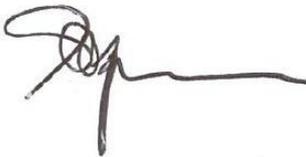


Councillor
(as addressed)

The next Council Meeting will be held in the Council Chamber, Realm, on Monday 18 March 2024, commencing at 7:30pm and your presence is requested.

Yours faithfully



Steve Kozlowski
CHIEF EXECUTIVE OFFICER

Note:

***This meeting is being streamed live on the internet and recorded.
Every care is taken to maintain privacy and attendees are advised they may be recorded.***

This meeting of Council can be viewed on Council's website via:

<https://www.maroondah.vic.gov.au/Live-Council-Meetings>

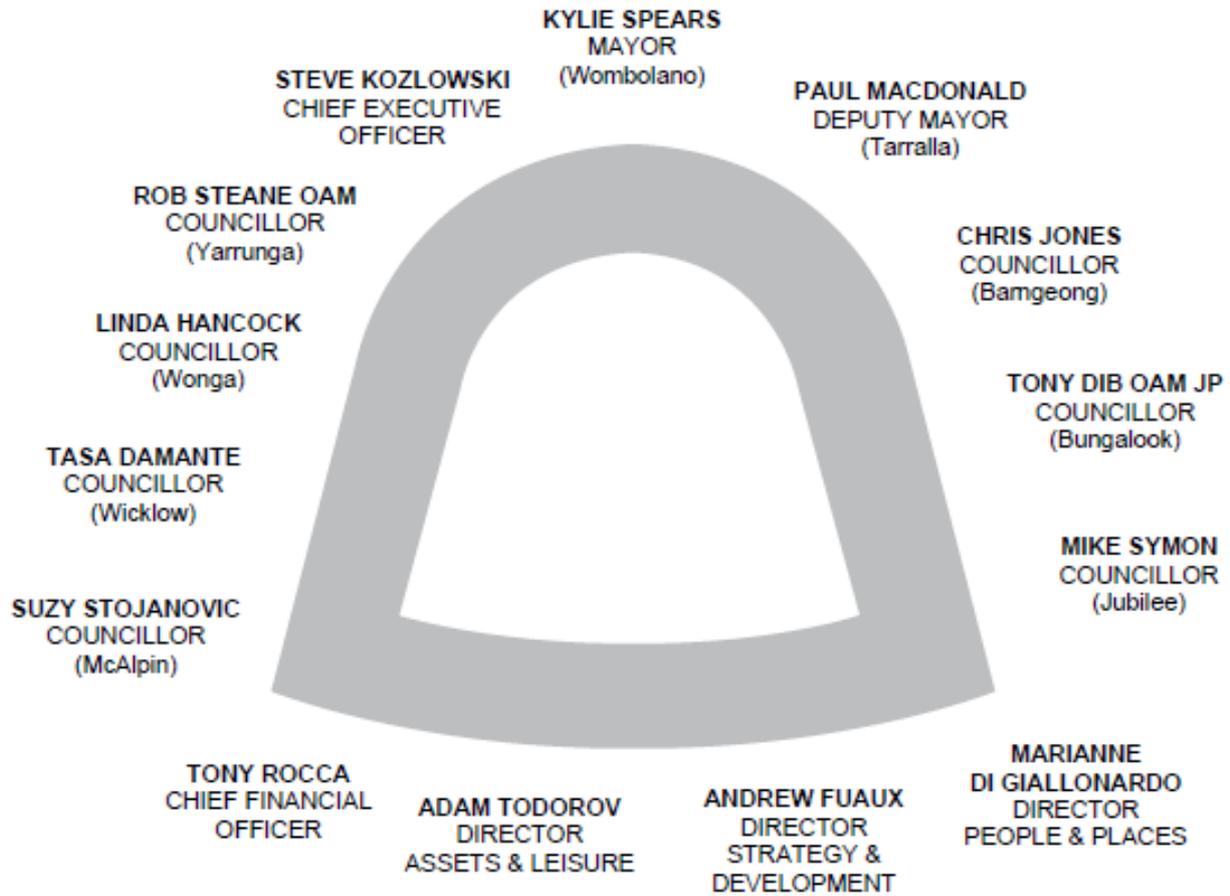


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Web	www.maroondah.vic.gov.au
Service Centres	Croydon: Civic Square, Croydon 3136 Realm: 179 Maroondah Hwy, Ringwood 3134

Council Chamber Seating



Public Gallery



ORDER OF BUSINESS

1. Prayer and Councillor Pledge
2. Acknowledgment of Country
3. Apologies
4. Declaration of Interests
5. Confirmation of Minutes of the Ordinary Council Meeting held on Monday 19 February 2024.
6. Public Questions
7. Officers' Reports
 - Chief Financial Officer
 1. Attendance Report 4
 2. Reports of Councillor Briefings 6
 3. Councillor Representation Reports 8
 4. Proposed Motions for MAV State Council Meeting - 17 May 2024 10
 - Director Strategy & Development
 1. Maroondah Planning Scheme Amendment C148maro - Consideration of Planning Panels Report Recommendations 15
 2. Maroondah Flood Map - Consultation Summary & Adoption 32
8. Documents for Sealing
9. Motions to Review
10. Late Items
11. Requests for Leave of Absence

ATTENDANCE REPORT

ITEM 1

PURPOSE

To provide an opportunity for Councillors to report on Council activities undertaken since the last Ordinary Meeting of Council and forthcoming ward activities.

STRATEGIC / POLICY ISSUES

The following directions contained in Maroondah 2040: Our Future Together and the Council Plan 2021-2025 (Year 3: 2023-2024) provide the strategic framework that underpins the purpose of this report.

Outcome Area: A well governed and empowered community

Our Vision: In 2040, Maroondah will be an empowered community actively engaged in local decision making, led by an innovation community inspired Council that collaborates regionally and proactively champions local needs.

Key Directions 2021 – 2025:

- 8.1 Provide community inspired governance that is transparent, accessible, inclusive and accountable

BACKGROUND

Not Applicable

ISSUE / DISCUSSION

It is intended that the Mayor and Councillors be given the opportunity to present a verbal or written report updating Council on the activities they have undertaken since the last Ordinary Meeting of Council on 19 February 2024 in their role as Councillors and forthcoming ward activities.

FINANCIAL / ECONOMIC ISSUES

Not Applicable

ENVIRONMENTAL / AMENITY ISSUES

Not Applicable

SOCIAL / COMMUNITY ISSUES

Not Applicable

COMMUNITY CONSULTATION

Not Applicable

CONCLUSION

It is appropriate that Councillors formally report to Council upon the activities they have undertaken in their role as Councillors.

ATTACHMENTS

Not Applicable

CONFIDENTIALITY

Not Applicable

RECOMMENDATION

THAT COUNCIL RECEIVES AND NOTES THE REPORTS AS PRESENTED BY COUNCILLORS

PURPOSE

To present the ‘Public Record’ of those Councillor Briefings which are attended by Councillors and generally held on Monday evenings at Realm, usually two weeks prior to the formal Council Meeting, and to note the issues discussed.

STRATEGIC / POLICY ISSUES

The following directions contained in Maroondah 2040: Our Future Together and the Council Plan 2021-2025 (Year 3: 2023-2024) provide the strategic framework that underpins the purpose of this report.

Outcome Area: A well governed and empowered community

Our Vision: In 2040, Maroondah will be an empowered community actively engaged in local decision making, led by an innovation community inspired Council that collaborates regionally and proactively champions local needs.

Key Directions 2021 – 2025:

8.1 Provide community inspired governance that is transparent, accessible, inclusive and accountable

BACKGROUND

As part of decision-making processes at Maroondah, it is essential that Councillors are briefed on a range of issues which come before Council for consideration. As a means of providing this information, Councillor Briefings are conducted.

Councillor Briefings are also attended by Council Officers, and sometimes other specific advisors, to provide Councillors with a detailed knowledge and understanding of issues under consideration to a level of detail that would inhibit timely decision-making, that would not be possible in an open Council meeting, where decision-making related debate is governed by strict meeting procedures.

A Councillor Briefing is a non-decision-making forum, and as per past good governance practice, is deemed to be a scheduled or planned meeting comprising a majority of Councillors (at least 5) and one (1) Council employee, for the purpose of discussing matters that are intended or likely to be:

- the subject of a decision of the Council; or
- subject to the exercise of a delegated function, duty or power of Council.

Examples of a Councillor Briefings may include:

- On-site inspections,
- Consultative Meetings with residents, developers, consultants
- Meetings with local organisations, Government Departments, statutory authorities, and local politicians.

REPORTS OF COUNCILLOR BRIEFINGS Cont'd

ITEM 2

ISSUE / DISCUSSION

Councillor Briefings are generally held twice a month, on Monday evenings at Realm, usually two (2) weeks prior to, and on the night of a formal Council meeting.

The intent of this report is to present a 'Public Record' of those Councillor Briefings which are generally attended by all Councillors and typically held on Monday evenings, and to note the items discussed.

The 'Public Record' of the Councillor Briefings held on the 19 February 2024 and 4 March 2024 are attached for information.

FINANCIAL / ECONOMIC ISSUES

Not Applicable

ENVIRONMENTAL / AMENITY ISSUES

Not Applicable

SOCIAL / COMMUNITY ISSUES

Not Applicable

COMMUNITY CONSULTATION

Not Applicable

CONCLUSION

Councillor Briefings are important forums for advice and discussion, on what are often complex issues facing the municipality, in the lead up to formal decisions being made by Councillors at Council Meetings. At Councillor Briefings, or outside them, Councillors also have the opportunity of requesting additional information to assist in the decision-making process.

It is appropriate that the 'Public Record' of those Councillor Briefings, which are attended by a majority of Councillors, i.e., at least five (5) Councillors and one (1) employee of Council, be noted.

ATTACHMENTS

1.  2024 February 19 - Councillor Briefing Public Record
2.  2024 March 04 - Councillor Briefing Public Record

CONFIDENTIALITY

Not Applicable

RECOMMENDATION

THAT COUNCIL RECEIVES AND NOTES THE PUBLIC RECORD OF THE COUNCILLOR BRIEFINGS HELD ON 19 FEBRUARY 2024 AND 4 MARCH 2024

PURPOSE

To receive and note meeting minutes from the following organisations, boards and/or advisory committees where Council is represented:

- Eastern Transport Coalition held on 14 December 2023

The Maroondah Disability Advisory committee was held on 29 February 2024 however according to the Terms of Reference the required attendance to achieve a quorum was not achieved and therefore no official minutes have been included in this report.

STRATEGIC / POLICY ISSUES

The following directions contained in Maroondah 2040: Our Future Together and the Council Plan 2021-2025 (Year 3: 2023-2024) provide the strategic framework that underpins the purpose of this report.

Outcome Area: A well governed and empowered community

Our Vision: In 2040, Maroondah will be an empowered community actively engaged in local decision making, led by an innovation community inspired Council that collaborates regionally and proactively champions local needs.

Key Directions 2021 – 2025:

- 8.1 Provide community inspired governance that is transparent, accessible, inclusive and accountable

BACKGROUND

As part of Council's commitment to the principles and practice of good governance, it is appropriate that Councillors and the Community are formally updated on the actions and activities of the various organisations, boards and advisory committees where Council is represented.

ISSUE / DISCUSSION

Council is represented on numerous internal and external bodies.

Internal advisory committees have been initiated by Council and are serviced administratively. They typically consider in-depth issues that are related to Council policy or activities.

External bodies operate under their own charter and determine their own procedures, policies and practices. In these instances, Council involvement is to participate and influence the activities of those external organisations, boards and committees where those activities are in the interests of Maroondah residents.

Representation on these internal and external bodies is reviewed on an annual basis at the commencement of the new Mayoral term.

COUNCILLOR REPRESENTATION REPORTS Cont'd

ITEM 3

Council representatives for the bodies providing reports for this item are noted below:

Cr Dib as Council's Representative with Cr Damante as Substitute Representative on the Eastern Transport Coalition.

FINANCIAL / ECONOMIC ISSUES

Not Applicable

ENVIRONMENTAL / AMENITY ISSUES

Not Applicable

SOCIAL / COMMUNITY ISSUES

Not Applicable

COMMUNITY CONSULTATION

Not Applicable

CONCLUSION

It is appropriate that Councillors and the community are formally updated on the actions and activities of the various organisations, boards and advisory committees where Council is represented. Recent meeting minutes from a number of these bodies are tabled for noting.

ATTACHMENTS

1.  2023 December 14 - Eastern Transport Coalition Draft Minutes

CONFIDENTIALITY

Not Applicable

RECOMMENDATION

THAT COUNCIL RECEIVES AND NOTES THE MINUTES OF THE FOLLOWING BODIES

1. **EASTERN TRANSPORT COALITION HELD ON 14 DECEMBER 2023**

**PROPOSED MOTIONS FOR MAV STATE COUNCIL MEETING ITEM 4
- 17 MAY 2024**

PURPOSE

To consider two (2) motions for submission to the Municipal Association of Victoria (MAV) State Council Meeting to be held on Friday 17 May 2024.

STRATEGIC / POLICY ISSUES

The following directions contained in Maroondah 2040: Our Future Together and the Council Plan 2021-2025 (Year 3: 2023-2024) provide the strategic framework that underpins the purpose of this report.

Outcome Area: A safe, healthy and active community

Our Vision: In 2040, Maroondah will be a safe, healthy and active community where all people have the opportunity to experience enhanced levels of social, emotional and physical wellbeing.

Key Directions 2021 – 2025:

- 1.5 Advocate and support initiatives for the prevention of violence against women, children, seniors, and vulnerable community members

Outcome Area: A well governed and empowered community

Our Vision: In 2040, Maroondah will be an empowered community actively engaged in local decision making, led by an innovative community inspired Council that collaborates regionally and proactively champions local needs.

Key Directions 2021 – 2025:

- 8.1 Provide community inspired governance that is transparent, accessible, inclusive and accountable
- 8.2 Ensure responsible and sustainable management of Maroondah's resources, assets, infrastructure and natural environment

Priority Action 2023-2024:

Advocate on key local issues on behalf of the Maroondah community.

BACKGROUND

The MAV's State Council Meeting will be held on Friday 17 May 2024. The two (2) proposed motions are viewed as being of significance across the Victorian Local Government sector and therefore of importance for debate and consideration by the State Council Meeting.

The Municipal Association of Victoria together with local members of Parliament provides significant advocacy to the Victorian Government on behalf of Maroondah residents and ratepayers.

**PROPOSED MOTIONS FOR MAV STATE COUNCIL MEETING ITEM 4
- 17 MAY 2024 Cont'd**

As has become common practice, Council Officers will confirm support from MAV Eastern Regional Group of Councils. The closing date for submitting motions is Monday 18 March 2024.

ISSUE / DISCUSSION

The motion and rationale for each of the two (2) motions is identified below:

Motion 1:

Increase current funding for prevention of violence against women

Motion:

That the MAV calls on the Victorian Government to increase current funding for the prevention of violence against women.

Rationale:

Violence against women is on the increase in Victoria. In March 2023, the Australian Bureau of Statistics reported that since the age of 15 years:

- 2 in 5 women have experienced violence,
- 1 in 5 women have experienced sexual violence
- 1 in 3 have experienced physical violence

Violence in any form is a violation of human rights, impacting the health and wellbeing of women across the state. Research shows that prevention of violence works best when delivered locally where people live, work and play.

Increasing long-term Victorian Government funding will allow investment in critical and sustainable partnerships between Councils, local health organisations and crisis response groups. By continuing to fund these partnerships Councils will be better placed to address violence against women at a local level and effectively engage the community to facilitate change. These meaningful partnerships will assist in creating frameworks that help to protect women across the state.

The nine Regional Primary Prevention Partnerships in Victoria act as a cohesive primary infrastructure to deliver services for Prevention of Violence Against Women (PVAW). This partnership is facilitated and led by each regions women's health service. Women's Health Services promote regionally based infrastructure to engage the community and local leaders, lead partnerships across metro and regional Victoria, deliver training, advocacy, provide support and assist in campaigning through events to raise awareness of violence against women. Councils rely on regional prevention partnerships led by regional health organisations to facilitate these legislative responsibilities.

Due to rate capping and inflation, Councils cannot fund this work alone and additional funding is required from the Victorian Government to ensure these vital partnerships and collaboration opportunities continue. The additional funding is required to continue this vital work in consultation with Councils and their partnerships across the state.

**PROPOSED MOTIONS FOR MAV STATE COUNCIL MEETING ITEM 4
- 17 MAY 2024 Cont'd**

This motion for increased funding for local and regional health organisations working in prevention of violence against women aligns with the collective commitment to creating a safer, healthier, and more equal society for all.

Motion 2:

To amend the 2024-25 Minister's Good Practice Guidelines for Service Rates and Charges

Motion:

That the MAV recognises the benefits of a consistent approach to waste service charges across councils, including transparency for ratepayers regarding the services that the waste charge funds and calls on the Victorian Government to amend the 2024-2025 Minister's Good Practice Guidelines for Service Rates and Charges to no longer consider the following items as waste services that should be excluded from the waste service charges: provision of public bins, litter and waste collection from public spaces and education that assists in the successful rollout of the Circular Economy, including contamination reduction.

Rationale:

The 2024/25 Good Practice Guidelines for Service Rates and Charges suggest that services benefiting the entire municipality should be funded by the council through other revenue sources, however, most Councils include costs related to waste services in their Waste Service Charge.

Of the examples provided in the guidelines, most Councils include at least the following costs in their Waste Service Charge:

- litter and waste collection from public spaces;
- provision of public bins; and
- waste education

Most Councils are not able to comply with the guidelines without being adversely impacted by the changes. Noting that Councils are paying landfill levy at \$129.27 per ton for all landfill waste processed, included waste processed from public litter bins and waste collection from public spaces.

Current financial and external pressures already faced by councils include:

- rate capping limitations,
- cost escalations well above inflation and the rate cap,
- revenue and funding issues,
- workforce and employment pressures,
- infrastructure and asset renewal challenges,
- climate change and environmental impact, and

**PROPOSED MOTIONS FOR MAV STATE COUNCIL MEETING ITEM 4
- 17 MAY 2024 Cont'd**

- regulatory and legislative reform,

The waste service has always been considered a fully cost recoverable service and not required to be funded from rating income. Implementing the guidelines as currently framed may hinder the ability of local Councils to provide core services. The changes could also prevent the achievement of the Victorian Government's waste reduction and circular economy targets.

Council seeks to have the Ministerial Guidelines revised and re-published, considering the definition of waste as per the Circular Economy Act, which, would allow for, as an example, the 'litter and waste collection from public spaces, the provision of public bins and a strong waste education to be included as part of the waste service rate or charge.

FINANCIAL / ECONOMIC ISSUES

Refer to rationale as highlighted under Issue / Discussion

ENVIRONMENTAL / AMENITY ISSUES

Refer to rationale as highlighted under Issue / Discussion.

SOCIAL / COMMUNITY ISSUES

Refer to rationale as highlighted under Issue / Discussion.

COMMUNITY CONSULTATION

Not applicable

CONCLUSION

Council endorses the proposed motions as they have state-wide significance throughout the local government sector and therefore should be discussed at the next MAV State Council Meeting.

ATTACHMENTS

Not Applicable

CONFIDENTIALITY

Not Applicable

**PROPOSED MOTIONS FOR MAV STATE COUNCIL MEETING ITEM 4
- 17 MAY 2024 Cont'd**

RECOMMENDATION

THAT COUNCIL ENDORSE SUBMITTING THE FOLLOWING TWO (2) MOTIONS FOR CONSIDERATION AT THE MUNICIPAL ASSOCIATION OF VICTORIA MAY 2024 STATE COUNCIL MEETING

- 1. INCREASE CURRENT FUNDING FOR PREVENTION OF VIOLENCE AGAINST WOMEN**

***MOTION:* THAT THE MAV CALLS ON THE VICTORIAN GOVERNMENT TO INCREASE CURRENT FUNDING FOR THE PREVENTION OF VIOLENCE AGAINST WOMEN**

- 2. TO AMEND THE 2024-25 MINISTER'S GOOD PRACTICE GUIDELINES FOR SERVICE RATES AND CHARGES**

***MOTION:* THAT THE MAV RECOGNISES THE BENEFITS OF A CONSISTENT APPROACH TO WASTE SERVICE CHARGES ACROSS COUNCILS, INCLUDING TRANSPARENCY FOR RATEPAYERS REGARDING THE SERVICES THAT THE WASTE CHARGE FUNDS AND CALLS ON THE VICTORIAN GOVERNMENT TO AMEND THE 2024-2025 MINISTER'S GOOD PRACTICE GUIDELINES FOR SERVICE RATES AND CHARGES TO NO LONGER CONSIDER THE FOLLOWING ITEMS AS WASTE SERVICES THAT SHOULD BE EXCLUDED FROM THE WASTE SERVICE CHARGES: PROVISION OF PUBLIC BINS, LITTER AND WASTE COLLECTION FROM PUBLIC SPACES AND EDUCATION THAT ASSISTS IN THE SUCCESSFUL ROLLOUT OF THE CIRCULAR ECONOMY, INCLUDING CONTAMINATION REDUCTION**

**MAROONDAH PLANNING SCHEME AMENDMENT
C148MARO- CONSIDERATION OF PLANNING PANELS
REPORT RECOMMENDATIONS**

ITEM 1

PURPOSE

The purpose of this report is to consider and recommend the adoption of Amendment C148maro to the Maroondah Planning Scheme.

Following the statutory exhibition period, Council considered all submissions at its meeting on 18 September 2023, and resolved to refer the submissions to an independent Planning Panel for review and assessment.

An independent planning Panel was appointed by the Minister of Planning to hear and consider submissions; and a hearing was held from 27 November to 30 November 2023, and on 5 and 6 December 2023.

Council received the Panel Report for Amendment C148maro in February 2024. This report noted that the Amendment is well founded and strategically justified, and that Council's approach to consultation was detailed and sound.

This Panel report recommends a number of changes to Amendment C148, which are all supported and detailed in this report and its Recommendation. Noting that pursuant to Section 29 of the *Planning and Environment Act 1987* Council is able to adopt the Amendment, or part of it with or without changes.

STRATEGIC / POLICY ISSUES

The following directions contained in Maroondah 2040: Our Future Together and the Council Plan 2021-2025 (Year 3: 2023-2024) provide the strategic framework that underpins the purpose of this report.

Outcome Area: The relevant outcomes for the community are:

- Vibrant and Culturally Rich Community
- Attractive, Thriving and Well Built
- Inclusive and Diverse

Our Vision: A vibrant and culturally rich community

Key Directions 2021 – 2025:

- 3.6 Celebrate the local history, diversity, arts and produce of our community through a range of festivals, events, programs and activities.
- 3.7 Celebrate, value, and recognise local history to facilitate enhanced community understanding and a broader appreciation of cultural heritage.

**MAROONDAH PLANNING SCHEME AMENDMENT
C148MARO- CONSIDERATION OF PLANNING PANELS
REPORT RECOMMENDATIONS Cont'd**

ITEM 1

Our Vision: An inclusive and diverse community

Key Directions 2021 – 2025:

7.11 Support and celebrate the unique cultural diversity, heritage and languages of communities in Maroondah.

7.12 Acknowledge, recognise, value and support our indigenous heritage, culture and communities.

BACKGROUND

Maroondah Planning Scheme Amendment C148maro implements the recommendations of two key documents:

- *City of Maroondah Heritage Study Review: Volume 1 Post-WW2 Thematic Environmental History (Built Heritage Pty Ltd, May 2022)*
- *The City of Maroondah Heritage Study Review Volume 2: Citations for Individual Heritage Places & Heritage Precincts, March 2024, Built Heritage Pty Ltd*

As exhibited, Amendment C148maro proposed to apply the Heritage Overlay (HO) to 36 individual places, three precincts, and one serial group listing on a permanent basis. The exhibited Amendment also proposed to introduce a number of background documents and incorporated documents (including Statements of Significance for all the new HO's and Heritage Design Guidelines for a number of the new HO's) into the Planning Scheme and makes other consequential changes.

The *Maroondah Heritage Action Plan 2021* adopted by Council at its meeting on 18 October 2021, sets out Council's commitment to heritage protection and includes the following Vision statement:

"The City of Maroondah will become an example of best practice heritage conservation. Heritage places of diverse types and eras are valued and celebrated in Maroondah. Council understands the values of the local community and the needs of heritage place owners and supports them effectively and efficiently.

Council and its staff value heritage and integrate it into all planning and decision making, thereby harnessing its power to enhance a sense of place, increasing the desirability of Maroondah's suburbs as locations to live and work."

An independent panel, appointed by the Minister for Planning, conducted a hearing that took place between 27 November to 30 November 2023 and 5 to 6 December 2023. A total of 19 (nineteen) submitters participated at the hearing. In its report, the Panel noted that it also considered all written submissions received during the exhibition period, observations from site visits, and submissions, evidence and other material presented to it during the hearing. It was further noted in the report that all submissions and materials were considered by the Panel in reaching its conclusion regardless of whether they were specifically mentioned in the report. **Attachment 1 - Panel Report**

**MAROONDAH PLANNING SCHEME AMENDMENT
C148MARO- CONSIDERATION OF PLANNING PANELS
REPORT RECOMMENDATIONS Cont'd**

ITEM 1

ISSUE / DISCUSSION

The Heritage Study Review Post WWII represents Maroondah's most comprehensive heritage study since the 2003 Heritage Study. Amendment C148maro highlights Council's commitment to the recognition and protection of heritage places with a focus on post World War II in the municipality.

A submission from the National Trust of Australia (Victoria) during the public consultation highlights the need for protection of post war heritage:

'Despite the historic importance of the post war period a time of transformation on a scale not seen since the gold rush, much of our post war heritage remain vulnerable and without statutory protection. With densification transforming our suburbs, it is becoming increasingly important to document, celebrate and protect significant post war heritage...'

The submission further noted that the *"preparation of a comprehensive study and planning scheme Amendment requires courage on the part of Council and a strong commitment to heritage"*.

The Panel further commented on the significance of Post War heritage noting that: *"Mid-century and Modernist architecture is now seen as an important part of the municipality's significant growth period. It has however been a form of heritage that is more understated and less appreciated, even though it represents an important phase of Maroondah's cultural heritage."*

Council adopted a process of informal consultation prior to the authorisation of the Amendment. This approach of informal consultation resulted in a series of reviews/filtering processes which helped to inform the exhibited Amendment's proposed listing.

Except for the application of interim controls to one of the properties at risk of being demolished (Amendment C151maro), no further interim controls were applied as part of Amendment C148maro. However, it is also relevant to note that the lack of interim controls resulted in several properties, which were initially identified for heritage protection, being altered involving works undertaken concurrent with the Panel proceedings. These consisted of external works (including rendering) that primarily did not require a building permit, however these impacted on the integrity and heritage significance of a number of buildings in question.

The approach undertaken by the independent Panel was based on assessing the Amendment against the principles of net community benefit and sustainable developments as set out in the principles of integrated decision making of the Planning Scheme: Clause 71.02-3.

1. MAIN FINDINGS OF THE INDEPENDENT PANEL

i. STRATEGIC ISSUES

It is significant to note that the Panel was satisfied that the methodology adopted by Council and Built Heritage meets the guidance provided by *Planning Practice Note 1 Applying the Heritage Overlay (PPN01)*.

**MAROONDAH PLANNING SCHEME AMENDMENT
C148MARO- CONSIDERATION OF PLANNING PANELS
REPORT RECOMMENDATIONS Cont'd**

ITEM 1

The Panel concluded that the Amendment:

- Is supported by, and implements, the relevant sections of the Planning Policy Framework.
- Is consistent with the relevant Ministerial Directions and Practice Notes.
- Is well founded and strategically justified.
- Should proceed subject to addressing the more specific issues raised in submissions (as discussed in the Panel report)

Furthermore, the Panel commented that “*the five heritage experts the Panel heard from all considered the methodology adopted for the Heritage Study Review was robust and led to a thorough piece of work*”. All experts agreed the post-war era was a legitimate part of the Maroondah’s growth to consider heritage controls.

2. COMMON ISSUES

The Panel identified a number of key common issues raised by submissions. These included:

- Impact on state and local housing policy and affordability.
- Building condition.
- Development opportunity, building alterations and maintenance.
- Property value and financial implications.
- Sustainability and energy efficiency.

i. IMPACT ON STATE AND LOCAL HOUSING POLICY AND AFFORDABILITY

The Panel considered whether heritage controls will have an unreasonable impact on housing policy and affordability.

The Panel reviewed the relevant objectives set out in the *Planning and Environment Act 1987* and specifically noted the directions relating to facilitating development in Victoria, provision of affordable housing and conservation of places which are of historical significance. It indicated that in isolation these directions may seem to conflict, however, “*when considered as a broad policy platform, a balance is required to ensure the objectives for planning in Victoria are met in favour of net community benefit.*”

The Panel agreed with Council’s Panel submission that the vast majority of residential areas in Maroondah are unaffected by heritage controls and are potentially available to provide more housing solutions. The Panel concluded that heritage controls are not inconsistent with State and local housing policy and will not impact on housing affordability.

ii. BUILDING CONDITION

**MAROONDAH PLANNING SCHEME AMENDMENT
C148MARO- CONSIDERATION OF PLANNING PANELS
REPORT RECOMMENDATIONS Cont'd**

ITEM 1

The issue for the Panel's consideration was whether building condition is relevant when assessing the heritage significance of an individual place or precinct.

The Panel agreed with Council that building condition is not a relevant consideration to determine the heritage significance of a property. The eight criteria that are used for assessing the heritage value of a place do not address the building condition of a place.

The Panel also noted that other planning panels have taken a consistent approach to this issue and confirmed that building condition is not relevant at the amendment stage but can be considered at the planning permit stage.

iii. DEVELOPMENT OPPORTUNITIES, BUILDING ALTERATIONS AND MAINTENANCE.

One of the issues raised by some submitters was the impact of a proposed heritage listing on development opportunities, building alterations and maintenance.

The Panel acknowledged that the heritage overlay imposes an additional level of controls on landowners. It noted that this ensures that changes proposed to a building with heritage significance can be considered at the planning permit stage.

The report highlights that the heritage overlay does not prohibit change. It indicated that it puts in place a mechanism to consider whether and how much change is reasonable to a heritage place. As such, the Panel concluded that development opportunity, building alterations and maintenance are not relevant when assessing the heritage significance of an individual place or a precinct.

iv. PROPERTY VALUE AND FINANCIAL IMPLICATIONS

A further issue raised by some submitters and considered by the Panel was whether property values and financial implications are relevant when assessing heritage significance or when deciding to apply the heritage overlay.

The Panel noted that some submitters considered that the Amendment would impose undue economic costs and result in decreased property values. It acknowledged that these issues were addressed previously by many different planning panels and in particular amendments that proposed to introduce a heritage overlay.

The independent Panel considered that panel decisions relating to these issues have been consistent and unless it can be demonstrated that the economic costs of an amendment are at the broader community level, personal economic costs are not relevant at the amendment stage. The Panel reiterated that the focus of policy or development economic impact is on net community benefit not personal impacts. They may be relevant at the planning permit- stage and this will vary between sites and proposals.

The Panel concluded that property value and financial implications are not relevant when assessing heritage significance or when deciding to apply the heritage overlay.

**MAROONDAH PLANNING SCHEME AMENDMENT
C148MARO- CONSIDERATION OF PLANNING PANELS
REPORT RECOMMENDATIONS Cont'd**

ITEM 1

Refer to the separate discussion on social and economic issues and the Charter of Human Rights below.

v. SUSTAINABILITY AND ENERGY EFFICIENCY

The Panel considered some submitter's objections based on concerns that the heritage overlay would restrict modifications to improve the environmental performance of a dwelling and that roof top solar systems would not be possible.

The Panel agreed with Council that impacts upon energy efficiency improvements to properties are only relevant at the planning permit stage. The Planning Scheme changes introduced by Amendment VC226 have restricted the planning permit trigger for solar energy systems to those visible from public land.

The Panel concluded the use of more efficient building materials and improved environmental performance of buildings are matters for the planning permit stage.

The Panel commented that with further strategic work Council may have the ability to further streamline the approval process for solar energy systems.

3. THRESHOLD

Some submitters raised concerns that the Heritage Overlay was not justified on the basis that it didn't meet the Victorian Heritage Register (VHR) Criteria. In response, the Panel noted that the VHR Guidelines are relevant for the determination of State heritage significance, not local significance. The Panel further concluded that the primary consideration is *Planning Practice Note 1- Applying the Heritage Overlay 1* (PPNO1) and the comparative analysis.

It highlighted that of the HERCON criteria considered in this Amendment, the critical issues for the Panel were whether: -

- A level of importance must be established for Criteria A (historic significance), D (representativeness), E (aesthetic significance) and F (technical significance)
- Invoking uncommon or rarity (Criterion B) has to be established to a high level and relate to Maroonдах's growth.
- There must be a strong or special association established for the threshold for Criterion G to be met.
- There must be a special association established for the threshold for Criterion H to be met. For example, an architect's own home is not sufficient to establish this threshold and other associative issues must be established to meet this threshold.

The Panel discussed the individual issues that need to be considered in establishing a threshold for local heritage significance, namely:-

- Intactness and integrity
- Comparative analysis

**MAROONDAH PLANNING SCHEME AMENDMENT
C148MARO- CONSIDERATION OF PLANNING PANELS
REPORT RECOMMENDATIONS Cont'd**

ITEM 1

- Threshold levels

i. INTACTNESS AND INTEGRITY

The relevant issues for consideration were whether the level of intactness and integrity are relevant considerations for heritage significance.

The Panel commented on Council's use of the word "intactness" and structural integrity as a means of describing the building condition. The Panel considered that integrity is a different concept to intactness. It noted that intactness can be described as a degree to which a place retains significance fabric and integrity is whether the heritage values of a place can be appreciated or understood. It further commented that judgement will need to be made on a case-by-case basis or guided by a filtering criterion to determine whether a building is substantially intact or has a requisite level of integrity.

The Panel conclude that: -

- Intactness and integrity are two different considerations.
- The level of intactness of a place is an important threshold consideration for heritage significance.
- Whether a place can still be appreciated for its heritage values (integrity) is an important threshold consideration for heritage significance.

ii. COMPARATIVE ANALYSIS

The Panel discussed whether the comparative analysis is adequate for each place.

In considering some objectors' concerns relating to the adequacy of particular comparative analysis, the Panel stated that it: "*understands that this is the first-time post-war heritage has been considered by Council and it is not surprising that for some places comparators could not be found that had met the test of significance and were within the heritage overlay. Other factors such as intactness and integrity have been used by the Panel to assist in this assessment.*"

The Panel concluded that citations for each place contain a comparative analysis. Further that in some cases, comparators could not be found within the heritage overlay in the municipality as this is the first-time post-war heritage has been comprehensively reviewed.

iii. THRESHOLD LEVELS

The Panel addressed three key issues:

1. What are the appropriate threshold levels.
2. Whether the threshold levels have been set too low.
3. What is the role of the VHR guidelines.

**MAROONDAH PLANNING SCHEME AMENDMENT
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REPORT RECOMMENDATIONS Cont'd**

ITEM 1

The Panel indicated that the critical issue for Council and submitters was whether a threshold had been met for local heritage significance.

The Panel indicated that it had adopted a “consistent approach” and noted that “*Criteria A (historical significance), D (representative significance), E (aesthetic significance) and F (technical significance) all require that ‘importance’ is demonstrated*”. The issue whether the threshold had been set too low is considered in the Panel’s discussion for specific places.

The Panel concluded that *Planning Practice Note 01 (PPN1)* is the primary tool for the consideration of local heritage thresholds. As previously mentioned in this report, it commented that the VHR guidelines are relevant for determination of State heritage significance, not local significance. It further concluded that the use of the VHR guidelines is not to be the primary assessment tool for local heritage significance and should be avoided.

iv. PANEL’S DISCUSSION ON PROPOSED SITE- SPECIFIC HERITAGE CONTROLS

A more detailed summary of the main findings for specific sites is included in **Attachment 2- Maroondah Amendment C148maro Panel report - Summary of Issues and Officer’s response to Panel recommendations**.

Attachment 2 also includes officer recommendations for each of the Panel’s recommended changes.

v. REVISIONS TO EXHIBITED HERITAGE CONTROLS TO PROCEED FOR ADOPTION AND MINISTER’S CONSIDERATION

The Panel has recommended that the statement of significance for a number of the proposed heritage places be modified to reflect its findings.

As noted above these are summarised in **Attachment 2**.

The revised version of the *Maroondah Heritage Study Review- Volume 2: Citations for Individual Heritage Places & Heritage Precincts -March 2024* is included in **Attachment 3**. Noting that the exhibited version of this document is available in Council’s website and the Department of Transport and Planning Amendments website: <https://planning-schemes.app.planning.vic.gov.au/All%20schemes/amendments/C148maro?schemeCode=maro>

The Panel’s recommendations on changes to the exhibited Amendment form part of the officer’s recommendation for Council adoption under Section 29 of the *Planning and Environment Act 1987* and subsequent submission to the Minister for Planning for consideration and decision.

**MAROONDAH PLANNING SCHEME AMENDMENT
C148MARO- CONSIDERATION OF PLANNING PANELS
REPORT RECOMMENDATIONS Cont'd**

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vi. SUMMARY OF PANEL RECOMMENDATIONS

The Panel recommended that Maroondah Planning Scheme Amendment C148maro be adopted as exhibited subject to the following:

- Delete the application of the Heritage Overlay to the following places:
 - Ringwood Drive-In Shopping Centre at 1-4/86 Maroondah Highway and 1-10 Murray Place, Ringwood (HO172)
 - Contemporary Homes group listing (HO188)
 - Humphrey Law and Co. building at 22-26 Armstrong Road, Heathmont (HO148)
 - Former Bennett Residence at 52 Loughnan Road, Ringwood North (HO156)
 - 52 Loughnan Road, Ringwood (HO156)
 - 6 The Outlook, Heathmont (HO164)
 - 9-11 Wonga Road, Ringwood North (HO177)
 - 2A Dirkala Avenue, Heathmont (HO179)
 - 22 Lucille Avenue, Croydon South (HO181)
 - 4 Wendy Court, Heathmont (HO182)
 - 3 The Boulevard, Heathmont (HO183).
- Amend the following Statements of Significance for:
 - Sunbower Display Village Precinct Statement of Significance at 20, 22 and 24 Rawson Court, Ringwood East (HO187) to delete reference to Criterion H.
 - 254 Canterbury Road, Bayswater (HO152) Statement of Significance as shown in the Panel preferred version in Appendix E.
 - 129 and 131-133 Dorset Road, Croydon (HO153) Statement of Significance to delete reference to Criteria F and H.
 - 67 Loughnan Road, Ringwood (HO157) Statement of Significance to delete reference to Criterion F.
 - 17 Malcolm Court, Ringwood East (HO160) Statement of Significance to delete reference to Criterion H.
 - 25-27 Exeter Road, Croydon (HO168) Statement of Significance to delete reference to Criterion B.
 - 4 Swain Court, Heathmont (HO174) Statement of Significance to delete reference to Criteria F and H.
 - 30-32 Station Street, Ringwood (HO184) Statement of Significance to identify the Sunday School Hall as a non-contributory building.

**MAROONDAH PLANNING SCHEME AMENDMENT
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- Amend the Heritage Design Guidelines for 254 Canterbury Road, Bayswater (HO152) as shown in the Panel preferred version in Appendix F.
- Amend the extent of the Heritage Overlay for 254 Canterbury Road, Bayswater (HO152) to reflect Council's Heritage Expert's 'barest minimum' Option 2.

The Amendment documents have been prepared in accordance with the Panel recommendations as listed above and amendment of the statement of significances. See **Attachments 2 to 16** of this report.

FINANCIAL / ECONOMIC ISSUES

The costs associated with Amendment C148maro are included within Council's operational budget.

ENVIRONMENTAL / AMENITY ISSUES

As discussed in this report the Panel agreed with Council that impacts upon energy efficiency improvements to properties are only relevant at the planning permit stage.

Due to the particular features of some individual properties an action to exempt planning permit requirement for solar panels, where appropriate, has been identified by Council for further strategic work.

SOCIAL / COMMUNITY ISSUES

As noted in the Council report on 18 September 2023 that considered the submissions received during the formal exhibition process, a number of submissions received expressed concerns relating to personal and financial hardship, particularly post the Covid pandemic.

It is relevant to note that many of the properties where objections were raised on the abovementioned grounds are recommended for exclusion from the Amendment in accordance with the Panel's recommendations.

As highlighted in the Council report on 18 September 2023, considerations under the Charter of Human Rights provides further guidance on the assessment of these concerns by Council as set out below.

COMMUNITY CONSULTATION

Prior to the Council's preparation of Amendment C148maro, Council undertook a preliminary consultation with all affected property owners. These sessions were conducted between 30 May to 14 June 2022. Following discussions with property owners, Council's heritage consultant re-visited the properties and reviewed the issues raised by the property owners during the preliminary consultation. This resulted in some changes to proposed listings.

**MAROONDAH PLANNING SCHEME AMENDMENT
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Following the authorisation of the Amendment by the Department of Transport and Planning, Council undertook the formal exhibition of proposed Amendment C148maro. The Amendment was exhibited between 24 May 2023 to 27 June 2023 and extended to 14 July 2023 in accordance with section 19 of the *Planning and Environment Act 1987*. Notice of the Amendment was:

- Sent to all affected and adjoining property owners and occupiers by post (a total of 733 letters) either on 24 May or no later than 25 May 2023;
- Sent to prescribed Ministers through email correspondence on 24 May 2023;
- Published in The Age newspaper on 24 May 2023 (in the absence of hard copy circulation of a local paper);
- Published in the Victorian Government Gazette on 25 May 2023; and
- Made available on Council's website and on DTP's website.

Further notice consisted of the following:

- Hard copy documents available at Council's customer service areas and libraries;
- Public information sessions;
- 5 consultation sessions at 3 different venues on 27 May 2023; 30 May 2023; 6 June 2023; 14 June 2023; and 21 June 2023;
- In person 1-2-1 discussions throughout the exhibition period; and
- Telephone and Microsoft Teams calls outside the in-person sessions.

A total of 48 submissions were received during the exhibition period. Council considered the submissions received including one additional late submission (Submission # 49) at its meeting on 18 September 2023, and resolved to refer submissions to an independent Panel for consideration.

Submissions 49 to 53 were late submissions received after the exhibition period, including submissions during the Panel hearing process and Council referred these to be considered by the independent Panel.

It is relevant to note that Council referred all submitter's details to the Independent Panel to enable direct notification from Panel regarding the Panel proceedings and requirements to lodge an intention to be heard in order to participate in the proceeds as part of the independent panel process.

All affected property owners and submitters have been advised of the release of the Panel report and written communication sent to advise of this Council meeting to consider the Panel report and Council's decision on the Amendment.

**MAROONDAH PLANNING SCHEME AMENDMENT
C148MARO- CONSIDERATION OF PLANNING PANELS
REPORT RECOMMENDATIONS Cont'd**

ITEM 1

vii. OTHER CHANGES TO THE EXHIBITED MATERIAL RECOMMENDED BY OFFICERS

The Officer's recommendation to amend the exhibited documents for C148maro in accordance with the Panel recommendation also requires some edits to the exhibited documents as follows:

- The format of the Explanatory report has been modified in the templates set out by the Department of Transport and Planning. These changes are not substantive. Copies of the track changes of the exhibited document are attached and a clean version with the new format included in **Attachments 3 & 4** to this report.
- Text added to the end of the methodology chapter (new section B8, p 16) explaining the most recent round of revisions to *The City of Maroondah Heritage Study Review Volume 2*.
- In accordance with the Department of Transport and Planning's conditional authorisation requirements, the formatting of the statements of significance for the site-specific heritage overlays has been modified so as to remove the grading table at the end of the statement of significances.

As noted above Attachment 2 Maroondah Amendment C148maro Panel report - *Table-Summary of Issues and Officer's response to Panel's recommendation* includes Officer's recommendations for each of the Panel's recommended changes.

CHARTER OF HUMAN RIGHTS

Under section 38(1) of the *Charter of Human Rights and Responsibilities Act (2006)* (the Charter) Section 38 (1) applies to Council in its capacity as a public authority.

Maroondah City Council acknowledges its obligations under the Charter; specifically, under Section 18 of the Charter (right to take part in public life) and Section 20 of the Charter (property rights).

The application of the heritage overlay controls to the identified properties as part of Amendment C148 as exhibited and modified in accordance's with the independent Planning Panel recommendations is not incompatible with relevant human rights including:

- That Council is acting in accordance with its functions as a planning authority under the *Planning and Environment Act 1987*.
- That in its capacity as a planning authority, Council has duties to (among other things) implement the objectives of planning in Victoria, which include 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*".
- That the application of a heritage overlay to a property does not prohibit development. It applies an additional planning control to ensure heritage values are taken into consideration during decision making.

**MAROONDAH PLANNING SCHEME AMENDMENT
C148MARO- CONSIDERATION OF PLANNING PANELS
REPORT RECOMMENDATIONS Cont'd**

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- That Council has complied with the Planning Scheme Amendment statutory process under the *Planning and Environment Act 1987*, including undertaking community consultation.

CONCLUSION

The *Planning and Environment Act 1987* identifies that Councils have a key role in managing the identification and protection of places of local heritage significance. Amendment C148maro to the Maroondah Planning Scheme is consistent with the requirements of the *Planning and Environment Act 1987* and furthers the proper and orderly planning of the municipality.

The Amendment process undertaken for the proposed heritage listing as part of C148maro has been assessed by the independent Panel. The Panel recognised Council's continued commitment to protecting local heritage places. The Panel was of the view that the recent heritage review of post war heritage was appropriate noting that this period since 1945 represents a lengthy and significant era of development and change in the Municipality.

The Panel has provided a detailed review of the proposed listings and recommended changes to the exhibited documents resulting in the proposed deletion of some heritage places, where it was considered that the evidence presented either by the initial submissions and/or during the hearing, did not satisfy the threshold for heritage listing. The Panel's recommendations also addressed a range of issues raised by the submissions, and it is noted that the Panel reinforced common principles consistently applied by Panels in relation to building condition, individual financial impacts, opportunities for redevelopment or alterations.

Council is required to balance its obligations under the *Planning and Environment Act 1987*; the the *Maroondah Heritage Action Plan 2021*, the comprehensive recommendations of the independent Panel as well as those under the *Local Government Act 2020*. Council also takes into account not only the interests of current residents but also of future communities and the values associated with the protection of places that contribute to the municipality's sense of place and identity.

In summary the Amendment is also supported by, and implements, the relevant sections of the Planning Policy Framework, is consistent with the relevant Ministerial Directions and Practice Notes related to Planning Scheme Amendments and is strategically justified.

It is therefore recommended that Council adopts Amendment C148maro to the Maroondah Planning Scheme in accordance with all of the recommendations of the Independent Panel report, and submit the proposed amendment to the Minister for Planning for consideration in accordance with Section 31 of the Planning and Environment Act 1987.

**MAROONDAH PLANNING SCHEME AMENDMENT
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REPORT RECOMMENDATIONS Cont'd**

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ATTACHMENTS

1. Maroondah C148maro Panel Report-

2. Maroondah Amendment C148maro Panel report Summary of Issues and Officer's response to Panel's recommendations

3. Maroondah C148maro Explanatory Report Adoption Track Changes

4. Maroondah C148maro Adoption Explanatory-Report (new Format)

5. Heritage Study Review Report_Vol2FINAL_March 2024

6. Maroondah C148maro Adoption Heritage Design Guidelines 254 Canterbury Road Bayswater North Compare

7. Maroondah C148maro Adoption Heritage Design Guidelines 254 Canterbury Road Bayswater North

8. Maroondah C148maro ADOPTION - SCHEDULE TO CLAUSE 43.01 HERITAGE OVERLAY Compare

9. Maroondah C148maro ADOPTION SCHEDULE TO CLAUSE 43.01 HERITAGE OVERLAY (1)

10. Maroondah C148maro ADOPTION - SCHEDULE TO CLAUSE 72.04 INCORPORATED DOCUMENTS Compare (4)

11. Maroondah C148maro ADOPTION -SCHEDULE TO CLAUSE 72.04 INCORPORATED DOCUMENTS (1)

12. Maroondah C148maro ADOPTION -SCHEDULE TO CLAUSE 72.08 BACKGROUND DOCUMENTS Compare (1)

13. Maroondah C148maro ADOPTION - SCHEDULE TO CLAUSE 72.08 BACKGROUND DOCUMENTS (1)

14. Maroondah C148maro Adoption Statements of Significance Compare

15. Maroondah C148maro Adoption Statements of Significance

16. Maroondah C148maro Adoption Maps


CONFIDENTIALITY

Not Applicable

RECOMMENDATION

THAT COUNCIL

1. **HAVING PREPARED AND EXHIBITED AMENDMENT C148MARO TO THE MAROONDAH PLANNING SCHEME UNDER SECTION 19 OF THE PLANNING AND ENVIRONMENT ACT 1987; AND**
2. **HAVING CONSIDERED ALL SUBMISSIONS TO AMENDMENT C148MARO UNDER SECTION 22 OF THE PLANNING AND ENVIRONMENT ACT 1987; AND**

**MAROONDAH PLANNING SCHEME AMENDMENT
C148MARO- CONSIDERATION OF PLANNING PANELS
REPORT RECOMMENDATIONS Cont'd**

ITEM 1

- 3. HAVING CONSIDERED THE REPORT AND RECOMMENDATIONS OF THE INDEPENDENT PANEL FOR AMENDMENT C148MARO UNDER SECTION 27 OF THE PLANNING AND ENVIRONMENT ACT 1987; RESOLVES TO:**
- i. ACCEPT THE OFFICER'S RECOMMENDATION DETAILED IN ATTACHMENT 2 TO THIS REPORT TO AMEND THE EXHIBITED AMENDMENT IN ACCORDANCE WITH THE PANEL RECOMMENDATIONS, AND TO MAKE OTHER CONSEQUENTIAL CHANGES DETAILED IN THE OFFICER'S REPORT, IN PARTICULAR, THAT THE FOLLOWING CHANGES BE MADE TO THE AMENDMENT DOCUMENTATION:**
- DELETE THE APPLICATION OF THE HERITAGE OVERLAY TO THE FOLLOWING PLACES:**
 - RINGWOOD DRIVE-IN-SHOPPING AT 1-4/86 MAROONDAH HIGHWAY AND 1-10 MURRAY PLACE, RINGWOOD (HO172)**
 - CONTEMPORARY HOMES GROUP LISTING (HO188)**
 - HUMPHREY LAW AND CO BUILDING AT 22-26 ARMSTRONG ROAD, HEATHMONT (HO148)**
 - FORMER BENNETT RESIDENCE AT 52 LOUGHNAN ROAD, RINGWOOD (HO 156)**
 - 6 THE OUTLOOK, HEATHMONT (HO164)**
 - 9-11 WONGA ROAD, RINGWOOD NORTH (HO177)**
 - 2A DIRKALA AVENUE, HEATHMONT (HO179)**
 - 22 LUCILLE AVENUE, CROYDON SOUTH (HO181)**
 - 4 WENDY COURT, HEATHMONT (HO182)**
 - 3 THE BOULEVARD, HEATHMONT (HO183)**
 - AMEND THE FOLLOWING STATEMENTS FOR:**
 - SUNBOWER DISPLAY VILLAGE PRECINCT STATEMENT OF SIGNIFICANCE AT 20, 22 AND 24 RAWSON COURT RINGWOOD EAST (HO187) TO DELETE REFERENCE TO CRITERION H.**
 - 254 CANTERBURY ROAD, BAYSWATER (HO152) STATEMENT OF SIGNIFICANCE AS SHOWN IN THE PANEL PREFERRED VERSION IN APPENDIX E OF THE PANEL REPORT.**

**MAROONDAH PLANNING SCHEME AMENDMENT
C148MARO- CONSIDERATION OF PLANNING PANELS
REPORT RECOMMENDATIONS Cont'd**

ITEM 1

- **129 AND 131-133 DORSET ROAD CROYDON (HO153) STATEMENT OF SIGNIFICANCE TO DELETE REFERENCE TO CRITERION F AND H**

- **67 LOUGHNAN ROAD, RINGWOOD (HO 157) STATEMENT OF SIGNIFICANCE TO DELETE REFERENCE TO CRITERION F. NOTING THE CONSEQUENTIAL CHANGES AS SET OUT IN THE OFFICERS REPORT REGARDING SITE PHOTOGRAPHS AND REFERENCE TO RECENT ALTERATIONS.**

- **17 MALCOLM COURT, RINGWOOD EAST (HO160) STATEMENT OF SIGNIFICANCE TO DELETE REFERENCE TO CRITERION H.**

- **25-27 EXETER ROAD, CROYDON (HO168) STATEMENT OF SIGNIFICANCE TO DELETE REFERENCE CRITERION B**

- **4 SWAIN COURT, HEATHMONT (HO174) STATEMENT OF SIGNIFICANCE TO DELETE REFERENCE TO CRITERIA F AND H.**

- **30-32 STATION STREET, RINGWOOD (HO184) STATEMENT OF SIGNIFICANCE TO IDENTIFY THE SUNDAY SCHOOL HALL AS A NON-CONTRIBUTORY BUILDING.**

- **AMEND THE HERITAGE DESIGN GUIDELINES FOR 254 CANTERBURY ROAD BAYSWATER NORTH (HO152) AS SHOWN IN THE PANEL PREFERRED VERSION IN APPENDIX F OF THE PANEL REPORT.**

- **AMEND THE EXTENT OF THE HERITAGE OVERLAY FOR 254 CANTERBURY ROAD BAYSWATER NORTH (HO152) TO REFLECT MR REEVES 'BAREST MINIMUM' OPTION 2 AS OUTLINED IN MR REEVES EVIDENCE REPORT TO PANEL AND INCLUDE THE ADDITION OF NOTATIONS OF BUILDING NUMBERS FOR CLARIFICATION AS SET OUT IN ATTACHMENT 2.**

- ii. **ADOPT AMENDMENT C148MARO TO THE MAROONDAH PLANNING SCHEME IN ACCORDANCE WITH SECTION 29 OF THE PLANNING AND ENVIRONMENT ACT 1987 WITH THE CHANGES SET OUT IN ATTACHMENTS # 3, 6 ,8, 10, 12, AND 14.**

- iii. **SUBMIT THE ADOPTED AMENDMENT C148MARO TO THE MAROONDAH PLANNING SCHEME AS SET OUT IN ATTACHMENTS # 4, 5, 7, 9. 11, 13, 15 AND 16 TOGETHER WITH THE PRESCRIBED INFORMATION TO THE MINISTER FOR PLANNING IN ACCORDANCE WITH SECTION 31 OF THE PLANNING AND ENVIRONMENT ACT 1987**

**MAROONDAH PLANNING SCHEME AMENDMENT
C148MARO- CONSIDERATION OF PLANNING PANELS
REPORT RECOMMENDATIONS Cont'd**

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- iv. AS PART OF ITS SUBMISSION REQUESTING APPROVAL OF AMENDMENT C148MARO ADVISE THE MINISTER FOR PLANNING THAT COUNCIL HAS ACCEPTED ALL OF THE PANEL'S RECOMMENDATIONS**
- v. ADVISE ALL SUBMITTERS TO AMENDMENT C148MARO OF THIS COUNCIL RESOLUTION.**

MAROONDAH FLOOD MAP - CONSULTATION SUMMARY & ADOPTION **ITEM 2**

PURPOSE

The purpose of this report is to inform Council of the outcome of consultation completed directly with properties impacted by flooding as designated in the Maroondah Flood Map (draft). The flood map identifies properties at risk of stormwater inundation / flooding within catchment areas under Council's management.

The report details the feedback received and outcomes including amendments to the flood map, and a recommendation for formal adoption of the Maroondah Flood Map by Council.

STRATEGIC / POLICY ISSUES

The following directions contained in Maroondah 2040: Our Future Together and the Council Plan 2021-2025 (Year 3: 2023-2024) provide the strategic framework that underpins the purpose of this report.

Outcome Area: A safe, healthy, and active community

Our Vision: In 2040, Maroondah will be a safe, healthy, and active community where all people have the opportunity to experience enhanced levels of social, emotional and physical wellbeing.

Key Directions 2021 – 2025:

- 1.2 Plan and advocate for the application of community safety principles that facilitate a safe built environment.

Outcome Area: An attractive, thriving and well-built community

Our Vision: In 2040, Maroondah will be an attractive, sustainable and well-built community with thriving activity centres and a network of neighbourhoods where everyone has the opportunity to live, work and play locally.

Key Directions 2021 – 2025:

- 6.11 Work in partnership with other catchment authorities to ensure effective stormwater management and flood mitigation across Maroondah.

BACKGROUND

Council is responsible for managing the municipal stormwater drainage system which collects stormwater runoff from local roads, and stormwater distributed from private properties. Council's stormwater infrastructure conveys the water to Melbourne Water's main drainage system and on to creeks, rivers and eventually Port Phillip Bay.

Council's stormwater drainage network is designed to cater for the majority of storm events, however, during rainfall events with significant intensity, the capacity of the underground stormwater drainage network can be exceeded, leading to stormwater flowing over land, along roads, through reserves and through private property depending on the landscape of the surrounding land.

MAROONDAH FLOOD MAP - CONSULTATION SUMMARY & ADOPTION Cont'd **ITEM 2**

A flood map of Maroondah has been developed to identify areas subject to inundation / flooding in a 1% Annual Exceedance Probability (AEP) storm event; that is a storm event with a 1% chance of occurring at any given year. These events are not cyclical and they may occur more than once in a given year, or there may be several years without any events. The mapping has been undertaken in line with the responsibilities expected of a Local Government Authority under the Victorian Floodplain Management Strategy.

The flood map has been developed by Council utilising the services of a Melbourne Water endorsed expert technical consultant. Council's Officers have also undertaken significant review and verification of the mapping utilising available information and resources.

This map has been developed for catchment areas under Council's management and will inform how Council manages its stormwater maintenance program, emergency management planning and capital works projects. The flood map will also assist in assessing future development across Maroondah.

Understanding the areas affected is critical to reducing the impact of flooding on the community and will assist both Council and residents to prepare and plan for future significant rainfall events as well as developments and infrastructure improvement works.

ISSUE / DISCUSSION

Consultation Background

In conjunction with development of the flood map, Council undertook an extensive process of consultation and information sharing with property owners directly impacted between May 2022 and March 2023.

Letters were sent out to the owners of properties located within the Maroondah Flood Map with information on the consultation. They were encouraged to visit the consultation webpage to view the flood map, review the background information, frequently asked questions and informative video before providing their feedback and experiences on flooding in their area and on their property.

Property owners were given the opportunity to comment on their experiences with flooding on their property and submit any documentation (photos/videos) to detail their experiences. They were also given the opportunity to make an appointment with Council's Integrated Water Engineer to discuss their experiences with flooding as defined in the flood mapping and raise any queries or concerns. This was able to be done by phone or in person. As this consultation was direct to a specific group of property owners impacted by the Maroondah Flood Map, no broader consultation was undertaken.

The consultation process implemented resulted in:

- Engagement with 2608 properties assessed as being directly affected by the flood mapping across the nine Council wards.
- Direct engagement with 280 properties.
- A total of 1447 YourSay webpage views.

MAROONDAH FLOOD MAP - CONSULTATION SUMMARY & ADOPTION Cont'd **ITEM 2**

Consultation Feedback

Following the consultation period, Council Officers have reviewed all feedback received in detail and undertaken a detailed evaluation of the flood map information for each property.

The consultation summary report attached provides a detailed summary of the engagement results and feedback received across the nine Council Wards.

In summary, the feedback received during the flood map community consultation, including direct discussions with residents, improved the overall understanding of flood impact to property and resulted in improvements to the draft flood map information through amendments as outlined in Section 4 of the attached summary report.

The key feedback received from the consultation process is generally summarised as follows:

- Drainage maintenance and drainage investigation issues were raised.
- Property owners reported experiences of historic impacts in-line with the flood modelling.
- Property owners reported no experiences or recollection of historic impacts.
- Wanted to understand how the modelling generally works.
- Questions about Council's plans for infrastructure upgrades.
- Further queries on Frequently Asked Question items relating to property insurance and property value impact.
- Discussion on terminology around flooding, overland flow, flash flooding and insurance implications

The feedback received from residents in relation to their experiences with flooding on their properties also added to Council's verification of the accuracy of the flood map information.

The information obtained has been incorporated into an amended Flood Map and will also be utilised as part of Council's flood mitigation works planning.

Consultation Outcomes

It is considered that the information obtained through the consultation process confirmed the accuracy of the flood map information. Where Council's draft flood map information differed from the experience of the residents a review to consider the new information and confirm the accuracy of the flood map data based on the information was completed and amendments to the flood map were made as required.

In summary the following amendments to the flood map were made arising from the consultation process:

- Richardson Road (Barneong Ward) - further consideration of topography with particular regard to the steep terrain has resulted in the removal of twelve (12) properties deemed not to be flood impacted.

MAROONDAH FLOOD MAP - CONSULTATION SUMMARY & ADOPTION Cont'd **ITEM 2**

- Hygeia Parade (Wonga Ward) - further consideration of the road profile / levels has resulted in the removal of three (3) properties deemed to be protected by Council infrastructure and therefore not flood impacted.
- Alexandra Road/Scenic Avenue (Wombolano Ward) - recent drainage upgrade works has removed the flood impact for thirty three (33) properties resulting in their removal from the flood map.
- A total of forty eight (48) properties have been removed from the flood map.

The following key outcomes have been achieved from the consultation process:

- Follow up action and investigation of relevant drainage maintenance issues raised.
- Verification of modelling using evidence provided of reported experiences of historic impacts.
- Additional information obtained to feed into prioritisation of Council flood mitigation works planning.
- Increased community awareness of flooding, flood mapping and property impacts.
- Communication with the SES of the flood map to inform emergency management planning.

Flood Map Updates

It is noted that the current flood map is based upon the technical requirements at the time of the development of the mapping. It is proposed that Council Officers will continue to update the Maroondah flood map as Council flood mitigation works and significant private developments are completed, and to incorporate any new technical requirements in accordance with Melbourne Water/industry best practice.

Re-endorsement of the updated Maroondah Flood Map by Council will be sought from time to time to ensure the currency of flood information, or as any updates to technical requirements dictate. Any new properties proposed to be added to the flood map would be consulted by Council prior to the consideration by Council to re-endorse the flood map.

FINANCIAL / ECONOMIC ISSUES

Whilst property owners raised concerns with the economic impacts of the flood map, it is noted that the mapping identifies properties that have existing flood risk and therefore the mapping has not changed the risk level.

ENVIRONMENTAL / AMENITY ISSUES

Not Applicable

MAROONDAH FLOOD MAP - CONSULTATION SUMMARY & ADOPTION Cont'd **ITEM 2**

SOCIAL / COMMUNITY ISSUES

The Maroondah Flood Map aligns with Council's vision for Maroondah to be a safe, healthy, and active community where all people have the opportunity to experience enhanced levels of social, emotional and physical wellbeing.

COMMUNITY CONSULTATION

As detailed in the report Council has undertaken extensive consultation with properties included in the Maroondah Flood Map. A summary report providing an overview of the community consultation undertaken is included as an attachment to this report. The outcome of the consultation will be communicated to all properties included in the consultation process.

CONCLUSION

Council has a key role in the management of stormwater drainage infrastructure and flooding within catchment areas under Council management.

Based on the extensive consultation undertaken with flood impacted properties it is considered that the feedback received, and information obtained confirmed the accuracy of the flood map information.

In summary, the flood map is based upon the best available data that is supported by multiple examples of evidence-based verification. Accordingly, it is recommended to proceed with adoption of the Maroondah Flood Map as per the recommendation of the report.

The adopted Maroondah Flood Map will be made publicly available on Council's website and at Council's Municipal Office.

ATTACHMENTS

1. 2024 March 18 - Maroondah Flood Map - Consultation Summary & Adoption -  Consultation Summary Report

CONFIDENTIALITY

Not Applicable

**MAROONDAH FLOOD MAP - CONSULTATION SUMMARY &
ADOPTION Cont'd**

ITEM 2

RECOMMENDATION

THAT

- 1. COUNCIL FORMALLY ADOPTS THE MAROONDAH FLOOD MAP**
- 2. ALL PROPERTIES INCLUDED IN THE MAROONDAH FLOOD MAP ARE NOTIFIED OF COUNCIL'S DECISION TO ADOPT THE FLOOD MAP**
- 3. THE MAROONDAH FLOOD MAP BE MADE PUBLICLY AVAILABLE ON COUNCIL'S WEBSITE AND AT COUNCIL'S MUNICIPAL OFFICE**
- 4. COUNCIL OFFICERS CONTINUE TO MONITOR AND REPORT PROPOSED UPDATES OF THE MAROONDAH FLOOD MAP TO COUNCIL AS FLOOD MITIGATION WORKS AND SIGNIFICANT PRIVATE DEVELOPMENTS ARE COMPLETED AND TO INCORPORATE ANY NEW TECHNICAL REQUIREMENTS IN ACCORDANCE WITH MELBOURNE WATER/INDUSTRY BEST PRACTICE**