

# Supplementary Agenda

**Monday, 17 July 2017**

## Ordinary Meeting of Council

Council Chambers, Ivanhoe Service Centre  
275 Upper Heidelberg Road, Ivanhoe

- **Council Meeting commencing at 7.00pm**
- **Public Forum commencing at the conclusion of the Council Meeting**

**5. Place – Sustainable Amenity and Built Environment**

5.7 Mandatory Height Limits in the Ivanhoe Activity Centre ..... 3

**Closure of Meeting to the Public**

That in accordance with Section 89(2) of the *Local Government Act 1989*, Council close the Meeting to members of the public and adjourn for five minutes to allow the public to leave the Chamber prior to considering the following confidential matters.

**L. Confidential Matters**

- L.1 Potential Property Acquisition Opportunity

**Matters Discussed in Camera**

That all confidential matters and reports related to the above items remain confidential unless otherwise specified.

**Closure of Meeting**

## **5.7 MANDATORY HEIGHT LIMITS IN THE IVANHOE ACTIVITY CENTRE**

Author: David Cox - Strategic Planning Co-ordinator, City Development

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### **EXECUTIVE SUMMARY**

Following a meeting with the Minister for Planning on 17 May 2017, Council has received a letter from the Department of Environment, Land, Water and Planning (DELWP) to participate in a pilot program that includes the Ivanhoe Activity Centre.

The DELWP program will consider how planning controls can improve certainty for future development. This offer positions Council to pursue mandatory building height limits in the Ivanhoe Activity Centre, to reflect the maximum heights in Council's adopted Ivanhoe Structure Plan.

### **RECOMMENDATION**

That:

1. Council write to DELWP's Acting Deputy Secretary Planning to accept the offer to participate in the Activity Centre Pilot Program for the Ivanhoe Activity Centre. The letter will also ask DELWP to:
  - a) Apply Council's adopted Ivanhoe Structure Plan to progress a pilot program that aims to establish mandatory height limits across the Centre, as the primary deliverable.
  - b) Seek Council's agreement to the scope of the pilot program before DELWP starts work.
  - c) Articulate inputs required from Council to achieve the primary deliverable.
  - d) Articulate its funding and resourcing commitment to package material and administer a planning scheme amendment to achieve the primary deliverable.
2. Copies of Council's acceptance letter be sent to local State and Federal members.

### **CITY PLAN**

This report is in line with Council's City Plan key direction to "strengthen local activity and employment areas".

## **MANDATORY HEIGHT LIMITS IN THE IVANHOE ACTIVITY CENTRE cont'd**

### **BACKGROUND**

The Minister for Planning met with councillors on 17 May 2017. At the meeting the Minister talked about mandatory heights. Arising from this discussion, Council wrote to the Minister on 29 May 2017. The letter is in **Attachment 1** and includes, for the Ivanhoe Activity Centre:

*We appreciate your opinion on mandatory height limits for activity centres and believe the vision for this centre would be better served if the structure plan's height limits were mandatory in the planning scheme.*

### **LEGAL CONSIDERATION**

There are no direct legal implications arising from the recommendation contained in this report.

### **HUMAN RIGHTS CHARTER**

In developing this report to Council, the subject matter has been considered in accordance with the requirements of Victoria's Charter of Human Rights and Responsibilities.

It is considered that the subject matter does not raise any human rights issues.

### **DISCUSSION**

On 10 July 2017, the Department of Environment, Land, Water and Planning's (DELWP) Acting Deputy Secretary Planning wrote to Council's Chief Executive Officer. This letter is in **Attachment 2**.

DELWP is inviting Council to participate in an Activity Centre Pilot Program to investigate the management of height and built form in the Ivanhoe Activity Centre. This would involve council and DELWP officers working together to consider how planning controls for this Centre can have greater certainty for Council's adopted Ivanhoe Activity Centre.

The DELWP offer gives a valuable opportunity to explore mandatory building heights in the Banyule Planning Scheme for the Ivanhoe Activity Centre. Council's adopted Ivanhoe Structure Plan would be used to explore revised planning scheme provisions for mandatory heights. Because Council's adopted plan also includes a suite of other building and landscape form guidelines, the DELWP offer also gives an opportunity to improve certainty for these guidelines as well.

## **MANDATORY HEIGHT LIMITS IN THE IVANHOE ACTIVITY CENTRE cont'd**

Whilst DELWP's offer should be explored, it is noted the Department has previously relied on opinions, practice notes and available tools in the Victorian Planning Provisions to actively discourage mandatory heights across activity centres. Consequently this DELWP pilot program reflects a very different approach for activity centres. Therefore when accepting the offer, Council can ask DELWP to:

- 1) Prepare a program scope geared to achieving mandatory height limits across the Centre, as the primary deliverable and having this agreed before work begins.
- 2) Articulate program inputs that need to be supplied by Council to achieve the primary deliverable.
- 3) Articulate its funding and resourcing commitment to package strategic justification material and then administer a planning scheme amendment to pursue the Minister's approval to achieving the primary deliverable in the Banyule Planning Scheme.

## **OFFICER DECLARATION OF CONFLICT OF INTEREST**

Section 80C of the *Local Government Act 1989* (Act) requires members of Council staff, and persons engaged under contract to provide advice to Council, to disclose any direct or indirect interest in a matter to which the advice relates.

Council officers involved in the preparation of this report have no conflict of interest in this matter.

## **CONCLUSION**

DELWP's offer to participate in a pilot program for the Ivanhoe Activity Centre gives an opportunity to consider how reviewed planning scheme controls can give more certainty for height and other development guidelines in Council's adopted Ivanhoe Structure Plan.

## **ATTACHMENTS**

<b>No.</b>	<b>Title</b>	<b>Page</b>
1	Council letter to Minister for Planning	8
2	DELWP response letter to Council for Ivanhoe Activity Centre Pilot Project	10



# ATTACHMENTS

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## 5.7 Mandatory Height Limits in the Ivanhoe Activity Centre

Attachment 1	Council letter to Minister for Planning .....	8
Attachment 2	DELWP response letter to Council for Ivanhoe Activity Centre Pilot Project.....	10



Contact Officer  
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29 May 2017

Our Ref: F2017/981, D17/80820

Hon Richard Wynne MP  
Minister for Planning  
1 Spring St  
MELBOURNE VIC 3000

Dear Minister

**AMENDMENT VC110 - THE REFORMED RESIDENTIAL ZONES**

Thank you for the meeting on Wednesday 17 May 2017. We appreciated you coming to Banyule and the offer to meet again.

Council continues to have concerns with the new zones and would be grateful for a response to the following:

**Neighbourhood Residential Zone (NRZ)**

Council took a well-considered and balanced approach to pursuing this zone. It was underpinned by a housing strategy and a residential areas framework in the planning scheme. Removal of the two dwelling limit and introduction on the garden area concept in this zone has created a mismatch with Council's strategic direction for these neighbourhoods.

As discussed, Council will revisit previous analysis and seek your support to amend the NRZ for local variations. In the interim, we draw your attention to Council's proposed use of the NRZ which sought variations for landscaping and site coverage. Support to local variations would be a step-forward to reinstating alignment between planning scheme provisions and strategic direction for NRZ locations.

**Ivanhoe Activity Centre**

Introduction of a mandatory height limit in the GRZ has caused a problem. There is now a conflict between the zone and the DDO11 for this centre. The DDO was established after a rigorous consultation process and planning panel review.

We appreciate your opinion on mandatory height limits for activity centres and believe the vision for this centre would be better served if the structure plan's height limits were mandatory in the planning scheme.





Moving forward, we would appreciate you giving direction for:

- Revising the NRZ for local variations
- Removing the GRZ/DDO conflict
- Introducing mandatory height limits across the Ivanhoe Activity Centre
- Including Banyule in any ongoing discussions with councils about the zones.

We will contact your office to setup another meeting time, when we can continue our discussion on the reformed zones. If you have any questions please contact Klover Apostola, Strategic Planner, on 9457 9830.

Yours sincerely

**Cr Tom Melican**  
Mayor



Department of Environment,  
Land, Water and Planning

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Ref: FOL/16/50705

Mr Simon McMillan  
Chief Executive Officer  
Banyule City Council  
PO BOX 51  
IVANHOE VIC 3079

Dear Mr McMillan

**IVANHOE ACTIVITY CENTRE – INVITATION TO ACTIVITY CENTRE PILOT PROGRAM**

I am pleased to invite Banyule City Council to participate in an Activity Centre Pilot Program. The Pilot Program will investigate the management of height and built form in activity centres. As a designated Major Activity Centre in *Plan Melbourne 2017-2050*, we believe the Ivanhoe Activity Centre is a suitable centre to undertake this important work.

The pilot program will involve the Department of Environment, Land, Water and Planning (DELWP) working closely with Banyule City Council to consider how planning controls can be improved to give greater certainty to the community, and reflect the strategic planning Council has undertaken for the Ivanhoe Activity Centre.

If agreeable, DELWP will be in touch shortly to scope and commence the program with Banyule City Council officers. If you would like further information about this matter, please call Fiona de Preu, Acting Executive Director, Planning Implementation on (03) 8392 5570 or email [fiona.depreu@delwp.vic.gov.au](mailto:fiona.depreu@delwp.vic.gov.au)

Yours sincerely

**Julian Lyngcoln**  
Acting Deputy Secretary  
Planning

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