



Ordinary Meeting of Council Attachments

Monday 18 November 2019

Council Chamber, Braeside Avenue, Ringwood

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ASSEMBLY OF COUNCILLORS – PUBLIC RECORD

Assembly Details:

Date: Monday 21 October 2019 Time: 6:00pm

Location: Meeting Room 4,
Braeside Avenue,
Ringwood

Attendees:

Councillors

Cr Rob Steane (Mayor)	Cr Samantha Mazzuchelli	Cr Mike Symon
Cr Kylie Spears (Deputy Mayor)	Cr Tasa Damante	Cr Nora Lamont
Cr Tony Dib OAM, JP	Cr Paul Macdonald	Cr Marijke Graham

Council Officers:

Steve Kozlowski	Chief Executive Officer	
Marianne Di Giallonardo	Director Corporate Services	
Phil Turner	Director Strategy & Community	
Adam Todorov	Director Operations, Assets & Leisure	
Andrew Fuaux	Director Development & Amenity	
Kirsten Jenkins	Manager Health, Local Laws & Emergency Management	Item 2
Deanne Keogh	Emergency Management Officer	Item 2
Tim Cocks	Manager Leisure	Item 5
Jeremy Cutajar	Manager Maroondah Golf Courses & Sportsfields	Item 5
Leanne Robb	Community Engagement Senior Advisor	Item 5
Stephen Onans	Team Leader Governance	Items 6-8

Apologies:

Councillors:

Nil

Council Officers:

Nil

Conflict of Interest Disclosure:

Councillors:

Nil

Council Officers:

Nil

Items Discussed:

Confidential

1	Council Meeting Agenda
2	Municipal Emergency Management Plan 2020-2023 - Community Consultation
3	Project update on Croydon Structure Plan
4	Croydon Community Precinct Draft Masterplan
5	Golf Strategy - Community Engagement Plan
6	2020 Draft Meeting Schedule - Council Meetings & Assembly of Councillors Briefings
7	New Australian Citizenship Ceremonies Code
8	Printing for Community Groups
9	Items of a General Nature Raised by Councillors

Record completed by:

Council Officer	Stephen Onans
Title	Team Leader Governance



ASSEMBLY OF COUNCILLORS – PUBLIC RECORD

Assembly Details:

Date: Thursday 7 November 2019 Time: 7:00am

Location: Karralyka

Attendees:

Councillors

Cr Rob Steane (Mayor)	Cr Marijke Graham
Cr Kylie Spears (Deputy Mayor)	Cr Tasa Damante
Cr Tony Dib OAM, JP	Cr Paul Macdonald

Council Officers:

Steve Kozlowski	Chief Executive Officer
Marianne Di Giallonardo	Director Corporate Services
Phil Turner	Director Strategy & Community
Adam Todorov	Director Operations, Assets & Leisure
Andrew Fuaux	Director Development & Amenity

Others:

Ms Sonja Terpstra MP, Eastern Metropolitan Region
Mr Jackson Taylor MP, State Member for Bayswater

Apologies:

Councillors:

Cr Samantha Mazzuchelli, Cr Mike Symon, Cr Nora Lamont

Council Officers:

Nil

Conflict of Interest Disclosure:

Councillors:

Nil

Council Officers:

Nil

Items Discussed:

Confidential

1	Mayor's Welcome & CEO's Overview
2	Major Initiatives/Key Issues
3	Update on Electorate Priority Projects
4	Other Items

Record completed by:

Council Officer
Title

Marianne Di Giallonardo
Director Corporate Services



ASSEMBLY OF COUNCILLORS – PUBLIC RECORD

Assembly Details:

Date: Monday 11 November 2019 Time: 6:00pm

Location: Meeting Room 4,
Braeside Avenue,
Ringwood

Attendees:

Councillors

Cr Rob Steane (Mayor)
Cr Kylie Spears (Deputy Mayor)
Cr Tony Dib, JP

Cr Samantha Mazzuchelli
Cr Tasa Damante
Cr Paul Macdonald

Cr Mike Symon
Cr Nora Lamont
Cr Marijke Graham

Council Officers:

Steve Kozlowski
Marianne Di Giallonardo
Phil Turner
Adam Todorov
Andrew Fuaux
Chloe Messerle
Grant Meyer
Dale Muir

Chief Executive Officer
Director Corporate Services
Director Strategy & Community
Director Operations, Assets & Leisure
Director Development & Amenity
Administration Officer Governance
Manager Integrated Planning Item 1
Manager Revenue, Property & Customer Service Item 2
Manager Communications & Engagement Item 4
Manager Workplace, People & Culture Item 4

Apologies:

Councillors:

Nil

Council Officers:

Nil

Conflict of Interest Disclosure:

Councillors:

Nil

Council Officers:

Nil

Items Discussed: **## Confidential**

1	Alcohol Initiatives Update
2	Geographic Names
3	Tender Evaluation Report – Contract 20938 Lincoln Road Upgrades & Reconstruction (Stage 2)
4	Bill Wilkins Volunteer of the Year Award
5	Community Assistance Fund - November 2019
6	Statutory Meeting Process
7	Items of a General Nature Raised by Councillors

Record completed by:

Council Officer	Chloe Messerle
Title	Governance Officer

Maroondah Arts Advisory Committee

Wednesday 25 September 2019

Minutes – Maroondah Arts Advisory Committee

Wednesday 25 September 2019

Meeting held at Maroondah Federation Estate 6pm -7.30pm

- 1) **Attendees:** Cr Mike Symon (Chair), Cr Marijke Graham, Deputy Mayor Cr Kylie Spears, Roger Archbold, David Billimoria, Kali Michailidis, Sharyn Mullens Taylor, Janet Turpie-Johnstone, Phil Turner (Director Strategy and Community), Debra Styles (Manager Community Services), Rosalie Hastwell (Team Leader Arts and Cultural Development), Phil Medley (Team Leader Council and Community Planning), Brian Tu (Community Planning Officer), Clare Keating (Effective Change).
- 2) **Apologies:** Jo Herbig, Kiron Robinson.
- 3) **Welcome and Introductions**
Cr Mike Symon welcomed all and acknowledged the traditional owners of the land. All members introduced themselves. New members Aunty Janet, Kali Michailidis and David Billimoria were welcomed.
- 4) **Conflict of Interest**
None
- 5) **Confirmation of Minutes of previous Meeting**
Move: That the Minutes of the Meeting held on 26 June 2019 be accepted
First: Cr Marijke Graham
Second: Debra Styles
- 6) **Business arising from previous Meeting:**
 - a) **Public Art update**
Team Leader Arts and Cultural Development, Rosalie Hastwell, provided an update on the Croydon Town Park commission (Spotted Marsh Frog by Ian Bracegirdle) which has been installed and will be launched in October.
A call out for artists proposals for the Signal Box public art project has been advertised and selections will be finalized in October.
The Arts and Cultural Development team have established a partnership with Eastland to pilot a Ringwood Urban Art Tour including works within the Ringwood arts precinct which have been commissioned by Eastland/QIC, Council and the RSL. The two pilot tours will be conducted in October and November with the view to introducing a series of tours in 2020.

Action: Once tours have been tested and established for 2020, promote to schools as an opportunity for arts students.
- 7) **Submission to Creative State Strategy 2020+**
Council recently developed a submission to Creative Victoria for the next Creative State Strategy, highlighting issues and opportunities which are of relevance to Maroondah and other local government areas. The submission has been circulated to

Maroondah Arts Advisory Committee

Wednesday 25 September 2019

the Committee prior to the meeting. The Committee expressed support for the content of the submission.

8) Arts and Cultural Development Strategy 2020 - 2025

Rosalie Hastwell provided a brief update on community consultations for the Arts and Cultural Development Strategy 2020 - 2025. These have been taking place throughout September and have included pop-ups, online surveys through the Maroondah Your Say site, and community workshops. Registrations and attendance for the workshops have been low but there has been a good response to on line consultations. Results of the consultation will be analysed and incorporated into the draft Strategy.

An overview of the Policy review for the Strategy was presented by consultant Clare Keating from Effective Change. The Committee endorsed the scope and findings of the Review and advised that an evaluation approach should also be included in the next Strategy.

Action: Summary of consultation findings, and draft Strategy directions to be presented to Committee for review and feedback at next meeting prior to the Draft Strategy being presented to Council for endorsement in November and being placed on public display for feedback up until the end of January.

Action: Ensure that an evaluation approach is incorporated into the Arts and Cultural Development Strategy. Consider adopting an approach which is aligned with the model developed by Cultural Development Network.

9) Maroondah 2040 - Review

Brian Tu and Phil Medley from Council and Community Planning presented an update on the Maroondah 2040 Review and MAAC members reviewed and proposed changes to the Key Directions for Outcome Area 3: A vibrant and culturally rich community.

Action: Advice from the MAAC on proposed changes to be considered as part of the Review.

Action: MAAC members to provide any additional feedback on the Key Directions to Rosalie Hastwell by 10 October.

Action: MAAC members to be invited to 2040 Stakeholder Workshop to be held at Karalyka 27 November (TBC)

10) Other Business

None

11) Next Meeting

Next meeting Tuesday 29 October. Venue to be advised.



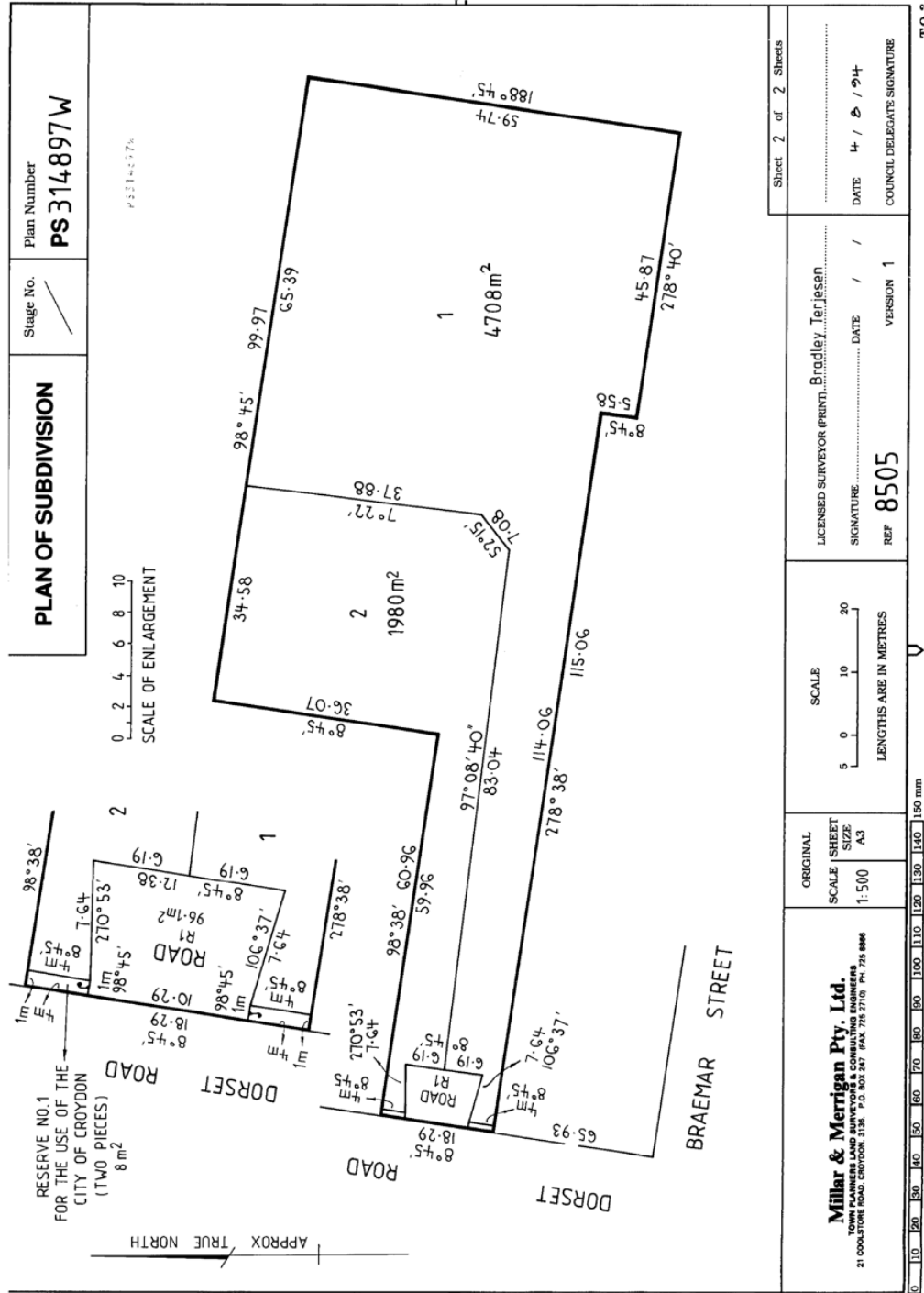
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PLAN OF SUBDIVISION				STAGE NO. /	LTO use only EDITION	Plan Number PS 314897W				
Location of Land Parish: MOOROOLBARK Powertship: Section: Crown Allotment: 11A (PART) Crown Portion: LTO Base Record: CHART 4 (3176) Title Reference: VOL 9026 FOL 635 Last Plan Reference: LP86687 LOT 1 Postal Address: 193 DORSET ROAD (at time of subdivision) CROYDON 3136 AMG Co-ordinates E 349 600 Zone: 55 (of approx. centre of land in plan) N 5816 100				Council Certificate and Endorsement Council Name: City of Croydon Ref: 60022477 1. This plan is certified under section 6 of the Subdivision Act 1988. 2. This plan is certified under section 11(7) of the Subdivision Act 1988. 3. This is a statement of compliance issued under section 21 of the Subdivision Act 1988. OPEN SPACE (i) A requirement for public open space under section 18 of the Subdivision Act 1988 has has not been made. (ii) The requirement has been satisfied. (iii) The requirement is to be satisfied in Stage Council delegate Council seal Date 4 / 8 / 93 Re-certified under section 11(7) of the Subdivision Act 1988 Council Delegate Council Seal Date / /						
Vesting of Roads and/or Reserves <table border="1"> <thead> <tr> <th>Identifier</th> <th>Council/Body/Person</th> </tr> </thead> <tbody> <tr> <td>RESERVE NO.1 ROAD R1</td> <td>CITY OF CROYDON CITY OF CROYDON</td> </tr> </tbody> </table>				Identifier	Council/Body/Person	RESERVE NO.1 ROAD R1	CITY OF CROYDON CITY OF CROYDON	Notations Staging This is is not a staged subdivision Planning Permit No. 91 / 212 Depth Limitation DOES NOT APPLY		
Identifier	Council/Body/Person									
RESERVE NO.1 ROAD R1	CITY OF CROYDON CITY OF CROYDON									
Survey This plan is is not based on survey This survey has been connected to permanent marks no(s) In Proclaimed Survey Area No. ____										
Easement Information Legend: A - Appurtenant Easement E - Encumbering Easement R - Encumbering Easement (Road) Section 12(2) of the Subdivision Act 1988 applies to lots 1 and 2 on this plan.					LTO use only Statement of Compliance/ Exemption Statement Received <input checked="" type="checkbox"/> Date 19 / 5 / 94					
Easement Reference	Purpose	Width (Metres)	Origin	Land Benefited/In Favour Of	LTO use only PLAN REGISTERED TIME 12:40pm DATE 30 / 5 / 94 Assistant Registrar of Titles Sheet 1 of 2 Sheets					
Millar & Merrigan Pty. Ltd. TOWN PLANNERS LAND SURVEYORS & CONSULTING ENGINEERS 21 COOLSTORE ROAD, CROYDON, 3136. P.O. BOX 247 (FAX: 725 2710) PH: 725 8866				LICENSED SURVEYOR (PRINT) Bradley Terjesen SIGNATURE..... DATE / / REF 8505 VERSION 1: 22/6/93		DATE 4 / 8 / 94 COUNCIL DELEGATE SIGNATURE Original sheet size A3				

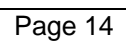
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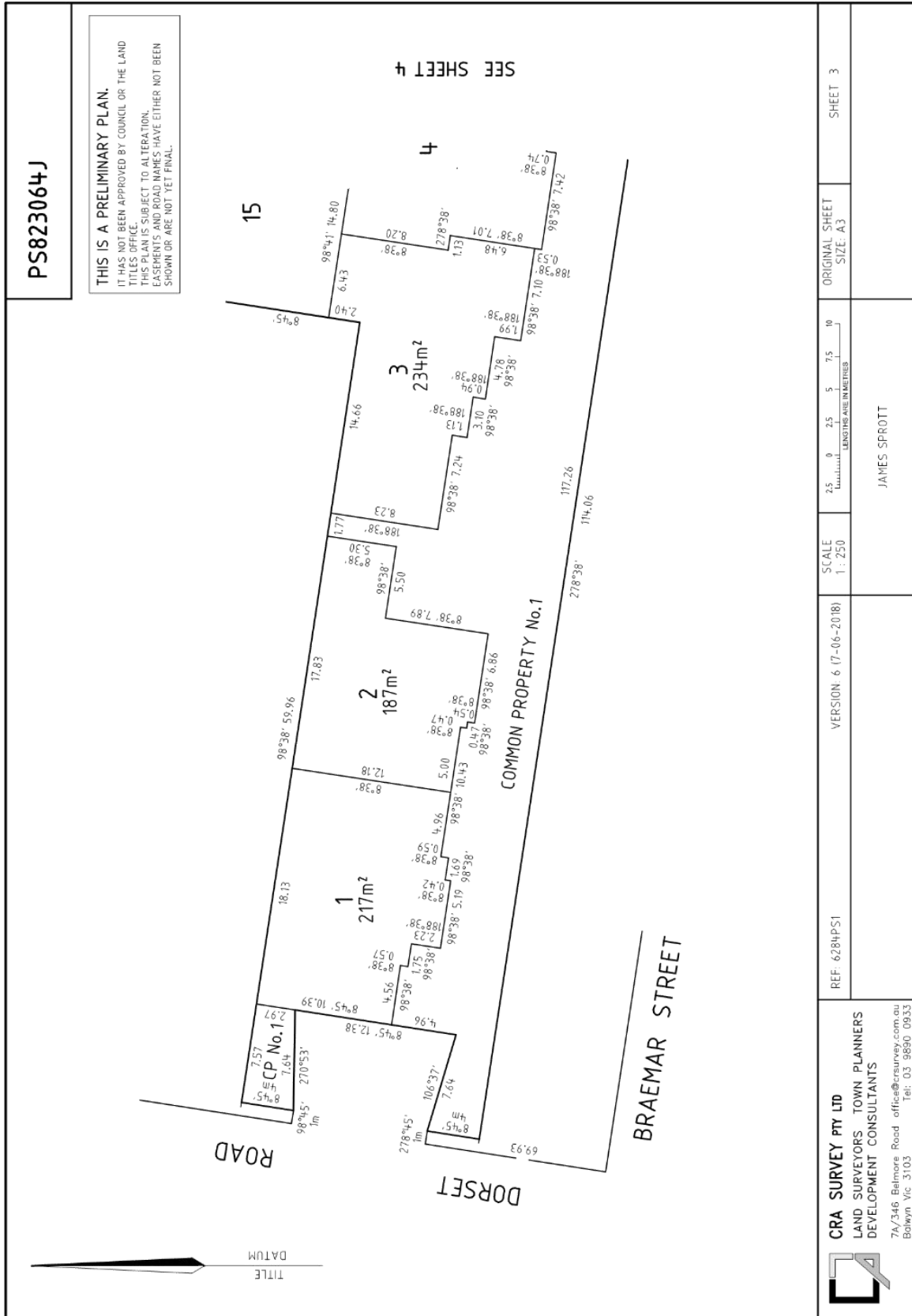


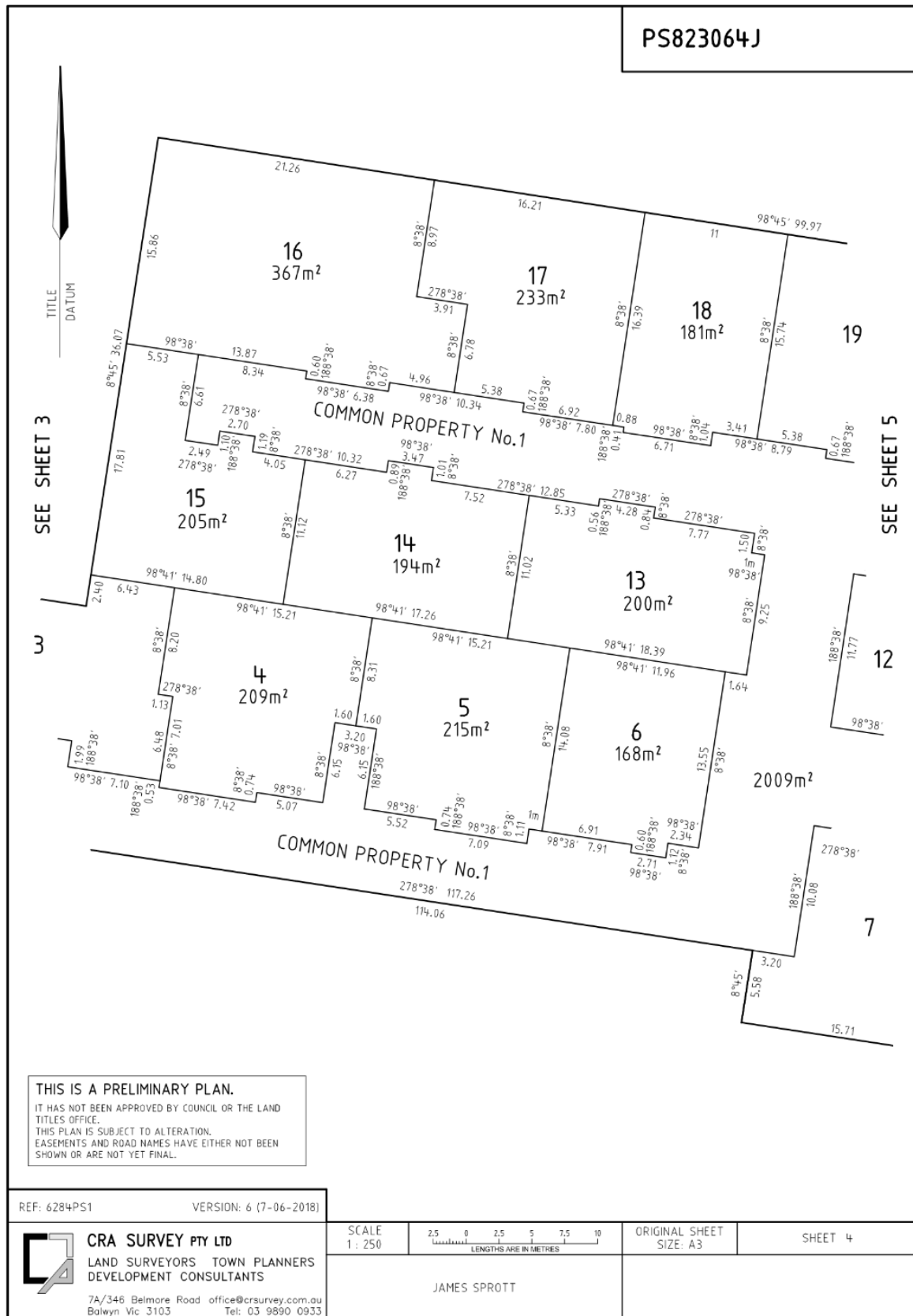
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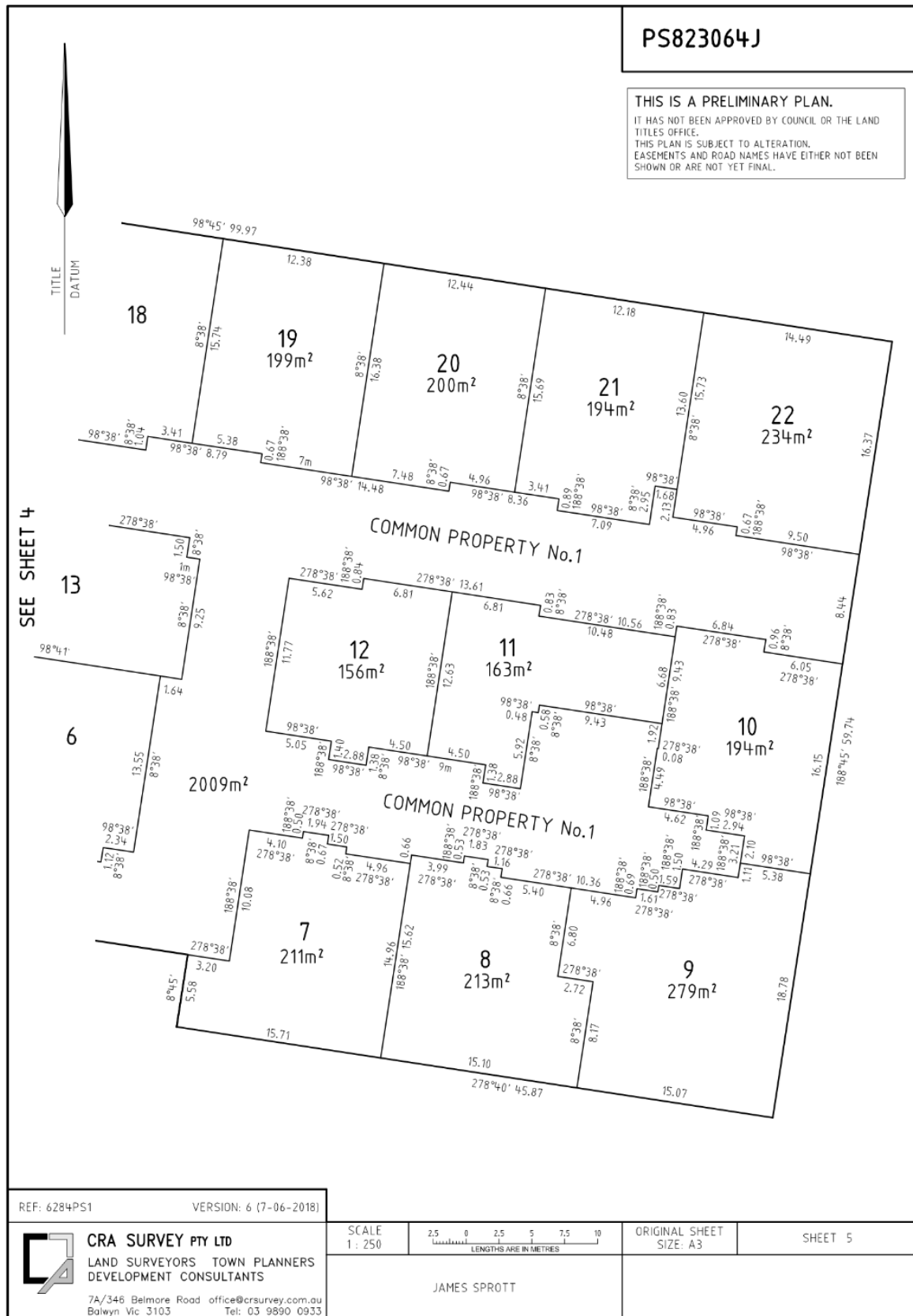


PLAN OF SUBDIVISION			EDITION 1	PS823064J
LOCATION OF LAND PARISH: MOOROOLBARK TOWNSHIP: - SECTION: - CROWN ALLOTMENT: 11A (PART) CROWN PORTION: - TITLE REFERENCE: VOL.10171 FOL.284, VOL.10171 FOL.285 LAST PLAN REF: LOTS 1 & 2 ON PS314897W POSTAL ADDRESS : 193 & 193A DORSET ROAD (at time of subdivision) CROYDON 3136 MGA 94 CO-ORDINATES: E 349 740 ZONE 55 (of approx centre of land in plan) N 5 816 290 GDA 94			Council Name: Maroondah City Council SPEAR Reference Number: S121700E	
VESTING OF ROADS OR RESERVES			NOTATIONS	
IDENTIFIER	COUNCIL/BODY/PERSON		<div style="border: 1px solid black; padding: 5px;"> <p>THIS IS A PRELIMINARY PLAN. IT HAS NOT BEEN APPROVED BY COUNCIL OR THE LAND TITLES OFFICE. THIS PLAN IS SUBJECT TO ALTERATION. EASEMENTS AND ROAD NAMES HAVE EITHER NOT BEEN SHOWN OR ARE NOT YET FINAL.</p> </div> <p>LOTS ON THIS PLAN MAY BE AFFECTED BY ONE OR MORE OWNERS CORPORATIONS. FOR DETAILS OF ANY OWNERS CORPORATIONS INCLUDING PURPOSE, RESPONSIBILITY, ENTITLEMENT AND LIABILITY SEE THE OWNERS CORPORATION SEARCH REPORT, OWNERS CORPORATION ADDITIONAL INFORMATION AND, IF APPLICABLE, OWNERS CORPORATION RULES.</p>	
NIL	NIL			
NOTATIONS				
DEPTH LIMITATION: DOES NOT APPLY SURVEY: THIS PLAN IS BASED ON SURVEY STAGING: THIS IS NOT A STAGED SUBDIVISION PLANNING PERMIT NO: THIS SURVEY HAS BEEN CONNECTED TO PERMANENT MARKS: IN PROCLAIMED SURVEY AREA NUMBER: CP = COMMON PROPERTY				
EASEMENT INFORMATION				
LEGEND: A - APPURTENANT EASEMENT E - ENCUMBERING EASEMENT R - ENCUMBERING EASEMENT (ROAD)				
EASEMENTS PURSUANT TO SECTION 12(2) OF THE SUBDIVISION ACT 1988 APPLY TO THE LAND IN THIS PLAN				
EASEMENT REFERENCE	PURPOSE	WIDTH (METRES)	ORIGIN	LAND BENEFITED/IN FAVOUR OF
 CRA SURVEY PTY LTD LAND SURVEYORS TOWN PLANNERS DEVELOPMENT CONSULTANTS 7A/346 Belmore Road office@crsurvey.com.au Balwyn Vic 3103 Tel: 03 9890 0933		REF: 6284PS1 VERSION: 6 (7-06-2018) JAMES SPROTT		ORIGINAL SHEET SIZE: A3 SHEET 1 OF 5









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FINANCIAL REPORT

Three months ended

30 September 2019



Financial Report
Three months ended 30 September 2019

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Financial Report
Three months ended 30 September 2019

1. Income Statement

For the three months ending 30 September 2019

	YTD	YTD	YTD		
	Forecast	Actual	Forecast	Annual	Adopted
	Budget	Results	Variance	Forecast	Budget
	\$'000	\$'000	\$'000	\$'000	\$'000
Income					
Rates & charges	92,064	92,267	203	92,369	92,344
Statutory fees & fines	1,051	951	(100)	4,973	4,834
User fees	6,391	6,484	93	26,900	26,917
Contributions - cash	2,124	2,061	(64)	4,862	4,041
Grants - Operating (recurrent)	1,399	1,424	25	8,292	8,191
Grants - Operating (non-recurrent)	129	109	(20)	542	222
Other income	376	362	(14)	1,329	1,296
Net gain (loss) on disposal of property, infrastructure, plant & equipment	(23)	(19)	4	(93)	(93)
Total Income	103,511	103,637	126	139,174	137,752
Expenses					
Employee costs	12,981	12,847	134	58,713	58,430
Materials and services	8,794	8,360	434	28,026	26,656
Contractors	5,588	4,935	652	24,857	23,540
Depreciation and amortisation	5,776	5,776	0	23,104	23,096
Finance costs	0	0	(0)	901	901
Other expenses	191	184	6	777	779
Total expenses	33,329	32,103	1,226	136,379	133,403
Underlying Surplus (Deficit)	70,182	71,535	1,353	2,794	4,349
Grants - Capital (recurrent and non-recurrent)	1,456	1,435	(22)	3,844	522
Comprehensive result	71,638	72,969	1,331	6,638	4,871

Financial Report
Three months ended 30 September 2019

2. Balance Sheet

As at 30 September 2019

	30/09/2019	30/09/2018	30/06/2019
	\$ '000	\$ '000	\$ '000
Assets			
Current assets			
Cash and cash equivalents	15,274	14,454	16,049
Other financial assets	29,745	25,253	36,995
Trade and other receivables	94,656	95,972	11,680
Inventories	415	343	393
Other assets	1,039	1,196	470
Total current assets	141,129	137,218	65,587
Non-current assets			
Trade and other receivables	155	122	155
Other financial assets	1,279	2,279	1,279
Investments in associates and joint ventures	3,446	3,321	3,447
Property, infrastructure, plant and equipment	1,841,158	1,823,557	1,842,087
Intangible assets	782	993	782
Total non-current assets	1,846,819	1,830,272	1,847,750
Total assets	1,987,949	1,967,490	1,913,337
Liabilities			
Current liabilities			
Trade and other payables	(16,574)	(17,459)	(14,502)
Trust funds and deposits	(4,288)	(3,656)	(4,823)
Provisions	(12,323)	(12,038)	(12,217)
Interest-bearing liabilities	(1,398)	(1,332)	(1,398)
Total current liabilities	(34,583)	(34,485)	(32,940)
Non-current liabilities			
Provisions	(1,632)	(1,280)	(1,632)
Interest-bearing liabilities	(17,285)	(18,684)	(17,286)
Trust funds and deposits	(6)	(6)	(6)
Total non-current liabilities	(18,923)	(19,970)	(18,924)
Total liabilities	(53,506)	(54,455)	(51,864)
Net assets	1,934,442	1,913,035	1,861,473
Equity			
Accumulated surplus	820,938	791,358	820,938
Surplus (deficit) for period	72,969	74,624	-
Reserves	1,040,535	1,047,053	1,040,535
Total equity	1,934,442	1,913,035	1,861,473

Financial Report
Three months ended 30 September 2019

3. Statement of Cash Flows

For the three months ended 30 September 2019

	30/09/2019	30/09/2018
	\$'000	\$'000
Cash flows from operating activities		
Rates and charges	5,820	3,949
Statutory fees and fines	951	1,009
User fees	9,921	4,362
Grants - operating	1,532	2,558
Grants - capital	1,435	5,438
Contributions - monetary	2,061	1,435
Interest received	395	404
Trust funds and deposits taken	2,310	1,884
Net GST refund	-	-
Employee costs	(14,170)	(14,026)
Materials and services	(4,823)	(3,865)
Trust funds and deposits repaid	(2,337)	(1,866)
Net cash provided by/(used in) operating activities	3,094	1283
Cash flows from investing activities		
Payments for property, infrastructure, plant and equipment	(11,287)	(12,208)
Proceeds from sales of property, infrastructure, plant and equipment	167	171
Payments for investments	(16,654)	(17,070)
Proceeds from sales of investments	23,904	27,333
Net cash provided by/(used in) investing activities	(3,869)	(1,774)
Cash flows from financing activities		
Finance costs	-	-
Proceeds from borrowings	-	-
Repayment of borrowings	-	-
Net cash provided by/(used in) financing activities	-	-
Net increase (decrease) in cash and cash equivalents	(775)	(491)
Cash and cash equivalents at the beginning of the period	16,049	14,945
Cash and cash equivalents at the end of the financial period	15,274	14,454

Financial Report
Three months ended 30 September 2019

4. Statement of Capital Works

For the three months ending 30 September 2019

	YTD Forecast Budget	YTD Actual *	YTD Bud Var	Forecast Budget **	Amount Carried Forward	Adopted Budget
	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000
Classification						
Buildings	692	1,423	(731)	14,068	7,478	6,695
Roads	485	490	(5)	4,309	(14)	3,562
Footpaths and Cycleways	954	1,048	(94)	3,055	(471)	3,540
Carparks	195	206	(10)	549	69	480
Drainage	458	461	(3)	2,962	1,017	2,685
Waste Management	0	0	0	103	53	50
Other Capital Roads and Drainage	48	0	48	1,390	395	745
Recreational Leisure and Community Facilities	435	257	178	4,003	1,198	2,285
Parks and Open Space	196	62	134	1,515	275	1,240
Fixtures, Fittings and Furniture	5	4	1	122	42	80
Plant, Machinery and Equipment	752	682	70	3,248	222	3,422
Computers and Telecommunications	125	133	(9)	2,151	1,230	950
Property Sales	0	38	(38)	0	0	0
Building Renewal	220	391	(171)	982	(2,048)	3,030
Total capital works	4,564	5,195	(631)	38,457	9,447	28,764

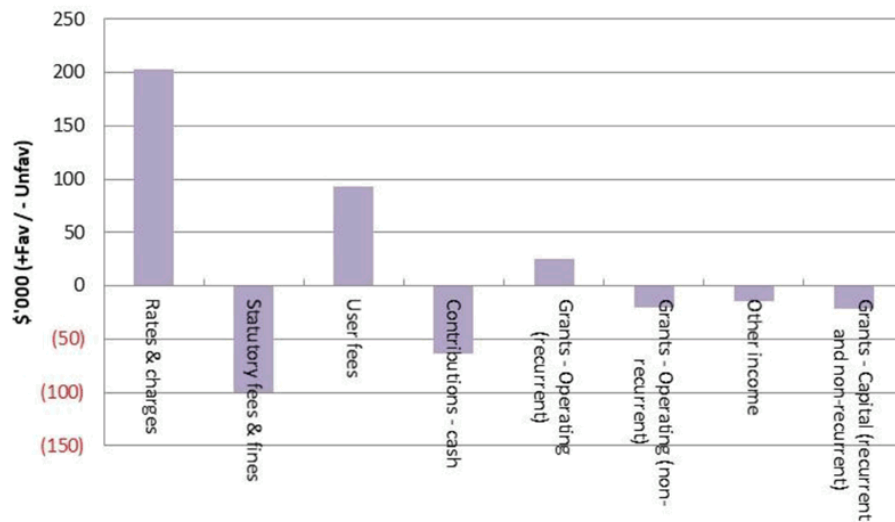
* YTD Actual expenditure includes Carried Forwards

** Forecast Budget expenditure includes Carried Forwards

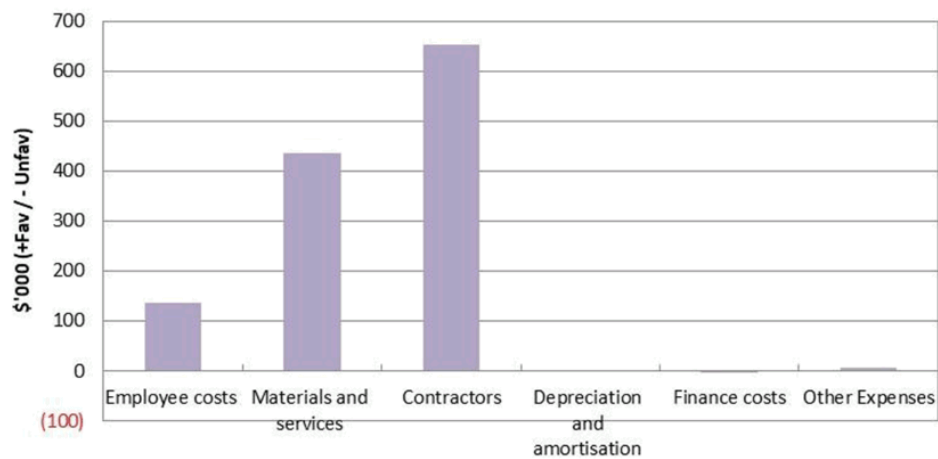
Financial Report
Three months ended 30 September 2019

5. Financial and Capital Analysis

Income – YTD Forecast Budget variances

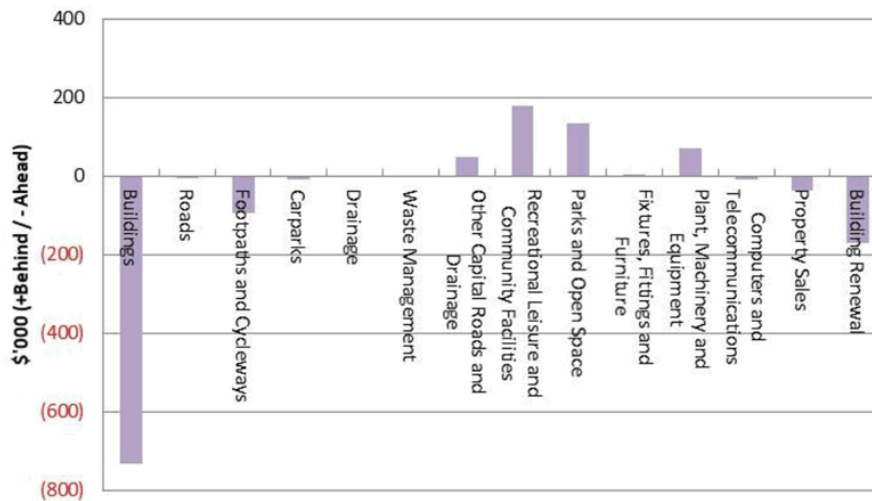


Expenses – YTD Forecast Budget variances

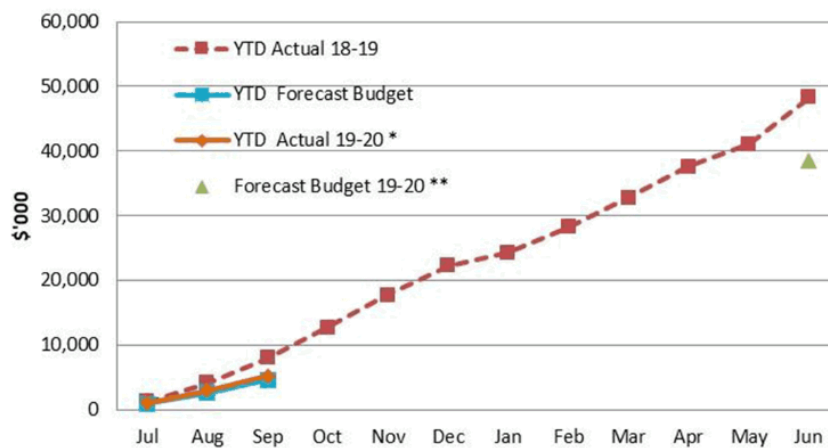


Financial Report
Three months ended 30 September 2019

Capital Works – YTD Forecast Budget variances by asset class



Capital works YTD expenditure cumulative



*YTD Actual expenditure includes Carried Forwards

**Forecast Budget expenditure includes Carried Forwards and future years' projects brought forward

These graphs demonstrate that the capital program is on par with overall budget predictions.

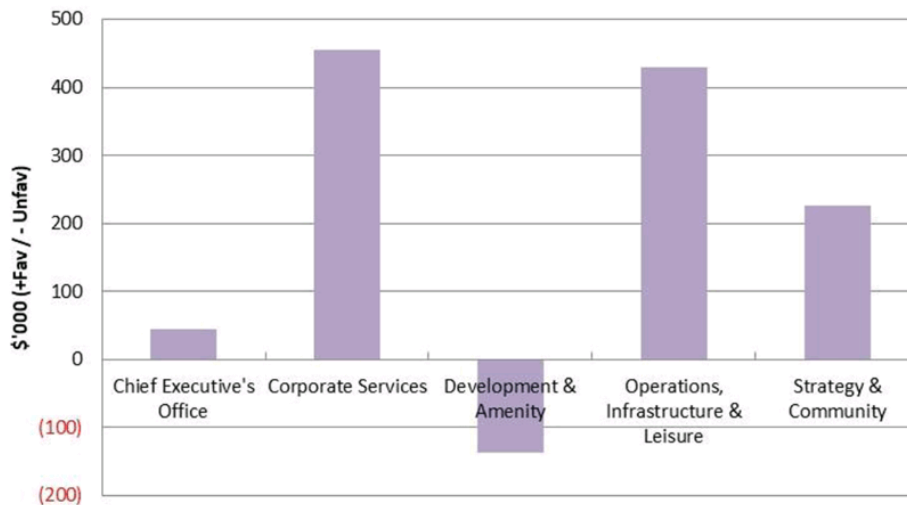
Financial Report
Three months ended 30 September 2019

Directorate Analysis

	YTD Forecast Net	YTD Actual Net	YTD Bud Var Net	Annual Forecast Net
	\$'000	\$'000	\$'000	\$'000
Department				
Chief Executive's Office	(632)	(588)	44	(2,655)
Corporate Services	(7,933)	(7,479)	454	(31,827)
Development & Amenity	528	393	(136)	(1,932)
Operations, Infrastructure & Leisure	(5,393)	(4,965)	428	(22,821)
Strategy & Community	(2,431)	(2,206)	225	(11,310)
	(15,860)	(14,846)	1,014	(70,545)
Capital Grants & Contributions	1,456	1,435	(22)	3,844
Net (Gain)/Loss on disposal of equipment	(23)	(19)	4	(93)
Other non-attributable *	86,065	86,400	334	73,433
Net (surplus) deficit	71,638	72,969	1,331	6,638

* Other non-attributable includes rate & charges revenue, grants commission, depreciation, and insurance.

Department net cost YTD Budget variances (depiction of the table above)



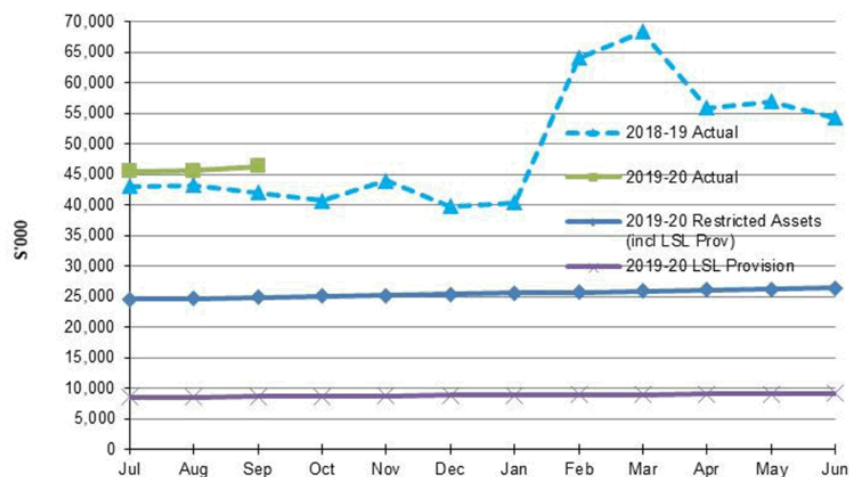
Financial Report
Three months ended 30 September 2019

6. Financial Position

	2019-20	2018-19	2019-20	2018-2019
	September	September	Adopted	June EOFY
	Actual	Actual	Budget	Actual
	\$'000	\$'000	\$'000	\$'000
Cash and investments	46,298	41,986	38,750	54,323
Net current assets	106,546	102,733	20,243	32,647
Net assets and total equity	1,934,442	1,913,035	1,866,022	1,861,473

The Financial Position as at 30 September 2019 shows cash and investment balances of \$46.30 million and a net current asset position of \$106.55 million, which are above balances this time last year. The net asset position as at 30 September 2019 is \$1.93 billion. Cash and investment balances are above expectations identified in the Long-Term Financial Strategy for the current period of 2019/2020.

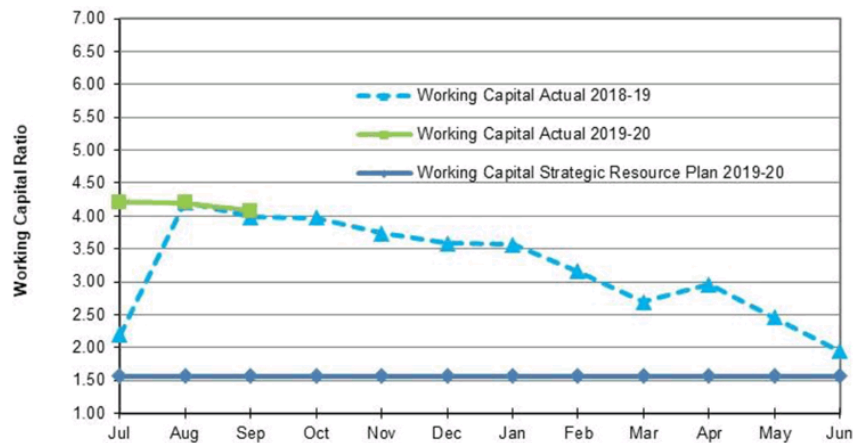
Actual cash & investments balance by month



This graph reflects that there are sufficient cash reserves to cover both restricted assets and any fluctuations in cash flow.

Financial Report
Three months ended 30 September 2019

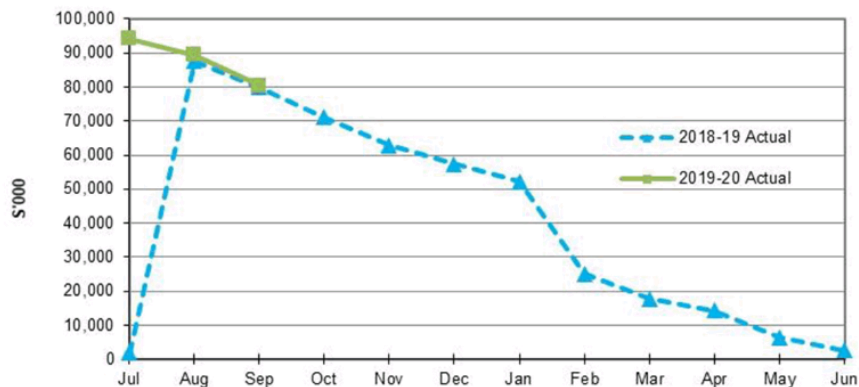
Actual working capital ratio by month
(Current Assets / Current Liabilities)



The working capital ratio is a measure of liquidity. It is essential for this figure to be greater than 1.00 at all times, with the VAGO recommended level being in excess of 1.50. Council's working capital ratio clearly meets this recommendation.

The ratio is expected to follow a similar trend to the previous financial year.

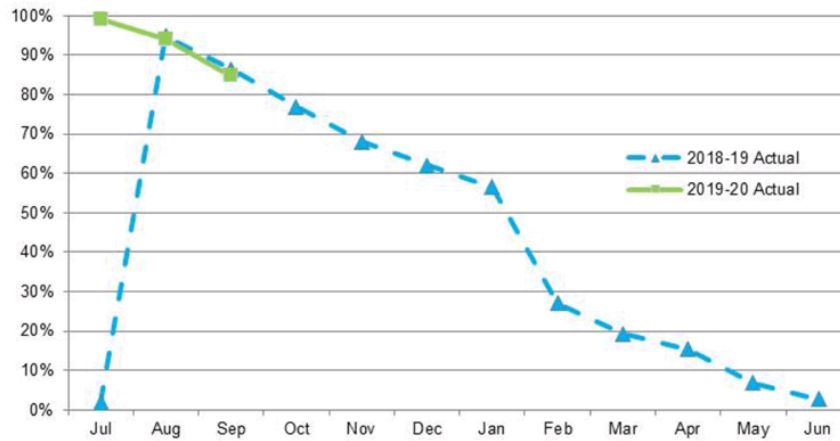
Actual rates outstanding balances by month



The September result indicates a similar trend of rates outstanding as compared to the same stage last year, taking into account rates being struck in July of this year.

Financial Report
Three months ended 30 September 2019

Rates debtor collection rate by %



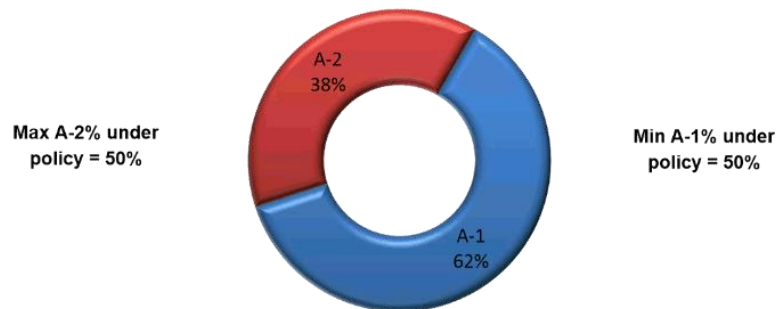
Rate debtor's collection levels during 2019/2020 are in line with expectations, taking into account rates being struck in July of this year.

Financial Report
Three months ended 30 September 2019

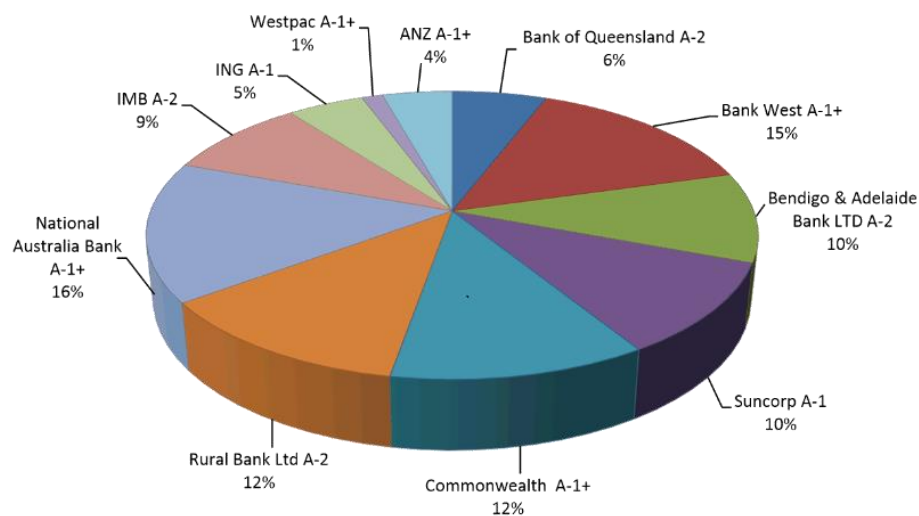
7. Cash and Investments

The following graphs indicate the diversification and credit ratings of the investment portfolio at the end of September. The table lists all the investments held as at 30 September 2019. Council has met Investment Policy guidelines for September with respect to the portfolio's balance between A-1 and A-2 investments and holding no greater than 15% of the portfolio with one investing partner.

Credit Rating
as at 30th September 2019



Investment Distribution
as at 30th September 2019



Financial Report
Three months ended 30 September 2019

Investments as at 30/09/2019							
Institution	Credit Rating	Maturity Date	Period Days	Yield %	Type	\$000's	%
Bank West	A-1+			0.95	On-Call	4,300	9.3%
National Australia Bank	A-1+			1.30	On-Call	3,640	7.9%
Rural Bank Ltd	A-2	3-Oct-19	70	1.65	Term Dep	1,514	3.3%
Bank of Queensland	A-2	10-Oct-19	76	1.85	Term Dep	709	1.5%
National Australia Bank	A-1+	24-Oct-19	84	1.73	Term Dep	1,005	2.2%
IMB	A-2	7-Nov-19	78	1.60	Term Dep	600	1.3%
ANZ	A-1+	12-Dec-19	90	1.52	Term Dep	2,000	4.3%
Suncorp	A-2	19-Dec-19	84	1.51	Term Dep	604	1.3%
ING	A-1	19-Dec-19	84	1.10	Term Dep	700	1.5%
Commonwealth	A-1+	2-Oct-19	119	2.00	Term Dep	1,000	2.2%
Bendigo & Adelaide Bank LTD	A-2	3-Oct-19	91	1.85	Term Dep	830	1.8%
Suncorp	A-1	10-Oct-19	216	2.60	Term Dep	1,000	2.2%
ING	A-1	16-Oct-19	124	1.43	Term Dep	1,500	3.3%
Bank of Queensland	A-2	17-Oct-19	112	2.10	Term Dep	1,000	2.2%
Rural Bank Ltd	A-2	24-Oct-19	105	1.85	Term Dep	1,000	2.2%
Bendigo & Adelaide Bank LTD	A-2	30-Oct-19	104	1.85	Term Dep	2,524	5.5%
Bank West	A-1+	31-Oct-19	99	1.77	Term Dep	1,000	2.2%
IMB	A-2	7-Nov-19	106	1.80	Term Dep	1,514	3.3%
National Australia Bank	A-1+	13-Nov-19	224	2.44	Term Dep	2,618	5.7%
IMB	A-2	14-Nov-19	99	1.65	Term Dep	1,011	2.2%
IMB	A-2	21-Nov-19	93	1.65	Term Dep	1,000	2.2%
Suncorp	A-1	28-Nov-19	245	2.55	Term Dep	2,000	4.3%
Commonwealth	A-1+	5-Dec-19	107	1.55	Term Dep	2,000	4.3%
Rural Bank Ltd	A-2	11-Dec-19	98	1.65	Term Dep	1,032	2.2%
Suncorp	A-1	12-Dec-19	98	1.62	Term Dep	1,207	2.6%
Bank West	A-1+	9-Jan-20	121	1.60	Term Dep	1,500	3.3%
Westpac	AA-	27-Feb-20	184	1.55	Term Dep	600	1.3%
Commonwealth	A-1+	21-Oct-19	122	1.79	Term Dep	1,176	2.6%
Rural Bank Ltd	A-2	14-Feb-20	365	2.70	Term Dep	1,019	2.2%
Bank of Queensland	A-2	13-Mar-20	731	2.85	Term Dep	1,000	2.2%
Commonwealth	A-1+	14-Apr-20	214	1.57	Term Dep	1,186	2.6%
Rural Bank Ltd	A-2	29-May-20	365	2.20	Term Dep	1,028	2.2%
Bendigo & Adelaide Bank LTD	A-2	13-Jul-20	732	2.90	Term Dep	1,279	2.8%
						46,096	100%

Term Dep = Term Deposit NCD = Negotiable Certificate of Deposit

Council's performance against the industry wide benchmark (Bank Bill Swap Reference Rate – Average Bid which summarises the returns on banks bills over the period chosen) is provided below:

Benchmark: 90 days Bank Bill Swap Reference Rate – Average Bid (Source: Australian Financial Markets Association)	1.68%
Maroondah Investment Portfolio as at 30 September 2019	1.90%

Balance Sheet Analytics - as at 30 September 2019

	30/09/2019 \$ '000	30/09/2018 \$ '000	Comments
Assets			
Current assets			
Cash and cash equivalents	15,274	14,454	
Other financial assets	29,745	25,253	Change in composition of term deposit investments between current and non-current.
Trade and other receivables	94,656	95,972	Comprises many debtor balances, and is largely made up of outstanding rates.
Inventories	415	343	
Other assets	1,039	1,196	
Total current assets	141,129	137,218	
Non-current assets			
Trade and other receivables	155	122	
Other financial assets	1,279	2,279	See above comment regarding investment mix.
Investments in associates and joint ventures	3,446	3,321	
Property, infrastructure, plant and equipment	1,841,158	1,823,557	
Intangible assets	782	993	
Total non-current assets	1,846,819	1,830,272	
Total assets	1,987,949	1,967,490	
Liabilities			
Current liabilities			
Trade and other payables	(16,574)	(17,459)	Reflects accounts payable and sundry creditors with fluctuations occurring because of timing differences and accruals.
Trust funds and deposits	(4,288)	(3,656)	
Provisions	(12,323)	(12,038)	
Interest-bearing liabilities	(1,398)	(1,332)	
Total current liabilities	(34,583)	(34,485)	
Non-current liabilities			
Provisions	(1,632)	(1,280)	
Interest-bearing liabilities	(17,285)	(18,684)	Loan facility used in the funding of Aquanation's construction. Decrease reflect 6 monthly repayments.
Trust funds and deposits	(6)	(6)	
Total non-current liabilities	(18,923)	(19,970)	
Total liabilities	(53,506)	(54,455)	
Net assets	1,934,442	1,913,035	
Equity			
Accumulated surplus	820,938	791,358	
Surplus (deficit) for period	72,969	74,624	
Reserves	1,040,535	1,047,053	
Total equity	1,934,442	1,913,035	

Cash Flow Analytics - as at 30 September 2019

	30/09/2019 \$'000	30/09/2018 \$'000	Comments
Cash flows from operating activities			
Rates and charges	5,820	3,949	
Statutory fees and fines	951	1,009	
User fees	9,921	4,362	There was higher value of user fees outstanding in prior period.
Grants - operating	1,532	2,558	Last year operating grants included Federal home domestic care, personal care, State Melba multi sport complex development and respite care grants.
Grants - capital	1,435	5,438	Last year capital grants included \$3.2m in relation to HE Parker Reserve and \$1.2m RTR Lincoln Road.
Contributions - monetary	2,061	1,435	Mainly due to increase in Open Space Cash in Lieu/Contributions
Interest received	395	404	
Trust funds and deposits taken	2,075	1,884	
Net GST refund	-	-	
Employee costs	(14,170)	(14,026)	
Materials and services	(4,823)	(3,865)	Timing variance due to a higher balance of materials and services payable as at September 2019.
Trust funds and deposits repaid	(2,103)	(1,866)	
Net cash provided by/(used in) operating activities	3,094	1,283	
Cash flows from investing activities			
Payments for property, infrastructure, plant and equipment	(11,287)	(12,208)	
Proceeds from sales of property, infrastructure, plant and equipment	167	171	
Payments for investments	(16,654)	(17,070)	
Proceeds from sales of investments	23,904	27,333	Investment balances fluctuate based on the timing and maturity of council's investment profile.
Net cash provided by/(used in) investing activities	(3,869)	(1,774)	
Cash flows from financing activities			
Finance costs	-	-	
Proceeds from borrowings	-	-	
Repayment of borrowings	-	-	
Net cash provided by/(used in) financing activities	-	-	
Net increase (decrease) in cash and cash equivalents	(775)	(491)	
Cash and cash equivalents at the beginning of the period	16,049	14,945	
Cash and cash equivalents at the end of the financial period	15,274	14,454	



MAV STATE COUNCIL MEETING
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Consolidated Motions

Under the MAV Rules 2013, matters submitted by Members for consideration at a meeting of State Council which relate to the same subject may be consolidated into a single matter (Rule 21.1.4).

Below are the Consolidated motions as passed by State Council, together with a list of the motions being consolidated.

Consolidated Motion 1: Landfill levy/Sustainability Fund

Resolution

That the MAV advocates to the Victorian Government to:

- invest the Sustainability Fund in statewide recycling initiatives and new technologies to address the current recycling crisis
- allocate additional funding from the Sustainability Fund to compensate councils for increased kerbside recycling / waste management costs following the shutdown of a SKM Recycling
- improve transparency regarding the distribution and spending of the landfill levy and Sustainability Fund
- use funding from the Sustainability Fund to assist councils to undertake community waste reduction programs and projects
- boost landfill levy funding to the Waste and Resource Recovery Groups across all regions in Victoria to enable them to effectively perform their duties

Motions being consolidated:

Sustainability Fund Allocation - Kingston City Council

Landfill Levy - Boroondara City Council

Recycling Industry funding assistance - Maribyrnong City Council

State Government Landfill Levy – Latrobe City Council

Consolidated Motion 2: Advocate to Prioritise the early delivery of community services and infrastructure

Resolution

That the Municipal Association of Victoria advocate to the Victorian Government to prioritise the early delivery of community services and infrastructure, including transport infrastructure, in order to avoid the costly, and often inadequate, retrofitting of emerging communities and support interconnectivity between roads, public transport and active transport.

Motions being consolidated:

Prioritise Transport in Emerging Communities – Mitchell Shire Council

Early Delivery of Community Services for Emerging Communities – Mitchell Shire Council



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Consolidated Motion 3: Climate emergency response

Motion:

That the MAV call on the Victorian Government and Federal Government establish a climate emergency taskforce to identify priority actions and budget commitments to address climate change and advocate for the Victorian Government to:

- Establish a \$1 billion fund for councils to build the resilience of climate change vulnerable communities
- Commit to providing maximum protection for all people, economies, species, ecosystems, and civilisations, and to fully restoring a safe climate
- Mobilise the required resources and take effective action at the necessary scale and speed across Australia
- Transform the economy to zero emissions and make a fair contribution to drawing down the excess carbon dioxide in the air
- Encourage all other governments around the world to take these same actions.
- Amend the Planning and Environment Act to take into account climate risk as a factor in planning schemes and planning decisions
- Introduce mandatory disclosure of energy performance for all buildings at sale or lease
- Mandate minimum energy efficiency performance standards for rental properties
- Provide incentives for low-income home owners to upgrade their homes
- Introduce obligations on energy companies to achieve annual energy efficiency reductions
- Introduce minimum energy performance standards to at least a 7-star NATHERS equivalent and the introduction of an energy usage budget (whole-of-building) for new builds and major renovations of homes
- Increase the resources that the Victorian Building Authority has to address non-compliance
- Provide additional funding to ensure all new social housing complies with minimum energy performance standards and that the energy efficiency existing social housing is improved
- There is an assurance that Victorians will be provided with an affordable and dependable power supply

Motions being consolidated:

Climate Emergency Funding - Maribyrnong City Council

Climate Emergency - City of Darebin



MAV STATE COUNCIL MEETING
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Consolidated Motion 4: Social and affordable housing

Resolution

That the MAV:

Acknowledges the need for 3,000 new social and public housing units to be built every year for ten years in Victoria as identified by the Victorian Homelessness Council and commits to working with the sector to:

- Lobby the State Government to invest in these number of units
- Collaboratively identify suitable sites on public land to assist in reaching this goal.
- Evaluate and determine in conjunction with the State social and affordable housing policy, including social and affordable housing targets
- Work collaboratively with State and Federal Government agencies to directly address local homelessness and housing issues.

Advocates to the State Government to:

- To prioritise increased funding for dedicated crisis housing stock
- prioritise increased funding for urgently needed dedicated crisis housing stock and intensive support services for rough sleepers, including outreach (on street) clinical psychiatric assessments and mental health services; and
- Provide significant, consistent and ongoing funding for social and affordable housing, which includes targeted support to address the needs of our vulnerable community members at risk of homelessness.

Motions being consolidated:

Increased homeless support: City of Stonnington

Affordable and social housing crisis in Victoria: City of Melbourne

Social and Public Housing: City of Darebin

Social Housing Development in the Western Region: Maribyrnong City Council

Strategic Priority Area: Financial sustainability

Sport and Recreation Funding for Grassroot Communities

Submitting Council: Brimbank City Council

Resolution

That Municipal Association of Victoria State Council write to the Minister for Sport to call on the Victorian Government to:

1. Provide increased funding for local community grassroot sport through the Community Sport Infrastructure Fund, Better Pool Fund and Community Sport Loans Schemes and
2. Provide ongoing funding and application timeline certainty around these funds.



MAV STATE COUNCIL MEETING
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Broadening of the Rating Review Strategy

Submitting Council: Mildura Rural City

Resolution

That the Municipal Association of Victoria lobby the State Government to consider broadening the scope of the current Rating System review to include an assessment of the fairness of using Capital Improved Value (CIV) to determine rates and also the inequity between rural councils compared to more financially viable metropolitan counterparts with consideration given to reassessing the criteria applied to the Financial Grants Scheme (FAGS).

Cost Recovery for Properties with Hoarding and Squalor

Submitting Council: Maroondah City Council

Resolution

That the Municipal Association of Victoria State Council calls upon the State Government to amend section 197 (5) of the Public Health and Wellbeing Act to allow Councils the option to recover the costs and expenses from regulatory action and orders by issuing a charge to the land or property that is the subject of the order, along with the existing ability to pursue the person on whom the order is made.

Green Wedge Management Plan funding support

Submitting Council: Nillumbik Shire Council

Resolution

That the MAV advocate to the State Government to create a grant to allow councils in the Green Wedge to apply for funds to help with preserving the Green Wedge and deliver on actions deriving from GWMPs.

Transitional funding support for Council pound and animal shelter services

Submitting Council: Greater Bendigo City Council

Resolution

That the State Government provide urgent funding to cover the transitional costs being incurred by Victorian municipalities to assume the management of their local pound and animal shelters services, as a result of the RSPCA's decision to move away from management these service on behalf of Local Governments.



MAV STATE COUNCIL MEETING
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Strategic Priority Area: Waste & resource recovery

Environmental Equity

Submitting Council: Brimbank City Council

Resolution

That MAV State Council calls upon the Federal and State governments to work with Victorian Local Government Areas (LGAs) to urgently address the environmental equity issues occurring as many local communities are increasingly being expected to absorb the unfair burden of addressing current and legacy environmental problems.

Recycling Facilities

Submitting Council: Mildura Rural City

Resolution

That the Municipal Association of Victoria strongly advocate to the Victorian State Government on behalf of all members as a matter of urgency, that they in conjunction with private enterprise, initiate construction of a number of dedicated Recycling Facilities in regional areas, capable of recycling plastics, paper, steel and other materials, and that the costs be met utilising the waste levy funds the Government is currently holding. Further, it is suggested that each such facility could be dedicated to a separate waste category such as steel or plastic, should this approach be established as a cost saving opportunity.

Waste Management in Victoria

Submitting Council: Maroondah City Council

Resolution

That the Municipal Association of Victoria State Council calls upon the State Government to re-prioritise and re-focus what is critical in the Waste and Resource Recovery space, including:

- Deeming waste and resource recovery as an essential service
- Expanding legislative reform on plastic bags to include the phasing out of problematic single-use plastic products, including plastic wrappings on food at supermarkets
- Establishing a container deposit scheme by legislation in line with other States and Territories
- Advocating to the Federal Government for effective national product stewardship arrangements, including container deposit framework, to drive recycling of drink containers, textiles, polystyrene, paper, cupboard and all electronic goods
- Giving special consideration for those Councils spending a premium to maintain recycling with current contractors, that they are also considered as part of any grant funding
- Establishing consistent marketing tools and techniques that can be shared with the wider community by all Councils - to ensure recycling is not forgotten (other than just consistent bin colours)



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- Ensuring that the messaging regarding Food Organics in the Green Bin (FOGO) and Alternative Waste Solutions is clear and well understood - to ensure that these two methods of waste processing are not perceived to be in conflict with one-another

Landfill Levy

Submitting Council: Boroondara City Council

Consolidated

See Consolidated Motion 1

Recycling Industry funding assistance

Submitting Council: Maribyrnong City Council

Consolidated

See Consolidated Motion 1

Recycling holding facilities

Submitting Council: Maribyrnong City Council

Resolution

That the Municipal Association of Victorian call on the Victorian Government to take immediate steps to ensure that all necessary temporary storage facilities are identified and equipped to accept and store recyclable material to mitigate the risk of recyclables being deposited to landfill.

This should include the immediate consultation with local government to identify priority areas and potential sites, and the allocation of suitable funding.

Recycling Crisis

Submitting Council: Moyne Shire Council

Resolution

That the MAV advocate to the state government to take a leadership role in identifying and supporting sustainable solutions for the recycling crisis in Victoria; and

Write to the State Government expressing disappointment with the State Government directive that the Metropolitan Waste & Resource Recovery Group (in conjunction with 16 Councils) delay the release of an Expression of Interest (EOI) for an advanced waste processing solution and urging the Government to allow the EOI process to proceed



MAV STATE COUNCIL MEETING
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State Government Landfill Levy

Submitting Council: Latrobe City Council
Consolidated – see Consolidated Motion 1

Strategic Priority Area: Government relations

Improved State Government consultation model

Submitting Council: East Gippsland Shire Council

Resolution

That MAV advocates for an improved consultation model being currently pursued by the State Government, that local government be seen as an important partner that will be able to provide worthwhile feedback and that the consultation model by State Government should include active involvement and collaboration with local government and provide sufficient timelines that accommodate this model.

Improve and Enhance Maternal and Child Health Child Development Information System (CDIS)

Submitting Council: Boroondara City Council

Resolution

That the Municipal Association of Victoria negotiate additional funding from the Victorian Government to improve and enhance the Maternal and Child Health Child Development Information System (CDIS).

Prioritise Transport in Emerging Communities

Submitting Council: Mitchell Shire Council

Consolidated

See Consolidated Motion 2

Early Delivery of Community Services for Emerging Communities

Submitting Council: Mitchell Shire Council

Consolidated

See Consolidated Motion 2



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Strategic Priority Area: Transport & infrastructure

A Minimum Passing Distance (MPD) between Motor Vehicles & Bicycles

Submitting Council: Banyule City Council

Resolution

That the MAV advocates to the State Government to adopt road rules requiring motor vehicles to leave a MPD of one metre in areas with speed limits 60km/h or less, and 1.5 metres in areas with speed limits greater than 60km/h.

Increased Investment in Rail Freight Network

Submitting Council: Moyne Shire

Motion:

That state and federal governments support the priorities of the Rail Freight Alliance Policy Statement and increase investment in the rail freight network.

Aerial Service Authority Cables

Submitting Council: Banyule City Council

Motion:

That the Municipal Association of Victoria advocates the State Government to seek action to remove redundant aerial service authority cables in road reserves to improve visual amenity.

Social and Public Housing

Submitting Council: City of Darebin

Consolidated

See Consolidated Motion 4

Infrastructure Grants

Submitting Council: Nillumbik Shire Council

Resolution

That the MAV advocate to VicRoads to provide clarity and purpose on the value provided to local government agencies as a result of deducting 10 percent administration fees (6 percent for SSRIP - Safe System Road Infrastructure Program - and 4 percent VicRoads Metro regional offices) from infrastructure grants allocated to councils.



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Strategic Priority Area: Societal & social policy change

Increased homeless support

Submitting Council: City of Stonnington

Consolidated
See Consolidated Motion 4

Early Childhood Education Funding

Submitting Council: Brimbank City Council

Resolution

That the MAV write to the Prime Minister expressing concern at the lack of funding certainty for the 15 hours of kindergarten and early childhood programs beyond 2020, and call on the Federal and Victorian Governments to undertake a broader whole of early childhood funding review, to help better align federal, state and local strategies, policies and investments for the whole early childhood sector.

Early Years Infrastructure – co-location on Government school sites

Submitting Council: Campaspe Shire Council

Resolution

That MAV work with Department of Education and Training (DET) via the Early Years Compact to clarify DET's position on and method for relocating early years facilities (specifically kindergartens) to existing Government school sites. Further, that Local Government's role in the process is clarified (including co-contribution), where Local Government is asset owner of infrastructure to be relocated.

Skilling Australians fund participation

Submitting Council: Frankston City Council

Resolution

1. That the MAV advocates to the Victorian Government to sign on / join the Federal Government's 'Skilling Australians Fund' which will enable Victoria to receive federal funding to increase the number of high priority pre-apprenticeships and apprenticeships throughout Victoria; and
2. In the event, the Victorian Government again refuses to participate in the scheme/fund, the MAV is to approach the Federal Government about potentially bypassing the State Government and forming bilateral agreements with individual local governments which will enable their participation.



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Affordable and social housing crisis in Victoria

Submitting Council: City of Melbourne

Consolidated
See Consolidated Motion 4

Strategic Priority Area: Planning & building

Review of Clause 52.22 of the Victorian Planning Scheme in relation to community care accommodation

Submitting Council: City of Greater Geelong

Motion:

That the MAV write to the Minister for Planning:

- a) requesting a review of Clause 52.22 of Victorian Planning Schemes in relation to Community Care Accommodation to allow for a more transparent process by providing for community input into such development proposals; and
- b) highlighting that the current provisions fail to provide for community consultation in relation to issues around design, height, scale, bulk and neighbourhood character.

Planning for Golf Course Redevelopments

Submitting Council: Kingston City Council

Resolution

That the Municipal Association of Victoria request the Planning Minister ensure that the Golf Course Advisory Committee recognises the important recreational and environmental role of Golf Course land and that these critical values are strongly established in future guidelines for Golf Course Redevelopments.

Building Defects and Regulation of Building Professionals

Submitting Council: Kingston City Council

Resolution

That the Municipal Association of Victoria request the State Government to:

1. Provide more resources to the Victorian Civil and Administrative Tribunal to allow it to create a 'fast track' process to administer the likely growing number of cases for compensation in relation to Domestic and Commercial building disputes.
2. Provide the Victorian Building Authority with greater resources to investigate and where considered appropriate take required action to suspend or remove registrations of professionals who have consistently acted against required legislation.



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Building Amendment (Swimming Pool and Spa) Regulations 2019

Submitting Council: Gannawarra Shire Council

Resolution

That the MAV call on the State Government to:

- a) provide suitable funding to Local Government Authorities to develop the necessary systems, processes and resources to implement the Swimming Pool and Spa Safety Standards
- b) provide ongoing funding to resource the increase in statutory obligations imposed by the Swimming Pool and Spa Safety Standards.

Derelict Properties

Submitting Council: Maroondah City Council

Resolution

That the Municipal Association of Victoria State Council calls upon the State Government to amend the existing building regulations to provide Councils the necessary power to require the rectification or ultimately demolition of properties that are in a significant state of neglect and dereliction.

Signage in Public Park and Recreation Zones

Submitting Council: Moonee Valley City Council

Resolution

That the MAV advocates to the State Government, specifically the Minister for Local Government and the Minister for Planning, to amend the Victoria Planning Provisions to apply a less restrictive signage category to our Public Parks and Recreation Zone land to make such signs subject to a VicSmart approval process.

Save Our Red Gums

Submitting Council: Frankston City Council

Resolution

That MAV makes representation to the Premier, the Hon. Daniel Andrews MP, Minister for Energy, Environment & Climate Change, Minister for Planning, Minister for Aboriginal Affairs and all local members of Parliament requesting a special significant classification be placed over the native Red Gum (*Eucalyptus Camaldulensis*) population in the State of Victoria. Of particular importance are the more mature trees ranging in age between 100 years and in excess of 500 years.



MAV STATE COUNCIL MEETING
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Carbon monoxide detectors

Submitting Council: Frankston City Council

Resolution

Due to the needless deaths and injuries suffered by victims of carbon monoxide poisoning the MAV is to advocate to both tiers of government to legislate the mandatory installation of carbon monoxide detectors. As such, all homes built or resold are mandatorily required to have working carbon monoxide detectors operational near bedrooms in all properties including rented properties such as private rentals, dorms, motels and rooming houses.

Building regulations for NDIS Special Disability Accommodation

Submitting Council: City of Casey

Resolution

To seek support requesting the Minister for Planning to amend the MG 12 in regard to Regulation 89 of the Building Regulations 2018 to include consideration for an increase in front fence heights as being appropriate as a specific need for security and privacy as a critical element of successful operation of a supported residential service.

Cladding and substandard building construction

Submitting Council: Maribyrnong City Council

Resolution

That the Municipal Association of Victorian call on the Victorian Government to conduct a robust investigation into the VBA and its oversight of the Building industry and take immediate steps guarantee that all necessary controls and supervision are in place to eradicate the use of illegal cladding and substandard building construction, future proofing the investment and livelihood of the community.

Strategic Priority Area: Business & digital transformation

Business and Digital Transformation support

Submitting Council: Nillumbik Shire Council

Resolution

That the MAV:

1. Take a leadership role in developing and supporting Councils in efficient and effective Local Government business and digital transformation.



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2. Advocate to State Government to provide financial support, in the form of grants, for councils embarking on business and digital transformation to enable it to better deliver on community expectations and enhance service delivery.

Strategic Priority Area: Climate impacts & emergency management

Murray Darling Sustainability of Water

Submitting Council: Mildura Rural City

Resolution

That the Municipal Association of Victoria advocates for its Murray river based communities by calling on a Federal Royal Commission into the management and sustainability of water in the Murray Darling Basin with a full remit to conduct an independent audit on water-saving schemes, trading, ownership, extraction and allocation and with the power to subpoena representatives including politicians, government agencies and peak bodies.

Climate Emergency Funding

Submitting Council: Maribyrnong City Council

Consolidated

See Consolidated Motion 3

Climate Emergency

Submitting Council: City of Darebin

Consolidated

See Consolidated Motion 3

Strategic Priority Area: Population change

Better Population Data

Submitting Council: Swan Hill Rural City Council

Resolution

That the MAV advocate on behalf of all Victorian Councils to the Australian Bureau of Statistics for the development and implementation of a more robust and accurate Australian census methodology.



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**Motions of state-wide significance not related to the MAV
Strategic Plan 2019/21**

Supporting Young People

Submitting Council: Maribyrnong City Council

Resolution

That the Municipal Association of Victoria calls on the Victorian Government to develop a collective regional strategy for optimal growth, diversification and desirable service mix within local government youth services responsive to emerging youth and family needs.

Funding for VICSES (Victorian State Emergency Service) volunteer units

Submitting Council: Maribyrnong City Council

Resolution

That the Municipal Association of Victorian call on the Victorian Government to assist in locating and funding suitable fit for purpose sites and facilities for VICSES Volunteer Units across the state.

Child Safe Standards and Councillors

Submitting Council: Glen Eira City Council

Resolution

That the MAV:

1. seek absolute clarity on the requirements for Councillors with respect to the Victorian Reportable Conduct Scheme;
2. updates the model Councillor Code of Conduct to address child safety and wellbeing; and
3. develop a model Councillor Child Safe Policy which addresses:
 - a. Interactions with children and young people
 - b. Processes to be followed in the event a child abuse allegation is made against a Councillor and actions to be taken dependant on the outcome of any subsequent investigation
 - c. Working with Children Check requirements for Councillors
 - d. Child safety and wellbeing training requirements for Councillors.

Policy

Position of Deputy Mayor

2019

Responsible Service Area: Governance

Adoption Date:

Policy Title: 2019 Policy - Position of Deputy Mayor		Policy No:	Policy type: Council Policy
Policy creation date: 24/04/2017	Current version approved: 24/04/2017	Current version no. 2	Policy review date: 2024
Policy authority dates: Adopted by Council 24/04/2017 (e-CLIP 17/34856) Revised and adopted by Council 00/00/2019 (e-CLIP 19/228963)	Child policy/policies: N/A	Policy responsibility: Governance Coordinator	eCLIP record no. 19/228963

Position of Deputy Mayor Policy 2019



Purpose

To provide a consistent set of guidelines for Council in relation to the duties of the Deputy Mayor.

Objective

To support good governance at Maroondah, Council chooses to appoint a Deputy Mayor position.

This policy is to be read in conjunction with Sections 73 & 73AA of the Local Government Act 1989 – (refer Attachment page 4).

Scope

This Policy applies to the role of the Deputy Mayor.

In any given year Council may elect one Councillor as Deputy Mayor to perform the roles and functions included in this policy.

The term of office for such a position shall align with the term of office as held by the Mayor.

Relationship to the Maroondah 2040 Community Vision

In relation to *Maroondah 2040: Our future together*, the operation of this policy is aligned with:

Community Outcome:	A well governed and empowered community
Key Directions:	8.1 Provide enhanced governance that is transparent, accessible, inclusive and accountable

Alignment with Council's mission and values

This policy supports Council's Mission and Values through ensuring the resilience of functions which support the provision of accessible and sustainable lifestyles for the community.

Statement of Practice

Election of Deputy Mayor

The process pertaining to the election of Mayor, prescribed in Clause 8 (3) (4) & (5) of Local Law No. 12 (Meetings Procedure and Use of Common Seal), shall apply to the election of a Deputy Mayor.

Position of Deputy Mayor Policy 2019**Duties and Functions**

The position of Deputy Mayor supports the Mayoral role for the same term of office as held by the Mayor.

The duties of the Deputy Mayor shall be:

- At all times and in all things, to act on behalf of the Mayor during the Mayor's absence from the Municipality or the Mayor's inability to discharge the Mayoral duties due to sickness or other causes, and
- To deputise for the Mayor as and when arranged from time to time between the Mayor and the Deputy Mayor.

Where the Mayor is unable to fulfil his/her duties as Mayor, the Deputy Mayor shall act as provided in Sections 73 & 73AA of the Local Government Act 1989, i.e.

- Chair meetings of Council (at which he or she is present) in the Mayor's absence; noting that a vote must be taken to elect a temporary Chairperson, in accordance with Local Law No. 12 (Meetings Procedure and Use of Common Seal),
- Act as Council's official spokesperson in the Mayor's absence,
- Carry out the civic and ceremonial duties of the office of Mayor, including presiding over Australian Citizenship Ceremonies, in accordance with Section 27 of the Australian Citizenship Act (2007),
- Support good working relations between Councillors, and
- Provide guidance to Councillors about what is expected of a Councillor, including in relation to the role of a Councillor under section 65, and the observation of the Councillor conduct principles and the Councillor Code of Conduct by Councillors under sections 76B, 76BA and 76C.

Wearing of Mayoral Drop (Medallion)

The Deputy Mayor, whilst acting on behalf of the Mayor during the Mayor's absence, shall wear the Mayoral Drop on the following occasions:

- Council Meetings
- Australia Day and Australian Citizenship Ceremonies held within Maroondah
- Any other Civic Ceremony or Event that requires the formality for the Mayoral Drop to be worn by the Mayor

Position of Deputy Mayor Policy 2019

**Definitions**

Council	Maroondah City Council, being a body corporate, constituted as a municipal Council under the Local Government Act 1989
Councillor	Individual holding the office of member of a Council – <i>as defined in the Local Government Act 1989</i>
Deputy Mayor	A Councillor elected to act as Deputy Mayor throughout the same term of office as held by the Mayor
Mayoral Drop	A gold-plated medallion containing the Maroondah City Council Coat of Arms, that may be worn at events or functions

Responsible Officers

Director Corporate Services
Manager Finance & Governance
Governance Coordinator

Policy Distribution

This policy will be accessible on the Maroondah web, SmartNet and distributed to Service Area Managers.

Policy Review

This Policy will be reviewed annually or as and when deemed necessary by Council.

Related Policies and Documents

Local Government Act 1989
Councillor Code of Conduct
Local Law No. 12 (Meetings Procedure and Use of Common Seal)

Position of Deputy Mayor Policy 2019



ATTACHMENT

Local Government Act 1989 No. 11

EXTRACT

73 Precedence of Mayor

- (1) The Mayor of a Council takes precedence at all municipal proceedings within the municipal district.
- (2) The Mayor must take the chair at all meetings of the Council at which he or she is present.
- (3) If there is a vacancy in the office of Mayor or the Mayor is absent, incapable of acting or refusing to act, the Council must appoint one of the Councillors to be the acting Mayor.
- (4) An acting Mayor may perform any function or exercise any power conferred on the Mayor.

73AA Functions of Mayor

The functions of the Mayor of a Council include—

- (a) providing guidance to Councillors about what is expected of a Councillor including in relation to the role of a Councillor under section 65, and the observation of the Councillor conduct principles and the Councillor Code of Conduct by Councillors under sections 76B, 76BA and 76C; and
- (b) acting as the principal spokesperson for the Council; and
- (c) supporting good working relations between Councillors; and
- (d) carrying out the civic and ceremonial duties of the office of Mayor.

Attachment A

Our Reference: dm

31 October 2019

Dr Kathy Alexander
Chairperson
Victorian Rating System Review Panel
rating.review@delwp.vic.gov.au

Dear Dr Alexander

Submission to the Victorian Local Government Rating System Review

Thank you for the opportunity to make this submission to the Victorian Local Government Rating System Review.

The review of the current rating system is paramount to the ongoing viability of all Local Government Authorities within the State of Victoria. For this Council alone, rates and charges represent almost 67% of its total income. This review must achieve an outcome that provides fairness and equity for all and at the same time ensures the ongoing financial viability for Councils. Unlike other levels of government, Councils deliver services that directly impact the residents that live in the individual municipalities.

In the absence of any detailed information being provided within the Victorian Local Government Rating Review Discussion Paper, Council has determined to formulate a response in a very broad and high-level context.

Council's submission is made up of 3 parts:

1. Responses to Consultation Questions posed in Local Government Rating System Review Discussion Paper
2. Rating system items that this Council considers needs to be either retained or reviewed.
3. Council's support for the MAV Submission to the Victorian Local Government Rating System Review.

Yours sincerely

Dale Muir
Manager Revenue Property and Customer Service

Part 1- Responses to Consultation Questions

What types of properties should receive rating exemptions?

An area that needs to be closely examined is the charitable purpose definition. Charitable purposes has been open for interpretation since the 1958 LGA. In today's world there is an extremely wide range in the size of charities. For example, small organisations who are voluntary based such as those who house an otherwise homeless person often known as 'couch surfers' to one of the largest the Salvation Army and many between these two extremes. The definition should clearly articulate how these extremes and everything in between should be treated equitably from a rating perspective.

Further any change should address the current anomaly that sees income being derived by a third party other than the charity.

Other notable areas are private schools, RSL's with gaming machines and the validity of providing exemptions for the mining industry. The rationale for how these are to be treated equitably with each other and with the broader property rating community needs to be further clarified mindful of the Governments social, economic and wellbeing principles.

Why would this be fair?

Property owners that are deriving significant profits from their land would be subject to rating like others that don't have the benefit of these outdated exemptions.

Does your Council report on rate exemptions granted, and/or their estimated value?

No this is seen as an administrative matter which is based on legislation which removes influence by Councillors, however, it could be reported in the Annual Report or similar for public transparency.

Should Councils be required to report on rate exemptions?

No Councils should not have to report on the exemptions if legislation clearly dictates where exemptions apply. A voluntary disclosure regime depending on the municipality's information needs and expectations should guide this decision given Councils are established by State Government as independent organisations to represent and support the needs of their communities.

Why?

This is a governance and administrative matter outside the influence of Council decision. If reporting was required it is likely to become another task for Council's administration to undertake for which no resources are currently allocated. At Maroondah exemptions have never been an item of contention for the broader ratepaying community and hence if the State Government wishes to include this public disclosure it could be a voluntary disclosure. Public reporting on it may see it become an unnecessary matter of contention for the public and a potential for lobbying by perceived neither needy or influential individuals or organisations. This

has the potential to significantly compromise equity governance principles for the ratepaying community and either potential further stigmatise the poor and/or increase perceived inequity with the richer landowners. The only requirement here is for the State Government to clarify the definition through legislation of legitimately exempted properties.

How does your Council allocate differential rates?

This has occurred over time recognising different property classes and their respective needs when compared to each other.

Why?

In line with equity principles and current legislative options, differential rates maintain the level of contribution from the different classes of property to ensure that they are covering the value of those properties for the use at which they are currently being put cognisant of the opportunities as outlined in the Planning Scheme as well as consideration of the cost of providing relevant Council services to those classes of properties. Depending on property market yields there has been a value discrepancy between different classes of property. For example a shortfall of the valuation method of determining rates, in recent times at Maroondah is that residential properties have been increasing in collective value at a higher percentage than commercial and industrial properties.

Therefore the quantum of total residential \$ contribution to Council's overall rates has been increasing from a property market perspective yet the level of services is being maintained or in fact increasing. This is not sustainable for residential ratepayers nor equitable when compared to Commercial and Industrial Properties which have been falling from a property market perspective. Differential rating allows that equitable balance to be maintained between property classes as an aggregate and equitable when translated to the individual property level all other things being equal.

What types of properties should pay more through differential rates?

Differential rating for this Council is not a case of classes of properties paying more but rather maintaining a consistent equitable level of contribution at the individual property level.

Why?

Primarily to prevent the shifts in the rate burden between classes of property when the yields of return within the market, depending on market conditions will be higher for some classes than others. Coupled with this is the taxation benefits Commercial, Industrial and residential investor property owners are able to achieve compared to individual residential property owner occupiers. Differential rate options are able to take this aspect of Commercial and Industrial property class taxation benefit into consideration and are valued accordingly.

What types of properties should receive rate waivers?

Given the pressures on Councils for exceptional service across their operations, there is no compelling case for providing rate waivers in a rate capped environment especially when third party suppliers are not bound

by the rate cap. Ratepayers irrespective of property type, however, given difficult financial circumstances should always have the opportunity to access Council's Financial Hardship Policies to get through difficult financial times.

Why?

As previously mentioned all property types should be treated in the same manner to ensure a system of fairness and equity.

If Councils provide rate discounts what criteria should apply?

To ensure a fair and equitable rating system, no discounts should be applied to property types. Financial Hardship Policies should apply to those individuals who are currently experiencing financial hardship and are having difficulty in paying.

Should cultural and recreational land and electricity generators have alternative rating arrangements?

Yes regarding Cultural and Recreational Land having alternative rating arrangements as they provide a broader social, cultural and health benefit to the community when on private land, however, similar to National Competition Policy a specific criteria or formulae should be applied and documented for public transparency purposes.

No regarding electricity generators as they are a business deriving profit from consumers albeit these are returned to State Government. Transparency and real cost accounting should be applied to these enterprises.

Why?

As explained above

Should property values determine rates?

Yes. There is no other equity methodology for Local Government to evenly balance and determine capacity to pay as evidenced by numerous researches into this topic including various Productivity Commission and Financial Assistance Grant Reports as well as the Australian Centre for Excellence in Local Government located in Sydney. While the current methodology is not always as technically proficient in determining fairness and equity for all (i.e. Asset rich, cash poor) as possible, broadly speaking it has been demonstrated through these studies that it is the best approach across all income sources to run the services provided by Local Government.

If not, then what should?

NA give response above.

What services should be funded by their users (in line with the user pays principle) rather than through general rates?

Given the large cost, volatile market, minimal market competition, health, recycling incentives, alternative waste option development and environmental considerations, Waste Services is the primary service for the

application of this principle. At this Council it is based on a user pays universal model which is equitable per property type.

Other user pay services are those which are either set by State Government such as Statutory fees and charges or are discretionary and set by Council such as Leisure Centres to which National Competition Policy is applied.

When should Councils use special rates and charges?

In line with current legislation when the service being provided is a benefit to very specific property owners such as trader groups who wish to improve their shopping precinct and hence their business financial returns.

Why?

As above.

How does your Council set charges for waste and other services?

Full cost recovery of the services being provided to the community.

Does your Council have a clear rating strategy?

Yes it does have a clear rating strategy

Should all Councils apply consistent rating practices?

Yes

Why/Why not?

Transparency for the community and ease of communication and understanding. These days many ratepayers own properties across different municipalities and often get confused with the varied rating regimes of different Council's. A Rating Strategy provides clear guidance for all involved. These Strategies require review and update at appropriate intervals involving the broad community to ensure they reflect the community's needs and expectations.

Does the Local Government Act 1989 (and other requirements) provide clear rules and guidance to councils to set and levy rates?

Yes the 1989 Act is very clear with the exception of rate exemptions as previously mentioned.

What could be improved?

Council recently through the Municipal Association of Victoria State Council secured overwhelming support for the State Government to enact legislation for derelict properties in order to secure the clean-up of properties that fall into disrepair or present health and safety issues for the broader community. The suggestion here is that should Council have the powers to undertake the clean-up, the associated costs should become a debt against the property rather than an individual. This would align with the current practice undertaken by Councils in recovering the amounts outstanding in the recovery of rates and charges.

Does your rates notice have the information you want? If not, what would you like to see on your rates notice?

Yes. We are exploring a similar format to that which is used by water authorities and telecommunication companies who compare previous quarters/years etc.

How convenient is it to receive your rates notice and make payments?

Council has the facility to send rate notices electronically on request and can then log onto Council's systems for payment.

Council has expanded its methods of payments to include in person at Council's service centres one of which is available seven days a week, Australia Post, Bpay, telephone, internet, mail. This can be done annually, quarterly or nine instalments through direct debit only.

Do you engage with your council in setting rates through the annual budget consultation? If so how easy/difficult is it to do? If not, why not?

Council takes the approach that the role of Councillors is representative of the Community and hence it is their role to set the budget after consultation with the community through the formal section 223 in the Local Government Act as well as also through daily communication and engagement with constituents as they undertake their role as Councillors which is 24/7.

Part 2 - Rating System items that this Council considers need to be either retained or reviewed

Council is of the view that the vast majority of the current business as usual aspects to the current system is working. Hence the retention of the existing rating flexibility including but not limited to payment options and payment dates should be retained. The following provides a combination of what specifically could be retained and that which could be reviewed.

Retain

- Retention of current differential rating powers with the ability for further flexibility to levy differentials at a higher level than the current for times rule.
- Retention of property valuations as the basis of rating for Local Government Rates.
- Retention of Councils powers to recover from ratepayers the full cost of providing waste services to the community. State Government to use the funds collected from the land fill levy to assist Councils in achieving sustainable outcomes for the community in relation to all waste services.

Review

- As mentioned a review of current rate exemption categories and further clarity around definition of charitable will be welcomed as well as detailed specification on the allocation of monies received from customers paying monies listed on their individual rate notices including legal costs, arrears, interest, waste charges, rates, fire levy etc. This review should provide certainty for Council as to the recovery of full legal costs incurred in the recovery of monies from delinquent ratepayers and will go a long way to reduce uncertainty.

- Greater definition around the current S162 of the LGA 1989 and inclusion of further services
- The current Cultural and Recreational Lands Act being abolished and brought into the new Local Government Act
- Having a rate cap with some certainty over a longer period of time to provide some stability for Council's Long-Term Financial Plans.
- Provision of valuations by the Valuer General earlier than it currently does to enable Councils to prepare, approve and exhibit their budgets for the next financial year. Suggested date 28 February each year.
- Removal of the current reporting burden for Fire Services Property Levy. The requirements of the State Revenue Office are unrealistic given none of the Local Government Software suppliers have been able to achieve their requirements. There is significant burden on Council staff to manually meet those requirements each year.
- Rate Notices need to be simplified for ratepayers, there is far too much information that is required to be shown on the rate notice by legislation or regulation.
- Clean up charges for properties that fall into disrepair or present health and safety issues for the broader community to become a debt against the property rather than an individual.

Part 3 - Council's support for the MAV Submission to the Victorian Local Government Rating System Review.

This Council has identified in Part 2 above the aspects of the Rating Review that is important to it in the Maroondah environment and equally as a sector participant, recognises the different environments in which other Councils either metropolitan, regional or rural operate.

It is for this reason that Council has a supportive view towards the MAV and their submission that looks to protect the interests of all Councils within the State of Victoria.

Attachment B



**MAV Submission to the
Victorian Local Government Rating System Review**

November 2019

Friday, 1 November 2019



1. Executive Summary

In response to the Parliament of Victoria's Inquiry into the Sustainability and Operational Challenges of Victoria's Rural and Regional Council's the State Government agreed to undertake an Inquiry into the Victorian Local Government Rating System. Specifically, in the Terms of Reference (Refer Appendix 1) for the Ministerial Panel on the Victorian Local Government Rating System Review is advice that the State Government has agreed to undertake this inquiry to identify changes *"that will improve fairness and equity"*.

The Municipal Association of Victoria (MAV) supports the review to address provisions of the Victorian State Government legislative rating regime that are no longer viable due to changing social and economic conditions. While no system of taxation is perfect, the fairness and equity of the Victorian LGA (Local Government Authority) rating system must be improved.

The review should not create greater complexity in the LGA rating regime, rather it must deal with the outdated exemptions and the diseconomies of rural council. Rural council factors for consideration include relative populations, geographic size, assessment numbers and the disparity in LGA personal income level percentages required to pay LGA rates and charges. Combined these considerations detract from the rating system's capacity to deliver fairly and equitably.

Public rates discussions in metropolitan Melbourne and in larger council regions focuses almost exclusively on delivering value for money. In the rural LGAs it is argued that the current rating regime is regressive and cannot be addressed by changes to the legislative regime alone. The Victoria State Government, through its legislative and constitutional authority, controls are accountable for all LGAs, therefore it must intervene to deliver a fair and equitable system which bridges the' fiscal capacities and the asset management and service responsibilities of all LGAs.

In Victoria the 2017/18 LGA rates revenue of \$5.1 billion accounted for approximately 48% of total LGA revenue however these rates are not the only property tax property owners pay. A key issue is the increasing share of Victorian property taxes being taken by the State Government. Between 2010/11 and 2017/18 State property taxes increased by 114% whereas local government taxes on property increased by only 52%.

The MAV's submission focuses on changes that will enhance and improve the rating system's fairness and equity.

1. Exempt commercial activities, fees for service providers, private sector competing activities, or legally nuanced categories of exemption should be revoked and made rateable;
 - Solar/wind farms and electricity generators
 - Universities
 - Private schools
 - Religious property holdings used for commercial purposes or not held and occupied by the legal entity providing the religious instruction/faith-based services
 - RSL gaming/gaming venues on Crown land
 - Mining
 - Crown land used for commercial purposes



Subject to ratepayer and service provision fairness and equity considerations the additional income from rating the above categories of properties could reduce the burden on other ratepayers. (Refer Section 5)

2. Differential rating options should be retained.

At present, differential rating can only be used if Capital Improved Value (CIV) is used but the rationale for the current limited differential rate is not apparent and consideration could be given to removing the provision. The range of differential rate levies should be a matter for councils to consider in consultation with their communities when determining a fair and equitable spread of rates. (Refer Section 6)

3. The current Victorian rating regime's capacity to be understood and to deliver fairness and equity would be enhanced by;
 - Simplifying rates notices
 - Earlier valuations return date
 - Penalty interest rate to reflect market rates of interest
 - Minimum and maximum rates option
 - Option for Tourism Levy for Declared Tourist Destination
 - Residential Village Dwellings to be Rateable
 - LGA Rating Strategies

(Refer Section 7)

The existing State required annual property revaluations, with their consequent annual re-distribution of the rate burden between property owners based on property market value movements, required by the State, are compounding the difficulties in the broader community understanding of rate capping. Property owners hear the words "rates are capped at 2.5%" but then become confused when they receive their rates notice and discover that their property's rates have gone up or down by a great deal more than the "rate cap." This is creating community confusion and misunderstanding, resulting in mistrust.

Victorian Local Government is at the receiving end of this community mis-trust.

To try and address this the State, as the legislative source of rate capping, needs to better communicate to all Victorian property owners a consistent and clear message on what rate capping is. At present there is no clear, consistent rate capping community communication across all Victorian LGAs.

4. Fairness and equity across LGAs cannot be achieved through the rating system. Urgent State Government action is required to address the regressive nature of smaller rural and regional LGA ratings. Rural and Regional LGA's could have their Rate Capping legislative obligations removed and still not achieve fiscal equity with their metropolitan counterparts as a result of their asset and service responsibilities. Their communities do not have the same financial capacity. For this reason, the State as the statutory source, authority and ultimately point of accountability for Victorian LGAs needs to intervene. Reviewing the road and bridge infrastructure responsibilities split between these LGAs and the State Government's Road Authority, Vic Roads, or the creation of a specific Small Rural/Regional LGA Funding Program is required.



The submission correlates the extent to which the fiscal capacity of all Victorian LGA communities is used based on each LGAs' total taxable personal income. While personal income may not fully

measure each LGA's community fiscal capacity, it is a useful and relevant indicator. This analysis reflects the findings of the Productivity Commission (Assessing Local Government Revenue Capacity, Productivity Commission April 2008) with metropolitan LGAs drawing lightly on their fiscal capacity while rural and regional LGAs draw more heavily on their communities' capacity. This analysis also makes a case that rate pegging is not an effective tool in managing individual community expectations in terms of service needs versus capacity to pay. (Refer Section 8)

5. To achieve State-wide consistency at face value it may appear reasonable to introduce a State-wide consistent Poll Tax Local Government Service Charge based on either;
 - A per capita basis, or
 - Per assessment basis, or
 - A State-wide consistent CIV rate in the dollar property charge.

These Poll Tax Options are not supported by the MAV as they would have a totally unacceptable community impact on the capacity of many Councils in terms of;

- Reduced financial capacity to provide existing services that meet local communities needs and expectations,
- Substantial increases in what Victorian property owners would have to pay compared to what they pay at present.
- Detracting from, and not adding to fairness and equity principles. At present most Victorians self-fund most Local Government services that they receive in terms of the percentage of total revenue derived from rates.

Fairness and equity has to be viewed from a perspective of objectivity and not self interest subjectivity which these Poll Tax options invite. They equate to another, more severe, version of unfairness and inequity. (Refer Section 9)

6. The use of CIV is accepted as an appropriate measure of capacity to pay and given that LGAs have the option of differential rating under CIV it is questionable why there continues to be a need for a Cultural and Recreational Land Rate. (Refer Section 10)
7. The rationale for the current Municipal Charge approach, including the 20% limit, is not apparent as the approach is not used in other jurisdictions. A common approach in other jurisdictions is to use a Base Charge or a Minimum Rate to reflect a benefit principle. This is where the distribution of benefits is not uniform, as those who benefit more should contribute more. Similarly, the rationale for being able to claim an exemption from the Municipal Charge for farmland (under s. 159 of the Local Government Act 1989) is also not apparent and does not appear to exist in other jurisdictions in relation to base charges. (Refer Section 10)
8. Under section 162 of the Local Government Act, LGAs may elect to fund their waste services through either general rates, or by declaring a separate charge. The vast majority of Victorian LGAs utilise a separate charge in accordance with this provision. With increasing cost pressures related to managing municipal waste and recycling services, LGAs face an escalating challenge to fund these services. A range of factors including China National Sword impacts, heightened



environment protection requirements, legacy landfill remediation costs and new laws such as the e-waste landfill ban mean LGAs have had to increase waste charges above CPI increases.

One of the key purposes of the State Government landfill levy and the Sustainability Fund is to support and strengthen Victoria's resource recovery system and to minimise the amount of waste

sent to landfill. As at 30 June 2019, the balance of the Sustainability Fund was around \$406 million. The Victorian government should be investing this money into resource recovery infrastructure, market development and community education to enable a shift to a circular economy. This should happen as a matter of priority.

2 Introduction

In response to the Parliament of Victoria's Inquiry into the Sustainability and Operational Challenges of Victoria's Rural and Regional Council's the State Government agreed to undertake an Inquiry into the Victorian Local Government Rating System. Specifically, in the Terms of Reference (Refer Attachment 1) for the Ministerial Panel on the Victorian Local Government Rating System Review is advice that the State Government has agreed to undertake this inquiry to identify changes *"that will improve fairness and equity"*.

The MAV supports this Review as a long overdue opportunity to address current provisions of the State Government legislative rating regime that had their origin and justification in a bygone social and economic context that is no longer applicable.

This submission to the Ministerial Panel on the Victorian Local Government Rating System Review has been prepared by the Municipal Association of Victoria (MAV) in consultation with Victorian LGAs.

The submission includes consideration of:

- Current LGA rating in the context of principles of taxation policy including equity, capacity to pay, simplicity, efficiency, sustainability;
- The revenue raising capacity of LGAs in Victoria and the importance of rates and charges to LGAs across the State;
- Current Local Government Act rating exemptions;
- Enhancements to improve Victorian LGA rating fairness and equity;
- Today's environment of substantive LGA people and public good focus services and responsibilities in addition to historically property focused LGA services;
- Why Poll Tax options are not a solution;
- Relevant findings from other rating and revenue reviews in similar Local Government jurisdictions; and
- Current application of rates and charges by LGAs in Victoria, including use of differential rates, the autonomy of individual councils to apply the rating system in accordance with their own decision-making circumstances and the flexibility or constraints imposed in the context of different communities, land use, incomes and consequent LGA revenue raising capacity;



This submission makes use of Australian Bureau of Statistics data and where used the data source is referenced. It also makes use of the 2017/18 Victorian Grants Commission LGA consolidated returns for a number of financial models utilised in this submission. Appendix 2 reproduces this Grants Commission data by LGA.

3 Rating Principles

This section briefly discusses commonly accepted principles for taxation in the context of local government rating.

3.1 Efficiency

- Does the rating methodology significantly distort property ownership and development decisions in a way that results in significant efficiency costs?

It is generally accepted that property taxes are an efficient tax. While the use of Capital Improved Values (CIV) can have implications for those that invest in their property, rates are unlikely to influence decisions on capital improvements.

3.2 Equity

- Does the tax burden fall appropriately across different classes of ratepayers?
- Capacity to pay: are those ratepayers with greater economic capacity in fact contributing more?
- Benefit principle: where the distribution of benefits is not uniform, should those who benefit more contribute more?

The balancing of the benefit principle with capacity to pay is a key challenge for any rating system. Use of property values is seen as having a correlation with capacity to pay although there are issues for those described as "asset rich but income poor". The use of differential rates has been seen as one way of ensuring consideration of the benefit principle. But ensuring those who benefit more contribute more is constrained under the current legislative rating regime and increasingly so in today's era of LGA people and public good focused services and responsibilities as opposed to historically property focused LGA services.

3.3 Simplicity

- Is the system practical and cost-effective to administer and enforce?
- Is the system simple to understand, difficult to avoid payment and does it have low costs of compliance and enforcement?

The ownership of property is relatively easy to determine, as is its value. Property rates are therefore difficult to avoid and generally have low compliance costs.

3.4 Sustainability

- Does the system generate sustainable, reliable revenues for LGAs and is it durable and flexible in changing conditions (i.e. can it adequately withstand volatility) and does it grow over time to support future needs?

LGA rate revenue from property tax is relatively stable but is controlled and regulated by the State Government through the Rate Cap provisions under Part 8A of the Local Government Act 1989. For small Rural/Regional LGAs though even if there was no Rate Capping the existing mismatch between their fiscal responsibilities and their communities' fiscal capacity would still loom large.



3.5 Autonomy

- Does the system provide flexibility and autonomy for LGAs in meeting the needs of their particular community?

The Henry Review¹ (Australia's Future Tax System Review, Australian Government, 2010, Recommendation 120) recommended that *"States should allow local governments a substantial degree of autonomy to set the tax rate applicable to property within their municipality."*

This submission in part argues that existing exemptions and legislative rating provisions detract from this Henry Review proposed autonomy.

Autonomy at an LGA level of Government, arguable more so than at any other level of Australian Government, is then balanced by a relatively very high level of local community access to its elected representatives enhanced by LGA administrations being locally based. All of which adds to LGA local decision making, which is transparent, accountable and community responsive.

4 Overview of Council Revenue Raising

4.1 General Rate Revenue by State

Table 4.1.1 (Source: ABS Cat. 5512.0, 5506.0 and 5220.0,3101.0) provides an overview of general rate revenue of Local Government across the six State jurisdictions in 2017/18. On a per capita basis, NSW has the lowest rates as a result of long-term rate capping in that State. Western Australia and South Australia have the highest general rates per capita. Victoria and Queensland have similar levels of rates per capita at around \$800.

When measured relative to Gross State Product (GSP), South Australia has the highest level at 1.46% of GSP while NSW has the lowest (again as a result of rate capping). Victoria and Queensland have a similar level of rates as a percentage of GSP at around 1.2%.

¹ Australia's Future Tax System Review, Australian Government, 2010, Recommendation 120



Table 4.1.1: Local Government General Rates by State, 2017/18

State	LG Rates \$m	GSP \$m	LG Rates as % GSP	Population 000's	LG Rates/capita
NSW	\$4,531	\$593,275	0.76%	7,987.3	\$567.3
Vic	\$5,189	\$423,961	1.22%	6,459.8	\$803.3
Qld	\$3,966	\$339,504	1.17%	5,012.2	\$791.3
SA	\$1,550	\$106,004	1.46%	1,736.4	\$892.7
WA	\$2,353	\$255,883	0.92%	2,595.9	\$906.4
Tas	\$401	\$30,266	1.32%	528.1	\$759.3
Total	\$17,990	\$1,748,893	1.03%	24,319.7	\$739.7

Source: ABS Cats. 5512.0, 5506.0 and 5220.0, 3101.0

When the growth in recent years of Local Government and State Government Tax Revenue in Victoria as a share of GSP are compared, Local Government rates to GSP increased by 19% between 2011/12 and 2017/18 while State Taxation to GSP increased by 28% as shown by **Table 4.1.2** (Source: ABS Cats. 5512.0, 5506.0 and 5220.0)

Table 4.1.2: Victoria State and Local Government Tax Revenue as share of GSP

	2011-12	2012-13	2013-14	2014-15	2015-16	2016-17	2017-18	Change 11/12 to 17/18
LG Rates as % GSP	1.02%	1.08%	1.13%	1.17%	1.21%	1.21%	1.22%	19%
All State Tax Revenue as % GSP	4.24%	4.33%	4.60%	4.84%	5.09%	5.27%	5.45%	28%

Source: ABS Cats. 5512.0, 5506.0 and 5220.0

4.2 Recent Trends in Local Government Revenue

Table 4.2.1 (Source: ABS Cat. 5112.0 Government Finance Statistics) provides details of the trends in LGA revenue in Victoria by source. The table shows that LGA rates increased by 52% in current terms between 2010/11 and 2017/18 while overall Total revenue from all sources required to fund services increased by 42%.

The lower growth in current grants and subsidies was in part driven by the Federal Government freezing indexation of Financial Assistance Grants over a three year period; 2014/15 to 2016/17. A freeze that reduced the financial capacity of Victorian LGAs.

**Table 4.2.1: Local Government Victoria General Revenue Trends**

	2010-11	2011-12	2012-13	2013-14	2014-15	2015-16	2016-17	2017-18	Change 10/11 to 17/18
	\$m	\$m	\$m	\$m	\$m	\$m	\$m	\$m	
Taxation revenue	3,416	3,656	3,890	4,162	4,468	4,746	4,967	5,189	52%
Current grants and subsidies	801	967	931	638	1,103	597	1,193	1,110	39%
Sales of goods and services	1,351	1,475	1,570	1,610	1,686	1,806	1,882	1,924	42%
Interest income	129	127	102	88	88	92	94	108	-16%
Capital Grants	248	291	243	139	85	207	166	167	-33%
Other revenue	1,698	1,818	1,744	1,540	1,884	2,149	2,290	2,350	38%
Total GFS revenue	7,642	8,334	8,481	8,177	9,314	9,596	10,591	10,847	42%

Source: ABS Cat. 5112.0 Government Finance Statistics

Table 4.2.2 (Source: ABS Cat. 5112.0 Government Finance Statistics) below which details the share of revenue by source for Local Government in Victoria compared to all Local Government in Australia highlights the high dependence on rate revenue by Local Government in Australia. Particularly in Victoria, where around 48%

of LGA revenue is from rates. (With Charges included this percentage increases to approximately 54% of total LGA revenue in 2017/18.)

Table 4.2.2: Local Government Share of Revenue by Source

	% Share by Rev; Source for Victoria 2017/18	% Share by Rev; Source for Australia 2017/18
Property Taxation revenue	47.8%	38.7%
Current grants and subsidies	10.2%	9.6%
Sales of goods and services	17.7%	27.0%
Interest income	1.0%	1.7%
Capital Grants	1.5%	4.1%
Other revenue	21.7%	18.9%
Total GFS revenue	100.0%	100.0%

Source: ABS Cat. 5112.0 Government Finance Statistics

This State Government review of the LGA general rating system in Victoria can reduce the current share of the rate burden met by existing rate payers by addressing outdated exemptions that would promote improved fairness and equity while also enhancing ongoing financial sustainability of individual LGAs. But the Victorian LGA rating system from a fairness and equity perspective when LGA Personal Income levels



are taken into consideration cannot alone achieve fairness and equity in the standard of LGAs services to all Victorian communities. This proposition is expanded on later in this submission.

In contrast overseas in Europe, for example, the major component of local government revenue is from a share of income tax and other central government taxation. For example, in Denmark and Germany only around 8% of revenue is from property tax.

In Denmark, around 70% of municipal revenue is from a share of income tax. In Germany, local government receives 15% of national personal income tax and 2.2% of VAT plus a share of business taxes.

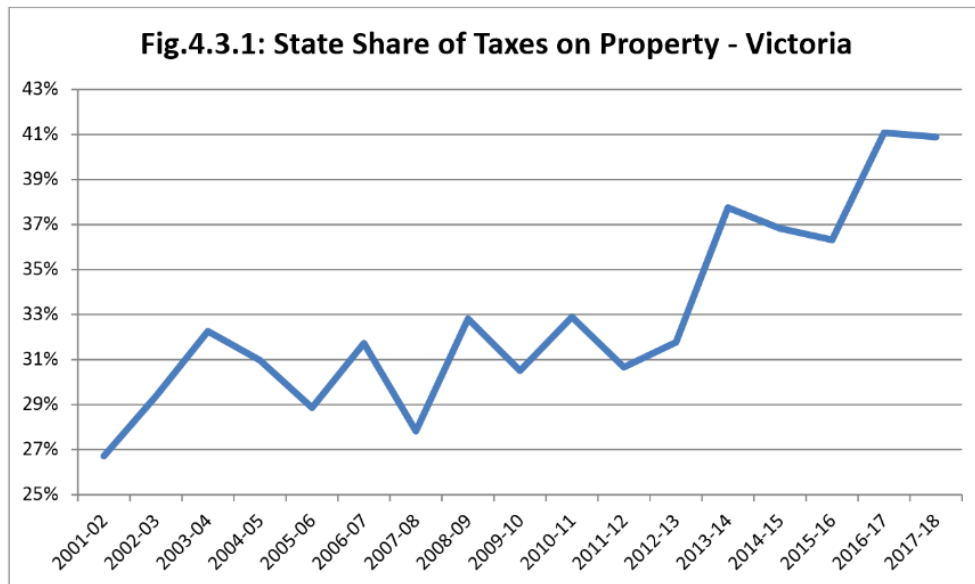
In the USA, in addition to property tax (i.e. similar to local rates), sales tax and/or real estate transfer tax (i.e. similar to stamp duty) are commonly used mechanisms of local government revenue raising, often with specific increases earmarked for particular local matters. For example, real estate transfer taxes can be used for specific purposes such as affordable housing and open space development.

4.3 Competition to LGA Property Rate Base

A key issue is the increasing cost to Victorian property owners due to the increasing share of Victorian property taxes being taken by the Victorian Government.

Figure 4.3.1 (Source ABS Cat. 5506.0. Taxation Revenue Australia) illustrates the share of State and Local Government taxes on property taken by the State Government in Victoria. In 2001/02, the State collected just under 27% of property taxation whereas by 2017/18 this had grown to 41%.

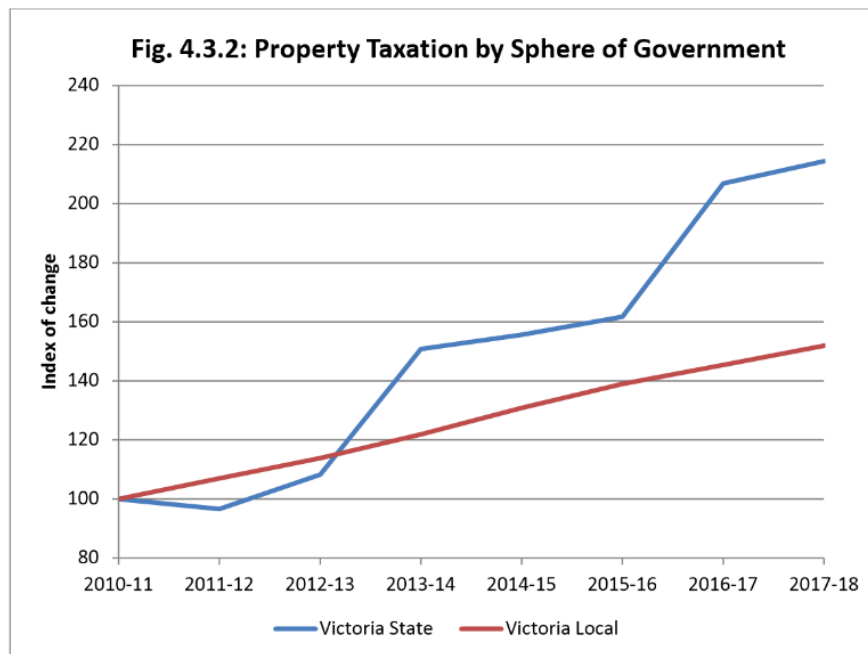
The growth of State property tax revenue since 2015/16 (when local government rate pegging commenced) has been substantial, increasing by 33% against local government rates increasing by only 9% (zero in real terms per capita).



Source: ABS Cat. 5506.0. Taxation Revenue Australia



Figure 4.3.2 (Source: ABS Cat. 5506.0. Taxation Revenue Australia) illustrates the increase in State property taxation relative to that of local government between 2010/11 and 2017/18. State property taxes in Victoria increased by 114% over this period whereas local government taxes on property increased by only 52%.



Source: ABS Cat. 5506.0. Taxation Revenue Australia

5 Exemptions No Longer Justified

Property rating has its origins in 16th Century Elizabethan England predating income taxation. In Victoria property rating has been used to fund Councils and former District Roads Boards from the mid-19th Century on and today as stated in the Ministerial Panel's Terms of Reference, rates and charges "underpin the funding of Local Government and its important services and infrastructure in Victoria." In 2017/18 LGA rates and charges totalled \$5.7 billion and represented the most significant and largest source of revenue for Victorian LGAs.

In the following centuries it has served as a good proxy to income and wealth. But in today's economic environment while still relevant wealth and income, hence capacity to pay, is clearly determined by and derived from far more than land holdings and built improvements e.g. the service and knowledge sectors of a modern economy.



In today's social and economic context, the current extent of rate exemptions and consequent local community subsidisation, is not fair or equitable. The 2008 Productivity Commission report² (Assessing Local Government Revenue Capacity, Productivity Commission April 2008, p.107) noted that rates exemptions reduce local governments' rates bases and do so differentially across Local Governments.

All land in Victoria is considered rateable except where it is specified as exempt in the Local Government Act 1989. The current exemptions include;

- State and Commonwealth land (Crown Land) where it is either occupied or it is used exclusively for public or municipal purposes,
- Crown Land leased to a rail transport operator,
- Land used exclusively for a charitable purpose,
- Land used as a residence of Ministers of religion,
- Mines, and
- Returned Services League Clubs.

The origin of these exemptions was set in a different social and economic context compared to today. Today, in many instances current exemptions are the basis of inconsistencies between like market activities and unjustifiable subsidies from residents of the hosting LGA to private beneficiaries and private consumers throughout Victoria and Australia and in some cases internationally. These rate exempt, locally subsidised facilities, are no longer just serving the local community as they did in previous centuries. Today these facilities compete in and supply to State-wide, national and even international markets.

Specifically, the following exempt commercial activities, fees for service providers, private sector competing activities, or legally nuanced categories of exemption should be revoked and made rateable;

- Solar/Wind Farms and Electricity Generators
- Universities
- Private Schools
- Religious Property Holdings used for commercial purposes or not held and occupied by the legal entity providing the religious instruction/faith-based services
- RSL Gaming/Gaming venues on Crown land
- Mining
- Crown Land used for commercial purposes

The additional income from rating the above categories of properties could then be used to improve fairness and equity by reducing the rate burden on existing rate payers. In the City of Melbourne 12% of its rates base is currently exempt under these provisions.

5.1 Solar/Wind Farms and Electricity Generators

Under Section 94(6A) of the Electricity Act 2000 a payment in lieu of rates (PiLoR) provision operates. This provision provides a methodology for estimating rates payments and applies to all coal, gas, hydro and wind generators. In addition, solar has been added as a defined energy source. The methodology combines

² Assessing Local Government Revenue Capacity, Productivity Commission April 2008, p.107



a fixed charge with a variable charge based on the capacity of the power station in megawatts. The fixed charge in 2018/19 is \$54,400 and the variable charge is \$1225 per megawatt.

There is also a defined methodology for community and commercial solar and wind generators. A threshold of 25 MW has been set for these types of generators. The community owned portion must be at least 20% which equates to the commercial portion being up to 80% of these solar and wind generators.

Why though should the community rate payers of the host LGA subsidise the commercial return for owners/investors located elsewhere in Australia and overseas who sell their electricity, a private good for the private benefit of the individual consumer, into a commercial market for consumption outside the boundaries of the LGA where the facility is located. Following are three case Studies of the operation of this exemption and its impact on revenue foregone to the Swan Hill Rural City Council, Moira Shire Towong Shire but not to the State Government under the Fire Services Levy.

Case Study

Swan Hill Rural City Council currently has three commercial Solar Farms operating within the Municipality. These Solar Farms are classified as Electricity Generating Units and therefore can make a Payment In Lieu of Rates (PiLOR) calculated as the combination of a fixed charge per facility, plus a variable charge per Megawatt Hour of energy generated each year.

The revenue received by Swan Hill Council under the PiLOR system is not considered as rate revenue and it is not included in the Rate Cap calculation. Properties that are the subject of a PiLOR are still subject to any other property based taxes or charges such as Fire Services Property Levy (FSPL).

The FSPL is calculated based on a small fixed charge plus a variable charge based on the Capital Improved Value (CIV) of each property. Funds received by Council from the FSPL are paid to the State Government in full. Council has no role in setting the levels of the FSPL.

In total, for the three Solar Farms currently operating with this Municipality, the effect of the operation of this legislation is to reduce the annual rates charged to the properties from \$1,743,768 based on the Swan Hill 2019/20 Rate in the Dollar of 0.00580196 to an estimated annual PiLOR of \$284,280 which is equivalent to a Rate In The Dollar of 0.00094587. The revenue collected by Swan Hill is less than the estimated FSPL payable to the State Government for the three properties of \$287,100. Some of the Solar Farm operators are currently seeking a review of the CIV assigned to their properties.

If however these solar/wind electricity facilities were located on land owned by an entity other than the facility operator e.g a farmer rates would be payable.

In 2017/18 on average;

- rates per Swan Hill LGA assessment were \$2,233 versus a State average per assessment of \$1904. (Refer Table 9.3)
- Rates per capita in the Swan Hill LGA were \$1286 versus a State average rates per capita of \$883. (Refer Table 9.2)

As detailed in Table 8.1 below in the order of 4.9% of the Swan Hill LGA's community total personal income is required to meet its rate and charges costs. This is more than twice the percentage of personal income required in metropolitan Melbourne of approximately 2%.



Case Study

Victoria's Largest Solar Farm is located near Numurkah in the Moira Shire. The Capital Improved Value (CIV) of this land and facility is \$167,830,000. Its Site Value (SV) is \$2,000,000.

The rates and charges on this Solar Farm under the Electricity Act 2000 Section 94(6A) are as follows;

Base Rate (Fixed charge)	\$55,277	
Charge per Megawatt @\$1,243.73	<u>\$124,373</u>	
Total Rates	\$179,650	
FSPL Industrial Fixed Charge	\$226	
FSPL Industrial Levy	<u>\$159,942</u>	
Total Rates and FSPL Charges	\$339,818	\$339,818

If rates were paid in accordance with the Solar Farm's CIV Moira Shire would receive \$587,405. This additional \$407,755 could be used to reduce the rate burden on existing rate payers.

In 2017/18 on average;

- rates per Moira LGA assessment were \$2,021 versus a State average per assessment of \$1904. (Refer Table 9.3)
- Rates per capita in the Moira LGA were \$1186 versus a State average rates per capita of \$883. (Refer Table 9.2)

And as detailed in Table 8.1 below in the order of 5% of the Moira LGA's community total personal income is required to meet its rate and charges costs. This is two and a half times the percentage of personal income required in metropolitan Melbourne of approximately 2%.

Case Study

AGL Hydro owns two facilities in the Towong Shire for which the Shire will receive \$51,176.48 in rates revenue in 2019/20. Set out below is the rate revenue impact on the Shires' other rate payers under the Electricity Act 2000 legislative provisions regarding LGA rates.

The total CIV for the two properties AGL Hydro own is \$190,278,000. If Towong Shire applied its 2019/20 business rate of 0.3947%, the rates payable would be \$751,027.26.

In effect the other Towong ratepayers are providing an annual subsidy to international investors and other Australians of \$700K in 2019/20. Equal to approximately 11% of the Shire's 2019/20 rates revenue.

AGL Hydro will pay more in their 2019/20 Fire Services Levy of \$170,000 on the two properties than they will in rates.



AGL Hydro - Rates in Lieu Calculator					
Year End	Actual				
June 30	Base Rate	CPI	Base MW	Current MW	Charged
2018	\$ 44,577.03	2.21%	150	162.2	\$ 49,267.91
2019	\$ 45,562.18	2.52%	150	162.2	\$ 50,510.70
2020	\$ 46,711.50	1.32%	150	162.2	\$ 51,176.48

In 2017/18 on average;

- rates per Towong LGA assessment were \$1871 versus a State average per assessment of \$1904. (Refer Table 9.3)
- Rates per capita in the Towong LGA were \$1378 versus a State average rates per capita of \$883. (Refer Table 9.2)

5.2 Private Schools and Universities

Private Schools and Universities have a long-standing exemption from paying LGA rates and while this once could have been justified given how Private Schools and Universities have evolved over time to the commercial institutions, they are today, this rate exemption cannot be justified on fairness and equity grounds.

Universities charge fees for attendance and receive Government financial grants for Australian students while international students are full fee paying. The result being that education sector is one of largest components of the Victorian economy. Universities are also host to a range of commercial leases/activities on their campuses. The students from the hosting LGA rating paying homes who attend these Universities though are in a minority. However, all the hosting LGA ratepayers provide a financial subsidy to the University's international, national and students coming from outside the LGA. These ratepayers, residential and commercial, also subsidise the commercial activities on these campuses.

Private schools similarly have students attending them that also come from homes outside the hosting LGA and many private schools charge significant fees and lease out their facilities for hire or to commercial operators e.g. swim schools. These private schools like Universities are subsidised by the hosting LGA community rate payers. This subsidy takes the form of being exempt from paying rates and funding costs imposed on the hosting LGA through traffic and carparking works and school crossing supervision on surrounding roads and use of public open spaces and sportsgrounds maintained by the hosting LGA. This is not fair. This is not equitable.

Private schools and Universities need to have revenue exceeding expenditure i.e. make a profit or they will financially fail.



Case Study

In Boroondara there are 69 rates exempt Private School properties owned by 30 private schools. These properties have a Capital improved value (CIV) of \$969,430,000. Using Boroondara's 2019-20 uniform rate in the dollar these properties are exempted an amount of \$1,361,236 each year in general rates which is the equivalent of 0.94% of residential rates.

There are 7 exempt properties owned by Universities in Boroondara with a CIV of \$204,755,000. Using Boroondara's 2019-20 uniform rate in the dollar these properties are exempted an amount of \$287,509 each year in general rates which is the equivalent of 0.20% of residential rates.

5.3 Mining Land

The rationale for mining land being exempt from rates while quarrying is not, is not apparent. In other Local Government jurisdictions, mining land is rateable. While the Exposure Draft of the Local Government Bill dropped this exemption, it is not part of the Local Government Bill 2019 as changes to rating will only be made after this Rating System Review. It is the MAV view that this exemption is not fair or equitable. Mining like quarrying is a commercial activity.

5.4 Religious and Charitable Land

The Age reported on September 8 (Reported on-line By Ashleigh McMillan and Chris Vedelago 8 September 3.16 PM) that an investigation by the Age in 2018 found that the Catholic Church in Victoria held assets worth more than \$9 billion (with an extrapolated figure of \$30 billion worth of property across Australia).

When the land and property is used by the Religious body for the purpose of charity works and religious instruction/faith services and the land and property is held in the name of the legal entity providing these charity works and religious instruction/faith services there is an argument for rates exemption. However, the exemption should be based on ownership and exclusive occupancy for an exempt purpose.

Further Section 154 (2)(c) of the Local Government Act - charitable purpose should be reviewed. At present this Section poses a risk of inconsistent interpretation of charitable purpose when determining non-rateable land. The reason being that the current Act does not define the meaning of charity. Charitable purpose should be defined under State legislation.

For Victorian LGAs the meaning of charitable is currently guided by having regard to the following:

- The relief of poverty;
- The advancement of education;
- The advancement of religion; and
- Other purposes beneficial to the community.

The relief of poverty, advancement of public education and the advancement of religion are assessable. But "Other purposes beneficial to the community" is open to inconsistency between LGAs and within



individual LGAs. Use of this category would require specified criteria against which applicants could be consistently accessed.

Religious and Charitable land and buildings improvements when they are used for activities that have private or commercial competitors/alternatives such as retirement villages should also not be rate exempt. There is no broad-based community justification for these commercial entities being subsidised by the hosting LGA ratepayers when other alternate commercial providers are not subsidised.

Commercial activities such as retirement villages also service a much wider region than the host LGA rate payers who in effect subsidise these non-residents. Further these host LGA rate payers comprise community members not of the religious denomination or of no religious denomination at all. From a fairness and equity perspective the host LGA local council should not carry the burden of lost rate revenue.

5.5 RSL Gaming/Gaming Venues on Crown Land

Many RSL Gaming venues and Gaming venues on Crown Land compete with local businesses e.g. hotels, cafes and restaurants but these Gaming venues are exempt from rates.

It is difficult, if not impossible to argue how gambling and the social cost inflicted by this activity to the most vulnerable members of the community justifies this rate exemption. Gaming venues operated by the RSL or other Service clubs, or Gaming venues on Crown Land should not be exempt from LGA rates.

5.6 Crown Land Used for Commercial Purposes

Crown land used for public parks, water catchments and other public benefits are justifiably exempt from LGA rates. But Crown Land used for income producing activities which are exempt from rates e.g. timber reserves, port land are justifiably rateable. Commercial activities on these exempt lands do impose costs on the host LGA e.g. road and bridge maintenance and renewal.

Case Study

Subject – Wonthaggi Desalination Plant – Aquasure Pty Ltd

Background

In the early 2000's the State Government, following an extended drought period, decided to build a desalination plant as a key Water Security measure. The State selected a site adjacent to the Wonthaggi township in the Bass Coast Local Government area.

Rateability of the Desalination Plant

Bass Coast Council sought legal advice in 2009 on the rateability of the desalination plant. The advice considered the fact that the plant would be located on public (possibly Crown) land. The advisers were clear that this advice was tentative in nature given the ownership of the land and associated infrastructure including occupancy arrangements had not been finalised.

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The tentative conclusion was that 'there are good arguments as to why, if the land is occupied by the consortium and the latter pursues a commercial purpose, the land will not qualify under section 154 (2) (b) of the LGA with the result that it will be rateable land'.

It was also noted that no legislation that is specific to the production of water presently provides for land of this kind to be rate-exempt and it remains open to the Victorian Parliament to enact special legislation, addressing the issue of rateability.

Correspondence from the Department of Sustainability and Environment in 2010 indicated that this land was non-rateable based on specialist legal advice they had obtained. Council referred this to its legal advisers who while maintaining that their initial advice was arguable, proposed a negotiated outcome given the significant costs of a legal proceeding and the risks of it failing. Subsequent advice in 2013 indicated a shift in the balance of probabilities to the land being non-rateable on the basis of the exemption afforded by Section 154 (2) (b) of the LGA – 'a public statutory body is through the agency of a private lease, using the land exclusively for public purposes'.

Financial Impact of Desalination Plant being Exempted for Rating Purposes

The desalination plant was valued by Council at a Capital Improved Value (CIV) of \$2.88 billion in 2012/13. This value remained stable until 2017/18 when the CIV was reduced to \$2.54 billion and in 2019/20 when it was reduced further to \$2.48 billion. The non-rateability of this major for profit commercial and privately-owned facility has been at a significant cost to Bass Coast ratepayers since it commenced operations in 2012 as illustrated in Table 1 below.



Table 5.6.1 – Financial Impact of Exempting The Victorian Desalination Plant From Rates

Rating Year	Rate In Dollar	Valuation (CIV)	Rates Foregone	Bass Coast Rates & Charges
2012/13	0.0029258	\$2,880,000,000	\$8,426,304	\$40,384,000
2013/14	0.0031657	\$2,880,000,000	\$9,117,216	\$43,301,000
	0.0034407	\$2,880,000,000	\$9,909,216	\$46,126,000
2014/15	0.0037237		\$10,724,256	
	0.0037639	\$2,880,000,000	\$10,840,032	\$50,090,000
2015/16	0.0038392		\$9,751,568	
	0.0034504	\$2,880,000,000	\$8,764,016	\$52,332,000
2016/17	0.0031170	\$2,540,000,000	\$7,730,160	\$55,323,000
2017/18			\$75,264,768	
		\$2,540,000,000		\$58,582,000
2018/19				
		\$2,480,000,000		\$60,616,000
2019/20				
				\$406,754,000
TOTAL				

The cumulative impact on Bass Coast's rate revenue as a result of the desalination plant being non-rateable is \$75.26 million or 18.5 per cent of the total rate revenue raised from the ratepayers over the 8 years ending June 2020.

Conclusion

This case which while extreme in nature reflects the real rates subsidy imposed on Bass Coast ratepayers by the rate exemption afforded to Crown land for a private lease to a commercial organisation.



6.Retention/Enhancements of Differential Rating to Enhance Fairness & Equity

It is desirable for Councils to have flexibility in establishing differential categories and to reflect their local communities' unique community makeups.

Current Ministerial Guidelines do assist LGAs in establishing appropriate differential rate categories. The Guidelines identify types and classes of land categories and their combination that are considered appropriate for differential rates, as well as those not considered appropriate along with others that should be carefully considered. The Guidelines also imply that it is not appropriate to differentiate when only relatively few properties would be in the category.

To some extent, this has resulted in most LGAs using the categories regarded as appropriate by the Ministerial Guidelines. Very few LGAs have more than seven differential categories, mirroring those described as appropriate in the Ministerial Guidelines.

In contrast, it is relatively common in Queensland for LGAs to have more than 20 differential categories, with one LGA having more than 250 categories. This greater level of differentiation is in part required because of the use of land value as the basis for rating. Queensland also allows the use of minimum rates.

The Guidelines also require that Victorian LGAs must give consideration to reducing the rate burden through use of a reduced differential rate for uses such as Farmland and Retirement Villages. In practice, the Farmland rate differential varies significantly across councils of a similar nature. This is considered appropriate as it allows each LGA to reflect local situations e.g. the Shire of Wellington is currently experiencing one of its worst ever droughts, but this drought is not affecting all Victorian farmland.

There is very little published data to show how the burden of rates by broad category compares with other jurisdictions, particularly by LGA type. Table 6.1 presents a comparison with South Australia and Western Australia using Local Government Grants Commission data and NSW using Office of Local Government data (which is available on an individual council basis).

Across Victoria, the rates on rural land represent around 1.9% of gross value of rural production (GVRP) as shown by Table 6.1. This is very similar to the level of rural rating relative to GVRP across the jurisdictions shown in the table.

The table shows that Victoria derives a greater proportion of rate revenue from residential properties with less from commercial/industrial and rural uses. However, within individual Rural Victorian LGAs this is not the case. These rural property rates comprise a significant proportion of their LGA's rate revenue (Refer Section 7.4 below).



Table 6.1: Differential Rate Share by Land Use Type, 2017

Category	Victoria		New South Wales		South Australia		Western Australia	
	\$m	%	\$m	%	\$m	%	\$m	%
Residential	\$3,867	77%	\$2,158	68%	\$958	71%	\$1,931	92%
Commercial/Industrial	\$889	18%	\$785	25%	\$277	20%		
Rural	\$279	6%	\$224	7%	\$119	9%	\$169	8%
Total	\$5,035	100%	\$3,167	100%	\$1,354	100%	\$2,100	100%
Gross Value Rural Production 2017/18 \$m	\$14,900		\$13,264		\$6,600		\$8,628	
Rural Rates as share GVRP	1.87%		1.81%		1.80%		1.96%	

Source: Vic & SA LGGC Annual Reports, WA LGGC data returns and NSW OLG Council Report; GVRP using ABS Cat. 7503.0

At present, differential rating can only be used if CIV is used but the rationale for a limit of four times the lowest rate is not apparent, even though when using CIV this may generally not pose a problem in achieving an equitable distribution of the rate burden. But the range of differential rates should be a matter for each council to consider when determining an equitable spread of the rate burden.

7. Enhancements

7.1 Simplify Rates Notices

By way of example a comparison between an LGA Rates Notice for which the contents are specified by the State verses a Land Tax Assessment Notice from the State is an indication of the simplification that is required. At present an LGA Rates notice contains an enormous amount of detail that increases complexity rather than simplifying and improving communications.

The current plethora of legislative required detail on Rates Notices, which pre-dates today's digital age of the-internet-of-things, could be provided on LGA websites. However Rates Notices should provide advice on how to access further information on legal rights to object to rates or valuations.

7.2 Earlier Valuations Return Date

Each year under Victorian legislation the Valuer-General returns valuations of all Victorian properties in accordance with the Valuation of Land Act 1960. Victorian LGAs then utilise these valuations to determine their rates revenue property charges in accordance with the Local Government Act 1989.

The issue with these annual valuations is the timing of the Valuer Generals advice to LGAs and the statutory timelines LGAs are required to meet in adopting their Annual Budgets and Financial Plans.

The Valuer General's advice is received around March/April each year and LGAs are required to adopt their Budgets by 30 June each year in accordance with the Rate Cap provisions under Part 8A of the Local Government Act, after a minimum four-week advertising period and the subsequent consideration of any

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submissions received. This is a very compressed timeline that creates uncertainty and risks for Victorian LGAs with potentially significant financial risks and public embarrassment e.g. both the Cities of Hobsons Bay and Melbourne in recent years unintentionally have breached this Rate Cap legislation. It has also cost some rural Councils such as Swan Hill significant revenue through successful property valuation objections post adoption of their budget.

After an LGA has adopted its budget a property owner's objection to their property valuation may not necessarily be because of the LGA CIV rate cost implications. Rather it may be because of the Site Value State Government land tax consequences for the property owner. If this property owner is successful in their appeal and achieves a lower valuation it is too late for the LGA to re-do their budget and rate in the dollar assessment calculations. They lose rate income and cannot make it up. This has happened.

The solution to eliminate these revenue, legislative and reputation risks would be for the annual revaluations to be returned earlier e.g. by the end of February with the Valuation date being changed to 30 September.

The existing annual revaluations, with their consequent annual re-distribution of the rate burden between property owners based on relative property market value movements, required by the State are also compounding the difficulties in the broader community understanding of rate capping. Property owners hear the words "rates are capped at 2.5%" but then become confused when they receive their rates notice and discover that their property's rates have gone up or down by a great deal more than the "rate cap." This is adding to community confusion and misunderstanding, resulting in mistrust.

Victorian Local Government is at the receiving end of this community mis-trust. To try and address this the State, as the legislative source of rate capping, needs to better communicate to all Victorian property owners a consistent and clear message on what rate capping is. At present there is no clear, consistent rate capping community communication across Victorian LGAs.

7.3 Penalty Interest rates to Reflect Market Rates of Interest

LGAs can charge interest on unpaid rates and charges and pursue legal action which may include the sale of the property or penalty interest can accrue against the property and stop a sale transfer of title until the interest is paid.

Penalty interest rates are set by the State Government. The Local Government Act 1989 specifies that penalty interest is to be calculated at the rate fixed under Section 2 of the Penalty Interest Rate Act 1983. It is currently set at 10%.

While the MAV supports the need for interest to be imposed to discourage the non-payment of rates and charges from a fairness and equity perspective a rate of interest slightly above the prevailing bank lending rate would serve as a disincentive but would also address the arguably punitive rate that currently applies.

7.4 Minimum and Maximum Rates Option.

The Principles of Taxation while not limited to, include the following;

Efficiency: Rates should not distort decisions concerning property ownership or development

Equity: The rate burden should fall appropriately across different types of rate payers



Benefit Principle: Where the distribution of benefits is not uniform, those who benefit more should contribute more.

Vertical Equity: Those ratepayers with greater economic means should contribute more to rates.

Horizontal Equity: Ratepayers in similar circumstances should be treated in a similar way.

(The other Principles being Simplicity and Sustainability)

At present in Victoria rating based primarily on capital improved/property values e.g. CIV is progressive and in general achieves vertical equity and horizontal equity from a property value perspective. And when rate revenue in a by gone era was once primarily about funding land services and enhancements there was a robust case for this being the rate burden distribution methodology between rate payers.

Today LGA's provide far more than services directed to roads, rubbish, drainage and other land related services. They now have a very strong and growing people focused service delivery regime demanded of them by their communities and State legislation. For example, maternal and child health care services, libraries, aged care service, leisure services, sporting and recreation services and facilities, environmental sustainability services/programs, Food Safety Standards enforcement, Economic/tourism development initiatives/programs, grants programs, kindergartens and child care, homebased family day care, arts and culture facilities and programs etc. LGAs today also provide and maintain a range of buildings facilities to support community groups such as senior citizens, Life Saving Clubs, Scouts and Guides and multiple different types of sporting groups and the standards and quality of these buildings continues to increase in line with increasing community expectations e.g. traditional male sporting facilities for cricket and football now rightly needing to equitably cater for female participation and responsible legislative obligations such as DDA, Emergency Safety standards.

This modern era of LGA services challenges the current rating system's adherence to the Benefit Principle.

From a farming stakeholder perspective, the current progressive property value-based rates' burden distribution methodology is also challenged in its adherence to the Principle of Vertical Equity. For example, a farmer's income is in part based on the improvements on their land e.g. sheds, drainage, irrigation; the lands productivity enhancements e.g. investment in pasture and crop yields through application of fertiliser and weed control. These land and productivity improvements in turn then increase the land's value and hence rates the farmer has to pay.

But a farmer's income or capacity to pay can also fluctuate drastically from year to year due to factors beyond their control such as drought and floods, insect or vermin infestations or overseas produce/livestock market movements. These adverse events however, unless over a number of consecutive years, will not drastically alter the land's value as they will the farmer's annual income. (Under Commonwealth income taxation legislation these considerations are recognised and acknowledged through income averaging provisions.)

For farmers the Equity Principle is also challenged as farmers increasingly need to achieve greater economies of scale in their production to remain profitable and viable. This they do by increasing the size of their land holdings under production. This competitive need to acquire more, preferable contiguous, land holdings in turn increases the value of individual farmland holdings and consequentially how much they then must pay in rates.

As set out above there is a direct link between land and the business of farming and the subsequent value of the farmland.



The relative land sizes/values of other rural LGA ratepayers then impact the share of the responsible LGA's rate burden its farmers pay.

Hence the fairness and equity argument that farmers pay LGA rates based on their businesses or source of income while commercial businesses and employed residential property owners, usually based in the LGA towns/cities, do not.

There are also challenges to the Benefit and Equity Principles. The Benefit Principle is challenged as farmers generally live on their farms and not in the towns which are the primary focus of an LGA's people focused services. Compounding this is the challenge rural LGAs have in maintaining the roads and bridges that farmers rely at the standard farmers require.

The above is not articulated to argue that farmers should not pay rates based on their land value nor are farmers arguing this. Rather it is to highlight the limitations of the existing legislative rating provisions in complying with Taxation Principles when it comes to farmers.

While no system of taxation can be perfect the existing LGA rates system can be improved from a Benefit and Horizontal Equity Principles perspective by giving LGAs the authority to introduce maximum and minimum rates payable. This legislative enhancement would retain and add to the current progressive rates taxation system and its facilitation of Efficiency and Equity taxation Principles.

Under this scenario a LGA proposing to adopt minimum and maximum rates would determine, in consultation with its communities as part of their current annual budget pre-adoption public advertising and consultation process, the assessment of equitable share of the rates burden by;

- capacity to pay, indicated by land and improvement valuations,
- share of services received, and
- relative beneficiaries of LGA capital investment/recurrent spending

used to determining the minimum i.e. Benefit Principle quantification, and maximum rates i.e. Horizontal Equity Principle quantification. These minimum and maximum rates payable quantifications would then impact the quantification of the rate in the dollar arrived at in compliance with Rating and Rate Cap provisions of the Local Government Act 1989 to retain a strong adherence to the progressive nature of LGA rating.

Case Study: Towong Shire Analysis of 2019/20 Share of Rates by CIV Valuation and Rural/Band

Detailed in the Figures 7.4.1 and 7.4.2 below is an analysis of the Towong Shire's 2019/20 Rates and Charges budget by CIV Class and CIV Band.

For 2019/20 Towong Shire has 4481 Rateable Properties of which 254 or 5.6% are classified as Rural with a CIV equal to or greater than \$1 million. This 5.6% of Towong's rateable properties however will contribute 23.2% of Towong's 2019/20 rates and charges income. Two of these rural properties, .044% of total rateable properties, have a CIV value of \$5 million plus and together these two properties will pay \$130,906, or 1.49% of total Towong rates and charges in 2019/20. In an era when LGA services have not only a property focus but also a very strong and growing people service focus it is reasonable to allow Rural Shires the option, in consultation with their communities to determine if such a share of the rate burden is fair and equitable at a local level.



Figure 7.4.1 Towong Shire 2019/20 Budget Share of Rates and Properties by CIV Class

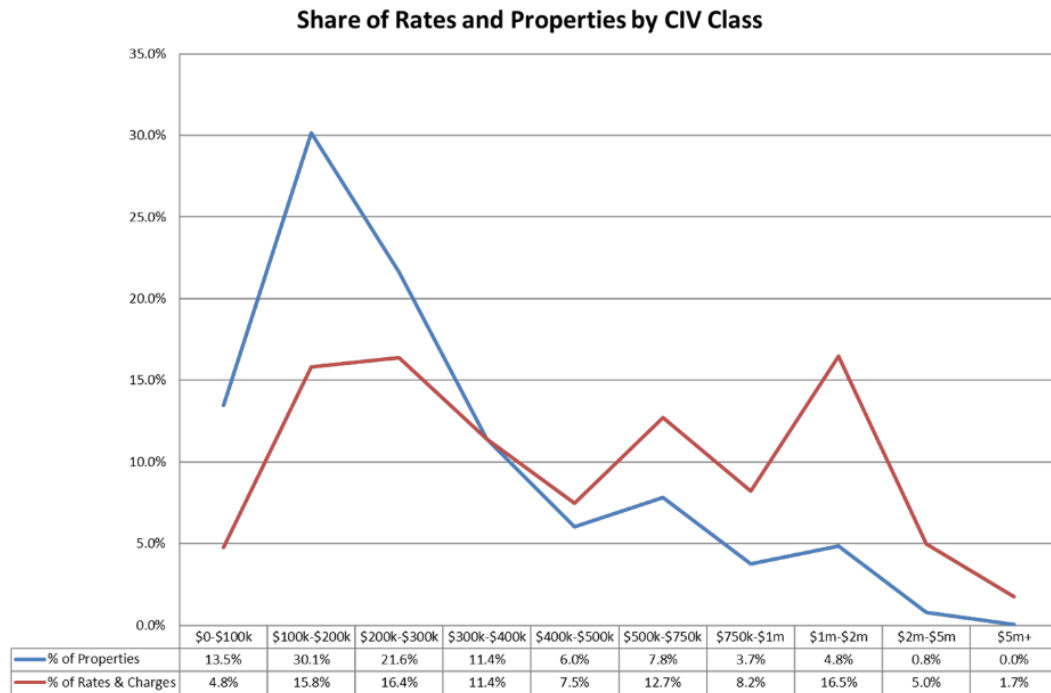
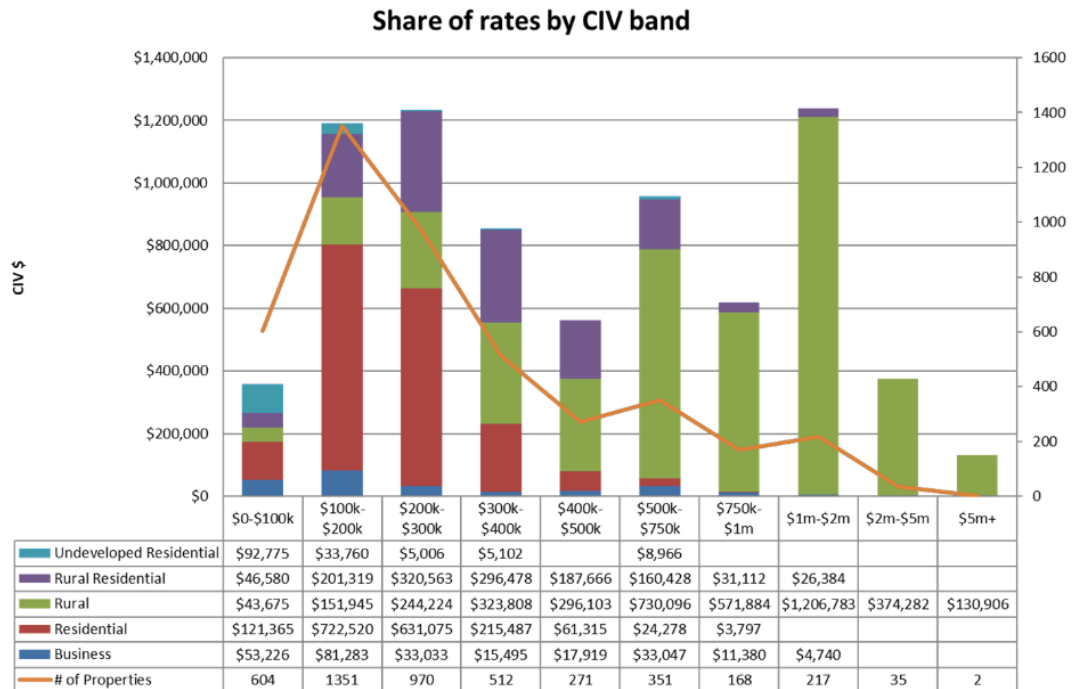




Figure 7.4.2 Towong Shire 2019/20 Budget Share of Rates by CIV Band





7.5 Option for Tourism Levy for Declared Tourist Destination LGAs

Councils in several jurisdictions in Australia and New Zealand have argued the need for a tourism levy. This is particularly an issue for smaller regional LGAs that experience a significant influx of visitors.

In many cases the relevant LGA, with available rating measures, cannot readily support the development and maintenance of infrastructure, public open spaces, historic buildings, tourist pathways/trails/local roads required for attracting and retaining these visitors unless it does so at the cost of other infrastructure asset maintenance and services/community support. These LGAs also have to respond to and manage the unruly behaviour of some short stay rental accommodation properties who operate their business in residential areas. Further all the LGA rate payers financially contribute to this subsidy to the tourist facility operators, food services and accommodation providers. But not all rate payers financially benefit from the tourists/visitors.

In New Zealand the Productivity Commission Review is considering the issue of tourism levies. Queenstown residents, in a recent referendum, voted overwhelmingly for the introduction of a tourism levy via a bed tax.

In Queensland, some councils have been able to use differential rating categories or special rates to achieve a tourism levy equivalent outcome. For example, Noosa Shire uses a special rate on all properties (commercial or residential) used for transitory accommodation (including Airbnb) to fund a tourism and economic levy.

Sunshine Coast Regional Council has created differential rate categories for residential and rural properties used for transitory accommodation with a minimum rate in the order of \$400 higher than for a similar property not used for transitory accommodation and with a rate in the dollar some 50% higher. This effectively only covers properties used for Airbnb type accommodation as commercial properties (hotels and motels) are not included in a differential category for transitory accommodation.

In NSW, Byron Shire is considering a form of a voluntary tourism levy.

LGAs should have the option of conducting a vote of all rate payers on their applicable electoral role to adopt a pre-specified Tourism Property Levy for designated properties. This would be consequential to the relevant LGA being declared a tourist designation in accordance with a Statewide consistent set of criteria established by the State Government in consultation with Victorian LGAs.

Short stay accommodation providers should also be included in this Tourism Levy.

At present short stay accommodation providers are providing a number of challenges to tourist destination LGAs who are currently using their Local Law making authority to address these challenges. Typically, short stay accommodation providers are operating a commercial business in a residential area with consequential residential amenity impacts.

As set out in the attached case study from the Mornington Peninsula Shire Council one of the key principles of the Short Stay Rental Accommodation Local Law is to hold the owner of the business responsible for the behaviour of their occupants, particularly when that behaviour disturbs the local community. Operating an accommodation business in a residential area is a commercial enterprise that requires local oversight and immediate responsiveness to problems.



Case Study

The number of registered Short Stay Rental Accommodation as at 30 June 2019 in the Mornington Peninsula Shire was 2298 and each is required to pay a registration cost of \$100 per annum.

Prior to the implementation of the Shire Local Law requiring the registration of Short Stay Rental Accommodation properties the number of problem properties was in the order of 80. With the adoption of this Local Law the number of problem properties has reduced to less than 10.

In 2018/19 Mornington Peninsula Shire managed 523 complaints, issued 160 Notices to Comply and 85 infringements with a value of \$55K.

The Local Law is considered a success because it holds property owners accountable, creates a Designated Person for immediate contact and has a clear and prescriptive Code of Conduct. It has been well received by the community and accommodation providers.

The majority of the short stay rentals are well managed and cause little concern. However, there were a group of properties that created regular problems, prompting the development of the local law.

Absentee management is no longer acceptable. The obligation on owners to register their business with the Mornington Peninsula Shire and appoint a Designated Contact Person to respond to complaints within two hours reinforces that accountability.

Short Stay Rental Accommodation properties for local residents mean different neighbours every week and an increased likelihood of parties and neighbourhood disturbance. Most communities will accept neighbours holding parties for the usual life events but will not and should not accept it every week.

A code of conduct has been implemented to clearly set out the expected standards of behaviour. It reflects the standards set by most other forms of accommodation such as hotels, motels, Bed n Breakfasts, caravan parks and camping areas.

The Code of Conduct was based on the voluntary codes developed by on line booking services. For example, if you chose to stay in a motel you would expect to be provided with parking and you would also expect management to respond if the room next door was partying into the night or using the pool at all hours, disturbing you. It is no different for accommodation businesses based in residential areas.

Prior to the introduction of this Local Law the short stay rental accommodation businesses were not subject to any other controls.

Subject to ratepayer and service provision fairness and equity considerations the additional income from a Tourism Levy could then be used to reduce the rate burden on existing rate payers.



7.6 Residential Village Dwellings to be Rateable

A Residential Village is zoned special use (SUZ) and defined as land, in one ownership, containing a number of dwellings used to provide permanent accommodation and can include communal, recreation, or medical facilities for residents of the village.

A Residential village usually contains a movable or transportable dwelling, which is “designed, built or manufactured to be transported from one place to another for use as a residence.” The transportable dwelling is placed in a residential park which then pays rent or site fees to the site owner. These fees cover waste removal, rates, sewerage and water.

In theory, the purpose of Residential Villages is to provide lower cost housing for citizens, who may not be able to afford the cost of both land and a house.

A Residential Village differs slightly from a caravan and camping park which is a mixed-use zone (MUZ) that does allow for cabins and also tents and caravans. A retirement village also differs in that the residents are over 55 and the houses are generally not transportable and have different regulations which govern and protect retired people.

Houses in residential villages do not require a building permit.

Currently the main question in determining rateability is the definition of a transportable house. While the planning guideline state that the houses must be designed to be transportable, in reality, one could argue they do not differ from other factory-built homes that are placed permanently on concrete with plumbing and sewerage connections provided by the landowner.

The developer does not pay rates on the value of the house, only the land in one assessment. This gives rise to the issue that residents within these Residential Villages areas are not contributing equally to the rates, compared to other ratepayers who are on individual assessments. Residential Villages add to the population that an LGA has to serve but do not equally contribute to funding the cost of the LGA’s services. This is not fair or equitable.

Retirement Village dwellings/built improvements should be rateable. They should not be subsidised by other ratepayers. Below is Case Study example of the rate revenue impact based on Moira Shire.



Case Study

Example of a typical Residential Village Rates assessment with 100 houses onsite:

Current:

Assume Individual House price (without land) of \$165,000 and land value of \$2,500,000

\$CIV/SV of \$2,500,000 results in a rates charge of \$12,750 at commercial Building Rate (140% of base rate)

Plus, one Municipal charge of \$348

Total rates and charges collected: \$13,098

Alternative: Assessed with 100 Houses:

\$CIV with 100 houses assessed at \$165,000 per dwelling plus land value of \$2,500,000 equals a \$CIV of \$19,000,000

Rates: \$66,500 (assessed at base rate)

Municipal Charge on 100 homes: \$34,800

Total rates and charges collected: \$101,300

Impact:

Loss of rates and charges from one residential Village per 100 homes \$88,202. This lost rate and charges revenue is met by other ratepayers.

7.7 LGA Rating Strategies

Transparency and communications with local community rate payers could be improved by all Council's having in place a publicly available Rating Strategy that could include the following;

- Definitions of Differentials and how applied
- Rate Relief Criteria and Application Process
- Application of and compliance with Rate Capping provisions under Part 8A of the Local Government Act 1989.
- How rates calculate, applied and collected
- Payment options
- Waste charge cost basis
- Minimum and maximum rates charges

8. Action to Address Rural LGAs Fairness & Equity

The current Victorian Rating system as a form of taxation is arguable a regressive tax for small Rural and Regional Councils as demonstrated in the following Table 8.1. While it draws on 2015/16 Total Personal Income data and utilises 2016/17 Rates and Charges data the correlation is clear.

At one end of the spectrum nine large metropolitan Councils, by; assessments, population and budgets draw on 2% or less of their communities' Personal Income with the lowest percentage being 1.4%.



However, at the other end of the spectrum this percentage increases to more than 4% for 36 relatively small Rural/Regional LGAs by; assessments, population and budget but very large by geographic area. Five of these LGAs drawing on more than 7% of their communities' Personal Income with the highest taking up 10.9%. (Refer Appendix 2 for comparison of all Victorian LGAs by population, assessment, Square kms, Rates & Charges Revenue and Personal Income).

When the Productivity Commission undertook a study of Local Government revenue raising capacity in 2008 their Report³ (Assessing Local Government Revenue Capacity, Productivity Commission April 2008, p.55) stated that "... the appropriate indicator of fiscal capacity for each council in the context of this study is the aggregate income of its local community. Ultimately, it is the incomes of individuals in local communities that constrain the choices they face between consuming public or private sector goods and services."

The Report⁴ (Assessing Local Government Revenue Capacity, Productivity Commission April 2008, p.67) also noted that "...Revenue-raising effort (the extent to which a council draws on its fiscal capacity), also differs across classes of local governments. Urban developed and urban fringe councils tend to draw lightly on their fiscal capacity. Urban regional, rural and remote councils draw relatively heavily on their fiscal capacity."

It is the MAV's position that fairness and equity across Victorian LGAs cannot be achieved through the rating system. Rural and Regional LGA's could have their Rate Capping legislative obligations removed and still not achieve fiscal equity with their metropolitan counterparts. Their communities do not have the same financial capacity. For this reason, the State as the statutory source, authority and ultimately point of accountability for Victorian LGAs needs to intervene. The focus of this intervention needs to achieve a fair and equitable match between small and regional rural LGAs' community fiscal capacity and their LGAs' asset and service responsibilities. Reviewing the road and bridge infrastructure responsibilities split between these LGAs and the State Government's Road Authority, Vic Roads, or the creation of a specific Small Rural/Regional LGA Funding Program is of the order of magnitude required.

Table 8.1 provides an indication of the extent to which the fiscal capacity of all Victorian LGAs is used based on 2015/16 taxable personal income figures. While personal income may not fully measure each Council's community fiscal capacity, it is nevertheless a useful and very relevant indicator.

This table reflects the findings of the Productivity Commission with metropolitan councils drawing lightly on their fiscal capacity whilst rural and regional councils draw more heavily on their capacity.

This Table also makes a case that rate pegging is not an effective tool in managing individual community expectations in terms of service needs versus capacity to pay.

Table 8.1: Indicative Use of Fiscal Capacity for Rates and Charges by LGA

	Total Personal Income 2015/16 \$m	Rates & Charges 2016/17 \$m	% rates/charges
Bayside (C)	6,231,147,537	\$85,518	1.4%
Stonnington (C)	7,412,088,240	\$104,438	1.4%
Glen Eira (C)	6,393,229,749	\$100,524	1.6%

³ Assessing Local Government Revenue Capacity, Productivity Commission April 2008, p.55

⁴ Ibid, p.67



	Total Personal Income 2015/16 \$m	Rates & Charges 2016/17 \$m	% rates/charges
Boroondara (C)	10,526,212,017	\$166,332	1.6%
Monash (C)	5,998,251,358	\$112,923	1.9%
Whitehorse (C)	5,615,675,254	\$107,992	1.9%
Port Phillip (C)	5,916,463,773	\$117,192	2.0%
Manningham (C)	4,648,268,289	\$92,655	2.0%
Banyule (C)	4,786,047,521	\$95,807	2.0%
Knox (C)	5,134,504,019	\$111,424	2.2%
Moonee Valley (C)	4,791,426,921	\$104,834	2.2%
Maroondah (C)	3,711,248,956	\$82,158	2.2%
Yarra (C)	4,421,696,235	\$101,132	2.3%
Nillumbik (S)	2,671,367,270	\$62,377	2.3%
Casey (C)	8,572,543,704	\$202,188	2.4%
Kingston (C) (Vic.)	5,380,591,264	\$129,749	2.4%
Darebin (C)	4,874,549,434	\$118,985	2.4%
Moreland (C)	5,406,308,120	\$138,259	2.6%
Whittlesea (C)	5,312,046,874	\$136,977	2.6%
Melton (C)	3,792,467,095	\$99,269	2.6%
Macedon Ranges (S)	1,664,280,247	\$44,136	2.7%
Yarra Ranges (S)	4,842,982,459	\$130,772	2.7%
Wyndham (C)	6,318,077,053	\$172,096	2.7%
Cardinia (S)	2,825,463,732	\$78,968	2.8%
Frankston (C)	4,042,947,719	\$113,802	2.8%
Greater Geelong (C)	7,139,301,767	\$204,956	2.9%
Mornington Peninsula (S)	5,247,328,191	\$152,941	2.9%
Hobsons Bay (C)	3,306,782,921	\$98,874	3.0%
Brimbank (C)	4,841,172,390	\$145,557	3.0%
Moorabool (S)	998,028,699	\$30,987	3.1%
Indigo (S)	480,408,635	\$15,154	3.2%
Golden Plains (S)	642,956,632	\$20,796	3.2%
Hume (C)	5,003,383,535	\$162,687	3.3%

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	Total Personal Income 2015/16 \$m	Rates & Charges 2016/17 \$m	% rates/charges
Maribyrnong (C)	2,809,189,015	\$92,476	3.3%
Mitchell (S)	1,140,682,035	\$38,055	3.3%
Warrnambool (C)	1,008,117,732	\$34,326	3.4%
Greater Bendigo (C)	3,081,432,157	\$106,398	3.5%
Latrobe (C) (Vic.)	2,162,893,310	\$75,121	3.5%
Ballarat (C)	2,933,517,911	\$104,967	3.6%
Baw Baw (S)	1,374,120,849	\$51,314	3.7%
Wodonga (C)	1,137,590,704	\$43,124	3.8%
Greater Dandenong (C)	3,333,148,348	\$127,751	3.8%
Wangaratta (RC)	770,285,355	\$29,564	3.8%
Campaspe (S)	946,208,762	\$39,356	4.2%
Greater Shepparton (C)	1,702,660,343	\$71,891	4.2%
Southern Grampians (S)	446,125,519	\$19,017	4.3%
Surf Coast (S)	1,093,456,139	\$47,850	4.4%
Moyne (S)	472,272,894	\$20,769	4.4%
Wellington (S)	1,215,152,786	\$55,417	4.6%
Towong (S)	168,925,829	\$7,771	4.6%
Mildura (RC)	1,390,993,315	\$64,860	4.7%
Horsham (RC)	532,550,301	\$24,913	4.7%
Glenelg (S)	545,999,598	\$25,554	4.7%
Melbourne (C)	5,515,073,959	\$262,105	4.8%
Benalla (RC)	338,208,100	\$16,195	4.8%
Hepburn (S)	385,698,096	\$18,528	4.8%
Mount Alexander (S)	443,816,377	\$21,512	4.8%
Swan Hill (RC)	531,935,673	\$25,852	4.9%
Moir (S)	678,453,408	\$34,069	5.0%
Corangamite (S)	401,013,379	\$20,158	5.0%
East Gippsland (S)	1,038,250,921	\$52,228	5.0%
Colac-Otway (S)	567,219,966	\$29,078	5.1%
Gannawarra (S)	226,175,022	\$11,914	5.3%

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	Total Personal Income 2015/16 \$m	Rates & Charges 2016/17 \$m	% rates/charges
Murrindindi (S)	359,213,136	\$19,183	5.3%
Alpine (S)	316,545,753	\$16,957	5.4%
South Gippsland (S)	733,792,248	\$40,005	5.5%
Mansfield (S)	219,174,950	\$12,615	5.8%
Ararat (RC)	270,296,302	\$15,908	5.9%
Pyrenees (S)	151,376,558	\$9,091	6.0%
Central Goldfields (S)	224,392,854	\$13,580	6.1%
Northern Grampians (S)	266,471,800	\$16,370	6.1%
Queenscliffe (B)	110,413,753	\$6,816	6.2%
Bass Coast (S)	756,713,226	\$52,101	6.9%
Hindmarsh (S)	115,822,593	\$8,015	6.9%
Strathbogie (S)	247,905,211	\$18,067	7.3%
Loddon (S)	134,597,804	\$10,103	7.5%
West Wimmera (S)	91,355,630	\$7,001	7.7%
Yarriambiack (S)	132,562,662	\$11,645	8.8%
Buloke (S)	116,157,792	\$12,625	10.9%
Total	201,587,207,685	5,484,673	2.7%

Source: ABS Cat. 6524.0, Estimates of Personal Income and Vic. LGGC revenue data



9. Poll Tax Options

To achieve State-wide consistency at face value it may appear reasonable to introduce a Statewide consistent Local Government Service Charge based on either;

- a per capita basis, or
- per assessment basis, or
- a State-wide consistent CIV rate in the dollar property charge.

These Options are not supported by the MAV as they would have a totally unacceptable community impact on the capacity of many Councils in terms of;

- drastically reduced financial capacity to provide existing services that meet local communities needs and expectations,
- the substantial increase in what many, many Victorian property owners would have to pay compared to what they pay at present.
- detracting from, not adding to fairness and equity. At present most Victorians self-fund the majority of Local Government services they receive in terms of the percentage of total revenue derived from rates.

Fairness and equity has to be viewed from a perspective of objectivity and not self interest subjectivity which these Poll Tax options invite. They equate to another, more severe, version of unfairness and inequity.

The following three sections and supporting Tables detail by LGA the impact of these three Poll Tax Options.

9.1 A State Average CIV Poll Tax

Utilising the State Average CIV Rate in the Dollar for 2017/18 and assuming no increase in the total Victorian LGA revenue collected, at one extreme would see rate increases of 30% plus (up to 149%) for 10 LGAs under which an additional \$32M to \$144M would be collected from each of these LGA communities. At the other extreme 59 LGAs would collect between \$1.264M to \$69M per LGA less than at present equating to a rates revenue reduction of up to 59% plus.

Twenty Victorian LGAs comprising 1,269,877 assessments, 42% of total Victorian 2017/18 LGA assessments, would collectively be taxed an additional \$913M p.a. In total these twenty LGAs, 25% of total Victorian LGAs, would be forced to contribute \$3 Billion, or 60%, of the \$5.1 Billion of rates revenue raised by all Victorian LGAs in 2017/18. Refer Table 9.1 below for full details.

This is not surprising as arguments put forward that all Victorian properties should be rated at the same rate in the dollar fail to take into account the broad range of property values throughout Victoria which are substantially determined by location, not LGA services and assets. Secondly what is actually paid in rates is determined by not the rate in the dollar but by this being multiplied by the property value. Under this methodology property values serve as a proxy for relative capacity to contribute to what each individual LGA needs to collect in total rate revenue from its community to financially sustain the unique mix of local services each LGA provides to its community.



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Table 9.1: Poll Tax Option: 2017/18 State Average CIV Rate in \$ Impact on Individual LGA 2017/18 Rate Revenue Collection

	Rates & Charges 2017/18 \$000	Garbage Charges 2017/18 \$000	Rates Revenue 2017/18	CIV 2018	Rates at State CIV Average \$000	Rates Revenue Increase/ Decrease At State Average CIV	% Change At State Average CIV
Stonnington (C)	108,801,227	19,447,000	89,354,227	80,071,476,000	\$222,479,498	\$133,125,271	149%
Bayside (C)	89,143,713	10,017,345	79,126,368	58,382,560,000	\$162,216,600	\$83,090,232	105%
Boroondara (C)	177,231,000	22,436,000	154,795,000	107,887,355,788	\$299,766,233	\$144,971,233	94%
Glen Eira (C)	103,856,077	14,206,659	89,649,417	60,398,304,649	\$167,817,369	\$78,167,952	87%
Monash (C)	116,021,871	0	116,021,871	73,053,004,500	\$202,978,595	\$86,956,724	75%
Whitehorse (C)	111,747,142	0	111,747,142	65,482,718,000	\$181,944,469	\$70,197,327	63%
Manningham (C)	96,267,903	10,830,703	85,437,200	48,353,963,000	\$134,352,031	\$48,914,830	57%
Port Phillip (C)	121,119,496	300,031	120,819,465	59,376,441,000	\$164,978,110	\$44,158,645	37%
Mornington Peninsula (S)	158,142,209	19,735,854	138,406,355	65,972,554,000	\$183,305,484	\$44,899,129	32%
Yarra (C)	105,008,000	51,830	104,956,170	49,439,000,484	\$137,366,819	\$32,410,649	31%
Queenscliffe (B)	6,927,131	823,788	6,103,343	2,734,370,025	\$7,597,478	\$1,494,135	24%
Maroondah (C)	84,651,000	11,652,000	72,999,000	32,294,459,291	\$89,730,519	\$16,731,519	23%
Kingston (C)	134,352,743	12,197,461	122,155,282	53,310,804,024	\$148,124,669	\$25,969,387	21%
Knox (C)	113,636,545	15,857,062	97,779,483	42,265,614,091	\$117,435,485	\$19,656,002	20%
Moonee Valley (C)	108,953,185	9,026,642	99,926,543	42,236,553,000	\$117,354,738	\$17,428,195	17%
Banyule (C)	99,031,353	2,123,598	96,907,755	39,570,669,200	\$109,947,550	\$13,039,795	13%
Melbourne (C)	271,273,184	0	271,273,184	109,185,105,222	\$303,372,044	\$32,098,860	12%
Moreland (C)	141,484,000	13,299,957	128,184,043	49,829,460,000	\$138,451,716	\$10,267,672	8%
Darebin (C)	122,809,706	0	122,809,706	47,100,536,761	\$130,869,372	\$8,059,666	7%

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Nillumbik (S)	62,678,000	8,329,000	54,349,000	20,109,586,000	\$55,874,711	\$1,525,711	3%
Surf Coast (S)	49,631,868	6,745,021	42,886,847	14,599,222,100	\$40,564,103	-\$2,322,744	-5%
Greater Dandenong (C)	132,918,779	16,519,761	116,399,019	39,372,636,578	\$109,397,314	-\$7,001,705	-6%
Moyne (S)	21,534,578	3,085,341	18,449,237	6,143,630,958	\$17,070,148	-\$1,379,089	-7%
Casey (C)	213,982,563	32,173,584	181,808,979	57,433,366,251	\$159,579,255	-\$22,229,724	-12%
Mansfield (S)	13,094,398	3,039,667	10,054,731	3,163,882,447	\$8,790,883	-\$1,263,848	-13%
Brimbank (C)	149,843,361	26,500,366	123,342,995	38,673,175,704	\$107,453,854	-\$15,889,141	-13%
Hobsons Bay (C)	102,669,095	6,884,861	95,784,235	28,631,303,567	\$79,552,399	-\$16,231,835	-17%
Frankston (C)	116,493,403	22,679,632	93,813,771	27,918,568,000	\$77,572,055	-\$16,241,716	-17%
Macedon Ranges (S)	45,826,647	5,839,645	39,987,002	11,849,804,450	\$32,924,815	-\$7,062,187	-18%
Whittlesea (C)	143,822,703	0	143,822,703	41,927,295,665	\$116,495,463	-\$27,327,240	-19%
Maribyrnong (C)	96,335,000	893,539	95,441,461	27,658,707,272	\$76,850,030	-\$18,591,431	-19%
Greater Geelong (C)	218,295,159	30,284,059	188,011,100	53,695,487,552	\$149,193,517	-\$38,817,583	-21%
Yarra Ranges (S)	135,121,237	15,781,810	119,339,427	33,328,812,500	\$92,604,481	-\$26,734,947	-22%
Cardinia (S)	83,816,826	11,689,392	72,127,434	19,614,102,637	\$54,498,005	-\$17,629,429	-24%
Wyndham (C)	186,406,535	20,143,005	166,263,530	44,366,755,204	\$123,273,529	-\$42,990,001	-26%
Melton (C)	106,155,982	12,203,977	93,952,005	25,036,211,400	\$69,563,395	-\$24,388,610	-26%
West Wimmera (S)	7,238,778	485,458	6,753,320	1,780,503,300	\$4,947,148	-\$1,806,171	-27%
Bass Coast (S)	55,323,250	9,477,145	45,846,105	11,820,656,960	\$32,843,828	-\$13,002,277	-28%
Hepburn (S)	19,262,002	2,532,572	16,729,430	4,269,262,000	\$11,862,193	-\$4,867,237	-29%
Corangamite (S)	20,792,554	1,585,676	19,206,878	4,763,750,500	\$13,236,134	-\$5,970,744	-31%
Murrindindi (S)	19,797,539	2,901,408	16,896,131	4,141,915,500	\$11,508,359	-\$5,387,772	-32%
Mount Alexander (S)	22,365,370	4,004,511	18,360,860	4,420,644,500	\$12,282,811	-\$6,078,049	-33%
Moorabool (S)	32,359,313	4,256,345	28,102,968	6,430,265,000	\$17,866,564	-\$10,236,404	-36%
Indigo (S)	15,693,689	2,796,339	12,897,350	2,901,104,700	\$8,060,752	-\$4,836,597	-38%
Baw Baw (S)	53,809,240	7,771,514	46,037,726	10,167,966,000	\$28,251,808	-\$17,785,918	-39%
Golden Plains (S)	21,518,311	2,154,853	19,363,458	4,270,820,000	\$11,866,521	-\$7,496,937	-39%
Colac Otway (S)	29,507,323	2,898,982	26,608,341	5,849,395,000	\$16,252,610	-\$10,355,731	-39%
Greater Bendigo (C)	110,542,254	16,294,423	94,247,831	20,502,223,400	\$56,965,659	-\$37,282,172	-40%



Mitchell (S)	40,277,188	5,036,635	35,240,553	7,526,097,000	\$20,911,345	-\$14,329,208	-41%
Hume (C)	171,985,280	2,559,168	169,426,112	36,129,710,700	\$100,386,808	-\$69,039,304	-41%
Pyrenees (S)	9,588,785	1,194,131	8,394,654	1,736,226,000	\$4,824,123	-\$3,570,530	-43%
Warrnambool (C)	35,831,373	4,747,063	31,084,311	6,361,955,436	\$17,676,765	-\$13,407,546	-43%
East Gippsland (S)	54,239,119	6,927,903	47,311,216	9,605,250,000	\$26,688,295	-\$20,622,920	-44%
Campaspe (S)	39,867,340	5,837,624	34,029,716	6,839,219,700	\$19,002,849	-\$15,026,867	-44%
South Gippsland (S)	40,967,922	2,830,778	38,137,144	7,534,768,550	\$20,935,439	-\$17,201,705	-45%
Wangaratta (RC)	30,738,136	5,310,686	25,427,451	5,019,906,000	\$13,947,865	-\$11,479,585	-45%
Towong (S)	8,343,809	1,241,970	7,101,839	1,383,759,107	\$3,844,790	-\$3,257,049	-46%
Wellington (S)	60,473,750	3,870,644	56,603,106	10,851,540,600	\$30,151,128	-\$26,451,978	-47%
Loddon (S)	10,445,501	1,282,460	9,163,041	1,746,756,400	\$4,853,382	-\$4,309,658	-47%
Ballarat (C)	110,326,166	15,935,142	94,391,024	17,987,029,722	\$49,977,165	-\$44,413,859	-47%
Alpine (S)	17,772,000	3,202,830	14,569,170	2,771,400,200	\$7,700,367	-\$6,868,803	-47%
Southern Grampians (S)	19,706,259	1,761,002	17,945,257	3,380,642,000	\$9,393,152	-\$8,552,105	-48%
Horsham (RC)	25,695,482	2,891,721	22,803,761	4,127,042,000	\$11,467,033	-\$11,336,729	-50%
Strathbogie (S)	18,525,521	2,228,235	16,297,286	2,874,729,000	\$7,987,467	-\$8,309,819	-51%
Benalla (RC)	16,740,586	2,459,131	14,281,455	2,491,870,400	\$6,923,690	-\$7,357,765	-52%
Yarriambiack (S)	11,881,080	1,074,626	10,806,454	1,879,555,600	\$5,222,366	-\$5,584,088	-52%
Glenelg (S)	25,878,194	2,258,896	23,619,297	4,104,568,000	\$11,404,588	-\$12,214,709	-52%
Moira (S)	35,343,859	3,505,783	31,838,076	5,526,575,000	\$15,355,651	-\$16,482,425	-52%
Latrobe (C)	75,349,532	11,049,534	64,299,997	10,973,492,001	\$30,489,971	-\$33,810,026	-53%
Hindmarsh (S)	8,350,041	874,573	7,475,468	1,241,013,700	\$3,448,171	-\$4,027,297	-54%
Wodonga (C)	44,947,096	8,466,191	36,480,905	5,972,219,400	\$16,593,879	-\$19,887,026	-55%
Ararat (RC)	16,512,195	1,997,663	14,514,532	2,375,881,500	\$6,601,413	-\$7,913,119	-55%
Swan Hill (RC)	26,702,822	2,983,604	23,719,218	3,678,603,300	\$10,221,041	-\$13,498,177	-57%
Central Goldfields (S)	13,996,951	2,473,702	11,523,249	1,773,648,000	\$4,928,101	-\$6,595,148	-57%
Greater Shepparton (C)	74,576,868	9,501,764	65,075,103	9,706,256,600	\$26,968,943	-\$38,106,160	-59%
Gannawarra (S)	12,205,384	1,788,059	10,417,325	1,548,560,800	\$4,302,694	-\$6,114,631	-59%
Northern Grampians (S)	16,806,554	2,531,455	14,275,099	2,102,583,000	\$5,842,051	-\$8,433,048	-59%

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Mildura (RC)	66,917,669	8,391,973	58,525,696	8,107,638,300	\$22,527,164	-\$35,998,532	-62%
Buloke (S)	12,933,997	1,308,306	11,625,691	1,392,766,100	\$3,869,816	-\$7,755,875	-67%
TOTAL	\$5,711,219,701	\$569,481,067	\$5,141,738,633.40	\$1,850,537,268,296	\$5,141,738,633	\$0	
		Average Rate in \$	0.00277851125804886				



9.2 A State Average Per Capita Poll Tax

Utilising the average rates and charges per capita based on the aggregated LGA 2018/18 collections divided by the aggregated LGAs 2018 populations, the impact ranges from an additional \$30M up to \$87.8 M more in collections for 9 LGAs and reductions of between \$1M and \$121M for 56 LGAs. This distortion is also not surprising as this approach fails to accommodate the fact that most Victorians live in metropolitan Melbourne where LGAs achieve, relative to rural Victoria LGAs, economies of scale in the provision of LGA services. Refer Table 9.2 below for full details.

Table 9.2: Poll Tax Option: 2017/18 Average Rate Revenue Per Capita Service Charge Impact On Individual LGA 2017/18 Rate & Charges Revenue Collection

	Population 2018	Rates & Charges 2017/18 \$000	CIV 2018	Rates & Charges/capita	Over/Under Variance Per Capita	Per Capita Rates & Charges Impact
Casey (C)	340,419	\$212,682	57,433,366,251	\$625	\$258	\$87,784,782
Monash (C)	200,077	\$116,012	73,053,004,500	\$580	\$303	\$60,583,637
Whittlesea (C)	223,322	\$143,823	41,927,295,665	\$644	\$239	\$53,289,619
Whitehorse (C)	176,196	\$111,652	65,482,718,000	\$634	\$249	\$43,865,423
Wyndham (C)	255,322	\$186,407	44,366,755,204	\$730	\$153	\$38,950,179
Brimbank (C)		\$150,003	38,673,175,704	\$719	\$164	\$34,215,811



	208,714					
Glen Eira (C)	153,858	\$103,263	60,398,304,649	\$671	\$211	\$32,537,766
Melton (C)	156,713	\$106,156	25,036,211,400	\$677	\$205	\$32,164,754
Knox (C)	163,203	\$113,637	42,265,614,091	\$696	\$186	\$30,412,506
Hume (C)	224,394	\$171,985	36,129,710,700	\$766	\$116	\$26,073,229
Darebin (C)	161,609	\$122,810	47,100,536,761	\$760	\$123	\$19,832,422
Maroondah (C)	117,498	\$84,651	32,294,459,291	\$720	\$162	\$19,056,953
Moreland (C)	181,725	\$141,484	49,829,460,000	\$779	\$104	\$18,913,259
Banyule (C)	130,237	\$97,297	39,570,669,200	\$747	\$136	\$17,655,031
Manningham (C)	125,508	\$96,268	48,353,963,000	\$767	\$116	\$14,510,137
Greater Dandenong (C)	166,094	\$132,919	39,372,636,578	\$800	\$82	\$13,681,976
Cardinia (S)	107,120	\$83,817	19,614,102,637	\$782	\$100	\$10,731,279



Kingston (C)	163,431	\$134,353	53,310,804,024	\$822	\$61	\$9,897,550
Frankston (C)	141,845	\$116,463	27,918,568,000	\$821	\$62	\$8,734,207
Yarra Ranges (S)	158,173	\$135,042	33,328,812,500	\$854	\$29	\$4,567,638
Greater Geelong (C)	252,217	\$218,295	53,695,487,552	\$866	\$17	\$4,320,969
Bayside (C)	105,718	\$89,144	58,382,560,000	\$843	\$39	\$4,166,935
Moonee Valley (C)	127,883	\$108,953	42,236,553,000	\$852	\$31	\$3,921,118
Golden Plains (S)	23,120	\$21,518	4,270,820,000	\$931	-\$48	-\$1,111,737
Indigo (S)	16,490	\$15,694	2,901,104,700	\$952	-\$69	-\$1,139,000
Mitchell (S)	44,299	\$40,382	7,526,097,000	\$912	-\$29	-\$1,281,617
Moorabool (S)	34,158	\$32,359	6,430,265,000	\$947	-\$65	-\$2,210,189
Central Goldfields (S)	13,209	\$13,997	1,773,648,000	\$1,060	-\$177	-\$2,338,195
Macedon Ranges (S)	49,388	\$46,042	11,849,804,450	\$932	-\$50	-\$2,449,959



Gannawarra (S)	10,547	\$12,205	1,548,560,800	\$1,157	-\$275	-\$2,896,209
Towong (S)	6,054	\$8,344	1,383,759,107	\$1,378	-\$496	-\$3,000,323
Pyrenees (S)	7,353	\$9,589	1,736,226,000	\$1,304	-\$421	-\$3,098,753
Hindmarsh (S)	5,645	\$8,350	1,241,013,700	\$1,479	-\$597	-\$3,367,554
Loddon (S)	7,513	\$10,446	1,746,756,400	\$1,390	-\$508	-\$3,814,247
West Wimmera (S)	3,862	\$7,239	1,780,503,300	\$1,874	-\$992	-\$3,830,033
Queenscliffe (B)	2,982	\$6,927	2,734,370,025	\$2,323	-\$1,440	-\$4,295,106
Benalla (RC)	14,024	\$16,741	2,491,870,400	\$1,194	-\$311	-\$4,362,481
Warrnambool (C)	34,862	\$35,831	6,361,955,436	\$1,028	-\$145	-\$5,060,873
Wangaratta (RC)	29,087	\$30,738	5,019,906,000	\$1,057	-\$174	-\$5,064,866
Mount Alexander (S)	19,514	\$22,365	4,420,644,500	\$1,146	-\$263	-\$5,141,586
Mansfield (S)	8,979	\$13,094	3,163,882,447	\$1,458	-\$576	-\$5,169,198



Hepburn (S)	15,812	\$19,262	4,269,262,000	\$1,218	-\$336	-\$5,305,741
Nillumbik (S)	64,941	\$62,678	20,109,586,000	\$965	-\$83	-\$5,358,653
Southern Grampians (S)	16,135	\$19,706	3,380,642,000	\$1,221	-\$339	-\$5,464,907
Yarriambiack (S)	6,658	\$11,881	1,879,555,600	\$1,784	-\$902	-\$6,004,481
Ararat (RC)	11,795	\$16,512	2,375,881,500	\$1,400	-\$517	-\$6,101,488
Stonnington (C)	116,207	\$108,801	80,071,476,000	\$936	-\$54	-\$6,232,597
Glenelg (S)	19,665	\$23,669	4,104,568,000	\$1,204	-\$321	-\$6,311,838
Corangamite (S)	16,140	\$20,747	4,763,750,500	\$1,285	-\$403	-\$6,501,362
Alpine (S)	12,730	\$17,772	2,771,400,200	\$1,396	-\$513	-\$6,536,027
Moyne (S)	16,887	\$21,535	6,143,630,958	\$1,275	-\$393	-\$6,629,482
Northern Grampians (S)	11,431	\$16,807	2,102,583,000	\$1,470	-\$588	-\$6,717,127
Murrindindi (S)	14,478	\$19,798	4,141,915,500	\$1,367	-\$485	-\$7,018,717



Buloke (S)	6,184	\$12,934	1,392,766,100	\$2,092	-\$1,209	-\$7,475,768
Campaspe (S)	37,592	\$40,718	6,839,219,700	\$1,083	-\$201	-\$7,537,870
Baw Baw (S)	52,015	\$53,809	10,167,966,000	\$1,034	-\$152	-\$7,898,862
Greater Bendigo (C)	116,045	\$110,486	20,502,223,400	\$952	-\$69	-\$8,059,945
Horsham (RC)	19,875	\$25,695	4,127,042,000	\$1,293	-\$410	-\$8,153,066
Swan Hill (RC)	20,759	\$26,703	3,678,603,300	\$1,286	-\$404	-\$8,380,155
Wodonga (C)	41,429	\$44,947	5,972,219,400	\$1,085	-\$202	-\$8,380,316
Latrobe (C)	75,211	\$75,350	10,973,492,001	\$1,002	-\$119	-\$8,965,500
Moirā (S)	29,799	\$35,344	5,526,575,000	\$1,186	-\$303	-\$9,042,151
Strathbogie (S)	10,645	\$18,526	2,874,729,000	\$1,740	-\$858	-\$9,129,847
Colac Otway (S)	21,503	\$29,507	5,849,395,000	\$1,372	-\$490	-\$10,527,974
Mornington Peninsula (S)	165,822	\$158,142	65,972,554,000	\$954	-\$71	-\$11,781,531



Boroondara (C)	181,289	\$172,058	107,887,355,788	\$949	-\$66	-\$12,045,119
East Gippsland (S)	46,818	\$54,605	9,605,250,000	\$1,166	-\$284	-\$13,281,719
South Gippsland (S)	29,576	\$40,968	7,534,768,550	\$1,385	-\$503	-\$14,863,042
Ballarat (C)	107,325	\$110,387	17,987,029,722	\$1,029	-\$146	-\$15,657,812
Maribyrnong (C)	91,387	\$96,335	27,658,707,272	\$1,054	-\$172	-\$15,673,456
Greater Shepparton (C)	66,007	\$74,577	9,706,256,600	\$1,130	-\$247	-\$16,316,629
Hobsons Bay (C)	96,470	\$102,669	28,631,303,567	\$1,064	-\$182	-\$17,521,077
Mildura (RC)	55,515	\$66,918	8,107,638,300	\$1,205	-\$323	-\$17,918,060
Yarra (C)	98,521	\$105,008	49,439,000,484	\$1,066	-\$183	-\$18,049,693
Surf Coast (S)	32,251	\$49,632	14,599,222,100	\$1,539	-\$656	-\$21,165,933
Port Phillip (C)	113,200	\$121,119	59,376,441,000	\$1,070	-\$187	-\$21,204,957
Wellington (S)	44,019	\$60,474	10,851,540,600	\$1,374	-\$491	-\$21,620,940



Bass Coast (S)	35,327	\$55,323	11,820,656,960	\$1,566	-\$683	-\$24,142,323
Melbourne (C)	169,961	\$271,273	109,185,105,222	\$1,596	-\$713	-
Total	6,459,786	\$5,701,648				\$0
			State Average Rate & Charges Per Capita	\$883		



9.3 A State Average Per Assessment Poll Tax

Similarly utilising the average rates and charges per assessment based on the aggregated LGA's 2017/18 rates and charges revenue divided by the aggregated LGAs 2017/18 number of assessments results in; six LGAs receiving between \$15m to \$24.9M less than actually collected through to 12 LGAs receiving from \$10M to \$34M more than actually collected. Refer Table 9.3 below for full details.

Table 9.3: Poll Tax Option: 2017/18 Average Rate & Charges Revenue Per Assessment Service Charge Impact On Individual LGA 2017/18 Rate & Charges Revenue Collection

	Rateable Assessments 17/18	Rates & Charges 2017/18 \$000	Rates & Charges/ Assessment	Over/Under Variance To State Average/Assessment	" +/- Impact on Revenue By Using State Average/Assessment
Melbourne (C)	113,551	\$271,273	\$2,389	-\$485	-\$55,021,925
Boroondara (C)	77,236	\$172,058	\$2,228	-\$323	-\$24,966,214
Hobsons Bay (C)	41,768	\$102,669	\$2,458	-\$554	-\$23,124,442
Maribyrnong (C)	40,298	\$96,335	\$2,391	-\$486	-\$19,589,903
Nillumbik (S)	23,383	\$62,678	\$2,680	-\$776	-\$18,146,478
Greater Shepparton (C)	30,793	\$74,577	\$2,422	-\$517	-\$15,933,445
Mildura (RC)	29,148	\$66,918	\$2,296	-\$391	-\$11,407,049
Ballarat (C)	52,342	\$110,387	\$2,109	-\$205	-\$10,704,656
Yarra Ranges (S)	65,390	\$135,042	\$2,065	-\$161	-\$10,510,411
Hume (C)	84,996	\$171,985	\$2,023	-\$119	-\$10,115,491
Greater Dandenong (C)	64,976	\$132,919	\$2,046	-\$141	-\$9,175,881
Wodonga (C)	19,364	\$44,947	\$2,321	-\$417	-\$8,069,518
Surf Coast (S)	21,929	\$49,632	\$2,263	-\$359	-\$7,869,401



Wyndham (C)	95,403	\$186,407	\$1,954	-\$49	-\$4,717,239
Baw Baw (S)	25,982	\$53,809	\$2,071	-\$167	-\$4,328,078
Strathbogie (S)	7,497	\$18,526	\$2,471	-\$567	-\$4,247,934
Swan Hill (RC)	11,957	\$26,703	\$2,233	-\$329	-\$3,931,432
South Gippsland (S)	19,597	\$40,968	\$2,091	-\$186	-\$3,646,610
Warrnambool (C)	17,140	\$35,831	\$2,091	-\$186	-\$3,189,271
Macedon Ranges (S)	22,576	\$46,042	\$2,039	-\$135	-\$3,047,010
Bayside (C)	45,209	\$89,144	\$1,972	-\$67	-\$3,045,881
Yarra (C)	53,570	\$105,008	\$1,960	-\$56	-\$2,987,145
Ararat (RC)	7,132	\$16,512	\$2,315	-\$411	-\$2,929,728
Manningham (C)	49,288	\$96,268	\$1,953	-\$49	-\$2,401,860
Brimbank (C)	77,565	\$150,003	\$1,934	-\$29	-\$2,285,051
Corangamite (S)	9,724	\$20,747	\$2,134	-\$229	-\$2,228,353
Moonee Valley (C)	56,052	\$108,953	\$1,944	-\$39	-\$2,205,510
Horsham (RC)	12,354	\$25,695	\$2,080	-\$175	-\$2,168,029
Mitchell (S)	20,129	\$40,382	\$2,006	-\$102	-\$2,047,091
Moirā (S)	17,488	\$35,344	\$2,021	-\$117	-\$2,039,011
Latrobe (C)	38,620	\$75,350	\$1,951	-\$47	-\$1,800,056
Benalla (RC)	8,017	\$16,741	\$2,088	-\$184	-\$1,472,690
Campaspe (S)	20,642	\$40,718	\$1,973	-\$68	-\$1,406,518
Cardinia (S)	43,285	\$83,817	\$1,936	-\$32	-\$1,383,137
Wangaratta (RC)	15,517	\$30,738	\$1,981	-\$76	-\$1,186,939
Alpine (S)	8,712	\$17,772	\$2,040	-\$136	-\$1,180,518
Murrindindi (S)	9,830	\$19,798	\$2,014	-\$110	-\$1,076,893
Queenscliffe (B)	3,079	\$6,927	\$2,250	-\$345	-\$1,063,360
Buloke (S)	6,260	\$12,934	\$2,066	-\$162	-\$1,012,202
Moorabool (S)	16,586	\$32,359	\$1,951	-\$47	-\$772,270
Golden Plains (S)	10,918	\$21,518	\$1,971	-\$66	-\$725,634
Colac Otway (S)	15,299	\$29,507	\$1,929	-\$24	-\$371,294



Towong (S)	4,460	\$8,344	\$1,871	\$34	\$149,994
Mount Alexander (S)	11,854	\$22,365	\$1,887	\$18	\$209,863
Greater Bendigo (C)	58,322	\$110,486	\$1,894	\$10	\$585,166
Gannawarra (S)	6,759	\$12,205	\$1,806	\$99	\$666,726
Indigo (S)	8,662	\$15,694	\$1,812	\$93	\$802,571
Northern Grampians (S)	9,316	\$16,807	\$1,804	\$100	\$935,210
Southern Grampians (S)	10,958	\$19,706	\$1,798	\$106	\$1,162,595
Yarriambiack (S)	6,893	\$11,881	\$1,724	\$181	\$1,246,225
Hindmarsh (S)	5,154	\$8,350	\$1,620	\$284	\$1,465,443
Moyne (S)	12,100	\$21,535	\$1,780	\$125	\$1,509,147
Mansfield (S)	7,712	\$13,094	\$1,698	\$207	\$1,592,644
Pyrenees (S)	5,954	\$9,589	\$1,610	\$294	\$1,750,251
West Wimmera (S)	4,738	\$7,239	\$1,528	\$377	\$1,784,459
Frankston (C)	62,094	\$116,463	\$1,876	\$29	\$1,790,825
Melton (C)	56,761	\$106,156	\$1,870	\$34	\$1,941,941
Central Goldfields (S)	8,410	\$13,997	\$1,664	\$240	\$2,019,390
Hepburn (S)	11,184	\$19,262	\$1,722	\$182	\$2,037,256
Glenelg (S)	13,833	\$23,669	\$1,711	\$193	\$2,675,220
Wellington (S)	33,166	\$60,474	\$1,823	\$81	\$2,688,910
Bass Coast (S)	30,881	\$55,323	\$1,791	\$113	\$3,487,764
Loddon (S)	7,775	\$10,446	\$1,343	\$561	\$4,361,521
East Gippsland (S)	31,570	\$54,605	\$1,730	\$175	\$5,518,142
Banyule (C)	54,331	\$97,297	\$1,791	\$114	\$6,173,134
Kingston (C)	73,843	\$134,353	\$1,819	\$85	\$6,276,826
Moreland (C)	78,765	\$141,484	\$1,796	\$108	\$8,519,223
Maroondah (C)	49,748	\$84,651	\$1,702	\$203	\$10,090,923
Darebin (C)	70,183	\$122,810	\$1,750	\$155	\$10,849,612
Stonnington (C)	63,526	\$108,801	\$1,713	\$192	\$12,180,233
Knox (C)	66,760	\$113,637	\$1,702	\$202	\$13,503,874

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Casey (C)	119,298	\$212,682	\$1,783	\$122	\$14,514,175
Greater Geelong (C)	122,742	\$218,295	\$1,778	\$126	\$15,459,627
Port Phillip (C)	72,126	\$121,119	\$1,679	\$225	\$16,240,149
Whittlesea (C)	84,164	\$143,823	\$1,709	\$196	\$16,462,592
Glen Eira (C)	65,675	\$103,263	\$1,572	\$332	\$21,811,062
Whitehorse (C)	73,431	\$111,652	\$1,520	\$384	\$28,193,205
Mornington Peninsula (S)	101,104	\$158,142	\$1,564	\$340	\$34,404,300
Monash (C)	79,017	\$116,012	\$1,468	\$436	\$34,471,360
Total	2,993,871	\$5,701,648			\$0
	State Average Rate/Assessment		\$1,904.44		



10. Other Issues for Panel Consideration.

10.1 Rating Base

The use of Capital Improved Value (CIV) is generally accepted as an appropriate measure of capacity to pay in LGA rating systems. All Victorian LGAs currently have this option except the City of Melbourne which is governed by its own specific legislation. The City of Melbourne should be given the option of CIV under ownership-based assessment. Then all Victorian LGAs could have a consistent rating system.

This valuation base avoids the problems encountered in NSW and Queensland where land value is used. Examples of problems with the use of land value include large shopping complexes and apartment buildings. With CIV, the capital invested links directly to the potential customer/service demand generated and capacity to pay.

10.2 Cultural and Recreational Land Rate

Presently, the rates payable in respect of Cultural & Recreational Lands are determined in accordance with the Cultural & Recreational Lands Act 1963 which states that:

"..... in respect of recreational lands there shall be paid to the municipal council as rates in each year such amount as the municipal council thinks reasonable having regard to the services provided by the municipal council in relation to such lands and having regard to the benefit to the community derived from such recreational lands."

The wording is arguably vague and difficult to consistently apply for LGAs.

Alternatively as Victorian LGAs have the option of differential rating under CIV it is questionable as to why there continues to be a need for a Cultural and Recreational Land Rate. Victorian LGAs already have flexibility in establishing differential categories.

The applicable CIV should be based on what is fair and equitable for the relevant recreational land to pay in rates. This reasoning should be including in the proposed Rating Strategies addressed in Section 7.6 above.

The use of differentials would also be supported by allowing LGAs to adopt minimum and maximum Rates addressed in Section 7.4 above for example using a minimum rate which would allow a declining rate in the dollar for valuation bands.

The rationale for the current Cultural and Recreational Rate is not apparent and consideration could be given to removing this provision.



10.3 Municipal Charge

The rationale for the current Municipal Charge approach, including the 20% limit, is not apparent. This approach is not used in other jurisdictions. The LG Bill Exposure Draft proposed the limit be reduced to 10%.

The most common approach in other jurisdictions is to use a Base Charge to reflect, to some extent, the benefit principle i.e. where the distribution of benefits is not uniform, those who benefit more should contribute more. The option of using either a Base Charge or a Minimum Rate is also relatively common.

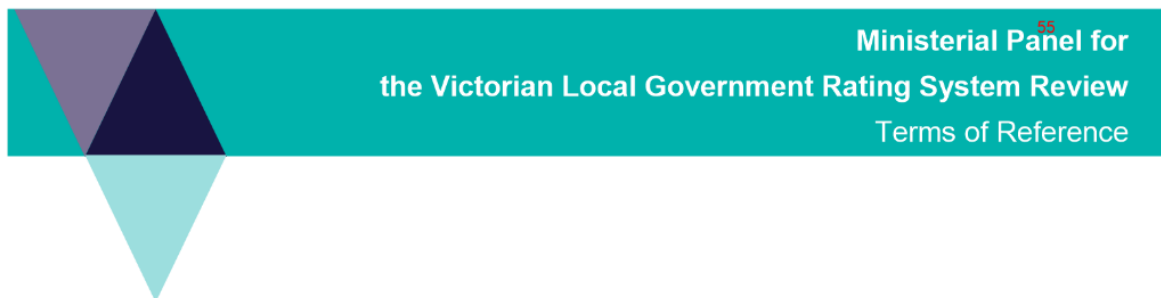
Similarly, the rationale for being able to claim an exemption from the Municipal Charge for farmland (under s. 159 of the Local Government Act 1989) is also not apparent and does not appear to exist in other jurisdictions in relation to base charges.

10.4 Waste Charge

Under section 162 of the Local Government Act, LGAs may elect to fund their waste services through either general rates, or by declaring a separate charge. The vast majority of Victorian LGAs utilise a separate charge in accordance with this provision. With increasing cost pressures related to managing municipal waste and recycling services, LGAs face an escalating challenge to fund these services. A range of factors including China National Sword impacts, heightened environment protection requirements, legacy landfill remediation costs and new laws such as the e-waste landfill ban mean LGAs have had to increase waste charges above CPI increases.

One of the key purposes of the State Government landfill levy and the Sustainability Fund is to support and strengthen Victoria's resource recovery system and to minimise the amount of waste sent to landfill. As at 30 June 2019, the balance of the Sustainability Fund was around \$406 million. The Victorian government should be investing this money into resource recovery infrastructure, market development and community education to enable a shift to a circular economy. This should happen as a matter of priority.

Appendix 1



Introduction

Rates and charges underpin the funding of local government and its important services and infrastructure in Victoria.

With the exception of the Fair Go Rates system which was introduced in 2015, the structure of the rating system has not substantially changed in over a century.

The Victorian Government is both committed to the financial sustainability of councils and ensuring that the burden of rates falls fairly amongst all ratepayers.

In response to the Parliament of Victoria's Inquiry into the Sustainability and Operational Challenges of Victoria's Rural and Regional Councils the Government has agreed to undertake an inquiry into the local government rating system to identify changes that will improve its fairness and equity. The Fair Go Rates system has helped improve the financial accountability of Victoria's 79 Councils and it has highlighted that the current rating system may be made more equitable, more efficient and more progressive.

The Minister for Local Government has determined to form a Panel for the Victorian Local Government Rating System Review (the Panel) to provide advice to the Minister in accordance with this Terms of Reference.

The Panel will be required to consult widely and report to the Minister by 31 March 2020.

Definitions

1. In these Terms of Reference-

Panel means the Ministerial Panel for the Victorian Local Government Rating System Review, established by the Minister for Local Government by these Terms of Reference.

Code of Conduct means the *Directors' Code of Conduct and Guidance Notes* issued by the Victorian Public Sector Commission¹;

Department means the Department of Environment, Water, Land and Planning or its successor.

Appointment and Remuneration Guidelines means the Government's *Appointment and Remuneration Guidelines*, as updated from time to time².

Member means a member of the Panel and includes a reference to the Chairperson unless the contrary intention is expressed.

Minister means the Minister for Local Government;

PAA means the *Public Administration Act* 2004;

Public sector employee has the meaning given in section 4(1) of the PAA.

Secretary means the Secretary to the Department.

¹ published at: <http://vpssc.vic.gov.au/resources/directors-code-of-conduct-and-guidance-notes/>

² available at: <http://www.dpc.vic.gov.au/index.php/policies/governance/appointment-and-remuneration-guidelines>



Establishment of Panel

2. The Minister establishes the Ministerial Panel for the Victorian Local Government Rating System Review under S. 220A of the *Local Government Act 1989* as a non-departmental entity from the date of these Terms of Reference. The establishment of the Panel was approved by Cabinet on 8 April 2019.
3. This Panel has been established to deliver the Victorian Government's commitment to "undertake an inquiry into the council rating system to identify changes that will improve its fairness and equity – this is to ensure that the burden of rates falls fairly amongst all ratepayers".

Role

4. The Role of the Panel is to provide advice to the Minister for Local Government regarding an optimal rating system for Victorian Local Government.
5. In performing its Role, the Panel is required to conduct a review of Victoria's local government rating system.

Scope of the Review

6. Examine the current application of rates and charges by local government in Victoria, including:
 - (a) Current local government rates and related charges including those made under the *Local Government Act 1989*, *City of Melbourne Act 2001* and *Cultural and Recreational Land Act 1963*;
 - (b) The interaction of the local government rating system with the taxation, valuation and other related systems of the Victorian Government (noting in particular the rating system related functions of the *Valuation of Land Act 1960*, *Fire Services Levy Property Act 2012*, *State Concessions Act 2004*, and *Electricity Industry Act 2000*);
 - (c) The current exemption and concession arrangements for rates applied by councils, including legislated exemptions, deferrals, waivers, rebates and use of differential rates by councils;
 - (d) The autonomy of individual local governments to apply the rating system in accordance with their own decision-making circumstances, including the quality of council rating strategies and associated public consultation (noting the status, roles and responsibilities of local government as expressed by the *Victorian Constitution Act 1975* and *Local Government Act 1989*).
 - (e) Commonly accepted principles of taxation policy including equity, capacity to pay, simplicity, efficiency, sustainability and cross-border competitiveness, where they relate to or interact with the local government rating system.
7. Undertake research into the application of municipal rating and charging systems applied in other jurisdictions, including analysis of such systems' applicability to the Victorian local government context.
8. Consult with councils, peak bodies and other stakeholders and the community on the application of rates and charges by local government in Victoria.
9. Establish principles and priorities for the future application of local government rates and charges in Victoria
10. Provide formal advice to the Minister for Local Government on the optimal arrangements for local government rating and charging including legislative and non-legislative arrangements, recognising rates and charges are the primary own source revenue for councils. This should include an analysis of the impacts any recommended changes may have on councils, businesses, various classes of ratepayers and the community.
11. Provide advice to the Minister for Local Government on the impact of the local government rating system on other Victorian Government portfolios arising from any recommendations.

Out of scope

12. The elements of the local government rating system specific to the rate cap provisions under Part 8A of the *Local Government Act 1989*, which will be the subject of a statutory review by December 2021;
13. The adequacy of the taxation, valuation and other related systems of the Victorian Government, specifically the principal functions of the *Valuation of Land Act 1960*, *Fire Services Levy Property Act 2012*, *State Concessions Act 2004*, and *Electricity Industry Act 2000*; and
14. Other sources of funding for local government, such as State and Commonwealth grants.



Ministerial Panel on the Victorian Local Government Rating System Review Terms of Reference

Consultation

15. A consultation framework will be developed by the Department for approval by the Panel. This will step out the timing and methodology for broad-based consultation with stakeholders. The consultation will also involve consultation with councils, peak bodies, stakeholders and the community, including the opportunity for formal submissions and public hearings across Victoria.
16. Consultation methods may include but are not limited to face-to-face meetings with key stakeholders, workshops, telephone and online consultations, and a call for submissions. Consultation will also occur with relevant Government agencies including the Valuer-General Victoria.
17. The Panel may establish reference groups as deemed necessary.

Reporting

18. The Panel will be required to develop a discussion paper to guide stakeholder consultation. The paper must be submitted to the Minister for Local Government by a date to be determined by the Minister.
19. The Panel will be required to submit a draft report to the Minister for Local Government by a date to be determined by the Minister.
20. The Panel will be required to submit a final report to the Minister for Local Government at the conclusion of the review, no later than 31 March 2020.
21. The Chair may report informally to the Minister as deemed necessary or as requested by the Minister for Local Government.

Advisory Function of the Panel

22. The Panel is an advisory body, not a decision-making body.
23. The Panel's work is not necessarily about achieving consensus, but rather helping to inform Government's deliberations.

Application of the *Public Administration Act 2004*

24. Under section 5(1)(d)(iii)(A) of the PAA, the Panel is declared to be a "public entity" for the purposes of that Act.
25. Each member of the Panel must at all times act -
 - (a) in accordance with the Code of Conduct issued by the Victorian Public Sector Commission³; and
 - (b) in a manner that is consistent with the public sector values in section 7(1) of the PAA.
26. The relevant duties and requirements of sections 79 to 97 of the PAA apply to the Panel and the members, except where these Terms of Reference are more specific or stringent in nature than those in these sections.
27. The Panel and its members are taken to be a public body and its directors respectively for the purposes of these sections of the PAA. The Panel is also equivalent to a board of directors for the purposes of these sections.
28. The Panel must act consistently with the 'duties of directors' (Panel members) in section 79 of the PAA. These duties include:
 - (a) Performance of duties: act honestly; in good faith in the best interests of the agency; with integrity; in a financially responsible manner; with a reasonable degree of care, diligence and skill; and in compliance with the establishing Act and any subordinate instrument.
 - (b) Confidentiality: maintain confidentiality, even after your appointment expires or otherwise terminates.
 - (c) Use of information: avoid improperly using your position or any information acquired in your role as a Panel member to gain advantage for yourself or another person or to cause detriment to the agency.

Accountabilities

29. The Panel is subject to the general direction of the Minister in the performance of its functions.⁴

³ Note section 61 of the PAA

⁴ Note section 85(1) of the PAA



Ministerial Panel on the Victorian Local Government Rating System Review Terms of Reference

30. The Panel must provide its recommendations or advice as required by these Terms of Reference to the Minister by 31 March 2020.
31. Each member of the Panel is required to comply with these Terms of Reference, and each member's ongoing participation in the Panel is their implied acceptance of these Terms of Reference.

Membership

32. The Panel consists of the Chairperson and a maximum of two other members, appointed by the Minister.
33. The Panel is to be constituted by
- (a) a member with skills and experience rural and/or regional issues and an understanding of the broad context of local government and its role, appointed by the Minister;
 - (b) a member with experience or expertise in local government rating and revenue systems and/or taxation systems, appointed by the Minister; and
 - (c) the Chairperson with experience in chairing and leading public reviews and inquiries and understanding of the broad context of local government and its role, appointed by the Minister.
34. A Member is appointed by the Minister for the term of office specified in his or her instrument of appointment.

Chairperson

35. The role of the Chairperson includes: direct and facilitate the business of the Panel;
- (b) call Panel meetings;
 - (c) determine the agenda for each meeting in consultation with the Secretariat;
 - (d) may invite any individual to attend, observe and/or submit advice at a Panel meeting;
 - (e) preside at meetings, including maintaining order and guiding the meeting through the agenda;
 - (f) act as the contact person between the Panel and the Minister;
 - (g) present reports and recommendations from the Panel to the Minister;
 - (h) liaise with the Secretariat;
 - (i) assist the Panel to understand and carry out its role; and
 - (j) facilitate an orderly and constructive discussion between Members on matters within these Terms of Reference.
36. Subject to any direction provided by the Minister, the Chair is the sole spokesperson for the Panel.

Members

37. Each Member is responsible for:
- (a) attending Panel meetings and contributing to the work of the Panel by preparing for meetings;
 - (b) notifying the Chair and the Secretariat before the meeting if the Member is unable to attend a meeting;
 - (c) adhering to principles of good governance and conduct.

Remuneration & Expenses

38. Subject to the Appointment and Remuneration Guidelines and these Terms of Reference, a member is entitled to receive remuneration for their service on the Panel as set out in their instrument of appointment.
39. A Member is entitled to the reimbursement of reasonable travelling and personal expenses directly related to their service on the Panel at the rates, and on the terms, that apply to employees of the Department.
40. Daily rates are set for the maximum payable for official duties on a given day. Where official duties equal or exceed four hours, the maximum daily rate will be paid. Official duties of less than four hours will be paid at half the daily rate.
41. Official duties include:
- a. attendance at, and participation in, meetings with stakeholders and consultation with the public relevant to the role of the panel; and
 - b. preparation of the report, either as individual Panel members or collectively as the Panel panel meetings and stakeholder meetings.
42. Participation in activities considered relevant to the role of a panel member may be eligible for remuneration subject to approval by the Minister for Local Government.

Ministerial Panel on the Victorian Local Government Rating System Review Terms of Reference

43. Panel Members may apply in writing to the Minister for Local Government if further remuneration is required above these caps.

Removal from office and resignation

44. The Minister, without cause or notice, may remove a member from office at any time and for any reason or for no reason at all.
45. Upon a vacancy occurring in the office of a member, the vacancy may be filled by the Minister in accordance with these Terms of Reference.

Meeting Procedure

46. The Panel is expected to meet at the determination of the Chairperson, as often as required.

Minutes

47. The Chairperson must –
- (a) ensure that minutes of each meeting are kept;
 - (b) circulate the minutes for comment by members before being formally adopted at the next meeting; and
 - (c) provide the adopted minutes to the Panel Secretariat.

Conflicts of Interest

48. In these Terms of Reference:
- (a) a '**conflict of interest**' is a conflict between a member's public duty to act in the best interests of the Panel and their private interests. It includes a **conflict of duty**, which is a conflict between a member's public duty to act in the best interests of the Panel and their duty to another organisation (e.g. due to their role as a Panel member or employee of that organisation).
 - (b) A private interest:
 - may be **direct** or **indirect**; and
 - can be **pecuniary** (financial) or **non-pecuniary** (non-financial), or a mixture of both. A non-pecuniary interest may arise from personal or family relationships or from involvement in sporting, social, or cultural activities, etc.
 - (c) A conflict of interest exists whether it is:
 - **real** (ie. it currently exists);
 - **potential** (ie. it may arise, given the circumstances); or
 - **perceived** (ie. members of the public could reasonably form the view that a conflict exists, or could arise, that may improperly influence the member's performance of his/her duty to the Committee, now or in the future).
49. A member who has a conflict of interest in a matter being discussed at a meeting of the Panel must declare the nature of the interest:
- (a) at the commencement of a meeting; or
 - (b) if they become aware of an interest during discussions, as soon as possible after becoming aware of the interest.
- A declaration must be made even if the interest is already recorded in the Panel's Register of Interests.
50. The Chairperson or member presiding at a meeting at which a declaration of an interest is made must cause the declaration and how the conflict of interest will be managed to be recorded in the minutes of the meeting.
51. The Chairperson must keep a record of declared interests (the Register of Interests). Any member may request and be granted access to this Register of Interests.
52. If a Panel member has breached their conflict of interest obligations in these Terms of Reference, the Chairperson must notify in writing the Ministers as soon as practicable after becoming aware of such a breach, including whether the breach is material.

Gifts Benefits & Hospitality

53. The Panel will adopt the Departmental policy on *Gifts, benefits and hospitality*.

Ministerial Panel on the Victorian Local Government Rating System Review Terms of Reference

Confidentiality

54. Members should note that the requirements of sections 79(2) & (3) and 81(1)(c) of the PAA in regard to confidentiality and use of information applies to them. The Minister may authorise the Panel to release specified information to third parties.
55. On the termination or expiry of a member's appointment, the member must return all documents relating to the Panel to the Chairperson.

Privacy

56. The Panel must have processes in place to ensure that its members, in the course of their duties on the Panel, comply with the requirements imposed by or under the *Privacy and Data Protection Act 2014*.⁵

Intellectual Property

57. The rights to Intellectual property created by the members of the Panel in the course of their duties on the Panel, including any reports required under these Terms of Reference, is the property of the State of Victoria. However, the Minister on behalf of the State grants the Panel a licence to use this property as authorised under these Terms of Reference. In this clause, Intellectual property includes legal rights that protect the results of creative efforts including copyright, proprietary rights in relation to inventions (including patents), registered and unregistered trademarks, confidential information (including trade secrets and know how), registered designs, circuit layouts, and all other proprietary rights resulting from intellectual activity in the industrial, scientific, literary or artistic fields, but does not include moral rights.

Media

58. Any enquiries to the Panel from the media should be referred to the Chair (via the Secretariat).
59. A Member who is approached by the media in relation to the work of the Panel should not discuss the Panel's deliberations or work program and should refer the enquirer to the Chair.
60. The Panel will adopt the Departmental policy on Social Media

Secretariat support to the Panel

61. Administrative support to the Panel will be provided by the Department.
62. Day to day liaison for the Panel will be through the Director – Sector Performance, Innovation and Resilience, Local Government Victoria, or his or her nominee.
63. Support provided by the Secretariat includes:
 - a. organising meeting rooms;
 - b. taking minutes;
 - c. preparing and distributing agendas for Panel meetings, in consultation with the Chair, including any meeting papers;
 - d. organising stakeholder consultation meetings;
 - e. managing the public consultation online portal;
 - f. compiling stakeholder submissions for the panel to review;
 - g. arranging travel and accommodation where Panel members are required to attend meetings at regional locations;
 - h. overseeing the budget for the Review;
 - i. conducting research and providing advice to the Panel;
 - j. procurement of external expert analysis and advisory services as required by the Panel on areas within the scope of the review;
 - k. assisting in drafting reports; and
 - l. other administrative support (e.g. processing claims for reimbursement of remuneration and expenses);
64. The Secretariat will disseminate information and papers to members in an efficient and effective manner.

⁵ Note that this Act applies to the Panel as it is a public entity as defined in the PAA and is therefore a public sector agency for the purposes of the *Privacy and Data Protection Act 2014*.



65. The costs of the Panel will be met by the Department.

Entity review, sunset date & amendments

66. The Panel will operate until 31 May 2020.

67. The Minister may amend these Terms of Reference in writing at any time.

68. The Minister may revoke these Terms of Reference in writing at any time and upon revocation of these Terms of Reference the Panel ceases to exist.

Hon. Adem Somyurek MP
Minister for Local Government

Appendix 2

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LGA	Rateable Assessments 2017/18	Area Sq Kms	Population	Rates & Charges 2017/18 \$000	Garbage Charges 2017/18 \$000	Rates Revenue 2017/18	CIV 2018
Alpine (S)	8,712	4,787	12,730	17,772,000	3,202,830	14,569,170	2,771,400,200
Ararat (RC)	7,132	4,210	11,795	16,512,195	1,997,663	14,514,532	2,375,881,500
Ballarat (C)	52,342	739	107,325	110,326,166	15,935,142	94,391,024	17,987,029,722
Banyule (C)	54,331	63	130,237	99,031,353	2,123,598	96,907,755	39,570,669,200
Bass Coast (S)	30,881	865	35,327	55,323,250	9,477,145	45,846,105	11,820,656,960
Baw Baw (S)	25,982	4,031	52,015	53,809,240	7,771,514	46,037,726	10,167,966,000
Bayside (C)	45,209	37	105,718	89,143,713	10,017,345	79,126,368	58,382,560,000
Benalla (RC)	8,017	2,352	14,024	16,740,586	2,459,131	14,281,455	2,491,870,400
Boroondara (C)	77,236	60	181,289	177,231,000	22,436,000	154,795,000	107,887,355,788
Brimbank (C)	77,565	123	208,714	149,843,361	26,500,366	123,342,995	38,673,175,704
Buloke (S)	6,260	8,001	6,184	12,933,997	1,308,306	11,625,691	1,392,766,100
Campaspe (S)	20,642	4,518	37,592	39,867,340	5,837,624	34,029,716	6,839,219,700
Cardinia (S)	43,285	1,282	107,120	83,816,826	11,689,392	72,127,434	19,614,102,637
Casey (C)	119,298	409	340,419	213,982,563	32,173,584	181,808,979	57,433,366,251
Central Goldfields (S)	8,410	1,532	13,209	13,996,951	2,473,702	11,523,249	1,773,648,000
Colac Otway (S)	15,299	3,439	21,503	29,507,323	2,898,982	26,608,341	5,849,395,000
Corangamite (S)	9,724	4,408	16,140	20,792,554	1,585,676	19,206,878	4,763,750,500
Darebin (C)	70,183	53	161,609	122,809,706	0	122,809,706	47,100,536,761
East Gippsland (S)	31,570	20,937	46,818	54,239,119	6,927,903	47,311,216	9,605,250,000
Frankston (C)	62,094	130	141,845	116,493,403	22,679,632	93,813,771	27,918,568,000
Gannawarra (S)	6,759	3,736		12,205,384	1,788,059	10,417,325	1,548,560,800

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			10,547				
Glen Eira (C)	65,675	39	153,858	103,856,077	14,206,659	89,649,417	60,398,304,649
Glenelg (S)	13,833	6,218	19,665	25,878,194	2,258,896	23,619,297	4,104,568,000
Golden Plains (S)	10,918	2,703	23,120	21,518,311	2,154,853	19,363,458	4,270,820,000
Greater Bendigo (C)	58,322	2,999	116,045	110,542,254	16,294,423	94,247,831	20,502,223,400
Greater Dandenong (C)	64,976	130	166,094	132,918,779	16,519,761	116,399,019	39,372,636,578
Greater Geelong (C)	122,742	1,248	252,217	218,295,159	30,284,059	188,011,100	53,695,487,552
Greater Shepparton (C)	30,793	2,421	66,007	74,576,868	9,501,764	65,075,103	9,706,256,600
Hepburn (S)	11,184	1,473	15,812	19,262,002	2,532,572	16,729,430	4,269,262,000
Hindmarsh (S)	5,154	7,524	5,645	8,350,041	874,573	7,475,468	1,241,013,700
Hobsons Bay (C)	41,768	64	96,470	102,669,095	6,884,861	95,784,235	28,631,303,567
Horsham (RC)	12,354	4,266	19,875	25,695,482	2,891,721	22,803,761	4,127,042,000
Hume (C)	84,996	504	224,394	171,985,280	2,559,168	169,426,112	36,129,710,700
Indigo (S)	8,662	2,040	16,490	15,693,689	2,796,339	12,897,350	2,901,104,700
Kingston (C)	73,843	91	163,431	134,352,743	12,197,461	122,155,282	53,310,804,024
Knox (C)	66,760	114	163,203	113,636,545	15,857,062	97,779,483	42,265,614,091
Latrobe (C)	38,620	1,426	75,211	75,349,532	11,049,534	64,299,997	10,973,492,001
Loddon (S)	7,775	6,695	7,513	10,445,501	1,282,460	9,163,041	1,746,756,400
Macedon Ranges (S)	22,576	1,748	49,388	45,826,647	5,839,645	39,987,002	11,849,804,450
Manningham (C)	49,288	113	125,508	96,267,903	10,830,703	85,437,200	48,353,963,000
Mansfield (S)	7,712	3,843	8,979	13,094,398	3,039,667	10,054,731	3,163,882,447
Maribyrnong (C)	40,298	31	91,387	96,335,000	893,539	95,441,461	27,658,707,272
Maroondah (C)	49,748	61	117,498	84,651,000	11,652,000	72,999,000	32,294,459,291
Melbourne (C)	113,551	37	169,961	271,273,184	0	271,273,184	109,185,105,222

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Melton (C)	56,761	527	156,713	106,155,982	12,203,977	93,952,005	25,036,211,400
Mildura (RC)	29,148	22,107	55,515	66,917,669	8,391,973	58,525,696	8,107,638,300
Mitchell (S)	20,129	2,862	44,299	40,277,188	5,036,635	35,240,553	7,526,097,000
Moirra (S)	17,488	4,046	29,799	35,343,859	3,505,783	31,838,076	5,526,575,000
Monash (C)	79,017	81	200,077	116,021,871	0	116,021,871	73,053,004,500
Moonee Valley (C)	56,052	43	127,883	108,953,185	9,026,642	99,926,543	42,236,553,000
Moorabool (S)	16,586	2,110	34,158	32,359,313	4,256,345	28,102,968	6,430,265,000
Moreland (C)	78,765	51	181,725	141,484,000	13,299,957	128,184,043	49,829,460,000
Mornington Peninsula (S)	101,104	724	165,822	158,142,209	19,735,854	138,406,355	65,972,554,000
Mount Alexander (S)	11,854	1,529	19,514	22,365,370	4,004,511	18,360,860	4,420,644,500
Moyne (S)	12,100	5,482	16,887	21,534,578	3,085,341	18,449,237	6,143,630,958
Murrindindi (S)	9,830	3,878	14,478	19,797,539	2,901,408	16,896,131	4,141,915,500
Nilumbik (S)	23,383	432	64,941	62,678,000	8,329,000	54,349,000	20,109,586,000
Northern Grampians (S)	9,316	5,726	11,431	16,806,554	2,531,455	14,275,099	2,102,583,000
Port Phillip (C)	72,126	21	113,200	121,119,496	300,031	120,819,465	59,376,441,000
Pyrenees (S)	5,954	3,434	7,353	9,588,785	1,194,131	8,394,654	1,736,226,000
Queenscliffe (B)	3,079	9	2,982	6,927,131	823,788	6,103,343	2,734,370,025
South Gippsland (S)	19,597	3,299	29,576	40,967,922	2,830,778	38,137,144	7,534,768,550
Southern Grampians (S)	10,958	6,654	16,135	19,706,259	1,761,002	17,945,257	3,380,642,000
Stonnington (C)	63,526	26	116,207	108,801,227	19,447,000	89,354,227	80,071,476,000
Strathbogie (S)	7,497	3,302	10,645	18,525,521	2,228,235	16,297,286	2,874,729,000
Surf Coast (S)	21,929	1,553	32,251	49,631,868	6,745,021	42,886,847	14,599,222,100
Swan Hill (RC)	11,957	6,120	20,759	26,702,822	2,983,604	23,719,218	3,678,603,300

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Towong (S)	4,460	6,674	6,054	8,343,809	1,241,970	7,101,839	1,383,759,107
Wangaratta (RC)	15,517	3,644	29,087	30,738,136	5,310,686	25,427,451	5,019,906,000
Warrnambool (C)	17,140	121	34,862	35,831,373	4,747,063	31,084,311	6,361,955,436
Wellington (S)	33,166	10,817	44,019	60,473,750	3,870,644	56,603,106	10,851,540,600
West Wimmera (S)	4,738	9,106	3,862	7,238,778	485,458	6,753,320	1,780,503,300
Whitehorse (C)	73,431	64	176,196	111,747,142	0	111,747,142	65,482,718,000
Whittlesea (C)	84,164	490	223,322	143,822,703	0	143,822,703	41,927,295,665
Wodonga (C)	19,364	433	41,429	44,947,096	8,466,191	36,480,905	5,972,219,400
Wyndham (C)	95,403	542	255,322	186,406,535	20,143,005	166,263,530	44,366,755,204
Yarra (C)	53,570	20	98,521	105,008,000	51,830	104,956,170	49,439,000,484
Yarra Ranges (S)	65,390	2,465	158,173	135,121,237	15,781,810	119,339,427	33,328,812,500
Yarriambiack (S)	6,893	7,326	6,658	11,881,080	1,074,626	10,806,454	1,879,555,600
TOTAL	2,993,871	227,218	6,459,786	\$ 5,711,219,701	\$ 569,481,067	\$5,141,738,633.40	\$1,850,537,268,296
					Average Rate in \$	0.00277851125804886	

Planning and Environment Act 1987

Panel Report

Maroondah Planning Scheme Amendment C116

Jubilee Park, Ringwood

24 September 2019

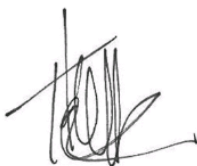
Planning and Environment Act 1987

Panel Report pursuant to section 25 of the Act

Maroondah Planning Scheme Amendment C116

Jubilee Park, Ringwood

24 September 2019



Tim Hellsten, Chair



John Roney, Member

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Glossary and abbreviations

2004 Character Study	<i>Maroondah Neighbourhood Character Study, Planisphere, 2004</i>
Act	<i>Planning and Environment Act 1987</i>
Amendment	Maroondah Planning Scheme Amendment C116
Character Study Review	<i>Maroondah Neighbourhood Character Study Review, Claire Scott Planning, Final Draft Document July 2019</i>
Council	Maroondah City Council
DELWP	Department of Environment, Land, Water and Planning
GRZ	General Residential Zone
GRZ1	General Residential Zone - Schedule 1
Jubilee Park Study	<i>Jubilee Park Heritage and Neighbourhood Character Study, Final Report, February 2018</i>
Maroondah Housing Strategy	<i>The Places We Live Maroondah Housing Strategy 2016</i>
National Trust	The National Trust of Australia (Victoria)
NCO	Neighbourhood Character Overlay
NCO3	Neighbourhood Character Overlay – Schedule 3 Jubilee Park
NRZ	Neighbourhood Residential Zone
NRZ5	Neighbourhood Residential Zone - Schedule 5
Planning Scheme	Maroondah Planning Scheme
PPF	Planning Policy Framework
RGZ	Residential Growth Zone
Ringwood MAC	Ringwood Metropolitan Activity Centre
Scoping report	<i>Jubilee Park Heritage and Neighbourhood Character Scoping report, March 2017</i>
SLO4	Significant Landscape Overlay – Schedule 4
VCAT	Victorian Civil and Administrative Tribunal

Overview

Amendment summary

The Amendment	Maroondah Planning Scheme Amendment C116
Common name	Jubilee Park, Ringwood
Brief description	Implementation of the Jubilee Park Heritage and Neighbourhood Character Study through the rezoning of land to the Neighbourhood Residential Zone, application of the Heritage Overlay to 3 precincts and 4 individual places and application of a Neighbourhood Character Overlay
Subject land	Various properties in the Jubilee Park neighbourhood area, Ringwood
The Proponent	Maroondah City Council
Planning Authority	Maroondah City Council
Authorisation	2 August 2018
Exhibition	29 October – 20 March 2019
Submissions	Number of Submissions: 71 Opposed: 47 Refer Appendix A

Panel process

The Panel	Tim Hellsten (Chair) and John Roney
Directions Hearing	Maroondah City Council, Ringwood, 10 July 2019
Panel Hearing	Maroondah City Council, Ringwood, 21, 22 and 23 August 2019
Site inspections	Unaccompanied, 10 July and 23 August 2019
Appearances	Refer Appendix B
Citation	Maroondah PSA C116 [2019] PPV
Date of this Report	24 September 2019

Executive summary

Maroondah Planning Scheme Amendment C116 (the Amendment) seeks to implement the recommendations of the *Jubilee Park Heritage and Neighbourhood Character Study, Final Report, February 2018* (Jubilee Park Study). The Amendment proposes to achieve this by rezoning land to the Neighbourhood Residential Zone Schedule 5 (NRZ5), applying the Heritage Overlay and the Neighbourhood Character Overlay Schedule 3 (NCO3), to various properties in the Jubilee Park neighbourhood area, Ringwood. The Heritage Overlay is proposed to be applied to two new precincts (Haig Street and Kendall Street) and an expanded Ellison Street Precinct, and individual places at 18 and 22 James Street and 5 and 20 Caroline Street, Ringwood. Interim Heritage Overlays currently extend over these places. In addition, the Amendment proposes changes to existing local planning policy (Clause 21.04 Heritage) and other consequential changes to the schedules to Clause 43.01 (Heritage Overlay) and Clause 72.04 (Incorporated documents).

The Jubilee Park neighbourhood area (also known as the Federation Park area) is located to the south of Ringwood Station and the Ringwood Metropolitan Activity Centre, which with other activity centres within the Maroondah City Council municipality, is identified in *The Places We Live Maroondah Housing Strategy 2016* (Maroondah Housing Strategy) for more intensive residential development.

Key issues raised in submissions related to the:

- application of the Heritage Overlay:
 - low levels of building integrity
 - inconsistent or illogical precinct boundaries
 - impacts on property values
 - restricting the maintenance or alteration of buildings
- application of the Neighbourhood Residential Zone and Neighbourhood Character Overlay:
 - introducing more restrictive provisions
 - impact on property values and future sales
 - current zoning provides for an appropriate balance between development and character.

During the Hearing, Council identified several proposed changes to the exhibited Amendment documents in response to submissions, urban design (Ms Scott) and heritage (Ms Schmeder) evidence and questions from the Panel. These changes included:

- amending Clause 22.01 to identify an updated Jubilee Park Study as a reference document
- retaining 28 and 30 Greenwood Avenue and 62A Ford Street within the existing General Residential Zone 1
- expanding the mapped extent of NRZ5 to include land at the rear of properties on the south side of Haig Street
- replacing the proposed Heritage Overlay at 18 James Street and 8 to 24 Haig Street (even numbers only) with the proposed NCO3
- amending the statements of significance and consequential changes to the schedules to Clauses 43.01 and 72.04

- amending the NCO3 Statement of neighbourhood character and permit requirements relating to swimming pools.

Council gave additional notice to land owners affected by the Amendment of some of the more substantial changes prior to the Hearing. No additional submissions were received.

The Panel wishes to acknowledge the considered and courteous way in which submitters presented their respective submissions. This greatly assisted the Panel in understanding the key concerns of submitters. The Panel acknowledges the positive way in which Council assisted both the Panel and submitters and in the thoughtful way in which the experts, particularly Ms Schmeder, responded to cross examination. This assisted a number of submitters with a greater understanding of how heritage significance had been established.

In relation to the application of the Heritage Overlay to various precincts and individual places, the Panel found the evidence of Ms Schmeder to be comprehensive and compelling and adopts it in full. The Panel supports her recommendations not to apply the Heritage Overlay to 18 James Street and the even numbered properties between 8 and 22 Haig Street and to update all the statements of significance. The Panel considers that the introduction of the Heritage Overlay with these changes is supported by the Planning Policy Framework and will result in a net community benefit. The application of the Heritage Overlay is an appropriate response to an area that demonstrates the characteristics of one of the earliest suburban developments in Ringwood associated with the establishment of the Lilydale railway line. The precincts and individual places proposed for heritage control are relatively intact and rare for Maroondah and modest in extent so as not to impact on the achievement of other policy objectives.

The Panel supports the application of NCO3 in the limited extent proposed. It considers that its use complements the identified local cultural heritage values in Haig, Ellison and Kendall Streets. The Panel was concerned that as exhibited the NCO was performing the role of a quasi-heritage control. This is not the intended purpose of the overlay. The Panel supports the changes to the Statement of neighbourhood character recommended by Ms Schmeder and makes further recommendations regarding the character objectives and decision guidelines to address these concerns. Council's proposed changes to clarify permit requirements relating to swimming pools are supported.

The Panel considers that there is adequate strategic justification to apply the Heritage Overlay and NCO3 and that the two planning tools can work in a complementary fashion and will not impact on the achievement of broader Municipal and metropolitan housing policy objectives. The Panel does not consider however, that this can be said about the application of the NRZ5 to the Jubilee Park area at this point in time.

Council maintained that the need for the NRZ5 was fundamentally about the purpose of the zone and limiting the height of a dwelling or residential building to 9 metres and 2 storeys. The Panel concludes that Council has not completed sufficient detailed research to articulate 'the problem' with the current controls to justify the need for the proposed height controls.

The Panel believes that Council needs to complete a more rigorous planning study to justify any change to the current GRZ1. To that end, the Panel notes that Council is well advanced with a comprehensive review of neighbourhood character across the whole municipality. The

Panel was advised by Council that this study is expected to result in a suite of new NRZ and GRZ Schedules, including further changes to the proposed NRZ5.

In this context, the Panel has concerns about proceeding with the NRZ at Jubilee Park in isolation from the broader picture that is unfolding. The Panel believes it would be premature to proceed with the NRZ5 at Jubilee Park without considering the broader context and with a fuller understanding of how all the proposed provisions in the zone may work together. Further consideration of the interaction with overlay controls is also required.

The Panel has concerns with a number of the specific provisions in NRZ5 and the extent of the proposed zoning.

The Panel encourages Council to complete and implement the recommendations of the Maroondah Housing Strategy and Maroondah Neighbourhood Character Study Review into the Maroondah Planning Scheme to ensure that residential zoning aligns with broader policy and strategy considerations.

The Panel makes several suggested minor changes to Amendment documents to improve the clarity and consistency of proposed provisions. These suggestions are identified in section 3.8 of this Report.

Recommendations

Based on the reasons set out in this Report, the Panel recommends that Maroondah Planning Scheme Amendment C116 be adopted as exhibited subject to the following:

- 1. Amend the Ellison Street Precinct Statement of significance to remove the word 'EXTENSION' from the Heritage Place title as shown in the Panel preferred version of the Statements of significance in Appendix D.**
- 2. Abandon applying the Heritage Overlay (HO140) to the properties between 8-24 Haig Street (even numbers), Ringwood.**
- 3. Amend the Haig Street Precinct Statement of significance to:**
 - a) remove references to the properties between 8-24 Haig Street (even numbers), Ringwood**
 - b) delete the paragraph linking the precinct significance to the Great War and General Douglas Haig as shown in the Panel preferred version of the Statement of significance in Appendix D**
 - c) redraw the map so that the precinct boundary excludes 8-24 Haig Street (even numbers).**
- 4. Amend the Kendall Street Precinct Statement of significance to identify 27 Kendall Street as 'Non-Contributory' as shown in the Panel preferred version of the Statement of significance in Appendix D.**
- 5. That the 5 Caroline Street, Ringwood Statement of significance be amended to identify the rear extensions as not significant as shown in the Panel preferred version of the Statement of significance in Appendix D and replacing the dwelling photo with that included in Ms Schmeder's evidence.**
- 6. That HO144 not be applied to 18 James Street, Ringwood.**

7. Amend the 20 Caroline Street, Ringwood Statement of significance to remove references to the front fence as shown in the Panel preferred version of the Statement of significance in Appendix D.
8. Adopt Clause 21.04 as exhibited without the identification of the Jubilee Park Heritage and Neighbourhood Character Study as a reference document.
9. Amend the schedules to Clause 43.01 and Clause 72.04 to remove reference to 18 James Street and make other changes to the statement of significance references as shown in the Panel preferred version of the schedules in Appendix E.
10. Apply the Neighbourhood Character Overlay to the exhibited areas as well as the properties at 18 James Street and 8-24 Haig Street (even numbers only).
11. Amend Clause 1.0 'Statement of neighbourhood character' in Schedule 3 to Clause 43.05 in accordance with the changes in the Panel preferred version of Schedule 3 in Appendix E.
12. Amend Clause 2.0 'Neighbourhood character objective' in Schedule 3 to Clause 43.05 by deleting the second dot point as reflected in the Panel preferred version of Schedule 3 in Appendix E.
13. Amend Clause 3.0 'Permit requirement' in Schedule 3 to Clause 43.05 by adding the words "within the front setback" after the words "swimming pool" in the first dot point as reflected in the Panel preferred version of Schedule 3 in Appendix E.
14. Amend Clause 5.0 'Decision guidelines' in Schedule 3 to Clause 43.05 by amending the words in the first two dot points and deleting the third dot point in accordance with the Panel preferred version of Schedule 3 in Appendix E.
15. Abandon applying the Neighbourhood Residential Zone Schedule 5 at Jubilee Park until further strategic planning provides a more comprehensive strategic justification for the Neighbourhood Residential Zone in this location.

1 Introduction

1.1 The Amendment

(i) Amendment description

Maroondah Planning Scheme Amendment C116 (the Amendment) seeks to implement the recommendations of the *Jubilee Park Heritage and Neighbourhood Character Study, Final Report, February 2018* (Jubilee Park Study) into the Maroondah Planning Scheme (Planning Scheme). It proposes to introduce the Heritage Overlay and Neighbourhood Character Overlay and rezone land to the Neighbourhood Residential Zone within parts of the Jubilee Park neighbourhood, Ringwood.

Specifically, the Amendment proposes the following changes to:

- amend the policy at Clause 21.04 (Heritage)
- introduce a new Schedule 5 - Jubilee Park (NRZ5) to Clause 32.09 (Neighbourhood Residential Zone)
- rezone 189 properties within James, Kendall, Ellison, Haig, Caroline, Henry, Thomas, Emerald, Ford Streets and Greenwood Avenue, Ringwood from General Residential Zone 1 (GRZ1) to NRZ5
- apply the Heritage Overlay to:
 - 4 individually significant places at 5 and 20 Caroline Street, Ringwood (HO142 and HO143 respectively) and 18 and 22 James Street, Ringwood (HO144 and HO145 respectively)
 - 55 properties within an extended Ellison Avenue Precinct and 2 new precincts, Haig Street Precinct (HO140) and Kendall Street Precinct (HO141)
- amend the Schedule to Clause 43.01 (Heritage Overlay) to include references to statements of significance for the new and extended precincts
- introduce a new schedule to Schedule 3 Jubilee Park (NCO3) to Clause 43.05 (Neighbourhood Character Overlay) and apply it to 21 properties in James and Ellison Streets
- amend the Schedule to Clause 72.04 which identifies Incorporated Documents to include references to the Heritage and Character Study and associated statements of significance for the Haig, Kendall and Ellison Street Precincts and the individual sites at 18 and 22 James Street and 5 and 20 Caroline Street.

Council is the Planning Authority and Proponent for the Amendment.

(ii) The subject land

The Amendment applies to land within the Jubilee Park neighbourhood, Ringwood as identified in Table 1.

The extent of zone and overlay controls proposed by the Amendment are summarised in Figure 1.

Table 1 Subject land

Proposed control	Subject land
Heritage Overlay Precincts:	
- Ellison Street Precinct (HO98 extension)	4, 14, 16 and 18 Ellison Street, Ringwood
- Haig Street Precinct (HO140)	2-34 and 3-31 Haig Street, Ringwood
- Kendall Street Precinct (HO141)	20-32 and 21-35 Kendall Street, Ringwood
Individual Heritage Overlays:	
- HO142	5 Caroline Street, Ringwood
- HO143	20 Caroline Street, Ringwood
- HO144	18 James Street, Ringwood
- HO145	22 James Street, Ringwood
Neighbourhood Character Overlay Schedule 3 (NCO3)	20 and 24-28A James Street, Ringwood 19-29 James Street, Ringwood 34 Kendall Street, Ringwood 3-17 Ellison Street, Ringwood
Neighbourhood Residential Zone Schedule 5 (NRZ5)	18-28A James Street, Ringwood 19-29 James Street, Ringwood 20-34 Kendall Street, Ringwood 21-35 Kendall Street, Ringwood 3-17 Ellison Street, Ringwood 4-18 Ellison Street, Ringwood 3-31 Haig Street, Ringwood 2-34 Haig Street, Ringwood 1-31 Caroline Street, Ringwood 2-36 Caroline Street, Ringwood 1-33 Henry Street, Ringwood 2-34 Henry Street, Ringwood 34, 38 Thomas Street, Ringwood 37A-57 Thomas Street, Ringwood 1-9 Emerald Street, Ringwood 62A Ford Street, Ringwood 2-10 Emerald Street, Ringwood 28-30B & 32A Greenwood Avenue, Ringwood

Figure 1 Extent of zones and overlays proposed by Amendment C116



Source: Jubilee Park Heritage and Neighbourhood Character Study page 24

1.2 Jubilee Park Heritage and Neighbourhood Character Study

The Jubilee Park Study was prepared for Council by Context in collaboration with Claire Scott Planning over a two-year period between 2016 and 2018 following a Jubilee Park residents petition to the then draft Maroondah Housing Strategy identifying concerns about the impact of residential developments in the area. The adopted *The Places We Live Maroondah Housing Strategy 2016* (Maroondah Housing Strategy) recommended:

Review neighbourhood character elements including the heritage of the Jubilee Park Area.

The Jubilee Park Study was conducted in two stages with stage one comprising the development of the *Jubilee Park Heritage and Neighbourhood Character Scoping report, March 2017* (Scoping report) which identified areas or places within the defined study area that were considered to have the potential to warrant the application of a Heritage Overlay or Neighbourhood Character Overlay. The study area extended beyond the area affected by the Amendment, including all of Kendall and James Streets, and sites in Wantirna Road. The Scoping report set out the heritage thematic context of the study area, the threshold methodology used to establish local significance and precinct extent and the methodology used to identify neighbourhood character as well as the outcomes of community consultation. The key themes identified related to the establishment of the Lilydale railway line and its electrification and early 1900's residential subdivision near Ringwood Station (including the Ringwood Station and Ringwood Township Estates) and Ringwood's post-war transformation into a suburb.

Stage two of the Jubilee Park Study involved more detailed analysis of the heritage and neighbourhood recommendations of the Scoping report. In relation to heritage, the Jubilee Park Study included specific recommendations for the application of the Heritage Overlay to the four individual places, two new precincts and an extension to an existing precinct that are the subject of the Amendment. The Study outlined the methodology to establish heritage significance including defining thresholds, issues of intactness and integrity and a comparative analysis which was focused primarily on Ringwood. The Study contains citations for each of the proposed heritage places each of which include a locality history, description of integrity, comparative analysis, statement of significance and scheme control recommendations. The precinct citations identified whether individual properties were graded contributory, non-contributory or individually significant and form the basis of the exhibited statements of significance in addition to the proposed changes to the Heritage Overlay schedule and Clause 21.04.

The neighbourhood character assessment component of the Jubilee Park Study comprises a character description for three precincts (James and Kendall Street, Ellison and Haig Street, and Caroline, Henry, Thomas and Emerald Streets), identified threats and character conclusions. Identified threats included loss of historic and weatherboard houses, 'heavy' first floor additions, visually dominant new development, loss of consistent front setbacks and garden setting, high front fences and the siting of new carports and garages. The Study identified the highly valued and rare (for the Municipality) character elements comprising:

...low scale, older style homes (including dwellings of heritage significance), the predominance of timber as a building material, well established landscaping, consistent

front and side boundary setbacks and low front fences, appropriate to the architectural style of the houses.

The Jubilee Park Study explored the use of the General Residential Zone (GRZ) or Neighbourhood Residential Zone (NRZ), supporting the later based on a 9 maximum metre building height limit) and the Neighbourhood Character Overlay (NCO). The Study recommended:

- the use of the character descriptions and conclusions to inform the:
 - NRZ character objectives and decision guidelines
 - NCO statement of character, character objectives and decision guidelines
- the use of the existing GRZ1 schedule variations to Clause 54 and 55 of the Planning Scheme within the NRZ
- permit requirements for the NCO for outbuildings, swimming pools and demolition.

Council indicated that other design objectives and response recommendations of the Jubilee Park Study will be used to inform future proposed changes to the GRZ and NRZ.

Council advised the Panel that it was intended that the Jubilee Park Study would be a reference document within Clause 21.04 (Heritage) although this was not identified in the exhibited Amendment. This is discussed in more detail in section 1.6.

1.3 Authorisation

The Amendment was authorised on 2 August 2018 subject to conditions regarding changes to the explanatory report, strengthening of the NCO3 to highlight the areas special characteristics and clarify its approach regarding the strip of land to the rear of the properties at 2 to 22, 26 to 30 and 34 Haig Street (otherwise referred to as the 'hiatus land'). Council's Part A submission (Document 3) discusses changes to the Amendment documentation to address the authorisation conditions and its response to the hiatus land¹. The Panel is satisfied that Council addressed the issues of authorisation prior to the exhibition of the Amendment.

During the Hearing, Council confirmed that it had intended to apply the NRZ5 to the hiatus land consistent with the mapping of HO140 but that its non-inclusion in the exhibited Amendment was an error. This issue is further discussed in section 1.6.

1.4 Interim heritage controls

At the Directions Hearing, Council advised that the proposed precincts and individual places proposed to be applied with permanent heritage controls through the Amendment were subject to interim controls. The interim controls were introduced into the Maroondah Planning Scheme through Amendment C117 on 18 October 2018 and expired on 31 July 2019. Council advised the Panel that it had sought an extension to those interim controls through Maroondah Planning Scheme Amendment C135. Amendment C135 was approved on 26 July 2019, extending the expiry date to 31 March 2020.

¹ Paragraph 29, page 6

1.5 Summary of issues raised in submissions

The Amendment was exhibited for a 15-week period between 29 October 2018 and 20 March 2019 with 71 submissions received, including three duplicate submissions (Appendix A).

21 submissions supported the Amendment (including those seeking changes). Reasons for support included:

- preserving the heritage character of the area
- protecting the Jubilee Park area from over development and ensuring new development is sympathetic to its heritage and neighbourhood character
- the level of community support.

47 submissions opposed the Amendment raising the following issues:

- application of the Heritage Overlay:
 - low level of integrity
 - precinct boundaries are inconsistent or illogical
 - impacts on property values
 - restricting maintenance or alteration of buildings
- application of the NRZ and NCO:
 - more restrictive provisions
 - impact on property values and future sales
 - current zoning provides appropriate balance between development and character.

1.6 Procedural issues

Council proposed Amendment changes

Council advised the Panel on 5 August 2019 that it proposed the following post-exhibition changes to the Amendment in response to submissions and following consideration of the urban design and heritage evidence:

- replace the proposed Heritage Overlay at 18 James Street with the NCO3
- replace the proposed Heritage Overlay at 8 to 24 Haig Street (even numbers) Haig Street with the NCO3
- retain 28 & 30 Greenwood Avenue and 62A Ford Street in the GRZ1.

Given the nature of the proposed changes, Council provided submitters and land owners affected by the Amendment advice of these changes (Document 2). No additional submissions were received although several existing submitters subsequently sought to be heard by the Panel or provide further written submissions to the Panel.

At the Hearing, the Panel clarified that, although these changes were proposed by Council, they had not yet taken effect and that the only point at which Council is able to make changes to the Amendment is at the adoption stage. The Panel advised that it would be considering the Amendment as exhibited and make recommendations in relation to the exhibited Amendment, taking into account the proposed post-exhibition changes and all submissions.

In addition to the proposed post-exhibition zone and overlay changes identified by Council in Document 2, during its closing submission Council identified a number of further changes to the Amendment documentation in response to submissions, evidence and questions from the

Panel. These changes were summarised in Document 26 and in an updated table (Document 31) and a series of tracked changes Amendment documents (Document 32) provided to parties after the Hearing. The combined post-exhibition changes and further changes identified by Council are summarised in Table 2 and further discussed in Chapters 3, 4 and 5.

Table 2 Summary of Council's proposed changes to Amendment C116

Exhibited Amendment	Council proposed Amendment changes
Clause 21.04	Include an updated Jubilee Park Heritage and Neighbourhood Character Study as a reference document
Neighbourhood Residential Zone	Remove 28 to 30 Greenwood Avenue and 62A Ford Street from the NRZ and retaining them in the GRZ1 Apply the NRZ5 to the hiatus land to the rear of properties in Haig Street
Heritage Overlay	Remove the Heritage Overlay from 18 James Street and the even numbered properties on the south side of Haig Street between 8 and 24 and apply the NCO3 to those properties
Heritage Overlay Schedule	Make minor changes to the descriptions of Heritage Overlay precincts and individual places to remove reference to the <i>Jubilee Park Heritage and Neighbourhood Character Study, Context, Final report February 2018</i> Remove reference to the front fence in the description of 20 Caroline Street and insert the word "No" in the 'Outbuildings or fences which are not exempt under Clause 43.01-4' column for this place Remove reference to 18 James Street Include an additional heading "Application requirements" (refer to discussion at section 2.5 and 3.8)
Neighbourhood Character Overlay Schedule 3	Amend the Statement of neighbourhood character Amend the permit requirement for a swimming pool to apply only to swimming pools within the front setback
Clause 72.04 (Incorporated documents)	Delete references to 18 James Street and to the <i>Jubilee Park Heritage and Neighbourhood Character Study, Context, Final report February 2018</i>
Statements of significance	Remove the references to "extension" in the Ellison Street Precinct Amend the Haig Street Precinct statement to remove reference to the historical association with Haig and remove references to the even numbered properties on the south side of Haig Street between 8 and 24 Amend the Kendall Street Precinct statement to identify 27 Kendall Street to be identified as "NC" or "Non-Contributory" Delete the statement for 18 James Street Amend the statement for 5 Caroline Street to exclude the modern extension

Exhibited Amendment	Council proposed Amendment changes
	Amend the statement for 20 Caroline Street to identify that the front fence had been removed and exclude reference to front fence controls
	Delete primary source references to the <i>Jubilee Park Heritage and Neighbourhood Character Study, Context, Final report February 2018</i>

Further submissions

Submitter 22 (Ms Zhang) initially did not request to be heard by the Panel but following Council's notification of its post exhibition changes sought to be heard. This request was supported by Council and Ms Zhang presented on Day 2 of the Hearing.

During the Hearing, the Panel received a further written submission from submitter 23 (Mr Wei) who had not previously provided a request to be heard. The Panel, with Council's support accepted the additional submission as an addendum to submission 22. Both submissions have been considered by the Panel.

Jubilee Park Residents' Group submission and the late Heywood submission

It was identified during the Hearing that the Jubilee Park Residents' Group (Submission 29) was not an incorporated organisation. The Panel, with the support of Council, concluded that as the submission was signed by Ms Heywood, she could present the submission as her submission.

Council advised the Panel on Day 1 of the Hearing that a late submission in the form of an email dated 12 August from the owner of 5 Caroline Street (Ms Heywood) had been received by the Council regarding the citation for that property. The Panel, with the support of Council allowed Ms Heywood to present this submission (numbered by the Panel as submission 29B and recorded as Document 21).

Non-appearances

Two parties (submitter 58 and submitter 10 with submitter 23) who requested to be heard by the Panel did not attend to present their submissions. Efforts were made to contact these submitters to establish their whereabouts or accommodate alternative presentation times. While these submissions were not heard, they have been considered by the Panel.

Hearing accessibility

Submitter 6 had particular communication needs which Council and Panel endeavoured to accommodate during the Hearing. The Panel made every effort to ensure the submitter was able to follow and contribute to the proceedings and receive all submitted documentation including Council's proposed Amendment changes.

1.7 Amendment description

The Panel notes that the Amendment was authorised and exhibited as Amendment C116 although the DELWP website refers to the Amendment as 'C116maro' which is the designation attributed by DELWP's Amendment Tracking System introduced through Amendment GC130. On the basis that the Amendment was exhibited in the Victorian Gazette as Amendment C116,

the Panel has maintained that reference throughout the Report to avoid any statutory implementation issues later in the process.

1.8 The Panel's approach

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

The Panel considered all written submissions made in response to the exhibition of the Amendment, observations from site visits, and submissions, evidence and other material presented to it during the Hearing. It has reviewed a large volume of material, and has had to be selective in referring to the more relevant or determinative material in the Report. All submissions and materials have been considered by the Panel in reaching its conclusions, regardless of whether they are specifically mentioned in the Report.

This Report deals with the issues under the following headings:

- Planning context
- Heritage Overlay
- Neighbourhood Character Overlay
- Neighbourhood Residential Zone.

1.9 Limitations

The Amendment makes minor wording changes to Clause 21.4 (Heritage). No submissions were made regarding these policy changes. While the Panel has familiarised itself with the proposed changes and considers the changes minor and adopting updated terminology it has not assessed the changes and makes no recommendation in relation to them.

No submissions were received relating to the proposed application of a Heritage Overlay to the properties at 22 James Street, and 20 Caroline Street, Ringwood. The Panel has therefore not considered the merits of the application of the Heritage Overlay to those places. The Panel however, considers that the statements of significance for those places have been prepared in a form consistent with Planning Practice Note 1 Applying the Heritage Overlay. In response to heritage evidence Council identified proposed changes to the statement of significance for 20 Caroline Street relating to the front fence. This is discussed further in section 3.7.

2 Planning context

2.1 Planning policy framework

Council submitted that the Amendment is supported by various clauses in the Planning Policy Framework, which the Panel has summarised below.

Victorian planning objectives

The objectives of planning in Victoria are set out in section 4(1) Planning and Environment Act 1987 (the Act). The Explanatory Report identified that the Amendment will assist in implementing the following State policy objectives:

- (a) To provide for the fair, orderly, economic and sustainable use, and development of land;
...
- (d) To conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value;
...
- (g) To balance the present and future interests of all Victorians.

Council considered the Amendment met these objectives by:

- ensuring properties of local significance have appropriate controls applied to facilitate their conservation on an on-going basis
- identifying an integrated approach to the application of zones and overlays
- balancing the community concerns and expectations for the area.

Planning Policy Framework

The Explanatory Report identified that the Amendment is supported by the following policies:

- Clause 11 (Settlement)
- Clause 15 (Built Environment and Heritage) including:
 - 15.01-5S (Neighbourhood Character)
 - 15.03-1S (Heritage Conservation)
- Clause 16 (Housing) including:
 - 16.01-3S (Housing Diversity)
 - 16.01-1R (Integrated Housing Metropolitan Melbourne).

Clause 21 (the Municipal Strategic Statement)

The Explanatory Report identifies that the Amendment supports the following elements of the Municipal Strategic Statement (MSS):

- Clause 21.04 (Heritage) by:
 - recognising that Maroondah's heritage is crucial to the development of a vibrant and confident community
 - identifying and planning for the future protection, enhancement and appropriate use of heritage places in Maroondah
 - applying the Heritage Overlay to all sites with cultural or natural heritage value

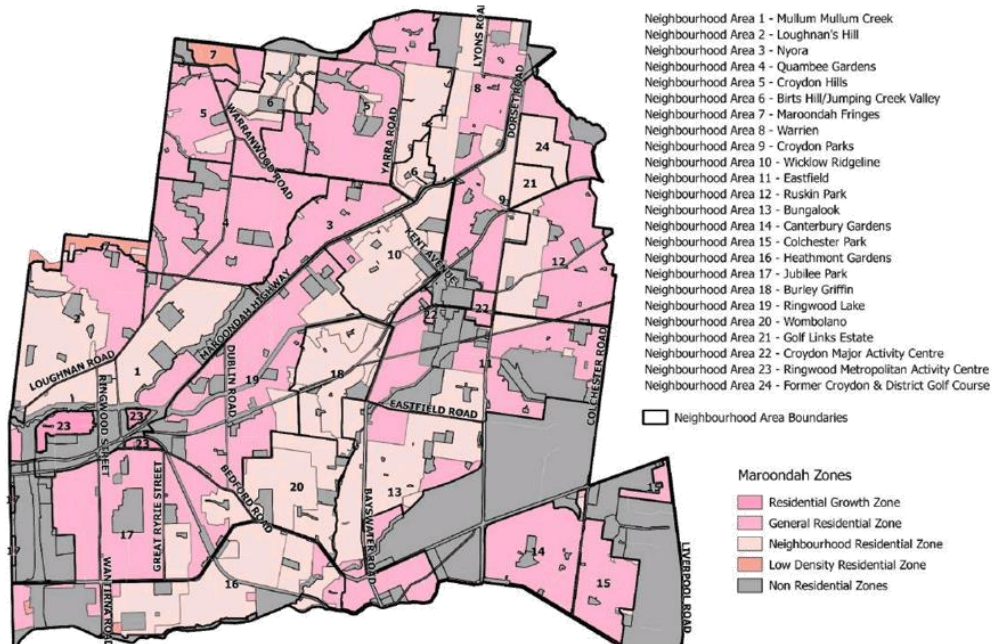
- undertaking a detailed heritage assessment and applying the Heritage Overlay to a discreet area within Jubilee Park which recognises and articulates the rarity of this inter war residential area.
- Clause 21.06 (Built Form and Urban Design) by:
 - ensuring new residential development contributes to achieving the preferred neighbourhood character of the neighbourhood area
 - recognising and articulating the highly valued neighbourhood character of Jubilee Park and providing appropriate zoning controls and overlay provisions
 - applying the NCO3 to ensure that the consistent architectural and residential character of Jubilee Park is retained and enhanced.
- Clause 21.07 (Housing and Residential Land Use) by introducing planning controls to manage the conflict between the objectives to *“ensure that residential development contributes to and enhances the preferred neighbourhood character of Maroondah”* and to *“encourage the development of additional dwellings within the Ringwood Metropolitan Activity Centre and the Croydon Major Activities Area”* in an area that exhibits a high level of neighbourhood character.

Clause 22 (local planning policies)

The Explanatory Report identifies that the Amendment supports Clause 22.02 (Residential Neighbourhood Character) by ensuring development makes a positive contribution to the preferred neighbourhood character of identified neighbourhood character areas (Figure 2) which for the Jubilee Park neighbourhood area (17), include:

- Ensuring well articulated building forms that relate to the streetscape.
- Ensuring complementary, low scale building forms in older areas.
- Encouraging the use of compatible materials, particularly in exclusively weatherboard areas.
- Ensuring building setbacks allow space between dwellings for vegetation.
- Ensuring the retention of existing vegetation, particularly canopy trees.
- Ensuring the front setbacks are not dominated by car parking structures or driveways.
- Encouraging low front fence treatments.
- Ensuring building setbacks allow space between dwellings for vegetation.
- Recognising that a smaller, discreet area of Jubilee Park warrants further management and additional, more specific controls.

Figure 2 Clause 22.02 Neighbourhood Character Map



2.2 Relevant planning strategies and policies

(i) Plan Melbourne

Council identified the Amendment was consistent with the directions and initiatives in the Metropolitan Strategy, *“as it will help to conserve a part of Maroondah’s and Melbourne’s heritage, and it aims to protect the Jubilee Park area distinctiveness”*.²

Plan Melbourne 2017-2050 sets out strategic directions to guide Melbourne’s development to 2050, to ensure it becomes more sustainable, productive and liveable as its population approaches 8 million. Plan Melbourne is structured around seven Outcomes, which set out the aims of the plan. The Outcomes are supported by Directions and Policies, which outline how the Outcomes will be achieved. Outcomes that are particularly relevant to the Amendment are set out in Table 3.

² Explanatory Report, page 10

Table 3 Relevant sections of Plan Melbourne

Outcome	Directions	Policies
4. Melbourne is a distinctive and liveable city with quality design and amenity	4.4 Respect Melbourne's heritage as we build for the future	<p>4.4.1 Recognise the value of heritage when managing growth and change by:</p> <ul style="list-style-type: none"> - protecting Melbourne's post-settlement cultural heritage through consistent and credible decision-making based on clear and widely accepted heritage conservation principles and practices - decisions based on an appreciation of Melbourne's past and an understanding of its future needs including the processes of change to the urban environment - continuous identification and review of currently unprotected heritage sites and targeted assessments of heritage sites in areas identified for substantial change <p>4.4.3 Stimulate economic growth through heritage conservation by supporting adaptive re-use and regeneration to support new investment and jobs</p>

(ii) Neighbourhood Character Study, 2004

The *Maroondah Neighbourhood Character Study, Planisphere, 2004* (2004 Character Study) identified and evaluated the significant or dominant urban and environmental elements that contribute to Maroondah's character, and identified a preferred future character for the residential areas of the City. The Study is a reference document in the Planning Scheme at Clause 22.02. The Amendment does not seek to amend Clause 22.02.

The 2004 Character Study identified a total of 24 neighbourhood areas based on preferred future character, a function of the existing relationship between buildings (era and style of development) and their relationship to the streetscape and broader landscape.

The Study identifies a vision for the character of Maroondah:

Maroondah provides a living environment enjoyed for its variety of housing types and its strong landscape setting of heavily vegetated hills, vales and ridgelines. The residential areas contribute to this setting through public reserves, private gardens and trees, which envelop the City in a 'green blanket'.

The 2004 Character Study identified the Jubilee Park neighbourhood Area as:

The Jubilee Park Neighbourhood Area is in the southwestern corner of the municipality, and is bounded by Maroondah Highway, New Street, Maidstone Street, Heatherdale Road, Marlborough Road, Dandenong Creek, Canterbury Road and Bedford Road. It adjoins the Ringwood Activity Centre to the north. This area is part of the older established 'core' residential part of Ringwood and Heathmont and is dominated by Post War era weatherboard houses surrounding Jubilee Park, Wantirna Road and Heathmont Rail Station. Established gardens and streetscapes are largely exotic and existing canopy trees contribute to the overall vegetative character of the City.

The 2004 Character Study identified the existing character elements as:

- Topography is flat to gently undulating offering occasional outviews.

- Architectural styles are predominantly Post War era 1950s – 1960s with some infill from 1960s - 1980s.
- Dwellings are predominantly single storey.
- Materials include a mix of weatherboard and brick veneer, with tile roofing.
- Lot sizes vary from 500m² – 900m².
- Front setbacks are average, at around 6m – 7m. Side setbacks are mostly small to average from both side boundaries and average from both side boundaries west of Wantirna Road.
- Gardens are established, with predominantly exotic trees and shrubs and native species in some cases.
- Front boundaries are commonly open, or met by fences of mixed heights and materials.
- Road layout is a modified grid with some cul de sacs in the south of the area. Street surfaces are sealed with upstanding kerbs and footpaths on both sides, except south of Jubilee Park where footpaths are generally absent.
- Street trees are generally mixed in species and of varying sizes. A few large exotic avenue plantings occur, as do indigenous trees to the bush fringes.

The identified preferred future character is:

The Jubilee Park Neighbourhood Area will retain its substantial tree canopy and established garden character, with many large canopy trees and vegetation in the spaces between buildings. Away from the Activity Centre, in the older areas of the neighbourhood, buildings will remain low scale, contributing to a sense of openness in streets. Streetscapes throughout the area will retain a green and leafy character, with low front fences affording views into well-landscaped front gardens. Recognition of the neighbourhood's benefits as a highly accessible location will increase, resulting in opportunities for renewal and a greater variety of housing in areas close to the Ringwood Activity Centre.

The preferred future character is to be achieved by:

- ensuring well articulated building forms that relate to the streetscape;
- ensuring complementary, low scale building forms in older areas away from the activity centre;
- encouraging the use of compatible materials, particularly in exclusively weatherboard areas;
- ensuring building setbacks allow space between dwellings for vegetation;
- ensuring the retention of existing vegetation, particularly canopy trees;
- ensuring the front setbacks are not dominated by car parking structures or driveways; and
- encouraging low front fence treatments.

Council advised that the 2004 Character Study is currently being reviewed by Council.

2.3 Other strategy documents

(i) Maroondah Housing Strategy

Adopted by Council, *The Places We Live Maroondah Housing Strategy 2016* (Maroondah Housing Strategy) was developed by Council with inputs from Spatial Economics and Charter Keck Cramer and peer reviewed by SGS Economics and Planning. The Strategy updates the 1997 Maroondah Housing Strategy (which is not a reference document) in response to the

challenges of growth, housing affordability and diversity, infrastructure, Plan Melbourne, the Maroondah 2040 community vision and major changes to the residential zone provisions.

The Strategy forecasts up to 9,500 additional households in the municipality to 2036 and a requirement for around 500 dwellings each year or a total of 12,500 dwellings to 2041. Most of this growth is to come from lone person and couple with no children households, with much of this occurring in the Ringwood and Croydon housing markets. The Strategy identifies the challenge of meeting housing demand while maintaining the valued environment and landscape with a quarter of new residential production in NRZ areas. To meet this challenge, the Strategy seeks to:

- focus new residential development towards key activity centres including Ringwood, Ringwood East and Croydon
- encourage greater development in lower order neighbourhood activity centres
- review and enhance areas of environmental quality
- review reformed residential zones and any unintended consequences of these zones
- review the neighbourhood character and heritage elements of the Jubilee Park area
- introduce the Housing Strategy into the planning scheme and review application of the residential zones.

The Strategy identifies that the NRZ applies to some 29 per cent of land in the municipality compared to 40 per cent in the GRZ and 1 percent Residential Growth Zone (RGZ). The Panel notes that these figures differ considerably with those identified in the State Government's January 2016 Residential Zones State of Play Report (40.5%, 55.5% and 0.8% respectively) which calculates zone proportions as a factor of zones that support housing activity (residential zones including the Mixed Use Zone and Low Density Residential Zone, and the Commercial 1 Zone) rather than the spatial proportion of all zones across the municipality.

Council is proposing to introduce the Housing Strategy into the Maroondah Planning Scheme in the next 12 months along with schedule variations identified in the *Maroondah Neighbourhood Character Study Review, Claire Scott Planning, Final Draft Document, July 2019* (Character Study Review).

(ii) Character Study Review

The Character Study Review comprises two volumes which include a municipal wide neighbourhood and landscape assessment (Volume 1) and recommendations (Volume 2). The Study specifically identifies the character established by the historic residential 'core' of Ringwood including the Jubilee Park area. The Study maps the extent of change³ since the 2004 Character Study was undertaken (Figure 3) and an audit of individual neighbourhoods (summarised for Jubilee Park in Table 4).

The Character Study Review proposes the introduction of 11 new NRZ schedules, additional GRZ and Residential Growth Zone schedules, rezoning identified areas to the NRZ and GRZ and amending the 2 existing NCO area schedules (Alto Avenue & Wicklow Hills Estate and Croydon Hills Estate) and progressing the introduction of the Jubilee Park NCO.

³ Volume 1, page 19

Figure 3 Character Study Review - extent of change

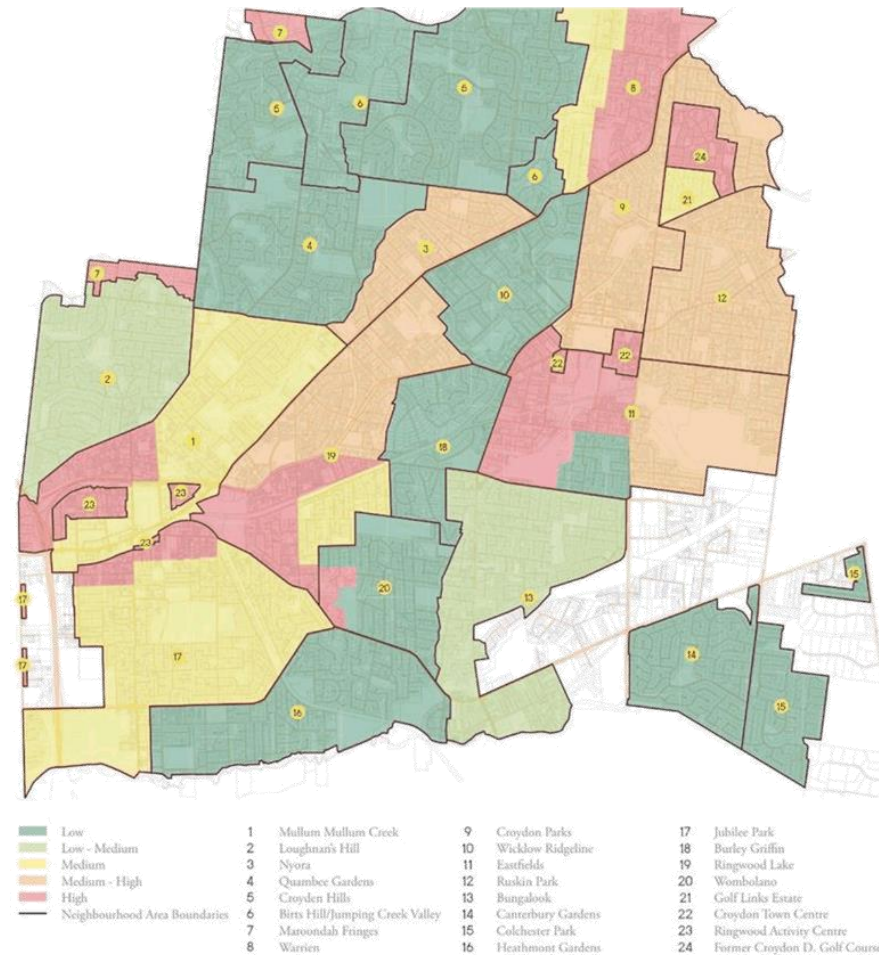


Table 4 Jubilee Park Character Audit findings

2004 Character Study - Jubilee Park character elements	Audit findings
Topography is flat to gently undulating offering occasional outviews	High level of redevelopment has occurred, including demolition of older housing stock and the redevelopment of sites for multi-dwelling developments, including units and townhouses (typically up to 4 units per site, but lot consolidation in some cases has yielded 10+ dwellings)
Architectural styles are predominantly Post War era 1950s – 1960s with some infill from 1960s - 1980s	New dwellings are typically two storey

2004 Character Study - Jubilee Park character elements	Audit findings
Dwellings are predominantly single storey	No change
Materials include a mix of weatherboard and brick veneer, with tile roofing	Materiality across the neighbourhood is changing with the loss of weatherboard homes and the introduction of more brick and/or rendered blockwork homes with predominantly Colorbond roofs
Lot sizes vary from 500m – 900m	No change
Front setbacks are average (6m – 7m). Side setbacks mostly small to average from both side boundaries	No change
Gardens are established	Multi-unit development has resulted in the loss of permeable garden space and canopy trees throughout
Front boundaries are commonly open, or met by fences of mixed heights and materials	Front setbacks remain similar, but front setback treatments have changed often taken up with hard surfacing, minimal planting and driveways

(iii) Municipal Wide Heritage Study Review and Amendment C42

Council is currently undertaking a Municipal Wide Heritage Review. Council advised that the main purposes of the Review was to:

- respond to the Panel recommendations for Maroondah Planning Scheme Amendment C42;
- prepare a Heritage Policy;
- prepare a Thematic Environmental History of Maroondah post 1945 development;
- reassess the properties previously identified in the Heritage Study 2003 but that were unsuccessful in achieving a listing into the Heritage Overlay; and
- assess properties identified by Heritage Alliance, 2010 Survey of post War Built Heritage Victoria 2010.

Council advised that the thematic history was currently underway (with a focus on development since 1945) and community nominations for potential heritage places had been sought.

Amendment C42 to the Maroondah Planning Scheme proposed to:

- make corrections to the existing Heritage Overlay schedule and maps
- add 61 new places to the Heritage Overlay (including the Ellison Street Precinct at 6 to 12 Ellison Street, even numbers only)
- introduce the NCO into the Maroondah Planning Scheme, along with two schedules (Alto Avenue & Wicklow Hills Estate and Croydon Hills Estate).

The panel's report⁴ discusses the use of the Heritage Overlay to preserve existing building fabric and the use of the NCO in areas where the protection of features of heritage significance is important. The panel's report made recommendations relating to the consistency of

⁴ Maroondah C42 (PSA) [2010] PPV 27 (23 March 2010)

schedule content, particularly relating to demolition, and *Planning Practice Note 28: Using the Neighbourhood Character Provisions in Planning Schemes – July 2004*.

(iv) Ringwood Metropolitan Activity Centre Masterplan

The adopted *Ringwood Metropolitan Activity Centre Masterplan 2018* replaces the 2004 Ringwood Transit City Masterplan and is currently being considered for authorisation (Amendment C130). The southern boundary of the Ringwood Metropolitan Activity Centre (Ringwood MAC) is 59 metres from the proposed James Street precinct. The Masterplan describes the southern boundaries of the Ringwood MAC as:

To the south, Bedford Road, to Station Street then following the properties to the rear of Station Street through to Wantirna Road. The boundary then follows the train line to New Street, then along Molan Street to Heatherdale Road (Municipal boundary).

The Masterplan notes that the revised Ringwood MAC boundaries considered:

- sites south of the Ringwood Station, along Station Street, have been included due to their proximity to the station along with their non-residential uses in residential zones and commercial land are seen to be opportunities for clarification on development outcomes; and
- the Jubilee Park precinct to the south of the Centre is significant as it is representative of early Ringwood. This area is to be protected for its heritage and neighbourhood character significance and is therefore not appropriate for the future growth envisaged by the Masterplan.

Acknowledging the interface to the residential areas to the south of Station Street the Masterplan noted:

This precinct embodies the public transport core of the city and place, and therefore can support substantial change to its north abutting precinct. At the southern edge development opportunities can be realised on larger allotments close to Ringwood Station. Higher form may be strategically positioned along Maroondah Highway adjacent to the key junction with Ringwood Street, to demarcate the Clock Tower Park and Ringwood MAC core. Transition can be provided on properties south of Station Street to the lower scale residential area (GRZ1) to the south of Ringwood MAC.

The Masterplan Background Report discussed the function of Ringwood MAC in relation to housing supply in the municipality. Council advised that housing demand and yield analysis reveals that Ringwood MAC has ample capacity to accommodate growth over the next twenty years.

2.4 Planning scheme provisions

A common zone and overlay purpose is to implement the Municipal Planning Strategy and the Planning Policy Framework.

(i) Zones

General Residential Zone

The land in Jubilee Park subject to this Amendment is within the GRZ1. The purposes of the Zone include:

- To encourage development that respects the neighbourhood character of the area.
- To encourage a diversity of housing types and housing growth particularly in locations offering good access to services and transport.

- To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.

Neighbourhood Residential Zone

The Amendment proposes to apply the NRZ5 to 189 properties in the Jubilee Park neighbourhood. The purposes of the Zone are:

- 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.

The Amendment introduces a new Schedule 5 (Jubilee Park) to Clause 32.09 (Neighbourhood Residential Zone). The provisions of the proposed schedule are discussed in Chapter 5.

(ii) Overlays**Heritage Overlay**

The Amendment proposes to apply the Heritage Overlay to 59 properties in the Jubilee Park neighbourhood.

The Heritage Overlay purposes are:

- To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- To conserve and enhance heritage places of natural or cultural significance.
- To conserve and enhance those elements which contribute to the significance of heritage places.
- To ensure that development does not adversely affect the significance of heritage places.
- To conserve specifically identified heritage places by allowing a use that would otherwise be prohibited if this will demonstrably assist with the conservation of the significance of the heritage place.

The Heritage Overlay requires a planning permit to undertake demolition, subdivision, buildings and works. The Heritage Overlay enables the Schedule to:

- identify additional controls for specified trees, external painting (painting previously unpainted surfaces) and internal alterations
- allow prohibited uses to be permitted
- identify outbuildings and fences which are not exempt from the notice provisions or review rights of the Act for demolition or removal.

The Amendment does not propose to identify additional controls to the proposed precincts. The exhibited Amendment proposed to identify outbuildings and fences that are not exempt from notice for demolition for two individual Heritage Overlay places:

- 20 Caroline Street, Ringwood – brick and steel pipe front fence
- 18 James Street, Ringwood – timber garage at rear of house.

Council's proposed post-exhibition changes to the Amendment sought to remove the provisions relating to outbuildings and fences for both places.

Neighbourhood Character Overlay

The Amendment proposes to apply the NCO3 to 21 properties in the Jubilee Park neighbourhood. The purposes of the Overlay are:

- 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.

The Amendment introduces a new Schedule 3 (Jubilee Park) to Clause 43.05 (Neighbourhood Residential Zone). The provisions of the proposed schedule are discussed in Chapter 5.

2.5 Amendment VC148

Amendment VC148 was gazetted on 31 July 2018, after the Amendment was exhibited. VC148 made substantial changes to the structure and content of the planning policy framework, as well as other provisions in the Planning Scheme. Among other changes, a statement of significance for each heritage place must now be incorporated in the planning scheme. The Amendment has been prepared in a form generally consistent with VC148. Council in its Part A submission⁵ identified that the exhibited Heritage Overlay Schedule requires the insertion of a new heading “1.0 Application requirements” followed by the words “none specified” to ensure that it is consistent with the new format schedule. The Panel considers this a minor change or corrections which can be addressed by Council and DELWP at the Amendment adoption and approval stage in addition to the other recommendations identified by the Panel in this Report.

2.6 Ministerial Directions and Practice Notes

The following Ministerial Directions are relevant to the Amendment:

- Ministerial Direction 11 (Strategic Assessment of Amendments)
- Ministerial Direction on the Form and Content of Planning Schemes under section 7(5) of the Act.

The Explanatory Report discusses how the Amendment meets the relevant requirements of Ministerial Direction 11 (Strategic Assessment of Amendments) and Planning Practice Note 46: Strategic Assessment Guidelines, August 2018 (PPN46). That discussion is not repeated here.

The following planning practice notes are relevant to the Amendment:

- *Planning Practice Note 1 Applying the Heritage Overlay, August 2018* (PPN01)
- *Planning Practice Note 28: Using the Neighbourhood Character Provisions in Planning Schemes – July 2004* (PPN28).
- *Planning Practice Note 43: Understanding Neighbourhood Character – January 2018* (PPN43)
- *Planning Practice Note 46 Strategic Assessment Guidelines, August 2018* (PPN46).

These Practice Notes are discussed in greater detail in Chapters 3, 4 and 5 of this Report.

⁵ Paragraph 101 page 19

The exhibited statements of significance use the Hercon criteria and have been prepared in a form consistent with PPN01. Specific issues associated with whether threshold criteria are satisfied and the consideration of social and economic effects (also relevant to PPN46) are addressed in section 3.7.

2.7 Discussion and conclusion

For the reasons set out in the following chapters, the Panel concludes that the Amendment is broadly supported by, and implements, the relevant sections of the PPF, Municipal Strategic Statement and Local Planning Policy Framework, and is consistent with the relevant Ministerial Directions and Practice Notes. The Amendment is generally well founded and strategically justified and is likely to deliver a net community benefit and sustainable development outcomes as required by Clause 71.02-3. The Panel considers that the Amendment should proceed for the most part, subject to addressing the more specific issues raised in submissions as discussed in the following chapters. The Panel considers that the application of the NRZ at Jubilee Park requires further strategic justification. This is explained in further detail in Chapter 5.

3 Heritage Overlay

3.1 Relevant Practice Notes

(i) Planning Practice Note 1

PPN01 provides guidance about using the Heritage Overlay. It states that the Heritage Overlay should be applied to, among other places:

Places identified in a local heritage study, provided the significance of the place can be shown to justify the application of the overlay.

PPN01 specifies that documentation for each heritage place needs to include a statement of significance that clearly establishes the importance of the place and addresses the heritage criteria. It recognises the following model criteria (the Hercon criteria) that have been adopted for assessing the value of a heritage place:

Criterion A: Importance to the course or pattern of our cultural or natural history (historical significance).

Criterion B: Possession of uncommon rare or endangered aspects of our cultural or natural history (rarity).

Criterion C: Potential to yield information that will contribute to an understanding of our cultural or natural history (research potential).

Criterion D: Importance in demonstrating the principal characteristics of a class of cultural or natural places or environments (representativeness).

Criterion E: Importance in exhibiting particular aesthetic characteristics (aesthetic significance).

Criterion F: Importance in demonstrating a high degree of creative or technical achievement at a particular period (technical significance).

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

Criterion H: Special association with the life or works of a person, or group of persons, of importance in our history (associative significance).

PPN01 is relevant to all the Heritage Overlays proposed by the Amendment.

(ii) Planning Practice Note 46

PPN46 identifies that in addressing whether an amendment implements the objectives of planning and identifies any environmental, social and economic effects:

An environmental, social and economic assessment should include an evaluation of the costs and benefits to businesses and the community arising from any requirement of the amendment.

The practice note identifies that:

The normal way of assessing the social and economic effects of an amendment is to consider whether or not the amendment results in a net community benefit.

3.2 Ellison Street Precinct (extension)

Exhibited Statement of significance

What is significant?

The Ellison Street precinct comprising numbers 4,6,8,10,12,14,16 and 18 Ellison Street, Ringwood is significant.

The modern carports and garages, rear extensions and front fences are not significant.

How is it significant?

The Ellison Street precinct is of local historic, architectural and aesthetic significance to the City of Maroondah.

Why is it significant?

The Ellison Street precinct is of historic significance in demonstrating the rapid residential development that occurred in Ringwood, particularly around the trainlines in the early interwar years, following arrival of the electrified rail line to the area and the ready supply of fresh water available from the newly completed O'Shannassy Dam. (Criterion A)

The Ellison Street precinct is of aesthetic significance as a good representative example of a residential precinct from the interwar period in Ringwood. There is a consistency in building form, materiality and detailing that contributes to the homogenous character of the precinct. The precinct is largely intact, with consistent setbacks, garden settings, homogenous building forms and material consistency – forming a characteristic interwar suburban streetscape with some visible additions, such as added carports or garages. The properties within the precinct have a similar style, scale form and materiality where the original designs are clearly distinguishable, but with some alterations evident. The consistency in the row of houses at 6-12 Ellison Street forms the core of the precinct and strengthens the aesthetic value. (Criteria D and E).

The dominant building style in the precinct is the Californian Bungalow, mostly in timber with one brick example. Roofs are typically transverse from with a projecting wing to the front, clad in Marseilles patterned terracotta tiles. Windows are double hung sash windows,

sometimes with small panes to the upper sashes. Number 6 has leadlight to the upper sashes. A number of houses have double timber entry doors. Verandah detailing includes of various combinations and squared timber posts and masonry pillars to front verandahs, with the distinctive splayed pillars on number 4 being a notable example. Timber shingles feature over the bay window on numbers 6-12, and on the front gable of number 18.

Number 10 is notable for the relatively elaborate detailing of the original brick façade, fenestration and verandah. (Criteria D and E)

All buildings in the extended precinct are identified as 'contributory'.

(i) What is proposed?

The Amendment proposes to extend the existing Ellison Street Precinct Heritage Overlay (HO98) over four additional properties on the south side of Ellison Street, Ringwood (numbers 6 to 12) as shown in Figure 4.

(ii) The issues

Six supporting submissions (Submissions 7, 24, 25, 29, 34 and 36) and one opposing submission (Submission 33) were received to the application of the proposed extension of the Ellison Street Precinct (HO98).

Figure 4 Proposed extended Ellison Street Precinct (HO98)



The issues are:

- Whether the expanded Ellison Street Precinct is of cultural heritage significance at the local level.
- Whether 14 Ellison Street should be graded as 'Contributory'.
- Whether the precinct should be extended to include 11 Ellison Street.

(iii) Evidence and submissions

Council submitted that the need for a Heritage Overlay for all proposed precincts and individual places had been established by a rigorous heritage study and that they reached the appropriate threshold for its application.

The heritage evidence from Ms Schmeder who had reviewed the Jubilee Park Study and undertaken her own research, supported the extension of the Ellison Street Precinct as exhibited. Council adopted her evidence of Ms Schmeder in full.

Ms Scott's urban design evidence provided an overview of the Jubilee Park Study and observed that more recent development in the Ellison Street Precinct was modest, used similar materials, sympathetic window and front fence forms.

The submission from the National Trust of Australia (Victoria) (National Trust) (Submission 34 and Document 13) supported the Amendment and considered that the Jubilee Park Study which underpins it to have employed a rigorous methodology. It supported the application of heritage controls to preserve the heritage character and bring *"Ringwood into line with comparable suburbs along the railway line that already have heritage protection"*. The National Trust identified that Ms Schmeder's evidence was robust and supported her proposed changes. It considered that the properties recommended for inclusion met the threshold of local heritage significance.

Ms Heywood provided a detailed submission on behalf of the Jubilee Park Residents Group (Submission 29 and Document 14) which largely supported the Amendment and provided context to the development of the Jubilee Park Study, identified the comparative significance of the Jubilee Park area in the context of the municipality and identified the extent of community support for appropriate heritage controls. The submission sought a greater level

of protection for the area given the anticipated impacts of change adjacent to the Ringwood MAC.

Submissions 7, 24 and 25 from the owners of 12 and 18 Ellison Street supported the preservation of the special heritage values of the area. Submission 36 supported the Amendment but also questioned why 11 Ellison Street was not included in the Ellison Street Precinct when it demonstrated similar historical features.

Ms Schmeder's evidence identified 11 Ellison Street as one of two dwellings on the north side of the street (the other being 5 Ellison) that were interwar State Savings Bank houses. She considered that given the separation of the two isolated homes (5 and 11 Ellison) it was more desirable to *"define a legible and consistent precinct on one side of the street"*.

The extensive submission from Mr McConachy and Ms Nairn (Submission 33 and Document 22) opposed the inclusion of 14 Ellison Street in HO98 and its identification as a 'Contributory' graded building. Based on the description of 14 Ellison Street in the Jubilee Park Study, Mr McConachy characterised the dwelling as *"an unremarkable and very common weatherboard Californian Bungalow"*. He supported this position by identifying a range of alterations and additions to the dwelling including the construction of a carport.

Ms Schmeder's evidence largely agreed with Mr McConachy's characterisation of 14 Ellison Street, however made the distinction that while 'typical' and better comparative examples existing, 'typical' buildings can be contributory within a precinct if they illustrate themes that make that precinct locally significant. She opined:

In this case, the Ellison Street precinct is one of a small number of streetscapes to have been built in the 1920's, and to have preserved that built form.

While noting the dwelling at 14 Ellison Street has been altered, and that the window, door and verandah changes reduced the level of intactness and integrity, Ms Schmeder considered these changes reversible (using 16 Ellison Street as an exemplar) and cited a number of other comparable examples where this had been achieved including 6 Ellison Street. Ms Schmeder considered that integrity was a deciding factor (rather than intactness and condition) when considering whether a building contributes to a precinct's significance. She considered that the house still contributes to *"an understanding of the interwar development of the street and Ringwood more generally"* and recommended the Contributory grading remain.

(iv) Discussion

The Panel supports the evidence of Ms Schmeder and considers that the Ellison Street Precinct as exhibited achieves an appropriate threshold, satisfying Hercon Criterion A, D and E, to warrant the application of a Heritage Overlay as a precinct of local cultural heritage significance. The precinct is contained within a readily appreciable, small pocket of interwar dwellings of consistent integrity and levels of intactness. Along with the Haig and Kendall Street precinct, it is rare within Ringwood and the Maroondah municipality and represents the early suburban development of Ringwood associated with the establishment of the railway line.

The Panel considers that a precinct made up of only one side of the street is not particularly unusual and that it is more important to ensure that the precinct has integrity rather than expanding it to include other dwellings, unless those dwellings display characteristics

consistent with those of the precinct. This is not the case in this instance. The Panel agrees with the approach adopted by the Jubilee Park Study, Council and Ms Schmeder to not extend the Ellison Street Precinct to include 5 or 11 Ellison Street. To do so would diminish the integrity of the Precinct. The Panel is of the view that the use of the NCO3 on the northern side of Ellison Street will ensure that the heritage values of the precinct can be appropriately respected in new built form.

The Panel supports the methodology used in the Jubilee Park Study to determine building gradings (and endorsed by Ms Schmeder) based primarily on integrity rather than intactness or condition. While it is apparent to the Panel that nearly all buildings in the existing and extended precinct have undergone some alteration and change, albeit to different levels, the dwellings at 6-12 Ellison Street all demonstrate building design attributes that contribute to the interwar character of the larger precinct. This is true of 14 Ellison Street. While that dwelling has undergone many changes, they are reversible and the building's massing, roof form and materials articulate the wider precincts characteristics and era. The inclusion of all sites on the south side of the street also ensures that any new development does not negatively impact on that character of the precinct as a whole.

Council proposed several minor changes to the Ellison Street Precinct Statement of significance (Document 32) as summarised in Table 2 in section 1.6 and which have consequential changes to Clause 43.01 and 72.04 as identified in section 3.8 of this Report. These changes are supported by the Panel.

(v) Conclusions and recommendations

The Panel concludes:

- That the expanded Ellison Street Precinct is of cultural heritage significance at the local level.
- That the Jubilee Park Study augmented by the heritage evidence of Ms Schmeder provides sufficient strategic basis to justify the use of the Heritage Overlay as a planning tool for the expanded Ellison Street Precinct, Ringwood.
- That 14 Ellison Street is appropriately graded 'Contributory' in the Ellison Street Precinct Statement of significance.
- There is no strategic justification to extend HO98 to any other parts of Ellison Street as part of this Amendment.
- Minor changes should be made to the Ellison Street Precinct Statement of significance to respond to the evidence of Ms Schmeder and identified in Council's post exhibition proposed changes (Document 32) and as shown in the Panel preferred version of the Statement of Significance in Appendix D.

The Panel recommends:

- 1. Amend the Ellison Street Precinct Statement of significance to remove the word 'EXTENSION' from the Heritage Place title as shown in the Panel preferred version of the Statements of significance in Appendix D.**

3.3 Haig Street Precinct

Exhibited Statement of significance

What is significant?

The Haig Street Precinct, comprising 3-31 and 2-34 Haig Street, Ringwood, is significant.
Number 19 Haig Street is significant within the precinct.
Front fences, carports and garages within the precinct are not significant.

How is it significant?

The Haig Street precinct is of local historic, architectural and aesthetic significance to the City of Maroondah.

Why is it significant?

The Haig Street precinct is of historic significance in demonstrating the rapid residential development that occurred in Ringwood, particularly around the trainlines in the interwar and early post war years, following first, the arrival of the electrified rail line to the area and the ready supply of fresh water available from the newly completed O'Shannassy Dam, and later, the popularisation of the suburbs.
(Criterion A)

The Haig Street precinct is of further historic significance for its association with the Great War. As was common in new subdivisions in Melbourne in the 1920s, the street name selected had an association with the Great War. Haig Street was named after the British army officer, General Douglas Haig who had commanded the British forces on the Western Front during World War I.
(Criterion A)

The Haig Street precinct is a good representative example of a residential precinct from the interwar/early post World War 2 period. While demonstrating a consistent building type - the single storey, detached bungalow, the precinct is notable for demonstrating the range of styles applied to the bungalows in the interwar and early post World War 2 years. Visual cohesion is achieved in the precinct by the use of consistent front setbacks, material palette, and garden settings. The wide streets, nature strips and established streets (majority replanted) contribute to the aesthetic appeal of the precinct. The cohesive suburban streetscape retains its integrity despite, such as added carports, upper storey additions and garages through the similar style, scale form and materiality where the original designs are clearly distinguishable, but with some alterations evident. (Criterion D and E)

19 Haig Street is an example of a bungalow built in the Moderne style. It features a semi-circular entry porch with rendered walls which are trimmed with tapestry brick. A rectangular opening on the curved edge has a wrought iron grilled in a diamond pattern. Soldier courses of tapestry brick feature around the window openings and across the façade. Two brick and render chimneys have stepped bases which protrude through the roof. The house is an excellent example of the Moderne style adapted to suit the modest housing of the area. (Criterion E)

The dwellings at 5A, 2/14, 17, 2/23, 24, 25 and 2/30 Haig Street are identified as 'non-contributory'. The dwelling at 19 Haig Street is identified as 'individually significant' while the remained of dwellings in the proposed precinct are identified 'contributory'.

(i) What is proposed?

The Amendment proposes to apply a Heritage Overlay (HO140) over the identified Haig Street Precinct, Ringwood as shown in Figure 5.

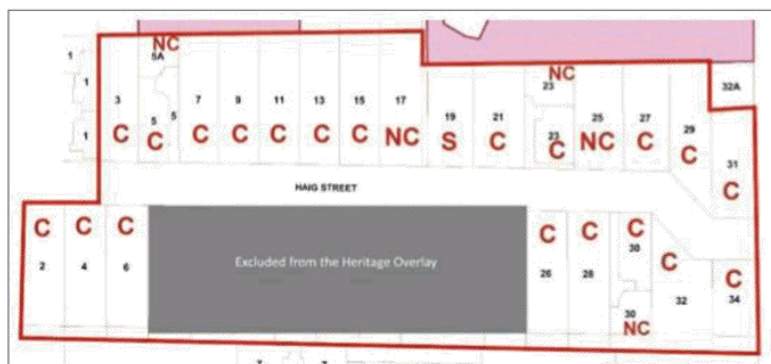
Figure 5 Proposed Haig Street Precinct Heritage Overlay (HO140)



(ii) Post exhibition changes

In response to the heritage evidence, Council proposed changes to the exhibited Heritage Overlay maps to remove the properties on the south side of Haig Street between 8-24 from HO140 (as shown in Figure 6) and include them in the proposed NCO3.

Figure 6 Council post-exhibition changes to the Haig Street Precinct Heritage Overlay (HO140)



(iii) The issues

17 objecting submissions including petitions (Submissions 5, 6, 10, 14, 22, 23, 32, 37, 40, 52, 53, 54, 58, 59, 61, 62 and 63) and three supporting submissions (Submissions 16, 29 and 34) were received to the proposed Haig Street Precinct Heritage Overlay (HO140).

The issues are:

- Whether the Haig Street Precinct is of cultural heritage significance at the local level.
- Whether the 'Contributory' gradings were appropriate.
- Whether Non-contributory buildings should be removed from the precinct.
- Whether the precinct extent should be reduced to exclude the properties on the south side of the street between 8-24 Haig Street and the properties between 2-6 Haig Street.

(iv) Evidence and submissions

Council submitted that the Haig Street Precinct met the appropriate threshold to warrant the Heritage Overlay as identified in the Jubilee Park Study.

Ms Schmeder supported in part the application of the Haig Street Precinct Heritage Overlay. She did not support the inclusion of the properties on the south side of Haig Street between 8–24 Haig Street within the precinct as detailed below. Council adopted the evidence of Ms Schmeder in full and proposed to include these properties in NCO3 as part of its post-exhibition changes.

Ms Schmeder's evidence identified that further research had shown that the majority of houses on the south side of Haig Street (between 8-24 Haig Street) were built in the 1950s. Ms Schmeder identified that while the post World War 2 (post war) and 1950's buildings were of a similar type and style to the interwar examples they could play a contributory role to an interwar precinct. However, she identified that in this instance the inclusion of a centrally located and distinct block of post war 1950's dwellings required an appropriate level of comparison analysis to determine relative rarity or significance. Ms Schmeder opined that the comparative analysis of the precinct contained in the Jubilee Park Study focused on the interwar period and not the post war, 1950's period. Her analysis of aerial photographs contained in her evidence suggested that the sort of 1950's development that occurred in Haig Street (8-24) was not uncommon in the area. Ms Schmeder considered that grading all eight properties as 'Non-contributory' and including them in a precinct was "*very unusual*". She instead recommended removing the properties from HO140 but retaining the three interwar dwellings at numbers 2, 4 and 6 within the Heritage Overlay so as to maintain the overall significance of the precinct as an interwar precinct that is relatively rare in Ringwood. Ms Schmeder supported the integrated approach of using the Heritage Overlay with the NCO to ensure future development at 8-24 Haig Street would not jeopardise the heritage built form of the precinct. With the removal of the 1950's dwellings, she considered that the precinct was one of the largest groupings of interwar houses to survive in Ringwood and Maroondah.

Submissions 10, 23, 37 and 59 did not support the application of HO140 suggesting that the dwellings at 18, 20-22 and 24 Haig Street were not distinctive and had been altered. Ms Schmeder's evidence supported the removal of these sites from HO140. The submission from Mr and Mrs Marsh (Submission 37) supported the replacement of the HO140 with the NCO3 although acknowledged that they did not fully understand what the NCO means in practice.

Ms Heywood supported the retention of the Heritage Overlay over the properties between 8-24 Haig Street and their designation as 'Contributory' as exhibited to provide appropriate control over demolition. She considered these homes to be of importance in representing the streets historical development and encouraged Council to undertake a further assessment of them as part of the Municipal Wide Heritage Study. In response to a question from Ms Heywood, Ms Schmeder agreed that these sites were worth further investigation as part of a heritage gap study.

The National Trust supported the recommendations of Ms Schmeder and Council to replace the proposed HO140 for those properties with the NCO.

Several submissions (Submissions 5, 6, 10, 23 and 59) provided detailed analysis of the relative intactness and extent of alteration of the dwellings in Haig Street and identified concerns about grading, precinct integrity and boundaries and the apparent lack of consistency of building fabric. Similar submissions were received from other Haig Street residents (Submissions 32, 37, 52, 58, 61, 63) in relation to the properties at 11, 15, 19, 28 and 32 Haig Street, citing dwelling alterations and levels of intactness or the lack of distinguishing features or heritage value.

The submission from Ms Zhang (Submission 22 and Document 20) identified that the dwelling at 2 Haig Street had a number of structural issues and had been so significantly altered as to make it unrecognisable and inconsistent with the rest of Haig Street. She submitted that the property did not meet the threshold for heritage significance but supported the application of the NCO. She considered her dwelling to be a post war building and that it should also be excluded from HO140 for the same reasons as 8-24 Haig Street were proposed to be removed.

Submissions 5 and 6 related to the property at 1/30 Haig Street which had a more recent dwelling constructed to its rear (2/30 Haig Street). The detailed submissions opposed the identification of the property as a 'Contributory' building and its inclusion in HO140. The submissions like many others for this precinct raised concerns about the methodology used for grading and the establishment of precinct boundaries and the level of comparative analysis to establish that the precinct had the level of heritage significance to warrant a Heritage Overlay. Mr Krtolica (Submission 6) provided a further submission (Document 24) which further expanded on these concerns. He identified concerns about the level of detail contained in the Jubilee Park Study about individual buildings to support grading and thresholds, particularly given the extent of changes recommended in Ms Schmeder's evidence. His submission included his own grading assessment of the Haig Street dwellings suggesting that *"33 properties have substantial issues in their intactness and integrity"*. These concerns were shared by other submitters. Mr Krtolica sought the inclusion of all of Haig Street (including 30 Haig) in the NCO3 rather than HO140.

Submissions 53 and 62 related to the dwellings at 17 and 2/23 Haig Street which are identified as having a 'Non-contributory' grading and sought to have them removed from HO140. Mr and Mrs Collier (Submission 53) presented a further detailed submission to the Panel (Document 25) which outlined the extensive alterations to the dwelling at 17 Haig Street. The Collier submission sought the removal of the property from HO140 given anticipated issues with future changes to the dwelling to meet their needs and sought its inclusion in the NCO3 instead. The submission identified an option to break the Haig Street Precinct into two distinct interwar precincts separated by 17 and 8-24 Haig Street.

Ms Schmeder's evidence⁶ provided a response to the specifics of each opposing submission and on the level of intactness and integrity for each of the places referred to in submissions. This is not repeated in detail in this Report but is summarised in Table 5 (excluding the even numbered properties 8-24 Haig). She recommended retention of all exhibited gradings in the statement of significance.

⁶ Pages 48-75

Table 5 Schmeder evidence summary for Haig Street properties

Property (Submission)	Schmeder evidence
2 (S5, 22)	Front extension legible due to asymmetric roofline and change in materials. House is intact, retains good details and demonstrates the streets interwar development
3 (S10, 23)	Porch timber ladder frieze is a minor and reversible change. The house retains its integrity
4 (S10, 23)	Carport changes are reversible and do not change the heritage value of the house
5 (S10, 23)	Roof cladding replaced but porch roof form has not changed. Form of house almost identical to State Savings Bank Type 19
5A (S5)	Does not contribute to streetscape and is graded Non-contributory. Materials palette same as precinct, two storey form with setback does not dominate street
9 (S10, 23)	Front porch/pergola is a reversible alteration. Rear extension roof form sits behind the ridge, with original roof form still legible. Front façade intact and contributes to interwar character
11 (S58)	Dwelling is externally intact. Asbestos-cement sheet cladding can be managed or replaced with modern cement sheet which would retain its Contributory grade
13 (S10, 23)	Alterations (porch and window hood additions) are acceptable for a contributory dwelling and are reversible
15 (S5)	Is an intact and classic example of a 1920s Californian Bungalow
17 (S53)	The 1930s house is graded Non-contributory because it has been so altered that it does not contribute to the interwar character of the area
19 (S5, 52)	Home considered 'late interwar' and contributes to precinct by demonstrating one of the principal architectural styles of this period. Carport not visible in principle views of house and is setback far enough not to be obtrusive
1/23 (S5)	Front windows have been enlarged, front door replaced and chimney breast painted but is still clearly legible as a late interwar house through its massing and roof form
2/23 (S62)	Graded Non-contributory as it has no heritage value. Inclusion in Heritage Overlay to avoid future intrusive development
25 (S10, 23)	Graded Non-contributory based on large second storey addition
26 (S5)	Other than new Colorbond roof and gabled shelter no indication house has been extensively altered and the integrity of it is very high
27 (S5)	Highly intact 1930s bungalow
28 (S5, 32)	Early 1920s house is modest and appears highly intact. Rear extension is visible but barely visible from street and does not impact on Contributory value
29 (S10, 23)	Front porch extension and support changes and carport construction while undesirable, the level of alteration is acceptable for a Contributory house and the porch sympathetic to the era

Property (Submission)	Schmeder evidence
1/30 (S5, 6)	Later rear unit graded Non-contributory is single storey and of limited streetscape impact. Contributory houses are often different roof claddings than original, this is acceptable and replaceable. Rear skillion lean-tos are frequent elements of interwar houses and does not detract from streetscape. The 1940s house is typical but this is not an impediment to it being Contributory. Front gravel carpark and front fence have greater streetscape impact than dwellings
32 (S5, 61)	Excellent example of State Savings Bank Type 13 house with excellent integrity and appears to be highly intact

Ms Schmeder acknowledged the observations in submission 6 that the 'Haig Street' name "*has not been demonstrated to be of local significance*" and recommended the reference be removed from the statement significance.

(v) Discussion

The Panel supports the evidence of Ms Schmeder and considers that the Haig Street Precinct (with the removal of the properties on the southern side of the street between 8-24 Haig Street) achieves an appropriate threshold, satisfying Hercon Criterion A, D and E, to warrant the application of a Heritage Overlay as a precinct of local cultural heritage significance.

The precinct is contained within a readily appreciable pocket of interwar dwellings that with the small Kendall and Ellison Street Precincts are rare within Ringwood and the Maroondah municipality and represent the early suburban development of Ringwood associated with the establishment of the railway line.

The exclusion of the post war, 1950s dwellings is considered appropriate based on the level of comparative analysis undertaken as part of the Jubilee Park Study. As discussed in section 3.7, the comparative analysis forms a critical part of the heritage assessment process. As identified in Ms Schmeder's evidence, the comparative analysis undertaken focused on the interwar period of Ringwood's development. There is insufficient evidence to suggest at this point in time that the 1950s era houses in Haig Street are particularly rare in Ringwood or Maroondah. This is not to say that these dwellings have no heritage value. They display many similar and complementary attributes to the interwar dwellings in terms of roof form, setbacks and materiality. The Panel supports the further review of these dwellings possibly as part of the Municipal Wide Heritage Study Review. The Panel considers that Councils integrated approach of using the Heritage Overlay with the NCO3 has merit in this instance as it will provide assist in the management of future development of this pocket of Haig Street in a manner which will be respectful to the precinct's heritage values. The application of the NCO3 with the Heritage Overlay is discussed in Chapter 4.

Many submissions focused on the condition of dwellings in Haig Street. While this is understandable, the Panel supports the grading methodology applied in the Jubilee Park Study (and supported by Ms Schmeder) with its focus on integrity and levels of intactness. This is consistent with PPN01. While many of the dwellings in the precinct have undergone varying degrees of change, the majority (with the exception of the Non-contributory dwellings) are readily appreciable as interwar dwellings of medium to high levels of integrity and intactness.

As identified by Ms Schmeder, many of these changes are relatively minor and reversible or do not have a marked impact on the streetscape. The Panel considers that the statement of significance appropriately attributes Contributory and Non-contributory gradings. Ms Schmeder's evidence was helpful in its more detailed analysis of submissions and properties within the precinct. The Panel adopts her evidence in relation to the identification of 2 and 1/30 Haig Street as having a Contributory grade within the precinct. These dwellings still retain significant interwar features that reflect the heritage values of the precinct.

Ms Schmeder appropriately distinguished the significant difference between assessing individual places for their local significance as opposed to their contributory value in a precinct. The bar for intactness for example being far higher for individual places of significance. To be included in a precinct, individual properties do not need to be outstanding exemplars to be contributory. It is common for heritage precincts to comprise a high number of contributory places if those properties demonstrate the characteristics which make the precinct significant.

It is not unusual for Heritage Overlay precincts to have gaps or contain a number of Non-contributory places. As discussed, the gaps created by the removal of the properties between 8-24 Haig Street can be managed with the use of the NCO3. There are only four Non-contributory buildings included within the reduced precinct. Two of these are located to the rear of existing dwellings and of limited streetscape impact. The dwellings at 17 and 25 Haig have setbacks and other built form attributes that do not detract from the prevailing interwar character of the rest of the precinct. The Panel supports the western boundary of the precinct excluding the 3 double storey townhouses at 1 Haig Street. These recent dwelling do not demonstrate the interwar attributes of the precinct. Being on the edge of the precinct, their exclusion has minimal impact on the precinct and provide little value as a buffer.

The Panel supports the retention of the properties between 2-6 Haig Street (even numbers) within the precinct. These properties display the interwar heritage characteristics of the rest of the precinct and have a strong visual relationship with the properties on the north side of the precinct and are among the first recognisable interwar dwellings in the street.

As identified by Ms Schmeder, *"there is no requirement for a Contributory building to be unusual or outstanding"*. Most of the dwellings in the precinct can be said to be 'typical' interwar dwellings that display a range of bungalow styles consistent with the eclectic nature of the interwar period. However, it is this era of dwelling construction that is not well represented in Ringwood or Maroondah which makes these precinct groupings rare and of cultural heritage value.

In addition to removing the even number properties between 8-24 Haig Street, Council proposed several minor changes to the Ellison Street Precinct Statement of significance (Document 32) as summarised in Table 2 in section 1.6 and which have consequential changes to Clause 43.01 and 72.04 as identified in section 3.8 of this Report. These changes are supported by the Panel.

(vi) Conclusions and recommendations

The Panel concludes:

- That 8-24 Haig Street (even numbers) should be removed from HO140 and the Haig Street Precinct Statement of significance updated accordingly.
- That the Haig Street Precinct (with the removal of the properties at 8-24 Haig Street) is of cultural heritage significance at the local level.
- That the properties at 2-6 Haig Street (even numbers) should remain within HO140.
- That 'Contributory' grade is appropriately applied to properties in the Haig Street Precinct as identified in the exhibited statement of significance.
- The Non-contributory dwellings should remain within the Haig Street Precinct.
- That the Jubilee Park Study augmented by the heritage evidence of Ms Schmeder provides sufficient strategic basis to justify the use of the Heritage Overlay as a planning tool for the Haig Street Precinct, Ringwood.
- Further minor changes should be made to the Haig Street Precinct Statement of significance to respond to the evidence of Ms Schmeder and identified in Council's post exhibition proposed changes (Document 32) and as shown in the Panel preferred version of the statement of significance in Appendix D with additional updated mapping to exclude 8-24 Haig Street from the precinct's boundary.

The Panel recommends:

- 2. Abandon applying the Heritage Overlay (HO140) to the properties between 8-24 Haig Street (even numbers), Ringwood.**
- 3. Amend the Haig Street Precinct Statement of significance to:**
 - a) **remove references to the properties between 8-24 Haig Street (even numbers), Ringwood**
 - b) **delete the paragraph linking the precinct significance to the Great War and General Douglas Haig as shown in the Panel preferred version of the Statement of significance in Appendix D**
 - c) **redraw the map so that the precinct boundary excludes 8-24 Haig Street (even numbers).**

3.4 Kendall Street Precinct

Exhibited Statement of significance

What is significant?

The Kendall Street precinct, comprising 20-32 and 21-35 Kendall Street, Ringwood is significant.

How is it significant?

The Kendall Street precinct is of local historic, architectural and aesthetic significance to the City of Maroondah.

Why is it significant?

The Kendall Street precinct is of historic significance as evidence of the residential development that occurred in Ringwood in the interwar years, following the electrification of the railway line and the supply of fresh water from the newly completed O'Shannassy Dam. (Criterion A)

The Kendall Street precinct is a representative example of a residential precinct from the interwar period. There is a consistency in building form, materiality and detailing that contributes to the homogenous character of the precinct. The precinct is comprised of modest timber bungalows, mostly from the 1930-40s. Groups of similar houses occur, suggesting they were built by one builder or to a standardised design. The primary architectural character of the precinct is the single storey, detached bungalow with a projecting wing to one side, a central entry porch and a tiled hipped roof. Timber is the dominant material with one example in brick. Windows typically are tripartite timber framed double sash windows. Number 22 has leadlight to the upper sashes. Primary aesthetic interest is derived from detailing of the entry porch of each house. Detailing varies between each dwelling and includes motifs and elements from the various interwar styles including: gabled parapets, pointed arched openings, columns and pillars, and tapestry brick motifs and edging (Criterion D)

The interwar suburban streetscape is intact within the precinct, with garden settings, nature strips and street plantings of Melaleuca, with a row of three mature Liquidambar on the west side; the latter appear to date from the 1930s-50s. (Criterion D and E)

All buildings in the extended precinct are identified as 'contributory'.

(i) What is proposed?

The Amendment proposes to apply a Heritage Overlay (HO141) over the identified Kendall Street Precinct, Ringwood as shown in Figure 7.

Figure 7 Proposed Kendall Street Precinct Heritage Overlay (HO141)



(ii) The issues

Four opposing submissions (Submissions 1, 44, 64 and 66) and four supporting submission (Submission 27, 29, 34 and 57) were received to the proposed Kendall Street Precinct Heritage Overlay (HO141).

The issues are:

- Whether the Kendall Street Precinct is of cultural heritage significance at the local level.
- Whether 27 Kendall should be graded as 'Contributory' or 'Non-Contributory'.
- Whether the precinct should be extended to the north.

(iii) Evidence and submissions

Council submitted that the Kendall Street Precinct met the appropriate threshold to warrant a Heritage Overlay as identified in the Jubilee Park Study.

Ms Schmeder supported the proposed Kendall Street Precinct Heritage Overlay subject to minor changes to the statement of significance to clarify the grading of 27 Kendall Street. Council adopted the evidence of Ms Schmeder in full.

Submissions 1, 43 and 66 opposed the Heritage Overlay on the basis that the dwellings at 26 and 33 Kendall were in poor condition, lacked heritage qualities and did not contribute to the heritage character of the street. Mr and Mrs Revell (submission 64) identified significant structural issues associated with subsidence under the dwelling at 22 Kendall Street. Mr Revell submitted that the dwelling had not been able to be occupied for over three years and that considerable expense had already been incurred endeavouring to underpin the dwelling. He considered that the dwelling could not be feasibly saved and needed to be demolished and a new home constructed. He opposed the Heritage Overlay on the basis that this outcome might not be able to be achieved.

Ms Schmeder suggested that while these dwellings had undergone alterations, they were largely intact and in good condition (26 Kendall) or retained heritage fabric and were able to be restored (33 Kendall). Both dwellings were considered to be 1930's bungalows that were in keeping with the valued character of the southern portion of the Street.

Ms Schmeder opined that the focus of establishing the appropriateness of heritage controls at the Amendment stage was focused on the integrity of a place rather than its condition, except in *"extreme cases of dilapidation where demolition is an inevitable outcome"*. She did not consider that that case had been demonstrated for 22 Kendall Street.

Submission 44 (27 Kendall) opposed the Heritage Overlay, identifying that the house was not in its original state. The evidence of Ms Schmeder identified that the exhibited statement of significance identified 27 Kendall as graded both 'Contributory' and 'Non-contributory'. She opined that the property did not appear to be a pre-1922 house and had been so heavily altered that its *"interwar form is no longer legible, and the early post-war alterations of no architectural value"*. She agreed that the property was appropriately graded Non-contributory.

Submission 57 supported the extension of HO141 to all of Kendall Street. This position was also supported by Ms Moore of 11 Kendall Street (Submission 27) although her submission

sought the specific identification of her Edwardian era house in a Heritage Overlay and the extension of the NCO over the northern portion of the street.

In response to a question from Ms Moore, Ms Scott indicated that the Scoping Study had excluded the northern portion of Kendall Street from the potential precinct as its character had been eroded, it was not cohesive and contained vacant sites and large developments.

Ms Schmeder indicated that, while 11 Kendall Street possessed relatively high integrity, it had only a moderate level of intactness and was not rare and therefore unlikely to satisfy Hercon Criterion B, D or E or meet the threshold for a site specific heritage control. She identified that other more intact examples already existed in the municipality, at 18 Warrandyte Road Ringwood (HO74) and 331 Mt Dandenong Road, Croydon (HO114) for example. Ms Schmeder however, agreed that the house's possible association with builder Harry Peake and potentially one of the earliest houses in the Ringwood Estate was worthy of further assessment. Council noted that the Municipal Wide Heritage Study provided an opportunity to further review 11 Kendall Street.

(iv) Discussion

The Panel supports the evidence of Ms Schmeder and considers that the Kendall Street Precinct as exhibited achieves an appropriate threshold, satisfying Hercon Criterion A, D and E, to warrant the application of a Heritage Overlay as a precinct of local cultural heritage significance.

Like the Ellison and Haig Street precincts, the Kendall Street Precinct is contained within a coherent, small pocket of interwar dwellings of consistent integrity and levels of intactness. As identified in the Jubilee Park Study and particularly within the evidence of Ms Schmeder, such a consistent grouping of interwar buildings is rare in Ringwood and the wider Maroondah municipality and has an important association with the early development of Ringwood.

While it is apparent to the Panel that most buildings in the proposed precinct have undergone some alteration and change, much of this change is reversible and all dwellings (with the exception of 27 Kendall Street) demonstrate the heritage attributes that contribute to the interwar character of the precinct.

The Panel considers that the exhibited extent of the precinct is appropriate and should not be extended to include the northern portion of the street closer to the station. Having walked the precinct, the Panel notes that the southern portion of Kendall Street is cohesive and readily appreciated for its interwar era character and built form (setbacks, roof form and materiality). The northern portion of the precinct has undergone more recent development and comprises a mix of built forms. The notable exception is 11 Kendall Street. While it has been highly altered, it is disguised from the other buildings on the northern end of the street because of its Edwardian characteristics. Ms Schmeder's recommendation to undertake a further assessment of the dwelling to see if it warrants a local level heritage overlay is considered appropriate. During the Hearing, the Panel identified that the expansion of the Kendall Street Precinct or the inclusion of additional individual properties were not within the scope of the Amendment and could be potentially transformative.

The Panel agrees with Council and Ms Schmeder that the dwelling at 27 Kendall is appropriately graded 'Non-contributory' (as intended) to the heritage values of the Kendall

Street Precinct with much of its original fabric and form absent or difficult to appreciate. Inclusion of the site in the precinct however, will ensure that any new development will be sympathetic and contribute to the precinct's heritage values.

The Panel acknowledges the concerns of Mr and Mrs Revell regarding the condition of their dwelling. As discussed in section 3.8, issues of building condition are more appropriately dealt with at the planning permit stage.

Council proposed several minor changes to the Kendall Street Precinct Statement of significance (Document 32) as summarised in Table 2 in section 1.6 and which have consequential changes to Clause 43.01 and 72.04 as identified in section 3.8 of this Report. These changes are supported by the Panel.

(v) Conclusions and recommendations

The Panel concludes:

- That the Kendall Street Precinct is of cultural heritage significance at the local level.
- That the Jubilee Park Study augmented by the heritage evidence of Ms Schmeder provides sufficient strategic basis to justify the use of the Heritage Overlay as a planning tool for the Kendall Street Precinct, Ringwood.
- That 27 Kendall Street is appropriately graded 'Contributory' in the Kendall Street Precinct Statement of significance.
- There is no strategic justification to extend HO141 to any other parts of Kendall Street or applying a heritage Overlay to 11 Kendall Street as part of this Amendment.
- Minor changes should be made to the Kendall Street Precinct Statement of significance to respond to the evidence of Ms Schmeder and identified in Council's post exhibition proposed changes (Document 32) and as shown in the Panel preferred version of the statement of significance in Appendix D.

The Panel recommends:

- 4. Amend the Kendall Street Precinct Statement of significance to identify 27 Kendall Street as 'Non-Contributory' as shown in the Panel preferred version of the Statement of significance in Appendix D.**

3.5 5 Caroline Street, Ringwood

Exhibited Statement of significance



What is significant?

The house at 5 Caroline Street, Ringwood, built in 1925-26, is significant. The modern additions of glazed panels in porch wall, carport and front fence are not significant.

How is it significant?

The house at 5 Caroline Street, Ringwood is of local architectural significance to the City of Maroondah.

Why is it significant?

The house at 5 Caroline Street, Ringwood exhibits a number of characteristics typical of the Californian Bungalow style. The style was popular in Ringwood and surrounding suburbs during the Interwar years when a number of housing estates were developed in Ringwood and in the Maroondah area more generally. (Criterion D)

Characteristics associated with the Californian Bungalow style include: a low pitched gabled roof form, with a secondary gabled roof over a projecting front porch; Marseille patterned roof tiles, with wide eaves and exposed rafter ends; timber brackets below the shingled gable; half brick porch/verandah piers with tapered rendered sections above, and soldier brickwork to the upper edges; a combination of natural materials arranged to provide visual interest including timber shingles to the gables, and half brick walls with rough cast rendered sections above; boxed double-hung sash windows with diamond patterned leadlight to the upper sashes; two square rendered chimneys with a brick soldier course to the upper edge. (Criterion D)

(i) What is proposed?

The Amendment proposes to apply a Heritage Overlay (HO142) to 5 Caroline Street, Ringwood.

(ii) The issues

The issues are:

- Whether 5 Caroline Street is of cultural heritage significance at the local level.
- Whether the statement of significance for 5 Caroline Street should be amended to clarify more recent extensions are not significant.

(iii) Evidence and submissions

Ms Heywood (Submission 29A and Document 5) supported the application of HO142 to 5 Caroline Street, Ringwood as the owner of that property, but sought changes to the exhibited statement of significance to ensure that recent rear additions to the dwelling were not identified as significant.

Council adopted the evidence of Ms Schmeder which supported the application of HO142 and proposed changes to the statement of significance to identify recent extensions to the dwelling as not being significant in the descriptions of 'What is significant'⁷. These changes were supported by Ms Heywood.

(iv) Discussion

The Panel adopts the evidence of Ms Schmeder and considers that 5 Caroline Street is of local cultural heritage significance and meets Hercon threshold Criterion D.

The Panel supports the changes to the statement of significance identified in Ms Schmeder's evidence to clarify that the more recent additions to the rear of the dwelling are not significant.

Ms Schmeder's evidence also suggests that a more recent photo of the place be included in the statement of significance given the more recent (and positive) removal of the glazing that enclosed the return verandah⁸. This minor addition is also supported to ensure the statement of significance accurately describes the current state of the residence.

(v) Conclusions and recommendations

The Panel concludes:

- That 5 Caroline Street, Ringwood is of cultural heritage significance at the local level.
- That the Jubilee Park Study augmented by the heritage evidence of Ms Schmeder provides sufficient strategic basis to justify the use of the Heritage Overlay as a planning tool for 5 Caroline Street, Ringwood.
- Minor changes should be made to the 5 Caroline Street Statement of significance to respond to the evidence of Ms Schmeder as shown in the Panel preferred version of the statement of significance in Appendix D.

The Panel recommends:

5. That the 5 Caroline Street, Ringwood Statement of significance be amended to identify the rear extensions as not significant as shown in the Panel preferred version of the Statement of significance in Appendix D and replacing the dwelling photo with that included in Ms Schmeder's evidence.

⁷ Page 25

⁸ Page 25

3.6 18 James Street, Ringwood

Exhibited Statement of significance



What is significant?

18 James Street, Ringwood, built 1927-28, is significant. The timber garage is also significant.

How is it significant?

18 James Street, Ringwood is of local architectural significance to the City of Maroondah.

Why is it significant?

The house at 18 James Street, Ringwood exhibits a number of characteristics typical of the Californian Bungalow style. The style was popular in Ringwood and surrounding suburbs during the interwar years when a number of housing estates were developed in Ringwood and in the Maroondah area more generally. The addition of the 'matching' garage, from a later, but contemporary period enhances the significance. Characteristics associated with the Californian Bungalow style include: a simple transverse form enclosed by a low pitched gabled roof, clad in patterned Marseilles tiles; wide eaves and exposed rafter ends; a generous front porch located across the front of the house, and enclosed by a separate wide gabled roof form which faces the street; verandah details including paired timber posts over brick piers, an arched timber ladder frieze, and a simple timber balustrade; timber shingles to the front facing gable; two squared brick chimneys are located either side of the roof ridge on the southern side of the house; identical timber double hung sash windows with six panes to the upper sashes, located on either side of the entry; and paired timber entry doors located centrally across the façade. (Criterion D)

(i) What is proposed?

The Amendment proposes to apply a Heritage Overlay (HO144) to 18 James Street, Ringwood. The Amendment proposes to identify the demolition of the timber garage at the rear of the house as an outbuilding that is not exempt from notice provisions and review rights.

(ii) Post exhibition changes

In response to the heritage evidence, Council's identified post-exhibition changes proposed to replace the HO144 with the NCO3.

(iii) The issues

The issues are:

- Whether 18 James Street, Ringwood is of cultural heritage significance at the local level.

(iv) Evidence and submissions

Ms Starling and Mr Smith (Submission 35 and Document 18) questioned the inclusion of 18 James Street (including the garage structure) as an individually significant place based on the extent of additions to the dwelling, structural integrity of the garage and the consistency of application of the outbuilding permit exemptions across the proposed individually significant places. The submission (Document 18) contained a structural engineering report on the integrity of the garage structure.

Council adopted the evidence of Ms Schmeder that 18 James Street does not reach the threshold of local significance based on modern faux Federation style additions to the front façade (including the verandah timber frieze and balustrading) that impacted on its level of intactness. She considered that the dwelling compared with a standardised State Savings Bank bungalow design which were common in Ringwood.

(v) Discussion

The Panel accepts the evidence of Ms Schmeder that 18 James Street does not meet Hercon threshold Criterion A, D and E to a sufficient level to warrant the application of a Heritage Overlay as a place of individual local cultural heritage significance.

The Panel considers however that the dwelling does have features that characterise the building form of the southern portion of James Street and supports the inclusion of the property in NCO3. This is discussed in Chapter 4.

(vi) Conclusions and recommendations

The Panel concludes:

- That 18 James Street, Ringwood does not meet the threshold of a place of individual local cultural heritage significance.
- HO144 should not be applied.

The Panel recommends:

- 6. That HO144 not be applied to 18 James Street, Ringwood.**

3.7 Other issues

(i) 20 Caroline Street

No submission was made regarding 20 Caroline Street however, Council's post exhibition changes made in response to the heritage evidence (Document 32) proposed to amend the statement of significance to:

- delete references to the front fence in 'What is significant' and 'Why is it significant'
- replace the words "Yes – brick and steel pipe fence" with "No" under 'Planning Control Recommendations' for 'Outbuildings and fences exemptions'.

The Panel was invited by Council to make recommendations about its proposed post-exhibition changes which also included a consequential change to the Heritage Overlay Schedule.

The Panel observed that the fence which was in place when the Jubilee Park Study was prepared has now largely been removed. The Panel considers that Council's proposed changes in response to Ms Schmeder's evidence are both logical and minor in nature and does not transform the Amendment.

The Panel recommends:

- 7. Amend the 20 Caroline Street, Ringwood Statement of significance to remove references to the front fence as shown in the Panel preferred version of the Statement of significance in Appendix D.**

(ii) Extent of comparative analysis

A number of submissions (Submissions 5, 6 and 33) questioned the level of comparative analysis undertaken to support the application of the Heritage Overlay.

PPN01 identifies that a comparative analysis is a key step in establishing a threshold to determine a place's heritage value and comparative standing. This position has been consistently supported by previous panels. The Panel had an initial concern about the level of comparative analysis identified in the Jubilee Park Study based on the reliance on a desk top analysis of existing places in Ringwood and the wider municipality that were in a Heritage Overlay. In the Panel's view, this potentially limited the field of comparative examples and artificially lifting the level of rarity. Ms Schmeder's evidence confirmed these concerns and considered that where few examples exist in Heritage Overlays the "*assessor must look further afield*" and that a rigorous approach involves the viewing of such places.

The Panel found Ms Schmeder's evidence particularly helpful in establishing a more expansive comparative analysis to enable an appropriate basis on which to consider the relative significance of the proposed Heritage Overlays. Her analysis was informed by site visits of the proposed precincts and the wider study area and other places in the municipality (including Ringwood, Ringwood East, Ringwood North and Croydon). This analysis enabled her to make a number of conclusions about the type and distribution of interwar houses and establish a

comparative basis for the proposed precincts⁹. The Panel considers her analysis to be appropriately rigorous and reliable to satisfy PPN01.

Ms Heywood's submission on behalf of the Jubilee Park Residents Group provided additional anecdotal information (including the observations of local historian Richard Carter) about the relative rarity of the identified interwar streets in Jubilee Park within Ringwood and the wider Municipality. The submissions of Heywood and the National Trust provided further comparative context in the application the Heritage Overlay in other municipalities near railway stations.

(iii) Social and economic considerations

Several submissions (for example Submissions 1, 20, 43 and 44) raised concerns regarding the potential financial implications of the Heritage Overlay on property values. These issues were also raised in relation to the application of the NCO3 and NRZ.

Both the Act and PPN46 require the assessment of social and economic impacts of an Amendment. The Panel notes that while PPN46 identifies the ways in which social and economic (and environmental) impacts can be assessed, there is no particular guidance about the level of detail required. The Panel considers that the level of social and economic analysis of the impacts of the Amendment undertaken by as part of the development of the Jubilee Park Study was minimal and there was limited reference to it in the Explanatory Report.

While Council advised that it had considered the wider social and economic impacts of the Amendment, Council's submission focused on establishing that the economic impacts on individual land owners were not relevant at the Amendment stage, citing various panel reports. Council's submission did not fully explore the positive benefits associated with the Amendment.

While the limited demonstrable social and economic impact analysis is potentially problematic, the Panel considers that the level of analysis required should relate to what is being proposed by the Amendment. In this case, the Amendment applies Heritage Overlay controls to three relatively small precincts and three individual sites (in its proposed amended form). As a result, it is considered that a detailed exercise of understanding and balancing the various social and economic benefits of the proposal is not particularly determinative. The Panel also acknowledges that Council's post exhibition changes remove the proposed Heritage Overlay from 10 properties (16 James Street and 6-24 Haig Street).

In her evidence in chief, Ms Schmeder identified that the Jubilee Park Study had not addressed the social and economic impacts of the proposed Heritage Overlay Amendment however, she considered that given the modest precinct areas proposed that the Amendment was likely to have a positive social benefit. The National Trust suggested that the application of the Heritage Overlay would provide a range of positive benefits including establishing a sense of place and community, enhancing liveability and aesthetics and leaving a legacy for future generations to appreciate the history of a place's development.

The Heritage Overlay is considered appropriate to apply in small, distinct precincts close to the railway line as these areas were developed earlier than much of the remainder of the

⁹ Document 5, Page 7

municipality and demonstrated particular characteristics of early development in Ringwood and the municipality. The Panel does not consider that applying the Heritage Overlay in precincts will compromise the broader housing and activity centre policy objectives of the Planning Policy Framework.

The Panel considers that the potential impacts, including impacts on future development of any property affected by the Heritage Overlay will be relatively short-term impacts with the broader community benefit of retaining a precinct of cultural heritage significance having a more enduring impact. The Amendment delivers an outcome that is consistent with the objectives of the Act and Planning Policy Framework, Municipal Strategic Statement and Local Planning Policy which aim to conserve heritage places within Melbourne and the municipality.

(iv) Restricting development opportunities

A number of submissions (including 5, 6, 37, 44, 52, 58, 59, 61 and 64) identified that the application of the Heritage Overlay would limit future development opportunity, add additional costs associated with maintenance or having to obtain planning permits for additions or alterations as properties age or need to respond to structural issues. Submission 53 raised similar concerns about the restrictive nature of the Heritage Overlay and the potential for VCAT disputes.

Council acknowledged that the Heritage Overlay introduces another layer of control over property owners by imposing permit triggers and relevant considerations. The Panel considers that the Heritage Overlay is necessary to ensure that heritage values are recognised and appropriately managed. Applying the Heritage Overlay to sites establishes the need to take heritage values into account rather than precluding development. This process allows issues of property condition and integrity to be more fully considered in the context of a development proposal.

The Panel agrees with Council's observation that their:

... approach correctly recognises the importance of prioritising enduring and long term matters such as heritage protection and conservation over matters of development potential, building condition, economic matters and planning approvals which are, by contrast short-term in nature.

(v) Role of the Jubilee Park Study document

The need to update the Jubilee Park Study in response to the evidence of Ms Schmeder and the role of the document within the Planning Scheme was the subject of some discussion with Council towards the end of the Hearing. Council invited the Panel to comment on this matter.

The Amendment Explanatory Report indicated that the Jubilee Park Study was to be a reference document ('Background document' using the VC148 format provision terminology) however the exhibited Clause 21.4 (Heritage) did not refer to the document. The only identification to the Study was as part of the full title of the individual statements of significance included in the exhibited schedules to Clause 43.01 and 72.04. This effectively gave the Study the role of an Incorporated document. The Panel notes that the Jubilee Park Study contains extensive material that is urban character focused and not heritage related. Council however, has not proposed that the document be referenced anywhere within the Maroondah Planning Scheme to assist with decision making on urban design matters.

Planning Practice Note 13 Incorporated and Background Documents, September 2018 provides extensive guidance on the role and use of incorporated and background (reference) documents and the respective weight given to them. Incorporated documents are identified as being “essential to the proper functioning of the planning scheme and decision making” such as a Code of Practice or a document which guides the exercise of discretion, while background documents are intended to “provide information to assist in understanding the context within which a particular policy or provision has been framed”.

Council proposed as part of its post exhibition changes (Document 31) to remove reference to the Jubilee Park Study from the titles of the individual statements of significance. The Panel agrees with those changes.

Based on its content, the Panel considers that the Jubilee Park Study does not perform the role of an incorporated document.

In its current form, the Jubilee Park Study is inappropriate to be a reference (or background document) as it contains information and findings inconsistent with Council’s proposed post-exhibition versions of the statements of significance. To include it in this form would create inconsistencies and confusion.

Council advised the Panel that they proposed to further amend Clause 21.04 to include reference to an updated version of the Study which reflected the evidence of Ms Schmeder. A revised Clause 21.04 was not provided to the Panel as Council had yet to determine what the revised document would be titled and the manner in which it would be updated. Council identified several options for how this might be done.

Whether the Jubilee Park Study should be a reference document depends largely on the value of the document and whether it contains important or useful information to inform future decision making.

The Panel considers that the primary content of the Jubilee Park Study relating to heritage is contained within the proposed statements of significance and the Heritage Overlay controls applied to implement it. The rest of the document provides context to the methodology of the Study and comparative assessment for the precincts and places as they relate to Ringwood and the broader municipality but contains little else to assist decision making. The Panel considers that the primary purpose of the Study was to establish the relative heritage significance of precincts and places in the Jubilee Park neighbourhood. Through the application of the Heritage Overlay to those identified places, it has largely done its job and adds little further value to the Planning Scheme.

The Panel notes that the other reference documents included in Clause 21.04 are municipal wide in scope which is considered appropriate for a Municipal Strategic Statement, rather than the inclusion of more localised assessments.

The upcoming Municipal Wide Heritage Review is an example of a study which might be more appropriately referenced in this clause particularly if it identifies further work. The Panel notes that the migration of all planning schemes to the new Planning Policy Framework as part of the implementation of Amendment VC148 will result in reference documents being identified as background documents and located in a separate part of the planning scheme to policy provisions anyway.

The Panel concludes that the inclusion of an updated Jubilee Park Study as a reference document in Clause 21.04 serves no purpose and is unnecessary.

No submissions were made in relation to the proposed minor changes to the exhibited Clause 21.04 (Heritage). The Panel considers that the exhibited changes are minor and assist with policy legibility. The Panel supports the exhibited version of Clause 21.04 without the further inclusion of the updated Jubilee Park Study as a reference document.

The Panel recommends:

- 8. Adopt Clause 21.04 as exhibited without the identification of the Jubilee Park Heritage and Neighbourhood Character Study as a reference document.**

3.8 Amendment documentation

(i) Schedule changes to Clause 43.01 and Clause 72.04

Council's post-exhibition changes (Document 32) proposed amendments to the exhibited schedules to Clause 43.01 and 72.04 to:

- remove references to the Jubilee Park Study documents
- remove reference to 18 James Street, Ringwood
- use consistent references to the titles of the statements of significance.

Council also clarified that it was intended that external paint controls were not intended to apply to the Ellison Street precinct as some versions of the exhibited schedule identified.

The Panel supports these changes and considers them minor but appropriate for consistency. The Panel notes however that the Document 32 versions of the schedules still contain minor reference errors and inconsistencies with the format adopted for other heritage places in the schedule to Clause 43.01. The Panel has identified recommended changes in the Panel preferred version of schedules in addition to those proposed by Council (Appendix E).

The Panel notes that the post-exhibition version of the Heritage Overlay Schedule provided by Council removes the reference to the interim control provision references for the proposed Heritage Overlays. The Panel's Appendix E version uses this format but notes that this may need to be further resolved with DELWP at the next stage of the Amendment process.

The Panel observed Council's post-exhibition version of the Heritage Overlay Schedule also sought to renumber HO145 (22 James Street) as HO144 following the proposed deletion of 18 James Street from the Heritage Overlay. The Panel has not identified this change within the Panel preferred version of the Heritage Overlay schedule in Appendix E. While the Panel does not have a major concern with this change, there is a potential for confusion and the need for consequential changes to the statement of significance for 22 James Street and the Heritage Overlay mapping that Council will need to resolve with DELWP at the next stage of the Amendment process.

Council's submission identified that the exhibited Heritage Overlay Schedule requires the insertion of a new heading "*1.0 Application requirements*" followed by the words "*none specified*" to ensure that it is consistent with the new format schedule introduced through Amendment VC148. While Council did not identify this change in its post-exhibition documents (Document 32) the Panel supports that addition.

The Panel recommends:

- 9. Amend the schedules to Clauses 43.01 and 72.04 to remove reference to 18 James Street and make other changes to the statement of significance references as shown in the Panel preferred version of the schedules in Appendix E.**

(ii) Statements of significance

In addition to the recommended changes to the statements of significance identified in sections 3.2 to 3.5 and 3.7 of this Report, Council's post-exhibition changes in Document 32 proposed to remove the reference to the Jubilee Park Study under 'Primary source' in each of the statements of significance (this is the only change proposed for the 22 James Street Statement of significance other than a potential HO renumbering). This change is supported by the Panel (and included in the Panel preferred version of statements of significance contained in Appendix D) on the basis that the identified source document is inconsistent with the evidence of Ms Schmeer and Council's proposed post-exhibition changes to statements of significance and the Panel's recommendation that its use as a reference document is unnecessary.

The Panel observed that the Council post-exhibition version of the three precinct statements of significance (Document 32) are inconsistent in the use of the map figure legend identifying the abbreviated forms of building gradings (for example the inconsistent use of parenthesis "C" or C, "NC" or NC) or precinct boundary designation (for example the Haig Street Precinct map legend refers to the "proposed" boundary). The Panel's preferred versions in Appendix D do not make all these changes. The Panel considers these are minor corrections that should be made by Council for consistency and legibility in the event it adopts the Amendment.

4 Neighbourhood Character Overlay

4.1 What is proposed?

The Amendment proposes to apply a NCO3 over the land shown in Figure 8.

Figure 8 Proposed NCO3



The exhibited Schedule includes the following statement of neighbourhood character:

The Jubilee Park neighbourhood character area in Ringwood forms part of a larger historic residential area, which was subdivided and first developed in the 1920s. It is significant within Maroondah as a rare example of residential development from the inter war period.

Ellison Street, which terminates with views of the original Ringwood Primary School building was originally an orchard, then subdivided as part of the 'Ringwood Township Estate'. James Street formed part of the historic 'Ringwood Railway Estate'. These streets and the broader neighbourhood is characterised by historic timber bungalows and simple inter war dwellings, constructed from the 1920s through to the 1950s.

The character area itself is notable for its interwar streetscapes, and the consistency of low scale, older style dwellings with tiled, pitched or gable roofs. Timber is the predominant building material and the modest, detached homes are located in spacious and well vegetated garden settings. The consistency of built form and setbacks creates a uniformity within the character area, and this cohesion is further enhanced by the existence of regular street trees, grassy nature strips and low front fences.

The exhibited Schedule identifies five neighbourhood character objectives:

- To ensure that the consistent architectural and residential character of Jubilee Park is retained and enhanced, without replication of historic built form.
- To encourage the retention of older weatherboard dwellings that contribute to the neighbourhood character of the area.
- To complement and strengthen the historic and predominant use of timber throughout the area.

- To maintain the consistent siting of dwellings, allowing for a generous and well vegetated front garden, and side setbacks that allow for planting.
- To ensure that new dwellings and extensions to dwellings are an appropriate scale relative to the scale of surrounding homes, and that front fences are low and appropriate to the era of the dwelling.

As exhibited, the NCO3 requires a planning permit for all buildings and works including swimming pools and outbuildings associated with or normal to a dwelling, and the demolition or removal of a building.

The proposed schedule does not propose any modifications to Clause 54 or 55 standards ('ResCode' provisions for single and multiple dwelling proposals).

The proposed schedule includes eight decision guidelines to be considered by a responsible authority when determining a planning permit application:

- The extent to which any buildings and works contribute to the historic neighbourhood character of the broader Jubilee Park area.
- The extent to which any demolition and replacement development meets the objectives of this clause in relation to siting, height, form and materiality, without historical mimicry.
- In the case of partial demolition, the extent to which the three dimensional form of the existing dwelling is maintained to avoid facadism.
- The extent to which any new dwelling or dwelling extension reflects the roof form of adjacent properties, or the existing dwelling.
- The visual impact of the dwelling on the streetscape, including the extent to which upper level dwelling extensions are recessed and articulated.
- The selection of building materials and the contribution the materials will make to the preferred neighbourhood character of the precinct.
- To extent to which any buildings or works, including front fences, make a positive contribution to the public domain and pedestrian environment.
- Whether car parking structures are recessive, located behind the front façade of the dwelling and do not dominate the site or streetscape.

4.2 The issues

The issues are:

- Whether the Heritage and Character Study provides sufficient strategic justification for the application of NCO3 at Jubilee Park.
- Whether the application of NCO3 is consistent with the guidance outlined in Planning Practice Note 28.
- Whether the extent of the area proposed for inclusion within NCO3 is appropriate and, in particular, should the properties at 18 James Street and 8-24 Haig Street be added to the exhibited areas for inclusion within NCO3.
- Whether the detailed provisions of Schedule 3 to Clause 43.05 are appropriate.

4.3 Relevant Practice Notes

(i) Planning Practice Note 28: Using the Neighbourhood Character Provisions in Planning Schemes – July 2004 (PPN28)

PPN28 identifies that the NCO can be used when the following 5 criteria can be met:

- The proposed area exhibits specific characteristics that need to be protected or changed to achieve a preferred character
- The area, relative to the rest of the municipality, requires a specific approach to neighbourhood character
- The application of local policy, the standard provisions of Clause 54 and Clause 55 or the residential schedule will not satisfy the neighbourhood character objectives identified in the local planning policy framework (LPPF) for that particular area
- A rigorous character study has been undertaken that accurately shows the physical aspects of character in the area that need to be translated into the provisions of the NCO
- The proposal is supported by appropriate community consultation.

PPN28 notes that:

An NCO should not be used as a 'blanket' control across the municipality. It should be applied strategically to areas where the application of the residential development standards consistently fails to meet the objectives for neighbourhood character for a particular area.

PPN28 provides guidance on planning for neighbourhood character including preparing a neighbourhood character study, and the application of character provisions in the planning scheme including the level of strategic justification required.

In relation to the development of a neighbourhood character study, PPN28 indicates that:

The purpose of a neighbourhood character study is to identify and then support actions to achieve good development outcomes in both the public and private realms. An objective and independent assessment of the character of areas will establish existing character attributes. Actions can then be identified to ensure that existing character is respected or a preferred new character is achieved.

The Practice Note further sets out that a neighbourhood character study:

- provide an assessment that identifies the comparative significance of each neighbourhood character area. In assessing the significance of areas, comparisons need to be made, not only with other parts of the municipality but with the wider metropolitan area
- identify why differences are important. It is these differences that lie at the heart of the strategic justification for additional neighbourhood character provisions
- demonstrate that additional or locally varied neighbourhood character provisions are necessary to either protect or enhance the existing character of an area or to achieve a preferred future neighbourhood character.

PPN28 identifies that:

Neighbourhood character is only one of a number of residential policy objectives in the SPPF. The encouragement of urban consolidation, higher land-use densities near major public transport interchanges and routes, the need to improve housing choice, the better use of existing infrastructure and the provision of ecologically sustainable development are also State planning policy objectives that need to be achieved when considering neighbourhood character and residential development.

The Practice Note further identifies that if a planning authority decides to establish local neighbourhood character objectives, they must be considered within this broader strategic context and be balanced with other State planning policy objectives.

PPN28 indicates that the application of new neighbourhood character provisions can affect the provision of housing in the municipality and the extent to which housing demands will be

met. It identifies that a level of analysis of the impact of the amendment is necessary to demonstrate that other housing objectives have not been prejudiced.

Importantly, PPN28 also states:

The demolition control in the NCO is intended to hold the existing pattern of development until the character features of the site and the new development have been evaluated. The demolition control is not to be used to conserve existing buildings, but to ensure that demolition does not occur until the responsible authority is satisfied that the new development meets the desired neighbourhood character objectives for the area.

A Heritage Overlay should be used where the objective is to conserve the existing building or buildings.

(ii) **Planning Practice Note 43: Understanding Neighbourhood Character – January 2018 (PPN43).**

PPN43 sets out guidance for applicants, the community and councils about understanding what is meant by neighbourhood character. The Practice Note identifies that neighbourhood character is about the interaction of the private and public realm and the features of the area that give an area its own particular character to create a sense of place that has community meaning. PPN43 identifies that these features can include the pattern of development of the neighbourhood (such as building height and setbacks, the pattern of landscaping and street tree planting), built form and scale, and notable features or characteristics such as significant vegetation.

4.4 Evidence and submissions

Council submitted that the application of NCO3 to land at Jubilee Park meets the five key criteria set out in PPN28 for the following reasons.

First, the proposed area exhibits specific characteristics that need to be protected or changed to achieve a preferred character because:

- The municipality is generally characterised by its landscape and tree canopy cover and built form character is very rare.
- There are only two other small areas within the municipality that are affected by an NCO.
- The proposed NCO areas are very small.
- The proposed NCO complements the other individual sites and precincts within Jubilee Park that have been identified as having heritage significance.

Second, the area, relative to the rest of the municipality, requires a specific approach to neighbourhood character because the area's distinctive character, particularly relating to built form and setting, is a unique character area within the municipality.

Third, the application of the local policy, the standard provisions of Clause 54 and Clause 55 or the residential schedule will not satisfy the neighbourhood character objectives identified in the local Planning Policy framework for that particular area because:

- the area is within close proximity to the Ringwood MAC and is expected to experience increased development pressure for redevelopment

- existing planning policy and controls are weighted towards the redevelopment of sites at the expense of retention of existing neighbourhood character
- there is a risk that without more 'forceful' planning controls that redevelopment will significantly change the area and that once the 'horse has bolted' it cannot be put back
- a more robust planning framework is required to 'rebalance' development expectations
- the areas affected by the proposed NCO are very small and will not impact on the capacity of the municipality or the Ringwood MAC to accommodate significant growth in other areas
- the proposed NCO is outside the boundaries of the Ringwood MAC.

Fourth, a rigorous character study has been undertaken that accurately shows the physical aspects of character in the area that need to be translated into the provisions of the NCO. The Council submitted that the findings of the Jubilee Park Study report identifies the special features of the local neighbourhood and the key element that define the neighbourhood character, in particular the built form, spacious garden settings, the low scale older style homes, consistency in boundary setbacks, low fences, landscaping and predominance of timber as building material.

Finally, the proposal is supported by appropriate community consultation. Council submitted that the Amendment has been subject to extensive community consultation including discussion with the local community and key stakeholders prior to the exhibition of the Amendment.

Council submitted that the findings of the Jubilee Park Study provided the strategic basis for the introduction of the NCO. It said that the findings recognised the special features of the local neighbourhood character of the Jubilee Park study area and identified the need to ensure that future development is more compatible with and strengthens those qualities.

Council submitted that the Jubilee Park Study identified that the southern end of Kendall Street and the northern side of Ellison Street warranted the introduction of the NCO. It relied on the urban design evidence of Ms Scott, who completed the neighbourhood character section of the Jubilee Park Study, to support the proposed controls.

Ms Scott outlined the methodology of the neighbourhood character study that she completed. This included:

- the preparation of a 'Scoping Study' prior to the assessment of the area
- extensive community consultation
- a review of current planning policy and controls affecting the area
- a review of various development applications and Victorian Civil and Administrative Tribunal (VCAT) decisions
- site inspections and detailed analysis of key neighbourhood character attributes
- an understanding of key threats to neighbourhood character
- detailed conclusions and recommendations.

Ms Scott gave evidence that the southern end of James Street is of local neighbourhood character significance due to the consistency and intactness of the original timber bungalow and interwar homes, together with their uniform scale, setbacks and garden settings.

She said, however, that the original character of the northern part of James Street (and the northern part of Kendall Street) *“has been somewhat eroded by demolition and redevelopment, which is logical given the proximity of the precinct to the Ringwood Activity Centre”*¹⁰. She said that these areas did not warrant the introduction of the NCO.

Ms Scott did not see any issue with the NCO only applying to the southern portion of James Street and confirmed to the Panel that the northern boundary line of the NCO was appropriate based on objective character attributes. She said that the boundary of the NCO aligned with her recommendations in the Jubilee Park Study.

Ms Scott gave evidence that the northern side of Ellison Street is of local neighbourhood significance due to the existence of older style homes and their cohesiveness in scale, roof form and siting. She affirmed that the spaciousness around the dwellings together with the landscaped garden settings, strengthened the neighbourhood character significance of this section of the street. She noted that an additional consideration was the existence of a number of highly valued heritage homes opposite, on the southern side of Ellison Street. Ms Scott concluded that, together, they result in a very highly valued and consistent streetscape. She was satisfied that the proposed boundary of the NCO in Ellison Street (including the property at 34 Kendall Street) was appropriate and consistent with her analysis of the character of the area.

Ms Scott said that it was not appropriate to include the NCO on sites identified for protection under the Heritage Overlay. She observed that the NCO and Heritage Overlay serve different purposes but can be used to complement each other over a broader area. She supported the use of the NCO to support the application of the Heritage Overlay in adjacent and nearby areas of identified specific heritage significance.

Ms Scott also gave evidence that the neighbourhood character of Caroline, Henry, Thomas and Emerald Streets is predominantly defined by simple, timber post-war houses in a variety of garden settings. She said, however, that a number of dwellings in this precinct have been altered or extended, and together with the mix of styles and materials, this gives the overall impression of varied streetscapes and a less consistent neighbourhood character.

Ms Scott advised the Panel that in her view, the existing SLO4 covering the area was working effectively and that the proposed controls would complement the existing tree controls.

In response to a question from the Panel, Ms Scott agreed that the permit requirement to construct a swimming pool under NCO3 should be limited to a swimming pool constructed in front of a dwelling. She said that if a swimming pool was constructed in the back yard of a property there would be no impact on neighbourhood character. The Council agreed with Ms Scott's recommendations regarding this matter.

¹⁰ Document 4, Annexure C, page 16

Ms Scott gave evidence that she supported the 'turning on' of the demolition provisions in Clause 3.0 of Schedule 3 to Clause 43.05. Council noted that the demolition provisions in the NCO are different to the demolition provisions in the Heritage Overlay.

Ms Scott did not support an NCO in any of the areas beyond the exhibited Amendment, except for the inclusion of 18 James Street and 8-24 Haig Street, which was originally exhibited as within the Heritage Overlay.

As discussed in Chapter 3, Ms Schmeder gave evidence that the Heritage Overlay should not be applied to properties at 18 James Street and 8-24 Haig Street. She recommended that these properties should, however, be included within NCO3. Ms Schmeder said that this would ensure *"that development is sympathetic to the heritage built form of the surrounding precinct."*¹¹

The Council and Ms Scott supported Ms Schmeder's evidence with respect to the inclusion of 18 James Street and 8-24 Haig Street in the NCO.

Ms Scott gave evidence that:

Numbers 8 – 24 Haig Street, Ringwood, are located within a larger proposed HO area, and are set apart due to their era of construction being Post War, and later than the other dwellings in the street and proposed HO. While no longer considered appropriate for the HO area, their inclusion in the proposed NCO is well reasoned.

Numbers 8 – 24 Haig Street display the same neighbourhood character attributes of the wider proposed NCO area. They are consistent in materials (weatherboard with tiled roofs), setbacks and form, and are architecturally austere, as is typical of this period. The dwellings are set in generous, well-established gardens, behind low fences, and express the modest, simple and traditional neighbourhood characteristics of Haig Street generally, as well as the wider precinct.

The application of the NCO to numbers 8 – 24 Haig Street is also important to support the application of the HO on properties opposite and adjacent. Any development proposed on these sites has the potential to impact on the significance of the heritage sites, and the wider streetscape and precinct generally.¹²

Ms Scott gave evidence that as a result of the addition of 8-24 Haig Street in NCO3, Clause 1.0 'Statement of neighbourhood character' should be updated to reflect the inclusion of these properties.

Ms Scott provided an amended version of the Statement of neighbourhood character to the Panel as part of her evidence statement (new text is underlined and text to be deleted is shown with a 'strike-through').

The Jubilee Park neighbourhood character area in Ringwood forms part of a larger historic residential area, which was subdivided and first developed in the 1920s. It is significant within Maroondah as a rare example of a neighbourhood that includes residential development from the Interwar period, with the only other comparative example being the 1920s timber bungalows of the Alto Avenue and Wicklow Hills Estate in Croydon. It is also important for its intact and consistent collection of Post War dwellings.

Haig Street and Ellison Street, which terminates with views of the original Ringwood Primary School building, was were laid out on what was originally an orchard, then

¹¹ Document 5, para 130

¹² Document 4, page 3

subdivided as part of the 'Ringwood Township Estate' in c.1921. James Street formed part of the historic 'Ringwood Railway Estate' which was subdivided before the Great Depression in c.1885. These streets and the broader neighbourhood is characterised by historic timber bungalows and simple inter war dwellings, constructed from the 1920s through to the 1950s streetscapes are representative of the development that occurred in Ringwood during the Interwar and early Post War years – simple homes displaying a modest and traditional expression, set in spacious open gardens.

The whole character area itself is notable for its interwar streetscapes, and the consistency of low scale, older style dwellings with tiled, pitched or gable roofs. Timber is the predominant building material and the modest, detached homes are located in spacious generous and well vegetated garden settings. The consistency regularity of built form and setbacks creates a uniformity an orderliness within the character area, and this cohesion is further enhanced by the existence of regular street trees, grassy nature strips and low front fences.¹³

During the Hearing, the Panel asked Ms Schmeder to review Ms Scott's revised version of the Neighbourhood character statement for historical accuracy. She provided a written statement to the Panel and advised:

I have found only one error in the Neighbourhood character statement: that Jubilee Park was 'subdivided and first developed in the 1920s'. In fact, the first suburban subdivision took place in 1885, not the 1920s, and the earliest development took place as early as 1915, again, before the 1920s.

I would also suggest rewording of a later sentence about the Depression that temporarily halted development, for the sake of clarity.¹⁴

Ms Schmeder provided her revised version of the Statement of neighbourhood significance to the Panel. For clarity, the Panel has marked up her recommended changes using Ms Scott's revised version as the base document:

The Jubilee Park neighbourhood character area in Ringwood forms part of a larger historic residential area, which was subdivided and first developed after 1915 in the 1920s. It is significant within Maroondah as a rare example of a neighbourhood that includes development from the Interwar period, with the only other comparative example being the 1920s timber bungalows of the Alto Avenue and Wicklow Hills Estate in Croydon. It is also important for its intact and consistent collection of Post War dwellings.

Haig Street and Ellison Street, which terminates with views of the original Ringwood Primary School building, were laid out on what was originally an orchard, then subdivided as part of the 'Ringwood Township Estate' in c.1921. James Street formed part of the historic 'Ringwood Railway Estate' which was subdivided before the Great Depression in c.1885, but failed to develop during the nineteenth century due to the 1890s Depression. These streetscapes are representative of the development that occurred in Ringwood during the Interwar and early Post War years – simple homes displaying a modest and traditional expression, set in spacious open gardens.

The whole character area is notable for its consistency of low scale, older style dwellings with tiled, pitched or gable roofs. Timber is the predominant building material and the modest, detached homes are located in generous and well vegetated garden settings. The regularity of built form and setbacks creates an orderliness within the character area, and this cohesion is further enhanced by the existence of regular street trees, grassy nature strips and low front fences.¹⁵

¹³ Document 4, Annexure D

¹⁴ Document 12

¹⁵ Document 12

The Council supported the inclusion of Ms Schmeder's version of the Statement of neighbourhood character.

The National Trust submission supported the proposed NCO. It stated:

We submit that the application of the Neighbourhood Character Overlay is warranted, and that this planning instrument provides the most appropriate controls for this unique and intact collection of homes in Ringwood, seeking to protect the sense of place and community meaning by managing future development.

We support the evidence provided by Ms Scott that 'due to the identification of highly valued built form characteristics (including materials and siting), and the preference to assess the development of single dwellings, extensions to dwellings and other buildings and works in these areas, the NCO should be applied where the HO is not applied' (Jubilee Park Stage 2: Neighbourhood Character, p18).

We note that the application of the NCO will provide context and complete precinct for sites of heritage significance, and recognise the importance of whole streets in terms of neighbourhood character significance.

We recognise this innovative application of controls as representing a positive heritage outcome, and see this as a clearly defined approach in ensuring the preservation of this significance area for future generations.¹⁶

A number of submissions supported the NCO as exhibited. For example, Submissions 7, 11, 16, 24 and 25 stated that this pocket of Ringwood holds "*special heritage value and neighbourhood character*" yet is under threat from "*inappropriate development*" due to its proximity to the Ringwood central activity centre. The submissions considered that the use of the NCO would help to protect this "*unique slice of Ringwood's history and character*".

Ms Regos (Submission 36) supported the Amendment and noted:

- Streets and homes with unique character should be preserved and protected from future extensive development.
- Areas such as these are not as prevalent in the outer suburbs of Melbourne as in the inner suburbs and so should be recognised and valued for their place in the history of Melbourne.
- Future development should be sympathetic to existing streetscapes and the neighbourhood.

Ms Moore (Submission 55) supported the Amendment and stated:

Over the years I have lived in the area there have been many reviews, reports, studies and consultations, all of which show the residents of the area want greater protection for the neighbourhood and its character. Yes, the recommendations for preferred character already exist and include complementary low-scale and articulated buildings, use of compatible building materials particularly in areas of exclusively weatherboards, setbacks and allowance for vegetation including canopy trees and fronts not dominated by carport/garages or driveways. I agree with all these recommendations, however I feel they are rarely put into practice and therefore need to become a requirement instead.

Mr and Ms McDonald (Submission 8) supported the NCO but wanted it extended to include Caroline and Henry Streets as "*they have built form and garden settings equal to Haig Street*".

¹⁶ Document 13, para 26-29

Similarly, Ms Starling and Mr Smith supported the use of the NCO in James Street, however thought that all of James Street should be included within the NCO, not just the southern portion of the street. These submitters supported the inclusion of their property at 18 James Street in the NCO rather than the Heritage Overlay and agreed with the evidence of Ms Schmeder and Ms Scott in this regard. However, they also submitted that the existing garage on their property should be excluded from the requirements of the NCO.

During the Hearing, Council submitted that it was appropriate to include 18 James Street in the NCO rather than the Heritage Overlay. A number of other submitters objecting to the Heritage Overlay thought that it would be preferable for their properties to be included in the NCO. For example, Ms Zhang, Mr McConachy, Mr Krtolica and Mr and Ms Collier. Detailed consideration of these issues has been discussed in Chapter 3. The Panel makes the general observation that there appeared to be a strong perception from many submitters that it was 'better' to be within the NCO rather than in the Heritage Overlay.

There was only one submission received that objected to the NCO (C and K Ignatidis, Submission 23). This was within the context of objecting to the whole Amendment and stated that the proposed controls (including the NCO) *"are restrictive and have a huge impact on any future changes we or my children wish to undertake on our property"*. The exhibited Amendment proposed to apply the Heritage Overlay to this property at 22 Haig Street. It did not propose the NCO for this land. Council advised the Panel that the property owners were notified prior to the Hearing that it was Council's preference for the properties at 8-24 Haig Street to be removed from the Heritage Overlay and included in the NCO.

At the Directions Hearing, family members on behalf of the submitters indicated to the Panel that they intended to make a submission at the Panel Hearing. Time was allocated in the timetable for them to make a presentation on Day 2 of the Hearing. The submitters (nor any representative of the submitters) did not attend to present their submission to the Panel and did not provide any reason to the Panel for why they did not attend.

No party objected to the preference of Council including 8-24 Haig Street in the NCO rather than the Heritage Overlay.

4.5 Discussion

The Panel generally accepts that in this instance a reasonable case has been made to warrant the application of the NCO in the limited locations at Jubilee Park identified by Council.

The areas proposed for the NCO demonstrate specific characteristics that should be protected to achieve a preferred character. The Panel is satisfied that the NCO is an appropriate tool to achieve this outcome.

The Panel acknowledges that the Jubilee Park Study provides sufficient strategic basis to justify the proposed controls. This is supported by the additional work commissioned by Council and completed by Ms Scott regarding the broader municipal-wide Character Study Review currently underway. This additional work proves a useful context for the Jubilee Park area relative to the rest of the municipality.

The Panel accepts that the boundaries of NCO3 are based on logical parameters and reflect the outcomes of the Jubilee Park Study. It does not see any need to vary the extent of NCO3

beyond the limited additional areas identified by Council (18 James Street and 8-24 Haig Street).

The Panel agrees with the evidence of Ms Scott that as a result of 18 James Street and 8-24 Haig Street not meeting the threshold to warrant inclusion in the Heritage Overlay based on Ms Schmeder's evidence, that it is appropriate to include these properties in the NCO. This approach is consistent with the general application of the NCO in other parts of the Amendment. The Panel does not consider that this change transforms the Amendment. It also notes that all parties affected were notified of Council's preference to include these properties in the NCO rather than the Heritage Overlay prior to the Panel Hearing. No parties objected to the change to the NCO.

The Panel notes that there was a strong level of community acceptance for the NCO in Jubilee Park. The Council and many submitters expressed concern that the proximity of the area to the Ringwood MAC presented challenges to retain the existing character of the area.

Redevelopment in the area affected by the Amendment has, up until now, been relatively modest. The Panel observed what appeared to be extensive 'restoration' of many old weatherboard homes in the area. The demolition of dwellings and the construction of new contemporary designed houses seemed to be occurring in relatively limited locations. On this basis, it could be argued that the existing planning controls and 'the market' is doing a reasonable job at maintaining the character of the area.

On the other hand, Council and many submitters argued that the existing policy settings in the Maroondah Planning Scheme does not give sufficient weight to the special character of the area compared to broader metropolitan objectives of providing increased density around Major Activity Centres. The Panel accepts that the area is likely to experience increased pressure for redevelopment given the location in close proximity (but not within) the Ringwood MAC. It agrees that in order to strengthen the existing provisions in the planning scheme, it is appropriate to implement additional built form controls.

The Panel acknowledges that, in general, the redevelopment of properties within close proximity to the Ringwood MAC will assist in meeting a variety of objectives outlined in State planning policy, including the provision of a diversity of housing types to accommodate the growth of Melbourne in locations having access to excellent public transport, employment and community facilities. The proposed NCO is considered appropriate in this circumstance, however, because:

- The areas are very small and are not expected to significantly impact on the capacity of the broader area to accommodate additional growth.
- The areas are not within the Ringwood MAC.
- The proposal is supported by a relevant neighbourhood character study.
- The areas help augment the proposed Heritage Overlay on surrounding properties.
- The NCO does not prohibit development, rather, it is about ensuring that future development respects the identified neighbourhood character of the area.

The Panel notes that the use of the NCO has been well-targeted in this instance in order to achieve built form controls over a very limited area. It has been applied judiciously rather than as a 'blanket' approach. This is consistent with the expectations of PPN28.

The Panel was also advised by Council that it does not intend to pursue further areas within the NCO as part of the broader Character Study Review. The Panel is satisfied that Jubilee Park represents a special circumstance that warrants the careful application of the NCO.

In its closing submission, Council noted the distinction between the demolition controls in the Heritage Overlay compared to the NCO. It drew the Panel's attention to several previous Panel reports that dealt with this issue, including *Maribyrnong C92 (PSA) [2012] PPV 8*, where in that case it was proposed to introduce the NCO to a number of residential precincts in the municipality.

The Council summarised the findings of the Maribyrnong C92 Panel report when it stated:

The Panel noted that some submissions supporting NCO provisions appeared to have an expectation that the NCO would prevent or constrain demolition. This was understandable given the objective in each schedule to the NCO referred to the retention of existing dwellings; the decision guideline requiring consideration of the contribution the building to be demolished makes to the preferred character of the area; and the identification of the loss of older homes as an 'issue/threat' in the precinct guidelines.

The Panel agreed with the submission that the NCO should focus on the integration of new development with the existing /preferred character of the neighbourhood and should not imply that there would be a requirement that existing buildings be retained. Accordingly, it recommended changes to the provisions that referred to retention of existing dwellings.¹⁷

The Panel (for Maroondah C116) has a concern that the drafting of several parts of NCO3 could be interpreted as placing controls on demolition to conserve existing buildings.

The NCO is not a tool that should be used to prevent demolition in the same way that a permit is required for demolition in a Heritage Overlay. They are very different. The demolition controls in the NCO has a very clear purpose. Clause 43.05 states that it is a purpose of the NCO:

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.

It is clear that demolition of a building within the NCO is acceptable, however, before demolition occurs the *neighbourhood character features of the site and the new development* must be evaluated. Provided the new development meets the neighbourhood character requirements, then demolition may be acceptable.

It is important to ensure that NCO3 is not a 'surrogate' Heritage Overlay. PPN28 makes it very clear that:

The demolition control in the NCO is intended to hold the existing pattern of development until the character features of the site and the new development have been evaluated. The demolition control is not to be used to conserve existing buildings, but to ensure that demolition does not occur until the responsible authority is satisfied that the new development meets the desired neighbourhood character objectives for the area.

A Heritage Overlay should be used where the objective is to conserve the existing building or buildings.

¹⁷ Document 30, page 1

In contrast, the second 'Neighbourhood character objective' in 2.0 of Schedule 3 to Clause 43.05 proposes:

- To encourage the retention of older weatherboard dwellings that contribute to the neighbourhood character of the area.

The Panel does not support the inclusion of this objective because it requires the retention of older weatherboard dwellings. This is inconsistent with the expectations of PPN28.

The Panel notes that the other objectives in Clause 2.0 are acceptable because they provide guidance about specific neighbourhood character attributes to be addressed as part of any new development on the site.

Similarly, in the 'Decision guidelines' in 5.0 of Schedule 3 to Clause 43.05, the second and third dot points state:

- The extent to which any demolition and replacement development meets the objectives of this clause in relation to siting, height, form and materiality, without historical mimicry.
- In the case of partial demolition, the extent to which the three dimensional form of the existing dwelling is maintained to avoid facadism.

For the reasons outlined above, the Panel considers that the third dot point regarding 'partial demolition' should be deleted and the wording of the second dot point should be amended to state:

- The extent to which any ~~demolition~~ and replacement development meets the objectives of this clause in relation to siting, height, form and materiality, without historical mimicry or facadism.

For the sake of clarity, the Panel also suggests that the first decision guideline should be amended to state:

- The extent to which any proposed buildings and works contribute to the historic neighbourhood character of the broader Jubilee Park area.

The Panel considers that these changes to the objectives and decision guidelines are necessary in order to ensure consistency with the purpose of the NCO, compliance with PPN28 and good planning practice.

The Panel agrees that the 'Statement of significance' in Clause 1.0 in Schedule 3 to Clause 43.05 should be amended to reflect the inclusion of 8-24 Haig Street. In this regard, the Panel supports the amended version of the Statement of significance provided by Ms Schmeder.

The Panel also agrees with Ms Scott that the requirement for a planning permit to construct a swimming pool should be limited to a swimming pool constructed in the front setback of the dwelling on the site. The 'Permit requirement' in Clause 3.0 in Schedule 3 to Clause 43.05 should be amended accordingly.

4.6 Conclusions and recommendations

The Panel concludes:

- That the Jubilee Park Study provides sufficient strategic basis to justify the use of the NCO as a planning tool at Jubilee Park.
- That it is appropriate to apply the NCO to the southern end of James Street and northern side of Ellison Street as exhibited.

- On the basis that 18 James Street and 8-24 Haig Street do not meet the threshold for these properties to be included within the Heritage Overlay, it is appropriate to include these properties within the NCO.
- There is no strategic justification to extend the NCO to any other parts of Jubilee Park.
- The application of the NCO has been well-targeted and results in built form controls over a very limited area.
- The introduction of the NCO in Jubilee Park will not materially impact on the capacity of the Ringwood MAC to accommodate additional growth.
- The areas designated for the NCO will help augment the proposed HO on surrounding properties.
- That the NCO does not prohibit development, rather, it is about ensuring that future development respects the identified neighbourhood character of the area.
- That Clause 1.0 'Statement of neighbourhood character' in Schedule 3 to Clause 43.05 should be amended to reflect the version presented by Ms Schmeder at the Hearing.
- That a variety of changes should be made to Clause 2.0 'Neighbourhood character objectives' and Clause 5.0 'Decision guidelines' in Schedule 3 to Clause 43.05 to ensure that these provisions remove references that could be interpreted as having restrictions on demolition to conserve existing buildings.
- That the requirement in Clause 3.0 in Schedule 3 to Clause 43.05 for a planning permit to construct a swimming pool should be limited to a swimming pool constructed in the front setback of the dwelling on the site.

The Panel recommends:

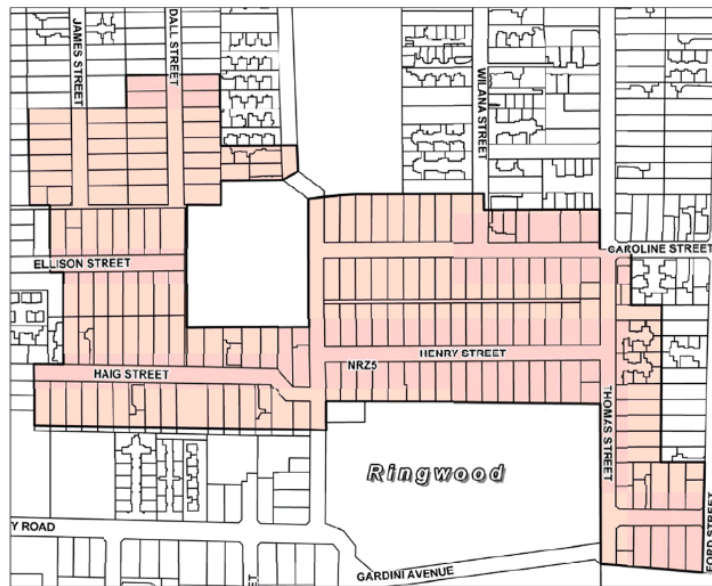
- 10. Apply the Neighbourhood Character Overlay to the exhibited areas as well as the properties at 18 James Street and 8-24 Haig Street (even numbers only).**
- 11. Amend Clause 1.0 'Statement of neighbourhood character' in Schedule 3 to Clause 43.05 in accordance with the changes in the Panel preferred version of Schedule 3 in Appendix E.**
- 12. Amend Clause 2.0 'Neighbourhood character objective' in Schedule 3 to Clause 43.05 by deleting the second dot point as reflected in the Panel preferred version of Schedule 3 in Appendix E.**
- 13. Amend Clause 3.0 'Permit requirement' in Schedule 3 to Clause 43.05 by adding the words "within the front setback" after the words "swimming pool" in the first dot point as reflected in the Panel preferred version of Schedule 3 in Appendix E.**
- 14. Amend Clause 5.0 'Decision guidelines' in Schedule 3 to Clause 43.05 by amending the words in the first two dot points and deleting the third dot point in accordance with the Panel preferred version of Schedule 3 in Appendix E.**

5 Neighbourhood Residential Zone

5.1 What is proposed?

The Amendment proposes to apply the NRZ5 over the land shown in Figure 9.

Figure 9 Proposed NRZ5



The purpose of the NRZ is contained in clause 32.09:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- 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.
- To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.

A schedule to the NRZ must contain the neighbourhood, heritage, environment or landscape character objectives to be achieved for the area.

The exhibited Schedule includes five neighbourhood character objectives:

- To ensure that the consistent architectural and residential character of Jubilee Park is retained and enhanced, without replication of historic built form.
- To encourage the retention of older weatherboard dwellings that contribute to the neighbourhood character of the area.
- To complement and strengthen the historic and predominant use of timber throughout the area.
- To maintain the consistent siting of dwellings, allowing for a generous and well vegetated front garden, and side setbacks that allow for planting.

- To ensure that new dwellings and extensions to dwellings are an appropriate scale relative to the scale of surrounding homes, and that front fences are low and appropriate to the era of the dwelling.

The NRZ5 provides for specific variations to the ResCode provisions of Clauses 54 and 55 of the Planning Scheme. The proposed variations and differences to minimum subdivision area and height as they compare to the existing GRZ1 provisions are identified in Table 6.

Table 6 Differences between GRZ1 and the proposed NRZ5

Current	Proposed NRZ5
GRZ1 with:	
- A general neighbourhood character objective to <i>"encourage development that respects the neighbourhood character of the area"</i> in the parent clause	- 5 Neighbourhood character objectives
- No minimum lot size	- No change
- Minimum side and rear setbacks requirements for standards A10 and B17 varied by Schedule 1	- No change
- Private open space requirements for standards A17 & B28 varied by Schedule 1	- Same area and dimensions for GRZ1 standard A17
	- Same area and dimensions for GRZ1 standard B28 for ground level areas but does not provide for provision of private open space by balcony or on roof-top
- Front fence height requirements for A20 and B32 varied by Schedule 1	- No change
- Maximum building height 11.0m and 3 storeys	- Maximum building height 9.0m and 2 storeys
- Garden area 25% - 35%	- No change

The proposed NRZ5 also includes two decision guidelines:

- The extent to which the proposed buildings or works meet the neighbourhood character objectives of this clause.
- The extent to which any building to be demolished, extended or otherwise modified, contributes to the preferred neighbourhood character of the area.

In summary, the main changes resulting from NRZ5 are:

- the new objectives regarding neighbourhood character
- the maximum building height reduced from 11 metres/3 storeys to 9 metres/2 storeys
- minor changes to the provision of private open space
- additional decision guidelines.

5.2 The issues

The issues are:

- Whether sufficient strategic justification has been provided to warrant the application of NRZ5 at Jubilee Park.
- The extent of the area to be rezoned NRZ5.

- The detailed provisions in NRZ5.

5.3 Evidence and submissions

Council submitted that the Jubilee Park Study provides the strategic justification for the NRZ at Jubilee Park. It said that the Study included an assessment of the most appropriate zone for the area and highlighted that the purpose of the zone and the mandatory building height were the two key elements that weigh in favour of the NRZ in the study area.

The Council submitted that the low scale nature of the dwellings in the study area is one of the most notable and valued characteristics of the area, which requires protection. It said the purpose of the NRZ is considered more appropriate to the Jubilee Park area, as it recognises areas with predominately single and double storey residential development and is intended to manage and ensure that development respects the identified neighbourhood character, heritage, environmental or landscape characteristics of an area.

Council acknowledged that since the changes to the residential zones under Amendment VC110 (March 2017), the difference between the NRZ and GRZ *“are now minimal”*. It submitted:

The GRZ could be retained and the maximum building height of 11 metres or 3 storeys, varied though the schedule to the zone, but as the NRZ has already built in height provisions restricting the height of the dwellings to 9 metres, Council submits rezoning to NRZ to be the most sensible option.¹⁸

Although a large part of the area proposed to be affected by the NRZ is also proposed to be covered by a HO or NCO, Council submitted that it was important to have these areas included within the NRZ as well as these overlays. It said this would provide greater certainty and direction regarding the future development of these areas.

Council also submitted that it was important to include areas beyond the proposed Heritage Overlay within the NRZ because:

... due to the low scale nature of the built form in Caroline, Henry, Thomas and Emerald Streets, the application of the NRZ was considered most appropriate and justifiable, where dwellings of 11 metres or three storeys would be considered incongruous.¹⁹

In its closing submission, Council said that the application of the NRZ at Jubilee Park sends a message that the area is *“a valued and protected neighbourhood”* over and above other policy considerations. Council submitted that the NRZ *“shifts the pendulum”* regarding development expectations for the area.

Council submitted that the application of the NRZ at Jubilee Park is outside the Ringwood MAC and that there are many other appropriately zoned residential areas that can accommodate growth within and adjacent to the activity centre.

During the Hearing, the Panel noted to Council that the boundary of the NRZ on the lots on the south side of Haig Street appeared to fall short of the southern lot boundaries. Council indicated that this was a mapping error and that the zone boundary should be extended to cover this ‘hiatus land’, as similarly shown on the exhibited HO maps.

¹⁸ Document 6, para 44

¹⁹ Document 6, para 62

Ms Scott gave evidence that the application of NRZ5 at Jubilee Park is consistent with her conclusions and recommendations in the Jubilee Park Study:

One of the key neighbourhood character elements, and one which is highly valued by the community, is the low scale nature of the older style homes. This is particularly important in streetscapes that also contain buildings of heritage value i.e. James Street (south), Kendall Street (south), and Ellison and Haig Streets. In response to the older (and in some cases, historic) low scale built form that characterizes these streets, the most appropriate maximum building height is considered to be 9 metres, as opposed to 11 metres. And while the GRZ could be chosen, and the height varied through the schedule, the application of the zone that already has these provisions in place is the most sensible action.

Also due to the simple, low scale nature of built form in Caroline, Henry, Thomas and Emerald Streets and Greenwood Avenue (within the study area), the application of the NRZ is considered most appropriate and justifiable. While garden settings and architectural styles are less consistent, built form is uniformly single storey. There are also a small number of individual HO properties within this precinct.

The purposes of the NRZ are more appropriate to these areas of Jubilee Park, and the decision to apply this zone would marry well with the application of the HO and the NCO, and would satisfy community concerns and expectations.

In the northern areas of James and Kendall Streets, and for properties fronting Wantirna Road, it is considered that the retention of the GRZ is appropriate.²⁰

In response to questions from Ms Moore, Ms Scott said that it was not appropriate to extend the NRZ to the northern portions of James and Kendall Streets because they were closer to the Ringwood MAC and had already been subject to redevelopment. As such, she concluded that *"the horse had already bolted"* and that it was appropriate to retain these sections of James and Kendall Streets in the GRZ1.

Ms Heywood queried Ms Scott about how the 'transition' from the GRZ to NRZ in James Street and Kendall Street could be appropriately managed. Ms Scott said that a purpose of the GRZ still required the consideration of neighbourhood character when assessing a planning permit application and that this would enable a suitable transition of development between the two zones. She said further changes to the provisions in the GRZ resulting from her additional (separate) work for Council could also help in this transition.

In response to questions from the Panel, Ms Scott acknowledged that the southern end of Thomas Street exhibited a more mixed character than other parts of the study area. She said it was included in the NRZ largely because it provided a 'link' to Emerald Street, which was more 'intact'.

Ms Scott could not recall if the decision to restrict the provision of private open space in Standard B28 to ground level was a deliberate choice, however, upon reflection, in her view she could not see any reason to change the existing standards in GRZ1.

The Council responded that it was its preference to vary Standard B28 as in the exhibited Amendment.

²⁰ Document 4, Annexure C, page 18

Ms Scott also acknowledged that the NRZ does not place a requirement for a planning permit to demolish a building and that any reference to demolition of buildings (implicit or explicit) in the objectives or decision guidelines would only relate to buildings that are also in the HO.

Council advised the Panel that it was in the process of completing a review of the current 2004 Character Study. A draft of the Character Study Review was open for public comment between March and June 2019. Council submitted that:

- some of the key objectives of the revised Character Study Review include:
 - the identification of areas that require heightened levels of protection to support neighbourhood character
 - the identification of important view lines and view corridors across Maroondah and how these are affected by current and future building heights
 - revised planning controls incorporating contemporary wording in the Maroondah Local Planning Policy Framework
- the revised Character Study will link with the Maroondah Vegetation Review which will evaluate and assess vegetation for its natural and cultural value and consider options on how best to protect significant vegetation through the Maroondah Planning Scheme, as well as through other management approaches
- the evidence collected during the preparation of the revised Character Study will help Council to make decisions using a 'protecting, enhancing, restoring and recreating' approach to vegetation in the urban landscape
- Council is currently considering submissions to the draft document and finalising the recommendations which will be presented to Council in a final report for formal consideration in late 2019.

Ms Scott gave evidence that:

Following the completion of the Jubilee Park Heritage and Neighbourhood Character Study in February 2018, I was engaged to undertake the Maroondah Neighbourhood Character Study Review (NCS Review). This project is complete, pending Council's review of feedback from DELWP and Maroondah City Council adoption (expected September 2019).

The NCS Review comprises a full neighbourhood and landscape character assessment of all residential areas in Maroondah, including an audit of existing Neighbourhood Areas (as determined by the former Neighbourhood Character Study, prepared by Planisphere in 2003).

This further assessment, including additional work on the landscape and residential character of Jubilee Park, reinforces and supports my initial character conclusions and recommendations.

The NCS Review also recommends further inclusions to proposed Schedule 5 to the Neighbourhood Residential Zone, which do not form part of this amendment (but will be proposed as part of a future amendment to implement the findings of the NCS Review), namely variations to the requirements of Clauses 54 and 55 (permeability 30%, and landscaping requirements), and application requirements (a landscape plan).²¹

Ms Scott advised that the draft review recommends 11 new NRZ schedules, two new GRZ schedules as well as changes to the residential provisions in the Ringwood East and

²¹ Document 4, page 2

Heathmont Neighbourhood Activity Centres and the Ringwood and Croydon Major Activity Centres.

Submissions 2, 68, 69, 70 and 71 were from the owners of dwellings at 28-30 Greenwood Avenue. They objected to the inclusion of their properties in the NRZ because the land is physically separated from the bulk of the Jubilee Park area and is more connected to the northern end of Greenwood Avenue, which is to be retained within the GRZ.

Similarly, Submission 9, the owner of 62A Ford Street, queried the logic of including this property in the NRZ as it would result in it being the only property fronting Ford Street within this zone. The submission suggested that the NRZ be removed from 62A Ford Street, or alternatively, the NRZ be extended to include both sides of the southern end of Ford Street.

Prior to the Hearing, Council indicated to all parties that it intended to delete the NRZ from 28-30 Greenwood Avenue and 62A Ford Street and retain the GRZ for these properties. It relied on the evidence of Ms Scott, who stated:

Numbers 28 and 30 Greenwood Avenue have been developed at the rear with small brick villa units. There are two units to the rear of no. 28 and one unit to the rear of no. 30.

In both cases, the original 1950s weatherboard dwellings have been retained at the front of the sites, remnants of the era of the original subdivision and in keeping with the character of the wider Jubilee Park precinct. However, it is accepted that the remainder of Greenwood Avenue to the north has been redeveloped, almost without exception, with three and four multi-unit developments. The eastern side of Greenwood Avenue is also occupied by Greenwood Park and an adjacent kindergarten, resulting in an open, 'non-traditional' residential streetscape, differing from James, Kendall, Ellison and Haig Streets.

It is also accepted that the Greenwood Avenue sites containing the 1950s dwellings (and units to the rear), are physically and visually separated from the original Ringwood Primary School buildings by a garden area supporting substantial vegetation, and car parking. As such, the Greenwood Avenue sites exist in 'isolation' and are somewhat removed from the wider heritage and neighbourhood character precinct.

On balance, it is considered reasonable that the GRZ be retained on these properties. Any future development will be required to have regard for the neighbourhood character objectives in the schedule (proposed GRZ1), and other variations to Clauses 54 and 55 (recommended as part of the overall Neighbourhood Character Study Review).

Number 62A Ford Street, Ringwood, comprises a relatively contemporary low scale brick and tile dwelling on a small lot, which has been subdivided from the rear of 9 Emerald Street. This property was included as part of 9 Emerald Street, but in fact has no relationship to the neighbourhood character of Emerald Street.²²

At the Hearing, Mr Valluri (Submission 68) spoke on behalf of Units 1-3/28 and 30 and 30B Greenwood Avenue. He acknowledged that Council had changed its view with respect to the zoning of 28-30 Greenwood Avenue and affirmed his support for the retention of the GRZ1.

The Council confirmed to the Panel that 28-30 Greenwood Avenue and 62A Ford Street should remain within GRZ1.

A number of submissions supported the introduction of the NRZ in Jubilee Park.

²² Document 4, page 4

The National Trust particularly supported the provisions restricting the height of dwellings to 9 metres. It said that this requirement responds to the lower scale nature of the dwellings in the Jubilee Park area and identifies this as one of the most notable characteristics which requires protection.

The National Trust submitted that the NRZ was consistent with the proposed Heritage Overlay and NCO controls and agreed with Ms Scott that due to the simple, lower scale nature of built form in Caroline, Henry, Thomas and Emerald Streets and Greenwood Avenue, the application of the NRZ was considered appropriate and justifiable.

The Jubilee Park Residents' Group (Ms Heywood) strongly supported the NRZ to protect Jubilee Park's *"special character and heritage"*. Ms Heywood submitted that if the GRZ for the Jubilee Park precinct remains in place, the area will *"undoubtedly undergo significant loss of character and adverse change, given the growing development pressures from the nearby MAC"*.

Ms Heywood said that in Maroondah, the NRZ has been used very sparingly and only for a landscape ridgeline in the far northern corner of Ringwood – not for the preservation of built form. She submitted that:

It is of note that many other suburbs comparable to Ringwood have designated pockets of NRZ (and often a NCO) in close proximity to railway stations. This trend reflects the reality that often a town's older, established streets are located close to train stations. For example, both Box Hill and Footscray – two other Metropolitan Activity Centres – have NRZ and a NCO applied to pockets in close proximity to the train stations. Similarly, nearby suburbs of Mitcham, Blackburn and Croydon all have similar planning controls (NCO, NRZ) near to their train stations. Unlike the aforementioned neighbouring suburbs, Ringwood (within Jubilee Park) has absolutely no NRZ, nor any street-wide overlays.²³

Ms Heywood also expressed strong support for the NRZ in those areas not within the proposed Heritage Overlay or NCO precincts (Caroline, Henry, Thomas, Emerald and Ford Streets).

Caroline and Henry Street abut Federation Estate, a central heritage-listed landmark of the Jubilee Park precinct. These streets were originally part of the "Bestpart Estate" – a subdivision of the Ringwood pioneer, Arthur V Greenwood, who named the streets after his parents, Caroline and Henry. They are already protected by a single-dwelling covenant on individual titles. Therefore, applying a NRZ is not disadvantaging the area's potential to offer greater housing development. We concur with the opinion of Context's expert witness that the NRZ is more appropriate in this area which reflects a consistency of largely low-scale, single-storey homes with established garden frontages.

The other streets proposed for rezoning to NRZ (Emerald, Thomas) border the unique natural bushland area further south of Jubilee Park – an area that stands out as distinctively open and leafy in the predominantly residential suburb of Ringwood. This area features the Jubilee Park Oval, Russell Lucas Oval and the Ringwood Croquet and Tennis courts. We believe that sensitive vegetation areas like this that are unique for Ringwood should also be protected with a NRZ. We therefore strongly support council's proposition to include streets bordering the Jubilee Park Oval as areas to be rezoned.²⁴

Ms Moore (Submission 27) also supported the NRZ. At the Hearing she said:

²³ Document 14, page 5

²⁴ Document 14, page 6

At a minimum I believe the entire Jubilee Park are should be protected under a NRZ. The low scale and detached bungalow style of the older homes within these streets does not lend itself to the building heights and scale permitted under the GRZ.²⁵

Submission 8 was from Caroline Street and supported the *“proposal to reduce the maximum height to 9 metres and a restriction of no more than 2 dwellings per lot”*.

On the other hand, there were a number of submissions from Caroline Street (for example, 12, 13, 18, 19, 26, 31, 38, 41, 42, 45, 46, 47 and 48) that objected to the NRZ. A typical comment made in many of these submissions was that *“the existing Council planning laws are adequate for controlling planning development”* and that the NRZ *“will affect the future value of our house”*.²⁶

Similar submissions were made from residents in Henry Street (for example, 20, 21, 28, 30, 49, 50 and 51).

Submission 67 was from the owners of 15 Henry Street. They were concerned about the proposed reduction to the maximum height for a dwelling in the NRZ from 11 to 9 metres because they were intending to build a new house. The submitters said the design of their new house will be compromised because a maximum height of 9 metres will restrict the pitch of the second storey roof. The submission stated that this would lead to an *“uninspiring”* design that would be less in keeping with the character of the area. The submission referred to their neighbour’s house (13 Henry Street) as an example of a good 2 storey design that exceeds 9 metres in height.

In response to questions from the Panel to Ms Scott regarding this issue, she did not believe that the house at 13 Henry Street was in keeping with the character of the area. She observed that houses in the area were more *“austere”* and had lower pitched roofs than at 13 Henry Street.

Many of the objections to the NRZ from residents in Haig Street (for example, Submissions 14, 32, 43, 44, 52, 54, 59, 60 and 62) were based on grounds similar to the concerns raised in submissions from Caroline and Henry Streets.

Mr and Ms Collier are Haig Street residents and believe that the GRZ strikes a balance for growth in the street without overdevelopment and thought that there were already sufficient guidelines in place to manage development of the area. At the Hearing, they said that the existing planning controls were sufficient to balance streetscape, development and heritage interests. They were concerned that the NRZ would introduce onerous controls, increase ‘red tape’, require more permits and result in difficulties at VCAT.

On the other hand, some submitters, like Mr Krtolica at 1/30 Haig Street supported the introduction of the NRZ, but opposed the Heritage Overlay. They thought that the NRZ was sufficient to ensure that new development respected the existing neighbourhood character.

²⁵ Document 17, page 1

²⁶ Submission 18

Some submitters thought that the area of the NRZ should be extended. For example, Ms Heywood thought that the NRZ should extend to the northern parts of Kendall and James Street to ensure a more 'cohesive' outcome. She was concerned that in these streets:

the lack of protection of half of the street will result in one protected side of single-storey, low-scale character homes; while the other half will in time be characterised by higher-density residential development, as permitted by the GRZ.²⁷

Ms Starling and Mr Smith own 18 James Street which is on the northern edge of the proposed NRZ in James Street. They supported the NRZ for James Street but also wanted it extended to cover all of the street to provide greater clarity and consistency. At the Hearing, the submitter noted that the change to the designation of 18 James Street from Heritage Overlay to NCO addressed a number of concerns regarding consistency of approach, however:

We remain concerned regarding boundary issues and the comparative lack of protection to be provided to properties at the northern end of James and Kendall Streets and also Wantirna Road to the west, impacting on the broader James Street streetscape.²⁸

Ms Moore also supported the extension of the NRZ up Kendall Street.

Submission 4 also wanted the NRZ extended north along Thomas Street to Bedford Road.

5.4 Discussion

The Panel is concerned about the strategic justification for the introduction of the NRZ at Jubilee Park.

The Council maintained that the Jubilee Park Study provided the basis for the proposed NRZ5. The Council and its expert witness, Ms Scott, said that the need for the NRZ5 was fundamentally about the purpose of the zone and limiting the height of a dwelling or residential building to 9 metres and 2 storeys.

The Panel notes that in this regard, the second and third purposes of the NRZ listed in clause 32.09 are particularly relevant:

- 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.

In contrast, the second purpose of the GRZ at clause 32.08 is:

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

The GRZ1 was seen by Council as problematic, primarily because it allowed a dwelling to be built up to 11 metres high and 3 storeys.

Since the introduction of Amendment VC110, there is arguably less distinction between the GRZ and the NRZ having regard to the inclusion of the 'garden area requirement' in both zones and the deletion of the maximum number of dwellings per lot requirement in the NRZ.

The Panel observes that the proposed Amendment does not include significant detailed provisions in Schedule 5 to Clause 32.09. Other than the five proposed 'Neighbourhood

²⁷ Document 14, page 10

²⁸ Document 18, page 1

character objectives' (Clause 1.0) and the two 'Decision guidelines' (Clause 5.0), there are few significant differences to Schedule 1 to the GRZ.

The Amendment does not propose any changes to the:

- minimum subdivision area
- requirement for the construction or extension of one dwelling or a fence associated with a dwelling on a lot
- application requirements
- variations to clauses 54 and 55 with respect to:
 - minimum street setbacks
 - site coverage
 - permeability
 - landscaping
 - walls on boundaries.

The variations specified in Clause 4.0 of Schedule 5 regarding side and rear setbacks, front fence height and private open space are generally the same that exist in Schedule 1 to the GRZ, other than for Standard B28.

The Panel understands that the minimal variations to Schedule 5 are because the application of the NRZ at Jubilee Park is about controlling building height and maintaining the existing neighbourhood character through the neighbourhood character objectives.

The Panel has approached the initial assessment of the proposed NRZ at Jubilee Park from two perspectives.

In the first instance, the Panel has considered the need for NRZ5 in areas proposed for inclusion within the Heritage Overlay or NCO. In these areas, the proposed overlays require planning permits for a wide range of buildings and works. The overlays result in these areas having a relatively high level of development control.

The Heritage Overlay includes a purpose:

To ensure that development does not adversely affect the significance of heritage places.

The significance of the proposed heritage places is discussed in Chapter 3. It is fair to say that all of the heritage places are of a modest scale.

The NCO includes a range of detailed neighbourhood character objectives and decision guidelines to help guide preferred development outcomes. These have been discussed in Chapter 4. The Statement of neighbourhood character in Schedule 3 to Clause 43.05 makes it clear that the character of these areas is defined by, amongst other things, the consistency of low scale, older style dwellings with tiled, pitched or gabled roofs.

In this regard, the neighbourhood character objectives in NRZ5 largely duplicates the purposes and decision guidelines in the Heritage Overlay (Clause 43.01) and the purposes and decision guidelines in the NCO (Clause 43.05) and the neighbourhood character objectives and decision guidelines proposed in Schedule 3 to Clause 43.05.

The Panel also notes that under the GRZ, there is still a requirement to encourage development that respects the neighbourhood character of the area.

In this context, the Panel does not see that NRZ5 offers any significant additional value to the consideration of planning permit applications in areas affected by the Heritage Overlay or NCO3. The objectives and decision guidelines for NRZ5 say effectively the same thing as the proposed overlays and the Panel sees this as an unnecessary duplication that has the potential to create confusion and misunderstanding. Having already concluded that the overlays are appropriate for Jubilee Park, the Panel considers that the neighbourhood character objectives in NRZ5 are not required.

The only significant 'work' that NRZ5 does is to introduce a maximum height of 9 metres or 2 storeys for a dwelling. The Panel considers that in this circumstance, a height control of 9 metres or 2 storeys in areas affected by the Heritage Overlay or NCO is largely unnecessary because the detailed provisions in the Heritage Overlay and NCO deal with development outcomes appropriately. The Panel is not convinced that a strong case has been made to warrant the need for a 9 metres height limit in these areas. There would seem to be sufficient 'safeguards' resulting from the provisions in the Heritage Overlay and NCO that would ensure that the height of a proposed dwelling does not impact on the significance of the heritage place or the neighbourhood character.

Moreover, it is possible that a 9 metres height limit could unnecessarily reduce the flexibility of good design. For example, it is possible that with good design an extension at the rear of a property could exceed 9 metres in height and have no material impact on the heritage significance of a place or the character of the streetscape.

In summary, the Panel does not support the introduction of the proposed NRZ5 to areas within the proposed Heritage Overlay or NCO.

The Panel has also considered the application of NRZ5 in areas not covered by the proposed Heritage Overlay or NCO. This includes Caroline Street, Henry Street, Thomas Street and Emerald Street.

In these areas there are significantly fewer permit triggers for dwellings compared to the areas within the Heritage Overlay or NCO. The construction of a single dwelling on a lot greater than 300 square metres does not require a planning permit under the current GRZ1 or the proposed NRZ5. Except for properties that have already been developed for multi-units, it would appear that almost all lots are greater than 300 square metres.

It seems to the Panel that the consideration of the neighbourhood character objectives and decision guidelines would, in all likelihood, generally be limited to permit applications for multi-unit development.

The Panel notes that a large number of properties in Henry Street and Caroline Street have a single dwelling covenant.

As noted previously, the GRZ1 already includes a purpose to encourage development that respects the neighbourhood character of the area supported by Clause 22.02. The Panel believes that without further justification for additional requirements, that this is sufficient to help guide future development in these areas.

The key issue for these areas is the proposed new maximum heights for dwellings. The Panel notes that the 9 metres height limit would apply to all dwellings, including those that do not need a planning permit.

The Panel is not convinced that sufficient evidence has been presented to justify the need for a 9 metres height limit in these areas. Ms Scott said that with respect to these streets:

While garden settings and architectural styles are less consistent, built form is uniformly single storey.²⁹

The Panel has inspected these streets and observed multiple two storey dwellings, including the property at 13 Henry Street referred to in Submission 67. A photograph of this two-storey house was used by Council as part of its 'advertising' of Amendment C116.

Council has not completed sufficient detailed research to articulate 'the problem' with the current controls to justify the need for the proposed height controls. As was noted in Submission 67, a 9 metre height limit also has the potential to limit innovative design. The Panel also notes that, on its own, a 9 metres height limit does not necessarily ensure design outcomes that Council might consider to be in character with the area. As proposed in NRZ5, a 9 metres height limit is a rather blunt instrument and a more nuanced approach is required.

The Panel believes that Council needs to complete a more rigorous planning study to justify any change to the current GRZ1. To that end, the Panel notes that Council is well advanced with the Character Study Review. This would seem to be a comprehensive review of neighbourhood character across the whole municipality. Importantly, the review provides a comparative assessment between different areas.

The Council advised the Panel that a suite of 11 NRZ schedules and a range of other changes to GRZ schedules is contemplated. Significantly, further changes to Schedule 5 to the NRZ are likely to introduce variations to the requirements to Clause 54 and 55 with respect to permeability and landscaping requirements. Additional application requirements are also likely.

In this context, the Panel has concerns about proceeding with the NRZ at Jubilee Park in isolation from the broader picture that is unfolding. It is true that strategic planning does not stand still and that it is not always possible to proceed with every part in a preferred sequence. However, given that the Character Study Review is well advanced, it would seem premature to proceed with the NRZ at Jubilee Park without considering the broader context and with a fuller understanding of how all the proposed provisions in the zone may work together.

For completeness and perhaps to help guide the future process, the Panel makes a number of comments with respect to some of the specific provisions and the extent of the proposed zoning.

First, the Panel does not understand the rationale for the varied Standard B28 to require the provision of private open space at ground level only. This was not fully explained by Council and it was not supported by Ms Scott. No justification for this requirement was presented to the Panel.

Second, the Panel considers the first decision guideline in Clause 7.0 in Schedule 5 to Clause 32.09 to be an unnecessary duplication of an existing decision guideline in Clause 32.09-13. The third decision guideline in the parent clause under the heading 'General' requires

²⁹ Document 4, Annexure C, page 18

consideration of “the objectives set out in the schedule to this zone”. This is sufficient to ensure that appropriate consideration is given to the neighbourhood character objectives.

Third, the Panel has concerns about the inclusion of the word “demolition” in the second decision guideline in Clause 7.0 in Schedule 5 to Clause 32.09. No permit is required for the demolition of a building under the NRZ and it is therefore inappropriate to include consideration of the extent to which any building to be demolished contributes to the neighbourhood character of the area.

Fourth, for the reasons outlined by Ms Scott, the Panel agrees with Council that the properties at 28-30 Greenwood Avenue and 62A Ford Street should not be included in the NRZ3.

Fifth, any zoning of land on the south side of Haig Street (2-34 Haig Street) should include the ‘hiatus land’ along the southern boundary of these lots.

Sixth, from an inspection of the site, the Panel could see no reason to include the properties at 36, 37, 37A 39 and 43 Thomas Street in the NRZ. These properties have largely been developed for multi-units and do not relate to the balance of the NRZ land. Ms Scott suggested that they were included in order to link with Emerald Street, however the Panel does not consider that this has been properly thought through. The Panel notes that there were no submissions from any of these properties.

Seventh, the Panel makes no specific findings with respect to the submissions that called for extensions of the NRZ to the northern parts of James Street, Kendall Street or Thomas Street. This is beyond the scope of Amendment C116, but could be matters for Council to consider in further detail as part of its broader review of zoning in association with the Character Study Review.

Finally, a number of submissions raised concerns regarding the impact that the NRZ might have on the value of their properties. This issue is dealt with in section 3.7.

5.5 Conclusions and recommendations

The Panel concludes:

- That further strategic justification is required before the NRZ is applied to any land at Jubilee Park.
- That it is premature at this point to rezone any land at Jubilee Park to NRZ5.
- Any future potential rezoning should have regard to the outcomes of the broader Character Study Review that Council is currently completing as well as further detailed consideration of the interaction with the Heritage Overlay and NCO controls at Jubilee Park.
- The detailed provisions in the exhibited Schedule 5 to Clause 32.09 requires further consideration.

The Panel recommends:

- 15. Abandon applying the Neighbourhood Residential Zone Schedule 5 at Jubilee Park until further strategic planning provides a more comprehensive strategic justification for the Neighbourhood Residential Zone in this location.**

Appendix A Submitters to the Amendment

No.	Submitter	No.	Submitter
1	Y and C Zhou, P Yan and E Zhang	30	S Su
2	H Zeng	31	M Sun
3	C Frohlich	32	W and G Hussey
4	C and M Farrelly	33	R McConachy and K Nairn
5	E Stankovic	34	National Trust of Australia (Victoria)
6	P Krtolica	35	R Starling and R Smith
7	K Leigh	36	J Regos
8	N and D McDonald	37	G and J Marsh
9	S Samuel	38	Q M Huang (duplicate of submission 12)
10	S Ignatidis	39	W Li
11	S C Solis	40	S Ignatidis (duplicate of submission 14)
12	Q M Huang (petition)	41	S Su (duplicate of submission 30)
13	E Li (duplicate of submission 12)	42	M Sun (duplicate of submission 31)
14	S Ignatidis (petition)	43	C M Zhou
15	J and S Williams	44	M Allan
16	Y Cooper	45	I Wang
17	C Devenish	46	S Huang
18	Q Xie	47	Q Xie
19	S Huang	48	Q M Huang
20	N Liu	49	N Liu
21	E Li	50	H Zhang
22	Q Zhang	51	L Chen
23	C and K Ignatidis	52	P Braakhuis
24	K Ryan	53	T and S Collier
25	J P Ryan	54	Q Zhang
26	Q M Huang	55	B Moore
27	L Moore	56	D Smith
28	L Chen	57	A Simkin
29	Jubilee Park Residents' Group	58	J H Wi
29B	K Heywood	59	S and B Wong

No.	Submitter	No.	Submitter
60	J Windsor	66	Y Wei
61	J Broomhead	67	M and R Wursthorn
62	D Cheung	68	Y Xin and S Valluri
63	G Ryan	69	J Chen
64	R A and D P Revell	70	W Gu and W Lin
65	S C Solis	71	H Zeng

Appendix B Parties to the Panel Hearing

Submitter	Represented by
Maroondah City Council	Ms Maria Marshall of Maddocks, who called expert evidence on: - urban design from Claire Scott of Claire Scott Planning - heritage from Natica Schmeder of Landmark Heritage Pty Ltd
National Trust of Australia (Victoria)	Ms Caitlin Mitropoulos
Jubilee Park Residents' Group	Ms Karen Heywood
Karen Heywood	
Linda Moore	
Predag Krtolica	
Rebecca Starling & Russell Smith	
Richard McConachy	
Srujan Valluri	
Yejoo Cho (Jeong Hee Wi)	
Gareth & Joanne Marsh	
Yufei Wei	
Raymond Revell	
Qaiochu Zhang	
Simon Ignatidis, Charalambos & Kiriaki Ignatidis	
Ted & Sarah Collier	

Appendix C Document list

No.	Date	Description	Provided by
Prior to Hearing			
1	7/8/2019	Council email to parties enclosing Council's delegate report (and attachments) considering submissions	Council
2	7/8/2019	Council letter sent to land owners relating to proposed post-exhibition changes	Council
3	13/8/2019	Council Part A submission	Council
4	13/8/2019	Urban design witness statement of Claire Scott of Claire Scott Planning	Council
5	13/8/2019	Heritage witness statement of Natica Schmeder of Landmark Heritage Pty Ltd	Council
During Hearing			
6	21/8/2019	Council Part B submission	Council
7	21/8/2019	Council folder of background documents	Council
8	21/8/2019	Multiple A4 colour photos of houses by street address	Council
9	21/8/2019	Multiple A3 colour photos of streetscapes	Council
10	21/8/2019	Email from Heywood to Council dated 11/8/2019	Council
11	21/8/2019	Copy of PowerPoint slides presented by Ms Scott	Ms Scott
12	22/8/2019	Comments on proposed NCO Schedule 3 by Ms Schmeder	Council
13	22/8/2019	National Trust of Australia (Victoria) submission	Ms Mitropoulos
14	22/8/2019	Jubilee Park Residents' Group (Ms Heywood) submission	Ms Heywood
15	22/8/2019	Submission '29b'	Council
16	22/8/2019	Extract from Whitehorse Planning Scheme Maps (A3) HO	Council
17	22/8/2019	Ms Moore submission	Ms Moore
18	22/8/2019	Ms Starling and Mr Smith submission	Ms Starling
19	22/8/2019	Mr Valluri submission	Mr Valluri
20	22/8/2019	Ms Zhang submission	Ms Zhang
21	23/8/2019	Further submission from Ms Heywood	Council
22	23/8/2019	Mr McConachy and Ms Nairn submission (speaking notes)	Mr McConachy
23	23/8/2019	Mr Wei submission (late)	Mr Wei
24	23/8/2019	Mr Krtolica submission	Mr Krtolica

No.	Date	Description	Provided by
25	23/8/2019	Mr and Mrs Collier submission	Mr and Mrs Collier
26	23/8/2019	Post exhibition changes accepted by Council	Council
27	23/8/2019	VCAT Decision – Ausun Property Developments Pty Ltd v Maroondah CC [2017] VCAT 653	Council
28	23/8/2019	Extract from Whitehorse Planning Scheme maps (A4) NCO	Council
29	23/8/2019	Extracts from Maroondah, Maribyrnong and Whitehorse Planning Scheme Maps (A3) x 4 sheets	Council
Post Hearing			
30	26/8/2019	Summary of closing notes on behalf of Council	Council
31	26/8/2019	Updated version of Document 26	Council
32	30/8/2019	Council preferred version of Amendment Documents incorporating changes as per Document 31	Council

Appendix D Panel preferred version of statements of significance

Tracked Added

~~Tracked Deleted~~

MAROONDAH PLANNING SCHEME

Statement of Significance

**Heritage
Place:**

ELLISON
STREET
PRECINCT
(EXTENSION)

PS ref no: HO98

Prepared by: Context

Address: 4-18 Ellison Street, Ringwood

Name: Ellison Street Precinct

Place Type: Residential House

Grading: Significant

Extent of Overlay: Refer to Precinct Map

Architectural Style: Interwar Period (c.1919-c.1940)

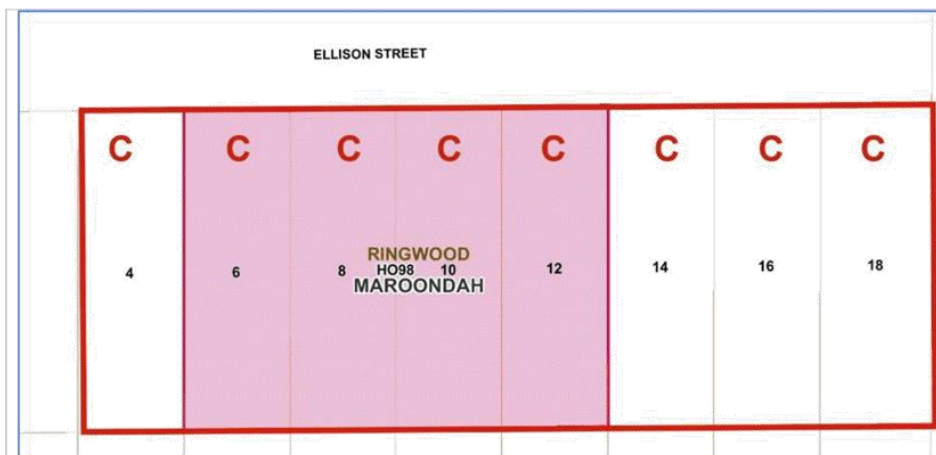
Survey Date: August 2016

Architect:

Builder: Harry Peake

Construction Date: 1923-27





What is significant?

The Ellison Street precinct comprising numbers 4,6,8,10,12,14,16 and 18 Ellison Street, Ringwood is significant.

The modern carports and garages, rear extensions and front fences are not significant.

How is it significant?

The Ellison Street precinct is of local historic, architectural and aesthetic significance to the City of Maroondah.

Why is it significant?

The Ellison Street precinct is of historic significance in demonstrating the rapid residential development that occurred in Ringwood, particularly around the trainlines in the early interwar years, following arrival of the electrified rail line to the area and the ready supply of fresh water available from the newly completed O'Shannassy Dam. (Criterion A)

The Ellison Street precinct is of aesthetic significance as a good representative example of a residential precinct from the interwar period in Ringwood. There is a consistency in building form, materiality and detailing that contributes to the homogenous character of the precinct. The precinct is largely intact, with consistent setbacks, garden settings, homogenous building forms and material consistency – forming a characteristic interwar suburban streetscape with some visible additions, such as added carports or garages. The properties within the precinct have a similar style, scale form and materiality where the original designs are clearly distinguishable, but with some alterations evident. The consistency in the row of houses at 6-12 Ellison Street forms the core of the precinct and strengthens the aesthetic value. (Criteria D and E).

The dominant building style in the precinct is the Californian Bungalow, mostly in timber with one brick example. Roofs are typically transverse from with a projecting wing to the

front, clad in Marseilles patterned terracotta tiles. Windows are double hung sash windows, sometimes with small panes to the upper sashes. Number 6 has leadlight to the upper sashes. A number of houses have double timber entry doors. Verandah detailing includes of various combinations and squared timber posts and masonry pillars to front verandahs, with the distinctive splayed pillars on number 4 being a notable example. Timber shingles feature over the bay window on numbers 6-12, and on the front gable of number 18. Number 10 is notable for the relatively elaborate detailing of the original brick façade, fenestration and verandah. (Criteria D and E)

Gradings and Planning Control Recommendations

Recommended for inclusion in the Schedule to the Heritage Overlay of the Maroondah Planning Scheme as a Precinct. Gradings are specified in the precinct Schedule of Gradings below.

Primary source

Jubilee Park Heritage and Neighbourhood Character Study, Context, Final Report February 2018

PRECINCT GRADINGS SCHEDULE

Name	Number	Street	Grading	Built Date
	4	Ellison Street	Contributory	< c.1924
	6	Ellison Street	Contributory	1923-24
	8	Ellison Street	Contributory	1923
	10	Ellison Street	Contributory	c.1927
	12	Ellison Street	Contributory	1924
	14	Ellison Street	Contributory	1923
	16	Ellison Street	Contributory	c.1924
	18	Ellison Street	Contributory	c.1924

Recommendations for the Schedule to the Heritage Overlay (Clause 43.01) in the Maroondah Planning Scheme:

External Paint Colours	No
Is a permit required to paint an already painted surface?	
Internal Alteration Controls	No
Is a permit required for internal alterations?	
Tree Controls	No
Is a permit required to remove a tree?	
Victorian Heritage Register	No
Is the place included on the Victorian Heritage Register?	
Incorporated Plan	No
Does an Incorporated Plan apply to the site?	
Outbuildings and fences exemptions	No

Are there outbuildings and fences which are not exempt from notice and review?

Prohibited uses may be permitted

No

Can a permit be granted to use the place for a use which would otherwise be prohibited?

Aboriginal Heritage Place

No

Is the place an Aboriginal heritage place which is subject to the requirements of the Aboriginal Heritage Act 2006?

This document is an incorporated document in the Maroondah Planning Scheme pursuant to section 6(2)(j) of the *Planning and Environment Act 1987*

MAROONDAH PLANNING SCHEME

Statement of Significance

Heritage
Place: HAIG
STREET
PRECINCT

PS ref no: HO140

Prepared by: Context

Address: 3-31 and 2-6 and 26-34 Haig
Street, Ringwood

Survey Date: August 2016

Name: Haig Street Precinct

Architect:

Place Type: Residential House

Builder:

Grading: Significant

Construction Date: 1920s-1950s

Extent of Overlay: Refer to Precinct Map

Architectural Style: Interwar Period (c.1919-c.1940)





Figure 1 Map of the Haig Street precinct – red line denotes proposed precinct boundary. 'C' = contributory to the precinct, 'NC' = non-contributory to the precinct.

What is significant?

The Haig Street Precinct, comprising 3-31 and 2- [6 and 26](#)-34 Haig Street, Ringwood, is significant.

Number 19 Haig Street is significant within the precinct.

Front fences, carports and garages within the precinct are not significant.

How is it significant?

The Haig Street precinct in Ringwood is of local historic, architectural and aesthetic significance to the City of Maroondah.

Why is it significant?

The Haig Street precinct is of historic significance in demonstrating the rapid residential development that occurred in Ringwood, particularly around the trainlines in the interwar and early post war years, following first, the arrival of the electrified rail line to the area and the ready supply of fresh water available from the newly completed O'Shannassy Dam, and later, the popularisation of the suburbs. (Criterion A)

~~The Haig Street precinct is of further historic significance for its association with the Great War. As was common in new subdivisions in Melbourne in the 1920s, the street name selected had an association with the Great War. Haig Street was named after the British army officer, General Douglas Haig who had commanded the British forces on the Western Front during World War I. (Criterion A)~~

The Haig Street precinct is a good representative example of a residential precinct from the interwar/early post World War 2 period. While demonstrating a consistent building type - the single storey, detached bungalow, the precinct is notable for demonstrating the range of

styles applied to the bungalows in the interwar and early post World War 2 years. Visual cohesion is achieved in the precinct by the use of consistent front setbacks, material palette, and garden settings. The wide streets, nature strips and established streets (majority replanted) contribute to the aesthetic appeal of the precinct. The cohesive suburban streetscape retains its integrity despite, such as added carports, upper storey additions and garages through the similar style, scale form and materiality where the original designs are clearly distinguishable, but with some alterations evident. (Criterion D and E)

19 Haig Street is an example of a bungalow built in the Moderne style. It features a semi-circular entry porch with rendered walls which are trimmed with tapestry brick. A rectangular opening on the curved edge has a wrought iron grilled in a diamond pattern. Soldier courses of tapestry brick feature around the window openings and across the façade. Two brick and render chimneys have stepped bases which protrude through the roof. The house is an excellent example of the Moderne style adapted to suit the modest housing of the area. (Criterion E)

Gradings and Planning Control Recommendations

Recommended for inclusion in the Schedule to the Heritage Overlay of the Maroondah Planning Scheme as a Precinct. Gradings are specified in the precinct Schedule of Gradings below.

Primary source

Jubilee Park Heritage and Neighbourhood Character Study, Context, Final Report February 2018

PRECINCT GRADINGS SCHEDULE

Name	Number	Street	Grading	Built Date
	2	Haig Street	Contributory	1935-38
	3	Haig Street	Contributory	1930s
	4	Haig Street	Contributory	1926-28
	5	Haig Street	Contributory	1920s
	5A	Haig Street	Non-contributory	
	6	Haig Street	Contributory	1935-38
	7	Haig Street	Contributory	1935-38
	8	Haig Street	Contributory	1949
	9	Haig Street	Contributory	1935-38
	10	Haig Street	Contributory	By 1954
	11	Haig Street	Contributory	1935-38
	12	Haig Street	Contributory	1950-55
	13	Haig Street	Contributory	1920-24
	14	Haig Street	Contributory	By 1954
	2/14	Haig Street	Non-contributory	
	15	Haig Street	Contributory	By 1924
	16	Haig Street	Contributory	1950-55
	17	Haig Street	Non-contributory	
	18	Haig Street	Contributory	1950-55

	19	Haig Street	Individually Significant	1940
	20-22	Haig Street	Contributory	By 1954
	21	Haig Street	Contributory	1935-38
	23	Haig Street	Contributory	1941-42
	2/23	Haig Street	Non-contributory	
	24	Haig Street	Non-Contributory	
	25	Haig Street	Non-Contributory	
	26	Haig Street	Contributory	1920-24
	27	Haig Street	Contributory	1935-38
	28	Haig Street	Contributory	1920-24
	29	Haig Street	Contributory	1935-38
	30	Haig Street	Contributory	1948
	2/30	Haig Street	Non-Contributory	
	31	Haig Street	Contributory	1935-37
	32	Haig Street	Contributory	By 1924
	34	Haig Street	Contributory	1941

Recommendations for the Schedule to the Heritage Overlay (Clause 43.01) in the Maroondah Planning Scheme:

External Paint Colours	No
Is a permit required to paint an already painted surface?	
Internal Alteration Controls	No
Is a permit required for internal alterations?	
Tree Controls	No
Is a permit required to remove a tree?	
Victorian Heritage Register	No
Is the place included on the Victorian Heritage Register?	
Incorporated Plan	No
Does an Incorporated Plan apply to the site?	
Outbuildings and fences exemptions	No
Are there outbuildings and fences which are not exempt from notice and review?	
Prohibited uses may be permitted	No
Can a permit be granted to use the place for a use which would otherwise be prohibited?	
Aboriginal Heritage Place	No
Is the place an Aboriginal heritage place which is subject to the requirements of the Aboriginal Heritage Act 2006?	

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MAROONDAH PLANNING SCHEME

Statement of Significance

Heritage Place: Kendall Street Precinct	PS ref no: HO141
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Prepared by: Context

Address: 20-32 and 21-35 Kendall Street, Ringwood
Name: Kendall Street Precinct
Place Type: Residential TerraceResidential Terrace
Grading: Significant
Survey Date: August 2016
Architect:
Builder:
Construction Date: 1915 – early 1950s
Extent of Overlay: Refer to Precinct Map
Architectural Style: Interwar Period (c.1919-c.1940)Interwar Period (c.1919-c.1940)



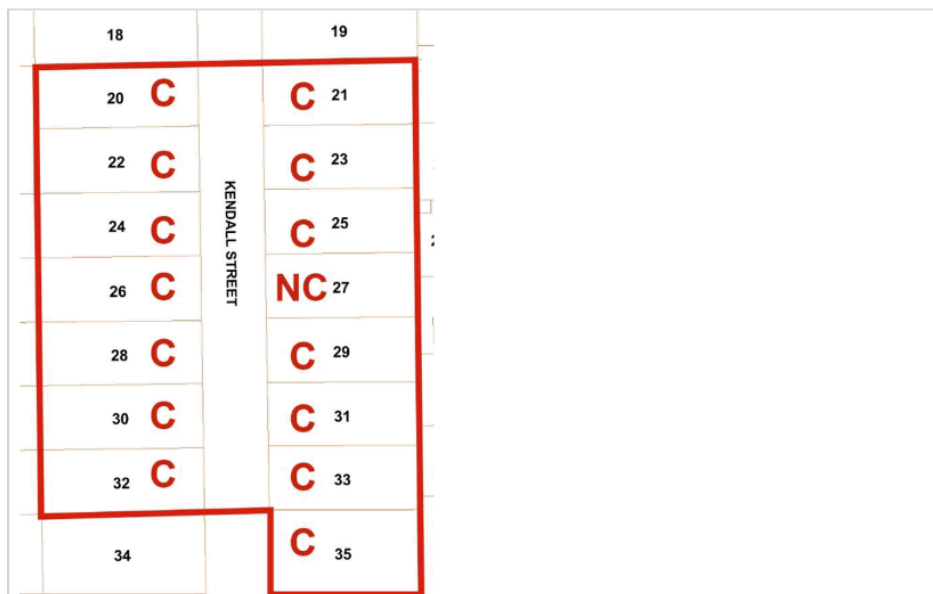


Figure 1 Map of Kendall Street Precinct. Red line shows precinct boundary. C = Contributory to the precinct

What is significant?

The Kendall Street precinct, comprising 20-32 and 21-35 Kendall Street, Ringwood is significant.

How is it significant?

The Kendall Street precinct in Ringwood is of local historic, architectural and aesthetic significance to the City of Maroondah.

Why is it significant?

The Kendall Street precinct is of historic significance as evidence of the residential development that occurred in Ringwood in the interwar years, following the electrification of the railway line and the supply of fresh water from the newly completed O'Shannassy Dam. (Criterion A)

The Kendall Street precinct is a representative example of a residential precinct from the interwar period. There is a consistency in building form, materiality and detailing that contributes to the homogenous character of the precinct. The precinct is comprised of modest timber bungalows, mostly from the 1930-40s. Groups of similar houses occur, suggesting they were built by one builder or to a standardised design. The primary architectural character of the precinct is the single storey, detached bungalow with a projecting wing to one side, a central entry porch and a tiled hipped roof. Timber is the dominant material with one example

in brick. Windows typically are tripartite timber framed double sash windows. Number 22 has leadlight to the upper sashes. Primary aesthetic interest is derived from detailing of the entry porch of each house. Detailing varies between each dwelling and includes motifs and elements from the various interwar styles including: gabled parapets, pointed arched openings, columns and pillars, and tapestry brick motifs and edging (Criterion D)

The interwar suburban streetscape is intact within the precinct, with garden settings, nature strips and street plantings of Melaleuca, with a row of three mature Liquidambar on the west side; the latter appear to date from the 1930s-50s. (Criterion D and E)

Gradings and Planning Control Recommendations

Recommended for inclusion in the Schedule to the Heritage Overlay of the Maroondah Planning Scheme as a Precinct. Gradings are specified in the precinct Schedule of Gradings below.

Primary source

Jubilee Park Heritage and Neighbourhood Character Study, Context. Final Report February 2018

PRECINCT GRADINGS SCHEDULE

Name	Number	Street	Grading	Built Date
	20	Kendall Street	Contributory	1930s
	21	Kendall Street	Contributory	1942?
	22	Kendall Street	Contributory	1930s
	23	Kendall Street	Contributory	1940
	24	Kendall Street	Contributory	Post-1950
	25	Kendall Street	Contributory	1940
	26	Kendall Street	Contributory	1940
	27	Kendall Street	Contributory Non Contributory	By 1922
	28	Kendall Street	Contributory	1939
	29	Kendall Street	Contributory	1939
	30	Kendall Street	Contributory	Around 1915
	31	Kendall Street	Contributory	1941
	32	Kendall Street	Contributory	1930s
	33	Kendall Street	Contributory	c.1940
	35	Kendall Street	Contributory	1941

Recommendations for the Schedule to the Heritage Overlay (Clause 43.01) in the Maroondah Planning Scheme:

External Paint Colours	No
Is a permit required to paint an already painted surface?	
Internal Alteration Controls	No
Is a permit required for internal alterations?	
Tree Controls	No
Is a permit required to remove a tree?	
Victorian Heritage Register	No
Is the place included on the Victorian Heritage Register?	
Incorporated Plan	No
Does an Incorporated Plan apply to the site?	
Outbuildings and fences exemptions	No
Are there outbuildings and fences which are not exempt from notice and review?	
Prohibited uses may be permitted	No
Can a permit be granted to use the place for a use which would otherwise be prohibited?	
Aboriginal Heritage Place	No
Is the place an Aboriginal heritage place which is subject to the requirements of the Aboriginal Heritage Act 2006?	

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MAROONDAH PLANNING SCHEME

Statement of Significance

**Heritage
Place:**

HOUSE 5 –
Caroline Street
Ringwood

PS ref no: HO142

Prepared by: Context

Address: 5 Caroline Street, Ringwood

Name:

Place Type: Residential House

Grading: Significant

Extent of Overlay: To title boundaries

Architectural Style: Interwar Period (c.1919-c.1940)

Survey Date: August 2016

Architect:

Builder:

Construction Date: 1925-26



What is significant?

The house at 5 Caroline Street, Ringwood, built in 1925-26, is significant.
The modern additions of ~~glazed panels in porch wall~~, ~~the~~ carport, ~~and~~ front fence ~~and all~~ later additions behind the main hipped roof are not significant.

How is it significant?

The house at 5 Caroline Street, Ringwood is of local architectural significance to the City of Maroondah.

Why is it significant?

The house at 5 Caroline Street, Ringwood exhibits a number of characteristics typical of the Californian Bungalow style. The style was popular in Ringwood and surrounding suburbs during the Interwar years when a number of housing estates were developed in Ringwood and in the Maroondah area more generally. (Criterion D)

Characteristics associated with the Californian Bungalow style include: a low pitched gabled roof form, with a secondary gabled roof over a projecting front porch; Marseille patterned roof tiles, with wide eaves and exposed rafter ends; timber brackets below the shingled gable; half brick porch/verandah piers with tapered rendered sections above, and soldier brickwork to the upper edges; a combination of natural materials arranged to provide visual interest including timber shingles to the gables, and half brick walls with rough cast rendered sections above; boxed double-hung sash windows with diamond patterned leadlight to the upper sashes; two square rendered chimneys with a brick soldier course to the upper edge. (Criterion D)

Primary source

Jubilee Park Heritage and Neighbourhood Character Study, Context. Final Report February 2018

Planning Control Recommendations

Recommendations for the Schedule to the Heritage Overlay (Clause 43.01) in the Maroondah Planning Scheme:

External Paint Colours	No
Is a permit required to paint an already painted surface?	
Internal Alteration Controls	No
Is a permit required for internal alterations?	
Tree Controls	No
Is a permit required to remove a tree?	
Victorian Heritage Register	No
Is the place included on the Victorian Heritage Register?	
Incorporated Plan	No
Does an Incorporated Plan apply to the site?	

Outbuildings and fences exemptions	No
Are there outbuildings and fences which are not exempt from notice and review?	
Prohibited uses may be permitted	No
Can a permit be granted to use the place for a use which would otherwise be prohibited?	
Aboriginal Heritage Place	No
Is the place an Aboriginal heritage place which is subject to the requirements of the Aboriginal Heritage Act 2006?	

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MAROONDAH PLANNING SCHEME

Statement of Significance

Heritage

Place:

CARISBROOK
20 Caroline
Street
Ringwood

PS ref no: HO143

Prepared by: Context

Address: 20 Caroline Street, Ringwood

Name: Carisbrook

Place Type: Residential House

Grading: Significant

Extent of Overlay: To title boundaries

Architectural Style: Interwar Period (c.1919-c.1940)

Survey Date: August 2016

Architect:

Builder:

Construction Date: 1939-40



What is significant?

The house and front fence at 20 Caroline Street, built 1939-40, is significant.

How is it significant?

The house ~~and front fence~~ at 20 Caroline Street, Ringwood ~~is~~ **are** of local architectural significance to the City of Maroondah.

Why is it significant?

The house at 20 Caroline Street, Ringwood exhibits characteristics typical of a the 'Moderne' style in a domestic building from the interwar period, including a strong horizontal emphasis with a deep band of face tapestry brick running between rendered bands to the upper and lower façade; two identical tri-partite steel casement windows are set into the brick band, on either side of the entry porch; a soldier course of tapestry bricks runs across the upper edge of each window opening; a central entry door has steel sidelight windows. ~~The low brick front fence has simple brick piers with tapered rendered tops and a steel pipe rail running between the piers.~~ (Criterion D)

Primary source

~~Jubilee Park Heritage and Neighbourhood Character Study, Context. Final Report February 2018~~

Planning Control Recommendations

Recommendations for the Schedule to the Heritage Overlay (Clause 43.01) in the Maroondah Planning Scheme:

External Paint Colours	No
Is a permit required to paint an already painted surface?	
Internal Alteration Controls	No
Is a permit required for internal alterations?	
Tree Controls	No
Is a permit required to remove a tree?	
Victorian Heritage Register	No
Is the place included on the Victorian Heritage Register?	
Incorporated Plan	No
Does an Incorporated Plan apply to the site?	
Outbuildings and fences exemptions	Yes — brick and steel
Are there outbuildings and fences which are not exempt from notice and review?	pipe front fence: No
Prohibited uses may be permitted	No
Can a permit be granted to use the place for a use which would otherwise be prohibited?	
Aboriginal Heritage Place	No
Is the place an Aboriginal heritage place which is subject to the requirements of the Aboriginal Heritage Act 2006?	

This document is an incorporated document in the Maroondah Planning Scheme pursuant to section 6(2)(j) of the *Planning and Environment Act 1987*

MAROONDAH PLANNING SCHEME

Statement of Significance

Heritage Place:
22 James Street
Ringwood

PS ref no: HO145

Prepared by: Context

Address: 22 James Street, Ringwood

Survey Date: August 2016

Name:

Architect:

Place Type: Residential House

Builder:

Grading: Significant

Construction Date: 1924-26

Extent of Overlay: To title boundaries

Architectural Style: Interwar Period (c.1919-c.1940)



What is significant?

22 James Street, Ringwood, built in 1924-26, is significant

How is it significant?

22 James Street, Ringwood is of local architectural and aesthetic significance to the City of Maroondah.

Why is it significant?

22 James Street, Ringwood integrates a number of characteristics associated with both the Federation era 'Queen Anne' style and the Californian Bungalow style of the interwar period. The overall form of the house resembles the asymmetrical and complex form typical of the style of the 'Queen Anne' style. It features a projecting wings at the front and the side, and a return verandah with a boxed bay window across the corner. By contrast, the low-slung roof and wide front gable are more closely associated with the Californian Bungalow style. (Criterion D)

Detailing associated with the 'Queen Anne' style includes boxed bay windows to the projecting bays and across the verandah corner, with narrow double hung windows with highlight windows above; a small arched window at the end of the verandah; half timbering to the gable ends (thought typically the gables would be deeper); and a three panel, leadlight entry door with leadlight to the side lights. Detailing associated with the Californian Bungalow style includes timber detailing to the front verandah including paired solid timber posts and elongated timber blade brackets; a timber gable ventilator to the upper gabled end; and a simple brick chimney with rendered top. (Criterion D and E)

The house retains a high level of integrity.

Primary source

Jubilee Park Heritage and Neighbourhood Character Study, Context, Final Report February 2018

Planning Control Recommendations

Recommendations for the Schedule to the Heritage Overlay (Clause 43.01) in the Maroondah Planning Scheme:

External Paint Colours	No
Is a permit required to paint an already painted surface?	
Internal Alteration Controls	No
Is a permit required for internal alterations?	
Tree Controls	No
Is a permit required to remove a tree?	
Victorian Heritage Register	No
Is the place included on the Victorian Heritage Register?	
Incorporated Plan	No

Does an Incorporated Plan apply to the site?	
Outbuildings and fences exemptions	No
Are there outbuildings and fences which are not exempt from notice and review?	
Prohibited uses may be permitted	No
Can a permit be granted to use the place for a use which would otherwise be prohibited?	
Aboriginal Heritage Place	No
Is the place an Aboriginal heritage place which is subject to the requirements of the Aboriginal Heritage Act 2006?	

This document is an incorporated document in the Maroondah Planning Scheme pursuant to section 6(2)(j) of the *Planning and Environment Act 1987*

Appendix E Panel preferred version of schedule documents

Tracked Added

~~Tracked Deleted~~

SCHEDULE TO CLAUSE 43.01 HERITAGE OVERLAY

The requirements of this overlay apply to both the heritage place and its associated land.

PS Map Ref	Heritage Place	External Paint Controls Apply?	Internal Alteration Controls Apply?	Tree Controls Apply?	Outbuildings or fences which are not exempt under Clause 43.01-3	Included on the Victorian Heritage Register under the Heritage Act 1995?	Prohibited uses may be permitted?	Name of Incorporated Plan under Clause 43.01-2	Aboriginal heritage place?
HO1	House 67-73 Alto Avenue, Croydon	Yes	No	Yes	No	No	No		No
HO2	Croydon Community School, Formerly Croydon State School, 177-181 Mount Dandenong Road, corner of Anzac Street, Croydon	Yes	No	No	No	No	No		No
HO3	"Aringa" 7 Aringa Court, Ringwood	Yes	No	Yes	No	No	No		No
HO4	"Boonong" 273 Bayswater Road, Bayswater North	Yes	No	Yes	No	No	No		No
HO5	Ringwood Cellars, Former Blood Brothers Premier Store 1 Bedford Road, Ringwood	Yes	No	No	No	No	No		No
HO6	Italianate House 11 - 15 Bedford Road, Ringwood	Yes	No	No	No	No	No		No
HO7	1 st Ringwood Scout Hall Bill Wilkins Lodge Bedford Road, Ringwood	No	No	No	No	No	No		No
HO8	House 15 Braeside Avenue, Ringwood	Yes	No	Yes	No	No	No		No
HO9	Manna Gum <i>Eucalyptus viminalis</i> H.E. Parker Reserve, 154 Heathmont Road, Heathmont, south bank, near BMX jumps, Bungalook Creek, 80m upstream from Dandenong Creek, Bayswater	No	No	Yes	No	No	No		No

PS Map Ref	Heritage Place	External Paint Controls Apply?	Internal Alteration Controls Apply?	Tree Controls Apply?	Outbuildings or fences which are not exempt under Clause 43.01-3	Included on the Victorian Heritage Register under the Heritage Act 1995?	Prohibited uses may be permitted?	Name of Incorporated Plan under Clause 43.01-2	Aboriginal heritage place?
HO10	<i>Lemon-scented Gum Corymbia citriodora</i> 5 Camelia Court, Croydon South	No	No	Yes	No	No	No		No
HO11	<i>Population of Elderberry Panax Polyscias sambucifolia</i> Bayswater Golf Range, Canterbury Road, Bayswater	No	No	Yes	No	No	No		No
HO12	<i>Swamp Gum Eucalyptus ovata</i> 24 Carroll Avenue, Croydon	No	No	Yes	No	No	No		No
HO13	<i>Croydon Central Maternal & Child Health Centre</i> , 202- 210 Mt Dandenong Road, Croydon	No	No	No	No	Yes Ref No H0054	No		No
HO14	<i>Gifford Memorial Church</i> 22 Croydon Road, Croydon	No	No	No	No	No	No		No
HO15	<i>Candlebark Eucalyptus rubida</i> 16 Delatite Court, Waranwood	No	No	Yes	No	No	No		No
HO16	<i>Candlebark Eucalyptus rubida</i> 18 Delatite Court, Waranwood	No	No	Yes	No	No	No		No
HO17	<i>Silver Peppermint Eucalyptus tenuiramis</i> Devon Street car park, 4 - 16 Devon Street, Croydon	No	No	Yes	No	No	No		No
HO18	<i>Yellow Box Eucalyptus melliodora</i> Nature strip tree, south east corner of Mountain View Road and Dickasons Road, Heathmont	No	No	Yes	No	No	No		No
HO19	<i>Glenbrae and Golden English Oak Quercus robur concoloria</i> 147-151 Dorset Road, Croydon	No	No	Yes	Yes	No	No		No

PS Map Ref	Heritage Place	External Paint Controls Apply?	Internal Alteration Controls Apply?	Tree Controls Apply?	Outbuildings or fences which are not exempt under Clause 43.01-3	Included on the Victorian Heritage Register under the Heritage Act 1995?	Prohibited uses may be permitted?	Name of Incorporated Plan under Clause 43.01-2	Aboriginal heritage place?
HO22	"Sunnyview" 427-429 Dorset Road, Croydon	Yes	No	No	No	No	No		No
HO23	<i>Eucalyptus Tree (ignorabilis x viminalis)</i> Dorset Gardens Hotel, 335-341 Dorset Road, Croydon, south east corner of the site	No	No	Yes	No	No	No		No
HO24	<i>Algerian Oak Quercus canariensis</i> Eastfield Park, 119-139 Eastfield Road, Croydon, 20 metres north of 97 Eastfield Road, Croydon	No	No	Yes	No	No	No		No
HO25	<i>White Stringybark Eucalyptus globoidea</i> Cheong Wildflower Sanctuary, 1-29 Eastfield Road, Croydon, 120 metres along northern boundary from western point, then 30 metres directly south	No	No	Yes	No	No	No		No
HO26	<i>Pre-school, Former East Ringwood School</i> Everard Road, Ringwood East	No	No	No	No	No	No		No
HO27	<i>Former Ringwood State School</i> 32 Greenwood Avenue, Ringwood	No	No	No	No	No	No		No
HO28	<i>Greenwood Park Kindergarten</i> 9 Greenwood Avenue, Ringwood	No	No	Yes	No	No	No		No
HO29	"Wellington Park" 17 Highfield Avenue, Warranwood	Yes	No	Yes	No	No	No		No
HO30	"Wyreena" 13 – 23 Hull Road, Croydon	Yes	No	Yes	No	No	No		No

PS Map Ref	Heritage Place	External Paint Controls Apply?	Internal Alteration Controls Apply?	Tree Controls Apply?	Outbuildings or fences which are not exempt under Clause 43.01-3	Included on the Victorian Heritage Register under the Heritage Act 1995?	Prohibited uses may be permitted?	Name of Incorporated Plan under Clause 43.01-2	Aboriginal heritage place?
HO31	<i>Manna Gum Eucalyptus viminalis</i> West corner of 32 Junction Street, Ringwood on reserve	No	No	Yes	No	No	No		No
HO32	<i>Weeping Scotch Elm Ulmus globra camperdownii</i> 45 Lacey Street, Croydon	No	No	Yes	No	No	No		No
HO34	<i>Four Candlebark Eucalyptus rubidas</i> Little John Reserve, 76 Little John Road, Warranwood (Council land)	No	No	Yes	No	No	No		No
HO35	<i>Smooth-barked Apple Angonhera costata</i> 70-76 Longview Road, Croydon South (Nature strip)	No	No	Yes	No	No	No		No
HO36	<i>Messmate Stringybark Eucalyptus obliqua</i> 90-92 Longview Road, Croydon South	No	No	Yes	No	No	No		No
HO37	<i>Former State Savings Bank of Victoria</i> 50 Main Street, Croydon	Yes	No	No	No	No	No		No
HO39	<i>Ringwood Railway Station</i> Maroondah Highway, Ringwood	-	-	-	-	Yes Ref No H1587	No		No
HO40	<i>Ringwood Memorial Clock tower</i> Corner Maroondah Highway & Warrandyte Road, Ringwood	Yes	No	No	No	No	No		No
HO41	<i>Former Ringwood Fire Station & two adjoining flats</i> 253-257 Maroondah Highway, Ringwood	Yes	No	No	No	No	No		No
HO42	<i>English Oak Quercus robur</i> 310-312 Maroondah Highway, Ringwood	No	No	Yes	No	No	No		No

PS Map Ref	Heritage Place	External Paint Controls Apply?	Internal Alteration Controls Apply?	Tree Controls Apply?	Outbuildings or fences which are not exempt under Clause 43.01-3	Included on the Victorian Heritage Register under the Heritage Act 1995?	Prohibited uses may be permitted?	Name of Incorporated Plan under Clause 43.01-2	Aboriginal heritage place?
HO43	<i>Red Box Eucalyptus polyanthemos</i> 35-37 Merrill Crescent, Waranwood	No	No	Yes	No	No	No		No
HO44	<i>"Linden"</i> 5 Moss Court, Croydon North	Yes	No	Yes	No	No	No		No
HO45	<i>Red Ironbark Eucalyptus triacarpa</i> Nature strip of 41 Mount Dandenong Road, Ringwood East	No	No	Yes	No	No	No		No
HO46	<i>Long-leaf Box Eucalyptus gonicalyx</i> Former Benedictine Monastery Site, 22-24 Murray Road, 10 metres south of 6 Banool Court, Croydon	No	No	Yes	No	No	No		No
HO47	<i>Two Pencil Pines Cupressus torulosa and house</i> 144-146 Mount Dandenong Road, corner of Vernon Street, Croydon	No	No	Yes	No	No	No		No
HO48	<i>English/Algerian Oak Quercus robor/canaviensis</i> The front garden of Croydon Community School, 177-181 Mount Dandenong Road, corner of Anzac Street, Croydon	No	No	Yes	No	No	No		No
HO49	<i>"Jenkins Cottage"</i> 334 Mount Dandenong Road, Croydon	Yes	No	Yes	No	No	No		No
HO50	<i>Manna Gum Eucalyptus viminalis</i> Small reserve directly north of 2-4 New Street, Ringwood (Vic Roads land)	No	No	Yes	No	No	No		No

PS Map Ref	Heritage Place	External Paint Controls Apply?	Internal Alteration Controls Apply?	Tree Controls Apply?	Outbuildings or fences which are not exempt under Clause 43.01-3	Included on the Victorian Heritage Register under the Heritage Act 1995?	Prohibited uses may be permitted?	Name of Incorporated Plan under Clause 43.01-2	Aboriginal heritage place?
HO51	<i>Manna Gum Eucalyptus viminalis</i> South side of Mullum Mullum Creek, approximately 75 metres west north west of 2-4 New Street, Ringwood	No	No	Yes	No	No	No		No
HO52	<i>Lemon-scented Gum Corymbia citriodora</i> 45 Oliver Street, Ringwood	No	No	Yes	No	No	No		No
HO53	<i>House, formerly known as 'Pinemount'</i> 17-21 Panorama Avenue, Ringwood North	Yes	No	Yes	No	No	No		No
HO54	<i>Narrow-leaf Peppermint Tree Eucalyptus radiata</i> 59 Power Street, Croydon North	No	No	Yes	No	No	No		No
HO55	<i>Manna Gum Eucalyptus viminalis</i> 20 metres east of the eastern boundary of 125-127 Loughnan Road, Ringwood, North of Mullum Mullum Creek	No	No	Yes	No	No	No		No
HO56	<i>"Kleinert Homestead"</i> 4 Reilly Court, Croydon South	Yes	No	Yes	No	No	No		No
HO57	<i>Birribindi</i> 77 Richardson Road, Croydon North	Yes	No	Yes	No	No	No		No
HO58	<i>Manna Gum Eucalyptus viminalis</i> Reynolds Avenue Reserve, Reynolds Avenue, Ringwood, 29 metres east of the western end of by-pass acoustic wall, then 11 metres northern of by-pass acoustic wall	No	No	Yes	No	No	No		No
HO60	<i>Candlebark Eucalyptus viminalis</i> 4 Salvia Court, Warranwood	No	No	Yes	No	No	No		No

PS Map Ref	Heritage Place	External Paint Controls Apply?	Internal Alteration Controls Apply?	Tree Controls Apply?	Outbuildings or fences which are not exempt under Clause 43.01-3	Included on the Victorian Heritage Register under the Heritage Act 1995?	Prohibited uses may be permitted?	Name of Incorporated Plan under Clause 43.01-2	Aboriginal heritage place?
HO61	<i>Two Manna Gums Eucalyptus viminalis</i> Scott Street Reserve, Scott Street 45 metres west of the pedestrian bridge, Heathmont (Council reserve)	No	No	Yes	No	No	No		No
HO62	<i>"Strathallyn"</i> 2B Strathallyn Road, Ringwood	Yes	No	Yes	No	No	No		No
HO63	<i>Manna Gum (Hybrid) Eucalyptus viminalis</i> Suda Avenue Reserve, Suda Avenue, Ringwood, southern end of reserve, 15 metres north west of drainage underpass.	No	No	Yes	No	No	No		No
HO64	<i>Silver-leafed Stringybark Eucalyptus cephalocarpa</i> 7-8 Tereddin Drive, part of Bungalook Conservation Reserve, 10 metres from the east boundary and approximately 130 metres from the south boundary, Kilsyth South.	No	No	Yes	No	No	No		No
HO65	<i>"Rothsaye"</i> 2 Unsworth Road, Ringwood North	Yes	No	Yes	No	No	No		No
HO67	<i>Wantirna Road North Precinct</i> 4, 6 & 8 Wantirna Road, Ringwood	Yes	No	Yes	No	No	No		No
HO68	<i>Wantirna Road South Precinct</i> 18, 20, 22 & 24 Wantirna Road, Ringwood	Yes	No	Yes	No	No	No		No
HO71	<i>St. Paul's Parish House, Former Glamorgan and St Paul's Anglican Church</i> 40 Warrandyte Road (Corner of Ringwood Bypass), Ringwood	Yes	No	Yes	No	No	No		No

PS Map Ref	Heritage Place	External Paint Controls Apply?	Internal Alteration Controls Apply?	Tree Controls Apply?	Outbuildings or fences which are not exempt under Clause 43.01-3	Included on the Victorian Heritage Register under the Heritage Act 1995?	Prohibited uses may be permitted?	Name of Incorporated Plan under Clause 43.01-2	Aboriginal heritage place?
HO72	<i>House</i> 10-12 Warrandyte Road, Ringwood	Yes	No	Yes	No	No	No		No
HO73	<i>House</i> 16 Warrandyte Road, Ringwood	Yes	No	No	No	No	No		No
HO74	<i>House</i> 18 Warrandyte Road, Ringwood	Yes	No	No	No	No	No		No
HO75	<i>House</i> 127 Warrandyte Road, Ringwood North	Yes	No	Yes	No	No	No		No
HO76	<i>Red Box Eucalyptus polyanthemos</i> Warranwood Reserve (top of hill), 75 Bemboka Road, 50 metres north of Kelly Court, Warranwood	No	No	Yes	No	No	No		No
HO77	<i>Lemon-scented Gum Corymbia citriodora</i> 8 Wattle Avenue, Ringwood	No	No	Yes	No	No	No		No
HO78	<i>Candlebark Eucalyptus rubida</i> 49 Wellington Park Drive, Warranwood	No	No	Yes	No	No	No		No
HO79	<i>Candlebark Eucalyptus rubida</i> 53 Wellington Park Drive, Warranwood	No	No	Yes	No	No	No		No
HO80	<i>Nine English Oak Quercus robur</i> Wellington Park Reserve, 2-4 Wellington Park Drive and 6-8 Hutchins Court, Warranwood	No	No	Yes	No	No	No		No
HO82	<i>"Cherry Hill"</i> 19 Wonga Road, Ringwood North	Yes	No	Yes	No	No	No		No
HO83	<i>"Dunstaffnage"</i> 81 Wonga Road, Ringwood North	Yes	No	Yes	No	No	No		No

PS Map Ref	Heritage Place	External Paint Controls Apply?	Internal Alteration Controls Apply?	Tree Controls Apply?	Outbuildings or fences which are not exempt under Clause 43.01-3	Included on the Victorian Heritage Register under the Heritage Act 1995?	Prohibited uses may be permitted?	Name of Incorporated Plan under Clause 43.01-2	Aboriginal heritage place?
HO84	<i>"Chipping"</i> 16 Wonga Road, Ringwood	Yes	No	Yes	No	No	No		No
HO85	<i>"Banool"</i> 57-59 Wonga Road, Ringwood North	Yes	No	Yes	No	No	No		No
HO86	<i>"Silver Birch"</i> 13 – 23 Hull Road, Croydon	Yes	No	Yes	No	No	No		No
HO87	<i>Messmate Stringybark Eucalyptus obliqua</i> 8 Yallambee Way, Croydon	No	No	Yes	No	No	No		No
HO89	<i>Patrick Hegarty House</i> 20 Byways Drive, Ringwood East	Yes	No	Yes	No	No	No		No
HO90	<i>Row of Cypress Cupressus macrocarpa</i> 2a Cameron Road (trees are on the San Remo Road frontage), Ringwood North	No	No	Yes	No	No	No		No
HO91	<i>Former Croydon Fire Station</i> 14 Croydon Road, Croydon	Yes	No	No	No	No	Yes		No
HO92	<i>War Memorial – World War I, World War II, Korea and Vietnam</i> Roundabout at Wicklow Avenue, Croydon Road, Kent Avenue and Railway Crescent, Croydon	No	No	No	No	No	No		No
HO93	<i>Rangeview</i> 130 Croydon Road, Croydon	Yes	No	Yes	No	No	No		No
HO94	<i>House</i> 141-143 Dorset Road, Croydon	Yes	No	Yes	No	No	No		No

PS Map Ref	Heritage Place	External Paint Controls Apply?	Internal Alteration Controls Apply?	Tree Controls Apply?	Outbuildings or fences which are not exempt under Clause 43.01-3	Included on the Victorian Heritage Register under the Heritage Act 1995?	Prohibited uses may be permitted?	Name of Incorporated Plan under Clause 43.01-2	Aboriginal heritage place?
HO95	<i>Tudor Lodge</i> 148-150 Dorset Road, Croydon	Yes	No	Yes	Yes	No	No		No
HO96	<i>House</i> 263 Dorset Road, Croydon	Yes	No	No	No	No	No		No
HO98	<i>Ellison Street, Ringwood Precinct</i> 6, 8, 10 and 12 <u>4-18</u> Ellison Street Ringwood Statement of Significance Jubilee Park Heritage and Neighbourhood Character Study, Context, Final Report February 2018 <i>Ellison Street Precinct (Extension) Statement of Significance</i>	Yes <u>No</u>	No	No	No	No	No		No
HO99	<i>House</i> 6 Hill Street, Ringwood East	Yes	No	Yes	No	No	No		No
HO100	<i>The Oxford Shop, D & G Burns Chemist, Clip & Curl, The Craft Cubby, Castlefield, et al.</i> 161 Main Street, Croydon	Yes	No	No	No	No	Yes		No
HO101	<i>House & Evan Mackley Fine Art Gallery</i> 5-7 Maroondah Highway, Ringwood	Yes	No	Yes	No	No	Yes		No
HO103	<i>Toll gate obelisk and plaque</i> Brushy Park, 435 Maroondah Highway, Croydon North	Yes	No	No	No	No	No		No
HO104	<i>William Barak memorial</i> Brushy Park, 435 Maroondah Highway, Croydon North	Yes	No	No	No	No	No		No
HO105	<i>Californian Bungalow</i> 149 Mount Dandenong Road, Croydon	Yes	No	No	No	No	No		No

PS Map Ref	Heritage Place	External Paint Controls Apply?	Internal Alteration Controls Apply?	Tree Controls Apply?	Outbuildings or fences which are not exempt under Clause 43.01-3	Included on the Victorian Heritage Register under the Heritage Act 1995?	Prohibited uses may be permitted?	Name of Incorporated Plan under Clause 43.01-2	Aboriginal heritage place?
HO106	<i>Streamlined Modern House</i> 153 Mount Dandenong Road, Croydon	Yes	No	Yes	No	No	No		No
HO107	<i>Costume Capers Dance Art</i> 197-207 Mount Dandenong Road, Croydon	Yes	No	No	No	No	Yes		No
HO108	<i>Croydon Entertainment Centre</i> 202-210 Mount Dandenong Road, Croydon	Yes	No	No	No	No	Yes		No
HO109	<i>Cupressus macrocarpa Monterey cypress windbreak at Croydon Oval</i> 217-283 Mount Dandenong Road, Croydon	No	No	Yes	No	No	No		No
HO110	<i>Mount Dandenong Road Precinct 1</i> 272 and 280 Mount Dandenong Road, Croydon	Yes	No	No	Yes	No	No		No
HO111	<i>Californian Bungalow</i> 298 Mount Dandenong Road, Croydon	Yes	No	No	No	No	No		No
HO112	<i>Mount Dandenong Road Precinct 2</i> 313-315 & 317 Mount Dandenong Road, Croydon	Yes	No	No	No	No	No		No
HO113	<i>Californian Bungalow</i> 316 Mount Dandenong Road, Croydon	Yes	No	No	No	No	No		No
HO114	<i>Mount Dandenong Road Precinct 3</i> 327, 331 & 333 Mount Dandenong Road, Croydon	Yes	No	Yes	No	No	No		No
HO115	<i>Mount Dandenong Road Precinct 4</i> 340 & 342 Mount Dandenong Road, Croydon	Yes	No	No	No	No	No		No

PS Map Ref	Heritage Place	External Paint Controls Apply?	Internal Alteration Controls Apply?	Tree Controls Apply?	Outbuildings or fences which are not exempt under Clause 43.01-3	Included on the Victorian Heritage Register under the Heritage Act 1995?	Prohibited uses may be permitted?	Name of Incorporated Plan under Clause 43.01-2	Aboriginal heritage place?
HO116	<i>Dunalister Park</i> 36 Mulawa Street, Croydon	No	No	Yes	No	No	No		No
HO117	<i>Ringwood North Primary School</i> 172-180 Oban Road, Ringwood North	Yes	No	Yes	No	No	Yes		No
HO118	<i>Holy Trinity Anglican Church</i> 47 Patterson Street, Ringwood East	Yes	No	No	No	No	Yes		No
HO119	<i>Emery House</i> 50 Pine Crescent, Ringwood North	Yes	No	No	No	No	No		No
HO120	<i>Pitt Street Precinct</i> 20, 22 & 24 Pitt Street Pitt Street, Ringwood	Yes	No	Yes	No	No	No		No
HO121	<i>Former Ringwood Ambulance Depot</i> 28 Pitt Street, Ringwood	Yes	No	Yes	No	No	Yes		No
HO122	<i>Luther College</i> 1-37 Plymouth Road, Croydon Hills	No	No	No	No	No	Yes		No
HO123	<i>Orchard Remnants</i> Strathfield Parade, Croydon	No	No	Yes	No	No	No		No
HO124	<i>Taylor's Road Precinct</i> 3 & 5 Taylor's Road, Croydon	Yes	No	Yes	No	No	No		No
HO125	<i>Anglican Church of St John the Divine</i> 5-9 Toorak Avenue,	Yes	Yes	No	No	No	Yes		No
HO126	<i>Vernon Street Precinct</i> 1/13-15, 17, 18, 19, 21 & 23 Vernon Street, Croydon	Yes	No	Yes	No	No	No		No

PS Map Ref	Heritage Place	External Paint Controls Apply?	Internal Alteration Controls Apply?	Tree Controls Apply?	Outbuildings or fences which are not exempt under Clause 43.01-3	Included on the Victorian Heritage Register under the Heritage Act 1995?	Prohibited uses may be permitted?	Name of Incorporated Plan under Clause 43.01-2	Aboriginal heritage place?
HO127	<i>Coolangatta</i> 47 Warrandyte Road, Ringwood	Yes	No	Yes	No	No	No		No
HO128	<i>House</i> 49 Warrandyte Road, Ringwood	Yes	No	Yes	Yes	No	No		No
HO129	<i>Two semi-detached dwellings</i> 76 & 76A Warrandyte Road, Ringwood	Yes	No	Yes	Yes	No	No		No
HO130	<i>Three rows of Pinus Radiata Monterey Pines</i> 125A Warrandyte Road, Ringwood North	No	No	Yes	No	No	No		No
HO131	<i>Rosebank</i> 149-151 Warrandyte Road, Ringwood North	Yes	No	Yes	No	No	No		No
HO132	<i>Wilana Street Precinct</i> 10 & 12 Wilana Street, Ringwood	Yes	No	No	No	No	No		No
HO133	<i>Melbourne Rudolf Steiner School</i> 213 Wonga Road, Warranwood	No	No	Yes	No	No	Yes		No

PS Map Ref	Heritage Place	External Paint Controls Apply?	Internal Alteration Controls Apply?	Tree Controls Apply?	Outbuildings or fences which are not exempt under Clause 43.01-3	Included on the Victorian Heritage Register under the Heritage Act 1995?	Prohibited uses may be permitted?	Name of Incorporated Plan under Clause 43.01-2	Aboriginal heritage place?
HO134	<i>Former Sacred Heart Monastery (now Sacred Heart Parish complex)</i> 35 Wicklow Avenue, Croydon	No	Yes - former Monastery chapel, including aisles, Parish offices, Hall, Dining Room, main and secondary stairwells, Meeting Rooms and Library.	Yes	Yes	No	Yes		No
HO135	<i>Iron Gates, Fence, Driveway and Cypress plantings (former Sacred Heart Monastery, now Mingarra Retirement Living Village)</i> 77-115 Mt Dandenong Road, Croydon	Yes	Yes	No	Yes	No	Yes		No
HO136	1 Aringa Court, Heathmont	No	No	No	No	No	No		No
HO139	<i>House</i> 29 Bedford Road, Ringwood	No	No	No	No	No	No		No
HO140	<i>Haig Street Precinct-</i> <i>2-6 and 26- 34 Haig Street & 3-31 Haig Street, Ringwood</i> Statement of Significance <i>Jubilee Park Heritage and Neighbourhood Character Study, Context-Final Report February 2018.</i> <i>Haig Street Precinct Statement of Significance.</i>	No	No	No	No	No	No		No

PS Map Ref	Heritage Place	External Paint Controls Apply?	Internal Alteration Controls Apply?	Tree Controls Apply?	Outbuildings or fences which are not exempt under Clause 43.01-3	Included on the Victorian Heritage Register under the Heritage Act 1995?	Prohibited uses may be permitted?	Name of Incorporated Plan under Clause 43.01-2	Aboriginal heritage place?
HO141	Kendall Street Precinct 20-32 & 21-35 Kendall Street, Ringwood Statement of Significance Jubilee Park Heritage and Neighbourhood Character Study, Context, Final Report February 2018. Kendall Street Precinct Statement of Significance	No	No	No	No	No	No		No
HO142	House 5 Caroline Street, Ringwood Statement of Significance Jubilee Park Heritage and Neighbourhood Character Study, Context, Final Report February 2018. 5 Caroline Street Ringwood - Statement of Significance	No	No	No	No	No	No		No
HO143	House and front fence 20 Caroline Street, Ringwood Statement of Significance Jubilee Park Heritage and Neighbourhood Character Study, Context, Final Report February 2018. Carisbrook 20 Caroline Street Ringwood Statement of Significance	No	No	No	Yes — brick — and steel — pipe — front fence <u>No</u>	No	No		No
HO144	House and garage 18 James Street, Ringwood Statement of Significance Jubilee Park Heritage and Neighbourhood Character Study, Context, Final Report February 2018. 18 James Street Ringwood - Statement of Significance	No	No	No	Yes — timber garage at the rear of the house	No	No		No

PS Map Ref	Heritage Place	External Paint Controls Apply?	Internal Alteration Controls Apply?	Tree Controls Apply?	Outbuildings or fences which are not exempt under Clause 43.01-3	Included on the Victorian Heritage Register under the Heritage Act 1995?	Prohibited uses may be permitted?	Name of Incorporated Plan under Clause 43.01-2	Aboriginal heritage place?
HO145	House 22 James Street, Ringwood Statement of Significance <i>Jubilee Park Heritage and Neighbourhood Character Study, Context, Final Report February 2018.</i> 22 James Street Ringwood Statement of Significance	No	No	No	No	No	No		No

**SCHEDULE 3 TO CLAUSE 43.05 NEIGHBOURHOOD CHARACTER
OVERLAY**

Shown on the planning scheme map as **NCO3**.

Jubilee Park**1.0 Statement of neighbourhood character**

The Jubilee Park neighbourhood character area in Ringwood forms part of a larger historic residential area, which was ~~subdivided and first~~ developed ~~after 1915 in the 1920s~~. It is significant within Maroondah as a rare example of ~~a neighbourhood that includes residential~~ development from the inter war period, with the only other comparative example being the 1920s timber bungalows of the Alto Avenue and Wicklow Hills Estate ~~in Croydon. It is also important for its intact and consistent collection of Post War dwellings.~~

~~Haig Street and Ellison Street, which terminates with views of the original Ringwood Primary School building, were laid out on what was originally an orchard, then subdivided as part of the 'Ringwood Township Estate' in c. 1921. James Street formed part of the historic 'Ringwood Railway Estate' which was subdivided in c1885, but failed to develop during the nineteenth century due to the 1890s depression.~~

~~These streetscapes are representative of the development that occurred in Ringwood during the interwar and early Post War years-simple homes displaying a modest and traditional expression, set in spacious open gardens, streets and the broader neighbourhood is characterised by historic timber bungalows and simple inter-war dwellings, constructed from the 1920s through to the 1950s.~~

The ~~whole~~ character area ~~itself~~ is notable for its ~~interwar streetscapes, and the~~ consistency of low scale, older style dwellings with tiled, pitched or gable roofs. Timber is the predominant building material and the modest, detached homes are located in ~~generous spacious~~ and well vegetated garden settings. The ~~consistency regularity~~ of built form and setbacks creates ~~an uniformity orderliness~~ within the character area, and this cohesion is further enhanced by the existence of regular street trees, grassy nature strips and low front fences.

2.0 Neighbourhood character objective

- To ensure that the consistent architectural and residential character of Jubilee Park is retained and enhanced, without replication of historic built form.
- ~~To encourage the retention of older weatherboard dwellings that contribute to the neighbourhood character of the area.~~
- To complement and strengthen the historic and predominant use of timber throughout the area.
- To maintain the consistent siting of dwellings, allowing for a generous and well vegetated front garden, and side setbacks that allow for planting.
- To ensure that new dwellings and extensions to dwellings are an appropriate scale relative to the scale of surrounding homes, and that front fences are low and appropriate to the era of the dwelling.

3.0 Permit requirement

A permit is required to:

- Construct an outdoor swimming pool ~~within the front setback~~ associated with a dwelling
- Construct or extend an outbuilding normal to a dwelling.
- Demolish or remove a building.

4.0 Modification to Clause 54 and Clause 55 standards

Standard	Modified requirement
None specified	None specified

5.0 Decision guidelines

The following decision guidelines apply to an application for a permit under Clause 43.05 in addition to those specified in Clause 43.05 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- The extent to which any [proposed](#) buildings and works contribute to the historic neighbourhood character of the broader Jubilee Park area.
- The extent to which any ~~demolition and~~ replacement development meets the objectives of this clause in relation to siting, height, form and materiality, without historical mimicry [or facadism](#).
- ~~In the case of partial demolition, the extent to which the three dimensional form of the existing dwelling is maintained to avoid facadism.~~
- The extent to which any new dwelling or dwelling extension reflects the roof form of adjacent properties, or the existing dwelling.
- The visual impact of the dwelling on the streetscape, including the extent to which upper level dwelling extensions are recessed and articulated.
- The selection of building materials and the contribution the materials will make to the preferred neighbourhood character of the precinct.
- To extent to which any buildings or works, including front fences, make a positive contribution to the public domain and pedestrian environment.
- Whether car parking structures are recessive, located behind the front façade of the dwelling and do not dominate the site or streetscape.

**SCHEDULE TO CLAUSE 72.04 DOCUMENTS INCORPORATED IN THIS
PLANNING SCHEME**

1.0 Incorporated documents

Name of document	Introduced by:
Jubilee Park Heritage and Neighbourhood Character Study, Context Final Report February 2018. Ellison Street Precinct (Extension) Statement of Significance	Amendment C116
Jubilee Park Heritage and Neighbourhood Character Study, Context Final Report February 2018. Haig Street Precinct Statement of Significance	Amendment C116
Jubilee Park Heritage and Neighbourhood Character Study, Context Final Report February 2018. Kendall Street Precinct Statement of Significance	Amendment C116
Jubilee Park Heritage and Neighbourhood Character Study, Context Final Report February 2018. 5 Caroline Street Ringwood Statement of Significance	Amendment C116
Jubilee Park Heritage and Neighbourhood Character Study, Context Final Report February 2018. Carisbrook 20 Caroline Street Ringwood Statement of Significance	Amendment C116
Jubilee Park Heritage and Neighbourhood Character Study, Context Final Report February 2018. 18 James Street Ringwood Statement of Significance	Amendment C116
Jubilee Park Heritage and Neighbourhood Character Study, Context Final Report February 2018. 22 James Street Ringwood Statement of S ignificance	Amendment C116

Maroondah Amendment C116 Jubilee Park- Panel Recommendations

Issues Considered	Panel Comments	Panel Recommendations	Officers Response
<p>Planning Context</p>	<p>The Panel commented on the Maroondah Housing Strategy noting that the Strategy identifies that the NRZ applies to some 29 per cent of the land in the municipality compared to 40 percent in the GRZ and 1 percent in the Residential Growth Zone (GRZ). The Panel notes that these figures differ considerably with those identified in the State Government's January 2016 Residential Zones State of Play Report (40.5%; 55.5 % and 0.8% respectively.)</p> <p>The Panel concluded that the Amendment is broadly supported by and implements the relevant sections of the PPF, the Municipal Strategic Statement and Local Planning Policy Framework and is consistent with the relevant Ministerial Directions and Practice notes. The Amendment is generally well founded strategically justified and is likely to deliver a net community benefit and sustainable</p>		<p>The Panel comments in relation to this apparent discrepancy is acknowledged and it is noted that the difference between the figures relates to the fact that the State government report is reporting on the percentage of each residential zone as proportion of the total area of residential zones only, The figures referred to in the Housing Strategy report on the percentage of each residential zone as a proportion of the total area of Maroondah.</p>

Issues Considered	Panel Comments	Panel Recommendations	Officers Response
	development outcomes as required by Clause 71.02-3		The Panel comments regarding the strategic justification are noted.
Heritage Overlay	<p><u>Ellison Street Precinct</u></p> <p>The Panel supports Council's heritage expert evidence and indicates that the Ellison Street Precinct as exhibited achieves an appropriate threshold , satisfying Hercon criteria A, D and E to warrant the application of a heritage overlay as a precinct of local cultural heritage significance. The precinct is contained within a readily appreciable, small pocket of interwar dwellings of consistent integrity and levels of intactness.</p> <p>The Panel further noted that it supported the methodology used in the Jubilee Park Study to determine building gradings based primarily in integrity rather than intactness or condition.</p>	<p>Amend the Ellison Street Precinct Statement of significance to remove the word 'EXTENSION' from the Heritage Place title as shown in the Panel preferred version of the Statements of significance in Appendix D.</p>	<p>The Panel recommendation is supported. This is consistent with Council's post exhibition changes. These changes have been incorporated in the version recommended for adoption.</p>

Issues Considered	Panel Comments	Panel Recommendations	Officers Response
.../cont Heritage Overlay	<p><u>Haig Street Precinct</u></p> <p>The Panel considers that the Haig Street precinct with the removal of the properties on the southern side of the street between the 8-24 Haig Street achieves an appropriate threshold , satisfying criteria A, D and E to warrant the application of a heritage overlay as a precinct of local cultural significance.</p> <p>The Panel indicated that it considers that Councils integrated approach of using the Heritage Overlay with the NCO3 has merit in this instance as it will assist in the management of future development of this pocket of Haig Street.</p>	<p>Abandon applying the Heritage Overlay (HO140) to the properties between 8-24 Haig Street (even numbers), Ringwood.</p> <p>Amend the Haig Street Precinct Statement of significance to: a) remove references to the properties between 8-24 Haig Street (even numbers), Ringwood b) delete the paragraph linking the precinct significance to the Great War and General Douglas Haig as shown in the Panel preferred version of the Statement of significance in Appendix D c) redraw the map so that the precinct boundary excludes 8-24 Haig Street (even numbers).</p>	<p>The Panel recommendation is supported and consistent with Council's post exhibition changes.</p> <p>The Panel recommendations are supported and these have been incorporated in the post exhibition changes in the controls.</p>

Issues Considered	Panel Comments	Panel Recommendations	Officers Response
.../cont Heritage Overlay	<p><u>Kendall Street Precinct</u></p> <p>The Panel considered that Kendall Street achieves and appropriate threshold satisfying criterion A, D and E o warrant the application of a heritage overlay as a precinct of local cultural heritage significance.</p> <p>The Panel noted that like the Ellison Street and Haig Street precincts the Kendall Street precinct is contained within a coherent , small pocket interwar dwellings of consistent integrity and level of intactness, and further agreed with the heritage evidence that such a consistent grouping of interwar buildings is rare in Ringwood and the wider Maroondah municipality.</p> <p>The Panel noted that the Jubilee Park study and expert heritage evidence provided sufficient strategic basis to justify the use of the heritage overlay as a planning tool for the Kendall Street Precinct.</p> <p>That 27 Kendall Street is appropriately graded contributory.</p>	<p>Amend the Kendall Street Precinct Statement of significance to identify 27 Kendall Street as 'Non-Contributory' as shown in the Panel preferred version of the Statement of significance in Appendix D.</p>	<p>Panel recommended change is noted and this change has been included in the post exhibition version of the documents recommended for adoption.</p>

Issues Considered	Panel Comments	Panel Recommendations	Officers Response
.../cont Heritage Overlay	<p>There is no strategic justification to extend HO141 to any other parts of Kendall Street or applying a heritage overlay to 11 Kendall Street as part of the amendment.</p> <p>Supports the post exhibition changes proposed by Council on Kendall Street Precinct Statement of Significance.</p> <p><u>5 Caroline Street</u> The Panel adopted the evidence of the heritage expert and noted that 5 Caroline Street is of local heritage significance and meets the Hercon threshold criterion D. The Panel further supported the changes to the Statement of Significance identified by the heritage expert to clarify that the more recent additions to the rear of the dwelling are not significant. The expert evidence also suggested that a more recent photo of the place be included in the statement of significance given the more recent (and positive removal) of the glazing that enclosed the returned verandah.</p>	<p>That the 5 Caroline Street, Ringwood Statement of Significance be amended to identify the rear extensions as not significant as shown in the Panel preferred version of the Statement of Significance in Appendix D and replacing the dwelling photo with that included in Ms Schmeder's evidence.</p>	<p>Panel recommended changes are supported and consistent with the evidence of Council's heritage expert. These changes have been incorporated in the post exhibition version and the recommended adopted version. Photo in the Statement of Significance has been replaced as recommended by the Panel.</p>

Issues Considered	Panel Comments	Panel Recommendations	Officers Response
.../cont Heritage Overlay	<p><u>18 James Street Ringwood</u></p> <p>The Panel adopted the evidence of the heritage expert noting that 18 James Street does not meet the Hercon threshold criterion A, D, and E to a sufficient level to warrant the application of a heritage overlay as a place of individual heritage significance.</p>	<p>That HO144 not be applied to 18 James Street, Ringwood.</p>	<p>The Panel recommendation to exclude 18 James Street Ringwood from the Heritage Overlay is supported and is proposed to be included in the recommended version for adoption.</p>
	<p><u>20 Caroline Street</u></p> <p>The Panel noted that no submission was made regarding 20 Caroline Street, however that Council's post exhibition changes made in response to the heritage evidence proposed to amend the Statement of Significance to delete reference to the front fence.</p>	<p>Amend the 20 Caroline Street, Ringwood Statement of Significance to remove references to the front fence as shown in the Panel preferred version of the Statement of significance in Appendix D.</p>	<p>Recommendation is noted and consistent with Council's heritage expert evidence and post exhibition changes recommended for adoption.</p>

Issues Considered	Panel Comments	Panel Recommendations	Officers Response
Reference documents and Statement of Significance	<p><u>Jubilee Park Study document as a reference document</u></p> <p>Council proposed as part of the post exhibition changes to remove reference to the Jubilee Park Study from the titles of the individual statement of significance. The Panel agrees with those changes and noted that based on its content the Jubilee Park Study does not perform the role of an incorporated document. The Panel further noted that in its current form the Jubilee Park Study is inappropriate to be a reference document as it contains information and findings inconsistent with Council's proposed post exhibition version of the Statement of Significance.</p> <p>The Panel was of the view that the primary content of the Jubilee Park Study relating to heritage is contained within the proposed Statement of Significance and the heritage overlay controls.</p>		<p>The Panel recommendation is noted. Council officers note that the Jubilee Park Study requires updating to incorporate the changes identified at the Panel hearing by the heritage experts and subsequently supported by Council and the Panel. As a result the Panel recommendation is proposed to be adopted.</p> <p>Council officers further note the Panel's comments that revised Jubilee Park study as a reference document is unnecessary. The following comments and recommendations are made in relation to this:</p> <p>Subject to Planning Practice Note 13 which sets out the role of incorporated documents and background documents, whilst it is agreed with Panel that the substantive part of the controls are contained within the proposed provisions of the schedules; it is further considered that the Jubilee Park Study provides context as to how the controls evolved, in</p>

Issues Considered	Panel Comments	Panel Recommendations	Officers Response
Reference documents and Statement of Significance	<p>The Panel concluded that the inclusion of an update Jubilee Park study as a reference document in clause 21.04 serves no purpose and is unnecessary.</p> <p>The Panel supports the exhibited version of clause 21.04 without the further inclusion of the updated Jubilee Park study as a reference document</p> <p><u>Schedule changes to 43.01 and 72.04</u></p> <p>The Panel supports Council's post exhibition changes to clause 43.01 and 72.04 to remove references to the Jubilee Park Study documents, use reference to 18 James Street Ringwood; use consistent reference to the titles of the Statement of Significance.</p>	<p>Adopt Clause 21.04 as exhibited without the identification of the Jubilee Park Heritage and Neighbourhood Character Study as a reference document.</p> <p>Amend the schedules to Clause 43.01 and Clause 72.04 to remove reference to 18 James Street and make other changes to the Statement of Significance references as shown in the Panel preferred version of the schedules in Appendix E.</p>	<p>particular in relation to the place history; comparative analysis and overall citations.</p> <p>Should Council resolve to adopt the amendment, Officers recommend that in Council's preparation of a heritage policy as part of the municipal wide heritage review, the Jubilee Park and a new addendum including the post panel changes be included as a background document.</p> <p>The Panel recommendation is supported. Council post exhibition changes incorporate the recommended changes.</p>

Issues Considered	Panel Comments	Panel Recommendations	Officers Response
Reference documents and Statement of Significance	<p>The Panel noted that the post exhibition version of the Heritage Overlay Schedule removes the reference to the interim controls provision references for the proposed heritage overlay. The Panel commented that this might need to be further resolved with DELWP and the next stage of the amendment process.</p> <p>The Panel observed that Council's post exhibition version sought to renumber HO145 (22 James Street) as HO144 following the proposed deletion of 18 James Street from the heritage overlay. The Panel noted that does not have a major concern with this change but there is a potential confusion and the need for consequential changes to the Statement of Significance for 22 James Street and the HO mapping.</p> <p>Commented that does not object to the inclusion of a new heading in the heritage overlay schedule to ensure consistency with the new format.</p>		<p>The Panel comments are noted in relation to the formatting and deletion of reference to the interim controls. This approach has been confirmed with DELWP and the recommended adoption version prepared accordingly.</p> <p>Following advice from DELWP the reference to HO 144 has been deleted from the Schedule to 43.01.</p> <p>Comment noted. The formatting of the provision proposed for adoption is consistent with the Department's keystone.</p>

Issues Considered	Panel Comments	Panel Recommendations	Officers Response
Reference documents and Statement of Significance	<p><u>Statement of Significance</u></p> <p>In addition to the changes to the Statement of Significance identified, Council's post exhibition changes proposed to remove reference to the Jubilee Park Study under primary source in each of the statement of significance. This change is supported by the Panel.</p> <p>The Panel observed that the post exhibition version of the three precinct statements of significance are inconsistent in the use of the map figure legend identifying the abbreviated forms of buildings and gradin. The Panel's preferred version in "appendix D" do not make this changes , and the Panel considered that these are minor corrections that should be made for consistency and legibility in the event that Council adopts the amendment.</p>		<p>Noted. Map legend in the statement of significance proposed to be amended.</p>

Issues Considered	Panel Comments	Panel Recommendations	Officers Response
Neighbourhood Character Overlay Schedule 3 (NCO3)	<p>The Panel indicated that in this instance there is a reasonable case that has been made to warrant the application of the NCO in the limited locations at Jubilee Park.</p> <p>Further noted that the areas proposed for the NCO demonstrates specific characteristics that should be protected to achieve a preferred character. The Panel indicated that the NCO is an appropriate tool to achieve this outcome.</p> <p>The Panel accepts that the boundaries of the NCO3 are based on logical parameters and reflect the outcomes of the Jubilee Park Study. It does not see any need to vary the extent of the NCO3 beyond the limited areas identified by Council (18 James Street and 8-24 Haig Street)</p> <p>The Panel agrees with the evidence of Council's expert witness that as a result of 18 James Street and 8-24 Haig Street not meeting the threshold to warrant inclusion in the</p>	<p>Apply the Neighbourhood Character Overlay to the exhibited areas as well as the properties at 18 James Street and 8-24 Haig Street (even numbers only). Amend Clause 1.0 'Statement of Neighbourhood Character' in Schedule 3 to Clause 43.05 in accordance with the changes in the Panel preferred version of Schedule 3 in Appendix E. Amend Clause 2.0 'Neighbourhood Character objective' in Schedule 3 to Clause 43.05 by deleting the second dot point as reflected in the Panel preferred version of Schedule 3 in Appendix E. Amend Clause 3.0 'Permit requirement' in Schedule 3 to Clause 43.05 by adding the words "within the front setback" after the words "swimming pool" in the first dot point as reflected in the Panel preferred version of Schedule 3 in Appendix E. Amend Clause 5.0 'Decision guidelines' in Schedule 3 to Clause 43.05 by amending the words in the</p>	<p>The recommendation noted by Panels were incorporated in Council's post panel changes and are recommended for adoption by Council.</p>

Issues Considered	Panel Comments	Panel Recommendations	Officers Response
	heritage overlay it is appropriate to include these properties in the NCO.	first two dot points and deleting the third dot point in accordance with the Panel preferred version of Schedule 3 in Appendix E.	
Neighbourhood Residential Zone- Schedule 5 (NRZ5)	<p>The Panel noted that the main changes resulting from the proposed NRZ5 are:</p> <ul style="list-style-type: none"> ▪ The new objectives regarding neighbourhood character ▪ The maximum building height reduced from 11 metres /3 storeys to 9 metres/storeys ▪ Minor changes to the provisions of private open space ▪ Additional decision guidelines. <p>The Panel noted that is concerned about the strategic justification for the introduction of the NRZ at the Jubilee Park.</p> <p>The Panel noted that understands that the minimal variations to Schedule 5 are because the application of the NRZ at Jubilee Park is about controlling building height</p>	Abandon applying the Neighbourhood Residential Zone Schedule 5 at Jubilee Park until further strategic planning provides a more comprehensive strategic justification for the Neighbourhood Residential Zone in this location.	<p>The Panel comments in regard to the proposed rezoning of the land to NRZ are noted.</p> <p>It is acknowledged that Panel is concerned with Council proceeding with the NRZ at Jubilee Park in isolation from the Neighbourhood character study review .</p> <p>The Panel comments are acknowledged and will be taken into consideration in further neighbourhood character work particularly in regards to :</p> <ul style="list-style-type: none"> ▪ The need for sufficient evidence to justify the need for a 9 metres height limit in these areas. ▪ The need for detailed research to articulate the problem with the current

Issues Considered	Panel Comments	Panel Recommendations	Officers Response
	<p>and maintaining existing neighbourhood character through the neighbourhood character objectives.</p> <p>Th Panel has concerns about proceeding with the NRZ at Jubilee Park in isolation from the broader picture that is unfolding. The Panel further noted that the Character Study Review is well advanced and it would seem premature to proceed with the NRZ5 at Jubilee Park without considering the broader context and with a fuller understanding of how all the proposed provision in the zone may work together.</p> <p>The Panel concluded that further strategic justification is required before the NRZ is applied to any land at Jubilee Park.</p> <p>That is premature at this point to rezone any land at Jubilee Park to NRZ5.</p>		<p>controls to justify the need for the proposed height controls.</p> <ul style="list-style-type: none"> ▪ The need for more rigorous planning study to justify any changes to the current GRZ1. ▪ further strategic justification before the NRZ is applied to any land at Jubilee Park. ▪ further detailed consideration of the interaction with the heritage overlay and NCO controls at Jubilee Park.

MAROONDAH PLANNING SCHEME

Statement of Significance

Heritage Place:		PS ref no:	HO 98
ELLISON STREET PRECINCT (EXTENSION)			

Prepared by: Context

Address: 4-18 Ellison Street, Ringwood

Survey Date: August 2016

Name: Ellison Street Precinct

Architect:

Place Type: Residential House

Builder: Harry Peake

Grading: Significant

Construction Date: 1923-27

Extent of Overlay: Refer to Precinct Map

Architectural Style: Interwar Period (c.1919-c.1940)



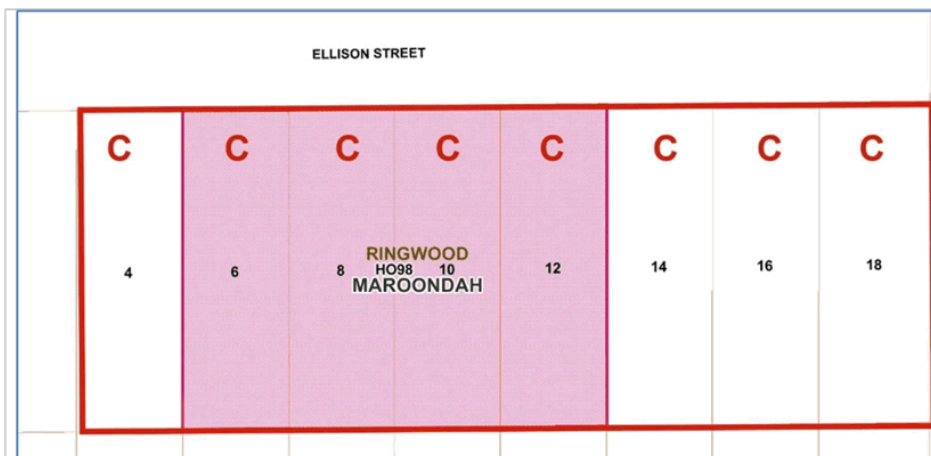


Figure 1 Map of Ellison Street Precinct. Red line shows precinct boundary. 'C' = Contributory to the precinct

What is significant?

The Ellison Street precinct comprising numbers 4,6,8,10,12,14,16 and18 Ellison Street, Ringwood is significant.

The modern carports and garages, rear extensions and front fences are not significant.

How is it significant?

The Ellison Street precinct is of local historic, architectural and aesthetic significance to the City of Maroondah.

Why is it significant?

The Ellison Street precinct is of historic significance in demonstrating the rapid residential development that occurred in Ringwood, particularly around the trainlines in the early interwar years, following arrival of the electrified rail line to the area and the ready supply of fresh water available from the newly completed O'Shannassy Dam. (Criterion A)

The Ellison Street precinct is of aesthetic significance as a good representative example of a residential precinct from the interwar period in Ringwood. There is a consistency in building form, materiality and detailing that contributes to the homogenous character of the precinct. The precinct is largely intact, with consistent setbacks, garden settings, homogenous building forms and material consistency – forming a characteristic interwar suburban streetscape with some visible additions, such as added carports or garages. The properties within the precinct have a similar style, scale form and materiality where the original designs are clearly distinguishable, but with some alterations evident. The consistency in the row of houses at 6-12 Ellison Street forms the core of the precinct and strengthens the aesthetic value. (Criteria D and E).

The dominant building style in the precinct is the Californian Bungalow, mostly in timber with one brick example. Roofs are typically transverse from with a projecting wing to the front, clad in Marseilles patterned terracotta tiles. Windows are double hung sash windows, sometimes with small panes to the upper sashes. Number 6 has leadlight to the upper sashes. A number of houses have double timber entry doors. Verandah detailing includes of various combinations and squared timber posts and masonry pillars to front verandahs, with the distinctive splayed pillars on number 4 being a notable example. Timber shingles feature over the bay window on numbers 6-12, and on the front gable of number 18.. Number 10 is notable for the relatively elaborate detailing of the original brick façade, fenestration and verandah. (Criteria D and E)

Gradings and Planning Control Recommendations

Recommended for inclusion in the Schedule to the Heritage Overlay of the Maroondah Planning Scheme as a Precinct. Gradings are specified in the precinct Schedule of Gradings below.

Primary source

Jubilee Park Heritage and Neighbourhood Character Study, Context, Final Report February 2018

PRECINCT GRADINGS SCHEDULE

Name	Number	Street	Grading	Built Date
	4	Ellison Street	Contributory	< c.1924
	6	Ellison Street	Contributory	1923-24
	8	Ellison Street	Contributory	1923
	10	Ellison Street	Contributory	c.1927
	12	Ellison Street	Contributory	1924
	14	Ellison Street	Contributory	1923
	16	Ellison Street	Contributory	c.1924
	18	Ellison Street	Contributory	c.1924

Recommendations for the Schedule to the Heritage Overlay (Clause 43.01) in the Maroondah Planning Scheme:

External Paint Colours	No
Is a permit required to paint an already painted surface?	
Internal Alteration Controls	No
Is a permit required for internal alterations?	
Tree Controls	No
Is a permit required to remove a tree?	
Victorian Heritage Register	No
Is the place included on the Victorian Heritage Register?	
Incorporated Plan	No
Does an Incorporated Plan apply to the site?	
Outbuildings and fences exemptions	No

Are there outbuildings and fences which are not exempt from notice and review?

Prohibited uses may be permitted No

Can a permit be granted to use the place for a use which would otherwise be prohibited?

Aboriginal Heritage Place No

Is the place an Aboriginal heritage place which is subject to the requirements of the Aboriginal Heritage Act 2006?

This document is an incorporated document in the Maroondah Planning Scheme pursuant to section 6(2)(j) of the *Planning and Environment Act 1987*

MAROONDAH PLANNING SCHEME

Statement of Significance

Heritage Place: HAIG STREET PRECINCT		PS ref no:	HO 140
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Prepared by: Context

Address: 3-31 and 2-6 and 26-34 Haig Street, Ringwood

Survey Date: August 2016

Name: Haig Street Precinct

Architect:

Place Type: Residential House

Builder:

Grading: Significant

Construction Date: 1920s-1950s

Extent of Overlay: Refer to Precinct Map

Architectural Style: Interwar Period (c.1919-c.1940)





Figure 1 Map of the Haig Street precinct – red line denotes proposed precinct boundary. 'C' = contributory to the precinct, 'NC' = non-contributory to the precinct.

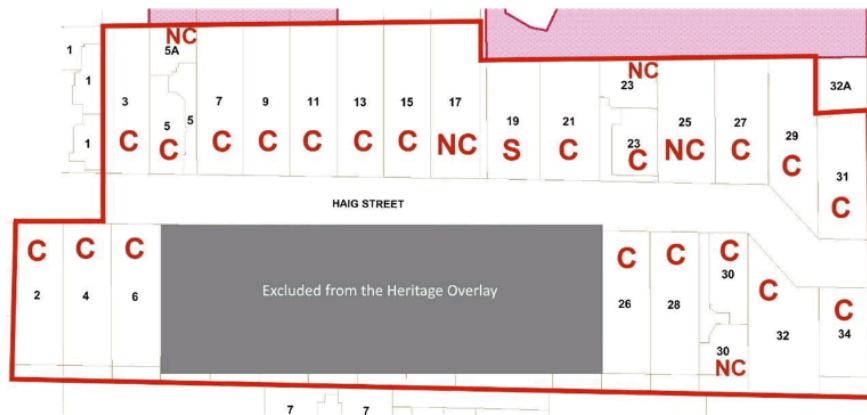


Figure 1 Map of the Haig Street precinct – red line denotes proposed precinct boundary. 'C' = contributory to the precinct, 'NC' = non-contributory to the precinct.

What is significant?

The Haig Street Precinct, comprising 3-31 and 2- 6 and 26-34 Haig Street, Ringwood, is significant.

Number 19 Haig Street is significant within the precinct.

Front fences, carports and garages within the precinct are not significant.

How is it significant?

The Haig Street precinct in Ringwood is of local historic, architectural and aesthetic significance to the City of Maroondah.

Why is it significant?

The Haig Street precinct is of historic significance in demonstrating the rapid residential development that occurred in Ringwood, particularly around the trainlines in the interwar and early post war years, following first, the arrival of the electrified rail line to the area and the ready supply of fresh water available from the newly completed O'Shannassy Dam, and later, the popularisation of the suburbs. (Criterion A)

~~The Haig Street precinct is of further historic significance for its association with the Great War. As was common in new subdivisions in Melbourne in the 1920s, the street name selected had an association with the Great War. Haig Street was named after the British army officer, General Douglas Haig who had commanded the British forces on the Western Front during World War I. (Criterion A)~~

The Haig Street precinct is a good representative example of a residential precinct from the interwar/early post World War 2 period. While demonstrating a consistent building type - the single storey, detached bungalow, the precinct is notable for demonstrating the range of styles applied to the bungalows in the interwar and early post World War 2 years. Visual cohesion is achieved in the precinct by the use of consistent front setbacks, material palette, and garden settings. The wide streets, nature strips and established streets (majority replanted) contribute to the aesthetic appeal of the precinct. The cohesive suburban streetscape retains its integrity despite, such as added carports, upper storey additions and garages through the similar style, scale form and materiality where the original designs are clearly distinguishable, but with some alterations evident. (Criterion D and E)

19 Haig Street is an example of a bungalow built in the Moderne style. It features a semi-circular entry porch with rendered walls which are trimmed with tapestry brick. A rectangular opening on the curved edge has a wrought iron grilled in a diamond pattern. Soldier courses of tapestry brick feature around the window openings and across the façade. Two brick and render chimneys have stepped bases which protrude through the roof. The house is an excellent example of the Moderne style adapted to suit the modest housing of the area. (Criterion E)

Gradings and Planning Control Recommendations

Recommended for inclusion in the Schedule to the Heritage Overlay of the Maroondah Planning Scheme as a Precinct. Gradings are specified in the precinct Schedule of Gradings below.

Primary source

~~Jubilee Park Heritage and Neighbourhood Character Study, Context, Final Report February 2018~~

PRECINCT GRADINGS SCHEDULE

Name	Number	Street	Grading	Built Date
	2	Haig Street	Contributory	1935-38
	3	Haig Street	Contributory	1930s
	4	Haig Street	Contributory	1926-28
	5	Haig Street	Contributory	1920s

	5A	Haig Street	Non-contributory	
	6	Haig Street	Contributory	1935-38
	7	Haig Street	Contributory	1935-38
	8	Haig Street	Contributory	1949
	9	Haig Street	Contributory	1935-38
	10	Haig Street	Contributory	By 1954
	11	Haig Street	Contributory	1935-38
	12	Haig Street	Contributory	1950-55
	13	Haig Street	Contributory	1920-24
	14	Haig Street	Contributory	By 1954
	2/14	Haig Street	Non-contributory	
	15	Haig Street	Contributory	By 1924
	16	Haig Street	Contributory	1950-55
	17	Haig Street	Non-contributory	
	18	Haig Street	Contributory	1950-55
	19	Haig Street	Individually Significant	1940
	20-22	Haig Street	Contributory	By 1954
	21	Haig Street	Contributory	1935-38
	23	Haig Street	Contributory	1941-42
	2/23	Haig Street	Non-contributory	
	24	Haig Street	Non-Contributory	
	25	Haig Street	Non-Contributory	
	26	Haig Street	Contributory	1920-24
	27	Haig Street	Contributory	1935-38
	28	Haig Street	Contributory	1920-24
	29	Haig Street	Contributory	1935-38
	30	Haig Street	Contributory	1948
	2/30	Haig Street	Non-Contributory	
	31	Haig Street	Contributory	1935-37
	32	Haig Street	Contributory	By 1924
	34	Haig Street	Contributory	1941

Recommendations for the Schedule to the Heritage Overlay (Clause 43.01) in the Maroondah Planning Scheme:

External Paint Colours	No
Is a permit required to paint an already painted surface?	
Internal Alteration Controls	No
Is a permit required for internal alterations?	
Tree Controls	No
Is a permit required to remove a tree?	
Victorian Heritage Register	No
Is the place included on the Victorian Heritage Register?	
Incorporated Plan	No

Does an Incorporated Plan apply to the site?
Outbuildings and fences exemptions No
Are there outbuildings and fences which are not exempt
from notice and review?
Prohibited uses may be permitted No
Can a permit be granted to use the place for a use which
would otherwise be prohibited?
Aboriginal Heritage Place No
Is the place an Aboriginal heritage place which is
subject to the requirements of the Aboriginal Heritage
Act 2006?

This document is an incorporated document in the Maroondah Planning Scheme pursuant to section 6(2)(j) of the *Planning and Environment Act 1987*

MAROONDAH PLANNING SCHEME

Statement of Significance

Heritage Place: Kendall Street Precinct		PS ref no:	HO 141
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Prepared by: Context

Address: 20-32 and 21-35 Kendall Street,
Ringwood
Name: Kendall Street Precinct
Place Type: Residential TerraceResidential
Terrace
Grading: Significant

Survey Date: August 2016

Architect:
Builder:

Construction Date: 1915 – early
1950s

Extent of Overlay: Refer to Precinct Map

Architectural Style: Interwar Period (c.1919-c.1940)Interwar Period (c.1919-c.1940)



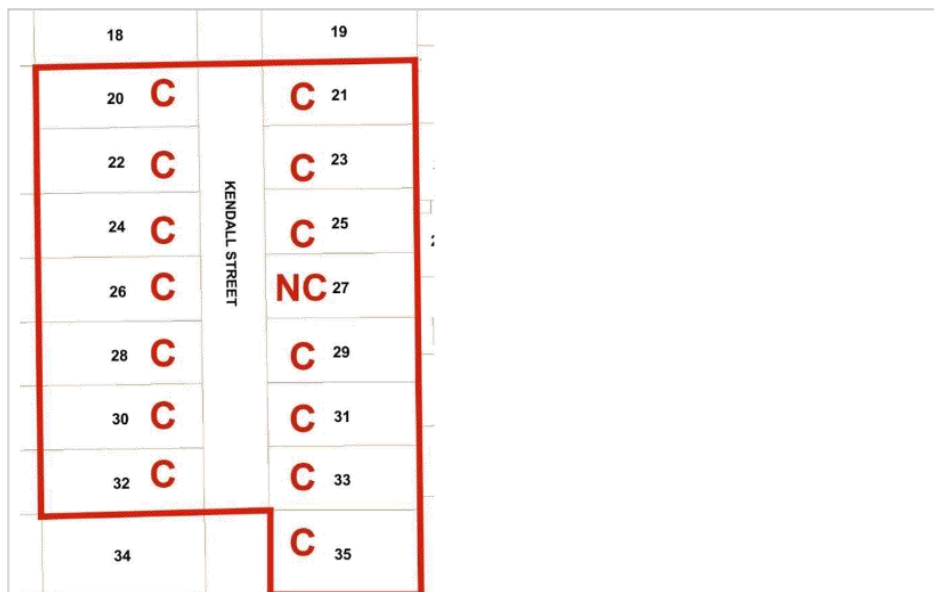


Figure 1 Map of Kendall Street Precinct. Red line shows precinct boundary. 'C' = Contributory to the precinct

What is significant?

The Kendall Street precinct, comprising 20-32 and 21-35 Kendall Street, Ringwood is significant.

How is it significant?

The Kendall Street precinct in Ringwood is of local historic, architectural and aesthetic significance to the City of Maroondah.

Why is it significant?

The Kendall Street precinct is of historic significance as evidence of the residential development that occurred in Ringwood in the interwar years, following the electrification of the railway line and the supply of fresh water from the newly completed O'Shannassy Dam. (Criterion A)

The Kendall Street precinct is a representative example of a residential precinct from the interwar period. There is a consistency in building form, materiality and detailing that contributes to the homogenous character of the precinct. The precinct is comprised of modest timber bungalows, mostly from the 1930-40s. Groups of similar houses occur, suggesting they were built by one builder or to a standardised design. The primary architectural character of the precinct is the single storey, detached bungalow with a projecting wing to one side, a central entry porch and a tiled hipped roof. Timber is the dominant material with one example

in brick. Windows typically are tripartite timber framed double sash windows. Number 22 has leadlight to the upper sashes. Primary aesthetic interest is derived from detailing of the entry porch of each house. Detailing varies between each dwelling and includes motifs and elements from the various interwar styles including: gabled parapets, pointed arched openings, columns and pillars, and tapestry brick motifs and edging (Criterion D)

The interwar suburban streetscape is intact within the precinct, with garden settings, nature strips and street plantings of Melaleuca, with a row of three mature Liquidambar on the west side; the latter appear to date from the 1930s-50s. (Criterion D and E)

Gradings and Planning Control Recommendations

Recommended for inclusion in the Schedule to the Heritage Overlay of the Maroondah Planning Scheme as a Precinct. Gradings are specified in the precinct Schedule of Gradings below.

Primary source

Jubilee Park Heritage and Neighbourhood Character Study, Context, Final Report February 2018

PRECINCT GRADINGS SCHEDULE

Name	Number	Street	Grading	Built Date
	20	Kendall Street	Contributory	1930s
	21	Kendall Street	Contributory	1942?
	22	Kendall Street	Contributory	1930s
	23	Kendall Street	Contributory	1940
	24	Kendall Street	Contributory	Post-1950
	25	Kendall Street	Contributory	1940
	26	Kendall Street	Contributory	1940
	27	Kendall Street	Contributory Non Contributory	By 1922
	28	Kendall Street	Contributory	1939
	29	Kendall Street	Contributory	1939
	30	Kendall Street	Contributory	Around 1915
	31	Kendall Street	Contributory	1941
	32	Kendall Street	Contributory	1930s
	33	Kendall Street	Contributory	c.1940
	35	Kendall Street	Contributory	1941

Recommendations for the Schedule to the Heritage Overlay (Clause 43.01) in the Maroondah Planning Scheme:

External Paint Colours	No
Is a permit required to paint an already painted surface?	
Internal Alteration Controls	No
Is a permit required for internal alterations?	
Tree Controls	No
Is a permit required to remove a tree?	
Victorian Heritage Register	No
Is the place included on the Victorian Heritage Register?	
Incorporated Plan	No
Does an Incorporated Plan apply to the site?	
Outbuildings and fences exemptions	No
Are there outbuildings and fences which are not exempt from notice and review?	
Prohibited uses may be permitted	No
Can a permit be granted to use the place for a use which would otherwise be prohibited?	
Aboriginal Heritage Place	No
Is the place an Aboriginal heritage place which is subject to the requirements of the Aboriginal Heritage Act 2006?	

This document is an incorporated document in the Maroondah Planning Scheme pursuant to section 6(2)(j) of the *Planning and Environment Act 1987*

MAROONDAH PLANNING SCHEME

Statement of Significance

Heritage Place: HOUSE 5 – Caroline Street Ringwood		PS ref no:	HO 142
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Prepared by: Context

Address: 5 Caroline Street, Ringwood

Survey Date: August 2016

Name:

Architect:

Place Type: Residential House

Builder:

Grading: Significant

Construction Date: 1925-26

Extent of Overlay: To title boundaries

Architectural Style: Interwar Period (c.1919-c.1940)



What is significant?

The house at 5 Caroline Street, Ringwood, built in 1925-26, is significant.
The modern additions of ~~glazed panels in porch wall~~, carport and front fence are not significant.

How is it significant?

The house at 5 Caroline Street, Ringwood is of local architectural significance to the City of Maroondah.

Why is it significant?

The house at 5 Caroline Street, Ringwood exhibits a number of characteristics typical of the Californian Bungalow style. The style was popular in Ringwood and surrounding suburbs during the Interwar years when a number of housing estates were developed in Ringwood and in the Maroondah area more generally. (Criterion D)

Characteristics associated with the Californian Bungalow style include: a low pitched gabled roof form, with a secondary gabled roof over a projecting front porch; Marseille patterned roof tiles, with wide eaves and exposed rafter ends; timber brackets below the shingled gable; half brick porch/verandah piers with tapered rendered sections above, and soldier brickwork to the upper edges; a combination of natural materials arranged to provide visual interest including timber shingles to the gables, and half brick walls with rough cast rendered sections above; boxed double-hung sash windows with diamond patterned leadlight to the upper sashes; two square rendered chimneys with a brick soldier course to the upper edge. (Criterion D)

Primary source

Jubilee Park Heritage and Neighbourhood Character Study, Context. Final Report February 2018

Planning Control Recommendations

Recommendations for the Schedule to the Heritage Overlay (Clause 43.01) in the Maroondah Planning Scheme:

External Paint Colours	No
Is a permit required to paint an already painted surface?	
Internal Alteration Controls	No
Is a permit required for internal alterations?	
Tree Controls	No
Is a permit required to remove a tree?	
Victorian Heritage Register	No
Is the place included on the Victorian Heritage Register?	
Incorporated Plan	No
Does an Incorporated Plan apply to the site?	

Outbuildings and fences exemptions No

Are there outbuildings and fences which are not exempt from notice and review?

Prohibited uses may be permitted No

Can a permit be granted to use the place for a use which would otherwise be prohibited?

Aboriginal Heritage Place No

Is the place an Aboriginal heritage place which is subject to the requirements of the Aboriginal Heritage Act 2006?

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MAROONDAH PLANNING SCHEME

Statement of Significance

Heritage Place: CARISBROOK 20 Caroline Street Ringwood		PS ref no:	HO 143
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Prepared by: Context

Address: 20 Caroline Street, Ringwood

Survey Date: August 2016

Name: Carisbrook

Architect:

Place Type: Residential House

Builder:

Grading: Significant

Construction Date: 1939-40

Extent of Overlay: To title boundaries

Architectural Style: Interwar Period (c.1919-c.1940)



What is significant?

The house ~~and front fence~~ at 20 Caroline Street, built 1939-40, is significant.

How is it significant?

The house ~~and front fence~~ at 20 Caroline Street, Ringwood ~~is~~ **are** of local architectural significance to the City of Maroondah .

Why is it significant?

The house at 20 Caroline Street, Ringwood exhibits characteristics typical of a the 'Moderne' style in a domestic building from the interwar period, including a strong horizontal emphasis with a deep band of face tapestry brick running between rendered bands to the upper and lower façade; two identical tri-partite steel casement windows are set into the brick band, on either side of the entry porch; a soldier course of tapestry bricks runs across the upper edge of each window opening; a central entry door has steel sidelight windows. ~~The low brick front fence has simple brick piers with tapered rendered tops and a steel pipe rail running between the piers.~~ (Criterion D)

Primary source

Jubilee Park Heritage and Neighbourhood Character Study, Context, Final Report February 2018

Planning Control Recommendations

Recommendations for the Schedule to the Heritage Overlay (Clause 43.01) in the Maroondah Planning Scheme:

External Paint Colours	No
Is a permit required to paint an already painted surface?	
Internal Alteration Controls	No
Is a permit required for internal alterations?	
Tree Controls	No
Is a permit required to remove a tree?	
Victorian Heritage Register	No
Is the place included on the Victorian Heritage Register?	
Incorporated Plan	No
Does an Incorporated Plan apply to the site?	
Outbuildings and fences exemptions	Yes — brick and steel pipe front fence. No
Are there outbuildings and fences which are not exempt from notice and review?	
Prohibited uses may be permitted	No
Can a permit be granted to use the place for a use which would otherwise be prohibited?	
Aboriginal Heritage Place	No
Is the place an Aboriginal heritage place which is subject to the requirements of the Aboriginal Heritage Act 2006?	

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MAROONDAH PLANNING SCHEME

MAROONDAH PLANNING SCHEME

Statement of Significance

Heritage Place: 22 James Street Ringwood		PS ref no:	HO 145
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Prepared by: Context

Address: 22 James Street, Ringwood

Survey Date: August 2016

Name:

Architect:

Place Type: Residential House

Builder:

Grading: Significant

Construction Date: 1924-26

Extent of Overlay: To title boundaries

Architectural Style: Interwar Period (c.1919-c.1940)



What is significant?

22 James Street, Ringwood, built in 1924-26, is significant.

How is it significant?

22 James Street, Ringwood is of local architectural and aesthetic significance to the City of Maroondah.

Why is it significant?

22 James Street, Ringwood integrates a number of characteristics associated with both the Federation era 'Queen Anne' style and the Californian Bungalow style of the interwar period. The overall form of the house resembles the asymmetrical and complex form typical of the style of the 'Queen Anne' style. It features a projecting wings at the front and the side, and a return verandah with a boxed bay window across the corner. By contrast, the low-slung roof and wide front gable are more closely associated with the Californian Bungalow style. (Criterion D)

Detailing associated with the 'Queen Anne' style includes boxed bay windows to the projecting bays and across the verandah corner, with narrow double hung windows with highlight windows above; a small arched window at the end of the verandah; half timbering to the gable ends (though typically the gables would be deeper); and a three panel, leadlight entry door with leadlight to the side lights. Detailing associated with the Californian Bungalow style includes timber detailing to the front verandah including paired solid timber posts and elongated timber blade brackets; a timber gable ventilator to the upper gabled end; and a simple brick chimney with rendered top. (Criterion D and E)

The house retains a high level of integrity.

Primary source

Jubilee Park Heritage and Neighbourhood Character Study, Context, Final Report February 2018

Planning Control Recommendations

Recommendations for the Schedule to the Heritage Overlay (Clause 43.01) in the Maroondah Planning Scheme:

External Paint Colours	No
Is a permit required to paint an already painted surface?	
Internal Alteration Controls	No
Is a permit required for internal alterations?	
Tree Controls	No
Is a permit required to remove a tree?	
Victorian Heritage Register	No
Is the place included on the Victorian Heritage Register?	
Incorporated Plan	No
Does an Incorporated Plan apply to the site?	
Outbuildings and fences exemptions	No
Are there outbuildings and fences which are not exempt from notice and review?	
Prohibited uses may be permitted	No

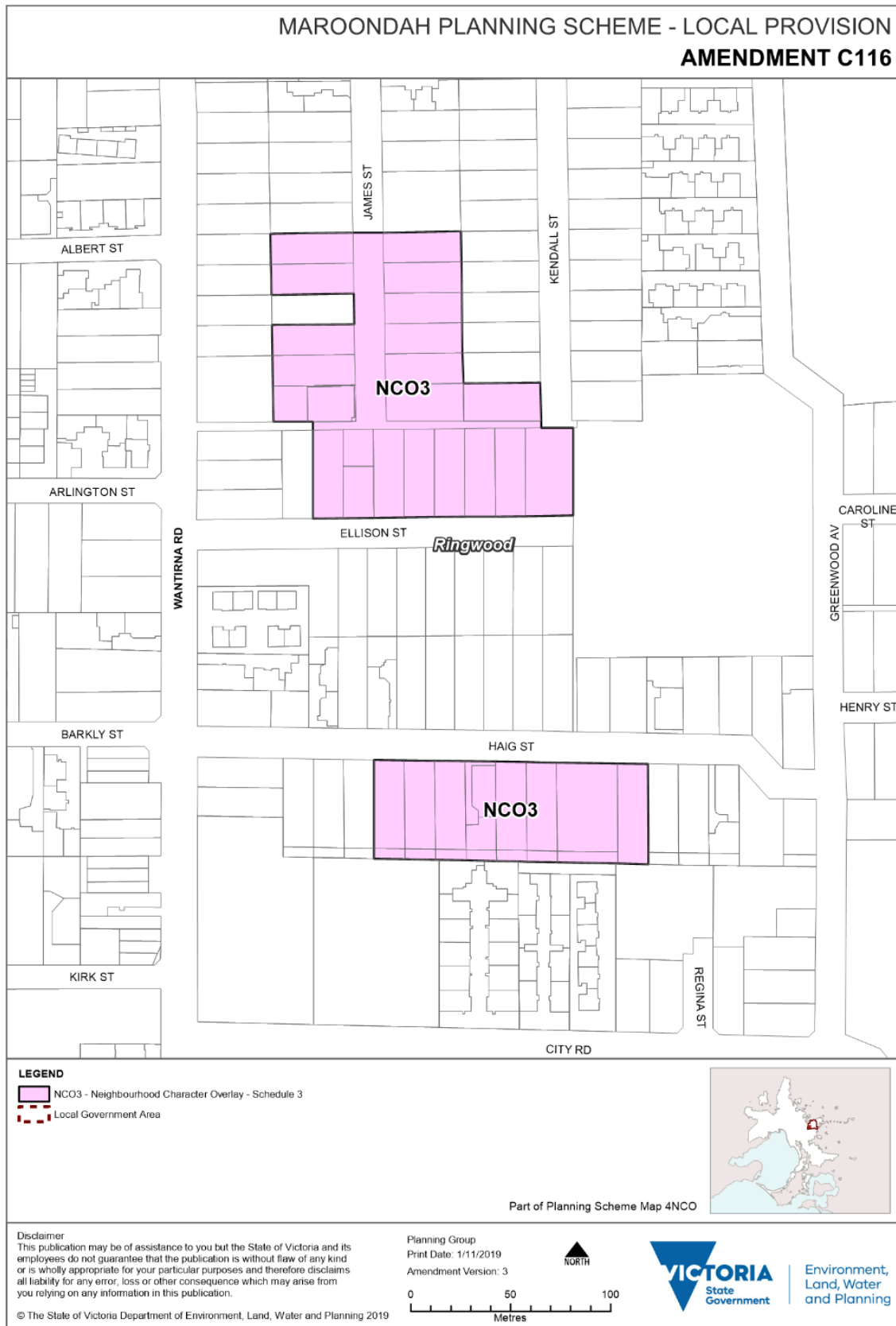
Can a permit be granted to use the place for a use which would otherwise be prohibited?

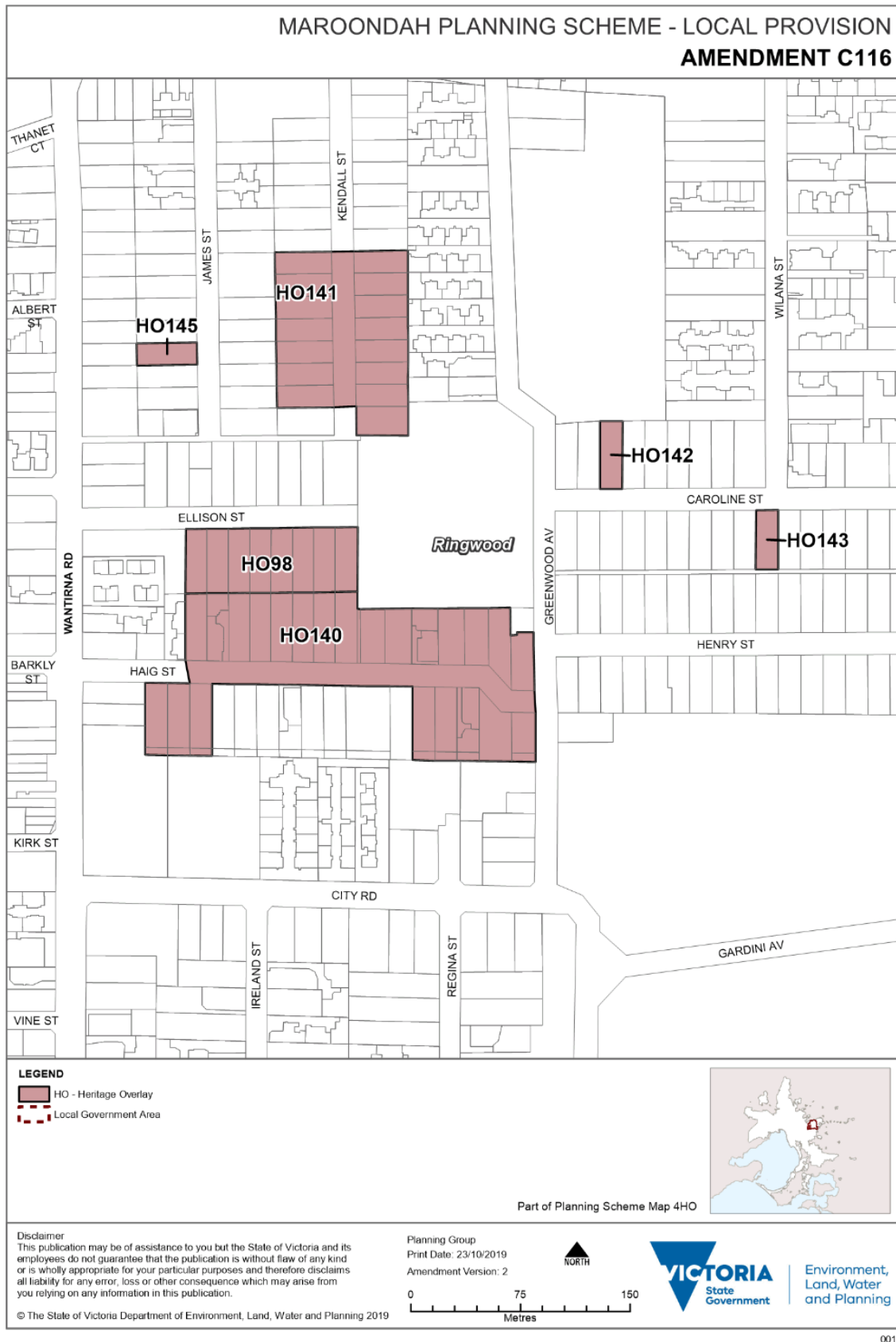
Aboriginal Heritage Place

No

Is the place an Aboriginal heritage place which is subject to the requirements of the Aboriginal Heritage Act 2006?

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AMENDMENT C116MARO

**System Note: The following ordinance will be modified in Sub-Clause:72.04
DOCUMENTS INCORPORATED IN THIS PLANNING SCHEME, Schedule:SCHEDULE
TO CLAUSE 72.04 DOCUMENTS INCORPORATED IN THIS PLANNING SCHEME**

1.0

C116maro

Incorporated documents

Ellison Street Precinct-Statement of Significance	C116maro
Haig Street Precinct-Statement of Significance	C116maro
Kendall Street Precinct -Statement of Significance	C116maro
5 Caroline Street Ringwood -Statement of Significance	C116maro
Carisbrook 20 Caroline Street Ringwood-Statement of Significance	C116maro
22 James Street Ringwood -Statement of Significance	C116maro
3-5 Wonga Road, Ringwood North Statement of Significance, 22 June 2018	C127maro
Extension of the Eastern Freeway and Completion of the Ringwood Bypass, June 2001	C23
Ringwood District Centre Development Contributions Plan, July 1997	NPS1

**System Note: The following ordinance will be modified in Sub-Clause:43.01
HERITAGE OVERLAY, Schedule:SCHEDULE TO CLAUSE 43.01 HERITAGE OVERLAY**

AMENDMENT C116MARO

2.0

C116maro

Heritage places

The requirements of this overlay apply to both the heritage place and its associated land.

PS Map Ref	Heritage Place	External Paint Controls Apply?	Internal Alteration Controls Apply?	Tree Controls Apply?	Outbuildings or fences which are not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
HO1	<i>House</i> 67-73 Alto Avenue, Croydon	Yes	No	Yes	No	No	No	No
HO2	<i>Croydon Community School, Formerly Croydon State School, 177-181 Mount Dandenong Road, corner of Anzac Street, Croydon</i>	Yes	No	No	No	No	No	No
HO3	<i>"Aringa"</i> 7 Aringa Court, Ringwood	Yes	No	Yes	No	No	No	No
HO4	<i>"Boonong"</i> 273 Bayswater Road, Bayswater North	Yes	No	Yes	No	No	No	No
HO5	<i>Ringwood Cellars, Former Blood Brothers Premier Store</i> 1 Bedford Road, Ringwood	Yes	No	No	No	No	No	No
HO6	<i>Italianate House</i> 11 - 15 Bedford Road, Ringwood	Yes	No	No	No	No	No	No
HO7	<i>1st Ringwood Scout Hall Bill Wilkins Lodge</i> Bedford Road, Ringwood	No	No	No	No	No	No	No
HO8	<i>House</i> 15 Braeside Avenue, Ringwood	Yes	No	Yes	No	No	No	No
HO9	<i>Manna Gum Eucalyptus viminalis</i>	No	No	Yes	No	No	No	No

AMENDMENT C116MARO

PS Map Ref	Heritage Place	External Paint Controls Apply?	Internal Alteration Controls Apply?	Tree Controls Apply?	Outbuildings or fences which are not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
	H.E. Parker Reserve, 154 Heathmont Road, Heathmont, south bank, near BMX jumps, Bungalook Creek, 80m upstream from Dandenong Creek, Bayswater							
HO10	<i>Lemon-scented Gum Corymbia citriodora</i> 5 Camelia Court, Croydon South	No	No	Yes	No	No	No	No
HO11	<i>Population of Elderberry Panax Polyscias sambucifolia</i> Bayswater Golf Range, Canterbury Road, Bayswater	No	No	Yes	No	No	No	No
HO12	<i>Swamp Gum Eucalyptus ovata</i> 24 Carroll Avenue, Croydon	No	No	Yes	No	No	No	No
HO13	<i>Croydon Central Maternal & Child Health Centre, 202-210 Mt Dandenong Road, Croydon</i>	No	No	No	No	Yes Ref No H0054	No	No
HO14	<i>Gifford Memorial Church</i> 22 Croydon Road, Croydon	No	No	No	No	No	No	No
HO15	<i>Candlebark Eucalyptus rubida</i> 16 Delatite Court, Warranwood	No	No	Yes	No	No	No	No
HO16	<i>Candlebark Eucalyptus rubida</i> 18 Delatite Court, Warranwood	No	No	Yes	No	No	No	No
HO17	<i>Silver Peppermint Eucalyptus tenuiramis</i> Devon Street car park, 4 - 16 Devon Street, Croydon	No	No	Yes	No	No	No	No
HO18	<i>Yellow Box Eucalyptus melliodora</i>	No	No	Yes	No	No	No	No

AMENDMENT C116MARO

PS Map Ref	Heritage Place	External Paint Controls Apply?	Internal Alteration Controls Apply?	Tree Controls Apply?	Outbuildings or fences which are not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
	Nature strip tree, south east corner of Mountain View Road and Dickasons Road, Heathmont							
HO19	<i>Glenbrae and Golden English Oak Quercus robur concoloria</i> 147-151 Dorset Road, Croydon	No	No	Yes	Yes	No	No	No
HO22	<i>"Sunnyview"</i> 427-429 Dorset Road, Croydon	Yes	No	No	No	No	No	No
HO23	<i>Eucalyptus Tree (ignorabilis x viminalis)</i> Dorset Gardens Hotel, 335-341 Dorset Road, Croydon, south east corner of the site	No	No	Yes	No	No	No	No
HO24	<i>Algerian Oak Quercus canariensis</i> Eastfield Park, 119-139 Eastfield Road, Croydon, 20 metres north of 97 Eastfield Road, Croydon	No	No	Yes	No	No	No	No
HO25	<i>White Stringybark Eucalyptus globoidea</i> Cheong Wildflower Sanctuary, 1-29 Eastfield Road, Croydon, 120 metres along northern boundary from western point, then 30 metres directly south	No	No	Yes	No	No	No	No
HO26	<i>Pre-school, Former East Ringwood School</i> Everard Road, Ringwood East	No	No	No	No	No	No	No
HO27	<i>Former Ringwood State School</i> 32 Greenwood Avenue, Ringwood	No	No	No	No	No	No	No
HO28	<i>Greenwood Park Kindergarten</i> 9 Greenwood Avenue, Ringwood	No	No	Yes	No	No	No	No

AMENDMENT C116MARO

PS Map Ref	Heritage Place	External Paint Controls Apply?	Internal Alteration Controls Apply?	Tree Controls Apply?	Outbuildings or fences which are not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
HO29	<i>"WellingtonPark"</i> 17 Highfield Avenue, Waranwood	Yes	No	Yes	No	No	No	No
HO30	<i>"Wyreena"</i> 13 – 23 Hull Road, Croydon	Yes	No	Yes	No	No	No	No
HO31	<i>Manna Gum Eucalyptus viminalis</i> West corner of 32 Junction Street, Ringwood on reserve	No	No	Yes	No	No	No	No
HO32	<i>Weeping Scotch Elm Ulmos globra camperdownii</i> 45 Lacey Street, Croydon	No	No	Yes	No	No	No	No
HO34	<i>Four Candlebark Eucalyptus rubidas</i> Little John Reserve, 76 Little John Road, Waranwood (Council land)	No	No	Yes	No	No	No	No
HO35	<i>Smooth-barked Apple Angonhera costata</i> 70-76 Longview Road, Croydon South (Nature strip)	No	No	Yes	No	No	No	No
HO36	<i>Messmate Stringybark Eucalyptus obliqua</i> 90-92 Longview Road, Croydon South	No	No	Yes	No	No	No	No
HO37	<i>Former State Savings Bank of Victoria</i> 50 Main Street, Croydon	Yes	No	No	No	No	No	No
HO39	<i>Ringwood Railway Station</i> Maroondah Highway, Ringwood	-	-	-	-	Yes Ref No H1587	No	No
HO40	<i>Ringwood Memorial Clock tower</i>	Yes	No	No	No	No	No	No

AMENDMENT C116MARO

PS Map Ref	Heritage Place	External Paint Controls Apply?	Internal Alteration Controls Apply?	Tree Controls Apply?	Outbuildings or fences which are not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
	Corner Maroondah Highway & Warrandyte Road, Ringwood							
HO41	<i>Former Ringwood Fire Station & two adjoining flats</i> 253-257 and part of 251 & 259-261 Maroondah Highway, Ringwood	Yes	No	No	No	No	No	No
HO42	<i>English Oak Quercus robur</i> 310-312 Maroondah Highway, Ringwood	No	No	Yes	No	No	No	No
HO43	<i>Red Box Eucalyptus polyanthemos</i> 35-37 Merrill Crescent, Warranwood	No	No	Yes	No	No	No	No
HO44	<i>"Linden"</i> 5 Moss Court, Croydon North	Yes	No	Yes	No	No	No	No
HO45	<i>Red Ironbark Eucalyptus triacarpa</i> Nature strip of 41 Mount Dandenong Road, Ringwood East	No	No	Yes	No	No	No	No
HO46	<i>Long-leaf Box Eucalyptus goniocalyx</i> Former Benedictine Monastery Site, 22-24 Murray Road, 10 metres south of 6 Banool Court, Croydon	No	No	Yes	No	No	No	No
HO47	<i>Two Pencil Pines Cupressus torulosa and house</i> 144-146 Mount Dandenong Road, corner of Vernon Street, Croydon	No	No	Yes	No	No	No	No
HO48	<i>English/Algerian Oak Quercus robor/canaviensis</i> The front garden of Croydon Community School, 177-181 Mount Dandenong Road, corner of Anzac Street, Croydon	No	No	Yes	No	No	No	No

AMENDMENT C116MARO

PS Map Ref	Heritage Place	External Paint Controls Apply?	Internal Alteration Controls Apply?	Tree Controls Apply?	Outbuildings or fences which are not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
HO49	<i>"Jenkins Cottage"</i> 334 Mount Dandenong Road, Croydon	Yes	No	Yes	No	No	No	No
HO50	<i>Manna Gum Eucalyptus viminalis</i> Small reserve directly north of 2-4 New Street, Ringwood (Vic Roads land)	No	No	Yes	No	No	No	No
HO51	<i>Manna Gum Eucalyptus viminalis</i> South side of Mullum Mullum Creek, approximately 75 metres west north west of 2-4 New Street, Ringwood	No	No	Yes	No	No	No	No
HO52	<i>Lemon-scented Gum Corymbia citriodora</i> 45 Oliver Street, Ringwood	No	No	Yes	No	No	No	No
HO53	<i>House, formerly known as 'Pinemount'</i> 17-21 Panorama Avenue, Ringwood North	Yes	No	Yes	No	No	No	No
HO54	<i>Narrow-leaf Peppermint Tree Eucalyptus radiata</i> 59 Power Street, Croydon North	No	No	Yes	No	No	No	No
HO55	<i>Manna Gum Eucalyptus viminalis</i> 20 metres east of the eastern boundary of 125-127 Loughnan Road, Ringwood, North of Mullum Mullum Creek	No	No	Yes	No	No	No	No
HO56	<i>"Kleinert Homestead"</i> 4 Reilly Court, Croydon South	Yes	No	Yes	No	No	No	No
HO57	<i>Birribindi</i> 77 Richardson Road, Croydon North	Yes	No	Yes	No	No	No	No

AMENDMENT C116MARO

PS Map Ref	Heritage Place	External Paint Controls Apply?	Internal Alteration Controls Apply?	Tree Controls Apply?	Outbuildings or fences which are not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
HO58	<i>Manna Gum Eucalyptus viminalis</i> Reynolds Avenue Reserve, Reynolds Avenue, Ringwood, 29 metres east of the western end of by-pass acoustic wall, then 11 metres northern of by-pass acoustic wall	No	No	Yes	No	No	No	No
HO60	<i>Candlebark Eucalyptus viminalis</i> 4 Salvia Court, Warranwood	No	No	Yes	No	No	No	No
HO61	<i>Two Manna Gums Eucalyptus viminalis</i> Scott Street Reserve, Scott Street, 45 metres west of the pedestrian bridge, Heathmont (Council reserve)	No	No	Yes	No	No	No	No
HO62	<i>"Strathallyn"</i> 2B Strathallyn Road, Ringwood	Yes	No	Yes	No	No	No	No
HO63	<i>Manna Gum (Hybrid) Eucalyptus viminalis</i> Suda Avenue Reserve, Suda Avenue, Ringwood, southern end of reserve, 15 metres north west of drainage underpass.	No	No	Yes	No	No	No	No
HO64	<i>Silver-leafed Stringybark Eucalyptus cephalocarpa</i> 7-8 Tereddin Drive, part of Bungalook Conservation Reserve, 10 metres from the east boundary and approximately 130 metres from the south boundary, Kilsyth South.	No	No	Yes	No	No	No	No
HO65	<i>"Rothsaye"</i> 2 Unsworth Road, Ringwood North	Yes	No	Yes	No	No	No	No
HO67	<i>Wantirna Road North Precinct</i> 4, 6 & 8 Wantirna Road, Ringwood	Yes	No	Yes	No	No	No	No

AMENDMENT C116MARO

PS Map Ref	Heritage Place	External Paint Controls Apply?	Internal Alteration Controls Apply?	Tree Controls Apply?	Outbuildings or fences which are not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
HO68	<i>Wantirna Road South Precinct</i> 18, 20, 22 & 24 Wantirna Road, Ringwood	Yes	No	Yes	No	No	No	No
HO71	<i>St. Paul's Parish House, Former Glamorgan and St Paul's Anglican Church</i> 40 Warrandyte Road (Corner of Ringwood Bypass), Ringwood	Yes	No	Yes	No	No	No	No
HO72	<i>House</i> 10-12 Warrandyte Road, Ringwood	Yes	No	Yes	No	No	No	No
HO73	<i>House</i> 16 Warrandyte Road, Ringwood	Yes	No	No	No	No	No	No
HO74	<i>House</i> 18 Warrandyte Road, Ringwood	Yes	No	No	No	No	No	No
HO75	<i>House</i> 127 Warrandyte Road, Ringwood North	Yes	No	Yes	No	No	No	No
HO76	<i>Red Box Eucalyptus polyanthemos</i> Warranwood Reserve (top of hill), 75 Bemboka Road, 50 metres north of Kelly Court, Warranwood	No	No	Yes	No	No	No	No
HO77	<i>Lemon-scented Gum Corymbia citriodora</i> 8 Wattle Avenue, Ringwood	No	No	Yes	No	No	No	No
HO78	<i>Candlebark Eucalyptus rubida</i> 49 Wellington Park Drive, Warranwood	No	No	Yes	No	No	No	No
HO79	<i>Candlebark Eucalyptus rubida</i>	No	No	Yes	No	No	No	No

AMENDMENT C116MARO

PS Map Ref	Heritage Place	External Paint Controls Apply?	Internal Alteration Controls Apply?	Tree Controls Apply?	Outbuildings or fences which are not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
	53 Wellington Park Drive, Warranwood							
HO80	<i>Nine English Oak Quercus robur</i> Wellington Park Reserve, 2-4 Wellington Park Drive and 6-8 Hutchins Court, Warranwood	No	No	Yes	No	No	No	No
HO82	<i>"Cherry Hill"</i> 19 Wonga Road, Ringwood North	Yes	No	Yes	No	No	No	No
HO83	<i>"Dunstaffnage"</i> 81 Wonga Road, Ringwood North	Yes	No	Yes	No	No	No	No
HO84	<i>"Chipping"</i> 16 Wonga Road, Ringwood	Yes	No	Yes	No	No	No	No
HO85	<i>"Banool"</i> 57-59 Wonga Road, Ringwood North	Yes	No	Yes	No	No	No	No
HO86	<i>"Silver Birches"</i> 13 – 23 Hull Road, Croydon	Yes	No	Yes	No	No	No	No
HO87	<i>Messmate Stringybark Eucalyptus obliqua</i> 8 Yallambee Way, Croydon	No	No	Yes	No	No	No	No
HO89	<i>Patrick Hegarty House</i> 20 Byways Drive, Ringwood East	Yes	No	Yes	No	No	No	No
HO90	<i>Row of Cypress Cupressus macrocarpa</i> 2a Cameron Road (trees are on the San Remo Road frontage), Ringwood North	No	No	Yes	No	No	No	No

AMENDMENT C116MARO

PS Map Ref	Heritage Place	External Paint Controls Apply?	Internal Alteration Controls Apply?	Tree Controls Apply?	Outbuildings or fences which are not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
HO91	<i>Former Croydon Fire Station</i> 14 Croydon Road, Croydon	Yes	No	No	No	No	Yes	No
HO92	<i>War Memorial – World War I, World War II, Korea and Vietnam</i> Roundabout at Wicklow Avenue, Croydon Road, Kent Avenue and Railway Crescent, Croydon	No	No	No	No	No	No	No
HO93	<i>Rangeview</i> 130 Croydon Road, Croydon	Yes	No	Yes	No	No	No	No
HO94	<i>House</i> 141-143 Dorset Road, Croydon	Yes	No	Yes	No	No	No	No
HO95	<i>Tudor Lodge</i> 148-150 Dorset Road, Croydon	Yes	No	Yes	Yes	No	No	No
HO96	<i>House</i> 263 Dorset Road, Croydon	Yes	No	No	No	No	No	No
HO98	<i>Ellison Street Precinct</i> 4-18 Ellison Street Ringwood Statement of Significance Ellison Street Precinct Statement of Significance	No	No	No	No	No	No	No
HO99	<i>House</i> 6 Hill Street, Ringwood East	Yes	No	Yes	No	No	No	No
HO100	<i>The Oxford Shop, D & G Burns Chemist, Clip & Curl, The Craft Cubby, Castlefield, et al.</i>	Yes	No	No	No	No	Yes	No

AMENDMENT C116MARO

PS Map Ref	Heritage Place	External Paint Controls Apply?	Internal Alteration Controls Apply?	Tree Controls Apply?	Outbuildings or fences which are not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
	161 Main Street, Croydon							
HO101	<i>House & Evan Mackley FineArtGallery</i> 5-7 Maroondah Highway, Ringwood	Yes	No	Yes	No	No	Yes	No
HO103	<i>Toll gate obelisk and plaque</i> Brushy Park, 435 Maroondah Highway, Croydon North	Yes	No	No	No	No	No	No
HO104	<i>William Barak memorial</i> Brushy Park, 435 Maroondah Highway, Croydon North	Yes	No	No	No	No	No	No
HO105	<i>Californian Bungalow</i> 149 Mount Dandenong Road, Croydon	Yes	No	No	No	No	No	No
HO106	<i>Streamlined Modern House</i> 153 Mount Dandenong Road, Croydon	Yes	No	Yes	No	No	No	No
HO107	<i>Costume Capers Dance Art</i> 197-207 Mount Dandenong Road, Croydon	Yes	No	No	No	No	Yes	No
HO108	<i>Croydon Entertainment Centre</i> 202-210 Mount Dandenong Road, Croydon	Yes	No	No	No	No	Yes	No
HO109	<i>Cupressus macrocarpa Monterey cypress windbreak at Croydon Oval</i> 217-283 Mount Dandenong Road, Croydon	No	No	Yes	No	No	No	No
HO110	<i>Mount Dandenong Road Precinct 1</i> 272 and 280 Mount Dandenong Road, Croydon	Yes	No	No	Yes	No	No	No
HO111	<i>Californian Bungalow</i>	Yes	No	No	No	No	No	No

AMENDMENT C116MARO

PS Map Ref	Heritage Place	External Paint Controls Apply?	Internal Alteration Controls Apply?	Tree Controls Apply?	Outbuildings or fences which are not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
	298 Mount Dandenong Road, Croydon							
HO112	<i>Mount Dandenong Road Precinct 2</i> 313-315 & 317 Mount Dandenong Road, Croydon	Yes	No	No	No	No	No	No
HO113	<i>Californian Bungalow</i> 316 Mount Dandenong Road, Croydon	Yes	No	No	No	No	No	No
HO114	<i>Mount Dandenong Road Precinct 3</i> 327, 331 & 333 Mount Dandenong Road, Croydon	Yes	No	Yes	No	No	No	No
HO115	<i>Mount Dandenong Road Precinct 4</i> 340 & 342 Mount Dandenong Road, Croydon	Yes	No	No	No	No	No	No
HO116	<i>Dunalister Park</i> 36 Mulawa Street, Croydon	No	No	Yes	No	No	No	No
HO117	<i>Ringwood North Primary School</i> 172-180 Oban Road, Ringwood North	Yes	No	Yes	No	No	Yes	No
HO118	<i>Holy Trinity Anglican Church</i> 47 Patterson Street, Ringwood East	Yes	No	No	No	No	Yes	No
HO119	<i>Emery House</i> 50 Pine Crescent, Ringwood North	Yes	No	No	No	No	No	No
HO120	<i>Pitt Street Precinct</i> 20, 22 & 24 Pitt Street Pitt Street, Ringwood	Yes	No	Yes	No	No	No	No
HO121	<i>Former Ringwood Ambulance Depot</i> 28 Pitt Street, Ringwood	Yes	No	Yes	No	No	Yes	No

AMENDMENT C116MARO

PS Map Ref	Heritage Place	External Paint Controls Apply?	Internal Alteration Controls Apply?	Tree Controls Apply?	Outbuildings or fences which are not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
HO122	<i>LutherCollege</i> 1-37 Plymouth Road, Croydon Hills	No	No	No	No	No	Yes	No
HO123	<i>Orchard Remnants</i> Strathfield Parade, Croydon	No	No	Yes	No	No	No	No
HO124	<i>Taylors Road Precinct</i> 3 & 5 Taylors Road, Croydon	Yes	No	Yes	No	No	No	No
HO125	<i>Anglican Church of St John the Divine</i> 5-9 Toorak Avenue,	Yes	Yes	No	No	No	Yes	No
HO126	<i>Vernon Street Precinct</i> 1/13-15, 17, 18, 19, 21 & 23 Vernon Street, Croydon	Yes	No	Yes	No	No	No	No
HO127	<i>Coolangatta</i> 47 Warrandyte Road, Ringwood	Yes	No	Yes	No	No	No	No
HO128	<i>House</i> 49 Warrandyte Road, Ringwood	Yes	No	Yes	Yes	No	No	No
HO129	<i>Two semi-detached dwellings</i> 76 & 76A Warrandyte Road, Ringwood	Yes	No	Yes	Yes	No	No	No
HO130	<i>Three rows of Pinus Radiata Monterey Pines</i> 125A Warrandyte Road, Ringwood North	No	No	Yes	No	No	No	No
HO131	<i>Rosebank</i> 149-151 Warrandyte Road, Ringwood North	Yes	No	Yes	No	No	No	No
HO132	<i>Wilana Street Precinct</i>	Yes	No	No	No	No	No	No

AMENDMENT C116MARO

PS Map Ref	Heritage Place	External Paint Controls Apply?	Internal Alteration Controls Apply?	Tree Controls Apply?	Outbuildings or fences which are not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
	10 & 12 Wilana Street and part of 8-16 Bedford Road, Ringwood							
HO133	Melbourne Rudolf Steiner School 213 Wonga Road, Waranwood	No	No	Yes	No	No	Yes	No
HO134	Former Sacred Heart Monastery (now Sacred Heart Parish complex) 35 Wicklow Avenue, Croydon	No	Yes - former Monastery chapel, including aisles, Parish offices, Hall, Dining Room, main and secondary stairwells, Meeting Rooms and Library.	Yes	Yes	No	Yes	No
HO135	Iron Gates, Fence, Driveway and Cypress plantings (former Sacred Heart Monastery, now Mingarra Retirement Living Village) 77-115 Mt Dandenong Road, Croydon	Yes	Yes	No	Yes	No	Yes	No
HO136	1 Aringa Court, Heathmont	No	No	No	No	No	No	No
HO137	House 14 Wonga Road, Ringwood	No	No	No	No	No	No	No

AMENDMENT C116MARO

PS Map Ref	Heritage Place	External Paint Controls Apply?	Internal Alteration Controls Apply?	Tree Controls Apply?	Outbuildings or fences which are not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
HO138	House 46-48 Dickasons Road, Heathmont	No	No	No	No	No	No	No
HO139	<i>House</i> 29 Bedford Road, Ringwood	No	No	No	No	No	No	No
HO140	<i>Haig Street Precinct</i> 2-6 and 26- 34 Haig Street & 3-31 Haig Street, Ringwood Statement of Significance Haig Street Precinct Statement of Significance	No	No	No	No	No	No	No
HO141	<i>Kendall Street Precinct</i> 20-32 & 21-35 Kendall Street, Ringwood Statement of Significance Kendall Street Precinct Statement of Significance	No	No	No	No	No	No	No
HO142	<i>House</i> 5 Caroline Street, Ringwood Statement of Significance 5 Caroline Street Ringwood Statement of Significance	No	No	No	No	No	No	No
HO143	<i>House</i> 20 Caroline Street, Ringwood Statement of Significance Carisbrook 20 Caroline Ringwood Statement of Significance	No	No	No	No	No	No	No

AMENDMENT C116MARO

PS Map Ref	Heritage Place	External Paint Controls Apply?	Internal Alteration Controls Apply?	Tree Controls Apply?	Outbuildings or fences which are not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
HO145	<i>House</i> 22 James Street, Ringwood Statement of Significance 22 James Street Ringwood Statement of Significance	No	No	No	No	No	No	No
HO146 Interim control Expiry date 31/03/2020	<i>Former Thaloo house and remnant garden 3-5 Wonga Road, Ringwood North</i> Statement of Significance 3-5 Wonga Road, Ringwood North Statement of Significance, 22 June 2018	No	No No	Yes- Claret Ash (Tree 10), Deodar Cedar (Tree 14), Cork Oak (Tree 16), Coast Redwood (Tree 17), Variegated Elm (Tree 22), and Kurrajong (Tree 23) only Yes	No	No	No	No

AMENDMENT C116MARO

**System Note: The following ordinance will be modified in Clause:21 MUNICIPAL
STRATEGIC STATEMENT**

AMENDMENT C116MARO

21.04
C116maro

HERITAGE

**System Note: The following schedule will be inserted after Sub-Clause:43.05
NEIGHBOURHOOD CHARACTER OVERLAY, Schedule:SCHEDULE 2 TO THE
NEIGHBOURHOOD CHARACTER OVERLAY**

AMENDMENT C116MARO

C116maro

SCHEDULE 6 TO CLAUSE 43.05 NEIGHBOURHOOD CHARACTER OVERLAY

Shown on the planning scheme map as NCO3.

JUBILEE PARK

1.0

C116maro

Statement of neighbourhood character

The Jubilee Park neighbourhood character area in Ringwood forms part of a larger historic residential area, which was developed after 1915. It is significant within Maroondah as a rare example of a neighbourhood that includes development from the inter war period, with the only other comparative example being the 1920s timber bungalows of the Alto Avenue and Wicklow Hills Estate in Croydon. It is also important for its intact and consistent collection of Post War Dwellings.

Haig Street and Ellison Street, which terminates with views of the original Ringwood Primary School building, were laid out on what was originally an orchard, then subdivided as part of the 'Ringwood Township Estate' in c. 1921. James Street formed part of the historic 'Ringwood Railway Estate' which was subdivided in c1885, but failed to develop during the nineteenth century due to the 1890s depression.

These streetscapes are representative of the development that occurred in Ringwood during the interwar and early Post War years-simple homes displaying a modest and traditional expression, set in spacious open gardens.

The whole character area is notable for its consistency of low scale, older style dwellings with tiled, pitched or gable roofs. Timber is the predominant building material and the modest, detached homes are located in generous and well vegetated garden settings. The regularity of built form and setbacks creates an orderliness within the character area, and this cohesion is further enhanced by the existence of regular street trees, grassy nature strips and low front fences.

See 43.05-1 for relevant provisions.

2.0

C116maro

Neighbourhood character objective

- To ensure that the consistent architectural and residential character of Jubilee Park is retained and enhanced, without replication of historic built form.
- To complement and strengthen the historic and predominant use of timber throughout the area.
- To maintain the consistent siting of dwellings, allowing for a generous and well vegetated front garden, and side setbacks that allow for planting.
- To ensure that new dwellings and extensions to dwellings are an appropriate scale relative to the scale of surrounding homes, and that front fences are low and appropriate to the era of the dwelling.

3.0

C116maro

Permit requirement

A permit is required to:

- Construct an outdoor swimming pool within the front setback associated with a dwelling
- Construct or extend an outbuilding normal to a dwelling.
- Demolish or remove a building.

4.0

C116maro

Modification to Clause 54 and Clause 55 standards

Standard	Modified requirement
None specified	None specified

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5.0

C116maro

Decision guidelines

“The following decision guidelines apply to an application for a permit under Clause 43.05 in addition to those specified in Clause 43.05 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- The extent to which any proposed buildings and works contribute to the historic neighbourhood character of the broader Jubilee Park area.
- The extent to which any replacement development meets the objectives of this clause in relation to siting, height, form and materiality, without historical mimicry or facadism.
- The extent to which any new dwelling or dwelling extension reflects the roof form of adjacent properties, or the existing dwelling.
- The visual impact of the dwelling on the streetscape, including the extent to which upper level dwelling extensions are recessed and articulated.
- The selection of building materials and the contribution the materials will make to the preferred neighbourhood character of the precinct.
- To extent to which any buildings or works, including front fences, make a positive contribution to the public domain and pedestrian environment.
- Whether car parking structures are recessive, located behind the front façade of the dwelling and do not dominate the site or streetscape.

System Note: The following ordinance will be modified in Clause:21 MUNICIPAL STRATEGIC STATEMENT, Sub-Clause:21.04 HERITAGE

21.04-2

C116maro

Objectives, strategies and implementation

Objective 1

- To identify and plan for the future conservation, protection, enhancement and appropriate use and development of heritage places in Maroondah.

Strategy

- Identify and document the cultural heritage value and thematic history of pre-European and post contact settlement in the municipality.

Objective 2

- To appropriately manage heritage resources, in order to conserve their cultural heritage values and integrity.

Strategies

- Promote sympathetic design and sustainable development on the subject land or abutting natural and cultural heritage places.
- Educate owners of natural or cultural heritage sites and other interested parties of the responsibilities and privileges associated with the process of heritage preservation.

Objective 3

- To promote heritage values throughout the municipality.

AMENDMENT C116MARO

Strategies

- Increase general public awareness of heritage resources within Maroondah by identifying and promoting their cultural value and historical role.
- Develop a program for the appropriate management of heritage resources, to ensure their preservation and to maintain historic integrity.

Implementation

These strategies will be implemented by:

Local policy and exercise of discretion

- Engaging the services of a specialist heritage consultant to provide advice on issues in relation to heritage places.
- Encouraging the retention and re-use of heritage properties.

Zones and overlays

- Applying the Heritage Overlay to all sites with cultural or natural heritage value in the municipality, as identified through a Statement of Significance.

Future strategic work

- Reviewing and updating existing strategies in relation to heritage to ensure that the recommendations for protection remain relevant.
- Identifying additional places and precincts of natural or cultural heritage value.
- Actively pursuing the listing of cultural heritage assets in the planning scheme, the Victorian Heritage Register, or any other heritage register which recognises and /or protects the value of the identified place.
- Preparing urban design and development guidelines for additions and alterations to heritage properties.
- Establishing a framework for consistent decision making in respect of planning applications for heritage preservation.

Other actions

Reference documents

Maroondah Heritage Identification Study, Maroondah City Council, 1998

Maroondah Heritage Study Stage 2, Maroondah City Council, 2003

Planning and Environment Act 1987

**MAROONDAH PLANNING SCHEME
AMENDMENT C116
EXPLANATORY REPORT**

Who is the planning authority?

This amendment has been prepared by the Maroondah City Council which is the planning authority for this amendment.

The Amendment has been made at the request of Maroondah City Council.

Land affected by the Amendment

The Amendment applies to land at:

- 5 Caroline Street, Ringwood
- 20 Caroline Street, Ringwood
- 18 James Street, Ringwood
- 22 James Street, Ringwood
- 2-34 and 3-31 Haig Street, Ringwood
- 20-32 and 21-35 Kendall Street, Ringwood
- 4, 14, 16, 18 Ellison Street
- 20 and 24- 28A James Street, Ringwood
- 19-29 James Street, Ringwood
- 34 Kendall Street, Ringwood
- 3-17 Ellison Street, Ringwood
- 18-28A James Street, Ringwood
- 19-29 James Street, Ringwood
- 20-34 Kendall Street, Ringwood
- 21-35 Kendall Street, Ringwood
- 3-17 Ellison Street, Ringwood
- 4-18 Ellison Street, Ringwood
- 3-31 Haig Street, Ringwood
- 2-34 Haig Street, Ringwood
- ~~1-31 Caroline Street Ringwood~~
- ~~2-36 Caroline Street Ringwood~~
- ~~1-33 Henry Street Ringwood~~
- ~~2-34 Henry street Ringwood~~
- ~~34, 38 Thomas Street Ringwood~~
- ~~37A-57 Thomas Street Ringwood~~
- ~~1-9 Emerald Street Ringwood~~
- ~~62A Ford Street Ringwood~~
- ~~2-10 Emerald Street Ringwood~~
- ~~28-30B & 32A Greenwood Avenue Ringwood~~

Summary map showing areas of new Neighbourhood Residential Zone (NRZ)



Summary map showing areas of new Neighbourhood Residential Zone (NRZ)



Summary map - area of new Neighbourhood Character Overlay (NCO)



Summary map - area of new Neighbourhood Character Overlay (NCO)



Summary map showing areas of existing HO and recommended new HO



Summary map showing areas of existing HO and recommended new HO



A mapping reference table is attached at Attachment 1 to this Explanatory Report.

What the amendment does

The Amendment proposes to introduce three different type controls for the subject properties as follows:

Application of a Heritage Overlay:

The amendment proposes to introduce Heritage Overlay controls to 4 (four) individual properties:

- House, 5 Caroline Street, Ringwood
- House and front fence, 20 Caroline Street, Ringwood
- ~~House, 18 James Street, Ringwood~~
- House, 22 James Street, Ringwood

Introduction of two new heritage precincts:

- Haig Street Precinct: ~~2; 4; 6 ;26; 28; 1/30; 2/30; 32, 34 Haig Street 2-34~~ and 3-31 Haig Street, Ringwood
- Kendall Street Precinct: 20-32 and 21-35 Kendall Street, Ringwood

Extension to existing Heritage Overlay HO98

The existing HO98 Ellison Avenue Precinct is proposed to also apply to 4, 14,16,18 Ellison Street.

Introduction of a Neighbourhood Character Overlay

- 20 and 24-28A James Street, Ringwood
- 19-29 James Street, Ringwood
- 34 Kendall Street, Ringwood
- ~~3-17 Ellison Street, Ringwood~~
- ~~8-24 Haig Street, Ringwood~~
- ~~18 James Street Ringwood~~

~~Rezoning of land from General Residential Zone to Neighbourhood Residential Zone~~

- ~~18-28A James Street, Ringwood~~
- ~~19-29 James Street, Ringwood~~
- ~~20-34 Kendall Street, Ringwood~~
- ~~21-35 Kendall Street, Ringwood~~
- ~~3-17 Ellison Street, Ringwood~~
- ~~4-18 Ellison Street, Ringwood~~
- ~~3-31 Haig Street, Ringwood~~
- ~~2-34 Haig Street, Ringwood~~
- ~~1-31 Caroline Street Ringwood~~

- ~~2-36 Caroline Street Ringwood~~
- ~~1-33 Henry Street Ringwood~~
- ~~2-34 Henry Street Ringwood~~
- ~~34, 38 Thomas Street Ringwood~~
- ~~37A-57 Thomas Street Ringwood~~
- ~~1-9 Emerald Street Ringwood~~
- ~~62A Ford Street Ringwood~~
- ~~2-10 Emerald Street Ringwood~~
- ~~28-30B & 32A Greenwood Avenue Ringwood~~

The amendment also proposed to modify Clause 21.04 Heritage so as to include ~~reference to Jubilee Park Heritage and Neighbourhood Character Study 2018 and~~ minor changes to the content to update some of the terminology.

The amendment also includes changes to the Schedule to Clause 43.01 and clause 72.04 of the Scheme to reflect the requirements of Amendment VC148. These changes relate to including reference to the statement of significance and incorporating the statement of significance as part of the Scheme.

Strategic assessment of the Amendment Why is the Amendment required?

Action 3b of Maroondah's *Housing Strategy* sets out the need to "Review neighbourhood character elements including heritage of the Jubilee Park area."

Maroondah 2040- Community Vision, June 2014 identifies one of the shared visions as: "an attractive thriving and well built community." Key Direction 6.10 identified the need to "develop and implement an urban form that enhances the desirable attributes of Maroondah to protect and value ridgelines, vegetation, neighbourhood character, local history and cultural heritage."

In August 2016 Council commenced the Jubilee Park Heritage Review and engaged Context Pty Ltd as independent heritage consultants to undertake the review. Community consultation was undertaken as part of the Scoping Study including a community values survey, distribution of brochures to every household in the Study area; establishment of Steering Group comprising community representatives.

The findings of the *Jubilee Park Heritage and Neighbourhood Character Study* provide the strategic basis for this amendment. The recommendations of the report adopt an integrated approach to the application of statutory controls, namely overlays and zoning provisions.

A full assessment of places identified in the study area revealed that:

1. Several properties in the Jubilee Park Study area meet the threshold of heritage local significance and warrant inclusion in the Heritage Overlay:
 - Haig Street Precinct: ~~2-6 and 26-34~~ **Haig Street** and 3-31 Haig Street, Ringwood
 - Kendall Street Precinct: 20-32 and 21-35 Kendall Street, Ringwood
 - House, 5 Caroline Street, Ringwood
 - House and front fence, 20 Caroline Street, Ringwood
 - ~~House, 18 James Street, Ringwood~~
 - House, 22 James Street, Ringwood
 - 4, 14, 16, 18 Ellison Street

2. Neighbourhood Character Overlay: The findings of Study relating to the neighbourhood character recognise the special features of the local neighbourhood character of the Jubilee Park and identify the need to ensure that future development is more compatible with and strengthens those qualities.

The Study identified that the key elements that define the neighbourhood character of Jubilee Park, specifically southern end of James and Kendall Street, and almost full extent of Ellison Street and Haig Street. These are the built form and spacious garden settings when viewed from the public domain, in particular:

- the existence of low scale, older style homes (including dwellings of heritage significance),
- the predominance of timber as a building material,
- well established landscaping,
- consistent front and side boundaries setbacks, low front fences

The properties recommended to be included in the Neighbourhood Character Overlay:

- 20 and 24-28A James Street, Ringwood
- 19-29 James Street, Ringwood
- 34 Kendall Street, Ringwood
- 3-17 Ellison Street, Ringwood
- 8-24 Haig Street Ringwood
- 18 James Street, Ringwood

- ~~3. The Study includes an assessment of the most appropriate zone for the area. It notes that the two key elements are the purpose of the zone and the mandatory building height.~~

~~In light of the fact that one of the key elements of the neighbourhood character for the area is the low scale nature of the older homes, the most appropriate building height is considered to be 9 metres as opposed to 11 metres. Whilst the General Residential Zone could be chosen, and the height varied through the schedule to the zone, it is considered that the application of the zone which already has these provisions in place is the most sensible option. The purpose of the Neighbourhood Residential Zone is considered more appropriate to the Jubilee Park area, as it recognises areas with predominantly single and double storey residential development, and is intended to manage and ensure that development respects the identified neighbourhood character, heritage, environmental or landscape characteristics of an area.~~

~~Due to the low scale nature of the built form in Caroline, Henry, Thomas and Emerald streets and Greenwood Avenue, the application of the NRZ was considered most appropriate and justifiable. The report notes that while the garden setting and architectural styles are less consistent, built form is uniformly single storey. There are also several individual HQ properties within this precinct.~~

~~The amendment proposes to rezone the following properties from General Residential Zone to Neighbourhood Residential Zone:~~

- 18-28A James Street, Ringwood
- 19-29 James Street, Ringwood
- 20-34 Kendall Street, Ringwood
- 21-35 Kendall Street, Ringwood
- 3-17 Ellison Street, Ringwood
- 4-18 Ellison Street, Ringwood
- 3-31 Haig Street, Ringwood
- 2-34 Haig Street, Ringwood
- 1-31 Caroline Street Ringwood
- 2-36 Caroline Street Ringwood
- 1-33 Henry Street Ringwood
- 2-34 Henry Street Ringwood
- 34, 38, Thomas Street Ringwood
- 37A-57 Thomas Street Ringwood
- 1-9 Emerald Street Ringwood
- 62A Ford Street Ringwood
- 2-10 Emerald Street Ringwood
- 28-30B & 32A Greenwood Avenue

How does the Amendment implement the objectives of planning in Victoria?

The objectives of planning in Victoria are set out by the *Planning and Environment Act 1987*. For the purposes of this amendment the relevant objectives are:

- (a) *to provide for the fair, orderly, economic and sustainable use, and development of land;*
- (d) *to conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value;*
- (f) *to facilitate development in accordance with the objectives set out in paragraphs (a), (b), (c), (d) and (e);*
- (g) *to balance the present and future interests of all Victorians.*

(Section 4(1) Planning and Environment Act 1987)

The Amendment is consistent with these objectives on the following grounds

- ensuring properties of local significance have appropriate controls applied to facilitate their conservation on an on-going basis.
- identifying an integrated approach to the application of zones and overlays.
- The proposed controls balance the community concerns and expectations for the area.

How does the Amendment address any environmental, social and economic effects?

The Amendment will not have significant adverse effects on the environment. It is considered that the long-term social and economic effects of the amendment will be positive as the aim of the amendment is to conserve buildings that are of local social and historical significance and to provide guidance in decision making as to Council's position in relation to heritage and neighbourhood character in the Jubilee Park area.

Does the Amendment address relevant bushfire risk?

The study area is located within an established urban environment and has not been identified as at risk from bushfire. It is considered that general bushfire risk in the State Planning Policy Framework is addressed through the planning scheme.

Does the Amendment comply with the requirements of any Minister's Direction applicable to the amendment?

The Amendment is consistent with the following Ministerial Directions:

- Ministerial Direction on the Form and Content of Planning Schemes under section 7(5) of the *Planning and Environment Act 1987*.
- Ministerial Direction No. 9 – Metropolitan Strategy (*Plan Melbourne 2017-2050: Metropolitan Planning Strategy (Department of Environment, Land, Water and Planning, 2017)*).

Direction 4.1 Create more great public places across Melbourne. Policy 4.11 - Support Melbourne's distinctiveness notes that:

"Melbourne is a mosaic of diverse natural landscapes and urban places, which contribute to the city's distinctiveness. Places that contribute to the city's distinctiveness—including places that are part of ongoing Aboriginal culture—need to be preserved.

The Victoria Planning Provisions contain clauses to protect aspects of distinctiveness, but can be improved to specify what Melbourne's distinctive aspects are, or how they should influence new development. This will encourage the creation of memorable, well-designed places that build on our city's legacy of distinctiveness and liveability.

Direction 4.4 respect Melbourne's heritage as we build for the future. It specifically notes the need to adopt *"Innovative approaches to the creative re-use of heritage places..., ensuring good urban design both preserves and renews historic buildings and places."*

Policy 4.4.1 identifies the need to recognise the value of heritage when managing growth and changes. It indicates that *"realising the community benefit of heritage will require careful management of the ongoing processes of change to the urban environment. Decisions must be based on an appreciation of Melbourne's past as well as an understanding of its future needs.*

There will need to be continuous identification and review of currently unprotected heritage sites and targeted assessments of heritage sites in areas identified as likely to be subject to substantial change."

Policy 4.4.3 Stimulate economic growth through heritage conservation

Regeneration of heritage assets through adaptive re-use can deliver unique and exciting places that can be used well into the future. Rehabilitating old buildings and places also creates opportunities for new investment and jobs.

The Amendment is consistent with the directions and initiatives in the Metropolitan Strategy, as it will help to conserve a part of Maroondah's and Melbourne's heritage, and it aims to protect the Jubilee Park area distinctiveness.

- The Amendment is consistent with the Ministerial Direction No 11 – Strategic Assessments of Amendments.

How does the Amendment support or implement the Integrated Planning Policy Framework?

The Amendment is consistent with the following Planning Policy Framework (PPF):-

- Clause 11 of the PPF sets out that *"planning is to recognise the need for and as far as practicable contribute towards diversity of choice. It is noted that planning is to facilitate sustainable development that takes full advantage of existing settlement patterns and investment in transport, utility, community and commercial infrastructure and services."*
- Clause 15 of the PPF relates to Built Environment and Heritage. It notes that *"Planning is to recognise the role of urban design, building design, heritage and energy and resource efficiency in delivering liveable and sustainable cities, towns and neighbourhoods. Planning should ensure all land use and development appropriately responds to its surrounding landscape and character, valued built form and cultural context."* Further, the Policy states that planning should *"protect places and sites with significant heritage, architectural, aesthetic, scientific and cultural value."*

The amendment support the Policy as it contributes positively to local character and sense of place.

- Policy 15.01-5S relates to Neighbourhood Character. It sets out the objective on the need to recognise, support and protect neighbourhood character, cultural identity, and sense of place.

The strategies set out by this policy note the need to:

- 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 emphasising the:
 - pattern of local urban structure and subdivision
 - underlying natural landscape character and significant vegetation
 - heritage values and built form that reflect community identity
- Policy 15.03 Heritage- 15.03-1S Heritage Conservation: The relevant objective being to ensure the conservation of places of heritage significance.

The Strategies set out by this policy note the need to:

- *Identify, assess and document places of natural and cultural heritage significance as a basis for their inclusion in the planning scheme.*
- *Provide for the protection of natural heritage sites and man-made resources*
- *Provide for the conservation and enhancement of those places which are of, aesthetic, archaeological, architectural, cultural, scientific, or social significance.*
- *Encourage appropriate development that respects places with identified heritage values*
- *Retain those elements that contribute to the importance of the heritage place.*
- *Encourage the conservation and restoration of contributory elements of a heritage place.*
- *Ensure an appropriate setting and context for heritage places is maintained or enhanced.*
- *Support adaptive reuse of heritage buildings whose use has become redundant.*
- The amendment is consistent with PPF 16 Housing. This Policy identifies “*the need for planning to provide housing diversity and ensure the efficient provision of supporting infrastructure.*”
- Further the amendment supports PPF 16.01-3S Housing Diversity. The objective of this Policy is to provide a range of housing types to meet diverse needs. The strategies highlight the need to encourage the development of well-designed medium density housing that:
 - respects the neighbourhood character
 - Improves housing choice
 - Makes better use of existing infrastructure.
 - Improves energy efficiency of housing
- The amendment supports the objectives of Policy 16.01-1R Integrated Housing Metropolitan Melbourne. In particular the amendment implements the following strategies:
 - Provide certainty about the scale of growth by prescribing appropriate height and site coverage provisions for different areas.

- Allow for a range of minimal, incremental and high change residential areas that balance the need to protect valued areas with the need to ensure choice and growth in housing.
- The amendment is consistent with The Victorian Planning Provisions Practice Note *"Using the Neighbourhood Character Provisions in Planning Schemes (2004)"*. The Practice note states that: *"The NCO can be used when the following criteria can be met:*
 - *the proposed area exhibits specific characteristics that need to be protected or changed to achieve a preferred character;*
 - *the area, relative to the rest of the municipality, requires a specific approach to neighbourhood character;*
 - *the application of local policy, the standard provisions of Clause 54 and Clause 55 or the residential schedule will not satisfy the neighbourhood character objectives identified in the local planning policy framework (LPPF) for that particular area*
 - *a rigorous character study has been undertaken that accurately shows the physical aspects of character in the area that need to be translated into the provisions of the NCO*
 - *The proposal is supported by appropriate community consultation.*
 - *An NCO should not be used as a 'blanket' control across the municipality. It should be applied strategically to areas where the application of the residential development standards consistently fails to meet the objectives for neighbourhood character for a particular area.*

The amendment is consistent with The Victorian Planning Provisions Practice Note 1 Applying the Heritage Overlay August 2018.

How does the Amendment support or implement the Local Planning Policy Framework, and specifically the Municipal Strategic Statement?

The Municipal Strategic Statement (MSS), Clause 21.04 notes that the recognition of Maroondah's heritage is crucial to the development of a vibrant and confident community.

Pursuant to *Clause 21.04 – Heritage*, an objective is to *"identify and plan for the future protection, enhancement and appropriate use of heritage places in Maroondah"*.

Clause 21.04 further identifies that the objectives and strategies set out in this clause should be implemented, in part, by:

"Applying the Heritage Overlay to all sites with cultural or natural heritage value in the municipality, as identified through a Statement of Significance".

The heritage consultants for this project have undertaken a detailed assessment of the identified houses and consider them of significance to the extent that they warrant heritage protection: See *Jubilee Park Heritage and Neighbourhood Character study*.

Clause 21.06 Built Form and Urban Design outlines policy in relation to the quality and attractiveness of the built environment, and recognises the value of neighbourhood character in achieving high quality urban places.

One of the relevant strategies is the need to ensure *“new residential development contributes to achieving the preferred neighbourhood character of the neighbourhood area.”*

This amendment supports the MSS and seeks to implement the above strategy by recognising and articulating the highly valued neighbourhood character of Jubilee Park, and providing appropriate zoning controls and overlay provisions.

~~The proposed application of the Neighbourhood Residential Zone (NRZ) to the wider Jubilee Park area recognises the modest and low scale nature of the neighbourhood, and provides clear objectives and decision guidelines to ensure that new development responds appropriately.~~

The proposed application of the Neighbourhood Character Overlay (NCO) to a discreet area within Jubilee Park recognises and articulates the rarity of this inter war residential area within the Municipality, and supports the application of the Heritage Overlay (HO) to those adjacent and nearby dwellings of heritage significance. Schedule 3 to the NCO provides specific guidance in the form of objectives and decision guidelines to ensure that the consistent architectural and residential character of Jubilee Park is retained and enhanced.

Clause 21.07 highlights the conflicting objectives in the area: Objective 5 of this policy notes the need to *“ensure that residential development contributes to and enhances the preferred neighbourhood character of Maroondah”* and to *“encourage the development of additional dwellings within the Ringwood Metropolitan Activity Centre and the Croydon Major Activities Area.”* This conflict is particularly relevant to the Jubilee Park area as Planning Policy framework highlights the State government commitment to the development of activity centres. Since Jubilee Park is one of such neighbourhoods close to activity centres, and also exhibiting high neighbourhood character value with historic places needing protection, further guidance is required to assist in balancing these competing objectives.

Local Policy

Underpinned by the *Maroondah Neighbourhood Character Study (2004)*, is the Residential Neighbourhood Character policy at Clause 22.02 of the Maroondah Planning Scheme, which applies to the majority of residential areas within the municipality.

Clause 22.02 of the Scheme set out the Residential Neighbourhood Character Policy. One of the basis for this policy is that *“this policy builds on the MSS objective in clause 21.07 “to ensure that residential development contributes to and enhances the preferred neighbourhood character of Maroondah.”*

The policy supports the objectives in the MSS relating to the enhancement of the preferred neighbourhood character of Maroondah, and includes a series of compatible objectives, and specific policy statements.

Detailed preferred neighbourhood character objectives are also provided for each of the Neighbourhood Character Areas across Maroondah including Jubilee Park, as follows:

- Ensuring well articulated building forms that relate to the streetscape.

- Ensuring complementary, low scale building forms in older areas.
- Encouraging the use of compatible building materials, particularly in exclusively weatherboard areas.
- Ensuring building setbacks allow space between dwellings for vegetation.
- Ensuring the retention of existing vegetation, particularly canopy trees.
- Ensuring the front setbacks are not dominated by car parking structures and driveways.
- Encouraging low front fence treatments.”

Clause 22.02 highlights the commitment of Council to preserving and enhancing the neighbourhood character of all residential areas in Maroondah, and this amendment is consistent with it.

Although the subject properties fall within the existing neighbourhood area 17 Jubilee Park, as the study area the subject to this amendment is only a small part of the current neighbourhood area policy, the current policy to guide development is not specific to the unique neighbourhood characteristics of the area. This amendment recognises a smaller, discreet area of Jubilee Park that warrants further management and additional, more specific controls.

No changes are currently proposed to Clause 22.02 as this will be addressed in the Review of the Maroondah Neighbourhood Character Study to be undertaken in the coming months.

Does the Amendment make proper use of the Victoria Planning Provisions?

The Heritage Overlay is the appropriate Victoria Planning Provision (VPP) to protect places of heritage significance. The amendment is consistent with *PPN01: Applying the Heritage Overlay*.

The Neighbourhood Character Overlay provision (NCO) is the most appropriate tool to use when an area relative to the rest of the municipality requires a specific approach to neighbourhood character. This overlay should only be applied following a detailed character assessment and community consultation, which has been undertaken for the Jubilee Park area.

~~The Neighbourhood Residential Zone (NRZ) has also been applied to some of the properties within the study area. In light of the changes to the residential zones under amendment VC110, the difference between the NRZ and GRZ are now minimal. As the low scale nature of the dwellings in the study area is one of the most notable characteristics of the area which require protection, the NRZ has already built in height provisions restricting the height of dwellings to 9m.~~

How does the Amendment address the views of any relevant agency?

The views of relevant agencies will be sought as part of the exhibition process.

Does the Amendment address relevant requirements of the Transport Integration Act 2010?

The amendment is not expected to impact on the transport system as the proposed controls are intended to protect the significant neighbourhood character of the area.

Resource and administrative costs

- What impact will the new planning provisions have on the resource and administrative costs of the responsible authority?

The application of the Heritage Overlay (~~59 properties~~) and Neighbourhood Character Overlay (~~21 properties~~) may result in a small increase in the number of planning permit applications or where needed advice from Council's heritage advisor. Any additional work created can be resourced with current staff levels.

~~The amendment further proposes to rezone 189 properties to Neighbourhood Residential Zone and it is anticipated that this could be addressed with the current staff levels.~~

Where you may inspect this Amendment

The amendment is available for public inspection, free of charge, during office hours at the following places:

Maroondah City Council:

- City Offices Service Centre, Braeside Avenue, Ringwood
- Realm, Ringwood Town Square, 179 Maroondah Highway, Ringwood
- Civic Square Service Centre, Civic Square, Croydon
- Croydon Library, Civic Square, Croydon

The amendment can also be inspected free of charge at the Department of Environment, Land, Water and Planning website at www.delwp.vic.gov.au/publicinspection.

Submissions

~~Any person who may be affected by the amendment may make a submission to the planning authority. Submissions about the amendment must be received by 13 December 2018.~~

~~A submission must be sent to Mr Phil Turner, Director Strategy and Community, Maroondah City Council, PO Box 156, Ringwood 3134 or via email at maroondah@maroondah.vic.gov.au.~~

Panel hearing dates

~~In accordance with clause 4(2) of Ministerial Direction No.15 the following panel hearing dates have been set for this amendment:~~

- ~~directions hearing: Week commencing 10 April 2019~~
- ~~panel hearing: Week commencing 3 June 2019~~

ATTACHMENT 1 - Mapping reference table

Location	Land /Area Affected	Mapping Reference
Maroondah City Council Jubilee Park	Land at: 20 and 24-28A James Street, Ringwood 19-29 James Street, Ringwood 34 Kendall Street, Ringwood 3-17 Ellison Street, Ringwood <u>8-24 Haig Street Ringwood</u> <u>18 James Street Ringwood</u>	Maroondah C116 003nco Map 04 Exhibition
Maroondah City Council Jubilee Park	18-28A James Street, Ringwood 19-29 James Street, Ringwood 20-34 Kendall Street, Ringwood 21-35 Kendall Street, Ringwood 3-17 Ellison Street, Ringwood 4-18 Ellison Street, Ringwood 3-31 Haig Street, Ringwood 2-34 Haig Street, Ringwood 1-31 Caroline Street Ringwood 2-36 Caroline Street Ringwood 1-33 Henry Street Ringwood 2-34 Henry Street Ringwood 34, 38 Thomas Street Ringwood 37A-57 Thomas Street Ringwood 1-9 Emerald Street Ringwood 62A Ford Street Ringwood 2-10 Emerald Street Ringwood 28-30B & 32A Greenwood Avenue Ringwood	Maroondah C116 002 Zn Map 04 Exhibition
Maroondah City Council Jubilee Park	5 Caroline Street, Ringwood House and front fence, 20 Caroline Street, Ringwood 18 James Street, Ringwood 22 James Street, Ringwood 2-6 Haig Street Ringwood; 26-34 Haig Street Ringwood and 3-31 Haig Street, Ringwood 20-32 and 21-35 Kendall Street, Ringwood 4, 14, 16, 18 Ellison Street Ringwood	Maroondah C116 001ho Map 04 Exhibition

Council Plan 2017-2021 Priority Actions Progress Report



Progress report on priority actions (YEAR 3 : Q1 2019-20)
As at 30 September 2019

Introduction



The Council Plan 2017-2021 is Maroondah City Council's key medium-term strategic document that sets key directions and priority actions to work towards the long-term community vision outlined in *Maroondah 2040: Our future together*.

The Council Plan plays a vital role in shaping Maroondah's future over a four year period. It identifies both challenges and opportunities for our community at local and regional level within the context of the community's long term Maroondah 2040 vision. It also forms the basis for Council to make decisions regarding resources and priorities in response to community needs and aspirations.

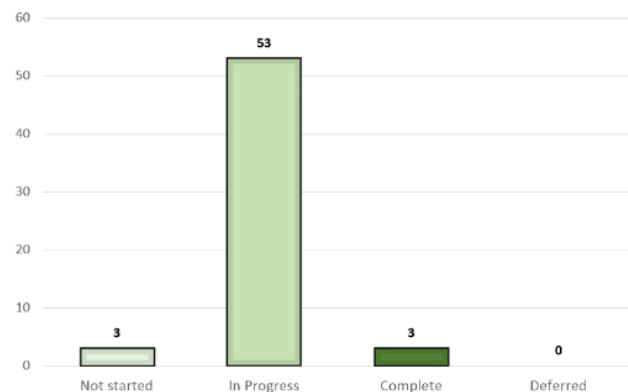
Each year, Council presents to the community an updated set of key directions and priority actions for implementing the four-year Council Plan. This helps to ensure that the Plan continues to be aligned with *Maroondah 2040: Our future together*, the community's long-term vision, and is responsive to community needs and expectations.

The Council Plan is implemented through a service delivery planning process, and outcomes are measured and reported regularly. This report identifies Council's progress in relation to the Council Plan Priority Actions for the 2018/19 financial year. Some actions span multiple years as identified in the Council Plan 2017-2021. Progress is identified as at **30 September 2019**.

The following status icons assist interpreting the progress in implementing the actions.:

- 😊 Priority action is currently on track and/or progressing as expected.
- 😞 Priority action is at risk of not being on track.
- 🚫 Priority action is currently not on track and/or not progressing as expected
- ✓ Priority action has been achieved
- ➡ Priority action has been deferred to another year

Summary of progress



	Overall	Corporate Services	Development & Amenity	Executive Office	Operations, Assets & Leisure	Strategy & Community
Not started	3	0	0	1	1	0
In Progress	53	6	15	1	13	18
Complete	3	1	0	0	0	2
Deferred	0	0	0	0	0	0
Total	59	7	15	2	14	21

Council Plan 2017-2021

Year 3: 2019-20 - Priority Actions
Progress Reporting - 30 September 2019



Maroondah 2040 Outcome	#	Council Plan Priority Action	Progress Comment	Project Status	On Track	Target completion	Directorate	Service Area
A safe, healthy and active community	1	Amend planning controls relating to alcohol density through participation in the South east Melbourne Councils Alliance (SEMCA) alcohol density project	In late June 2019, the Minister for Planning rejected the exhibition of the proposed group planning scheme amendment (GC88) to introduce a packaged liquor policy into the Maroondah Planning Scheme. This planning scheme amendment was intended to provide participating Councils with planning tools to effectively manage applications for sale of packaged liquor, particularly in areas of high supply. In rejecting the proposal, the Minister commented that the planning scheme is not placed to respond to social impacts on alcohol consumption and alcohol related harm.	Complete	✓	2019-20	Strategy & Community	Integrated Planning
	2	Complete the \$3.5m Silcock Sporting Pavilion redevelopment in Croydon	The project is currently in detailed design and construction commencement is scheduled for early 2020.	In Progress	😊	2020-21	Operations Infrastructure & Leisure	Assets
	3	Complete the \$4.25m redevelopment of the HE Parker Sporting Pavilion	Construction has commenced and is scheduled to be completed in May 2020.	In Progress	😊	2019-20	Operations Infrastructure & Leisure	Assets
	4	Complete the \$5m Springfield Sporting Pavilion redevelopment (subject to funding)	Detailed design has commenced and is expected to be completed in 2019/20 and construction is expected to commence in 2020/21.	In Progress	😊	2020-21	Operations Infrastructure & Leisure	Assets
	5	Complete the Jubilee Sporting Precinct redevelopment	Design has commenced and it is anticipated that construction will commence in FY20-21	In Progress	😊	2020-21	Operations Infrastructure & Leisure	Assets
	6	Undertake sportsfield reconstruction works at Quambee Reserve No 1 oval in Ringwood North	Design works have been finalised, tender documents developed and advertised with the construction contract awarded in September. Works will commence on the oval in October.	In Progress	😊	2019-20	Operations Infrastructure & Leisure	Leisure
	7	Implement the changes that result from the reform of the Environment Protection Act	Regulatory Impact Statement currently out for consultation. Changes due to begin July 2020	In Progress	😊	2019-20	Development & Amenities	Health Local Laws & Emergency Management
	8	Complete the \$3.25m Proclamation Park Sporting Pavilion redevelopment	Design has commenced for the \$3.25m Proclamation Park Sporting Pavilion redevelopment. Construction is scheduled to commence mid-2020.	In Progress	😊	2020-21	Operations Infrastructure & Leisure	Assets
	9	Undertake a review and develop a Physical Activity Strategy 2020-2024	Review will commence from January 2020 and development will commence July 2020	Not Started	😊	2020-21	Operations Infrastructure & Leisure	Leisure
	10	Develop a new Municipal Emergency Management Plan considering changes to legislation and outcomes of Local Government Victoria's Councils and Emergencies project	A new draft plan has been established in preparation to be audited in March 2020. Legislation changes do not come into effect until December 2020. Outcomes from the second phase of the 'Councils and Emergencies Project' are expected in early 2020.	In Progress	😊	2020-21	Development & Amenities	Health Local Laws & Emergency Management
	11	Complete the Dorset Recreation Reserve Redevelopment (subject to funding)	An enhancement plan is currently being developed for Dorset Recreation Reserve, including redevelopment of the existing pavilion.	In Progress	😊	2022-23	Operations Infrastructure & Leisure	Assets
	12	Work with partners of Together for Equality and Respect (TFER): A Strategy to Prevent Violence Against Women in Melbourne East to prevent violence against women in Maroondah, including participation in the "16 days of activism" campaign	Council will once again participate in the 16 Days of Activism campaign during November 2019. The campaign will involve the placement of seven billboards in prominent locations around Maroondah with messages relating to violence against women and family violence.	In Progress	😊	2020-21	Strategy & Community	Integrated Planning
	13	Commence development of second Youth Strategy Action Plan 2019-2021	The consultation stage has been completed, and are moving into team workshop / action development stage. Aim is to have a draft action plan by end of the year.	In Progress	😊	2020-21	Strategy & Community	Community Services

Council Plan 2017-2021

Year 3: 2019-20 - Priority Actions
Progress Reporting - 30 September 2019



Maroondah 2040 Outcome	#	Council Plan Priority Action	Progress Comment	Project Status	On Track	Target completion	Directorate	Service Area
A prosperous and learning community	14	Continue to develop Regional Service Partnerships such as procurement efficiencies, library services and advocacy	The Eastern Regional Group of Councils has sought to progress a range of joint advocacy initiatives on regional priorities. Some of these have included integrated planning for the built environment, regional collaboration on social issues, consideration of shared services and targeted joint procurement activities	In Progress	😊	2019-20	Strategy & Community	Integrated Planning
	15	Work in partnership to implement the Baywater / Bayswater North Industrial precinct strategy to assist local businesses and promote investment attraction	Work is progressing with Knox City Council and Yarra Ranges Shire Council on this long term project. The partnership has commenced work on how to bring about positive change to existing transport services, following the a survey of local businesses and their employees. A second project is underway that aims to improve connections between local businesses, their supply chains and potential employees.	In Progress	😊	2024-25	Strategy & Community	Business & Development
	16	Develop, promote and expand the BizHub Co-Working Space	The BizHub Coworking space currently has 98 members; comprising a mix of premium, resident and casual memberships. Plans are being developed to enable an expansion of the space that will improve the offering for local businesses. Members are now offered an initial business health check as a component of their new membership with access to a business adviser as the need arises on a fee basis. The BizHub space continues to attract requests from others to learn from its successful operation.	In Progress	😊	2024-25	Strategy & Community	Business & Development
	17	Plan and implement carparking improvements in the Ringwood Metropolitan Activity Centre and the Croydon Activity Centre	A review of the Ringwood and Croydon Parking Strategies has commenced. It is expected that both strategy reviews will be completed by end of 2019. The Croydon multi-deck carpark project has commenced with a review of the carpark design concept as part of the project early planning phase.	In Progress	😊	2022-23	Development & Amenity	Engineering & Building Services
	18	Work in partnership to facilitate appropriate development within the Ringwood Metropolitan Activity Centre and Croydon Major Activity Centre	Significant progress has been made on improving the amenity of Maroondah Highway by liaising with landowners to remove graffiti and rubbish from key sites. Discussions have been facilitated with Ringwood RSL and a developer who is interested in investing in the Ringwood Metropolitan Activity Centre, including recommendations regarding strategic development sites currently for sale. Proactive work continues with project managers and builders to facilitate construction of residential and/or mixed-use projects	In progress	😊	2024-25	Strategy & Community	Business & Development
	19	Undertake a strategic review of shopping centres in Maroondah and develop a Community Shopping Centre Strategy	Work is progressing on the Strategic Shopping Centres Review. A project scope has been developed and stage one will soon commence involving an audit of 31 neighbourhood and local shopping centres.	In Progress	😊	2020-21	Strategy & Community	Business & Development
	20	Implement the Small Business Victoria Food Act reforms	Officers are participating in updates and consultation opportunities with DHHS regarding Food Act reforms. Council officers have also met with DELWP regarding the Better Approvals Project.	In Progress	😊	2020-21	Development & Amenity	Health Local Laws & Emergency Management
	21	As part of the Croydon Community Precinct development, plan and deliver the Croydon library integrated Customer Service Project	The Integrated Customer Service Project is scheduled for implementation at the Croydon Library during 2019 and as part of new hub within the Croydon Community Precinct in 2020/21.	In Progress	😊	2020-21	Corporate Services	Revenue Property & Customer Service

Council Plan 2017-2021

Year 3: 2019-20 - Priority Actions
Progress Reporting - 30 September 2019



Maroondah 2040 Outcome	#	Council Plan Priority Action	Progress Comment	Project Status	On Track	Target completion	Directorate	Service Area
A vibrant and culturally rich community	22	Commence development of an Arts and Cultural Development Strategy 2019-2023	A review of the Arts and Cultural Development Strategy 2014-2018 was undertaken in 2018 and the timeframe for the next Strategy adjusted to the 2020-2025 period. The first stage of identifying key strengths and achievements, as well as gaps and opportunities has been undertaken with the Maroondah Arts Advisory Committee. Community and stakeholder consultation commenced in June, with the new Strategy to be launched in early 2020.	In Progress	😊	2019-20	Strategy & Community	Community Services
	23	Establish a new Arts Advisory Committee and implement new public art across Maroondah in accordance with Council's Public Art Policy	The Maroondah Arts Advisory Committee comprises three Councillors and seven industry representatives. Established in May 2018, the Committee meets quarterly and is currently contributing to the development of the Maroondah Arts and Cultural Development Strategy 2020-2025; directions for new Public Art commissions; and ideas for the growth and display of Council's Art Collection. In September 2019, three new industry representatives were appointed adding to the breadth of experience on the committee. New public art commissions are currently under development for Croydon Town Square, Croydon Town Park, and the new Maroondah Nets facility.	In progress	😊	2020-21	Strategy & Community	Community Services
	24	Complete the \$15m Karralyka Centre redevelopment (subject to funding)	Design has commenced for the \$15m Karralyka redevelopment. Subject to funding it is anticipated that construction would commence in the 2022/23 financial year.	In progress	😊	2022-23	Operations Infrastructure & Leisure	Assets
	25	Further develop the programming and profile of the Ringwood Arts Precinct	The Ringwood Arts Precinct consists of a network of indoor and outdoor formal and informal facilities and sites. Current areas of focus in expanding and strengthening the precinct include temporary art installations into empty shop windows within Eastland; and developing a guided Urban Art Tour including indoor and outdoor street art and public art works commissioned by QIC and Council. The tour is being developed in partnership with Eastland and will be piloted in October 2019. Other sites for arts development include identified locations along Maroondah Highway in Ringwood, which will receive public art treatments to address amenity and graffiti issues.	In Progress	😊	2019-20	Strategy & Community	Community Services
A clean, green and sustainable community	26	Finalise the Maroondah Vegetation Review and prepare planning controls for inclusion in the Maroondah Planning Scheme	Council progressed development of the Maroondah Vegetation Review during 2018/19. Community consultation on a draft Vegetation Strategy has concluded. Submissions received are now being reviewed with a report to be presented to Council by the end of 2019.	In Progress	😊	2019-20	Strategy & Community	Integrated Planning
	27	Work in partnership to undertake renewal works on the Mullum Mullum and Dandenong Creek shared trail	Design of the Mullum Mullum and Dandenong Creek shared trail renewal has commenced with construction anticipated for 2019/20 financial year.	In Progress	😊	2020-21	Development & Amenity	Engineering & Building Services
	28	Introduce an environmentally sustainable development policy into the Maroondah Planning Scheme	A draft local policy is currently under preparation with the intention to seek authorisation from Minister for Planning for public exhibition this quarter.	In Progress	😊	2020-21	Strategy & Community	Integrated Planning
	29	Tender and implement contracts for waste collection, landfill and the receipt and sorting of recyclables to meet community need and expectations across all waste streams as identified in the Waste Management Strategy 2019-2029	Consultation of development of a new Waste Strategy has been undertaken. Development of the Strategy will proceed pending the forthcoming release of the State Government's Circular Economy Policy and the completion of the State Government's overhaul of the kerbside collection system. Contract design is also pending the release of these State Government policy directions.	In Progress	😊	2021-22	Corporate Services	Finance & Governance

Council Plan 2017-2021

Year 3: 2019-20 - Priority Actions
Progress Reporting - 30 September 2019



Maroondah 2040 Outcome	#	Council Plan Priority Action	Progress Comment	Project Status	On Track	Target completion	Directorate	Service Area
An accessible and connected community	30	Advocate to the Commonwealth and Victorian Government for provision of new and upgraded major transportation infrastructure in Maroondah; including freeway connections, upgrade to arterial roads and intersections and major public transport enhancements	Council has continued its advocacy campaign to State and Federal Members and Ministers for a range of key priority transportation projects.	In progress	😊	2019-20	Executive Office	Communications & Engagement
	31	Accelerate Council's footpath construction program	The 2019/20 footpath construction program has been developed and comprises: Armstrong Road, Heathmont - shared path on west side of road; Barkly Street in Ringwood (between New Street and Maidstone Street); Macey Grove in Ringwood North (on both sides of the road); Rosebank Ave in Ringwood North (on both sides of the road i.e. Warrandyte Road to Through Street & Warrandyte Road to Macey Grove); Terrigal Close in Ringwood North on both sides (i.e. Oban Road to Lockhart Road & Oban Road to end of court bowl); Marwarra Street in Ringwood East; and Windsor Road in Croydon (between Hewish Road and Lacey Street).	In Progress	😊	2021-22	Development & Amenity	Engineering & Building Services
	32	Implement the Maroondah Carparking Framework action plan	The review of the Ringwood and Croydon Parking Strategies has commenced. It's expected that both reviews will be completed by end of 2019. A review of the RMAC Parking Permit Policy is also currently underway and expected to be completed in 2020. A separate action to develop Parking Guidelines resources is complete and available on Council's website.	In Progress	😊	2021-22	Development & Amenity	Engineering & Building Services
	33	Undertake the renewal of New Street in Ringwood, including flood mitigation works, between Maroondah Highway and Sylvia Grove	Project consultation on the New Street renewal and flood mitigation works is complete and the project is currently in the design phase. Design is expected to be completed by the end of 2019 with tender and award of the construction contract by June 2020. Construction of the works is expected to commence early in 2020/21 financial year.	In Progress	😊	2019-20 & 2020-21	Development & Amenity	Engineering & Building Services

Council Plan 2017-2021

Year 3: 2019-20 - Priority Actions
Progress Reporting - 30 September 2019



Maroondah 2040 Outcome	#	Council Plan Priority Action	Progress Comment	Project Status	On Track	Target completion	Directorate	Service Area
An attractive, thriving and well built community	34	Undertake a municipal wide review of Council's neighbourhood character and heritage controls	Community consultation on the draft recommendations report for Neighbourhood Character has been completed and submissions are now being reviewed with a view to a report to Council being prepared for this quarter. Heritage controls for the Jubilee Park Precinct have been considered by an independent Planning Panel. A Panel report is anticipated by the end of December 2019.	In Progress	😊	2019-20	Strategy & Community	Integrated Planning
	35	Complete the Lincoln Road upgrade, east of Dorset Road, Croydon	Stage 1 works (from Hull Road to Dornoch Court) have been completed. Stage 2 works (Dornoch Court to Dorset Road) are programmed for the current 2019/20 financial year. It is expected that the tender will be awarded by the end of 2019 with construction to commence in early 2020.	In progress	😊	2021-22	Development & Amenities	Engineering & Building Services
	36	Work in partnership to implement the Greening the Greyfields Project to facilitate a sustainable approach to urban redevelopment in identified residential precincts	Two requests for authorisation from the Minister for Planning have been submitted and we are awaiting response prior to public exhibition.	In progress	😊	2021-22	Strategy & Community	Integrated Planning
	37	Develop and implement the Flood Mapping Communications Plan	A flood mapping communication plan is currently under development.	In progress	😊	2020-21	Development & Amenities	Engineering & Building Services
	38	Develop and commence implementation of priority open space and public realm enhancement plans	Enhancement Plans are currently being developed for Eastfield Park, Dorset Recreation Reserve & Ainslie Park Reserve	In progress	😊	2020-21	Operations Infrastructure & Leisure	Assets
	39	Implement the new Ringwood Activity Centre Masterplan into planning processes	A request for authorisation from the Minister for Planning has been submitted and we are awaiting response prior to public exhibition.	In progress	😊	2020-21	Strategy & Community	Integrated Planning
	40	Continue the upgrade of drainage including flood mitigation works in the Scenic Avenue catchment in Ringwood East	Design of the next stage of the Scenic Avenue is underway and expected to be completed in the 2019/20 financial year. Construction of the next stage is programmed for the 2020/21 financial year.	In progress	😊	2019-20 & 2020-21	Development & Amenities	Engineering & Building Services
	41	Work in partnership to develop flood mitigation solutions for the central Croydon area	Development of flood mitigation solutions for the Croydon Activity Centre is underway and will be completed in the 2019/20 financial year.	In progress	😊	2019-20	Development & Amenities	Engineering & Building Services
	42	Accelerate Council's drainage improvement program	The 2019/20 drainage improvement program has been developed. The works program with a total value of \$2.56 million) comprises: Landau Drive Waterway Rectification & Bank Stabilisation; drainage improvement works in Hender Street, Ringwood East; easement drainage construction in Todd Court, Croydon; easement drainage upgrades in Vine Street, Ringwood; Stage 1 flood mitigation construction works in the Sherbrook Catchment, Ringwood; flood mitigation works design in New Street, Ringwood; and implementation of a drainage relining program.	In progress	😊	2020-21	Development & Amenities	Engineering & Building Services
	43	Commence preparation of a new Croydon Structure Plan	Background research into the issues affecting Croydon Major Activity Centre has commenced. Appointment of technical experts is anticipated by the end of 2019.	In Progress	😊	2020-21	Strategy & Community	Integrated Planning
	44	Commence the Croydon Community Precinct development (subject to funding)	Discussions have been held with the current user groups and stakeholders with regards to transition moves. Broader community consultation has commenced and will include Maroondah Festival (Café Consult) as the project launch to the community.	In Progress	😊	2021-22	Operations Infrastructure & Leisure	Assets
	45	Work in partnership to implement the Tarralla Creek Connects project	Council is working in partnership with Melbourne Water, Yarra Valley Water and DELWP on the project design and construction delivery. Staging and timing of the project construction is being determined based on available funding.	In Progress	😊	2021-22	Development & Amenities	Engineering & Building Services

Council Plan 2017-2021

Year 3: 2019-20 - Priority Actions
Progress Reporting - 30 September 2019



Maroondah 2040 Outcome	#	Council Plan Priority Action	Progress Comment	Project Status	On Track	Target completion	Directorate	Service Area
An inclusive and diverse community	46	Continue implementation of the Corporate Volunteering Program that recruits, promotes and manage volunteers who support the provision of services and community activities	Council's corporate volunteering program has been implemented and forms a component of Council's broader volunteering program that continues to deliver positive outcomes to the Maroondah community, while simultaneously fostering community spirit and social cohesion.	Complete	✓	2019-20	Corporate Services	Workplace People & Culture
	47	Investigate and implement additional female changing facilities at local sporting venues	A number of projects to provide additional female changing facilities have been identified and are listed: HE Parker Pavilion in Heathmont - works scheduled commence in September 2019; Quambee Pavilion in Warranwood - works to commence October 2019; Griff Hunt Pavilion in Croydon North - works to commence in late 2019; Cheong Pavilion in Croydon South - design works will commence later this financial year; Ainslie Pavilion in Croydon - design works will commence later this financial year; Proclamation Pavilion in Ringwood - design works will commence later this financial year; and Springfield Pavilion in Croydon - design works will commence later this financial year.	In Progress	😊	2022-23	Operations Infrastructure & Leisure	Leisure
	48	Develop and commence implementation of a new Disability Policy and Action Plan	Council adopted a new Disability Policy and Action Plan 2019-2021 in April 2019. The Plan incorporates a range of initiatives across the breadth of Council operations to remove barriers to discrimination and meet the legislative obligations for people with disabilities, their families and carers. A range of actions will be undertaken by Council service areas during Year 2 of the Plan across themes of social and economic inclusion, services and information, design, infrastructure and transport, and advocacy and leadership.	In Progress	😊	2020-21	Strategy & Community	Integrated Planning
	49	Commence development of an Active and Healthy Ageing Strategy 2020-2024	The current Active & Health Ageing Initiative 2015-2020 is currently being reviewed with new strategy to be completed in 2020. Internal consultation has commenced with extensive community consultation to commence in November 2019.	In Progress	😊	2019-20	Strategy & Community	Community Services
	50	Commence development of a Children and Families Strategy	Consultation has now concluded with over 5,000 input points. This consultation will inform both Council's new Children & Families Strategy and Action Plan, and the new Action Plan for Council's existing Youth Strategy.	Complete	✓	2020-21	Strategy & Community	Community Services
A well governed and empowered community	51	Progress Council's digital transformation that enables innovation and improved Customer Service delivery models including access to information, engagement and online payments	Council's digital services transformation is driven by three key business drivers including the Realm Extension project, the Operations Centre redevelopment and associated mobilisation and transition arrangements. A broad range of projects are currently in progress to support the sustainable delivery of these outcomes. A key scope of work nearing completion is the finalisation and adoption of a new IT Strategy that will underpin all Council service delivery and ensure proposed initiatives are aligned with the organisations identified objectives. A key initiative currently in progress is the implementation of an industry and sector wide best practice approach to mobilising Council's workforce. This builds upon foundational work already completed over the twelve months and delivers the necessary mobile data and carriage services needed to support and increase the productivity of all Council employees.	In Progress	😊	2023-24	Corporate Services	Information Technology
	52	Update Council's administrative facilities	These projects are currently in progress. The Operations Centre Administration building is scheduled for completion in December 2019 and Realm Extension is scheduled for completion in mid-2020.	In Progress	😊	2019-20	Operations Infrastructure & Leisure	Assets

Council Plan 2017-2021

Year 3: 2019-20 - Priority Actions
Progress Reporting - 30 September 2019



Maroondah 2040 Outcome	#	Council Plan Priority Action	Progress Comment	Project Status	On Track	Target completion	Directorate	Service Area
A well governed and empowered community	53	Engage the community in undertaking an interim review of Maroondah 2040: Our future together	Council is currently undertaking an interim review of <i>Maroondah 2040: Our future together</i> . Following background research and community engagement undertaken in 2018/19, Council is now working with a range of stakeholder groups regarding amendments to policy directions and future priorities. A consolidated stakeholder workshop will close this phase in November 2019, prior to the revised Maroondah 2040 Community Vision being developed	In progress	😊	2019-20	Strategy & Community	Integrated Planning
	54	Participate in an Electoral Representation Review as mandated by State Government in the leadup to the 2020 Local Government elections	This review is currently underway. Outcomes are expected to be advised by the VEC in late October 2019.	In Progress	😊	2019-20	Corporate Services	Finance & Governance
	55	Undertake a review of Council's Community Engagement Policy	A review of this Policy will commence in November 2019, involving consultation with the community.	Not Started	😊	2019-20	Executive Office	Communications & Engagement
	56	Develop a new Customer Service Strategy that will continue to advance Council's commitment to be highly responsive and customer focused	Development of this Strategy is scheduled to commence in the mid-late 2020.	In Progress	😊	2020-21	Corporate Services	Revenue Property & Customer Service
	57	Review the current use of CCTV for its effectiveness in controlling waste dumping	Council is currently undertaking a review of the effectiveness of current CCTV technology and investigating newer technology.	In Progress	😊	2020-21	Development & Amenity	Health Local Laws & Emergency Management
	58	Develop and implement the Workforce People and Culture Plan 2021-2025 that provides a road map for the development, implementation, review and measurement of services, activities and systems that enable the organisation to deliver exceptional results	Work has commenced on the overarching themes for the 2021-2025 workplace people and culture plan. Further development is underway and additional internal management consultation will occur before the overall plan is finalised and more detailed annual action plans are developed as the basis for prioritising activities in order to optimise organisational outcomes	In Progress	😊	2024-25	Corporate Services	Workplace People & Culture
	59	Advocate for Maroondah to become a "Smart City"	The term 'smart cities' has emerged in recent years to describe the transformative effect modern technology is having on the way urban infrastructure is used, operated and managed. For Maroondah, public lighting has the potential to be both directly enhanced by smart city technology as well as playing a central role in a broader smart city network. Council's Public Lighting Policy and Action Plan was adopted in August 2019. The policy and action plan identifies the need for installation of lighting assets that enable Smart Cities capabilities such as monitoring, control and broader network linkages.	In Progress	😊	2022-23	Operations Infrastructure & Leisure	Engineering & Building Services



MAV response to:

- Environment Protection Regulations - Exposure Draft
- Environment Protection Transition Regulations
- Regulatory Impact Statement – Proposed Environment Protection Regulations
- Environment Reference Standard – Exposure Draft
- Impact Assessment – Proposed Environment Reference Standard

Submission

October 2019



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Executive summary

The MAV supports in principle the shift to a preventative approach to environmental protection. It is clearly preferable to focus on avoiding and minimising the risk of a pollution event rather than responding to an event after it has occurred.

The Victorian government has committed to introducing the new environmental protection regime from 1 July 2020. In the haste to achieve this start date, it is critical that care is taken to ensure we end up with a framework that maintains or improves public health and environmental outcomes, rather than leads to increased risks of harm. In relation to onsite wastewater management, we firmly believe more time is needed to do the work necessary to ensure the regulations adequately mitigate public health and environmental risks.

The proposed environmental protection subordinate regulations will introduce significant and complex changes to many areas of council activity.

Councils will be impacted in their capacity as:

- Co-regulators (waste, litter, noise, air, onsite domestic wastewater management)
- Managers of land and infrastructure (roads, stormwater, drainage, contaminated land etc.)
- Potential polluters (waste collection depots, user of chemicals, etc.)
- Planning authorities (contaminated land, land-use permits, etc.)

We are especially concerned about the proposed new approach to the management of onsite wastewater systems below 5,000 litres capacity. The regulations as drafted will result in significant changes to the roles of landowners and councils. Important decisions affecting councils' resourcing and liability profile have been made based on rudimentary quick-turnaround costings provided by councils to inform the RIS. These changes are proposed to come into effect in a little over eight months.

Unless substantial assistance is provided more time is also needed for councils to implement reforms in contaminated land, planning approval processes and new mandatory reporting requirements.

It is highly problematic that in costing the impacts of the proposed regulations, the decision was made to use the new *Environment Protection Act 2017* as the base case, instead of current legislative and regulatory settings. This meant that in providing input to inform the RIS, councils were asked to identify costs relating to their current role which were then applied to scenarios that do not yet exist. As a result, some of the proposals in the RIS missed key details being considered when the options were being assessed.

The cost impacts of the proposed regulations will likely be significant for councils and for other duty holders. This is not sufficiently recognised within the RIS. The fact that councils are rate



capped also appears to have gone unacknowledged. The intended finalisation of the new regulations in early 2020 and the commencement of the new Act and subordinate instrument on 1 July 2020 mean that any additional resources required from councils will be unbudgeted until 1 July 2021.

By contrast, the Victorian government has significantly increased the funding provided to the EPA over the last couple of years to provide it with the resources needed to develop and implement the transformation process. According to the 2018-19 DELWP Annual Report, in 2018-19 the EPA was provided \$81.06 million from the Municipal and Industrial Landfill Levy Trust Account. The report indicates that the EPA also benefited from Sustainability Fund funding, with \$5.32 million allocated to 'Bringing our Environment Protection Authority into the Modern Era.'

Such major regulatory transformation requires a re-think about the governance arrangements between governments, industry and communities. In relation to councils' role as co-regulators, we strongly recommend the development of a Memorandum of Understanding between EPA and local government to provide the basis for cooperation. The MoU will help:

- Provide clarity around local government and the EPA's respective environment protection roles and responsibilities.
- Demonstrate EPAs commitment to the principles of the Victorian State Local Government Agreement
- Enable topic specific arrangements where state-wide consistency of council activity is beneficial for industry

The 60-day consultation period for the proposed subordinate instruments is grossly inadequate. The volume of material to work through and the complexity of the changes under consideration are significant. It is likely that a range of operational and cost impacts that haven't been identified in the RIS or ERS Impact Assessment will only come to light once the new framework is in place. Councils are frustrated that they were not provided with enough time to obtain specialist external advice on the implications of the proposed reforms. They are also concerned that the 60-day period prevented them from providing councillors with detailed briefings.

We are aware that many councils have made their own submissions in addition to providing input to this MAV submission. Councils' efforts in this regard reflect their growing concern about the potential cost and operational implications of the new regulatory settings. We urge the EPA to carefully consider all the feedback provided. Local government is a critical partner for the EPA in protecting the environment. It is essential that councils' concerns, raised in individual submissions and over the following pages, are taken seriously.

This submission includes 56 recommendations. They address timing and implementation concerns and recommended drafting changes. A complete list of the recommendations is included at Appendix 1. They are also listed in each of the topic areas to which they relate.



We ask that the EPA prioritise the following recommendations, some of which are expanded on in individual sections of the submission:

- That the EPA enter into an MoU with local government to clarify roles and responsibilities; establish agreed approaches to collaborative implementation; and provide for ongoing guidance and support for councils in their co-regulator role
- That the regulations require the EPA to consult with local government prior to making determinations or instruments that are not subject to a RIS process
- That the regulations require renewal of septic tank permits and delay implementation of prescribed fees and reporting by councils
- That the regulations not classify aggregated municipal waste as industrial waste
- That the regulations retain the current (*Environment Protection Act 1970*) timeframe for payment of waste levies
- That the regulations provide definitions and alternative operating hours for non-concert events that involve music but are not centred on it
- That the EPA and DELWP work with local government to develop enforcement toolkits for air, litter and noise
- That the EPA commit to engaging and supporting councils to meet their obligations in recognition of the complexity of these reforms



Introduction

The Municipal Association of Victoria (MAV) welcomes the opportunity to provide a submission in response to the following documents currently out for consultation:

- Environment Protection Regulations - Exposure Draft
- Environment Protection Transition Regulations
- Regulatory Impact Statement (RIS) – Proposed Environment Protection Regulations
- Environment Reference Standard (ERS) – Exposure Draft
- Impact Assessment – Proposed Environment Reference Standard

The MAV is the statutory peak body for local government in Victoria. Formed in 1879, we have a proud tradition of supporting councils to provide good government to their communities.

The transformation of the EPA into a modern, responsive and powerful environmental regulator with a firm focus on harm prevention is essential to help achieve a healthy future for both our natural environment and for Victorian communities.

Councils interact with the EPA in several different roles, including as regulated duty holders, co-regulators and as planning authorities. Since 2011, a number of councils have also been participating in the Officers for the Protection of the Local Environment (OPLE) pilot program. The pilot program initially saw 11 EPA-employed and authorised officers placed in 13 council offices across Victoria and will soon expand to have 19 officers in 23 councils. We and councils strongly support the program and hope to see it made permanent, with placement of EPA authorised officers across all councils in Victoria. As well as strengthening the relationship between EPA and councils, it has proved invaluable to enabling councils work with industry and the community about local-source pollution.

The current consultation process is focused on the proposed subordinate instruments under the new Environment Protection Act. This submission also covers our concerns and suggestions regarding the operationalisation of the new environment protection framework. These are included under the specific topic sections.

It concerns us that such significant reforms are scheduled to come into effect on 1 July 2020 with so little lead-up time to educate, inform and prepare affected stakeholders. We urge the EPA to commit to extensive engagement with key stakeholders, including local government, in the months ahead of July 2020 to build greater understanding and readiness for the new regulatory settings. These are not simple reforms to understand. It is important that the State not underestimate the time and resources needed to assist duty holders to comply.



We acknowledge and appreciate the willingness of the EPA to involve the MAV and many council officers in discussions on key topics of importance to councils over the last year.

But being consulted is different to being involved in decision-making. New ways of involving local government will need to be accommodated in the new framework. Development of a MOU between the EPA and MAV (representing Victoria's 79 councils) will be critical where decisions and guidance impact councils' resourcing and liability profile.



Contaminated Land

We support the move to more proactive duties for managing contaminated land. This will reduce the risk to community and environment. These changes carry significant implications for councils as managers of land and for their role in the planning system.

Much of the weight of managing contaminated land is currently borne through the planning system and triggered by proposed changes of use. Proactive duties will apply to all persons in management or control of contaminated land. These duties apply regardless of whether that person caused the contamination or whether the contamination occurred prior to the new Act commencing.

In effect, a large number of sites will have additional management duties “switched on” with the commencement of the new Act on 1 July 2020. Former council depots and landfill sites are two obvious categories of potentially contaminated land that may require management and potential notification to EPA.

Victoria has a finite number of persons qualified to assess contaminated land, and a finite capacity for remediation. Bringing large numbers of sites into an environment protection framework will place considerable strain on this capacity. This may be exacerbated by current efforts to process large quantities of stockpiled hazardous materials and assess potential contamination resulting from their storage. The EPA must consider this when enforcing the Act. High risk sites must be prioritised for action. Duty holders making genuine attempts to comply with their obligations should not be sanctioned due to a lack of availability of the necessary tools for management.

In addition to sites under control of councils, former council sites carry significant financial risk. Costs of management of contaminated land can be recovered in court if the person responsible for pollution can be established. Owners of contaminated ex-council sites with newly introduced responsibilities may be able to seek costs from council.

Timeframes for consultation are short given the depth and breadth of the regulations. We also do not know the exact background levels that will be set. These factors make it impossible to quantify the costs to councils from sites in their control or that have been disposed of. This also makes it difficult to assess the adequacy of the regulations in preventing harm.

Activities resulting in contamination may not have breached any regulatory obligations in place at the time. Management of unknown future requirements can't be built into operating costs. While we support the polluter-pays principle, we urge the Victorian Government to keep in mind that in a rate-capped environment councils have limited capacity to fund significant and unforeseeable burdens placed on them.



State of knowledge is an important factor in considering the new duties. For councils this will refer to institutional knowledge rather than knowledge of individual officers. Contamination by council will generally have taken place a long time ago. The activities leading to contamination may have occurred under a different council pre-amalgamation. It will be no simple task for councils to inventory and understand the management requirements of sites under their control. Councils may require assistance to develop this understanding.

Better Environment Plans exist in the Act as a tool for duty holders to discharge complex responsibilities in a more manageable way. For contaminated land this could mean that a single person in control of multiple contaminated sites can prioritise management responses to the most high-risk sites. They can then be considered as fulfilling their duties across all sites. Councils will likely be the holders of some of the most expansive and complex inventories of contaminated sites. We believe that the EPA should prioritise the development of Better Environment Plans to assist councils in managing contaminated land in a practical manner.

What do the subordinate instruments cover?

Determining background levels (Regulation 5(1))

Land is considered contaminated only if a substance, chemical, or waste is present above background levels and poses a risk of harm to human health or the environment.

The proposed regulations do not prescribe background levels for individual substances. The EPA has the power to determine background levels. This allows the setting of background levels to be more responsive to a changing state of knowledge and emerging risks. However, this also creates uncertainty for duty-holders as the EPA will be able to set background levels without a regulatory impact statement process or formal consideration of the costs to duty holders of doing so.

Councils are subject to significant and unforeseeable cost burdens due to changing standards by the EPA. Prior to making new determinations on background levels it is critical for the EPA to consult with duty-holders. Potential cost implications and reasonable timeframes for implementation must be considered. To give duty-holders confidence, this should be part of the prescribed process in the regulations and not merely adopted as EPA practice.

While not explicit, it appears the intent of the EPA is to determine background levels to generally be at the Health Investigation Levels under NEPM. Given the timeframes, we believe that NEPM is a reasonable starting point for more general background levels.

The EPA has suggested it will then also consider making more targeted determinations applying to specific areas. Determining the highest priorities for setting alternate or elevated background levels should be done in consultation with councils. It is critical that implementing these elevated



background levels does not create risks to the community or environment by exempting management obligations where they are justified.

When notification to the EPA is required (Regulations 8-14)

The Act provides that for some types of contamination, the person in management or control of land must notify the EPA. If not prescribed in regulations, the Act provides that contamination is notifiable if it would cost \$50,000 or more to remediate. The EPA and DELWP have stated that it was not the intent for this monetary trigger to ever come into effect. As outlined in the RIS, this would bring many lower risk sites into the duty to notify.

To implement this the regulations prescribe notifiable contamination (Regulations 8-12) as well as exemptions from being notifiable contamination (Regulation 13).

We support the proposed prescribed notifiable contamination regulations as well as the exemptions provided.

Regulation 14 requires that when notifying the EPA of contamination, a person must also provide their management response or proposed management response.

We understand this may allow the EPA to better triage their response to notifications as well as turning the mind of duty holders to a management response. However, this potentially complicates the duty to notify. A person must notify the EPA of notifiable contamination as soon as practicable after the person becomes aware of the contamination. Requiring a management response at the time requires the duty holder to make a judgement call between a speedy response and a comprehensive one. The Act allows a person to follow-up with further information as it becomes available. Guidance from the EPA is needed to assist in understanding what is required and when.

We support the requirement to provide a management response when notifying the EPA of contamination subject to this guidance being available.

Specific clean-up requirements for NAPLs (Regulation 15)

Contamination by Non-Aqueous Phase Liquids carries more stringent management duties than other forms of contamination. Where NAPLs are present in soil or groundwater, the person in management or control of the land must clean up the NAPL and remove or control its source so far as reasonably practicable. This expands upon existing requirements found in SEPP Groundwater that do not require clean up where the NAPL does not pose a risk to groundwater. This potentially places a requirement to clean-up on significantly more sites. Given the costs associated with clean-up of NAPLs this will pose a significant burden to duty holders but appears a necessary measure to address the risks posed.



Due to their serious health and environmental impacts, we support the specific requirement to clean up NAPL contamination and remove or control their source as far as reasonably practicable. However, duty holders will require guidance in identifying the steps necessary to do so.

Environmental values, indicators, and objectives for land (Environmental Reference Standard)

We support the proposed ERS for land. However, it will have significant potential impacts for councils, most notably as a consideration in planning decisions. As primary stakeholders in the planning system, we urge the EPA and DELWP to consult closely with councils in implementation of the environment protection framework through the planning system.

Recommendations

- That the regulations require the EPA to consult with local government prior to making determinations or instruments that are not subject to a RIS process, including:
 - The determination of background levels under Regulation 5(1), including elevated background levels for some regions
- That the Victorian Government provide assistance, including financial assistance, to councils in understanding and meeting their new obligations, including:
 - Identifying and cataloguing contaminated council land and former council land
 - Implementing management of contaminated council land
 - Identifying and cataloguing potentially contaminated land within their municipality
- That the EPA provide guidance on what level of detail should be provided in a proposed management response when notifying the EPA of contamination
- That the EPA consider the limited state-wide capacity both for assessment and remediation of contaminated sites in any enforcement measures, and work with duty holders to manage risk within these constraints
- That the EPA work with councils to build understanding of historically contaminated land
- That the EPA and DELWP work with local government to develop and implement necessary changes to the planning system, including:
 - Implementing the Preliminary Risk Screening system
 - Changes to Ministerial Directions
 - Changes to provisions including the Environmental Audit Overlay
 - Development of model permit conditions
- That the EPA prioritise the development of Better Environment Plans with councils to manage complex inventories of contaminated land.



Noise

Under the proposed framework there will continue to be a role for both councils and the EPA in managing unreasonable noise. We support the proposed subordinate instruments. Significant work is required to formalise how the intersecting responsibilities of the EPA and councils will be managed. An MoU between councils and the EPA is a necessary step in this process.

Councils also manage unreasonable noise outside of the environment protection framework through nuisance provisions, local laws and the planning system. The proposed changes may require councils to review and potentially update their current practices. The State should provide support to councils in undertaking this task. This will promote consistency and best practice, as well as limit the impacts on council capacity to continue performing other vital functions.

Consistent enforcement of the environment protection framework is beneficial to the community, industry, and councils. Guidance for councils on how and where to apply various powers available to them would assist in achieving this. The production of an officer handbook would be an effective approach. This has been undertaken previously for public health and wellbeing regulations and resulted in a valuable resource.

What do the subordinate instruments cover?

Residential noise (Regulation 114 & 115)

Under the Act, unreasonable noise from a residential premises is subject to a number of offences enforced by council and police.

Unreasonable residential noise continues to be defined primarily by the use of prescribed items at prohibited times. It also includes noise meeting the more general definition of unreasonable noise in the Act. We support this framework as well as the proposed exemption for the use of cooling systems during declared heat health alerts.

Where residential noise emanates from a prescribed item at a prohibited time and it results or is likely to result in harm to the human health or the environment, it is considered aggravated noise. Significantly harsher penalties apply to aggravated noise. This provision can only be enforced by the EPA and not by councils. There will need to be protocols established for the referral of aggravated noise to the EPA.

Residential construction noise (except for maintenance or repair of an existing dwelling) has been excluded from the definition of residential premises noise. As a result, the offences available to councils and police will not be available to address unreasonable noise emanating from residential construction. This noise will be addressed through the General Environmental Duty.

The EPA wishes to explore delegating to councils the power to regulate residential construction noise through the GED. This would require careful consideration from councils, as this



enforcement would be substantially different from either current or proposed management of residential noise. We need more information to assess whether such a delegation would be in the interests of councils.

Infringement penalties (Regulation 164 and Schedule 10)

A number of the offences available to councils relating to residential noise are proposed as infringement offences.

Unreasonable residential noise relating to the use of a prescribed item at a prohibited time is an infringement penalty carrying two penalty units for a natural person (ten for a body corporate). Failure to comply with an improvement notice or an unreasonable noise direction both carry a penalty of five penalty units as an infringement offence for a natural person (25 for a body corporate).

The ability to serve infringement notices is a vital tool for councils to efficiently enforce residential noise provisions. We support the proposed infringement offences and the associated infringement penalties.

Commercial, Industrial, and Trade (CIT) Premises noise (Regulations 116-121)

Councils do not have powers under the proposed environment protection framework to address CIT noise. Councils do play a role in managing some forms of CIT noise through nuisance provisions, the planning system and local laws.

Following the finalisation of regulations, councils may need to review and update their current approaches to dealing with CIT noise. Guidance and assistance from the EPA in undertaking this task would promote consistency, as well as mitigating the impact on councils' capacity to continue performing their other roles.

Some council services must be delivered at night time. This includes street cleaning and some waste collection. In some mixed-use areas this will be in close proximity to dwellings and residential buildings. It is important that noise regulations do not interfere with critical service delivery.

Entertainment venue noise (Regulations 122-131)

Like CIT premises, councils do not have a direct role in managing entertainment venue noise under the new Act. Councils will again often play a role through either nuisance provisions, the planning system, or local laws, as well as being the first point of contact for many community complaints.

Under the proposed regulations, music noise from a live entertainment venue is not considered unreasonable if it meets the requirements of clause 53.06 of the Victoria Planning Provisions and the noise limit applying to that venue. We support this alignment of the environment protection framework with the agent of change principle in the planning system.

The proposed framework requires increased dialogue between the EPA and local government as co-regulators. We believe that this should be formalised to ensure the expectations on all parties are clear and agreed upon.



As with CIT noise, following the making of the regulations councils and the EPA should work together to review and potentially update current management of entertainment venue noise within local government.

The broad definition of "concert" captures many other events such as fun runs, triathlons, school fetes, markets, and food and wine festivals which use music for ambience. The proposed operating time definitions would prevent many of these events from running or require an exemption from the EPA. One council estimated that for council-run events alone they would require over 100 exemptions per year. Alternate operating times for other types of events should be considered.

The regulations (28(f) and 28(g)) prescribe what must be considered in assessing an application for operating outside of hours or conducting more than six outdoor concerts. The number of complaints is proposed. This would include both unsubstantiated noise complaints and complaints unrelated to noise levels. The nature of the complaints received should be considered, rather than merely the quantity.

Noise sensitive areas (Regulation 4 (Definitions))

Impacts on noise sensitive areas continue to be key in managing both CIT and entertainment venue noise. We support the adoption of current terminology in the Victoria Planning Provisions to promote consistency between the planning and environment protection systems.

We support the proposed expansion of noise sensitive areas to include childhood education facilities. Unreasonable noise can be disruptive to education and development and the regulations should reflect this. We also support the inclusion of tourism establishments and rural areas which derive value from natural acoustic characteristics.

Noise protocol (Regulation 113 and Noise Limit and Assessment Protocol)

From our understanding, the noise protocol translates the existing methodology of Noise related SEPPs and gives equal weighting to measures currently found in Noise from Industry in Regional Victoria and is supported.

Environmental values, indicators, and objectives relating to noise (Environmental Reference Standard)

The environmental values in the ERS are broadly equivalent to beneficial uses under the existing SEPPs. As with noise sensitive areas, consideration is now given to childhood education and development as well as human tranquillity in outdoor areas.

We support these new inclusions. Councils will need guidance on how these should be considered, particularly in planning decisions.

Land use categories relating to noise (Environmental Reference Standard)

Environmental values in the ERS are applied to areas based on their land use category. We support the use of land use planning zones to define land use categories in the ERS.



Wind farm noise

Councils, community, and the renewable energy industry have long advocated for the EPA to have responsibility for regulating noise from wind farms in Victoria.

Councils have incurred significant cost investigating wind farm noise through nuisance provisions as required under the Public Health and Wellbeing Act. Nuisance provisions are poorly suited to address this issue. It is a complex matter to assess and requires expertise that does not sit within council.

The new tiered permissioning system offers an opportunity for the EPA to regulate wind farms in a manner commensurate to their risk. Regulating centrally through the EPA means expertise can be held in-house. This would be far more efficient than individual councils having to contract experts for each complaint received. This approach has been adopted successfully in other jurisdictions. It represents a best practice approach to the regulation of wind farms. We believe this is a missed opportunity in the proposed regulations.

Recommendations

- That the regulations provide definitions and alternative operating hours or non-concert events that use music but are not centred on it
- That the regulations consider the type of complaints received rather than only the quantity when assessing applications to operate outside of hours or hold more than six outdoor concerts
- That the EPA enter into an MoU with local government to clarify their roles and responsibilities, including:
 - Referral of noise issues between relevant agencies
 - Management of entertainment venue noise
 - Potential delegation to councils for enforcement of residential construction noise
- That the EPA and DELWP work with local government to develop an enforcement toolkit, including:
 - When and how to refer noise issues to other authorities
 - Guidance on when to use the various noise enforcement tools available
 - Guidance on determining what is unreasonable noise
- That the EPA become the primary regulator of wind farm noise in Victoria
- That the Victorian Government provide assistance, including financial assistance, to councils in understanding and meeting their new obligations, including:
 - reviewing and updating how councils manage noise through nuisance provisions, planning and local laws
 - how councils should consider new environmental values (childhood development and human tranquility) proposed in the ERS
- That the EPA and DELWP work with local government to develop and implement necessary changes to the planning system, including:



Air

The operation and effectiveness of the proposed regulations and Environmental Reference Standards are of considerable interest to councils and their communities. This interest arises from:

- Changing industrial practices, including the trend to greater intensification
- Increasing urbanisation and denser concentrations of people living in close proximity to each other
- Increased use of diesel-fuelled vehicles and SUVs
- Emerging climate change impacts for how weather impacts air quality, such as urban heat, wind and intense weather events
- Rising community expectations about air quality being safe for human health
- Emerging community awareness and concern about natural events causing breathing and respiratory illness, such as bushfires, dust-storms and pollen events ('thunderstorm asthma').

We welcome odour being included in the Environmental Reference Standards. Due to the technical nature involved in identifying odour and its impact for the health of third parties, EPA continues to be the agency best placed to take responsibility for odour investigation and enforcement.

The proposed regulations will benefit from EPA updating the 2001 Ambient Air Quality NEPM Monitoring Plan Victoria as part of the implementation of the new regulation. Increasing EPA's monitoring coverage across the state will also provide better information to empower people to manage their own risks arising from poor air quality. In metropolitan settings, the cumulative effect of many sources of pollution impacting many people living and working in close proximity to each other mean that more information will be required to be collected by EPA to either prevent or mitigate adverse impacts for public health.

In rural settings, air quality is impacted by a different range of factors, such as agricultural industries where livestock and biological processes occur that are unable to be accurately quantified for emissions such as methane. Industrial-scale production, transport of products, dust during dry periods, pesticide spraying and wood-heater odour are also often part of the rural and regional landscape. As reporting pollutant levels to the National Pollutant Inventory involves cost to rural and regional businesses, careful consideration needs to be given to what is essential to be reported, and those activities which could be exempted.

Consideration of the increased use of diesel-powered vehicles needs to be factored into the impacts of vehicle emissions. Consideration of the increased use of diesel-powered vehicles needs to be factored into the impacts of vehicle emissions.



Given the dependencies of humans on the ecosystems that support the environment, we suggest that the Environmental Reference Standards articulate that the environmental value of air is relevant to all forms of life.

Recommendations

- Support more quantifiable approaches for measurement of odour being investigated so they can be more explicitly included in councils' planning approvals processes
- That EPA continue to be responsible for odour investigations and enforcement
- That EPA undertake further analysis about how small to medium businesses in rural and regional areas might measure their emission outputs which need to be reported to the National Pollution Inventory, in order that these requirements do not impose unnecessary regulatory burden
- Consideration of higher penalties for diesel emission exceedances due to the greater health liability and costs that they incur
- Consideration of particulate matter PM₁ being listed as a pollutant particle with an equivalent aerodynamic diameter of 1.0 micrometre or less, if it is shown from quantifiable independent research that PM₁s have the potential to cause harm
- Amend Part 2, Standard 5 so that it references all forms of life, with the environmental value being for the "Life, health and well-being of all forms of life, including the protection of humans, ecosystems and biodiversity "



Litter

In relation to litter reforms, arguably the most significant changes are in the Act rather than in the proposed regulations. For example, the Act defines litter as a quantity of waste that does not exceed 50 litres; introduces the term “dangerous litter” (essentially replacing the offence of “aggravated littering” with “dangerous littering”); and prescribes volume-based litter offences with increased penalties. It also prescribes different penalties for body corporates and individuals.

The proposed regulations provide that any litter that is wholly or partly comprised of “priority waste” is “dangerous litter”. Schedule 5 of the proposed regulations identifies materials classified as priority waste, including asbestos.

The proposed regulations also include offences previously dealt with within the Act, e.g. depositing and affixing unsolicited documents; defacing, setting fire to, damaging or destroying a public litter receptacle; not appropriately securing a load to a vehicle. Importantly, the proposed regulations continue to allow infringement notices to be served for all these offences (apart from the offence of commissioning or engaging the distribution of unsolicited documents).

We consider these reforms will enhance council and other agencies’ ability to take enforcement action for litter offences. We support the proposed regulations as drafted.

Operationalising the new regulatory settings

In seeking to ensure the new legislative and regulatory framework is effective, councils have identified a range of measures the EPA should take to support litter enforcement officers and agencies. These include:

- Updating the 2014 EPA litter enforcement toolkit to reflect the new legislative and regulatory settings, incorporating preventative reference standards. The updated toolkit should be shared with litter enforcement officers ahead of the Act’s 1 July 2020 commencement date.
- Engaging with magistrates to ensure they are aware of the new offences and penalties.
- Preparation and sharing of standardised tools and resources across the state to support a consistent approach and messaging, including a state-wide education campaign.
- Providing councils with a direct contact person within EPA to provide support on large investigations.
- Sharing information and intelligence with councils.
- Providing councils with funding support to engage dedicated litter enforcement officers.

Councils also note the success of the NSW EPA’s regional illegal dumping (RID) squads and programs in taking a strategic, coordinated approach to prevent illegal dumping. We understand



five Victorian councils from one region have approached the EPA to run a trial of the program here in Victoria. We encourage the EPA to work with those councils to progress a trial.

Recommendations

- That EPA update the litter enforcement toolkit to reflect the new legislative and regulatory settings; engage with magistrates to ensure they're aware of the new offences and penalties; provide standardized tools and resources across state, including a state-wide education campaign; provide councils with a direct contact person within EPA; and share information and intelligence with councils.



Plastic shopping bag ban

In 2018, following advocacy from a range of parties including the MAV and local government, the Victorian government committed to banning lightweight plastic shopping bags. The *Environment Protection Act 1970* was subsequently amended, with the ban coming into effect on 1 November 2019. The new Act, effective 1 July 2020, also includes a power to prescribe a ban but regulations are needed to give effect to the ban.

The proposed regulations define a "banned plastic bag" as follows:

banned plastic bag means a bag, other than an exempt plastic bag—

- (a) with handles; and
- (b) that comprises, either wholly or partly, plastic, whether or not that plastic is biodegradable, degradable or compostable; and
- (c) that has a thickness of 35 microns or less at any part of the bag

An "exempt plastic bag" is defined as a bag that comprises, either wholly or partly, plastic and that is an integral part of the packaging in which goods are sealed or provided for sale.

The proposed regulations prohibit retailers from providing or selling banned plastic bags and from providing false or misleading information about the ban.

It is concerning that at the time of finalising this submission, one week after commencement of the ban, there has been little promotion or community education about the ban.

The complete absence of state-wide waste education campaigns on recycling and waste issues more generally is frustrating. It has no doubt contributed to the public's low level of understanding and appreciation of recycling and sustainable consumption.

Over recent years it has largely been left to councils to educate their communities about waste and recycling-related matters. Despite the landfill levy providing a ready source of revenue to fund community education, the Victorian government appears to have made little investment.

The EPA will have a significant role to play informing and educating both retailers and the community about how to comply with the ban and the penalties for failing to do so.

Recommendations

- EPA to visibly increase its engagement with retailers and community about how to comply with ban



Waste

Given recent events in the waste sector, including the detection of numerous unsafe and illegal waste material stockpiles, it is appropriate that waste and resource recovery activities are very much in focus for regulatory reform and enhancement.

It's our hope that the new legislative and regulatory framework will mean that the EPA can more readily and more effectively take the lead on high-risk issues, working in collaboration with councils, WorkSafe and other relevant agencies as appropriate. The current reliance on planning and building enforcement action to deal with aspects of unsafe stockpiling is problematic. This has been particularly challenging for councils with high-risk waste and resource recovery sites within their municipalities.

The new Act and proposed regulations will require a wide range of waste and resource recovery activities and facilities to have EPA permission in order to operate. This expansion of permissioning will give the EPA better oversight of the waste and recycling sector as a whole. It should enable proactive regulation and harm minimisation.

We are concerned that in seeking to achieve greater oversight of problematic waste streams, the proposed regulations may have unintended consequences in terms of creating unwarranted regulatory burden for lower-risk activities. We explain our concerns in the sections below.

Impacts on councils

Industrial waste duties for municipal waste

For many councils - rural, regional and metropolitan - aggregation of materials at transfer stations is a necessary step in their kerbside collection systems. Aggregation creates volumes that make transportation to the nearest materials recovery facility or landfill economically feasible. The uneven geographical spread of waste and resource recovery facilities, and especially the lack of materials recovery facilities in regional areas, is a significant shortfall in Victoria's waste and resource recovery system.

Under the proposed regulations, municipal waste becomes subject to industrial waste duties once aggregated at a waste and resource recovery facility. For many councils this creates an unwelcome and unwarranted new layer of regulatory burden to manage what is a relatively low-risk waste stream.

We question whether, when drafting the proposed regulations, the government intended to impose industrial waste duties on municipal waste? We ask that the EPA consider an alternative approach to exempt councils from having to meet industrial waste duties where the aggregated material is predominantly or only municipal waste material. One possible solution might be to amend the wording of clause 60(b) to include reference to 'transfer to and / or from waste and resource recovery facilities' in addition to the existing reference to 'collection'. Municipal waste

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should remain classified as municipal waste until the material is processed and the composition changes.

It should also be noted that the change in status of kerbside material from municipal waste to industrial waste once aggregated is not easily understood from reading the regulations. The provisions that articulate this requirement need to be made clearer (or ideally amended, as per the paragraph above).

Priority waste obligations

In conversations with the EPA, EPA officers have indicated that they consider the impact of the proposed regulations on local government to be limited because councils tend to deal with lower-risk waste materials. We are concerned that the EPA does not appreciate the diverse waste material types councils are often required to manage.

In responding to illegal dumping incidents and as transfer station operators, councils can and do find themselves handling a range of materials that will be considered priority or reportable priority waste under the new regulations. Councils will need to be supported to understand and comply with any new obligations in managing these higher risk materials. We fear the cost impacts of these new obligations may be substantial and that this has not been taken into consideration during the drafting of the regulations and RIS.

We anticipate the impacts on rural councils may be more significant as most waste and resource recovery centres in regional areas are council-owned and operated and, due to resource constraints, staffing at transfer stations is limited. The capacity and capability of councils varies across the state. It is important that the EPA takes this variability into account when considering the impacts of different reforms. EPA should consider whether less resource-intensive requirements could be applied where the material volumes being handled are low.

Permissions

Under the new Act and proposed regulations, a broader range of waste and resource recovery infrastructure, including transfer stations, will be required to have either a licence, permit or registration.

Schedule 1 of the proposed regulations provides a complete list of the activities that will require a permission and / or a financial assurance. In terms of waste and resource recovery facilities, the following table sets out activities and facilities identified as needing a licence, permit or registration.



Development or operating licence	Permit	Registration
<p>Development licence:</p> <ul style="list-style-type: none"> • All activities currently requiring a works approval. • WRRs which require either an Operating licence or a Permit throughout their operating life. <p>Operating licence:</p> <ul style="list-style-type: none"> • All activities currently requiring a licence. <p><i>(A full list of works approval and licence activities can be found in Schedule 1 of the Environment Protection (Scheduled Premises) 2017 regulations. Examples include: landfills, sewage treatment works and power stations.)</i></p> <ul style="list-style-type: none"> • WRRs receiving or processing more than 4,000 tonnes of waste (inc. combustible waste) in any month or storing more than 10,000 cubic metres at any time 	<ul style="list-style-type: none"> • Consignment authorisations (Waste into Victoria and Waste out of Victoria) • Municipal landfills serving <5,000 people • Temporary plant for on-site waste treatment • Waste transport vehicle permits (for vehicles carrying prescribed waste codes). • WRRs receiving or processing more than 4,000 tonnes of waste (excluding combustible waste) in any month or storing more than 10,000 cubic metres at any time • WRRs receiving or processing less than 4,000 tonnes of waste (including combustible waste) in any month and storing between 5,000 and 10,000 cubic metres at any time • Supply or Use of Reportable Priority Waste and liquid wastes 	<ul style="list-style-type: none"> • Biomedical storage by a council, health service or ambulance service • Temporary asbestos storage • Temporary storage of 1000 litres or less of designated waste not generated at the premises • Waste transport vehicle permits (for all other wastes requiring a transport permission). • WRRs storing between 5 and 5,000 cubic metres of waste (whether or not combustible) at any time. • Glass re-processors (who reprocess glass waste at a design capacity below the threshold set in the Scheduled Premises Regulations) • Waste tyre storage facilities (that fall below thresholds specified in the Scheduled Premises Regulations) • Organic waste processing facilities (that fall below thresholds specified in the Scheduled Premises Regulations) • e-waste reprocessing facilities (that fall below thresholds specified in the Scheduled Premises Regulations)

There are two primary impacts for councils. Firstly, councils will need to ensure that they have the appropriate permissions in place for their own facilities. Secondly, councils will need to ensure that the waste and resource recovery facilities that are receiving this material have appropriate permissions (i.e. are lawful places).

The consultation documentation is unclear whether the EPA intends to publish an up-to-date list of all permission-holders and provide the details of activity permitted against each permission. We think this would be beneficial. It would enable councils to check that an operator has the appropriate permission in place and is acting within scope of its registration, permit or licence.

It's also unclear whether the EPA will publish up-to-date details of any non-compliance issues and enforcement action taken against EPA permission-holders. Again, we think this would be beneficial to assist councils to be alert to potentially significant performance issues involving



their service providers. This kind of information sharing would have been helpful to councils affected by the recent SKM site closures.

One of the key weaknesses of our resource recovery system is that there is little transparency about where materials recovery facility operators send materials after they've completed the sorting process. The new permissioning system provides an excellent opportunity to address this information gap. In order to enhance the accountability of the waste and resource recovery sector, the EPA should require waste facility operators to provide information about the downstream destinations of the materials they receive. This would assist the EPA to better understand material flows and provide some means to check that material is genuinely being recycled, reused or recovered.

Fees and costs

Chapter 8 and Schedule 1 of the proposed regulations prescribe the fees for different permissions. It is our understanding that:

- There is no fee for registration (except for reportable priority waste transport)
- Under s.189 of the proposed regulations, the application fee for a permit for a range of activities, including municipal landfills servicing less than 5000 people and medium waste and resource recovery facilities is 119.54 fee units. The fee unit rate for the 2020-21 financial year is not yet known but based on the fee unit rate of \$14.81 for the 2019-20 financial year, this equates to an application fee of approximately \$1770. (Noting that different permit fees apply to other activities including reportable priority waste transport permits).
- The application fee for an operating licence is 84.78 fee units (approximately \$1256) plus, if the assessment by the EPA exceeds 13 hours, an additional fee of 6.53 fee units (approximately \$97) for each hour (or part of an hour) of assessment. The total fee is capped at a maximum of 965.35 fee units (approximately \$14,297). Annual fees for operating licence holders also apply.

Chapter 6 and Appendix 7 of the RIS provide an overview of estimated costs to industry of applying for and complying with the new permissions:

- Development licence approval cost is estimated to be an average of \$33,461, and development compliance costs are estimated at \$29,694.
- Annual reporting costs for operating licence holders are estimated to be an average of \$22,291 per year. The cost to comply with licence conditions is estimated at an average of \$29,387 per year.
- The cost of the permit application process (including for municipal landfills serving less than 5000 people and for waste and resource recovery facilities handling 5000 cubic metres or more on the premises at any time) is estimated to be \$14,000.



- The cost of registration has been conservatively estimated at \$50, with the registration process estimated to take up to one hour.

These costs are significant. The Act also enables the EPA to attach conditions to a permission. Depending on the nature of those conditions, the compliance costs may be significantly higher.

Many Victorian communities have already borne an increase in their waste service charges over the last two years as a result of China National Sword policy impacts. A number of councils have also incurred additional costs to fund new services, such as introduction of food and garden organic (FOGO) collection services, in an effort to improve resource recovery within their municipality. The cumulative impact of these costs increases is not acknowledged in the RIS.

Although the proposed regulations do not adjust landfill levy (or "waste levy") rates, we understand that the Victorian government is currently reviewing the levy. We anticipate that an increase in levy amounts will likely be announced within the coming months.

The Victorian government's failure to invest greater amounts of landfill levy income into the resource recovery sector has no doubt contributed to the recent and ongoing challenges in the recycling sector. If the landfill levy had been used to improve resource recovery in Victoria – including via community waste education, investment in sorting and processing capacity and market development – the recycling system would be stronger and more sophisticated.

As at 30 June 2019, the Victorian government had around \$406 million unspent landfill levies accrued in the Sustainability Fund. We ask that some of this money be used to offset the increased compliance costs councils and communities will face as a result of these environment protection reforms.

Waste levy payments

Under the *Environment Protection Act 1970*, licence holders liable to pay the landfill levy have three months to settle payment for the previous quarter. The proposed regulations significantly reduce that timeframe, requiring liable licence holders to pay the waste levy within 21 days after the end of the relevant period for which the levy is payable. The RIS does not discuss this reduced timeframe for payment nor the potential impacts on affected licence holders.

Councils have requested that the EPA review this reduced timeframe and amend the proposed regulations to retain the status quo (as per the *Environment Protection Act 1970*). Councils are concerned that the EPA has not adequately considered the cost and difficulty of complying with the 21-day timeframe, particularly for small resource recovery centres.

Electronic system approvals

Section 83 of the proposed regulations provides that a person may make an application for approval of an electronic system for recording or providing transaction details for the purposes of section 142(1) of the Act. Councils have asked that the EPA clearly define the system



requirements needed to enable waste service providers to self determine whether their existing system is compliant without having to go through an additional approval process.

Operationalising the new regulatory settings

We note that the Victorian government's circular economy policy is due to be released in late 2019. It is unclear how that policy will interface with the new environment protection framework. We very much support greater oversight and regulation of the waste and resource recovery industry. To facilitate greater recovery and reuse of materials it will be essential that the regulatory framework is easy to understand and navigate. This will assist new and established players to invest and do business in Victoria.

The Act provides that operating licenses may not remain in force for a period of more than 20 years. The one exception is for waste management activities engaged in at a current or former landfill site. These activities are licensed for a maximum period of 99 years. Given the capital costs involved in setting up facilities such as waste-to-energy plants, the 20-year cap for activities on sites other than current or form landfill sites seems problematic. There is a risk that the cap will act as deterrent to new investment and innovation. We also question whether providing better terms for activities occurring on current or former landfill sites means that there isn't a level playing field for those operating from other sites? The five-year maximum term for permits may also have unintended consequences in terms of deterring investment.

The proposed regulations include provisions regarding used packaging materials and sets out specific obligations for brand owners that are not signatories to the Australian Packaging Covenant. There is a view that some brand owners do not sign on to the Australian Packaging Covenant because they consider the alternative pathway – meeting obligations set by the relevant state environmental regulator – less onerous. The MAV has been calling for the federal and state and territory ministers to review the *National Environment Protection (Used Packaging Materials) Measure 2011* to impose mandatory participation and binding obligations across the consumer packaging chain. If the Victorian government is serious about transitioning to a circular economy, this would be an obvious and important issue for them to take up.

We find it difficult to understand and articulate the implications of the new environment protection framework for councils, let alone for other duty holders. It is hard to overstate the importance of EPA committing to extensive engagement with stakeholders, including councils, once the regulations and other subordinate instruments have been finalised. This will be essential to help duty holders understand and be ready to meet their new obligations.

The change in approach for both the EPA as our independent regulator and for all duty holders is significant. It will be incumbent on the EPA to have clear and concise guidance ready well in advance of the 1 July 2020 commencement date. This will be vital to help councils, businesses, industry and others to understand their obligations under the new framework. Ideally this

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guidance would be prepared in consultation with specific stakeholder groups to ensure it is clear and suitably tailored to the readers' needs.

Finally, these are very complex reforms. It is likely that there will be unforeseen impacts on individual duty holders and on the workings of the resource recovery system that will become evident after the new framework comes into operation. It concerns us that the costs and administrative burden of complying with the new regulations may be far higher than reported in the RIS. The operational impacts of the new environmental protection framework will need to be closely monitored by the EPA in partnership with the resource recovery industry, local government and other key stakeholders.

Recommendations

- That the EPA revise the proposed regulations to remove the requirement for municipal waste to be managed as industrial waste once it has been aggregated at a waste and resource recovery facility for onward transportation.
- That the EPA review whether the regulatory requirements for handling low volumes of priority and reportable priority waste are commensurate with risk and that the EPA provide support to councils to understand and comply with any new obligations in managing these materials.
- That the EPA retain current Act requirements for timing of payment of waste levy, to give liable licence holders three months to settle payment (and not 21 days as proposed).
- That the EPA commit to engage and support councils to help them meet their obligations recognising the complexity of the reforms proposed.
- That the EPA prepare clear and concise guidance for duty holders in advance of the changes coming into effect.
- That the EPA publish a list of all permission holders including details of the activity permitted in order to facilitate greater accountability and transparency within the waste sector. That the EPA also publish details of any non-compliance issues and enforcement action taken against EPA permission-holders. And that the EPA also apply conditions on waste and resource recovery facility permissions to obtain data on downstream destinations of materials.
- That the EPA reconsider capped terms for operating licences and permits in light of need to attract resource recovery infrastructure investment into Victoria.
- That the EPA commit to monitoring cost and operational impacts of new framework in collaboration with resource recovery industry, local government and other key stakeholders



Land and infrastructure management, including roads, stormwater and construction

The replacement of most SEPP Clauses with the GED is going to present challenges for councils. SEPP Waters clauses about issues such as storage and handling of chemicals and hazardous substances, construction activities, management of roads and ensuring works on flood prone areas do not increase risk of pollutant transfer to waterways will now form part of councils' GED with no framing or limits if new information is produced by any government agency, research body or practiced by multiple councils.

Clauses in other SEPPs which have been framed specifically to accommodate stakeholder input will also be impacted by this change.

Under the new framework, the 'state of knowledge' principle is going to mean that standards may change much more frequently. This will occur with much less oversight and reduced statutory requirements on DELWP or EPA to consult with stakeholders in the development of standards.

Continually needing to be up-to-date with contemporary knowledge will require staff-time, reporting to councils for resourcing re-assessment and budget adjustments. They will be time-consuming and resource intensive without necessarily being filtered for their importance and priority in managing the highest risks posed by council infrastructure activities.

EPA authorised guidance is going to be very important in providing clarity about expectations of councils as land and infrastructure managers to fill the gap left by the removal of the SEPPs.

In order that this guidance is appropriately risk-based and proportionate to need, councils must be involved in its development and content. The EPA must also have regard for the capacity of councils to implement guidance proposals. We would like to see this role reflected in the regulations.

Where councils seek to manage their GED through the development of Better Environment Plans, these will present costs to council to prepare and have endorsed by the EPA. We encourage the EPA to further consider the costs of these plans where templates are developed for use by more than one council across the state.

In respect of the SEPP Water clauses which will be retained for a further two years, we welcome this additional time for EPA and DELWP to work with local government to develop appropriate instruments for their role in developing and implementing Domestic Wastewater Management Plans and Urban Stormwater Management Plans. This will enable orderly development of the new planning frameworks and time for local government to be involved. It will also enable these plans to incorporate contemporary approaches to water management.



To enable consistent and broad participation by councils, we recommend that a funding program is considered when this proposal is being implemented.

Recommendations

- Insert into the regulations a requirement for EPA to consult with local government in the development of statutory guidance which has financial and resourcing implications for councils
- An MOU is developed between EPA and MAV (representing local government) which sets out the consultation and decision-making principles EPA will follow when it is developing guidance which has significant resourcing impacts for councils
- That MAV be involved in the development of Orders for Managers of Land and Infrastructure (OMLIs) due to their impact on the resourcing of councils for their management of infrastructure such as roads and stormwater
- A funding program for councils to renew their domestic wastewater and stormwater management plans are incorporated into the EPA's regulatory implementation plan



On-site wastewater (septic tanks)

The MAV is very concerned that the proposed regulatory framework will lead to increased risk of serious disease transmission for the community arising from pollution from on-site wastewater (ODWW) systems with capacity below 5,000 litres per day. Unlike the preventative approach underpinning the regulation for other types of pollution, for onsite wastewater the Victorian Government is proposing to rely on a system where the regulators (EPA and councils) mainly take action after pollution has occurred.

Under the proposed framework, hundreds of thousands of residential landowners and occupiers of properties (including tenants) across rural, regional and outer metropolitan areas are assumed to not only understand their GED, but also that they will take the necessary actions to meet their obligations. When they do not, EPA will be responsible for enforcing compliance by undertaking this itself or exploring the potential for delegating its powers to councils. Either way, taking action after pollution has occurred will involve costly and time-consuming investigations and follow-up actions. Issuing improvement notices is complex. Council decisions can be appealed to VCAT and the courts.

Figure 1 provides examples of recent investigations needing to be undertaken by councils – these occur frequently and regularly. They often require protracted effort from council staff and landowners to achieve rectification. The proposed new system will increase the likelihood of failing systems and the need for expensive rectifications.

The costs to councils will be high and unpredictable to plan for. They will need to be subsidised by all ratepayers. This includes those who already pay for reticulated sewerage services via their water bills and landowners who have paid for regular servicing of their wastewater systems. This approach is contrary to the principle that duty holders (landowners) should face the full cost to the environment and human health of their decisions, as they may otherwise continue to underinvest in preventing pollution ("why regulations may be needed", RIS, p37).

On-site wastewater management is one of the hardest policy areas to regulate because it can be diffuse (it's often difficult to identify its primary polluting source). It requires landowners and occupiers to be equipped to manage the risks they pose to themselves and the broader community. Given the costs to the general community from failures at the individual level, it is critical that the regulatory system fill the gaps.

It is welcome that the EPA is proposing to have a greater role on onsite wastewater management through its responsibility for enforcing the GED. Councils have concerns that the localised nature of onsite wastewater management will result in EPA not giving it the attention it requires, and that they will be expected to fill the gap.

It is concerning that in rejecting Option 2 of a five-year renewal permit, minimal consideration appears to have been given to the costs arising from the following issues:

- costs to the community from illness outbreaks and system failure
- opportunities for a very small renewal permit fee contributed by many could assist in preventing pollution occurring and minimising higher clean-up costs after the event



- the risks to the overall regulatory system if council workforce capability is diminished
- missed opportunities for regional development because councils are limited in their capacity to explore integrated water management innovations with their communities.

The implied expectation that councils will continue to do more with minimal ability to recover the costs of their regulatory activity continues and further embeds serious system vulnerabilities. This is despite two VAGO reports and the Victorian Government's own implementation plan for the introduction of the SEPP Waters 2018 identifying council resourcing as a key issue in the regulation of onsite wastewater management.

Need for renewal permit:

A low-cost renewal permit issued by councils would provide a means to remind landowners of their obligation to maintain their systems. It would enable tracking of properties with onsite wastewater systems and provide stable revenue for councils to play an active role. The multiplier effect of a renewal fee would be low for individual landowners, but collectively provide meaningful resources for councils.

A standard renewal permit process would also bring greater consistency across the state. Currently some councils have local laws, some check permit conditions over the life of the system, some require landowners to provide regular reports each quarter after a service agent has checked their system. Local laws may enable some councils to charge fees, there are many councils unwilling to charge landowners.

Regulator connections with residential and small business landowners:

The mostly residential profile of landowners and occupiers using onsite wastewater systems requires more nuanced responses than is provided by the proposed installation fee/GED model. The obligations of property owners need better clarification. The impact and actions of occupiers who are not the landowner also require consideration, as each level has a part to play in preventing pollution.

Councils can play an important role in providing information about onsite wastewater system issues to landowners. Water corporations also have a role to play through their regular contact with landowners through their supply of water to properties. Further examination of the conduits for information to be relayed to residential and small landowners is required.



Fees:

We are very concerned about the quality of the costings analysis used to set a prescribed maximum fee that will apply across the state. Even on the basis of very superficial information provided by six councils, Deloitte identified significant diversity and views about landowner capacity to pay and council resourcing costs. Multiply this by the more than 60 councils which have properties with septic tank systems, then it is clear more detailed analysis is required before such a significant decision impacting all landowners and property occupiers across the state is finalised.

We are also concerned at what appears to be double-standards being applied to EPA cost-recovery models and those being proposed for councils.

If EPA cost recovery rates were applied, our calculations indicate the regulatory system will rely on a very junior officer (between VPS 3 and VPS 4) spending a little over a day administering the application, checking the system complies with EPA and Australian standards, checking the manufacturers' instructions, making referrals to planning departments and water corporations, considering the land capability assessment and responding to questions from mostly residential landowners.

Such low regulatory oversight is clearly concerning for an area of regulation involving landowners who do not have technical knowledge about the system they are installing or their GED.

The proposed fee also ignores the scope of costs councils incur in assessing permit applications, such as undertaking site visits (higher travel time is needed in rural areas), managing referrals to water corporations and council planning departments, and providing mandatory reporting to EPA¹. No funding is allowed for councils needing to prepare domestic wastewater management plans, a requirement under SEPP Waters 2018, ongoing liaison with landowners, or undertake investigations and issue improvement notices when pollution is suspected or occurs.

Figure 2 provides greater insights to the diversity of fees and costs by an interface, regional and small rural councils.

Taken at face value, the proposed fee is concerning if councils were to limit their activities to cost-recovery in line with best-practice regulatory principles. Councils giving much less time to onsite wastewater management will certainly increase the vulnerability of a system already found wanting in numerous Victorian Auditor General inquiries.

Governance and decision-making:

¹ EPA has identified staffing cost-recovery rates of \$118.25 per hour for a VPS 5, and \$153.46 per hour for a VPS 6 (RIS, p.301). Many EHOs may be employed at equivalent of VPS 6



Despite the considerable effort MAV and councils have given to providing advice and insights to assist EPA and DELWP over the last 12 months, we are very disappointed that the EPA did not seek to discuss or reach agreement with local government about the proposed fee regime. This is despite local government being the prime regulator in this area, and the outcome directly impacting council resourcing.

Future governance arrangements will need mechanisms for local government to be at the decision-making table alongside EPA, DELWP and DHHS if workable solutions are to be identified to minimise public health risks to the community.

We have identified a number of recommendations which require urgent consideration if local government is to continue to play an effective role in the regulation of on-site wastewater management in the future

We particularly seek:

- Inclusion of a renewal permit in the suite of regulatory instruments to enable landowners understand their GED through regular contact with their local council
- A delay in the implementation of a standard prescribed fee from 1 July 2020 pending further analysis about the cost impacts for landowners across the state and unintended consequences for council wastewater regulatory activity resourcing
- If adequate revenue sources for councils to undertake their proposed regulatory activities are not enabled, then other alternatives will need to be explored, such as hybrid models with water corporations (which have legislated responsibilities for sewerage services) where they are already supplying water to households, or service agreement arrangements with the EPA where delegations occur
- Ongoing staffing allocations within EPA to provide a central source of advice for councils, such as setting minimum standards for land capability assessments and
- Inclusion of a local government representative in any inter-departmental committees examining reforms for onsite wastewater management reforms impacting councils' resourcing and regulatory role
- Funding to councils for an onsite wastewater rectification program which enables them to explore integrated wastewater management (IWM) solutions and innovations in water recycling to assist landowners and to build capability for this necessary infrastructure in the regions where reticulated sewerage systems aren't economic.



To assist illustrate the impact for councils, the following table sets out our assessment of the regulatory framework from a local government perspective.

Activity	Proposed framework	Recommendations
Installation	<ul style="list-style-type: none"> ● Council installation permit (regulation) which are time bound to a maximum of 5 years. In practice permits will be complete when the certificate to use is provided to the landowner Pros: <ul style="list-style-type: none"> ● Provides better clarity around status of the installation permit Cons: <ul style="list-style-type: none"> ● Council ceases contact with landowner after the certificate to use is issued ● No change to EPA's role in providing advice about conditions landowners should be aware of to manage their system appropriate to the local land capability 	<ul style="list-style-type: none"> ➤ Provide greater clarity in the regulations that the permit is complete once the certificate to use has been issued ➤ Urgently institute analysis of council costs to inform appropriate fees if these are to be prescribed in consultation with the MAV and councils ➤ DELAY commencement of regulations prescribing fees pending this analysis ➤ Review the time period allowed for councils to consider permit applications ➤ EPA to provide advice to councils about interpreting manufacturer instructions for system maintenance ➤ Develop EPA guidance for landowners and occupiers about what the GED is and what they need to do to comply with it
Ongoing	<ul style="list-style-type: none"> ● Landowner has obligation to ensure their system does not pollute 	<ul style="list-style-type: none"> ➤ Include a renewable permit-of-use in the suite of

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Activity	Proposed framework	Recommendations
ODWW systems maintenance	<ul style="list-style-type: none"> Legacy and systems installed without permits will be captured in the regulatory system through the GED EPA responsible for on-going compliance <p><i>Pros:</i></p> <ul style="list-style-type: none"> Stronger responsibilities on landowners to take preventative action Legacy and unpermitted systems brought into the regulatory system <p><i>Cons:</i></p> <ul style="list-style-type: none"> Many landowners and occupiers (renters) don't understand their obligations Greater likelihood of increased non-compliances generating complaints and need for improvement notices to be issued Greater reliance on councils to issue improvement notices which are costly and complicated to investigate and resolve Greater likelihood of appeal and court processes needing to be resourced <p>Greater risks of public health disease harm</p> <p>RIS analysis deficient in considering:</p> <ul style="list-style-type: none"> alternative permitting models utilising learnings from existing local laws in operation in some municipalities analysis of economies of scale multiple permit revenue could provide to councils at small cost to landowners costs of utilising nuisance provisions and issuing of improvement notices after pollution has occurred the regulatory activities and costs councils incur The one-size-fits-all model does not meet different risks in different parts of the state, population densities, land profile capabilities and proximity to groundwater and waterways <ul style="list-style-type: none"> Penalties and enforcement tools <p>Councils generally find the educative approach with landowners</p>	<p>regulatory instruments to enable landowners understand their GED</p> <ul style="list-style-type: none"> Explore options which enable local laws to continue to be utilised where these are currently in place Re-examine the penalties for infringements to be issued by councils when improvement notices are not complied with

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Activity	Proposed framework	Recommendations
Municipal-wide activities	<p>the most effective way of achieving wastewater system compliance with permit conditions and seeking rectification of failing systems without permits. There are times, however, when there needs to be additional tools needs to be available to regulators to achieve proportional actions</p> <p>● Councils must prepare Municipal Domestic Wastewater Management Plans (DMWPs) (SEPP Waters)</p> <p><i>Pros:</i></p> <ul style="list-style-type: none"> ● Development of a plan enables highest risk areas to be targeted in an orderly and planned manner <p><i>Cons:</i></p> <ul style="list-style-type: none"> ● DMWPs are expensive to develop and implement ● Resourcing varies across the state based on risk profile and capacity of councils ● Resourcing problems may be exacerbated if councils need to administer greater numbers of improvement notices ● Ratepayers are subsidising landowners who fail to adequately manage their septic systems 	<p>➤ Funding to councils for an onsite wastewater rectification program which enables them to explore integrated wastewater management (WWM) solutions and innovations in water recycling which will assist landowners and build capability for this necessary infrastructure in the regions where reticulated sewerage systems are not economic to provide</p>



Activity		Proposed framework	Recommendations
State-wide roles		<ul style="list-style-type: none"> Clarity about the role of DELWP and EPA still to be determined in implementation plans EPA public health function strengthened Local government not represented on state inter-departmental committees 	<ul style="list-style-type: none"> Ongoing staffing allocations within EPA to provide a central source of advice for councils, such as setting minimum standards for land capability assessments Inclusion of a local government representative in any inter-departmental committees examining reforms for onsite wastewater management reforms impacting councils' resourcing and regulatory role
	Council reporting requirements	<p>Act provisions to be transferred to regulation</p> <ul style="list-style-type: none"> Pros – state-wide picture of council activity levels and reports of non-compliance levels will assist policy development Cons – <ul style="list-style-type: none"> Unfunded extra staff time and resourcing for councils. IT systems – unclear process for EPA to consolidate data so it can be useful for councils to understand regional and state-wide trends Reduced service levels for ratepayers in other areas identified as priorities in the Council plan No identified work proposed to be undertaken by EPA to develop comparative data guides No consideration for EPA investment in technology systems to enable efficient reporting No complementary reporting requirements for EPA to report back to councils 	<ul style="list-style-type: none"> DELAY implementation of this regulation pending further analysis of the data collected by councils to inform development of standard datasets Include reporting as one of the issues for consideration in an MOU with EPA – for example an agreement could set out the details of the data to be reported, the actions the agencies commit to undertaking to use the data and the benefits that will be provided back to councils.



Figure 1: Local government insights to wastewater management by landowners:

Examples of regularly occurring failing septic tank issues:



Experiences from a Melbourne metropolitan council:

The main issues we found through our inspection program related to:

- Grease traps missing baffles resulting in grease and food particles entering storm water systems.
- Effluent disposal fields saturated and ineffective, resulting in effluent flowing overland
- Plumbers bypassing defective septic system components and sending excess to stormwater drains as a cheaper option to repairing a defective system
- Septic system Infrastructure buried / hidden under ground
- Sand filter blockages from tree roots (general maintenance required)
- Treatment plants not being serviced as no service contract in place
- Properties failing to desludge the septic tank every 3 years
- Redirected / bypassed irrigation systems offsite
- Flush valves and inline cartridge filters being tampered with

As ONE example of the issues we found (there were many!):

- A large number of properties with failing irrigation fields had a plumber attend who would rectify by bypassing the irrigation field and connect the septic tank to storm water (cheaper option). The resident wouldn't necessarily know the plumber was doing this, they would get a few quotes and choose the cheapest option. The owner then never had any issues with their irrigation again and thought their septic system was operating perfectly!
- Council would only learn of this some 10 - 20 years later when we performed our onsite inspections and tested the systems (dye tests etc.).

"It is only through our inspection program that we are able to identify properties that would benefit from reticulated sewer and refer these to relevant water authorities for inclusion into their backlog community sewerage programs" – Council officer



**Example of Improvement Notice times for
remediation experienced by a rural regional
city council:**

This photo is of a recent non-compliant onsite wastewater system identified in January 2019 during the council's triennial inspection process. It was found as a result of an inspection to a neighbouring property. The old septic system was discharging onto the ground post distribution point. No underground trenches were installed, and the issue had been occurring for some time. In short, the effluent is easily identified in the images and caused a nuisance by running into the neighbouring property. An improvement notice was issued, however the remediation process took longer than expected, due to quotes and labourers' issues. Ultimately it took about 6 months for full remediation to occur.





Figure 2: Council costs and risk assessments

The following table provides some brief insights to the activities councils undertake to regulate onsite wastewater systems, and insights to the number of failing systems:

Activity	Properties at risk due to maintenance failures
General permit administration <ul style="list-style-type: none"> - Annual fee setting / budgeting - Council policy development/delegations - Communications / website maintenance - Information packs for landowners - Vehicles, travel time - Internal reporting to council - Liaison with EPA - Development of - Liability/insurance - Risk management strategy development 	<u>Council inspection results:</u> Interface council: - Of over 10,000 properties inspected, 60% of systems failed to meet standards Regional city: - Of 4,700 properties assessed, 48% were found to be unsatisfactory, 56% were disposing off-site Small rural shire: - 600 properties, 70% were found to be unsatisfactory
Permit granting process <ul style="list-style-type: none"> - Receipt and recording of application and fees - Pre-inspection preparation - Initial assessment (on-site visit/desktop review) - Consideration/analysis of LCA recommendations (if LCA was conducted for the site) - Installation inspection - Follow-up non-compliance issues - Commissioning land capability assessor for larger-scale developments involving multiple landowners - Final inspection - Issuing permit - Follow-up of non-payment (where applicable) - Recording and reporting 	
Compliance <ul style="list-style-type: none"> - Responding to complaints - Sampling - Issuing notices - Follow-up - Court processes - Follow-up of non-payment - Recording and reporting 	



Activity	Comments
Domestic Wastewater Management Plans (DMPs) <ul style="list-style-type: none"> - Develop pro-forma, confirm instructions, process - Initiation of communication with landowners - Assessment process (onsite visit/desktop review) - Procure and manage consultancy contracts - Undertake community consultations - Responding to questions - Liaison with water corporations 	<p><u>Council estimates:</u></p> <p>Develop & review existing plans – varies, some councils report consultancy costs up to \$200,000</p> <p>Implementing actions – costs include vehicles, full-time staff member</p> <p>Corporate overheads – procuring and managing consultant contracts, IT systems, monitoring works undertaken by contractors (often plumbers), organise authorised to act on their behalf</p>
Reporting to EPA <ul style="list-style-type: none"> - Currently not required, but proposed to be mandatory 	<p><u>Council estimates:</u></p> <p>Currently not required - would depend on complexity of data to be reported, and the extent of double/handling and extraction of data</p>



Potential for EPA delegations to local government

Under s437 of the Act, the EPA (through its governing board) may by instrument delegate any EPA powers or functions under the Act to bodies including councils, or officers or employees of councils. We welcome further discussions with the EPA about the potential for delegation of its powers to local government.

There are some areas where councils will willingly accept having delegated powers to manage local issues. Some potential delegations may bring with them costs to councils, however, which they do not have capacity to undertake.

We therefore strongly recommend that governance processes are established to provide a framework for how EPA and local government negotiate potential delegations of powers. This will enable any agreed delegations to be informed by state-wide insights from the EPA in conjunction with the local on-the-ground insights from councils.

Recommendations

- Develop an MOU between EPA and MAV (on behalf of Victoria's 79 councils) to set out the principles for negotiation and agreed steps which will be undertaken for different scales and levels of delegations and their impact on council resources and liability profile



Interaction with land-use planning and the Victoria Planning Provisions

Many councils rely on clauses in the SEPPs to require development applications to meet certain criteria. Given that developers can seek legal review of council decisions, there is a need for urgent clarification that the lapsing of the SEPPs from the suite of regulatory instruments which will be maintained and reviewed by the Victorian Government every 10 years will not impact council authorisations or increase the risks of their decisions being overturned through developer appeals to VCAT and/or the courts.

Of particular concern is the proposed lapsing of SEPP Waters Clause 34(2) relating to urban stormwater management. Many council planning schemes reference both SEPP Waters and Urban Stormwater Best Practice Environmental Management Guidelines (BEPM) as the authorising environment for requiring management of stormwater runoff. Considerable time is required to make changes to the VPPs and local planning schemes.

As well, many recent Victorian Government reviews and plans have identified urban stormwater as a significant pollution threat to waterways requiring better management. These include being identified as a critical action for implementation in SEPP Waters, the Improving Stormwater Management Ministerial Advisory Committee, Water for Victoria's Chapter 5, the Victorian Floodplain Management Strategy, the Healthy Waterways Strategy for Port Phillip and Westernport regions, the Yarra River Action Plan Wilip-gn Birrarung Murrn.

We are concerned that the nexus between current SEPPs, VPPs and enforcing provisions for the control of stormwater in developments will be more unclear and fragmented as a result of the lapsing of SEPP Waters Clauses 34(2) and 44. In addition, if the Best Environmental Practice Management for Urban Stormwater (BEPM) has unclear regulatory status, then the main regulatory instrument councils will need to rely on will be GED provisions.

Risking council decisions being challenged in the future has potential to work against the considerable body of work undertaken by the Victorian government and councils in recent years to strengthen requirements on developments to reduce pollution from stormwater.

Councils have raised a number of questions which require urgent clarification:

- The potential for small-scale developers (such as dual occupancies or small townhouse developments) to effectively be exempt from complying with the GED because their activities are primarily domestic and private, and not conducted for profit or financial gain (Part 11.4 and s308 of the Environment Protection Amendment Act)
- The role and capacity of the EPA to enforce the GED for small-scale developments which generate stormwater pollution



- The impact for councils' local planning policies which reference SEPP Waters, and how changes which may be required will be enabled by the start date of 1 July 2020
- The status of the BEPM in the new framework from 1 July 2020, given that consultation about its proposed changes are yet to occur
- The subjectivity for how the GED might be interpreted by developers and permit applicants and difficulties for enforcement when what the person concerned should have known (their 'state of knowledge') is not clear
- The impact of the BEPM review and the status it will have in the new arrangements.

As pollutant load targets, management of saline discharges and irrigation planning are already being proposed to transition for a further period, we suggest that SEPP Waters clauses relied on by councils in planning approvals and the setting of conditions are also included in the transitional clauses. This would provide time for changes to be made, not only to the VPPs, but for councils to also make the necessary amendments to their local planning policies.

There are further clauses in the VPPs which will also need to be reviewed and updated. For example, VPP clause 13.03.1S for floodplain management, VPP 14.02.1S for catchment planning and management and VPP 19.03.3S for integrated water management all reference the SEPP Waters as an authorising document applicants have to have regard for in their planning permit applications.

Given that the VPPs will require amendment as a result of the SEPPs ceasing to be state policy documents from 1 July 2020, it would be useful if the definitions of stormwater could be aligned to accord with the definition in the Exposure Draft Environment Reference Standards. This would provide regulatory clarity for councils which may also reference "stormwater" in local planning policies and documentation. The definition of stormwater contained in the VPPs would be better outlined in a Practice Note detailing the specific issues development applications need to have regard for in relation to their management of stormwater.



Recommendations

- Include the entirety of SEPP Waters Clause 34 in the transitional regulations to ensure there is no diminution of the regulatory instruments councils rely on when they set requirements in development applications for stormwater management
- Consider the extent to which ERSs will be referenced in the VPPs to maintain robust requirements for development applications on the range of issues
- Review and update the VPPs to accommodate changes posed by the lapsing of the SEPPs
- Request that VPPs be amended so that its definition of stormwater aligns with the definition contained in the ERS



Appendix 1: Summary of recommendations

This submission provides comment and recommendations on a range of topics impacting local government. We seek agreement from the Victorian Government for the following recommendations. The cumulative impact for councils is significant. Those particularly necessary for successful implementation are highlighted in bold.

Recommendation	Timing concern	Drafting change	Implementation
General:			
1. That the EPA enter into an MoU with local government to clarify roles and responsibilities; establish agreed approaches to collaborative implementation; and provide for ongoing guidance and support for councils in their co-regulator role			✓
2. That the regulations require the EPA to consult with local government prior to making determinations or instruments that are not subject to a RIS process			✓
3. That the EPA commit to engaging and supporting councils to meet their obligations in recognition of the complexity of these reforms			✓
Contaminated land:			
4. That the regulations require the EPA to consult with local government prior to making determinations or instruments that are not subject to a RIS process, including: <ul style="list-style-type: none"> The determination of background levels under Regulation 5(1), including elevated background levels for some regions 		✓	
5. That the Victorian Government provide assistance, including financial assistance, to councils to understand and meet their new obligations, including: <ul style="list-style-type: none"> Identifying and cataloguing contaminated council land and former council land Implementing management of contaminated council land Identifying and cataloguing potentially contaminated land within their municipality 			✓
6. That the EPA provide guidance on what level of detail should be provided in a proposed management response when notifying the EPA of contamination			✓
7. That the EPA consider the limited state-wide capacity both for assessment and remediation of contaminated sites in any enforcement measures, and work with duty holders to manage risk within these constraints			✓



Recommendation	Timing concern	Drafting change	Implementation
8. That the EPA work with councils to build understanding of historically contaminated land			✓
9. That the EPA and DELWP work with local government to develop and implement necessary changes to the planning system, including: <ul style="list-style-type: none"> Implementing the Preliminary Risk Screening system Changes to Ministerial Directions Changes to provisions including the Environmental Audit Overlay Development of model permit conditions 			✓
10. That the EPA prioritise the development of Better Environment Plans with councils to manage complex inventories of contaminated land			✓
Noise:			
11. That the regulations include definitions for other event types currently captured under "concert" and alternative operating times for them		✓	
12. That the regulations consider the type of complaints received rather than only the quantity when assessing applications to operate outside of hours or hold more than six concerts		✓	
13. That the EPA enter into an MoU with local government to clarify their roles and responsibilities, including: <ul style="list-style-type: none"> Referral of noise issues between relevant agencies Management of entertainment venue noise Potential delegation to councils for enforcement of residential construction noise 			✓
14. That the EPA and DELWP work with local government to develop an enforcement toolkit, including: <ul style="list-style-type: none"> When and how to refer noise issues to other authorities Guidance on when to use the various noise enforcement tools available Guidance on determining what is unreasonable noise 			✓
15. That the EPA become the primary regulator of wind farm noise in Victoria		✓	
16. That the Victorian Government provide assistance, including financial assistance, to councils in understanding and meeting their new obligations, including: <ul style="list-style-type: none"> reviewing and updating how councils manage noise through nuisance provisions, planning and local laws how councils should consider new environmental values (childhood development and human tranquility) proposed in the ERS 			✓



Recommendation	Timing concern	Drafting change	Implement-ation
17. That the EPA and DELWP work with local government to develop and implement necessary changes to the planning system.			✓
Air:			
18. Support more quantifiable approaches for measurement of odour being investigated so they can be more explicitly included in councils' planning approvals processes			✓
19. That EPA continue to be responsible for odour investigations and enforcement			✓
20. That EPA undertake further analysis about how small to medium businesses in rural and regional areas might measure their emission outputs which need to be reported to the National Pollution Inventory, in order that these requirements do not impose unnecessary regulatory burden			✓
21. Consideration of higher penalties for diesel emission exceedances due to the greater health liability and costs that they incur			✓
22. Consideration of particulate matter PM ₁₀ being listed as a pollutant particle with an equivalent aerodynamic diameter of 1.0 micrometre or less, if it is shown from quantifiable independent research that PM ₁₀ s have the potential to cause harm			✓
23. Amend Part 2, ERS 5 so that it references all forms of life, with the environmental value being for the "Life, health and well-being of all forms of life, including the protection of humans, ecosystems and biodiversity "		✓	
Litter:			
24. That the EPA update the litter enforcement toolkit to reflect the new legislative and regulatory settings; engage with magistrates to ensure they're aware of the new offences and penalties; provide standardized tools and resources across state, including a state-wide education campaign; provide councils with a direct contact person within EPA; and share information and intelligence with councils			✓
Plastic bag shopping ban:			
25. That the EPA visibly increase its engagement with retailers and community about how to comply with ban			✓
Waste:			
26. That the EPA revise the proposed regulations to remove the requirement for municipal waste to be managed as industrial waste once it has been		✓	



Recommendation	Timing concern	Drafting change	Implement-ation
aggregated at a waste and resource recovery facility for onward transportation.			
27. That the EPA review whether the regulatory requirements for handling low volumes of priority and reportable priority waste are commensurate with risk and that the EPA provide support to councils to understand and comply with any new obligations in managing these materials		✓	✓
28. That the EPA retain current Act requirements for timing of payment of waste levy, to give liable licence holders three months to settle payment (and not 21 days as proposed).		✓	
29. That the EPA commit to engage and support councils to help them meet their obligations recognising the complexity of the reforms proposed			✓
30. That the EPA prepare clear and concise guidance for duty holders in advance of the changes coming into effect.			✓
31. That the EPA publish a list of all permission holders including details of the activity permitted in order to facilitate greater accountability and transparency within the waste sector. That the EPA also publish details of any non-compliance issues and enforcement action taken against EPA permission-holders. And that the EPA also apply conditions on waste and resource recovery facility permissions to obtain data on downstream destinations of materials.			✓
32. That the EPA reconsider capped terms for operating licences and permits in light of need to attract resource recovery infrastructure investment into Victoria			✓
33. That the EPA commit to monitoring cost and operational impacts of new framework in collaboration with resource recovery industry, local government and other key stakeholders			✓
Land and infrastructure management:			
34. Insert into the regulations a requirement for EPA to consult with local government in the development of statutory guidance which has financial and resourcing implications for councils in their management of infrastructure such as roads and stormwater		✓	✓
35. An MOU is developed between EPA and MAV (representing local government) which sets out the consultation and decision-making principles EPA will follow when it is developing guidance which has significant resourcing impacts for councils			✓
36. That MAV be involved in the development of Orders for Managers of Land and Infrastructure (OMLIs) due to their impact on the resourcing of councils			✓

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Recommendation	Timing concern	Drafting change	Implement-ation
37. A funding program for councils to renew their domestic wastewater and stormwater management plans are incorporated into the EPA's regulatory implementation plan			✓
Onsite wastewater management (septic tanks): <i>Installation:</i>			
38. Provide greater clarity in the regulations that the permit is complete once the certificate to use has been issued		✓	
39. Urgently institute analysis of council costs to inform appropriate fees if these are to be prescribed in consultation with the MAV and councils	✓		✓
40. DELAY commencement of regulations prescribing fees pending this analysis	✓	✓	✓
41. Review the time period allowed for councils to consider permit applications		✓	✓
42. EPA to provide advice to councils about interpreting manufacturers' instructions for system maintenance			✓
43. Develop EPA guidance for landowners and occupiers about what the GED is and what they need to do to comply with it			✓
<i>Ongoing systems maintenance:</i>			
44. Include a renewable permit-of-use in the suite of regulatory instruments to enable landowners understand their GED		✓	✓
45. Explore options which enable local laws to continue to be utilised where these are currently in place			✓
46. Re-examine the penalties for infringements when improvement notices are not complied with		✓	✓
<i>Municipal-wide activities:</i>			
47. Funding to councils for an onsite wastewater rectification program which enables them to explore integrated wastewater management (IWM) solutions and innovations in water recycling which will assist landowners and build capability for this necessary infrastructure in the regions where reticulated sewerage systems are not economic			✓
<i>State-wide roles:</i>			
48. Ongoing staffing allocations within EPA to provide a central source of advice for councils, such as setting minimum standards for land capability assessments			✓
49. Inclusion of a local government representative in any inter-departmental committees examining reforms for onsite wastewater management reforms impacting councils' resourcing and regulatory role			✓



Recommendation	Timing concern	Drafting change	Implement-ation
<i>Mandatory reporting by councils:</i>			
50. DELAY implementation of this regulation pending further analysis of the data collected by councils to inform development of standard datasets	✓	✓	
51. Include reporting as one of the issues for consideration in an MOU with EPA – for example an agreement could set out the details of the data to be reported, the actions the agencies commit to undertaking to use the data and the benefits that will be provided back to councils	✓	✓	✓
Potential delegation of EPA powers:			
52. Development of an agreement setting out the scale and scope of delegations			✓
Interaction with land-use planning and VPPs			
53. Include the entirety of SEPP Waters Clause 34 in the transitional regulations to ensure there is no regulatory diminution of the regulatory instruments councils rely on when they set requirements in development applications for stormwater management		✓	✓
54. Consider the extent to which ERSs will be referenced in the VPPs to maintain robust requirements for development applications		✓	✓
55. Review and update the VPPs to accommodate changes posed by the lapsing of the SEPPs			✓
56. Request that VPPs be amended so that its definition of stormwater aligns with the definition contained in the ERS		✓	



Further information

Topic	Contact
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