



Ordinary Meeting of Council

Olympia, Ibbott & Hawdon Rooms; Level 4, 1 Flintoff Street, Greensborough

7 February 2022

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Inclusive Local Jobs Strategy & Action Plan Key Achievements 2020-21

This document will highlight the key achievements of the Inclusive Local Jobs Strategy & Action Plan in the 2020/2021 FY.

Inclusive Local Jobs Strategy & Action Plan

The Inclusive Local Jobs Strategy & Action Plan 2020-2025 was adopted by Council in September 2020. In its first year of delivery the Strategy & Action Plan facilitated the creation of 62 local job outcomes for people facing barriers to employment. The Covid-19 pandemic had significant impact on the delivery of the strategy. The impact of Covid lockdowns on local industries and high unemployment saw a reduced opportunity and appetite to create inclusive employment opportunities and restrictions meant key events could not go ahead or were delivered in a modified capacity. Despite these challenging circumstances, good outcomes were still achieved.

The key achievements of the Inclusive Local Jobs Strategy & Action plan in 2020/2021 FY:

- A partnership with Working for Victoria provided 22 employment outcomes for vulnerable people at Banyule City Council who has lost their jobs as a result of Covid impacts.
- 25 employment opportunities were created through the Inclusive Employment Program. 11 people completed the program, 8 secured transitional pathways and 6 casual employment opportunities were created.
- 3 external employment opportunities and 2 internal employment opportunities were supported and brokered for Inclusive Employment Program Alumni.
- The establishment of the cafe lease at Ivanhoe Library & Cultural Hub with the Peter Rowland Group. This facilitated the creation of 6 employment opportunities and 2 training opportunities.
- Brokerage of a traineeship, in partnership with Brotherhood of St Laurence, to support the delivery of Jobs Victoria Advocate Program.
- The development of an inclusive employment toolkit to support inclusive employment outcomes in the local government sector. This as an open source resource for all local governments to support them to create their own inclusive employment programs.
- Strong links continue to be built with local employers, employment service providers and key networks.
 - MOU's are currently in place with local employment service providers Brotherhood of St Laurence and Interact, to provide ongoing support for the Inclusive Employment Program participants.
 - An MOU is in place with NELP/SPARK which commits to employing at least 50 people and utilising the Inclusive Employment Program as a primary conduit to achieving this target. The MOU was signed in May 2020 so does not fall within this reporting period, however ongoing communication and stakeholder relationship management continues to occur.

1000 Local Jobs Target

The Inclusive Local Jobs Strategy, alongside the Social Enterprise Strategy has an aspirational target of creating 1000 jobs for local people facing barriers to employment by 2025. Collectively, in year one of the strategies and action implementation 184 job outcomes have been created. This is tracking well against the aspirational target of creating 1000 job outcomes by 2025.

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Social Enterprise Action Plan 2020-2025

Focus Area 1: Advance place-based social enterprise innovation				
Priority actions	Key initiatives	Lead	Timeframe	Funding status
1. Support a culture of social enterprise innovation to thrive in Banyule.	1.1 Support the establishment of a community-led Banyule Social Enterprise Network.	SE&LJ	2022-2025	Refer to future budgets
	1.2 Actively support existing hubs and co-working spaces to provide space for social enterprise activity.	SE&LJ	2020-2025	Existing Resource/ Budget
	1.3 Scope the establishment of a social innovation hub.	SE&LJ	2024-2025	Refer to future budgets
2. Lead the Local Government sector on using social enterprise as a strategy to boost social innovation.	2.1 Work across Council to facilitate opportunities for social enterprises to develop innovative solutions that deliver value for Council and address identified local social issues.	SE&LJ	2020-2025	Existing Resource/ Budget
	2.2 Develop and implement social enterprise training for Banyule City Council staff.	SE&LJ	2021-2025	Existing Resource/ Budget
	2.3 Provide advice and guidance for other Councils wanting to work on social enterprise strategies.	SE&LJ	2020-2025	Existing Resource/ Budget
	2.4 Develop a Social Innovation Framework to consolidate Banyule City Council's approach to strengthening social impact creation through place-based social enterprise and inclusive employment initiatives.	SE&LJ	2022-2023	Existing Resource/ Budget
	2.5 Develop a Social Innovation Strategy and Action Plan to strengthen social impact creation in Banyule.	SE&LJ	2024-2025	Existing Resource/ Budget

Social Enterprise Action Plan 2020-2025

Focus Area 2: Build business capability and capacity				
Priority actions	Key initiatives	Lead	Timeframe	Funding status
1. Support emerging social enterprises to develop a feasible business model.	1.1 Co-design and host a free social enterprise development program for local people that want to start a social enterprise, in collaboration with partners.	SE&LJ	2022-2025	Refer to future budgets
	1.2 Co-design and host a free social enterprise development workshop for local NFP organisations seeking support to renew their business model, in collaboration with partners.	SE&LJ	2023-2025	Refer to future budgets
2. Enable strategic social enterprise partnerships and innovation.	2.1 Continue delivery of Social Enterprise Partnership Program to implement Council-identified shared value projects.	SE&LJ	2020-2025	Existing Resource/ Budget
	2.2 Deliver social enterprise support service to existing and emerging social enterprises in Banyule.	SE&LJ	2020-2025	Existing Resource/ Budget
	2.3 Review existing small business and community grant programs to enable access for social enterprises.	SE&LJ	2022	Refer to future budgets

Social Enterprise Action Plan 2020-2025

Focus Area 3: Improve market access				
Priority actions	Key initiatives	Lead	Timeframe	Funding status
1. Embed a whole-of-council procurement framework that leverages Council purchasing to support social and economic outcomes.	1.1 Develop and include sustainable procurement targets in Banyule's procurement policy and guidelines.	Proc	2020-2025	Existing Resource/ Budget
	1.2 Develop and implement a measurement and reporting tool to track procurement targets.	Proc	2020-2025	Existing Resource/ Budget
	1.3 Implement a marketplace to support Council staff purchasing from social benefit suppliers.	Proc	2020-2025	Existing Resource/ Budget
	1.4 Enhance Council's procurement training to educate Council staff about sustainable procurement.	Proc	2020-2025	Existing Resource/ Budget
2. Connect social enterprises with buyers and supply chain opportunities.	2.1 Review Banyule City Council's historical spend and future needs to identify and enable potential sustainable procurement opportunities.	Proc (SPWG)	2020-2025	Existing Resource/ Budget
	2.2 Host category specific tender briefings to educate suppliers about sustainable procurement, including opportunities to create inclusive employment outcomes and partnerships with social benefit suppliers and local businesses.	Proc (SPWG)	2022-2025	Existing Resource/ Budget
	2.3 Collaboratively host an annual networking event to educate suppliers about sustainable procurement in Banyule, including opportunities to create inclusive employment outcomes and partnerships with social benefit suppliers and local businesses.	Proc (SPWG)	2022-2025	Existing Resource/ Budget

Social Enterprise Action Plan 2020-2025

Focus Area 4: Increase community awareness and engagement				
Priority actions	Key initiatives	Lead	Timeframe	Funding status
1. Support the local community to learn about and actively engage with social enterprise.	1.1 Promote and publish insights and case studies with the community.	SE&LJ	2020-2025	Existing Resource/ Budget
	1.2 Promote activities and events being run by social enterprises in Banyule.	SE&LJ	2020-2025	Existing Resource/ Budget
	1.3 Create and maintain a social enterprise page, including a directory on the Banyule City Council website.	SE&LJ	2021-2025	Existing Resource/ Budget
	1.4 Run a social enterprise campaign inclusive of an event to enable direct engagement with social enterprises.	SE&LJ	2024-2025	Refer to future budgets

KEY:

Proc - Procurement

SE&LJ - Social Enterprise and Local Jobs

SPWG - Sustainable Procurement Working Group

Funding status of 'Existing Resource/Budget' is on the basis that existing EFT and operational budget is ongoing.

Social Enterprise Strategy & Action Plan Key Achievements 2020-21

This document will highlight the key achievements of the Social Enterprise Strategy & Action Plan in the 2020/2021 FY.

Social Enterprise Strategy & Action Plan – Year 1

The Social Enterprise Strategy & Action Plan 2020-2025 was adopted by Council in September 2020. In its first year of delivery the Strategy & Action Plan facilitated the creation of 122 job outcomes for people facing barriers to employment. Covid-19 significantly impacted local social enterprises. Extended lockdowns and public health direction saw a significant decrease in customer numbers and periods of closure. Capacity limits also saw a reduction in staff and trainees and created an environment of uncertainty and constant change. Despite these challenges, great outcomes were still achieved

The key achievements of the Social Enterprise Strategy & Action plan in 2020/2021 FY:

- The Social Enterprise Partnership Program continued to provide outcomes in 2020/2021. The partnership program has 3 active partnerships including:
 - Chancez Café
 - Community Grocer
 - The Little Social at Rosanna Train Station
- The establishment of the Little Social partnership at Rosanna Train Station facilitated the creation of:
 - 42 local job opportunities for vulnerable community members.
 - 80 local pathways to employment for vulnerable community members.
- By working across Council to facilitate opportunities for social enterprises to deliver value for Council and address identified local social issues, a café opportunity at Bellfield Community Hub was identified as a new shared value project.
- The Social Enterprise Support Service, which assists community members and aspiring or established local social enterprises with tailored information and help, continues to provide great outcomes. During this time, the Social Enterprise Officer had 25 appointments for social enterprise support.
- Brotherhood of St Laurence was supported to gain a coworking space at Shop 48 to deliver on their Jobs Victoria Employment Services.

1000 Local Jobs Target

The Social Enterprise Strategy, alongside the Inclusive Local Jobs Strategy has an aspirational target of creating 1000 jobs for local people facing barriers to employment by 2025. Collectively, in year one of the strategies and action plan implementation 184 job outcomes have been created. This is tracking well against the aspirational target of creating 1000 job outcomes by 2025.



Minutes Inclusive Banyule Advisory Committee

5 November 2021

Present

Members

Angela Papoutsoglou, Michael Geary, Sebastian Zita, Petra Begnell, Meri Ivanovska, Jane Cowell, Tom Conley, Linda Liwewe, Julie Johnson, Irene Fitzpatrick, Owen Butler, Glenn Swafford, Sam Cartledge, Mandira Panday, Nicole El-Hage, Masita Maher

Councillors

Cr Mark Di Pasquale, Cr Tom Melican, Cr Peter Dimeralos

Council Staff

Kath Brackett – Director Community Programs

Theonie Tacticos – Coordinator Community and Social Planning

Danielle Clarke – Community and Social Planner

Myfan Jordan – Community and Social Planner

Les Chessells – Community and Social Planner

Vicki Martinez – Community and Social Planner

Blair Calwell – Barbunnin Beek Coordinator

Apologies

Matthew Bui, Helen Riseborough, Brooke Streatfeild, Jillian Gallagher

1. Welcome and introductions

The meeting was opened by the Chair at 1.05pm. An acknowledgement of the traditional custodians of the land, the Wurundjeri Woi-wurrung people and the Banyule Diversity Statement were read. Committee members were welcomed.

Acknowledgment of Traditional Owners:

We acknowledge this virtual meeting is taking place on many First Nations Peoples lands and we acknowledge Council operates on the traditional lands of the Wurundjeri Woi-wurrung people and we pay our respects to all Aboriginal and Torres Strait Islander Elders, past, present and emerging, who have resided in the Banyule area and have been an integral part of the region's history.

Inclusive Banyule Statement:

Council is committed to access, equity, participation and rights for everyone; principles which empower, foster harmony and increase the wellbeing of an inclusive community.

Inclusive Banyule Purpose

Kath Brackett, Director of Community Programs, welcomed everyone to the meeting and explained the purpose and importance of the Inclusive Banyule Advisory Committee. Delivers on Council's ongoing and embedded commitment to social justice and inclusion. The committee brings together policy, practice and lived experience to work cooperatively on social inclusion issues. Work to identify issues for advocacy and work with Council to identify future policy issues. Want to address the ongoing impacts of COVID-19 on social inclusion and address social justice and equity in the community.

Introductions

Councillors and Council staff introduced themselves. Committee members introduced themselves, the organisation or population committee they represent, and what they want to get out of the Inclusive Banyule Advisory Committee.

Inclusive Banyule Framework

Theonie Tacticos spoke to the Inclusive Banyule Framework. Main highlights of document are the four pillars (equity, participation, access and rights) we want to frame our work on, including the population plans and guiding our work internally and externally. Theonie asked for any feedback or comments from the committee.

Comments from committee:

- future meetings that each agenda item is highlighted on the agenda. For example; we will be referring to paper X. This will make it clearer as to what document is being spoken about in the meeting.

2. Inclusive Banyule Mapping

Rationale for Social Inclusion

The main purpose of the meeting is to brainstorm and hear what the main issues arising from COVID-19 around social isolation are, and how we can work together on social inclusion and recovery.

The committee was separated into five breakout rooms with a Council staff facilitating the conversation and taking notes. Questions were sent out ahead of time in preparation for the meeting.

Between this meeting and the next meeting, we will pull together what has been said and look at what actions we take forward as the committee.

Rationale for social inclusion is self-evident with the impact of COVID on peoples experience of social isolation and exclusion. This has come up strongly in our health planning and profiling. As part of MPHWP research, social isolation is a major issue. We want to bring everyone together and hear from people's expertise.

Reporting on Breakout Room Discussions

Each group reported back to the committee feedback and highlights from conversations in the breakout rooms.

A summary of Breakout room themes can be found in the *Inclusive Banyule Advisory Committee – Mapping Summary and Twelve Month Focus* document

Comments from the committee:

- Keen to see tangible goals arise from these conversations and measurable objectives in terms of COVID recovery
- Is there a concern that the digital things bought in due to COVID that this will impact employment and there will be less jobs after COVID?
- People were already worried about automation. The pivot to put technology in place the economic recovery will be slower. Fewer less skilled jobs around that have been replaced by technology and digital
- Occupations that have significant growth over the next 3-4 years, especially around entry level jobs
- Irene Fitzpatrick to look at entry level jobs that will not be in short supply up until 2025
- Regarding mapping. Possible to have a look at more broadly social impacts that put working class people into poverty as a result of losing income. Needs to be some kind of social welfare response to mitigate the impacts, or from an education employment pathway where do we increase employability?
- The importance of translation services being essential. Important to not rely of technology for communication in CALD communities

3. Other business

Population Advisory Committee Updates

Population Advisory Committee representatives provided the Inclusive Banyule Advisory Committee with an update of key themes and discussions from their respective committee meetings

Reconciliation Action Plan Committee:

- Important to note our community requires participation from all to come together as one
- Barbunnin Beek established in West Heidelberg; will be a place of cultural safety for Aboriginal and Torres Strait Islander people but the door will be open for everyone. Will be a learning opportunity for all our community

Age-Friendly Committee:

- Hear back from Council about the transport review, committee is keen to see how Council has progressed this and influence across government
- What can we do outdoors? Talking with council staff to help facilitate further use of green spaces in Banyule

- Facilitate and encourage exercise for people of all ages

Disability Committee:

- Few issues raised. Key issue Watermarc as a facility. Experiences of those of people with a disability that have not had positive and accessible experiences
- December 3rd is international day of people with a disability. Excited to see what events happen in the community

LGBTIQ+ Committee:

- Emerged common theme across the committee. Keen to have a memorial for people who have passed from AIDS/HIV and other LGBTIQ+ related deaths
- Committee wanting a safe space for the LGBTIQ+ community to gather and reconnect socially after extended isolation
- Guest speaker talking about their experiences as an intersex person. Conversation with the committee to include Asexual in title
- Improve safety and safe spaces in community with an identified space where people can gather with others. Barriers to existing spaces include infrequency, open to general public so it's not a dedicated safe space
- Looking at starting an initiative with Watsonia and Greenhills Neighbourhood Houses called Safe Houses. This will include training of staff to facilitate safe spaces for the LGBTIQ+ community

Multicultural Committee:

- Really pleased to have a diverse group of people representing the spectrum of views on the committee
- Primary work will be on the Multicultural Plan that is still under development. Initial consultation questions posed to the group – these were particularly around access and participation barriers
- Committee had consultation with Council staff member from the digital team on inclusive communication and translations

Next Steps – Moving Forward

Thanks to the committee for their contribution to the first meeting. Council staff will bring together the work from breakout rooms to bring to next meeting. Looking for themes and barriers. Come together as the broader group to decide how we are working on this together, is there anything missing and is there anything we need to add to support our work. We will start looking at what collective impact looks like for the Inclusive Banyule Advisory Committee, we want to be action oriented. We will consider working groups if we decide this helps action what we are doing as a committee.

Meeting Close and Next Meeting

Minutes of the Inclusive Banyule Advisory Committee

5 November 2021

The meeting was declared closed at 3.03pm.

Next meeting Friday 26 November 1-3pm.



Minutes Inclusive Banyule Advisory Committee

26 November 2021

Inclusive Banyule Advisory Committee| Minutes



Meeting details

Date of meeting	Friday, 26 November 2021
Time	1pm - 3pm
Venue	Online
Chair/Facilitator	Cr. Elizabeth Nealy
Minutes	Danielle Clarke

Acknowledgement of the Traditional Custodians

"Our meeting is being held on the Traditional Land of the Wurundjeri Woi-wurrung people and, on behalf of Banyule City Council, I wish to acknowledge them as the Traditional Custodians. I would also like to pay my respects to the Wurundjeri Woi-wurrung Elders, past, present and emerging, and to acknowledge other Aboriginal and Torres Strait Elders joining us today."

Diversity Statement

"Our community is made up of diverse cultures, beliefs, abilities, bodies, sexualities, ages and genders. We are committed to access, equity, participation and rights for everyone: principles which empower, foster harmony and increase the wellbeing of an inclusive community."

Attendee

Attendee name	Affiliation/Organisation
Kath Brackett	Banyule City Council
Theonie Tacticos	Banyule City Council
Cheree Hunter	Banyule City Council
Cr. Tom Melican	Banyule City Council
Petra Begnell	Healthy Communities (PCP)
Michael Geary	Banyule Community Health Service
Julie Johnson	Neighbourhood House Network
Glenn Swafford	Age-Friendly Committee
Kerryn Burgoyne	Disability Committee
Tom Conley	Reconciliation Action Plan Advisory Committee
Matthew Bui	Victoria Police
Angela Papoutsoglou	Department of Families, Fairness and Housing
Amanda Watkinson	Department of Justice
Catherine Corbett	Age-Friendly Committee
Helen Riseborough	Women's Health in the North
Jane Cowell	Yarra Plenty Regional Libraries

Linda Liwewe	Multicultural Committee
Mandira Panday	Multicultural Committee
Peggy Oberthier	Department of Education and Training
Nicole El-Haggi	LGBTIQ+ Committee

Apologies

Name	Affiliation/Organisation
Brooke Streatfield	Department of Education and Training
Irene Fitzpatrick	Local Employment Taskforce
Sam Cartledge	Disability Committee

Items

1. Introduction 1:00 – 1:20

Acknowledgement of traditional custodians
Diversity Statement

Councillors, committee members and Council officers introduced themselves and their roles

Meeting purpose and outcomes were summarised. Mapping activity and guest speakers were introduced to the committee.

2. Inclusive Banyule – Twelve-month focus 1:25 –2:05

Findings from the previous Inclusive Banyule Advisory Committee meeting were introduced and identified priority areas were highlighted. Inclusive Banyule Advisory Committee focus areas for the first twelve-months of implementation were discussed. The committee participated in further mapping on social connection and mental wellbeing in the initial stages of social recovery from impacts of the pandemic.

Summary of previous meeting mapping exercise

Four shared priority areas identified for opportunities in collective advocacy and impact: mental wellbeing and social connection, family violence, social housing, and employment.

Action focus for the next twelve-months will specifically look at mental wellbeing and social connection. Further mapping in this meeting will identify how the committee can facilitate greater social connection and promote mental wellbeing in the initial stages of social recovery from impacts of the pandemic.

Future Inclusive Banyule Advisory Committee meetings will include updates on opportunities and challenges across the four identified priority areas, this will support discussions on collective advocacy opportunities with particular focus on family violence, social housing and employment.

Mapping Exercise – Social Connection and Mental Wellbeing

Committee members were sent to three breakout rooms. Each breakout room focused on a key theme: social connection and mental wellbeing activities, at-risk population groups from disengaging, and local level messaging.

Council officers will collate discussions in breakout rooms and identify key themes to support one-two actions for the Inclusive Banyule Advisory Committee to support.

Action: Summary of breakout room discussions to be provided to the committee

3. Other Business 2:05-3:00

Housing Victoria and Women's Health in the North presented to the committee on social housing and family violence respectively. Presentations detailed the current status and challenges impacting Banyule, and areas the Committee can support existing and upcoming work. An overview of the next steps between now and the next meeting was detailed to the committee.

Housing Victoria Presentation

Hannah Duncan-Jones from Housing Victoria provided a detailed presentation on current statistics and projects to address social housing in Banyule and surrounding areas. At the completion of the presentation committee members were invited to ask questions and discuss the presentation.

Action: Powerpoint presentation to be shared with Committee

Women's Health in the North Presentation

Helen Riseborough presented the strategic direction of Women's Health in the North, key drivers and actions in the prevention of violence against women and family violence, and synergies with the Inclusive Banyule Advisory Committee.

Action: Powerpoint presentation to be shared with Committee

Next Steps

Mapping from today's meeting will identify 1-2 key actions for implementation addressing social connection and mental wellbeing focusing on the impacts of the pandemic on social isolation. Internal mapping and conversations to prepare for advocacy discussions in the lead up to federal and state budgets and elections.

4. Meeting closed 3:00pm. Next Meeting Friday February 11 2022 1:00-3:00pm



Minutes RAP Advisory Committee

10 November 2021



RAP ADVISORY COMMITTEE Minutes

Wednesday 10th of November 2021 5.00pm to 6.30pm

Chairperson: Cr Peter Dimarelos

Minutes: Blair Colwell (Aboriginal Gathering Place Coordinator)

Location: Online – Microsoft Teams

I. Welcome and introductions

5.04pm Meeting Commenced at 5.04pm

Item 1.

Attendees:

RAP Advisory Group Members

Chair

- Cr Peter Dimarelos – Chair
- Uncle Charles Pakana
- Shelly Ware
- Uncle Owen Butler
- Maddie Miller
- Sue Harris
- Tom Conley
- Helen Pereira
- Catherine Bradley

Council Staff

- Kath Brackett – Director, Community Programs and RAP Champion
- Theonie Tacticos – Coordinator of Community and Social Planning
- Blair Colwell – Aboriginal Gathering Place Coordinator
- Les Chessells – Aboriginal Community and Social Planning – designated Contact officer

Apologies:

- Mayor Cr Rick Garotti
- Shane Grigg
- Banyule Community Health Services representative

Welcome and House Keeping

Acknowledgment: Delivered by Councillor Dimarelos

Diversity Statement: Delivered by Councillor Dimarelos

Recording of Meeting: No objections, meeting recorded to assist with minutes.

Contact officer advised Chair that quorum had been met.

5.10

Introductions and Action arising**Chair**

- Cr Peter Dimarelos introduce himself
- Each Committee member introduced themselves quickly (as this was done during induction)

Actions from previous minutes:

Action One: A position description (PD) for Co-Chair of RAP Advisory Group be developed by 8th of October for circulation to the membership for comment (date added in for administration purposes)

Discussion – Re remuneration for the Co-Chair role to acknowledge the extra work and responsibilities to be taken on. Suggestions that an extra fee be paid. Contact officer advised at the next round of Governance training (Post COVID restrictions – TBA) that an invite will be extended to Committee members.

Updated Action: PD draft to be sent to RAP Advisory Group Members by 14th of December 2021 for feedback and advise.

Action Two: The Contact officer prepare a brief by the 8th of October for input and feedback from Committee members for preparation of a brief to be presented to management for consideration to be tabled at a Council meeting for determination.

Update: As this is internal request. The Director has provided a recommendation to Councillors to support the fees for the additional work of the Co-Chair role. This is before Council on the 8th of November 2021.

Completed As a result of the Council decision on the 8th of November 2021 to allow Chair fee's. This action is now completed.

Action Three: Interested members to email Les with their own self-nomination by 8th of October 2021 (date added in for administration purposes).

Update: Dependent on Council outcome. The matter is on agenda for discussion.

5.5pm to 5.40pm	RAP Advisory Group Co – Chair	Contact officer
	<p>Update from Councillor Dimarelos that Council has passed a resolution that the co-chair be remunerated for their time and cultural expertise of \$120 for the role of co-chair and \$60 of general members per RAP meeting.</p> <p>Call for nomination for the position of Co-Chair;</p> <p>Maddi was nominated by Uncle Charles. Maddi accepted nomination.</p> <p>Tom nominated himself.</p> <p>Members felt not equipped to vote without knowing in more detail of nominees.</p> <p>Action 1: Les and Kath to take discussion off line as result of discussions to establish a fair and transparent process which is respectful of culture. A process will be established and shared with a group which will nominate a Co-Chair before next RAP Advisory Group Meeting.</p> <p>Discussion also occurred re- remuneration of members when they are representing the RAP Advisory Group in other forums. I.e. Inclusive Banyule Advisory Group. Contact officer advised these are voluntary meetings</p> <p>Action 2: Contact Officer to seek clarity re -remuneration of members when they are representing the RAP Advisory Group in other forums.</p>	
5.40pm	<p>RAP Priority Actions for discussion, feedback and consultation</p> <p>RAP Action 1.5. (Respect) Include and acknowledge First Nations languages, culture and people in the naming of Banyule places Contact Officer and spaces. Deliverable 3. Create a list of First Nations people of significance to be recognised in Banyule place names.</p> <p>Group Discussion</p> <p>Les mentioned a number of known Community members such as Aunty Alma Thorpe, Uncle Bruce McGuiness (passed away), Uncle Sonny Booth (passed away), Aunty Beryl Booth to start the</p>	All

conversation. RAP Advisory committee members also mentioned Uncle Kevin Coombs and William Barak.

Is there potential to rename existing places in Banyule community particularly names which may be culturally inappropriate or align with contemporary values? This is out of scope for this agenda item however offices to take this question on notice and consider implications of changing names of existing places.

Action 3: Members to consider names of Respect Aboriginal figures with connection to Banyule. Members can send nomination by email in the coming weeks with information about the person as they may be an un-sung hero of the community. By the **18th of December 2022** (date added post meeting to give a timeframe)

Action 4: Contact Officer will provide guidelines and processes before the next meeting re- renaming Council areas and or Street names regarding persons who have been found to have committed autocracies against First Nation peoples of the area.

RAP Action 1.2. (Relationships)

Promote reconciliation through our sphere of influence.

Deliverable 3.

Council will continue to communicate our commitment to reconciliation publicly.

Discussion: Article or banner (email) which highlights 'truth telling' to the broader community. Highlighting significant Elders through communication. Hosting talks, yarning circles or forums with Aboriginal Elders. Panels of Aboriginal community members. Use of social media highlighting initiative in the community for example football club adopting Aboriginal Art themed football jumpers. A consistent approach to build our profile in the community over time. Pod casts potentially highlighting themes. Reactivation of public place to address potential isolation of community members. Lanyards or items which start the conversation around reconciliation. 3KND interviews. Consolidated planned effort opposed to stand alone items. History including dispelling commonly held myths in the community. Aboriginal story telling. Branding.

Action 5: Establish a volunteer working group from members of the RAP Advisory Committee to work with Council and Marketing and Communication to establish a comprehensive and consistent communication plan. Interested members to email Les on or before 14th of December 2022 (date add to enable a timeframe)

RAP Action 1.2. (Respect)

Provide and promote Aboriginal and Torres Strait Islander resources to increase respect for cultural protocols and build staff cultural awareness.

Deliverable 4.

Continue to review Banyule Traditional Owner Acknowledgment and Welcome to Country resources, procedures and protocols and increase staff understanding of the purpose and significance behind cultural protocols.

Discussion: The ANTA acknowledgement plaque be replaced with a new purpose designed plaques. Proposed design of plaque to come to RAP Advisory Committee Meeting. Plaques be kept separate or together from diversity statement. Potential for acknowledgment plaque to be on the outside of locations with the diversity statement inside.

Action 6: A design of new Acknowledgment plaques be brought back to RAP Advisory Committee for their consideration

The feedback from the RAP Advisory Group that the Acknowledgment plaques and diversity statement plaques be separated. And not joined side to side or top to bottom as put forth by Contact officer.

6.25 Barrbunin Beek Update:**Blair Colwell**

RAP Advisory Committee welcome Blair and congratulated him on his appointment.

Barrbunin Beek Update: The new Barrbunin Beek Coordinator, Blair Colwell, has commenced in the role and in attendance of RAP Advisory Commitment Meeting. The officer is working toward re-activation of space the community emerges from lock down. More information will be distributed through the RAP Advisory Committee outlining future events and activities in the space.

3. Other business**6.30**

Confirm Actions arising

Chair

Please note: Time did not allow confirming Actions

Chair thanked members and staff for their participation: Meeting close

Next meeting: Wednesday 9th of February 2022 5pm to 6.30pm Venue TBA

C-Chairs meeting to be advised (Between 27th of January to 1st of Feb 2022)

Actions Arising

Action Item No.	Description	Responsibility	Due date	Status
Carried over action items				
	PD draft to be sent to RAP Advisory Group Members for feedback and advise.	Contact Officer	by 14 th of December 2021	Ongoing
Actions arising				
1	Les and Kath to take discussion off line as result of discussions to establish a fair and transparent process which is respectful of culture. A process will be established and shared with a group which will nominate a Co-Chair before next RAP Advisory Group Meeting	Contact Officer	by 14 th of December 2021	Tom has withdrawn his nomination. Maddie Nomination stands. Email sent to First Nations members to support nomination
2	Contact Officer to seek clarity re -remuneration of members when they are representing the RAP Advisory Group in other forums.		By 14 th of December 2021	Ongoing
3	Members to consider names of Respect Aboriginal figures with connection to Banyule. Members can send nomination by email in the coming weeks with information about the person as they may be an un-sung hero of the community.	All	By the 18 th of December 2022 (date added post meeting to give a timeframe)	Ongoing
4	Contact Officer will provide guidelines and processes before the next meeting re-renaming Council areas and	Contact Officer	By 27 th of January 2022	Ongoing

	or Street names regarding persons who have been found to have committed atrocities against First Nation peoples of the area.			
5	Establish a volunteer working group from members of the RAP Advisory Committee to work with Council and Marketing and Communication to establish a comprehensive and consistent communication plan. Interested members to email Contact Officer	Contact Officer	on or before 14 th of December 2022 (date add to enable a timeframe)	Ongoing
6	A design of new Acknowledgment plaques be brought back to RAP Advisory Committee for their consideration The feedback from the RAP Advisory Group that the Acknowledgment plaques and diversity statement plaques be separated. And not joined side to side or top to bottom as put forth by Contact officer.	Contact Officer		Completed. Noted to engage RAP Advisory Committee with design for feedback. Acknowledge feedback on plaque placement.



Minutes Banyule Arts & Culture Advisory Committee

4 November 2021

MINUTES OF BACAC MEETING

4 NOVEMBER 2021

Present**Council Officers**

Cr Elizabeth Nealy, Cr Peter Dimarelos, Kath Brackett, Hannes Berger, Steph Neoh

Committee Members

Kate Hansen, Genelle Ryan, Joanne O'Hara, Caroline Wall, Leah Crossman, Paul Higgins, Deb Lemcke, Amy Stephenson, June Gassin

Apologies

Craig Eloranta, Janelle Dunstan, Kevin Ritchie

1. Welcome and Apologies

Cr Nealy declared the meeting open, acknowledged the traditional owners the Wurundjeri Woi-wurrung people, read the Banyule Diversity Statement and welcomed all present and noted apologies.

- Actions from previous meeting – all were completed.

2. Art Collection Working Group**Acquisition Policy and Activity**

- Art Collection Working Group has been formed, with committee members Leah Crossman and Caroline Wall, as well as Cr. Elizabeth Nealy.
- First task of the Art Collection Working Group will be to assist the Art Curator to acquire artworks from the 2021 Banyule Award for Works on Paper.
- Recommendations and discussion will take place in January, with a formal Recommendation brought to February BACAC meeting for endorsement.
- BACAC's endorsement is a requirement of the Banyule Art Collection Policy prior to the recommendation going to Council for approval.

De-accession recommendation – *Sleeping Sentinel* by Leigh Conkie

- Art Collection Working Group has also met to discuss de-accessioning this public art work that has come to the end of its life. The Working Group recommended to BACAC (as per the policy) that the work should be de-accessioned. The artist has been contacted, in accordance with the Art Collection Policy.
- Working Group members spoke on the rationale for the decision: Leah Crossman – (Art & Collections Coordinator, Darebin Council), provided insight on life-span of public artworks and requirements for decommissioning public artworks. Caroline Wall (AMaGA Victoria) endorsed Banyule's policy & process as ethically sound and explained and commended the de-accession process.
- June Gassin – voiced her strong sadness at its loss, expressed a desire to see this public artwork replaced with another at this site.
- Amy Stephenson – speaking as an Ivanhoe resident, used to walk past this sculpture with her small child in a pram, and that her child learnt the word "sculpture" from this artwork! Sad to see it go but recognizes that it is at end of life.
- The committee had a discussion prompted by these illustrations of the value and importance of Public Art, and also the process for commissioning new and replacing existing works.
- Hannes explained the need for Council to develop a Public Art Framework (in addition to the Public Art Policy) to guide decision-making on how Council best directs its resources in this area, in an equitable way. Requests for public art are growing.
- **Unanimous vote taken in support of Recommendation to de-accession *Sleeping Sentinel*.**

2

MINUTES OF BACAC MEETING

4 NOVEMBER 2021

ACTION: Proceed to decommissioning phase of *Sleeping Sentinel*. Hannes to distribute Art Collection Policy to BACAC.

3. COVID Roadmap & the 'New Normal'

Sector round-up (what are members experiencing in their areas?) Challenges / opportunities / considerations for art & culture this summer:

- Leah Crossman – Darebin – reopening of Bundoora Homestead, managing COVID requirements and anxieties of artists/volunteers/staff, etc.
- Joanne O'Hara – Arts Centre Melbourne– “Play On Victoria” – reopening weekend was very successful, a lot of excitement, with a level of anxiety. Everyone is struggling with the question of how to run events safely. Fortunate to have the Sidney Myer Music Bowl as an outdoor venue.
- Amy Stephenson – ACMI Festivals team – staff burnt out from WFH, and cancelling/planning/rescheduling events, but also a lot of excitement, “full throttle ahead” for December.
- Deb Lemcke – from commercial/retail perspective – staff are nervous about returning, staff burnt out, working hard (community-based events) to work with restrictions/requirements.
- Paul Higgins – Empire Recording Studio – managing reopening studios with studio upgrade construction, exhausted, keeping the business viable, pivoted through lockdown to online sale of equipment. Current challenge of dealing with anti-vax musicians – how to navigate a business, turning away customers, etc. Lost schools programs as well over past 2 years.
- Cr. Nealy – mindset change – do venues have the capacity to socially distance??
- Caroline Wall – chats with regional organisations struggling with loss of volunteer workforce, peoples' priorities change, life changed during lockdowns, so routines have changed for people.
- Joanne O'Hara – “the great resignation”, people resigning jobs, changing their lives in response to COVID, more able to take risks that they wouldn't before. Astounded by Paul's experience of anti-vaxxers, as she has not seen this at the Arts Centre
- Paul Higgins – more anxiety now about contracting COVID than previously – general consensus of nervousness of returning to “normal” life with so many COVID cases around.

4. Council Plan 2021 – 2025

Workshop/discussion to explore directions for new A&C Strategic Plan.

- Hannes introduced the Banyule Vision 2041 and next 4-year Council Plan
- 6 Priority Themes in the Council Plan, and many Strategies to achieve these.
- Arts & Culture have reportable actions in 4 of the themes in the next Annual Business Plan
- Discussed the role of the Arts & Culture Strategic Plan and how it supports/embellishes the City Plan and embeds the Cultural Outcomes Framework.
- Recap on Cultural Outcomes and public policy planning.

Discussion:

Committee's response to Council Vision and Plan?

How to marry the Cultural Outcomes to the Council Plan's Priority Themes?

What should Banyule's Arts and Culture priorities be over the next 4 years?

MINUTES OF BACAC MEETING**4 NOVEMBER 2021**

- Paul Higgins – audit of existing artists, etc. Perhaps from finding out WHO is in our community, we can direct WHAT we program/deliver. Find different modes of delivery, for different people, different experiences.
- Leah Crossman – identify and prioritise neighbourhoods in Banyule who are in need of activation or social connection through the arts.
- Genelle Ryan – was there a review of the previous Arts & Culture Strategic Plan?
- Joanne O'Hara – what does the community want? Do they want more festivals, events, writing, music? What do people want?
- June Gassin – seems like the next 6 months will be a transition time, taking into account our new 'reality', finding out what kind of activity people are comfortable with in our new reality.

Hannes explained that a review of the previous strategic plan and the process of developing a new plan had not formally started yet.

He said the consultation for developing the Banyule Vision 2041 revealed a strong demand for more arts & culture experiences – consultation to determine what these experiences are will form part of the developing the next plan.

He discussed plans to do an Arts & Culture audit of Banyule (existing venues, activations, programs, public art, etc.) in addition to the community consultation.

Exciting opportunity to explore new possibilities for programming in the next few years!

5. What's On

- *Germinate* by Felicity Gordon (17 Nov – 5 Dec)
- *Bubbles* by Joe Pascoe & Don Walters (10 Dec – 16 Jan)
- FILM+ (Thurs 18 Nov, 6:30-8:00pm)
- 2021 Banyule Award for Works on Paper (14 January – 13 March 2022)
- Pinpoint Networking Event (2 Dec)
- Carols by Candlelight (Sat 18 Dec)
- Projector Bikes Program (Jan-March)

ACTION: Hannes will send out details of all upcoming events and invitations to Pinpoint Artist Networking Event. Steph will provide exhibition postcard invites.

6. Other Business?

MS Teams – Banyule IT has set up functionality for each Advisory Committee to have a private Teams group: for online chats and file sharing. Does BACAC want to utilize this functionality?

Sense from group that multiple channels of communication can be confusing and 'one more thing to monitor'. Agreement to set it up and trial it but request to continue emailing for important communications.

ACTION: Hannes to invite committee to join BACAC Teams Group. Also distribute info on using Teams.

7. Meeting Close

Cr Nealy closed the meeting at 7:47pm

Next Meeting: Thursday 3 February 2022 – in person, at ILCH.

MINUTES OF BACAC MEETING

4 NOVEMBER 2021

ATTACHMENT I

WHAT'S ON – NOVEMBER / DECEMBER

Ivanhoe Library & Cultural Hub

- Art Gallery 275 closed for the remainder of 2021
- Loft 275 will operate to Library opening hours in November/December 2021

The 2021 Banyule Award for Works on Paper – Finalists' Exhibition

Postponed Exhibition Dates: 14 January – 13 March 2022

Opening Night: Wed 13 January

Germinate

by Felicity Gordon

Exhibition Dates: 17 November – 5 December

Engagement, collaboration and permaculture have long formed the basis of Felicity Gordon's work. *Germinate* invites community members to engage with nature by growing some of their own food. Gallery visitors will be able to sow a food plant seed to germinate at home. By coming closer to nature, visitors will be able to gain an appreciation of the enchanting and naturally occurring systems of decay and renewal. Using collage, worried paper, violent splashes and pools of ink the works mimic microscopic underground communities of bacteria and fungi. It is a mostly unknown world of immense power and diversity.

Bubbles

By Joe Pascoe and Don Walters

Exhibition Dates: 10 December 2021 – 16 January 2022

Bubbles are the collaborative creation of artist Don Walters and poet Joe Pascoe. Bubbles is an every-person character who finds life a little bewildering, but still has wonder and hope. You are invited to join Bubbles and their friends on a joyous adventure together. This exhibition will display the original artworks and the respective poems from a soon-to-be-published book, *Bubbles: On an Island Somewhere South of Paris*, by the creative duo.

Yarra-me Djila Theatre @ ILCH

FILM+ (Experimental Film Nights)

Thursday 18 November, 6:30-8:00pm

FILM+ is a night of short films and video art curated by local filmmaker Jutta Pryor, via her association with filmmakers and film festivals across the globe. Each event will be themed and presents an international collection at the forefront of experimental film. This is a unique opportunity to discover the latest directions with access to the vision of international filmmakers.

POETICISM is the first presentation, a diverse international collection of curated works covering a multitude of personal interpretations of that theme.

Limited Seats, Bookings Essential: <https://www.trybooking.com/BSQOR>

MINUTES OF BACAC MEETING**4 NOVEMBER 2021****Three A&C Grants funded projects (2020 round) taking place around Banyule:****Artsish**

Artsish is a digital art showcase that features, fosters and furthers the work of diverse artists in the Banyule Community. Launching in December, the website will contain stories in the form of podcasts with artists alongside an opportunity to view their artwork online. This one of a kind virtual showcase will stimulate the audience's curiosity and imagination by featuring unique art in all its forms, from music to graphic design and poetry.

Artsish will be launching in December at www.artsish.org

Stop, Listen

Stop, Listen is a public sound art installation by Vincent Giles and Alice Bennett that uses listening shrouds at Yallambie Park and Warringal Parklands, to allow people to intimately listen to the wonder of the environment around them. Inspired by observation of humans engaging with resonant objects, such as seashells, the work will celebrate the abundance of acoustically rich fauna and encourage a stronger auditory connection to place. For more information on dates and locations go to: TBC Banyule event listing page

Banyule Walk & Talk

Banyule Walk & Talk is an exciting new web-series created by local artists Troy Larkin and Lou Endicott that highlights different urban nature walks in Banyule. The idea for the series was born out of the 2020 Covid-19 lockdowns, when the both artists relied heavily on Banyule's green spaces for exercise, mental well-being and a place to recharge and relax. Supported by a Banyule Arts and Culture grant, each five-minute episode explores different local parklands and the historical, cultural and environmental attributes that make each walk unique. For more information go to: <https://www.banyule.vic.gov.au/Events-activities/Whats-on/Community-events/Banyule-Walk-Talk>

PINPOINT ARTIST NETWORKING EVENT

Thursday 2 December, 6pm – 7.30pm

Ivanhoe Library & Cultural Hub

* * *



Minutes Banyule Disability & Inclusion Advisory Committee

24 November 2021

Minutes | Banyule Disability & Inclusion Committee



Meeting details

Date of meeting	Wednesday, 24 November 2021
Time	5.30 – 7:00pm
Venue	Online via Teams
Chair/Facilitator	Cr Rick Garotti
Minutes	Vicki Martinez

Acknowledgement of the Traditional Custodians

"Our meeting is being held on the Traditional Land of the Wurundjeri Woi-wurrung people and, on behalf of Banyule City Council, I wish to acknowledge them as the Traditional Custodians. I would also like to pay my respects to the Wurundjeri Woi-wurrung Elders, past, present and emerging, and to acknowledge other Aboriginal and Torres Strait Elders joining us today."

Diversity Statement

"Our community is made up of diverse cultures, beliefs, abilities, bodies, sexualities, ages and genders. We are committed to access, equity, participation and rights for everyone: principles which empower, foster harmony and increase the wellbeing of an inclusive community."

Attendee

Attendee name	Affiliation/Organisation
Kerryn Burgoyne	Community Representative
Sarah Hockey	Community Representative
Elizabeth Parry	Community Representative
Donna Prichard	Community Representative
Sam Cartledge	Community Representative
Allan Leenaerts	Community Representative
Parvin Ahadi	Community Representative
Sharon Solomidid	Community Representative
Laila Fernandez	Community Representative
Ros Melling	Community Representative
Emma Lowe	Belgravia Leisure
Dani Stramandinoli	Community Representative
Vicki Martinez	Banyule City Council
Theonie Tacticos	Banyule City Council
Cheree Hunter	Banyule City Council

Apologies

Name	Affiliation/Organisation
Alicia Rotella	Community Representative
Kath Brackett	Banyule City Council
Anthea Miles	(no longer in region and resigned from committee)

Items

1. Introduction: Welcome and Apologies

Cr Rick Garotti provided an Acknowledgement of Traditional Custodians and delivered the Diversity Statement. Minutes of previous Meeting: Endorsed as correct. Motion carried by all members.

Permission for recording of session endorsed for the purpose of minutes.

2. Council Updates

Council Officers Vicki Martinez and Theonie Tacticos provided an update of key Council projects and initiatives. See attached presentation.

Inclusive Banyule:

Theonie outlined Inclusive Banyule as Council's commitment to deliver an integrated approach to diversity and inclusion across Council and community. First meeting of the Inclusive Banyule Advisory Committee (including representatives Sam Cartledge and Kerryn Burgoyne) was held on the 5 November 2021. Other representatives include people from other population committees and senior staff from partner agencies across Banyule. The session explored the recovery and impacts of COVID 19 on community. Reconnection, mental health, housing, family violence and employment were highlighted. A follow up meeting scheduled for 26 November 2021 will identify actions. Sam provided comment and confirmed the outlined priorities and mapping process. Theonie also redefined the four pillars surrounding the Inclusive Banyule: Access, Equity, Rights and Participation.

International Day of People with Disability:

A program of thirteen activities has been developed for International Day of People with Disability celebrations and will be hosted from the 27 November to the 4 December. The programs include community based activities, consultation sessions, celebrations and lunches, training sessions and an art installation. The program has been emailed to members and promotion to networks was encouraged. Partner agencies were thanked for their active contribution into the program. Feedback was sought. Kerryn suggested the importance of conducting awareness training on Autism in the future to staff and community. Commitment was made to deliver ongoing training sessions across the broad disability groups next year.

Watsonia Town Square:

Consultation is being undertaken on Shaping Banyule on the concept designs for the construction of the town square. The Watsonia Town Square Project is a major initiative from the North East Link Funding. An overlay of accessibility and other universal design principles have been applied. Encourage members to provide comment by 3 December 2021.

Covid 19 and Impacts on PWD:

Council is working with the Victorian Department of Family, Fairness and Housing to promote local need and share information. New initiatives include the Safer and Stronger Program which includes: Disability Vaccine

Minutes

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Champions, Disability Liaison Officer, accessible vaccination options and Auslan service request and social scripts.

3. Summary of 1:1 Member Meetings

Members were thanked for making the time to meet with Vicki on a one to one to explore their areas of interest and primary concerns for people with disabilities in community. Using this information, Vicki developed a mind map of all key ideas and this was shared with the members.

Discussion

The group discussed some of the key issues which included: Information Provision and Communication, Accessibility and Universal Design, Business and Community Awareness, NDIS, Inclusion and building understanding, Programs, Events, Activities, Sport and Recreation Options, Peer/Carer Supports, Climate Change, Intersectionality, COVID Impacts, Vocational Opportunities, Service Gaps and Celebration.

The idea of prioritising these options were explored and the inclusion of topic-based discussions at future meetings, whereby speakers and other council officers bought in.

Kerryn highlighted the importance of employment and business awareness. Cr. Garotti advised that the Banner has a major article on social enterprises in Banyule supporting people with disabilities. Cheree also confirmed that Council has a dedicated Inclusive Employment Facilitation Officer Role that has commenced to support community including people with disabilities to access jobs locally.

Action

Action Item 1: Vicki to invite the Inclusive Employment Facilitation Officer to present at the next meeting.

4. Disability Action Plan

Vicki presented on the Disability Action Plan timeframe and on the broader political context and data at a national and state level. (See attached slides)

Vicki outlined the key deliverables and components of developing the plan including gathering evidence and data in November/December and consultation in January to March. A draft DAP will be developed in April ready for Committee and Council endorsement. This draft will then go to public comment and a final endorsement council in June 2022.

Discussion

Discussion centred on the usage of the mind map to help identify priorities for the plan. It was suggested the need to rationalise the areas of interest and conduct some targeted topic discussions. The process of determining priorities were outlined as a matrix of the following information: data and research, the broader state and federal priorities, the community consultation and the committee views. It was also advised that the plan will be a municipal wide plan, where actions will be delivered from across Council and community, along with a few priorities for the committee. The development of a survey of the mindmap was suggested to help the committee identify 4-5 key priorities for more in-depth discussion.

Action

Action Item 2: Vicki to establish and send out a survey of the mind map to allow members to identify their top choices.

Action Item 3: Vicki to organise a series of face to face/hybrid focus groups in late January/early February to allow for topic discussions based on survey priorities

Action item 4: Vicki to map out the existing work supporting disability inclusion across Council and share with the BDIAC at the next meeting.

Vicki presented additional information to provide a context on the priorities across national and state and provided evidence and data across the demographics, health risks, support service provisions and broad system issues. See attached slides for information.

Discussion

The following areas were highlighted by the members as aligning to local needs based on evidence provided:

- Housing and transitioning to independent housing.
- Schooling – inclusion in mainstream schools and building the capacity of teachers, aids and families on inclusive education. Also important for the general community to understand options.
- Kids with specific learning needs – additional programs needed.
- Transport access.

5. Other Business

Cerge:

Emma Lowe from Belgravia presented on Cerge. Cerge is new technology, a communication platform for organisations to provide personalised service to customers with a disability. It is being trialled at WaterMarc. It offers a needs-based service. Customers can use cerge to advise of needs so staff can prepare in advance ensuring people have a more positive experience. Allows the customer service staff to tailor the experience for each individual. Allows younger team members to gain advice from a more experienced staff member building their capacity also. Emma provided an infographic of the process: download app, choose the business to interact with, preferences are established and these are sent to the team. Cerge have sponsored 50 free passes. Will be launched on IDPWD. Emma was looking for feedback and people to get involved. Donna volunteered her assistance.

Action

Action Item 5: Emma to liaise with Donna on participation and Vicki to send out flier to networks.

Religious Discrimination Bill

Theonie advised that the Bill is being tabled in Federal Parliament next week and that it may have implications for our community. Stated a response is being put together and if people had any comments to forward to Vicki by next week.

Action

Action Item 6: Members to forward comments to Vicki to be considered in submission .

Language

Cr. Garotti raised a reflection on language and the usage of the word diffability. Kerryn outlined how she came about using this word instead of disability. Vicki outlined that language is a key consideration in the review of the Disability Act and State Plan and that there has been significant lobbying by peak bodies and advocacy groups.

Action

Action Item 7: Vicki to keep the members informed on the changes to the Act in relation to language and the use of disability

6. Close and Date of Next Meeting

Meeting was closed at 7:00pm. Next meeting scheduled for 23 February 2022.



Minutes Banyule Disability & Inclusion Advisory Committee

24 November 2021

Minutes | Banyule Disability & Inclusion Committee



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Champions, Disability Liaison Officer, accessible vaccination options and Auslan service request and social scripts.

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The idea of prioritising these options were explored and the inclusion of topic-based discussions at future meetings, whereby speakers and other council officers bought in.

Kerryn highlighted the importance of employment and business awareness. Cr. Garotti advised that the Banner has a major article on social enterprises in Banyule supporting people with disabilities. Cheree also confirmed that Council has a dedicated Inclusive Employment Facilitation Officer Role that has commenced to support community including people with disabilities to access jobs locally.

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Vicki outlined the key deliverables and components of developing the plan including gathering evidence and data in November/December and consultation in January to March. A draft DAP will be developed in April ready for Committee and Council endorsement. This draft will then go to public comment and a final endorsement council in June 2022.

Discussion

Discussion centred on the usage of the mind map to help identify priorities for the plan. It was suggested the need to rationalise the areas of interest and conduct some targeted topic discussions. The process of determining priorities were outlined as a matrix of the following information: data and research, the broader state and federal priorities, the community consultation and the committee views. It was also advised that the plan will be a municipal wide plan, where actions will be delivered from across Council and community, along with a few priorities for the committee. The development development of a survey of the mindmap was suggested to help the committee identify 4-5 key priorities for more in-depth discussion.

Action

Action Item 2: Vicki to establish and send out a survey of the mind map to allow members to identify their top choices.

Action Item 3: Vicki to organise a series of face to face/hybrid focus groups in late January/early February to allow for topic discussions based on survey priorities

Action item 4: Vicki to map out the existing work supporting disability inclusion across Council and share with the BDIAC at the next meeting.

Vicki presented additional information to provide a context on the priorities across national and state and provided evidence and data across the demographics, health risks, support service provisions and broad system issues. See attached slides for information.

Discussion

The following areas were highlighted by the members as aligning to local needs based on evidence provided:

- Housing and transitioning to independent housing.
- Schooling – inclusion in mainstream schools and building the capacity of teachers, aids and families on inclusive education. Also important for the general community to understand options.
- Kids with specific learning needs – additional programs needed.
- Transport access.

5. Other Business

Cerge:

Emma Lowe from Belgravia presented on Cerge. Cerge is new technology, a communication platform for organisations to provide personalised service to customers with a disability. It is being trialled at WaterMarc. It offers a needs-based service. Customers can use cerge to advise of needs so staff can prepare in advance ensuring people have a more positive experience. Allows the customer service staff to tailor the experience for each individual. Allows younger team members to gain advice from a more experienced staff member building their capacity also. Emma provided an infographic of the process: download app, choose the business to interact with, preferences are established and these are sent to the team. Cerge have sponsored 50 free passes. Will be launched on IDPWD. Emma was looking for feedback and people to get involved. Donna volunteered her assistance.

Action

Action Item 5: Emma to liaise with Donna on participation and Vicki to send out flier to networks.

Religious Discrimination Bill

Theonie advised that the Bill is being tabled in Federal Parliament next week and that it may have implications for our community. Stated a response is being put together and if people had any comments to forward to Vicki by next week.

Action

Action Item 6: Members to forward comments to Vicki to be considered in submission .

Language

Cr. Garotti raised a reflection on language and the usage of the word diffability. Kerryn outlined how she came about using this word instead of disability. Vicki outlined that language is a key consideration in the review of the Disability Act and State Plan and that there has been significant lobbying by peak bodies and advocacy groups.

Action

Action Item 7: Vicki to keep the members informed on the changes to the Act in relation to language and the use of disability

6. Close and Date of Next Meeting

Meeting was closed at 7:00pm. Next meeting scheduled for 23 February 2022.



Minutes Banyule LGBTIQ+ Advisory Committee

21 October 2021

MINUTES OF THE LGBTIQ+ ADVISORY COMMITTEE**21 OCTOBER 2021****Present****Members**

Nevena Spirovska (Vic Pride Lobby)
 Fleassy Malay (Mother Tongue)
 Lara H
 David L-M
 Will D
 Nicole E-H
 Richard P
 Harper F
 Jason T
 Morganne B

Councillors

Chair: Councillor Peter Castaldo

Council Staff: Myfan Jordan (Community Planner); Theonie Tacticos (Co-ordinator Community & Social Planning); Cheree Hunter (Acting Mgr, Disability, Aged and Community & Social Planning)

Apologies

Cr Alison Champion, Shev A., Nathan S., Kath Brackett

Guests: Cllr Tomas Lightbody (Manningham); Paul Byrne-Moroney (Intersex Human Rights Australia)

Item/Time	
I. Welcome and apologies	<p>Welcome and Apologies – Cllr Alison Champion</p> <ul style="list-style-type: none"> • Acknowledgement of Traditional Custodians: Banyule City Council is proud to acknowledge the Wurundjeri Woi-wurrung people as traditional custodians of the land and we pay respect to all Aboriginal and Torres Strait Elders, past, present and emerging, who have resided in the area and have been an integral part of the region's history. • Inclusive Banyule Statement Our community is made up of diverse cultures, beliefs, abilities, bodies, sexualities, ages and genders. Council is committed to access, equity, participation and rights for everyone; principles which empower, foster harmony and increase the wellbeing of an inclusive community. • Update regarding former Mayor (Cllr Rick Garotti) Cllr Castaldo spoke to the group about Cllr Garotti's recent presence at the Independent Broad-based Anti-Corruption Commission review of Labor Party branch stacking. Mr Garotti has taken a leave of absence from his role as a councillor, effective immediately, and stepped down as mayor and Deputy Mayor. Cllr Tom Melican has taken his place. Cllr Castaldo reassured the committee that Council takes the matters raised very seriously, but as the IBAC hearings are underway, he was unable to make further comment at this time.

MINUTES OF THE LGBTIQ+ ADVISORY COMMITTEE**21 OCTOBER 2021**

	<ul style="list-style-type: none"> • Meeting protocols (virtual/hybrid):
	<p>Actions arising from previous minutes</p> <ul style="list-style-type: none"> • Action: Nev to send through Pride Lobby position on toilets to MJ (Transgender Vic will provide details after the statement has gone through their committee. Nev will share then) • Action: Myfan to share 'Pride and Power' report with minutes (complete) • Action: Would a guest speaker from Austin gender clinic would be useful? – majority agreed 'yes'. Myfan to follow up in early 2022 (invitation sent) <p>Actions arising for discussion</p> <ul style="list-style-type: none"> • Adding the 'A' to the acronym? At the June meeting of the LGBTIQ+ Committee (last term), there had been discussion in relation to adding the 'A' (for asexual and aromantic or 'Ace') to the Rainbow acronym. This was aided by a guest from Asexuals Australia. The committee had recommended that the incoming committee consider this positively. Pros and cons were discussed. It was agreed that inclusion was important – and minority groups shouldn't be made to feel unvalued or invisible. However, inclusion would need to be meaningful and include engagement and consideration in the pending Action Plan. The '+' would remain. On the other side, other groups, such as Non-Binary, are not explicitly recognised. Changing the acronym will need to be agreed by Council. A vote asking, 'should we adopt the 'A' as an addition to the existing acronym?' secured majority agreement. Recommendation: to Council • Public/gender neutral toilets – next steps for Council? Myfan had spoken with the Northern Councils' LGBTIQ+ Network (Yarra, Darebin, Moreland, Nillumbik, Whittesea & Banyule) about aligned stance and wording to progress this issue, which was agreed in principle. We explored options for signage. VPL have examples – Myfan will upload to the new Teams Channel for the committee Action: Nevena to share signage with Myfan or upload to Teams channel
3/ Council updates	<ul style="list-style-type: none"> • LGBTIQ+ Teams Channel: Myfan explained how the new channel would work as a place to share documents and conversation out of session. • One place left for Inclusive Banyule Advisory Committee (IBAC) – Fridays are difficult for most members. One member had already agreed to represent the committee and another agreed. Further information and follow up calls will come before the first meeting on Friday 5th November. Action: IBAC contact officer Danielle Clark will contact reps before meeting.
4/ Member updates	<ul style="list-style-type: none"> • Round robin – the committee discussed the pending (next days) relaxation of Covid restrictions. Many felt wary, with some unable to have vaccination. A member reminded the group of the strain on (Covid and other) staff working at the Austin. Members also shared excitement to see friends. Everyone wished the community well, particularly those with health considerations.
5/ Advocacy items	<ul style="list-style-type: none"> • Vic Pride Lobby: Following the nomination of Ravenhall Corrections Centre for a GLOBE Community Award for Trans and Gender Diverse (TGD) inclusion,

MINUTES OF THE LGBTIQ+ ADVISORY COMMITTEE

21 OCTOBER 2021

	<p>there had been advocacy and an open letter opposing. This had led to Ravenhall's withdrawal. Further information was shared in the chat.</p> <ul style="list-style-type: none"> • Passing of the Assisted Reproductive Technology Bill in Victoria will increase access for LGBTIQ+ community, plus regional and rural. Partners can now be identified as donors. • Launch of the 'It Takes More' campaign: VPR has identified only 2.5 Victorian MPs from the Rainbow community and aims to encourage others. Further information was shared in the chat. It Takes More About • Create opportunity/space gathering space: for local Queers to physically meet each other. Could Banyule Council help with this somehow? Perhaps a regular meeting (place)? A member responded with details about Alphabet Soup Heidelberg (ASH), which takes place once a month at the Sycamore Tree in Heidelberg. When this reopens after refurbishment, updates will be shared. ASH is for Trans and Gender Diverse, Queer people and allies, currently online. BCC has supported ASH but may be able to support further, through the Social Enterprise program. • Advocating for a Queer memorial/place of remembrance (in Banyule?) inscribed to remember the names of those local community members who have suffered oppression or died, including from HIV/AIDS. This suggestion received strong support, with the suggestion it could be linked with a Queer meeting place. TT said Council could explore this, and potentially make a formal recommendation to progress and then develop the idea in partnership with the committee. Action: Myfan to share Dropbox file re Memorials on LGBTIQ+ Channel (complete) Action: Memorial and Queer space to be on next agenda for further discussion
6/ Guest – Paul Byrne-Moroney	<ul style="list-style-type: none"> • Director of Intersex Human Rights Australia: Paul spoke about his work for Banyule as a former committee member, as well as Intersex Awareness Day and recent advocacy around human rights for Intersex people, particularly in relation to consent for surgeries on children. November 8 brings Intersex Day of Remembrance/Intersex Solidarity Day. Paul spoke of how the work in Victoria has been leading the way including "I am Equal" and pending changes in the Equal Opportunity Act and the Conversion Practices' Bill which will make it illegal to discriminate against people with Intersex Variation and to operate/treat on children (unnecessarily) without consent. The changes to the legislation will stop this. Paul also spoke of the importance of Council including Intersex consideration explicitly within any Action Plan – for example, considering service changes. Paul welcomed committee members to contact him. Action: Myfan to follow up with P B-M re pending Action Plan
6/ LGBTIQ+ Action Plan engagement	<ul style="list-style-type: none"> • The community engagement session exploring what enables/supports community members to participate in (council and other) services, in social and cultural life, was postponed. We had previously explored barriers to accessing services, employment and banks and utilities. This session was to focus on 'enablers' – such as specified staff at services in Banyule; local partnerships; spaces etc. What is working? What can Council do? Action: Myfan to progress offline and ongoing item on agenda
7/ AOB?	<ul style="list-style-type: none"> • Any other business? The Chair asked the committee about inviting other Councillors to attend the committee meetings, as it was a great opportunity for them to learn about LGBTIQ+ issues (no more than three including Chair at a meeting). There was support for this from the committee. Action: Peter to invite other Cllrs?

MINUTES OF THE LGBTIQ+ ADVISORY COMMITTEE**21 OCTOBER 2021**

8/ Close and date of next meeting 7.05pm	<ul style="list-style-type: none">• Cllr Lightbody commented on the proceedings positively.• Next meeting Thursday 2 December, 5.30-7pm
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Minutes LGBTIQ+ Advisory Committee

2 December 2021

LGBTIQ+ Committee Minutes



Meeting details

Date of meeting	Thursday, 2 December 2021
Time	5,30 - 7pm
Venue	Teams
Chair/Facilitator	Cllr Peter Castaldo
Minutes	Myfan Jordan (Community Planner - LGBTIQ+)

Acknowledgement of the Traditional Custodians

"Our meeting is being held on the Traditional Land of the Wurundjeri Woi-wurrung people and, on behalf of Banyule City Council, I wish to acknowledge them as the Traditional Custodians. I would also like to pay my respects to the Wurundjeri Woi-wurrung Elders, past, present and emerging, and to acknowledge other Aboriginal and Torres Strait Elders joining us today."

Diversity Statement

"Our community is made up of diverse cultures, beliefs, abilities, bodies, sexualities, ages and genders. We are committed to access, equity, participation and rights for everyone: principles which empower, foster harmony and increase the wellbeing of an inclusive community."

Attendee

Attendee name	Affiliation/Organisation
Cllr Alison Champion	Deputy Chair
Cheree Hunter	BCC - Acting Manager Aged and Community Planning
Michelle McNamara	Transgender Victoria
Lara H.	
David L-M.	
Richard P.	
Nathan S.	
Shev A.	
Will D.	
Jason T.	
Nicole E-H.	Committee Rep to Inclusive Banyule Advisory Committee (IBAC)

Apologies

Name	Affiliation/Organisation
Fleassy M.	Mother Tongue Poetry and Earth CERC co-op (organisational member)
Morganne B.	
Harper F.	
Theonie Tacticos	BCC - Coordinator of Community & Social Planning

Amber R.

Gabriele R.

Kath Brackett BCC – Director of Community Programs

Nevena Spirovski Vic Pride Lobby

Items

1. Introduction

Acknowledgement of traditional custodians
Diversity Statement

1.1 The Chair acknowledged Transgender Awareness Week, Trans Day of Remembrance and World AIDS Day. He welcomed all, including Cllr Champion.

2. Actions arising

2.1 - Adding the 'A' has been recommended to Council

2.2 - Inviting someone from Austin Gender Clinic to future meeting

2.3 **Action: Michelle to send through contact details of person at Austin (complete)**

3. Updates from Council

3.1 - Teams Channel for LGBTIQ+ Committee: any issues? Not everyone is using the Channel. Please let Myfan know if you need any assistance.

3.2 - Call for another nominee to the Inclusive Banyule Advisory Committee - one more representative needed? No one was able to nominate at this time.

3.3 - Transgender Awareness Week and Trans Day of Remembrance - a week of Teams' posts to All Staff were shared on the Teams Channel, with the aim of increasing knowledge, breaking down barriers and addressing myths. Most were linked to Council best practice, such as using pronouns on email signature. Social media also went out in recognition of the significance of Trans Day of Remembrance.

3.4 - Midsumma and Pride March: BCC will partner with neighbouring councils in a stall at Midsumma and we have booked 30 places for the Pride March. Committee members will be invited to join us.

4. Updates from members

4.1 - World AIDs Day video was made by BCC, an interview of committee member and his experiences of losing his long-term partner to HIV/AIDs and hopes for an AIDs/LGBTIQ+ memorial for Banyule.

4.2 - A second member told the meeting of his recent accomplishment in developing a World AIDS Day app for Thorne Harbour Health, for which he had received formal recognition by way of an award. BCC had celebrated this achievement on our social media. There was further discussion of the impacts and expeirnces of HIV/AIDs

4.3 - Michelle requested names and organisational affiliations are put in the agenda

4.4 - Covid continues to impact the local community (as opposed to LGBTIQ+ community). One example discussed was the member living at Murundaka Cohousing community.

4.5 - Religious Discrimination Bill - Uniting Church's response has been sent to Myfan. Uniting have made a public statement against the proposed Bill, in recognition of the harm caused by the debate and if the Bill is passed. Acknowledgement that some church people are progressive, while others can be very conservative. Some Christian orgs support the Bill and this can result in negative assumptions for more progressive churches such as United.

4.6 - Another member reported links with with Common Equity Housnig as co-convenor of Freedom to Be (LGBTIQ+ people of faith backgrounds).

4.7 - Michelle is Treasurer of Transgender Vic and member of the Australian GLIBTQ Multicultural Council. the latter has written letters to MPs re the Religious Discrimination Bill Inquiry and posted information around making submissions into the chat. Michelle requested committee names and any organisational representation by included in the agenda for meetings

LGBTIQ+ Committte

Page 3 of 5

Action: Myfan to embed names/orgs in agenda template (complete)

5. Update from Inclusive Banyule Advisory Committee rep

5.1 – The first two meetings of IBAC have focused on social isolation and rebuilding connection after Covid. Mapping priority areas for the next 12 months: family violence, social housing and employment, mental health/social isolation as a result of Covid. How to link in with other orgs and identify funding for potential projects? Two presentations to IBAC re Family Violence and Social Housing were heard. The rep also raised the impact of the Religious Discrimination Bill on the community, as requested by the TGV rep. Our rep is a social worker and emphasised the lack of targeted services for the LGBTIQ+ community experiencing family violence and also in maternal and child healthcare being more inclusive. Myfan encouraged committee members to feed into the agenda and continue the conversation in the Teams Channel. The current timeslot for meetings (Fridays 1-3pm) will remain for the time being and our rep will share the agenda and request feedback in advance.

6. Advocacy

6.1 – Further discussion of the Religious Discrimination Inquiry (Senate/Parliamentary joint committees). This could include mentioning the Bill will override State and council by-laws in relation to protection from discrimination. Michelle shared details and encouraged colleagues to make personal submissions as ‘case studies’ are valued. Relevant date of 21st December. Myfan could collate personal points into Council’s submission if that is helpful. Council has endorsed a formal position previously, so we will be able to reiterate this (as the short timelines means formal endorsement is challenging). Normally advocacy positions would go before and be endorsed by Council. A member also made the point that advocacy will continue beyond the Inquiry dates and that an updated Council position is still key for future advocacy.

Action: Myfan/Cheree to progress actions around inputting into the Religious Discrimination Bill Inquiry

6.2 – Census questions to collect much needed data on LGBTIQ+ Australians. Australian Bureau of Statistics (ABS) has an excellent best practice standard on asking around questions on gender and sexual identity but these are not in the current (2021) Census, excepting a confusing question around gender identity, due to political pushback etc. The good news is that there is another ‘life survey’ pending from the ABS which may provide some meaningful data but advocacy around the Census is still needed.

Action: Myfan to note Census LGBTIQ+ data as a future presentation/agenda item in the first half of 2022.

7. Engagement session

- 7.1 Myfan suggested a future conversation to better understand barriers to accessing services, including local services: counselling, maternal & child and family services, and family violence services rarely offer LGBTIQ+ expertise. Community-led services overwhelmed – long waitlists. What is working locally? What would you like to see in Banyule? What partnerships and ‘enablers’ (might) Council advocate for? What’s the ‘magic wand’ vision for Banyule?
- 7.2 Myfan shared news of the Inclusive Neighbourhood Houses initiative, including the ‘Safe House’ concept, which would identify NHs as safe places for queer youth, multicultural women – for everyone, but with initial pilots on sessions/spaces for particular groups. Council is arranging LGBTIQ+ Mental Health First Aid training for NH staff and volunteers early in 2022 to support this concept for Rainbow community. NHs outside of the region have also expressed interest in this concept. A member suggested bringing in community groups to meet in NHs. Myfan added that a fund for recognition and awareness events had also been established. A Greenhills ‘All Bodies’ Clothes Swap event is one pilot with a focus on LGBTIQ+ and Disability inclusion. Myfan encouraged members to email with any ideas.

8. AOB

- 8.1 - A committee member raised the issue of having received unsafe political messaging in the post and Cllr Champion encouraged further discussion. Myfan apologised for not having put the item in the agenda, due

to it coming in late. An example was shared in the chat and the matter discussed more fully? How might Council show support and counteract misleading information going out to the community? All agreed this was a harmful development. Potential actions included a complaint to Victorian Human Rights and Equal Opportunities Commission. There was no formal action arising.

8.2 Would the committee like these meetings extended by 15 or 30 minutes?

There was a brief discussion around the meetings often running out of time, due to only being 1.5 hours. One member suggested cutting the 'round robin', but the contact officer felt this was best practice as it enabled name checking every one present, including less heard voices. No decision was made at this point.

Action

- Action: Michelle to send through contact details of person at Austin (complete)
- Action: Myfan to embed members' names and affiliations in the agenda template (complete)
- Action: Myfan/Cheree to progress actions around inputing into the Religious Discrimination Bill Inquiry (see Teams Channel for draft letter and social media)
- Action: Myfan to note Census LGBTIQ+ data as a future presentation/agenda item in the first half of 2022.

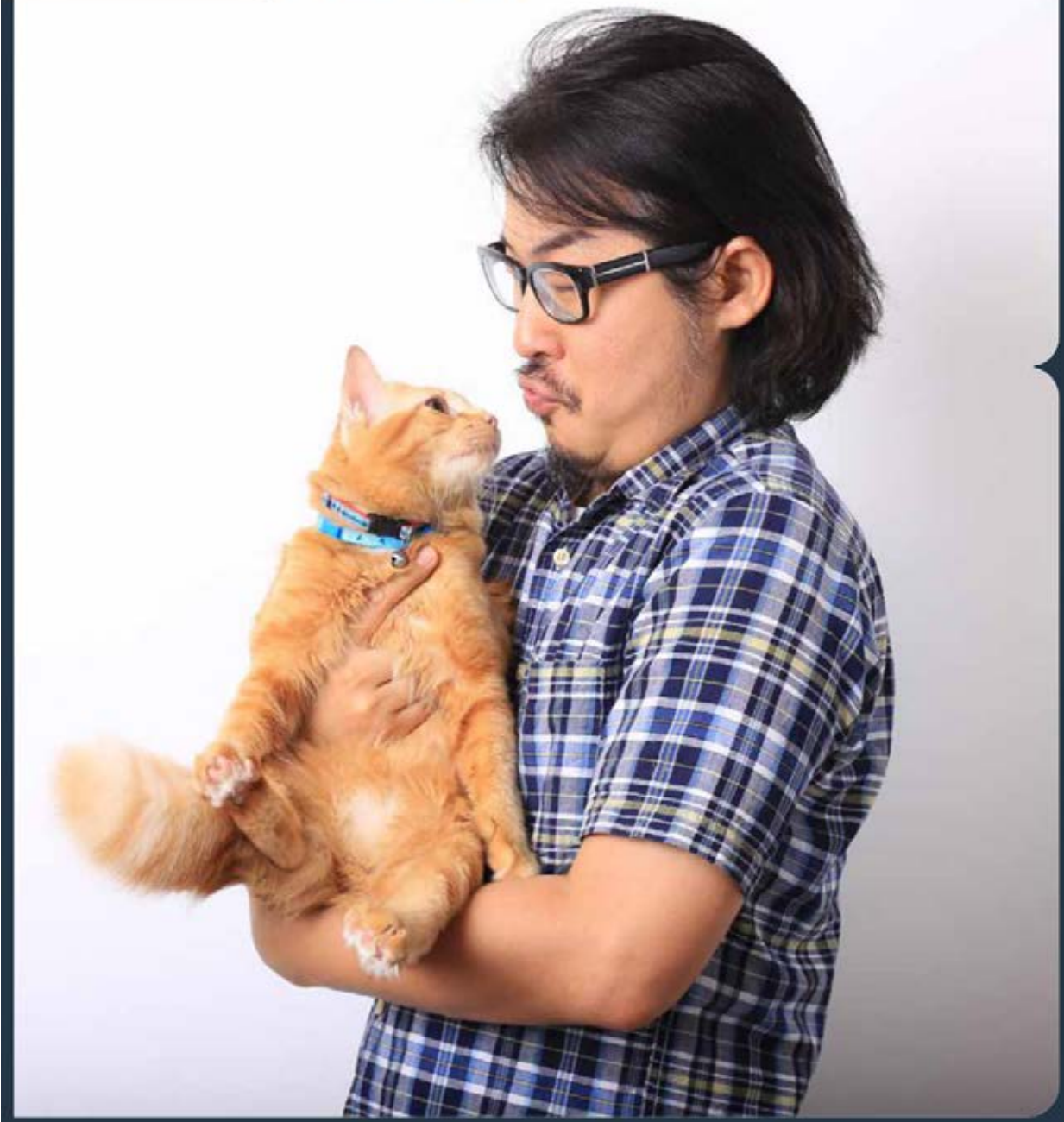
Recommendations

N/A



Domestic Animal Management Plan

2022-2026



Acknowledgment of the Traditional Custodians

Banyule City Council proudly acknowledges the Wurundjeri Woi-wurrung people as the Traditional Custodians of the land which Council operates on. We pay our respect to all Aboriginal and Torres Strait Islander Elders, past, present and emerging, who have resided in the area and have been an integral part of the region's history.

Inclusive Banyule Diversity Statement

Our community is made up of diverse cultures, beliefs, abilities, bodies, sexualities, ages and genders. Council is committed to access, equity, participation and rights for everyone; principles which empower, foster harmony and increase the wellbeing of an inclusive community.

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Domestic Animal Management Plans

Section 68A of the Domestic Animals Act requires Council to prepare a Domestic Animal Management Plan (DAM Plan):

- (1) Every Council must, in consultation with the Secretary (of the Department of Economic Development, Jobs, Transport and Resource), prepare at four-year intervals a domestic animal management plan.
- (2) A domestic animal management plan prepared by a Council must -
 - (a) set out a method for evaluating whether the animal control services provided by the Council in its municipal district are adequate to give effect to the requirements of this Act and the regulations; and
 - (b) outline programs for the training of authorised officers to ensure that they can properly administer and enforce the requirements of this Act in the Council's municipal district; and
 - (c) outline programs, services and strategies which the Council intends to pursue in its municipal district -
 - (i) to promote and encourage the responsible ownership of dogs and cats; and
 - (ii) to ensure that people comply with this Act, the regulations and any related legislation; and
 - (iii) to minimise the risk of attacks by dogs on people and animals; and
 - (iv) to address any over-population and high euthanasia rates for dogs and cats; and
 - (v) to encourage the registration and identification of dogs and cats; and
 - (vi) to minimise the potential for dogs and cats to create a nuisance; and
 - (vii) to effectively identify all dangerous dogs, menacing dogs and restricted breed dogs in that district and to ensure that those dogs are kept in compliance with this Act and the regulations; and

- (d) provide for the review of existing orders made under this Act and local laws that relate to the Council's municipal district with a view to determining whether further orders or local laws dealing with the management of dogs and cats in the municipal district are desirable; and
 - (e) provide for the review of any other matters related to the management of dogs and cats in the Council's municipal district that it thinks necessary; and
 - (f) provide for the periodic evaluation of any program, service, strategy or review outlined under the plan
- Every Council must -
- (g) review its domestic animal management plan annually and, if appropriate, amend the plan; and
 - (h) provide the Secretary with a copy of the plan and any amendments to the plan; and
 - (i) publish an evaluation of its implementation of the plan in its annual report.

Statutory Compliance

Council is required to provide an Animal Management service to ensure that community amenity and safety is not compromised by animals, customer requests and complaints are responded to, and that all relevant Acts, Regulations and Local Laws are enforced.

In doing so, Council must comply with the following Acts and Regulations:

- Domestic Animals Act and Regulations 1994;
 - Impounding of Livestock Act 1994;
 - Prevention of Cruelty to Animals Act 1986;
 - Infringements Act 2005; and
 - Local Government Act 1989.
- And have regard to applicable guidelines and standards including:
- Code of Practice for the Management of Animals in Shelters and Pounds;
 - Code of Practice for the Operation of Pet Shops;
 - Code of Practice for the Operation of Breeding and Rearing Establishments;
 - Code of Practice for the Operation of Boarding Establishments;
 - Code of Practice for the Operation of Dog Training Establishments; and
 - Code of practice for the Operation of Greyhound Establishments.





Introduction

There is a wealth of scientific evidence to support the benefits of owning pets and their use in therapy. Evidence of a link between pet ownership and better health has been demonstrated by a range of different studies.

Dogs encourage people to enjoy the outdoors and they have been shown to stimulate conversations between strangers. They can also improve a person's sense of security both at home and in public places.

Pets are wonderful companions and can help combat loneliness and social alienation. Pet ownership teaches children responsibility, with helping them to develop their social and nurturing skills. Companion animals play an irreplaceable part in the enrichment of people's lives and have a positive influence on the social, emotional and physical wellbeing of people.

There is also much evidence to support dogs being used for therapeutic purposes in hospitals, nursing and care homes or for where people may be disadvantaged through age, illness disability or isolation.

Banyule City Council Municipal Law Officers, respond to calls daily that requires compassion, effective communication and patience as they provide advice, education and assistance.

Where necessary, Municipal Laws Officers also enforce relevant legislation, which may result in criminal charges. For the most part, residents are happy to assist Officers and will confine stray animals for collection, knowing that they will be treated with care and compassion and wherever possible returned to their owners, or rehoused to a good home by Council's service provider, rescue groups or other stakeholders.

While Council has the responsibility of administering the relevant legislation, it recognises the need to promote responsible pet ownership, provide supportive programs and meet community expectations. This plan is a base for Council to provide high quality animal services and programs now and into the future.

Developing the Domestic Animal Management Plan

In preparing this DAM Plan, the following methodology has been applied:

- Existing animal management operations were reviewed including existing procedures, Local Laws and orders.
- Review of strategic content including plans and strategies that might be relevant to animal management.

A Banyule City Council Community Survey was conducted on Shaping Banyule during July and November 2021. This survey sought community input on a range of issues, including:

- Dog parks, animal registration, the Council Order and nuisance cats.
- A Draft Plan was prepared and following Council's consideration, released for community consultation.
- This Domestic Animal Management Plan is scheduled to be adopted by Council February 2022

Demographic and Banyule Profile

Context

The Domestic Animals Act 1994 establishes a legislative requirement for Local Government to prepare, implement and annually report on its Domestic Animal Management Plan.

Banyule Council's DAM Plan has been prepared in consultation with Councillors, Council Officers and the community and seeks to balance the competing needs of animal owners, the broader community and the animals that share people's lives. Council recognises the positive health and wellbeing benefits that arise from pet ownership.

Demographic and Banyule Profile

The City of Banyule is located in Melbourne's north-eastern suburbs, between 7 and 21 kilometres from the Melbourne CBD. It is an established residential area with significant open spaces and parklands.

There are seven precincts within Banyule and 18 suburbs that lay on a total land area of about 63 square kilometres. The Yarra River runs along Banyule's south border while the west is defined by Darebin Creek. Major features include the Simpson Army Barracks, Austin Hospital, Melbourne Polytechnic and Greensborough Shopping Centre.

The Wurundjeri Woi-wurrung people were the original inhabitants of the area and are the traditional custodians of this land.



Purpose of the Domestic Animal Management Plan

The purpose of this Plan is to detail the arrangements that Council has, to help manage domestic animals and work towards improved animal management in Banyule.

The aim of the Plan is to:

- Support and facilitate the benefits that animal ownership and companionship has on the health and wellbeing of residents.
- Educate residents about accepted standards of animal welfare, including the care, feeding and physical wellbeing of domestic animals.
- Manage nuisance complaints about animals, which are impacting on other residents.
- Ensure that the keeping of domestic animals does not compromise accepted standards of public health or safety.

Current Programs and Services

Council offers the following animal management programs and services:

Program/Service	Service Level
Identification and registration of dogs and cats	<ul style="list-style-type: none"> • Annual registration renewals sent in March • Regular reminders in the Banyule Banner and Banyule Facebook page • Annual reminder notices and text messages for reminders to all registered pet owners
Enforcement of registration requirements	
Investigation of nuisance animal complaints	<ul style="list-style-type: none"> • Initial response within 5 days • Follow up as required
Investigations of dog attacks and dangerous/menacing dog complaints	<ul style="list-style-type: none"> • Within 1 hour of reporting
Dogs wandering at large	<ul style="list-style-type: none"> • Within 1 hour of reporting
Declared dog property inspections	<ul style="list-style-type: none"> • Conducted annually
Cat De-sexing Program	<ul style="list-style-type: none"> • Annually
Domestic animal business inspections	<ul style="list-style-type: none"> • Conducted annually, renewal due 10 April
Domestic Animal Business Source Number Audit	<ul style="list-style-type: none"> • Annually via Pet Exchange Register at Animal Welfare Victoria
Pound open for collection of animals	<ul style="list-style-type: none"> • Cat Pound 7 days a week • Dog Pound 5 days a week (excludes weekends)
Excess Animal Permit renewals and new permit inspections	<ul style="list-style-type: none"> • Annually on 31 May
Promotion of responsible animal ownership	<ul style="list-style-type: none"> • Media releases, Banyule Banner, social media and other promotional channels
Cat trapping	<ul style="list-style-type: none"> • Cat trap cages available
Customer Service	<ul style="list-style-type: none"> • Ongoing updates throughout the year to Municipal Laws Customer Service buddy to keep staff informed of new processes
After Hours Emergency Service for animals	<ul style="list-style-type: none"> • Operational 365 days 24 hours a day





10

SECTION 1 – Training of Authorised Officers

Summary

All current staff that work in Animal Management are authorised officers hold current delegated authorisations appointed by Council and are authorised as general inspectors under the Prevention of Cruelty to Animals Act 1986.

Current Situation

The current training of officers includes:

Officer	Cert IV in Animal Control	Cert IV in Government/ Statutory Compliance	ATC – Investigation and Case Management	ATC – Municipal Law Enforcement	ATC – Prosecutors or Advanced Prosecutor	Diploma of Frontline Management	Canine Anatomy and Identification Training
Officer 1	x		x	x		x	x
Officer 2		x	x	x	x	x	x
Officer 3	x	x		x			x
Officer 4	x		x	x			x
Officer 5			x	x	x		x

Other training includes, but not limited to:

- Customer Service Training, including dealing with difficult people
- RSPCA Conferences
- Manual Handling training OHS
- Dog Bite Prevention - CSI
- Dog Breed Identification Training
- Stress Management Training
- Pets in Domestic Violence
- Managing Potentially Violent Clients

Future Plans

Objective 1: Ensure all staff involved in providing animal management services have the knowledge and expertise to carry out their duties and functions of Council

Activity	Responsible Officer	When	Evaluation
Conduct annual performance reviews and identify further training needs for individual officers	Senior Municipal Laws Officer Signed off by the Coordinator Municipal Laws	July- September annually with staff one on one conversations throughout the year	Employee Development Reviews are completed for all Municipal Laws Officers between July and September annually and signed off by Management
Ensure further training is carried out by Officers to update skills and increase skillsets	Senior Municipal Laws Officer/ Coordinator Municipal Laws	Throughout the year	Regularly identify training needs and implement opportunities for improvement with Officers throughout the year, with further training reported on annually in the review of this plan to Council

Objective 2: To successfully induct and manage new staff

Activity	Responsible Officer	When	Evaluation
Monitor performance and provide guidance to employees where needed	Senior Municipal Laws Officer/ Coordinator Municipal Laws	Ongoing	Council Induction and One on One's with team members along with Performance Management if required



SECTION 2 – Registration of Dogs and Cats

Summary

Identifying and registering domestic animals is large part of Banyule's Animal Managements Program.

Pet registration assists Officers in getting your dog or cat home. Animals that are not currently registered with Council along with no current or updated details recorded against the microchip, can make it difficult for Officers to reunite a dog or cat with their owners and can therefore leave Officers with no other option but to impound the animal.

Owners are required to ensure registration details are updated when they move, or circumstances have changed.

Identification of animals is also critical in investigating complaints.

Activity	2020/2021	2019/2020
Registered dogs	11,682	9,353
Registered cats	5,258	4,094

Council Policies and Procedures

A fixed reduced registration fee for de-sexed and microchipped animals has been set for the current financial year. This fee is reviewed and adjusted annually in accordance with all of Council's fees and charges.

During the second half of the registration period from 10 October, half yearly fees apply for new registrations.

Current Activities for Registration

Our current activities for pet registration, including actions from our DAM Plan 2017-2021, include:

- Provide an online pet registration portal for residents
- Promoting the benefits of registration and identification, with the primary objective of being able to reunite a lost animal with its owner.
- Utilising Council's website and social media platforms and resident newsletter to provide information to residents regarding registration.
- Providing, (in conjunction with local vets), subsidised de-sexing - (providing owners with an Australian Veterinary Association de-sexing Vouchers).
- Distributing registration and identification brochures, factsheets and other materials to pet owners.

- Issuing annual registration renewal notices and following up non-renewals, sending additional letters, calling pet owners and by undertaking visits to properties.
- Ensuring information regarding sold or rehoused animals from domestic animal businesses (pet shops/shelters) is followed up for registration.
- Ensuring registration and identification compliance is checked as part of managing complaints about animals.
- Sending reminder text messages to residents to remind them to renew registrations.
- Ensuring that registered dogs and cats are returned home after-hours and impound unregistered animals, with compulsory registration prior to being released from the pound.
- Ensuring all Authorised Municipal Laws Officers are equipped with a microchip scanner in vehicles.

Record Management

Banyule City Council maintain records of animals that are impounded and found, including those that may be injured or deceased. Municipal Laws Officers will notify owners of injured or deceased animals and will seek veterinary treatment or help provide support to pet owners for those pets that have departed. Banyule's Cleansing Department also has a microchip scanner to scan dogs and cats when they are called to pick up an animal killed on roads.

- Regularly updating/auditing Council's registration database to ensure information is current ie. amending data to reflect notifications of deceased animals, changes of address, changes of owner. This assists to ensuring owners are not distressed or irritated by receiving unnecessary or incorrect renewal notices, or no renewal notice.
- Ensuring that owners are charged the correct State Government levy on each registration after Council has determined its own fees.
- Promoting registration and the wearing of registration tags via Council publications and other media. This is done using 'good news' stories about pets being returned to owners because they were microchipped and registered.
- Having a reduced fee category in the registration fee structure for dogs and cats under 6 months old. Some vets do not believe that pets should be de-sexed until they are 6 months old. This strategy encourages pet owners to register their pets without paying a full fee for the first year.

Objective 1: Increase dog and cat registration rates by 5% each year via education and promotion

Activity	Responsible Officer	When	Evaluation
Provide an online pet registration service	Business Support, Communications & IT	December 2021	Completed October 2021
Continue supplying AVA desexing vouchers to low income earners	Customer Service	Ongoing service provided	Number of vouchers redeemed
Include registration, identification and renewal information in newsletters, on the web and via social media	Municipal Laws Officers/ Business Support Officers	January-March yearly	Number of promotional activities undertaken
Promote registration and the wearing of registration tags via appropriate Council communication channels, particularly by using 'good news' stories of pets being returned to their owners because of microchipping and registration	Municipal Laws Officers / Communications	Where possible	Number of promotions
Provide registration up until next renewal period of cats being desexed via Council's program and for those residents adopting cats/ kittens from Cat Protection Society	Municipal Laws Officers	Ongoing throughout the year	Number of cats registered each year

Objective 2: Increase pet registration by 5% via compliance initiatives

Activity	Responsible Officer	When	Evaluation
Ensure all animals identified via a complaint are registered	Municipal Laws Officers	Ongoing	All details are recorded on Customer Service Requests when Officers manage the request
Ensure a 5% increase in dogs and cat's registrations are recorded on Council database each year	Municipal Laws Officers and Business Support Officers	Yearly	5% annual increase
Use text messaging for pet registration renewal reminders	Business Support Officers	March and May annually	Increase in number of registration renewals
Pet registration renewals emailed to residents who opt in	Business Support Officers	Yearly	Number of email renewals sent and response rate

Objective 3: To increase pet registration rates by 5% each year using improvements in technology

Activity	Responsible Officer	When	Evaluation
Increase use of mobile technology, so Municipal Laws Officers can, for example, search pet registration and customer request databases to identify properties where animals are not registered	Municipal Laws Officers	Daily via laptop when attending properties for CRM follow up.	Increased number of animals identifiable by registration and recorded on CRM
Provide online registration for pets	Business Support Officers/ IT	December 2021	Number of residents using online registration

SECTION 3 – Nuisance Complaints

Summary

The most common nuisance complaints received by Council relate to barking dogs. (Dog at large and dog attacks are dealt with under Section 4 of this plan as they are not categorised as nuisance complaints.)

The majority of time for Municipal Laws Officers is spent dealing with complaints relates to barking dogs and it is therefore critical that strategies and activities are in place to reduce the number of complaints from the public. Barking dog complaints require far more time for the Officer's to resolve given the need to substantiate the complaint, which can often lead to frustration by the complainant and dog owner.

Current Situation

Between 1 July 2020 - 30 June 2021, Council received the following number of complaints:

Complaint type	2020/2021	2019/2020
Nuisance Cats	268	212
Responsible Pet Ownership	292	326
Animal Special Requests	119	156
Barking Dog	248	312
Found Dog	239	352
Found Cat/Cat in Cage	158	138
Lost Cat Reports	95	101
Lost Dog Reports	72	106
Stray Livestock/Farm Animal	6	3
Dog Attack	95	98
Dog at large/ Rushing/ Menacing	202	235



Dogs and Cats in Public Places Orders

In line with its statutory powers under section 26 of the Act, Council has an existing Order for Dogs and Cats in Public Places which was adopted by Council in 1998. The Order requires that dogs are to be kept on leash when on a Council road or footpath and within 5 metres of a designated shared footway, children's playground or barbeque area.

Dogs and cats are prohibited from entering environmentally sensitive areas as designated by signs in the following parks and reserves:

- Brown's Nature Reserve, Greensborough (as per existing covenant)
- Banyule Flats Wetland and Banyule Billabong, Heidelberg

- Horseshoe, Reedy and Bailey Billabongs in Wilson Reserve, Ivanhoe. See Amendment*
- Warringal Swamplands, Heidelberg
- Yandell Reserve (within already fenced areas), Greensborough
- St Helena Bush Reserve (within already fenced areas), St Helena
- Rockbeare Park, Ivanhoe

For the purpose of any order made under section 26 of the Domestic Animals Act 1994, within the City of Banyule and as a guide for implementation, a dog shall be deemed to be under effective control of its owner if,

- (a) it is within 75 metres (clear and unobstructed) of its owner; and
- (b) will return to its owner upon command.

Objective 1: To review the dogs and cats in Public Places Council Order

Activity	Responsible Officer	When	Evaluation
To undertake a full review of the Dogs and Cats in Public Places Council Order 1998. Benchmark with other Municipalities and amend to reflect current community and Council expectations	Municipal Laws Officers	By December 2022	A decrease in Responsible Pet Owner Complaints logged on CRM



Banyule City Council General Local Law Number 1 was reviewed in 2014 and was adopted formally by council, with effect on 15 April 2015. Part 10 of the Local Law Number 1 deals with the keeping and control of animals within Banyule. The main objectives are to control the number and type of animals and to control animal behaviour to minimise adverse impact on other residents.

There has also been the introduction of the Foster Carer Registration Scheme. The Domestic Animals Act 1994 (DA Act) recognizes the integral role foster carer's, Community Foster Care Networks (CFCNs), and rescue organizations play in the management of lost, stray and abandoned dogs and cats in the Victorian community.

Individual foster carer's may apply to their local council to become a registered foster carer as part of a voluntary scheme. Council cannot force a foster carer to enrol in the scheme as it is not mandatory.

Registration with the scheme is valid for one year and council may set a registration fee.

Foster carer's who choose to enrol in the scheme receive:

- a reduced registration rate for each dog and cat they foster during the first 12 months the animal is in their care
- the ability to use pet shops as a means of providing additional community exposure to dogs six months of age or older, and cats eight weeks of age or older.

It is an offence to keep more than a prescribed number of animals without the written consent of Council via a permit.

As at 30 June 2021, we have 67 households with active excess animal compared to 96 households the prior year. This figure changes regularly due to residents moving in and out of Banyule. These permits are renewed annually on 31 May.

	2020/2021	2019/2020
Number of Excess Permits issued/current	67	96

The table below lists the maximum number of animals allowed to be kept without the need for a permit. Permits are also required for goats, horses, roosters and other animals.

Type of Animal	Maximum Allowed
Dogs	2
Cats	2
Poultry	10
Pigeons and/or Domestic Birds	20
Guinea Pigs	4
Rabbits	4
Rooster	0

There has also been the introduction of the Foster Carer Registration Scheme. The Domestic Animals Act 1994 (DA Act) recognizes the integral role foster carer's, Community Foster Care Networks (CFCNs), and rescue organizations play in the management of lost, stray and abandoned dogs and cats in the Victorian community.

The conditions in which excess animals must be kept are:

- The ground surrounding the place where the animal is kept is free from dry grass,
- weeds, refuse, rubbish or other material capable of harbouring rodents or
- vermin;
- The place where the animal is kept and the surrounding area is well drained;
- All food for consumption by the animal is kept or stored in a vermin proof
- receptacle;
- Any area where the animal is kept is thoroughly cleaned as often as necessary to
- keep the area clean and sanitary at all times;
- All manure, excrement, refuse or rubbish produced or accumulated by the animal
- is disposed of, as soon as practicable, so that it does not cause a nuisance or
- create a condition which is offensive or dangerous to health.

Control of Noisy Animals and Birds

An owner or occupier of any land where an animal is kept or allowed to remain must not allow the animal to make noises or sounds which will create a nuisance that may unreasonably or adversely affect:

- The peace and comfort of any person; or
- The amenity of any other land.

Council Policies and Procedures

Current Activities

Our current educational, promotional and compliance activities include:

All nuisance complaints

- Provide information on Council's website and in its newsletters relevant Local Laws and Orders, types of nuisance and how to report and record ongoing nuisance (for example via a barking dog diary, cat trespass) to support complaints.
- Provide one on one advice, education and assistance to animal owner.
- Distribute relevant brochures, factsheets and other materials regarding nuisance issues.
- Record all nuisance complaints on the Customer Request Management system.
- Investigate nuisance complaints effectively.
- Ensure nuisance investigation timeframes are as short as possible to reduce complainant's frustration.
- Review Council policies and procedures relating to nuisance.
- Ensure notices to comply, notices of objection, infringements, and prosecutions are in line with Council policies, procedures and guidelines.

Cat Trespass Complaints

The major issue of concern about cats are unowned or stray cats that roam the

Neighbourhood fighting with other cats over territory, and generally creating a nuisance by spraying and defecating on private property.

Throughout the kitten season, which is generally in spring but can go longer depending on weather, Council receives many complaints about cats with kittens taking up residence on private property. In many cases, residents feel sorry for the animals and start leaving food for them, which can exacerbate the problem.

Cats were a large concern for Banyule and there needs to be more cat awareness, education and alternatives for enclosures and other means to confine cats.

Current activities relating to cat trespass:

- Strongly encouraging de-sexing of pets to reduce wandering and organising de-sexing on the owner's behalf, along with free animal transport to the vet if required.
- Actively encouraging cat owners to confine their cats to their property to enhance animal welfare and reduce the incidence of nuisance.
- Providing cat cages, and requirements relating to trapping, to local residents to trap cats trespassing on their property in order to reduce the impact of stray/unowned cats.
- Ensuring the cat trapping program is undertaken in the most humane way, with cats picked up as soon as practicable after capture to reduce animal distress. Council recommends that all residents set traps before going to bed at night and call Council first thing in the morning for a pick up.
- Investigating nuisance cat complaints to mitigate ongoing complaints, including letterbox drops to homes surrounding that of the complainant.
- Work with residents experiencing mental illness/animal hoarding to reduce the number of pets they have and ensure those they keep are healthy, manageable and registered.
- Work with the Department of Housing and local Community Health Workers to ensure we provide assistance to residents in need with pets and where necessary, enforcement in relation to their properties and known hoarders.
- Have effective and meaningful conversations with cat owners and semi -owners, to ensure we are providing an educational message, providing support and encouragement to take full ownership of those who have been feeding cats for a period of time, encourage utilisation of the free de-sexing and microchipping program provided by council and this conversation to be had with residents before a compliance message.

Council Officers will:

- Investigate cat complaints effectively, try to ascertain the source of the issue and deal directly with the source, along with an educational approach before enforcement, with all nuisance cat issues.
- Supply cat traps to residents' properties when needed and collect any trapped cats within as short a time as possible to minimise distress to the animal.
- Assist the resident to take formal ownership of semi owned cats by organising and paying for micro chipping, de-sexing and registration through Council's de-sexing program.

Barking Dog Complaints

Barking dog complaints are the most common type of complaint and take the most time to resolve variety of methods. Common reasons for dogs barking include:

- Wrong choice of dog breed
- Lack of exercise
- Boredom, loneliness and frustration
- Feeling under threat (another dog, or loud noise such as thunder or fireworks)
- Poor living conditions
- Multi-unit developments (closer living conditions)
- Ill health

Complainants who contact Council about a barking dog will be asked to speak to the dog's owner in the first instance to open the line of communication between the parties and to see if anything can be done to stop the dog barking.

Complainants are mostly reluctant to discuss issues of barking dogs with neighbours, but Council recognises that communication is critical to resolving issues.

Current activities relating to barking dogs:

- Providing information on the causes of excessive barking, including separation anxiety, boredom, external stimuli, territorialism, communication with other dogs etc.
- Encouraging owners of barking dogs to seek advice from Council/ professional dog trainer/ animal behaviourist on how to reduce their dog's barking.
- Encouraging complainants to contact owner of a barking dog and advise them of their concerns as a first step in resolving the issue before starting the investigation process.
- Always include mediation through the Dispute Settlement Centre as part of the process, especially where there is insufficient evidence for Council to proceed by way of enforcement action. This is to open lines of communication, with the hope that residents can work together on a solution, as quite often dog owners are not told their dogs are causing a nuisance by other residents, until an Officer knocks on their door and notifies them. We strongly encourage effective communication between residents in these situations.

Objective 1: To review the Banyule Barking Dog Booklet

Activity	Responsible Officer	When	Evaluation
To undertake a full review of Banyule Barking Dog Booklet and the inclusion of a step to be able to issue a Notice to Comply	Municipal Laws Officers	By July 2023	A decrease in Barking Dog Reports (CRM)



Dog litter complaints

Under Local Law 10.6 Dog Excrement, a dog owner must:

- (a) Remove and dispose of faeces deposited by their dog; and
- (b) Carry a litter device and must produce such litter device upon request of any Authorised Officer, in any public place.

Current activities relating to dog litter activities currently undertaken:

- Advising dog owners of the legal requirements relating to cleaning up dog litter by distributing educational materials (see 'All nuisance' section for methods).
- Continuing to enforce the collection and disposal of dog litter by the owner/person in charge of the dog as well as the requirement to carry a suitable collection means.

Dog Parks

Banyule hosts four fenced dog parks:

- Price Park, Lyon Road, Viewbank
- Ford Park, Banksia Street, Bellfield
- Malahang Reserve, Oriel Road, Heidelberg West
- Malcolm Blair Reserve, Karingal Drive, Eltham

These parks are fully fenced off-lead exercise areas with park benches, dog waste bins and drinking fountains with dog bowls. They are fully maintained and serviced by Council's Parks and Gardens Department.

Objective 1: Reduce the number of nuisance complaints via education

Activity	Responsible Officer	When	Evaluation
Provide more information to residents about the Dispute Settlement Centre and, where necessary, organise mediation, providing a summary of the issue to the mediators with details of both parties with their consent, especially with Barking dog Complaints	Municipal Laws Officer managing the investigation	Only if both parties agree to the mediation	The Dispute settlement Centre has been closed for face to face mediation during the COVID-19 pandemic period. There have been no cases recorded.
Park Patrols	Municipal Laws Officers	Ongoing and increased during COVID	Number of park patrols and compliance and awareness increased during COVID. Park Patrols have their own newly created category type added June 2021, so we can record where the issues are occurring and monitor the number of patrols and outcomes.

Objective 2: Reduce the number of nuisance complaints using compliance

Activity	Responsible Officer	When	Evaluation
Continued implementation and promotion of the cat de sexing in Banyule	Municipal Laws Officers	Running Ongoing	Number of cats de sexed/microchipped vs how many we impound
Letterbox drop areas around cat trespass complaints prior to trapping to promote registration, identification and education.	Municipal Laws Officers	Each ORM received	Letterbox drop to be done to give residents an opportunity to comply before a trapping occurs, this will be evaluated by the number of cats impounded.
In conjunction with residents, to trap semi owned/owned cats in response to trespass complaints after all efforts have been made to deal directly with a known source of a problem.	Municipal Laws Officers	Ongoing	Increase in cat registrations, fewer cat trespass complaints and reduction in cats impounded
Ensure complaints are dealt with effectively, efficiently and satisfactorily	Municipal Laws Officers	Ongoing	KPI reporting for City Development Monthly Report
Work proactively with residents to take on full ownership of semi owned cats via the de sexing program, to ensure responsible pet ownership.	Municipal Laws Officers	When dealing with CRM's and in a proactive capacity daily	Impound number to decrease

Objective 3: Use technology to assist in reducing and resolving nuisance complaints

Activity	Responsible Officer	When	Evaluation
Investigate web-based online complaint lodgement	Municipal Laws Officers / Coordinator/ Communications	December 2023	Number of online complaints received
Set up a series of Community Forum sessions for residents with guest speakers focusing on Responsible Pet Ownership relevant topics. (Online or Face to Face depending on COVID)	Municipal Laws Officers/ Communications/ IT	December 2023	Number of residents attending



A critical role for Council is to minimise the number of dog attacks due to the potential damage that dogs can inflict on other animals and people.

SECTION 4 – Dog Attacks and Dog Confinement

Summary

A critical role for Council is to minimise the number of dog attacks due to the potential damage that dogs can inflict on other animals and people.

It is important that Council raises community awareness on how to reduce the risk of a dog attack.

The identification of animals, including declared dogs, is important as is ensuring dogs are always contained to their property.

Any incident/attack from a dog should be reported to Council, even if the incident is a minor incident. By reporting every incident, it may give Officers an opportunity to deal with issues before they become serious attacks.

In some reported cases, it can make it hard for Officers to deal with attacks when they do not know where the offending dog resides and appreciate the frustration this causes residents reporting.

Current Situation

Customer Service Requests for dog attacks include those causing minor injury to those causing serious injury. Analysis of the data shows that most attacks were rushes by dogs with minor injuries eventuating.

Complaint type	2020/2021	2019/2020
Dog Attack	95	98
Rushing/Wandering at Large and Menacing dogs	202	326
Dog Found/Containment	239	352

Current Activities

Our current educational, promotional and compliance activities are reactive and include:

- Promoting and educating when attending properties, acting on complaints:
 - confinement and control of dogs,
 - de-sexing of dogs to reduce aggressive tendencies and wandering
 - early socialisation of dogs with other animals and humans
 - regular exercise of dogs
 - any other recommendation, such as fencing improvements, enclosures etc
- Responding to dog attack reports within 1 hour – this may be by way of phone or attending if the attack has just happened or a dog is causing a Community Safety issue (the top response priority for Municipal Laws Officers).
- Responding timely to dog wandering complaints and reports.
- Prosecuting owners for breaches of the Act.
- Ensuring all reported dog attacks are recorded on CRM and investigated, meeting all points of proof provided in the Act, seizing dogs and prosecuting owners in accordance with the Animal Act 1994.

Future Plans – Dog attacks and Dog Confinement

Objective 1: Reduce the incidence of wandering dogs and dog attack in the community through education

Activity	Responsible Officer	When	Evaluation
Provide residents with information on implications for their dog and themselves if their dog attacks a person or animal	Municipal Laws Officer managing the investigation	Only if both parties agree to the mediation	The Dispute settlement Centre has been closed for face to face mediation during the COVID-19 pandemic period. There have been no cases recorded.
Promote the importance of training, socialising and desexing dogs at an early age	Municipal Laws Officers	Ongoing	Reduction in number of dog attacks
Encourage and provide residents with information on how to report dog attacks whether on public or private property	Municipal Laws Officers / Communications	Ongoing	Amount of information available via a range of channels

Objective 2: Reduce the incidence of wandering dogs and dog attack in the community through compliance

Activity	Responsible Officer	When	Evaluation
Patrol and identify properties where containment may be an issue	Municipal Laws Officers	Ongoing	Increased compliance Ensure reported via CRM and follow up done with owner and registration

Objective 3: Reduce the incidence of wandering dogs and dog attacks in the community through technology

Activity	Responsible Officer	When	Evaluation
Use Council's social media/ banner to educate the community on the effects of wandering dogs and dog attacks	Municipal Laws Officers	By March 2023	Decrease in numbers reported annually

SECTION 5 – Dangerous, Menacing and Restricted

Summary

A restricted breed dog is defined as a dog that fits the Approved Standard for Restricted Breed Dogs in Victoria. These may be pure or cross bred American Pit Bull Terriers (or Pit Bull Terriers), Perro de Presa Canarios (or Presa Canario), Dogo Argentinos, Japanese Tosas, or Fila Brasileiros.

While restricted breed dogs may not have attacked a person or animal or displayed signs of aggression, they are considered a higher risk to community safety than other breeds.

Only the American Pit Bull Terrier (or Pit Bull Terrier) and one Dogo Argentino is known to be in Victoria. Cross breeds of restricted breeds are also considered a restricted breed dog.

The proposed amendment to the Act allows for the registration of restricted breed dogs but does not change any of the strict controls applying to restricted breed dogs that are currently in place. Restricted breed dogs will still be required to:

- be de-sexed;
- be kept on a leash and muzzled at all times when in public;
- securely confined to their owner's back yard; and
- Wear a red and yellow striped collar at all times.

Properties containing a restricted breed dog must display a specific turquoise warning sign at the entrance to the property indicating that a restricted breed dog is housed there. Bans on breeding, adopting or transferring the ownership of restricted breed dogs will also remain in place.

A **dangerous dog** is a dog that has attacked a person or animal or which, in the opinion of a Council, has caused serious injury to a person or another animal.

The owner of a dangerous dog has to meet stronger control provisions, including erecting an approved housing enclosure meeting the requirements of the Domestic Animal Regulations 2015.

A dog is said to be a **menacing dog** if the dog causes a non-serious bite injury to a person or animal. This is in addition to the existing power to declare a dog to be menacing if it rushes at or chases a person.

A 'Rush' means that a dog has approached a person within 3 metres in a menacing manner, including by displaying aggressive behaviour such as snarling, growling and raising the hackles.

A menacing dog declaration can be upgraded to a dangerous dog declaration if the owner of the menacing dog has been issued with two infringement notices for failing to comply with requirements, such as leashing or muzzling their dog while in public places.

It is important that the properties where these dogs reside are inspected regularly to ensure that all requirements of keeping a declared dog are being met. These dogs have the potential to cause great harm, so it is important from a community safety perspective that they are kept in accordance with the Act and Regulations.

Current Situation – Dangerous, Menacing and Restricted Breed Dogs

- All dogs that have been declared a menacing dog, restricted breed or dangerous dog are inspected annually. The inspections are to ensure that the animal is being housed in accordance with the legislative requirements under the Act and regulations.
- All declared dogs are registered on the Victorian Declared Dog Registry.

Our current Orders, Local Laws, Council Policies and Procedures

Current Activities

Our current educational, promotional and compliance activities include:

- Ensuring all declared dogs are accurately registered on the Victorian Declared Dog Registry and that details regarding change of owner, change of address, death of dog are updated as soon as possible (www.ddvic.registry-service.com).
- Ensuring that declared dog registration information on the Victorian Declared Dog Registry and Council's Register is the same.
- Performing annual inspections of all properties with declared dogs to ensure compliance with the Act and regulations.
- Following-up any non-compliance issues until the dog owner complies.
- Ensuring the necessary enforcement action is taken for known problem dogs and, where necessary, they are declared to minimise the risk of future occurrences.

Future Plans - Dangerous, Menacing and Restricted Breed Dogs

Objective 1: Identify all declared dogs in Banyule using education.

Activity	Responsible Officer	When	Evaluation
Ensure the owners of known problem dogs are advised of legal implications, where necessary, to minimise risk	Municipal Laws Officers	As required	This happens when dealing with a CRM automatically. Dog owners are told of implications and possibilities if they fail to comply before a dog is declared

Objective 2: Identify all declared dogs in Banyule using compliance

Activity	Responsible Officer	When	Evaluation
Prosecute where necessary any breaches of the Act	Municipal Laws Officers	Ongoing	Increase in number of successful prosecutions
Ensure that all declared dogs are inspected on a schedule but annual/random inspection	Municipal Laws Officers	Annual	Number of inspections reported annually

Objective 3: Identify all declared dogs in Banyule using technology

Activity	Responsible Officer	When	Evaluation
Report on the Department of Economic Development Jobs, Transport and Resource Declared Dog Database any dog that has been surrendered for aggression issues	Municipal Laws Officers	Ongoing	Reports on surrendered dogs due to aggression

SECTION 6 – Overpopulation and High Euthanasia

Summary

Banyule Council contracts the Cat Protection Society in Greensborough and the Nillumbik Regional Shire pound as our cat and dog pounds respectively.

Current Situation - Our current data

The following impound data from the Cat Protection Society and Nillumbik Regional Shire Pound is detailed below for the prior 3 financial years:

Activity	Dogs 20/21	Dogs 19/20	Dogs 18/19	Cats 20/21	Cats 19/20	Cats 18/19
Impounded	91	182	515	134	152	141
Released to owner	76	141	456	21	30	24
Rehoused	14	29	48	88	98	76
Euthanized	1	8	11	25	24	41

Most cats impounded are usually semi-owned strays or with no microchip details.

Our current Orders, Local Laws, Council Policies and Procedures

Council Policies and Procedures - Current Activities

Our current educational, promotional and compliance activities include:

- Promoting the benefits of desexing - no surprise litters, fewer unwanted animals in the community, fewer animals euthanized, reduced aggression, reduced wandering.
- Continuing registration and microchipping programs to ensure pet cats and dogs can be returned to their owners to reduce euthanasia rates.
- Promoting confinement of animals to owner's premises to prevent straying.
- Investigating reports of animal hoarding.
- Investigating Customer Request Management reports of unauthorised 'backyard breeders' to ascertain whether they should be registered as a domestic animal business.
- Providing cat cages to local residents for trapping cats trespassing on their property.
- Impounding trapped cats at the Cat Protection Society where the animal will be assessed for its suitability for adoption or euthanized.
- Impounding dogs without identification at Nillumbik Shire Pound where the animal can be assessed for its suitability for rehousing.

- Encouraging formal adoption of unwanted cats by assisting the 'barer' to have the cat microchipped and desexed under the Banyule free cat desexing program providing free registration for newly registered cats until the following 10 April renewal.
- Reducing the dumping of unwanted animals by accepting surrendered animals.
- Assisting residents to take responsibility for new animals and continue to provide AVA de-sexing vouchers to help control unwanted breeding.
- Providing a link on Banyule Council's website to the Nillumbik Pound's page that has photos of impounded animals where no owner has been able to be contacted.

Council introduced a free cat de-sexing/microchipping program in August 2013, with the aim to reduce stray semi-owned cats ending up in the pound.

By running a free de-sexing and microchipping program for cats and kittens, for any resident in Banyule, we have seen a reduction by approximately 75% decrease of the number of cats and kittens we are impounding and also euthanising, over this period.

Banyule is committed to reducing the number of unwanted cats and kittens in our municipality and by doing this, we have achieved a significant lesser number of cats/ kittens entering the pound system.

This free program saves lives and has a beneficial financial impact on Council, by:

- Less cats and kittens being born so better for the cats/ kittens and wildlife of our municipality.
- Less cats and kittens needing to be euthanised
- Cats and kittens entering the pound are more social due to mainly being bred by way of unplanned litter, rather than under a house with no human contact. This increases adoptability.
- Less stress for the Officer's dealing with complaints and now deal with nuisance cat complaints from neighbours eg cat's trespassing from a neighbour rather than constant stray litters of kittens impounded and possibly euthanised.
- By Council investing in the free cat de-sexing program for residents, it is saving Council money in the future by way of less cats/ kittens being born, Officer's time is free up to deal with other issues rather than trapping cats/ kittens that are semi owned. Less cats = less cost
- Better mental health outcomes for Officer's, shelter workers and vets, as the total number of cats and kittens entering the pound has decreased, so they are not dealing with constant euthanasia due to overpopulation.
- 891 Cats de-sexed and microchipped to date.

The chart below outlines the impact of just one female cat reproducing.

An unsprayed female cat, her mate, and all of their offspring producing 2 litters per year, with 2.8 surviving kittens per litter can total:



Future Plans

Objective 1: Reduce the amount of euthanasia rates at Council Pound (feral/unowned cats excepted) and increase the percentage of desexed animals on Council's database through education

Activity	Responsible Officer	When	Evaluation
Continue with the rehousing/ adoption program to assist in reducing euthanasia rates	Municipal Laws Officers	Ongoing	Total number of animals impounded annually
Continue to promote the free cat desexing program	Municipal Laws Officers	Annually	Number of cats desexed and microchipped
Promote desexing during all animal request contacts	Municipal Laws Officers	Daily	The number of desexed dogs and cats on Council's registration database
Involve breed clubs and rescue services to assist in rehousing animals, particularly surrendered animals	Municipal Laws Officers	Ongoing	Links with clubs and rescue services and number of animals rehoused by them
Provide vouchers for subsidised desexing with registration	Municipal Laws Officers	Ongoing	Number of vouchers used

Objective 2: Reduce euthanasia rates at Council Pound, through compliance

Activity	Responsible Officer	When	Evaluation
Promote microchipping, registration and desexing with pet owners and ensure compliance	Laws Officers	Ongoing	Increase in registration rates and decrease in euthanasia rates

Objective 3: Reduce percentage of non-desexed animals on database through identification with technology

Activity	Responsible Officer	When	Evaluation
Ensure pound processes are followed to ensure all dogs with no ID or chip are photographed so they can be posted on Nilumbik's Website and Facebook page to increase reunification rates	Municipal Laws Officers impounding	Ongoing	Links to Nilumbik Shire Pound on the Banyule website and number of animals reclaimed and registered
Offer free registration for newly adopted cats through our service provider and to residents using Council's cat desexing program. NOTE: Registration only applies until the annual registration renewal date of April 10	Municipal Laws Officers	Annually through the desexing program and throughout the year for adopted cats/kittens via Cat Protection Society	Increase in number of animals on the registration database



SECTION 7 – Domestic Animal Businesses

Summary

Banyule has 7 domestic animal business (DAB) registrations. Council will continue ensuring all new businesses are registered and that it works with proprietors to ensure all standards relating to the Act and code of practice are met.

Current Situation

Council audits all businesses once a year and there have been no significant issues with compliance.

Domestic Animal Businesses are inspected at registration renewal time annually and documented on a register for auditing purposes.

Our Domestic Animal Businesses had closed through COVID, including lockdown period, with some even expiring and not renewing. The effects from COVID had been substantial with loss of income, Animal Management has been working with these businesses to ensure they complied and had showed leniency with renewals.

Our Current Activities

Our current educational, promotional and compliance activities include:

- Providing a relevant mandatory Code of Practice to proprietors/ staff of existing and proposed domestic animal businesses.
- Ensuring all relevant Domestic Animal Businesses are advised and involved in any review of the mandatory Code of Practice for their type of business.
- Registering all identified Domestic Animal Businesses within Banyule, including:
 - Breeding and rearing establishments
 - Pet shops
 - Shelters and pounds
 - Boarding establishments
 - Dog training establishments

- Inspecting Domestic Animal Businesses annually to ensure compliance with the Code.
- Following-up non-compliance issues with information on required actions and timeframes for resolution, further inspections, and prosecutions where necessary.
- Reinforcing the requirement for Domestic Animal Businesses to notify Council of any animals sold or given away, as required under S13 of the Act.
- Ensure all Domestic Animal Businesses have a source number to be legally able to sell animals, with DEDJTR informed of the audit annually.

Introduction of Pet Exchange Register

The Pet Exchange Register promotes responsible pet breeding and improves the traceability of dogs and cats being sold in Victoria.

If you advertise a puppy, kitten, dog or cat for sale or to give away in Victoria, you will need a source number from the Pet Exchange Register at Animal Welfare Victoria. This source number must be displayed on all your advertisements, including social media, along with each animal's microchip number.

The source number of the breeder of any dog or cat, or the source number of the council pound, animal shelter, pet shop or foster carer that owns the animal is required when implanting a microchip into a dog or cat born after 1 July 2020.

A source number is valid for one year and can be renewed annually for as long as you need it.

If you are a domestic animal business or voluntarily enrolled foster carer registered with council, your council will apply for the source number on your behalf.

The Pet Exchange Register promotes responsible pet breeding and improves the traceability of dogs and cats being sold in Victoria.

Future Plans

Objective 1: Ensure, through education, that all Domestic Animal Businesses operating in Banyule are identified, registered and complying with the Code of Practice

Activity	Responsible Officer	When	Evaluation
Provide advice to other Council unites when planning applications for domestic animal businesses are received to ensure appropriate conditions are placed on construction, operation, etc	Municipal Laws Officers	As required	An increase in home business enquiries has been noted since COVID and businesses have lost financial ability to rent commercial premises
Provide owners with information on updates to the Code of Practice and other legislation update information where necessary	Municipal Laws Officers	As required	Information/legislation changes are promoted via Council's communications Team
Ensure Council provides all Domestic Animal Business details to Pet Exchange Register	Municipal Laws Officers	Annually	All current Domestic Animal Businesses comply with legislation and have source numbers provided

Objective 2: Ensure, using compliance, that all Domestic Animal Businesses operating in Banyule are identified, registered and are complying with Code of Practice

Activity	Responsible Officer	When	Evaluation
Identify and register all Domestic Animal Businesses within Banyule	Municipal Laws Officers	Ongoing	Ensure all Domestic Animal Businesses are registered and renewed each year
Ensure Domestic Animal Businesses are inspected at least annually	Municipal Laws Officers	Annually	Domestic Animal Businesses inspected, and audits completed
Investigate any complaint relating to the operation of a Domestic Animal Businesses	Municipal Laws Officers	When required	Records of and resolution of complaints to achieve compliance
Ensure Domestic Animal Businesses are providing information on the sale of animals	Municipal Laws Officers	Ongoing	Sale of animal information received with increased registrations and are recorded on a new animal sales register in Authority

Objective 3: Ensure, using technology, that all Domestic Animal Businesses operating in Banyule are identified, registered and are complying with the Code of practice

Activity	Responsible Officer	When	Evaluation
Ensure audit documents from inspections are kept electronically against the application on Council's database	Municipal Laws Officers	Annually	Each inspection can be viewed against application on Council's database

SECTION 8 – Other Matters

Animal Welfare/ Abandoned Animals Issues

All Municipal Laws Officer's are authorised under the Prevention of Cruelty to Animals Act to deal with issues relating to cruelty and Council officers have a good working relationship with the RSPCA Inspectorate in these matters. These types of investigation have their own category created on Council's Customer Request Management so it can keep track of how many abandoned/ animal welfare complaints received.

Cases considered more complex are handed over to the RSPCA Inspectorate for actioning.

Surrender Animals

For Banyule Council, it has always been best practice to provide a free surrender service for any resident wanting to surrender an animal. The surrender service has always been free to ensure residents are not dumping pets in unsafe places and to ensure that Animal Management Officers can discuss the issue with the owner and educate them where necessary. This also provides a good opportunity to find out about the animal's living arrangements and ensure it is rehomed to best suit its needs.

Some animals are taken straight off by animal rescue groups, especially those animals which may not cope in a pound situation.

Council also keeps track of the surrendered animals reported through Customer Requests Management.

	2020/21	2019/20	2018/19
Abandoned/Animal Welfare Customer Requests	49	50	28
Surrendered animals	31	46	41

After Hours Animal Emergency Service

There is a 24-hour service for animal emergencies within Banyule. Council's after-hours service is a shared service between Municipal Laws Officers and the Melbourne Pet Ambulance Service.

The after-hours service manages:

- contained domestic animals;
- injured animals;
- emergency services assistance; and
- dog attacks/ community safety issues involving domestic animals.

Local Government Reporting

Know Your Council and the Local Government Reporting Framework have been developed by Local Government Victoria within the Department of Environment, Land, Water and Planning. Mandatory performance reporting started in 2014-15 and is a key initiative to improve the transparency and accountability of council performance to ratepayers.

Animal management is measured via 5 key performance indicators:

1. The cost of the animal management service;
2. The time taken to action animal management requests;
3. Animals reclaimed;
4. Animals rehomed;
5. The number of animal management prosecutions.

This information can be found on the Know Your Council Website at www.knowyourcouncilvic.gov.au

Objective 1: To have plans/contingencies in place in the event of an emergency

Activity	Responsible Officer	When	Evaluation
Develop a program that helps domestic violence victims with transport and short-term housing of their pets in an emergency	Municipal Laws Officers	Through any day to day enquiries or upon special requests via police or social workers	Process in place and a Welfare hold is in place at the pound for special situation dogs and cats.
To ensure there are arrangements for pets within the relief centres designated for Banyule in the event of emergencies	Municipal Laws Officers / Emergency Management Coordinator	Completed 2020	Arrangements are in the emergency management plan for Banyule

Objective 2: Decrease the incidence of Animal Welfare complaints using education, compliance and technology

Activity	Responsible Officer	When	Evaluation
Provide web links to Prevention of Cruelty to Animals Act 1986 information, codes (dog and cat private keeping, etc), brochures, etc, via Council's website	Municipal Laws Officers	July 2022	Web links added to Council website
Investigate complaints of animal cruelty and animal welfare	Municipal Laws Officers / RSPCA Inspectorate	Ongoing	Complaints responded to as per customer service requests
Liaise with relevant agencies such as RSPCA in relation to prevention of cruelty issues	Municipal Laws Officers	When needed	Liaison with relevant agencies
Educate the community with regards to cruelty issues	Municipal Laws Officers	Ongoing with daily complaints	Reduction in cruelty complaints

Objective 3: Identifying/harnessing the benefits of pet ownership via education

Activity	Responsible Officer	When	Evaluation
Promote the benefits of pet ownership via internal publications and the media	Municipal Laws Officers	Ongoing	Articles in Banyule Banner and social media

Community Consultation

The DAM Plan has been advertised for community feedback for a 3-week period on Shaping Banyule, was also promoted on Facebook and at one park pop-up before lockdown periods announced. Council received feedback from 79 residents, with the results being recorded on Appendix 1.

SECTION 9 – Review of Plan and Annual

Objective 1: Comply with Section 68A (3) of the Act.

Activity	Responsible Officer	When	Evaluation
Provide the Department of Economic Development, Jobs, Transport and Resource Secretary with a copy of the new Domestic Animal Management Plan	December 2021	Copy supplied and signed off by December 2021	Process in place and a Welfare hold is in place at the pound for special situation dogs and cats.
Review and report annually on the Domestic Animal Management Plan and, if appropriate, amend the plan	Annually	Plan reviewed and Council briefed	Arrangements are in the emergency management plan for Banyule

Acronyms

DAMP	Domestic Animal Management Plan
BCC	Banyule City Council
CRM	Customer Request Management
VDDR	Victorian Dangerous Dog Register
RSPCA	Royal Society for Protection and Care of Animals
POCTA	Prevention of Cruelty to Animals Act
MOU	Memo of Understanding
MAV	Municipal Association Victoria
AMSTAFF	American Staffordshire Terrier
ABS	Australian Bureau Statistics
RBD	Restricted Breed Dog
DEDJTR	Department of Economic Development, Jobs, Transport and Resource
AMO	Animal Management Officer
MEMPC	Municipal Emergency Management Planning Committee
AWF	Animal Welfare Victoria

Bibliography/References

2017-2021	Banyule City Council Domestic Animal Management Plan www.animalwelfare.vic.gov.au
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How to contact your Council

For all enquiries or information about any Council services:

Telephone: **9490 4222**

Email: enquiries@banyule.vic.gov.au

Website: www.banyule.vic.gov.au

Fax: **9499 9475**

If your hearing or speech is impaired, you can call us through the National Relay Service on 133 677 (TTY) or 1300 555 727 (ordinary handset) and ask for 9490 4222.

Postal Address:

PO Box 94, Greensborough 3088

Council Service Centre:

Greensborough: Level 3, 1 Flintoff Street

Ivanhoe Library and Cultural Hub

Ivanhoe: 275 Upper Heidelberg Road

Office Hours of Opening:

Monday – Friday 8.30am – 5pm

Interpreter service:

If you need an interpreter, please contact TIS National on 131 450 and ask to be connected to Banyule Council on 9490 4222.

إذا كنتم بحاجة إلى مترجم، الرجاء الاتصال بالخط القومي لخدمة الترجمة الهاتفية على الرقم 131 450، واتصلوا بإصالحكم ببلدية بانبول على الرقم 9490 4222.

若你需要口譯員，請致電131 450聯絡TIS National，要求他們為你致電9490 4222接通Banyule市政廳。

Ako vam je potreban tumač, molimo vas, nazovite TIS National na broj 131 450 i zatražite da vas se spoji sa Vijećem općine Banyule na broj 9490 4222.

Αν χρειάζεστε διερμηνέα τηλεφωνήστε στην Εθνική Υπηρεσία Διερμηνέων Μεταφραστών στον αριθμό 131 450 και ζητήστε να σας συνδέσουν με τη Δημαρχία Banyule στο 9490 4222.

Se hai bisogno di un interprete chiama TIS National al numero 131 450 e chiedi di essere messo in comunicazione con il Comune di Banyule al numero 9490 4222.

Ако ви треба преведувач ве молиме јавете се на TIS National на 131 450 и замовете да ве поврзат со Banyule Council на 9490 4222.

如果你需要一名翻译，请打电话到国家电话翻译服务处(TIS National) 131 450，再转接到Banyule市政府9490 4222

Haddii aad u baahan tahay mutarjum wac khadka qaranka oo ah TIS 131 450 weydiina in lagugu xiro Degmada Banyule tel: 9490 4222.

Nếu cần thông dịch, xin gọi cho TIS Toàn Quốc qua số 131 450 rồi nhờ họ gọi cho Hội Đồng Thành Phố Banyule theo số 9490 4222 giúp quý vị.



Improving the operation of ResCode

A new model for assessment



November 2021



Contributors

Helen Gibson, Peter Allen, Andrew Natoli (Equipe Lawyers), Paul Beeson (Equipe Lawyers), DELWP Planning Systems Reform Branch.

Acknowledgment

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

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



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Department of Environment, Land, Water and Planning

Glossary

The Act	<i>The Planning and Environment Act 1987</i>
An application	An application for a planning permit lodged under section 47 of the Act or an application to amend a planning permit under section 72 of the Act
Building Regulations	<i>Building Regulations 2018</i>
DDO	Design and Development Overlay
DELWP	Department of Environment, Land, Water and Planning
GRZ	General Residential Zone
Notice and review	The notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act
NCO	Neighbourhood Character Overlay
NPR	No permit required
NRZ	Neighbourhood Residential Zone
PAM	Performance Assessment Module
Planning scheme	The relevant local planning scheme
Permit	A planning permit granted under Part 4 of the Act
PPARS	The DELWP Planning Permit Activity Reporting System
Practitioners Guide	<i>A Practitioners Guide to Victorian Planning Schemes</i> , DELWP April 2020
Regulations	<i>The Planning and Environment Regulations 2015</i>
ResCode	Clauses 54, 55 and 56 of the VPP and all planning schemes
RGZ	Residential Growth Zone
VCAT	Victorian Civil and Administrative Tribunal
VicSmart	The application assessment process under clause 71.06 and other provisions of a planning scheme
VPP	Victoria Planning Provisions



Executive summary

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

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

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

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

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

The performance assessment model



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

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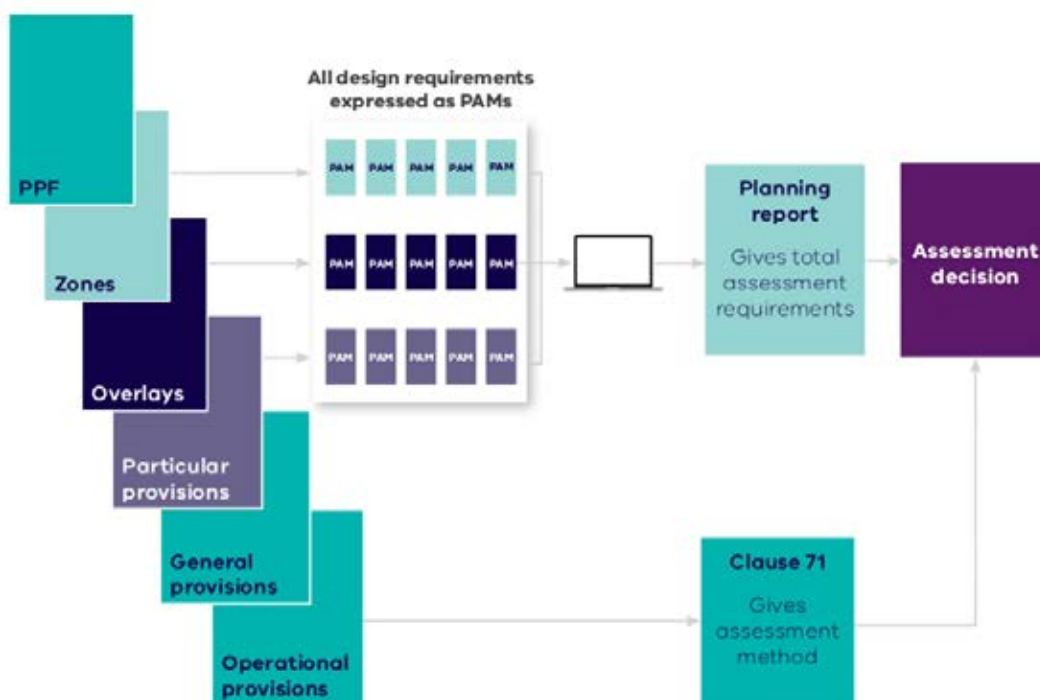
Converting assessment provisions to the proposed model will have the following benefits:

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

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

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

Overview of how the proposed model will work



Why start with ResCode?

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

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

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

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

What is ResCode?

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

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

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

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

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

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

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

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



What is a PAM?

The PAM is built on four components:

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

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

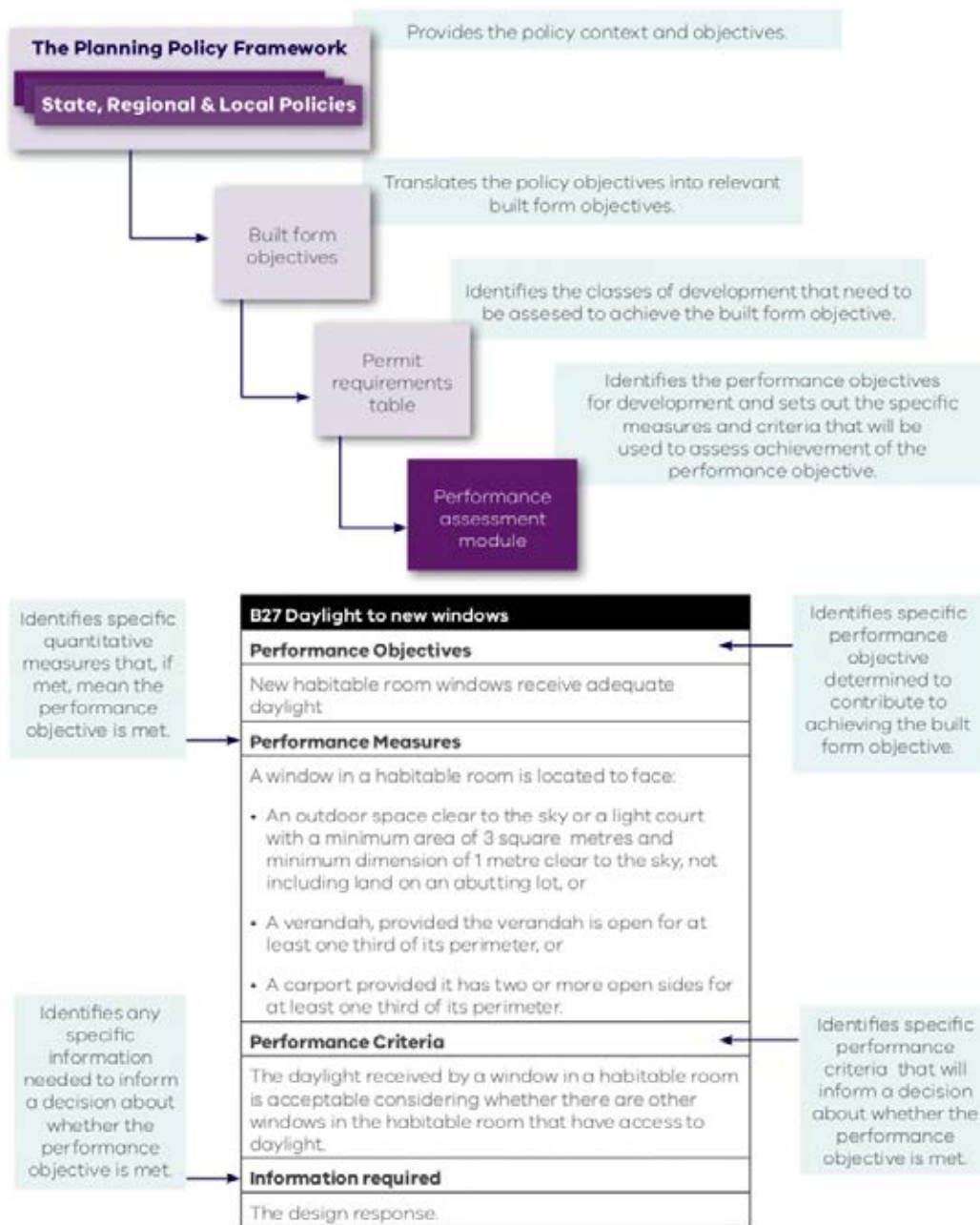
- Performance Objective
- Performance Criteria

The PAM may include one or more:

- Performance Measure
- Information Requirements

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

Building a PAM

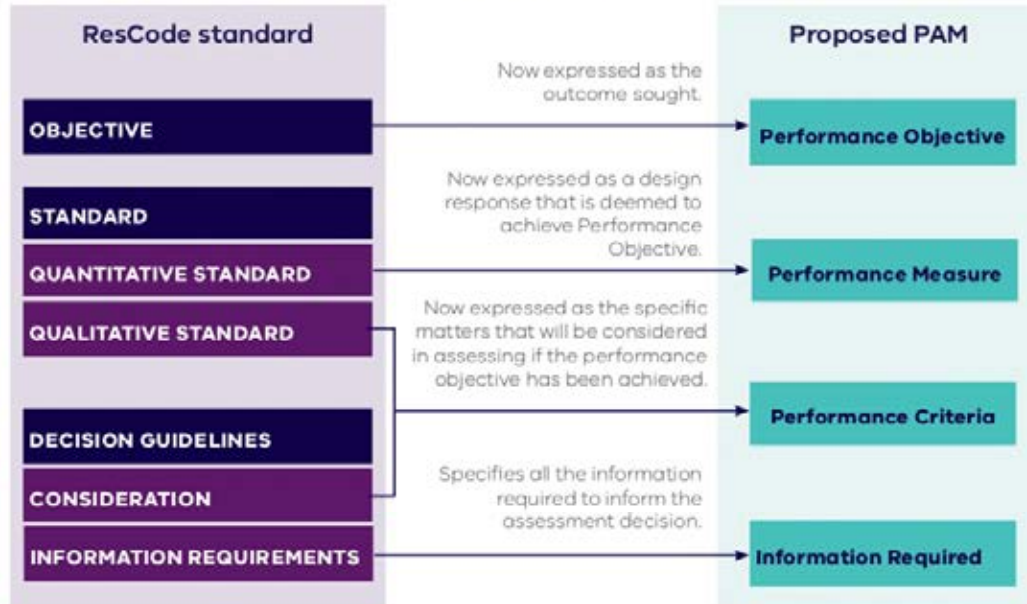


This report has found that all current ResCode standards can be expressed as a PAM (see APPENDICES 4, 5 and 6).

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Translating a ResCode standard to PAM

The difference between a ResCode standard and a PAM



Changes to apply the model

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

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

Department of Environment, Land, Water and Planning

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

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

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



1. The purpose of this report

Purpose

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

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

The purpose of the report is twofold:

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

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

The evolution of planning schemes and ResCode

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

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

Why streamlining residential approval is important

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

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

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

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Recent planning permit activity²

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

Best practice decision making

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

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

These considerations have informed the proposals in this report.

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



The VPP Principles

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

The six principles of the VPP

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

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The rules for planning schemes

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

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

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

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

The planning scheme rules

Entry Rules



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

Application Rules



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

Drafting Rules



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



2. The new model

The need for more consistent assessment provisions

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

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

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

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

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

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

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

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

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

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

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The proposed model

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

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

The PAM

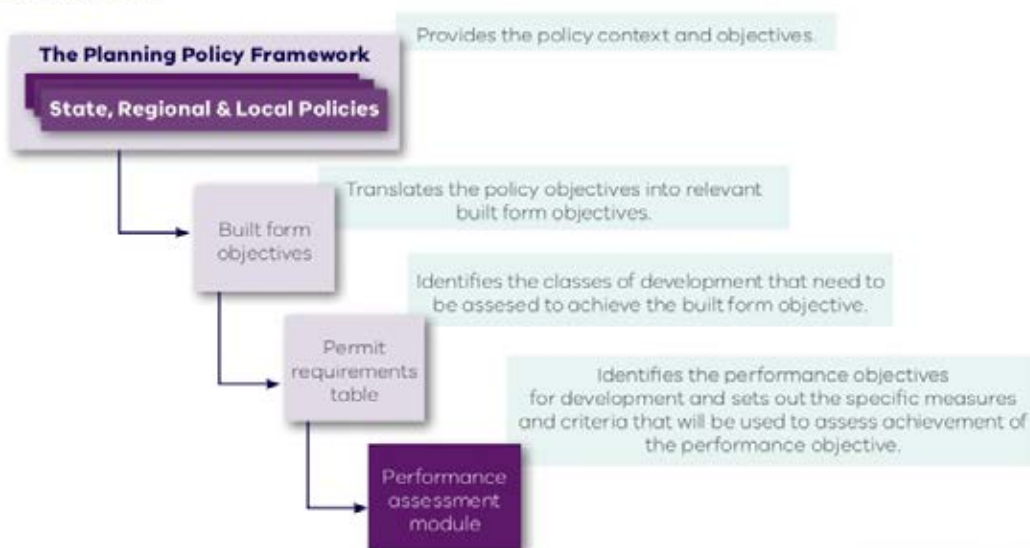


The model is made up of a new PAM and new rules about how a design response is assessed against the PAM. The PAM will set out more precisely the performance objectives for a design matter and the considerations and information that are needed to assess that matter. The new rules will make it clear when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

The PAM is built on four components:

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

Building a PAM



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

How will the new model work?

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

- Performance Objectives
- Performance Criteria.

The module may include one or more:

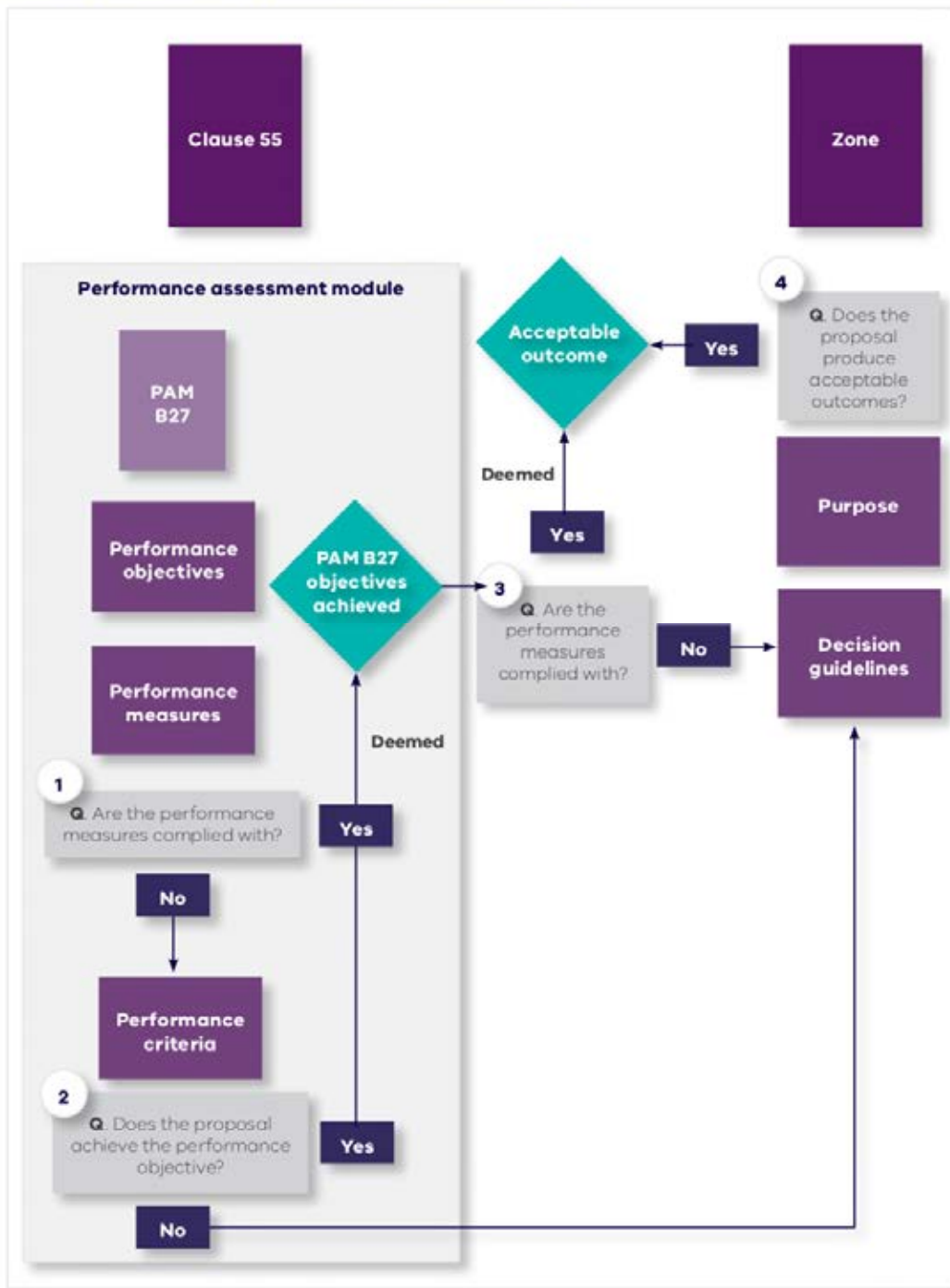
- Performance Measures
- Information Requirements.

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

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

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Making a decision using a performance assessment module



Operation of the performance assessment module

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

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

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

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

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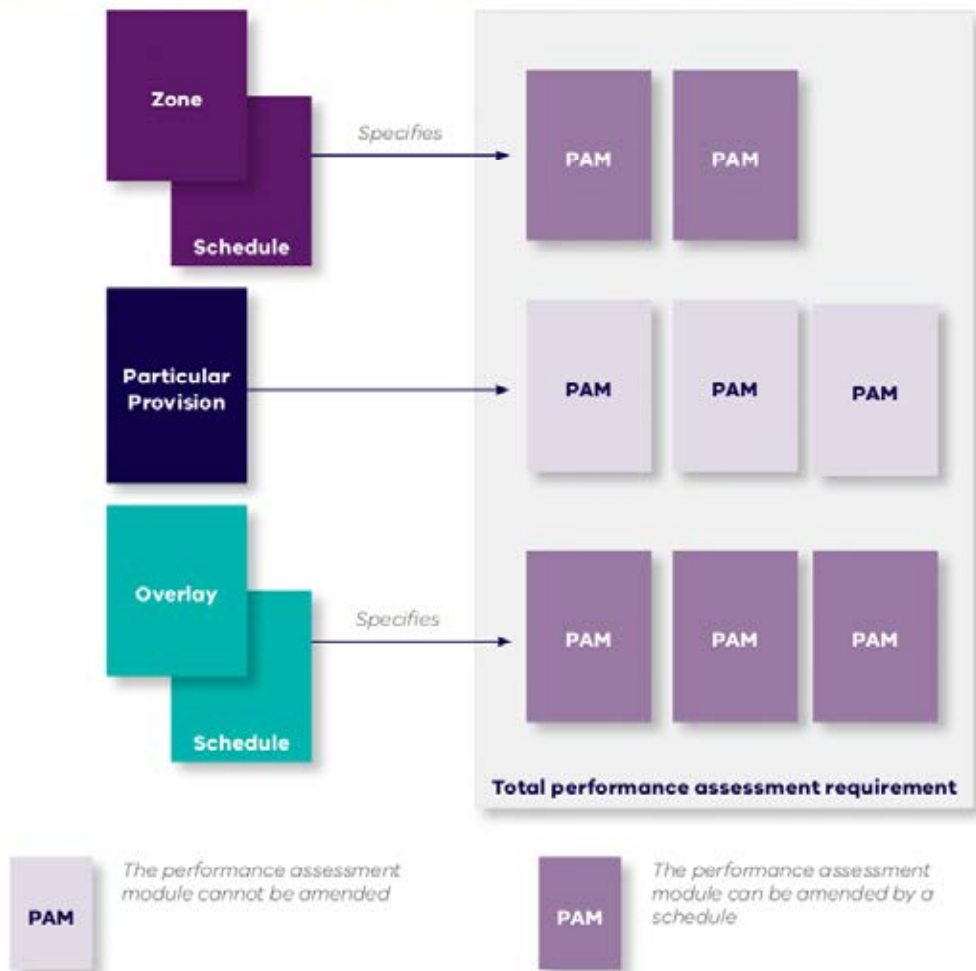
Benefits for the future of the VPP

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

The new model provides the following benefits:

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

How the model can apply to non-residential provisions



A standard modular format for more focussed assessment

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

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

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

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

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

A clear operation that promotes streamlined assessment

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

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

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

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

Digital ready provisions

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

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

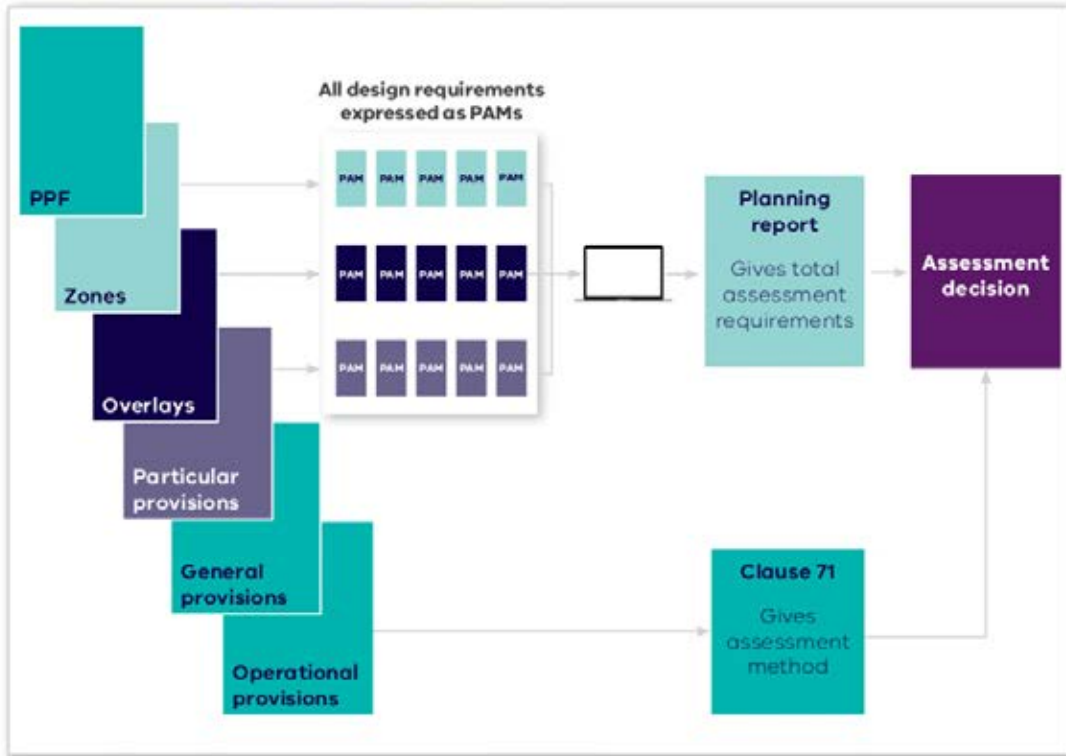
Over time, as other components of the VPP and planning schemes are also optimised, digital platforms have the potential to dramatically reduce complexity and provide more efficient access to planning schemes for all users.

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

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

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Overview of how the proposed model will work





3. Understanding ResCode

Where did ResCode come from?

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



How does ResCode work

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

The new ResCode standards consisted of:

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

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

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

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

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

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

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

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

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

Both clause 54 and 55 include the following purposes:

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

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

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

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

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

Operation

The provisions of this clause contain:

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

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

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

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

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

Problems with the operation of ResCode

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

Some relevant cases include:

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

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

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

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

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

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

⁹ *16 Taylor Pty Ltd v Nillumbik SC* [2020] VCAT 673, at [86]¹⁰

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

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

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

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

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

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

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

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

Bringing clarity to the operation of ResCode

Need for more focussed assessment

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

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

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

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

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

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

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

Quantitative vs Qualitative

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

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

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

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

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

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

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

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

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Neighbourhood character

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

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

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

Planning policy framework

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

Neighbourhood character

Objective

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

Strategies

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

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

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

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

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

Zones

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

Mixed Use Zone:

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

Township Zone and General Residential Zone:

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

Neighbourhood Residential Zone:

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

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

Overlays

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

To identify areas of existing or preferred neighbourhood character.

To ensure that development respects the neighbourhood character.

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

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

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

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

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

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

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Understanding neighbourhood character

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

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

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

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

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

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

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

How do ResCode standards deliver neighbourhood character?

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

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

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

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

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

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

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

¹² A1 and B1

¹³ A8 and B13

¹⁴ A19 and B31



Improving how neighbourhood character is applied

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

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

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

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

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

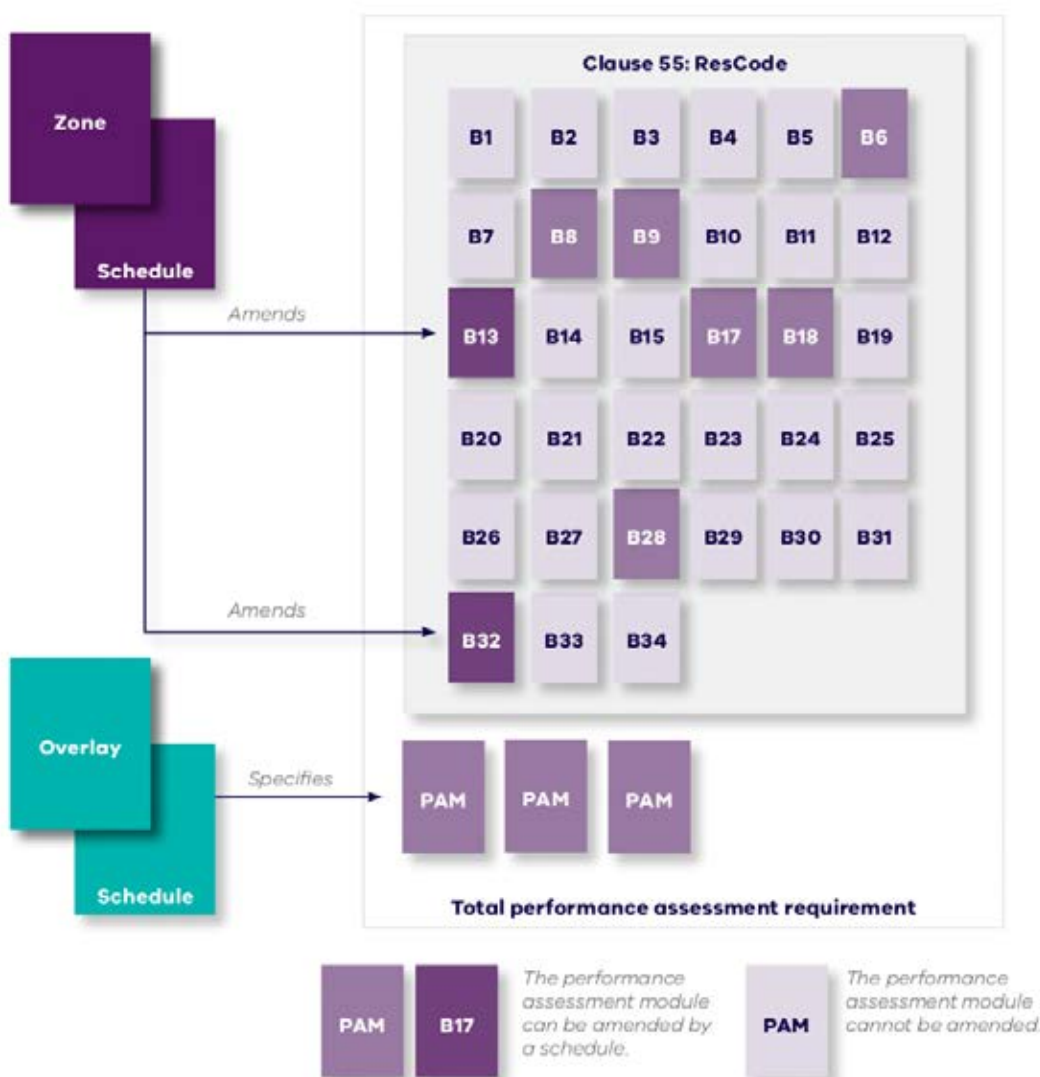
Restructuring ResCode and the residential zone provisions along these lines would not involve change to the substance of any of the ResCode standards or zone requirements. Rather, it offers an opportunity to introduce more certainty and make decision making more structured and consistent, and more focussed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

4. Applying the model to ResCode

How the new model can apply to ResCode

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

The total performance assessment requirement for a residential development



Translating the ResCode standards to PAMs

Currently, each ResCode standard is expressed as:

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

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

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

Translating a ResCode standard

The difference between a ResCode Standard and a PAM



Department of Environment, Land, Water and Planning

Example of a current standard: Standard A6

CURRENT

54.03-4

Permeability objectives

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

To facilitate on-site stormwater infiltration.

Standard A6

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

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

Decision guidelines

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

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

Example of a translated standard: Standard A6

TRANSLATED

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

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

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

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

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

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

Considering neighbourhood character under the new model

Schedule to residential zones

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

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

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

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

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

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

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

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For example, a schedule could read:

4.0

Assessment provisions of Clause 54 and Clause 55

4.0

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

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

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

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

Focus on objectives

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

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

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

Treatment of decision guidelines

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

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

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

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

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

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

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

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

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

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

Neighbourhood character objective

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

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

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

The Performance Measures provide as follows:

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

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

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

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

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The Performance Criteria are:

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

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

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

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

Design detail objective

The design detail objective in A19 and B31 is:

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

Standards A19 and B31 provide:

The design of buildings, including:

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

should respect the existing or preferred neighbourhood character.

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

The decision guidelines include:

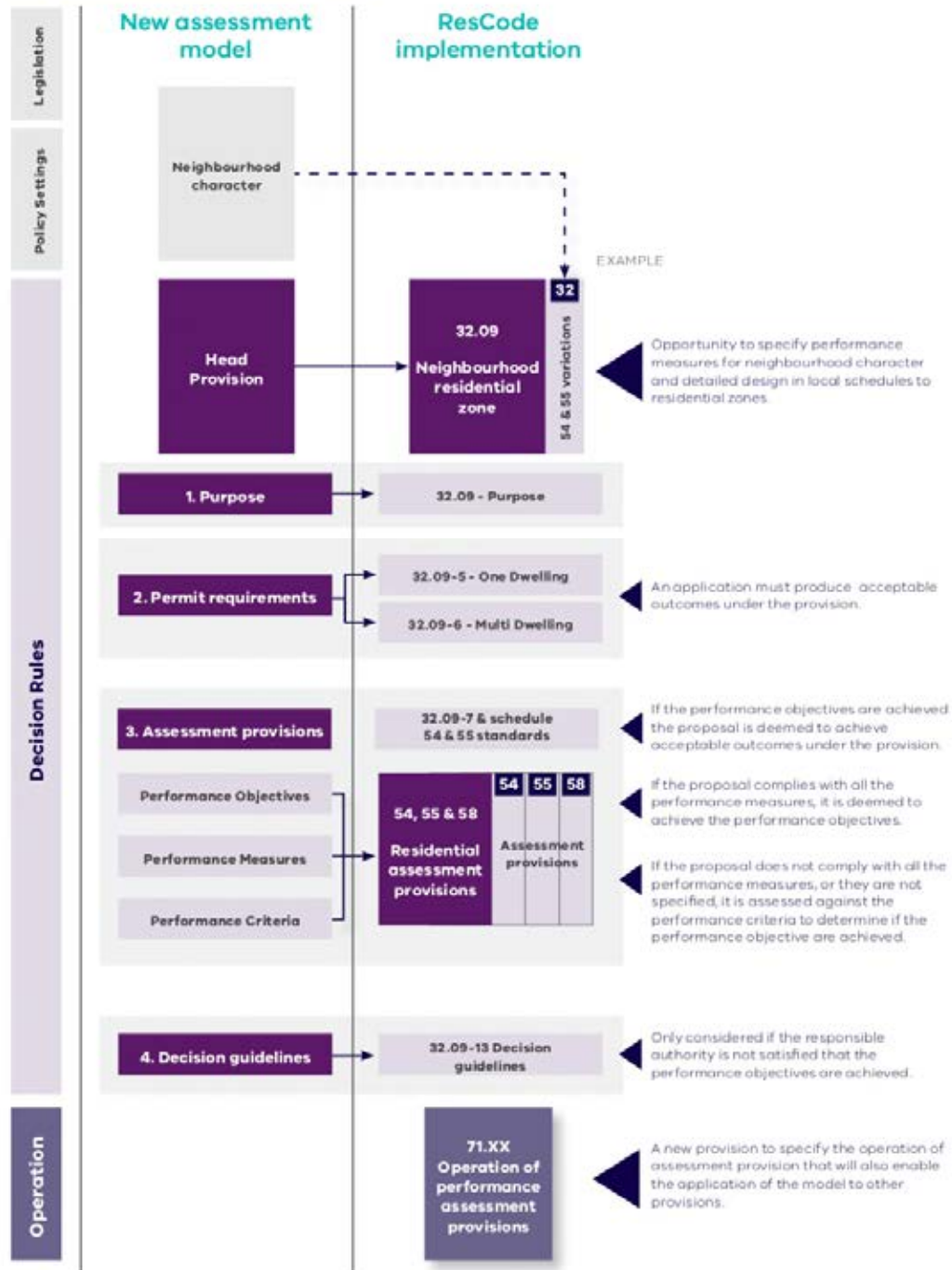
Any relevant neighbourhood character objective, policy or statement set out in this scheme.

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

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

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

A new performance assessment model



5. Considerations for implementation

Updating the drafting rules

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

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

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

Other consequential actions

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

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

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

Create a standard digital assessment proforma

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

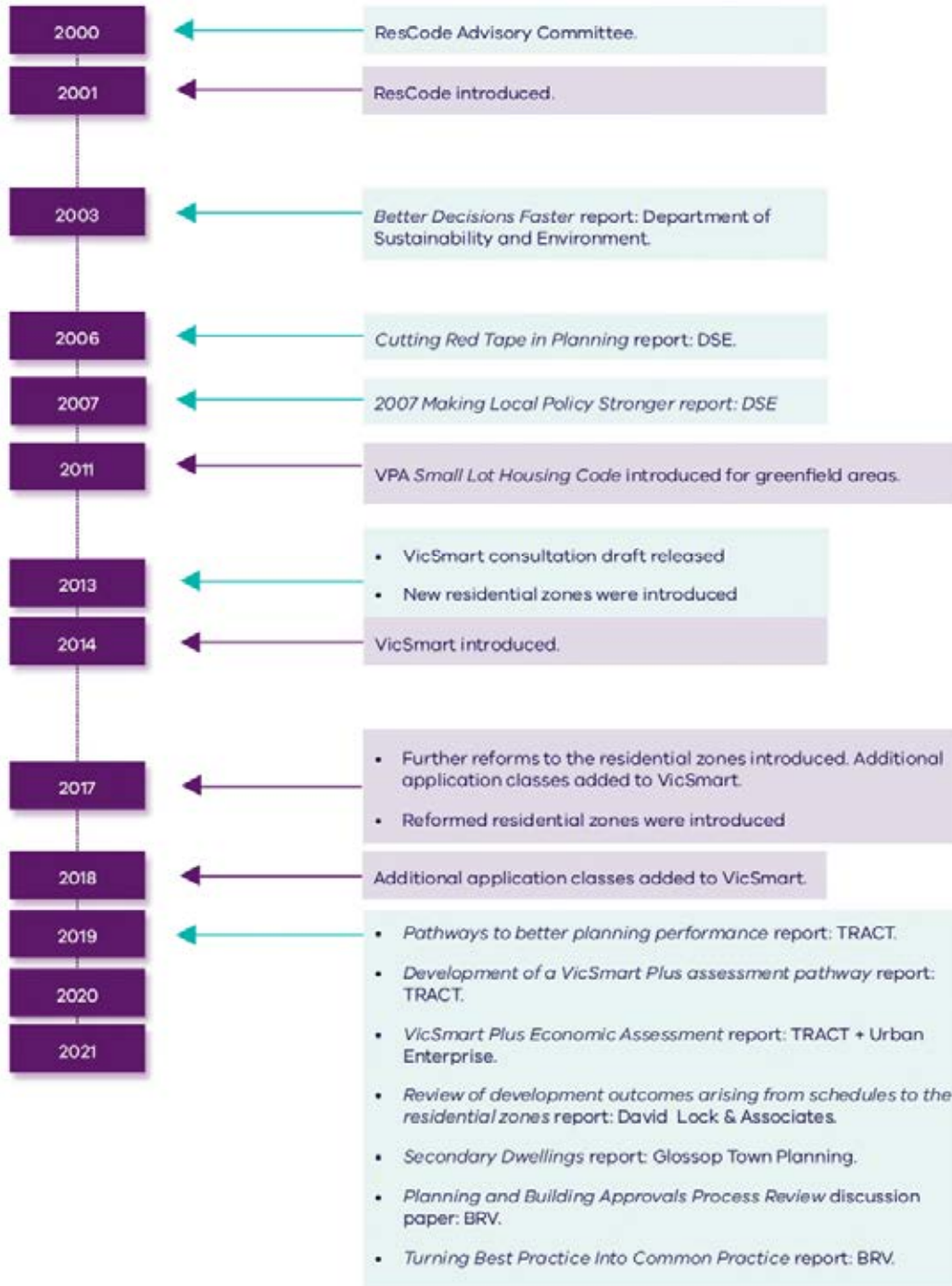


Appendices

Department of Environment, Land, Water and Planning

Appendix 1

An overview of residential reforms since 2000



Appendix 2: Overview of ResCode standards

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

* Standard may be modified by schedule

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Appendix 3

Draft Clause 71.XX

71.XX OPERATION OF ASSESSMENT PROVISIONS

71.XX-1 Assessment provisions

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

An assessment provision must include one or more:

- Performance objectives
- Performance criteria.

An assessment provision may include one or more:

- Performance measures
- Information requirements.

71.XX-2 Performance objectives

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

71.XX-3 Performance measures

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

71.XX-4 Performance criteria

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

71.XX-5 Information requirements

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

71.XX-5 Making decisions about an assessment provision

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

- A responsible authority must decide whether the use or class of development achieves the performance objective of each assessment provision.
- If an application achieves all applicable performance objectives, it is deemed to produce an acceptable outcome under the relevant provision.
- If the proposed use or class of development complies with any specified performance measures, it is deemed to achieve the relevant performance objective and the responsible authority must not consider and is exempt from considering:
 - Any performance criteria specified for the use or class of development under that assessment provision.
 - Any decision guidelines specified for the use or class of development under the relevant provision or other provision under the which the application is made.
 - The Municipal Planning Strategy and Planning Policy Framework.

- The requirements of section 60(1)(b), (e) and (f) and (1A) (b) to (h) and (j) of the Act.
- The decision guidelines in Clause 65.
- Where performance measures are not complied with or are not specified, the responsible authority must decide whether the use or class of development achieves the performance objective having regard to any specified performance criteria and any relevant information requirements.
- In deciding whether a proposed use or class of development achieves a performance objective, the responsible authority must not consider and is exempt from considering:
 - Any decision guidelines specified for the use or class of development under the relevant provision or other provision under the which the application is made.
 - The Municipal Planning Strategy and Planning Policy Framework.
 - The requirements of section 60(1)(b), (e) and (f) and (1A) (b) to (h) and (j) of the Act.
 - The decision guidelines in Clause 65.
- If a responsible authority decides that the use or class of development does not achieve a performance objective, it must decide whether the use or class of development will produce acceptable outcomes having regard to decision guidelines specified for the use or class of development under the relevant provision or other provision under the which the application is made.

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Appendix 4

Test translation of Clause 54

NOTE: This translation is an initial 'proof of concept' version.

The detailed drafting of each module will require further review and refinement before coming into operation.

54.02 NEIGHBOURHOOD CHARACTER

CURRENT

54.02-1 Neighbourhood character objectives

To ensure that the design respects the existing neighbourhood character or contributes to a preferred neighbourhood character.

To ensure that the design responds to the features of the site and the surrounding area.

Standard A1

The design response must be appropriate to the neighbourhood and the site.

The proposed design must respect the existing or preferred neighbourhood character and respond to the features of the site.

Decision guidelines

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

- Any relevant neighbourhood character objective, policy or statement set out in this scheme.
- The neighbourhood and site description.
- The design response.

TRANSLATED

A1 Neighbourhood character
Performance objective
The design respects the existing neighbourhood character or contributes to a preferred neighbourhood character.
The development responds to the features of the site and the surrounding area.

<p>Performance measure</p> <p>The design of new development complies with the performance measures specified for the following performance objectives or any variation to them in a schedule to a zone or overlay:</p> <ul style="list-style-type: none"> • Street setback (A3). • Building height (A4). • Site coverage (A5). • Side and rear setbacks (A10). • Walls on boundaries (A11). • Front fences (A20). <p>The design of new development complies with any performance measures specified for neighbourhood character and design detail in a schedule to a zone.</p>
<p>Performance criteria</p> <p>A proposed variation to a performance measure in the design of new development does not unreasonably disturb the existing neighbourhood context described in the neighbourhood and site description or the neighbourhood character objectives in a schedule to a zone.</p>
<p>Information required</p> <p>The neighbourhood and site description.</p> <p>The design response.</p>

CURRENT**54.02-2 Integration with the street objective**

To integrate the layout of development with the street.

Standard A2

Dwellings should be oriented to front existing and proposed streets. High fencing in front of dwellings should be avoided if practicable.

Dwellings should be designed to promote the observation of abutting streets and any abutting public open spaces.

Decision guidelines

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

- Any relevant neighbourhood character objective, policy or statement set out in this scheme.
- The design response.

TRANSLATED

A2 Integration with the street
Performance objective
The development integrates with the street.

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Performance measure
Dwellings are oriented to front existing and proposed streets.
There is no high fencing in front of dwellings.
Dwellings promote the observation of abutting streets and any abutting public open space.
Performance criteria
The layout of development is integrated with the street.
Information required
The neighbourhood and site description.
The design response.

54.03 SITE LAYOUT AND BUILDING MASSING**CURRENT****54.03-1 Street setback objective**

To ensure that the setbacks of buildings from a street respect the existing or preferred neighbourhood character and make efficient use of the site.

Standard A3

Walls of buildings should be set back from streets:

- At least the distance specified in a schedule to the zone, or
- If no distance is specified in a schedule to the zone, the distance specified in Table A1.

Porches, pergolas and verandahs that are less than 3.6 metres high and eaves may encroach not more than 2.5 metres into the setbacks of this standard.

Table A1 Street setback

Development context	Minimum setback from front street (Metres)	Minimum setback from a side street (Metres)
There is an existing building on both the abutting allotments facing the same street, and the site is not on a corner.	The average distance of the setbacks of the front walls of the existing buildings on the abutting allotments facing the front street or 9 metres, whichever is the lesser.	Not applicable.
There is an existing building on one abutting allotment facing the same street and no existing building on the other abutting allotment facing the same street, and the site is not on a corner.	The same distance as the setback of the front wall of the existing building on the abutting allotment facing the front street or 9 metres, whichever is the lesser.	Not applicable.
There is no existing building on either of the abutting allotments facing the same street, and the site is not on a corner.	6 metres for streets in a Road Zone, Category 1, and 4 metres for other streets.	Not applicable.

The site is on a corner.	<p>If there is a building on the abutting allotment facing the front street, the same distance as the setback of the front wall of the existing building on the abutting allotment facing the front street or 9 metres, whichever is the lesser.</p> <p>If there is no building on the abutting allotment facing the front street, 6 metres for streets in a Road Zone, Category 1, and 4 metres for other streets.</p>	The same distance as the setback of the front wall of any existing building on the abutting allotment facing the side street or 2 metres, whichever is the lesser.
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Decision guidelines

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

- Any relevant neighbourhood character objective, policy or statement set out in this scheme.
- The design response.
- Whether a different setback would be more appropriate taking into account the prevailing setbacks of existing buildings on nearby lots.
- The visual impact of the building when viewed from the street and from adjoining properties.
- The value of retaining vegetation within the front setback.

TRANSLATED

A3 Street setback
Performance objective
The setbacks of buildings from a street respect the existing or preferred neighbourhood character.
The setbacks of buildings from a street make efficient use of the site.

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Performance measure		
All building walls are set back from streets:		
<ul style="list-style-type: none"> • At least the distance specified in a schedule to the zone, or • If no distance is specified in a schedule to the zone, the distance specified in Table A1; except that a porch, pergola or verandah less than 3.6 metres high and an eave may encroach not more than 2.5 metres into the setbacks of this performance measure.		
Table A1 Street setback		
Development context	Minimum setback from front street (Metres)	Minimum setback from a side street (Metres)
There is an existing building on both the abutting allotments facing the same street, and the site is not on a corner.	The average distance of the setbacks of the front walls of the existing buildings on the abutting allotments facing the front street or 9 metres, whichever is the lesser.	Not applicable
There is an existing building on one abutting allotment facing the same street and no existing building on the other abutting allotment facing the same street, and the site is not on a corner.	The same distance as the setback of the front wall of the existing building on the abutting allotment facing the front street or 9 metres, whichever is the lesser.	Not applicable
There is no existing building on either of the abutting allotments facing the same street, and the site is not on a corner.	6 metres for streets in a Road Zone, Category 1, and 4 metres for other streets.	Not applicable
The site is on a corner.	If there is a building on the abutting allotment facing the front street, the same distance as the setback of the front wall of the existing building on the abutting allotment facing the front street or 9 metres, whichever is the lesser. If there is no building on the abutting allotment facing the front street, 6 metres for streets in a Road Zone, Category 1, and 4 metres for other streets.	The same distance as the setback of the front wall of any existing building on the abutting allotment facing the side street or 2 metres, whichever is the lesser.
Performance criteria		
The building setback is appropriate considering:		
<ul style="list-style-type: none"> • Whether a different setback is more appropriate taking into account the prevailing setbacks of existing buildings on nearby lots. • The visual impact of the building when viewed from the street and from adjoining properties. • The value of retaining vegetation in the front setback. 		

Information required
The neighbourhood and site description.
The design response.

CURRENT

54.03-2

Building height objective

To ensure that the height of buildings respects the existing or preferred neighbourhood character.

Standard A4

The maximum building height should not exceed the maximum height specified in the zone, schedule to the zone or an overlay that applies to the land.

If no maximum height is specified in the zone, schedule to the zone or an overlay, the maximum building height should not exceed 9 metres, unless the slope of the natural ground level at any cross section wider than 8 metres of the site of the building is 2.5 degrees or more, in which case the maximum building height should not exceed 10 metres.

Changes of building height between existing buildings and new buildings should be graduated.

Decision guidelines

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

- Any relevant neighbourhood character objective, policy or statement set out in this scheme.
- Any maximum building height specified in the zone, a schedule to the zone or an overlay applying to the land.
- The design response.
- The effect of the slope of the site on the height of the building.
- The relationship between the proposed building height and the height of existing adjacent buildings.
- The visual impact of the building when viewed from the street and from adjoining properties.

TRANSLATED

A4 Building height
Performance objective
The height of buildings respects the existing or preferred neighbourhood character.
Performance measure
The maximum building height does not exceed the maximum height specified in the zone, a schedule to the zone or an overlay that applies to the land.
If no maximum height is specified in the zone, a schedule to the zone or an overlay, the maximum building height does not exceed 9 metres, unless the slope of the natural ground level at any cross section wider than 8 metres of the site of the building is 2.5 degrees or more, in which case the maximum building height does not exceed 10 metres.
Any change of building height between existing buildings and new buildings is graduated.

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<p>Performance criteria</p> <p>The building height is acceptable considering:</p> <ul style="list-style-type: none"> • The relationship between the proposed building height and the height of existing adjacent buildings. • The visual impact of the building when viewed from the street and from adjoining properties. • The effect of the slope of the site on the height of the building.
<p>Information required</p> <p>The neighbourhood and site description.</p> <p>The design response.</p>

CURRENT

54.03-3 Site coverage objective

To ensure that the site coverage respects the existing or preferred neighbourhood character and responds to the features of the site.

Standard A5

The site area covered by buildings should not exceed:

- The maximum site coverage specified in a schedule to the zone, or
- if no maximum site coverage is specified in a schedule to the zone, 60 per cent.

Decision guidelines

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

- Any relevant neighbourhood character objective, policy or statement set out in this scheme.
- The design response.
- The existing site coverage and any constraints imposed by existing development or the features of the site.
- The site coverage of adjacent properties.
- The effect of the visual bulk of the building and whether this is acceptable in the neighbourhood.

TRANSLATED

<p>A5 Site coverage</p>
<p>Performance objective</p> <p>The site coverage respects the existing or preferred neighbourhood character.</p> <p>The site coverage responds to the features of the site.</p>

Performance measure
The site area covered by buildings does not exceed: <ul style="list-style-type: none"> • The maximum site coverage specified in a schedule to the zone, or • If no maximum site coverage is specified in a schedule to the zone, 60 per cent.
Performance criteria
The site coverage is acceptable considering: <ul style="list-style-type: none"> • The existing site coverage and any constraints imposed by existing development or the features of the site. • The site coverage of adjacent properties. • The effect of the visual bulk of the building and whether this is acceptable in the neighbourhood context.
Information required
The neighbourhood and site description. The design response.

CURRENT

54.03-4

Permeability objectives

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

To facilitate on-site stormwater infiltration.

Standard A6

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

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

Decision guidelines

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

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

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TRANSLATED

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

CURRENT

54.03-5 Energy efficiency protection objectives

To achieve and protect energy efficient dwellings.

To ensure the orientation and layout of development reduce fossil fuel energy use and make appropriate use of daylight and solar energy.

Standard A7

Buildings should be:

- Oriented to make appropriate use of solar energy.
- Sited and designed to ensure that the energy efficiency of existing dwellings on adjoining lots is not unreasonably reduced.
- Sited and designed to ensure that the performance of existing rooftop solar energy systems on dwellings on adjoining lots in a General Residential Zone, Neighbourhood Residential Zone or Township Zone are not unreasonably reduced. The existing rooftop solar energy system must exist at the date the application is lodged.

Living areas and private open space should be located on the north side of the dwelling, if practicable.

Dwellings should be designed so that solar access to north-facing windows is maximised.

Decision guidelines

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

- The design response.
- The size, orientation and slope of the lot.
- The existing amount of solar access to abutting properties.
- The extent to which an existing rooftop solar energy system on an adjoining lot is overshadowed by existing buildings or other permanent structures.
- Whether the existing rooftop solar energy system on an adjoining lot is appropriately located.
- The effect of overshadowing on an existing rooftop solar energy system on an adjoining lot.
- The availability of solar access to north-facing windows on the site.

TRANSLATED

A7 Energy efficiency protection
Performance objective
<p>New development is energy efficient.</p> <p>The energy efficiency of existing buildings is protected.</p> <p>The orientation and layout of development reduces fossil fuel energy use and makes appropriate use of daylight and solar energy.</p>
Performance measure
<p>Buildings are oriented to make use of solar energy.</p> <p>Living areas and private open space are located on the north side of the dwelling.</p> <p>New dwellings maximise solar access to north-facing windows.</p> <p>Buildings are sited and designed to ensure that the energy efficiency of existing dwellings on adjoining lots is not reduced.</p> <p>Buildings are sited and designed to ensure that the performance of existing rooftop solar energy systems on dwellings on adjoining lots in a General Residential Zone, Neighbourhood Residential Zone or Township Zone are not reduced. The existing rooftop solar energy system must exist at the date the application is lodged.</p>
Performance criteria
<p>The energy efficiency of new development is acceptable considering:</p> <ul style="list-style-type: none"> • The size, orientation and slope of the lot. • The availability of solar access to north-facing windows on the site. <p>The energy efficiency protection for existing development is acceptable considering:</p> <ul style="list-style-type: none"> • The existing amount of solar access to abutting properties. • The extent to which an existing rooftop solar energy system on an adjoining lot is overshadowed by existing buildings or other permanent structures. • Whether the existing rooftop solar energy system on an adjoining lot is appropriately located. • The effect of overshadowing on an existing rooftop solar energy system on an adjoining lot.

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Information required
The neighbourhood and site description.
The design response.
A written statement that identifies any existing rooftop solar energy systems on dwellings on adjoining lots in a General Residential Zone, Neighbourhood Residential Zone or Township Zone, and the likely effect of overshadowing by the development on their performance taking account of: <ul style="list-style-type: none"> • The extent to which an existing rooftop solar energy system on an adjoining lot is overshadowed by existing buildings or other permanent structures. • Whether the existing rooftop solar energy system on an adjoining lot is appropriately located.

CURRENT

54.03-6

Significant trees objectives

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

To encourage the retention of significant trees on the site.

Standard A8

Development should provide for the retention or planting of trees, where these are part of the neighbourhood character.

Development should provide for the replacement of any significant trees that have been removed in the 12 months prior to the application being made.

Decision guidelines

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

- Any relevant neighbourhood character objective, policy or statement set out in this scheme.
- The design response.
- The health of any trees that were removed or are proposed to be removed.
- Whether a tree was removed to gain a development advantage.

TRANSLATED

A8 Significant trees
Performance objective
New development respects the landscape character of the neighbourhood.
Existing significant trees on the site are retained where possible.
Performance measure
Existing significant trees on the site are retained.
Any significant trees that have been removed in the 12 months prior to the application being made are replaced.

<p>Performance criteria</p> <p>The removal of a significant tree is acceptable considering:</p> <ul style="list-style-type: none"> • The health of any trees that have been or are proposed to be removed. • Whether a tree was removed to gain a development advantage
<p>Information required</p> <p>The neighbourhood and site description.</p> <p>The design response.</p> <p>If not included in the design response, a statement documenting the health of any tree that is proposed to be removed or has been removed in the 12 months prior to the application being made.</p>

54.04 AMENITY IMPACTS

CURRENT

54.04-1 Side and rear setbacks objective

To ensure that the height and setback of a building from a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings.

Standard A10

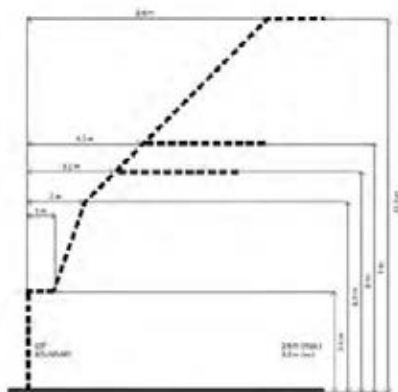
A new building not on or within 200mm of a boundary should be set back from side or rear boundaries:

- At least the distance specified in a schedule to the zone, or
- If no distance is specified in a schedule to the zone, 1 metre, plus 0.3 metres for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres.

Sunblinds, verandahs, porches, eaves, fascias, gutters, masonry chimneys, flues, pipes, domestic fuel or water tanks, and heating or cooling equipment or other services may encroach not more than 0.5 metres into the setbacks of this standard.

Landings having an area of not more than 2 square metres and less than 1 metre high, stairways, ramps, pergolas, shade sails and carports may encroach into the setbacks of this standard.

Diagram A1 Side and rear setbacks



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Decision guidelines

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

- Any relevant neighbourhood character objective, policy or statement set out in this scheme.
- The design response.
- The impact on the amenity of the habitable room windows and secluded private open space of existing dwellings.
- Whether the wall is opposite an existing or simultaneously constructed wall built to the boundary.
- Whether the wall abuts a side or rear lane.

TRANSLATED

A10 Side and rear setbacks
<p>Performance objective</p> <p>The height and setback of a building from a boundary respects the existing or preferred neighbourhood character.</p> <p>The height and setback of a building from a boundary limits the impact on the amenity of existing dwellings.</p>
<p>Performance measure</p> <p>A new building that is not on or within 200mm of a boundary is set back from side or rear boundaries:</p> <ul style="list-style-type: none"> • At least the distance specified in a schedule to the zone, or • If no distance is specified in a schedule to the zone, 1 metre, plus 0.3 metres for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres.
<p>Diagram A1 Side and rear setbacks</p> <p>Sunblinds, verandahs, porches, eaves, fascias, gutters, masonry chimneys, flues, pipes, domestic fuel or water tanks and heating or cooling equipment or other services do not encroach more than 0.5 metres into the setback.</p> <p>Landings with an area of not more than 2 square metres and less than 1 metre high, stairways, ramps, pergolas, shade sails and carports may encroach into the setback.</p>

<p>Performance criteria</p> <p>The height and setback of a building from a boundary is acceptable considering:</p> <ul style="list-style-type: none"> • The impact on the amenity of the habitable room windows and secluded private open space of existing dwellings. • Whether the wall is opposite an existing or simultaneously constructed wall built to the boundary. • Whether the wall abuts a side or rear lane.
<p>Information required</p> <p>The neighbourhood and site description.</p> <p>The design response.</p>

CURRENT**54.04-2 Walls on boundaries objective**

To ensure that the location, length and height of a wall on a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings.

Standard A11

A new wall constructed on or within 200mm of a side or rear boundary of a lot or a carport constructed on or within 1 metre of a side or rear boundary of a lot should not abut the boundary:

- For a length more than the distance specified in a schedule to the zone; or
- If no distance is specified in a schedule to the zone, for a length of more than:
 - 10 metres plus 25 per cent of the remaining length of the boundary of an adjoining lot, or
 - Where there are existing or simultaneously constructed walls or carports abutting the boundary on an abutting lot, the length of the existing or simultaneously constructed walls or carports, whichever is the greater.

A new wall or carport may fully abut a side or rear boundary where the slope and retaining walls or fences would result in the effective height of the wall or carport being less than 2 metres on the abutting property boundary.

A building on a boundary includes a building set back up to 200mm from a boundary.

The height of a new wall constructed on or within 200mm of a side or rear boundary or a carport constructed on or within 1 metre of a side or rear boundary should not exceed an average of 3.2 metres with no part higher than 3.6 metres unless abutting a higher existing or simultaneously constructed wall.

Decision guidelines

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

- Any relevant neighbourhood character objective, policy or statement set out in this scheme.
- The design response.
- The extent to which walls on boundaries are part of the neighbourhood character.
- The visual impact of the building when viewed from adjoining properties.
- The impact on the amenity of existing dwellings.
- The opportunity to minimise the length of walls on boundaries by aligning a new wall on a

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boundary with an existing wall on a lot of an adjoining property.

- The orientation of the boundary that the wall is being built on.
- The width of the lot.
- The extent to which the slope and retaining walls or fences reduce the effective height of the wall.
- Whether the wall abuts a side or rear lane.
- The need to increase the wall height to screen a box gutter.

TRANSLATED

A11 Walls on boundaries
<p>Performance objective</p> <p>The location, length and height of a wall on a boundary respects the existing or preferred neighbourhood character</p> <p>The location, length and height of a wall on a boundary limits the impact on the amenity of existing dwellings.</p>
<p>Performance measure</p> <p>A new wall constructed on or within 200mm of a side or rear boundary of a lot or a carport constructed on or within 1 metre of a side or rear boundary of a lot does not abut the boundary:</p> <ul style="list-style-type: none"> • For a length more than the distance specified in a schedule to the zone; or • If no distance is specified in a schedule to the zone, for a length of more than: <ul style="list-style-type: none"> – 10 metres plus 25 per cent of the remaining length of the boundary of an adjoining lot, or – Where there are existing or simultaneously constructed walls or carports abutting the boundary on an abutting lot, the length of the existing or simultaneously constructed walls or carports, whichever is the greater. <p>A new wall or carport does not fully abut a side or rear boundary unless the slope and retaining walls or fences would result in the effective height of the wall or carport being less than 2 metres on the abutting property boundary.</p> <p>The height of a new wall constructed on or within 200mm of a side or rear boundary or a carport constructed on or within 1 metre of a side or rear boundary does not exceed an average of 3.2 metres with no part higher than 3.6 metres unless abutting a higher existing or simultaneously constructed wall.</p> <p><i>Note: A building on a boundary includes a building set back up to 200mm from a boundary.</i></p>

<p>Performance criteria</p> <p>The location, length and height of a wall on a boundary is acceptable considering:</p> <ul style="list-style-type: none"> • The extent to which walls on boundaries are part of the neighbourhood character. • The visual impact of the building when viewed from adjoining properties. • The impact on the amenity of existing dwellings. • The opportunity to minimise the length of walls on boundaries by aligning a new wall on a boundary with an existing wall on a lot of an adjoining property. • The orientation of the boundary that the wall is being built on. • The width of the lot. • The extent to which the slope and retaining walls or fences reduce the effective height of the wall. • Whether the wall abuts a side or rear lane. • The need to increase the wall height to screen a box gutter
<p>Information required</p> <p>The neighbourhood and site description.</p> <p>The design response.</p>

CURRENT

54.04-3

Daylight to existing windows objective

To allow adequate daylight into existing habitable room windows.

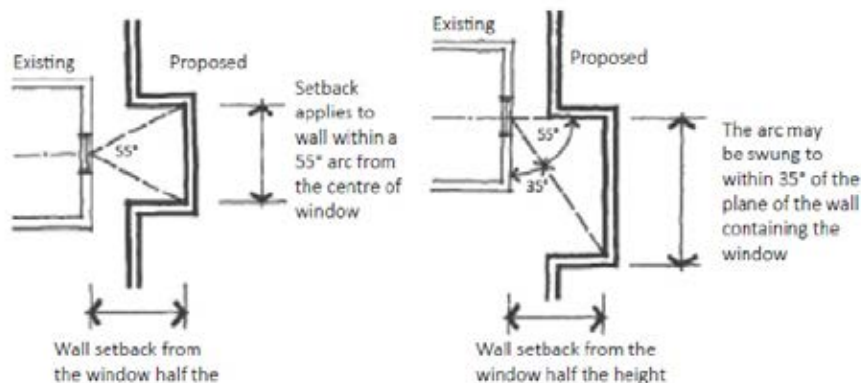
Standard A12

Buildings opposite an existing habitable room window should provide for a light court to the existing window that has a minimum area of 3 square metres and minimum dimension of 1 metre clear to the sky. The calculation of the area may include land on the abutting lot.

Walls or carports more than 3 metres in height opposite an existing habitable room window should be set back from the window at least 50 per cent of the height of the new wall if the wall is within a 55 degree arc from the centre of the existing window. The arc may be swung to within 35 degrees of the plane of the wall containing the existing window.

Where the existing window is above ground floor level, the wall height is measured from the floor level of the room containing the window.

Diagram A2 Daylight to existing windows



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Decision guidelines

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

- The design response.
- The extent to which the existing dwelling has provided for reasonable daylight access to its habitable rooms through the siting and orientation of its habitable room windows.
- The impact on the amenity of existing dwellings.

TRANSLATED

A12 Daylight to existing windows
Performance objective
Existing habitable room windows receive adequate daylight.
Performance measure
Any building opposite an existing habitable room window provides a light court to the existing window and the light court has a minimum area of 3 square metres and minimum dimension of 1 metre clear to the sky. The calculation of the area may include land on the abutting lot.
A wall or carport more than 3 metres in height opposite an existing habitable room window is set back from the window at least 50 per cent of the height of the new wall if the wall is within a 55 degree arc from the centre of the existing window. The arc may be swung to within 35 degrees of the plane of the wall containing the existing window.
<i>Note: Where the existing window is above ground floor level, the wall height is measured from the floor level of the room containing the window.</i>
Diagram A2 Daylight to existing windows
<p>Existing Proposed</p> <p>Setback applies to wall within a 55° arc from the centre of window</p> <p>Existing Proposed</p> <p>The arc may be swung to within 35° of the plane of the wall containing the window</p> <p>Wall setback from the window half the height of the wall</p> <p>Wall setback from the window half the height of the wall</p>
Performance criteria
The location, length and height of a wall on a boundary is acceptable considering:
<ul style="list-style-type: none"> • The extent to which the existing dwelling has provided for reasonable daylight access to its habitable rooms through the siting and orientation of its habitable room windows. • The impact on the amenity of existing dwelling
Information required
The neighbourhood and site description.
The design response.

CURRENT

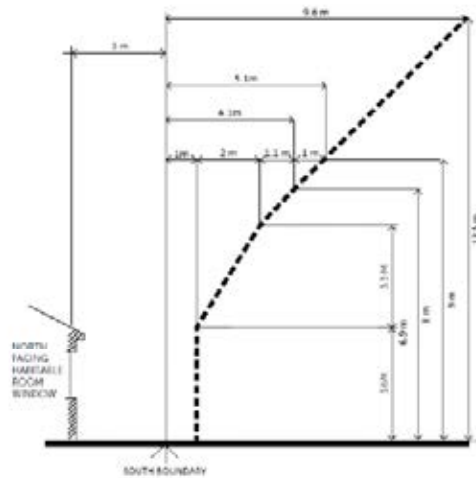
54.04-4 North facing windows objective

To allow adequate solar access to existing north-facing habitable room windows.

Standard A13

If a north-facing habitable room window of an existing dwelling is within 3 metres of a boundary on an abutting lot, a building should be setback from the boundary 1 metre, plus 0.6 metre for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres, for a distance of 3 metres from the edge of each side of the window. A north-facing window is a window with an axis perpendicular to its surface oriented north 20 degrees west to north 30 degrees east.

Diagram A3 North-facing windows



Decision guidelines

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

- The design response.
- Existing sunlight to the north-facing habitable room window of the existing dwelling. The impact on the amenity of existing dwellings.

TRANSLATED

A13 North facing windows
Performance objective
Existing north facing habitable room windows have adequate solar access.

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<p>Performance measure</p> <p>If a north-facing habitable room window of an existing dwelling is within 3 metres of a boundary on an abutting lot, any new building is setback from the boundary 1 metre, plus 0.6 metre for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres, for a distance of 3 metres from the edge of each side of the window.</p> <p><i>Note: A north-facing window is a window with an axis perpendicular to its surface oriented north 20 degrees west to north 30 degrees east.</i></p> <p>Diagram A3 North-facing windows</p>
<p>Performance criteria</p> <p>The setback of a building from a north-facing habitable room window of an existing dwelling that is within 3 metres of a boundary on an abutting lot is acceptable considering:</p> <ul style="list-style-type: none"> Existing sunlight to the north-facing habitable room window of the existing dwelling. The impact on the amenity of existing dwellings.
<p>Information required</p> <p>The neighbourhood and site description.</p> <p>The design response.</p>

CURRENT

54.04-5 Overshadowing open space objective

To ensure buildings do not unreasonably overshadow existing secluded private open space.

Standard A14

Where sunlight to the secluded private open space of an existing dwelling is reduced, at least 75 per cent, or 40 square metres with minimum dimension of 3 metres, whichever is the lesser area, of the secluded private open space should receive a minimum of five hours of sunlight between 9 am and 3 pm on 22 September.

If existing sunlight to the secluded private open space of an existing dwelling is less than the

requirements of this standard, the amount of sunlight should not be further reduced.

Decision guidelines

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

- The design response.
- The impact on the amenity of existing dwellings.
- Existing sunlight penetration to the secluded private open space of the existing dwelling.
- The time of day that sunlight is available to the secluded private open space of the existing dwelling.
- The effect of a reduction in sunlight on the existing use of the secluded private open space.

TRANSLATED

A14 Overshadowing open space
Performance objective
A new building does not unreasonably overshadow existing secluded private open space.
Performance measure
If sunlight to the secluded private open space of an existing dwelling is reduced, at least 75 per cent, or 40 square metres with minimum dimension of 3 metres, whichever is the lesser area, of the secluded private open space receives at least five hours of sunlight between 9 am and 3 pm on 22 September.
If existing sunlight to the secluded private open space of an existing dwelling is less than the requirement of this assessment provision, the amount of sunlight is not further reduced.
Performance criteria
Any reduction in sunlight to the secluded private open space of an existing dwelling is acceptable considering: <ul style="list-style-type: none"> • The impact on the amenity of the existing dwelling. • The existing sunlight penetration to the secluded private open space of the existing dwelling. • The time of day that sunlight is available to the secluded private open space of the existing dwelling. • The effect of a reduction in sunlight on the existing use of the secluded private open space.
Information required
The neighbourhood and site description.
The design response.
Overshadowing diagrams.

CURRENT

54.04-6

Overlooking objective

To limit views into existing secluded private open space and habitable room windows.

Standard A15

A habitable room window, balcony, terrace, deck or patio should be located and designed to avoid direct views into the secluded private open space and habitable room windows of an existing dwelling within a horizontal distance of 9 metres (measured at ground level) of the

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window, balcony, terrace, deck or patio. Views should be measured within a 45 degree angle from the plane of the window or perimeter of the balcony, terrace, deck or patio, and from a height of 1.7 metres above floor level.

A habitable room window, balcony, terrace, deck or patio with a direct view into a habitable room window of existing dwelling within a horizontal distance of 9 metres (measured at ground level) of the window, balcony, terrace, deck or patio should be either:

- Offset a minimum of 1.5 metres from the edge of one window to the edge of the other, or
- Have sill heights of at least 1.7 metres above floor level, or
- Have obscure glazing in any part of the window below 1.7 metres above floor level, or
- Have permanently fixed external screens to at least 1.7 metres above floor level and be no more than 25 per cent transparent.

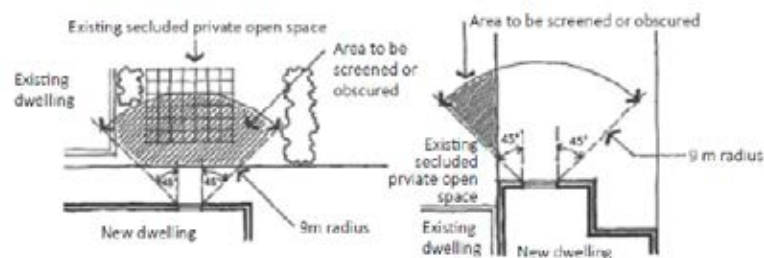
Obscure glazing in any part of the window below 1.7 metres above floor level may be openable provided that there are no direct views as specified in this standard.

Screens used to obscure a view should be:

- Perforated panels or trellis with a maximum of 25 per cent openings or solid translucent panels.
- Permanent, fixed and durable.
- Designed and coloured to blend in with the development.

This standard does not apply to a new habitable room window, balcony, terrace, deck or patio which faces a property boundary where there is a visual barrier at least 1.8 metres high and the floor level of the habitable room, balcony, terrace, deck or patio is less than 0.8 metres above ground level at the boundary.

Diagram A4 Overlooking open space



Decision guidelines

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

- The design response.
- The impact on the amenity of the secluded private open space or habitable room window.
- The existing extent of overlooking into the secluded private open space and habitable room windows of existing dwellings.
- The internal daylight to and amenity of the proposed dwelling.

TRANSLATED

A15 Overlooking
Performance objective
Views into existing secluded private open space and habitable room windows are limited.

Performance measure
<p>Any habitable room window, balcony, terrace, deck or patio is located and designed to avoid direct views into the secluded private open space and habitable room windows of an existing dwelling within a horizontal distance of 9 metres (measured at ground level) of the window, balcony, terrace, deck or patio.</p> <p><i>Note: Views should be measured within a 45 degree angle from the plane of the window or perimeter of the balcony, terrace, deck or patio, and from a height of 1.7 metres above floor level.</i></p> <p>A habitable room window, balcony, terrace, deck or patio with a direct view into a habitable room window of existing dwelling within a horizontal distance of 9 metres (measured at ground level) of the window, balcony, terrace, deck or patio is either:</p> <ul style="list-style-type: none"> • Offset a minimum of 1.5 metres from the edge of one window to the edge of the other, or • Have sill heights of at least 1.7 metres above floor level, or • Have obscure glazing in any part of the window below 1.7 metres above floor level, or • Have permanently fixed external screens to at least 1.7 metres above floor level and be no more than 25 per cent transparent. <p>Obscure glazing in any part of the window below 1.7 metres above floor level is only operable if there are no direct views as specified in this performance measure.</p> <p>Screens used to obscure a view are:</p> <ul style="list-style-type: none"> • Perforated panels or trellis with a maximum of 25 per cent openings or solid translucent panels. • Permanent, fixed and durable • Designed and coloured to blend in with the development.
<p>Diagram A4 Overlooking open space</p> <p>This performance measure does not apply to a new habitable room window, balcony, terrace, deck or patio that faces a property boundary where there is a visual barrier at least 1.8 metres high and the floor level of the habitable room, balcony, terrace, deck or patio is less than 0.8 metres above ground level at the boundary.</p>
Performance criteria
<p>Any overlooking of the secluded private open space of an existing dwelling is acceptable considering:</p> <ul style="list-style-type: none"> • The impact on the amenity of the secluded private open space or habitable room window. • The existing extent of overlooking into the secluded private open space and habitable room windows of existing dwellings. • The internal daylight to and amenity of the proposed dwelling.

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Information required
The neighbourhood and site description.
The design response.

54.05 ON-SITE AMENITY AND FACILITIES

CURRENT

54.05-1 Daylight to new windows objective

To allow adequate daylight into new habitable room windows.

Standard A16

A window in a habitable room should be located to face:

- An outdoor space clear to the sky or a light court with a minimum area of 3 square metres and minimum dimension of 1 metre clear to the sky, not including land on an abutting lot, or
- A verandah provided it is open for at least one third of its perimeter, or
- A carport provided it has two or more open sides and is open for at least one third of its perimeter.

Decision guidelines

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

- The design response.
- Whether there are other windows in the habitable room which have access to daylight.

TRANSLATED

A16 Daylight to new windows
Performance objective
New habitable room windows receive adequate daylight.
Performance measure
A window in a habitable room is located to face: <ul style="list-style-type: none"> • An outdoor space clear to the sky or a light court with a minimum area of 3 square metres and minimum dimension of 1 metre clear to the sky, not including land on an abutting lot, or • A verandah, provided the verandah is open for at least one third of its perimeter, or • A carport provided it has two or more open sides and is open for at least one third of its perimeter.
Performance criteria
The daylight received by a window in a habitable room is acceptable considering whether there are other windows in the habitable room that have access to daylight.
Information required
The design response.

CURRENT**54.05-2 Private open space objective**

To provide adequate private open space for the reasonable recreation and service needs of residents.

Standard A17

A dwelling should have private open space of an area and dimensions specified in a schedule to the zone.

If no area or dimensions is specified in a schedule to the zone, a dwelling should have private open space consisting of an area of 80 square metres or 20 per cent of the area of the lot, whichever is the lesser, but not less than 40 square metres. At least one part of the private open space should consist of secluded private open space with a minimum area of 25 square metres and a minimum dimension of 3 metres at the side or rear of the dwelling with convenient access from a living room.

Decision guidelines

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

- The design response.
- The useability of the private open space, including its size and accessibility.
- The availability of and access to public open space.
- The orientation of the lot to the street and the sun.

TRANSLATED

A17 Private open space
Performance objective
Residents have adequate private open space for their reasonable recreation and service needs.
Performance measure
Each dwelling has private open space with the area and dimensions specified in a schedule to the zone. If no area or dimensions are specified in a schedule to the zone, each dwelling has private open space consisting of an area of 80 square metres or 20 per cent of the area of the lot, whichever is the lesser, but not less than 40 square metres. If no area or dimensions are specified in a schedule to the zone, at least one part of the private open space consists of secluded private open space with a minimum area of 25 square metres and a minimum dimension of 3 metres at the side or rear of the dwelling with convenient access from a living room.
Performance criteria
The private open space available to each dwelling is acceptable considering: <ul style="list-style-type: none"> • The useability of the private open space, including its size and accessibility. • The availability of and access to public open space. • The orientation of the lot to the street and the sun.
Information required
The neighbourhood and site description. The design response.

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CURRENT

54.05-3 Solar access to open space objective

To allow solar access into the secluded private open space of a new dwelling.

Standard A18

The private open space should be located on the north side of the dwelling, if practicable.

The southern boundary of secluded private open space should be set back from any wall on the north of the space at least $(2 + 0.9h)$ metres, where 'h' is the height of the wall.

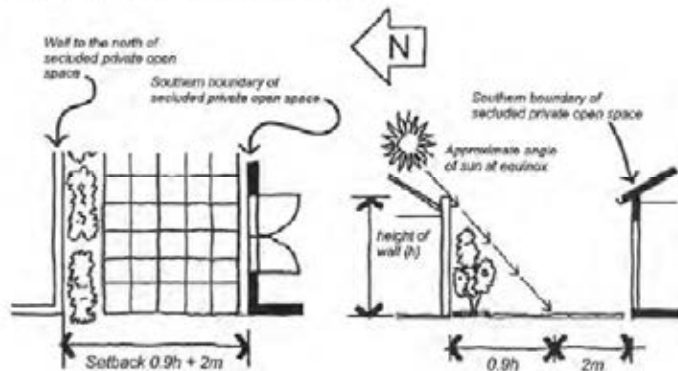
Diagram A5 Solar access to open space

Decision guidelines

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

- The design response.
- The useability and amenity of the secluded private open space based on the sunlight it will receive.

Diagram A5 Solar access to open space



TRANSLATED

A18 Solar access to open space

Performance objective

The secluded private open space of a new dwelling has adequate solar access.

<p>Performance measure</p> <p>The private open space is located on the north side of the dwelling.</p> <p>The southern boundary of secluded private open space is set back from any wall on the north of the space at least $(2 + 0.9h)$ metres, where 'h' is the height of the wall.</p> <p>Diagram A5 Solar access to open space</p>
<p>Performance criteria</p> <p>The solar access to the secluded private open space of any dwelling is acceptable considering the useability and amenity of the secluded private open space, based on the sunlight it will receive.</p>
<p>Information required</p> <p>The design response.</p>

54.06

DETAILED DESIGN

CURRENT

58.06-1

Detail design objective

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

Standard A19

The design of buildings, including:

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

should respect the existing or preferred neighbourhood character.

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

Decision guidelines

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

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

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scheme.

- The design response.
- The effect on the visual bulk of the building and whether this is acceptable in the neighbourhood setting.
- Whether the design is innovative and of a high architectural standard.

TRANSLATED

A19 Detail design
Performance objective
Design detail respects the existing or preferred neighbourhood character set out in a schedule to a zone or overlay, or to the neighbourhood context.
Performance measure
The design of new development complies with any performance measures specified for neighbourhood character and design detail in a schedule to the zone.
Performance criteria
The design detail of buildings is acceptable in the neighbourhood context considering: <ul style="list-style-type: none"> • Façade articulation and detailing • Window and door proportions • Roof form • Verandahs, eaves and parapets • Whether the design is innovative and of a high architectural standard. Garages and carports are visually compatible with the development and the neighbourhood context.
Information required
The neighbourhood and site description. The design response.

CURRENT

54.06-2

Front fences objective

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

Standard A20

The design of front fences should complement the design of the dwelling and any front fences on adjoining properties.

A front fence within 3 metres of a street should not exceed:

- The maximum height specified in a schedule to the zone, or
- If no maximum height is specified in a schedule to the zone, the maximum height specified in Table A2.

Table A2 Maximum front fence height

Street context	Maximum front fence height
Streets in a Road Zone, Category 1	2 metres
Other streets	1.5 metres

Decision guidelines

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

- Any relevant neighbourhood character objective, policy or statement set out in this scheme.
- The design response.
- The setback, height and appearance of front fences on adjacent properties.
- The extent to which slope and retaining walls reduce the effective height of the front fence.
- Whether the fence is needed to minimise noise intrusion.

TRANSLATED

A20 Front fences	
Performance objective	
Front fence design respects the existing or preferred neighbourhood character.	
Performance measure	
A front fence within 3 metres of a street should not exceed: <ul style="list-style-type: none"> • The maximum height specified in a schedule to the zone, or • If no maximum height is specified in a schedule to the zone, the maximum height specified in Table A2. 	
Table A2 Maximum front fence height	
Street context	Maximum front fence height
Streets in a Road Zone, Category 1	2 metres
Other streets	1.5 metres
Performance criteria	
The design of the fence is acceptable considering: <ul style="list-style-type: none"> • Whether the fence complements the design of the dwelling and any front fences on adjoining properties. • The setback, height and appearance of front fences on adjacent properties. • The extent to which slope and retaining walls reduce the effective height of the front fence. • Whether the fence is needed to minimise noise intrusion. 	
Information required	
The neighbourhood and site description.	
The design response.	

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Appendix 5

Test translation of Clause 55

NOTE that this translation is an initial 'proof of concept' version.

The detailed drafting of each module will require further review and refinement before any consultation or adoption.

55.02 NEIGHBOURHOOD CHARACTER AND INFRASTRUCTURE

CURRENT

55.02-1 Neighbourhood character objectives

To ensure that the design respects the existing neighbourhood character or contributes to a preferred neighbourhood character.

To ensure that development responds to the features of the site and the surrounding area.

Standard B1

The design response must be appropriate to the neighbourhood and the site.

The proposed design must respect the existing or preferred neighbourhood character and respond to the features of the site.

Decision guidelines

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

- Any relevant neighbourhood character objective, policy or statement set out in this scheme.
- The neighbourhood and site description.
- The design response.

TRANSLATED

B1 Neighbourhood character
<p>Performance objective</p> <p>The design respects the existing neighbourhood character or contributes to a preferred neighbourhood character.</p> <p>The development responds to the features of the site and the surrounding area.</p>
<p>Performance measure</p> <p>The design of new development complies with the performance measures specified for the following performance objectives or any variation to them in a schedule to a zone or overlay:</p> <ul style="list-style-type: none"> • Street setback (B6). • Building height (B7). • Site coverage (B8). • Side and rear setbacks (B17). • Walls on boundaries (B18). • Front fences (B32). <p>The design of new development complies with any performance measures specified for neighbourhood character and design detail in a schedule to a zone.</p>

Performance criteria
A proposed variation to a performance measure in the design of new development does not unreasonably disturb the existing neighbourhood context described in the neighbourhood and site description or the neighbourhood character objectives in a schedule to a zone.
Information required
The neighbourhood and site description.
The design response.

CURRENT**55.02-2 Residential policy objectives**

To ensure that residential development is provided in accordance with any policy for housing in the Municipal Planning Strategy and the Planning Policy Framework.

To support higher density residential development where development can take advantage of public and community infrastructure and services.

Standard B2

An application must be accompanied by a written statement to the satisfaction of the responsible authority that describes how the development is consistent with any relevant policy for housing in the Municipal Planning Strategy and the Planning Policy Framework.

Decision guidelines

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

- The Municipal Planning Strategy and the Planning Policy Framework.
- The design response.

TRANSLATED

B2 Residential policy
Performance objective
New residential development accords with any policy for housing in the Municipal Planning Strategy and the Planning Policy Framework.
Higher density residential development is supported where development can take advantage of public and community infrastructure and services.
Performance measure
None specified.
Performance criteria
New development is consistent with any relevant policy for housing in the Municipal Planning Strategy and the Planning Policy Framework.
Information required
The design response.
If not included in the design response, a statement describing how the development is consistent with any relevant policy for housing in the Municipal Planning Strategy and the Planning Policy Framework.

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CURRENT

55.02-3 Dwelling diversity objective

To encourage a range of dwelling sizes and types in developments of ten or more dwellings.

Standard B3

Developments of ten or more dwellings should provide a range of dwelling sizes and types, including:

- Dwellings with a different number of bedrooms.
- At least one dwelling that contains a kitchen, bath or shower, and a toilet and wash basin at ground floor level.

TRANSLATED

B3 Dwelling diversity
Performance objective
New developments of ten or more dwellings include a range of dwelling sizes and types.
Performance measure
Developments of ten or more dwellings provide a range of dwelling sizes and types, including: <ul style="list-style-type: none"> • Dwellings with a different number of bedrooms. • At least one dwelling that contains a kitchen, a bath or shower and a toilet and wash basin at ground floor level.
Performance criteria
The dwelling diversity of the proposed development is acceptable considering the proposed range of dwelling sizes and types.
Information required
None specified.

CURRENT

55.02-4 Infrastructure objectives

To ensure development is provided with appropriate utility services and infrastructure.

To ensure development does not unreasonably overload the capacity of utility services and infrastructure.

Standard B4

Development should be connected to reticulated services, including reticulated sewerage, drainage, electricity and gas, if available.

Development should not unreasonably exceed the capacity of utility services and infrastructure, including reticulated services and roads.

In areas where utility services or infrastructure have little or no spare capacity, developments should provide for the upgrading of or mitigation of the impact on services or infrastructure.

Decision guidelines

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

- The capacity of the existing infrastructure.
- In the absence of reticulated sewerage, a Land Capability Assessment on the risks to human health and the environment of an on-site wastewater management system constructed, installed or altered on the lot in accordance with the requirements of the Environment Protection Regulations under the *Environment Protection Act 2017*.
- If the drainage system has little or no spare capacity, the capacity of the development to provide for stormwater drainage mitigation or upgrading of the local drainage system.

TRANSLATED

B4 Infrastructure
Performance objective
Appropriate utility services and infrastructure are provided to new development. New development does not unreasonably overload the capacity of utility services and infrastructure.
Performance measure
Development is connected to reticulated services, including reticulated sewerage, drainage, electricity and gas. Development does not exceed the capacity of utility services and infrastructure, including reticulated services and roads.
Performance criteria
Where a utility service or infrastructure has little or no spare capacity, new development provides for appropriate upgrading or mitigation of the impact on the service or infrastructure.
Information required
A report on the capacity of the existing infrastructure. If reticulated sewerage is not available, a Land Capability Assessment of the risk to human health and the environment of providing an on-site wastewater management system constructed on the lot in accordance with the requirements of the Environment Protection Regulations under the <i>Environment Protection Act 2017</i> .

CURRENT**55.02-5 Integration with the street objective**

To integrate the layout of development with the street.

Standard B5

Developments should provide adequate vehicle and pedestrian links that maintain or enhance local accessibility.

Development should be oriented to front existing and proposed streets.

High fencing in front of dwellings should be avoided if practicable.

Development next to existing public open space should be laid out to complement the open space.

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Decision guidelines

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

- Any relevant urban design objective, policy or statement set out in this scheme.
- The design response.

TRANSLATED

B5 Integration with the street
Performance objective
The layout of new development is integrated with the street.
Performance measure
Dwellings are oriented to front existing and proposed streets. There is no high fencing in front of dwellings. Dwellings promote the observation of abutting streets and any abutting public open space. New development provides vehicle and pedestrian links that maintain or enhance local accessibility.
Performance criteria
New development integrates with the street. New development next to existing public open space is laid out to complement the open space.
Information required
The neighbourhood and site description. The design response. If not included in the design response, a statement describing how the design responds to any relevant urban design objective, policy or statement set out in this scheme.

55.03

SITE LAYOUT AND BUILDING MASSING

CURRENT

55.03-1

Street setback objective

To ensure that the setbacks of buildings from a street respect the existing or preferred neighbourhood character and make efficient use of the site.

Standard B6

Walls of buildings should be set back from streets:

- At least the distance specified in a schedule to the zone, or
- If no distance is specified in a schedule to the zone, the distance specified in Table B1.

Porches, pergolas and verandahs that are less than 3.6 metres high and eaves may encroach not more than 2.5 metres into the setbacks of this standard.

Table B1 Street setback

Development context	Minimum setback from front street (Metres)	Minimum setback from a side street (Metres)
There is an existing building on both the abutting allotments facing the same street, and the site is not on a corner.	The average distance of the setbacks of the front walls of the existing buildings on the abutting allotments facing the front street or 9 metres, whichever is the lesser.	Not applicable.
There is an existing building on one abutting allotment facing the same street and no existing building on the other abutting allotment facing the same street, and the site is not on a corner.	The same distance as the setback of the front wall of the existing building on the abutting allotment facing the front street or 9 metres, whichever is the lesser.	Not applicable.
There is no existing building on either of the abutting allotments facing the same street, and the site is not on a corner.	6 metres for streets in a Road Zone, Category 1, and 4 metres for other streets.	Not applicable.
The site is on a corner.	<p>If there is a building on the abutting allotment facing the front street, the same distance as the setback of the front wall of the existing building on the abutting allotment facing the front street or 9 metres, whichever is the lesser.</p> <p>If there is no building on the abutting allotment facing the front street, 6 metres for streets in a Road Zone, Category 1, and 4 metres for other streets.</p>	<p>Front walls of new development fronting the side street of a corner site should be setback at least the same distance as the setback of the front wall of any existing building on the abutting allotment facing the side street or 3 metres, whichever is the lesser.</p> <p>Side walls of new development on a corner site should be setback the same distance as the setback of the front wall of any existing building on the abutting allotment facing the side street or 2 metres, whichever is the lesser.</p>

Decision guidelines

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

- Any relevant neighbourhood character objective, policy or statement set out in this scheme.
- The design response.
- Whether a different setback would be more appropriate taking into account the prevailing setbacks of existing buildings on nearby lots.
- The visual impact of the building when viewed from the street and from adjoining properties.
- The value of retaining vegetation within the front setback.

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TRANSLATED

B6 Street setback		
Performance objective		
The setbacks of buildings from a street respects the existing or preferred neighbourhood character.		
The setbacks of buildings from a street make efficient use of the site.		
Performance measure		
All building walls are set back from streets:		
<ul style="list-style-type: none"> • At least the distance specified in a schedule to the zone, or • If no distance is specified in a schedule to the zone, the distance specified in Table B1; except that a porch, pergola or verandah less than 3.6 metres high and an eave may encroach not more than 2.5 metres into the setbacks of this performance measure.		
Table B1 Street setback		
Development context	Minimum setback from front street (Metres)	Minimum setback from a side street (Metres)
There is an existing building on both the abutting allotments facing the same street, and the site is not on a corner.	The average distance of the setbacks of the front walls of the existing buildings on the abutting allotments facing the front street or 9 metres, whichever is the lesser.	Not applicable
There is an existing building on one abutting allotment facing the same street and no existing building on the other abutting allotment facing the same street, and the site is not on a corner.	The same distance as the setback of the front wall of the existing building on the abutting allotment facing the front street or 9 metres, whichever is the lesser.	Not applicable
There is no existing building on either of the abutting allotments facing the same street, and the site is not on a corner.	6 metres for streets in a Road Zone, Category 1, and 4 metres for other streets.	Not applicable
The site is on a corner.	<p>If there is a building on the abutting allotment facing the front street, the same distance as the setback of the front wall of the existing building on the abutting allotment facing the front street or 9 metres, whichever is the lesser.</p> <p>If there is no building on the abutting allotment facing the front street, 6 metres for streets in a Road Zone, Category 1, and 4 metres for other streets.</p>	<p>Front walls of new development fronting the side street of a corner site should be setback at least the same distance as the setback of the front wall of any existing building on the abutting allotment facing the side street or 3 metres, whichever is the lesser.</p> <p>Side walls of new development on a corner site should be setback the same distance as the setback of the front wall of any existing building on the abutting allotment facing the side street or 2 metres, whichever is the lesser.</p>

<p>Performance criteria</p> <p>The building setback is appropriate considering:</p> <p>Whether a different setback is more appropriate taking into account the prevailing setbacks of existing buildings on nearby lots.</p> <p>The visual impact of the building when viewed from the street and from adjoining properties.</p> <p>The value of retaining vegetation in the front setback.</p>
<p>Information required</p> <p>The neighbourhood and site description.</p> <p>The design response.</p>

CURRENT**55.03-2 Building height objective**

To ensure that the height of buildings respects the existing or preferred neighbourhood character.

Standard B7

The maximum building height should not exceed the maximum height specified in the zone, schedule to the zone or an overlay that applies to the land.

If no maximum height is specified in the zone, schedule to the zone or an overlay, the maximum building height should not exceed 9 metres, unless the slope of the natural ground level at any cross section wider than 8 metres of the site of the building is 2.5 degrees or more, in which case the maximum building height should not exceed 10 metres.

Changes of building height between existing buildings and new buildings should be graduated.

Decision guidelines

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

- Any relevant neighbourhood character objective, policy or statement set out in this scheme.
- Any maximum building height specified in the zone, a schedule to the zone or an overlay applying to the land.
- The design response.
- The effect of the slope of the site on the height of the building.
- The relationship between the proposed building height and the height of existing adjacent buildings.
- The visual impact of the building when viewed from the street and from adjoining properties.

TRANSLATED

B7 Building height
Performance objective
The height of buildings respects the existing or preferred neighbourhood character.

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<p>Performance measure</p> <p>The maximum building height does not exceed the maximum height specified in the zone, a schedule to the zone or an overlay that applies to the land.</p> <p>If no maximum height is specified in the zone, a schedule to the zone or an overlay, the maximum building height does not exceed 9 metres, unless the slope of the natural ground level at any cross section wider than 8 metres of the site of the building is 2.5 degrees or more, in which case the maximum building height does not exceed 10 metres.</p> <p>Any change of building height between existing buildings and new buildings is graduated.</p>
<p>Performance criteria</p> <p>The building height is acceptable considering:</p> <ul style="list-style-type: none"> • The relationship between the proposed building height and the height of existing adjacent buildings. • The visual impact of the building when viewed from the street and from adjoining properties. • The effect of the slope of the site on the height of the building.
<p>Information required</p> <p>The neighbourhood and site description.</p> <p>The design response.</p>

CURRENT

55.03-3

Site coverage objective

To ensure that the site coverage respects the existing or preferred neighbourhood character and responds to the features of the site.

Standard B8

The site area covered by buildings should not exceed:

The maximum site coverage specified in a schedule to the zone, or

If no maximum site coverage is specified in a schedule to the zone, 60 per cent.

Decision guidelines

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

- Any relevant neighbourhood character objective, policy or statement set out in this scheme.
- The design response.
- The existing site coverage and any constraints imposed by existing development or the features of the site.
- The site coverage of adjacent properties.
- The effect of the visual bulk of the building and whether this is acceptable in the neighbourhood.

TRANSLATED

<p>B8 Site coverage</p>
<p>Performance objective</p> <p>The site coverage respects the existing or preferred neighbourhood character and responds to the features of the site.</p>

Performance measure
The site area covered by buildings does not exceed: The maximum site coverage specified in a schedule to the zone, or If no maximum site coverage is specified in a schedule to the zone, 60 per cent.
Performance criteria
The site coverage is acceptable considering: <ul style="list-style-type: none"> • The existing site coverage and any constraints imposed by existing development or the features of the site. • The site coverage of adjacent properties. • The effect of the visual bulk of the building and whether this is acceptable in the neighbourhood context.
Information required
The neighbourhood and site description. The design response.

CURRENT**55.03-4 Permeability and stormwater management objectives**

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

To facilitate on-site stormwater infiltration.

To encourage stormwater management that maximises the retention and reuse of stormwater.

Standard B9

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

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

The stormwater management system should be designed to:

- Meet the current best practice performance objectives for stormwater quality as contained in the *Urban Stormwater - Best Practice Environmental Management Guidelines* (Victorian Stormwater Committee, 1999).
- Contribute to cooling, improving local habitat and providing attractive and enjoyable spaces.

Decision guidelines

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

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

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- Whether the owner has entered into an agreement to contribute to off-site stormwater management in lieu of providing an on-site stormwater management system.

TRANSLATED

B9 Permeability and stormwater management
Performance objective
The impact of increased stormwater run-off on the drainage system is reduced. Stormwater is infiltrated on-site. Stormwater is retained and reused on the site.
Performance measure
The site area covered by pervious surfaces is at least: <ul style="list-style-type: none"> • The minimum area specified in a schedule to the zone; or • If no minimum area is specified in a schedule to the zone, 20 per cent of the site. The stormwater management system is designed to: <ul style="list-style-type: none"> • Meet the current best practice performance objectives for stormwater quality as contained in the <i>Urban Stormwater - Best Practice Environmental Management Guidelines</i> (Victorian Stormwater Committee, 1999). • Contribute to cooling, improving local habitat and providing attractive and enjoyable spaces.
Performance criteria
Stormwater discharge is acceptable considering: <ul style="list-style-type: none"> • The capacity of the site to incorporate stormwater retention and reuse. • The existing site coverage and any constraints imposed by existing development. • The capacity of the drainage network to accommodate additional stormwater. • The capacity of the site to absorb run-off. • The practicality of achieving the minimum site coverage of pervious surfaces, particularly on lots of less than 300 square metres. • Whether the owner has entered into an agreement to contribute to off-site stormwater management in lieu of providing an on-site stormwater management system.
Information required
The design response. If not included in the design response, a statement documenting: <ul style="list-style-type: none"> • How the proposal responds to any relevant water and stormwater management objective, policy or statement set out in this scheme. • The capacity of the drainage network to accommodate additional stormwater.

CURRENT

55.03-5 Energy efficiency objectives

To achieve and protect energy efficient dwellings and residential buildings.

To ensure the orientation and layout of development reduce fossil fuel energy use and make appropriate use of daylight and solar energy.

Standard B10

Buildings should be:

- Oriented to make appropriate use of solar energy.
- Sited and designed to ensure that the energy efficiency of existing dwellings on adjoining lots is not unreasonably reduced.
- Sited and designed to ensure that the performance of existing rooftop solar energy systems on dwellings on adjoining lots in a General Residential Zone, Neighbourhood Residential Zone or Township Zone are not unreasonably reduced. The existing rooftop solar energy system must exist at the date the application is lodged.

Living areas and private open space should be located on the north side of the development, if practicable.

Developments should be designed so that solar access to north-facing windows is maximised.

Decision guidelines

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

- The design response.
- The size, orientation and slope of the lot.
- The existing amount of solar access to abutting properties.
- The availability of solar access to north-facing windows on the site.
- The extent to which an existing rooftop solar energy system on an adjoining lot is overshadowed by existing buildings or other permanent structures.
- Whether the existing rooftop solar energy system on an adjoining lot is appropriately located.
- The effect of overshadowing on an existing rooftop solar energy system on an adjoining lot.

TRANSLATED

B10 Energy efficiency
Performance objective
New development is energy efficient.
The energy efficiency of existing buildings is protected.
The orientation and layout of development reduces fossil fuel energy use and makes appropriate use of daylight and solar energy.
Performance measure
Buildings are oriented to make use of solar energy.
Living areas and private open space are located on the north side of the dwelling.
New dwellings maximise solar access to north-facing windows.
Buildings are sited and designed to ensure that the energy efficiency of existing dwellings on adjoining lots is not reduced.
Buildings are sited and designed to ensure that the performance of existing rooftop solar energy systems on dwellings on adjoining lots in a General Residential Zone, Neighbourhood Residential Zone or Township Zone are not reduced. The existing rooftop solar energy system must exist at the date the application is lodged.

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<p>Performance criteria</p> <p>The energy efficiency of new development is acceptable considering:</p> <ul style="list-style-type: none"> • The size, orientation and slope of the lot. • The availability of solar access to north-facing windows on the site. <p>The energy efficiency protection for existing development is acceptable considering:</p> <ul style="list-style-type: none"> • The existing amount of solar access to abutting properties. • The extent to which an existing rooftop solar energy system on an adjoining lot is overshadowed by existing buildings or other permanent structures. • Whether the existing rooftop solar energy system on an adjoining lot is appropriately located. • The effect of overshadowing on an existing rooftop solar energy system on an adjoining lot.
<p>Information required</p> <p>The neighbourhood and site description.</p> <p>The design response.</p> <p>A written statement that identifies any existing rooftop solar energy systems on dwellings on adjoining lots in a General Residential Zone, Neighbourhood Residential Zone or Township Zone, and the likely effect of overshadowing by the development on their performance taking account of:</p> <ul style="list-style-type: none"> • The extent to which an existing rooftop solar energy system on an adjoining lot is overshadowed by existing buildings or other permanent structures. • Whether the existing rooftop solar energy system on an adjoining lot is appropriately located.

CURRENT

55.03-6

Open space objectives

To integrate the layout of development with any public and communal open space provided in or adjacent to the development.

Standard B11

If any public or communal open space is provided on site, it should:

- Be substantially fronted by dwellings, where appropriate.
- Provide outlook for as many dwellings as practicable.
- Be designed to protect any natural features on the site.
- Be accessible and useable.

Decision guidelines

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

- Any relevant plan or policy for open space in the Municipal Planning Strategy and the Planning Policy Framework.
- The design response.

TRANSLATED

B11 Open space
Performance objective
The layout of development is integrated with any public and communal open space provided in or adjacent to the development.
Performance measure
Any public or communal open space provided in the development: <ul style="list-style-type: none"> • Is substantially fronted by dwellings. • Provides outlook for as many dwellings as practicable. • Protects any natural features on the site. • Is accessible and useable.
Performance criteria
The layout and design of any public and communal open space provided in or adjacent to the development is acceptable considering: <ul style="list-style-type: none"> • Any relevant plan or policy for open space in the Municipal Planning Strategy and the Planning Policy Framework. • How the any public and communal open space integrates with dwellings. • The accessibility and useability of the public and communal open space. • The natural features of the site.
Information required
The neighbourhood and site description. The design response. If not included in the design response, a statement describing how the development is consistent with any relevant policy for open space in the Municipal Planning Strategy and the Planning Policy Framework.

CURRENT

55.03-7

Safety objective

To ensure the layout of development provides for the safety and security of residents and property.

Standard B12

Entrances to dwellings should not be obscured or isolated from the street and internal accessways.

Planting which creates unsafe spaces along streets and accessways should be avoided.

Developments should be designed to provide good lighting, visibility and surveillance of car parks and internal accessways.

Private spaces within developments should be protected from inappropriate use as public thoroughfares.

Decision guideline

Before deciding on an application, the responsible authority must consider the design response.

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TRANSLATED

B12 Safety
Performance objective
The layout of development provides for the safety and security of residents and property.
Performance measure
None specified
Performance criteria
Entrances to dwellings are not obscured or isolated from the street and internal accessways.
Planting does not create unsafe spaces along streets and accessways.
Private spaces within developments are protected from inappropriate use as public thoroughfares.
The development provides good lighting, visibility and surveillance of car parks and internal accessways.
Information required
The design response.

CURRENT

55.03-8

Landscaping objectives

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

To encourage development that maintains and enhances habitat for plants and animals in locations of habitat importance.

To provide appropriate landscaping.

To encourage the retention of mature vegetation on the site.

Standard B13

The landscape layout and design should:

- Protect any predominant landscape features of the neighbourhood.
- Take into account the soil type and drainage patterns of the site.
- Allow for intended vegetation growth and structural protection of buildings.
- In locations of habitat importance, maintain existing habitat and provide for new habitat for plants and animals.
- Provide a safe, attractive and functional environment for residents.

Development should provide for the retention or planting of trees, where these are part of the character of the neighbourhood.

Development should provide for the replacement of any significant trees that have been removed in the 12 months prior to the application being made.

The landscape design should specify landscape themes, vegetation (location and species), paving and lighting.

Development should meet any additional landscape requirements specified in a schedule to the zone.

Decision guidelines

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

- Any relevant neighbourhood character objective, policy or statement set out in this scheme.
- Any relevant plan or policy for landscape design in the Municipal Planning Strategy and the Planning Policy Framework.
- The design response.
- The location and size of gardens and the predominant plant types in the neighbourhood. The health of any trees to be removed.
- Whether a tree was removed to gain a development advantage.

TRANSLATED

B13 Landscaping
<p>Performance objective</p> <p>Appropriate landscaping is provided.</p> <p>New development respects the landscape character of the neighbourhood.</p> <p>The habitat of plants and animals in locations of habitat importance is maintained and enhanced.</p> <p>Mature vegetation on the site is retained where possible.</p>
<p>Performance measure</p> <p>Landscaping is provided in accordance with a landscaping layout and design that:</p> <ul style="list-style-type: none"> • Specifies landscape themes, vegetation (location and species), paving and lighting. • Takes into account the soil types and drainage patterns of the site. • Allows for intended vegetation growth and structural protection of buildings. • Maintains existing mature vegetation. • Replaces any significant trees that have been removed in the 12 months prior to the application being made. • The habitat of plants and animals in locations of habitat importance is maintained and enhanced. • Landscaping complies with any performance measures specified for neighbourhood character and design detail in a schedule to a zone.
<p>Performance criteria</p> <p>The proposed landscaping layout and design of the development is acceptable considering:</p> <ul style="list-style-type: none"> • Any relevant plan or policy for landscape design in the Municipal Planning Strategy and the Planning Policy Framework. • The location and size of gardens and the predominant plant types in the neighbourhood. • The health of any trees that have been or are proposed to be removed. • Whether a tree was removed to gain a development advantage.

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Information required
The neighbourhood and site description.
The design response.
If not included in the design response, a statement describing how the development is consistent with any relevant policy for landscape design in the Municipal Planning Strategy and the Planning Policy Framework.
If not included in the design response, a statement describing whether the site is in a location of habitat importance identified in this scheme and how the landscaping maintains and enhances the habitat of plants and animals.

CURRENT

55.03-9

Access objective

To ensure the number and design of vehicle crossovers respects the neighbourhood character.

Standard B14

The width of accessways or car spaces should not exceed:

- 33 per cent of the street frontage, or
- if the width of the street frontage is less than 20 metres, 40 per cent of the street frontage.

No more than one single-width crossover should be provided for each dwelling fronting a street.

The location of crossovers should maximise the retention of on-street car parking spaces.

The number of access points to a road in a Road Zone should be minimised.

Developments must provide for access for service, emergency and delivery vehicles.

Decision guidelines

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

- The design response.
- The impact on the neighbourhood character.
- The reduction of on-street car parking spaces.
- The effect on any significant vegetation on the site and footpath.

TRANSLATED

B14 Access
Performance objective
The number and design of vehicle crossovers respects the neighbourhood context.

<p>Performance measure</p> <p>The width of accessways or car spaces does not exceed:</p> <ul style="list-style-type: none"> • 33 per cent of the street frontage, or • if the width of the street frontage is less than 20 metres, 40 per cent of the street frontage. <p>No more than one single-width crossover is provided for each dwelling fronting a street.</p> <p>The location of crossovers maximises the number of on-street car parking spaces retained.</p> <p>The number of access points to a road in a Road Zone is minimised.</p> <p>Access for service, emergency and delivery vehicles is provided.</p>
<p>Performance criteria</p> <p>Access to the development is acceptable considering:</p> <ul style="list-style-type: none"> • The impact on the neighbourhood context. • The reduction of on-street car parking spaces. • The effect on any significant vegetation on the site and footpath. • How access is provided for service, emergency and delivery vehicles.
<p>Information required</p> <p>The neighbourhood and site description.</p> <p>The design response.</p>

CURRENT**55.03-10****Parking location objectives**

To provide convenient parking for resident and visitor vehicles.

To protect residents from vehicular noise within developments.

Standard B15

Car parking facilities should:

- Be reasonably close and convenient to dwellings and residential buildings.
- Be secure.
- Be well ventilated if enclosed.

Shared accessways or car parks of other dwellings and residential buildings should be located at least 1.5 metres from the windows of habitable rooms. This setback may be reduced to 1 metre where there is a fence at least 1.5 metres high or where window sills are at least 1.4 metres above the accessway.

Decision guideline

Before deciding on an application, the responsible authority must consider the design response.

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TRANSLATED

B15 Parking location
Performance objective
Residents and visitors have access to convenient parking.
Residents are protected from vehicle noise in the development.
Performance measure
Car parking facilities are close and convenient to dwellings.
Car parking facilities are secure.
Car parking facilities are well ventilated if enclosed.
Shared accessways or car parks of other dwellings are located at least 1.5 metres from the windows of habitable rooms. This setback may be reduced to 1 metre where there is a fence at least 1.5 metres high or where window sills are at least 1.4 metres above the accessway.
Performance criteria
The design and location of resident and visitor parking is acceptable considering: <ul style="list-style-type: none"> • The convenience to dwellings • Security • Ventilation • The proximity of shared accessways and the car parks of other dwellings to habitable room windows.
Information required
The design response.

55.04

AMENITY IMPACTS

CURRENT

55.04-1

Side and rear setbacks objective

To ensure that the height and setback of a building from a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings.

Standard B17

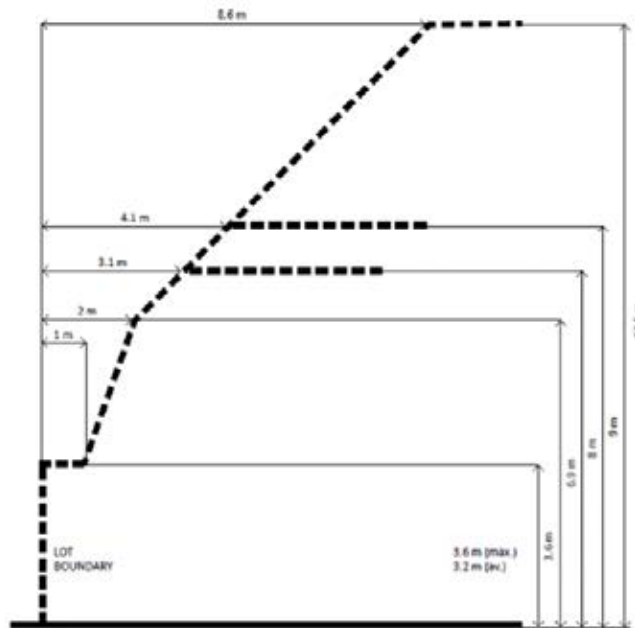
A new building not on or within 200mm of a boundary should be set back from side or rear boundaries:

- At least the distance specified in a schedule to the zone, or
- If no distance is specified in a schedule to the zone, 1 metre, plus 0.3 metres for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres.

Sunblinds, verandahs, porches, eaves, fascias, gutters, masonry chimneys, flues, pipes, domestic fuel or water tanks, and heating or cooling equipment or other services may encroach not more than 0.5 metres into the setbacks of this standard.

Landings having an area of not more than 2 square metres and less than 1 metre high, stairways, ramps, pergolas, shade sails and carports may encroach into the setbacks of this standard.

Diagram B1 Side and rear setbacks



Decision guidelines

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

- Any relevant neighbourhood character objective, policy or statement set out in this scheme.
- The design response.
- The impact on the amenity of the habitable room windows and secluded private open space of existing dwellings.
- Whether the wall is opposite an existing or simultaneously constructed wall built to the boundary.
- Whether the wall abuts a side or rear lane.

TRANSLATED

B17 Side and rear setbacks	
Performance objective	
	The height and setback of a building from a boundary respects the existing or preferred neighbourhood character.
	The height and setback of a building from a boundary limits the impact on the amenity of existing dwellings.

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<p>Performance measure</p> <p>A new building that is not on or within 200mm of a boundary is set back from side or rear boundaries:</p> <ul style="list-style-type: none"> • At least the distance specified in a schedule to the zone, or • If no distance is specified in a schedule to the zone, 1 metre, plus 0.3 metres for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres. <p>Diagram A1 Side and rear setbacks</p> <p>Sunblinds, verandahs, porches, eaves, fascias, gutters, masonry chimneys, flues, pipes, domestic fuel or water tanks and heating or cooling equipment or other services do not encroach more than 0.5 metres into the setback.</p> <p>Landings with an area of not more than 2 square metres and less than 1 metre high, stairways, ramps, pergolas, shade sails and carports may encroach into the setback.</p>
<p>Performance criteria</p> <p>The height and setback of a building from a boundary is acceptable considering:</p> <ul style="list-style-type: none"> • The impact on the amenity of the habitable room windows and secluded private open space of existing dwellings. • Whether the wall is opposite an existing or simultaneously constructed wall built to the boundary. • Whether the wall abuts a side or rear lane.
<p>Information required</p> <p>The neighbourhood and site description.</p> <p>The design response.</p>

CURRENT**55.04-2 Walls on boundaries objective**

To ensure that the location, length and height of a wall on a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings.

Standard B18

A new wall constructed on or within 200mm of a side or rear boundary of a lot or a carport constructed on or within 1 metre of a side or rear boundary of a lot should not abut the boundary:

- For a length more than the distance specified in a schedule to the zone; or
- If no distance is specified in a schedule to the zone, for a length of more than:
 - 10 metres plus 25 per cent of the remaining length of the boundary of an adjoining lot, or
 - Where there are existing or simultaneously constructed walls or carports abutting the boundary on an abutting lot, the length of the existing or simultaneously constructed walls or carports, whichever is the greater

A new wall or carport may fully abut a side or rear boundary where the slope and retaining walls or fences would result in the effective height of the wall or carport being less than 2 metres on the abutting property boundary.

A building on a boundary includes a building set back up to 200mm from a boundary.

The height of a new wall constructed on or within 200mm of a side or rear boundary or a carport constructed on or within 1 metre of a side or rear boundary should not exceed an average of 3.2 metres with no part higher than 3.6 metres unless abutting a higher existing or simultaneously constructed wall.

Decision guidelines

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

- Any relevant neighbourhood character objective, policy or statement set out in this scheme.
- The design response.
- The extent to which walls on boundaries are part of the neighbourhood character.
- The visual impact of the building when viewed from adjoining properties.
- The impact on the amenity of existing dwellings.
- The opportunity to minimise the length of walls on boundaries by aligning a new wall on a boundary with an existing wall on a lot of an adjoining property.
- The orientation of the boundary that the wall is being built on.
- The width of the lot.
- The extent to which the slope and retaining walls or fences reduce the effective height of the wall.
- Whether the wall abuts a side or rear lane.
- The need to increase the wall height to screen a box gutter.

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TRANSLATED

B18 Walls on boundaries
Performance objective
<p>The location, length and height of a wall on a boundary respects the existing or preferred neighbourhood character</p> <p>The location, length and height of a wall on a boundary limits the impact on the amenity of existing dwellings.</p>
Performance measure
<p>A new wall constructed on or within 200mm of a side or rear boundary of a lot or a carport constructed on or within 1 metre of a side or rear boundary of a lot does not abut the boundary:</p> <ul style="list-style-type: none"> • For a length more than the distance specified in a schedule to the zone; or • If no distance is specified in a schedule to the zone, for a length of more than: <ul style="list-style-type: none"> – 10 metres plus 25 per cent of the remaining length of the boundary of an adjoining lot, or – Where there are existing or simultaneously constructed walls or carports abutting the boundary on an abutting lot, the length of the existing or simultaneously constructed walls or carports, whichever is the greater. <p>A new wall or carport does not fully abut a side or rear boundary unless the slope and retaining walls or fences would result in the effective height of the wall or carport being less than 2 metres on the abutting property boundary.</p> <p>The height of a new wall constructed on or within 200mm of a side or rear boundary or a carport constructed on or within 1 metre of a side or rear boundary does not exceed an average of 3.2 metres with no part higher than 3.6 metres unless abutting a higher existing or simultaneously constructed wall.</p> <p><i>Note: A building on a boundary includes a building set back up to 200mm from a boundary.</i></p>
Performance criteria
<p>The location, length and height of a wall on a boundary is acceptable considering:</p> <ul style="list-style-type: none"> • The extent to which walls on boundaries are part of the neighbourhood character. • The visual impact of the building when viewed from adjoining properties. • The impact on the amenity of existing dwellings. • The opportunity to minimise the length of walls on boundaries by aligning a new wall on a boundary with an existing wall on a lot of an adjoining property. • The orientation of the boundary that the wall is being built on. • The width of the lot. • The extent to which the slope and retaining walls or fences reduce the effective height of the wall. • Whether the wall abuts a side or rear lane. • The need to increase the wall height to screen a box gutter
Information required
<p>The neighbourhood and site description.</p> <p>The design response.</p>

CURRENT**55.04-3****Daylight to existing windows objective**

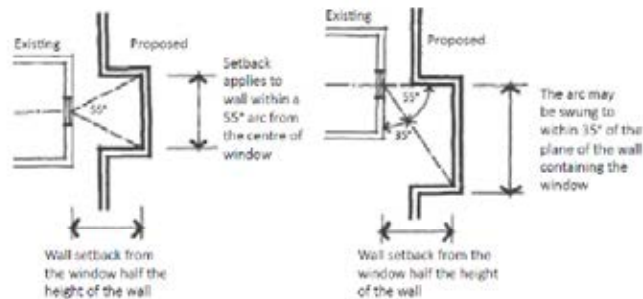
To allow adequate daylight into existing habitable room windows.

Standard B19

Buildings opposite an existing habitable room window should provide for a light court to the existing window that has a minimum area of 3 square metres and minimum dimension of 1 metre clear to the sky. The calculation of the area may include land on the abutting lot.

Walls or carports more than 3 metres in height opposite an existing habitable room window should be set back from the window at least 50 per cent of the height of the new wall if the wall is within a 55 degree arc from the centre of the existing window. The arc may be swung to within 35 degrees of the plane of the wall containing the existing window.

Where the existing window is above ground floor level, the wall height is measured from the floor level of the room containing the window.

Diagram B2 Daylight to existing windows**Decision guidelines**

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

- The design response.
- The extent to which the existing dwelling has provided for reasonable daylight access to its habitable rooms through the siting and orientation of its habitable room windows.
- The impact on the amenity of existing dwellings.

TRANSLATED

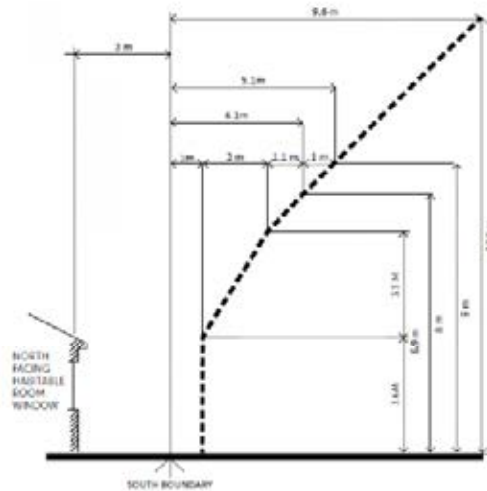
B19 Daylight to existing windows	
Performance objective	Existing habitable room windows receive adequate daylight.
Performance measure	<p>Any building opposite an existing habitable room window provides a light court to the existing window and the light court has a minimum area of 3 square metres and minimum dimension of 1 metre clear to the sky. The calculation of the area may include land on the abutting lot.</p> <p>A wall or carport more than 3 metres in height opposite an existing habitable room window is set back from the window at least 50 per cent of the height of the new wall if the wall is within a 55 degree arc from the centre of the existing window. The arc may be swung to within 35 degrees of the plane of the wall containing the existing window.</p> <p><i>Note: Where the existing window is above ground floor level, the wall height is measured from the floor level of the room containing the window.</i></p>
Diagram B2 Daylight to existing windows	
Performance criteria	<p>The location, length and height of a wall on a boundary is acceptable considering:</p> <ul style="list-style-type: none"> • The extent to which the existing dwelling has provided for reasonable daylight access to its habitable rooms through the siting and orientation of its habitable room windows. • The impact on the amenity of existing dwellings.
Information required	<p>The neighbourhood and site description.</p> <p>The design response.</p>

CURRENT**55.04-4 North facing windows objective**

To allow adequate solar access to existing north-facing habitable room windows.

Standard B20

If a north-facing habitable room window of an existing dwelling is within 3 metres of a boundary on an abutting lot, a building should be setback from the boundary 1 metre, plus 0.6 metre for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres, for a distance of 3 metres from the edge of each side of the window. A north-facing window is a window with an axis perpendicular to its surface oriented north 20 degrees west to north 30 degrees east.

Diagram B3 North-facing windows**Decision guidelines**

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

- The design response.
- Existing sunlight to the north-facing habitable room window of the existing dwelling. The impact on the amenity of existing dwellings.

TRANSLATED

B20 North facing windows
<p>Performance objective</p> <p>Existing north facing habitable room windows have adequate solar access.</p>
<p>Performance measure</p> <p>If a north-facing habitable room window of an existing dwelling is within 3 metres of a boundary on an abutting lot, any new building is setback from the boundary 1 metre, plus 0.6 metre for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres, for a distance of 3 metres from the edge of each side of the window.</p> <p><i>Note: A north-facing window is a window with an axis perpendicular to its surface oriented north 20 degrees west to north 30 degrees east.</i></p> <p>Diagram B3 North-facing windows</p>
<p>Performance criteria</p> <p>The setback of a building from a north-facing habitable room window of an existing dwelling that is within 3 metres of a boundary on an abutting lot is acceptable considering:</p> <ul style="list-style-type: none"> Existing sunlight to the north-facing habitable room window of the existing dwelling. The impact on the amenity of existing dwellings.
<p>Information required</p> <p>The neighbourhood and site description.</p> <p>The design response.</p>

CURRENT**55.04-5 Overshadowing open space objective**

To ensure buildings do not unreasonably overshadow existing secluded private open space.

Standard B21

Where sunlight to the secluded private open space of an existing dwelling is reduced, at least 75 per cent, or 40 square metres with minimum dimension of 3 metres, whichever is the lesser area, of the secluded private open space should receive a minimum of five hours of sunlight between 9 am and 3 pm on 22 September.

If existing sunlight to the secluded private open space of an existing dwelling is less than the requirements of this standard, the amount of sunlight should not be further reduced.

Decision guidelines

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

- The design response.
- The impact on the amenity of existing dwellings.
- Existing sunlight penetration to the secluded private open space of the existing dwelling.
- The time of day that sunlight is available to the secluded private open space of the existing dwelling.
- The effect of a reduction in sunlight on the existing use of the secluded private open space.

TRANSLATED

B21 Overshadowing open space
Performance objective
A new building does not unreasonably overshadow existing secluded private open space.
Performance measure
If sunlight to the secluded private open space of an existing dwelling is reduced, at least 75 per cent, or 40 square metres with minimum dimension of 3 metres, whichever is the lesser area, of the secluded private open space receives at least five hours of sunlight between 9 am and 3 pm on 22 September.
If existing sunlight to the secluded private open space of an existing dwelling is less than the requirement of this performance measure, the amount of sunlight is not further reduced.
Performance criteria
Any reduction in sunlight to the secluded private open space of an existing dwelling is acceptable considering:
<ul style="list-style-type: none"> • The impact on the amenity of existing the dwelling. • The existing sunlight penetration to the secluded private open space of the existing dwelling. • The time of day that sunlight is available to the secluded private open space of the existing dwelling. • The effect of a reduction in sunlight on the existing use of the secluded private open space
Information required
The neighbourhood and site description.
The design response.

CURRENT

55.04-6

Overlooking objective

To limit views into existing secluded private open space and habitable room windows.

Standard B22

A habitable room window, balcony, terrace, deck or patio should be located and designed to avoid direct views into the secluded private open space and habitable room windows of an existing dwelling within a horizontal distance of 9 metres (measured at ground level) of the window, balcony, terrace, deck or patio. Views should be measured within a 45 degree angle from the plane of the window or perimeter of the balcony, terrace, deck or patio, and from a height of 1.7 metres above floor level.

A habitable room window, balcony, terrace, deck or patio with a direct view into a habitable room window of existing dwelling within a horizontal distance of 9 metres (measured at ground level) of the window, balcony, terrace, deck or patio should be either:

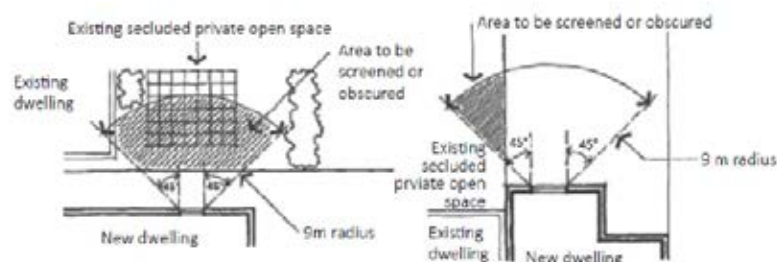
- Offset a minimum of 1.5 metres from the edge of one window to the edge of the other, or
- Have sill heights of at least 1.7 metres above floor level, or
- Have obscure glazing in any part of the window below 1.7 metres above floor level, or
- Have permanently fixed external screens to at least 1.7 metres above floor level and be no more than 25 per cent transparent.

Obscure glazing in any part of the window below 1.7 metres above floor level may be openable provided that there are no direct views as specified in this standard.

Screens used to obscure a view should be:

- Perforated panels or trellis with a maximum of 25 per cent openings or solid translucent panels.
- Permanent, fixed and durable.
- Designed and coloured to blend in with the development.

This standard does not apply to a new habitable room window, balcony, terrace, deck or patio which faces a property boundary where there is a visual barrier at least 1.8 metres high and the floor level of the habitable room, balcony, terrace, deck or patio is less than 0.8 metres above ground level at the boundary.

Diagram B4 Overlooking open space**Decision guidelines**

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

- The design response.
- The impact on the amenity of the secluded private open space or habitable room window.
- The existing extent of overlooking into the secluded private open space and habitable room windows of existing dwellings.

- The internal daylight to and amenity of the proposed dwelling or residential building.

TRANSLATED

B22 Overlooking
Performance objective
Views into existing secluded private open space and habitable room windows are limited.
Performance measure
Any habitable room window, balcony, terrace, deck or patio is located and designed to avoid direct views into the secluded private open space and habitable room windows of an existing dwelling within a horizontal distance of 9 metres (measured at ground level) of the window, balcony, terrace, deck or patio.
Note: Views should be measured within a 45 degree angle from the plane of the window or perimeter of the balcony, terrace, deck or patio, and from a height of 1.7 metres above floor level.
A habitable room window, balcony, terrace, deck or patio with a direct view into a habitable room window of existing dwelling within a horizontal distance of 9 metres (measured at ground level) of the window, balcony, terrace, deck or patio is either:
<ul style="list-style-type: none"> • Offset a minimum of 1.5 metres from the edge of one window to the edge of the other, or • Have sill heights of at least 1.7 metres above floor level, or • Have obscure glazing in any part of the window below 1.7 metres above floor level, or • Have permanently fixed external screens to at least 1.7 metres above floor level and be no more than 25 per cent transparent.
Obscure glazing in any part of the window below 1.7 metres above floor level is only openable if there are no direct views as specified in this standard.
Screens used to obscure a view are:
<ul style="list-style-type: none"> • Perforated panels or trellis with a maximum of 25 per cent openings or solid translucent panels. • Permanent, fixed and durable. • Designed and coloured to blend in with the development.
Diagram B4 Overlooking open space
This performance measure does not apply to a new habitable room window, balcony, terrace, deck or patio that faces a property boundary where there is a visual barrier at least 1.8 metres high and the floor level of the habitable room, balcony, terrace, deck or patio is less than 0.8 metres above ground level at the boundary.

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<p>Performance criteria</p> <p>Any overlooking of the secluded private open space of an existing dwelling is acceptable considering:</p> <ul style="list-style-type: none"> • The impact on the amenity of the secluded private open space or habitable room window. • The existing extent of overlooking into the secluded private open space and habitable room windows of existing dwellings. • The internal daylight to and amenity of the proposed dwelling or residential building.
<p>Information required</p> <p>The neighbourhood and site description.</p> <p>The design response.</p>

CURRENT

55.04-7

Internal views objective

To limit views into the private open space and habitable room windows of dwellings and residential buildings within a development.

Standard B23

Windows and balconies should be designed to prevent overlooking of more than 50 per cent of the private open space of a lower-level dwelling directly below and within the same development.

Decision guideline

Before deciding on an application, the responsible authority must consider the design response.

TRANSLATED

<p>B23 Internal views</p>
<p>Performance objective</p> <p>Views into the private open space and habitable room windows of dwellings and residential buildings are limited.</p>
<p>Performance measure</p> <p>Windows and balconies do not allow overlooking of more than 50 per cent of the private open space of a lower-level dwelling directly below and within the same development.</p>
<p>Performance criteria</p> <p>Views into the private open space and habitable room windows of dwellings and residential buildings are acceptable considering the reasonable privacy expectations of occupants.</p>
<p>Information required</p> <p>The design response.</p>

CURRENT

55.04-8

Noise impacts objective:

To contain noise sources in developments that may affect existing dwellings.

To protect residents from external noise.

Standard B24

Noise sources, such as mechanical plant, should not be located near bedrooms of immediately adjacent existing dwellings.

Noise sensitive rooms and secluded private open spaces of new dwellings and residential buildings should take account of noise sources on immediately adjacent properties.

Dwellings and residential buildings close to busy roads, railway lines or industry should be designed to limit noise levels in habitable rooms.

Decision guideline

Before deciding on an application, the responsible authority must consider the design response.

TRANSLATED

B24 Noise impacts
Performance objective
Noise sources in developments that may affect existing dwellings are contained. Residents are protected from external noise.
Performance measure
Noise sources, such as mechanical plant, are not located near the bedrooms of immediately adjacent existing dwellings. Noise sensitive rooms and secluded private open spaces of new dwellings and residential buildings are not located near noise sources on immediately adjacent properties. Dwellings and residential buildings close to busy roads, railway lines or industry are designed to limit noise levels in habitable rooms.
Performance criteria
The noise impacts are acceptable considering: <ul style="list-style-type: none"> • The location of noise sources, such as mechanical plant. • Noise sources on immediately adjacent properties. • Other noise sources such as busy roads, railway lines or industry.
Information required
The neighbourhood and site description. The design response.

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55.05 ON-SITE AMENITY AND FACILITIES

CURRENT

55.05-1 Accessibility objective

To encourage the consideration of the needs of people with limited mobility in the design of developments.

Standard B25

The dwelling entries of the ground floor of dwellings and residential buildings should be accessible or able to be easily made accessible to people with limited mobility.

TRANSLATED

B25 Accessibility
Performance objective
People with limited mobility can access new dwellings and residential buildings.
Performance measure
The entry to each ground floor dwelling and residential building is accessible or able to be easily made accessible to people with limited mobility.
Performance criteria
The accessibility of new development is acceptable considering the needs of people with limited mobility.
Information required
The design response.

CURRENT

55.05-2 Dwelling entry objective

To provide each dwelling or residential building with its own sense of identity.

Standard B26

Entries to dwellings and residential buildings should:

- Be visible and easily identifiable from streets and other public areas.
- Provide shelter, a sense of personal address and a transitional space around the entry.

TRANSLATED

B26 Dwelling entry
Performance objective
Each dwelling or residential building has its own sense of identity.
Performance measure
The entry to each dwelling and residential building is visible and easily identifiable from streets and other public areas.
The entry to each dwelling and residential building provides shelter, a sense of personal address and a transitional space around the entry.

Performance criteria
The entry to each dwelling and residential building is acceptable considering: <ul style="list-style-type: none"> • Visibility and identification from streets and other public areas. • The shelter, sense of personal address and transitional space around the entry proposed.
Information required
The design response.

CURRENT**55.05-3 Daylight to new windows objective**

To allow adequate daylight into new habitable room windows.

Standard B27

A window in a habitable room should be located to face:

- An outdoor space clear to the sky or a light court with a minimum area of 3 square metres and minimum dimension of 1 metre clear to the sky, not including land on an abutting lot, or
- A verandah provided it is open for at least one third of its perimeter, or
- A carport provided it has two or more open sides and is open for at least one third of its perimeter.

Decision guidelines

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

- The design response.
- Whether there are other windows in the habitable room which have access to daylight.

TRANSLATED

B27 Daylight to new windows
Performance objective
New habitable room windows receive adequate daylight.
Performance measure
A window in a habitable room is located to face: <ul style="list-style-type: none"> • An outdoor space clear to the sky or a light court with a minimum area of 3 square metres and minimum dimension of 1 metre clear to the sky, not including land on an abutting lot, or • A verandah, provided the verandah is open for at least one third of its perimeter, or • A carport provided it has two or more open sides and is open for at least one third of its perimeter.
Performance criteria
The daylight received by a window in a habitable room is acceptable considering whether there are other windows in the habitable room that have access to daylight.
Information required
The design response.

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CURRENT

55.05-4 Private open space objective

To provide adequate private open space for the reasonable recreation and service needs of residents.

Standard B28

A dwelling or residential building should have private open space of an area and dimensions specified in a schedule to the zone.

If no area or dimensions is specified in a schedule to the zone, a dwelling or residential building should have private open space consisting of:

- An area of 40 square metres, with one part of the private open space to consist of secluded private open space at the side or rear of the dwelling or residential building with a minimum area of 25 square metres, a minimum dimension of 3 metres and convenient access from a living room, or
- A balcony of 8 square metres with a minimum width of 1.6 metres and convenient access from a living room, or
- A roof-top area of 10 square metres with a minimum width of 2 metres and convenient access from a living room.

The balcony requirements in Clause 55.05-4 do not apply to an apartment development.

Decision guidelines

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

- The design response.
- The useability of the private open space, including its size and accessibility.
- The availability of and access to public open space.
- The orientation of the lot to the street and the sun.

TRANSLATED

B28 Private open space

Performance objective

Residents have adequate private open space for their reasonable recreation and service needs.

<p>Performance measure</p> <p>Each dwelling or residential building has private open space with the area and dimensions specified in a schedule to the zone.</p> <p>If no area or dimensions is specified in a schedule to the zone, a dwelling or residential building has private open space consisting of:</p> <ul style="list-style-type: none"> • An area of 40 square metres, with one part of the private open space to consist of secluded private open space at the side or rear of the dwelling or residential building with a minimum area of 25 square metres, a minimum dimension of 3 metres and convenient access from a living room, or • A roof-top area of 10 square metres with a minimum width of 2 metres and convenient access from a living room. • If the development is not an apartment building, a balcony of 8 square metres with a minimum width of 1.6 metres and convenient access from a living room
<p>Performance criteria</p> <p>The private open space available to each dwelling is acceptable considering:</p> <ul style="list-style-type: none"> • The useability of the private open space, including its size and accessibility. • The availability of and access to public open space. • The orientation of the lot to the street and the sun.
<p>Information required</p> <p>The design response.</p>

CURRENT

55.05-5

Solar access to open space objective

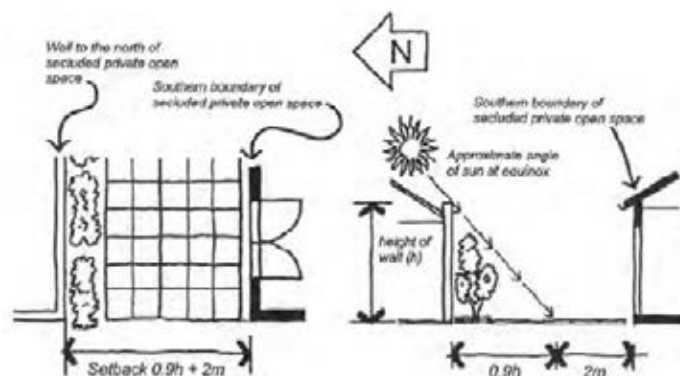
To allow solar access into the secluded private open space of new dwellings and residential buildings.

Standard B29

The private open space should be located on the north side of the dwelling or residential building, if appropriate.

The southern boundary of secluded private open space should be set back from any wall on the north of the space at least $(2 + 0.9h)$ metres, where 'h' is the height of the wall.

Diagram B5 Solar access to open space



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Decision guidelines

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

- The design response.
- The useability and amenity of the secluded private open space based on the sunlight it will receive.

TRANSLATED

B29 Solar access to open space
Performance objective
The secluded private open space of a new dwelling or residential building has adequate solar access.
Performance measure
The private open space is located on the north side of the dwelling. The southern boundary of secluded private open space is set back from any wall on the north of the space at least $(2 + 0.9h)$ metres, where 'h' is the height of the wall.
Diagram A5 Solar access to open space
Performance criteria
The solar access to the secluded private open space of any dwelling or residential building is acceptable considering the useability and amenity of the secluded private open space, based on the sunlight it will receive.
Information required
The design response.

CURRENT

55.05-6

Storage objective

To provide adequate storage facilities for each dwelling.

Standard B30

Each dwelling should have convenient access to at least 6 cubic metres of externally accessible, secure storage space.

TRANSLATED

B30 Storage
Performance objective
Each dwelling has adequate storage facilities.
Performance measure
Each dwelling has convenient access to at least 6 cubic metres of externally accessible, secure storage space.
Performance criteria
The storage provided to each dwelling is acceptable and is convenient, usable, sufficient and secure.
Information required
The design response.

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55.06 DETAILED DESIGN

CURRENT

55.06-1

Detail design objective

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

Standard B31

The design of buildings, including:

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

should respect the existing or preferred neighbourhood character.

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

Decision guidelines

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

- Any relevant neighbourhood character objective, policy or statement set out in this scheme.
- The design response.
- The effect on the visual bulk of the building and whether this is acceptable in the neighbourhood setting.
- Whether the design is innovative and of a high architectural standard.

TRANSLATED

B31 Detailed design
Performance objective
Design detail respects any existing or preferred neighbourhood character set out in a schedule to a zone or overlay, or the neighbourhood context.
Performance measure
The design of new development complies with any performance measures specified for neighbourhood character and design detail in a schedule to the zone.
Performance criteria
The design detail of buildings is acceptable in the neighbourhood context considering: <ul style="list-style-type: none"> • Façade articulation and detailing • Window and door proportions • Roof form • Verandahs, eaves and parapets • Whether the design is innovative and of a high architectural standard. Garages and carports are visually compatible with the development and the neighbourhood context.

Information required
The neighbourhood and site description.
The design response.

CURRENT**55.06-2 Front fences objective**

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

Standard B32

The design of front fences should complement the design of the dwelling or residential building and any front fences on adjoining properties.

A front fence within 3 metres of a street should not exceed:

- The maximum height specified in a schedule to the zone, or
- If no maximum height is specified in a schedule to the zone, the maximum height specified in Table A2.

Table B3 Maximum front fence height

Street context	Maximum front fence height
Streets in a Road Zone, Category 1	2 metres
Other streets	1.5 metres

Decision guidelines

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

- Any relevant neighbourhood character objective, policy or statement set out in this scheme.
- The design response.
- The setback, height and appearance of front fences on adjacent properties.
- The extent to which slope and retaining walls reduce the effective height of the front fence.
- Whether the fence is needed to minimise noise intrusion.

TRANSLATED

B32 Front fences
Performance objective
Front fence design respects the existing or preferred neighbourhood character.

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Performance measure	
A front fence within 3 metres of a street should not exceed:	
<ul style="list-style-type: none"> The maximum height specified in a schedule to the zone, or If no maximum height is specified in a schedule to the zone, the maximum height specified in Table B3. 	
Table B3 Maximum front fence height	
Street context	Maximum front fence height
Streets in a Road Zone, Category 1	2 metres
Other streets	1.5 metres
Performance criteria	
The design of the fence is acceptable considering:	
<ul style="list-style-type: none"> The design of the dwelling or residential building. The setback, height and appearance of front fences on adjacent properties. The extent to which slope and retaining walls reduce the effective height of the front fence. Whether the fence is needed to minimise noise intrusion. 	
Information required	
The neighbourhood and site description.	
The design response.	

CURRENT

55.06-3

Common property objectives

To ensure that communal open space, car parking, access areas and site facilities are practical, attractive and easily maintained.

To avoid future management difficulties in areas of common ownership.

Standard B33

Developments should clearly delineate public, communal and private areas.

Common property, where provided, should be functional and capable of efficient management.

TRANSLATED

B33 Common property
Performance objective
Communal open space, car parking, access areas and site facilities are practical, attractive and easily maintained.
Areas in common ownership do not have management difficulties.
Performance measure
None specified.

Performance criteria
Developments clearly delineate public, communal and private areas.
Common property, where provided, is functional and capable of efficient management.
Information required
The design response.

CURRENT

55.06-4

Site service objectives

To ensure that site services can be installed and easily maintained.

To ensure that site facilities are accessible, adequate and attractive.

Standard B34

The design and layout of dwellings and residential buildings should provide sufficient space (including easements where required) and facilities for services to be installed and maintained efficiently and economically.

Mailboxes and other site facilities should be adequate in size, durable, waterproof and blend in with the development.

Mailboxes should be provided and located for convenient access as required by Australia Post.

Decision guideline

Before deciding on an application, the responsible authority must consider the design response.

TRANSLATED

B34 Site service
Performance objective
Site services can be installed and easily maintained.
Site facilities are accessible, adequate and attractive.
Performance measure
None specified.
Performance criteria
The design and layout of dwellings and residential buildings provides sufficient space (including easements where required) and facilities for services to be installed and maintained efficiently and economically.
Mailboxes and other site facilities are adequate in size, durable, waterproof and blend in with the development.
Mailboxes are provided and located for convenient access as required by Australia Post.
Information required
The design response.

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55.07 APPARTMENT DEVELOPMENTS

CURRENT

58.03-1 Energy efficiency objectives

To achieve and protect energy efficient dwellings and buildings.

To ensure the orientation and layout of development reduce fossil fuel energy use and make appropriate use of daylight and solar energy.

To ensure dwellings achieve adequate thermal efficiency.

Standard B35

Buildings should be:

- Oriented to make appropriate use of solar energy.
- Sited and designed to ensure that the energy efficiency of existing dwellings on adjoining lots is not unreasonably reduced.
- Sited and designed to ensure that the performance of existing rooftop solar energy systems on dwellings on adjoining lots in a General Residential Zone, Neighbourhood Residential Zone or Township Zone are not unreasonably reduced. The existing rooftop solar energy system must exist at the date the application is lodged.

Living areas and private open space should be located on the north side of the development, if practicable.

Developments should be designed so that solar access to north-facing windows is optimised.

Dwellings located in a climate zone identified in Table B4 should not exceed the maximum NatHERS annual cooling load specified in the following table.

Table B4 Cooling load

NatHERS climate zone	NatHERS maximum cooling load MJ/M ² per annum
Climate zone 21 Melbourne	30
Climate zone 22 East Sale	22
Climate zone 27 Mildura	69
Climate zone 60 Tullamarine	22
Climate zone 62 Moorabbin	21
Climate zone 63 Warrnambool	21
Climate zone 64 Cape Otway	19
Climate zone 66 Ballarat	23

Note: Refer to NatHERS zone map, Nationwide House Energy Rating Scheme (Commonwealth Department of Environment and Energy).

Decision guidelines

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

- The design response.
- The size, orientation and layout of the site.
- The existing amount of solar access to abutting properties.
- The availability of solar access to north-facing windows on the site.

- The annual cooling load for each dwelling.
- The extent to which an existing rooftop solar energy system on an adjoining lot is overshadowed by existing buildings or other permanent structures.
- Whether the existing rooftop solar energy system on an adjoining lot is appropriately located.
- The effect of overshadowing on an existing rooftop solar energy facility on an adjoining lot.

TRANSLATED

B35 Energy efficiency	
Performance objective	
New development is energy efficient.	
The energy efficiency of existing buildings is protected.	
The orientation and layout of development reduces fossil fuel energy use and makes appropriate use of daylight and solar energy.	
New dwellings achieve adequate thermal efficiency.	
Performance measure	
Living areas and private open space are located on the north side of the development	
A dwelling located in a climate zone identified in Table B4 does not exceed the maximum NatHERS annual cooling load specified in Table B4.	
Table B4 Cooling load	
NatHERS climate zone	NatHERS maximum cooling load MJ/M² per annum
Climate zone 21 Melbourne	30
Climate zone 22 East Sale	22
Climate zone 27 Mildura	69
Climate zone 60 Tullamarine	22
Climate zone 62 Moorabbin	21
Climate zone 63 Warrnambool	21
Climate zone 64 Cape Otway	19
Climate zone 66 Ballarat	23
<i>Note: Refer to NatHERS zone map, Nationwide House Energy Rating Scheme (Commonwealth Department of Environment and Energy).</i>	

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Performance criteria
<p>The energy efficiency of new development is acceptable considering:</p> <ul style="list-style-type: none"> • The size, orientation and layout of the site. • How buildings are oriented to make use of solar energy. • The availability of solar access to north-facing windows on the site. • The annual cooling load for each dwelling. <p>The energy efficiency protection for existing development is acceptable considering:</p> <ul style="list-style-type: none"> • The existing amount of solar access to abutting properties. • The extent to which an existing rooftop solar energy system on an adjoining lot is overshadowed by existing buildings or other permanent structures. • Whether the existing rooftop solar energy system on an adjoining lot is appropriately located. • The effect of overshadowing on an existing rooftop solar energy facility on an adjoining lot.
Information required
<p>The neighbourhood and site description.</p> <p>The design response.</p> <p>A written statement that identifies the existing amount of solar access to abutting properties and the likely effect of overshadowing by the development on their performance taking account of:</p> <ul style="list-style-type: none"> • The extent to which an existing rooftop solar energy system on an adjoining lot is overshadowed by existing buildings or other permanent structures. • Whether the existing rooftop solar energy system on an adjoining lot is appropriately located.

CURRENT

55.07-2

Communal open space objective

To ensure that communal open space is accessible, practical, attractive, easily maintained and integrated with the layout of the development.

Standard B36

Developments with 40 or more dwellings should provide a minimum area of communal open space of 2.5 square metres per dwelling or 250 square metres, whichever is lesser.

Communal open space should:

- Be located to:
 - Provide passive surveillance opportunities, where appropriate.
 - Provide outlook for as many dwellings as practicable.
 - Avoid overlooking into habitable rooms and private open space of new dwellings.
 - Minimise noise impacts to new and existing dwellings.
- Be designed to protect any natural features on the site.
- Maximise landscaping opportunities.
- Be accessible, useable and capable of efficient management.

Decision guidelines

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

Any relevant urban design objective, policy or statement set out in this scheme.

The design response.

- The useability and amenity of the communal open space based on its size, location, accessibility and reasonable recreation needs of residents.
- The availability of and access to public open space.

TRANSLATED

B36 Communal open space
Performance objective
Communal open space is accessible, practical, attractive and easily maintained. Communal open space is integrated with the layout of the development.
Performance measure
A development with 40 or more dwellings provides at least 2.5 square metres per dwelling or 250 square metres of communal open space, whichever is lesser. Communal open space does not enable overlooking into habitable rooms and private open space of new dwellings.
Performance criteria
The communal open space of new development is acceptable considering how the communal open space proposed is designed and located to: <ul style="list-style-type: none"> • Provide passive surveillance opportunities. • Provide outlook for as many dwellings as practicable. • Avoid overlooking into habitable rooms and private open space of new dwellings. • Minimise noise impacts to new and existing dwellings. • Protect any natural features on the site. • Maximise landscaping opportunities. • Be accessible, useable and capable of efficient management. The amount of communal open space of new development is acceptable considering: <ul style="list-style-type: none"> • The availability of and access to public open space. • The reasonable recreation needs of residents.
Information required
The design response. If not included in the design response, a statement describing how the design responds to any relevant urban design objective, policy or statement set out in this scheme.

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CURRENT

55.07-3 **Solar access to communal outdoor open space objective**

To allow solar access into communal outdoor open space.

Standard B37

The communal outdoor open space should be located on the north side of a building, if appropriate.

At least 50 per cent or 125 square metres, whichever is the lesser, of the primary communal outdoor open space should receive a minimum of two hours of sunlight between 9am and 3pm on 21 June.

Decision guidelines

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

- The design response.
- The useability and amenity of the primary communal outdoor open space areas based on the urban context, the orientation of the building, the layout of dwellings and the sunlight it will receive.

TRANSLATED

B37 Solar access to communal outdoor open space
Performance objective
Communal outdoor open space has appropriate solar access.
Performance measure
At least 50 per cent or 125 square metres, whichever is the lesser, of the primary communal outdoor open space receives a minimum of two hours of sunlight between 9am and 3pm on 21 June.
Performance criteria
The solar access to communal open space of new development is acceptable considering the useability and amenity of the communal outdoor open space areas based on the urban context, the orientation of the building, the layout of dwellings and the sunlight the open space will receive.
Information required
The design response.

CURRENT

55.07-4 **Deep soil areas and canopy trees objective**

To promote climate responsive landscape design and water management in developments to support thermal comfort and reduce the urban heat island effect.

Standard B38

The landscape layout and design should:

- Be responsive to the site context.
- Consider landscaping opportunities to reduce heat absorption such as green walls, green roofs and roof top gardens and improve on-site storm water infiltration.
- Maximise deep soil areas for planting of canopy trees.

- Integrate planting and water management.

Developments should provide the deep soil areas and canopy trees specified in Table B5.

If the development cannot provide the deep soil areas and canopy trees specified in Table B5, an equivalent canopy cover should be achieved by providing either:

- Canopy trees or climbers (over a pergola) with planter pits sized appropriately for the mature tree soil volume requirements.
- Vegetated planters, green roofs or green façades.

Table B5 Deep soil areas and canopy trees

Site area	Deep soil areas	Minimum tree provision
750 - 1000 square metres	5% of site area (minimum dimension of 3 metres)	1 small tree (6-8 metres) per 30 square metres of deep soil
1001 - 1500 square metres	7.5% of site area (minimum dimension of 3 metres)	1 medium tree (8-12 metres) per 50 square metres of deep soil or 1 large tree per 90 square metres of deep soil
1501 - 2500 square metres	10% of site area (minimum dimension of 6 metres)	1 large tree (at least 12 metres) per 90 square metres of deep soil or 2 medium trees per 90 square metres of deep soil
>2500 square metres	15% of site area (minimum dimension of 6 metres)	1 large tree (at least 12 metres) per 90 square metres of deep soil or 2 medium trees per 90 square metres of deep soil

Decision guidelines

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

- Any relevant plan or policy for environmental sustainability in the Municipal Planning Strategy and the Planning Policy Framework.
- The design response.
- The suitability of the proposed location and soil volume for canopy trees.
- The ongoing management of landscaping within a development.
- The soil type and drainage patterns of the site.

TRANSLATED

B38 Deep soil areas and canopy trees		
Performance objective		
Landscape design and water management is climate responsive.		
New development supports thermal comfort and reduces the urban heat island effect.		
Performance measure		
Heat absorption is reduced using landscape opportunities such as green walls, green roofs and roof top gardens.		
On-site storm water infiltration is provided.		
Planting and water management are integrated.		
Deep soil areas for planting of canopy trees are maximised and the deep soil areas and canopy trees specified in Table B5 are provided.		
Table B5 Deep soil areas and canopy trees		
Site area	Deep soil areas	Minimum tree provision
750 - 1000 square metres	5% of site area (minimum dimension of 3 metres)	1 small tree (6-8 metres) per 30 square metres of deep soil
1001 - 1500 square metres	7.5% of site area (minimum dimension of 3 metres)	1 medium tree (8-12 metres) per 50 square metres of deep soil or 1 large tree per 90 square metres of deep soil
1501 - 2500 square metres	10% of site area (minimum dimension of 6 metres)	1 large tree (at least 12 metres) per 90 square metres of deep soil or 2 medium trees per 90 square metres of deep soil
>2500 square metres	15% of site area (minimum dimension of 6 metres)	1 large tree (at least 12 metres) per 90 square metres of deep soil or 2 medium trees per 90 square metres of deep soil
<p><i>Note: Where an existing canopy tree over 8 metres can be retained on a lot greater than 1000 square metres without damage during the construction period, the minimum deep soil requirement is 7% of the site area.</i></p> <p>If the development cannot provide the deep soil areas and canopy trees specified in Table D2, an equivalent canopy cover is achieved by providing either:</p> <ul style="list-style-type: none"> • Canopy trees or climbers (over a pergola) with planter pits sized appropriately for the mature tree soil volume requirements. • Vegetated planters, green roofs or green façades. 		

<p>Performance criteria</p> <p>The landscape layout and design is acceptable considering how it:</p> <ul style="list-style-type: none"> • Responds to the site context. • Integrates planting and water management. • Provides a safe, attractive and functional environment for residents. • Reduces heat absorption by means such as green walls, green roofs and roof top gardens. • Improves on-site stormwater infiltration. • Maximises deep soil areas for planting canopy trees.
<p>Information required</p> <p>The design response.</p> <p>If not included in the design response, a statement documenting:</p> <ul style="list-style-type: none"> • Any relevant plan or policy for landscape character and environmental sustainability in the Municipal Planning Strategy and the Planning Policy Framework. • The suitability of the proposed location and soil volume for canopy trees. • The ongoing management of landscaping for the development. • The soil type and drainage patterns of the site.

CURRENT

55.07-5

Integrated water and stormwater management objectives

To encourage the use of alternative water sources such as rainwater, stormwater and recycled water.

To facilitate stormwater collection, utilisation and infiltration within the development.

To encourage development that reduces the impact of stormwater run-off on the drainage system and filters sediment and waste from stormwater prior to discharge from the site.

Standard B39

Buildings should be designed to collect rainwater for non-drinking purposes such as flushing toilets, laundry appliances and garden use.

Buildings should be connected to a non-potable dual pipe reticulated water supply, where available from the water authority.

The stormwater management system should be:

- Designed to meet the current best practice performance objectives for stormwater quality as contained in the *Urban Stormwater - Best Practice Environmental Management Guidelines* (Victorian Stormwater Committee, 1999).
- Designed to maximise infiltration of stormwater, water and drainage of residual flows into permeable surfaces, tree pits and treatment areas.

Decision guidelines

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

- Any relevant water and stormwater management objective, policy or statement set out in this scheme.
- The design response.
- Whether the development has utilised alternative water sources and/or incorporated

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water sensitive urban design.

- Whether stormwater discharge from the site will adversely affect water quality entering the drainage system.
- The capacity of the drainage network to accommodate additional stormwater. Whether the stormwater treatment areas can be effectively maintained.
- Whether the owner has entered into an agreement to contribute to off-site stormwater management in lieu of providing an on-site stormwater management system.

TRANSLATED

B39 Integrated water and storm water management
<p>Performance objective</p> <p>Alternative water sources such as rainwater, stormwater and recycled water are used.</p> <p>Stormwater is collected, used and infiltrated within the development.</p> <p>Stormwater run-off from the site is reduced.</p> <p>Stormwater is filtered for sediment and waste before being discharged from the site.</p>
<p>Performance measure</p> <p>Buildings collect rainwater for non-drinking purposes such as flushing toilets, laundry appliances and garden use.</p> <p>Buildings are connected to a non-potable dual pipe reticulated water supply, where available from the water authority.</p> <p>The stormwater management system is designed to meet the current best practice performance objectives for stormwater quality as contained in the <i>Urban Stormwater - Best Practice Environmental Management Guidelines</i> (Victorian Stormwater Committee, 1999).</p> <p>The stormwater management system is designed to maximise infiltration of stormwater, water and drainage of residual flows into permeable surfaces, tree pits and treatment areas</p>
<p>Performance criteria</p> <p>The proposed water and stormwater management arrangements are acceptable considering:</p> <ul style="list-style-type: none"> • How the development has utilised alternative water sources and incorporated water sensitive urban design. • Whether stormwater discharge from the site will adversely affect water quality entering the drainage system. • The capacity of the drainage network to accommodate additional stormwater. • Whether the stormwater treatment areas can be effectively maintained. • Whether the owner has entered into an agreement to contribute to off-site stormwater management instead of providing an on-site stormwater management system.
<p>Information required</p> <p>The design response.</p> <p>If not included in the design response, a statement documenting:</p> <ul style="list-style-type: none"> • Any relevant water and stormwater management objective, policy or statement set out in this scheme. • The capacity of the drainage network to accommodate additional stormwater. • Whether the owner has entered into an agreement to contribute to off-site stormwater management instead of providing an on-site stormwater management system.

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CURRENT

55.07-6

Noise impact objectives

To contain noise sources in developments that may affect existing dwellings.

To protect residents from external and internal noise sources.

Standard B40

Noise sources, such as mechanical plants should not be located near bedrooms of immediately adjacent existing dwellings.

The layout of new dwellings and buildings should minimise noise transmission within the site.

Noise sensitive rooms (such as living areas and bedrooms) should be located to avoid noise impacts from mechanical plants, lifts, building services, non-residential uses, car parking, communal areas and other dwellings.

New dwellings should be designed and constructed to include acoustic attenuation measures to reduce noise levels from off-site noise sources.

Buildings within a noise influence area specified in Table B6 should be designed and constructed to achieve the following noise levels:

- Not greater than 35dB(A) for bedrooms, assessed as an LAeq,8h from 10pm to 6am.
- Not greater than 40dB(A) for living areas, assessed LAeq,16h from 6am to 10pm.

Buildings, or part of a building screened from a noise source by an existing solid structure, or the natural topography of the land, do not need to meet the specified noise level requirements.

Noise levels should be assessed in unfurnished rooms with a finished floor and the windows closed.

Table B6 Noise influence area

Noise source	Noise influence area
Zone interface	
Industry	300 metres from the Industrial 1, 2 and 3 zone boundary
Roads	
Freeways, tollways and other roads carrying 40,000 Annual Average Daily Traffic Volume	300 metres from the nearest trafficable lane
Railways	
Railway servicing passengers in Victoria	80 metres from the centre of the nearest track
Railway servicing freight outside Metropolitan Melbourne	80 metres from the centre of the nearest track
Railway servicing freight in Metropolitan Melbourne	135 metres from the centre of the nearest track

Note: The noise influence area should be measured from the closest part of the building to the noise source.

Decision guidelines

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

- The design response.
- Whether it can be demonstrated that the design treatment incorporated into the development meets the specified noise levels or an acoustic report by a suitably qualified consultant submitted with the application.

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- Whether the impact of potential noise sources within a development have been mitigated through design, location and siting.
- Whether the layout of rooms within a dwelling mitigates noise transfer within and between dwellings.
- Whether an alternative design meets the relevant objectives having regard to the amenity of the dwelling and the site context.

TRANSLATED

B40 Noise Impact	
Performance objective	
Residents of new development are not subject to unreasonable noise impacts from external and internal noise sources.	
Residents of existing dwellings are not subject to unreasonable noise impacts from new development.	
Performance measure	
Noise sources, such as mechanical plants, are not located near a bedroom of an immediately adjacent existing dwelling.	
Noise transmission within the site is minimised by the layout of new dwellings and buildings.	
Noise sensitive rooms (such as living areas and bedrooms) are located to avoid noise impacts from mechanical plants, lifts, building services, non-residential uses, car parking, communal areas and other dwellings.	
New dwellings are designed and constructed with acoustic attenuation that reduce noise levels from off-site noise sources.	
A building (other than a building or part of a building screened from a noise source by an existing solid structure or the natural topography of the land) that is within a noise influence area specified in Table B6, achieves the following noise levels:	
<ul style="list-style-type: none"> • For bedrooms: not greater than 35dB(A), assessed as an LAeq,8h from 10pm to 6am. • For living areas: not greater than 40dB(A), assessed LAeq,16h from 6am to 10pm. 	
<i>Note: Noise levels should be assessed in unfurnished rooms with a finished floor and the windows closed.</i>	
Table B6 Noise influence area	
Noise source	Noise influence area
Zone interface	
Industry	300 metres from the Industrial 1, 2 and 3 zone boundary
Roads	
Freeways, tollways and other roads carrying 40,000 Annual Average Daily Traffic Volume	300 metres from the nearest trafficable lane
Railways	
Railway servicing passengers in Victoria	80 metres from the centre of the nearest track
Railway servicing freight outside Metropolitan Melbourne	80 metres from the centre of the nearest track
Railway servicing freight in Metropolitan Melbourne	135 metres from the centre of the nearest track
<i>Note: The noise influence area should be measured from the closest part of the building to the noise source.</i>	

<p>Performance criteria</p> <p>Noise impacts are acceptable considering:</p> <ul style="list-style-type: none"> • How the impact of potential noise sources within a development has been mitigated through design, location and siting. • The proximity of noise sources, such as mechanical plants, to a bedroom of an immediately adjacent existing dwelling. • How the layout of rooms within a dwelling mitigates noise transfer within and between dwellings. • How noise sensitive rooms (such as living areas and bedrooms) are located to avoid noise impacts from mechanical plants, lifts, building services, non-residential uses, car parking, communal areas and other dwellings. • How noise transmission within the site is minimised by the layout of new dwellings and buildings. • Whether new dwellings are designed and constructed with acoustic attenuation that reduces noise levels from off-site noise sources. • How any alternative design meets the relevant performance objectives having regard to the amenity of the dwelling and the site context.
<p>Information required</p> <p>The design response.</p> <p>If not included in the design response, a statement documenting how the design treatment incorporated into the development meets the specified noise levels or an acoustic report by a suitably qualified consultant submitted with the application.</p>

CURRENT

55.07-7

Accessibility objective

To ensure the design of dwellings meets the needs of people with limited mobility.

Standard B41

At least 50 per cent of dwellings should have:

- A clear opening width of at least 850mm at the entrance to the dwelling and main bedroom.
- A clear path with a minimum width of 1.2 metres that connects the dwelling entrance to the main bedroom, an adaptable bathroom and the living area.
- A main bedroom with access to an adaptable bathroom.
- At least one adaptable bathroom that meets all of the requirements of either Design A or Design B specified in Table B7.

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Table B7 Bathroom design

	Design option A	Design option B
Door opening	A clear 850mm wide door opening.	A clear 820mm wide door opening located opposite the shower.
Door design	Either: A slide door, or A door that opens outwards, or A door that opens inwards that is clear of the circulation area and has readily removable hinges.	Either: A slide door, or A door that opens outwards, or A door that opens inwards and has readily removable hinges.
Circulation area	A clear circulation area that is: A minimum area of 1.2 metres by 1.2 metres. Located in front of the shower and the toilet. Clear of the toilet, basin and the door swing. The circulation area for the toilet and shower can overlap.	A clear circulation area that is: A minimum width of 1 metre. The full length of the bathroom and a minimum length of 2.7 metres. Clear of the toilet and basin. The circulation area can include a shower area.
Path to circulation area	A clear path with a minimum width of 900mm from the door opening to the circulation area.	Not applicable.
Shower	A hobless (step-free) shower.	A hobless (step-free) shower that has a removable shower screen and is located on the furthest wall from the door opening.
Toilet	A toilet located in the corner of the room.	A toilet located closest to the door opening and clear of the circulation area.

TRANSLATED

B41 Accessibility		
Performance objective		
The design of new development meets the needs of people with limited mobility		
Performance measure		
At least 50 per cent of dwellings have:		
<ul style="list-style-type: none"> • A clear opening width of at least 850mm at the entrance to the dwelling and main bedroom. • A clear path with a minimum width of 1.2 metres that connects the dwelling entrance to the main bedroom, an adaptable bathroom and the living area. • A main bedroom with access to an adaptable bathroom. • At least one adaptable bathroom that meets all of the requirements of either Design A or Design B specified in Table B7. 		
Table B7 Bathroom design		
	Design option A	Design option B
Door opening	A clear 850mm wide door opening.	A clear 820mm wide door opening located opposite the shower.
Door design	Either: <ul style="list-style-type: none"> • A slide door, or • A door that opens outwards, or • A door that opens inwards that is clear of the circulation area and has readily removable hinges. 	Either: <ul style="list-style-type: none"> • A slide door, or • A door that opens outwards, or • A door that opens inwards and has readily removable hinges.
Circulation area	A clear circulation area that is: <ul style="list-style-type: none"> • A minimum area of 1.2 metres by 1.2 metres. • Located in front of the shower and the toilet. • Clear of the toilet, basin and the door swing. • The circulation area for the toilet and shower can overlap. 	A clear circulation area that is: <ul style="list-style-type: none"> • A minimum width of 1 metre. • The full length of the bathroom and a minimum length of 2.7 metres. • Clear of the toilet and basin. • The circulation area can include a shower area.
Path to circulation area	A clear path with a minimum width of 900mm from the door opening to the circulation area.	Not applicable.
Shower	A hobless (step-free) shower.	A hobless (step-free) shower that has a removable shower screen and is located on the furthest wall from the door opening.
Toilet	A toilet located in the corner of the room.	A toilet located closest to the door opening and clear of the circulation area.

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Performance criteria
The accessibility of new development is acceptable considering the needs of people with limited mobility.
Information required
None specified

CURRENT

55.07-8

Building entry and circulation objectives

To provide each dwelling and building with its own sense of identity.

To ensure the internal layout of buildings provide for the safe, functional and efficient movement of residents.

To ensure internal communal areas provide adequate access to daylight and natural ventilation.

Standard B42

Entries to dwellings and buildings should:

- Be visible and easily identifiable.
- Provide shelter, a sense of personal address and a transitional space around the entry.

The layout and design of buildings should:

- Clearly distinguish entrances to residential and non-residential areas.
- Provide windows to building entrances and lift areas.
- Provide visible, safe and attractive stairs from the entry level to encourage use by residents.
- Provide common areas and corridors that:
 - Include at least one source of natural light and natural ventilation.
 - Avoid obstruction from building services.
 - Maintain clear sight lines.

Decision guidelines

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

- The design response.
- The useability and amenity of internal communal areas based on daylight access and the natural ventilation it will receive.

TRANSLATED

B42 Building entry and circulation
Performance objective
Each dwelling and building has its own sense of identity.
The internal layout of buildings allows residents safe, functional and efficient movement.
Internal communal areas have adequate access to daylight and natural ventilation.

<p>Performance measure</p> <p>The entry to each dwelling and building is visible and easily identifiable.</p> <p>The entry to each dwelling and building provides shelter, a sense of personal address and a transitional space around the entry.</p> <p>The layout and design of buildings:</p> <ul style="list-style-type: none"> • Clearly distinguishes entrances to residential and non-residential areas. • Provides windows to building entrances and lift areas. <p>Stairs from the entry level are visible, safe and attractive and encourage use by residents.</p> <p>Common areas and corridors:</p> <ul style="list-style-type: none"> • Include at least one source of natural light and natural ventilation. • Avoid obstruction from building services. • Maintain clear sight lines. <p>Internal communal areas receive reasonable daylight access and natural ventilation.</p>
<p>Performance criteria</p> <p>The entry to each dwelling and residential building is acceptable considering:</p> <ul style="list-style-type: none"> • Visibility and identification from streets and other public areas. • The shelter, sense of personal address and transitional space around the entry proposed. • How entrances to residential and non-residential areas are distinguished. • The proposed windows and lighting to building entrances and lift areas. <p>The internal layout of buildings is acceptable considering:</p> <ul style="list-style-type: none"> • The visibility, safety and attraction of stairs from the entry area. • The useability, lighting, ventilation and sight lines of common areas and corridors.
<p>Information required</p> <p>The design response.</p>

CURRENT**55.07-9 Private open space above ground floor objective**

To provide adequate private open space for the reasonable recreation and service needs of residents.

Standard B43

A dwelling should have private open space consisting of:

- An area of 15 square metres, with a minimum dimension of 3 metres at a podium or other similar base and convenient access from a living room, or
- A balcony with an area and dimensions specified in Table B8 and convenient access from a living room.
- If a cooling or heating unit is located on a balcony, the balcony should provide an additional area of 1.5 square metres.

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Table B8 Balcony size

Dwelling type	Minimum area	Minimum dimension
Studio or 1 bedroom dwelling	8 square metres	1.8 metres
2 bedroom dwelling	8 square metres	2 metres
3 or more bedroom dwelling	12 square metres	2.4 metres

Decision guidelines

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

- The design response.
- The useability and functionality of the private open space, including its size and accessibility.
- The amenity of the private open space based on the orientation of the lot, the wind conditions and the sunlight it will receive.
- The availability of and access to public or communal open space.

TRANSLATED

B43 Private open space above ground floor
Performance objective
Residents have adequate private open space for their recreation and service needs.
Performance measure
Each dwelling has private open space consisting of: <ul style="list-style-type: none"> • An area of 15 square metres, with a minimum dimension of 3 metres at a podium or other similar base and convenient access from a living room, or • A balcony with an area and dimensions specified in Table B8 and convenient access from a living room. • If a cooling or heating unit is located on a balcony, the balcony provides an additional area of 1.5 square metres.
Performance criteria
The private open space provided above ground floor is acceptable considering: <ul style="list-style-type: none"> • The useability and functionality of the private open space, including its size and accessibility. • The amenity of the private open space based on the orientation of the lot, the wind conditions and the sunlight it will receive. • The availability of and access to public or communal open space.
Information required
The design response.

CURRENT

55.07-10

Storage objective

To provide adequate storage facilities for each dwelling.

Standard B44

Each dwelling should have convenient access to usable and secure storage space.

The total minimum storage space (including kitchen, bathroom and bedroom storage) should meet the requirements specified in Table B9.

Table B9 Storage

Dwelling type	Total minimum storage volume	Minimum storage volume within the dwelling
Studio	8 cubic metres	5 cubic metres
1 bedroom dwelling	10 cubic metres	6 cubic metres
2 bedroom dwelling	14 cubic metres	9 cubic metres
3 or more bedroom dwelling	18 cubic metres	12 cubic metres

Decision guidelines

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

- The design response.
- The useability, functionality and location of storage facilities provided for the dwelling.

TRANSLATED

B44 Storage		
Performance objective		
Each dwelling has adequate storage facilities.		
Performance measure		
The total minimum storage space (including kitchen, bathroom and bedroom storage) meets the requirements specified in Table B9.		
Table B9 Storage		
Dwelling type	Total minimum storage volume	Minimum storage volume within the dwelling
Studio	8 cubic metres	5 cubic metres
1 bedroom dwelling	10 cubic metres	6 cubic metres
2 bedroom dwelling	14 cubic metres	9 cubic metres
3 or more bedroom dwelling	18 cubic metres	12 cubic metres
Performance criteria		
The storage provided to each dwelling is acceptable and is convenient, usable, sufficient and secure.		
Information required		
The design response.		

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CURRENT

55.07-11 Waste and recycling objectives

To ensure dwellings are designed to encourage waste recycling.

To ensure that waste and recycling facilities are accessible, adequate and attractive.

To ensure that waste and recycling facilities are designed and managed to minimise impacts on residential amenity, health and the public realm.

Standard B45

Developments should include dedicated areas for:

- Waste and recycling enclosures which are:
 - Adequate in size, durable, waterproof and blend in with the development.
 - Adequately ventilated.
 - Located and designed for convenient access by residents and made easily accessible to people with limited mobility.
- Adequate facilities for bin washing. These areas should be adequately ventilated.
- Collection, separation and storage of waste and recyclables, including where appropriate opportunities for on-site management of food waste through composting or other waste recovery as appropriate.
- Collection, storage and reuse of garden waste, including opportunities for on-site treatment, where appropriate, or off-site removal for reprocessing.
- Adequate circulation to allow waste and recycling collection vehicles to enter and leave the site without reversing.
- Adequate internal storage space within each dwelling to enable the separation of waste, recyclables and food waste where appropriate.

Waste and recycling management facilities should be designed and managed in accordance with a Waste Management Plan approved by the responsible authority and:

- Be designed to meet the better practice design options specified in *Waste Management and Recycling in Multi-unit Developments* (Sustainability Victoria, 2019).
- Protect public health and amenity of residents and adjoining premises from the impacts of odour, noise and hazards associated with waste collection vehicle movements.

Decision guidelines

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

- The design response.
- Any relevant waste and recycling objective, policy or statement set out in this scheme.

TRANSLATED

B45 Waste and recycling
<p>Performance objective</p> <p>Waste recycling is encouraged.</p> <p>Waste and recycling facilities are accessible, adequate and attractive.</p> <p>Waste recycling activities do not unreasonably impact residential amenity, health and the public realm.</p>
<p>Performance measure</p> <p>Waste and recycling enclosures are provided that are:</p> <ul style="list-style-type: none"> • Adequate in size, durable, waterproof and blend in with the development. • Adequately ventilated. • Located and designed for convenient access by residents and made easily accessible to people with limited mobility. <p>A dedicated area is provided for collection, separation and storage of waste and recyclables, including where appropriate opportunities for on-site management of food waste through composting or other waste recovery.</p> <p>A dedicated area is provided for collection, storage and reuse of garden waste, including opportunities for on-site treatment, where appropriate, or off-site removal for reprocessing.</p> <p>There is adequate circulation to allow waste and recycling collection vehicles to enter and leave the site without reversing.</p> <p>There is adequate internal storage space in each dwelling to enable the separation of waste, recyclables and food waste.</p> <p>Waste and recycling management facilities are designed and managed in accordance with any Waste Management Plan approved by the responsible authority.</p> <p>Waste and recycling management facilities are designed to meet the better practice design options specified in <i>Waste Management and Recycling in Multi-unit Developments</i> (Sustainability Victoria, 2019).</p> <p>Waste and recycling management facilities are designed to protect public health and amenity of residents and adjoining premises from the impacts of odour, noise and hazards associated with waste collection vehicle movements.</p>
<p>Performance criteria</p> <p>The waste management facilities provided for the development are acceptable considering:</p> <ul style="list-style-type: none"> • Any Waste Management Plan approved by the responsible authority. • The better practice design options specified in <i>Waste Management and Recycling in Multi-unit Developments</i> (Sustainability Victoria, 2019).
<p>Information required</p> <p>The design response.</p> <p>If not included in the design response, a statement documenting how any relevant waste and recycling objective, policy or statement set out in this scheme is met.</p>

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CURRENT

55.07-12 Functional layout objective

To ensure dwellings provide functional areas that meet the needs of residents.

Standard B46

Bedrooms should:

- Meet the minimum internal room dimensions specified in Table B10.
- Provide an area in addition to the minimum internal room dimensions to accommodate a wardrobe.

Table B10 Bedroom dimensions

Bedroom type	Minimum width	Minimum depth
Main bedroom	3 metres	3.4 metres
All other bedrooms	3 metres	3 metres

Living areas (excluding dining and kitchen areas) should meet the minimum internal room dimensions specified in Table B11.

Table B11 Living area dimensions

Dwelling type	Minimum width	Minimum area
Studio and 1 bedroom dwelling	3.3 metres	10 sqm
2 or more bedroom dwelling	3.6 metres	12 sqm

Decision guidelines

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

- The design response.
- The useability, functionality and amenity of habitable rooms.

TRANSLATED

B46 Functional layout

Performance objective

New dwellings include functional areas that meet the needs of residents.

Performance measure		
Each bedroom has the minimum internal room dimensions specified in Table B10.		
Each bedroom has an area in addition to the minimum internal room dimensions to accommodate a wardrobe.		
Table B10 Bedroom dimensions		
Bedroom type	Minimum width	Minimum depth
Main bedroom	3 metres	3.4 metres
All other bedrooms	3 metres	3 metres
Living areas (excluding dining and kitchen areas) have the minimum internal room dimensions specified in Table B11.		
Table B11 Living area dimensions		
Dwelling type	Minimum width	Minimum area
Studio and 1 bedroom dwelling	3.3 metres	10 sqm
2 or more bedroom dwelling	3.6 metres	12 sqm
Performance criteria		
Habitable rooms are useable, functional and have acceptable amenity.		
Information required		
The design response.		

CURRENT

55.07-13

Room depth objective

To allow adequate daylight into single aspect habitable rooms.

Standard B47

Single aspect habitable rooms should not exceed a room depth of 2.5 times the ceiling height.

The depth of a single aspect, open plan, habitable room may be increased to 9 metres if all the following requirements are met:

- The room combines the living area, dining area and kitchen.
- The kitchen is located furthest from the window.
- The ceiling height is at least 2.7 metres measured from finished floor level to finished ceiling level. This excludes where services are provided above the kitchen.
- The room depth should be measured from the external surface of the habitable room window to the rear wall of the room.

Decision guidelines

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

- The design response.
- The extent to which the habitable room is provided with reasonable daylight access through the number, size, location and orientation of windows.

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- The useability, functionality and amenity of the dwelling based on layout, siting, size and orientation of habitable rooms.
- Any overhang above habitable room windows that limits daylight access.

TRANSLATED

B47 Room depth
Performance objective
Any single aspect habitable room has adequate daylight.
Performance measure
The room depth of any single aspect habitable room is not more than 2.5 times the ceiling height.
The depth of a single aspect, open plan, habitable room may be up to 9 metres if all the following requirements are met:
<ul style="list-style-type: none"> • The room combines the living area, dining area and kitchen. • The kitchen is located furthest from the window. • The ceiling height is at least 2.7 metres measured from finished floor level to finished ceiling level. This excludes where services are provided above the kitchen.
<i>Note: The room depth is measured from the external surface of the habitable room window to the rear wall of the room.</i>
Performance criteria
Daylight to habitable rooms is acceptable considering:
<ul style="list-style-type: none"> • the number, size, location and orientation of windows, • the useability, functionality and amenity of the dwelling based on layout, siting, size and orientation of habitable rooms • any overhang above habitable room windows that limits daylight access.
Information required
The design response.

CURRENT

55.07-17

Windows objective

To allow adequate daylight into new habitable room windows.

Standard B48

Habitable rooms should have a window in an external wall of the building.

A window may provide daylight to a bedroom from a smaller secondary area within the bedroom where the window is clear to the sky.

The secondary area should be:

- A minimum width of 1.2 metres.
- A maximum depth of 1.5 times the width, measured from the external surface of the window.

Decision guidelines

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

- The design response.
- The extent to which the habitable room is provided with reasonable daylight access through the number, size, location and orientation of windows.
- The useability and amenity of the dwelling based on the layout, siting, size and orientation of habitable rooms.

TRANSLATED

B48 Windows
Performance objective
New habitable rooms have adequate daylight.
Performance measure
Each habitable room has a window in an external wall of the building. A window may provide daylight to a bedroom from a smaller secondary area within the bedroom where the window is clear to the sky and the secondary area is: <ul style="list-style-type: none"> • A minimum width of 1.2 metres. • A maximum depth of 1.5 times the width, measured from the external surface of the window.
Performance criteria
The habitable room is provided with reasonable daylight access through the number, size, location and orientation of windows, and whether any overhangs above habitable room windows limit daylight access. The dwelling is useable and functional, and has acceptable amenity, based on the layout, siting, size and orientation of habitable rooms.
Information required
The design response.

CURRENT**55.07-4 Natural ventilation objectives**

To encourage natural ventilation of dwellings.

To allow occupants to effectively manage natural ventilation of dwellings.

Standard B49

The design and layout of dwellings should maximise openable windows, doors or other ventilation devices in external walls of the building, where appropriate.

At least 40 per cent of dwellings should provide effective cross ventilation that has:

- A maximum breeze path through the dwelling of 18 metres.
- A minimum breeze path through the dwelling of 5 metres.
- Ventilation openings with approximately the same area.

The breeze path is measured between the ventilation openings on different orientations of the dwelling.

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Decision guidelines

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

- The design response.
- The size, orientation, slope and wind exposure of the site
- The extent to which the orientation of the building and the layout of dwellings maximises opportunities for cross ventilation.
- Whether an alternative design meets the relevant objectives having regard to the amenity of the dwelling and the site context .

TRANSLATED

B49 Natural ventilation
Performance objective
New dwellings are able to be naturally ventilated. An occupant can effectively manage the natural ventilation of their dwelling.
Performance measure
At least 40 per cent of dwellings provide effective cross ventilation that has: <ul style="list-style-type: none"> • A maximum breeze path through the dwelling of 18 metres. • A minimum breeze path through the dwelling of 5 metres. • Ventilation openings with approximately the same area. <p><i>Note: The breeze path is measured between the ventilation openings on different orientations of the dwelling.</i></p>
Performance criteria
The natural ventilation features of the development respond to the size, orientation, slope and wind exposure of the site. The layout of each dwelling maximises the openable windows, doors or other ventilation devices in external walls of the building, where appropriate. The orientation of the building and the layout of dwellings maximises opportunities for cross ventilation.
Information required
The design response.

Appendix 6

Test translation of Clause 58

NOTE that this translation is an initial 'proof of concept' version.

The detailed drafting of each module will require further review and refinement before any consultation or adoption.

58.02 URBAN CONTEXT

CURRENT

58.02-1 Urban context objectives

To ensure that the design responds to the existing urban context or contributes to the preferred future development of the area.

To ensure that development responds to the features of the site and the surrounding area.

Standard D1

The design response must be appropriate to the urban context and the site.

The proposed design must respect the existing or preferred urban context and respond to the features of the site.

Decision guidelines

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

- Any relevant urban design objective, policy or statement set out in this scheme.
- The urban context report.
- The design response.

TRANSLATED

D1 Urban context
Performance objective
New development responds appropriately to the urban context and the site.
New development responds to the features of the site and the surrounding area.
Performance measure
None specified
Performance criteria
The design of new development respects the existing or preferred urban context.
The design of new development responds to the features of the site and the surrounding area
The design responds to any relevant urban design objective, policy or statement set out in this scheme.
Information required
The urban context report.
The design response.

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CURRENT

58.02-2 Residential policy objectives

To ensure that residential development is provided in accordance with any policy for housing in the Municipal Planning Strategy and the Planning Policy Framework.

To support higher density residential development where development can take advantage of public and community infrastructure and services.

Standard D2

An application must be accompanied by a written statement to the satisfaction of the responsible authority that describes how the development is consistent with any relevant policy for housing in the Municipal Planning Strategy and the Planning Policy Framework.

Decision guidelines

Before deciding on an application, the responsible authority must consider: The Municipal Planning Strategy and the Planning Policy Framework. The design response.

TRANSLATED

D2 Residential policy
Performance objective
New residential development accords with any policy for housing in the Municipal Planning Strategy and the Planning Policy Framework.
Higher density residential development is supported where development can take advantage of public and community infrastructure and services.
Performance measure
None specified
Performance criteria
New development is consistent with any relevant policy for housing in the Municipal Planning Strategy and the Planning Policy Framework.
Information required
The design response.
If not included in the design response, a statement describing how the development is consistent with any relevant policy for housing in the Municipal Planning Strategy and the Planning Policy Framework.

CURRENT

58.02-3 Dwelling diversity objective

To encourage a range of dwelling sizes and types in developments of ten or more dwellings.

Standard D3

Developments of ten or more dwellings should provide a range of dwelling sizes and types, including dwellings with a different number of bedrooms.

TRANSLATED

D3 Dwelling diversity
Performance objective
New developments of ten or more dwellings include a range of dwelling sizes and types.

Performance measure
Developments of ten or more dwellings include a range of dwelling sizes and types, including dwellings with a different number of bedrooms.
Performance criteria
The dwelling diversity of the proposed development is acceptable considering the proposed range of dwelling sizes and types.
Information required
None specified.

CURRENT**58.02-4****Infrastructure objectives**

To ensure development is provided with appropriate utility services and infrastructure.

To ensure development does not unreasonably overload the capacity of utility services and infrastructure.

Standard D4

Development should be connected to reticulated services, including reticulated sewerage, drainage, electricity and gas, if available.

Development should not unreasonably exceed the capacity of utility services and infrastructure, including reticulated services and roads.

In areas where utility services or infrastructure have little or no spare capacity, developments should provide for the upgrading of or mitigation of the impact on services or infrastructure.

Decision guidelines

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

- The capacity of the existing infrastructure.
- In the absence of reticulated sewerage, a Land Capability Assessment on the risks to human health and the environment of an on-site wastewater management system constructed, installed or altered on the lot in accordance with the requirements of the Environment Protection Regulations under the Environment Protection Act 2017.
- If the drainage system has little or no spare capacity, the capacity of the development to provide for stormwater drainage mitigation or upgrading of the local drainage system.

TRANSLATED

D4 Infrastructure
Performance objective
Appropriate utility services and infrastructure are provided to new development.
New development does not unreasonably overload the capacity of utility services and infrastructure.
Performance measure
Development is connected to reticulated services, including reticulated sewerage, drainage, electricity and gas.
Development does not unreasonably exceed the capacity of utility services and infrastructure, including reticulated services and roads.

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Performance criteria
Where a utility service or infrastructure has little or no spare capacity, new development provides for appropriate upgrading or mitigation of the impact on the service or infrastructure.
Information required
A report on the capacity of the existing infrastructure. If reticulated sewerage is not available, a Land Capability Assessment of the risk to human health and the environment of providing an on-site wastewater management system constructed on the lot in accordance with the requirements of the Environment Protection Regulations under the Environment Protection Act 2017.

CURRENT

58.02-5 Integration with the street objective

To integrate the layout of development with the street.

Standard D5

Developments should provide adequate vehicle and pedestrian links that maintain or enhance local accessibility.

Development should be oriented to front existing and proposed streets.

High fencing in front of dwellings should be avoided if practicable.

Development next to existing public open space should be laid out to complement the open space.

Decision guidelines

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

- Any relevant urban design objective, policy or statement set out in this scheme.
- The design response.

TRANSLATED

D5 Integration with the streets
Performance objective
The layout of new development is integrated with the street.
Performance measure
None specified.
Performance criteria
Dwellings are oriented to front existing and proposed streets. There is no high fencing in front of dwellings. New development provides vehicle and pedestrian links that maintain or enhance local accessibility. New development next to existing public open space is laid out to complement the open space.

Information required
The neighbourhood and site description.
The design response.
If not included in the design response, a statement describing how the design responds to any relevant urban design objective, policy or statement set out in this scheme.

58.03 SITE LAYOUT

CURRENT

58.03-1 Energy efficiency objectives

To achieve and protect energy efficient dwellings and buildings.

To ensure the orientation and layout of development reduce fossil fuel energy use and make appropriate use of daylight and solar energy.

To ensure dwellings achieve adequate thermal efficiency.

Standard D6

Buildings should be:

- Oriented to make appropriate use of solar energy.
- Sited and designed to ensure that the energy efficiency of existing dwellings on adjoining lots is not unreasonably reduced.

Living areas and private open space should be located on the north side of the development, if practicable.

Developments should be designed so that solar access to north-facing windows is optimised.

Dwellings located in a climate zone identified in Table D1 should not exceed the maximum NatHERS annual cooling load specified in the following table.

Table D1 Cooling load

NatHERS climate zone	NatHERS maximum cooling load MJ/M ² per annum
Climate zone 21 Melbourne	30
Climate zone 22 East Sale	22
Climate zone 27 Mildura	69
Climate zone 60 Tullamarine	22
Climate zone 62 Moorabbin	21
Climate zone 63 Warrnambool	21
Climate zone 64 Cape Otway	19
Climate zone 66 Ballarat	23

Note: Refer to NatHERS zone map, Nationwide House Energy Rating Scheme (Commonwealth Department of Environment and Energy).

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Decision guidelines

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

- The design response.
- The size, orientation and layout of the site.
- The existing amount of solar access to abutting properties.
- The availability of solar access to north-facing windows on the site.
- The annual cooling load for each dwelling.

TRANSLATED

D6 Energy efficiency	
Performance objective	
New development is energy efficient.	
The energy efficiency of existing buildings is protected.	
The orientation and layout of development reduces fossil fuel energy use and makes appropriate use of daylight and solar energy.	
New dwellings achieve adequate thermal efficiency.	
Performance measure	
Living areas and private open space are located on the north side of the development.	
A dwelling located in a climate zone identified in Table D1 does not exceed the maximum NatHERS annual cooling load specified in Table D1.	
Table D1 Cooling load	
NatHERS climate zone	NatHERS maximum cooling load MJ/M² per annum
Climate zone 21 Melbourne	30
Climate zone 22 East Sale	22
Climate zone 27 Mildura	89
Climate zone 60 Tullamarine	22
Climate zone 62 Moorabbin	21
Climate zone 63 Warrnambool	21
Climate zone 64 Cape Otway	19
Climate zone 66 Ballarat	23
<i>Note: Refer to NatHERS zone map, Nationwide House Energy Rating Scheme (Commonwealth Department of Environment and Energy).</i>	

<p>Performance criteria</p> <p>The energy efficiency of new development is acceptable considering:</p> <ul style="list-style-type: none"> • The size, orientation and layout of the site. • How buildings are oriented to make use of solar energy. • The availability of solar access to north-facing windows on the site. • The annual cooling load for each dwelling. <p>The energy efficiency protection for existing development is acceptable considering:</p> <ul style="list-style-type: none"> • The existing amount of solar access to abutting properties. • The effect of overshadowing on an existing rooftop solar energy facility on an adjoining lot.
<p>Information required</p> <p>The design response.</p> <p>If not included in the design response, a statement documenting the existing amount of solar access to abutting properties, the availability of solar access to north-facing windows on the site and the annual cooling load for each dwelling.</p>

CURRENT

58.03-2

Communal open space objective

To ensure that communal open space is accessible, practical, attractive, easily maintained and integrated with the layout of the development.

Standard D7

Developments with 40 or more dwellings should provide a minimum area of communal open space of 2.5 square metres per dwelling or 250 square metres, whichever is lesser.

Communal open space should:

- Be located to:
 - Provide passive surveillance opportunities, where appropriate.
 - Provide outlook for as many dwellings as practicable.
 - Avoid overlooking into habitable rooms and private open space of new dwellings.
 - Minimise noise impacts to new and existing dwellings.
- Be designed to protect any natural features on the site.
- Maximise landscaping opportunities.
- Be accessible, useable and capable of efficient management.

Decision guidelines

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

- Any relevant urban design objective, policy or statement set out in this scheme.
- The design response.
- The useability and amenity of the communal open space based on its size, location, accessibility and reasonable recreation needs of residents.
- The availability of and access to public open space.

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TRANSLATED

D7 Communal open space
Performance objective
Communal open space is accessible, practical, attractive and easily maintained.
Communal open space is integrated with the layout of the development.
Performance measure
A development with 40 or more dwellings provides at least 2.5 square metres per dwelling or 250 square metres of communal open space, whichever is lesser.
Communal open space does not enable overlooking into habitable rooms and private open space of new dwellings.
Performance criteria
The communal open space of new development is acceptable considering how the communal open space proposed is designed and located to: <ul style="list-style-type: none"> • Give passive surveillance opportunities. • Provide outlook for as many dwellings as practicable. • Avoid overlooking into habitable rooms and private open space of new dwellings. • Minimise noise impacts to new and existing dwellings. • Protect any natural features on the site. • Maximise landscaping opportunities. • Be accessible, useable and capable of efficient management. The amount of communal open space of new development is acceptable considering: <ul style="list-style-type: none"> • The availability of and access to public open space. • The reasonable recreation needs of residents.
Information required
The design response.
If not included in the design response, a statement describing how the design responds to any relevant urban design objective, policy or statement set out in this scheme.

CURRENT

58.03-3 Solar access to communal outdoor open space objective

To allow solar access into communal outdoor open space.

Standard D8

The communal outdoor open space should be located on the north side of a building, if appropriate.

At least 50 per cent or 125 square metres, whichever is the lesser, of the primary communal outdoor open space should receive a minimum of two hours of sunlight between 9am and 3pm on 21 June.

Decision guidelines

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

- The design response.

- The useability and amenity of the primary communal outdoor open space areas based on the urban context, the orientation of the building, the layout of dwellings and the sunlight it will receive.

TRANSLATED

D8 Solar access to communal outdoor open space
Performance objective
Communal outdoor open space has appropriate solar access.
Performance measure
At least 50 per cent or 125 square metres, whichever is the lesser, of the primary communal outdoor open space receives a minimum of two hours of sunlight between 9am and 3pm on 21 June.
Performance criteria
The solar access to communal open space of new development is acceptable considering the useability and amenity of the communal outdoor open space areas based on the urban context, the orientation of the building, the layout of dwellings and the sunlight the open space will receive.
Information required
The design response.

CURRENT

58.03-4

Safety objective

To ensure the layout of development provides for the safety and security of residents and property.

Standard D9

Entrances to dwellings should not be obscured or isolated from the street and internal accessways.

Planting which creates unsafe spaces along streets and accessways should be avoided.

Developments should be designed to provide good lighting, visibility and surveillance of car parks and internal accessways.

Private spaces within developments should be protected from inappropriate use as public thoroughfares.

Decision guideline

Before deciding on an application, the responsible authority must consider the design response.

TRANSLATED

D9 Safety
Performance objective
The layout of development provides for the safety and security of residents and property.
Performance measure
None specified

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<p>Performance criteria</p> <p>Entrances to dwellings are not obscured or isolated from the street and internal accessways.</p> <p>Planting does not create unsafe spaces along streets and accessways.</p> <p>Private spaces within developments are protected from inappropriate use as public thoroughfares.</p> <p>The development provides good lighting, visibility and surveillance of car parks and internal accessways.</p>
<p>Information required</p> <p>The design response.</p>

CURRENT

58.03-5 Landscaping objectives

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

To encourage development that maintains and enhances habitat for plants and animals in locations of habitat importance.

To provide appropriate landscaping.

To encourage the retention of mature vegetation on the site.

To promote climate responsive landscape design and water management in developments that support thermal comfort and reduces the urban heat island effect.

Standard D10

The landscape layout and design should:

- Be responsive to the site context.
- Protect any predominant landscape features of the area.
- Take into account the soil type and drainage patterns of the site and integrate planting and water management.
- Allow for intended vegetation growth and structural protection of buildings.
- In locations of habitat importance, maintain existing habitat and provide for new habitat for plants and animals.
- Provide a safe, attractive and functional environment for residents.
- Consider landscaping opportunities to reduce heat absorption such as green walls, green roofs and roof top gardens and improve on-site stormwater infiltration.
- Maximise deep soil areas for planting of canopy trees.

Development should provide for the retention or planting of trees, where these are part of the urban context.

Development should provide for the replacement of any significant trees that have been removed in the 12 months prior to the application being made.

The landscape design should specify landscape themes, vegetation (location and species), paving and lighting.

Development should provide the deep soil areas and canopy trees specified in Table D2.

If the development cannot provide the deep soil areas and canopy trees specified in Table D2, an equivalent canopy cover should be achieved by providing either:

- Canopy trees or climbers (over a pergola) with planter pits sized appropriately for the mature tree soil volume requirements.
- Vegetated planters, green roofs or green façades.

Table D2 Deep soil areas and canopy trees

Site area	Deep soil areas	Minimum tree provision
750 - 1000 square metres	5% of site area (minimum dimension of 3 metres)	1 small tree (6-8 metres) per 30 square metres of deep soil
1001 - 1500 square metres	7.5% of site area (minimum dimension of 3 metres)	1 medium tree (8-12 metres) per 50 square metres of deep soil or 1 large tree per 90 square metres of deep soil
1501 - 2500 square metres	10% of site area (minimum dimension of 6 metres)	1 large tree (at least 12 metres) per 90 square metres of deep soil or 2 medium trees per 90 square metres of deep soil
>2500 square metres	15% of site area (minimum dimension of 6 metres)	1 large tree (at least 12 metres) per 90 square metres of deep soil or 2 medium trees per 90 square metres of deep soil

Note: Where an existing canopy tree over 8 metres can be retained on a lot greater than 1000 square metres without damage during the construction period, the minimum deep soil requirement is 7% of the site area.

Decision guidelines

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

- Any relevant plan or policy for landscape character and environmental sustainability in the Municipal Planning Strategy and the Planning Policy Framework.
- The design response.
- The location and size of gardens and the predominant plant types in the area.
- The health of any trees to be removed.
- The suitability of the proposed location and soil volume for canopy trees.
- The ongoing management of landscaping within the development.
- The soil type and drainage patterns of the site.

TRANSLATED

D10 Landscape		
Performance objective		
Appropriate landscaping is provided.		
New development respects the landscape character of the neighbourhood.		
The habitat of plants and animals in locations of habitat importance is maintained and enhanced.		
Mature vegetation on the site is retained where possible.		
Climate responsive landscape design and water management is promoted.		
New development supports thermal comfort and reduces the urban heat island effect.		
Performance measure		
Trees that are part of the urban context are retained or replaced.		
Any significant trees that have been removed in the 12 months prior to the application being made are replaced.		
The landscape design specifies landscape themes, vegetation (location and species), paving and lighting.		
The deep soil areas and canopy trees specified in Table D2 are provided.		
Table D2 Deep soil areas and canopy trees		
Site area	Deep soil areas	Minimum tree provision
750 - 1000 square metres	5% of site area (minimum dimension of 3 metres)	1 small tree (6-8 metres) per 30 square metres of deep soil
1001 - 1500 square metres	7.5% of site area (minimum dimension of 3 metres)	1 medium tree (8-12 metres) per 50 square metres of deep soil or 1 large tree per 90 square metres of deep soil
1501 - 2500 square metres	10% of site area (minimum dimension of 6 metres)	1 large tree (at least 12 metres) per 90 square metres of deep soil or 2 medium trees per 90 square metres of deep soil
>2500 square metres	15% of site area (minimum dimension of 6 metres)	1 large tree (at least 12 metres) per 90 square metres of deep soil or 2 medium trees per 90 square metres of deep soil
<i>Note: Where an existing canopy tree over 8 metres can be retained on a lot greater than 1000 square metres without damage during the construction period, the minimum deep soil requirement is 7% of the site area.</i>		

Performance criteria
<p>The landscape layout and design is acceptable considering how it:</p> <ul style="list-style-type: none"> • responds to the site context. • Responds to any relevant plan or policy for landscape character and environmental sustainability in the Municipal Planning Strategy and the Planning Policy Framework. • protects any predominant landscape features of the area. • considers the soil type and drainage patterns of the site • integrates planting and water management • considers intended vegetation growth • provides structural protection of buildings • maintains existing habitat and provides for new habitat for plants and animals in locations of habitat importance • provides a safe, attractive and functional environment for residents. • considers landscaping opportunities to reduce heat absorption such as green walls, green roofs and roof top gardens • considers landscaping opportunities to improve on-site stormwater infiltration. • maximises deep soil areas for planting canopy trees. <p>If the development cannot provide the deep soil areas and canopy trees specified in Table D2, an equivalent canopy cover is achieved by providing either:</p> <ul style="list-style-type: none"> • Canopy trees or climbers (over a pergola) with planter pits sized appropriately for the mature tree soil volume requirements. • Vegetated planters, green roofs or green façades.
Information required
<p>The design response.</p> <p>If not included in the design response, a statement documenting:</p> <ul style="list-style-type: none"> • The location and size of gardens and the predominant plant types in the area. • The health of any trees to be removed. • The suitability of the proposed location and soil volume for canopy trees. • The ongoing management of landscaping for the development. • The soil type and drainage patterns of the site.

CURRENT**58.03-6****Access objective**

To ensure the number and design of vehicle crossovers respects the urban context.

Standard D11

The width of accessways or car spaces should not exceed:

- 33 per cent of the street frontage, or
- if the width of the street frontage is less than 20 metres, 40 per cent of the street frontage.

No more than one single-width crossover should be provided for each dwelling fronting a

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street.

The location of crossovers should maximise the retention of on-street car parking spaces.

The number of access points to a road in a Road Zone should be minimised.

Developments must provide for access for service, emergency and delivery vehicles.

Decision guidelines

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

- The design response.
- The impact on the streetscape.
- The reduction of on-street car parking spaces.
- The effect on any significant vegetation on the site and footpath.

TRANSLATED

D11 Access
Performance objective
The number and design of vehicle crossovers respects the urban context.
Performance measure
The width of accessways or car spaces should not exceed: <ul style="list-style-type: none"> • 33 per cent of the street frontage, or • if the width of the street frontage is less than 20 metres, 40 per cent of the street frontage. No more than one single-width crossover is provided for each dwelling fronting a street. The location of crossovers maximises the number of on-street car parking spaces retained. The number of access points to a road in a Road Zone is minimised. Access for service, emergency and delivery vehicles is provided.
Performance criteria
Access to the development is acceptable considering: <ul style="list-style-type: none"> • The impact on the neighbourhood context. • The reduction of on-street car parking spaces. • The effect on any significant vegetation on the site and footpath. • How access is provided for service, emergency and delivery vehicles.
Information required
The design response.

CURRENT

58.03-7

Parking location objectives

To provide convenient parking for resident and visitor vehicles.

To protect residents from vehicular noise within developments.

Standard D12

Car parking facilities should:

- Be reasonably close and convenient to dwellings.
- Be secure.
- Be well ventilated if enclosed.

Shared accessways or car parks of other dwellings should be located at least 1.5 metres from the windows of habitable rooms. This setback may be reduced to 1 metre where there is a fence at least 1.5 metres high or where window sills are at least 1.4 metres above the accessway.

Decision guideline

Before deciding on an application, the responsible authority must consider the design response.

TRANSLATED

D12 Parking location
Performance objective
Residents and visitors have access to convenient parking.
Residents are protected from vehicle noise in the development.
Performance measure
Car parking facilities are reasonably close and convenient to dwellings.
Car parking facilities are secure.
Car parking facilities are well ventilated if enclosed.
Shared accessways or car parks of other dwellings are located at least 1.5 metres from the windows of habitable rooms. This setback may be reduced to 1 metre where there is a fence at least 1.5 metres high or where window sills are at least 1.4 metres above the accessway.
Performance criteria
The design and location of resident and visitor parking is acceptable considering:
<ul style="list-style-type: none"> • The convenience to dwellings • Security • Ventilation • The proximity of shared accessways and the car parks of other dwellings to habitable room windows.
Information required
The design response.

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CURRENT

58.03-8 Integrated water and stormwater management objectives

To encourage the use of alternative water sources such as rainwater, stormwater and recycled water.

To facilitate stormwater collection, utilisation and infiltration within the development.

To encourage development that reduces the impact of stormwater run-off on the drainage system and filters sediment and waste from stormwater prior to discharge from the site.

Standard D13

Buildings should be designed to collect rainwater for non-drinking purposes such as flushing toilets, laundry appliances and garden use.

Buildings should be connected to a non-potable dual pipe reticulated water supply, where available from the water authority.

The stormwater management system should be:

- Designed to meet the current best practice performance objectives for stormwater quality as contained in the Urban Stormwater - Best Practice Environmental Management Guidelines (Victorian Stormwater Committee, 1999).
- Designed to maximise infiltration of stormwater, water and drainage of residual flows into permeable surfaces, tree pits and treatment areas.

Decision guidelines

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

- Any relevant water and stormwater management objective, policy or statement set out in this scheme.
- The design response.
- Whether the development has utilised alternative water sources and/or incorporated water sensitive urban design.
- Whether stormwater discharge from the site will adversely affect water quality entering the drainage system.
- The capacity of the drainage network to accommodate additional stormwater. Whether the stormwater treatment areas can be effectively maintained.
- Whether the owner has entered into an agreement to contribute to off-site stormwater management in lieu of providing an on-site stormwater management system.

TRANSLATED

D13 Integrated water and storm water management

Performance objective

Alternative water sources such as rainwater, stormwater and recycled water are used.

Stormwater is collected, used and infiltrated within the development.

Stormwater run-off from the site is reduced.

Stormwater is filtered for sediment and waste before being discharged from the site.

<p>Performance measure</p> <p>Buildings collect rainwater for non-drinking purposes such as flushing toilets, laundry appliances and garden use.</p> <p>Buildings are connected to a non-potable dual pipe reticulated water supply, where available from the water authority.</p> <p>The stormwater management system is designed to meet the current best practice performance objectives for stormwater quality as contained in the <i>Urban Stormwater - Best Practice Environmental Management Guidelines</i> (Victorian Stormwater Committee, 1999).</p> <p>The stormwater management system is designed to maximise infiltration of stormwater, water and drainage of residual flows into permeable surfaces, tree pits and treatment areas.</p>
<p>Performance criteria</p> <p>The proposed water and stormwater management arrangements are acceptable considering:</p> <ul style="list-style-type: none"> • How the development has utilised alternative water sources and incorporated water sensitive urban design. • Whether stormwater discharge from the site will adversely affect water quality entering the drainage system. • The capacity of the drainage network to accommodate additional stormwater. • Whether the stormwater treatment areas can be effectively maintained. • Whether the owner has entered into an agreement to contribute to off-site stormwater management instead of providing an on-site stormwater management system.
<p>Information required</p> <p>The design response.</p> <p>If not included in the design response, a statement documenting:</p> <ul style="list-style-type: none"> • Any relevant water and stormwater management objective, policy or statement set out in this scheme. • The capacity of the drainage network to accommodate additional stormwater. • Whether the owner has entered into an agreement to contribute to off-site stormwater management instead of providing an on-site stormwater management system.

58.04 AMENITY IMPACTS

CURRENT

58.04-1 Building setback objectives

To ensure the setback of a building from a boundary appropriately responds to the existing urban context or contributes to the preferred future development of the area.

To allow adequate daylight into new dwellings.

To limit views into habitable room windows and private open space of new and existing dwellings. To provide a reasonable outlook from new dwellings.

To ensure the building setbacks provide appropriate internal amenity to meet the needs of residents.

Standard D14

The built form of the development must respect the existing or preferred urban context and respond to the features of the site.

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Buildings should be set back from side and rear boundaries, and other buildings within the site to:

- Ensure adequate daylight into new habitable room windows.
- Avoid direct views into habitable room windows and private open space of new and existing dwellings. Developments should avoid relying on screening to reduce views.
- Provide an outlook from dwellings that creates a reasonable visual connection to the external environment.
- Ensure the dwellings are designed to meet the objectives of Clause 58.

Decision Guidelines

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

- The purpose of the zone and/or overlay that applies to the land.
- Any relevant urban design objective, policy or statement set out in this scheme.
- The urban context report.
- The design response.
- The relationship between the proposed building setback and the building setbacks of existing adjacent buildings, including the interface with laneways.
- The extent to which the proposed dwellings are provided with reasonable daylight access through the layout of rooms and the number, size, location and orientation of windows.
- The impact of overlooking on the amenity of existing and proposed dwellings.
- The existing extent of overlooking into existing dwellings and private open space.
- Whether the development meets the objectives of Clause 58.

TRANSLATED

D14 Building setback
Performance objective
The setback of a building from a boundary appropriately responds to the existing urban context or contributes to the preferred future development of the area.
New dwellings receive adequate daylight.
Views into habitable room windows and private open space of new and existing dwellings are appropriately limited.
New buildings have a reasonable outlook.
Buildings are setback to provide appropriate internal amenity for residents.
Performance measure
None specified.

<p>Performance criteria</p> <p>The built form of the development respects the existing or preferred urban context.</p> <p>The built form of the development responds to the features of the site.</p> <p>Buildings are set back from side and rear boundaries, and other buildings within the site to:</p> <ul style="list-style-type: none"> • Ensure adequate daylight into new habitable room windows. • Avoid direct views into habitable room windows and the private open space of new and existing dwellings without relying on screening. • Provide an outlook from each dwelling that creates a reasonable visual connection to the external environment. • Ensure each dwelling meets the objectives of clause 58.
<p>Information required</p> <p>The urban context report.</p> <p>The design response.</p> <p>If not included in the design response, a statement documenting:</p> <ul style="list-style-type: none"> • The relationship between the proposed building setback and the building setbacks of existing adjacent buildings, including the interface with laneways. • The extent to which the proposed dwellings are provided with reasonable daylight access through the layout of rooms and the number, size, location and orientation of windows. • The impact of overlooking on the amenity of existing and proposed dwellings. • The existing extent of overlooking into existing dwellings and private open space.

CURRENT

58.04-2

Internal views objective

To limit views into the private open space and habitable room windows of dwellings within a development.

Standard D15

Windows and balconies should be designed to prevent overlooking of more than 50 per cent of the private open space of a lower-level dwelling directly below and within the same development.

Decision guideline

Before deciding on an application, the responsible authority must consider the design response.

TRANSLATED

D15 Internal views
Performance objective
Views into the private open space and habitable room windows of dwellings are limited.
Performance measure
Windows and balconies do not allow overlooking of more than 50 per cent of the private open space of a lower-level dwelling directly below and within the same development.

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Performance criteria
Views into the private open space and habitable room windows of dwellings and residential buildings are acceptable considering the reasonable privacy expectations of occupants.
Information required
The design response.

CURRENT

58.04-3

Noise impact objectives

To contain noise sources in developments that may affect existing dwellings.

To protect residents from external and internal noise sources.

Standard D16

Noise sources, such as mechanical plants should not be located near bedrooms of immediately adjacent existing dwellings.

The layout of new dwellings and buildings should minimise noise transmission within the site.

Noise sensitive rooms (such as living areas and bedrooms) should be located to avoid noise impacts from mechanical plants, lifts, building services, non-residential uses, car parking, communal areas and other dwellings.

New dwellings should be designed and constructed to include acoustic attenuation measures to reduce noise levels from off-site noise sources.

Buildings within a noise influence area specified in Table D3 should be designed and constructed to achieve the following noise levels:

- Not greater than 35dB(A) for bedrooms, assessed as an LAeq,8h from 10pm to 6am.
- Not greater than 40dB(A) for living areas, assessed LAeq,16h from 6am to 10pm.

Buildings, or part of a building screened from a noise source by an existing solid structure, or the natural topography of the land, do not need to meet the specified noise level requirements.

Noise levels should be assessed in unfurnished rooms with a finished floor and the windows closed.

Table D3 Noise influence area

Noise source	Noise influence area
Zone interface	
Industry	300 metres from the Industrial 1, 2 and 3 zone boundary
Roads	
Freeways, tollways and other roads carrying 40,000 Annual Average Daily Traffic Volume	300 metres from the nearest trafficable lane
Railways	
Railway servicing passengers in Victoria	80 metres from the centre of the nearest track
Railway servicing freight outside Metropolitan Melbourne	80 metres from the centre of the nearest track
Railway servicing freight in Metropolitan Melbourne	135 metres from the centre of the nearest track

Note: The noise influence area should be measured from the closest part of the building to the noise source.

Decision guidelines

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

- The design response.
- Whether it can be demonstrated that the design treatment incorporated into the development meets the specified noise levels or an acoustic report by a suitably qualified consultant submitted with the application.
- Whether the impact of potential noise sources within a development have been mitigated through design, location and siting.
- Whether the layout of rooms within a dwelling mitigates noise transfer within and between dwellings.
- Whether an alternative design meets the relevant objectives having regard to the amenity of the dwelling and the site context.

TRANSLATED

D16 Noise impacts
<p>Performance objective</p> <p>Residents of new development are not subject to unreasonable noise impacts from external and internal noise sources.</p> <p>Residents of existing dwellings are not subject to unreasonable noise impacts from new development.</p>

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Performance measure	
Noise sources, such as mechanical plants, are not located near a bedroom of an immediately adjacent existing dwelling.	
Noise transmission within the site is minimised by the layout of new dwellings and buildings.	
Noise sensitive rooms (such as living areas and bedrooms) are located to avoid noise impacts from mechanical plants, lifts, building services, non-residential uses, car parking, communal areas and other dwellings.	
New dwellings are designed and constructed with acoustic attenuation that reduce noise levels from off-site noise sources.	
A building (other than a building or part of a building screened from a noise source by an existing solid structure or the natural topography of the land) that is within a noise influence area specified in Table D3, achieves the following noise levels:	
<ul style="list-style-type: none"> • For bedrooms: not greater than 35dB(A), assessed as an LAeq,8h from 10pm to 6am. • For living areas: not greater than 40dB(A), assessed LAeq,16h from 6am to 10pm. 	
<i>Note: Noise levels should be assessed in unfurnished rooms with a finished floor and the windows closed.</i>	
Table D3 Noise influence area	
Noise source	Noise influence area
Zone interface	
Industry	300 metres from the Industrial 1, 2 and 3 zone boundary
Roads	
Freeways, tollways and other roads carrying 40,000 Annual Average Daily Traffic Volume	300 metres from the nearest trafficable lane
Railways	
Railway servicing passengers in Victoria	80 metres from the centre of the nearest track
Railway servicing freight outside Metropolitan Melbourne	80 metres from the centre of the nearest track
Railway servicing freight in Metropolitan Melbourne	135 metres from the centre of the nearest track
<i>Note: The noise influence area should be measured from the closest part of the building to the noise source.</i>	

<p>Performance criteria</p> <p>Noise impacts are acceptable considering:</p> <ul style="list-style-type: none"> • How the impact of potential noise sources within a development has been mitigated through design, location and siting. • The proximity of noise sources, such as mechanical plants, to a bedroom of an immediately adjacent existing dwelling. • How the layout of rooms within a dwelling mitigates noise transfer within and between dwellings. • How noise sensitive rooms (such as living areas and bedrooms) are located to avoid noise impacts from mechanical plants, lifts, building services, non-residential uses, car parking, communal areas and other dwellings. • How noise transmission within the site is minimised by the layout of new dwellings and buildings. • Whether new dwellings are designed and constructed with acoustic attenuation that reduces noise levels from off-site noise sources. • How any alternative design meets the relevant objectives having regard to the amenity of the dwelling and the site context.
<p>Information required</p> <p>The design response.</p> <p>If not included in the design response, a statement documenting how the design treatment incorporated into the development meets the specified noise levels or an acoustic report by a suitably qualified consultant submitted with the application.</p>

58.05 URBAN CONTEXT

CURRENT

58.05-1 Accessibility objective

To ensure the design of dwellings meets the needs of people with limited mobility.

Standard D17

At least 50 per cent of dwellings should have:

- A clear opening width of at least 850mm at the entrance to the dwelling and main bedroom.
- A clear path with a minimum width of 1.2 metres that connects the dwelling entrance to the main bedroom, an adaptable bathroom and the living area.
- A main bedroom with access to an adaptable bathroom.
- At least one adaptable bathroom that meets all of the requirements of either Design A or Design B specified in Table D4.

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Table D4 Bathroom design

	Design option A	Design option B
Door opening	A clear 850mm wide door opening.	A clear 820mm wide door opening located opposite the shower.
Door design	Either: A slide door, or A door that opens outwards, or A door that opens inwards that is clear of the circulation area and has readily removable hinges.	Either: A slide door, or A door that opens outwards, or A door that opens inwards and has readily removable hinges.
Circulation area	A clear circulation area that is: A minimum area of 1.2 metres by 1.2 metres. Located in front of the shower and the toilet. Clear of the toilet, basin and the door swing. The circulation area for the toilet and shower can overlap.	A clear circulation area that is. A minimum width of 1 metre. The full length of the bathroom and a minimum length of 2.7 metres. Clear of the toilet and basin. The circulation area can include a shower area.
Path to circulation area	A clear path with a minimum width of 900mm from the door opening to the circulation area.	Not applicable.
Shower	A hobless (step-free) shower.	A hobless (step-free) shower that has a removable shower screen and is located on the furthest wall from the door opening.
Toilet	A toilet located in the corner of the room.	A toilet located closest to the door opening and clear of the circulation area.

TRANSLATED

D17 Accessibility
Performance objective
People with limited mobility can access new dwellings.

Performance measure		
At least 50 per cent of dwellings should have:		
<ul style="list-style-type: none"> • A clear opening width of at least 850mm at the entrance to the dwelling and main bedroom. • A clear path with a minimum width of 1.2 metres that connects the dwelling entrance to the main bedroom, an adaptable bathroom and the living area. • A main bedroom with access to an adaptable bathroom. • At least one adaptable bathroom that meets all of the requirements of either Design A or Design B specified in Table D4. 		
Table D4 Bathroom design		
	Design option A	Design option B
Door opening	A clear 850mm wide door opening.	A clear 820mm wide door opening located opposite the shower.
Door design	Either: A slide door, or A door that opens outwards, or A door that opens inwards that is clear of the circulation area and has readily removable hinges.	Either: A slide door, or A door that opens outwards, or A door that opens inwards and has readily removable hinges.
Circulation area	A clear circulation area that is: A minimum area of 1.2 metres by 1.2 metres. Located in front of the shower and the toilet. Clear of the toilet, basin and the door swing. The circulation area for the toilet and shower can overlap.	A clear circulation area that is: A minimum width of 1 metre. The full length of the bathroom and a minimum length of 2.7 metres. Clear of the toilet and basin. The circulation area can include a shower area.
Path to circulation area	A clear path with a minimum width of 900mm from the door opening to the circulation area.	Not applicable.
Shower	A hobless (step-free) shower.	A hobless (step-free) shower that has a removable shower screen and is located on the furthest wall from the door opening.
Toilet	A toilet located in the corner of the room.	A toilet located closest to the door opening and clear of the circulation area.
Performance criteria		
The accessibility of new development is acceptable considering the needs of people with limited mobility.		
Information required		
The design response.		

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CURRENT

58.05-2 Building entry and circulation objectives

To provide each dwelling and building with its own sense of identity.

To ensure the internal layout of buildings provide for the safe, functional and efficient movement of residents.

To ensure internal communal areas provide adequate access to daylight and natural ventilation.

Standard D18

Entries to dwellings and buildings should:

- Be visible and easily identifiable.
- Provide shelter, a sense of personal address and a transitional space around the entry.

The layout and design of buildings should:

- Clearly distinguish entrances to residential and non-residential areas.
- Provide windows to building entrances and lift areas.
- Provide visible, safe and attractive stairs from the entry level to encourage use by residents.
- Provide common areas and corridors that:
 - Include at least one source of natural light and natural ventilation.
 - Avoid obstruction from building services.
 - Maintain clear sight lines.

Decision guidelines

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

- The design response.
- The useability and amenity of internal communal areas based on daylight access and the natural ventilation it will receive.

TRANSLATED

D18 Building entry and circulation

Performance objective

Each dwelling and building has its own sense of identity.

The internal layout of buildings allows residents safe, functional and efficient movement.

Internal communal areas have adequate access to daylight and natural ventilation.

<p>Performance measure</p> <p>The entry to each dwelling and building is visible and easily identifiable.</p> <p>The entry to each dwelling and building provides shelter, a sense of personal address and a transitional space around the entry.</p> <p>The layout and design of buildings:</p> <ul style="list-style-type: none"> • Clearly distinguishes entrances to residential and non-residential areas. • Provides windows to building entrances and lift areas. <p>Stairs from the entry level are visible, safe and attractive and encourage use by residents.</p> <p>Common areas and corridors:</p> <ul style="list-style-type: none"> • Include at least one source of natural light and natural ventilation. • Avoid obstruction from building services. • Maintain clear sight lines. <p>Internal communal areas receive reasonable daylight access and natural ventilation.</p>
<p>Performance criteria</p> <p>The entry to each dwelling and residential building is acceptable considering:</p> <ul style="list-style-type: none"> • Visibility and identification from streets and other public areas. • The shelter, sense of personal address and transitional space around the entry proposed. • How entrances to residential and non-residential areas are distinguished. • The proposed windows and lighting to building entrances and lift areas. <p>The internal layout of buildings is acceptable considering:</p> <ul style="list-style-type: none"> • The visibility, safety and attraction of stairs from the entry area. • The useability, lighting, ventilation and sight lines of common areas and corridors.
<p>Information required</p> <p>The design response.</p>

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CURRENT**58.05-3 Private open space objective**

To provide adequate private open space for the reasonable recreation and service needs of residents.

Standard D19

A dwelling should have private open space consisting of:

- An area of 25 square metres, with a minimum dimension of 3 metres at natural ground floor level and convenient access from a living room, or
- An area of 15 square metres, with a minimum dimension of 3 metres at a podium or other similar base and convenient access from a living room, or
- A balcony with an area and dimensions specified in Table D5 and convenient access from a living room, or
- A roof-top area of 10 square metres with a minimum dimension of 2 metres and convenient access from a living room.

If a cooling or heating unit is located on a balcony, the balcony should provide an additional area of 1.5 square metres.

Table D5 Balcony size

Dwelling type	Minimum area	Minimum dimension
Studio or 1 bedroom dwelling	8 square metres	1.8 metres
2 bedroom dwelling	8 square metres	2 metres
3 or more bedroom dwelling	12 square metres	2.4 metres

Decision guidelines

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

- The design response.
- The useability and functionality of the private open space, including its size and accessibility.
- The amenity of the private open space based on the orientation of the lot, the wind conditions and the sunlight it will receive.
- The availability of and access to public or communal open space.

TRANSLATED**D19 Private open space****Performance objective**

Residents have adequate private open space for their reasonable recreation and service needs.

Performance measure		
Each dwelling has private open space consisting of:		
<ul style="list-style-type: none"> • An area of 25 square metres, with a minimum dimension of 3 metres at natural ground floor level and convenient access from a living room, or • An area of 15 square metres, with a minimum dimension of 3 metres at a podium or other similar base and convenient access from a living room, or • A balcony with an area and dimensions specified in Table D5 and convenient access from a living room, or • A roof-top area of 10 square metres with a minimum dimension of 2 metres and convenient access from a living room. 		
If a cooling or heating unit is located on a balcony, the balcony should provide an additional area of 1.5 square metres.		
Table D5 Balcony size		
Dwelling type	Minimum area	Minimum dimension
Studio or 1 bedroom dwelling	8 square metres	1.8 metres
2 bedroom dwelling	8 square metres	2 metres
3 or more bedroom dwelling	12 square metres	2.4 metres
Performance criteria		
The private open space available to each dwelling is useable, functional and accessible.		
The private open space is of adequate size considering the availability of and access to public or communal open space.		
The private open space has adequate amenity, considering the orientation of the lot, the wind conditions and the sunlight the space will receive.		
Information required		
The design response.		

CURRENT**58.05-4****Storage objective**

To provide adequate storage facilities for each dwelling.

Standard D20

Each dwelling should have convenient access to usable and secure storage space.

The total minimum storage space (including kitchen, bathroom and bedroom storage) should meet the requirements specified in Table D6.

Dwelling type	Total minimum storage volume	Minimum storage volume within the dwelling
Studio	8 cubic metres	5 cubic metres
1 bedroom dwelling	10 cubic metres	6 cubic metres
2 bedroom dwelling	14 cubic metres	9 cubic metres

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3 or more bedroom dwelling	18 cubic metres	12 cubic metres
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Decision guidelines

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

- The design response.
- The useability, functionality and location of storage facilities provided for the dwelling.

TRANSLATED

D20 Storage		
Performance objective		
Each dwelling has adequate storage facilities.		
Performance measure		
The total minimum storage space (including kitchen, bathroom and bedroom storage) meets the requirements specified in Table D6.		
Table D6 Storage		
Dwelling type	Total minimum storage volume	Minimum storage volume within the dwelling
Studio	8 cubic metres	5 cubic metres
1 bedroom dwelling	10 cubic metres	6 cubic metres
2 bedroom dwelling	14 cubic metres	9 cubic metres
3 or more bedroom dwelling	18 cubic metres	12 cubic metres
Performance criteria		
The storage provided to each dwelling is acceptable and is convenient, usable, sufficient and secure.		
Information required		
The design response.		

58.06 DETAILED DESIGN**CURRENT****58.06-1 Common property objectives**

To ensure that communal open space, car parking, access areas and site facilities are practical, attractive and easily maintained.

To avoid future management difficulties in areas of common ownership.

Standard D21

Developments should clearly delineate public, communal and private areas.

Common property, where provided, should be functional and capable of efficient management.

TRANSLATED

D21 Common property
Performance objective
Communal open space, car parking, access areas and site facilities are practical, attractive and easily maintained. Areas in common ownership do not have management difficulties.
Performance measure
None specified.
Performance criteria
Developments should clearly delineate public, communal and private areas. Common property, where provided, should be functional and capable of efficient management.
Information required
The design response.

CURRENT**58.06-2 Site service objectives**

To ensure that site services can be installed and easily maintained.

To ensure that site facilities are accessible, adequate and attractive.

Standard D22

The design and layout of dwellings should provide sufficient space (including easements where required) and facilities for services to be installed and maintained efficiently and economically.

Mailboxes and other site facilities should be adequate in size, durable, waterproof and blend in with the development.

Mailboxes should be provided and located for convenient access as required by Australia Post.

Decision guideline

Before deciding on an application, the responsible authority must consider the design response.

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TRANSLATED

D22 Site service
Performance objective
Site services can be installed and easily maintained. Site facilities are accessible, adequate and attractive.
Performance measure
None specified.
Performance criteria
The design and layout of dwellings provides sufficient space (including easements where required) and facilities for services to be installed and maintained efficiently and economically. Mailboxes and other site facilities are adequate in size, durable, waterproof and blend in with the development. Mailboxes are provided and located for convenient access as required by Australia Post.
Information required
The design response.

CURRENT

58.06-3

Waste and recycling objectives

To ensure dwellings are designed to encourage waste recycling.

To ensure that waste and recycling facilities are accessible, adequate and attractive.

To ensure that waste and recycling facilities are designed and managed to minimise impacts on residential amenity, health and the public realm.

Standard D23

Developments should include dedicated areas for:

- Waste and recycling enclosures which are:
 - Adequate in size, durable, waterproof and blend in with the development.
 - Adequately ventilated.
 - Located and designed for convenient access by residents and made easily accessible to people with limited mobility.
- Adequate facilities for bin washing. These areas should be adequately ventilated.
- Collection, separation and storage of waste and recyclables, including where appropriate opportunities for on-site management of food waste through composting or other waste recovery as appropriate.
- Collection, storage and reuse of garden waste, including opportunities for on-site treatment, where appropriate, or off-site removal for reprocessing.
- Adequate circulation to allow waste and recycling collection vehicles to enter and leave the site without reversing.
- Adequate internal storage space within each dwelling to enable the separation of waste, recyclables and food waste where appropriate.

Waste and recycling management facilities should be designed and managed in accordance with a Waste Management Plan approved by the responsible authority and:

- Be designed to meet the better practice design options specified in *Waste Management and Recycling in Multi-unit Developments (Sustainability Victoria, 2019)*.
- Protect public health and amenity of residents and adjoining premises from the impacts of odour, noise and hazards associated with waste collection vehicle movements.

Decision guidelines

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

- The design response.
- Any relevant waste and recycling objective, policy or statement set out in this scheme.

TRANSLATED

D23 Waste and recycling
<p>Performance objective</p> <p>Waste recycling is encouraged.</p> <p>Waste and recycling facilities are accessible, adequate and attractive.</p> <p>Waste recycling activities do not unreasonably impact residential amenity, health and the public realm.</p>
<p>Performance measure</p> <p>Waste and recycling enclosures are provided that are:</p> <ul style="list-style-type: none"> • Adequate in size, durable, waterproof and blend in with the development. • Adequately ventilated. • Located and designed for convenient access by residents and made easily accessible to people with limited mobility. <p>An adequately ventilated facility is provided for bin washing.</p> <p>A dedicated area is provided for collection, separation and storage of waste and recyclables, including where appropriate opportunities for on-site management of food waste through composting or other waste recovery.</p> <p>A dedicated area is provided for collection, storage and reuse of garden waste, including opportunities for on-site treatment, where appropriate, or off-site removal for reprocessing.</p> <p>There is adequate circulation to allow waste and recycling collection vehicles to enter and leave the site without reversing.</p> <p>There is adequate internal storage space in each dwelling to enable the separation of waste, recyclables and food waste.</p> <p>Waste and recycling management facilities are designed and managed in accordance with any Waste Management Plan approved by the responsible authority.</p> <p>Waste and recycling management facilities are designed to meet the better practice design options specified in <i>Waste Management and Recycling in Multi-unit Developments (Sustainability Victoria, 2019)</i>.</p> <p>Waste and recycling management facilities are designed to protect public health and amenity of residents and adjoining premises from the impacts of odour, noise and hazards associated with waste collection vehicle movements.</p>

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Performance criteria
The waste management facilities provided for the development are acceptable considering: <ul style="list-style-type: none"> • Any Waste Management Plan approved by the responsible authority. • The better practice design options specified in <i>Waste Management and Recycling in Multi-unit Developments (Sustainability Victoria, 2019)</i>.
Information required
The design response. If not included in the design response, a statement documenting how any relevant waste and recycling objective, policy or statement set out in this scheme is met.

58.06 INTERNAL AMENITY

CURRENT

58.07-1 Functional layout objective

To ensure dwellings provide functional areas that meet the needs of residents.

Standard D24

Bedrooms should:

- Meet the minimum internal room dimensions specified in Table D7.
- Provide an area in addition to the minimum internal room dimensions to accommodate a wardrobe.

Table D7 Bedroom dimensions

Bedroom type	Minimum width	Minimum depth
Main bedroom	3 metres	3.4 metres
All other bedrooms	3 metres	3 metres

Living areas (excluding dining and kitchen areas) should meet the minimum internal room dimensions specified in Table D8.

Table D8 Living area dimensions

Dwelling type	Minimum width	Minimum area
Studio and 1 bedroom dwelling	3.3 metres	10 sqm
2 or more bedroom dwelling	3.6 metres	12 sqm

Decision guidelines

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

- The design response.
- The useability, functionality and amenity of habitable rooms.

TRANSLATED

D24 Functional layout		
Performance objective		
New dwellings include functional areas that meet the needs of residents.		
Performance measure		
Each bedroom has the minimum internal room dimensions specified in Table D7.		
Each bedroom has an area in addition to the minimum internal room dimensions to accommodate a wardrobe.		
Table D7 Bedroom dimensions		
Bedroom type	Minimum width	Minimum depth
Main bedroom	3 metres	3.4 metres
All other bedrooms	3 metres	3 metres
Living areas (excluding dining and kitchen areas) have the minimum internal room dimensions specified in Table D8.		
Table D8 Living area dimensions		
Dwelling type	Minimum width	Minimum area
Studio and 1 bedroom dwelling	3.3 metres	10 sqm
2 or more bedroom dwelling	3.6 metres	12 sqm
Performance criteria		
Habitable rooms are useable, functional and have acceptable amenity.		
Information required		
The design response.		

CURRENT

58.07-2

Room depth objective

To allow adequate daylight into single aspect habitable rooms.

Standard D25

Single aspect habitable rooms should not exceed a room depth of 2.5 times the ceiling height.

The depth of a single aspect, open plan, habitable room may be increased to 9 metres if all the following requirements are met:

- The room combines the living area, dining area and kitchen.
- The kitchen is located furthest from the window.
- The ceiling height is at least 2.7 metres measured from finished floor level to finished ceiling level. This excludes where services are provided above the kitchen.
- The room depth should be measured from the external surface of the habitable room window to the rear wall of the room.

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Decision guidelines

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

- The design response.
- The extent to which the habitable room is provided with reasonable daylight access through the number, size, location and orientation of windows.
- The useability, functionality and amenity of the dwelling based on layout, siting, size and orientation of habitable rooms.
- Any overhang above habitable room windows that limits daylight access.

TRANSLATED

D25 Room depth
Performance objective
Any single aspect habitable room has adequate daylight.
Performance measure
The room depth of any single aspect habitable room is not more than 2.5 times the ceiling height.
The depth of a single aspect, open plan, habitable room may be up to 9 metres if all the following requirements are met:
<ul style="list-style-type: none"> • The room combines the living area, dining area and kitchen. • The kitchen is located furthest from the window. • The ceiling height is at least 2.7 metres measured from finished floor level to finished ceiling level. This excludes where services are provided above the kitchen.
<i>Note: The room depth is measured from the external surface of the habitable room window to the rear wall of the room.</i>
Performance criteria
Daylight to habitable rooms is acceptable considering:
<ul style="list-style-type: none"> • the number, size, location and orientation of windows, • the useability, functionality and amenity of the dwelling based on layout, siting, size and orientation of habitable rooms • any overhang above habitable room windows that limits daylight access.
Information required
The design response.

CURRENT

58.07-3

Windows objective

To allow adequate daylight into new habitable room windows.

Standard D26

Habitable rooms should have a window in an external wall of the building.

A window may provide daylight to a bedroom from a smaller secondary area within the bedroom where the window is clear to the sky.

The secondary area should be:

- A minimum width of 1.2 metres.
- A maximum depth of 1.5 times the width, measured from the external surface of the window.

Decision guidelines

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

- The design response.
- The extent to which the habitable room is provided with reasonable daylight access through the number, size, location and orientation of windows.
- The useability and amenity of the dwelling based on the layout, siting, size and orientation of habitable rooms.

TRANSLATED

D26 Windows
Performance objective
New habitable rooms have adequate daylight.
Performance measure
Each habitable room has a window in an external wall of the building. A window may provide daylight to a bedroom from a smaller secondary area within the bedroom where the window is clear to the sky and the secondary area is: <ul style="list-style-type: none"> • A minimum width of 1.2 metres. • A maximum depth of 1.5 times the width, measured from the external surface of the window.
Performance criteria
The habitable room is provided with reasonable daylight access through the number, size, location and orientation of windows. The dwelling is useable and has acceptable amenity, based on the layout, siting, size and orientation of habitable rooms.
Information required
The design response.

Department of Environment, Land, Water and Planning

CURRENT

58.07-4 Natural ventilation objectives

To encourage natural ventilation of dwellings.

To allow occupants to effectively manage natural ventilation of dwellings.

Standard D27

The design and layout of dwellings should maximise openable windows, doors or other ventilation devices in external walls of the building, where appropriate.

At least 40 per cent of dwellings should provide effective cross ventilation that has:

- A maximum breeze path through the dwelling of 18 metres.
- A minimum breeze path through the dwelling of 5 metres.
- Ventilation openings with approximately the same area.

The breeze path is measured between the ventilation openings on different orientations of the dwelling.

Decision guidelines

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

- The design response.
- The size, orientation, slope and wind exposure of the site
- The extent to which the orientation of the building and the layout of dwellings maximises opportunities for cross ventilation.
- Whether an alternative design meets the relevant objectives having regard to the amenity of the dwelling and the site context.

TRANSLATED

D27 Natural ventilation
Performance objectives
New dwellings are able to be naturally ventilated.
An occupant can effectively manage the natural ventilation of their dwelling.
Performance measures
At least 40 per cent of dwellings provide effective cross ventilation that has:
<ul style="list-style-type: none"> • A maximum breeze path through the dwelling of 18 metres. • A minimum breeze path through the dwelling of 5 metres. • Ventilation openings with approximately the same area.
<i>Note: The breeze path is measured between the ventilation openings on different orientations of the dwelling.</i>

Performance criteria
The natural ventilation features of the development respond to the size, orientation, slope and wind exposure of the site.
The layout of each dwelling maximises the openable windows, doors or other ventilation devices in external walls of the building, where appropriate.
The orientation of the building and the layout of dwellings maximises opportunities for cross ventilation.
Information required
The design response.



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Banyule

CITY COUNCIL

Improving the Operation of ResCode

**Banyule City Council Officer Submission
December 2021**

SUMMARY

Key issues

1. Policy gaps - While Council officers support the concept of making local policies stronger, there is great concern about the proposed approach to bringing about this change. The proposed reforms are not policy neutral as they delete part of the current framework. This will mean that local policies have little relevance in the assessment process, unless Councils themselves do further work to fill the policy gaps to be created by the proposed reforms. There is limited information provided on how this work can be progressed and no certainty that there will be a clear translation process to ensure the intent of our existing policy can be retained into the future.
2. Work Programming and Resourcing - This need to do further work will have significant resourcing implications on Councils. Councils are continually having to adapt their work programs in response to State Government initiatives, which are introduced with minimal consultation or consideration of the impacts on Councils. In order to retain the intent of Councils current Neighbourhood Character Policy, it is likely that a significant body of work will be required to consider how it can be translated into a zone and overlay schedules, or a combination of both. Council's work will also likely need to respond to the other related State Planning Reforms, some of which have been announced but not considered as part of these Rescode Reforms.
3. Limited view of Neighbourhood Character – The proposed reforms suggest that the neighbourhood character of most areas across the entire state can be defined by a generic list of features with standard measurements. This fails to recognise the interrelationship between various features of streetscapes, landscapes, and design and siting of built form and the contribution this makes to local character.

Recommendations

1. Further consultation is needed with more information on how schedules to zones and overlays could be used, and how local variations to standards and objectives would be considered in the assessment process.
2. The current neighbourhood character policies have been allowed through fair and transparent processes and ought to be replaced by an equally comprehensive alternative. DELWP should work with Councils to fast track some changes and stage the introduction of any final reforms to ensure the changes can be policy neutral. This should be done with full consideration of any other reforms that are to be introduced to ensure Council's do not need to make further changes once further reforms are introduced.
3. There should be a clearer process for ensuring poor neighbourhood character outcomes are not supported, and the features that the local community value are protected. The proposed reforms put forward an overly standardised approach that presents a clear pathway to approval, and places less value on achieving preferred neighbourhood character outcomes.

INTRODUCTION

Banyule City Council welcomes the opportunity to provide feedback on the Department of Environment, Land, Water and Planning's (DELWP) discussion paper *Improving the operation of ResCode*.

Council has reviewed the discussion paper and acknowledges opportunities and the need to improve the operation of assessment provisions in planning schemes.

There are some positive elements to the proposed changes, however on balance there is too much uncertainty in the changes and the implications of such changes to provide support.

The primary concern with the policy changes is the weakening of local planning policies and limitations in the ability to undertake qualitative assessments of neighbourhood character in development outcomes. The current standards do not provide sufficient certainty or clarity to be translated to quantitative measures.

In addition to the above, there is significant concern with the implementation process including a lack of transitional provisions for local policies to be continued to be considered, the limited timeframe for consultation and feedback and clarity of when the changes would take effect.

Banyule currently operates with key local policies including the Residential Neighbourhood Character Policy that would require a significant planning scheme amendment in response to the changes. The proposed changes to ResCode must therefore be supported by a staged planning scheme amendment for the introduction of zone schedules to ensure that the local policies can continue to be considered in assessment.

The range of reforms currently being considered or put forward by the State, including Cooling and Greening, Environmentally Sustainable Design (ESD), Affordable Housing and Better Apartment Design Guidelines (BADS) continue to occur alongside planning scheme translations. This is likely to lead to a highly confused state in planning over the next couple of years. Further reform is clearly scheduled by the State's response to the Red Tape Commissioner. This will likely have significant implications on resourcing across the board. We believe strong consideration needs to be given to a much more coherent approach to planning reform. At present – the emphasis appears to be too heavily focused on speed, the construction industry and enabling development. Banyule appreciates that the construction industry is important to Victoria's economy, however; the day-to-day lives of the 6.6+ million Victorians, their liveability and their right to have a sense that local characteristics matter is, in our opinion, far more vital to the overall quality of life than an overly simplistic tick box exercise that the proposed reforms put forward. More construction faster is not necessarily the priority of our community. Getting a fair and balanced system that reflects all needs should be the overriding priority.

COMMENTARY

The following comments are provided in relation to the proposed reforms:

I. Consultation Timeframes

The timing and timeframes of consultation are disappointing which limits opportunity for detailed review and consideration. This gives the sense the changes are being rushed through and not being given proper thoughts or consideration of feedback. This is a major change to the operation of

the planning scheme, with wide implications for Banyule, the limited timeframe provided for review and feedback is inadequate and does not allow for the changes to be properly considered and endorsed by Council. This is further worsened by the consultation occurring in the approach to the summer period where Council meetings will not be scheduled again until February 2022. It is noted that DEWLP will accept a final Council ratified submission following the meeting of 7 February 2020.

The proposed reforms present a significant change to the way decisions will be made, and how our valued local policy on Neighbourhood character will be applied. Careful consideration is needed on if and how this policy can be adapted to suit this new framework. Council's should be given the opportunity to view how our concerns on the discussion paper have been responded to, as well as a more complete proposal before the reforms are finalised and introduced into planning schemes.

This should include the form and content of new zone schedules and further guidance on how the objectives and standards can be varied. There have been recent occasions where reforms have been introduced without genuine consultation, and further changes are then required to resolve unintended consequences, often at Council's expense. This would not meet the objective of these reforms or the broader recommendations of Red Tape Commissioner.

2. Significance to the Community

Council's current Residential Neighbourhood Character Policy at Clause 22.02 of the Banyule Planning Scheme, and its Background Document, the *Banyule Neighbourhood Character Strategy*, have evolved over time and are the product of many years of analysis as well as engagement with the local community. The community have provided direct input to our local policy and place great significance on the objectives and design responses that lead to development outcomes which respect and enhance the unique qualities of each precinct.

The impact of the proposed reforms on the application of this policy may not be fully understood by many members of the local community, as it has been presented as a shift in process. Clearly the reforms are more significant as they create a policy gap and require Council's to do further work if they want to continue to acknowledge and have regard to what the community value.

Recommendation

- Councils therefore need to be provided with significant time and support to ensure the intent of current policy is not lost or weakened, so that Councils can continue to support good neighbourhood outcomes, and the community can be genuinely informed of the shift in approach.

3. Implementation

The reform has significant implications, especially as they relate to neighbourhood character assessments and consideration of local planning policies currently being translated into the new Planning Policy Framework (PPF). There must be a considerable lead time to allow councils to ensure their current neighbourhood character policies and controls are not lost or weakened. Banyule relies heavily on its neighbourhood character local planning policy at Clause 22.02. This policy is well regarded by the Tribunal and has worked with ResCode to achieve good neighbourhood character outcomes for our community.

Recommendations in Section 8 set out a basis for fast tracking of local policy into zone schedules as part of DEWLP's implementation of the ResCode changes.

4. Relationship to other reforms

DELWP are concurrently pursuing a number of interrelated reforms, however it does not appear that these reforms have been prepared as one package, or that the relationships between each of the reforms have been fully considered. This has made it difficult for Council to respond to each reform in a considered way and has presented challenges as we begin to prepare new controls, particularly in our Activity Centres, and look towards starting significant projects such as a new housing strategy. Council has not been informed of the complete set of reforms that will be progressed, or the timing of their introduction.

The proposed ResCode Reforms have implications for:

- The LPPF translation – The translation of Banyule’s LPPF has not yet been finalised due to resourcing limitations within DELWP. It is a policy neutral translation that was expected to progress quickly, however it is now being held up by the final translation of our Neighbourhood Character Policy, which of course is needed before we can fully consider the implications of these ResCode Reforms.
- BADS Update - The proposed updates to clause 55 and 58 were due to be introduced earlier this year, however no updates have been provided publicly since DELWP released a preview of the updates in May. It does not appear that these updated clauses have been considered as part of the proposed ResCode Reforms. It is therefore extremely difficult for Council to comment on any potential issues that may result in the translation of these clauses into the new model.
- ESD Roadmap – Earlier this year DELWP outlined a process for introducing new policies and standards for Victoria's planning system to improve the sustainability of developments across Victoria. This includes updates to Particular Provisions to create new standards for residential developments and provide clear ESD requirements. These were proposed to affect both Clause 54 and 55. It does not appear that these changes have been considered as part of the proposed ResCode Reforms.
- Proposed particular provisions for ‘cooling and greening’. There is likely to be overlap here with the landscaping requirements in ResCode, and any landscaping variations to be proposed by Council. These also appear to overlap with the BADS updates.

Recommendation

- Council officers understand there is a larger suite of reforms being considered by DELWP. For Council’s and the community to fully understand and comment on each of the proposed reforms, we should be provided with the opportunity to understand the relationship between each.

5. Local Policy Implications

It appears that the proposed reforms focus on providing a clearer approval process, and give less clarity on how applications can be refused where poor local neighbourhood character outcomes are proposed.

This is in part due to the limited information provided on:

- The policy gap that will be created.

The current reforms are not 'policy neutral' if they delete part of the current framework with no immediate way of replacing any neighbourhood character considerations that the current system has allowed – irrespective of where they sit in planning schemes. The point here is that the current neighbourhood character frameworks have been allowed through fair and transparent processes and ought to be replaced by an equally comprehensive alternative – not part of.

- What may be considered a policy neutral translation of the Residential Neighbourhood Character Policy into zone schedules or overlays, and how DELWP can support Councils in the translation process.

No draft updates to form and content or practice notes have been provided. Of most concern is the qualitative guidelines in our local policy, and having no certainty if they can and, if so, how these can be translated as the zone schedules do not currently allow for inclusion of qualitative controls. The appropriate overlay to translate to is also not immediately clear. It is likely that a combination of zone and overlay schedules will need to be used to ensure that the intent of the policy is not lost.

- The likely timeframe to be provided for the translation of policies into a new framework.

In order for a genuine translation process to occur, and to avoid any policy gaps once the new model is introduced, implementation should be staggered as has been the case for the PPF translations. Adequate resourcing should also be provided to ensure that DELWP can provide adequate support through this process to avoid the delays and uncertainty experienced by many Council's in the PPF translations.

- Transitional provisions.

No draft provisions have been put forward to suggest that the existing model and local policies can continue to apply where Council's have not completed a translation, or to applications that were lodged prior to the introduction of the new model.

Recommendation

- The model favours a standardised approval process, as an application has three opportunities (by being assessed against standard performance measures, performance criteria, and decision guidelines in the zone) to meet State-wide objectives before local policy is considered. This diminishes the importance of local issues, which is not supported. Further consideration should be given to the significance and value of local guidance, particularly when setting out any changes to zone schedules.
- There is an opportunity for councils who currently rely in a local policy to support appropriate neighbourhood character outcomes to reconfigure planning schemes but this is dependent on DEWLP providing adequate time, flexibility and support so that councils are not left exposed in the event that the ResCode changes are adopted.
- The discussion paper states that this new model will remove subjectivity, however assessment against the performance criteria and decision guidelines of the zone will retain an element of subjectivity. This is considered appropriate providing that the decision guidelines specified in local zone schedules will be considered as part of this process, and Council's will have an opportunity to expand on these local decision guidelines.
- Updated Practice Notes and Form and Content should be provided to assist Council's in determining the full impact of the proposed model and approaches to adapt to it.

6. 'Measuring' Neighbourhood Character and Applying Local Standard Variations

Council requires further information on how the Neighbourhood Character and Design Detail ResCode standards can be varied in the zone schedules. Currently the Practice Note PPN91 states that *only the numerical value of the relevant standard should be changed* in a local schedule, however there are no numerical values to vary in Neighbourhood Character Standard A1 and B1, or Detail Design Standard A19 and B31. There are also few numerical standards in our Residential Neighbourhood Character local policy.

The discussion paper gives an example of how the Neighbourhood Character Standard could be varied. This includes variations that relate to preferred siting of driveways and garages, without reference to a measurement as shown below:

Neighbourhood character	A1 and B1	
		<p>Only one dwelling faces the street</p> <p>Provide driveways to the side of the dwelling</p> <p>Site garages adjacent to or behind the dwelling</p> <p>A garage or carport is set back at least 1 metre behind the front wall of a dwelling</p> <p>There is no more than one vehicle crossover per site</p>

The Discussion Paper does not include an example to demonstrate how the Design Detail Standard may be varied.

It is also unclear whether elements of neighbourhood character that are not specified in the standard can be varied in the schedule under A1 and B1. The draft translated standard B1 measures compliance with its performance objective against the following elements:

- Street setback (B6).
- Building height (B7).
- Site coverage (B8).
- Side and rear setbacks (B17).
- Walls on boundaries (B18).
- Front fences (B32)

The example of the schedule variation above implies that siting of vehicle accommodation and access can also be a measure of compliance with the standard, however it is not clear whether other aspects of built form and site layout can be varied under the Neighbourhood character standard, or if they cannot be varied here, whether they can be varied under the design detail standard. For a true translation to occur, Council should be able to specify or vary a range of design elements and not be limited to a list of standard options that limit our ability to recognise Banyule's existing and well-regarded neighbourhood character controls.

Examples of potential variations to be sought under these standards include:

- Spacing between dwellings
- Style and height of fencing
- Materials and colours

Limiting an assessment of Neighbourhood Character to the predefined specific elements of built form listed in the draft standard is a concern. Practice Note PPN43 states that:

Listing discrete features and characteristics of an area is not an adequate description of the character of a place. Understanding the relationship between the features and characteristics of a neighbourhood is important to describing the character of the area. The key is to consider the interaction between features and characteristics. A decision needs to be made about which of the features and characteristics are important and then explain how they interact to contribute to the character of the neighbourhood.

The Discussion Paper seems to take an alternative view, by suggesting that:

..in most settings, the existing quantitative ResCode standards referring to neighbourhood character will, without modification, deliver development that respects the neighbourhood character of the location.

This suggests that the neighbourhood character of most areas across the entire state can be defined by a generic list of features with standard measurements.

The discussion paper goes even further and suggests that the assessment of neighbourhood character under Standard A1 and B1 should be changed and limited to 'neighbourhood context' as described in the neighbourhood and site description. This is a very limited assessment, and could result in the replication of poor outcomes in the immediate surrounds, rather than a consideration of the preferred neighbourhood character outcomes.

For Banyule, a significant omission from the Neighbourhood Character standard is an assessment of landscaping. It is understood that a variation can be made under standard B13, but again it is not entirely clear how the guidelines of our local policy on neighbourhood character can be easily translated into a variation of this standard if we are limited to numerical values only. This would also fail to recognise the interrelationship between vegetation and built form across many parts of the municipality and the contribution this makes to local character. The preference to maintain vegetation as the dominant feature of the landscape is difficult to quantify in a standard. It is also not a simple task to translate these requirements to an overlay. Such an overlay would need to cover a broad area and have a number of unique schedules where different styles of landscaping and types of vegetation occur.

Further clarity should also be provided on which objective a standard variation would seek to achieve. If a standard variation is specified in the zone schedule, it is not clear whether an application should be aiming to achieve the objective in the relevant ResCode standard, or the Neighbourhood Character Objective specified in the zone schedule. It is also unclear whether how the local Application Requirements that are specified in a zone schedule will be applied to ResCode standards where new application requirements are set. It is assumed that local Decision Guidelines specified in a zone schedule will continue to have the same weight as the Decision Guidelines specified in the zone.

There is a question around whether the clarity in approval process being sought will translate to efficiency for council. Councillor and community expectations in relation to appropriate development outcomes will not shift and a greater gap between policy and expectations must be managed by the statutory planning team on a case by case basis. It is suggested that greater efficiencies and 'freeing up of the system' could be sought through a true code assess regime where VicSmart matters are not required to be processed by statutory planning departments.

Recommendations

- Council should be able to specify or vary a range of elements in the Neighbourhood Character and Design Detail Standards and not be limited to a small list of predetermined standard elements that limit the ability to recognise unique local character that is defined by a combination of features.
- Allowance should be made for variations that are not necessarily a numerical value, but are 'objectively ascertainable conditions' as highlighted in the example above.
- Further advice is needed on how local policies that recognise the relationship between the features and characteristics of a neighbourhood as important to describing the character of the area, can be translated. These cannot be simply broken into policies that guide built form and policies that guide landscaping outcomes.
- Further information is needed on how local Neighbourhood Character Objectives, Application Requirements and Decision Guidelines set out in zone schedules will be considered. Where a local ResCode variation has been specified, it is not clear whether these local objectives, guidelines and requirements take precedence over those set out in the relevant standard.
- DEWLP should explore alternative changes to bring efficiencies to the planning system.

7. Neighbourhood Residential Zone Schedules

When the new residential zones were introduced, Councils were provided with very little guidance on how the schedules to the zones could be used to apply local variations. This guidance was not released until many councils had progressed the introduction of the zones.

As a result, when many Councils had their proposals reviewed by the Residential Zones Standing Advisory Committee, some of their proposed schedules were not approved. Banyule was one of these Councils.

The schedules that Banyule had proposed for the General Residential Zone (GRZ) were approved. These included some ResCode variations, application requirements and decision guidelines based on our Residential Neighbourhood Character Policy.

The schedules that Banyule had proposed for the Neighbourhood Residential Zone (NRZ) were however not approved. These schedules also included some ResCode variations, application requirements and decision guidelines based on our Residential Neighbourhood Character Policy. They also included local variations to the limit on the number of dwellings per lot. It was this aspect of the schedules that was not supported, and therefore no schedule variations were approved for our NRZ. The dwelling limit of the NRZ has since been removed by the state, which was contrary to Advisory Committee recommendations.

The result of this process is that our GRZ areas now have more clarity and certainty through the zone schedules than our NRZ areas. In the NRZ areas, it is the local Residential Neighbourhood Character Policy that is relied upon to guide how discretion should be exercised, and to help both applicants and the community understand how a proposal will be considered in these locations, particularly since the dwelling limit has been removed.

The idea that the proposed reforms are simply introducing a new model fail to acknowledge the policy gap that will be created for areas such as our NRZ. Standard ResCode Performance Measures will not be sufficient to protect these sensitive locations which are characterised by low scale

developments that are sensitively designed to sit below the tree canopy, respect the character of existing built form, protect trees, and create opportunities for new vegetation.

Recommendation

- It is understood that one of the objectives of the proposed reforms is to create simpler and more consistent controls, but unlike the rushed introduction of the new residential zones, and the subsequent changes that were made by the State, these significant reforms need to be progressed with care and acknowledgement of the value of unique local characteristics. The proposed changes are not policy neutral for all locations, including Banyule's NRZ. There should be further stages of consultation to ensure a transparent process is followed and local policies are replaced by an equally comprehensive, yet more objective alternative.

8. Policy Translations

Council requires more information on what can be considered within the scope of 'policy neutral' translations. Council officers have recently spent a significant amount of time on the translation of Banyule's local policy on Residential Neighbourhood Character into the new PPF format, which is yet to be finalised by DELWP. The PPF translation simplifies the policy by removing repetition between the 13 precincts, however there are still unique attributes within each precinct that have been acknowledged and retained.

Further resourcing will now need to be committed to the further translation of this policy into zone or overlay schedules. Banyule's 13 neighbourhood character precincts cut across zone boundaries and various overlays, therefore determining the best approach for translation would not be a simple task. Translating qualitative guidelines from a local policy into a requirement within an overlay or standard in a zone schedule will require careful consideration to ensure their significance is not diminished. Neighbourhood character provisions must retain a level of flexibility to enable thoughtful, contextual site-specific assessments.

Recommendations

- Some aspects of Council's local policy should be simply translated into zone schedules through a fast track process.
- Council's will need to review resourcing and work programming in order to respond to the proposed changes as it could be a significant burden to adapt our scheme to ensure the intent of existing policies are retained. If one of the objectives of these reforms is to strengthen local policy and provide more certainty, Council's should be provided with adequate time to undertake further strategic work to determine the best approach for the translation of our complete neighbourhood character policy in response to these changes. This will likely including a significant planning scheme amendment involving community consultation. This work should be completed prior to the introduction of the new ResCode Planning Assessment Modules (PAMs).

9. Draft Clause 71.XX

There is concern regarding the proposed exemption of Section 60(1A)(h) of the *Planning and Environment Act 1987* (the Act) from consideration under the draft Clause 71.XX in Appendix 3. Adopted amendments are important tools to be considered in planning assessments and are the result of considerable strategic work. The exempting of these undermines this important work and strategic direction adopted amendments offer before they become part of the scheme.

Excluding certain sections of the Act from consideration complicates the assessment process making this more complex for all involved.

Recommendation

- Remove Section 60(1A)(h) from the list of excluded considerations.

10. Translation of Existing ResCode Provisions to the new PAM

Of most concern in relation to the proposed translation is the loss of the reference to 'Any relevant neighbourhood character objective, policy or statement set out in this scheme' removed from Decision Guidelines for Neighbourhood Character, Street Setback, Building Height, Landscaping, Side and rear setbacks, Walls on boundaries and Design Detail. This is seen as a considerable weakening of local planning policy in the consideration of development applications.

In addition to the above, there are a number of current standards proposed to be translated into performance measures which do not allow for a proper assessment when limited to a quantitative assessment, including:

- A1/B1 – Neighbourhood Character;
- A3/B6 – Street setback;
- A4/B7 – Building Height;
- B13 – Landscaping;
- B14 – Access;
- A10/B17 – Side and rear setbacks;
- A11/B18 – Walls on boundaries;
- A17/B28 – Private Open Space;
- A19/B31 – Detail Design; and
- A20/B32 – Front fences

The reforms are a missed opportunity to provide greater clarity to ambiguous standards open for interpretation, including:

- Street setback;
- Building Height;
- Permeability;
- Energy efficiency;
- Significant trees;
- Daylight to windows;
- North facing windows;
- Overshadowing;
- Overlooking;
- Private open space;
- Internal views.

A further missed opportunity is to introduce ESD provisions into planning schemes through ResCode.

Recommendations

- Reconsider the direct translation at Appendices 4-6 and review the implications of the operation of each of these using a variety of real-life examples across different neighbourhood contexts. As previously recommended, further collaboration and consultation with councils is required.
- Review the translation carefully to correct errors and ensure compliance with entry and drafting rules, particularly relating to lists, points ending in “or” and the use of “should” in performance measures.

CONCLUSION

Thank you for considering the Banyule City Council’s officer submission on this matter. We welcome further opportunities to collaborate and to refine the proposal. As agreed, a final submission will be provided following Council endorsement at the meeting of 7 February 2022.

ASSESSMENT AGAINST CLAUSE 22.02**RESIDENTIAL NEIGHBOURHOOD CHARACTER POLICY Bush Garden (East)****APPLICATION NO.: P972/2021****DEVELOPMENT ADDRESS.: 30 Fernside Avenue BRIAR HILL****PROPOSAL: Development of two (2) dwellings in a Neighbourhood Residential Zone – Schedule 3, construction exceeding 8m in height and associated works within the driplines of protected trees within the Design and Development Overlay – Schedule 8, and construction within the Special Building Overlay – Schedule 2.**

The Bush Garden Precinct is comprised of the following sections identified on the Neighbourhood Character Precinct Map:

- BG (East)

This precinct includes parts of the Greensborough Principal Activity Centre. The landscaping and vegetated character of residential sites in this Activity Centre is guided by this policy. The preferred future character of the built form on residential sites in this Activity Centre is guided by the Design and Development Overlay Schedule 4, where applicable.

Outside Accessible Areas

Proposals in these areas will protect and enhance the bush garden character of the precinct with an emphasis on protecting trees and creating new opportunities for vegetation throughout sites. They will provide for a mix of well-designed single dwellings and limited medium density dwellings that sit below large trees, with space around and between dwellings to create an attractive, well landscaped setting.

The VC Estate, in BG (West), has a sense of identity that is of local interest and should be respected with any new development.

Objective	Complies?
To maintain and enhance the native vegetation dominated vistas, streetscapes and backdrops, retain remnant indigenous vegetation, and encourage the replanting of indigenous plants	No
Design Response	
1. Retain existing trees wherever possible. If this cannot be achieved, or a tree is considered appropriate for removal, the site should provide adequate space for offset planting of indigenous or native trees that will grow to a mature height similar to the mature height of the tree to be removed.	Yes
2. One medium to large indigenous or native tree should be provided for every 200 sq.m. of site area. These should be predominantly large trees and may include existing trees that are worthy of retention. At least one of the large trees should be provided in the front setback (Note: sufficient unpaved space must be provided around each tree for growth).	Variation
3. Building site coverage should not exceed 40%, however it may need to be less than this in order to provide sufficient site area for planting, growth and retention of vegetation. This may be varied if the proposal demonstrates that the vegetated character of the site and Precinct is protected and enhanced by retaining existing vegetation and providing sufficient area for the planting of additional trees and other vegetation.	Variation – Site cover exceeds 40% (43.62%)
4. Buildings should be a sufficient distance from at least one side or rear property boundary to enable the planting and growth of medium to large trees. These setbacks should provide sufficient area for future growth of the mature canopy of trees, and	Yes

understorey planting.	
5. If more than one dwelling is proposed, sufficient separation should be provided between each dwelling to allow for the planting and future growth of small to medium trees and understorey vegetation.	Variation
6. Tree species and planting locations should be carefully selected to avoid canopy or root conflicts with overhead wires, easements and existing trees.	Condition
7. If there is no street tree within the frontage of a dwelling, a new street tree should be proposed.	Existing street tree (Tree 2) retained.

Discussion

Tree 1 (a Long-Leaved Box) is the only VPO1 protected tree on site. This tree is proposed to be retained in accordance with design response 1.

Design response 2 requires a minimum of four (4) medium to large (with a preference for large) native canopy trees to be incorporated into the development, including at least one (1) large canopy tree within the site frontage. The submitted landscape concept plan indicates the planting of 2 medium canopy trees (Native Frangipanis) to the front of the site and 4 small canopy trees (Japanese Maples) to the sides and rear of the site which varies this requirement.

Council relies on the 'Banyule Tree Planting Guidelines 2011' (listed as a reference document to the Neighbourhood Character Policy – Clause 22.02-2 of the Planning Scheme) to determine whether the space provided for a canopy tree is sufficient to allow it to successfully grow to maturity. These prescribe minimum exclusion zones for canopy trees defined as areas without built form or hard paving without sheds / clothes-lines etc and outside of easements. Minimum exclusion zones for large canopy trees (12m+) are generally set at 90m² with medium trees (8m+) requiring 30m² and small trees (5m+) requiring 7.5m².

Whilst the proposed sizes of the canopy trees do not accord with design response 2, it is noted that the development could incorporate the required 4 (mostly large) trees. A large canopy tree could also be accommodated to the west of central driveway at the front of the site by utilising borrowed space from the adjoining site to the west and the Council verge to make up the required 90sqm. Conditions requiring an updated landscape plan that demonstrates compliance with these requirements should be included on any permit that may proceed.

The proposed site coverage of 43.62% varies the 40% maximum requirement. As discussed above, the submitted concept landscape plan does not in its current form demonstrate that the vegetated character of the site and Precinct is sufficiently protected and enhanced to support the variation.

The semi-detached (duplex) configuration of the proposed development is incapable of providing any separation between dwellings to accommodate the planting and future growth of small to medium trees and understorey vegetation between dwellings, contrary to design response 5.

Accordingly, the above variations are not supported as the proposed landscape response is not considered to meet the above objective (*to maintain and enhance the native vegetation dominated vistas, streetscapes and backdrops, retain remnant indigenous vegetation, and encourage the replanting of indigenous plants*).

Objective	Complies?
To ensure buildings and extensions do not dominate the streetscape or the building, and do not adversely affect the outlook and amenity of neighbouring dwellings.	No
Design Response	
8. Developments should minimise the need for cut and fill throughout the site.	Yes
9. Second storey portions of buildings should be recessed from ground level wall surfaces, incorporated within roof spaces where possible and minimised in height.	Variation
10. Buildings at the rear of a site should be designed to follow the topography of the land and respond sensitively to each interface. Second storeys (where appropriate) should be	Variation

modest in size, have generous side and rear setbacks and be screened with vegetation.	
11. Buildings should not exceed the predominant tree canopy height.	Yes
Discussion	
<p>The duplex arrangement of the development proposes continuous two storey built-form through the length of the site (north / south) for a distance of 24m, with no provision for building separation to provide visual relief to adjoining neighbours. Accordingly, the extended horizontal two storey massing of the building has the potential to adversely affect the outlook and amenity of adjoining the neighbours to the east and west and is not supported in this regard</p> <p>It is noted that the rear (southern) portion of the dwellings is located within a nominated flood management overlay (the SBO2) which requires ground level 'finished floor levels' to be raised above the nominated flood level. This limits the ability of the applicant to easily reduce visual impacts by lowering floor levels and the overall height of the development. Other measures such as lowering roof pitches and reducing wall heights may be feasible design solutions to reduce building massing and should be considered in the event that permit proceeds.</p> <p>The 1.3m (approx.) setbacks of the ground floor family room walls to side boundaries is not wide enough to incorporate space for planting that would otherwise assist in screening / softening the development when viewed from properties to the east and west. This is not considered to accord with design response 10 requiring '<i>generous side setbacks, screened with vegetation</i>' or the stated objective that aims to '<i>ensure buildings and extensions do not dominate the streetscape or the building, and do not adversely affect the outlook and amenity of neighbouring dwellings</i>'.</p>	

Objective	Complies?
To ensure new buildings and extensions are sympathetic to the current building form and architectural style.	No
Design Response	
12. Wall and roof materials for extensions should blend with existing materials.	N/A
13. In BG (East) roof and plan forms should reflect those of the surrounding period houses including hipped roofs with narrow, boxed eaves.	Yes
14. In BG (South), reflect the main design elements of the 1970s era, including flat roofs, low wall heights, vertical window proportions.	N/A
15. In BG (West) roof and plan forms should reflect those of the surrounding post-war houses, including hipped roof with narrow boxed eaves.	N/A
16. Variation should be provided between each dwelling of a development that faces the street. This can be achieved through varied roof pitches, window and door placement, materials, façade articulation and other design detailing.	Variation
Discussion	
<p>The duplex arrangement presents as a single building to the street with a mirrored façade that includes two (2) centralised garages. This is a deliberate choice by the applicant to present the development as a unified building, of similar scale and appearance to a large single dwelling. The proposed building incorporates a single segmented hipped roof form and eaves that is generally consistent with other dwellings in the street. Each dwelling includes a habitable room window to add interest to the facades and increase perceptions of safety through the passive surveillance of the street.</p> <p>Notwithstanding these details, design response 16 seeks variation between each dwelling of a development that faces the street. Increased variation '<i>through window and door placement, materials, façade articulation and other design detailing</i>' is therefore required to ensure compliance with the above objective.</p>	

Objective	Complies?
To ensure that household services are not a visually prominent feature.	Yes

Design Response	
17. Solar panels should be located to minimise their visual impact. Air conditioning, rainwater tanks, bins and storage should be located and/or screened so they are not visually obtrusive in the streetscape.	Conditions
18. In accessible areas, rooftop plant equipment should be screened and/or located to minimise their visual impact and integrate with the roof form.	N/A
Discussion	
Should a permit proceed, conditions are required to ensure compliance with design response 17 and the above objective.	

Objective	Complies?
To maintain consistency of current front setbacks whilst enabling tree planting in front gardens.	Yes
Design Response	
19. Dwellings should be setback in line with the predominant front setback of dwellings along the street.	Yes
20. For corner sites, the front setback of a dwelling facing the side street should be at a transition between the predominant setback along the side street, and the side setback of the dwelling facing the front street.	N/A
Discussion	
The proposed 9m front setback to the development is generally consistent with predominant front setbacks of dwellings along Fernside Avenue.	

Objective	Complies?
To minimise excavation for vehicle access, loss of front garden space, and dominance of vehicle access, vehicle storage facilities and built form as viewed from the street.	No
Design Response	
21. In BG (East) and BG (West), locate carports, garages, and all uncovered parking spaces behind the line of the dwelling. Landscaping such as large shrubs and trees in the front setback should be provided to discourage car parking in the front yard.	Yes
22. In BG (South) dedicated car parking spaces should not be provided between the front wall of a dwelling that faces the street, and the front property boundary. Landscaping such as large shrubs and trees should be provided in the front setback to discourage car parking in this location. Carports and garages should be located behind the line of the dwelling.	N/A
23. Encourage outcomes that consider the Banyule City Council Residential Vehicle Crossing Policy 2012.	Variation
24. Driveways should include curves and bends that provide sufficient room for landscaping at varying heights.	Yes
25. Driveways should be finished with earthy, natural tones such as dark greys and browns to blend with vegetation.	Condition
Discussion	
<p>The proposed new central driveway is arranged in an 'hour-glass' configuration that includes a 5m wide double crossover, tapering to 3m in width at the boundary and expanding to a maximum width of 7m to accommodate the shared central driveway within the site frontage.</p> <p>This would increase hard surfacing and reduce landscaping opportunities to the front of the site that would otherwise assist in enhancing the 'bush garden' character of the development and providing additional landscaping to screen the built-form from streetscape vantages.</p>	

Council's 'Residential Vehicle Crossing Policy 2012' provides guidance on development requiring additional crossovers to access a site. It states that *'for a site with more than one dwelling, additional single width vehicle crossings is generally acceptable if the width of the existing front boundary is equal to or greater than 22 metres within the BG (East)*. The width of the front boundary at 19.47m falls short of this 22m threshold and is therefore at variance to these preferred outcomes, contrary to design response 23.

The driveway provides curves and space for landscaping of various sizes to be planted along its edges, pursuant to design response 24.

A condition should be added to any permit that may proceed ensuring driveways are finished with earthy, natural tones such as dark greys and browns, should a permit proceed.

Objective	Complies?
To maintain and strengthen the spaciousness and bush character of front gardens and the view of these gardens and trees from the street.	No
Design Response	
26. Front fences should not be provided, where this is the predominant pattern in the street.	N/A – none proposed
27. Timber and basalt retaining walls are acceptable where necessary.	Condition
28. Sufficient space should be provided in front yards for the retention and/or planting of at least one (1) large tree, and should contain informal understorey planting of indigenous and native species.	Condition
29. Secluded private open space should be located behind the line of a dwelling that faces the street.	Yes
Discussion	
<p>No large tree is proposed to the site frontage to satisfy design response 28, however it is acknowledged that a large tree could be accommodated in this area, as previously discussed. A condition is therefore recommended requiring a large tree to be incorporated into the site frontage, should a permit proceed.</p> <p>It is also recommended that all proposed retaining walls be constructed of timber and / or basalt to accord with design response 27, should a permit proceed</p> <p>Notwithstanding the fact that these concerns could be addressed by permit conditions, for those reasons previously discussed regard vehicle access, insufficient landscaping and lack of dwelling separation, the development is not considered to meet the stated objective <i>'To maintain and strengthen the spaciousness and bush character of front gardens and the view of these gardens and trees from the street'</i>.</p>	

Objective	Complies?
To ensure that developments on or near ridgelines retain existing trees, sit below the tree canopies, minimise excavation, and enable further tree planting to form a continuous canopy, so that the scenic quality is maintained and enhanced.	Yes
Design Response	
30. New buildings at or near ridgelines should be designed and sited so that cut and fill is minimised and the building sits below the height of trees along the ridgeline.	Yes
31. New buildings at or near ridgelines should have muted colours and tones, and non-reflective materials.	Yes
32. Trees and vegetation that contribute to the landscape should be retained. New native or indigenous trees should be planted on or near the ridgeline to form a continuous canopy.	Yes
Discussion	

The site is within 10m of ridgeline to the north.

The proposed development meets the required objectives *'to ensure that developments on or near ridgelines retain existing trees, sit below the tree canopies, minimise excavation, and enable further tree planting to form a continuous canopy, so that the scenic quality is maintained and enhanced.'*

ASSESSMENT AGAINST CLAUSE 55

APPLICATION NO.: P972/2021
DEVELOPMENT ADDRESS: 30 Fernside Avenue BRIAR HILL
PROPOSAL: Development of two (2) dwellings in a Neighbourhood Residential Zone – Schedule 3, construction exceeding 8m in height and associated works within the driplines of protected trees within the Design and Development Overlay – Schedule 8, and construction within the Special Building Overlay – Schedule 2.

Clause 55.02 (Neighbourhood Character and Infrastructure)	
<p>Neighbourhood Character objectives</p> <ul style="list-style-type: none"> To ensure that the design respects the existing neighbourhood character or contributes to a preferred neighbourhood character. To ensure that development responds to the features of the site and the surrounding area <p style="text-align: right;">Standard B1</p>	<p>Does not comply</p> <p>See Neighbourhood character Garden Suburban Precinct 1 assessment for details.</p>
<p>Residential policy objectives</p> <ul style="list-style-type: none"> To ensure that residential development is provided in accordance with any policy for housing in the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies. To support medium densities in areas where development can take advantage of public transport and community infrastructure and services. <p style="text-align: right;">Standard B2</p>	<p>Complies</p> <p>Refer to response in Council report.</p>
<p>Dwelling diversity objective</p> <ul style="list-style-type: none"> To encourage a range of dwelling sizes and types in developments of ten or more dwellings. <p style="text-align: right;">Standard B3</p>	<p>N/A</p>
<p>Infrastructure objectives</p> <ul style="list-style-type: none"> To ensure development is provided with appropriate utility services and infrastructure. To ensure development does not unreasonably overload the capacity of utility services and infrastructure. <p style="text-align: right;">Standard B4</p>	<p>Complies</p> <p>No significant increased demand on services is expected as a result of the provision of 2 dwellings on the site.</p>
<p>Integration with the street objective</p> <ul style="list-style-type: none"> To integrate the layout of development with the street. <p style="text-align: right;">Standard B5</p>	<p>Does not comply</p> <p>The dwelling frontages are partially activated through the placement of large window openings, however, the recessed side entries (setback 4.9m from the front walls) would represent a poor design outcome due to their poor readability from the street and increased requirement for hard-standing through the need for pedestrian access (footpaths). The proposal is not considered to appropriately integrate with the street and is not supported in this regard.</p>

Clause 55.03 (Site Layout and Building Massing)	
<p>Street setback objective</p> <ul style="list-style-type: none"> To ensure that the setbacks of buildings from a street respect the existing or preferred neighbourhood character and make efficient use of the site. <p style="text-align: right;">Standard B6</p>	<p>Complies</p> <p>Both dwellings are provided with 9m front setbacks that comply with the setback requirements of the Standard.</p>
<p>Building height objective</p> <ul style="list-style-type: none"> To ensure that the height of buildings respects the existing or preferred neighbourhood character. <p style="text-align: right;">Standard B7</p>	<p>Complies</p> <p>No part of the development exceeds the permissible height of 9 metres.</p>
<p>Site coverage objective</p> <ul style="list-style-type: none"> To ensure that the site coverage respects the existing or preferred neighbourhood character and responds to the features of the site. <p style="text-align: right;">Standard B8</p>	<p>Complies</p> <p>Site coverage is 43.62% and therefore below the permissible 60%.</p>
<p>Permeability and stormwater management objectives</p> <ul style="list-style-type: none"> To reduce the impact of increased stormwater run-off on the drainage system. To facilitate on-site stormwater infiltration. To encourage stormwater management that maximises the retention and reuse of water. <p style="text-align: right;">Standard B9</p>	<p>Complies</p> <p>Permeability exceeds the minimum requirement of 20% and is compliant</p>
<p>Energy efficiency objectives</p> <ul style="list-style-type: none"> To achieve and protect energy efficient dwellings and residential buildings. To ensure the orientation and layout of development reduce fossil fuel energy use and make appropriate use of daylight and solar energy. <p style="text-align: right;">Standard B10</p>	<p>Complies</p> <p>Solar accessibility to all dwellings is sufficient with north facing windows provided to habitable rooms wherever possible and SPOS areas (decks and balconies) retaining sufficient solar access.</p> <p>4000L rainwater tanks are provided beneath the rear decks of each dwelling.</p> <p>The BESS report supplied indicates a Best Practice score of 70%, with passes in all relevant areas.</p> <p>It is noted that the ESD credentials of the proposed development have been assessed as 'exemplary' by Council's ESD officer.</p>
<p>Open space objective</p> <ul style="list-style-type: none"> To integrate the layout of development with any public and communal open space provided in or adjacent to the development. <p style="text-align: right;">Standard B11</p>	<p>N/A</p>
<p>Safety objective</p> <ul style="list-style-type: none"> To ensure the layout of development provides for the safety and security of residents and property. <p style="text-align: right;">Standard B12</p>	<p>Complies</p> <p>The proposal generally provides for the safety of future residents.</p> <p>The front entries, whilst recessed along the sides of the dwellings are clearly defined by pergola style entry structures, clearly defined footpaths and landscaping treatment visible from Fernside Avenue.</p> <p>Habitable rooms have a view to the street and common vehicle access providing passive surveillance of public and common areas.</p>
<p>Landscaping objectives</p>	<p>Does not Comply</p>

<ul style="list-style-type: none"> To encourage development that respects the landscape character of the neighbourhood. To encourage development that maintains and enhances habitat for plants and animals in locations of habitat importance. To provide appropriate landscaping. To encourage the retention of mature vegetation on the site. <p style="text-align: right;">Standard B13</p>	<p>Excessive hard surfacing to the front of the site to access the front garages resulting in reduced opportunities for landscaping.</p> <p>Insufficient space to accommodate appropriate landscaping around and between dwellings to maintain and enhance the 'bush garden' landscape character of the neighbourhood.</p> <p>The objective of the standard is therefore not considered to be met.</p> <p>A detailed landscape response that accords with the BGE requirements (at Clause 22.02 of the Banyule Planning Scheme) and considers Banyule's Tree Planting Guidelines is required, should a permit proceed.</p>
<p>Access objectives</p> <ul style="list-style-type: none"> To ensure the number and design of vehicle crossovers respects the neighbourhood character. <p style="text-align: right;">Standard B14</p>	<p>Does not comply with the objective</p> <p>In accordance with the technical requirements of the Standard, no more than one single-width crossover would be provided for each dwelling fronting the street and the location of the crossovers would not result in the loss of any on-street car parking spaces. Further, the width of the accessway does not exceed 40% of the street frontage (that is less than 20m).</p> <p>Notwithstanding these technical compliances, the new double crossover is not considered to accord with Council's <i>'Vehicle Crossing Policy'</i> and therefore falls short of satisfying the objective of the Standard <i>'to ensure the number and design of vehicle crossovers respects the neighbourhood character.'</i></p> <p>Standard traffic conditions are required if a permit were to issue.</p>
<p>Parking location objectives</p> <ul style="list-style-type: none"> To provide convenient parking for resident and visitor vehicles. To protect residents from vehicular noise within developments. <p style="text-align: right;">Standard B15</p>	<p>Complies</p> <p>The proposed integral parking arrangement is secure, ventilated and provides convenient internal access to each dwelling.</p>

Clause 55.04 (Amenity Impacts)

<p>Side and rear setbacks objective</p> <ul style="list-style-type: none"> To ensure that the height and setback of a building from a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings. <p style="text-align: right;">Standard B17</p>	<p>Complies</p> <p>Proposed side and rear setbacks comply with the setback requirements of the Standard.</p>
<p>Walls on boundaries objective</p> <ul style="list-style-type: none"> To ensure that the location, length and height of a wall on a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings. <p style="text-align: right;">Standard B18</p>	<p>N/A</p> <p>No walls on boundaries are proposed.</p>
<p>Daylight to existing windows objective</p> <ul style="list-style-type: none"> To allow adequate daylight into existing habitable room windows. 	<p>Complies</p> <p>The proposal is sufficiently set back from property boundaries to ensure daylight to existing windows is maintained.</p>

Standard B19	
<p>North-facing windows objective</p> <ul style="list-style-type: none"> To allow adequate solar access to existing north-facing habitable room windows. <p style="text-align: right;">Standard B20</p>	<p>Complies</p> <p>No north-facing windows on adjoining properties are affected.</p>
<p>Overshadowing open space objective</p> <ul style="list-style-type: none"> To ensure buildings do not significantly overshadow existing secluded private open space. <p style="text-align: right;">Standard B21</p>	<p>Compliance yet to be demonstrated</p> <p>The submitted shadow diagrams are incorrect as they show the shadows cast to the north instead of to the south. In order to achieve compliance with the Standard, shadow diagrams are required to be submitted demonstrating that at least 75%/40m² of adjoining dwellings secluded private open space receives at least five hours of sunlight between 9am and 3pm on 22 September.</p> <p>Overshadowing impacts to adjoining sites have not been sufficiently demonstrated and the proposal is not supported in this regard.</p> <p>Accordingly, a condition should be included on any permit that issues, requiring corrected shadow diagrams that clearly demonstrate compliance with the Standard.</p>
<p>Overlooking objective</p> <ul style="list-style-type: none"> To limit views into existing secluded private open space and habitable room windows. <p style="text-align: right;">Standard B22</p>	<p>Conditions Required</p> <p>There is the potential for overlooking from ground and first floor windows and the rear decking areas (north) into the adjoining properties to the east and west. It is recommended that conditions be included on any permit that may proceed requiring all windows and decking areas to demonstrate compliance with Standard B22.</p>
<p>Internal views objective</p> <ul style="list-style-type: none"> To limit views into the secluded private open space and habitable room windows of dwellings and residential buildings within a development. <p style="text-align: right;">Standard B23</p>	<p>Complies</p> <p>There are no windows with the potential to cause internal overlooking.</p>
<p>Noise impacts objectives</p> <ul style="list-style-type: none"> To contain noise sources in developments that may affect existing dwellings. To protect residents from external noise. <p style="text-align: right;">Standard B24</p>	<p>Complies</p> <p>The development would not generate any noise above that typically expected from a residential building</p>

Clause 55.05 (On-site Amenity and Facilities)

<p>Accessibility objective</p> <ul style="list-style-type: none"> To encourage the consideration of the needs of people with limited mobility in the design of developments. <p style="text-align: right;">Standard B25</p>	<p>Complies</p> <p>The dwellings are accessible for people with limited mobility through the garages at ground floor level. The development could be retrofitted to accommodate additional limited mobility needs in the future, if required.</p>
<p>Dwelling entry objective</p> <ul style="list-style-type: none"> To provide each dwelling or residential building with its own sense of identity. <p style="text-align: right;">Standard B26</p>	<p>Does not comply</p> <p>The recessed side entries (setback 4.9m from the front walls) are not easily read when viewed from the street and would not sufficiently provide each dwelling with its own sense of identity within the streetscape.</p>

<p>Daylight to new windows objective</p> <ul style="list-style-type: none"> To allow adequate daylight into new habitable room windows. <p style="text-align: right;">Standard B27</p>	<p>Does not comply with the objective</p> <p>All habitable rooms are provided with an outdoor space clear to the sky or a light court with a minimum area of 3 square metres and minimum dimension of 1 metre clear to the sky. However, the duplex (side by side) dwelling arrangement would require excessive screening, highlight windows and / or obscure glazing of windows to limit overlooking potential, due to their proximity to boundaries.</p> <p>This would impact the internal amenity of future occupants and is not considered to meet the objective of the Standard 'to allow adequate daylight into new habitable room windows.'</p>
<p>Private open space objective</p> <ul style="list-style-type: none"> To provide adequate private open space for the reasonable recreation and service needs of residents. <p style="text-align: right;">Standard B28</p>	<p>Complies</p> <p>Minimum: 40m² private open space, including 25m² secluded private open space (SPOS)</p> <p>Both dwellings incorporate compliant SPOS areas to the sides and rear of the dwellings that are directly accessible from habitable spaces.</p>
<p>Solar access to open space objective</p> <ul style="list-style-type: none"> To allow solar access into the secluded private open space of new dwellings and residential buildings. <p style="text-align: right;">Standard B29</p>	<p>Does not comply with the Objective</p> <p>The duplex (side by side) arrangement of the dwellings on this north / south oriented site limits northern solar access onto the primary rear ground floor decking areas at the south of each dwelling.</p> <p>Whilst the development is compliant with the technical requirements of the Standard, the proposed design is not considered to provide sufficient solar access to these important secluded private areas and therefore fails to demonstrate compliance with the stated objective.</p>
<p>Storage objective</p> <ul style="list-style-type: none"> To provide adequate storage facilities for each dwelling. <p style="text-align: right;">Standard B30</p>	<p>Complies</p> <p>6m³ storage areas are provided within the garages of both dwellings.</p>

Clause 55.06 (Detailed Design)

<p>Design detail objective</p> <ul style="list-style-type: none"> To encourage design detail that respects the existing or preferred neighbourhood character. <p style="text-align: right;">Standard B31</p>	<p>Does not comply</p> <p>The dwelling design fails to respect the existing or preferred neighbourhood character.</p> <p>Conditions requiring variation between dwelling facades and alterations to the upper floor window treatment (where fronting the street) is recommended, should a permit proceed.</p>
<p>Front fences objective</p> <ul style="list-style-type: none"> To encourage front fence design that respects the existing or preferred neighbourhood character. <p style="text-align: right;">Standard B32</p>	<p>N/A</p> <p>No front fence is proposed</p>

<p>Common property objectives</p> <ul style="list-style-type: none"> To ensure that communal open space, car parking, access areas and site facilities are practical, attractive and easily maintained. To avoid future management difficulties in areas of common ownership. <p style="text-align: right;">Standard B33</p>	<p>Complies</p>
<p>Site services objectives</p> <ul style="list-style-type: none"> To ensure that site services can be installed and easily maintained. To ensure that site facilities are accessible, adequate and attractive. <p style="text-align: right;">Standard B34</p>	<p>Conditions Required</p> <p>Should a permit proceed, it is recommended that conditions be added identifying the location of relevant services including air conditioning, gas, electrical and water meters, mailboxes, hot water units, etc.</p> <p>Services should be adequately screened from the public realm.</p>

Received
18/11/21



PROPOSED DEVELOPMENT

Project:
Proposed Town Planning Application
30 Fernside Avenue, Briar Hill

Stage:
Town Planning Application RFI Reply

Client:
Ron & Ruth Brown

Municipality:
City of Banule

Layout No:	Layout Name	Rev	Description	Date
1	COVER PAGE	RFI	COVER PAGE DETAILS OF PROPERTY	31/10/2021
2	NEIGHBOURHOOD ANALYSES	RFI	SURVEY OF NEIGHBOURING PROPERTIES	31/10/2021
3	TOWN PLANNING AREA ANALYSES	RFI	TOWN PLANNING AREA ANALYSES	31/10/2021
4	SITE PLAN EXISTING & DEMOLITION ITEMS	RFI	SITE PLAN SHOWING PRE AND AFTER DEMOLITION	31/10/2021
5	NEIGHBOURHOOD CHARACTER ELEVATIONS PROP.	RFI	ELEVATION AND PHOTOS OF NEIGHBOURING PROPERTIES	31/10/2021
6	GROUND FLOOR SITE PLAN	RFI	PROPOSED GROUND FLOOR PLAN WITH SURVEY	29/11/2021
7	GROUND FLOOR PLAN	RFI	GROUND FLOOR PLAN	29/11/2021
8	FIRST FLOOR PLAN SITE PLAN	RFI	PROPOSED FIRST FLOOR PLAN WITH SURVEY	31/10/2021
9	FLOOR PLANS	RFI	PROPOSED GROUND FLOOR PLAN	31/10/2021
10	ELEVATIONS	RFI	PROPOSED FIRST GROUND FLOOR PLAN	31/10/2021
11	OVERSHADOWING DIAGRAMS	RFI	PROPOSED OVERSHADOWING DIAGRAMS	31/10/2021
12	CLOUR SELECTIONS	RFI	CLOUR SELECTIONS	31/10/2021
13	LANDSCAPE PLAN	RFI	PROPOSED LANDSCAPE PLAN	28/11/2021
14	STORM REPORT AND AREAS	RFI	PROPOSED STORM REPORT AND AREAS	31/10/2021
15	ESD REPORT NOTES	RFI	ESD REPORT NOTES	31/10/2021



EXISTING DWELLING

COVER PAGE



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30 Fernside Avenue Town House Project
CLIENT: Ron & Ruth Brown
30 Fernside Avenue
Briar Hill 3088.

REVISIONS

No.	Description



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ADVERTISED PLAN
Application No. P1972/2021

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Ron & Ruth Brown
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DRAWN: J. HANCOCK 02/21
REF. NO.: 18477
PAGE NO.: 2-15
DATE: November 9 2021
SCALE: 1:1
DRAWING NO.: Town Planning Application RFI Reply



Heading	Area Analysis	TP Present	Proposed Area Covered with Buildings	TP Present
Area of Land Total before Sub Division	991		388.62	
Unit 1	S.P.O.S.	248.57	18.48%	Impermeable Surfaces Paving
	Private Open Space Total	225.13	22.71%	Building Area
	S.P.O.S.	146.38	14.48%	Garden Area
Unit 2	S.P.O.S.	146.38	14.48%	Permeable Area
	Private Open Space Total	223.05	22.51%	

AREA ANALYSES OCTOBER 30 2021

Building Area
 Garden Area
 Permeability Area
 Lot Area
 POS Area Unit 1
 POS Area Unit 2
 SPOS Area Unit 1
 SPOS Area Unit 2

Permeable Paving Area

Application No. P972/2021
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 Niddrie Vic. 3042
 Ph 0416 368 878

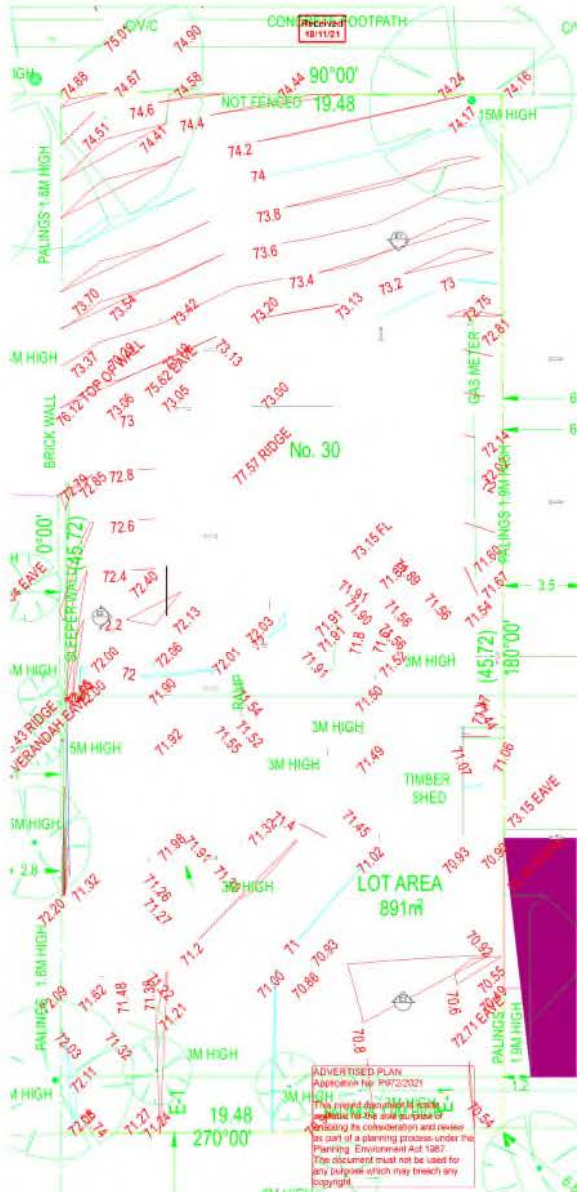
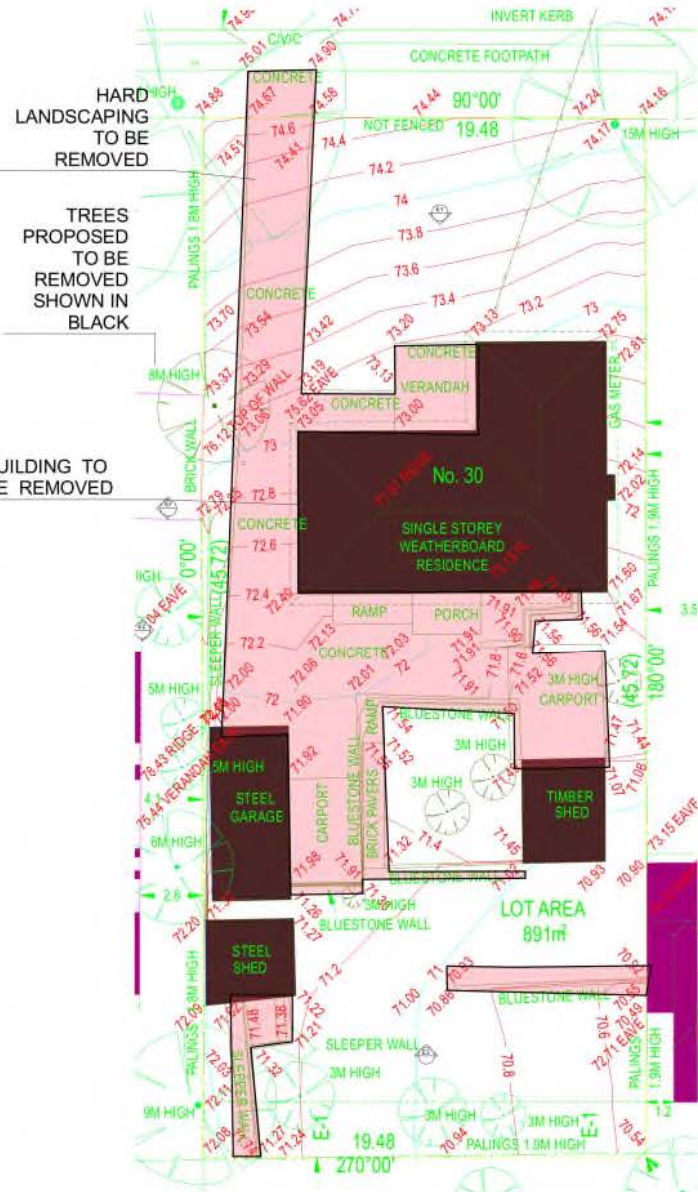
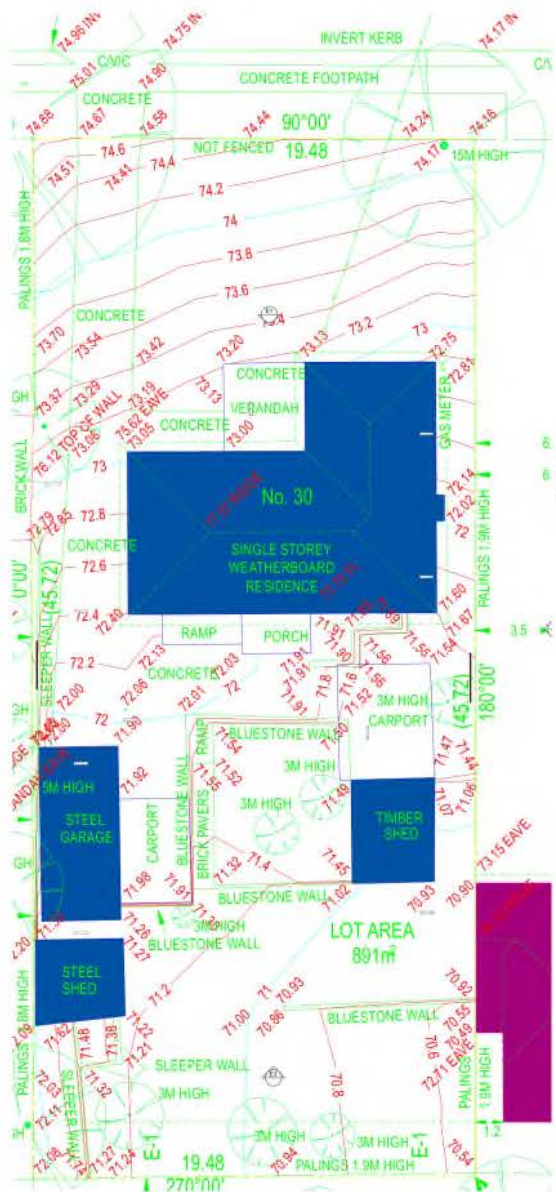
CLIENT: 30 Fernside Avenue Town House Project
 Ron & Ruth Brown
 30 Fernside Avenue
 Briar Hill 3088.

REVISIONS



DRAWING NO: A1

PAGE NO: 3-15
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30 Farnside Avenue Town House Project
 CLIENT: Ron & Ruth Brown
 30 Farnside Avenue
 Briar Hill 3086.

REVISIONS

NO.	DESCRIPTION	DATE



DATE REVISION: **A1**

PAGE NO: 4-15
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PROPOSED NEIGHBOURHOOD

Received
18/11/21



Photo OF No. 32 & 32 A



SUBJECT SITE PROPOSED RENDER



PHOTO 28 TO 24



PHOTO OF 28 TO 24



EXISTING NEIGHBOURHOOD

32 & 32 A

SUBJECT SITE

28 TO 24



Photo OF No. 32 & 32 A



SUBJECT SITE EXISTING PHOTO



PHOTO 28 TO 24



PHOTO OF 28 TO 24



PHOTO OF 35



PHOTO OF 33



PHOTO OF 31



PHOTO OF 29

Smart SIPs Pty Ltd
2021
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NEIGHBOURHOOD CHARACTER ELEVATIONS PROPOSED



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30 Fernside Avenue Town House Project
CLIENT: Ron & Ruth Brown
30 Fernside Avenue
Biar Hill 3008.

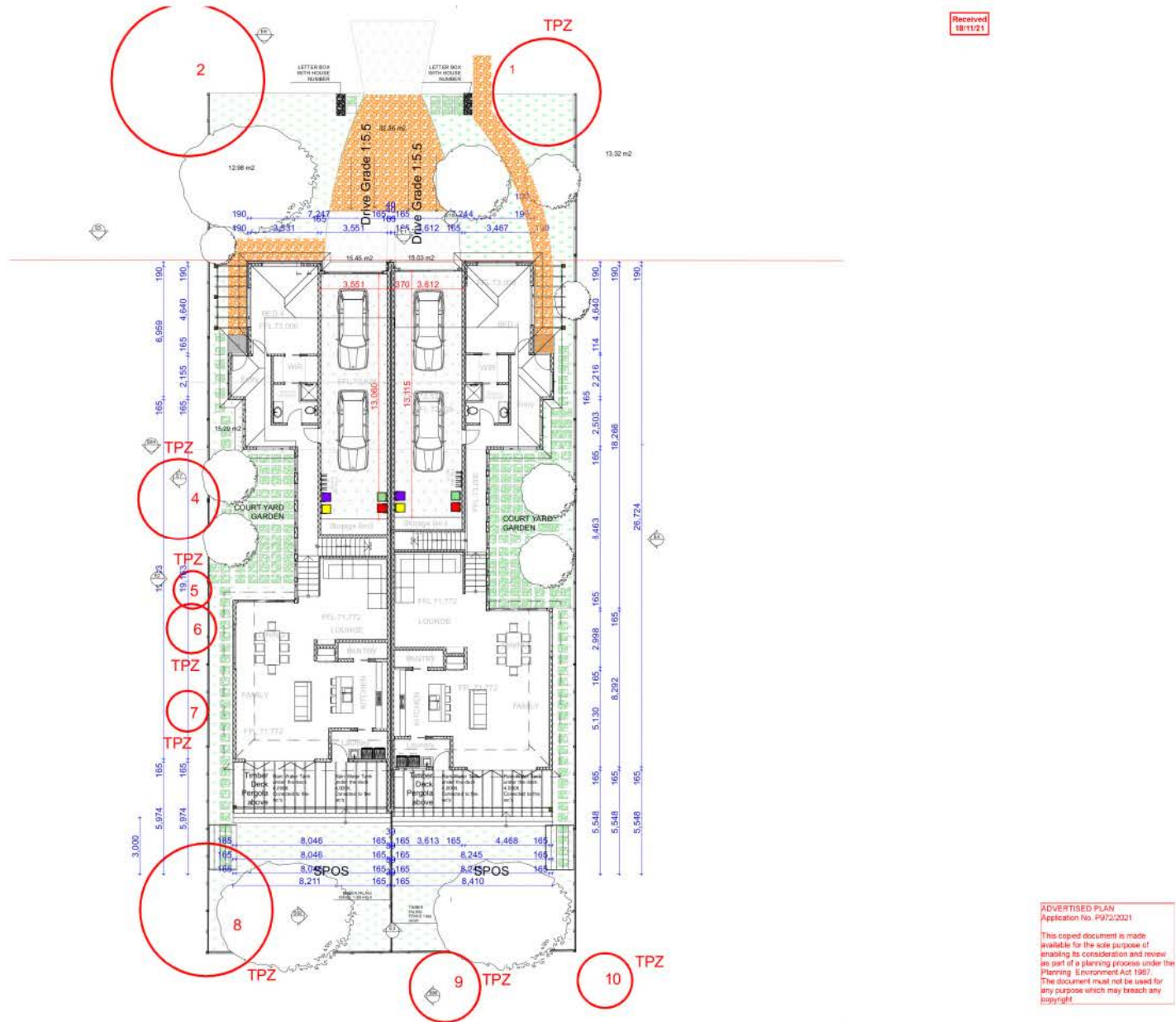
REVISIONS

NO.	DESCRIPTION



PAGE NUMBER: A1

PAGE NO: 5-15
DATE: November 9 2021
SCALE: 1:10, 1:3.33, 1:100
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CLIENT: Ron & Ruth Brown
30 Fernside Avenue
Briar Hill 3088.

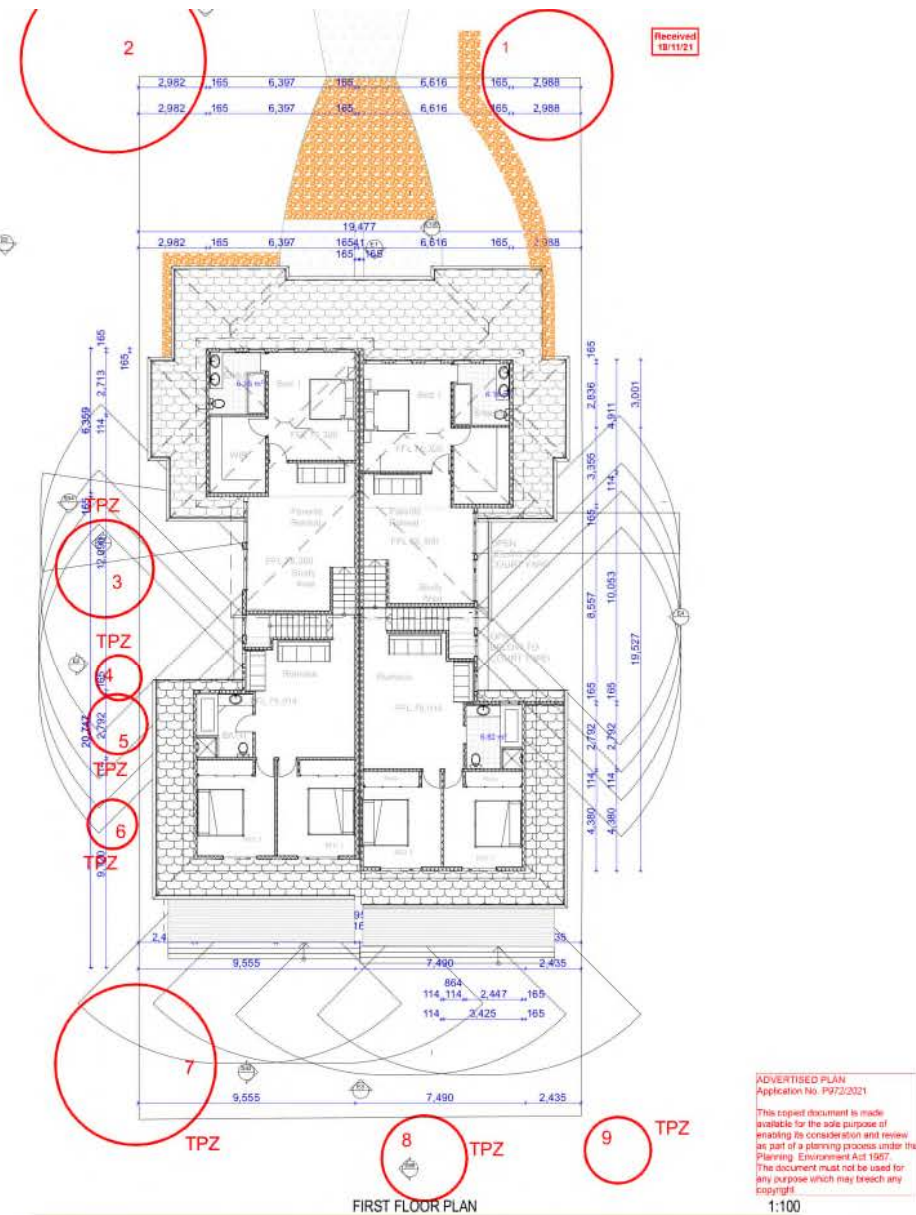
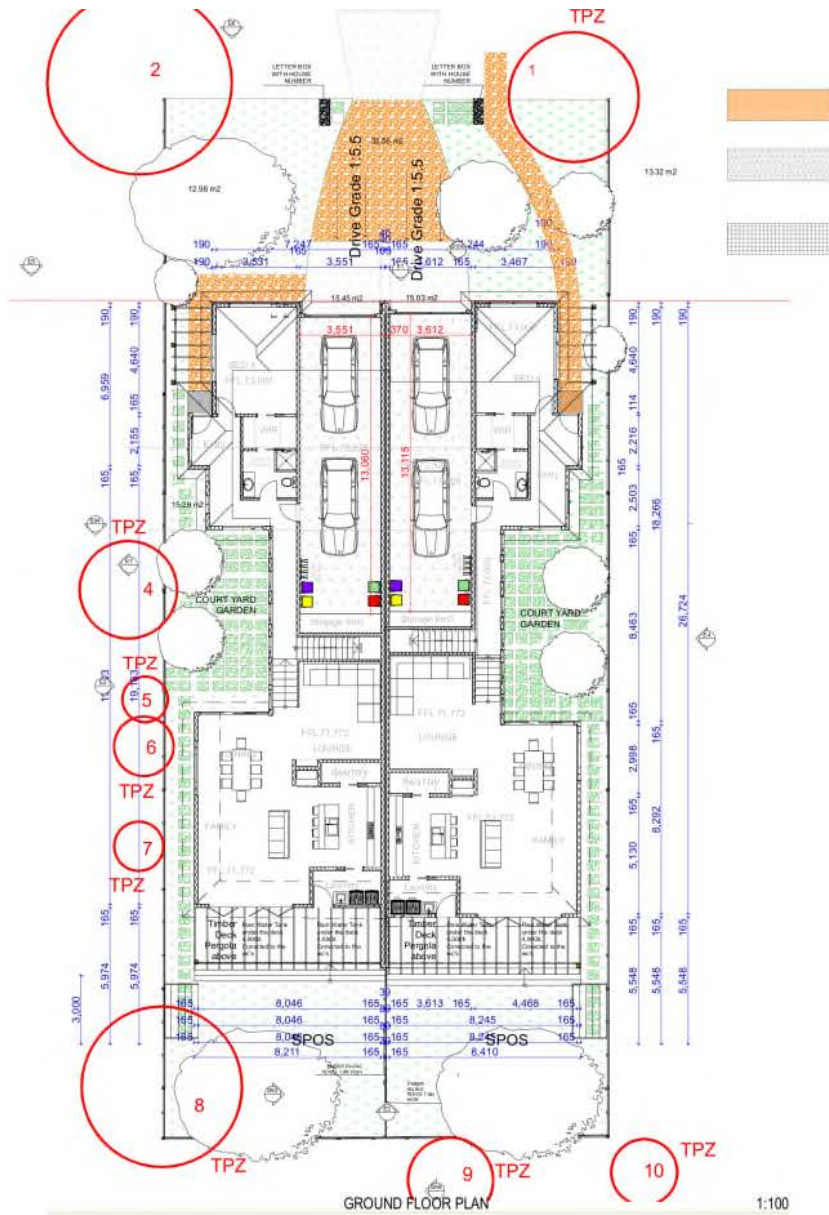
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DATE: November 9 2021
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FLOOR PLANS



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30 Fernside Avenue Town House Project
CLIENT: Ron & Ruth Brown
30 Fernside Avenue
Briar Hill 3086.

REVISIONS

NO.	DESCRIPTION



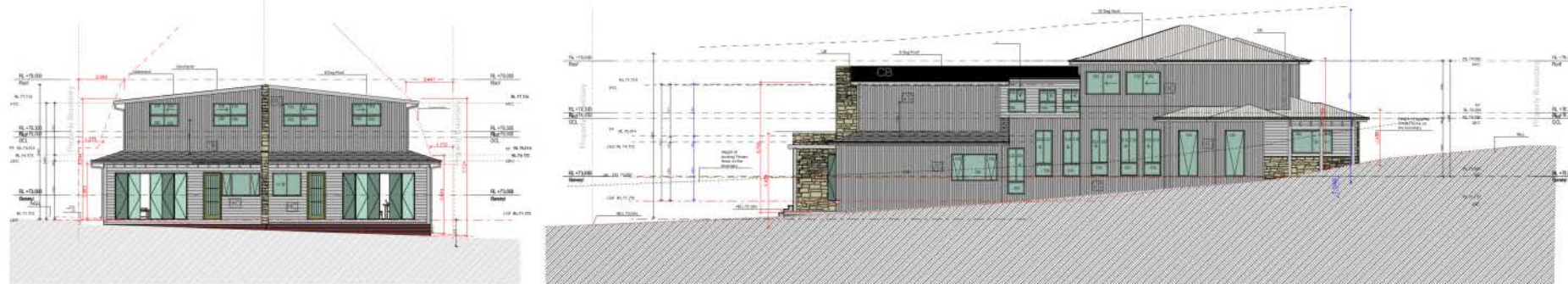
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Note: All obscure glazing to windows to be 1.7m above the floor level



Note: All obscure glazing to windows to be 1.7m above the floor level

MATERIALS LEGEND	
ITEM	SYMBOL
Exterior Cladding Vertical	CV
Exterior Cladding Horizontal	CH
Stone Work	SB
Roof Covering 18 Deg	TR
Roof Covering 6 Deg	CB
Fascia & Gutter	CB
Windows	PC

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ELEVATIONS



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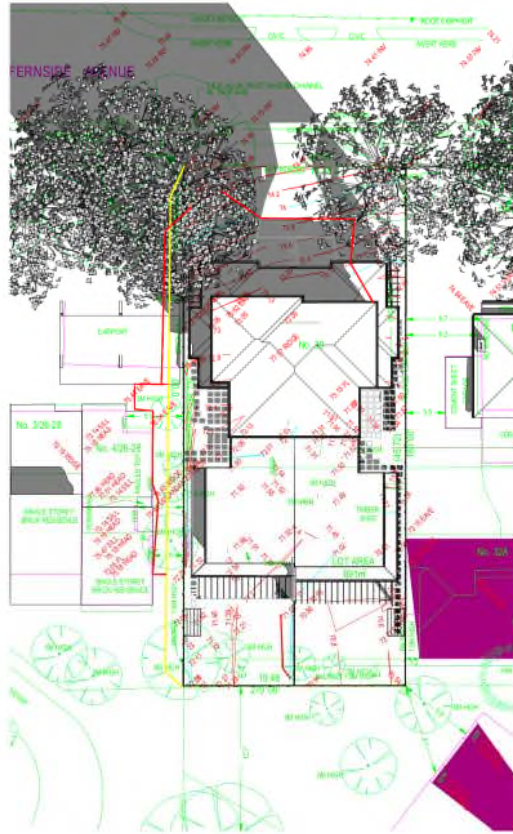
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DATE: November 9 2021

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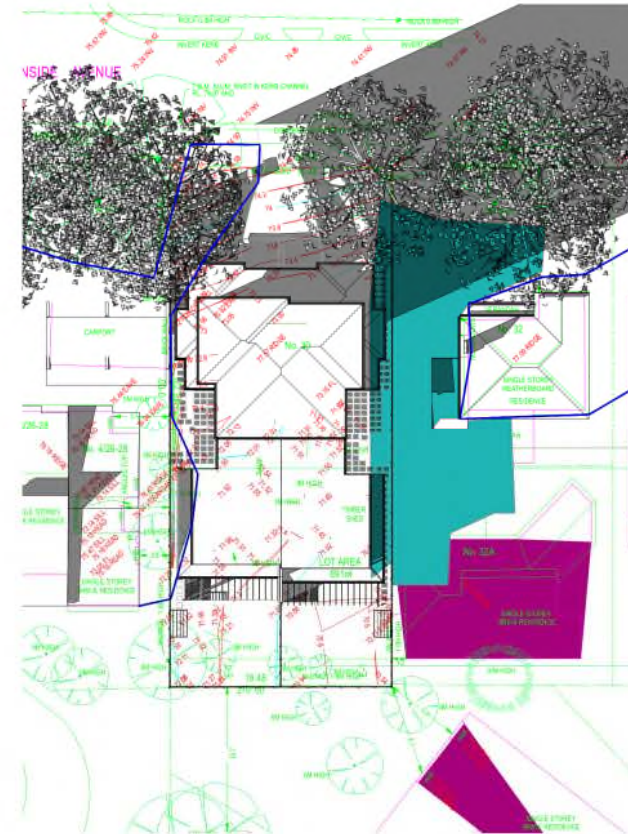
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SEPTEMBER 22 9 AM 1:200



SEPTEMBER 22 12 NOON



SEPTEMBER 22 3 PM 1:200

- Existing Shadow
- Existing Shadow from Fence
- New Shadow Cast
- New Shadow Cast over POS

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OVERSHADOWING DIAGRAMS



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Ron & Ruth Brown
30 Fernside Avenue
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NO.	DESCRIPTION	DATE



size refer size
A1

PAGE NO: 11-15
DATE: November 9 2021
SCALE: 1:200
DRAWING NO: Town Planning Application RFI Reply

Sustainable Design Assessment - 30 Fernside Avenue, Brier Hill VIC 3088

Stormwater

Objectives

- To reduce the impact of stormwater run-off.
- To improve the water quality of the water run off.
- To achieve best practice stormwater quality outcomes.
- To incorporate the use of water sensitive urban design, including storm water re-use.

Initiations

- A Stormwater Treatment Objective Relative Mass (STORM) calculator was used to produce a 105% outcome.
 - A minimum 32.5m² of the driveway will be permeable.
 - Unit 1 will require:
 - 2 x 4000 litre water tanks connected to 280m² of roof space.
 - Unit 2 will require:
 - 2 x 4000 litre water tanks connected to 280m² of roof space.
 - Each unit is connected to 2 x 4000 litre rainwater tank, which will be connected to the toilets and laundry.

*Note: The storm calculator does not have an option for laundry connection, therefore an extra tributary is added to represent the laundry connection to each unit.

Indicative Stormwater Treatment Plan



Note: Plan is indicative only and final locations of treatment systems and roof catchment area is subject to civil engineering.

Sustainable Design Assessment - 30 Fernside Avenue, Brier Hill VIC 3088

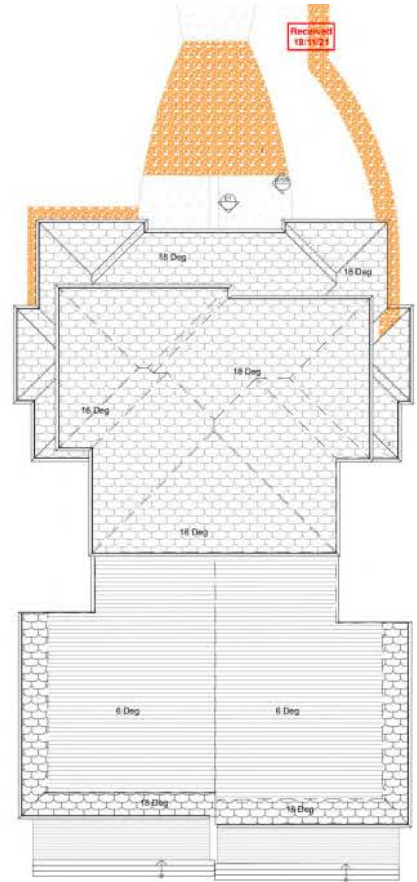
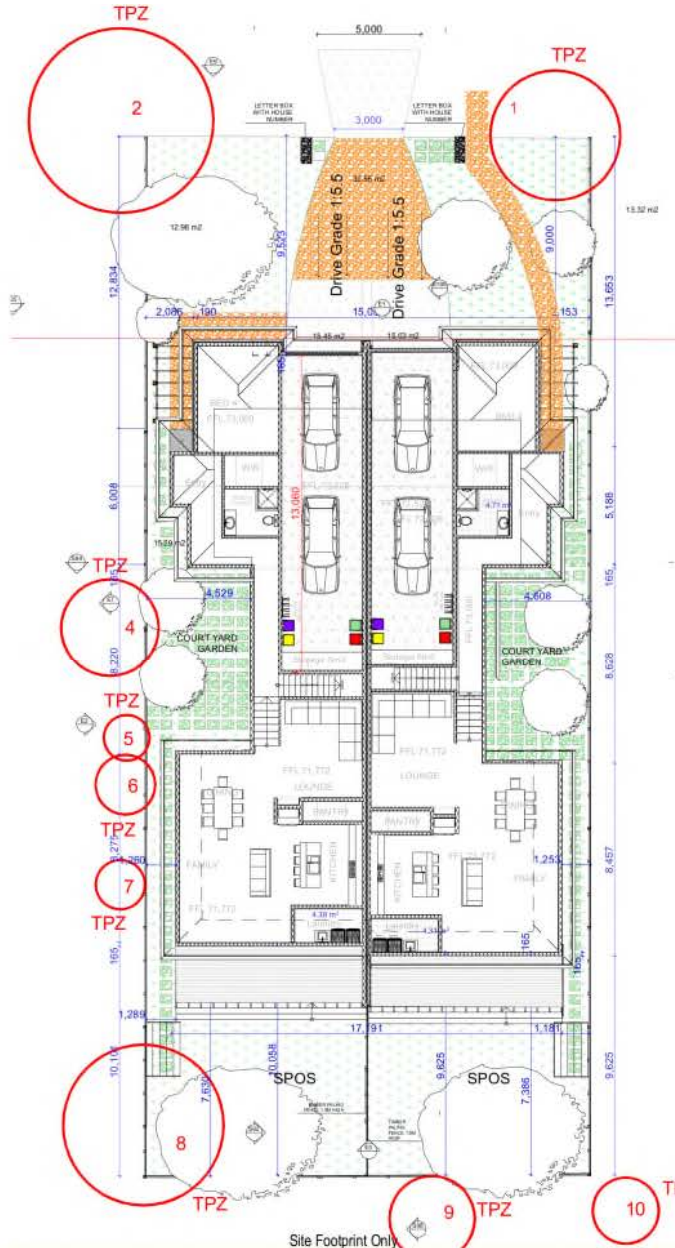
Stormwater Site Management Initiatives



8 Site Rules to Keep the Stormwater Clean:

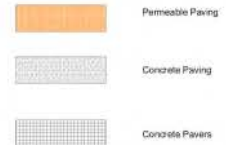
1. Check council requirements and plan before you start work on site.
2. Stop erosion onsite and contain sediments.
3. Protect stockpiles.
4. Keep mud off road and on site.
5. Keep litter contained on site.
6. Clean and wash up on site.

The methods and processes specified in "Keeping our Stormwater Clean - A Builder's Guide, Melbourne Water" will be adhered to by the builder/developer for managing the construction site.



TP Roof Area

NOTE: PROVIDE AN ADDITIONAL 500LT WATER STORAGE HEADER TANK IN EACH HOME



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STORM REPORT AND AREAS



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CLIENT: 30 Fernside Avenue Town House Project
Ron & Ruth Brown
30 Fernside Avenue
Brier Hill 3088.

NEIGHBOR:	



PAGE NO: 14-15
DATE: November 9 2021
SCALE: 1:100, 1:105.52, 1:168.87, 1:1
DRAWING NO: Town Planning Application RFI Reply



Job Details		
Date:	29 th June 2021	
Project:	Sustainable Design Assessment for Dual Occupancy	
Client:	Ron & Ruth Brown	
Address:	30 Fernside Avenue, Briar Hill VIC 3088	
Planning No:	TBC	
Assessor:	Rob Iacono	
Job No:	210506	

Revision		
A:	18 th June 2021	Preliminary SDA Report
B:	29 th June 2021	SDA Report

www.passiveenergy.com.au | info@passiveenergy.com.au | 020 8708 9239
Suite 80, Level 2, 1040, 1341 Sanderson Road, Chadstone VIC 3148

Sustainable Design Assessment – 30 Fernside Avenue, Briar Hill VIC 3088

Introduction
The Subject site is located at 30 Fernside Avenue, Briar Hill. The plans prepared by Smart SIPs propose 2 double storey units. The site has a total area of 897m² and is orientated north to south and has minimal wall on boundary construction. The driveways are proposed to the north of the development.

The following report is to be read in conjunction with the following documents:

- BESS assessment
- 6 Star energy ratings
- SDMV assessment
- Walk score

BESS Assessment (Project number: 765246DD)
The BESS (Built Environment Sustainability Scorecard) V3, 1.7 was used to assess

- Water
- Energy
- Stormwater
- Indoor Environment Quality (IEQ)
- Transport
- Waste
- Urban Ecology &
- Innovation

Following is a list of initiatives inputted into the scorecard to achieve a best practice score of 70%.



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Sustainable Design Assessment – 30 Fernside Avenue, Briar Hill VIC 3088



Water requirements

Objectives

- To improve water efficiency
- To reduce total operating potable water use.
- To encourage the collection and reuse of stormwater.
- To encourage the appropriate use of alternative water sources (eg. Grey water)

Initiatives

- 2 x 4000L water tank connected to each unit roof area.
- Rainwater tanks connected to toilet flushing and laundry.
- A grey water system will be installed and provide irrigation to landscaping and vegetation.
- Water efficient landscaping. A landscape plan prepared by a suitable landscape architect to nominate water efficient vegetation throughout the development.
- For outdoor water restrictions, plants, shrubs and lawn which require low amounts of water (drought resistant) should be chosen. Native plants will be selected as they use less water and are more resistant to local plant diseases. Plant slopes with plants that will retain water and help reduce runoff.
- Group plants according to their watering needs.
- Mulch will slow evaporation of moisture while discouraging weed growth. Adding 2-4 inches of organic material such as compost or bark mulch will increase the ability of the soil to retain moisture.
- Shower heads to be 4 Star (WELS rating) $4.5L/min$ but $\le 6.0L/min$.
- Kitchen taps to be 6 Star WELS rating.
- Bathroom taps to be 6 Star WELS rating.
- Dishwashers to be 6 Star WELS rating.
- Toilets to be 5 Star WELS rating.

Energy

Objectives

- To improve the efficient use of energy, by ensuring development demonstrates design potential for ESD initiatives.

Initiatives

- Each dwelling will achieve a minimum 8 star energy rating.
- Internal lighting will achieve a maximum 4watts/m².
- LED lighting fixtures will be considered for alternatives to fluorescent fittings to reduce energy consumption.
- External lighting will be controlled by motion sensors.
- Nonrated heating and cooling systems will be at least a 6 star rating.
- Nonrated electric heat pump hot water system to be at least a 6 star rating.
- Each unit will be provided with a minimum 5kW PV panel system.

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ESD Initiatives:
Water

High efficient water fixtures installed
Rainwater tank connected to toilet and laundry.
Grey water system connected to landscape and vegetation irrigation.
Water efficient landscaping installed.

Energy

A minimum 8 star energy rating to each unit.
Internal lighting to be 4w/m² throughout the dwelling.
External lighting to have motion sensors
High efficient heating, cooling and hot water systems.
5kW solar PV system to each unit.

Stormwater

A minimum 32.56m² of the driveway will be permeable.
Each unit connected to 2 x 4000L rainwater tank connected to toilet and laundry.

IEQ
All habitable rooms allow for cross ventilation.
Double glazing to all habitable spaces.
Skylights to have adjustable shading.
Low VOC materials to be used.

Transport

1 bike space to each unit.
Facility for EV charging for each unit.

Waste

A compost bin to be provided to each unit.

Urban Ecology

Green wall proposed to the courtyard.
A tap and floor waste to each courtyard.
A minimum 3m² of dedicated space for food production to each unit.
Native/indigenous plants will be used.
Light roofing and/or paving will be used to minimise UHI effect.

Innovation

Real time energy monitoring system to be installed to help improve occupant behaviour on electricity consumption.

Note : See attached ESD report for the full details

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30 Fernside Avenue Town House Project
CLIENT: Ron & Ruth Brown
30 Fernside Avenue
Briar Hill 3088.

REVISED:



FRAME SIZE

A1

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DATE: November 9 2021
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10/08/2022



Job Details

Date: 29th June 2021
 Project: Sustainable Design Assessment for Dual Occupancy
 Client: Ron & Ruth Brown
 Address: 30 Fernside Avenue, Briar Hill VIC 3088
 Planning No: TBC
 Assessor: Rob Iacono
 Job No: 210586

Revision

A: 16th June 2021 Preliminary SDA Report
 B: 29th June 2021 SDA Report

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Sustainable Design Assessment – 30 Fernside Avenue, Briar Hill VIC 3088

Received
10/08/2022

Introduction

The Subject site is located at 30 Fernside Avenue, Briar Hill. The plans prepared by Smart Sips proposes 2 double storey units. The site has a total area of 897m² and is orientated north to south and has minimal wall on boundary construction. The driveways are proposed to the north of the development.

The following report is to be read in conjunction with the following documents.

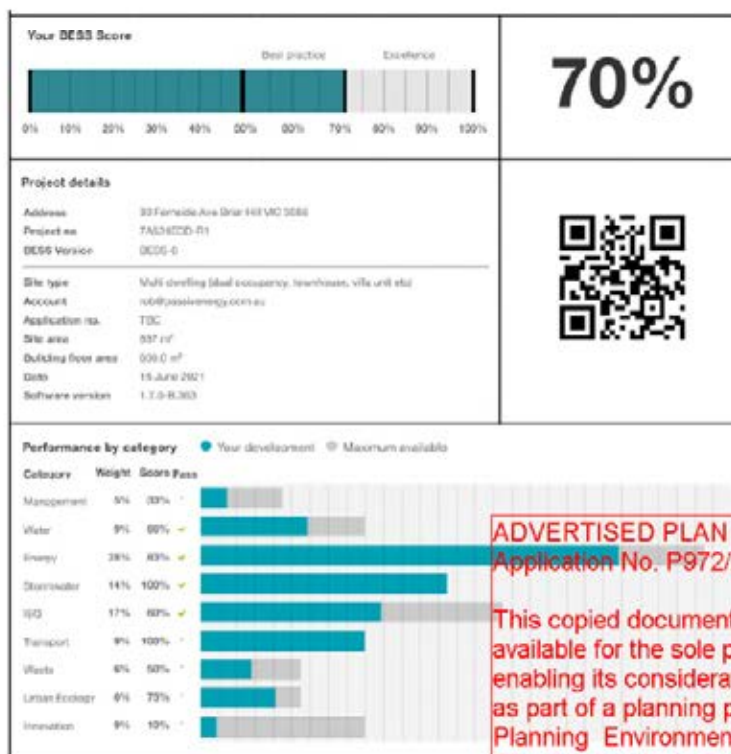
- BESS assessment
- 6 star energy ratings
- STORM assessment
- Walk score

BESS Assessment (Project number 7A524EDD)

The BESS (Built Environment Sustainable Scorecard) V3, 1.7 was used to assess

- Water
- Energy
- Stormwater
- Indoor Environment Quality (IEQ)
- Transport
- Waste
- Urban Ecology &
- Innovation

Following is a list of initiatives inputted into the scorecard to achieve a best practice score of 70%



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Sustainable Design Assessment – 30 Fernside Avenue, Briar Hill VIC 3088

Received
10/08/2021**Water requirements****Objectives**

- To improve water efficiency.
- To reduce total operating potable water use.
- To encourage the collection and reuse of stormwater.
- To encourage the appropriate use of alternative water sources (eg. Grey water)

Initiatives

- 2 x 4000L water tank connect to each unit roof area.
- Rainwater tanks connected to toilet flushing and laundry.
- A grey water system will be installed and provide irrigation to landscaping and vegetation.
- Water efficient landscaping. A landscape plan prepared by a suitable landscape architect to nominate water efficient vegetation throughout the development.
- For outdoor water reductions, plants, shrubs and lawn which require low amounts of water (drought-resistance) should be chosen. Native plants will be selected as they use less water and are more resistant to local plant diseases. Plant slopes with plants that will retain water and help reduce runoff.
- Group plants according to their watering needs.
- Mulch will slow evaporation of moisture while discouraging weed growth. Adding 2 - 4 inches of organic material such as compost or bark mulch will increase the ability of the soil to retain moisture.
- Shower heads to be 4 Star WELS rating (>4.5L/min but <= 6.0L/min).
- Kitchen taps to be 6 Star WELS rating.
- Bathroom taps to be 6 Star WELS rating.
- Dishwashers to be 6 Star WELS rating.
- Toilets to be 5 Star WELS rating.

Energy**Objectives**

- To improve the efficient use of energy, by ensuring development demonstrates design potential for ESD initiatives.

Initiatives

- Each dwelling will achieve a minimum 8 star energy rating.
- Internal lighting will achieve a maximum 4watts/m2.
- LED lighting fixtures will be considered for alternatives to fluorescent fittings to reduce energy consumption.
- External lighting will be controlled by motion sensors.
- Nominated heating and cooling systems will be at least a 6 star rating.
- Nominated electric heat pump hot water system to be at least a 6 star rating.
- Each unit will be provided with a minimum 5kW PV panel system.

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10/08/2022

Stormwater

Objectives

- To reduce the impact of stormwater run-off.
- To improve the water quality of the water run-off.
- To achieve best practice stormwater quality outcomes.
- To incorporate the use of water sensitive urban design, including storm water re-use.

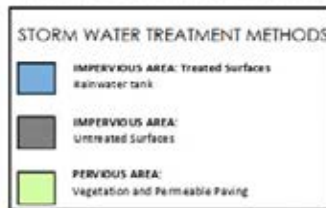
Initiatives

A Stormwater Treatment Objective- Relative Measure (STORM) calculator was used to produce a 105% outcome.

- A minimum 32.56m² of the driveway will be permeable.
- Unit 1 will require:
 - 2 x 4000 litre water tanks connected to 283m² of roof space.
- Unit 2 will require:
 - 2 x 4000 litre water tanks connected to 280m² of roof space.
- Each unit is connected to 2 x 4000 litre rainwater tank, which will be connected to the toilets and laundry.

**Note: The storm calculator does not have an option for laundry connection, therefore an extra bedroom is added to represent the laundry connection to each unit.*

Indicative Stormwater Treatment Plan

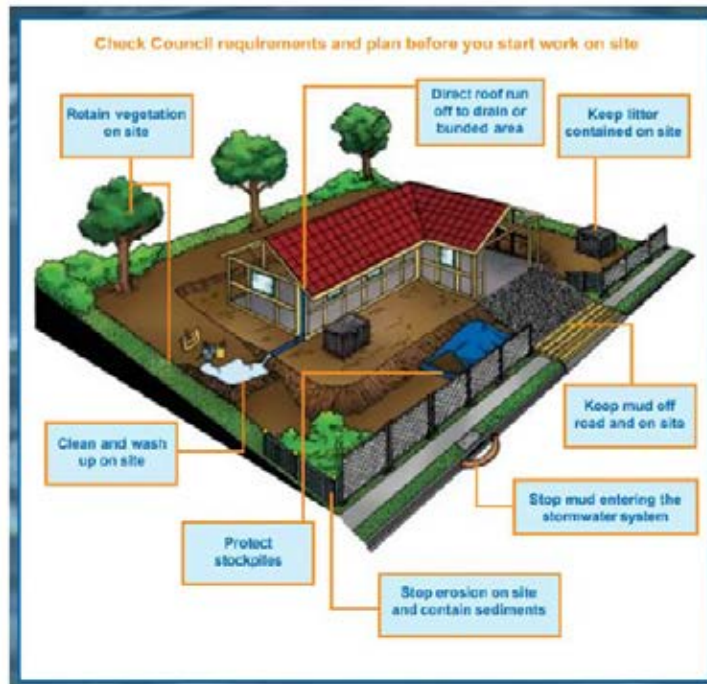


Note: Plan is indicative only and final locations of treatment systems and roof catchment areas is subject to civil engineering.

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Sustainable Design Assessment – 30 Fernside Avenue, Briar Hill VIC 3088

Received
10/08/2022**Stormwater Site Management Initiatives**Sourced from: *Keeping our Stormwater Clean – A Builder's Guide*, Melbourne Water.**6 Site Rules To Keep The Stormwater Clean:**

1. Check council requirements and plan before you start work on site.
2. Stop erosion onsite and contain sediments.
3. Protect stockpiles.
4. Keep mud off road and on site.
5. Keep litter contained on site.
6. Clean and wash up on site.

The methods and processes specified in "Keeping our Stormwater Clean – A Builder's Guide, developed by Melbourne Water will be adhered to by the builder/developer for managing the construction site.

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Sustainable Design Assessment – 30 Fernside Avenue, Briar Hill VIC 3088

Received
10/08/2022**Indoor Environment Quality (IEQ)****Objectives**

- To achieve a healthy indoor environment quality for the wellbeing of building occupants, including the provision of fresh air intake, cross ventilation, and natural daylight.
- To achieve thermal comfort levels with minimised need for mechanical heating, ventilation and cooling.
- To reduce indoor air pollutants by encouraging use of materials with low toxic chemicals.
- To reduce reliance on mechanical heating, ventilation, cooling and lighting systems.
- To minimise noise levels and noise transfer within and between buildings and associated external areas.

Initiatives

- All habitable rooms will allow for natural cross ventilation.
- Double glazed windows have been nominated to all living areas and bedrooms to assist with the thermal comfort.
- Skylights will have external adjustable shading.
- All carpets, internal paints and all finishes and flooring will be selected for their low VOC properties.
- Where artificial lighting is required, only sealed energy efficient LED light fixtures should be selected or CFL's for common areas like kitchens.

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10/08/2022

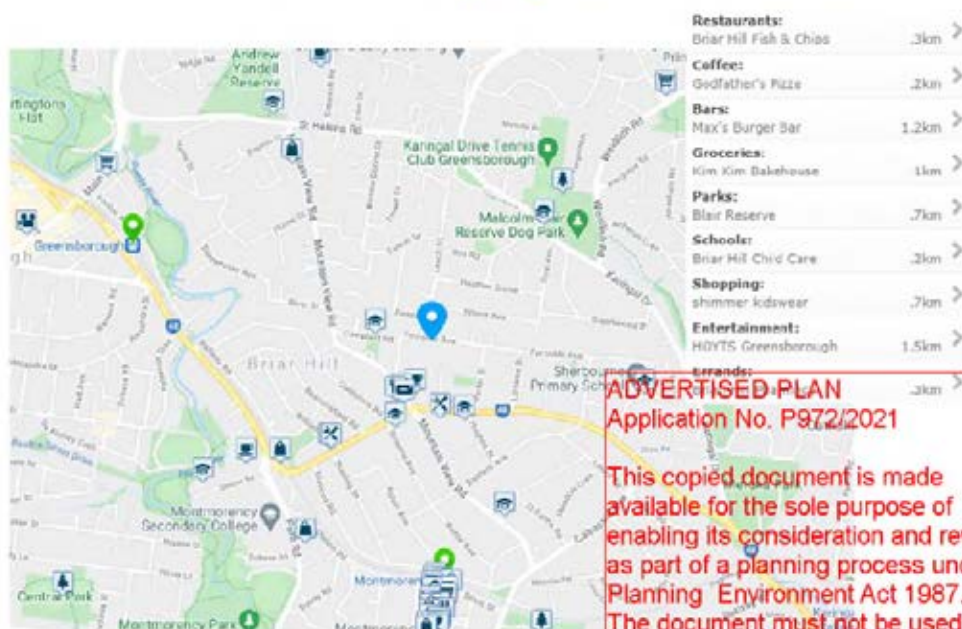
Transport

Objectives

- To ensure that the built environment is designed to promote the use of walking, cycling and public transport, in that order and to minimise car dependency.
- To promote the use of low emissions vehicle technologies and supporting infrastructure.
- The Walk Score is a number between 0 and 100 that measures the walkability of any address to shops, restaurant, parks, entertainment etc.

Initiatives

- There is 1 parking spot for bicycles per unit.
- Each unit will have facilities for EV charging.
- 30 Fernside Avenue has a Walk Score of 49 out of 100. This location is Car Dependant so most errands require a car.
- This location is in the Bellfield neighbourhood in Melbourne. Nearby parks include Blair Reserve, Petrie Park and Rattray Reserve.
- The site is situated 1.6km to Greensborough train station.



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Sustainable Design Assessment – 30 Fernside Avenue, Briar Hill VIC 3088

Received
10/08/2021**Waste management****Objectives**

- To promote waste avoidance, reuse and recycling during the design construction and operation stages of the development.
- To ensure durability and long term reusability of building materials.
- To ensure sufficient space is allocated for future change in waste management needs, including (where possible) composting and green waste facilities.

Initiatives

- A compost bin and storage will be provided to manage food and organic waste.
- The development is to recycle or reuse a minimum of 70% of construction demolition waste.
- Re-use of excavated material on-site and disposal of any excess to an approved site;
- Green waste mulched and re-used in landscaping either on-site or off-site;
- Bricks, tiles, concrete recycled off-site and plasterboard returned to supplier for recycling;
- Framing timber to be recycled elsewhere;
- Windows, doors, joinery, plumbing, fittings and metal elements recycled off-site;
- All asbestos, hazardous and/or intractable wastes are to be disposed of in accordance with Workcover Authority and EPA requirements;
- Locations of on-site storage facilities for material to be reused on-site, or separated for recycling off-site

Materials**Objectives**

- To reduce the environmental impact of materials by recycling of existing material or use of environmentally friendly materials and materials with low embodied energy.

Initiatives

- The development will use sustainable timber, where it meets the Australian Forestry Standard(AFS) or Forest Stewardship Council(FSC) standard and will use E1 or E0-grade engineered wood products.
- The development will use 20-35% supplementary cementitious materials(SCM) as a partial cement alternative, subject to the structural engineer's approval.
- Using recyclable and long lifecycle materials, such as steel, concrete and bricks.
- Materials proposed are local and readily available reducing embodied energy from transportation.
- Industry accepted benchmarks and/or third party certified low VOC and non-toxic products will be used for the development.

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Sustainable Design Assessment – 30 Fernside Avenue, Briar Hill VIC 3088

Received
10/08/2022**Urban ecology****Objectives**

- To protect and enhance biodiversity with the municipality
- To provide environmentally sustainable landscapes and natural habitats, and minimise the urban heat island effect.
- To encourage the retention of significant trees.
- To encourage the planting of indigenous vegetation,
- To encourage the provision of space for productive gardens, particularly in larger residential developments.

Initiatives

- A green wall will be installed in the courtyard of each unit.
- Each courtyard will be provided with a tap and floor waste.
- Each unit will be provided with a minimum 3m² of area dedicated to food production.
- The development will include native/indigenous plants.
- Landscape architect to prepare water efficient landscape design.
- Light roofing and/or paving will be used to minimise UHI effect.

Innovation**Objectives**

- To encourage design features and technologies that go well beyond the best practice standard in BESS.

Initiatives

- Each unit will be provided with a Watts Clever (<https://www.wattsclever.com.au/>) monitoring system, where occupants are able to monitor in real time, electricity usage and cost. This will help improve occupant behaviour on electricity consumption.

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Sustainable Design Assessment – 30 Fernside Avenue, Briar Hill VIC 3088

Received
10/08/2022**6 Star energy ratings**

- Energy ratings were modelled in First Rate 5 software version 5.3.1 (3.21)

	Heating	Cooling	Total	Rating
Unit 1	37.8MJ/m2	16.5MJ/m2	54.3MJ/m2	8.1 Stars
Unit 2	33.8MJ/m2	15.3MJ/m2	49.1MJ/m2	8.3 Stars

Preliminary Energy Rating Assumptions:

Insulation:	Value	
Floor	R6.2	R6.2 165mm SIPS Floor Panel
External Walls	R6.2	R6.2 165mm SIPS Wall Panel
Internal Walls	R6.2	R6.2 165mm SIPS Wall Panel
Roof	R8.2	R8.2 210mm SIPS Roof Panel
Glazing:	Type -	
	Aluminium framed double-glazed	
	Bi-Fold Door/Hinged Door/Awning U-Value: 1.7 SHGC: 0.54	
	Sliding Door/Fixed U-Value: 1.7 SHGC: 0.54	
	Location -	
	All proposed windows and glazed doors.	
Exhaust Fans:	Location – As per working drawings	
	Kitchen, ensuite, PWDR, laundry and bathroom.	
	Note: All exhaust fans to be installed with self closing dampers	
Weather Protection:	Note -	
	Weatherstrip draft protection device to be installed to the bottom of all external doors	

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BESS, 30 Fernside Ave Briar Hill 3088

BESS Report

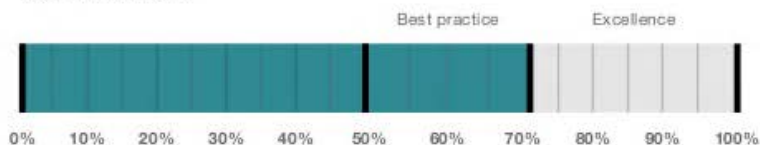
Built Environment Sustainability Scorecard



This BESS report outlines the sustainable design commitments of the proposed development at 30 Fernside Ave Briar Hill VIC 3088. The BESS report and accompanying documents and evidence are submitted in response to the requirement for a Sustainable Design Assessment or Sustainability Management Plan at Banyule City Council.

Note that where a Sustainability Management Plan is required, the BESS report must be accompanied by a report that further demonstrates the development's potential to achieve the relevant environmental performance outcomes and documents the means by which the performance outcomes can be achieved.

Your BESS Score



70%

Project details

Address	30 Fernside Ave Briar Hill VIC 3088
Project no	7A524EDD-R1
BESS Version	BESS-6
Site type	Multi dwelling (dual occupancy, townhouse, villa unit etc)
Account	rob@passivenergy.com.au
Application no.	TBC
Site area	897 m ²
Building floor area	606.0 m ²
Date	16 June 2021
Software version	1.7.0-B.363



Performance by category

● Your development ● Maximum available

Category	Weight	Score	Pass
Management	5%	33%	*
Water	9%	66%	✓
Energy	28%	83%	✓
Stormwater	14%	100%	✓
IEQ	17%	60%	✓
Transport	9%	100%	*
Waste	6%	50%	*
Urban Ecology	6%	75%	*
Innovation	9%	10%	*

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BESS, 30 Fernside Ave Briar Hill 3088

Dwellings & Non Res Spaces**Received
10/08/2021****Dwellings**

Name	Quantity	Area	% of total area
Townhouse			
Unit 2	1	303 m ²	50%
Unit 1	1	303 m ²	50%
Total	2	606 m²	100%

Supporting information**Floorplans & elevation notes**

Credit	Requirement	Response	Status
Water 3.1	Water efficient garden annotated		-
Energy 3.3	External lighting sensors annotated		-
Energy 3.4	Clothes line annotated (if proposed)		-
Energy 4.5	Floor plans showing location of photovoltaic panels as described.		-
Stormwater 1.1	Location of any stormwater management systems used in STORM or MUSIC modelling (e.g. Rainwater tanks, raingarden, buffer strips)		-
IEQ 2.2	Dwellings meeting the requirements for having 'natural cross flow ventilation'		-
IEQ 3.1	Glazing specification to be annotated		-
Transport 1.1	All nominated residential bicycle parking spaces		-
Transport 2.1	Location of electric vehicle charging infrastructure		-
Waste 2.1	Location of food and garden waste facilities		-
Urban Ecology 2.1	Vegetated areas		-
Urban Ecology 2.3	Green facade		-
Urban Ecology 2.4	Taps and floor waste on balconies / courtyards		-
Urban Ecology 3.1	Food production areas		-

Supporting evidence

Credit	Requirement	Response	Status
Management 2.2	Preliminary NatHERS assessments		-
Energy 3.5	Provide a written description of the average lighting power density to be installed in the development and specify the lighting type(s) to be used.		-
Energy 4.5	Specifications of the solar photovoltaic system.		-
Stormwater 1.1	STORM report or MUSIC model		-
IEQ 2.2	A list of dwellings with natural cross flow ventilation		-
IEQ 3.1	Reference to floor plans or energy modelling showing the glazing specification (U-value and Solar Heat Gain Coefficient, SHGC)		-

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Credit summary

**Received
10/08/2021**

Management Overall contribution 4.5%

	33%
1.1 Pre-Application Meeting	0%
2.2 Thermal Performance Modelling - Multi-Dwelling Residential	100%
4.1 Building Users Guide	0%

Water Overall contribution 9.0%

	Minimum required 50%	66%	Pass
1.1 Potable water use reduction		60%	
3.1 Water Efficient Landscaping		100%	

Energy Overall contribution 27.5%

	Minimum required 50%	83%	Pass
1.2 Thermal Performance Rating - Residential		83%	
2.1 Greenhouse Gas Emissions		100%	
2.2 Peak Demand		0%	
2.3 Electricity Consumption		100%	
2.4 Gas Consumption		N/A	Scoped Out
			No gas connection in use
2.5 Wood Consumption		N/A	Scoped Out
			No wood heating system present
3.2 Hot Water		100%	
3.3 External Lighting		100%	
3.4 Clothes Drying		100%	
3.5 Internal Lighting - Residential Single Dwelling		100%	
4.4 Renewable Energy Systems - Other		N/A	Disabled
			(V) renewable energy is in use.
4.5 Solar PV - Houses and Townhouses		100%	

Stormwater Overall contribution 13.5%

	Minimum required 100%	100%	Pass
1.1 Stormwater Treatment		100%	

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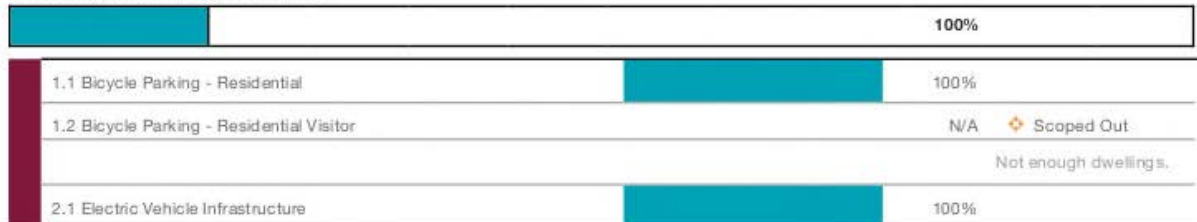
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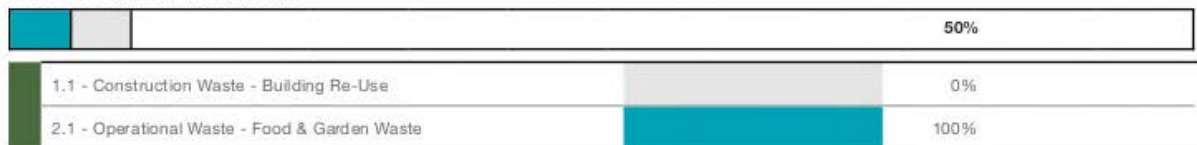
IEQ Overall contribution 16.5%



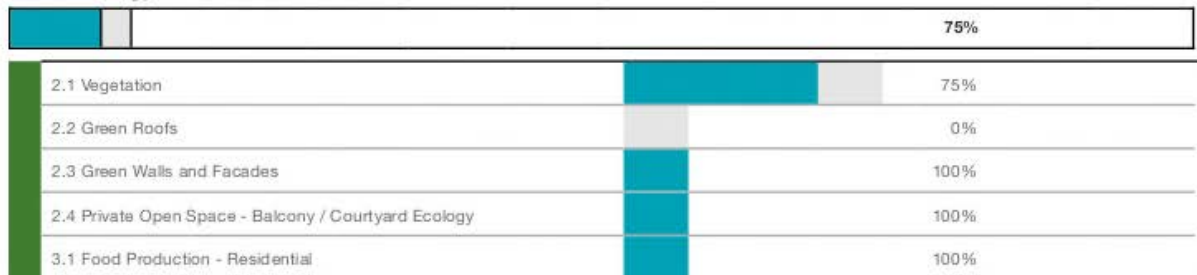
Transport Overall contribution 9.0%



Waste Overall contribution 5.5%



Urban Ecology Overall contribution 5.5%



Innovation Overall contribution 9.0%



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Credit breakdown**Received
10/08/2021****Management** Overall contribution 1%

1.1 Pre-Application Meeting	0%
Score Contribution	This credit contributes 50.0% towards the category score.
Criteria	Has an ESD professional been engaged to provide sustainability advice from schematic design to construction? AND Has the ESD professional been involved in a pre-application meeting with Council?
Question	Criteria Achieved ?
Project	No
2.2 Thermal Performance Modelling - Multi-Dwelling Residential	100%
Score Contribution	This credit contributes 33.3% towards the category score.
Criteria	Have preliminary NATHERS ratings been undertaken for all thermally unique dwellings?
Question	Criteria Achieved ?
Townhouse	Yes
4.1 Building Users Guide	0%
Score Contribution	This credit contributes 16.7% towards the category score.
Criteria	Will a building users guide be produced and issued to occupants?
Question	Criteria Achieved ?
Project	No

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Water Overall contribution 6% Minimum required 50%

Received
10/08/2021

Water Approach		
What approach do you want to use for Water?		Use the built in calculation tools
Project Water Profile Question		
Do you have a reticulated third pipe or an on-site water recycling system?		Yes
Are you installing a swimming pool?		No
Are you installing a rainwater tank?		Yes
Reticulated third pipe or an on-site water recycling system		
Recycled Profile Name		Grey Water System
Irrigation area connected to reticulated third pipe or an on-site water recycling system only (i.e. not also connected to rainwater system)		63.0 m ²
Water Efficient Garden?		Yes
Other external water demand connected to reticulated third pipe or an on-site water recycling system only (i.e. not also connected to rainwater system)		-
Water fixtures, fittings and connections		
Showerhead	All	4 Star WELS (>= 4.5 but <= 6.0)
Bath	All	Medium Sized Contemporary Bath
Kitchen Taps	All	>= 6 Star WELS rating
Bathroom Taps	All	>= 6 Star WELS rating
Dishwashers	All	>= 6 Star WELS rating
WC	All	>= 5 Star WELS rating
Urinals	All	Scope out
Washing Machine Water Efficiency	All	Occupant to Install
Which non-potable water source is the dwelling/space connected to?	Unit 1	RWT1
	Unit 2	RWT2
Non-potable water source connected to Toilets	All	Yes
Non-potable water source connected to Laundry (washing machine)	All	Yes
Non-potable water source connected to Hot Water System	All	No

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**Received
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Rainwater Tanks

What is the total roof area connected to the rainwater tank?	RWT1	283 m ²
	RWT2	280 m ²
Tank Size	RWT1	8,000 Litres
	RWT2	8,000 Litres
Will this tank be connected to the reticulated third pipe or onsite water recycling system?	RWT1	Yes
	RWT2	Yes
Irrigation area connected to tank	RWT1	-
	RWT2	-
Is connected irrigation area a water efficient garden?	RWT1	-
	RWT2	-
Other external water demand connected to tank?	RWT1	-
	RWT2	-

1.1 Potable water use reduction

60%

Score Contribution	This credit contributes 83.3% towards the category score.	
Criteria	What is the reduction in total potable water use due to efficient fixtures, appliances, rainwater use and recycled water use? To achieve points in this credit there must be >25% potable water reduction.	
Output	Reference	
Project	568 kL	
Output	Proposed (excluding rainwater and recycled water use)	
Project	410 kL	
Output	Proposed (including rainwater and recycled water use)	
Project	262 kL	
Output	% Reduction in Potable Water Consumption	
Project	53 %	
Output	% of connected demand met by rainwater	
Project	100 %	
Output	How often does the tank overflow?	
Project	Very Often	
Output	Opportunity for additional rainwater connection	
Project	100 kL	

3.1 Water Efficient Landscaping

100%

Score Contribution	This credit contributes 16.7% towards the category score.	
Criteria	Will water efficient landscaping be installed?	
Question	Criteria Achieved?	
Project	Yes	

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Energy Overall contribution 23% Minimum required 50%

**Received
10/08/2021**

Dwellings Energy Approach		
What approach do you want to use for Energy?	Use the built in calculation tools	
Project Energy Profile Question		
Are you installing any solar photovoltaic (PV) system(s)?	Yes	
Are you installing any other renewable energy system(s)?	No	
Gas supplied into building	No gas connection	
Dwelling Energy Profiles		
Below the floor is	All	Ground or Carpark
Above the ceiling is	All	Outside
Exposed sides	All	3
NatHERS Annual Energy Loads - Heat	Unit 1	37.8 MJ/sqm
	Unit 2	33.8 MJ/sqm
NatHERS Annual Energy Loads - Cool	Unit 1	16.5 MJ/sqm
	Unit 2	15.3 MJ/sqm
NatHERS star rating	Unit 1	8.1
	Unit 2	8.3
Type of Heating System	All	G Electric space
Heating System Efficiency	All	6 Star
Type of Cooling System	All	Refrigerative space
Cooling System Efficiency	All	6 Stars
Type of Hot Water System	All	C Electric Heat Pump
Central Hot Water System	All	No
% Contribution from solar hot water system	All	-
Clothes Line	All	D Private outdoor clothesline
Clothes Dryer	All	Occupant to Install
Solar Photovoltaic systems		
System Size (lesser of inverter and panel capacity)	PV1	5.0 kW peak
	PV2	5.0 kW peak
Orientation (which way is the system facing)?	PV1	North
	PV2	North
Inclination (angle from horizontal)	PV1	10.0 Angle (degrees)
	PV2	10.0 Angle (degrees)
1.2 Thermal Performance Rating - Residential	83%	
Score Contribution	This credit contributes 33.6% towards the category score.	
Criteria	What is the average NatHERS rating?	
Output	Average NatHERS Rating (Weighted)	
Townhouse	8.2 Stars	

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2.1 Greenhouse Gas Emissions		100%	
Score Contribution	This credit contributes 11.1% towards the category score.		Received 10/08/2021
Criteria	What is the % reduction in annual greenhouse gas emissions against the benchmark?		
Output	Reference Building with Reference Services (BCA only)		
Townhouse	32,358 kg CO2		
Output	Proposed Building with Proposed Services (Actual Building)		
Townhouse	11,988 kg CO2		
Output	% Reduction in GHG Emissions		
Townhouse	62 %		
2.2 Peak Demand		0%	
Score Contribution	This credit contributes 5.6% towards the category score.		
Criteria	What is the % reduction in instantaneous (peak-hour) demand against the benchmark?		
Output	Peak Thermal Cooling Load - Baseline		
Townhouse	33.0 kW		
Output	Peak Thermal Cooling Load - Proposed		
Townhouse	28.8 kW		
Output	Peak Thermal Cooling Load - % Reduction		
Townhouse	12 %		
2.3 Electricity Consumption		100%	
Score Contribution	This credit contributes 11.1% towards the category score.		
Criteria	What is the % reduction in annual electricity consumption against the benchmark?		
Output	Reference		
Townhouse	31,724 kWh		
Output	Proposed		
Townhouse	11,753 kWh		
Output	Improvement		
Townhouse	62 %		
2.4 Gas Consumption		N/A	✦ Scoped Out
This credit was scoped out	No gas connection in use		
2.5 Wood Consumption		N/A	✦ Scoped Out
This credit was scoped out	No wood heating system present		

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3.2 Hot Water		100%	
Score Contribution	This credit contributes 5.6% towards the category score.		
Criteria	What is the % reduction in annual energy consumption (gas and electricity) of the hot water system against the benchmark?		
Output	Reference		
Townhouse	10,229 kWh		
Output	Proposed		
Townhouse	2,615 kWh		
Output	Improvement		
Townhouse	74 %		
3.3 External Lighting		100%	
Score Contribution	This credit contributes 5.6% towards the category score.		
Criteria	Is the external lighting controlled by a motion detector?		
Question	Criteria Achieved ?		
Townhouse	Yes		
3.4 Clothes Drying		100%	
Score Contribution	This credit contributes 5.6% towards the category score.		
Criteria	What is the % reduction in annual energy consumption (gas and electricity) from a combination of clothes lines and efficient driers against the benchmark?		
Output	Reference		
Townhouse	1,757 kWh		
Output	Proposed		
Townhouse	351 kWh		
Output	Improvement		
Townhouse	80 %		
3.5 Internal Lighting - Residential Single Dwelling		100%	
Score Contribution	This credit contributes 5.6% towards the category score.		
Criteria	Does the development achieve a maximum illumination power density of 4W/sqm or less?		
Question	Criteria Achieved?		
Townhouse	Yes		
4.4 Renewable Energy Systems - Other		N/A	⊗ Disabled
This credit is disabled	No other (non-solar PV) renewable energy is in use.		

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4.5 Solar PV - Houses and Townhouses		100%	Received 10/08/2021
Score Contribution	This credit contributes 11.1% towards the category score.		
Criteria	What % of the estimated energy consumption of the building class it supplies does the solar power system provide?		
Output	Solar Power - Energy Generation per year		
Townhouse	12,118 kWh		
Output	% of Building's Energy		
Townhouse	103 %		

Stormwater Overall contribution 14% Minimum required 100%

Which stormwater modelling are you using?		Melbourne Water STORM tool
1.1 Stormwater Treatment		100%
Score Contribution	This credit contributes 100.0% towards the category score.	
Criteria	Has best practice stormwater management been demonstrated?	
Question	STORM score achieved	
Project	105	
Output	Min STORM Score	
Project	100	

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IEQ Overall contribution 10% Minimum required 50%

Received
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2.2 Cross Flow Ventilation		100%
Score Contribution	This credit contributes 20.0% towards the category score.	
Criteria	Are all habitable rooms designed to achieve natural cross flow ventilation?	
Question	Criteria Achieved ?	
Townhouse	Yes	
3.1 Thermal comfort - Double Glazing		100%
Score Contribution	This credit contributes 40.0% towards the category score.	
Criteria	Is double glazing (or better) used to all habitable areas?	
Question	Criteria Achieved ?	
Townhouse	Yes	
3.2 Thermal Comfort - External Shading		0%
Score Contribution	This credit contributes 20.0% towards the category score.	
Criteria	Is appropriate external shading provided to east, west and north facing glazing?	
Question	Criteria Achieved ?	
Townhouse	No	
3.3 Thermal Comfort - Orientation		0%
Score Contribution	This credit contributes 20.0% towards the category score.	
Criteria	Are at least 50% of living areas orientated to the north?	
Question	Criteria Achieved ?	
Townhouse	No	

Transport Overall contribution 9%

1.1 Bicycle Parking - Residential		100%
Score Contribution	This credit contributes 50.0% towards the category score.	
Criteria	How many secure bicycle spaces are there per dwelling for residents?	
Question	Bicycle Spaces Provided ?	
Townhouse	2	
Output	Min Bicycle Spaces Provided	
Townhouse	2	
1.2 Bicycle Parking - Residential Visitor		N/A ✦ Scoped Out
This credit was scoped out Not enough dwellings.		
2.1 Electric Vehicle Infrastructure		100%
Score Contribution	This credit contributes 10% towards the category score.	
Criteria	Are facilities provided to encourage electric vehicle use?	
Question	Criteria Achieved ?	
Project	Yes	

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Waste Overall contribution 3%

Received
10/08/2021

1.1 - Construction Waste - Building Re-Use		0%
Score Contribution	This credit contributes 50.0% towards the category score.	
Criteria	If the development is on a site that has been previously developed, has at least 30% of the existing building been re-used?	
Question	Criteria Achieved ?	
Project	No	
2.1 - Operational Waste - Food & Garden Waste		100%
Score Contribution	This credit contributes 50.0% towards the category score.	
Criteria	Are facilities provided for on-site management of food and garden waste?	
Question	Criteria Achieved ?	
Project	Yes	

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Urban Ecology Overall contribution 4%**Received
10/08/2021**

2.1 Vegetation	75%
Score Contribution	This credit contributes 50.0% towards the category score.
Criteria	How much of the site is covered with vegetation, expressed as a percentage of the total site area?
Question	Percentage Achieved ?
Project	20 %
2.2 Green Roofs	0%
Score Contribution	This credit contributes 12.5% towards the category score.
Criteria	Does the development incorporate a green roof?
Question	Criteria Achieved ?
Project	No
2.3 Green Walls and Facades	100%
Score Contribution	This credit contributes 12.5% towards the category score.
Criteria	Does the development incorporate a green wall or green façade?
Question	Criteria Achieved ?
Project	Yes
2.4 Private Open Space - Balcony / Courtyard Ecology	100%
Score Contribution	This credit contributes 12.5% towards the category score.
Criteria	Is there a tap and floor waste on every balcony / in every courtyard?
Question	Criteria Achieved ?
Townhouse	Yes
3.1 Food Production - Residential	100%
Score Contribution	This credit contributes 12.5% towards the category score.
Criteria	What area of space per resident is dedicated to food production?
Question	Food Production Area
Townhouse	3.0 m ²
Output	Min Food Production Area
Townhouse	3 m ²

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Application No. P972/2021

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BESS, 30 Fernside Ave Briar Hill 3088

Innovation Overall contribution 1%

Received
10/08/2021

Innovation		
Description	Watts Clever	Real time monitoring of electricity usage and cost. To help improve occupant behavior on electricity consumption.
Points Targeted	Watts Clever	1
1.1 Innovation		10%
Score Contribution	This credit contributes 100.0% towards the category score.	
Criteria	What percentage of the Innovation points have been claimed (10 points maximum)?	

Disclaimer

The Built Environment Sustainability Scorecard (BESS) has been provided for the purpose of information and communication. While we make every effort to ensure that material is accurate and up to date (except where denoted as 'archival'), this material does in no way constitute the provision of professional or specific advice. You should seek appropriate, independent, professional advice before acting on any of the areas covered by BESS.

The Municipal Association of Victoria (MAV) and CASBE (Council Alliance for a Sustainable Built Environment) member councils do not guarantee, and accept no legal liability whatsoever arising from or connected to, the accuracy, reliability, currency or completeness of BESS, any material contained on this website or any linked sites.

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Nationwide House Energy Rating Scheme

NatHERS Certificate No. RB81AMDUML

Generated on 16 Jun 2021 using FirstRate5: 5.3.1a (3.21)

Property

Address 1, 30 Fernside Avenue, Briar Hill, VIC, 3088

Lot/DP -

NCC Class* Class 1a

Type New Home

Plans

Main plan 29th May 2021

Prepared by Smart Sips

Construction and environment

Assessed floor area (m²)*	Exposure type
Conditioned* 244.3	suburban
Unconditioned* 58.6	NatHERS climate zone
Total 302.9	82, Briar Hill
Garage 44.2	

Accredited assessor

Name Rob Iacono

Business name PassivEnergy

Email rob@passivenergy.com.au

Phone 0401 248 348

Accreditation No. DMN/11/1259

Assessor Accrediting Organisation DMN

Declaration of interest Declaration completed: no conflicts

National Construction Code (NCC) requirements

The NCC's requirements for NatHERS-rated houses are detailed in 3.12.0(a)(i) and 3.12.0(a)(ii) and 3.12.0(a)(iii) of the NCC Volume One.

In NCC 2019, these requirements include minimum star ratings and separate heating and cooling load limits for houses and apartments through the NatHERS assessment. Requirements additional to the NatHERS assessment include, but are not limited to, insulation installation methods, thermal breaks, building sealing, water heating and plumbing, and air conditioning systems. The NCC and NatHERS Heating and Cooling Load Limits (Australian Building Codes Board Standards) are available at www.abcc.gov.au.

State and territory variations and additions to the NCC may also apply.

* Refer to glossary.

Received
10/08/2021

8.1

The more stars
the more energy efficient

54.3 MJ/m²

Predicted annual energy load for heating and cooling based on standard occupancy assumptions.

For more information on your dwelling's rating see www.nathers.gov.au

Thermal performance

Heating	Cooling
37.8	16.5
MJ/m²	MJ/m²

About the rating

NatHERS software models the expected thermal energy loads using information about the design and construction, climate and common patterns of household use. The software does not take into account appliances, apart from the airflow impacts from ceiling fans.

Verification

To verify this certificate, scan the QR code or visit www.nathers.gov.au When using either link, ensure you are visiting www.nathers.gov.au.

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Application No. P972/2021

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Nationwide House Energy Rating Scheme

NatHERS Certificate No. S0TP2REUA8

Generated on 16 Jun 2021 using FirstRate5: 5.3.1a (3.21)

Property

Address 2, 30 Fernside Avenue, Briar Hill, VIC, 3088

Lot/DP -

NCC Class* Class 1a

Type New Home

Plans

Main plan 29th May 2021

Prepared by Smart Sips

Construction and environment

Assessed floor area (m²)*	Exposure type
Conditioned* 243.8	suburban
Unconditioned* 58.6	NatHERS climate zone
Total 302.4	82, Briar Hill
Garage 44.2	

Accredited assessor

Name Rob Iacono

Business name PassivEnergy

Email rob@passivenergy.com.au

Phone 0401 248 348

Accreditation No. DMN/11/1259

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State and territory variations and additions to the NCC may also apply.

* Refer to glossary.

Received
10/08/2021

8.3

The more stars
the more energy efficient

49.1 MJ/m²

Predicted annual energy load for heating and cooling based on standard occupancy assumptions.

For more information on your dwelling's rating see www.nathers.gov.au

Thermal performance

Heating	Cooling
33.8	15.3
MJ/m²	MJ/m²

About the rating

NatHERS software models the expected thermal energy loads using information about the design and construction, climate and common patterns of household use. The software does not take into account appliances, apart from the airflow impacts from ceiling fans.

Verification

To verify this certificate, scan the QR code or visit [When using either link, ensure you are visiting](http://www.nathers.gov.au)

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Generated on 16 Jun 2021 using FirstRate5: 5.3.1a (3.21) for Dual Occupancy, 2, 30 Fernside

Page 1 of 9

Received
10/08/2021



STORM Rating Report

TransactionID: 1172750
 Municipality: BANYULE
 Rainfall Station: BANYULE
 Address: 30 Fernside Avenue

Briar Hill
 VIC 3088

Assessor:
 Development Type: Residential - Multiunit
 Allotment Site (m2): 897.00
 STORM Rating %: 105

Description	Impervious Area (m2)	Treatment Type	Treatment Area/Volume (m2 or L)	Occupants / Number Of Bedrooms	Treatment %	Tank Water Supply Reliability (%)
Unit 1 Rainwater Tank Roof Area	283.00	Rainwater Tank	8,000.00	5	107.70	99.10
Unit 2 Rainwater Tank Roof Area	280.00	Rainwater Tank	8,000.00	5	108.00	99.10
Impermeable Driveway	16.00	None	0.00	0	0.00	0.00

Date Generated: 16-Jun-2021

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Program Version: 1.0.0

Rainwater Tanks

Received
10/08/2022



Stormwater Sensitive Homes

How does a rainwater tank help protect our local streams?

Most people install a rainwater tank primarily to harvest stormwater from their roof and conserve their mains water use. In addition to conserving water, a rainwater tank also helps treat stormwater and protect local streams from high storm flows by reducing the volume of stormwater and quantity of pollutants coming from a house block that would otherwise be delivered to the local stream.

What do I use my tank water for?

Garden irrigation, laundry and toilet flushing consume much of our home water use. In most cases these uses do not require the water to be of drinking quality standard that is provided by mains water. By plumbing your rainwater tank to your toilet or laundry and substituting these mains water needs with the rainwater harvested from your roof, you can conserve mains water whilst reducing the amount of stormwater that enters our streams.



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approximately 250,000 litres of water each year.



Melbourne Water 131772
Melbourne Water Corporation, PO Box 4342, Melbourne Victoria 3001



Why can't I use my rainwater tank for my garden alone?

So that your tank is not too full to collect rainwater when it rains, you need to be consistently using your tank water all year round. If tank water is used for your garden alone, your tank will remain full and unused during the winter months when your garden does not require watering. With a full tank, your capacity to capture and store the regular winter rainfall and thus benefit the local waterway is significantly reduced.

By plumbing your rainwater tank to your toilet or laundry, your tank water is used consistently all year round allowing rainfall to refill the tank more often especially in winter. This ultimately reduces the volume of stormwater that is delivered to the stream and the quantity of pollutants that are washed with it.

The Victorian Government has recognised the importance of plumbing your tank to your toilet and offers a cash rebate for the installation of connected rainwater tanks (www.dse.vic.gov.au). In addition, a 5 star energy standard has been introduced that requires a connected 2000L rainwater tank or solar hot water service to be installed in all new houses and apartments (class 1 and 2 buildings). (www.buildingcommission.com.au).

How do I choose a rainwater tank?

The most important thing to consider when choosing a rainwater tank is to first identify what you want from your rainwater tank. The size and type of rainwater tank you choose will vary depending on your homes water needs and the reliability you seek from your rainwater tank supply. There are a number of factors that may influence this and the following questions should be considered when planning your tank installation:

- what is the water demand of your home?
- how many people are living in your home?
- what is your intended use of rainwater?
- what reliability do you want from your tank?
- what is the total area of roof draining into your tank?
- what is average rainfall of your area?
- do you need extras like a pressure pump, the ability to top up your tank with drinking water, a backflow prevention device or a first flush device?
- are the materials used on your roof suitable to collect rainwater?
- are there physical constraints of your property that may influence the type of rainwater tank you need?

Once you know how much water you can collect and how much water you are going to use then a tank size can be selected to provide the reliability of water supply that you need.

Types of rainwater tanks

Rainwater tanks come in a variety of materials, shapes and sizes and can be incorporated into building design so they don't impact on the aesthetics of the development. They can be located above ground, underground, under the house or can even be incorporated into fences or walls.

There are three main tank systems to consider and a variety of materials to choose from. Features of these are outlined below and in the pictures above:

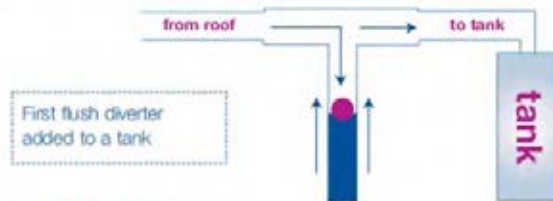
Tank systems:

Gravity Systems - rely on gravity to supply rainwater to the household and the garden by placing the tank on a stand at height.

Dual Supply Systems - top your rainwater tank with mains water when tank level is low ensuring reliable water supply.

Pressure Systems - use a pump to deliver rainwater to household and garden fixtures.

To reduce the amount of sediment and debris entering a tank, mesh screens and 'first flush diverters' can be fitted. A screen will filter large debris such as leaves and sticks while 'first flush diverters' store the 'first flush' of the rainfall that carries the sediment and other pollutants initially washed from your roof (see figure below).



Costs & rebates

Costs of installing a tank vary however a standard 2000L tank or bladder will cost around \$1000.

Additional plumbing and/ or.....

- Above ground tanks cost approximately \$250 for a 500 litre tank.
- Below ground tanks cost between \$300-\$600 per 1000 litres of storage
- The costs of pumps start from \$200.

Additional costs vary on intended use, pipe length, material and accessibility.

The Victorian Government offers a total rebate of \$300 for the installation of a rainwater tank to a toilet and connected by a licensed plumber. For further details refer to the Department of Sustainability and Environment website www.dse.vic.gov.au.

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For more information:

- Melbourne Water's Water Sensitive Urban Design Website: www.wsud.melbournewater.com.au
- Municipal Association of Victoria Clearwater Program: www.clearwater.asn.au
- Water Sensitive Urban Design in the Sydney Region: www.wsud.org

- Urban Stormwater Best Practice Environmental Management Guidelines, Victorian Stormwater Management Association, 2004.
- WSUD Engineering Procedures: Stormwater, Melbourne Water, 2005.
- Delivering Water Sensitive Urban Design: Final Report of Clean Stormwater – a planning framework, ABM, 2004.

Message 1 of 1

Sent at: 28/06/2021 12:19:05 PM

Received
10/08/2021

Fwd: 30 Fernside Avenue, Briar Hill - Flood Level - Advice

From: Ron Brown <ronvgbrown@gmail.com>
To: Peter Sullivan (SmartSIPS) <peter@smartsips.com.au>

As requested.

Best,
Ron

----- Forwarded message -----

From: **Caitlin May** <Caitlin.May@banyule.vic.gov.au>
Date: Mon, 28 Jun 2021 at 10:31 am
Subject: 30 Fernside Avenue, Briar Hill - Flood Level - Advice
To: ronvgbrown@gmail.com <ronvgbrown@gmail.com>

Hi Ron,

Thank you for your flood level application received on 11 June 2021.

Please find below applicable flood level advice for [30 Fernside Avenue, Briar Hill](#).

In order to comply with the Building Regulations 153 & 154 of the Building Regulations 2018 and receive consent from Council, you will need to resubmit the plans and ensure that the points below are addressed.

Please resubmit plans with the required amendments via email to enquiries@banyule.vic.gov.au

Regards,

Caitlin May
IBL Student Engineer
Banyule City Council
www.banyule.vic.gov.au | [Facebook](#) | [Twitter](#)

Banyule City Council is proud to acknowledge the Wurundjeri Woi-wurrung people as Traditional Custodians of the land and we pay respect to all Aboriginal and Torres Strait Islander Elders, past, present and emerging, who have resided in the area and have been an integral part of the region's history.

From: noreply@formstack.com <noreply@formstack.com>
Sent: Friday, 11 June 2021 12:58 PM
To: Main Incoming Account <enquiries@banyule.vic.gov.au>
Subject: [30 Fernside Avenue Briar Hill](#) - Flood Level - Application

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Application No. P972/2021

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Banyule City Council

 Banyule City Council

Engineering Services

PO Box 94 GREENSBOROUGH VIC 3079
 Telephone: (03) 9490 4222

Received
10/08/2022

Building within flood prone land

Application for report & consent
 Building Regulation 153 & 154

Applicant Details

Name:	Ron Brown	Phone:	0414 097 290
Organisation:	EcoZen Homes		
E-mail:	ronvgbrown@gmail.com		
Association with the property:	Property Owner		

Development Details

Address:	30 Fernside Avenue Briar Hill		
Has a Planning Permit been issued?	Yes Unknown		
Proposal details:	Contained within plans attached [if no attachment - documentation submitted exceeded 10MB threshold contact applicant to obtain plans]		

Flood Level Advice

I refer to your application to obtain a flood level for the above property and the subsequent consent pursuant to Building Regulation 153 and Building Regulation 154 of the Building Regulations 2018.

The property is affected by overland stormwater flows during a 1 in 100 year rain fall event. Overland stormwater flows will cross the site from the north-west to the south-east of the property.

The applicable flood levels for unit 1 and unit 2 are 71.472 AHD and 71.22 AHD respectively. In order for Council consent to be granted for the construction of dwellings within flood prone land, the following conditions must be met:

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- The finished floor level of habitable areas of any proposed development at this site should be at least 300mm above the applicable flood level;
- The finished floor level of garages should be at least 150mm above the applicable flood level;
- The proposed structures must not obstruct the overland stormwater flow path and must therefore permit the free passage of water through the site;
- Any proposed internal or boundary fencing must also allow for the free passage of flood waters across the site and property boundaries;
- No alteration to the existing topography of the site within the stormwater overland flow path is permitted. All natural surface levels are to be retained;

Received
10/08/2022

Please resubmit plans with the required amendments via email to enquiries@banyule.vic.gov.au.

***Council assumes no responsibility for incorrect or inaccurate information contained within this advice.**

--

Ron V. Brown
Founder, Eco Zen Homes
Exec Producer, ArchiTel TV
t: +61 3 9882 4319
m: 03 414 097 290
e: ronvgbrown@gmail.com

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Banyule's Social Infrastructure

Our Framework for a Sustainable Future

DRAFT JANUARY 2022



About this Framework

Social infrastructure supports Banyule's diverse communities to thrive. As an established municipality, with varying levels of socio-economic diversity, ageing populations and evolving consumer expectations, our communities rely on the effective provision and sustainable stewardship of Council's social infrastructure.

As stated in the *Banyule Community Vision 2041*, Council works to ensure that our community assets are fit for purpose, well maintained and service the needs of our communities. We strive to provide multipurpose facilities for people to connect, work and build friendships. We aim to ensure our facilities and services are affordable, sustainable, equitably distributed, accessible and useable for all ages and abilities and designed to provide meaningful experiences and connections. These sentiments align with the *Australian Infrastructure Plan 2021*, that promotes quality, accessible, future-focused, multi-purpose and sustainable social infrastructure to support strong, healthy and prosperous communities and ongoing quality of life for all.

The Social Infrastructure Framework establishes an approach to social infrastructure management that supports Council to demonstrate best practice in governance, financial sustainability, and positions Council to advocate for community priorities and aspirations. This approach requires holistic design, including acknowledgment of the complexities we face, integrating universal design, engaging multiple perspectives and allowing for maturity over time.

To achieve this, Council is committed to working alongside community members to work towards updating our social infrastructure so that it can better respond to diverse needs and evolving aspirations of our communities now and into the future.

"Social infrastructure provides not only the essential services required for the Banyule community to function, but also the services that makes Banyule liveable and helps improve the quality of life for individuals and groups."



Figure 1 WaterMarc, Greensborough

Banyule Social Infrastructure Framework

Banyule Community Vision 2041

Striving to achieve long-term social inclusion, economic prosperity and environmental sustainability, Council adopted the Banyule Community Vision 2041. The Banyule Community Vision 2041 includes six priority themes which outline the aspirations and focus of our community for the next 20 years.

"We in Banyule are a thriving, sustainable, inclusive and connected community. We are engaged, we belong, and we value and protect our environment".

The six priority themes are the backbone of the Social Infrastructure Framework:



For Council, this Framework will deliver a range of benefits:

- Provide a robust decision-making tool to ensure our social infrastructure management delivers long-term value.
- Ensure our social infrastructure investments are based on robust evidence of community needs and aspirations, and on best practice.
- Unlock or create additional value in our community buildings, through the creation of multiple- and flexible-use opportunities which enhance benefits for the community.
- The Framework is a significant step towards Council meeting our integrated planning obligations under the Local Government Act 2020. It builds stronger alignment with our Asset Plan and Long-Term Financial Plan.

Most importantly, the Framework will deliver a range of benefits to our communities and visitors to Banyule:

- Ensure access to affordable, safe and fit for purpose buildings that support service delivery and meet the needs of a diverse range of users.
- Supports community aspirations and responds to changing needs of communities over time.
- Promote participation, social cohesion and community wealth-building activities, hence contributing to improving Banyule's public health and wellbeing outcomes.
- Support the attainment of the 2041 Banyule Community Vision, thus improving the overall liveability of neighbourhoods.
- Promote responsible, responsive provision and stewardship of community assets.
- Contribute to a resilient, safe and low emissions' future.

Banyule Social Infrastructure Framework

Council's role

Council delivers social infrastructure via multiple programs and roles. Management responsibilities are shared across the organisation.

- Service provider- Council provides key services to communities across all life stages.
- Building owner and manager- Community buildings are provisioned and maintained to support the delivery of services provided by Council and other local agencies. They provide opportunities for residents and visitors to the municipality to participate in a range of activities and programs.
- Lessor- Some community buildings are available through lease and licencing arrangements to support local agencies to service our communities in multiple ways.
- Partner- Council both funds and directly delivers services in formal partnerships with other organisations.
- Funder- Council funds other aligned agencies to provide community services both through direct grants and service agreements.
- Regulator- Has statutory responsibilities and directs community services and building activities as required.
- Monitor- Monitors activities, assesses quality and evaluates impacts.
- Facilitator- Fosters collaboration by bringing parties together to address identified issues and opportunities.
- Advocate- Works with community to promote the interests of the municipality to other decision-making organisations including the Victorian Government.



Figure 2 Entrance to Ivanhoe Library and Cultural Hub

Social Infrastructure Objectives

The *Determinants of health and wellbeing for our neighbourhoods* model helps us visualise the key pillars that make up healthy local communities.

Banyule’s social infrastructure, which includes facilities, spaces, services and networks, are represented as the built environment and activities within the *Determinants of health and wellbeing for our neighbourhoods* model.



Banyule’s network of social infrastructure contributes to social identity, inclusion and cohesion and is used by all residents at some point in their lives, often on a regular basis. Access to high-quality, affordable social infrastructure has a direct impact on the social and economic wellbeing of all residents and increases satisfaction with the neighbourhoods in which they live.

Demand for social infrastructure is driven by strategies, service delivery requirements and the needs of local organisations including community groups and clubs. These drivers impact infrastructure requirements and decision making for the planning, delivery, operation and maintenance of social infrastructure assets and networks. For example, State Government funding for three-year-old kindergarten programs in 2022 placed additional demand on sessional kindergartens and triggered the need to make kindergarten infrastructure improvements to support equitable access.



Figure 3 Greensborough Preschool, Greensborough

Banyule Social Infrastructure Framework

The drivers for social infrastructure are not uniform across all neighbourhoods. To create equity, it is critical to undertake a more detailed and localised investigation of the likely service needs of current and future populations, the aspirations of our communities and the role that existing infrastructure can play to meet these service needs. With the aim to address people's needs and aspirations as early and effectively as possible, the goal is to identify the long-term service needs, and then aligning infrastructure management, planning and funding with those identified needs, to generate better value for residents and better services.

Determining needs and aspirations

Determining needs and aspirations is fundamental to assessing how well our social infrastructure measures up.

In order to plan for the types of community services and buildings required to support the *Banyule Community Vision 2041*, Council considers multiple inputs and diverse perspectives including, but not limited to:

- State and Federal government policy direction including concepts like 20-minute neighbourhoods
- Demographic information from various sources including the Australian Bureau of Statistics
- Research from academia and industry
- Supply benchmarks
- Community aspirations expressed through consultation
- Investigation into who uses or doesn't use community facilities and why
- Local knowledge and lived experience gathered through engagement activities.



Figure 4 Watsonia Neighbourhood House, Watsonia

Banyule Social Infrastructure Framework

Defining Social Infrastructure

Social infrastructure is a broad term that refers to the the physical elements of the built environment and the services and resources available for communities to use.

Physical infrastructure

Council owns and maintains a portfolio of physical infrastructure, with an estimated value of \$267 million (30 June 2020). In the context of this Framework, physical infrastructure refers to the community buildings used to deliver services, activities and programs. They are used to support a range of functions including:

- Early Years
- Youth Space
- Community Meeting and Program Space
- Arts and Culture
- Libraries
- Aquatics and Leisure
- Indoor Sports and Recreation
- Outdoor Sports and Recreation
- Community Partnerships

As we plan to meet the current, emerging and future service, program and activities needs of communities, the following benchmark standards for community buildings apply.

Fit for People

Community buildings are Fit for People when:

- Barriers to access and useability are mitigated
- Buildings support cultural safety and social cohesion
- Buildings are physically safe and flexibly configured to support diverse uses over time
- There is equitable distribution of buildings across the municipality.

Fit for Purpose

Community buildings are Fit for Purpose when:

- Service provision, critical and unexpected uses are supported
- The needs of a diverse range of users are met
- Robust performance standards in design and maintenance are maintained to maximise building usefulness and life
- Technology is available, enabled and adaptive.

Fit for place

Community buildings are Fit for Place when:

- They contribute to resilient and biodiverse communities and a circular economy
- Sustainability, waste and carbon emissions reduction targets are met
- They support people to live and work locally and function as a network
- Connected to transport routes, including roads, public transport and active transport routes
- They form a strong relationship with the broader public realm including parks and open spaces
- Their form and fit relates to the local community
- Local arts, culture, heritage is reflected in the built form
- The support community wealth building activities including social and creative enterprises.

Service infrastructure

Sservice infrastructure refers to the services, programs and activities that support individuals and communities achieve better health, wellbeing, social and economic outcomes. Council has a long history of providing services for community benefit. As our communities evolve, Council's community services will adapt to keep pace.

Banyule Social Infrastructure Framework

As we aim to improve outcomes for our current, emerging and future residents, the following benchmark standards for Council community services apply.

High quality

Council's community services are high quality when they:

- Uphold Council's strategic objectives, values, and inclusion and diversity principles
- Demonstrate consistent best practice measured against industry standards
- Respond to clear evidence of community need
- Provide measurable benefit to individuals and community
- Offer affordable access to residents
- Delivered across accessible platforms

Complementary

Council's community services are complementary when they:

- Work harmoniously with local agencies
- Address the local service gaps that align with Council's strategic objectives and cannot be met by other agencies
- Compete fairly in competitive markets

Affordable

Council's community services are affordable when:

- Cost is not a barrier to accessing a service
- They are sustainably funded through relevant sources.



Figure 5 Telfer Reserve Pavilion, Bundoora

Banyule Social Infrastructure Framework

Hallmarks of Council's approach

This Framework seeks to create multiple, lasting benefits for our community through delivering social infrastructure that unlocks potential, supports multiple uses, facilitates social and economic growth and prioritises the environmental considerations. These are the hallmarks of Council's approach.

We create balance

We consult to understand the lived experience of people, to uphold the rights of everyone and to understand people's needs and aspirations.

We work with organisations that are present, relevant and engaged to deliver better outcomes for the community.

We respect, celebrate and uplift the distinctive assets present within communities, including environmental, historical, artistic, cultural, social and economic strengths.

We support making best of use and offer inclusive social infrastructure that provide broad opportunities.

We create opportunity

We make evidence-based decisions for future infrastructure investments, grounded in facts, analysis and practical experience.

We create connections between people, organisations, services, places, environments and ecosystems.

Our efforts focus on creating synergies across multiple scales and platforms and finding new ways to work better together.

We are outcomes focused

We deliver well-designed social infrastructure infrastructure, supporting quality experiences that accelerate robust and resilient outcomes and minimise unfavourable impacts.

We future proof our social infrastructure by creating integrated, environmentally sustainable hubs with built in agility to serve generations to come.

We plan for networks of assets within neighbourhoods that offer required breadth of community services and buildings to attract people and stimulate a range of activities that reflect community need and aspirations.



Figure 6 Old Shire Offices, Heidelberg

Banyule Social Infrastructure Framework

A sustainable future for social infrastructure

To deliver on this Framework commitments, Council needs to change business-as-usual approaches to social infrastructure delivery and make best use of opportunities.

This means we will:

- Make better use of existing infrastructure to deliver broader services and community benefits.
- Use new infrastructure investment as an opportunity to deliver more integrated outcomes for liveable, sustainable communities.
- Leverage community buildings to support achievement of Council's environmental targets and of Council's social enterprise development and job creation targets as identified in the Council's strategic action plans.
- Use technology and innovation to deliver better services.
- Strengthen and integrate data sets to create intelligence.
- Adopt a place-based approach to social infrastructure across the municipality to drive better urban design, planning and development decisions.
- Enhance cross-agency collaboration to delivery social infrastructure through strategies such as joint funding, co-location, shared use or coordinated delivery.

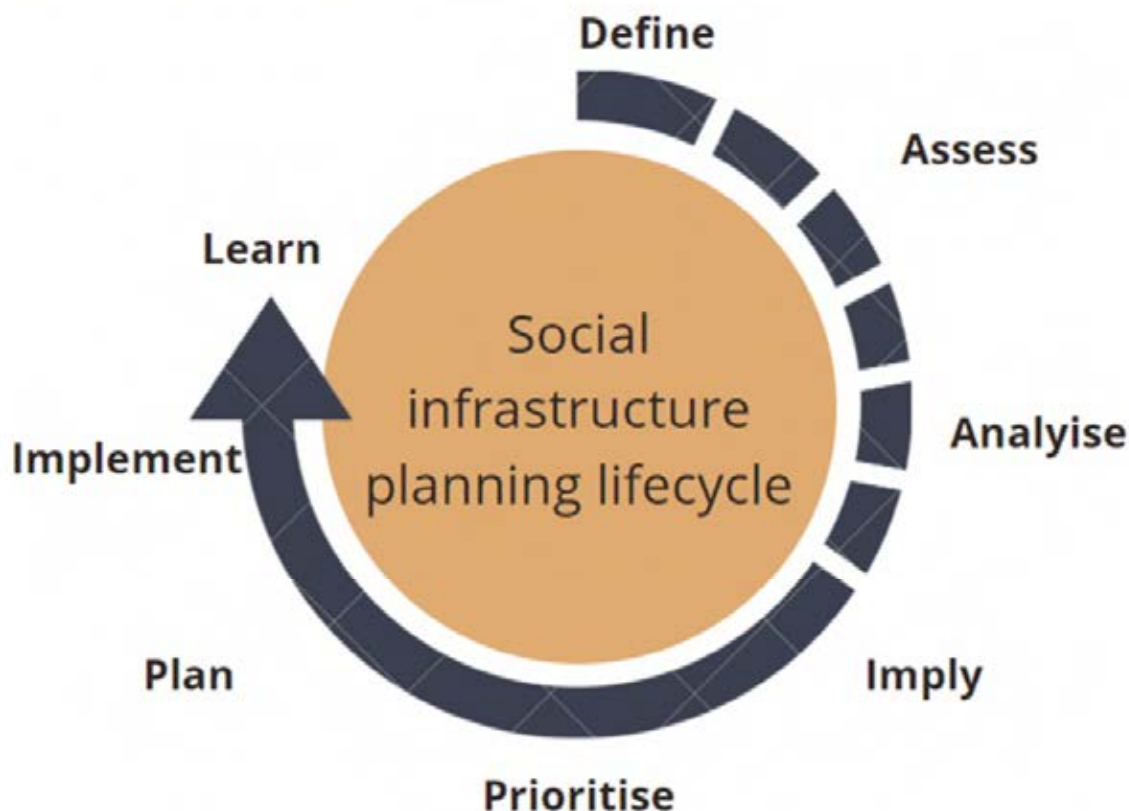


Figure 7 Ivanhoe Park Pavilion, Ivanhoe

Banyule Social Infrastructure Framework

The Implementation Plan

This Framework establishes lofty aspirations for the future of social infrastructure. In order to effectively plan and deliver social infrastructure into the future, Council will undertake a series of cyclic steps that will position us to define, understand, prioritise, implement and learn. Whilst the steps are defined as a sequence, it is acknowledged that an iterative approach is required to achieve better outcomes.



Step 1: Defining the functions

This first step towards developing sustainable social infrastructure requires Council to gather and aggregate information to develop a robust understanding of:

- The current facility management needs
- The service needs and aspirations of our community
- The neighbourhood context
- The environmental considerations
- The partnership opportunities

In this step, Council will be assessing its provision of community services and these questions will be considered:

- Does Council provide the necessary breadth of services to uplift community level outcomes?
- Are Council's community services affordable, high quality and do they complement the range of local services provided by other organisations?
- Are there gaps and who can Council partner with to accelerate outcomes?
- Does Council's community services contribute to resilient communities?

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Banyule Social Infrastructure Framework

- What functions do community buildings need to perform to accommodate Council's community services?

Analysis of this information will position Council to understand what services the community need or desire to access, who is best placed to deliver these services and by extension, the function our community buildings are required to perform today and into the future.

Step 2: Assessing the qualities

The second step towards developing sustainable social infrastructure is to assess the qualities of our existing community buildings. The aim is to understand how they measure up to the benchmarks of distribution, responsiveness, accessibility, affordability and sustainability.

Distribution

- Are Council's community buildings strategically located for optimal community benefit?
- What non-Council community buildings can be utilised to service the needs of our communities?
- Where are the gaps?

Responsiveness

- How well do Council's community buildings service needs and aspirations of our communities today?
- Are there unserved or under-served community groups or individuals Council's community buildings could serve? Are there over-served groups?
- Do the governance models support flexible and multiple use arrangements?
- How can Council's community buildings better service the needs and aspirations of community into the future?
- How do Council's community buildings support resilience building activities?

Accessibility

- How well do Council's community buildings measure up to contemporary design and safety standards?
- Are Council's community buildings linked to active transport routes?
- Are Council's community buildings to integrated into 20-minute neighbourhoods?
- How can technology be utilised to support accessibility?

Affordability

- Are Council's community buildings affordable for the communities they provide services for and to rate-payers?
- Are there better ways of managing the lifetime costs of Council's community buildings?
- What is strategies are available for sustainable investment?

Sustainability

- Is the building energy efficient and powered by 100% renewables?
- How can Council's community buildings better manage emissions from waste, business travel, paper and water use?
- How can Council's community buildings support sustainable living?
- What innovations are available to drive better environmental outcomes?

Banyule Social Infrastructure Framework



Figure 8- NETS Stadium, Macleod

Step 3: Opportunities

With an understanding of the functions Council's community buildings need to perform and qualities of our existing portfolio of buildings, our attention turns to identifying opportunities for improvements that align with Council's strategies.

With the aim of addressing our communities current and emerging needs and aspirations as early and effectively as possible, a range of preliminary specific long-term opportunities have been identified. To remain relevant over time, Council will routinely scan for opportunity and update the opportunity analysis as environmental inputs evolve.

Function	Opportunity
Early Years	Upgrades to sessional kindergartens to accommodate increased participation by three-year old children and maximise allied children programming opportunities Transition to dual nurse maternal and child health centres located in community hubs to improve collaborative service delivery Secure fit for purpose playgroup spaces for effective program delivery
Youth Space	Upgrade spaces to support the flexible delivery of youth programs across the municipality Embrace technology to optimise program delivery Relocate JETS and integrate with a specialised Youth Hub in a major activity centre
Older Adults	Upgrade community buildings to be easily accessible and conveniently used regardless of age, ability or status of users, empowering older adults to participate with inclusion and equity.
Community Meeting and Program Space	Refine understanding of the types of spaces communities need and value in order to update, repurpose or retire outdated community infrastructure Integrate multi-purpose shared community meeting and program spaces within community hubs

Banyule Social Infrastructure Framework

	Create flexible, accessible spaces for lifelong learning, engagement and connection
Arts and Culture	Integrate artistic, cultural and historical based public art projects in existing and new social infrastructure Significantly increase the number of spaces that supports the creative economy within the municipality.
Libraries	Maintain agreed library provision ratios Use collaborative partnerships to create outposted library services in targeted neighbourhoods
Sports, recreation and leisure	Pursue and re-imagine high-capacity multipurpose spaces that support formal sports, active recreation and passive recreation activities Upgrades to create inclusive, accessible, affordable and sustainable facilities
Social enterprise and job creation	Support evidence-based social enterprises to access tangible growth opportunities through planned capital works and support place-based approaches to employment and economic participation that will provide a pathway into a job. Use collaborative partnerships with suppliers to create employment and economic participation opportunities through the supply chain.
Community Partnerships	Planning and delivery of community hubs to pursue integrated or co-located service delivery, with a focus on addressing social infrastructure inequities and leveraging opportunities for better social, economic and environmental outcomes.

Step 4: Spatial implications

With an understanding of the required functions, existing qualities and opportunities, Council will analyse the spatial design implications. This step involves addressing key questions including:

- What opportunities can be created to unlock additional value from our existing community buildings through measures including updating governance arrangements and addressing configuration and amenity issues?
- Where are the opportunities to re-develop existing community buildings to create integrated or co-located service delivery opportunities?
- Where does Council need to invest in new infrastructure including multi-purpose community hubs that will deliver on Council's long-term strategic objectives?

This step will yield a robust analysis of the short-term priorities and identify ways to create additional value from approved projects in the current capital works plan; generate a list of investment options for medium-term investments based on the life, condition and opportunities to uplift public value; and will create a list of opportunities for social infrastructure investments that will contribute to the attainment of the *Banyule Community Vision 2041*.

Step 5: Benefit analysis

The list of opportunities generated in Step 4 will position Council to prioritise investment options. In this step, Council will further interrogate each opportunity by considering the following questions:

- What are the strategic outcomes?
- What are the measurable benefits?
- Does it respond to clear evidence of community need?
- Is it accessible for whom it is intended to serve?
- Is it consistent with Council's role, strategic priorities and is Council the best placed organisation to address this?
- Are there social, environmental, cultural or economic implications and what are they?
- Can Banyule afford it and can Banyule afford not to do it?
- Who can we partner with to deliver better outcomes?
- What funding arrangements can be leveraged to sustainably deliver this project?

Banyule Social Infrastructure Framework

Step 6: Community Infrastructure Plan

The Community Infrastructure Plan will identify the social infrastructure investment projects Council will prioritise over the life of the *Banyule Community Vision 2041*, creating a plan for the short, medium and long term. The plan will require cyclic refreshes to reflect changing conditions and factors, as indicated in the diagram below.

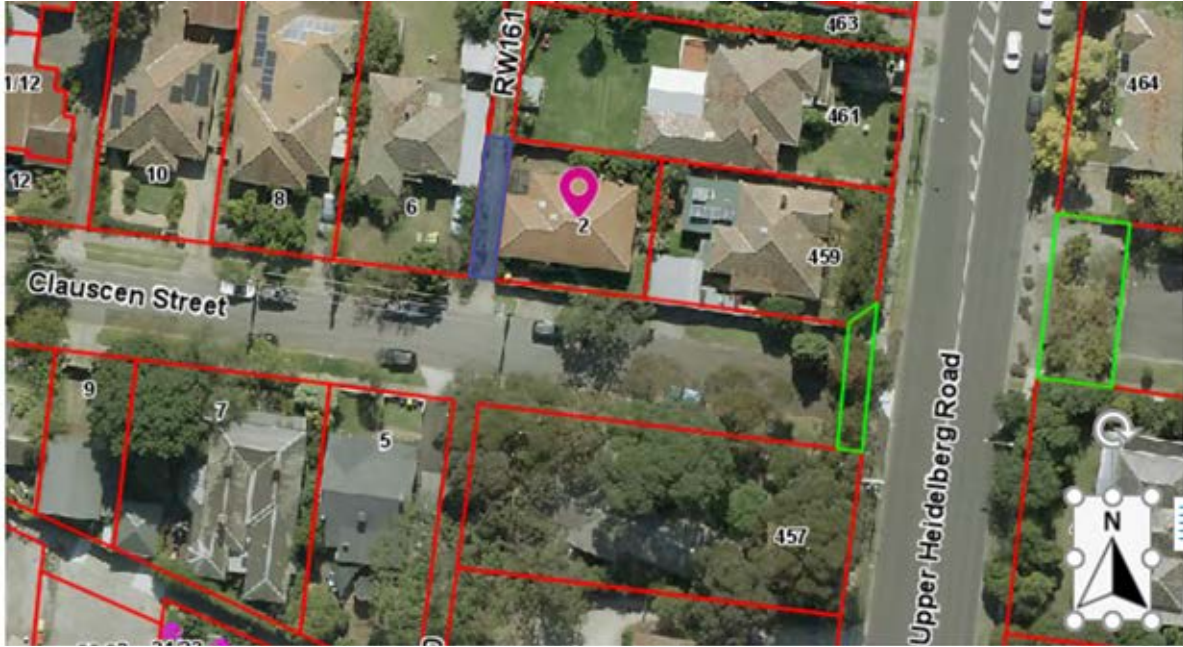


Ongoing governance will be facilitated through the Asset Management Steering Committee and managed through the Social Infrastructure Lead role within the Community Programs Directorate.

Attachment I

Land and property disposed I July 2021 to 31 December 2021

Adjacent to 2 Clausen Street, Heidelberg Heights shown shaded blue



Adjacent to 41 Lower Plenty Road, Rosanna shown crosshatched



10 The Boulevard, Ivanhoe new easement alignment shown in yellow

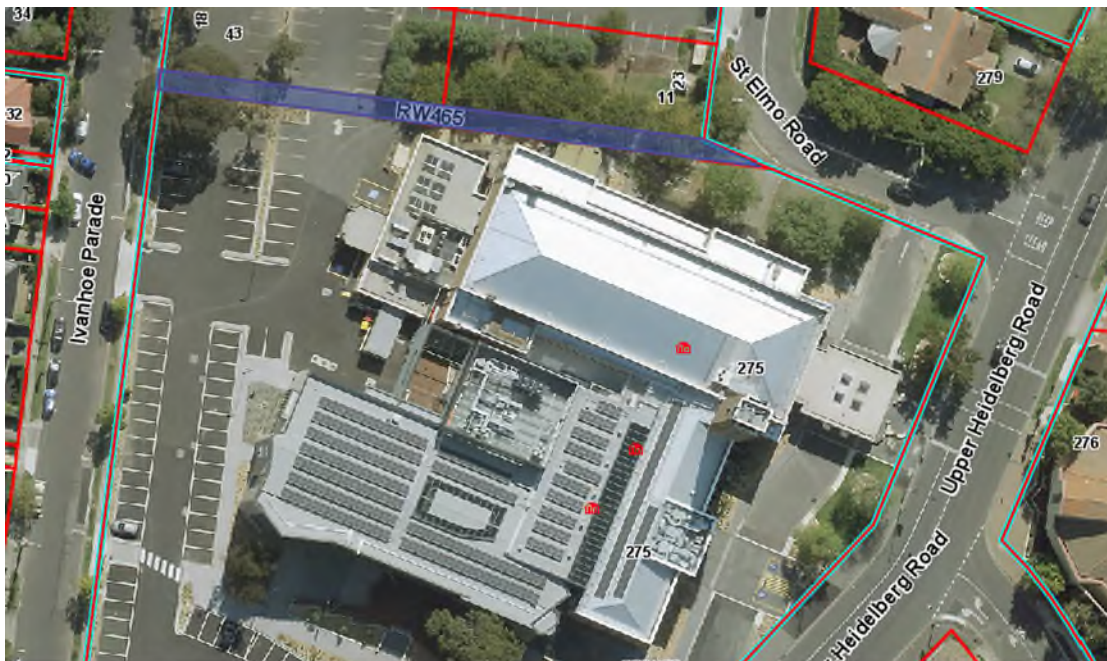


Land and property acquired 1 July 2021 to 31 December 2021

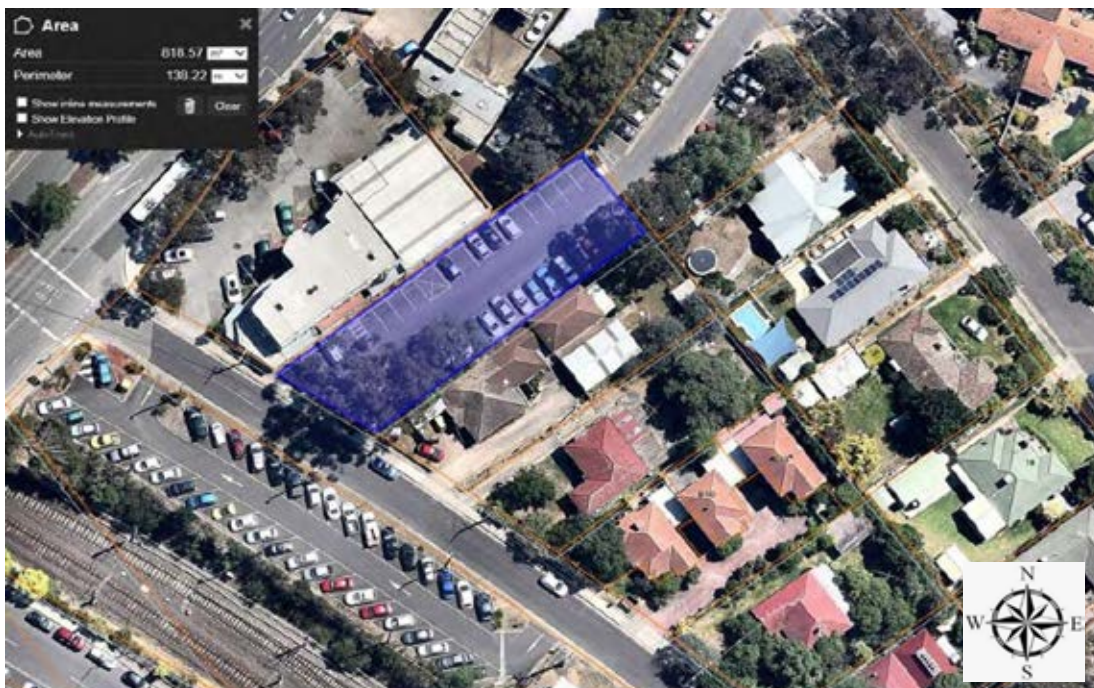
1017 Heidelberg Road, Ivanhoe shown shaded blue



RW465 adjacent to 275 Upper Heidelberg Road, Ivanhoe shaded blue



Part 4 Poulter Avenue, Greensborough shaded blue





**Banyule
Audit & Risk
Committee**

**UNCONFIRMED
Minutes**

**10 December 2021
commencing at 13:00
REMOTE MEETING**

Banyule Audit & Risk Committee Minutes

Present Committee

Dr Irene Irvine - Chairperson
Prof Stuart Kells – Independent Representative
Mr Gregory Rimmer-Hollyman – Independent Representative
Cr Peter Dimarelos - Committee Delegate
Cr Peter Castaldo – Substitute

Guest Councillors

Mayor, Cr Elizabeth Nealy

Officers

Allison Beckwith – Chief Executive Officer
Darren Bennett - Director Assets & City Services
Jonathon Risby – (Acting) Director City Development
Marc Giglio - Director Corporate Services
Kath Brackett – Director Community Programs
Joel Elbourne – Manager Planning & Building
Tania O'Reilly – Manager Finance & Procurement
Toni Toaldo – Manager People & Culture
Paul Wilson – Audit Support Officer (Minute Taker)

Guest Officers

Melissa Sammut - Risk & Compliance Advisor
Amanda Allen – Coordinator Property & Valuations

Internal Auditors

Andrew Zavitsanos – Crowe Horwath
Lynda Cooper – Crowe Horwath

External Auditors

Nick Walker – HLB Mann Judd.
Alison Stewart - HLB Mann Judd

Apologies

Cr Mark Di Pasquale – Committee Delegate

Disclosure of Interests

Nil

Confirmation of Minutes

That the minutes of the Banyule Audit & Risk Committee held 17 September 2021 be confirmed.

Moved: Prof Stuart Kells
Seconded: Cr Peter Dimarelos

CARRIED

General Comments

- The Committee welcomed new attendees to the meeting; the Mayor (Cr Elizabeth Nealy) and the Acting Director City Development (Mr. Jonathon Risby)
- The Chairperson congratulated Cr Peter Dimarelos on his appointment as the Committee Delegate and also informed Cr Peter Castaldo that, in the absence of Cr Mark Di Pasquale he had authority to vote as the nominated substitute.

Matters arising from the In-Camera meeting

- The Chairperson informed the meeting that during the 'in-camera session' the CEO updated the Committee on Operation Watts.
- The internal auditors informed the Committee, in respect to recent audits Council is providing co-operation and is forthcoming on all information requested.

General Discussion

- The Internal Auditor informed the Committee it is currently undertaking an internal audit on all transactions relating to SACOV and will be updating Council of their findings during an exit meeting in the following week.
- The Chairperson informed the meeting that a letter was sent to the CEO from the Committee regarding the current IBAC investigation and has been responded to in full.
- The Committee requested items 1.07, 1.12, 1.16, 1.17, 1.18, 1.19 and 1.21 to be added to the reports for discussion. The Committee also wanted to congratulate management on the progress achieved on items 1.14 (Local Government Act 2020 – Implementation) and 1.15 (Integrity Agencies - Self Assessment Status Report).
- HLB Mann Judd updated the Committee on a follow up action arising from the 17 September 2021 Committee meeting where was a discrepancy on Purchase Order (PO) compliance between the external auditor and Council. Man Judd reporting showed a 14% discrepancy compared to Banyule's 6% however, if they use the same formula in removing exempt PO's they come up with the same discrepancy of 6%.
- The Committee questioned if previous reporting over the past 18 months had been picking up the true 'non-compliance' and recommended further investigation should be undertaken and requested a report to come back to the Committee.
- Nick Walker and Alison Stewart left the meeting at 1:25pm

Reports

1. COMMITTEE REPORTS FOR DISCUSSION

1.1 INVESTMENT POLICY - DECEMBER 2021

SUMMARY

1. Council is governed to meet requirements of the *Local Government Act 2020* (the Act) which contains, under *Section 103*, specific provisions on investments.
2. Council's Investment Policy has been updated to comply with the Act and to incorporate the Council's Investment Strategy adopted by Council at its meeting on 9 August 2021.
3. The purpose of Council's Investment Policy is to ensure that:
 - Investment capital funds are invested in accordance with legislative and Council requirements.
 - Effective internal controls and appropriate delegation levels are in place to minimise investment risk of Council's investment capital.

MINUTES BANYULE AUDIT & RISK COMMITTEE

10 DECEMBER 2021

- The financial yield is managed through prudent investment of investment capital whilst ensuring sufficient liquidity for Council's day to day operational commitments.
 - Investment decisions are based on the security of investment capital by limiting unnecessary exposure to risk.
 - The investment direction is consistent with the environmental and social objectives of Council.
4. This Investment Policy will be regularly reviewed and updated for any significant changes in Council's Investment Strategy. This is expected to be each Council term or more frequently where legislation changes or other circumstances warrant.
5. The Audit & Risk Committee are invited to provide feedback and endorse the Investment Policy for Council adoption.

COMMENTARY

- The Manager Finance & Procurement informed the Committee that the investment policy is aligned to the investment strategy which was adopted by Council earlier in the year and the new policy will be going back up to Council in the new year.
- The Committee requested a wording change of 'Recommends to Council' rather than 'Council makes the decision' under the Property Market Investment heading.
- The Committee asked how Council proposes to get assurance that the policy is compliant and consistent with what other Councils are doing.
- The Manager Finance & Procurement replied that all investments are in accordance with the Local Government Act Section 103 and are reported back monthly to the Executive as well as yearly reporting back to Council. The Director Corporate Services added that Banyule is one of the few Councils throughout the LGA with an Investment Strategy.
- The Internal Auditor suggested that to keep in line with the Local Government Act it would be worthwhile adding a table into the policy to show how we have included governance principles. The Committee agreed that this should be included in this and any further policy reviews.
- The Manager of Finance & Procurement informed the Committee that the investment strategy was a way of identifying objectives and principles with the new Council and was produced first before embedding into the policy. There is assurance that the policy is done in line with the strategy.
- The Director of Corporate Services said that developing an investment strategy was a new step for Council .
- The Committee stated that overall it is a good policy and a very comprehensive document and welcomed the inclusion of the risk appetite table and agreed the risk level of 4 is as high as we should go.
- The Committee requested that the investment strategy be tabled at the next Committee meeting.
- The Committee requested a future report (Annually) to come back to the Committee

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Resolution

That the Committee:

1. Note the relationship of the Investment Policy to Council's Investment Strategy (adopted 9 August 2021 by Council).
2. Provide feedback on Councils Investment Policy for consideration by Council officers.
3. Endorse the Investment Policy for Council adoption pending Council officers consideration of the Audit and Risk Committee's feedback.

Moved: Prof Stuart Kells

Seconded: Cr Peter Dimarelos

CARRIED

**1.4 CROWE HORWATH - INTERNAL AUDIT - LEASES & LICENCES AUGUST 2021
SUMMARY**

1. Council has the power to grant leases and licences over Council-owned and Council-managed land within the municipality, and associated buildings to organisations or businesses. A lease or a licence is a contractual agreement between Council and another party which mutually binds them to the stipulated terms of the agreement.
2. The terms and conditions of a lease are based on legally drawn templates developed for various types of leases, including individual circumstances surrounding the land and buildings and the needs of the various users and stakeholders involved.
3. Council has established a formal Leasing and Licencing operating framework for the management of new and established leasing and licencing arrangements over both commercial and community properties.
4. In accordance with the annual audit program, an internal audit has been undertaken of Councils Leases and Licences to assess whether the policy, procedures and controls are operating satisfactorily.
5. This internal audit has been focused on the management of governance, internal controls and transparency of information over the lifecycle of properties leased and licenced to third parties.
6. Our report does not identify any high-risk issues.

COMMENTARY

- The Internal Auditor informed the Committee that they were very comfortable with management comments and the timeframes listed to complete each recommendation
- The Manager Planning & Building advised the Committee that most of the actions will be closed out mid-January.
- The Director of Community Programs said the review was very thorough and the recommendations were confirmation of things that had been discussed internally and welcome the recommendations.
- The Committee asked about the significant debt that had not been collected and asked what improvements could be made to stop these falling through the system.
- The CEO informed the Committee that all outstanding debtors will be escalated quarterly to the EMT.
- The Committee said it is re-assuring that there are no high risk areas and welcomed the oversight from an EMT level.

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Resolution

That the Committee note:

1. The current controls in place to manage leases and licences would benefit from further strengthening.
2. The internal audit identified a range of controls that should be implemented and/or improved to reduce the identified weaknesses and exposures.
3. The report does not identify any high-risk issues.

Moved: Mr Greg Rimmer-Hollyman

Seconded: Dr Irene Irvine

CARRIED

[Cr Peter Castaldo left the meeting at 1:56pm]

1.2 RISK MANAGEMENT FRAMEWORK ANNUAL REVIEW

SUMMARY

5. The International Standard for Risk Management (“**ISO31000**”) and Council’s Risk Management Policy requires Council to ensure that Risk Management is an integral part of its organisational processes.
2. The Risk Management Principles (outlined in the ISO and reflected in Council’s Risk Management Policy) guide Council to continually revisit its risk management practices to ensure our approach is reflective of the contextual environment in which we are operating.
3. In order to ensure that Council’s consideration and management of risk is iterative and responsive to contextual change, the commitment was made to annually review Council’s Risk Management Framework (“**Framework**”) and update accordingly. Risk Management Framework (version 2) is provided for consideration in **Attachment 1**.
4. The Committee should note that generally there has been very little alteration from the previous version of Council’s Framework – rather, emphasis has been placed on simplifying the document to make it more accessible for the entire organisation. Key updates to note:
 - a) Matured Risk Appetite table for Enterprise Risk
 - b) Minor terminology changes
 - c) Consequence matrix better aligned to operational performance
 - d) Introduction of Assurance Committee with updates Roles and Responsibilities
5. As with the previous iteration of the Risk Management Framework, a comparison between the ISO3100 and Council’s Framework has been undertaken to describe how Council is aligned to the standard. The comparison table is attached to this document at **Attachment 2**.

COMMENTARY

- The Risk & Compliance Advisor informed the Committee that following the September meeting, key changes were made to include benchmarking and shows where Council sits against the ISO 3100 guidance which is the same benchmarking tool that has been used over the past 18 months.

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- There is a real liaison across key stakeholders such as the Assurance Committee which has been constantly reviewing these steps and further assurance from working groups across the sector in risk management through the LGPro.
- The Committee questioned the terminology used in the consequence table of 'insignificant risks' which could be perceived as 'not significant' when a first aid incident occurs.
- The Risk & Compliance Advisor said that while consequence is insignificant it does not refer to the event or risk itself but would take this feedback back to the Assurance Committee.
- The Committee added the risk framework tables are universally the same but the lower level is titled different (insignificant, low etc..) and feel the word insignificant may be viewed incorrectly to Council and should be changed.
- The Committee felt that once the risk table was set the authority should not change. The Risk & Compliance Advisor informed the Committee that the table will be reviewed for 'tolerance' on a regular basis and any changes would be referred back to the Committee. This action would be added to the current framework.
- The Committee suggested the following minor changes be considered:
 - P46: Change the term Risk Culture to 'Risk Management Culture'
 - P47: Leadership involvement learning rephrase to Risk Management Behaviours
 - P48: Risk Appetite – add the word 'potential'
 - P49: #27 amend to reflect tolerance
 - P51: Authority - look at limiting the EMT approval for risk.
 - Control evaluation needs the 3 lines added
- The Committee said that overall the risk management framework is very well put together and the report was a good paper.

Resolution

That the Committee review and provide feedback on the updated framework.

Moved: Mr Greg Rimmer-Hollyman

Seconded: Cr Peter Dimarelos

CARRIED

1.3 SEXUAL HARASSMENT SURVEY REPORT 2021 - STAFF AND COUNCILLOR SUMMARY

1. This report responds to Banyule's commitment to a Zero tolerance of Sexual Harassment and forms part of the VAGO Self-Assessment – Sexual Harassment into Local Government:
 - a. **Recommendation one (1)** - Use findings from the Victorian Auditor-General's 2020 Sexual Harassment in Local Government survey to identify and act on risk factors for Council employees and workplaces; and
 - b. **Recommendation two (2)** - Collect information about the prevalence and nature of Sexual Harassment at least once every two years by:
 - i. Conducting workplace surveys.
2. Council have undertaken two surveys to investigate the prevalence of Sexual Harassment at Banyule in 2021:
 - a. People Matter Survey for Staff
 - b. Sexual Harassment Survey for Councillors

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3. Attached is a detailed survey report on the prevalence of Sexual Harassment at Banyule for 2021, which includes a comparison to the 2020 VAGO Sexual Harassment survey undertaken for the Audit and Risk Committees review.
4. We ask the Audit and Risk Committee to provide feedback and any further recommendations to be included in the VAGO Self-Assessment – Sexual Harassment into Local Government for 2022.

COMMENTARY

- The Manager People & Culture informed the Committee that this report was the follow up to the 2020 VAGO Sexual Harassment Survey which was presented to the Committee earlier this year and completed in conjunction with the People Matter Survey.
- There have been notable improvements in staff believing Council has created a safer space and are more likely to report, however there are still a high number of people that do not think it is serious enough to report. There was a better participation rate and Banyule City Council had a higher response across the sector than other Councils.
- The CEO added that there had been a lot of investment in training and awareness which also included a recent video with the Mayor.
- The Committee said it is reassuring to have a lot of less staff experience sexual harassment than the previous survey and asked why we are not showing a prevalence by areas and suggested that future surveys could include a question to isolate those areas where sexual harassment is still happening.
- The Committee added that whilst the numbers reporting a serious offense in the survey is lower, it is a concern that there have been no formal complaints to Council.

Resolution

That the Committee:

1. Note the 2021 survey report on the prevalence of Sexual Harassment at Banyule.
2. Provide feedback and any further recommendations to be included in the VAGO Self-Assessment – Sexual Harassment into Local Government for 2022.

Moved: Dr Irene Irvine

Seconded: Prof Stuart Kells

CARRIED

1.5 CROWE HORWATH - BUSINESS CONTINUITY PLANNING AND DISASTER RECOVERY - DRAFT MAP

SUMMARY

1. Business Continuity is the capability of an organisation to continue to deliver services to a predefined level following a disruptive event.
2. A Disaster Recovery Plan (DRP) is a documented process and procedures to recover and protect business IT infrastructure assets in the event of a disaster. Given Council's increasing dependency on information technology to run its business operations, the recovery of IT data, assets and facilities subsequent to a disaster, plays a pivotal role in business processes.
3. In accordance with the Strategic Internal Audit Plan (October 2021 – September 2022), an internal audit of Council's Business Continuity Planning and Disaster Recovery is scheduled to commence early 2022.

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4. This internal audit is focused on business continuity management and the practices and processes in place to manage disaster recovery.

COMMENTARY

- The Internal Auditor informed the Committee that's this internal audit will focus on business continuity management and the practices and processes in place to manage disaster recovery.
- This Internal Audit will commence on 1 April 2022 and the scope of the audit had been reviewed by management and asked for feedback from the Committee
- The Committee responded that they comfortable with the scope and look forward to the review.

Resolution

That the Committee:

1. Review the objectives of the Business Continuity Planning and Disaster Recovery Internal Audit
2. Provide feedback on the scope of this audit.

Moved: Mr Greg Rimmer-Hollyman

Seconded: Cr Peter Dimarelos

CARRIED

1.6 AUDIT & RISK COMMITTEE - PROPOSED SCHEDULE OF MEETING DATES FOR 2022

EXECUTIVE SUMMARY

1. The Audit & Risk Committee Charter states the 'Committee' will develop a forward meeting schedule that includes the dates, location, and content of the annual work.
2. The Committee will meet at least four times a year, with authority to convene additional meetings, as circumstances require.
3. All Committee members are expected to attend each meeting in person or through teleconference or videoconference where those facilities are available.
4. A schedule of meetings is developed annually and agreed the Committee.
5. Meeting are generally held in the Months of March, June, September and December.
6. A schedule of meetings dates and times is proposed for Committee discussion and approval.

COMMENTARY

- The Committee confirmed the following dates for the Audit & Risk Committee meetings for 2022:
 - Friday 25 March 2022
 - Friday 17 June 2022
 - Friday 23 September 2022
 - Friday 9 December 2022

MINUTES BANYULE AUDIT & RISK COMMITTEE

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Resolution

That the Committee confirm:

1. the dates for the Audit & Risk Committee meetings for 2021 are as follows:
 - a) Friday 25 March 2022
 - b) Friday 17 June 2022
 - c) Friday 23 September 2022
 - d) Friday 9 December 2022
2. the Committee will meet with the Internal Auditor in the absence of management prior to each Agenda Meeting at 12:30pm.
3. the commencement time for each Agenda Meeting will be 1pm.

Moved: Dr Irene Irvine

Seconded: Mr Greg Rimmer-Hollyman

CARRIED

1.7 FOLLOW UP ACTIONS ARISING FROM THE AUDIT & RISK COMMITTEE MEETING HELD 17 SEPTEMBER 2021

SUMMARY

1. The Audit & Risk Committee meeting was held Friday 17 September 2021.
2. This report provides a summary of actions arising from that meeting.
3. Actions arise from Committee resolutions and on occasion commentary or observation.
4. This report covers any action or commentary that does not require separate reporting.
5. The report provides a mechanism to ensure the actions are addressed.
6. Recommendations are made to the Audit & Risk Committee to note the updates and resolve to accept reports arising from the follow up actions requested at the meeting on Friday 17 September 2021.

COMMENTARY

- The Director of Corporate Services informed the Committee of the progress on bringing the Essential 8 up to maturity level 2 including the restriction of admin privileges, patch applications and 2MFA with a complete report of all the remaining actions to come back to the next Committee meeting.
- The Committee reminded management that a paper should go up to Council requesting additional resourcing to complete the VAGO actions.
- The Internal Auditor questioned if one of the follow up actions assigned to internal audit on consolidation of the cemeteries trust would better suited to a financial review rather than an audit.
- The Committee agreed that upon reflection this is not an internal audit matter and Council should test this again with VAGO.

MINUTES BANYULE AUDIT & RISK COMMITTEE

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Resolution

That the Audit & Risk Committee:

1. note the updates and accept the reports arising from the follow up actions requested at the meeting on Friday 17 September 2021.

Moved: Dr Irene Irvine

Seconded: Cr Peter Dimarelos

CARRIED

1.12 CROWE HORWATH - SUMMARY OF PROGRESS REPORT - DECEMBER 2021

SUMMARY

1. This report provides the Banyule City Council's Audit and Risk Committee (ARC) with the status of internal audit activity as at 30 November 2021.
2. The Leases and Licenses internal audit report is tabled at this meeting
3. The Developer Contributions - Draft report has been issued to management
4. Planning has commenced the following internal audits:
 - Business Continuity /IT Disaster Recovery
 - OHS Follow Up
 - HR Management
5. Every quarter, Crowe (Melbourne) reviews recent reports and publications by government agencies and other sources that may impact on public sector agencies and local government.
6. A summary report titled 'Curious Eyes' is provided as a separate attachment.

COMMENTARY

- The Committee recommended that for completeness, the summary of progress report on the internal audit process should be consolidated with other internal reports for discussion.

Resolution

That the Committee note and receive the Internal Audit Progress Report as at 30 November 2021.

Moved: Dr Irene Irvine

Seconded: Cr Peter Dimarelos

CARRIED

**1.16 STATUS REPORT - INTERNAL AUDIT AND SELF-ASSESSMENT
RECOMMENDATIONS - DECEMBER 2021**

SUMMARY

1. The purpose of this report is to provide the status and summary of outstanding issues arising from the following reviews which have been previously reported to the Audit & Risk Committee (ARC):
 - 2017 - 2020 Internal Audit Recommendations
 - 2020 - 2022 Internal Audit Recommendations

MINUTES BANYULE AUDIT & RISK COMMITTEE**10 DECEMBER 2021**

- IBAC Self Assessments
 - VAGO Self Assessments
2. The Status Report lists the management actions that are currently in progress, outstanding and completed from each review and provides a control mechanism to ensure that issues raised are addressed.

COMMENTARY

- The Committee informed management that they were concerned with the number of overdue actions in the status report.
- The Committee requested a review be done on all overdue actions and see if there are any outstanding actions which cannot be closed out due to other variables since the initial recommendation, and remove these from the list. A report should come back to the next Committee meeting on findings.
- The CEO informed the Committee that this is already being discussed at EMT level as a priority.

Resolution

That the Committee:

1. Note the following completed actions:

Child Safety Standards	Internal Audit
Management of Third Parties	Internal Audit
Management of Conflict of Interest	Internal Audit
Cyber Security – Essential 8	Internal Audit
Grants Management - Outgoing	Internal Audit
Statutory Building	Internal Audit
Fraud & Corruption Review	VAGO Self-Assessment
Sexual Harassment in Local Government	VAGO Self-Assessment

2. Note the following updates for:

Local Laws	Internal Audit
Cyber Security – Essential 8	Internal Audit
Grants Management - Outgoing	Internal Audit
Service Level Agreements	Internal Audit
Statutory Building	Internal Audit
Fraud & Corruption Review	VAGO Self-Assessment
Security of Local Government Buildings	VAGO Self-Assessment
Asset Management and Compliance	VAGO Self-Assessment
Sexual Harassment in Local Government	VAGO Self-Assessment

Moved: Dr Irene Irvine
 Seconded: Cr Peter Dimarelos

CARRIED

1.17 AUDIT & RISK COMMITTEE - SELF ASSESSMENT SURVEY 2021

SUMMARY

1. The Local Government Act 2020 (the Act) requires all Councils to establish and Audit & Risk Committee and prepare and approve a Committee charter.
2. The Charter must specify the functions and responsibilities of the Committee, which are specified in section 54 of the Act.
3. The Audit & Risk Committee charter states that the Committee must evaluate its own performance using a Self-Assessment tool which will be reviewed, adopted and completed by the Committee.
4. An evaluation of the Committee should occur following the September meeting which allows all nominated Councillor Representatives up to four meetings to base the evaluation on.
5. The Self-Assessment has been segmented to also allow a review of the Committee's performance by Council executive and the Internal Auditor.

COMMENTARY

- The Chairperson said the survey was a great result and invited anyone that had any concerns to contact the Chair to discuss further.

Resolution

That the Committee note the results of the Audit & Risk Committee Self-Assessment Survey 2021.

Moved: Dr Irene Irvine
Seconded: Cr Peter Dimarelos

CARRIED

1.18 ENTERPRISE RISK REPORT

SUMMARY

1. Over the previous 12 months, Council has undertaken significant work in relation to its Enterprise Risk Management.
2. This work was driven by the commitment made by the Executive Management Team to cultivate a risk culture where risk management is simple yet thoroughly reflective of our operational environment.
3. In order to deliver this, the Assurance Committee embarked on a 12-month journey to overhaul Council's risk and control information. The key outputs of this activity as described in the body of this report (and summarised in **attachment 1** are:
 - a. Identification of Council's Enterprise Risks
 - b. Analysis of Council's exposure should the risks materialise
 - c. Assessment of the effectiveness of Council's control environment
4. With the completion of this work, the next 12 months will focus on embedding these risk management practices. Emphasis will be placed on the ongoing Management of Council's risk through its ongoing assurance activities – this will drive robust risk consideration and aid effective decision making.

MINUTES BANYULE AUDIT & RISK COMMITTEE

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5. The role of the Committee in relation to the scrutiny of Council's Enterprise Risks will be in the consideration of the assurance activities that assist in determining the true effectiveness of operational controls and the consideration of actions in place to strengthen the control environment.

COMMENTARY

- The Committee confirmed with the Risk and Compliance Advisor that a full list of Enterprise Risks and Assessment of Controls would come back to the next meeting.

Resolution

That the Committee:

1. Consider this report and its attachment, and;
2. Note the work being undertaken and the next steps and provide feedback

Moved: Dr Irene Irvine

Seconded: Cr Peter Dimarelos

CARRIED

1.19 SAFETY WELLBEING QUARTERLY REPORT

SUMMARY

1. The following report details information from across Council for the period of September to 10 November 2021* and is presented to the Committee for noting.
2. The last three months has demonstrated a similar number of Hazards/Near miss (13) and Incidents (13) reported as per the previous quarter throughout all our directorates.
3. The top causes of incidents reported were overloaded vehicles in Operations — Waste Management as well as a driving related incident and the discovery of needles in the Parks - Bushland Management.
4. There are currently 38 open WorkCover claims, with a total of 4 claims received between the months of September to 10 November 2021. This is a significant decrease for the last quarter and reflects the proactive work that is occurring in this space.
5. The Safety and Wellbeing Committee meetings in the respective divisions have occurred and there has been a process whereby the membership is refreshed to ensure good engagement in all divisions.

COMMENTARY

- The Committee said they had been good progress and the reduction in Workcover claims and increase in the return to work is an excellent result.
- The Manager of People & Culture informed the Committee that the return to work team have been doing some excellent work to achieve these results.
- The CEO added that Council is very happy where the trend is going and the team has been promoting a lot of Safety Culture throughout the organisation.

Resolution

That the Committee note:

1. The progress in closing out WorkCover claims during this period which is a significant achievement noting COVID restrictions and vaccination requirements.
2. The quarterly safety metrics and trend data.

Moved: Dr Irene Irvine

Seconded: Cr Peter Dimarelos

CARRIED

1.21 COMPUTER ASSISTED AUDIT TECHNIQUES (CAAT'S) - QUARTERLY REPORT

MINUTES BANYULE AUDIT & RISK COMMITTEE

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SUMMARY

1. In line with the Computer Assisted Audit Techniques (CAATs) works program for 2021/22, planned quarterly tests were undertaken internally by Banyule City Council officers and the results reported to Audit and Risk Committee.
2. The primary objective of the tests is to ensure that the relevant controls, processes, and practices are adequate, accurate, and complete.
3. Overall, General Ledger, Depreciation/Amortisation, and Procurement (purchase order after invoice) controls, processes, and practices are operating effectively.
4. Detailed findings and actions are provided in the report.

COMMENTARY

- The Committee requested a deadline be set on invoices without a purchase order.
- The Manager of Finance & Procurement informed the Committee that the next step is to set a deadline. A date will be finalised once Council had completed the Authority upgrade.
- The Internal Auditor asked if there was a trend in any one department that was leading the non-compliance and ask management how they are addressing bringing down the non-compliance percentage closer to 0%.
- The Manager of Finance & Procurement said that month by month the areas do vary and procurement works with management in addressing these at each monthly reporting period.
- The Internal Auditor asked if there was a supplier code of conduct in place at Banyule.
- The Manager of Finance & Procurement said Council does not have a supplier code of conduct but does have terms and conditions which goes to some suppliers and will look at to see if a supplier code of conduct can be worked in.
- The Director of Corporate Services said there will be a shift with instructions given to vendors that they do not accept an order unless there is a purchase order received prior.

Resolution

That the Committee:

1. Note the CAAT's Quarterly Report is covering General Ledger, Depreciation/Amortisation, and Procurement (Purchase Order after Invoice) controls, processes, and practices.
2. Note that there were no anomalies from this CAAT review of General Ledger and Depreciation/Amortisation.
3. Note that the overall, General Ledger and Depreciation/Amortisation controls, processes, and practices are operating effectively.
4. Note the Senior Management Team continue monitor staff non-compliance activities directly within their teams.

Moved: Dr Irene Irvine
Seconded: Cr Peter Dimarelos

CARRIED

MINUTES BANYULE AUDIT & RISK COMMITTEE

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DIRECTORS PRESENTATION

The Director of Corporate Services spoke about the following areas:

- Cyber security
- digital technology
- staff safety and well-being
- business resilience
- workforce

Cyber Security

- Targeted cyber intrusions and other external adversaries who steal data
- ransomware denying access to data from monetary gain and external advisors who destroy data and prevent computers/networks from functioning
- malicious insiders who steal data such as customer details or intellectual property
- Management of cyber security risks (essential 8)

Digital technology

- applications at the end of life
- lack of integration between applications
- expense to upgrade
- Community and staff expectations
- rapid change in technology
- skills and capability of the IT team
- Management of digital technology risks

Staff safety and well-being

- provide a safe workplace for all persons at Daniel City Council
- create a comprehensive smf that is clear and concise for all levels to understand
- Building trust for staff to further believe their safety and well-being is an integral part of Council business
- increase engagement and participation with safety and well-being initiatives
- Management of safety and well-being

Business resilience

- disruption to critical business function
- pandemic (COVID positive case)
- cybertech / network outage
- power outage
- /fire food
- management of business resilience
 - o Business continuity management
 - o disaster recovery planning disruption related risk management
 - o crisis incident management
 - o Emergency Management
 - o organizational resilience

Workforce

- challenges and opportunities
- Strong female representation and diversity of gender across the workforce
- aging workforce

COMMENTARY

The Committee took comfort in knowing that Banyule has strategies in place post the COVID resignations and migrations and has a lot of good innovation and capabilities around digital security and an optimism to keep things working and on track is a credit to Banyule City Council and the entire team.

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The following reports were for noting and resolved in block.

1.8 AUDIT & RISK COMMITTEE ANNUAL REPORT 2021

SUMMARY

1. The *Local Government Act 2020* (LGA) section 53 requires all Councils to establish an Audit Committee.
2. The Committee operates under a Charter determined by Council and based on the best practice guide from Local Government Victoria. It is an advisory Committee of Council.
3. The Audit & Risk Committee's role is to report to the Council and provide appropriate advice and recommendations on matters relevant to its Charter in order to facilitate decision making by the Council in relation to the discharge of its responsibilities.
4. An Audit and Risk Committee must—
 - prepare a biannual audit and risk report that describes the activities of the Audit and Risk Committee and includes its findings and recommendations; and
 - provide a copy of the biannual audit and risk report to the Chief Executive Officer for tabling at the next Council meeting
5. This report has been prepared by the Chair of the Committee and Council officers and follows the meeting at which the annual financial report and the annual performance statement have been considered and recommended to Council for adoption.
6. The Committee has reviewed and considered a range of comprehensive reports throughout the year on various aspects of Council's operations.
7. The Committee's biannual Report on the activities of the Audit & Risk Committee is recommended to be submitted to CEO for tabling at the next Ordinary Council meeting scheduled for 7 February 2022.

Resolution

That the Committee:

1. advise any other matters to be included in the report and
2. submit the report to the CEO for tabling at the next Ordinary Council meeting.

Moved: Dr Irene Irvine
Seconded: Cr Peter Dimarelos

CARRIED

1.9 STAFF GIFTS AND HOSPITALITY POLICY

SUMMARY

1. Within the Local Government sector the acceptance of Gifts and Hospitality are considered an area of potential corruption.
2. Common risks that can arise if staff accept gifts or hospitality may include:
 - a. The need to 'return the favour'
 - b. Creating a culture of entitlement where personal interests are prioritised

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- c. Signalling to community, suppliers and stakeholders this is 'how things get done'
 - d. Be mindful of community expectations – certain types of hospitality may be perceived as extravagant or unnecessary
 - e. May be an actual, potential or perceived conflict of interest
3. Section 49 of the *Local Government Act 2020* (the Act) requires that the Chief Executive Officer must develop and implement a Code of Conduct for members of Council Staff.
- The Code of Conduct must include a Gift Policy that contains:
- a. a requirement for members of Council staff to disclose all gifts above a specified level; and
 - b. provisions providing for disclosed gifts to be recorded in a gift register.
4. The Act has a requirement for a separate policy for Councillors. The Councillor Gifts and Hospitality Policy was adopted by Council on 3 May 2021, the Staff policy and the Councillor policy maintain the same principles.
5. The Policy has been endorsed by the Executive Management Team (EMT) on 25 October 2021 and is being provided to the Audit & Risk Committee (ARC) for review (Attachment 1).
6. As the Policy will be included in the Code of Conduct, informative consultation has undertaken as part of the roll out of the new Staff Code of Conduct which is to be implemented by 31 December 2021.
- 7. COUNCIL MAINTAINS A GIFTS AND HOSPITALITY REGISTER, THE REGISTER HAS BEEN REVIEWED BY THE EMT AND IS PROVIDED TO THE ARC FOR REVIEW (ATTACHMENT 2).**

Resolution

That the Committee acknowledges the tabling of the Staff Gifts and Hospitality Policy and the Staff Gifts and Hospitality Register.

Moved: Dr Irene Irvine
Seconded: Cr Peter Dimarelos

CARRIED

1.10 HOSPITALITY & CATERING POLICY

SUMMARY

1. Following the VAGO – Fraud and Corruption Control – Local Government report produced in June 2019, Council undertook a self-assessment. This was reported to the Audit & Risk Advisory Committee (ARC) in September 2019.
2. It was identified that Council had a gap with no policy on the provision of Meals and Alcohol. The VAGO report recommended that Councils consider community expectations and perceptions associated with this type of expenditure. The Committee were advised that Council would develop a Hospitality Policy.
3. The purpose of the policy is:
 - To ensure that any use of public funds for corporate hospitality is reasonable, meets community expectations and represents value for money.
 - To give clear direction to staff in relation to catering and hospitality expenditure whilst conducting official Council business, including minimise catering and food wastage.

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4. Benchmarking has been conducted with 5 other Councils including review of their policies and the model policies of the Victorian Public Sector Commission.
5. The policy establishes a consistent approach and standard for when catering is acceptable depending on type of meeting, duration of meeting and 5 categories of catering.
6. The Executive Management Team (EMT) and Senior Management Team (SMT) have reviewed the policy and provided feedback.
7. The policy was adopted by EMT on 17 November 2021.
8. The policy is now presented to the ARC for noting in accordance with the requirements of the Self-Assessment following the recommendations from the VAGO report.

Resolution

That the Committee note Banyule City Council has developed a Hospitality & Catering Policy in accordance with the requirements of the Self-Assessment following the recommendations from the VAGO report.

Moved: Dr Irene Irvine

Seconded: Cr Peter Dimarelos

CARRIED

1.11 OMBUDSMAN SELF ASSESSMENT - FINANCIAL HARDSHIP RATEPAYERS

SUMMARY

1. The Victorian Ombudsman conducted a state-wide investigation in to how Councils respond to ratepayers in financial hardship. This report made several recommendations and comments on the policies and practices in place.
2. Officers have conducted a self-assessment in relation to the recommendations included in the report (attached). The assessment has indicated some areas of policy change that Council should consider in the renewal of the applicable policies. These recommended changes will be included in drafts to be prepared in January – June 2022
3. Banyule City Council was mentioned in the report in terms of some of the aspects of Council's adopted Rates Financial Hardship Assistance Policy 2021-2022. These were related to the charging of penalty interest, the blanket exclusion of rates waivers and the restrictive language around deferrals of rates.
4. Council's Rates Financial Hardship Assistance Policy 2021-2022 will expire on 30 June 2022. A new policy will be prepared for Council to adopt prior to the expiration of the current policy. This draft will be informed by the Ombudsman's report and recommendations included in the Rates Financial Hardship Assistance Policy 2021-2022.
5. Officers are currently preparing a draft Rates Debt Collection Policy. Aspects of the Ombudsman's report included recommendations relating to debt collection policies and practices. This draft will be informed by the Ombudsman's report and recommendations included in the draft Rates Debt Collection Policy.
6. The report also includes recommendation to the Victorian government to amend the Local Government Act and introduce codes of practice or guidelines. Should these legislative changes occur, Council will need to consider the legislative impact on policies in place.

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Resolution

That the Committee note the self-assessment conducted in response to the Ombudsman's report.

Moved: Dr Irene Irvine
Seconded: Cr Peter Dimarelos

CARRIED

1.13 ANNUAL WORK PLAN - DECEMBER 2021

SUMMARY

1. An Annual Work Plan is developed that sets out the Audit and Risk work program for the year, it outlines the audits, work and review of items including timing and frequency of reporting to the Audit and Risk Committee.
2. At Banyule the Annual Work Plan is grouped in the following sections:
 - Annual Financial Statements
 - Budget
 - Data Analytics
 - Financials
 - Governance
 - IBAC
 - Internal Audit
 - Risk Management
 - VAGO
 - Other
3. The *Local Government Act 2020* requires all Victorian Councils to adopt an Annual work program. The plan is mapped against the Functions and Responsibilities of the Audit and Risk Committee Charter approved by Council on 17 August 2020.
4. The following changes have been made to the Work Plan:
 - Milestone reporting back to the Committee has been added to the work Plan as requested at the 17 September 2021 Committee meeting.

Resolution

That the Audit & Risk Committee note:

1. The attached Annual Work Plan.
2. The update to the annual review of the Strategic Internal Audit Plan which will now be presented to the Audit & Risk Committee in September of each year.

Moved: Dr Irene Irvine
Seconded: Cr Peter Dimarelos

CARRIED

**1.14 LOCAL GOVERNMENT ACT 2020 - IMPLEMENTATION - PROGRESS REPORT
DECEMBER 2021**

SUMMARY

1. The *Local Government Act 2020* came into effect on 25 March 2020.
2. A progress report on the Implementation of the *Local Government Act 2020* is provided and outlines Council's delivery on each requirement.
3. This is the seventh report presented to the Committee.
4. The new Act has a number of requirements to be implemented over four stages. Each stage was proclaimed at different times:
 - STAGE 1 – 6 April 2020 - completed
 - STAGE 2 – 1 May 2020 - completed
 - STAGE 3 – 24 Oct 2020 - completed
 - STAGE 4 – 1 July 2021 - completed
5. Stage 4 was completed on 25 October 2021 and included developing significant strategic documents including the development of a 20-year Community Vision, Council Plan and Long-Term Financial Plan. The Act requires deliberative engagement on the development of these three documents.
6. Progress on Council's delivery of the final requirements by the implementation dates of 31 December 2021 and 30 June 2022 are included in the report.

Resolution

That the Committee note Council's progress on implementation of the *Local Government Act 2020*.

Moved: Dr Irene Irvine
Seconded: Cr Peter Dimarelos

CARRIED

**1.15 INTEGRITY AGENCIES - SELF ASSESSMENT STATUS REPORT AS AT 10
DECEMBER 2021**

EXECUTIVE SUMMARY

1. Integrity Agencies such as the Victorian Auditor General's Office (VAGO) and Independent Broad-Based Anti-Corruption Commission (IBAC), Local Government Inspectorate (LGI) and Victorian Ombudsman (VO) issue reports on Local Government and those relevant to the sector.
2. These reports include reviews of Councils' Integrity Frameworks, Fraud & Corruption Frameworks, Procurement Practices and Governance etc.
3. Self- Assessments are undertaken by Council against the recommendations of these reports and presented to the Audit & Risk Committee (ARC).

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4. The report provides the Audit & Risk Committee with a list of self-assessment audits that Banyule has identified as opportunities to improve systems and controls relevant to Council operations.
5. The status report as at 10 December 2021 is listed and provides an update of all self-assessments undertaken to date.

Resolution

That the Committee notes:

- 1) The status of the self-assessments and progress to date and approves the completed recommendations based on the management comments provided.
- 2) The Victorian Ombudsman (VO) investigation into how local Councils respond to ratepayers in financial hardship is reported to the 10 December 2021 Committee meeting.

Moved: Dr Irene Irvine
Seconded: Cr Peter Dimarelos

CARRIED

1.20 QUARTERLY FINANCIAL MANAGEMENT REPORT - SEPTEMBER 2021

SUMMARY

1. This Quarterly Financial Management Report is for the period ended 30 September 2021 and provides assessment of the following:
 - Financial Performance - key income and expenditure actual operating results against budget, including COVID-19 financial impacts on operations and the 2021/22 Economic Support Package initiative.
 - Capital Works Expenditure – summary of actual spend, budget and forecast.
 - Investment activity – compliance against the current Investment Policy
 - Other key financial indicators – Rates Outstanding, Accounts Receivable, Balance Sheet and Cash Flow statements

Financial Performance:

2. As of 30 September 2021, the year to date operating deficit is \$3.332m unfavourable to budget, due mainly to the financial impact from the unexpected COVID-19 lockdowns (number 5 and 6) resulting in some Council services prevented from operating and/or postponed.
3. The September forecast is projected to be a \$9.974m operating surplus compared to the adopted budget surplus of \$14.581m (\$4.608m unfavourable movement).
4. The 2021/22 underlying operating deficit is forecasted to be \$8.422m compared to a budgeted underlying deficit result of \$1.185m (\$7.258m unfavourable). The underlying result is determined after adjusting for non-recurrent capital grants and capital contributions which represent \$18.416m of Council's income.
5. The key forecast variances are:
 - a. Net unfavourable business impact of COVID-19 forced lockdowns is \$3.637m.
 - b. Council endorsed, in August 2021, a further \$1.727m of funding of the 2021/22 Economic Support Package (initiative and operating budget) to \$3.540m.

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- c. Capital Works project costs transferred to Operational Budget: FOGO \$1.050m
- d. Carry forward initiatives and unspent grant income: net position (increase in revenue) \$1.610m favourable

Capital Works Performance:

- 6. As of 30 September 2021, a total of \$5.889m has been spent on capital works.
- 7. The capital works expenditure is forecast to be \$73.302m including \$9.248m of carry forwards projects from previous financial year and partially offset by the temporary savings generated from the projects which will be postponed to the next year. (the adopted capital budget is \$66.745m).

Resolution

That the Committee note:

- 1. The Quarterly Financial Management Report for September 2021;
- 2. Council remains financially sustainable despite the financial impact from COVID-19 restrictions;
- 3. Officers have complied with the *Local Government Act 2020* to provide a quarterly budget report to Council as soon as practical after the end of the quarter; and
- 4. The Chief Executive Officer, as required by Section 97(3) of the *Local Government Act 2020* is of the opinion a revised budget is not required
- 5. This report is an extract from the Ordinary meeting of Council Meeting held on Monday 15 November 2021.

Moved: Dr Irene Irvine
Seconded: Cr Peter Dimarelos

CARRIED

2. Verbal Updates

Nil

3. Other Business

Nil

Next Meeting

25 March 2022 at 1pm

Closure of Meeting

3:25pm



The Hon Shaun Leane MP

Minister for Local Government
Minister for Suburban Development
Minister for Veterans

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Melbourne, Victoria 3000 Australia
Telephone: +61 3 8392 2240
DX 210074

Ministerial Good Practice Guideline MGP-1: Virtual Meetings

Purpose

The Victorian Government's *COVID-19 Omnibus (Emergency Measures) Act 2020* introduced into the *Local Government Act 2020* (the Act) mechanisms that allows for virtual council meetings – to ensure local government decision-making can continue during the coronavirus pandemic. These measures were in force from 1 May 2020 until 1 November 2020 and as a consequence of the recent passage under *COVID-19 Omnibus (Emergency Measures) And Other Acts Amendment Act 2020* the arrangements for virtual meetings have been extended until 26 April 2021.

This change enables councils to continue to represent their communities and make critical decisions about the future.

This good practice guideline has been re-issued to assist councils to continue to conduct council meetings under Part 12 of the Act. Compliance by a council with a relevant good practice guideline can be used as evidence that the council has complied with the corresponding requirement under the Act.

This re-issued guideline takes effect from 2 November 2020 and is effective until 26 April 2021.

Responsibilities of councillors and council staff

Councillors and council staff are required to continue to act in accordance with the Councillors Code of Conduct and the Local Government Acts 1989 and 2020, local laws and other Acts and policies as prescribed.

Requirements for conducting virtual council meetings

Requirement 1: Ordinary business of council can continue by electronic means of communication

Section 394 of the Act allows councillors and members of delegated committee, special committees, and governing bodies of regional libraries, to participate in meetings remotely by electronic means of communication. The intention is to ensure the normal ordinary business of council can continue through the use of electronic communication.

A member's attendance can only be recorded as present where the member can confirm that they meet all three of the following:

- They can hear proceedings;
- They can see other members in attendance and can be seen by other members;
- They can be heard (to speak).



Councils are encouraged to consider and adopt specific rules that provides guidance to the Chair when the three conditions cannot be met but a quorum is present.

A quorum of members of council is breached where a member forming a quorum cannot meet the above requirements.

Disclosure of conflicts of interest and rules relating to conflicts of interest remain. Councils need to ensure members can be removed from proceedings where required.

Requirement 2: All virtual meetings of council where public access is required under the Act must be made publicly available

Where councils take up the option to conduct virtual meetings, all council meetings and joint meetings of councils must be streamed live through the council's website.

Delegated committees and special committees can elect to either stream their virtual meetings live or make a recording available on the council's website following the meeting.

Confidential council meetings or confidential/closed sections of council meetings are not required to be streamed live and will not need to be electronically recorded.

Where the council experiences technical difficulties in being able to broadcast a meeting to the public the meeting must be adjourned until the issue is resolved or postponed to another time and date in accordance with council's meeting procedures, local laws or governance rules.

It may be prudent for the Chair to indicate at the commencement of a meeting that if technical problems are encountered by the council then the meeting will be adjourned until resolution or postponed.

The council is not responsible for any data usage charges or technical difficulties a member of the public may experience in accessing the livestream or recordings of meetings.

Meeting type	Live streamed	Recording to internet
Council meeting	Required for open meetings	Optional
A joint meeting of Councils	Required for open meetings	Optional
A meeting of a delegated committee or joint delegated committee	Required for open meetings if not recorded to internet	Required for open meetings if not live streamed
A meeting of a governing body of a regional library	Not applicable	Not applicable
A meeting of a special committee	Required for open meetings if not recorded to internet	Required for open meetings if not live streamed

This is a guideline updated by the Minister for Local Government pursuant to section 87 of the Local Government Act 2020.

Issued on 20 October 2020

Requirement 3: Representation at council meetings by members of the public

Councils are encouraged to make arrangements to allow members of the public who wish to appear before council to do so through virtual means or other alternatives, including the provision for written statements to be read out at the virtual council meeting or posted prior to the meeting.

From 2 November 2020 to 26 April 2021 (the prescribed period) Councils do not need to provide for members of the public to physically attend meetings. Providing public access to livestreamed events satisfies the public attendance test during the prescribed period.

Requirement 4: Confidentiality

Councils must ensure that where necessary confidential items are dealt with in an electronically secure environment. Councillors must be able to demonstrate to the satisfaction of the Chair that the location that they are participating from is secure to ensure the deliberations are confidential.

I have issued this guideline pursuant to section 87 of the Local Government Act 2020 (Vic).

The Hon Shaun Leane MP



The Hon Shaun Leane MP
Minister for Local Government

This is a guideline updated by the Minister for Local Government pursuant to section 87 of the Local Government Act 2020.

Issued on 20 October 2020

Investment Policy

February 2022 | Banyule City Council



Document control

Endorsed by Audit & Risk Committee	Date endorsed by Audit & Risk Committee: 10 December 2021
Date of Adoption	Date approved by Council: TBC
Next review due	Date of next review: TBC
Responsible Department	Corporate Services – Finance and Procurement
Legislative Context	Council is governed to meet requirements of the Local Government Act 2020 (the Act) which contains specific provisions on investments. The relevant sections of the Act are included in Appendix 2. Should Banyule consider alternative investment assets not currently allowable under the Act, then Banyule will need to apply to the Minister under s103(f) of the Act.
Council Investment Policy – Mandatory requirements This policy has been reviewed against the Act <input checked="" type="checkbox"/>	Section 103) of the Act specifies the requirements for a council investments policy: A Council may invest any money – <ul style="list-style-type: none"> a. In Government securities of the Commonwealth; b. In securities guaranteed by the Government of Victoria; c. With an Authorised Deposit-taking Institution (ADI); d. With any financial institution guaranteed by the Government of Victoria; e. On deposit with an eligible money market dealer within the meaning of the Corporations Act; f. In any other manner approved by the Minister either generally or specifically, to be an authorised manner of investment for the purposes of this section.
Overarching Governance Principles This policy has been reviewed against the Act <input checked="" type="checkbox"/>	This policy is aligned to the following governance principles and supporting principles specified in Section 9 of the Act; <p>(1) A Council must in the performance of its role give effect to the overarching governance principles.</p> <p>(2) The following are the overarching governance principles—</p> <p>(a) Council decisions are to be made and actions taken in accordance with the relevant law:</p> <ul style="list-style-type: none"> (b) priority is to be given to achieving the best outcomes for the municipal community, including future generations; (c) the economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, is to be promoted; (d) the municipal community is to be engaged in strategic planning and strategic decision making; (e) innovation and continuous improvement is to be pursued; (f) collaboration with other Councils and Governments and statutory bodies is to be sought; (g) the ongoing financial viability of the Council is to be ensured; (h) regional, state and national plans and policies are to be taken into account in strategic planning and decision making; (i) the transparency of Council decisions, actions and information is to be ensured. <p>(3) In giving effect to the overarching governance principles, a Council must take into account the following supporting principles—</p> <ul style="list-style-type: none"> (a) the community engagement principles; (b) the public transparency principles; (c) the strategic planning principles; (d) the financial management principles; (e) the service performance principles.
Applies to	This policy is applicable to all Council officers responsible for capital investment (Council funds and properties).
Victorian Charter of Human Rights and Responsibilities Act This policy has been reviewed against the Act <input checked="" type="checkbox"/>	In developing this procedure, the subject matter has been considered to determine if it raises any human rights issues. In particular, whether the scope of any human right established under the Victorian Charter of Human Rights and Responsibilities Act 2006 is in any way limited, restricted or interfered with by the contents of this policy. It is considered that the Council Investment Policy is consistent with the rights outlined in the Charter.
Related documents	Council Investment Strategy D21/169542 (Adopted 9 August 2021)

Investment Policy

1. Policy Purpose

The purpose of Council's Investment Policy is to ensure that:

- Investment capital funds are invested in accordance with legislative and Council requirements.
- Effective internal controls and appropriate delegation levels are in place to minimise investment risk of Council's investment capital.
- The financial yield is managed through prudent investment of investment capital whilst ensuring sufficient liquidity for Council's day to day operational commitments.
- Investment decisions are based on the security of investment capital by limiting unnecessary exposure to risk.
- The investment direction is consistent with the environmental and social objectives of Council.

2. Scope

This investment policy is applicable to all Council officers responsible for capital investment (Council funds and properties).

This Investment policy does not consider the management of the Business Development Fund as outlined in the Investment Strategy.

3. Legislative framework

Council is governed to meet requirements of the *Local Government Act 2020 (the Act)* which contains specific provisions on investments. The relevant sections of *the Act* are included in Appendix 2. Should Banyule consider alternative investment assets not currently allowable under *the Act*, then Banyule will need to apply to the Minister under s103(f) of *the Act*.

This investment policy is developed in accordance to Council's Enterprise Risks relating to financial management. In addition, the development of the Investment Policy complies with overarching governance principles outlined in s9 of *the Act*.

4. Investment objectives

The Council's overall objective is to optimise investment returns by investing funds and capital at the most advantageous rate of interest available at the time, for that investment type, while achieving a balance between the preservation of capital, the maintenance of liquidity and appropriate risk tolerance.

- Preservation of capital - investments are to be placed in a manner to ensure security and safeguarding of the investment portfolio.
- Maintenance of liquidity - the investment portfolio will maintain sufficient liquidity to meet all reasonably anticipated operating cash flow requirements as and when they fall due.
- Investment return target - investments should achieve a prudent rate of return (capital and income) of CPI plus 2.50% over rolling 5 year periods. The rate of return is based on the Council's risk appetite (Band 4) established in the investment strategy D21/145738 and adopted by Council on 9 August 2022. Refer Appendix 3: Investment Risk appetite table.
- Sustainable investments - where practical, council prefers financial institutions that do not directly support fossil fuel companies and is consistent with the environmental, social and governance objectives of Council. Refer to section 7 Environmental, Social and Governance (ESG).

5. Authority and delegation

The Executive Management Team (EMT) delegate the investment decisions to specific business units.

- The Manager of Finance and Procurement and The Manager of Strategic Properties have responsibility for managing financial market investments and property investment respectively. Investment decisions are to be made in accordance with this Policy by the responsible officers.
- The Manager of Finance and Procurement is responsible for presenting the investment portfolio to EMT and to Council on a periodic basis. Refer to section 8 – reporting investments and reviewing of investment policy.
- The roles and responsibilities involved in the financial market investment process:
 - Council officers:

Position	Responsibilities
Financial Performance & Planning Coordinator	Responsible for the cash flow management and identification and preparation of day- to-day investment decisions Maintaining and reconciliation of the Investment capital register Liaison between the external investment manager ESG checklist completed by Organisations in which investments will be made and register maintained of responses
Manager of Finance and Procurement	Recommends to Council the review and approval of investment decisions in accordance with the investment policy Reporting to EMT and Council on the performance of the Capital Investment as per the Investment Policy Review of Investment Policy
Commbiz approvers	Responsible for the dual approval for the release of funds via the commonwealth bank commbiz application

- External investment managers:

Position	Responsibilities
Victorian Funds Management Corporation or a private sector fund manager	Act on the direction of Banyule City Council Investment Policy signatories. Manage the investment capital assigned by Council (portfolio of defensive and growth financial assets) aligned to Council's investment strategy. Provide performance reporting on the external portfolio.

- The roles and responsibilities involved in the property market investment process:
 - Council officers:

Position	Responsibilities
Property Officer/ Coordinator	Reporting on the performance of the Property component of the Investment Capital
Manager of Strategic Properties	Recommend to Council the Decision to hold, use and manage property In all new property investment business cases undertake an assessment of ESG requirements

- Ethics and conflicts of interest - Officers shall refrain from personal activities that would conflict with the proper execution and management of Council's investment portfolio. This policy requires officers to disclose any conflict of interest to the Director of Corporate Service.

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- Prudent person standard - All investments are to be made exercising care, diligence and skill that a prudent person of business would exercise in managing the affairs of other persons. When acting under the provisions of this policy Council officers should always maintain a professional balance of risk and return and act as a steward of Council funds.

6. Guidelines

6.1 Financial Investment products

6.1.1 Financial Investment types

In the context of the legislative framework outlined in Appendix 2, the following guidelines and investments are recommended as defensive investments:

Financial Investment	Description	Features	Benchmark	Horizon
11am account	Cash funds are invested on overnight deposit up until 4pm each business day. Notice of withdrawal of funds to be submitted to the bank by 11am on the day required.	Ready access to funds. No fees. Interest rate usually 0.10% below the Reserve Bank cash rate.	Reserve Bank cash rate less 0.10% (10 basis points)	Short Term
Term deposit	Fixed period investment offered by authorised deposit-taking institutions.	Wide range of maturity dates available. Certainty of returns.	BBSW (different term)	Short Term / Long Term
Commercial bill	Highly negotiable products sold at a discount to their face value. The bank undertakes to pay the investor the face value upon maturity.	Highly liquid product which can be redeemed at any time by selling back to the bank.	BBSW (different term)	Short Term
Floating rate notes	FRNs are available for terms ordinarily of 1-3 years with regular coupons (interest) usually paid quarterly.	Interest rate is set as a margin over the 90-day Bank Bill Swap Rate (BBSW).	90-day BBSW + appropriate margin	Long Term
Government and Semi-Government bonds	Long dated maturities with a sovereign debt rating. Considered to be the most resilient investments in regard to adverse market movements.	Lower return than other forms of investment.	Bloomberg AusBond Index	Long Term
Managed funds with a minimum AAF rating	Enhanced cash funds independently managed by fund managers.	Rate of return is benchmarked against the UBS 90-day Bank Bill index.	BBSW + appropriate margin	Short Term / Long Term

The appropriate margin would be reviewed and agreed at the point of investment.

Council may invest in any of the above investments subject to the limits listed below and subject to the specific requirements of *the Act*. Different investment products will have differing levels of use, practicality and desirability at different times of the economic cycle. The decision regarding investment types will be made with regard to the prevailing economic and market conditions, the timeframe of the particular investment, and the rates of return applicable at the time.

6.1.2 Credit rating and horizon limits

Council's own direct investments - Council Officers may only invest directly with financial institutions short term, with a short term paper rating being not lower than A3 or long term, with a long term paper rating not lower than BBB-. In addition, Council may invest up to a maximum for a maximum of up to 5 years in a licensed bank/s.

Table 1 - Direct Investments

S&P Short Term Rating	S&P Long Term Rating	Horizon Short Term	Horizon Long Term	Maximum % in individual counterparty	Maximum % of overall portfolio
A1+	AAA to AA-	0 to 365 days	1 to 5 years	0% to 50%	0% to 100%
A1	A+, A	0 to 365 days	1 to 5 years	0% to 50%	0% to 100%
A2	A -, BBB+	0 to 365 days	1 to 5 years	0% to 50%	0% to 50%
	BBB -		1 to 5 years	0% to 30%	0% to 50%

Council's Investments with Funds Managers - the rating requirements for managed funds ensure that only funds with very high credit quality are invested in, (minimum AAf).

Table 2 - Managed fund

S & P Rating	S & P Rating	Horizon	Maximum % of overall portfolio
AAAf	AAAm	0 to 5 years	50%
AAf	AAm	0 to 5 years	50%

6.1.3 Other guidelines

- Horizon of investments - the horizon of investments will be based on forecast cash requirements and assessment of interest rates available at the time of investment. Investments will be placed at optimal maturities without compromising the objective of maintaining cash to meet daily liquidity requirements. The term of maturity of any investment may range from "at call" to five years.
- In addition, the combined average weighted days to maturity and the overall volatility of any managed funds should be appropriate to Council's investment objectives.
- Changing of credit rating - Council will maintain a current list of Short- and Long-Term paper ratings of all institutions, funds and Funds Managers. If any of the funds/securities held are downgraded, such that they no longer fall within Council's investment policy guidelines, and security concerned will be divested within 30 days or as soon as is practicable.
- Quotation of investments - not less than three (3) quotations shall be obtained from authorised institutions whenever an investment is proposed. The best quote on the day will be successful after allowing for administrative and banking costs, as well as having regard to the limits set below.
- Maximisation for Investment returns - Council should aim to maximise where possible, favourable returns that do not jeopardise the security of funds invested.

6.2 Property Investment products:

6.2.1 Property Investment category

As a component of Council's capital and diversifying investment income sources, investment properties are categorised as:

- Held for capital growth
- Sale of proceeds of surplus land
- Held for long term yield

Properties are invested in to achieve returns generated by a growth in the value of the capital and/or provide an ongoing cash return through rental income. If the property is required primarily for operational needs, then it is not deemed an investment property.

6.2.2 Other guidelines:

- Type of property - Property can include residential, commercial and industrial and for each property investment proposal, should outline:
 - current and future operating cash needs,
 - medium and long term planned expenditure,
 - any additional funding required,
 - how a return will be generated, monitored and collected over the life of the investment; and
 - a plan articulating how the capital funds will be returned i.e. through sale or repayment over time.
- Location- Property investments need to be within the Council boundaries or closely linked to Council activities and/or Northern Regional Collaborative opportunities.

7 Environmental, Social and Governance (ESG)

7.1 Financial Market Investment - ESG considerations

- The Investment policy applies an approach of 'negative screening', whereby exclusions will be applied based on the ESG considerations, for organisations in which investments will be made.
- The ESG considerations allows for a high-level assessment of all prospective organisations in which council intends to invest (e.g. ADIs) using the following minimum criteria outlined in the ESG consideration form Appendix 4. Each financial institution in which Banyule has within its investment capital portfolio is asked to complete the questions, positive affirmation to the questions confirm the continued investment in the ADI and the respondents are asked to reaffirm their position before the end of each financial year.
- The responses of the affirmation are recorded in the investment register.

7.2 Property Market Investment – ESG considerations

After the adoption the Council's investment strategy on 9 August 2021 new property investments are to be individually assessed for ESG requirements. The investment proposal should include the following considerations:

- Utilisation of Global Real Estate Sustainability Benchmark (GRESB) ESG data and analytical tools
- Utilisation of the Green Building Council of Australia (GBCA) Green Star Assessment
- Utilisation of National Australian Built Environment Rating System (NABERS).

7.3 Fossil Fuel Free Investments

- Banyule City Council will not knowingly invest in an Organisation that operates at the expense of the environment, human rights, the public safety, or the dignity of its employees. Specifically, there will be no direct investment in fossil fuels.
- Banyule City Council will actively invest with fossil free financial institutions within the Banyule City Council Policy parameters and the interest rate provided by financial institutions is no worse than other investments available to Council at the time.
- Before increasing the amount invested the Financial Accounting team will consult the institution's homepage or annual reports for official statements on their status.

8 Reporting investments and Reviewing of investment policy

8.1 Investment Reporting

- Quarterly reporting - As a part of Quarterly Financial Management Report, a financial market investment section is included to record the investment portfolio, invested amount, the nature of the investments under management, counterparty and horizon maturities as well as the interest rates. The section should also confirm that investment limits for particular instruments have been adhered to or provide details of any breaches and actions taken. The performance (where available) of the investments measured against the benchmark should also be included in the report.
- Annual reporting - An annual investment report is submitted to the EMT. The investment report reviews the investment performance of each investment (or group of investments) addressing the following elements:
 - Each investment asset's performance is calculated at market value as at reporting date compared against the initial market value invested to determine the return;
 - The performance for each investment asset and the overall investment portfolio, and the asset allocation are compared against the benchmark as per the risk band guide (refer to the table in Appendix 3);
 - Benchmark data to be updated to reflect the strategy: Include benchmark data (e.g. CPI + 2.5% over a historical period of 5 years);
 - The level of responsible investing of investments. The responsible investing means the effective management of material financial and reputational risks and opportunities related to environmental, social and corporate governance issues.
 - The report also includes specific recommendations on the ongoing status of each investment.
- **Record keeping** - A register of investments will be maintained together with an investment file containing all letters of advice from financial institutions. Investments will be bought to account and valued at fair value plus transaction costs directly related to the acquisition of the financial asset in accordance with Australian Accounting Standards. Interest revenue will be accrued monthly and recognised as it is earned.

8.2 Policy Review

- **Reviewing of investment policy** - Council's Investment Policy should be reviewed each council term or more frequently where legislation changes or other circumstances warrant.

9 Variations to Policy

The Chief Executive Officer and/or the Director of Corporate Services be authorised to approve minor variation to this policy if the investment is to Council's advantage and/or also due to revised legislation. Any major variations to this policy will be submitted to Council for approval.

10 Definitions

Term	Definition
The Act	<i>Local Government Act 2020</i>
Authorised Deposit-taking Institutions	Authorised Deposit-taking Institutions (ADIs) are corporations which are authorised under the <i>Banking Act 1959</i> . ADIs include banks, building societies, and credit unions. All ADIs are subject to the same Prudential Standards but the use of the name's 'bank', 'building society' and 'credit union' is subject to corporations meeting certain criteria.
Bank Bill Swap Rate	The Bank Bill Swap Rate (BBSW) is a short-term interest rate used as a benchmark for the pricing of Australian dollar derivatives and securities—most notably, floating rate bonds
Capital Return	Generally realised on sale/maturity of the investment (e.g. the realised return on the sale of an investment property)
Credit Risk	Credit risk is the possibility of a loss resulting from a borrower's failure to repay a loan or meet contractual obligations.
Credit Rating	An assessment of the credit-worthiness of an investment in general terms or with respect to a particular debt or financial obligation.
Counterparty	The other party that participates in a financial transaction.
Defensive Assets (Property)	Defensive assets are generally those that aim to provide a steady and/or stable income stream.
Direct divestment	No direct investment in any company that involves fossil fuel in their core business strategy or principle business activity. This usually refers to stocks held for resources companies and alike and has been the main focus of many organisations that have declared their commitment to fossil fuel divestment.
Growth Assets	Growth assets are generally assets that aim for capital growth.
Horizon	Investment horizon is the term used to describe the total length of time that an investor expects to hold a security or a portfolio
Income Return	Generally provided throughout the life of the investment (e.g. rental income on an investment property)
Investment Capital	Funds currently held and to be used for council purposes in the future in accordance with Banyule's strategic plans (funds and capital)
Liquidity Risk	Liquidity risk is a financial risk that for a certain period of time a given financial asset, security or commodity cannot be traded quickly enough in the market without impacting the market price.
Managed fund	A managed fund is one type of 'managed investment scheme'. In a managed fund, your money is pooled together with other investors. An investment manager then buys and sells shares or other assets on your behalf. You are usually paid income or 'distributions' periodically. The value of your investment will rise or fall with the value of the underlying assets. The investment manager may be called a 'fund manager' or 'responsible entity'
Market Risk	Market risk is the risk of losses in positions arising from movements in market variables like prices and volatility.
Standard & Poor's	Standard & Poor's Financial Services (also referred to as S&P) is an American financial services company, founded by Henry Varnum Poor in 1860 in New York. S&P controls approximately 40% of the global credit rating market share.

11 Appendix

Appendix 1 – Standard & Poor’s Rating Definitions

Short Term Credit Ratings

S&P’s	
A1+	Extremely strong capacity to pay
A1	Strong capacity to pay
A2	Satisfactory capacity to pay
A3	Adequate capacity to pay
B	Vulnerable to default/speculative

Long Term Credit Ratings

S&P’s	
AAA	Extremely strong capacity to pay
AA+; AA; AA-	Very strong capacity to pay
A+; A; A-	Strong capacity to pay
BBB+; BBB; BBB-	Adequate capacity to pay
BB+; BB; BB-	Uncertainties or adverse conditions could lead to inadequate capacity to pay
B+; B; B-	Adverse conditions likely to impair capacity to pay
CCC	Vulnerable to default
CC	High risk of default
D	Default

Fund Credit Quality Ratings

S&P’s	
AAAF*	Extremely strong protection against losses
AAf or AAf*	Very strong protection against losses
Af	Strong protection against losses
BBBf	Adequate protection against losses
BBf	Uncertain protection against losses

*m subscript refers to cash funds which aim to preserve the face value of the amount invested.

*f subscript refers to funds which either mark-to-market or invest in high quality long term securities. These funds may experience some variation in redemption price due to the revaluation of securities following interest rate changes.

Appendix 2 – Local Government Act 2020

Investments (section 103)

A Council may invest any money –

- a. In Government securities of the Commonwealth;
- b. In securities guaranteed by the Government of Victoria;
- c. With an Authorised Deposit-taking Institution (ADI);
- d. With any financial institution guaranteed by the Government of Victoria;
- e. On deposit with an eligible money market dealer within the meaning of the Corporations Act;
- f. In any other manner approved by the Minister either generally or specifically, to be an authorised manner of investment for the purposes of this section.

Overarching governance principles and supporting principles (section 9)

- 1) A Council must in the performance of its role give effect to the overarching governance principles.
- 2) The following are the overarching governance principles—
 - a) Council decisions are to be made and actions taken in accordance with the relevant law;
 - b) priority is to be given to achieving the best outcomes for the municipal community, including future generations;
 - c) the economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, is to be promoted;
 - d) the municipal community is to be engaged in strategic planning and strategic decision making;
 - e) innovation and continuous improvement is to be pursued;
 - f) collaboration with other Councils and Governments and statutory bodies is to be sought;
 - g) the ongoing financial viability of the Council is to be ensured;
 - h) regional, state and national plans and policies are to be taken into account in strategic planning and decision making;
 - i) the transparency of Council decisions, actions and information is to be ensured.
- 3) In giving effect to the overarching governance principles, a Council must take into account the following supporting principles—
 - a) the community engagement principles;
 - b) the public transparency principles;
 - c) the strategic planning principles;
 - d) the financial management principles;
 - e) the service performance principles.

Appendix 3 - Investment risk appetite table

The Council's risk appetite (Band 4) is considered medium based on the collated feedback provided by the Councillors and the Executive Management Team. This level of risk appetite is set based on the need to ensure the capital invested is preserved for council use at the appropriate time and therefore is not solely for investing to generate returns.

Table 1: Investment Risk appetite table

Risk Band	Risk Label	Estimated no. of negative annual returns over any 20 year period	Indicative asset allocation	Investment performance benchmark	Minimum suggested holding period
1	Very low	Less than 0.5	Cash	CPI over rolling 1 year periods	1 year
2	Low	0.5 to less than 1	Secure – growth assets 20%, defensive assets 80%	CPI plus 1% over rolling 3 year periods	2 years
3	Low to medium	1 to less than 2	Capital Stable – growth assets 30%, defensive assets 70%	CPI plus 1.5% over rolling 3 year periods	3 years
4	Medium	2 to less than 3	Conservative Balanced – growth assets 50%, defensive assets 50%	CPI plus 2.5% over rolling 5 year periods	5 years
5	Medium to high	3 to less than 4	Balanced – growth assets 65%, defensive assets 35%	CPI plus 3% over rolling 7 year periods	7 years
6	High	4 to less than 6	Growth – growth assets 85%, defensive assets 15%	CPI plus 4% over rolling 8 year periods	8 years
7	Very high	6 or greater	High Growth – growth assets 95%, defensive assets 5%	CPI plus 4.5% over rolling 10 year periods	10 years

Table developed by the Financial Services Council and Association of Superannuation Funds of Australia

Appendix 4: ESG considerations form

ESG consideration	Explanation	Affirmation
Sustainability Baseline	<p>Signatory to the Principles of Responsible Banking</p> <p>Signatory to the Equator Principles</p> <p>Confirm alignment of the bank's material ESG issues</p> <p>Policies and lending practices towards fossil fuel projects</p> <ul style="list-style-type: none"> — lending to new fossil fuel power generators or related infrastructure — lending to new fossil fuel exploration or development projects — lending to companies seeking to expand fossil fuel projects — lending to renewable energy <p>Emissions targets set for the financing portfolio</p> <p>Carbon Neutral Certification through Climate Active</p>	
Sustainability and Responsible Investment commitment	Does the organisation clearly or concisely outline, commit and report on its processes / approach to ensuring that its investments are ESG appropriate or responsible? These commitments should be publicly stated.	
Responsible Investment Policy	<p>Does the organisation have a responsible investment policy?</p> <p>Is the responsible investment policy disclosed publicly?</p> <p>The policy needs to outline the organisation's principles, commitments and approach to responsible investment.</p>	
The execution of responsible investment strategies	<p>Does the organisation go beyond executing a purely traditional investment approach to one that integrates ESG factors in investment decision making?</p> <p>The organisation adopts an approach that avoids harm, benefits stakeholders and contributes to solutions.</p> <p>Does the organisation utilise a norms-based screening approach?</p> <p>Norms-based screening involves the screening of investments that do not meet minimum standards of business practice.</p> <p>Standards applied are based on international norms and conventions such as those defined by the United Nations Global Compact, International Labour Organization, United Nations Children's Fund, and the UN Human Rights Council.</p> <p>Screening will involve the exclusion of companies that contravene the UN Convention on Cluster Munitions, UN Global Compact, PRI, UN Framework Convention on Climate Change and the Sustainable Development Goals (SDGs).</p> <p>As societies' expectations around transparency of impact grow, so too will Banyule's consideration of norms.</p> <p>Does the organisation utilise a negative screening approach?</p> <p>Negative screening is the systematic exclusion from a fund or portfolio of certain sectors, companies, countries, or issuers based on activities that do not meet certain criteria.</p> <p>Exclusion criteria (based on norms and values) can refer to product categories (e.g. weapons, tobacco), company practices (e.g. animal</p>	

	testing, violation of human rights, corruption), controversies or 'unacceptable' revenue exposure by the excluded company or issuer. ¹
Industry associations and collaborative initiatives	<p>Does the organisation seek to raise awareness through knowledge sharing and dissemination with investee companies, business partners, industry partners and/or governments on various ESG factors that go beyond the responsibilities of investments and projects?</p> <p>Is the organisation a member of a collaborative initiative? E.g. Investor Group on Climate Change, Principles for Responsible investment, Climate Action 100+, other groups? Being part of industry groups is an effective way to influence sector specific and industry wide performance standards.</p>
Alignment with the Sustainable Development Goals (SDGs) ²	<p>Has the organisation prioritised certain SDGs and sub-targets?</p> <p>Does the organisation align their strategy/vision/purpose or ESG metrics with the SDGs?</p>
Alignment and reporting against the Task Force on Climate-related Financial Disclosures (TCFD) ³	<p>Does the organisation report in line with the TCFD framework for addressing and reporting organisations' exposure to climate-related risks and opportunities?</p> <p>Does the organisation have processes and procedures embedded to monitor climate risk (both physical and transitional) in investment portfolios?</p> <p>The corporation should seek to determine the level of exposure and vulnerability to climate related risks across its current investments by stress testing the portfolio across a variety of potential physical warming and socio-economic scenarios.</p>

¹ Responsible Investment Benchmark Report 2020: <https://responsibleinvestment.org/resources/benchmark-report/>

² The Sustainable Development Goals (SDGs) are a blueprint for a better future and they create an agenda for realising a world where both people and the planet thrive sustainably. The SDGs are a set of 17 goals (which cascade to 169 targets and 232 indicators) for global development to 2030. The SDGs provide a framework in order to solidify a common language for reporting a business's, and consequently investors, contribution to the SDGs, streamlining the reporting burden on sustainability issues. The SDGs provide a platform to help stakeholders understand and communicate the breadth of value delivered through consistent communication and measurement.

³ Climate risk reporting is increasingly a focus area for many financial regulators (including ASIC, APRA, ASX, AASB and AuASB) as they push regulated entities to consider their exposure to climate risk and report under the TCFD. Spark should use the TCFD as the prominent and accepted disclosure framework.



AUDIT & RISK COMMITTEE

ANNUAL REPORT

01 December 2020 – 30 November 2021

Executive Summary

Overview

Banyule City Councils' Audit & Risk Committee was established in 1997. The Committee reports to Council and provides appropriate advice and recommendations relevant to its Charter in order to facilitate Council decision making.

Members include a Chairperson, two Independent Representatives and three Councillors (which includes the substitute). The Committee meets four times a year and the minutes of the meetings are submitted to Council. The key purpose of this report is to provide Council with an overview of the Audit & Risk Committee's primary functions; activities and outcomes over the last 12 Months. Key functions of the Committee are to check and thus reassure Council that Banyule is compliant with major pieces of legislation and is managing its key risks. Central to this checking is a program of internal audits and one external audit.

The Victorian Auditor-General's Office (VAGO) provide an external audit opinion on the financial and performance statements of Banyule City Council. The internal audit function is outsourced; Crowe Australasia were awarded a 12 Month contract extension on their current contract in September 2021 and will continue to work to the Strategic Internal Audit Plan developed and reviewed annually by the Audit Committee with management input.

Under the requirements of the new Local Government Act 2020, the Chairperson is required to prepare a report to Council through the Chief Executive Officer on the Committee's activities twice per annum. One of these reports will be prepared after the meeting at which the annual financial report and the annual performance statement have been considered and recommended to Council for adoption, such report indicating how the Committee has discharged its responsibilities, as set out in this Charter, for the previous year.

Authority

The functions of the Council's Audit & Risk Committee are established under Section 54 of the Local Government Act 2020 and set out in the Committee's Charter. The Charter is reviewed annually; the last update was approved by Council at its 17 August 2020 meeting and there were no changes required over the past 12 Months.

A Work Plan has been developed to align with the Committee Charter. Attached as Appendix 'A'.

Meetings

During the past 12 Months the Committee met on four occasions:

- 10 December 2020
- 12 March 2021
- 18 June 2021
- 16 September 2021

Membership

Membership of the Committee was as follows:

Name	Type	Commencement	Concludes
Dr Irene Irvine (Chair)	Independent Representative	1 February 2018	31 January 2024
Prof Stuart Kells	Independent Representative	1 October 2018	30 September 2024
Mr Greg Rimmer-Hollyman	Independent Representative	1 September 2020	30 August 2023
Cr Peter Castaldo	Councillor	November 2020	November 2021
Cr Mark Di Pasquale	Councillor	November 2020	November 2021
Cr Peter Dimarelos	Councillor (Substitute)	November 2020	November 2021

Meetings and attendance

Four meetings were held during the past 12 Months and member attendance was as follows:

Name	December 2020	March 2021	June 2021	September 2021
Dr Irene Irvine	Remote	Present	Remote	Present
Prof Stuart Kells	Present	Remote	Remote	Remote
Mr Greg Rimmer-Hollyman	Remote	Present	Remote	Remote
Cr Peter Castaldo	Present	Present	Remote	Remote
Cr Mark Di Pasquale	Present	Present	Remote	Present
Cr Peter Dimarelos	Present	Present	DNA	Present

Note: Did not attend (DNA)

The Mayor, CEO, all Directors, key Council Officers, Council's internal auditor and VAGO representatives were regular attendees at the meetings.

The current Membership is as follows:

Name	Type	Commencement	Concludes
Dr Irene Irvine (Chair)	Independent Representative	1 February 2018	31 January 2024
Prof Stuart Kells	Independent Representative	1 October 2018	30 September 2024*
Mr Greg Rimmer-Hollyman	Independent Representative	1 September 2020	30 August 2023
Cr Mark Di Pasquale	Councillor	November 2021	November 2022
Cr Peter Dimarelos	Councillor	November 2021	November 2022
Cr Peter Castaldo	Councillor (Substitute)	November 2021	November 2022

*The re-appointment of Prof Stuart Kells for a second term of 3 years was by Council endorsed during the Ordinary Council meeting on 25 October 2021.

Governance and Compliance

In order to ensure accountability, compliance and transparency, in addition to this Annual Report, the Audit and Risk Committee submits the Minutes of each of its meetings to the next available Ordinary Council Meeting.

The Committee also seeks information from the Chief Executive Officer at each Audit and Risk Committee Meeting regarding any breaches, non-compliance or fraud issues since the last meeting. The Committee also meets with the Internal Auditor before each meeting in the absence of management who is required to formally advise if their work had been impeded in any way during the conduct of their audits or if they have identified any areas of concern or skill gaps. None were identified this year.

External Audit

In accordance with the Victorian Local Government Act 2020, Council's External Auditor is appointed by the Victoria Auditor General (VAGO). For the 2020/2021 financial year VAGO's contracted Agent, HLB Mann Judd undertook the external audit of Banyule City Council.

HLB Mann Judd were in attendance for each quarterly meeting to discuss the following reports to the Audit Committee:

- **Draft Audit Strategy Memorandum for the Financial Year Ending 30 June 2021** (Meeting held March 2021)

The Banyule City Council Audit Strategy sets out the Victorian Auditor-General's Office (VAGO) approach to the audit of the Financial Report and Performance Statement of Banyule City Council for the year ending 30 June 2021.

- **Interim Audit – Management Letter Points** (Meeting held June 2021)

This letter identifies risks (Low, Medium or High) within Council's controls and processes, and gives Council the opportunity to outline what they have done/will do to reduce these risks by putting appropriate controls in place.

Extensive liaison was held with the external auditors (HLB Mann Judd) in respect of the 2020/2021 financial statements, culminating with the Audit & Risk Committee, at its meeting on 16 September 2021, endorsing the **Closing Audit Report & Financial Management Letter** which covers the Annual Financial Report and Performance Statements for submission to Council for adoption. The audit results were very positive and follows a consistent pattern of no high risks being identified.

Based on VAGO audit planning and interim activity there appears to be no cause for concern regarding recording and reporting of Council's financial statements for 30 June 2021.

Internal Audit

The following internal audits were undertaken during 1 December to 30 November 2021.

These included:

1. Conflict of interest
2. Third Party Management
3. Project Management - Ivanhoe Library & Cultural Hub
4. (Outgoing) Grants Management and SLA's
5. Cyber Security Essential 8
6. Strategic Internal Audit Plan October 2020 – September 2021 (Revised)
7. Strategic Internal Audit Plan October 2021 – September 2022 (Revised)
8. Statutory Building
9. Developer Contributions
10. Leases & Licences
11. Crowe Horwath - Summary of Progress Report (Quarterly)

Internal Audit has continued to provide the Committee with draft Memorandums of Planning and reference documents for upcoming internal audits for review and feedback. This approach has ensured there is a broad agreed approach in the scope of work for each internal audit prior to commencement.

In addition to the Internal Audit Plan ad hoc audits are conducted as required. Most recently this was to examine outgoing funding to Somali Australian Council of Victoria (SACOV) in light of the Operation Watts enquiry

Management responds to all audit findings and has prioritised and planned treatments for areas of deficiency identified. The Committee has maintained oversight of all open audit findings and the status of treatment plans through the regular review of the Status Report – Internal Audit Recommendations.

The Strategic Internal Audit Plan (October 2020 – June 2021) was revised with management input and approved by the Committee at the 12 March 2021 meeting. At the 17 June 2021 meeting, the Committee had the opportunity to provide input into the prioritisation of a 12 Month Strategic Internal Audit Plan (October 2021 – September 2022).

The proposed Internal Audits approved by the Committee (October 2021 – September 2022) are:

1. OHS – Follow up Greencap report
2. Business Continuity / Disaster Recovery
3. Human Resources
4. Fraud and Corruption
5. Climate change adaptation

Management Reporting

During this reporting period, quarterly risk management reports were provided allowing the Committee to assess controls and their effectiveness and assisting in concentrating risk management efforts, if and where required. In addition, the Committee received presentations on the status and management of important risks including:

1. Risk Management Report - Strategic Risk Review
2. Impact of COVID19 on Council's Risk Profile
3. Occupational Health and Safety Management System Review - Status Update
4. Draft Councillor Code of Conduct and Councillor Gift Policy
5. Local Government Act 2020 - Implementation - Progress Report (Quarterly)
6. Compliance & Training
7. Insurance coverage
8. Safety Metrics (Quarterly)
9. Quarterly Financial Management Report - September 2020
10. Computer Assisted Audit Techniques (CAATs) - Procurement - Purchase Orders After Invoice
11. Computer Assisted Audit Techniques (CAAT's) - Quarterly Report
12. Computer Assisted Audit Techniques (CAATs) – Infringements
13. Computer Assisted Audit Technique (CAATs) - Accounts Payable - Suppliers
14. Councillor Expense Reporting
15. Protected Data Security Review
16. Business Continuity Plan Update
17. Banyule's Enterprise (formerly Operational) Risks
18. Strategic Risk Update (Quarterly)
19. How Enterprise Risk informs Internal Audit
20. Variance Analysis Report - Comprehensive Income Statement & Balance Sheet - 30 June 2021

21. Attestations to accompany the Financial Statements and Performance Statement - 30 June 2021
22. Insurance Review & Analysis
23. Budget 2021-2025
24. Crowe Horwath - 6 Month Contract Management Review - 1 October 2020 to 31 March 2021
25. Internal Audit - Extension of Contract 1 October 2021 to 30 September 2022
26. Crowe Horwath - Summary of Progress Report - June 2021

Council management also conducted several self-assessments in relation to reviews conducted by both IBAC and VAGO. This allowed officers to assess the merits of introducing control improvements as recommended.

These reviews included:

VAGO

- Self-Assessment - Survey - Sexual Harassment in Local Government
- Self-Assessment - Maintaining Local Roads

IBAC

- Self Assessment - Kingston City Council Statutory Planning Governance Review

OTHER

- Essential Services Committee - Banyule City Council Fact Sheets - Local Government Outcomes Report 2021

Acknowledgements

Audit Committee Members and Attendees

I would like to acknowledge the professionalism and participation of all the members of and attendees at the Audit Committee. The level of discussion on matters brought before the Committee has been of a very high standard, which I believe has resulted in tangible benefits and reassurance to the community and the Council.

Organisation

On behalf of the Committee I also wish to record my appreciation for the quality and extent of the work undertaken by Council staff in supporting the Committee through the leadership of the Chief Executive Officer, Allison Beckwith, especially as this occurred during the significant constraints brought about by COVID. I am also grateful for the excellent support provided to the Committee through the Governance unit.

Irene Irvine

Chairperson

Audit and Risk Committee

ANNUAL WORK PLAN		A&RC MEETING DATES			
GENERAL RESPONSIBILITIES/ITEMS		DECEMBER	MARCH	JUNE	SEPTEMBER
ANNUAL FINANCIAL	Review and endorse Annual Financial Audit Strategy	✓	✓		
	Review and endorse VAGO – Closing Audit Report & Management Letter				✓
	'In principle' endorsement of Council's Annual Financial Statements				✓
	Review and endorse Council's Annual Report				✓
	Local Government Performance Reporting Framework				✓
	Compliance Management/Management Attestations				✓
	Related Parties				✓
BUDGET	Proposed Annual Budget				✓
	Public Submissions				✓
CAATS	Review and discuss Status Report	✓	✓	✓	✓
	Review and endorse various CAAT's as required	✓	✓	✓	✓
GOVERNANCE FINANCIALS	Review and discuss Quarterly Financial Management Reporting	✓	✓	✓	✓
	Review the Audit & Risk Committee Charter			✓	
	Reference to Meeting Schedule	✓			
	Local Government Act Implementation Progress Report	✓	✓	✓	✓
	Assessing the performance of the Committee	Delayed			
	Induction for Audit Committee members (On appointment)	✓			
IBAC	A&RC Self-Assessment Survey	Delayed			
	Update of past and current Self-Assessments	✓	✓	✓	✓
INTERNAL AUDIT	Endorse Strategic Internal Audit Plan				✓
	Review and approve Internal Audit Scopes	✓	✓	✓	✓
	Review and discuss Internal Audit Reports	✓	✓	✓	✓
	Review the performance of the Internal Audit service			✓	
RISK MANAGE	Review and discuss Risk Management Reporting	✓		✓	
	OH&S Metrics	✓	✓	✓	✓
	Insurance Coverage				✓
	Business Continuity Planning		✓		
VAGO	VAGO Results – Local Government Audits	✓	✓	✓	✓
	Performance Audits / Self-Assessments	✓	✓	✓	✓
OTHER	Director's presentation	✓	X	CEO	✓
	Annual Report to Council on ARC activity	✓		✓	

Governance Local Law No.2

2021



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4 SCHEDULE 16

DRAFT

sGovernance	CD16156 Governance Local Law No. 2 (2021)	[[insert document number]]	Adopted by Council: [[insert date]] Commences Operation: [[insert date]]	Page 2 of 6
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1 Part 1 | PRELIMINARIES

1.1 Title

This Local Law is known as the Governance Local Law No. 2 (2021).

1.2 Objectives

The objectives of this Local Law are to:

- 1) regulate the use of the Common Seal;
- 2) prohibit unauthorised use of the Common Seal or any device resembling the Common Seal;
- 3) regulate conduct at *Council Meetings*; and
- 4) revoke *Council's* Governance Local Law No. 2 (2015).

1.3 Authorising Provision

This Local Law is a Local Law made under Section 71 of the *Local Government Act 2020*.

1.4 Commencement

This Local Law commences operation on [##insert date].

1.5 Cessation Date

This Local Law ceases to operate on [##insert date] unless revoked sooner.

1.6 Revocation of Previous Local Law

On commencement of this Local Law, *Council's* Governance Local Law No. 2 (2015) is revoked.

1.7 Definitions

Words	Meaning
<i>Act</i>	means the <i>Local Government Act 2020</i> , as amended from time to time.
<i>Authorised Officer</i>	means any <i>person</i> appointed to be an <i>Authorised Officer</i> pursuant to Section 224 of the <i>Local Government Act 1989</i> .
<i>Chairperson</i>	means the <i>Councillor</i> chairing a <i>Council Meeting</i> or other meeting that is open to the public.
<i>Chief Executive Officer</i>	has the same meaning as in the <i>Act</i> .
<i>Council</i>	means Banyule City Council.
<i>Council Meeting</i>	has the same meaning as in the <i>Act</i> .
<i>Councillor</i>	has the same meaning as in the <i>Act</i> .
<i>Director</i>	means a person appointed to or acting in the position of Director or such other position reporting directly to the <i>Chief Executive Officer</i> .
<i>Penalty Unit</i>	has the same meaning as in Section 110 of the <i>Sentencing Act 1991</i> .

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<i>Person</i>	has the same meaning as in the <i>Interpretation of Legislation Act 1984</i> .
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2 Part 2 | COMMON SEAL

2.1 Common Seal

- 1) The Common Seal of Council may only be used with the authority of Council or of the Chief Executive Officer in accordance with the Instrument of Delegation issued to the Chief Executive Officer.
- 2) The Chief Executive Officer must keep the Common Seal in safe custody.
- 3) Every document to which the Common Seal is affixed must be signed by:
 - a) a *Councillor* and the *Chief Executive Officer*; or
 - b) in the case of a document concerning the *Chief Executive Officer* or in which the *Chief Executive Officer* has an interest, a *Councillor* and a *Director*; or
 - c) in the case of a document on which the Common Seal is used with the authority of the *Chief Executive Officer* in accordance with the Instrument of Delegation issued to the *Chief Executive Officer*, by the *Chief Executive Officer* and a witness.
- 4) A *Person* must not use the Common Seal or any device resembling the Common Seal without the authority of *Council*.
- 5) Where the Common Seal is affixed to a document on the authority of *Council*, the sealing clause must contain the following words:

THE COMMON SEAL of BANYULE

CITY COUNCIL is affixed

in the presence of:

.....COUNCILLOR

.....CHIEF EXECUTIVE OFFICER / DIRECTOR

- 6) Where the Common Seal is affixed to a document on the authority of the Chief Executive Officer in accordance with the Instrument of Delegation issued to the Chief Executive Officer, the sealing clause must contain the following words:

THE COMMON SEAL of BANYULE

City Council is affixed on behalf of Council by authority of the Chief Executive Officer in the presence of:

.....WITNESS

.....CHIEF EXECUTIVE OFFICER

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3 Part 3 | ENFORCEMENT

3.1 Offences

1) Under this Local Law it is an offence for:

- a) a *Councillor* to not withdraw an expression which is considered by the *Chairperson* to be defamatory, indecent, abusive, offensive, disorderly or objectionable and to not satisfactorily apologise when called upon twice by the *Chairperson* to do so;
- b) any *Person*, not being a *Councillor*, who is guilty of any improper or disorderly conduct to not leave the *Council Meeting* or other meeting being held in a place that is open to the public when requested by the *Chairperson* to do so;
- c) any *Person* to fail to obey a direction of the *Chairperson* relating to the conduct of the *Council Meeting* or other meeting being held in a place that is open to the public and the maintenance of order;
- d) a *Councillor* to refuse to leave the room on suspension;
- e) a *Person* to use the Common Seal or a device resembling the Common Seal without the authority of *Council* or the *Chief Executive Officer* in accordance with the Instrument of Delegation issued to the *Chief Executive Officer*; and
- f) any *Person* to fraudulently sign a petition or joint letter which is presented to *Council*.

2) Any decision to prosecute a *Councillor* for committing an offence against sub-clause

1) or 1)c) shall be by resolution of *Council*.

3.2 Infringement Notices

As an alternative to a prosecution, an *Authorised Officer* may serve an infringement notice on any *Person* who is committing or has committed an offence against this Local Law.

The infringement notice penalty in respect of an offence against this Local Law is set out in Schedule 1.

3.3 General Penalty at Magistrates Court

Any *Person* who is guilty of an offence against this Local Law is liable to:

- 1) a penalty of not more than 20 *Penalty Units*; and
- 2) for a continuing offence, a penalty of not more than 2 *Penalty Units* for each day after the finding of guilt or conviction during which the contravention continues.

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4 SCHEDULE 1

Table 1 | Penalties

Clause	Description	Penalty Units
1)	<i>Councillor fails to withdraw an expression or apologise when directed by the Chairperson.</i>	5
1)a)	<i>Person, not being a Councillor, fails to leave the meeting when requested by the Chairperson.</i>	5
1)b)	<i>Person fails to obey a direction of the Chairperson.</i>	5
1)c)	<i>Councillor fails to leave the room on suspension.</i>	5
1)d)	<i>Person uses the common seal or device resembling the common seal without authority of Council.</i>	5
1)e)	<i>Person fraudulently signs a petition or joint letter which is presented to Council.</i>	5

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As requested, I am writing this covering letter to accompany the submission and the petition the residents in Wallace Street Ivanhoe have signed, also residents living on the corners of Kenilworth and Livingstone Street affected by speeding noisy traffic have wanted to sign also

As you will note from the submission the paramount reason for the residents' petition this small narrow street is totally unsuitable for cars and trucks to use as a race track to reach the opposite end before a vehicle approaches from the other direction.

Because of this accelerated speed it is extremely dangerous to enter and exit our homes and also for the children to cross the street to go to school or the nearby park.

Although I have suggested alternatives to try to resolve the matter, all the residents believe the only way is for Council, to support its local residents and close one end of the road, so that this suburban street has no health (exhaust fumes) and safety issues from the accelerating cars. Driver frustration will always exist due to width of road.

Residents note that Council has closed similar narrow suburban streets nearby.

Frankly, I don't know any other local narrow street in Ivanhoe that has this problem - accentuated especially at peak periods.

I have bought / lived in 6 other houses in Ivanhoe, East Ivanhoe, lived in these areas, all my life because the area has offered so much to me, but now, living where a car race is every day, I came to the conclusion I need to bring it to Banyule Council's attention.

SAFETY AND HEALTH ISSUES IN WALLACE STREET IVANHOE

I became a resident in Wallace Street Ivanhoe two years ago, having been a resident in other parts of Ivanhoe and East Ivanhoe. Regrettably, I found that this small suburban street has issues of safety and health for its inhabitants. Speaking to other residents, they have conveyed the same concerns as myself, and wish to have them addressed.

What are our concerns? Wallace Street is very narrow and carries a large volume of traffic, owing to many people wishing to avoid busy intersections and choked traffic in the shopping area. It is known to residents, tradesmen and friends as a "rat-run". As many cars, mostly belonging to non-residents, are parked on both sides of the street during the day and at night, there is very limited width available to the through traffic (see diagram). The problem is that vehicles entering from Kenilworth Parade or Livingstone Street use excessive speed and acceleration to reach the end before another vehicle enters, which they frequently do. This creates noise and pollution, especially from large trucks, some with trailers, and creates hazards for local children and other residents crossing the road or exiting their property by car, with limited visibility of the fast oncoming traffic.

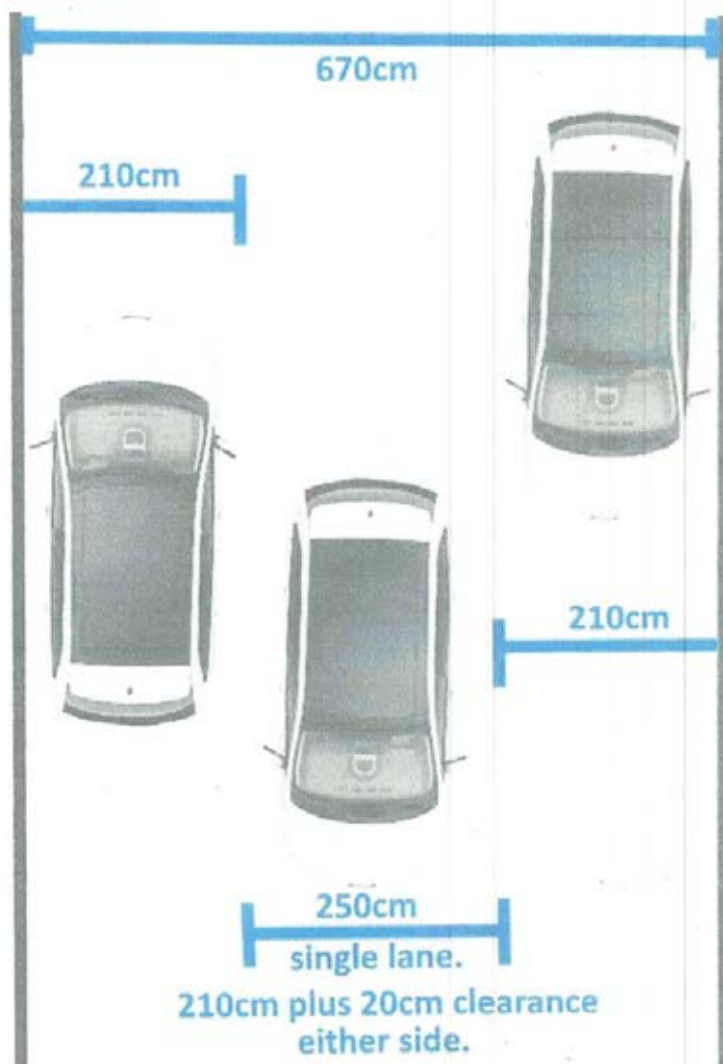
We make the following suggestions to alleviate this situation:

1. Signed speed reductions to 40 kmh as in Kenilworth Parade and Livingstone Street.
2. Consideration of road closure either at one end or midway at the intersection of Wallace Lane with Wallace Street.
3. Placement of a chicane midway along the street as in similar narrow streets in Boroondara. These can slow traffic without the noise and acceleration effects of speed humps.
4. As many residents have no car spaces on their properties, provision of "Residents only" parking spaces (Permit system) would be beneficial, with road markings indicating minimum distances from driveways, as in other areas of Banyule and other municipalities.

We request that Council officers investigate the situation and recommend implementation of appropriate measures to improve the amenity of residents of Wallace Street, proposals to be put to residents.

on behalf of Wallace Street residents (List of Signatories attached)

Figure 2.



Wallace Street is 670cm wide. It is the narrowest street in the area. Livingstone St is 900cm, Kenilworth Pde is 890cm, Della Torre Cres is 770cm, Shaw St is 720cm and Miles St is 710cm.

After you allow for two cars at roughly 210cm wide*, you have a single lane of 250cm. This leaves as little as 20cm clearance on either side.

*A typical car is 1.9m wide plus wing mirrors and the maximum width of a vehicle is 2.5m wide plus mirrors.