



# Banyule Planning Forum

29 March 2019



# Overview

## FORUM OPENING (Deputy Mayor Cr. Alison Champion)

7.45 – 8.45am	Trees and development in Banyule
9.00 – 9:50am	Overview of Planning and Development in Banyule
9:50 – 10:00am	*OPTIONAL SESSION* Lodging Applications
10.00 – 10:50am	Initiatives and improvements (incl. workshops)
11.30 – 12.30pm	Environmentally Sustainable Design and Liveability



# Session I

## Trees & Development in Banyule

# Trees and Development in Banyule



Topic	Speaker
Protecting Vegetation in Banyule	Joel Elbourne, Manager Urban Planning & Building
Permit Triggers	Tony Perez, Development Planning Arborist
Development Impact	Sam Munro, Development Planning Arborist
Trees on Public Land	Ben De Klepper, Banyule Tree Care
Magistrate outcomes in Banyule	Matthew Barkla, Beck Legal Services
Q&A Panel	Joel E, Tony P, Sam M, Matthew B





# Protecting Vegetation in Banyule

Joel Elbourne



# Protecting Vegetation in Banyule

- Planning Scheme Overlays
  - Patchwork quilt (VPOs, ESOs, SLOs, DDO8)
- Development and tree removal planning permit applications
  - Inspections, referrals, discussions, decisions
- Investigations and enforcement (unauthorised damage and removal)
  - Infringements, Magistrates proceedings








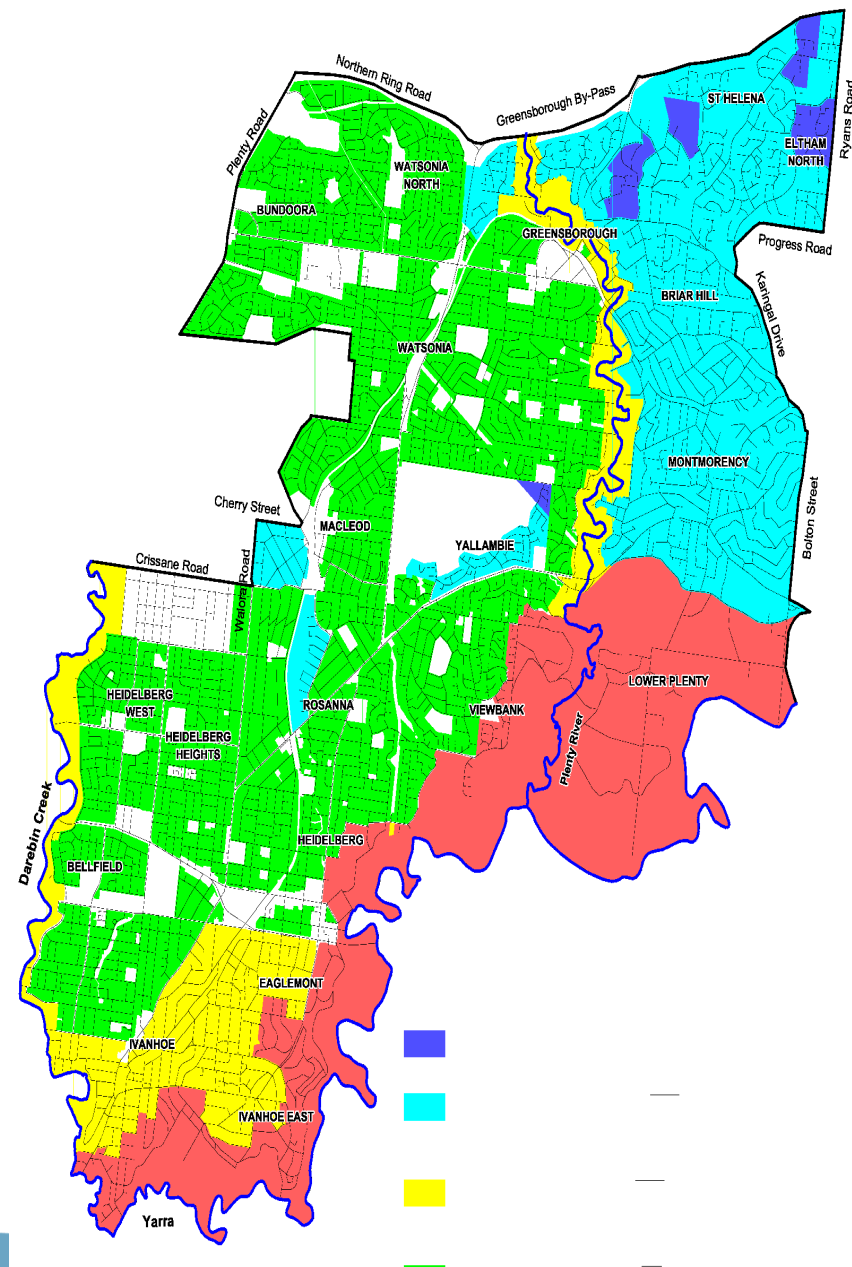
# Permit Triggers

Tony Perez



# A PERMIT IS REQUIRED TO REMOVE OR PRUNE

-  Any native vegetation (no size criteria)
-  Native vegetation 5m in height AND with a trunk circumference greater than 50cm at 1m above ground
-  Any vegetation 5m in height AND with a trunk circumference greater than 50cm at 1metre above the ground
-  Any vegetation 12m in height OR with a trunk diameter greater than 400mm at 1.4m above ground
-  Any native vegetation (no size criteria)  
Any non-native and exotic vegetation (including Weed species) that have at least one of the following:
  - A trunk circumference greater than 34cm at 1 metre above the ground OR
  - A Height greater than 6 metres OR
  - A canopy spread greater than 4 metres











# Development Impact

Sam Munro





# Topics

- What is the Australian Standard Protection of trees on development sites AS 4970-2009
- Tree Protection Zones (TPZ) and Structural Root Zone (SRZ) 101
- Encroachments into TPZ and SRZ 101
- What arborist reports are required when
- Common mistakes in reports that lead to delays





# Australian Standard

Protection of trees on development sites  
AS 4970-2009

The standard relates to the following only:

- Which trees are appropriate for retention
- The means of protecting trees that are to be retained

It does not argue for or against:

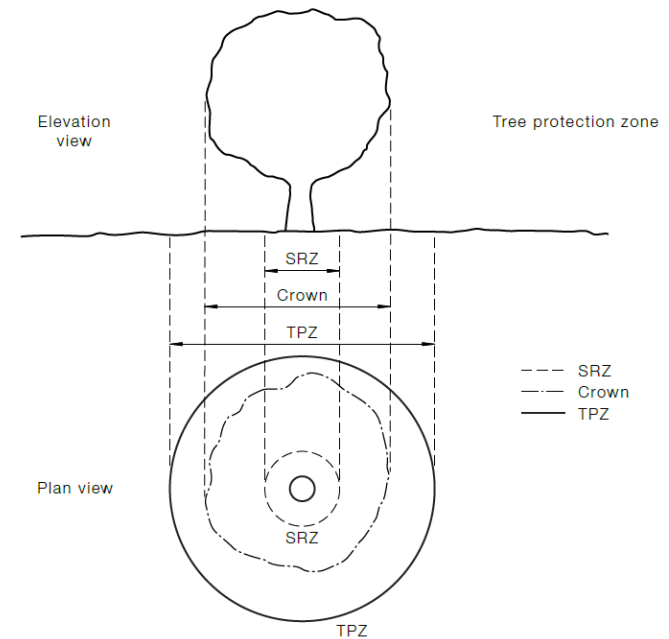
- A development
- Give a monetary value for trees



# What is a Tree Protection Zone



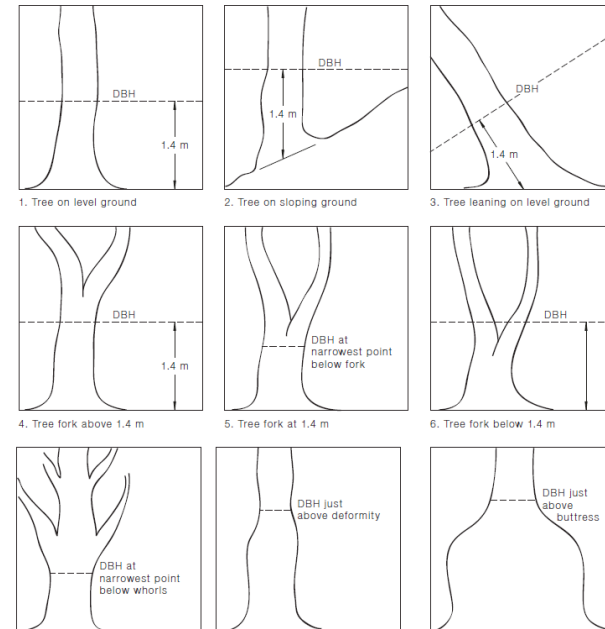
- The principal means of protecting trees
- An area above and below ground that's protected



# How to Determine the Tree Protection Zone (TPZ)



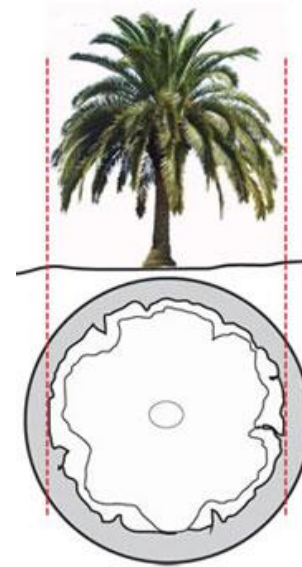
- $DBH \times 12$  gives the TPZ radius
- A TPZ can not be less than 2 m
- or greater than 15 m



# TPZ of palm trees



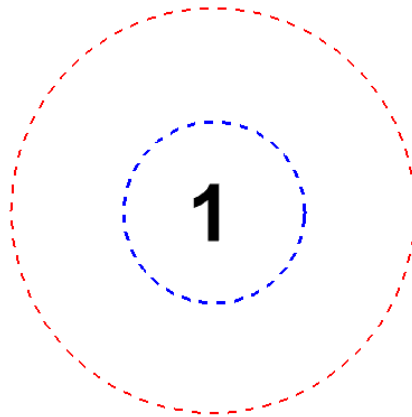
- One meter outside of the crown projection



# What is a Structural Root Zone (SRZ)



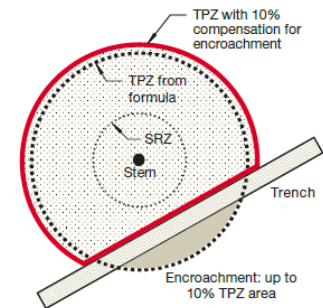
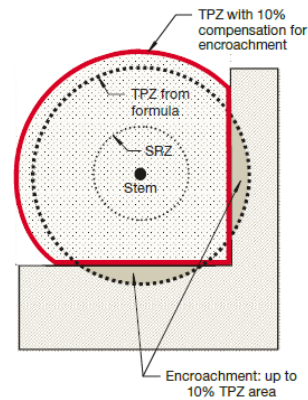
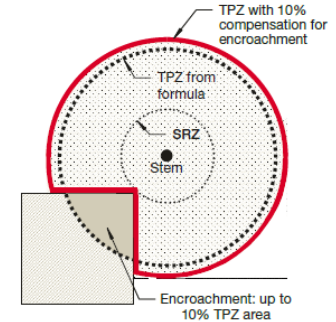
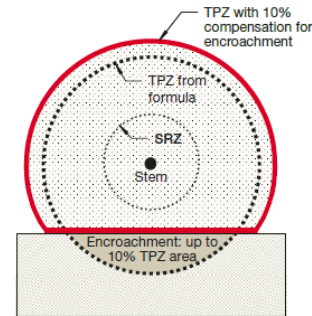
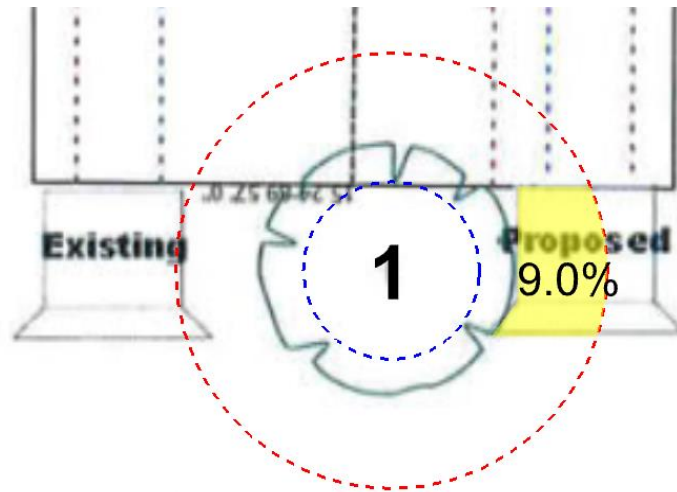
- Measure diameter at the base of the tree
- The area required for the tree's stability only



# Minor Encroachment



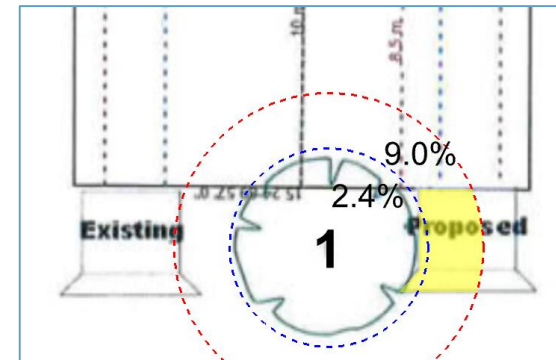
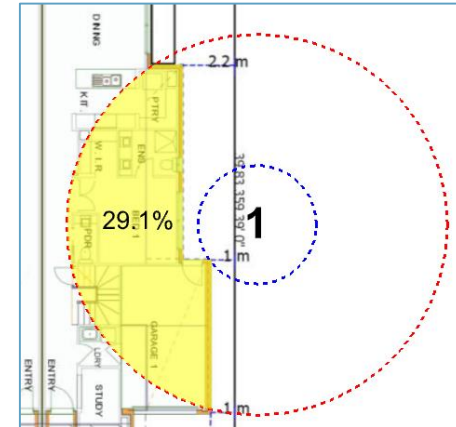
- Minor if less than 10% **and** outside SRZ
- Likely to be approved



# Major Encroachment



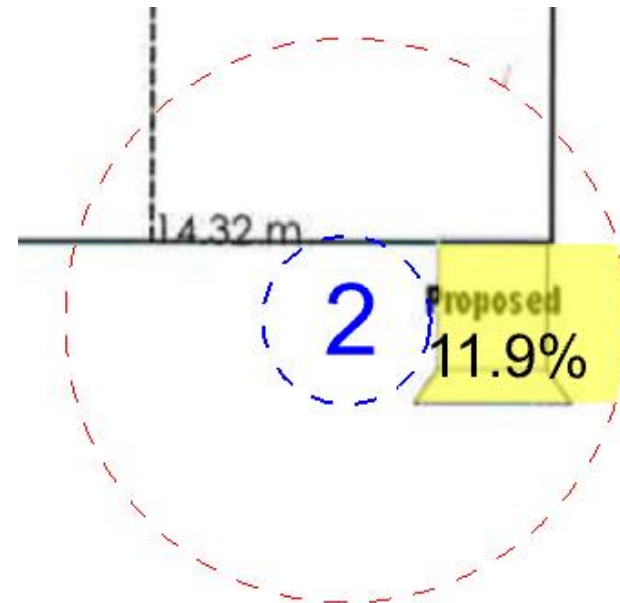
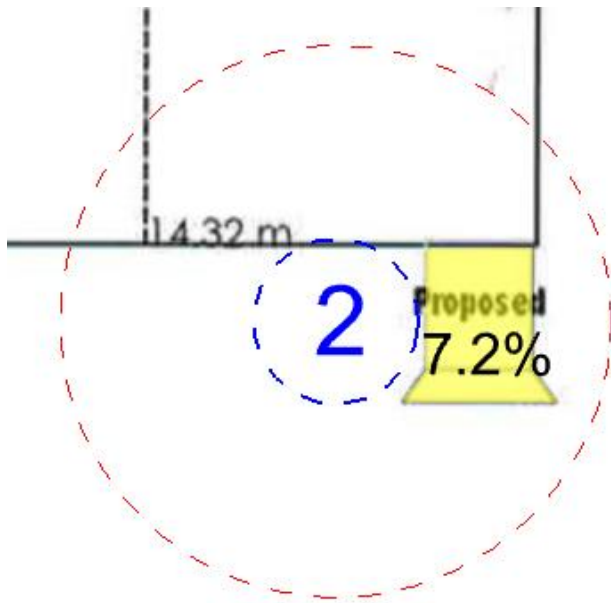
- Major if more than 10% and/or inside SRZ
- Must demonstrate tree(s) will remain viable
- Existing conditions considered.



# When a Minor Becomes a Major



The encroachment is not just the footprint







# Soft and Hard Encroachments

## **Hard Encroachment**

- Below grade
- Difficult to prove tree(s) will remain viable

## **Soft Encroachment**

- Above or at grade
- Likely tree(s) will remain viable with conditions



# Non-Invasive Root Investigations

## **Non-invasive root investigations must consist of:**

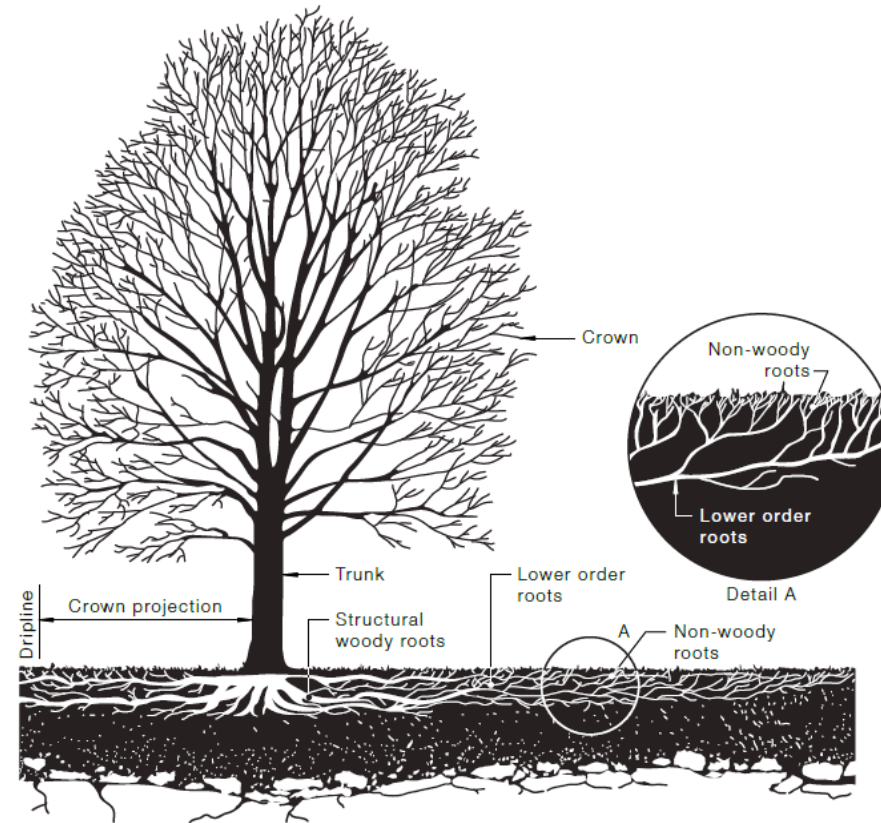
- Be along the alignment of the encroachment within the TPZ
- Be to an appropriate depth
- Severing of roots is not the only consideration
- Planning arborist to inspect the trench while open
- An accompanying report



# Non-Invasive Root investigation Reports

**The non-invasive root investigation reports must consist of:**

- Photos of the uncovered roots
- Diameter of the uncovered roots
- Root locations accurately mapped





# Existing conditions

- In some circumstances ‘like for like’ construction can occur within TPZs
- Common examples are dwellings and driveways
- Strict conditions are required



# What arboricultural reports when



## **Preliminary Tree Assessment, Preliminary Arboricultural Report, Predevelopment Report:**

- These three reports are basically the same
- Needed before the plans to guide the proposed design
- Important to give the client accurate information

## **Arboricultural Impact Assessment:**

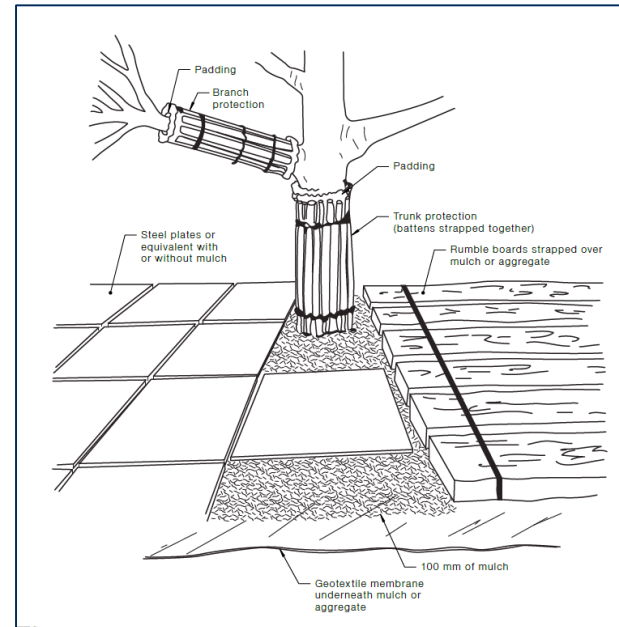
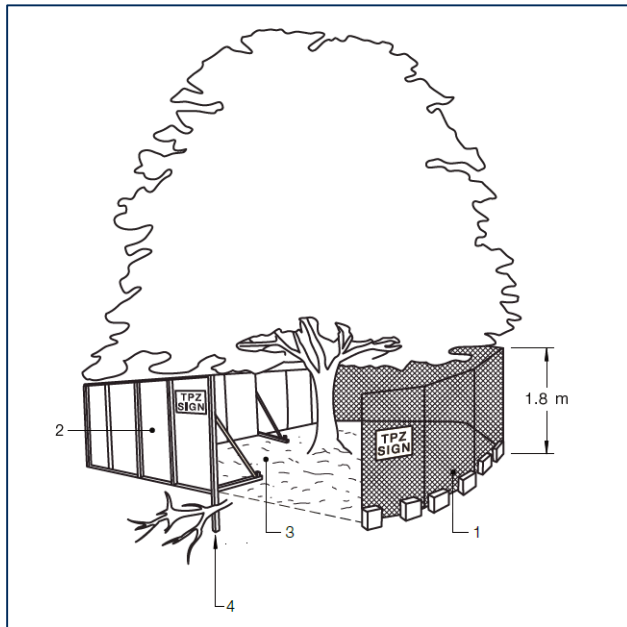
- Undertaken once the proposed plans are close to being finalised
- Identifies what trees are to be retained and how





## Tree Protection Plans (TPP)

- TPP must be Specific to each individual development
- Generic cut and pasted TPPs are not satisfactory





# Activities Restricted Within the TPZ

- (a) machine excavation including trenching;
- (b) excavation for silt fencing;
- (c) cultivation;
- (d) storage;
- (e) preparation of chemicals, including preparation of cement products;
- (f) parking of vehicles and plant;
- (g) refuelling;
- (h) dumping of waste;
- (i) wash down and cleaning of equipment;
- (j) placement of fill;
- (k) lighting of fires;
- (l) soil level changes;
- (m) temporary or permanent installation of utilities and signs, and
- (n) physical damage to the tree.

**Note:** These restrictions are taken directly from the standard



# Common mistakes that can delay an application



- Significant trees listed as being of low retention value that are high
- Significant trees with incorrect DBHs
- Neighboring trees that have been missed/under estimated DBHs
- Encroachments missed/not considered
- TPZ/SRZ below the minimum (TPZ 2m, SRZ 1.5m)
- 'Double dipping' of TPZ
- Underestimating impacts of major encroachments
- Incorrect information resulting in a RFI



# Trees on Public Land

Ben De Klepper



# Urban Forest Strategic Plan



Trees - Most important assets, our goal is to protect and enhance the urban forest

- **Goals/aims**

- Value the nature strip as an asset
- 75% Canopy Cover in streets at maturity

- **Pressures**

- Reduction of canopy in private realm
- Aging tree population





# Vehicle Crossing Policy

- Background
  - loss of street trees
  - reduced nature strip
  - changes of rhythm
- Aims
  - Support the character of neighbourhoods and guide growth to accessible places
  - Support strengthening of local centres of activity
  - Protect and develop publically used assets
  - Enhance public spaces
  - Support sustainable transport



# What we look for

- Materials – storage AS 4970
  - Tree Protection fencing AS 4970
  - ‘Non destructive’ techniques
- 
- Tree Care - during or post work treatment (mulch application, watering, nutrition etc.) if any encroachment



# Future projects for Banyule



- Amenity valuation system
- Street Tree Masterplan – determined preferred species





# 2 x Take Homes

- We value the space to plant a tree
- You can help us with tree care



# Magistrate outcomes in Banyule

Matthew Barkla







# Planning controls

## Banyule Planning Scheme

- Vegetation Protection Overlay (VPO)
- Clause 42.02-2

*A permit is required to remove, destroy or lop any vegetation specified in a schedule to this overlay*

- VPO1 – A permit is required to remove, destroy or lop any native vegetation.
  - VPO2 – A permit is required to remove, destroy or lop any tree or shrub identified in the “Loyola Seminary and Environs Heritage Plan 1994”
  - VPO3 – A permit is required to remove, destroy or lop any vegetation.
  - VPO4 - A permit is required to remove, destroy or lop any native vegetation.
  - VPO5 – A permit is required to remove, destroy or lop any vegetation that:
    - Has a height of 12m or more; or
    - Has a trunk or stems which are 400mm in diameter at 1400mm above the base of the tree
- Planning permits

# Standard permit conditions



Unless otherwise agreed in writing by the Responsible Authority, prior to the commencement of works (including demolition) on the site Tree Preservation Zones must be established around Trees #, #, #, #. You must contact Council's Development Planning Arborist on 9457 9808 once the Tree Preservation Fencing is erected so that an inspection of the fencing can be carried out. Once installed and inspected the Tree Preservation Zones must be maintained to the satisfaction of the Responsible Authority, and meet the following requirements

- a. **Extent**
  - i. Tree preservation fencing is to be installed as shown in the Tree Management Plan. Where the calculated TPZ occurs outside these fenced areas, it must be managed in accordance with the extent of the calculated Tree Protection Zone (TPZ) where it occurs within the subject property of all trees indicated as being retained on the endorsed plan.
- b. **Management of Works**
  - i. All approved works within a TPZ must be undertaken in accordance with Tree Management Plan and a suitably qualified arborist must supervise or undertake all approved activity within the calculated TPZ of a retained tree in accordance with this document.
  - ii. Any root severance within the TPZ must be undertaken to their satisfaction using a clean, sharp and sterilised pruning saw. There must be no root pruning within the SRZ unless approved in writing by the Responsible Authority.
  - iii. All and any excavations within the TPZ of retained trees must be undertaken by hand or by approved non-destructive techniques suitable in the vicinity of trees, and must only be undertaken for endorsed works or for works subsequently approved by the Responsible Authority.
- c. **Weed control**
  - i. Any weeds located within the Tree Preservation Zone are to be removed and the area mulched with 100mm of composted coarse grade woodchips.
- d. **Fencing**
  - i. Protective fencing must consist of chain wire mesh panels held in place with concrete feet. Fencing must comply with Australian Standard AS4687-2007 Temporary fencing and hoardings.
  - ii. The fences must not be removed or relocated without the prior consent of the Responsible Authority.
- e. **Signage**
  - i. Fixed signs are to be provided on all visible sides of the Tree Preservation Fencing, stating "Tree Preservation Zone — No entry without permission from the City of Banyule".
- f. **Irrigation**
  - i. The area must be irrigated during the summer months with 10 litres of clean water for every 1 cm of trunk girth measured at the soil / trunk interface on a monthly basis during summer (or a percentage thereof equivalent to the percentage of TPZ area occurring within the subject site).
- g. **Access to Tree Preservation Zone**
  - i. No persons, vehicles or machinery are to enter the Vegetation Protection Zone except with the consent of the Responsible Authority;
  - ii. No fuel, oil dumps or chemicals are allowed to be used or stored within the Vegetation Preservation Zone and the servicing and re-fueling of equipment and vehicles must be carried out away from the root zones;
  - iii. No storage of material, equipment or temporary building is to take place within the Vegetation Preservation Zone;
  - iv. Nothing whatsoever, including temporary services wires, nails, screws or any other fixing device, is to be attached to any tree.
- h. **Underground Services**
  - i. Any underground service installations transecting a Tree Protection Zone of any retained tree must be bored to a depth of at least 600mm. Any excavation within the calculated TPZ of a retained tree required for the connection of services must be:
    - ii. Undertaken after written approval is received from the Responsible Authority; and,
    - iii. Undertaken by hand or by approved non-destructive techniques suitable in the vicinity of trees under the supervision of the project arborist.

## NOTE:

- Requests for consent of the Responsible Authority (City of Banyule) pursuant to this Condition should be directed to Council's Arborist — Development Planning on 9457 9808. Consent for the conduct of works within the Tree Protection Zone, where granted, may be subject to conditions. Such conditions may include a requirement that:
- Any underground service installations within the Tree Protection Zone be bored to a depth of 1.5 metres;
- All root excavation be carried out by hand digging or with the use of 'Air-Excavation' techniques;
- Roots required to be cut are to be severed by saw cutting and undertaken by a qualified arborist.
- Or other conditions, as relevant, to ensure the ongoing health and stability of the subject tree/s.



# Non-compliance



## Planning and Environment Act 1987

### Section 114 – Enforcement Orders

### Section 126

(1) Any person who uses or develops land in contravention of or fails to comply with a planning scheme, or a permit, or an agreement under section 173 is guilty of an offence.

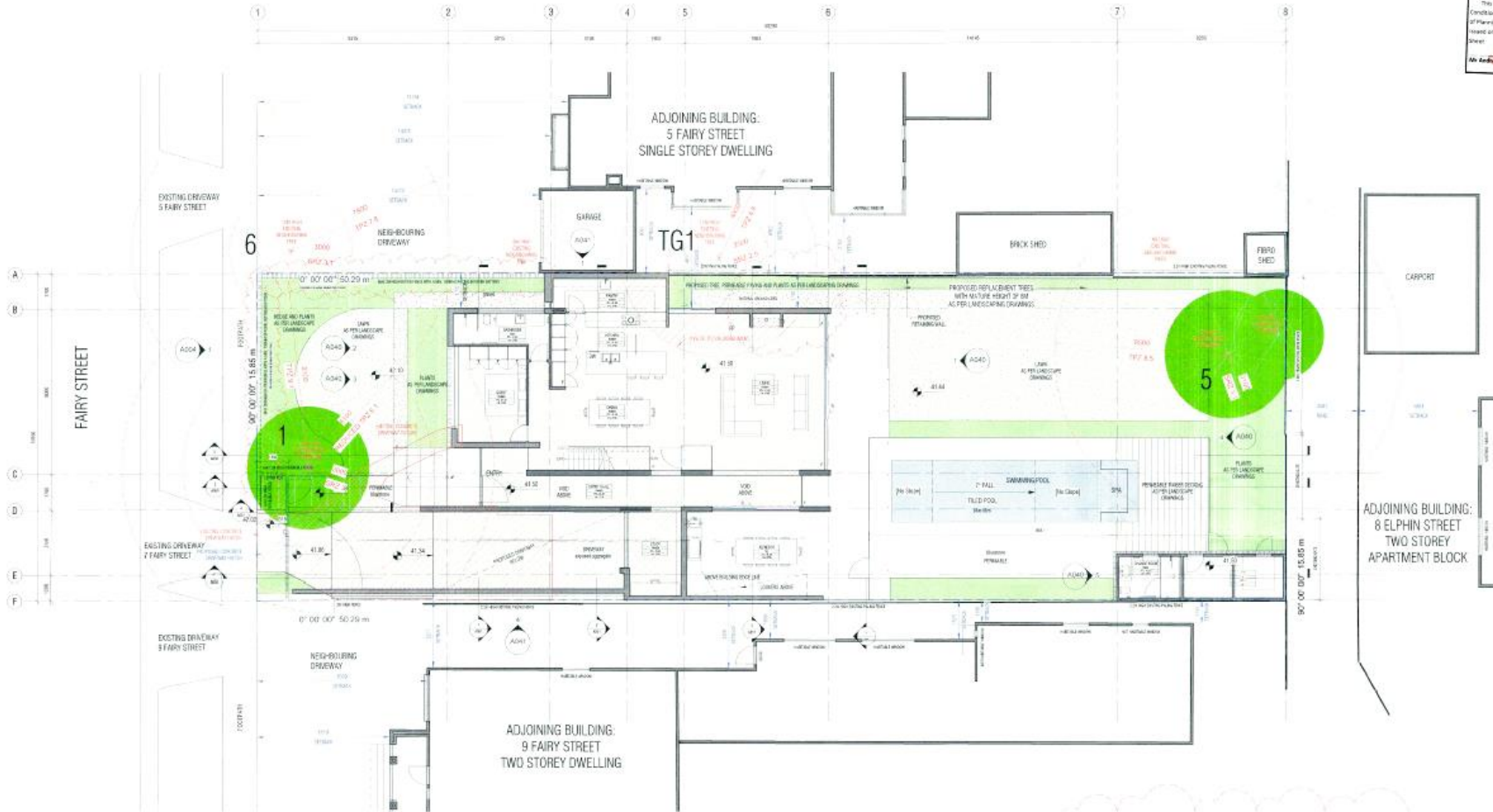
(2) The owner of any land is guilty of an offence if—

- (a) the land is used or developed in contravention of a planning scheme, a permit or an agreement under section 173; or
- (b) there is any failure to comply with any planning scheme, permit or agreement under section 173 applying to the land.

(3) The occupier of any land, is guilty of an offence if—

- (a) the land is used or developed in contravention of a planning scheme, a permit or an agreement under section 173; or
- (b) there is any failure to comply with any planning scheme, permit or agreement under section 173 applying to the land.

# Case example



1 PROP. GROUND FLOOR PLAN  
1:100

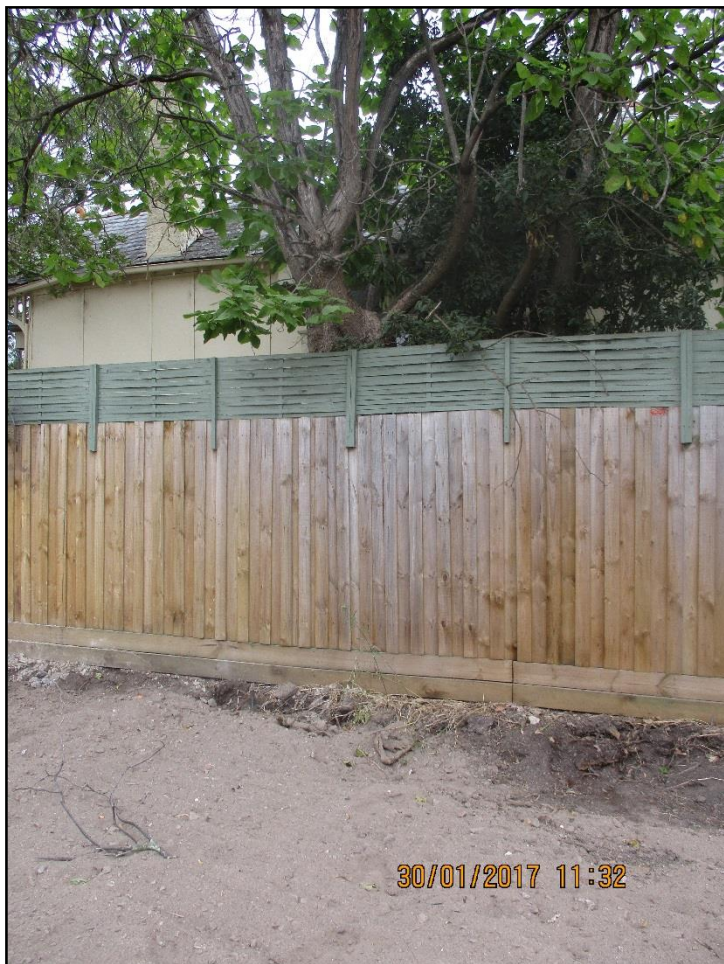
NOTE:  
NO BUILDING WORKS OR FACILITIES ARE TO BE PROVIDED WITHIN THE DEDICATED LANDSCAPE AREAS.



















19 October 2017







19 October 2017







19 October 2017

























## Session 2

# Overview of Planning & Development in Banyule

# Overview of Planning and Development in Banyule



## OPENING (Cr Phillips Mayor and City Development Portfolio Councillor)

Topic	Speaker
Growth & Development in Banyule	Scott Walker, Director City Development
Policy Framework & Assessment Tools	Joel Elbourne, Manager Urban Planning & Building
Q&A Panel	Wayne P, Scott W, Joel E
OPTIONAL Session (Lodging Applications) or 10 Minute Break	



# Growth & Development in Banyule

Scott Walker



# Welcome to Banyule City Council



# City Development Structure



Development  
Planning & Building

Environment &  
Place

Transport

Property

Planning

Building

Municipal Laws

Transport  
Engineering

Valuations

City  
Futures

Economic  
Development

Transport  
Planning  
Advocacy

Property

Environment

Spatial & Property  
Systems Analyst

# CITY DEVELOPMENT

CREATING AND PRESERVING  
GREAT PLACES



# Planning & Building



## **What is the role of the Development Planning Department**

- Considers the way land is used & developed
- How the development may impact the character and amenity (liveability) of an area
- Ensure land use and development decisions are fair, orderly, economic and sustainable in accordance with the Banyule Planning Scheme
- Assesses applications relating to development works, property subdivisions, vegetation removal, heritage overlays, change of land use and more!
- Carry out enforcement on development not in compliance with the Planning Act

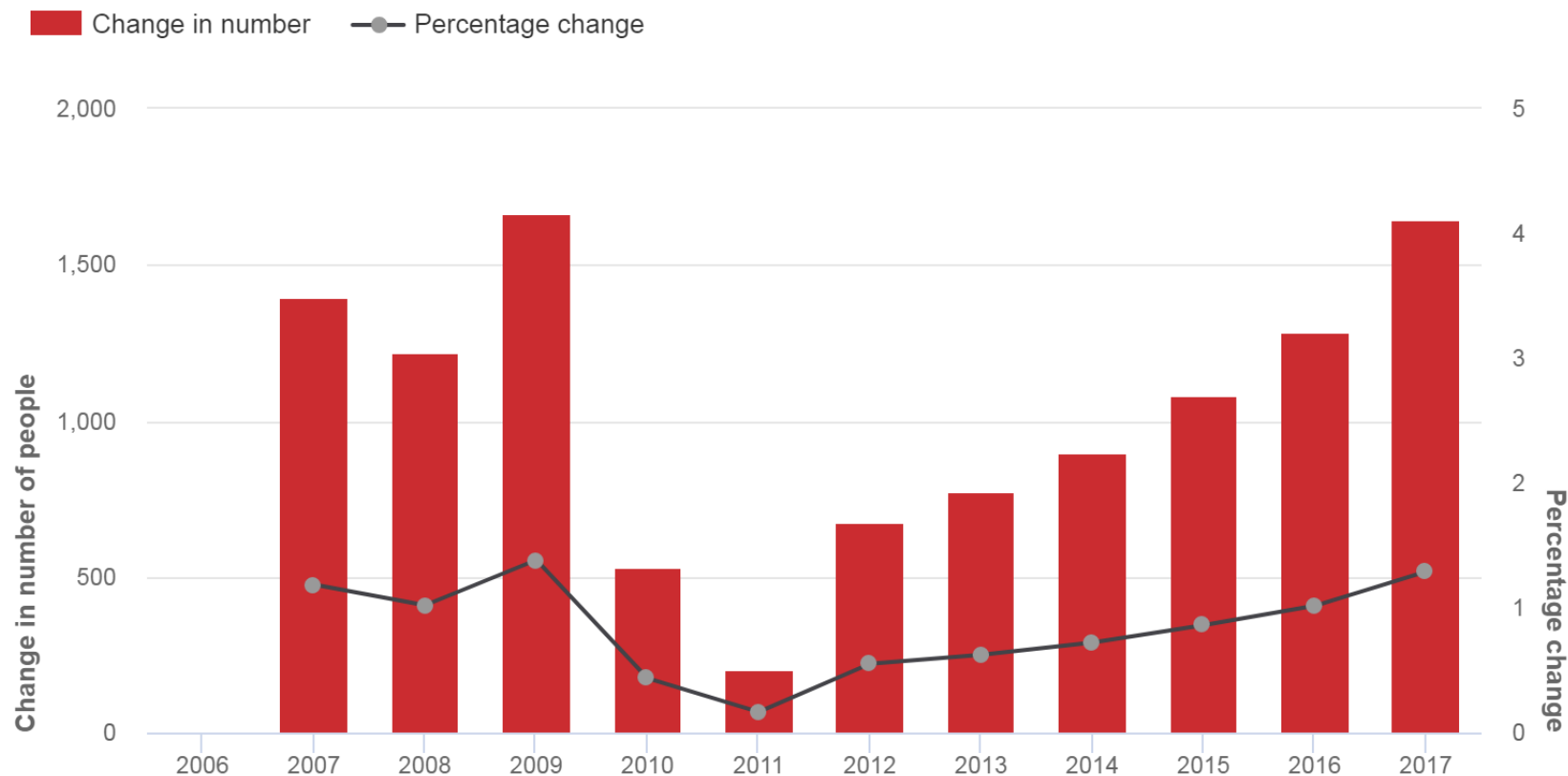
## **What is the role of the Building Department?**

- Assesses the structural quality of a proposed building/structure in accordance with the Building Regulations 2018
- Assesses applications relating to structural works, Report & Consent, Section 29a, Reg 51(1) and more!
- Carry out inspections throughout the mandatory stages of building
- Carry out enforcement on works not in compliance with the Building Act



# Annual change in Estimated Resident Population (ERP)

City of Banyule



Source: Australian Bureau of Statistics, Regional Population Growth, Australia (3218.0). Compiled and presented by .id the population experts

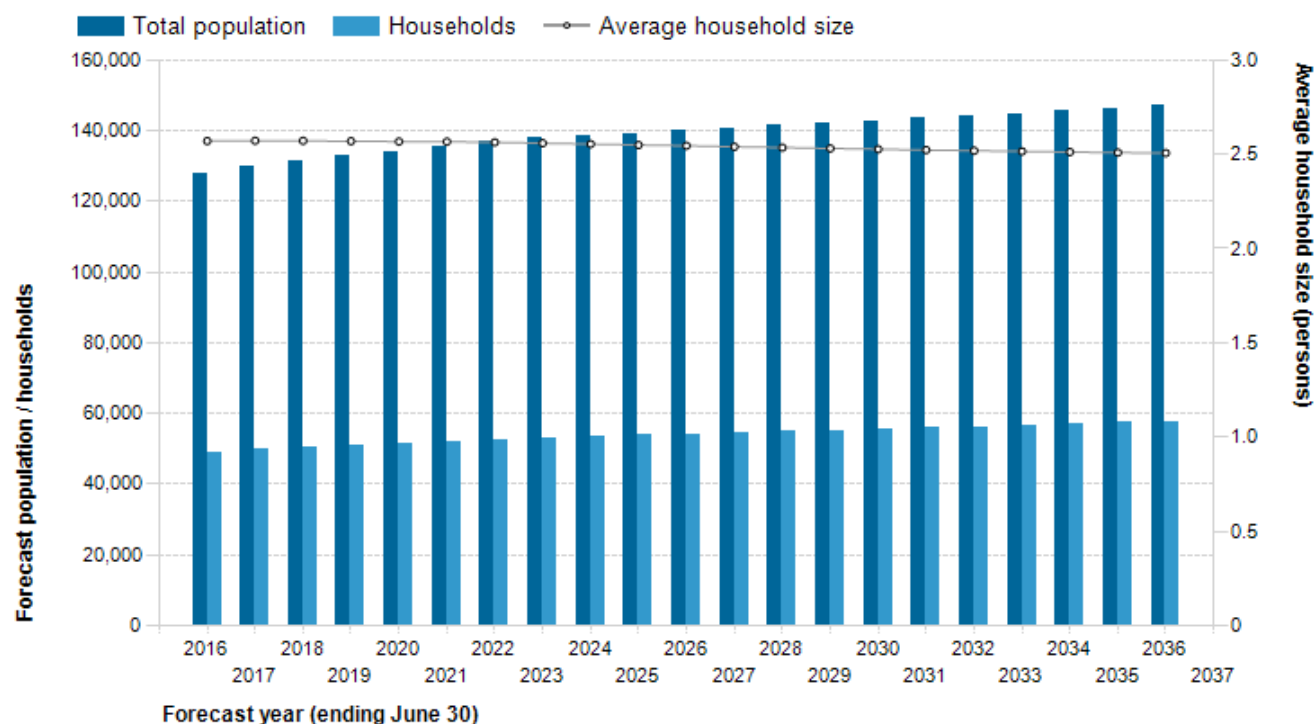
**.id** the population experts



“ The City of Banyule population forecast for 2019 is 132,771, and is forecast to grow to 147,098 by 2036. ”

## Forecast population, households and average household size

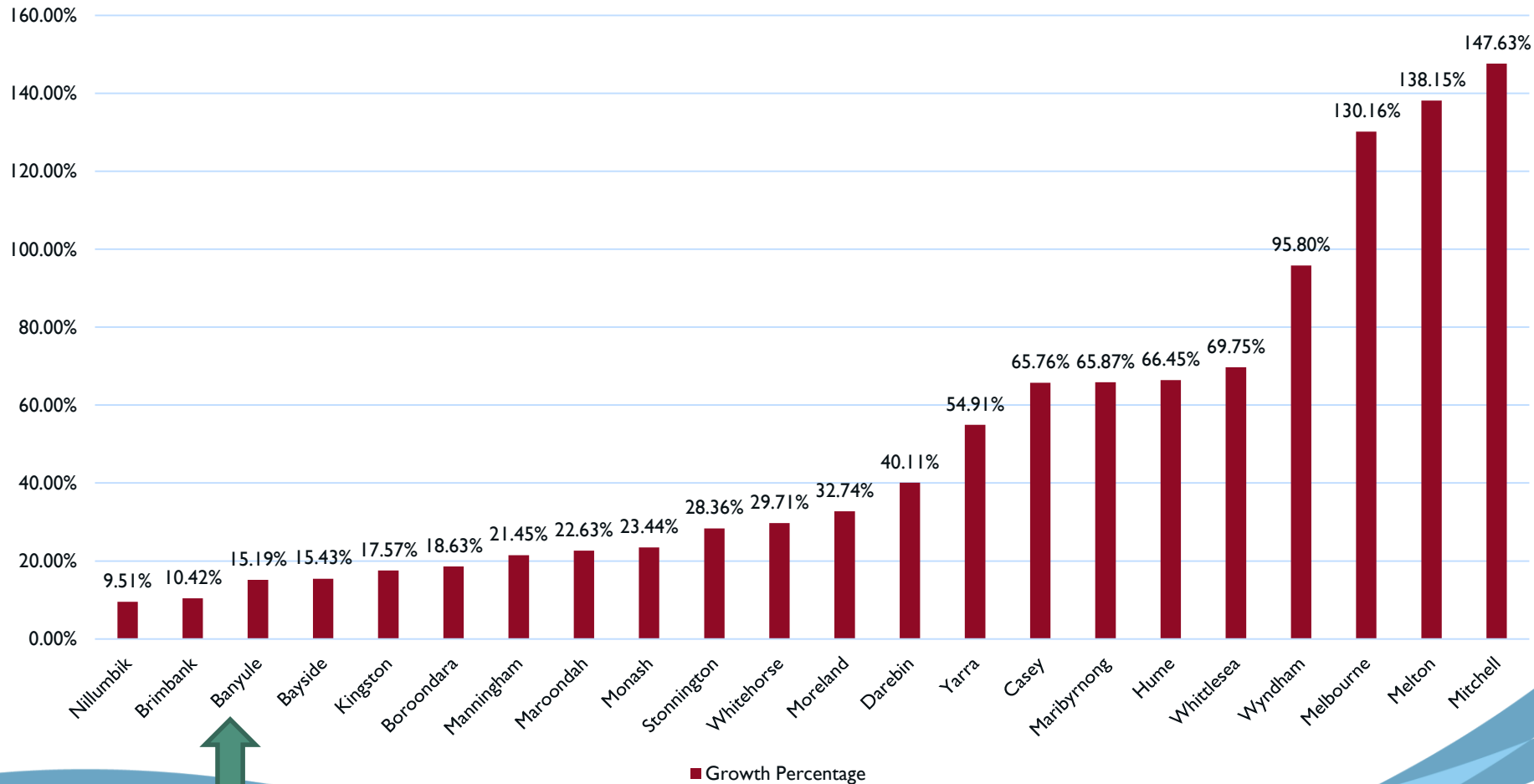
City of Banyule



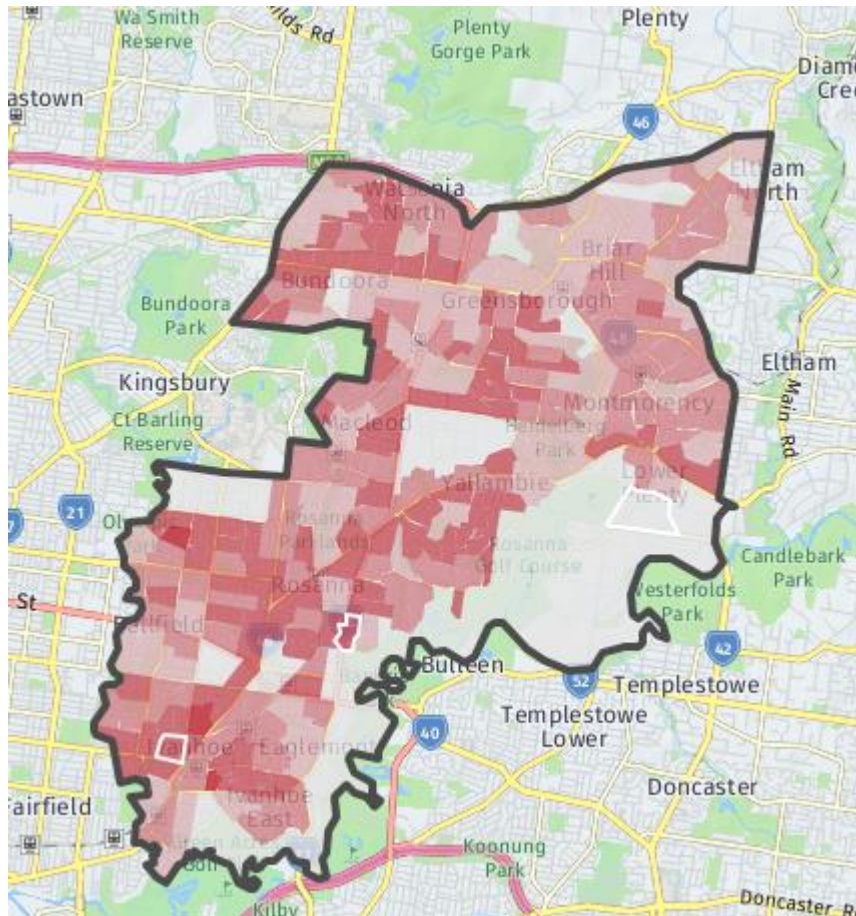
Population and household forecasts, 2016 to 2036, prepared by .id the population experts, November 2017.

.id the population experts

# Forecast Population Growth Between 2016-2036



# Population Density



- 0.06 to 12.16 people
- 12.17 to 21.05 people
- 21.06 to 28.43 people
- 28.44 to 38.15 people
- 38.16 to 61.22 people

“ In the City of Banyule, 23.5% of the dwellings were medium or high density, compared to 33% in Greater Melbourne.

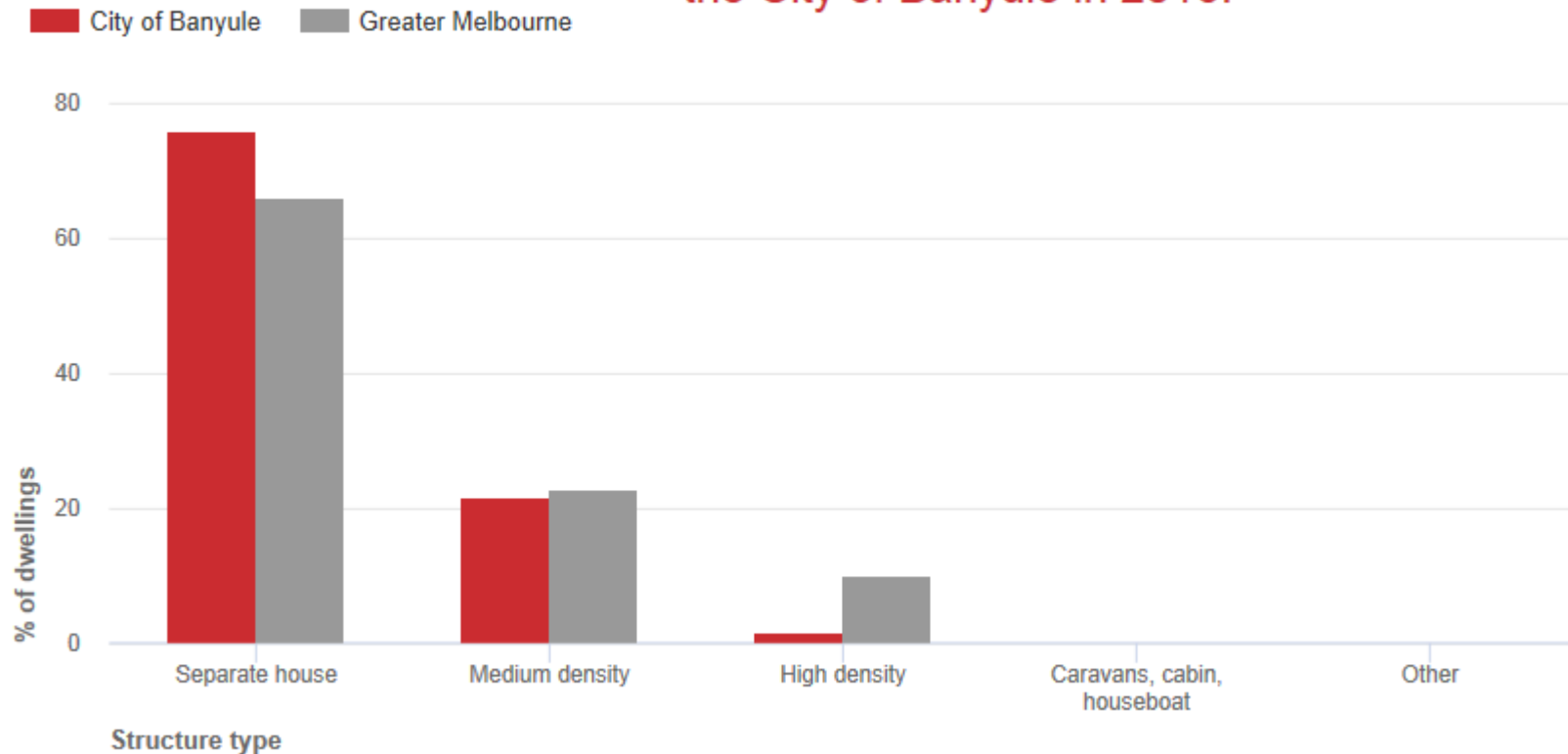


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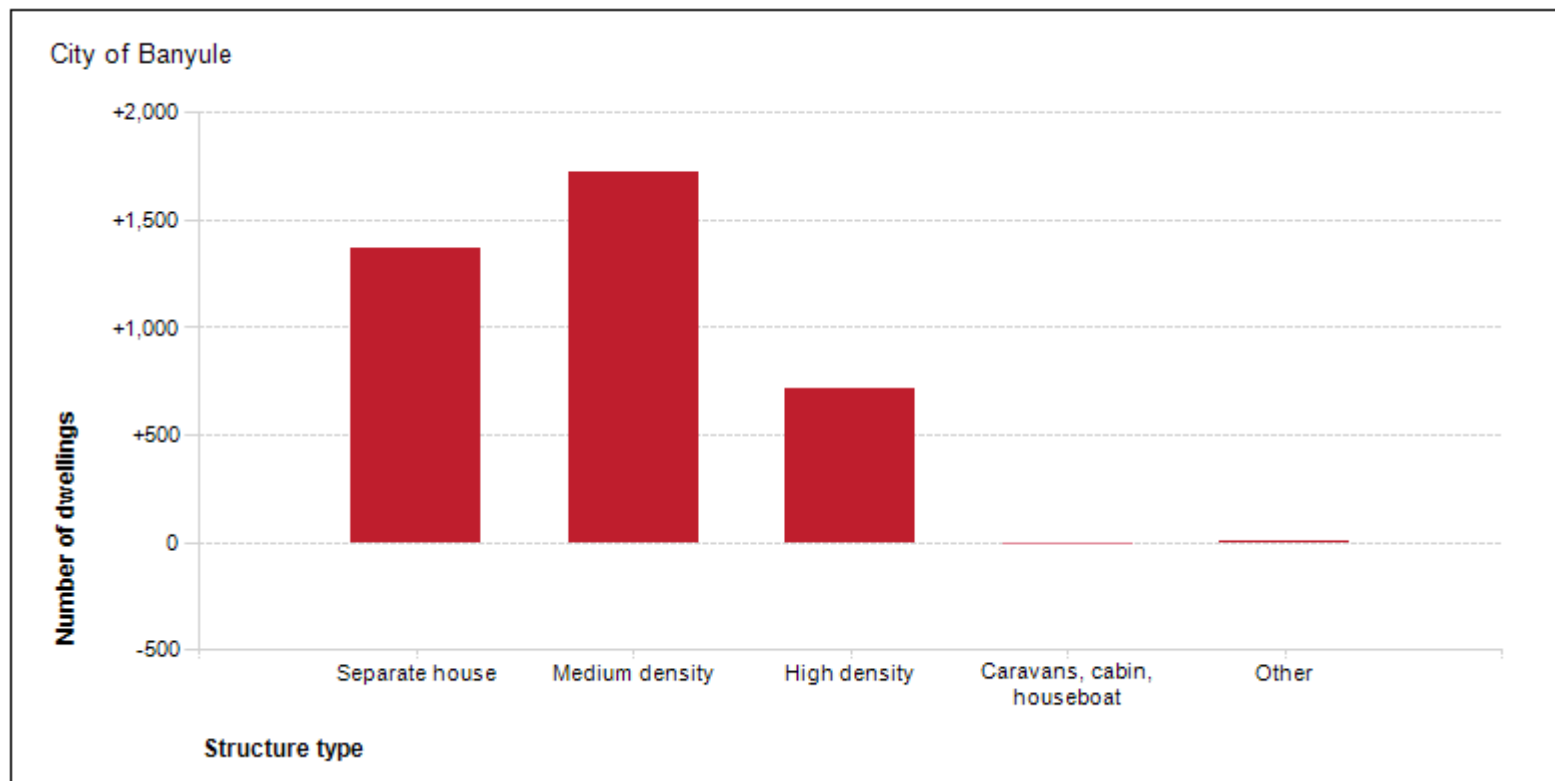
## Dwelling structure, 2016

“ Dwellings with 3 bedrooms were the most common in the City of Banyule in 2016.

”



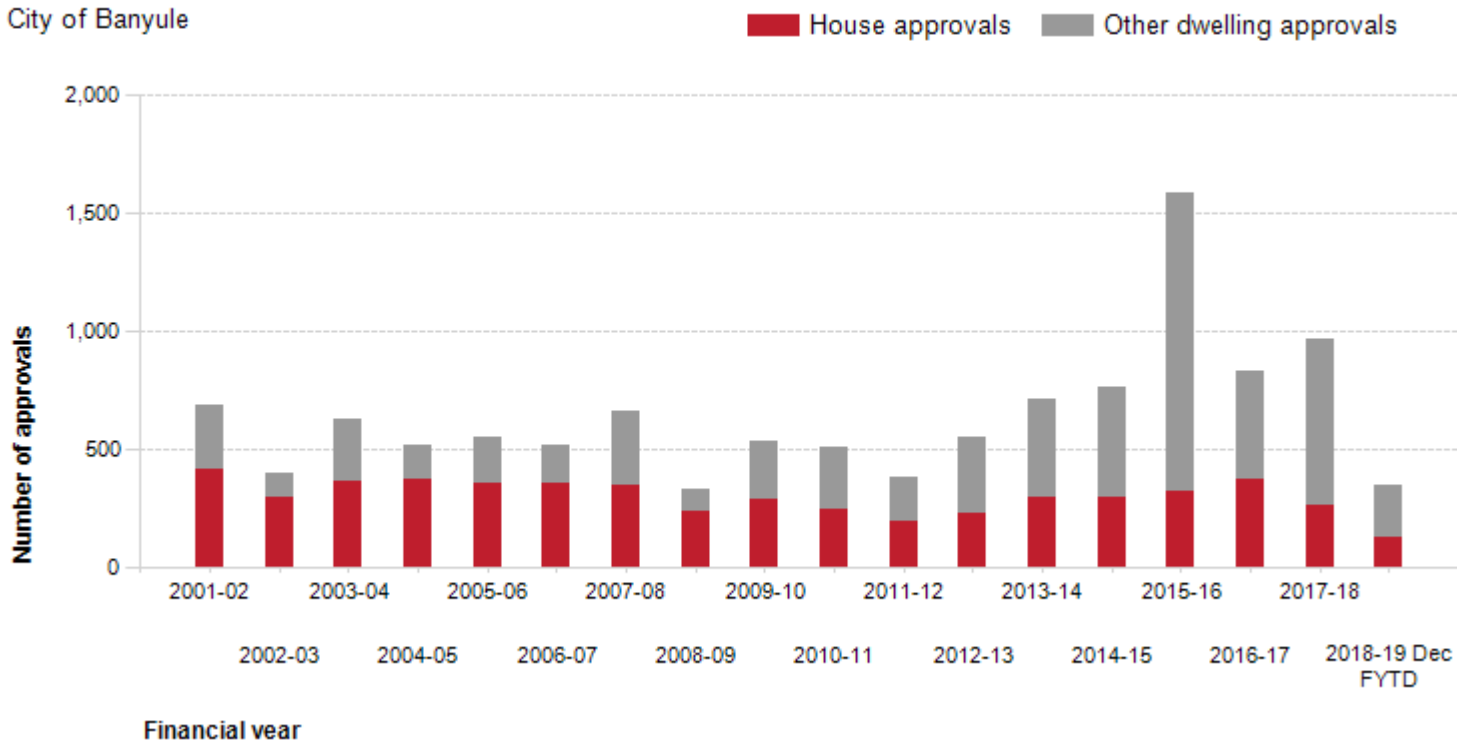
# Change in Dwelling Structure 2006-2016





## Residential building approvals

City of Banyule



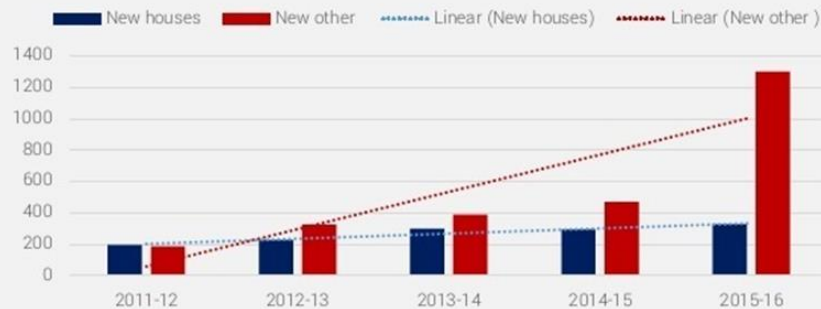


# RESIDENTIAL OVERVIEW

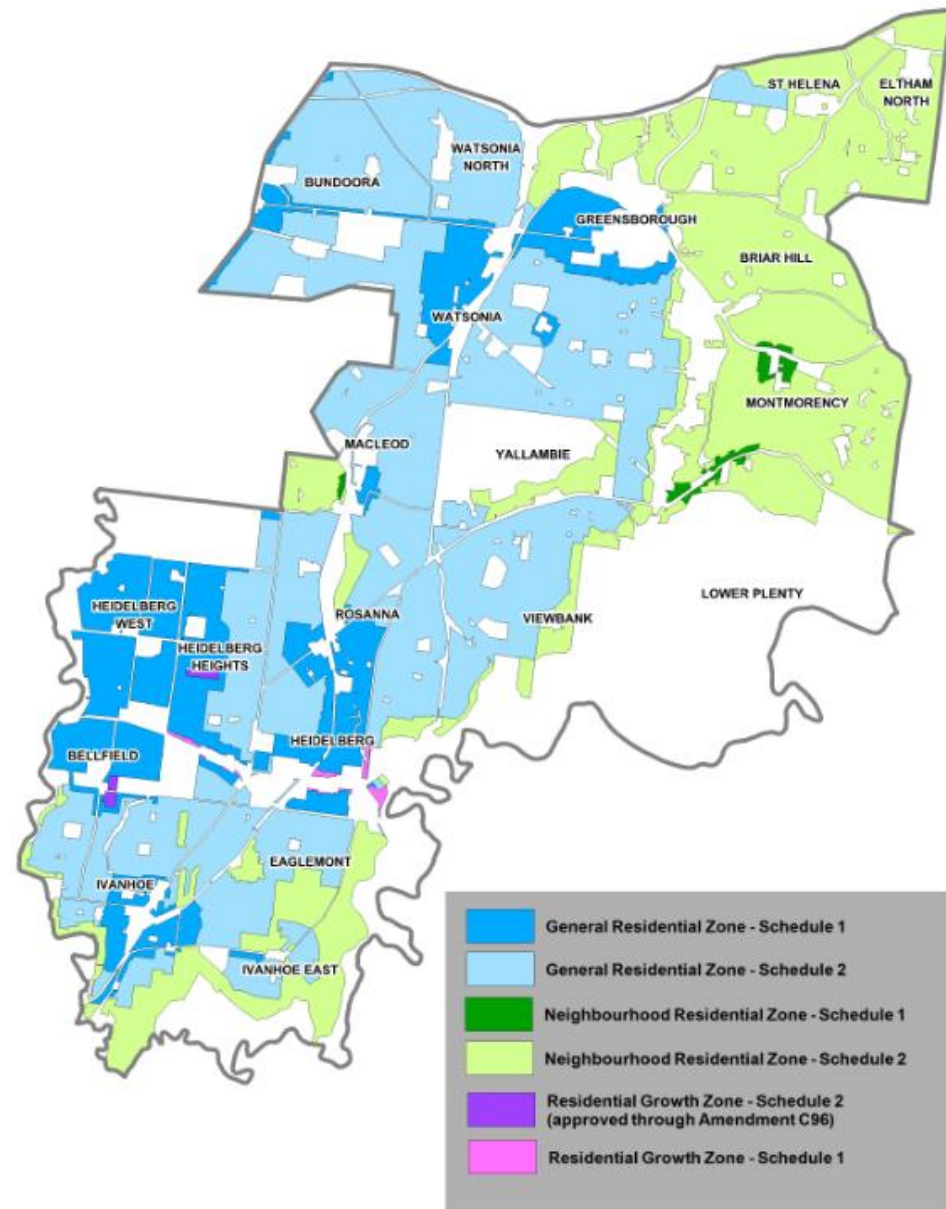
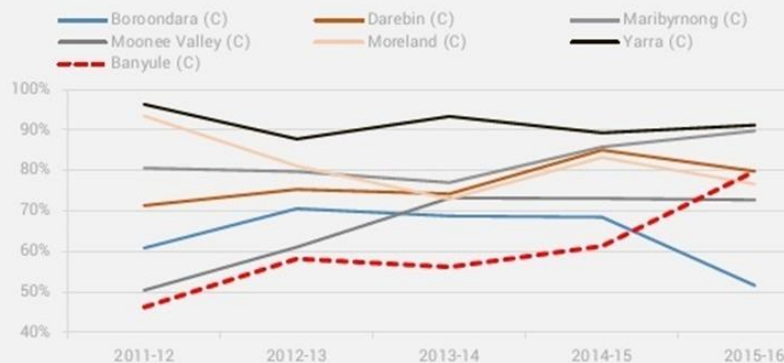
## RESIDENTIAL TRENDS & IMPLICATIONS

- Strong population growth driven by infill development and increasing appetite for apartments
- Unbalanced growth – concentrated in the south of Banyule. Reflecting the development profile of inner-city areas.
- Development pressure to occur in Activity Centres
- Increasing competition with other land uses

Historical Dwelling Permits 2011-2016 (ABS)



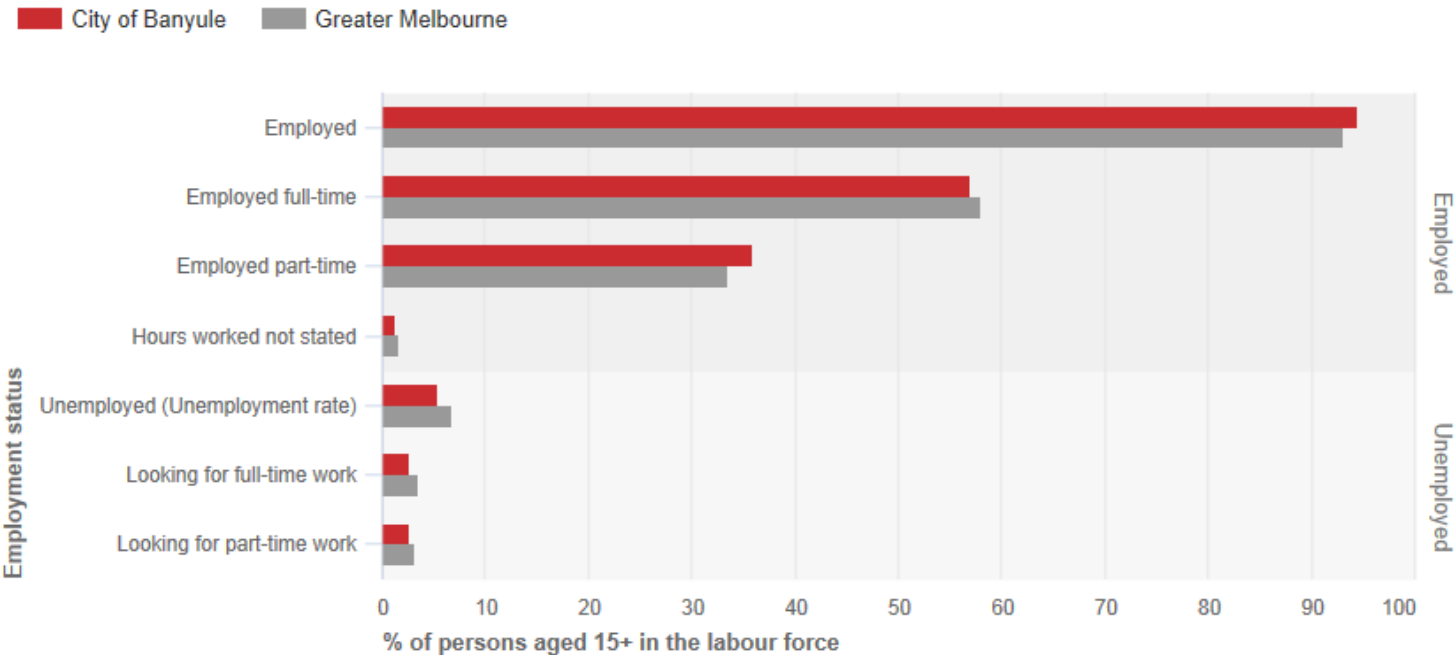
Proportion of Dwelling Permits Not Separated Houses (i.e. apartments, townhouse)



“ 58,914 people living in the City of Banyule in 2016 were employed, of which 60% worked full-time and 38% part-time. ”

## Employment status, 2016

Total persons in the labour force



Source: Australian Bureau of Statistics, Census of Population and Housing, 2016 (Usual residence data). Compiled and presented in profile.id by .id, the population experts.

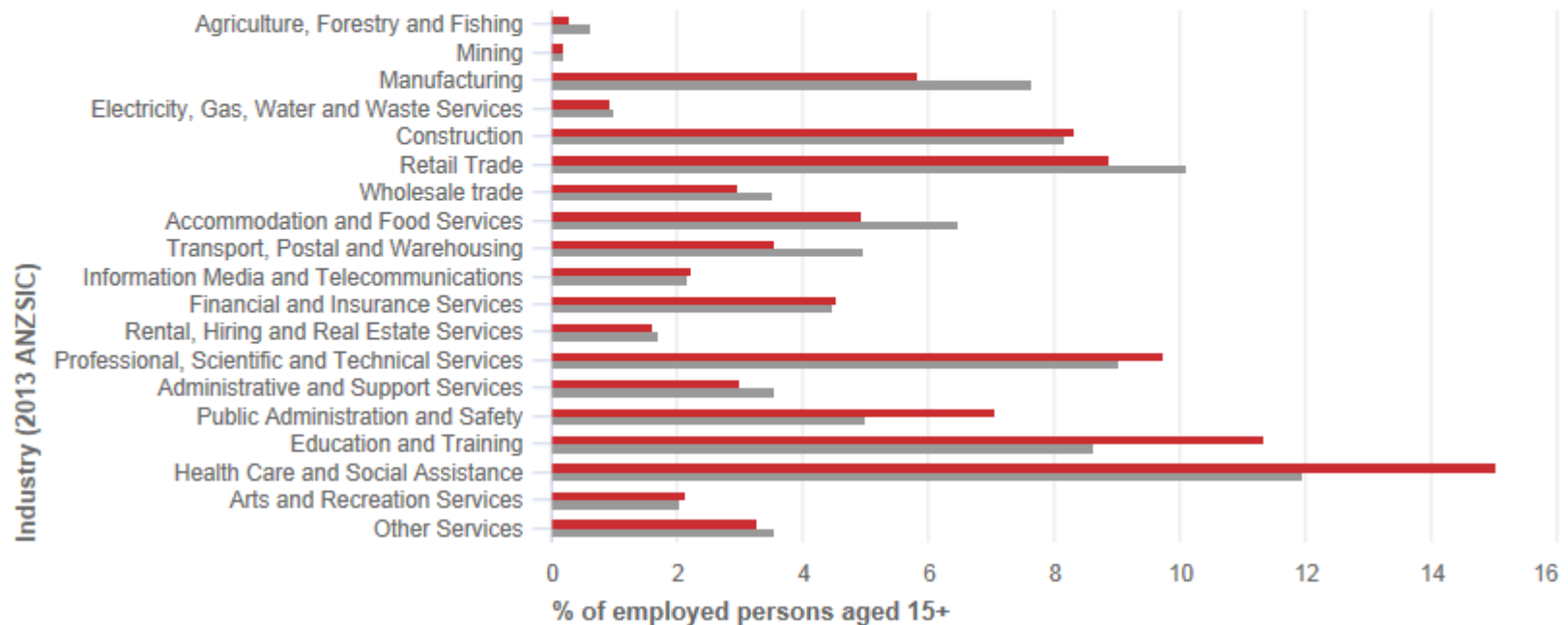


“ More City of Banyule residents worked in health care and social assistance than any other industry in 2016. ”

## Industry sector of employment, 2016

Total employed persons

■ City of Banyule ■ Greater Melbourne

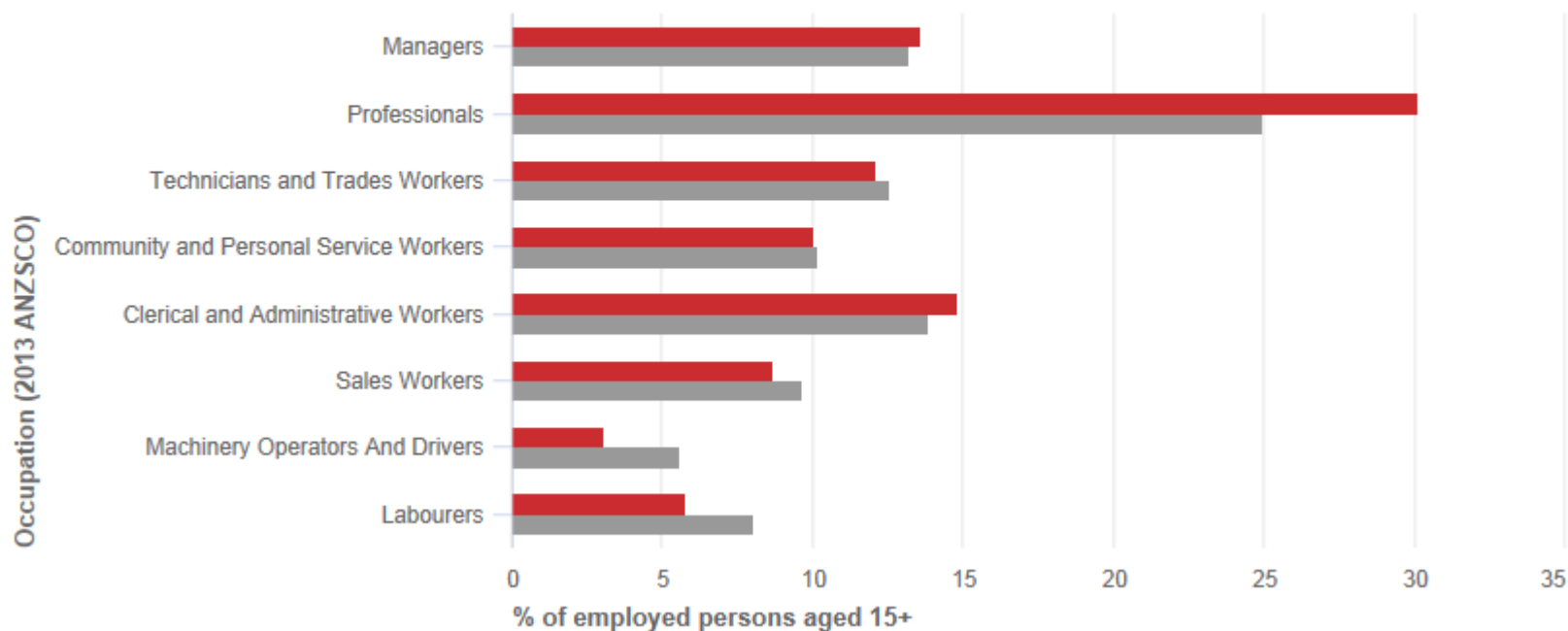




# Occupation of employment, 2016

Total employed persons

■ City of Banyule    ■ Greater Melbourne

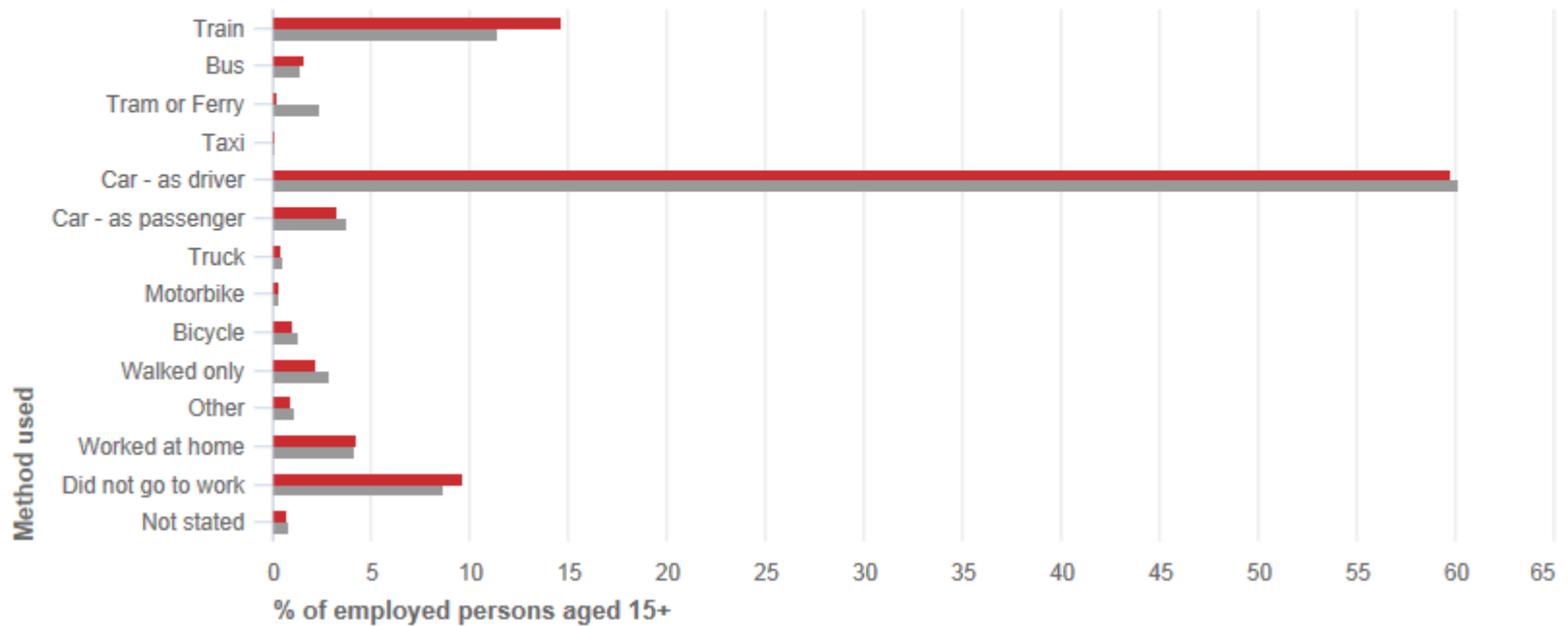


“ In the City of Banyule 1,994 people rode their bike or walked to work in 2016. ”

## Method of travel to work, 2016

Total employed persons

■ City of Banyule ■ Greater Melbourne



# Employment Cluster

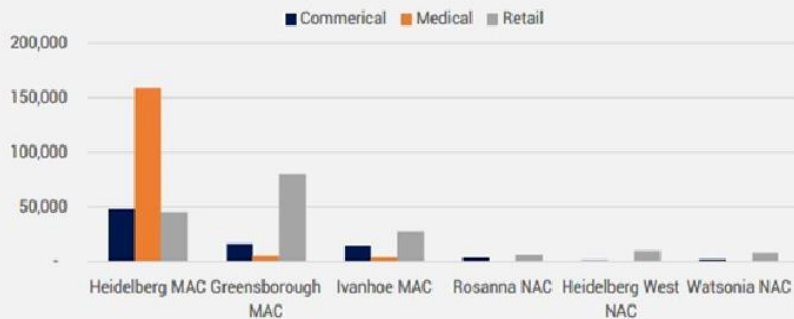
## ACTIVITY CENTRE CONTEXT

The six Activity Centres account for 59% of employment, 70% of retail floorspace, and 66% of commercial floorspace in Banyule

Activity Centre Employment (2011)



Activity Centre Existing Floorspace (sqm)





# Policy Framework & Assessment Tools

Joel Elbourne





# Policy Framework

- *Planning and Environment Act 1987* 'The Act'.
- Planning Scheme
  - Zones, Overlays (Land use provisions and permit triggers)
  - Strategic considerations (housing frameworks, structure plans, Strategic statements)
  - ResCode, Apartment Design Guidelines
  - Other Particular Provisions (inc. car parking rates)
  - Neighbourhood Character Policy

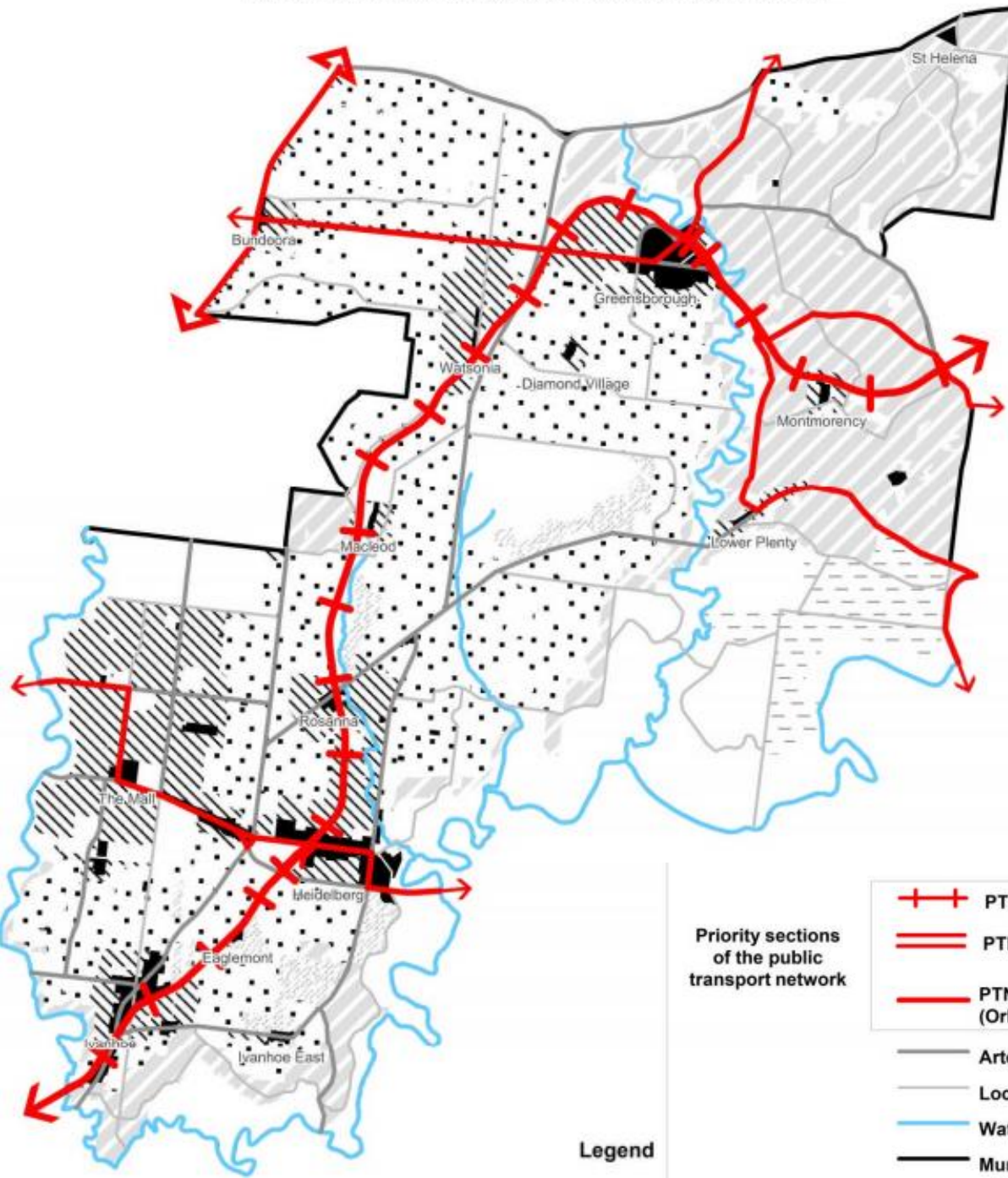




# Residential Zones

- Residential Zones in Banyule
  - Residential Growth Zone,
  - General Residential Zone (Schedule 1 and 2),
  - Neighbourhood Residential Zone
- Reformed Residential zones March 2017
  - Mandatory heights in GRZ (3 storey) and NRZ (2 storey)
  - Two dwelling maximum removed in NRZ
  - Minimum Garden Area requirements depending on lot size (25% - 35%)
  - More guidance to be provided on possible relaxation of Garden Area requirement in some areas,

# RESIDENTIAL AREAS FRAMEWORK MAP



Priority sections  
of the public  
transport network

Legend

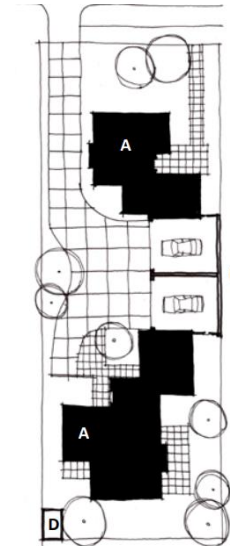
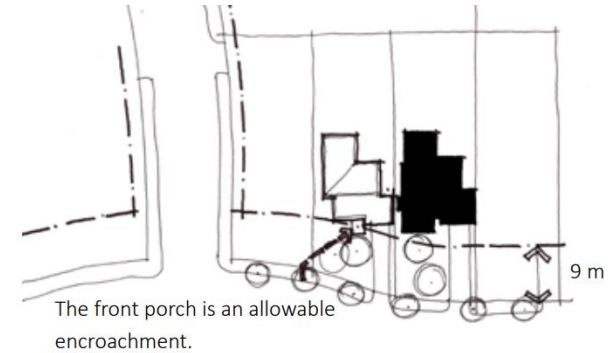
- PTN Train Network
- PTN Tram Network
- PTN Bus Network (Orbital SmartBus)
- Arterial Road
- Local Road
- Waterway
- Municipal Boundary

- Diversity Area
- Accessible Area
- Incremental Area
- Limited Incremental Area
- Limited Area
- Low Density Residential Area

# ResCode

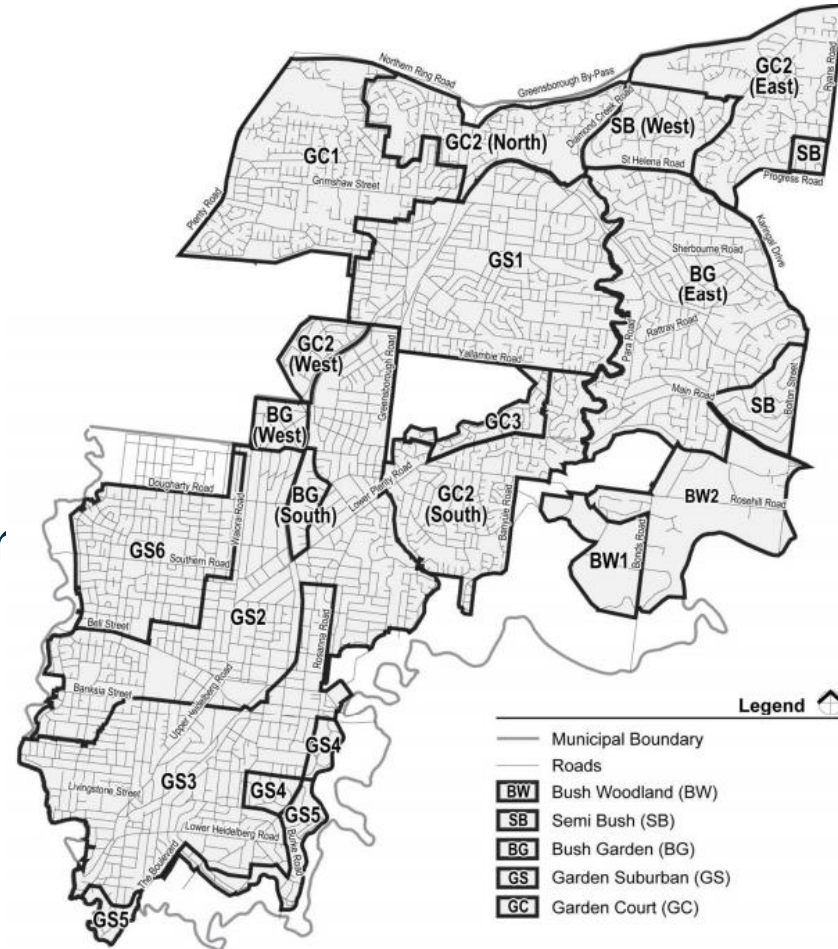


- Neighbourhood Character and Infrastructure
  - Street integration, dwelling diversity, policy framework
- Site layout and build massing
  - Street setback, heights, site cover, car parking, landscaping
- Amenity impacts
  - Side setbacks, overlooking, overshadowing, walls on boundaries
- On-site amenity
  - Daylight access, private open space
- Detailed Design
  - Design detail, fences, site services.



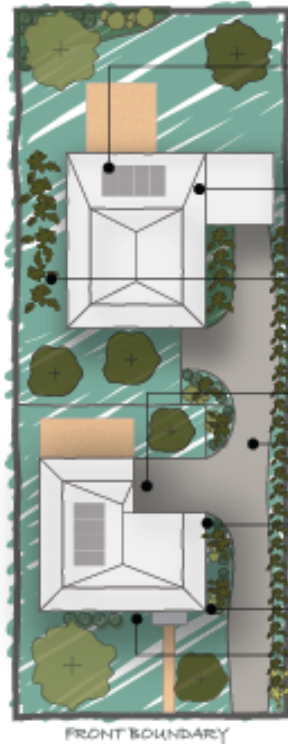
# Neighbourhood Character Policy

- Finer grain vs. ResCode (overlaps and articulates) but more restrictive than ResCode i.e. 40% site cover vs. 60%
- Recognise differences across Banyule
- Clear guidance on design of upper levels, front fences,
- Aligns with strategic drivers for Go go, Go and Go slow areas
- Provides framework for tree retention and planting





## Indicative Lot Layout: Plan



Air conditioning, rainwater tanks, bins and storage located and/or screened so they are not visually obtrusive in the streetscape.

Building site coverage to keep substantial trees and provide for new trees and landscaping. This should be no more than 40% in **GRACE** and less in **PIPER**.

Buildings should be a sufficient distance from at least one side or rear property boundary to enable the planting and growth of medium to large trees.

Carports and garages behind the line of the dwelling.

Driveways finished in muted tones.

Split system air conditioner units at ground level to minimise visibility from the public realm and neighbouring properties.

Dwellings setback in line with the predominant front setback of dwellings along the street.

Locate services away from front boundary and provide space to screen services located in the front setback.

Maintain and strengthen garden dominated streetscape character.

Large shrubs and trees in the front setback and garden beds along driveway edges provided to prevent car parking in this location.

Design landscaping and screens to soften the view of services. Consider colocation with mailboxes.

### LARGE TREES AS PER RELEVANT RATIO

Garden Suburban	1:400
Gardant Court	1:400
Bush Garden	1:200
Semi Bush	1:150

No vehicle parking in front setbacks

Development to rely on single driveway/vehicle crossing in accordance with Banyule City Council Vehicle Crossing Policy 2012.

# Multi-Dwelling

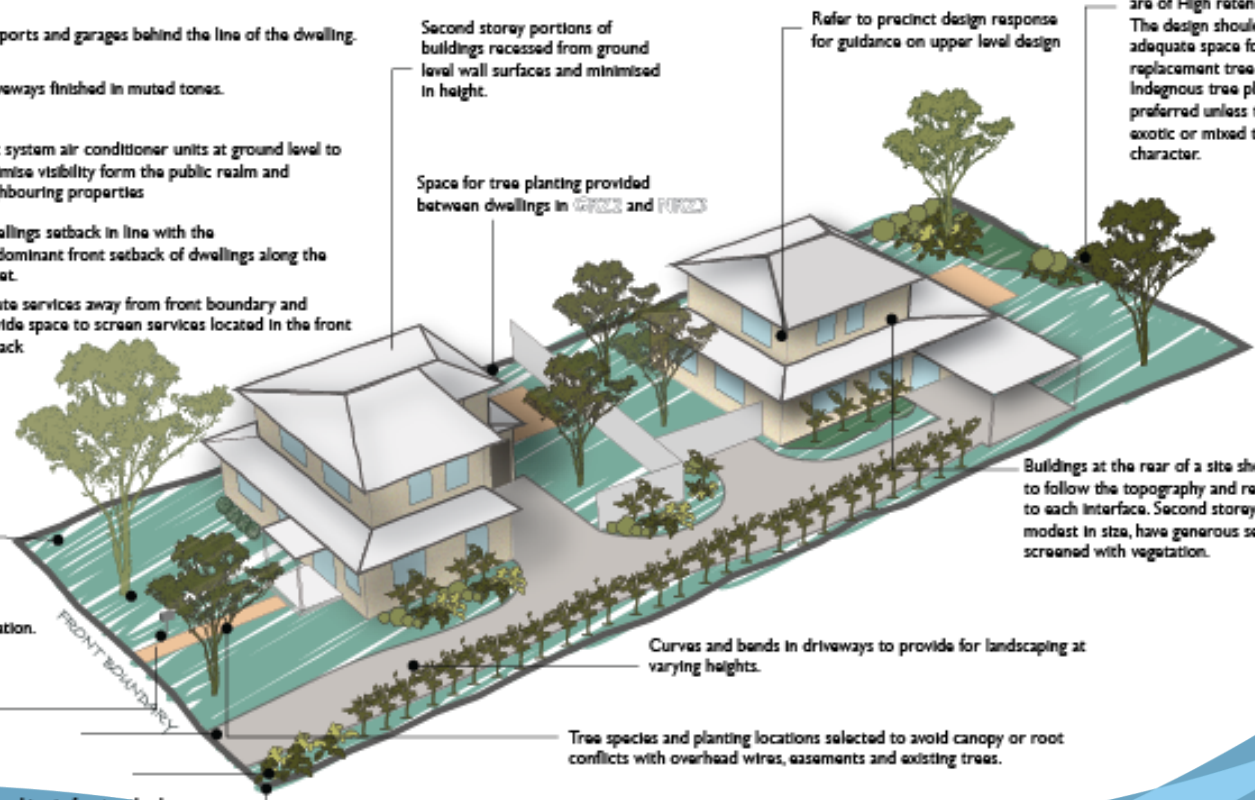
## Neighbourhood Character Design Guidelines



## Indicative Lot Layout: Perspective

Ensure an arborist report is obtained early in the design process. This must include a tree inventory and impact assessment.

Retain existing trees wherever possible, particularly where they are of High retention value. The design should provide adequate space for replacement tree planting. Indigenous tree planting is preferred unless there is a exotic or mixed tree character.



Second storey portions of buildings recessed from ground level wall surfaces and minimised in height.

Space for tree planting provided between dwellings in **GRACE** and **PIPER**.

Refer to precinct design response for guidance on upper level design

Buildings at the rear of a site should be designed to follow the topography and respond sensitively to each interface. Second storeys should be modest in size, have generous setbacks and be screened with vegetation.

Curves and bends in driveways to provide for landscaping at varying heights.

Tree species and planting locations selected to avoid canopy or root conflicts with overhead wires, easements and existing trees.

For corner sites, the front setback of a dwelling facing the side street should be at a transition between the predominant setback along the side street, and the side setback of the dwelling facing the front street.







## Session 3

### Initiatives & Improvements

# Initiatives & Improvements



## MEET THE TEAM

Topic	Speaker
What we do in development planning	David Moon, Coordinator Development Planning
Service Initiatives	Joel Elbourne, Manager Urban Planning & Building
Workshop 1	
Developments Tour	Greg Sawyer & Liz Fleming Development Planners
Workshop 2	
Q & A Panel	Scott W, Joel E, David M

**David Moon**  
Coordinator  
Development  
Planning



**Harjinder Singh**  
Team Leader



**Greg Sawyer**  
Development  
Planner



**Naveen Kumar**  
Development  
Planner



**Amy Harris**  
Planning Technical  
Officer



**Janet Redgrave**  
Supervisor Subdivisions,  
Arborist Services &  
Investigations



**Shelly Clark**  
Planning  
Investigations Officer



**Tony Perez**  
Development  
Planning  
Arborist



**Sam Munro**  
Development  
Planning  
Arborist



**Hayley Plank**  
Team Leader



**Jonathan Atkinson**  
Development  
Planner



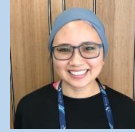
**Jake McCarthy**  
Development  
Planner



**Richie Dean**  
Development  
Planner



**Faza Fauzi**  
Development  
Planner



**Kate Tucker**  
Development  
Planner



**Roger Wong**  
Planning Technical  
Officer



**Heather Darbyshire**  
Team Leader



**Chris McInnes**  
Development  
Planner



**Walla Idris**  
Development  
Planner



**Carmelo Sposato**  
Development  
Planner



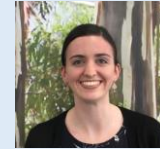
**Adrian Mariniello**  
Development  
Planner



**Apeksha Malhotra**  
Planning Technical  
Officer



**Emily Harriss**  
Student Planner



**Marcus Brooker**  
Student Planner



**Liz Fleming**  
Team Leader



**Mark Sheehan**  
Major Developments  
Planner



**Jacob Hart**  
Development  
Planner



**Scott Seide**  
Development  
Planner



**David Moon**  
Resources Team  
Leader



**Jill Ryan**  
Senior Planning  
Resources Officer



**Fiona Bergin**  
Planning Resources  
Officer



**Taylor Gallagher**  
Planning Resources  
Officer



**Andrea Heywood**  
Planning Resources  
Officer

\*extended leave

**Himali De Alwis**  
Planning Resources  
Officer





# What we do in Development Planning

David Moon

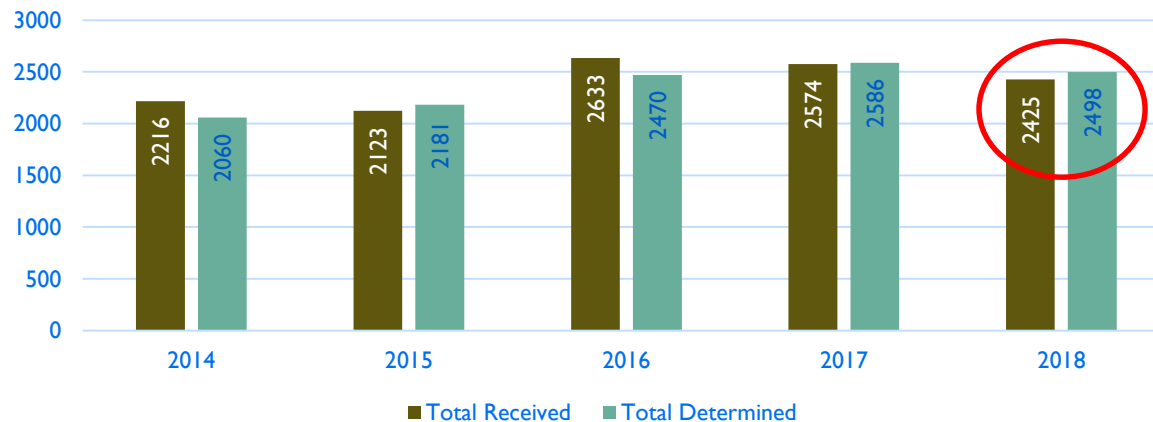




# What we do

We assess approximately 2500 planning applications and requests per year.

**Planning Applications and Related Requests**







# What we do: Planning Applications

We assess a range of application types:

- Residential developments:





# What we do: Planning Applications

We assess a range of application types:

- Commercial and industrial developments
- Change of Land Use
- Car parking reductions and waivers
- Tree removal and pruning
- Subdivisions
- Amendments to permit and plans
- Removal and variations to restrictive covenants

# What we do: Planning Investigations



We investigate planning infringements and non-compliances.

- Breaches relate to built form (development, overlooking and signage), land use and vegetation removal.
- Breaches can have significant impacts on the amenity of an area i.e. prohibited uses in residential areas.
- In 2018, a total of 264 investigations were commenced with 269 investigations closed.
- The investigation process can be lengthy and include hearings at VCAT or the Magistrates Court.



# What we do: VCAT Hearings

- We have tough policy, our Neighbourhood Character Strategy has high expectations and we are tough on development outcomes.
- 29% of multi dwelling applications have been refused this financial year.
- We defend our decisions rigorously at the Victorian Civil and Administrative Tribunal (VCAT).
- VCAT often disagrees with the weight that we give to the Neighbourhood Character Strategy.
- ... as a result a large percentage of the applications we refuse are overturned.



# What we do: VCAT Hearings

- In the majority of cases, amended plans are submitted throughout the process.
- These may address some or all of the grounds of refusal resulting in an improved outcome.





# What we do: VCAT Hearings

## VCAT Process (Daunting but accessible)

- Includes a mediation (compulsory conference) and final hearing.
- All objectors are provided with an opportunity to be involved in the process by becoming a party to the appeal.
- A person party to the appeal is expected to attend and present their submission at the hearing and also be involved in the compulsory conference if scheduled.
- Additional information is available in the 'Lodging a planning review with VCAT: Information for applicants and objectors' guide.



# Service Initiatives

Joel Elbourne





# Initiatives

- Service Review and Action Plan
- Traffic Lights
- Customer Satisfaction Survey
- Consultation approach (workshop)

# Service Review / Action Plan



## *Systems and Online Applications*

- Online Applications, Review Authority, ePlanning , KPI's and Reporting

## *Resources and Staffing*

- Review Structure, Replacement Staff, Secondment Opportunities, Arborist Service, Administration/technical officer processes and resourcing, Review Panel of contractors

## *Streamlining Assessment Process*

- Streamline Application Assessment Process, Decision management and authorisation, KPIs, Pre Application Partnership model

## *Education and Training*

- Induction Program, Skills Audit, Monthly Informal Training, Procedure Manual, Understanding expectations, VCAT Processes, Urban Design & Community Engagement, Sharing knowledge and supporting others, Partnerships between teams

## *Customer Service*

- Website Information, Customer Updates, Service Level Agreements, Pre-application Process, Privacy and Objections

## *Promotion and Community Awareness*

- Public Information, Media and Communication Strategy

## *Reflection and Review*

- Review Completed Projects, Finance Integration with Infringements, Customer Satisfaction Surveys, Phone System

## *Strategies, Policies and Guidelines*

- Update Strategies, Policies and Guidelines

## *Planning Scheme and Requirements for Permits*

- Omnibus Planning Scheme Amendment, Remove Unnecessary Permit Requirements, Compliance and accountability for ESD outcomes, Compliance and accountability for Liveable Housing outcomes, Parking Overlay Implementation, Future operation of DCP

# 'Traffic Lights'



## Preliminary assessment of your application P1478/2017

A preliminary assessment of your application against Banyule's planning policies, is outlined below. You need to respond, with more information or changes to your proposed development, to any red or yellow lights before your application is placed on public notice. Before a final assessment and decision is made on your application, there will only be one more opportunity to resolve issues with an orange or red light.

### Key



Acceptable



May need conditions, changes or more information, as specified.



Critical issue. You will be given only one more opportunity to resolve red light issues before a final assessment and decision is made.

Response to pre-application or investigation advice	N/A	
Strategic framework		<ul style="list-style-type: none"> <li>There is strategic support for multi-dwelling redevelopment in this area, however the appropriateness of the three storey built form will be carefully considered.</li> </ul>
Mandatory Zone Requirements		<ul style="list-style-type: none"> <li>Additional details are requested below to confirm that the proposal complies with the mandatory height and garden area requirements of the zone.</li> </ul>
Neighbourhood character		<ul style="list-style-type: none"> <li>As stated above, the appropriateness of the three storey built form will be carefully considered by Council officers. To minimise the impacts on adjoining properties the upper levels of the building should be positioned towards the street frontage. Therefore if Council was to support three storey built form, the upper level should be moved forward with a transition to double storey towards the rear of the site.</li> <li>There appears to be opportunity to reduce the overall building height by providing a true basement with the ground floor provided at grade.</li> <li>The proposed front setback at 5.5 metres is not supported. Whilst Council is supportive of reduced front setback in GRZ1 areas the proposed front setback is not in keeping with the predominant front setback in the street or allows for a large canopy tree to be planting in line with Council's guidelines. A front setback of 7.5 metres is recommended.</li> </ul>

- Conveying a preliminary assessment
- Colour coded to highlight fundamental issues and recognise positive aspects.
- Constructive and outcome focused approach to issues
- Improve layout and tone



Our Ref: P365/2008

Contact Officer  
Joanna Cuscaden  
Rosanna  
9457 9901



Banyule  
CITY COUNCIL

22 May 2008

Dear Sir/Madam,

**Banyule Planning Scheme Application No: P365/2008**

**Property:**

**Proposal: Multi Dwelling Development (2 dwellings)**

I refer to the above application and advise that before any further consideration can be given to the proposal the following additional information is required pursuant to Section 54 of the Planning and Environment Act 1987.

1. Three (3) copies of a survey / feature plan of the site including contours /levels to Australian Height Datum (AHD).
2. A written statement, outlining how the development is consistent the various components and objectives of the relevant precinct of Council's Neighbourhood Character Strategy (A copy of the relevant precinct brochure is enclosed).
3. Three (3) copies of a modified site plan, including:
  - (a) Finished floor levels relative to Australian Height Datum
4. An A3 reduction of all plans.

The application will be further considered on receipt of the requested information.

Note three (3) copies of the requested information are to be submitted within two months of the date of this letter.

Pursuant to section 54 of the Planning and Environment Act 1987 the application will lapse if the requested information is not provided within the time specified above. An application that has lapsed cannot be recommenced and a fresh application will need to be lodged. An extension of time to provide the information can be granted if requested before the application has lapsed.

#### Future Requirements

Please also be advised that as part of any permit issued for this development (if approved) Council is likely to require the following additional items to be submitted and approved prior to the endorsement of Planning Permit plans and commencement of the development:

**All correspondence to**  
PO Box 51 Ivanhoe 3079  
enquiries@banyule.vic.gov.au  
www.banyule.vic.gov.au

**Telephone 03) 9490 4222**  
TTY 9432 7211  
Facsimile 03) 9499 9475  
DX 97904 Ivanhoe  
ABN 16 456 814 549

**Service Centres**  
Greensborough 9-13 Flintoff Street  
Ivanhoe 275 Upper Heidelberg Road  
Rosanna 44 Turnham Avenue 12673

Our Ref: P1478/2017: ELECTRONIC

19 January 2018



PO Box 94, Greensborough VIC 3088  
T (03) 9490 4222  
enquiries@banyule.vic.gov.au  
ABN 16 456 814 549

Contact Officer  
Mr David Moon  
Development Planner  
david.moon@banyule.vic.gov.au  
03 9457 9871

**Banyule Planning Scheme Application No: P1478/2017**

**Property:**

**Proposal: Multi Dwelling Development - Construction of six (6) dwellings and waiver of visitor car parking (Clause 52.06)**

Thank you for the above planning permit application lodged on 22 December 2017, which has been given to me to manage. While I have done a preliminary assessment of your proposal, I need some more information to fully assess the application and ensure that any interested resident has the best possible understanding of what it entails. The results of my preliminary assessment, as well as the extra information required, are detailed on the next page.

**To better assist you with your application, please note:**



**This application can lapse**, as per the *Planning and Environment Act 1987*, if you don't submit the additional information required, or outline why you need an extension of time, before **16 March 2018**. If the application lapses, you will need to lodge a fresh application and pay all associated fees. All requests for extensions of time to provide the information must be submitted via email to [enquiries@banyule.vic.gov.au](mailto:enquiries@banyule.vic.gov.au).



If you want to **discuss this letter** or your application, please contact me. I will return your phone call within one business day and respond to any written correspondence within five business days. You can call me on 03 9457 9871 or email me via [david.moon@banyule.vic.gov.au](mailto:david.moon@banyule.vic.gov.au).



Banyule's Development Planning Team will liaise with Melbourne Planning Solutions, the nominated applicant, in relation to this application.



Banyule's Development Planning team assesses all applications electronically. Your further information must be lodged [online](#).

[banyule.vic.gov.au](http://banyule.vic.gov.au)

# Customer Satisfaction Survey



## Dealt with Development Planning at Banyule?

Tell us how we are doing and go into the draw  
to win a \$100 voucher.



[shaping.banyule.vic.gov.au](http://shaping.banyule.vic.gov.au)



# Customer Satisfaction Survey



- Open to all of our customers: residents, objectors, applicants, developers.

Responses: 49% objectors, 17% residents, 34% applicants

Themes:

- Need for change can be better explained
- Some recognition that development is innovative and revitalises in parts of Banyule
- Greater satisfaction of housing range/diversity compared to access and ESD
- Helpfulness and knowledge of staff recognised as best aspects of overall service
- Good response to request for further involvement in a focus group



# Top 3 focus areas

Streamlining processes to improve the time it takes to reach a decision on a Planning Application

Greater emphasis on the pre-application process to ensure improved quality and standard of applications and a smoother process

Reducing the planning permit requirements in our Planning Scheme so less things need Council approval (where Council has introduced the control as opposed to State Government controls)

Investment in supporting system (such as IT and online application lodgement)

Increase in professional services involved in the assessment process (such as Urban Design, Environmental Sustainability Design, landscape, arboricultural, heritage) to improve the quality of outcomes

Increased information sharing with people involved in the planning system including improved communication and updates throughout the application process

Creating more opportunities for applicants and residents to understanding planning proposal issues and workshop outcomes



# Top 3 focus areas

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3. Increased information sharing with people involved in the planning system including improved communication and updates throughout the application process

2. Creating more opportunities for applicants and residents to understanding planning proposal issues and workshop outcomes



# Consultation - Level of Service

- How we can consult residents on a planning application?
  - Formal public notice (letter to neighbours, sign on site)
  - Pre lodgement information session
  - Shaping Banyule, Council Website
  - Information session during notice period
  - Submissions meeting (to Councillors)
  - Formal consultation meetings
  - Contact with objectors, phone/email before a decision is made
  - Explanation accompanying decision



# Workshop

- Challenges for us:
  - Need to make decisions, number of applications and objections
  - Level of consultation must be fit for purpose
  - Limits apply to applicants too: 2 strikes
- What do you think?



# Development Planning Tour & Review 2018/19



Greg Sawyer & Liz Fleming





On both occasions approximately ten sites of varying character, scale and context were selected. These sites provide opportunities to collectively reflect on the key aspects considered in the planning process. Those considerations can be summarised as:



**What works well in a neighbourhood character setting? In a policy context, this is typically determined with reference to Clause 22.02 of the Banyule Planning Scheme;**

**But the tour also provides an opportunity to consider where variations from policy guidelines can also result in positive outcomes in site-specific contexts. This can vary depending on topography, location and style of built form on adjoining sites, landscaping, etc.**



There have also been some instances where developments may have complied with policy objectives of our **Neighbourhood Character Guidelines** but not necessarily resulted in what we as assessing officers would describe as successes:



This could be as a result of the quality and application of materials, high parapets, an insufficient mix of colours and materials;

Through the application of 'token' upper-storey recession, often combined with minimal eaves;

Or perhaps the lack of planting opportunities, either within the site's frontage or along the length of the site.





## Some of the observations made by planning officers on the tour included:

- The appreciation of how critical it was to have a **large tree in the front setback** particularly within a Bush Garden or Semi-Bush Precinct;
- Curves and bends within the driveway to allow for **good planting opportunities** along the sites boundaries;
- **Attention to detail** - e.g. location of water and gas meters, of refuse/recycling bins and air-conditioning units down to the simple placement of the common letterbox. It was evident that there was a wide variation in the way that developers finish developments in terms of the provision of these mundane but essential amenities and facilities.



**Remember:** Sometimes it is the little things that can make or break a development....



In the context of **commercial development** the 'little things' often hinge on the development being a success in a streetscape setting:

Important components that can make a **BIG** difference include:

- Impact on safety, form and function of buildings;
- Providing accessible entrances to mixed-use buildings;
- Orientation, good solar access and provision of opportunities for passive surveillance through street and upper-level integration; and
- Articulation through a balanced palette of high quality materials and finishes along with thoughtful, considered design couple with horizontal and vertical alignment.



**'Decco' Apartments**  
**55 Lower Heidelberg Road, Ivanhoe**



# Workshop:

Reflecting on Neighbourhood Character  
and outcomes



# Bush Garden Outcome



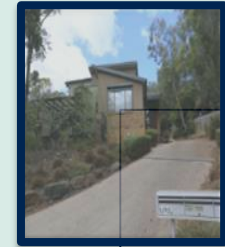
- In a residential context you must consider your residential setting, this might include:



Karingal Drive,  
Briar Hill



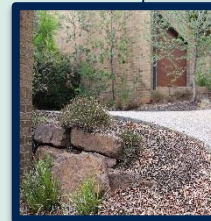
Selection of materials that are **sensitive** to character and the landscape



**Generous** front setbacks



Good **landscaping** opportunity throughout the site



**Spacing** between dwellings



**Design**



# Workshop:

## Over to you









# Specialist Session

Livability and Environmentally  
Sustainable Design

# Specialist Session:

# Environmentally Sustainable Design & Liveability



**OPENING (Cr Peter Castaldo, Deputy City Development Portfolio Councillor)**

Topic	Speaker
Banyule's Liveable Housing Guidelines	Joel Elbourne, Manager Urban Planning & Building
Banyule's Move to ESD	Jake McCarthy, Development Planner
Sustainability and the Planning Process	Ben De Ward, Sustainable Development Consultants
Q & A Panel	Joel E, Jake MC, Ben De W



# Banyule's Liveable Housing Guidelines

Joel Elbourne





Banyule  
CITY COUNCIL

# Livable Housing Project

Our Goal: Livable Homes For All

Living Local, Staying  
Connected



# THE PROJECT & CONTEXT

▲ **// CLAUSE 21.06 - HOUSING CHANGE:** 'To increase the diversity of housing types and promote new housing that meets the needs of the broader community in a manner that respects and contributes to the desired future character of residential neighbourhoods and identity of Activity Centres and Neighbourhood Centres.'

▲ **// CLAUSE 55.05:** 'To encourage the consideration of the needs of people with limited mobility in the design of developments'



## Assessment Criteria and Process

From 22 April 2013 Council now requires the incorporation of Livable Design guidelines as follows:

Residential Developments		
1 or 2 dwellings (or other accommodation)	SUBMIT	Voluntary incorporation of guidelines.
3 to 9 dwellings (or other accommodation)	SUBMIT	Minimum of one dwelling to incorporate guidelines.
10 or more dwellings (or other accommodation)	SUBMIT	Minimum 20% of dwellings to incorporate guidelines.

To ensure an efficient assessment process it is recommended that plans demonstrate compliance at initial lodgment or upon request for further information.

Applications for 10 or more dwellings must provide a report from a qualified and accredited accessibility consultant to demonstrate the incorporation of features.

The Livable Housing guidelines are supported by Clause 21.06, Built Environment, Objective 4, Housing Change of the Banyule Planning Scheme which states 'Encourage design that meets the needs of people with impaired mobility and other special needs, or can be adapted to meet such needs' and Clause 55.05-01 Accessibility Objective of the Planning Scheme.

## Livable Housing Design Guidelines

Assessments are made in accordance with the following guidelines:

- 1. Access to the dwelling**
  - A continuous accessible path of travel from the street to the dwelling entrance.
  - A continuous accessible path of travel from car parking areas to the main entrance or another dwelling entry.
  - The path of travel must be minimum 1000mm wide and at a maximum gradient of 1:14 and with a crossfall no greater than 1:40.
- 2. Entrance**

At least one level (step free) entrance into the dwelling that provides:

  - Direct access from the accessible path of travel described above.
  - A level landing area of 1200mm x 1200mm, exclusive of the swing of the door.
  - A minimum doorway width of 850mm.
  - The height difference between abutting surfaces must be no greater than 5mm.
- 3. Corridors**
  - The width of internal corridors must be a minimum of 1000mm.
- 4. Doorways**
  - The width of doorways must be a minimum width of 850mm.
- 5. Toilet**

A toilet on ground floor that provides:

  - A clear width of 900mm and a space of 1200mm (length) forward of the pan (exclusive of the swing of the door) if toilet is located in a separate room.
  - Reinforced walls to allow for future installation of grab rails.
- 6. Bathroom and shower**

Access to a shower on the ground floor that provides:

  - A step free shower area of at least 900mm x 900mm in width and length.
  - A clear space in front of the shower that is 1200mm x 1200mm in width and length.
  - Reinforced walls to allow for future installation of grab rails.

Note: If the toilet and shower area are located in the same room the above dimensions and features should be maintained for both the shower and the toilet.
- 7. Bedroom**

A room on the ground floor that could be used as a bedroom that is at least 10m².

# Livable Housing Guidelines



- Requirement for 1 dwelling to comply for 3+ dwelling proposals from 2013
- 7 features to improve access and ability to age in place (visitable - **livable** - accessible)
- 22 x cheaper to incorporate into design vs. retrofit
- Department focus now turning to compliance



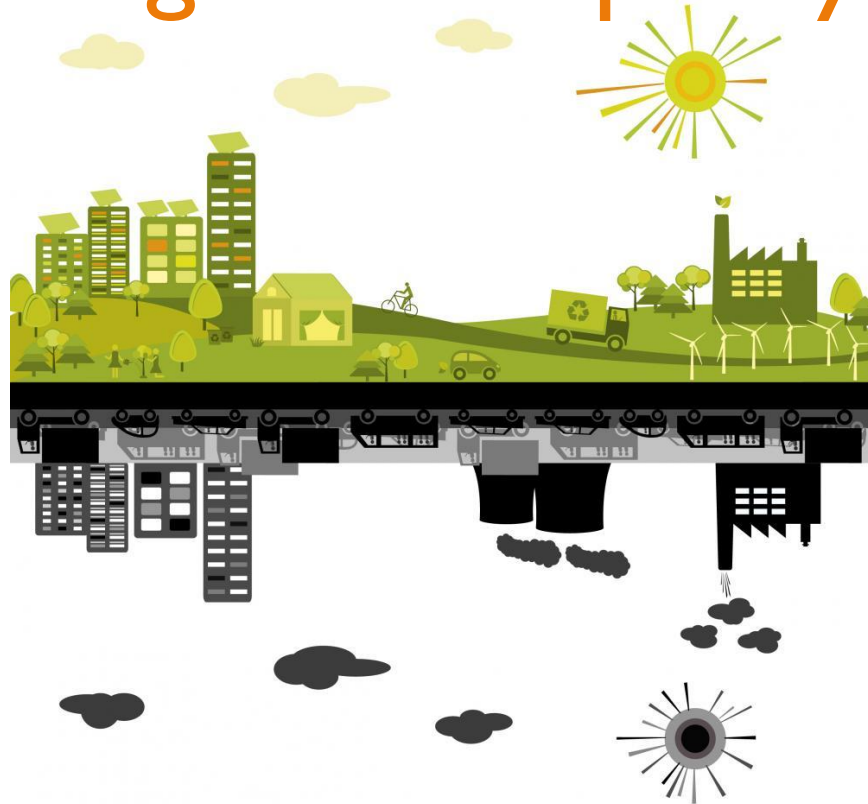


# Banyule's move to ESD

Jake McCarthy



# Banyule has taken a leadership role in filling an ESD policy gap







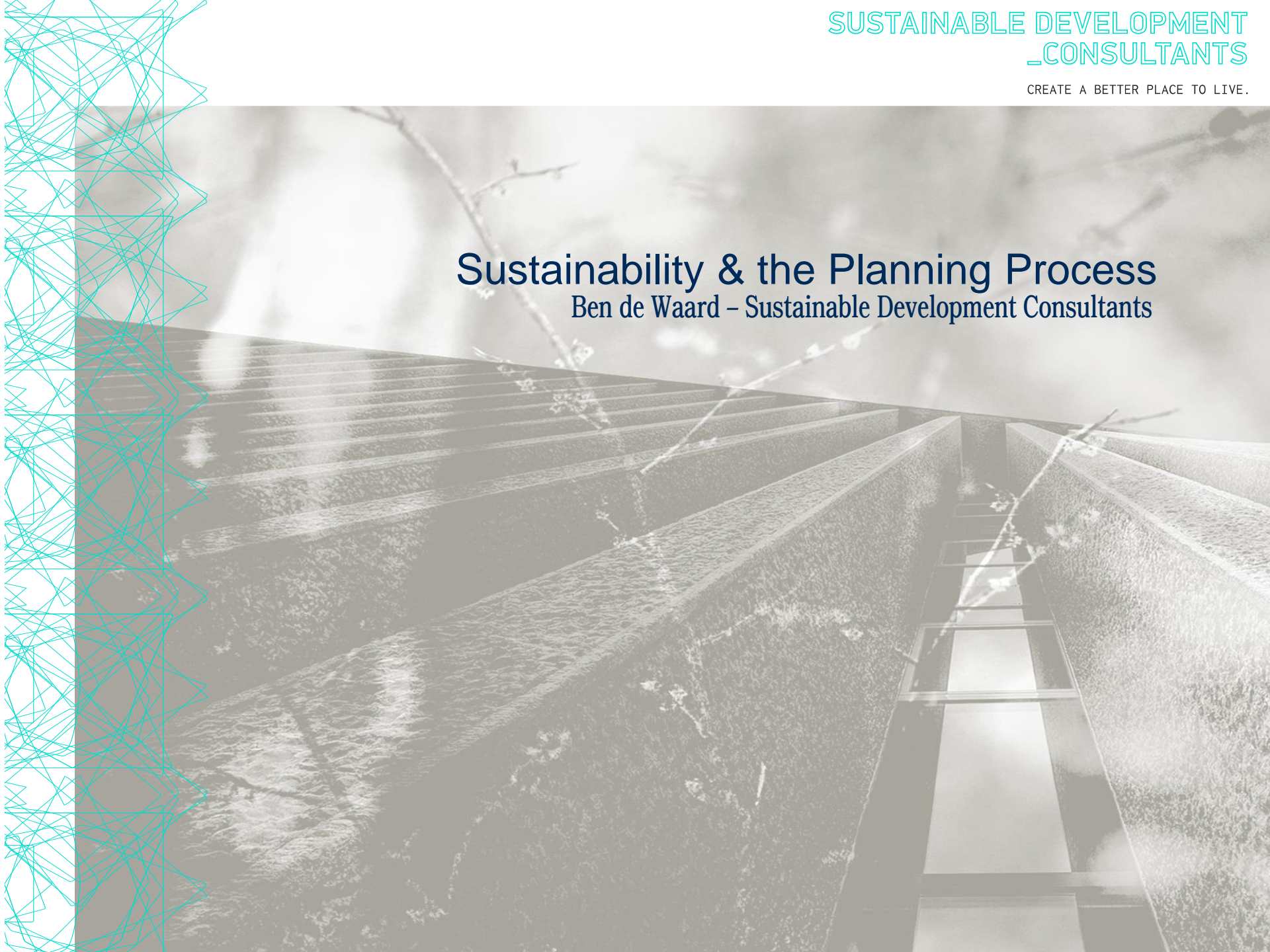
# Where to next?





# Sustainability & the Planning Process

Ben de Waard – Sustainable Development Consultants



# Presentation Outline



- Early engagement with ESD
- Potential Sustainability initiatives
- ESD Implementation



# Benefits of Early Engagement

- Allows early planning of initiatives relevant to the size and type of development.
- Reduces cost where sustainability objectives are integral to the design, rather than “tacked on”.
- Leads to focus on passive, integrated outcomes.
- Greater opportunities for implementation of initiatives.
- Planning certainty.
- Credits in Green Star and BESS assessment tools.



# Risks of Later Engagement

- Time.
- Required “adding on” of ESD initiatives, and tendency for there to be pressure to “value manage” initiatives out later.
- Limitation on number and types of initiatives that can be implemented.
- Delays in approvals and construction.





# BESS

- Subscribed to by 24 Victorian councils, including Banyule City Council.
- Encompasses the following ESD categories:
  - Management
  - Water
  - Energy
  - Stormwater
  - IEQ
  - Transport
  - Waste
  - Urban Ecology
  - Innovation





# Green Star

- Also an example tool in Banyule's ESD local policy.
- Certification is voluntary.
- Typically applied to large projects.
- Encompasses the following ESD categories:
  - Management
  - IEQ
  - Energy
  - Transport
  - Water
  - Materials
  - Land Use & Ecology
  - Emissions
  - Innovation



# Passive Design

- Orientation
- Solar access and shading
- Ventilation paths
- Sealing
- Natural light
- Thermal mass

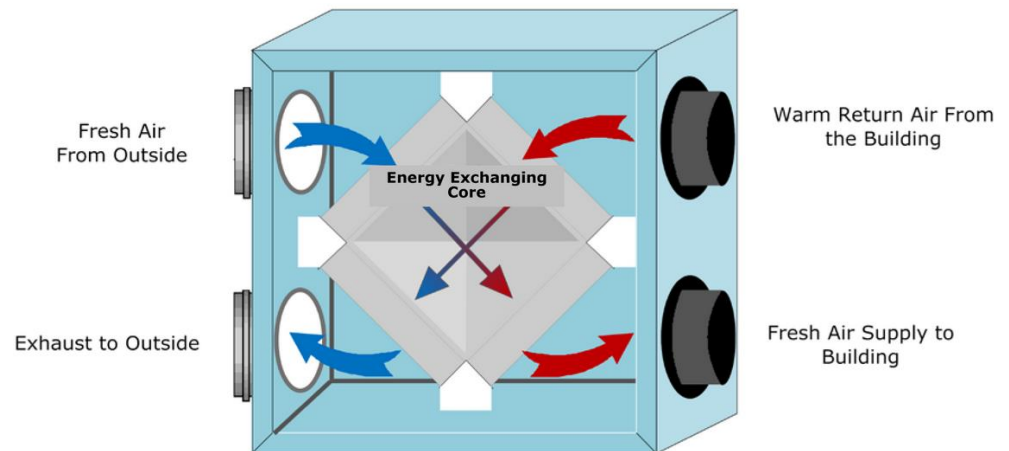




# Passivehaus



- Insulated, efficient, comfortable and ventilated
- Prominent design features include:
  - Window and door frame selection
  - Energy recovery ventilation
  - Air tight thermal envelope







# Biophilic Design



- Environmental features
- Natural shapes and forms
- Light, space & connection to natural elements
- Place-based relationships
- Evolved human-nature relationships



# One Planet Living

- Health and happiness
- Equity and local economy
- Culture and community
- Land and nature
- Sustainable water
- Local and sustainable food
- Travel and transport
- Materials and products
- Zero waste
- Zero carbon energy





# Potential Initiatives - Management



- Building User's Guide/User Interface
- Environmental Management Plan/Responsible Building Practices
- Sustainable Procurement Guide
- Metering & Monitoring Strategy
- Building Management System



# Potential Initiatives - Water



- Rainwater tanks, use of rainwater
- Showerheads, taps, appliances, and toilets
- Grey water treatment and re-use
- Electrolysed water
- Water-efficient landscaping & irrigation





# Potential Initiatives – Energy (1/3)



- Energy generation & Storage
  - Solar water heating and heat pumps
  - Heat recovery – hot water systems
  - Geo-thermal
  - Battery storage
  - Thin film and integrated solar PV
  - Electric vehicles
- Building use
  - Clothes drying
  - Heat recovery ventilators





## Potential Initiatives - Energy (2/3)



- Appliances and equipment
  - Induction cooktops
  - Energy efficient lifts
  - Voltage reduction units
  - Variable speed drives for pumps and fans

- Lighting
  - Energy efficient lighting
  - Lighting levels
  - Lighting zoning and controls





# Potential Initiatives – Energy (3/3)

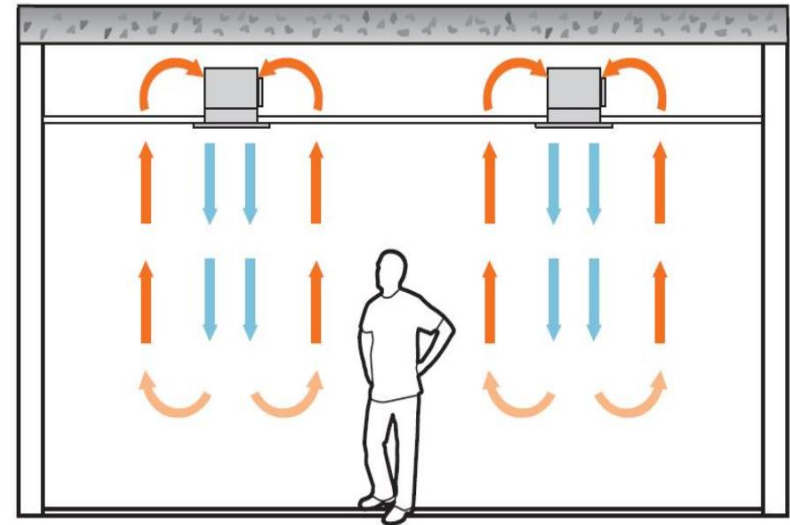
- **Materials**

- Glazing
- Insulation
- Heat reflective/light coloured roofs
- High thermal mass
- Phase change materials



- **HVAC Systems**

- Heat recovery ventilation
- Solar air conditioning
- Passive chilled beams
- Solar air heaters

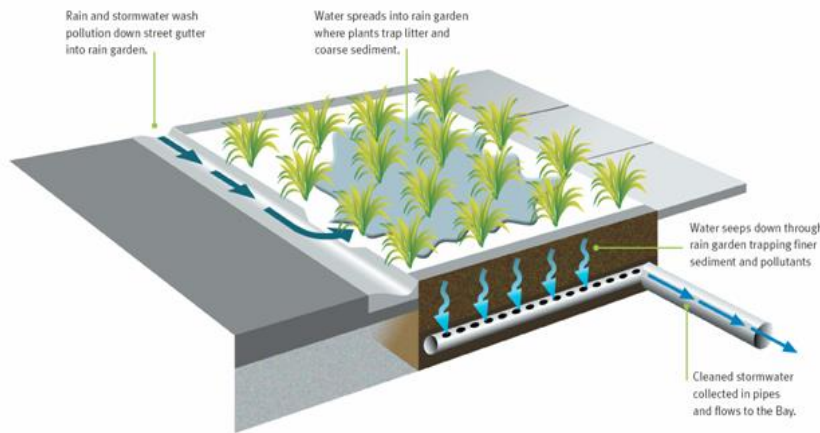






# Potential Initiatives - Stormwater

- Rainwater harvesting and use
- Raingardens
- Permeable paving
- Swales
- Gross pollutant traps, treatment devices





# Potential Initiatives – IEQ (1/2)



- **Comfort and Health**

- Ceiling fans
- Volatile organic compounds and formaldehyde minimisation
- Internal noise level reduction

- **Ventilation**

- Natural ventilation
- Higher fresh air rates
- Dedicated kitchen and bathroom exhaust fans
- Trickle ventilation/transom windows
- Dual aspect windows





# Potential Initiatives – IEQ (2/2)



- Lighting
  - Daylight access
  - Skylights
  - Light internal colours
  - Task lighting
  - Mirrored wardrobe doors
  - Light shelves
  - External views
  - Shading devices
  - Glazed internal doors





# Potential Initiatives - Transport



- Green Travel Plans
- Electric vehicle parking, charging
- Car share
- Cyclist facilities
  - Bike parking
    - Secure storage
    - Racks
    - Corrals
  - End of trip facilities
    - Lockers
    - Showers





# Potential Initiatives - Waste

- Composting and worm farms
- Biodigester units
- Easy access to recycling facilities
- Construction waste minimisation
- Building occupants waste minimisation





# Potential Initiatives – Urban Ecology



- Heat island effect reduction
- Green roofs and vertical planting
- Communal external spaces
- Internal and external planting
- Rooftop gardens
- Fruit trees
- Habitat construction
- Beehives





# Potential Initiatives – Materials

- Recycled materials (e.g. recycled aggregate in cement, reclaimed timber, etc.)
- Durable and long-lasting materials
- Sustainable materials (e.g. cross-laminated timber, waffle pod slabs)
- Certification
  - International Standards Organisation (ISO)
  - Forest Stewardship Council (FSC)
  - World Steel Association (WSA)
  - Ecospecifier GreenTag
  - Good Environmental Choice (GECA)





# Conclusion

- Early engagement is key
- Variety of initiatives can be implemented
- Numerous positive outcomes of early engagement and implementation







*thank you*

