established a buying group for 14 Melbourne municipal councils. They are now one of the largest energy procurement aggregators in the country.

3.7.3 Procurement Australia have successfully completed two PPA projects: the Melbourne Renewable Energy Project and PPA Phase 1. Both these projects (case examples) are described below.

3.7.4 Case Example 1: Melbourne Renewable Energy Project (MREP): Renewable electricity commenced flowing to MREP members from the 1st January 2019. The MREP consortium entered into a PPA to buy a total of 88 megawatt-hours (MWh) of electricity annually for 10 years from Pacific Hydro's wind farm at Crowlands located near Ararat, north-west of Melbourne.

Led by Melbourne City Council, the MREP consortium includes a diverse range of organisations:

- Port Phillip, Yarra and Moreland Councils
- University of Melbourne, RMIT
- National Australia Bank, Bank Australia
- Federation Square, Melbourne Convention and Exhibition Centre
- Australia Post, Zoos Victoria, Citywide
- NEXTDC

3.7.5 Case Example 2-PPA Phase 1: Procurement Australia have just completed their second procurement project in which 14 Victorian Councils participated. This PPA was successfully tendered in 2019 with energy flow commencement on 1 July 2020.

4. COUNCIL PLAN / STRATEGY

4.1 Purchasing renewable energy through a PPA and reducing greenhouse gas emissions relates to the following *Council Plan 2017-2021* goals and action areas under the Resilient Environment theme:

- Goal 3.1 – Protect and enhance our environment and biodiversity.
- Goal 3.2 – Reduce our environmental impact and adapt to climate change.
- Action area – Optimise the management of our energy, waste and water.
- Action area – Demonstrate leadership in sustainable and innovative environmental practices.

5. IMPACTS AND IMPLICATIONS

- 5.1 Using zero emissions renewable electricity for Council's large buildings will reduce Council's emissions by an additional 25%. In a relatively short time-frame, signing up for a renewable energy PPA would be a significant step forward in delivering the urgent action that Council has committed to with the January 2020 climate emergency resolution.
- 5.2 Along with the renewable energy PPA, other Council energy and emissions savings initiatives will continue to be investigated and considered. This includes Council building rooftop solar, building and public lighting energy efficiency improvements, fleet improvements and electric vehicles.
- 5.3 The additional benefit of a renewable energy PPA is that it provides an emissions-free source of electricity for electric vehicle charge points at the Civic Centre and Depot. A 2020/21 Council budget submission has been made for these charge points.
- 5.4 Through MAV Procurement, a new GreenPower electricity contract was recently signed for public lighting (40% of Council's electricity use) that will run from 1 January 2021 to 31 December 2024.
- 5.5 GreenPower is the indirect purchase of government accredited emissions-free electricity that shifts grid electricity generation away from coal towards renewables including wind and solar. The PPA will be a more direct renewable electricity purchase from identifiable wind and solar generators.
- 5.6 Using a PPA and GreenPower in parallel diversifies Council's renewable energy purchasing portfolio. Not having all council electricity supply committed to a single contract or procurement approach mitigates against the price risk of either option because we have not 'put all our eggs in one basket'. At the end of the MAV GreenPower contract, consideration can be given to shifting public lighting to a PPA if it is preferable to do so.
- 5.7 The remaining 20% of Council electricity used by small buildings is generally not suitable for a long term PPA or GreenPower as it typically does not attract an affordable price offer. A new 'small tariffs' electricity contract without GreenPower was recently signed through MAV Procurement. This contract will run from 1st July 2020 to 30th June 2023.

6. IMPLEMENTATION

6.1 Finance / Resource Implications

It is anticipated that the costs to proceed with a renewable energy PPA will be no greater than Council's current electricity costs.

To participate in the tender stage of a renewable energy PPA, a contribution of up to \$25,000 is required which will be funded from Council's environment budget allocation. The in-kind support of Council's Senior Sustainability Planner will also be required.

6.2 Communication and Engagement

There is no communication and engagement required for the tender stage of the PPA project. In preparation of this report and in consideration of the procurement options the project team have engaged with Procurement, Finance and Property, Infrastructure and City Projects teams.

6.3 Timelines

The process of developing the tender, going to market, assessing and selecting the successful tenderer and finalising contracts for the renewable energy PPA will take some time.

Council's current electricity contract finishes in December 2020. An interim contract for 2021 has been procured through MAV Procurement, our regular procurement agents.

The table below depicts key activities associated with the PPA project.

Date	Key activity
9 Jun 2020	Councillors briefed at SBS meeting
23 Jun 2020	Council Meeting
Jun -Sep 2020	Participant Agreement signed by CEO committing Council's large buildings to the tender stage of a renewable energy PPA
31 Dec 2020	Current electricity contract expires
2021	Interim electricity contract for 2021
1 Jan 2022	Manningham's large buildings are powered by renewable electricity PPA

7. DECLARATIONS OF CONFLICT OF INTEREST

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

11.2 2020 General Valuation Return

File Number: IN20/356
Responsible Director: Director City Services
Attachments: 1 VGV GTC Advice Letter [↓](#)

EXECUTIVE SUMMARY

Council collects rates from residents and businesses within the municipality to fund infrastructure and services. With property values used as the basis for the distribution of rates across the municipality. There has been a recent change with the Valuer-General Victoria (VGV), having responsibility for annual rate evaluations for Local Government.

All stages of the 2020 General Valuation have now been completed (with the relevant date for the valuation being 1 January 2020) in accordance with the Act, and Manningham has received the final stage 4 certification by the VGV.

A summary of Rateable Property – 2020 General Valuation has been included within this report. The result for Manningham indicates an overall average increase of 7.6% in the Capital Improved Value (“CIV”) over the one year period from the 2019 general revaluation to the 2020 general revaluation, for all rateable properties.

1. RECOMMENDATION

That Council adopts the return of the 2020 General Valuation for all rateable and non-rateable leviable property within Manningham, as certified by the Valuer-General Victoria.

2. BACKGROUND

- 2.1 Council collects rates from residents and businesses within the municipality to fund infrastructure and services. With property values used as the basis for the distribution of rates across the municipality. There has been a recent change with the Valuer-General Victoria (VGV), having responsibility for annual rate evaluations for Local Government.
- 2.2 On 1 July 2018 land valuations were centralised under Valuer-General Victoria (VGV), with a new annual cycle of valuations for land tax, and council rates setting purposes. With the VGV having responsibility for rate evaluations under Valuation of Land Act 1960 (“the Act”) as amended for all rateable and non-rateable leviable land within a municipality.
- 2.3 Previously, land valuations were carried out by a valuation authority, either a council or VGV on nomination by a council and revaluations were completed every two years.
- 2.4 As per the VGV advice 29 May 2019, the VGV notice was provided gave notice under section 6(1) of the Act that the VGV general valuation to be made of all rateable and non-rateable leviable land within the municipality as at 1 January 2020.

- 2.5 Under sections 9 and 13F of the Act, the VGV is recognised as the valuation authority in respect of all rateable and non-rateable leviable land within the municipal district.
- 2.6 The 2020 General Valuation has now been completed in satisfaction of the VGV 2020 Valuation Best Practice Guidelines.
- 2.7 Council has received the final stage 4 certification from the VGV, having completed all previous stages and received certification of those stages by the VGV.
- 2.8 For all non-rateable leviable property, as per the Fire Services Property Levy, these are a separate assessment, and have been completed as part of the overall 2020 General Valuation in accordance with the VGV's 2020 Valuation Best Practice Guidelines.

3. DISCUSSION / ISSUE

3.1 Rateable Property – 2020 General Valuation

There are 51,274 rateable assessments (inclusive of the 17 recreational land assessments) in the 2020 return, compared to 50,347 for the 2019 general valuation return, an increase of 927 property assessments, or 1.84%, over 2019. This figure has been primarily influenced by the completion of residential apartments, townhouse and separate dwelling completions in the municipality.

Summary Total valuations of all rateable properties are as follows:

Site Value	\$40,855,648,500
Capital Improved Value	\$57,283,279,000
Net Annual Value	\$2,887,365,900

3.2 The movement in CIV's over the one year period for:

3.2.1 **All rateable properties** amounts to an average 7.6%;

3.2.2 **Residential properties** reflected an average increase in CIV of 8.7%;

3.2.3 **Commercial properties** decreased by 4.3%; whereas

3.2.4 **Industrial properties** whilst small in number at 146 property assessments reflected an average increase of 1.6%.

Sector	Site Value (SV)	Capital Improved Value (CIV)
Residential	10.8%	8.7%
Commercial & Industrial	3.2%	-4.3%
Total Rateable Property	10.5%	7.6%

- 3.3 The decrease in the CIV for commercial properties is seen as a reflection of soft market conditions where land tax has been a major statutory outgoing that has reflected in reduced market appeal for commercial property.
- 3.4 The key influence of the overall valuation increase across the municipal district is seen as principally due to the marginal continuation of the strength of the underlying value of land.

- 3.5 The following table highlights the movements in assessed values for the key sectors:

Type of Rateable Property – 2020 General Valuation				
	Number	SV\$	NAV\$	CIV\$
Residential/Rural	49,310	39,319,120,000	2,649,949,125	52,998,977,500
Commercial	1,801	1,346,783,500	222,291,775	4,030,636,500
Industrial	146	153,760,000	11,686,000	199,010,000
Recreational Land	17	33,062,500	3,439,000	54,655,000
Total	51,274	40,855,648,500	2,887,365,900	57,283,279,000

- 3.6 The above figures include 17 properties classified as Recreational Land, pursuant to the Cultural and Recreational Lands Act 1963. Whilst those properties are rateable, their uses for outdoor sporting activities qualify them for a Charge in Lieu of Rates.

- 3.7 Non-Rateable Leivable Properties

There are 442 non-rateable leivable properties having a total valuation as follows:

Site Value	\$697,574,000
Capital Improved Value	\$799,476,500
Net Annual Value	\$41,432,525

Summary of Non-Rateable Leivable Property – 2020 General Valuation				
	Number	SV\$	NAV\$	CIV\$
Non-Rateable Leivable	442	697,574,000	41,432,525	799,476,500

4. COUNCIL PLAN / STRATEGY

- 4.1 It is a requirement of Section 13DC(5) of the Valuation of Land Act 1960 that any general valuation must be returned to Council before 30 June immediately following the last such valuation.
- 4.2 As it forms the basis for Council rates, it must necessarily be returned no later than when the budget is adopted subject to receiving certification by the VGV.

5. IMPACTS AND IMPLICATIONS

- 5.1 The effect of the general valuation is to adjust the apportionment of rates across all rateable properties on this, the first of the centralised annual valuations under the authority of the VGV.
- 5.2 Whilst this assists in the equitable distribution of rates liability on the basis of property values, it also results in the rates for individual properties moving by varying amounts depending on shifts in values throughout the municipality.
- 5.3 The relevant date for the General Valuation was 1 January 2020 and it is noted that the movement in values across the municipality has not been even across individual properties.

6. IMPLEMENTATION

6.1 Finance / Resource Implications

6.1.1 This General Valuation will be the basis for rating within Manningham for the next one year, for the purposes of the Fire Services Property Levy, and for the assessment of Land Tax by the State Revenue Office.

6.1.2 All valuations were carried out under the authority of the VGV by independent valuers appointed by the VGV.

6.2 Communication and Engagement

6.2.1 The outcome of the 2020 General Valuation will be communicated to ratepayers via a brochure insert with the 2020-21 Valuation and Rates Notice as well as being available on Council's website.

6.2.2 This will be in the format of a Question and Answer styled document that will assist and provide clarification to ratepayers that the movement in values has not been uniform across the municipality, and that the relevant date for the annualised General Valuation was 1 January 2020 that preceded the COVID-19 pandemic.

6.2.3 Council's Marketing Unit will also liaise with the local press to provide relevant information to the public prior to the issue of Valuation and Rates Notices.

6.3 Timelines

6.3.1 Information will be distributed to ratepayers, advising that all valuations have been reviewed as at 1 January 2020 and, if they believe the valuations may be incorrect, that they should direct their concerns to the VGV.

6.3.2 The objection process is outlined on Council's web site, in the annual rates brochure, and on Valuation and Rates Notices, and, when ratepayers call to query aspects of their rates or valuations, they can be advised of their rights to direct their queries to the VGV.

7. DECLARATIONS OF CONFLICT OF INTEREST

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



Department of Environment,
Land, Water & Planning

Valuer-General Reference: MA04.20.4

Valuer-General Victoria
Level 4, 1 Little Collins Street
Melbourne Victoria 3000
GPO Box 527
Melbourne Victoria 3001
Telephone: 03 7004 1491

Mr Andrew Day
Chief Executive Officer
Manningham City Council
PO Box 1
DONCASTER VIC 3108

Dear Mr Day,

Re: 2020 General Valuation – Certification recommended to the Minister

Please be advised the 2020 General Valuation for the Manningham City Council is finalised and attached is the Form 2 summarising the valuation totals. It is recommended that council review the valuation totals of the Form 2 document and reconcile with the preliminary valuation figures used for rate budgeting purposes.

Auditing throughout the valuation cycle has shown that the general valuation of all rateable land and non rateable leviable land in the Manningham City Council has been made in accordance with the 2020 Valuation Best Practice Specification Guidelines.

In accordance with Section 7AD of the Valuation of Land Act 1960 (the Act), I certify the General Valuation to be generally true and correct.

I will be reporting to the Minister that the 2020 General Valuation of your municipality is generally true and correct with respect to each of the bases of value.

Once the Minister has made his declaration under Section 7AF of the Act that the valuation is suitable to be adopted and used for the purposes of any rating authority allowed to use the valuation, a copy of the declaration will be forwarded to your municipality.

Should you have any questions, please contact _____ on _____.

Yours faithfully

ROBERT MARSH

Valuer-General
5/05/2020

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11.3 Recreational Lands - Charges in Lieu of Rates 2020-21

File Number: IN20/357
 Responsible Director: Director City Services
 Attachments: Nil

EXECUTIVE SUMMARY

Properties classified as Recreational Land under the Cultural and Recreational Lands Act 1963 (the C&RL Act) must be levied a charge in lieu of rates that is determined in accordance with the C&RL Act.

As a new general valuation for 2020 is about to be returned to Council (based on the centralised annual valuation as determined by the Valuer-General of Victoria as the valuation authority), it is appropriate to review the charges for each classified property.

1. RECOMMENDATION

That Council:

- A. Declares the following properties to be Recreational Lands under the provisions of the Cultural and Recreational Lands Act 1963, and, in consideration of the services provided by Council to the Recreational Lands and of the benefit to the community derived from such Recreational Lands:**

Summary Charges in Lieu of Rates for 2020/21

Property No.	Club	Address	Charges in Lieu of Rates for 2020/21
731907	Bulleen Tennis Club	284 Thompsons Road, Lower Templestowe	Nil
725769	Currawong Tennis Club	25 Springvale Road, Donvale	Nil
43688	Doncaster Bowling Club	Rear 699 Doncaster Road, Doncaster	Nil
725751	Doncaster Hockey Club	7 Springvale Road, Donvale	Nil
503032	Doncaster Tennis Club	802-804 Doncaster Road, Doncaster	Nil
725760	Donvale Bowls Club	11 Springvale Road, Donvale	Nil
731952	Donvale Tennis Club	36 Mitcham Road, Donvale	Nil
38902	Greythorn Bowling Club	7 Gregory Court, Bulleen	Nil
732474	Park Orchards Tennis Club	568 Park Road, Park Orchards	Nil
732438	Serpell Tennis Club	7A Burleigh Drive, Templestowe	Nil
732447	South Warrandyte Tennis Club	64 Croydon Road, Warrandyte South	Nil
255770	Templestowe Bowling Club	1-3 Swilk Street, Templestowe	Nil
732429	Templestowe Park Tennis Club	94 Porter Street, Templestowe	Nil

10108	Veneto Club	191 Bulleen Road, Bulleen	\$15,461
732456	Warrandyte Tennis Club	12 Taroona Avenue, Warrandyte	Nil
732465	Wonga Park Tennis Club	6 Old Yarra Road, Wonga Park	Nil
200634	Yarra Valley Country Club	9-15 Templestowe Road, Bulleen	\$14,540
		Total 2020-21	\$30,001

B. Receives and adopts Charges in Lieu of Rates for 2020-21.

2. BACKGROUND

- 2.1 The Cultural and Recreational Lands Act 1963 (“the Act”) enables Council to provide financial support to rateable properties that are used for out-door sporting, recreational or cultural purposes and vested in, or operated by, not-for-profit organisations.
- 2.2 That support is facilitated by section 4(1) of the Act, which allows Council to set a charge in lieu of rates that Council thinks reasonable having regard to:
- the services provided by Council in relation to such lands, and
 - having regard to the benefit to the community derived from such recreational lands.
- 2.3 The Act requires that Council sets charges in lieu of rates having regard to the services it provides to the recreational lands and the community benefit to the community derived from the recreational lands.
- 2.4 Services provided by Council have been considered under three categories, namely:
- facilities provided by Council;
 - services to the community at large that the Club partakes; and
 - services specifically provided to the Incorporated Club.
- 2.5 In relation to facilities provided by Council on Council land, such as playing surfaces, club houses, car parks and the like, these are part of Council’s obligation to provide opportunities for the ratepayers to participate in recreational activities. These assets always remain the property of Council and, as such, the provision of such facilities is a community benefit and not a benefit specific to the incorporated body engaged to manage and operate the facilities on Council’s behalf.
- 2.6 All of the recreational lands in Manningham are operated on a not-for-profit basis, where access to the recreation facilities is through membership rights and fees or charges. The only facilities which are generally open to non-members are those available to guests at gaming and dining facilities at the Veneto Club and Yarra Valley Country Club.
- 2.7 The 2020 review confirmed that there were no movements in the type or number of Recreational Lands from those identified in the 2019 review.

3. DISCUSSION

Recreation Lands, Minor and Major Clubs

3.1 For the previous General Valuation in 2019, it was determined by Council that:

- a) the benefit to the community from **the listed Minor Clubs** was considered greater than the cost of services by Council, and
- b) the level of volunteers offsets the cost to Council and the benefit of volunteers is a saving to Council in the provision of services.

Therefore, the Charges in Lieu of Rates was set at \$0 for all Minor Clubs. This approach is again supported for the 2020 review.

3.2 There are 17 properties considered to be Recreational Lands within the municipality, being

Minor Clubs:

- Tennis Clubs (10);
- Bowls Clubs (4); and
- Hockey Clubs (1).

Major Clubs:

- Veneto Social Club; and
- Yarra Valley Country Club.

3.3 In relation to the Major Clubs, the following table provides an outline of the historical Charges in Lieu of Rates from 2017 and that proposed for 2020/21.

Charges in Lieu of Rates General Rate increase	2016/17	2017/18	2018/19	2019/20 (Current)	2020/21 (Proposed)
	+2.5%	+2.5%	+2.5%	+2.5%	+2.0%
Veneto Club	\$15,520	\$15,831	\$14,788	\$15,158	\$15,461 +2.0%
Yarra Valley Country Club	\$14,599	\$14,891	\$13,908	\$14,255	\$14,540 +2.0%
Total	\$30,119	\$30,722	\$28,696	\$29,413	\$30,001 +2.0%

3.4 Therefore, it is recommended that the Charges in Lieu of Rates for the Veneto Club and Yarra Valley Country Club be set at:

Veneto Club - \$15,461

Yarra Valley Country Club - \$14,540

3.5 In considering the net benefit to the community, it is appropriate to consider the value of volunteer services. In the minor clubs (tennis, bowls and hockey), where there is a high level of volunteerism, the "free input" of volunteerism creates a net value, or benefit, to the user equivalent to the value of the volunteer labour. The value of volunteerism is, therefore, considered as a net benefit to the community.

- 3.6 The areas occupied by the two major clubs, the Veneto Club and the Yarra Valley Country Club are on extensive private land. Despite the community benefit of the open space being restricted since a person has to be a member of the Club, or an invited guest, to gain access to the open space area, the presence of open space adds to the amenity of the area and has an environmental benefit, and as such has been considered in assessing the charge in lieu of rates for each club.
- 3.7 In the case of the Veneto Club (5.2 hectares) and Yarra Valley Country Club (21.8 hectares), this land is such that the area has severe development restrictions and will most likely remain open space. The land's classification as Recreational Land is not a determining factor, because, if it ceased to be Recreational Land, it would most likely continue to be open space.
- 3.8 Council is required by the Act to apply charges in lieu of rates that it "thinks reasonable". Having regard to the similar nature of minor clubs that provide tennis, bowls and hockey, it is reasonable that these clubs be treated similarly since they all have similar operations, level of volunteerism, provide membership-based services and do not occupy large areas of open space.
- 3.9 On balance, and having regard to the level of direct services provided to Minor Clubs, and their net contributions to the community, it has been concluded that the net benefits to the community attributable to the value of volunteer services exceeds the consumption of direct and indirect Council services, and that it is, therefore, reasonable that their charges in lieu of rates be \$0.
- 3.10 The land occupied by the Veneto Club and Yarra Valley Country Club is not dependant on its classification as Recreational Land to remain open space. Whilst they do not operate facilities on behalf of Council, and the size and scale of the operations enable them to employ staff, and meet expenses normally associated with commercial operations, the comments in sections 3.6 and 3.7 herein are relevant to the assessment under the Act.
- 3.11 The 2020 review, therefore, concludes that the Veneto Club and Yarra Valley Country Club should continue to have charges in the order of those levied for the past years and it is proposed that the charges in lieu of rates based on the rate cap of 2% for 2020/21 period be set at \$15,461 and \$14,540 respectively for 2020/21.

4. COUNCIL PLAN / STRATEGY

- 4.1 It is proposed that the seventeen properties classified as Recreational Lands under the Act be charged a total of \$30,001 in 2020/21 as part of Council's Budget.

5. IMPACTS AND IMPLICATIONS

- 5.1 Those Clubs occupying land deemed to be Recreational Land will receive annual Rate Notices that will disclose charges in lieu of rates.
- 5.2 They will also be advised that the Act provides that, when such properties cease to be Recreational Lands, they will be liable for back-rates for up to ten years based on the value of the property at the time it ceases to be classified. This only applies to land in private ownership.

6. IMPLEMENTATION

6.1 Finance / Resource Implications

As per the Council Budget for 2020/21, it is proposed that the seventeen properties classified as Recreational Lands under the Act be charged a total of \$30,001 in 2020/21.

6.2 Communication and Engagement

The outcome of Council's determination will be advised to the Clubs, together with their property classifications and the basis for proposed charges in lieu of rates for 2020/21.

6.3 Timelines

To be effected as part of the proposed charges in lieu of rates for the coming financial year.

7. DECLARATIONS OF CONFLICT OF INTEREST

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

12 SHARED SERVICES

There are no Shared Services reports.

13 CHIEF EXECUTIVE OFFICER

13.1 Record of Assembly of Councillors

File Number:	IN20/312
Responsible Director:	Chief Executive Officer
Attachments:	<ol style="list-style-type: none">1 Manningham Fire Management Planning Committee – 1 May 2020 ↓2 Manningham Emergency Management Planning Committee - 1 May 2020 ↓3 Liveability Innovation Technology Committee - 6 May 2020 ↓4 Healthy City Advisory Committee - 20 May 2020 ↓5 Open Space and Streetscape Advisory Committee 25 May 2020 ↓6 Special Strategic Briefing Session – 26 May 2020 ↓7 Strategic Briefing Session – 2 June 2020 ↓8 Strategic Briefing Session – 9 June 2020 ↓

EXECUTIVE SUMMARY

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

1. RECOMMENDATION

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

- **Manningham Fire Management Planning Committee – 1 May 2020**
- **Manningham Emergency Management Planning Committee – 1 May 2020**
- **Liveability Innovation & Technology Committee – 6 May 2020**
- **Healthy City Advisory Committee – 20 May 2020**
- **Open Space and Streetscape Advisory Committee – 25 May 2020**
- **Special Strategic Briefing Session – 26 May 2020**
- **Strategic Briefing Session – 2 June 2020**
- **Strategic Briefing Session – 9 June 2020**

2. BACKGROUND

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

2.1.1 The subject of a decision of the Council; or

- 2.1.2 Subject to the exercise of a function, duty or power of the Council that has been delegated to a person or committee but does not include a meeting of the Council, a special committee of the Council, an audit committee established under section 139, a club, association, peak body, political party or other organisation.
- 2.2 An advisory committee can be any committee or group appointed by council and does not necessarily have to have the term 'advisory committee' in its title.
- 2.3 Written records of Assemblies are to include the names of all Councillors and members of Council staff attending, a list of matters considered, any conflict of interest disclosures made by a Councillor and whether a Councillor who has disclosed a conflict of interest leaves the meeting.

3. DISCUSSION / ISSUE

- 3.1 The Assembly records are submitted to Council, in accordance with the requirements of Section 80A of the Local Government Act 1989. The details of the following Assemblies are attached to this report.
- Manningham Fire Management Planning Committee – 1 May 2020
 - Manningham Emergency Management Planning Committee – 1 May 2020
 - Liveability Innovation & Technology Committee – 6 May 2020
 - Healthy City Advisory Committee 20 May 2020
 - Open Space and Streetscape Advisory Committee 25 May 2020
 - Special Strategic Briefing Session – 26 May 2020
 - Strategic Briefing Session – 2 June 2020
 - Strategic Briefing Session – 9 June 2020

4. DECLARATIONS OF CONFLICT OF INTEREST

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

Record of an Assembly of Councillors

Manningham City Council

Manningham Fire Management Planning Committee

Meeting Date: Friday 1st May 2020
Venue: Zoom
Starting Time: 9am

1. **Councillors Present:**
Councillor Paul McLeish (Mayor) – Mullum Mullum Ward

Officers Present:
Michael Tregonning – Coordinator Parks
Helen Napier – Manager City Amenity
Andrew Graydon – Team Leader Parks
Ben Middleton – Coordinator Emergency Management
Samantha Bradley – Environmental Planner
Dean Graham – Engagement Officer Emergency Management
Scott Morone – Team Leader Local Laws/MFPO
Amber Thorgersen – Emergency Management Officer

2. **Disclosure of Conflicts of Interest**
Nil

3. **Items Considered**

1. Welcome, introductions and apologies
2. Minutes of previous meeting
3. Business arising from the previous meeting
4. Correspondence
5. Manningham Fire Management Action Plan Reporting
6. VFRR Reporting
7. Fire Mitigation Meeting
8. DELWP Response to Anderson Creek
9. Requests to Burn from CFA and Council Report
10. Manningham Inspection Program
11. RFMPC Meeting Update
12. Parking Issues at Warrandyte and Update on Signage
13. EM Engagement Update
14. Newman's Road Nursing Home Fire
15. Other Business

Finishing time
The meeting ended at 10am

Record of an Assembly of Councillors

Manningham City Council

Manningham Emergency Management Planning Committee

Meeting Date: Friday 1st May 2020

Venue: Zoom

Starting Time: 10am

- 1. Councillors Present:**
Councillor Paul McLeish (Mayor) – Mullum Mullum Ward

Officers Present:

Rachelle Quattrocchi – Director City Services
Helen Napier – Manager City Amenity
Ben Middleton – Coordinator Emergency Management
Dean Graham – Engagement Officer Emergency Management
Scott Morone – Team Leader Local Laws/MFPO
Amber Thorgersen – Emergency Management Officer
Travis Fitch – Coordinator Environmental Health
John O'Brien – Coordinator Assets and Environment

- 2. Disclosure of Conflicts of Interest**
Nil

3. Items Considered

1. Confirmation of previous minutes
2. Actions arising from previous meeting
3. Correspondence
4. Guest Speakers
5. General Business
 - 5.1 Parking Issues affecting Emergency Vehicle access around Pound bend and other locations in Warrandyte
 - 5.2 CERA Update and planning
 - 5.3 EM Legislation and Planning Reform Update
 - 5.4 Manningham Storm and Flood Plan
 - 5.5 Winter Outlook
 - 5.6 Mullum Mullum Stadium as an Emergency Relief Centre
 - 5.7 Coronavirus Relief and Recovery
 - 5.8 Community Engagement Update
 - 5.9 NSP Relocation to outdoor spaces
 - 5.10 Grants and Projects Update
 - 5.11 Training and Exercising Update
 - 5.12 Items without notice
6. Sub Committee Reports
 - 6.1 Municipal Fire Management Planning Committee
 - 6.2 Community Resilience Committee
7. Agency Reports
8. Next Meeting 1 August 2020

Finishing time

The meeting ended at 12pm

Record of an Assembly of Councillors

Manningham City Council

Liveability Innovation & Technology Committee

Meeting Date: Wednesday, 6 May 2020
Venue: Zoom meeting
Starting Time: 6:30 pm

1. Councillors Present:

Councillor Mike Zafiroopoulos AM (Deputy Mayor) – Koonung Ward
Councillor Andrew Conlon – Mullum Mullum Ward
Councillor Michelle Kleinert – Heide Ward
Councillor Dot Haynes – Koonung Ward

Officers Present:

Angelo Kourambas - Director City Planning & Community
Matt Slavin - Manager Integrated Planning
Ben Harnwell - Coordinator Business, Events and Grants
David Bellchambers – Manager Information Technology
Faye Adams - Senior Sustainability Officer (Secretariat)

2. Disclosure of Conflicts of Interest

There were no conflicts of interest disclosed.

3. Items Discussed

- 3.1 Recap – Smart City Opportunities – Paper & Case Studies
- 3.2 Meshed LoRaWan technology
- 3.3 What next for Smart Cities Opportunities
- 3.4 Communications update
- 3.5 News from the sector

Finishing time at 8:20 pm

D20/51395

Record of an Assembly of Councillors

Manningham City Council

Healthy City Advisory Committee Meeting

Meeting Date: Wednesday 20 May
Venue: Zoom Online Meeting
Starting Time: 3pm

1. Councillors Present:
Cr Paul McLeish, Mayor

Officers Present:

Angelo Kourambas, Director City Planning and Community
Bronwyn Morphett, Coordinator Social Planning and Community Development
Janae Hendrey, Social Planning and Development Officer

2. Disclosure of Conflicts of Interest
Nil

3. Items Considered

1. **Welcome to Country and Introductions**
2. **Apologies**
3. **Resignations**
4. **New Members**
5. **Confirmation of previous minutes**
6. **Manningham Council and Members response to COVID -19**
7. **Healthy City**
8. **Committee Members Updates**

Finishing time - The meeting ended at 4.30pm

Record of an Assembly of Councillors

Manningham City Council

Open Space and Streetscape Advisory Committee

Meeting Date: 25 May 2020
Venue: Online Meeting via Zoom
Starting Time: 6pm

- 1. Councillors Present:**
Cr Geoff Gough (Chair)
Cr Anna Chen
Cr Dot Haynes (Observer)

Officers Present:
Frank Vassilacos
Carrie Lindsay
Helen Napier

- 2. Disclosure of Conflicts of Interest**
No conflicts

3.

4. Items Considered

1. Welcome and introductions
2. Apologies
3. Conflicts of interest
4. Action items from previous minutes
5. Confirmation of previous minutes
6. Council Policy for Overhanging Trees on Roads
7. Toilet Strategy
8. Update on new park for Hepburn Road
9. Update on Ruffey Lake Park landscape Masterplan
10. Update on Urban Design Capital upgrades
11. Open Space Land Acquisition
12. Parks Improvement Program
13. Next Meeting Mon 31 August at 6pm

The meeting ended at 8pm

Record of an Assembly of Councillors

Manningham City Council

Strategic Briefing Session

Meeting Date: 26 May 2020
Venue: via Zoom video conferencing
Starting Time: 8:15pm

1. Councillors Present:

Cr Paul McLeish (Mayor), Cr Mike Zafiroopoulos (Deputy Mayor), Cr Anna Chen, Cr Andrew Conlon, Cr Geoff Gough, Cr Michelle Kleinert and Cr Paula Piccinini.

Apologies from Councillors:

Cr Sophy Galbally, Cr Dot Haynes

Executive Officers Present:

Andrew Day, Chief Executive Officer
Angelo Kourambas, Director City Planning & Community
Philip Lee, Director Shared Services
Andrew McMaster, Corporate Counsel and Group Manager Governance & Risk
Rachelle Quattrocchi, Director City Services

Other Officers in Attendance:

Carrie Bruce, Senior Governance Advisor
Liz Lambropoulos, Team Leader Integrated Transport

2. Disclosure of Conflicts of Interest

Nil.

3. Items Discussed

- 3.1 North East Link - Judicial Review Update (confidential)
- 3.2 Ward Names

The meeting ended at 10.31pm

Record of an Assembly of Councillors

Manningham City Council

Strategic Briefing Session

Meeting Date: 2 June 2020
Venue: via Zoom video conferencing
Starting Time: 6:30pm

- 1. Councillors Present:**
Cr Paul McLeish (Mayor), Cr Mike Zafiroopoulos (Deputy Mayor), Cr Anna Chen,
Cr Andrew Conlon, Cr Dot Haynes, Cr Michelle Kleinert and Cr Paula Piccinini

Apologies from Councillors:
Cr Geoff Gough and Cr Sophy Galbally

Executive Officers Present:
Andrew Day, Chief Executive Officer
Angelo Kourambas, Director City Planning & Community
Philip Lee, Director Shared Services
Andrew McMaster, Corporate Counsel and Group Manager Governance & Risk
Rachelle Quattrocchi, Director City Services

Other Officers in Attendance:
Kim Tran, Governance Officer
Cormac McCarthy, Senior Open Space Development Officer
Lee Robson, Manager Community Resilience
Robert Morton, Recreation Planner
Heather Callahan, Coordinator Recreation Helen
Helen Napier, Manager City Amenity
Justin Hanrahan, Group Manager Community Programs

- 2. Disclosure of Conflicts of Interest**
Nil.

- 3. Items Discussed**
- 3.1 Draft 10 Year Parks Improvement Program (confidential)
 - 3.2 Overview of COVID-19 Resilience and Recovery Activities
 - 3.3 Outdoor Sports Infrastructure Policy
 - 3.4 Sporting Facilities Allocations Policy
 - 3.5 2020/2021 Community Grants Program Allocations
 - 3.6 Amending Animal Control Order Warrandyte River Reserve

The meeting ended at 10.31pm

Record of an Assembly of Councillors

Manningham City Council

Strategic Briefing Session

Meeting Date: 9 June 2020
Venue: via Zoom video conferencing
Starting Time: 6:30pm

1. Councillors Present:

Cr Paul McLeish (Mayor), Cr Mike Zafiroopoulos (Deputy Mayor), Cr Anna Chen, Cr Andrew Conlon, Cr Geoff Gough, Cr Dot Haynes, Cr Michelle Kleinert and Cr Paula Piccinini

Apologies from Councillors:

Cr Sophy Galbally

Executive Officers Present:

Andrew Day, Chief Executive Officer
Angelo Kourambas, Director City Planning & Community
Philip Lee, Director Shared Services
Andrew McMaster, Corporate Counsel and Group Manager Governance & Risk
Rachelle Quattrocchi, Director City Services

Other Officers in Attendance:

Carrie Bruce, Senior Governance Advisor
Graham Brewer, Manager Property Services
Lee Robson, Manager Community Resilience

2. Disclosure of Conflicts of Interest

Nil

3. Items Discussed

- 3.1 2020 General Valuation Return
- 3.2 Recreational Lands – Charges in Lieu of Rates 2020-21
- 3.3 Rental Relief Request (confidential)
- 3.4 Planning Scheme Amendment C130mann - 11 Toronto Avenue, Doncaster.
Consideration of Panel Report
- 3.5 Procurement Options Update - Renewable Energy Power Purchase Agreement
- 3.6 Request for a Disability Advisory Committee
- 3.7 Annual Review of the Procurement Policy 2020

The meeting ended at 8.54pm

14 URGENT BUSINESS**15 COUNCILLORS' QUESTION TIME****16 CONFIDENTIAL REPORTS****16.1 Ten Year Parks Improvement Program**

This information has been designated in writing as confidential information by the Chief Executive Officer pursuant to S77(2)(c) of the Local Government Act 1989. The meeting will be closed pursuant to S66(2)(a) of the Local Government Act 2020 to consider confidential information the relevant ground applying is S3(1)(c) land use planning, being information that if prematurely released is likely to encourage speculation in land values.

16.2 Rental Relief Request

This information has been designated in writing as confidential information by the Chief Executive Officer pursuant to S77(2)(c) of the Local Government Act 1989. The meeting will be closed pursuant to S66(2)(a) of the Local Government Act 2020 to consider confidential information the relevant ground applying is concerning S3(1)g(ii) private commercial information, being information provided by a business that if released, would unreasonably expose the business to disadvantage.