



# Manningham Planning Scheme Review

December 2022



Interpreter service

**9840 9355**

普通话 | 廣東話 | Ελληνικά

Italiano | عربي | فارسی



# Contents

---

<b>1</b>	<b>Executive Summary</b> .....	<b>1</b>
<b>2</b>	<b>Introduction</b> .....	<b>7</b>
	2.1 Planning Scheme Review requirements .....	7
	2.2 Planning Scheme Review Methodology .....	7
	2.3 Planning Scheme Review Themes .....	8
<b>3</b>	<b>Municipal Context</b> .....	<b>9</b>
	3.1 Demographics and housing statistics .....	9
	3.2 Review of Permit Applications and Planning Scheme Amendments .....	17
	3.3 Manningham Planning Scheme Review 2018 .....	23
<b>4</b>	<b>Consultation and community and stakeholder feedback</b> .....	<b>25</b>
	4.1 Imagine Manningham 2040 .....	25
	4.2 Community Engagement Panel 2021 .....	25
	4.3 Liveable City Strategy 2040 .....	25
	4.4 Planning Scheme Review 2022-2026 consultation .....	26
	4.5 Planning Scheme Review - Survey Respondents .....	27
<b>5</b>	<b>Key State Government Initiatives</b> .....	<b>31</b>
	5.1 Smart Planning Program .....	31
	5.2 Gender Equality Act 2020 .....	32
<b>6</b>	<b>Key Local Strategic Initiatives</b> .....	<b>33</b>
	6.1 Manningham Community Vision .....	33
	6.2 Manningham Council Plan 2021-2025 .....	33
<b>7</b>	<b>Planning Scheme Review - Themes and Recommendations</b> .....	<b>34</b>
<b>8</b>	<b>Climate Change and Environmentally Sustainable Design (ESD)</b> .....	<b>35</b>
<b>9</b>	<b>Environment and Rural Areas Land Management</b> .....	<b>38</b>
	9.1 Yarra River Corridor .....	38
	9.2 Biodiversity .....	39
	9.3 Bushfire .....	40
	9.4 Erosion, Landslip and Sloping Sites .....	42
	9.5 Rural Land Use and Development .....	42
	9.6 Integrated Water Management / Flood Modelling .....	44
	9.7 Pine and Cypress Tree Controls .....	45
	9.8 Contaminated Land .....	46
<b>10</b>	<b>Residential and Neighbourhood Character</b> .....	<b>47</b>

10.1	Development in the Residential Areas .....	47
10.2	Development in the Low Density Residential Buffer Area .....	52
10.3	Affordable and Social Housing.....	52
10.4	Residential Aged Care .....	53
10.5	Specific Areas and Sites for Review .....	54
<b>11</b>	<b>Activity Centres and Commercial Uses.....</b>	<b>55</b>
11.1	The COVID-19 Pandemic .....	55
11.2	Activity Centre Design.....	56
11.3	Doncaster Hill Activity Centre.....	59
11.4	Commercial Use and Development.....	60
<b>12.</b>	<b>Open Space and Leisure .....</b>	<b>63</b>
<b>13.</b>	<b>Heritage .....</b>	<b>65</b>
<b>14.</b>	<b>Transport.....</b>	<b>67</b>
<b>15.</b>	<b>Development Contributions .....</b>	<b>70</b>
<b>16</b>	<b>Administrative Amendments.....</b>	<b>71</b>
<b>17</b>	<b>Findings and Recommendations .....</b>	<b>72</b>
<b>18.0</b>	<b>Implementation .....</b>	<b>81</b>
18.1	Communication, Marketing and Advertising .....	81
18.2	Diversity.....	81
18.3	Monitoring and Review .....	81
	<b>Appendix 1: (VCAT and Panel Hearings) –.....</b>	<b>82</b>
	<b>Appendix 2: Local Amendments.....</b>	<b>134</b>
	<b>Appendix 3: Online Survey.....</b>	<b>136</b>
	<b>Appendix 4: Relevant State Planning Initiatives .....</b>	<b>138</b>
	Decriminalisation of sex work.....	138
	Second dwelling Code .....	138
	Eastern Metro Land Use Framework Plan.....	138
	Relevant State Planning Scheme Amendments.....	139
	<b>Appendix 5: Local Strategic Initiatives.....</b>	<b>143</b>
	Liveable City Strategy 2040 .....	143
	Other Local Strategic Initiatives.....	144
	<b>Appendix 6: Specific Sites and Areas for Review.....</b>	<b>147</b>
	<b>Appendix 7: Schedule to the Heritage Overlay – Specific Sites to Review.....</b>	<b>148</b>

## Tables

*Table 1: Planning permit activity 2017 to 2021*

*Table 2: Percentage of applications processed in statutory timeframe*

*Table 3: Types of applications received (new and amended permits)*

*Table 4: Number of VCAT decisions 2018-2022*

*Table 5: Summary of the nature of VCAT decisions*

*Table 6: Planning Scheme Review 2018 recommendations status summary*

*Table 7: What is the most important issue for the Manningham Planning Scheme?*

*Table 8: How well are the different aspects of the planning scheme working*

*Table 9: What aspects of the Planning Scheme require improvement?*

*Table 10: Planning Scheme Review Recommendations*

*Table 11: Advocacy and Other Actions*

## Figures

*Figure 1: Permit applications and dwellings approved 2018-2021*

*Figure 2: Percentage of residential properties*

*Figure 3: Dwellings approved by suburb 2018-2021*

*Figure 4: Bedrooms per dwelling in dwelling approvals 2018-2021*

*Figure 5: Multi-dwelling approvals 2018-2021 (western part of municipality)*

*Figure 6: Multi-dwelling approvals 2018-2021 (eastern part of municipality)*

*Figure 7: Percentage of VicSmart Applications Processed within 10 days*

*Figure 8: Percentage of applications processed within 60 days*

*Figure 9: Major types of new and amended permits 2017-2021*

*Figure 10: Nature of VCAT appeals*

*Figure 11: Averages Score How Well the Planning Policy is Working*

## ACKNOWLEDGEMENT OF COUNTRY

Manningham Council acknowledges the Wurundjeri Woi-wurrung people as the Traditional Owners of the land and waterways now known as Manningham.

Council pays respect to Elders past, present and emerging, and values the ongoing contribution to enrich and appreciate the cultural heritage of Manningham.

Council acknowledges and respects Australia's First Peoples as Traditional Owners of lands and waterways across Country, and encourages reconciliation between all.

Manningham Council values the contribution made to Manningham over the years by people of diverse backgrounds and cultures.

# 1 Executive Summary

---

The *Planning and Environment Act 1987* (the Act), requires a planning authority to review its Planning Scheme no later than one year after the approval of its Council Plan and submit a copy to the Minister for Planning. The Manningham Planning Scheme Review 2022 (**the Review**) fulfills this requirement by evaluating the performance of the Manningham Planning Scheme and identifying recommendations for its improvement.

The *Planning and Environment Act 1987* outlines the objective of the Review to enhance the effectiveness and efficiency of the planning scheme in achieving the objectives of planning in Victoria.

The Review has been informed by extensive research, review and consultation undertaken over the past four (4) year period, including:

- Consideration of State planning initiatives including the Rescode Review, the Cooling and Greening Project and Smart Planning Program.
- Review of local strategic strategies including the Council Plan, Liveable City Strategy 2022 and Transport Action Plan 2021.
- Evaluation of demographic trends and housing data (approvals of multi-dwelling applications)
- Analysis of planning permit activity
- Review of VCAT Decisions and Panel Reports
- Audit of Local policies and schedules

Manningham's population has grown by 8,445 people over the five year period between 2016 to 2021 to 125,827, according to the 2021 Census data. The growth rate of 1.35%, represents relatively low growth when compared to other metropolitan municipalities.

The number of private dwellings has increased by 4,857 over the past five years to 49,918 total dwellings in Manningham. This includes an additional 1,259 separate dwellings and 2,290 new apartments. The greatest growth as a percentage is in new apartments, which represents 46% of additional dwellings being built.

The majority (72.8%) of new multi-dwellings approved has occurred in the area affected by Schedule 1 to the General Residential Zone (GRZ1). However, GRZ1 applies to 43.3% of residential properties and identifies residential areas away from activity centres and main roads.

Council's policies for housing growth and change are facilitating the envisaged higher density outcomes. Doncaster has accommodated the greatest percentage (37.3%) of the multi-dwelling approvals over the last four years, followed by Doncaster East (25.1%). Warrandyte has had the lowest number of multi-dwelling applications (2) approved in 2019, followed by Wonga Park which had 8 approvals over the four years. The majority (55.1%) of approvals for multi-dwelling applications in the last four years comprised dwellings with four bedrooms or more, while only 3.1% of approved dwellings contained one-bedroom.

There have been 149 decisions by the Victorian Civil and Administrative Tribunal (VCAT) since the last review of the Manningham Planning Scheme in 2018. The number of decisions has decreased since 2018, with the initial impact of Covid-19 evident in 2020. Eighty (80) percent of VCAT applications relate to multi-dwelling development. This highlights the importance of our planning policy relating to multi-dwelling applications.

Of the 19 recommendations from the Previous Planning Scheme Review seventeen (17) have either been completed, are being progressed, or are ongoing. Two of the recommendations have not been progressed including the review of the non-residential uses policy and review of Manningham's heritage studies, largely due to budgeting constraints and staff resourcing issues.

A range of consultation and engagement processes have been undertaken to inform changes to the Planning Scheme, including consultation specifically for the Planning Scheme Review undertaken between May and June 2022.

Respondents to an online survey were asked to rank the most important issue to be considered as part of the Review. Neighbourhood character was identified as the important issue, followed by the environment and residential development. Employment was ranked as the lowest priority. Respondents were also asked what key issues needed improvement in the Planning Scheme and the top three responses related to:

- Reducing residential development
- Protecting neighbourhood character
- Protecting heritage places

The State Government has undertaken over 30 key amendments that affected the Manningham Planning Scheme. These include:

- Responding to major emergencies including recovery from bushfires and the global Covid-19 pandemic,
- Facilitating major State Government infrastructure projects to support Melbourne's growing population including the North East Link and the Fitzsimons Lane Upgrade:
- Supporting the development and redevelopment of social and affordable housing
- Implementing the Smart Planning program to simplify and modernise Victoria's planning policy
- Providing a coordinated approach to protecting the Yarra River Corridor
- Further developing integrated water management initiatives.

The State Government is also progressing several projects which will result in changes to the Manningham Planning Scheme including the Rescode Review, Cooling and Greening Project and Review of the Green Wedge.

Manningham Community Vision 2040 and Manningham Council Plan 2021-2025 are key strategic documents which have influenced the preparation of the Review, as well as the Liveable City Strategy.

Ten (10) amendments have been approved by the Minister for Planning and gazetted to the Manningham Planning Scheme, including four Council led amendments, 3 proponent led amendments and three ministerial amendments.

The goals and recommendations of the Review provide the overarching objectives under nine main themes as follows:

<b>Climate Change and Environmentally Sustainable Design (ESD)</b>	
<b>Goal</b>	
To respond to climate change and proactively manage environmental risk.	
<b>Actions</b>	<b>Priority</b>
1. Investigate opportunities to join the CASBE led Elevating ESD Targets project.	High
<b>Environment and Rural Areas Land Management</b>	
<b>Goals</b>	
To protect biodiversity.	
To protect rural areas from inappropriate development.	
<b>Actions with the Planning Scheme</b>	<b>Priority</b>
2. Review and update the schedules to the Environmental Significance Overlay.	Medium
<b>Bushfire</b>	
3. Review the application of the Bushfire Management Overlay in Wonga Park.	High
<b>Erosion, Landslip and Sloping Sites</b>	
4. Review the land areas currently affected by the Erosion Management Overlay.	Low
<b>Rural Areas</b>	
5. Investigate opportunities to strengthen landscape design policy in the Rural Conservation Zone.	Low
<b>Integrated Water Management</b>	
6. Progress the preparation of an Integrated Water Management Strategy.	High (CP)
7. Progress updated flood mapping for the municipality.	High
<b>Pine and Cypress Tree Controls</b>	
8. Review the controls that protect Pine and Cypress trees.	High
<b>Contaminated Land</b>	
9. Identify potentially contaminated land and where appropriate apply an Environmental Audit Overlay (EAO).	Low

<b>Residential / Neighbourhood Character</b>	
<b>Goals</b>	
To provide improved design guidelines for residential development that respects neighbourhood character.	
<b>Actions within the Planning Scheme</b>	<b>Priority</b>
<b>10. Progress the preparation of a Housing Strategy and Neighbourhood Character Study to identify preferred character precincts to and guide residential growth and development across the municipality.</b>	High
<b>11. Prepare a new Affordable Housing Policy to respond to community needs.</b>	High (CP)
<b>Activity Centres/ Commercial Uses</b>	
<b>Goals</b>	
To support the development of our activity centres with improved design guidelines.	
To support recovery from COVID-19 pandemic.	
<b>Actions</b>	<b>Priority</b>
<b>12. Develop a Vibrant Villages Action Plan.</b>	High (CP)
<b>13. Prepare design guidelines for neighbourhood and local activity centres.</b>	High
<b>14. Review and update the Doncaster Hill Strategy 2002 (revised 2004) and the Parking Overlay Schedule 1.</b>	High
<b>15. Undertake strategic work to determine future land use options to support employment of the residual land at the former Bulleen Industrial Precinct.</b>	High
<b>16. Review and revise <i>Clause 22.05 Non-residential uses in residential areas</i> to provide greater guidance for the assessment of non-residential applications in residential zones.</b>	Medium
<b>Open Space and Leisure</b>	
<b>Goals</b>	
To support increased active lifestyles.	
To improve connections and protect the amenity of public open space.	
<b>Actions</b>	<b>Priority</b>
<b>17. Pursue the creation of additional open space and key links including sites identified in the Open Space Strategy.</b>	High



18. Review opportunities to mitigate against over-shadowing of public open space.	High
<b>Heritage</b>	
<b>Goals</b>	
To protect places of heritage significance.	
<b>Actions</b>	<b>Priority</b>
19. Develop a heritage framework plan to identify and prioritise heritage-based actions.	High
<b>Transport</b>	
<b>Goals</b>	
To support '20-minute neighbourhoods'.	
To support sustainable transport options.	
<b>Actions</b>	<b>Priority</b>
20. Review Clause 21.12 <i>Infrastructure</i> to better support public and active transport including the implications of the North East Link and Suburban Rail Loop.	Medium
21. Review the application of DDO1 – Doncaster Road Strategy Area.	Low
22. Review schedules to the <i>Parking Overlay</i> to ensure consistency with Clause 52.06 Car Parking.	Medium
<b>Development Contributions</b>	
<b>Goal</b>	
To facilitate the preparation and implementation of a Development Contributions Plan as a way to support the delivery of infrastructure.	
<b>Actions</b>	<b>Priority</b>
23. Prepare a municipal wide Development Contributions Plan.	High (CP)
24. Review the Doncaster Hill Development Contributions Plan.	High
<b>Administrative Amendments</b>	
<b>Actions</b>	<b>Priority</b>
25. Undertake administrative planning scheme amendments.	Low (as required)

<b>Advocacy</b>	<b>Priority</b>
Advocate to the State Government for municipal wide tree protection controls and replanting requirements to reduce the urban heat island effect and maintain the landscape character across the municipality.	Medium
<b>Other Actions</b>	<b>Priority</b>
Review opportunities to improve education in relation to vegetation retention in bushfire prone areas.	Medium

The Review identified that the Manningham Planning Scheme is operating effectively. Manningham receives nearly 1,000 planning permit applications every year. In 2020/2021 88% of application were processed within 60 statutory days, exceeding the Melbourne Metropolitan average of 64.7%. 90% of VicSmart applications completed within 10 days, compared to 80% for the Melbourne Metropolitan average.

Some gaps were identified in relation to design guidelines for incremental residential development, neighbourhood and local activity centres, and tree controls in urban areas. Further efficiencies and better outcomes can be gained by reviewing and revising schedules to the Residential Zones and Environmental Significance Overlay. Other priorities include the review of the flood mapping, development of an Integrated Water Strategy and development of a municipal wide Development Contribution Plan.

## 2 Introduction

---

### 2.1 Planning Scheme Review requirements

The *Planning and Environment Act 1987* (the Act), requires a planning authority to review its Planning Scheme no later than one year after the approval of its Council Plan.

Consequently, a review of the Planning Scheme and a report outlining its findings and recommendations was required to be submitted to the Minister for Planning by August 2022, however the Department of Land, Environment, Water and Planning (DELWP) has since granted Manningham Council until December 2022 to submit the Review to the Minister for Planning.

A key purpose of the review is to assess how efficiently and effectively the Planning Scheme is currently implementing relevant State and local land use and development planning objectives. The Act requires the review to evaluate whether the Planning Scheme:

- is consistent in form and content with the directions or guidelines issued by the Minister; and
- sets out effectively the policy objectives for use and development of land in the area to which the planning scheme applies; and
- makes effective use of State provisions and local provisions to give effect to State and local planning policy objectives.

The Planning Scheme Review (the Review) includes recommendations that will improve the decision-making process and outcomes within Manningham City Council. This Review has been prepared in accordance with the *Planning Practice Note 32: Review of Planning Scheme (June 2015)* and the *Continuous Improvement Review Kit for Planning and Responsible Authorities (February 2006)*.

### 2.2 Planning Scheme Review Methodology

Extensive background work has been undertaken to inform the Review, taking into account and having regard to the following:

- The Manningham municipal context, including the changing demographics of the Manningham community; review of housing data and statistics, planning permit and planning scheme amendment activity, VCAT decisions and Panel reports and ongoing actions from the previous Planning Scheme Review 2018. These are summarised in sections 3 of the report with appendices including more detailed data as required.
- A summary of the consultation and engagement undertaken, and feedback received is included in section 3 of the review.
- Key State planning initiatives since the last Planning Scheme Review in September 2018 is included in section 4.
- Key local strategic initiatives since the last Planning Scheme Review in September 2018 is included in section 5.

## 2.3 Planning Scheme Review Themes

Following a discussion of the Review methodology, the report then identifies key issues categorised under nine key themes.

The themes are as follows:

- Climate Change and Environmental Sustainable Design (chapter 8)
- Environment and Rural Areas (chapter 9)
- Residential/ Neighbourhood Character (chapter 10)
- Activity Centre/ Commercial Areas (chapter 11)
- Open space and Leisure (chapter 12)
- Heritage (chapter 13)
- Transport (chapter 14)
- Development Contributions (chapter 15)
- Administrative Amendments (chapter 16).

Included under each theme is an assessment relating to:

- State initiatives
- Collaborative initiatives, where applicable
- Local initiatives
- Discussion – what was highlighted in consultation and opportunities for addressing gaps
- Recommendations for changes to the planning scheme, or other actions

## 3 Municipal Context

---

### 3.1 Demographics and housing statistics

The Review is considered in the context of the changing demographics in Manningham, a review of multi-dwelling applications recently approved, planning permit activity and the previous Planning Scheme Review 2018.

The following data provides an overview of the main changes to Manningham's demographics, as well as information on the number and types of planning permit applications. These figures provide the context for the Review and are integral to understanding some of the key challenges the municipality faces, and how our planning policy needs to evolve to address these matters.

#### 3.1.1 Population

The Manningham population has grown by 8,445 people over five year period between 2016 to 2021 to 125,827, according to the 2021 Census data. Growth has been at an average of 1,689 people per year. The growth rate of 1.35%, represents relatively low growth when compared to other metropolitan municipalities. The average age of a person in Manningham remains at 43 years, which is older than the Greater Melbourne average of 37. The percentage of the population which are children (0 to 14 years old) in Manningham is 16.2%, compared with 18.2% across the Greater Melbourne. In the last five years there has been an increase in the percentage of people in their 30's, as well as school aged children between 5 and 14 years old. The percentage of the population which is over 65 years of age is 22%, compared to 14.8% across Greater Melbourne. This highlights the importance of considering the needs of older residents when planning in Manningham.

#### 3.1.2 Language diversity

Over half of Manningham's residents 31,371 people (52%) speak only English at home. A total of 27,126 (45%) of people identified as speaking a language other than English at home, with Chinese (22%) being the most common other language, followed by Greek (5%). This highlights the importance of considering the needs of different cultures in our planning, communication and engagement.

#### 3.1.3 Dwellings

There has been an increase in the number of private dwellings by 4,857 over the past five years to a total of 49,918 dwellings in the City of Manningham. This includes an additional 1,259 separate dwellings and 2,290 new apartments. The greatest growth as a percentage is in new apartments, which represents 46% of additional dwellings being built.

There has also been a small decrease in the percentage of homes owned outright, and a small increase in homes being purchased through a mortgage. There has been a small increase in the number of dwellings rented in Manningham.

### 3.1.4 Household tenure

There has also been an increase in the number of motor vehicles owned by residents in Manningham over the five years to 4,500, which is proportionate to the growth in the number of dwellings. Over 95 per cent of dwellings reported owning one car or more in Manningham. The average number of cars per dwellings is 1.8 across Australia. Over 90 per cent of households reported having at least one vehicle, and more than half (55.1%) reported having two or more vehicles across Australia.

There has been an increase in the number of households which include couples with no children, couples with children, one parent families and lone person households. The increase in lone person households could be an indicator for an increased need for smaller dwellings. There has been little change with these numbers as a percentage of household type.

Cars continued to be the most popular mode of transport to get to work across Australia. Over half (52.7%) of people drove to work by car only on Census Day 2021, compared to 61.5% in 2016. In Manningham 29,035 people (over 90% of those who took one mode of transport) drove to work by car only on Census Day 2021.

Over half (57%) of people living in Manningham were employed full time and a third (36%) work part time. The following table shows the number of people employed by industry.

Industry	Number of People
<b>Agriculture, Forestry and Fishing</b>	175
<b>Mining</b>	76
<b>Manufacturing</b>	3,125
<b>Electricity, Gas, Water and Waste Services</b>	462
<b>Construction</b>	4,992
<b>Wholesale Trade</b>	2,137
<b>Retail Trade</b>	6,519
<b>Accommodation and Food Services</b>	3,755
<b>Transport, Postal and Warehousing</b>	1,840
<b>Information Media and Telecommunications</b>	1,041
<b>Financial and Insurance Services</b>	3,367
<b>Rental, Hiring and Real Estate Services</b>	1,355
<b>Professional, Scientific and Technical Services</b>	6,631

<b>Administrative and Support Services</b>	1,637
<b>Public Administration and Safety</b>	2,497
<b>Education and Training</b>	5,020
<b>Health Care and Social Assistance</b>	8,364
<b>Arts and Recreation Services</b>	849
<b>Other Services</b>	2,052
<b>Inadequately described/Not stated</b>	2,646
<b>Total</b>	<b>58,529</b>

### 3.1.5 Housing data

A review of approvals for multi-dwellings planning permit applications (defined as applications for two or more dwellings on a lot) between 2018 and 2021 has been undertaken to better understand the growth in housing in the context of the municipality and the zone and overlay provisions that control the density, scale and form of residential development. Figure 1 shows that approvals for new multi-dwellings slowed in 2020 and 2021. This was probably a consequence of less applications being lodged due to the uncertainty caused by the Covid-19 pandemic.

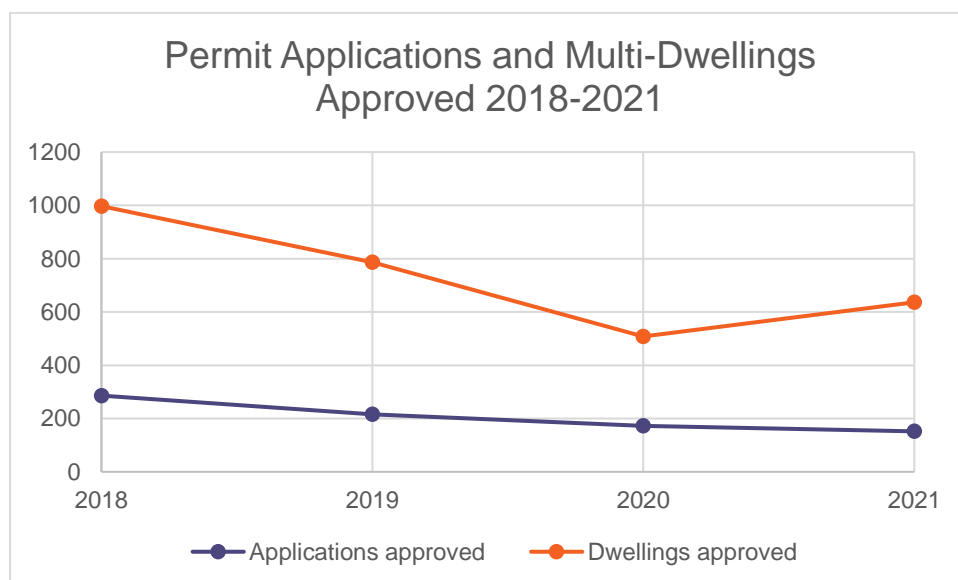
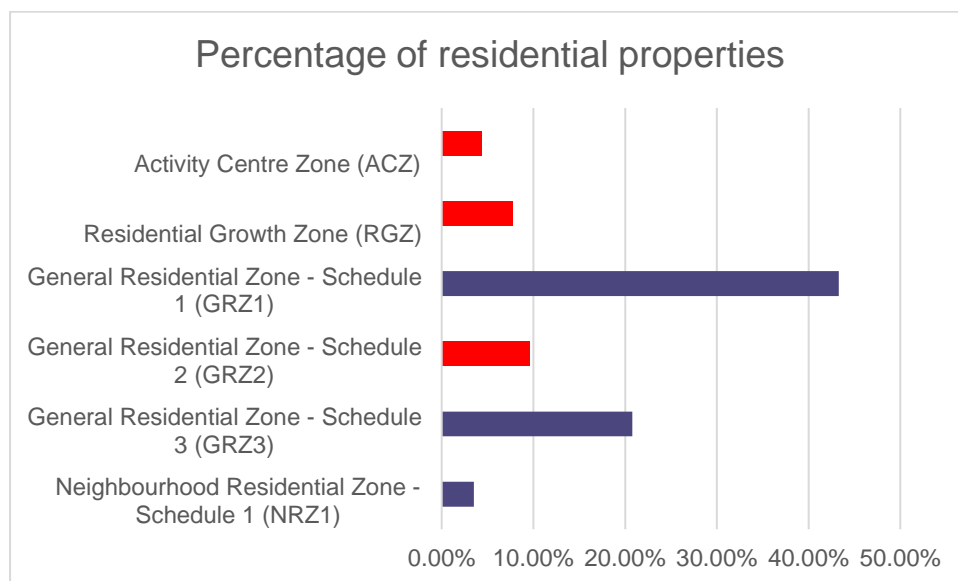


Figure 1: Permit applications and dwellings approved 2018-2021

New residential development has predominantly occurred within the municipality’s urban areas, being the area generally to the west of the Mullum Mullum Creek. A substantial portion of new approved housing is dispersed throughout the residential neighbourhoods of Manningham in the form of incremental change (two dwelling developments on conventional sized lots).

The Manningham Planning Scheme seeks to guide medium and high-density residential development to the Activity Centre Zone (Doncaster Hill), Residential Growth Zone (applies to residential areas fronting key main roads and select strategic sites, including The Pines Major Activity Centre) and General Residential Zone – Schedule 2 (which applies to residential areas around activity centres). These areas are expected to provide housing choice in locations that are well serviced by public transport, shops and services. The percentage of residential land in each of the zone types in Manningham’s urban area is depicted in Figure 2. The percentages shaded in red reflect the areas where higher density forms of housing are encouraged.



*Figure 2: Percentage of residential properties*

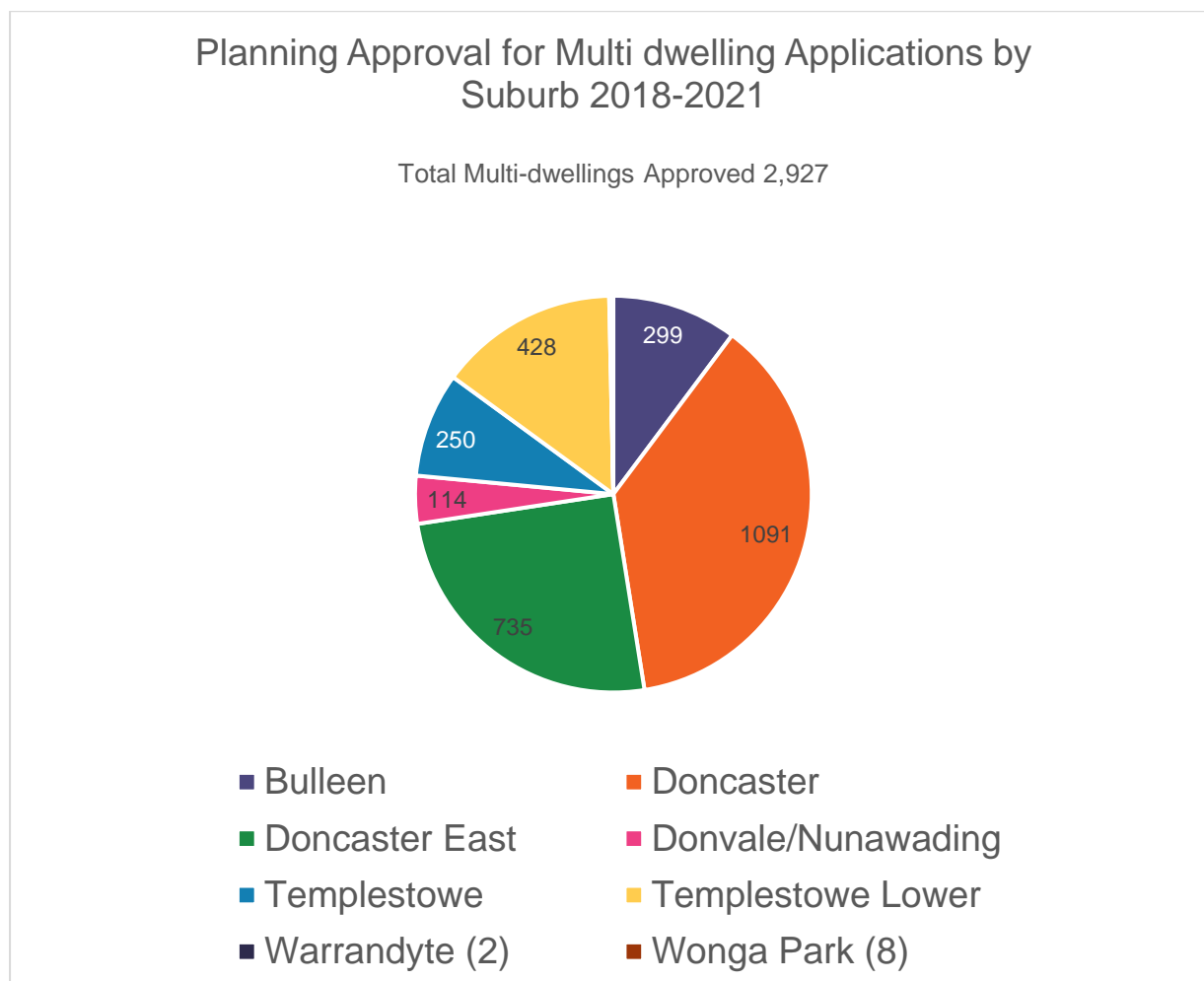
The majority (72.8%) of new multi-dwellings approved has occurred in the area affected by Schedule 1 to the General Residential Zone (GRZ1). GRZ1 applies to 43.3% of residential properties and identifies residential areas away from activity centres and main roads. This may represent a shift in development away from larger development applications towards smaller, more incremental style development. It is relevant to note that many of the larger apartment development approvals in areas nominated for substantial growth, particularly around Doncaster Hill, were issued prior to this review period, and the number of larger unconstrained sites for development has subsequently decreased.

An analysis of dwellings approved in growth area zones and in incremental changes areas, found that dwellings in multi-dwelling development applications were approved at a rate 4.95 times higher than in the non-residential growth areas, when taking into account the percentage of land zoned for each zone category. While growth area zones occupy substantially less developable land (15.9%) than other residential zones (84.1%), a high portion of additional dwellings are being accommodated within the designated growth area.

This data demonstrates that Council’s policies for housing growth and change are facilitating the higher density outcomes envisaged. While the total number of new dwellings as an overall percentage of all new dwellings is lower than the remaining residential areas that are designated for incremental change, it is important to acknowledge that areas designated for incremental change comprise 67.6% of all residential properties, while those designated for growth comprise only 21.7%.



When reviewing the data on a suburb-by-suburb basis (refer to Figure 3), it is apparent that Doncaster has accommodated the greatest percentage (37.3%) of the multi-dwelling approvals over the last four years, followed by Doncaster East (25.1%). Warrandyte has had lowest number of two (2) multi-dwelling applications approved in 2019, followed by Wonga Park which had eight (8) approvals over the four years.



*Figure 3: Planning Approvals for Multi-dwellings applications by suburb 2018-2021*

High density development (in the form of high-rise apartment buildings) within the Doncaster Hill Major Activity Centre has slowed over the last four years, with only 347 dwellings approved between 2018 and 2021. However, over the same period almost 750 dwellings were approved in the surrounding suburb of Doncaster. The slower growth of Doncaster Hill may be due to most of the larger, relatively unconstrained, development sites being either developed or benefitting from current planning permits to facilitate a future development.

As shown in the pie chart below, the majority (55.1%) of approvals for multi-dwelling applications in the last four years comprised dwellings with four bedrooms or more, while only 3.1% of approved dwellings contained one-bedroom. This is despite the data excluding single dwelling developments as they generally do not require a planning permit. While Doncaster contained the greatest diversity of dwelling types, other areas experienced a low percentage of one or two bedroom dwelling approvals. It is evident that there is a greater proportion of larger (4 or more bedroom) homes in Manningham. This may be a reflection of

the more dominant household types, including multi-generational homes and a higher portion of people working from home. Nevertheless, the data does demonstrate that there is a lack of diversity in one and two bedroom dwellings.

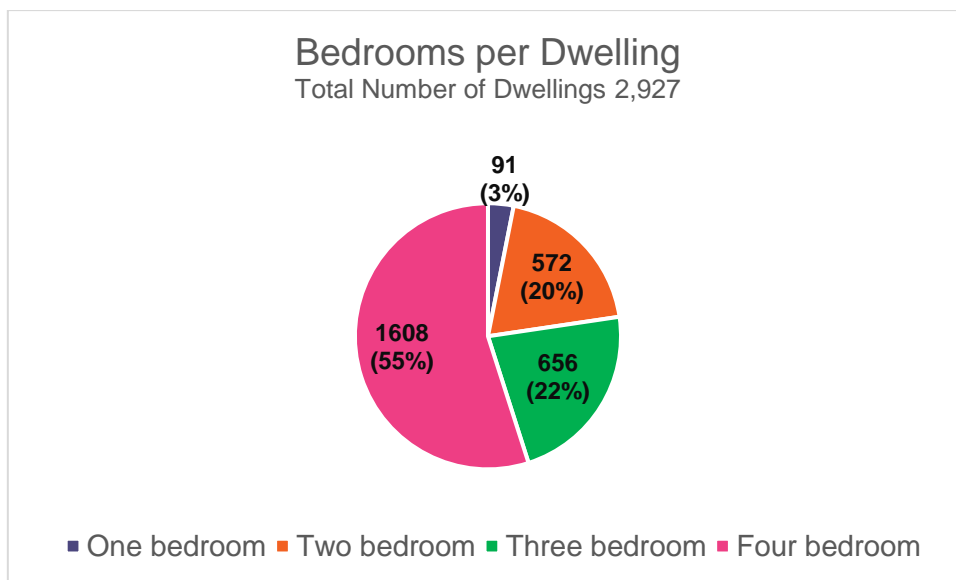


Figure 4: Bedrooms per dwelling in dwelling approvals 2018-2021

Single detached dwellings still represent the largest proportion of Manningham’s housing stock and while this is expected to continue, there is a need for a greater mix of housing types in the form of medium and higher density dwellings to support the growing population.

House Type	Number of Dwellings
<b>Separate Dwelling</b>	32,131 (72%)
<b>Semi-detached/ townhouse</b>	7,437 (17%)
<b>Flat or Apartment</b>	4,958 (11%)
<b>Total Dwellings (occupied)</b>	44,574 (100%)

The following maps (Figures 5 & 6) identify multi-dwelling approvals between 2018 and 2021. The larger dots depict a higher number of dwellings, and the smaller dots show approvals for two dwelling developments. The shading on the map reflects the different residential zones and schedules.

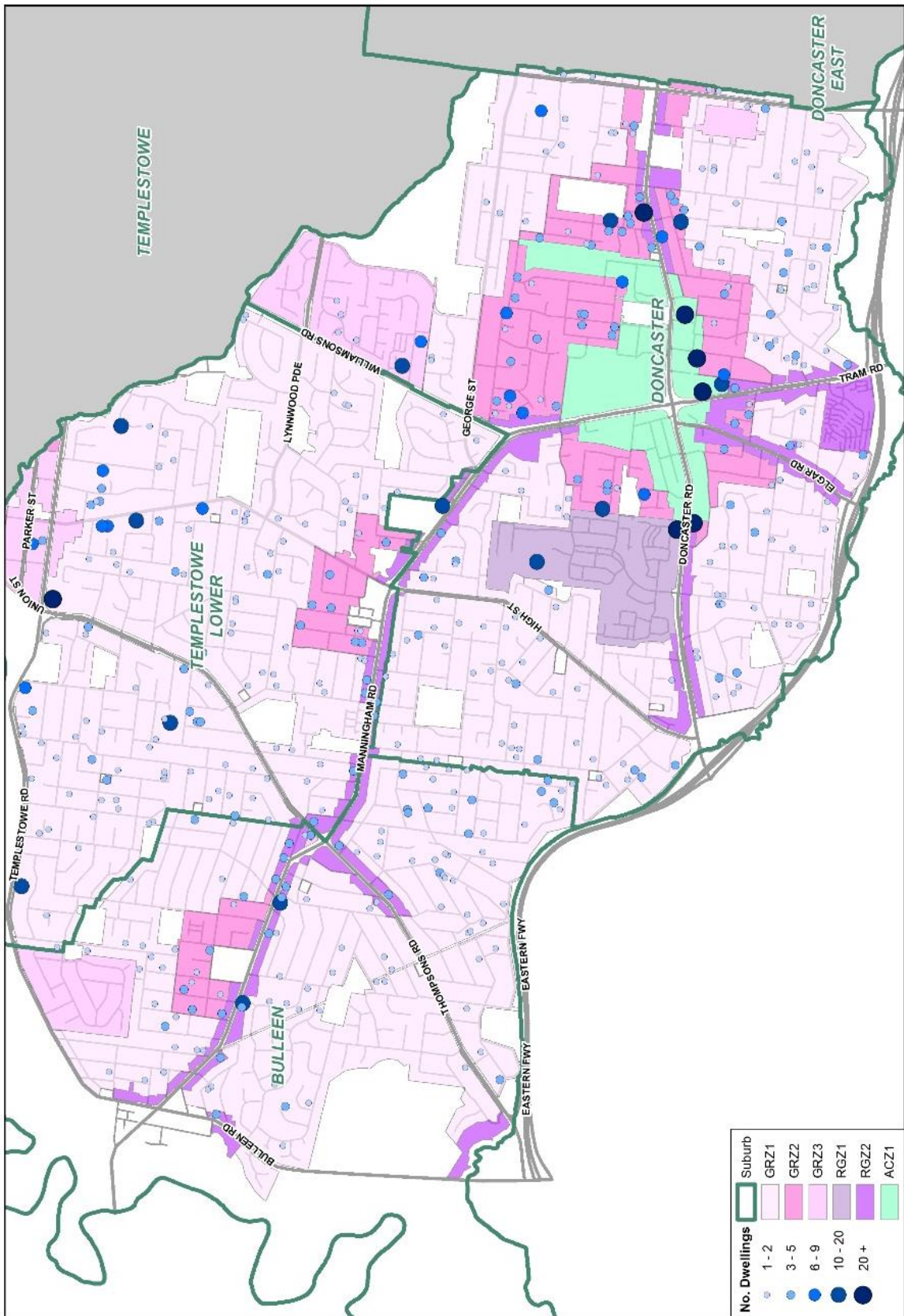


Figure 5: Multi-dwelling approvals 2018-2021 (western part of municipality)

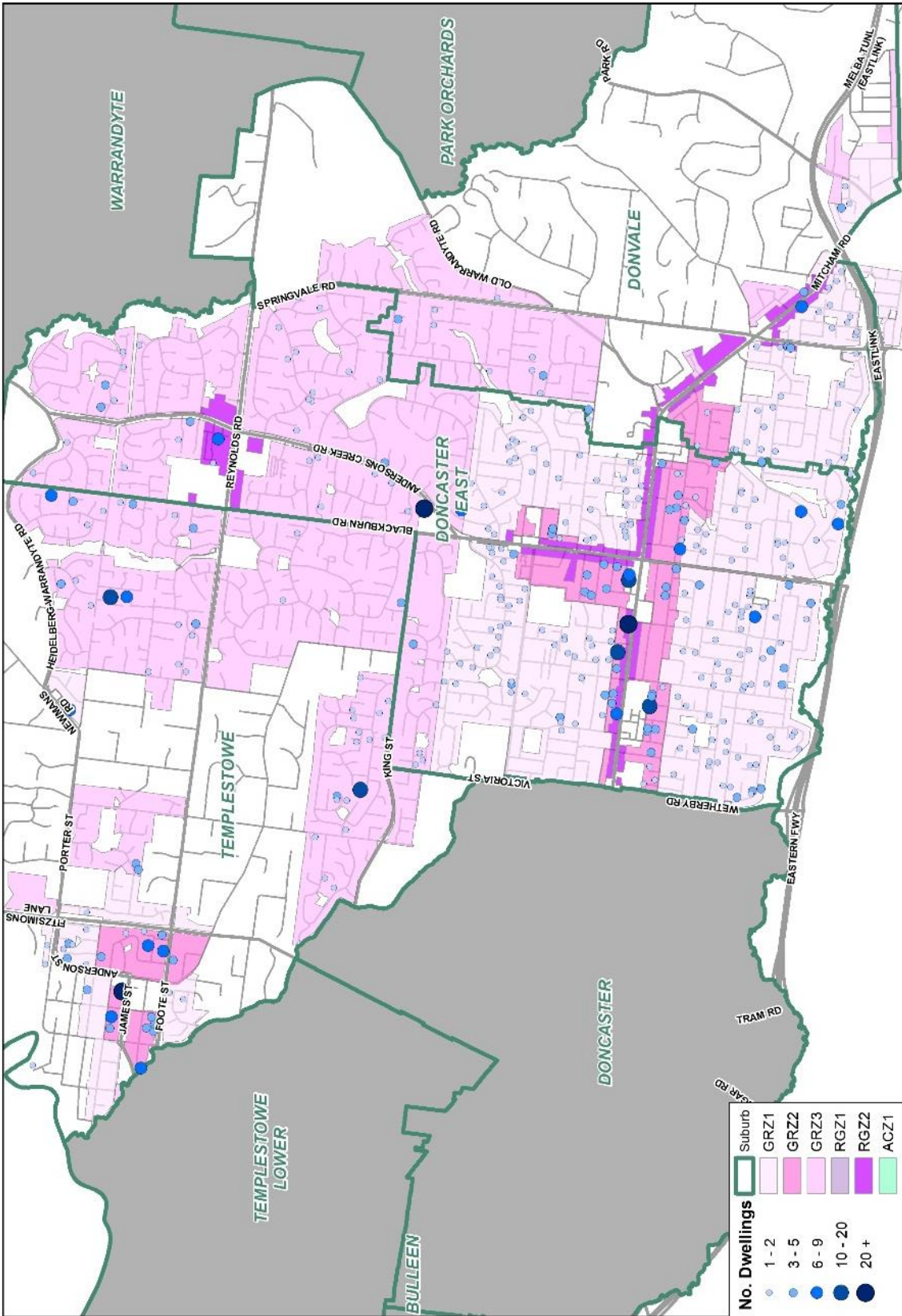


Figure 6: Multi-dwelling approvals 2018-2021 (eastern part of municipality)

## **3.2 Review of Permit Applications and Planning Scheme Amendments**

Planning Permit application data has been reviewed over the last four financial year period (2017/18 to 2020/21). The data presented below includes information on the number of applications, the outcomes, the time to determine the application and the types of applications received.

An important part of the Review is to analyse the outcomes of Victorian Civil and Administrative Tribunal (VCAT) decisions and Independent Panel reports from Planning Scheme Amendments. VCAT decisions and Panel reports provide an opportunity for the testing of policy and other planning controls and can identify potential improvements to planning provisions.

### **3.2.1 Planning Permit Activity**

Council's statutory planning activity is regularly reviewed and reported to Department of Environment Land Water and Planning (DELWP) for inclusion in the Planning Permit Activity Annual Report (PPAR).

The purpose of the PPAR is to ensure that councils continue to administer and enforce relevant legislation in an accurate, consistent and efficient manner. It also provides publicly accessible planning data across all councils in the State, facilitating benchmarking and performance reporting.

Table 1 provides a snapshot of the City of Manningham statutory planning data and key planning indicators from the PPAR for the last 4 financial years 2017-18, 2018-19 and 2019-20 and 2020-21.

Table 1: Planning permit activity 2017 to 2021

Application activity	2017/18	2018/19	2019/20	2020/21
Total applications received	1,087	957	949	977
New permit applications	992	819	776	782
Amended permit application	95	138	173	195
Final outcomes	1,184	1,045	895	915
New permit issued	938	808	645	641
Amended permit issued	90	112	150	156
No permit issued	156	125	100	118
Other key indicators				
Refusals	62	43	32	22
Withdrawn / Not required / Lapsed	131	96	77	101
Reviews lodged at VCAT	22	39	37	32
Applications lodged as VicSmart applications	143	111	156	201

Table 2 provides an overview of the percentage of applications that have been processed within the timeframes specified under the *Planning and Environment Act 1987*.

Table 2: Percentage of applications processed in statutory timeframe

Performance figures	17/18	Metro av. 17/18	18/19	Metro av. 18/19	19/20	Metro av. 19/20	20/21	Metro av. 20/21
% VicSmart applications completed within 10 days	69.6%	76.6%	88.9%	77.2%	93.1%	79.2%	90.0%	80.7%
% Applications processed within 60 days	71.7%	56.5%	80.5%	60.6%	94.3%	64.5%	88.1%	64.7%

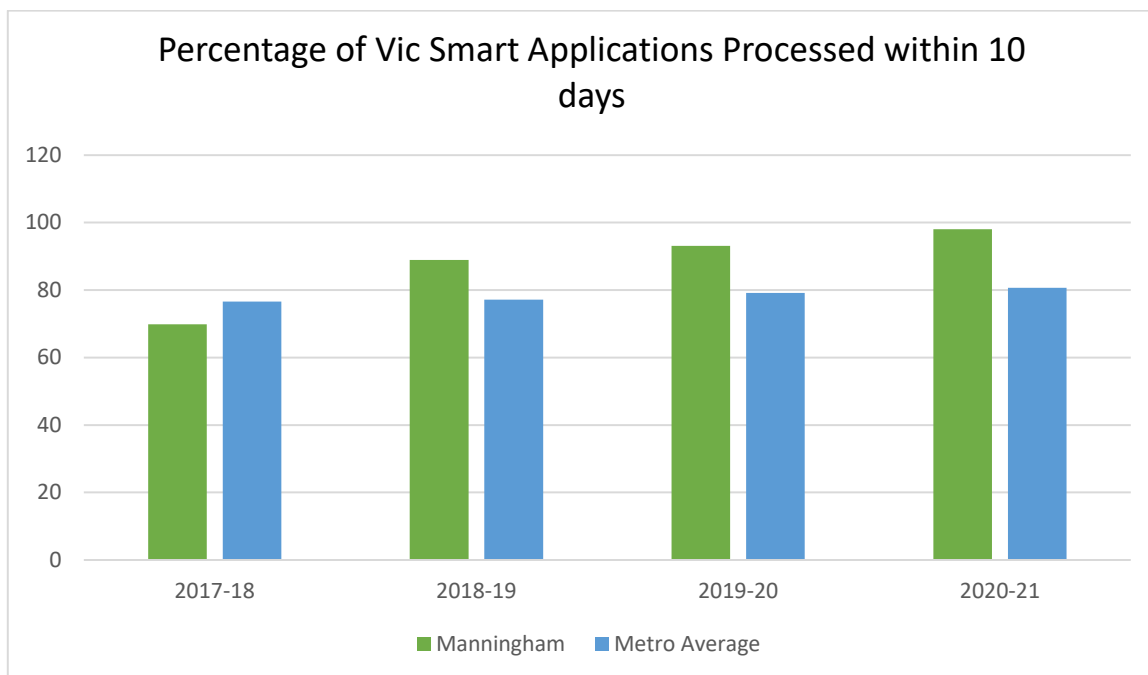


Figure 7: Percentage of VicSmart Applications Processed within 10 days

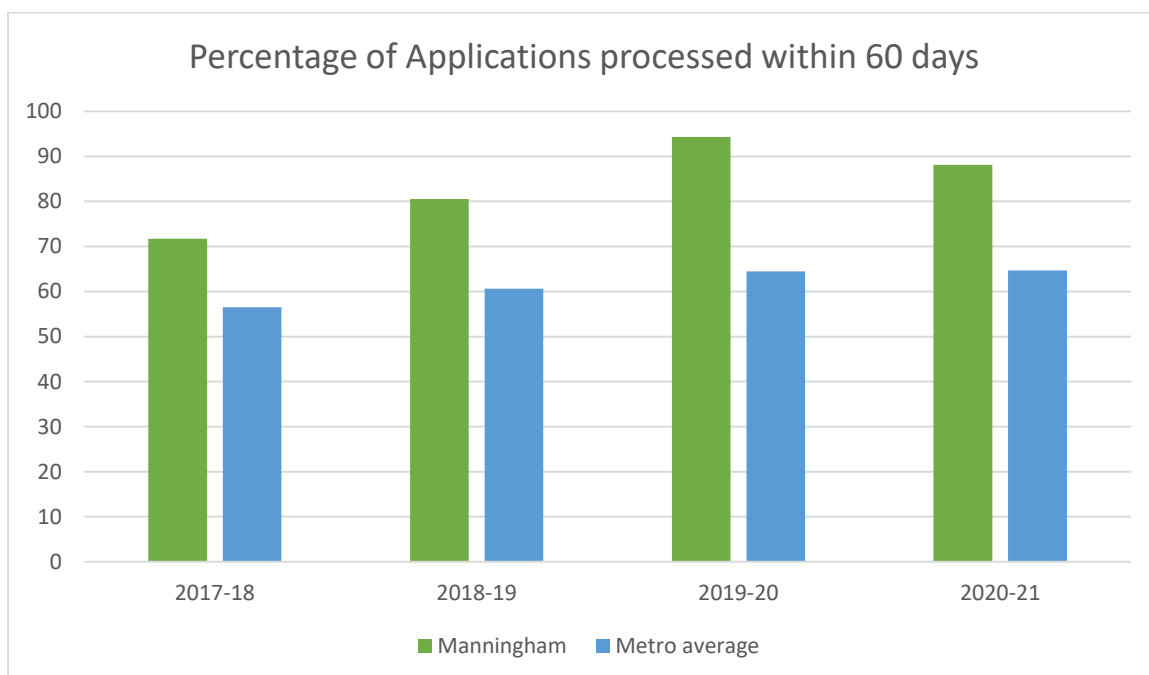


Figure 8: Percentage of applications processed within 60 days

Table 3 provides an overview of the types of applications received over the last four years. The majority of applications related to the development of multi-dwellings and subdivision of land. Alteration to dwellings or buildings, and single dwelling applications are likely to represent applications in the rural areas or commercial areas of the municipality. This information helps guides our priorities for review of relevant planning provisions.

Table 3: Types of applications received (new and amended permits)

	2017/18	2018/19	2019/20	2020/21	Total (%)
<b>Multi dwellings</b>	392	329	267	238	1226 (33.8%)
<b>Subdivision of land</b>	216	213	170	183	782 (21.5%)
<b>Alterations to a building, structure or dwelling</b>	182	128	120	151	581 (16%)
<b>Single dwellings</b>	76	73	64	63	276 (7.6%)
<b>Other buildings and works</b>	57	77	85	90	309 (8.5%)
<b>Change of use</b>	20	25	29	23	97 (2.7%)
<b>Native vegetation removal</b>	26	23	25	16	90 (2.5%)
<b>Signage</b>	14	22	16	8	60 (1.7%)
<b>Removal of covenant</b>	17	15	20	3	55 (1.5%)
<b>Other</b>	46	34	32	44	156 (4.2%)
<b>TOTAL</b>	<b>1046</b>	<b>939</b>	<b>828</b>	<b>819</b>	<b>3632 (100%)</b>

Figure 9: Major types of new and amended permits 2017-2021

### 3.2.2 VCAT Decisions

There have been 149 decisions by the Victorian Civil and Administrative Tribunal (VCAT) since the last review of the Manningham Planning Scheme in the period of September 2018 to July 2022). Table 4 shows the number of decisions has decreased since 2018, with the initial impact of Covid-19 evident in 2020.

Table 4: Number of VCAT decisions 2018-2022

Year	Number of VCAT decisions
<b>2018</b>	47
<b>2019</b>	42
<b>2020</b>	21
<b>2021</b>	29
<b>2022 (to 30/6/22)</b>	10



<b>TOTAL</b>	<b>149</b>
--------------	------------

*Table 5: Summary of the nature of VCAT decisions*

<b>Nature of appeal</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>	<b>TOTAL</b>
<b>Multi unit development</b>	37	34	17	23	6	<b>117</b>
<b>Non-residential uses (excluding child care centre)</b>	4	1	2	3	1	<b>11</b>
<b>Child care centre</b>	0	4	0	1	0	<b>5</b>
<b>Rural buildings and works</b>	2	2	0	0	1	<b>5</b>
<b>Development on lots &lt;500m<sup>2</sup></b>	2	0	0	1	0	<b>3</b>
<b>Advertising signs</b>	0	0	1	1	0	<b>2</b>
<b>Subdivision</b>	1	0	1	0	0	<b>2</b>
<b>Vegetation clearing</b>	1	0	0	0	0	<b>1</b>
<b>One dwelling</b>	0	1	0	0	2	<b>3</b>
<b>Private tennis court</b>	0	0	0	1	0	<b>1</b>
<b>TOTAL</b>	<b>47</b>	<b>42</b>	<b>21</b>	<b>29</b>	<b>10</b>	<b>149</b>

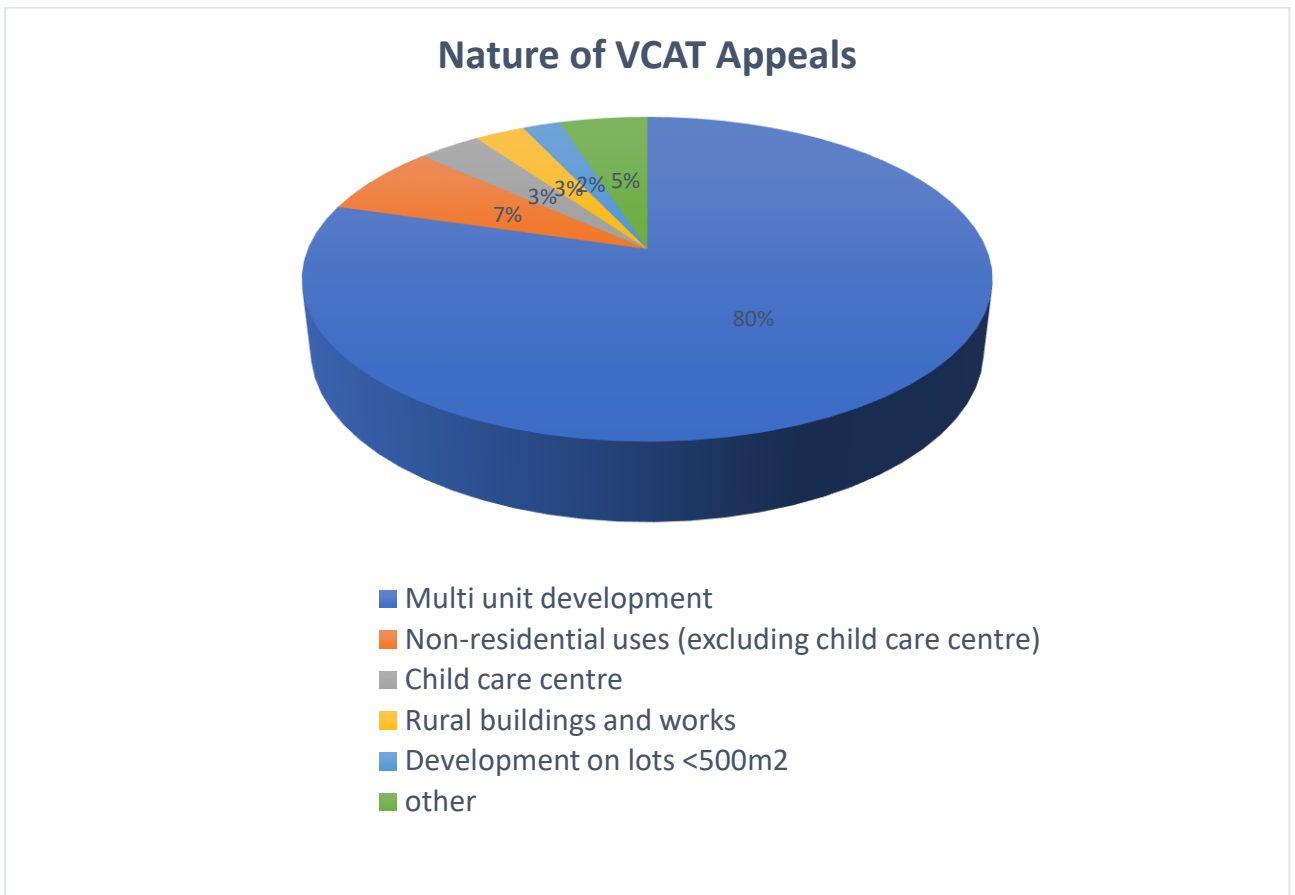


Figure 10: Nature of VCAT appeals

### 3.2.3 Nature of VCAT decisions

In the four-year Review period (2018-2022), 149 decisions on planning applications were appealed to VCAT. These included 101 appeals on Council’s decision to refuse an application, or on Council’s failure to make a decision on an application within the statutory 60-day period, as these are considered deemed refusals. VCAT affirmed 27 of these decisions and set aside 74 others. Many that were set aside were considered in a Compulsory Conference of VCAT. A Compulsory Conference enables parties to negotiate an outcome of a proposal, to be agreed to by all parties, and if an agreement is reached, then the decision will be set aside in favour of the agreed decision. This differs from a VCAT Hearing where the decision is determined on its merits without negotiation.

The majority of appeals were associated with multi-unit development proposals, with the merits of a proposal, rather than the policy support in the Scheme for the multi-unit developments, being the key areas of concern. Overall, VCAT has been generally supportive of Council’s local policies over the review period. However, some specific policy issues that were raised by them have been discussed more fully in the theme Chapters 8 to 15. A summary of the VCAT decisions is also included in Appendix 1.

### 3.2.4 Planning Scheme Amendments

A number of amendments have been undertaken to the Manningham Planning Scheme since the last Review in 2018. Planning Scheme Amendments can either be State, Council

or proponent initiated. For some amendments, an independent Panel is appointed to consider submissions made to the amendment and make recommendations on whether the amendment should proceed, either as exhibited, or with changes. A review of Panel reports and recommendations is an important part of the Review process and assists in understanding policy gaps and issues that may require addressing as part of future strategic work.

Since September 2018, ten (10) Council amendments have been approved by the Minister for Planning and gazetted, including four (4) Council led amendments, three (3) proponent led amendments and three (3) ministerial amendments. A summary of these amendments is included at Appendix 2. A further Amendment prepared by a proponent is under consideration by the Minister for Planning.

### 3.3 Manningham Planning Scheme Review 2018

The previous Manningham Planning Scheme Review was completed in 2018. The previous Review identified a total of nineteen (19) recommendations that were classified as either high, medium or low. These recommendations have been integral in guiding key work priorities of the Strategic Planners forming part of the City Planning team, over the past four year period.

Of the 19 recommendations, seventeen (17) have either been completed, are being progressed, or are ongoing. Two of the recommendations have not been progressed, largely due to budgeting constraints and staff resourcing issues. These two outstanding recommendations will however be included as recommendations forming part of this Review.

Table 6 below provides an overview of the status of each recommendation from the 2018 Review.

*Table 6: Planning Scheme Review 2018 recommendations status summary*

Rec No	PSR 2018 actions	Status
1	Planning Policy Framework Translation	Completed
2	Review of the Residential framework	Progressing
3	Advocacy	Ongoing
4	Review of the Doncaster Hill Strategy	Progressing
5	Bushfire planning: - Review of local policy - Review of Clause 52.48	Completed
6	Extension of time for Environmental Sustainable Development policy	Completed
7	Floodplain management	Ongoing
8	Review of Clause 22.02 Native Vegetation	Completed
9	Affordable Housing Policy	Progressing
10	Car sharing scheme	Progressing
11	Review of private open space	Progressing

<b>12</b>	Implement policy objectives of Public Open Space Strategy 2014	Progressing
<b>13</b>	Investigate the need for policies in relation to non-residential uses including childcare centres, major promotional signages, two dwellings in the LDRZ	Outstanding
<b>14</b>	Administrative Planning Scheme Amendments	Ongoing
<b>15</b>	Implement key objectives of the Economic Development Strategy 2018	Completed
<b>16</b>	Activity Centre Planning (addressed through the Liveable City Strategy)	Completed
<b>17</b>	Review and update of Manningham's Heritage Studies and Database	Outstanding
<b>18</b>	Development Contributions Plan	Progressing
<b>19</b>	Review of delegations	Completed

## 4 Consultation and community and stakeholder feedback

---

Since the 2018 planning scheme review, a range of consultation and engagement processes have been undertaken including consultation specifically for the Planning Scheme Review 2022. The following section of the report highlights the key findings from the following consultation and engagement processes:

- Imagine Manningham 2040
- Community Panel 2021
- Liveable City Strategy 2040
- Planning Scheme Review 2022-2026

It was evident that there was feedback that was consistent between each of these processes.

### 4.1 Imagine Manningham 2040

Manningham 2040 consultation was undertaken to inform the preparation of the Liveable City Strategy 2040 and Community Vision 2021. The key issues facing Manningham were identified as:

- Population growth
- Housing
- Transport
- Climate change

The consultation identified that residents of Manningham love where they live. The safety of neighbourhoods, connections, sense of community, parks, open space, and the natural environment were highly valued. Concerns were raised with regards to congestion, population growth and environmental and urban challenges.

### 4.2 Community Engagement Panel 2021

The Community Engagement Panel 2021 was developed to inform the development of the Community Vision, Council Plan, Long Term Financial Plan and Asset Plan, as well as other strategic planning projects. The Panel convened in March 2021. In relation to the Manningham Planning Scheme Review 2022, the Panel identified the need to plan for new development responsibly, maintain principles of protecting our environment, green and open space, environmental sustainable (through use of materials) and maintain a balance of country and city.

### 4.3 Liveable City Strategy 2040

The Liveable City Strategy seeks to improve the liveability of the City by creating a high quality urban environment. As part of this project, extensive consultation was undertaken in relation to 'Activity Centre Plans' and 'Neighbourhood Plans', which is important for informing

land use and development planning. In response to the Activity Centre Plans, the following top 10 priorities were identified for the urban activity centres:

1. Diverse shops and services
2. Night time economy (evening dining and recreation)
3. Town square and a vibrant main street (including outdoor dining)
4. Tree-lined trees
5. Multi-storey or underground car parking (to free up land for public space and mixed use development).
6. Improved public transport connections and bus stops.
7. Well designed and environmentally friendly buildings.
8. Improved walking and cycling connections
9. Parks and reserves near shopping centres.
10. Green economy (encourage businesses to be more environmentally sustainable).

The need to review planning provisions to protect the preferred neighbourhood character consistently ranked as the number one priority under Housing Choice and Distinct Communities throughout most suburbs. It was inferred from the low ranking given to investigating areas for more medium density housing that residents highly value their existing neighbourhoods.

## 4.4 Planning Scheme Review 2022 consultation

The purpose of the consultation was to understand how different stakeholders use or experience the planning scheme and how it can be improved. Consultation was targeted at regular users of the Manningham Planning Scheme, including the Statutory Planning Unit, regular planning permit applicants and other service departments who deal with the Planning Scheme on a regular basis. Engagement in the form of dedicated workshops was undertaken with the following internal service units:

- Waste Services
- Statutory Planning
- Planning Compliance
- Environment
- Economic and Community Wellbeing
- Engineering
- City Design
- Traffic and Transport Engineering

Referral authorities and regular planning permit applicants were invited attend an online workshop and provide feedback via an online survey. Advisory Committees members and the broader community were invited to attend a 'Community Drop In Session', and provide feedback via the online survey.

The Consultation for the 2022 Planning Scheme Review was undertaken between May and June 2022. The consultation involved the following:

- A 'Your Say' webpage
- An Online survey
- A series of 10 key stakeholder workshops.
- Online forum for regular planning permit applicants and referral agencies
- A Community Drop-In Session

Consultation was undertaken with key stakeholders internally and externally, including the broader community. The consultation examined how well the planning scheme is performing in relation to the key themes as well as identifying where policies could be strengthened and added to improve the operation of the Manningham Planning Scheme.

Over 50 people took part, in either an online or face-to-face workshop for the Planning Scheme Review. A total of 52 respondents completed or partially completed the online survey. The survey included eight questions and an opportunity for respondents to provide further comments. A copy of the questions of the survey is included in Appendix 3.

In addition to the survey participants, three (3) separate written submissions were received.

## 4.5 Planning Scheme Review - Survey Respondents

The vast majority (90%) of respondents who took part in the survey live in Manningham. Others either worked or visited Manningham.

Most respondents indicated they had not used the Manningham Planning Scheme (59%), others had made a planning permit application (20%). Some submitters had made a submission to a planning permit application (19%). One respondent had made a submission to a strategic planning project, another two respondents had made a request for a planning scheme amendment, and 14% had other experiences.

### 4.5.1 Most Important Issue for the Manningham Planning Scheme

Respondents were asked to rank the most important issue for Manningham Planning Scheme. Neighbourhood character was identified as the important issue, and employment was ranked as the lowest priority. Table 7 shows the ranking of each issue.

*Table 7: What is the most important issue for the Manningham Planning Scheme?*

Ranking	Key Issue
1	Neighbourhood Character
2	Environment
3	Residential Development
4	Rural land use/ green wedge
5	Heritage, Arts, Cultural and Recreation
6	Transport
7	Activity Centres
8	Employment

## 4.5.2 Performance of the Planning Scheme

Respondents were asked to identify on a scale of 0 to 100 how well different aspects of our scheme are working, with 100 identifying the policy is working well and 0 identifying the policy was not working well. Responses have been grouped:

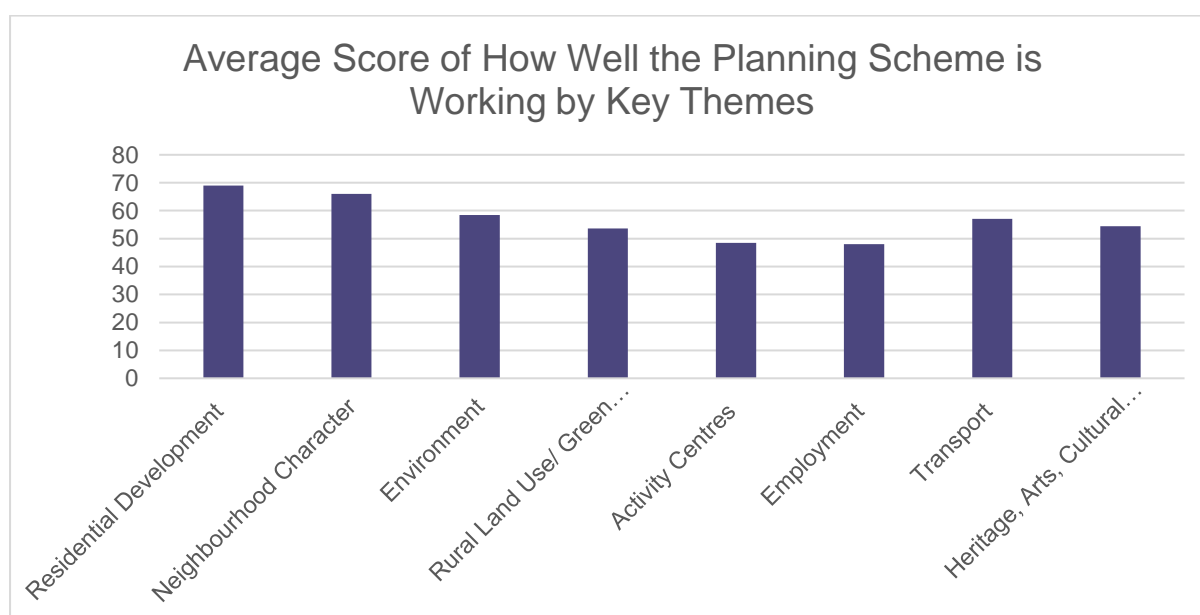
- 0 and 50 - Not working well between
- 51 and 75 - Working moderately well
- 76 and 100 - Working well.

The highest number of respondents identified the residential development and neighbourhood character policies as working well. Environment, Rural land use/ Green Wedge, Activity Centres, Transport and Heritage, Arts, Cultural and Recreation were identified as not working well by the highest number of respondents. Employment planning policy was identified as not working well amongst the highest number of respondents.

*Table 8: How well are the different aspects of the planning scheme working*

Issue	Not working well	Moderately well	Working well
<b>Residential Development</b>	12 (31.6%)	12 (31.6%)	14 (36.9%)
<b>Neighbourhood Character</b>	17 (37.8%)	8 (17.8%)	20 (44.4%)
<b>Environment</b>	20 (46.5%)	10 (23.2%)	13 (28.9%)
<b>Rural Land Use/ Green Wedge</b>	22 (50%)	14 (31.8%)	8 (18.2%)
<b>Activity Centres</b>	22 (52.4%)	16 (38.1%)	4 (9.5%)
<b>Employment</b>	23 (67.7%)	9 (26.5%)	2 (5.9%)
<b>Transport</b>	14 (35.9%)	14 (35.9%)	11 (28.2%)
<b>Heritage, Arts, Cultural and Recreation</b>	19 (48.7%)	12 (30.7%)	8 (20.5%)

The average score of how well each section of the planning scheme is working has been calculated to provide a general indication of responses.



*Figure 11: Average Score of How Well the Planning Policy is Working*



### 4.5.3 Improvement of the Planning Scheme

Respondents were asked what themes in the planning scheme need improvement. Most respondents identified the need for improvement in Residential Development, Neighbourhood Character and Environment policies in the scheme. In relation to Rural Land Use/ Green Wedge policy there was a variety of opinions.

*Table 9: What aspects of the Planning Scheme require improvement?*

Key	Yes	No	Not sure
<b>Residential Development</b>	73.5%	12.2%	14.3%
<b>Neighbourhood Character</b>	77.6%	12.2%	10.2%
<b>Environment</b>	58.7%	15.2%	26.1%
<b>Rural Land Use/ Green Wedge</b>	30.4%	23.9%	45.7%
<b>Activity Centres</b>	27.3%	38.6%	34.1%
<b>Employment</b>	22.2%	26.7%	51.1%
<b>Transport</b>	42.2%	31.1%	26.7%
<b>Heritage, Arts, Cultural and Recreation</b>	25.4%	37.8%	37.8%

Six key issues emerged including the need to:

- Reduce residential development
- Protect neighbourhood character
- Protect heritage places
- Improve public transport
- Reduce car parking on residential streets
- Protect large trees

#### *Planning for residential growth and protecting neighbourhood character*

The need for better planning to manage residential growth was repeated throughout many submissions. Several respondents expressed concern about the amount of development in Doncaster. There were suggestions to improve consideration of neighbourhood character in terms of need for landscaping within new development, improved guidelines for 'side by side residential development', and a definition around what constitutes visual bulk. There was also a suggestion that requirements to respect neighbourhood character stifles modern design. One submission raised the need to '*Review DDOs relating to residential development in light of new state residential zones*', in particular the need to address issues such as 'reverse living' (dwellings with living areas and secluded private open space above ground floor level), need for eaves and improved waste management.

Protecting the special character of Warrandyte was also raised as an area of particular concern. One submission suggested a review of Neighbourhood Residential Zone to better protect biodiversity and respond to the unique bushland character of the area. Concerns were also raised in relation to the urban style of public infrastructure currently being built in Warrandyte.

### Protecting Trees

The need to protect trees was regularly raised throughout submissions. Several respondents identified the need to protect larger trees in urban areas that contribute to the landscape character of an area and provide shade.

### Protect heritage

The need to better protect heritage places was identified by several respondents. One response highlighted this by stating, '*We have so many beautiful mid century modern homes that are being destroyed...*'

### Improving public transport and reducing parking on residential streets

Improving public transport was identified in several submissions. Some submitters raised concerns regarding road congestion and parked cars on residential streets. There was also a suggestion to improve bike lanes. The need for public transport to support a growing population was identified.

### The need for better policy direction in the planning scheme

Respondents were asked if any planning policies are missing from the Planning Scheme and if any, respondents were also asked to specify what are the policy gaps. Most respondents (59%) indicated the Manningham Planning Scheme was not missing policies. Others made suggestions including the need to:

- Better support the economy through tourism development
- Support social and affordable housing
- Provide employment for community members with autism
- Build pocket parks at local shopping strips
- Support investment in Activity Centres
- Develop policy to assist in crime prevention and personal safety
- Require visitor parking spaces in new residential developments
- Give greater consideration to the infrastructure requirements to support more residential development
- review outdated single dwelling covenants

## 5 Key State Government Initiatives

---

Since the last Planning Scheme Review in 2018 the State Government has focussed on six key initiatives which are relevant to the Manningham Planning Scheme. These include:

- Responding to major emergencies including recovery from bushfires and the global Covid-19 pandemic
- Facilitating major State Government infrastructure projects to support Melbourne's growing population including the North East Link and the Fitzsimons Lane Upgrade
- Supporting the development and redevelopment of social and affordable housing
- Implementing the Smart Planning program to simplify and modernise Victoria's planning policy
- Providing a coordinated approach to protecting the Yarra River Corridor
- Further developing integrated water management initiatives.

The Smart Planning Program and Gender Equality Act 2020 are discussed below. Other key planning initiatives by State Government are discussed under each key themes in chapters 8 to 15 of this Report. Appendix 4 includes a brief description of all the noteworthy State planning scheme amendments since the last planning scheme review that may affect Manningham.

### 5.1 Smart Planning Program

The Smart Planning Program was established by the State Government to simplify and improve the operation of the planning scheme to make it more efficient and accessible. A key focus of the State Government has been reducing the burden of planning permit requirements and streamlining applications that provide infrastructure and services for Victoria. The program was based on the premise that planning schemes across Victoria have become increasing lengthy and complex, resulting in confusion, duplication, delays and uncertainty as part of the planning permit application process.

An important component of the SMART Planning reform program was the introduction of a new Planning Policy Framework (PPF). This was introduced as part of Amendment VC148 and gazetted on 31 July 2018. It introduced a Municipal Planning Strategy (MPS), and a simplified thematic policy structure, as well as deleting outdated provisions, reducing car parking requirements and introducing a new Specific Control Overlay.

Amendment VC159 was gazetted in July 2019 and updated the land use terms and definitions to improve their understanding within the community. It included modernising terms, such as replacing 'closet pan' with 'toilet' and replacing 'tavern' with 'bar'. The Amendment was undertaken as part of the Smart Planning program to simplify and modernise Victoria's planning system.

The translation process into the PPF for the Manningham Planning Scheme was undertaken as a policy neutral translation and occurred in close collaboration with the Smart Planning team at the Department of Environment, Land, Water and Planning (DELWP) during 2020 and 2021. The project involved a review and rewrite of:

- the Municipal Strategic Statement to form the new Municipal Planning Statement

- All local planning policies
- Schedule to Clause 52.28 for Gaming
- Schedule 3 to the Development Plan Overlay for the Eastern Golf Course Redevelopment
- Schedule to the Heritage Overlay which includes application requirements
- Schedule 9 to the Design and Development Overlay for The Pines Activity Centre
- Schedule to Clause 72.08 Background Documents
- Schedule to Clause 74.01 Application of Zones, Overlays and Provisions
- Schedule to Clause 74.02 Further Strategic Work

A number of rules were developed by DELWP and were adopted as part of the translation process, to ensure the policies were effective, streamlined and consistent across Victoria.

The PPF process highlighted the benefits of reviewing clauses to ensure concise and clear wording of policy, and to reduce complexity and ambiguity. The translation also emphasised the need to reposition policy content within controls, such as the schedules to the Zones and Overlays. Schedules to the Zones are the means of including local content in planning schemes. They can be used to supplement or ‘fine tune’ the basic provisions of a State standard clause, zone or overlay in a planning scheme, adapting it to local circumstances and locally defined objectives. This means that schedules are a key tool for implementing objectives and strategies in the MPS. A planning scheme that does not make good use of the local content in schedules is missing an important opportunity to implement its local planning objectives.

Council resolved to endorse a policy neutral translation of the Local Planning Policy Framework section of the Manningham Planning Scheme into the new Planning Policy Framework in April 2021. Council requested that the translation be undertaken as a Ministerial Amendment under Section 20(4) of the *Planning and Environment Act 1987*. At the time of this Review being prepared, the Amendment is currently awaiting approval by the Minister for Planning.

## 5.2 Gender Equality Act 2020

The *Gender Equality Act 2020* came into effect in March 2021 and requires Council to measure, report on, plan for and progress gender equality in their organisations. Gender equality is about treating everyone the same and ensuring that persons of different genders have access to, and can enjoy, the same benefits, resources and responsibilities. Gender equity aims to improve the status of women and promote, encourage and facilitate equitable outcomes for all.

Manningham City Council prides itself on strong social justice principles and ethics which guide our strategic thinking. The Planning Scheme plays an important role in supporting respectful, just and fair communities.

The objectives of the Gender Equality Act 2020 have been included in Appendix 4.

How gender equality will be considered in future planning and service delivery is outlined in the Chapter 18: Implementation.

## 6 Key Local Strategic Initiatives

---

This chapter outlines the local strategic initiatives which have influenced the Review. The local strategic strategies include:

- Manningham Community Vision 2040
- Manningham Council Plan 2021 – 2025
- Liveable City Strategy 2040
- Health and Wellbeing Plan 2021-2025
- Climate Emergency Action Plan (draft)
- Transport Action Plan 2021
- Manningham Placemaking Framework 2021
- Manningham Public Toilet Plan
- Manningham’s Reconciliation Action Plan 2021-2024
- 10 Year Financial Plan 2021

Manningham Community Vision 2040 and Manningham Council Plan 2021-2025 are key strategic documents which have influenced the preparation of the Review. A summary of how other strategies relate to the Planning Scheme Review are included in Appendix 5.

### 6.1 Manningham Community Vision

The Manningham Community Vision was developed in 2021 with the local community, to guide future planning and funding allocations by Council.

*Manningham is a peaceful, inclusive and safe community. We celebrate life with its diverse culture, wildlife and natural environment. We are resilient and value sustainable and healthy living, a sense of belonging, and respect for one another.*

The Review is consistent with the Community Vision in relation to land use planning, including an emphasis on the natural environment and sustainability.

### 6.2 Manningham Council Plan 2021-2025

The Council Plan was adopted on 24 August 2021. The need to review the Manningham Planning Scheme was identified as a priority in the Council Plan. The Council Plan also identified a number of actions relevant to the Planning Scheme Review. These actions have been reflected in the Recommendations and Findings of this Review.

# 7 Planning Scheme Review - Themes and Recommendations

---

The next section of the Review report focusses on the key themes that have been identified as requiring attention through the analysis of the consultation undertaken, the review of the background information pertaining to initiatives in the planning arena and demographic trends and findings coming through VCAT hearings and planning scheme amendment Panel reports.

There are nine themes identified as follows:

- Climate change and Environmentally Sustainable Design (ESD)
- Environment and rural areas
- Residential and neighbourhood character
- Activity Centres and Commercial Uses
- Open Space and Leisure
- Cultural Heritage
- Transport
- Infrastructure
- Administrative amendments

Under each theme, there is a discussion relating to:

- State initiatives
- Collaborative initiatives where applicable
- Local initiatives
- Discussion – what was highlighted in consultation and opportunities for addressing gaps
- Recommendations

The recommendations are then compiled into a table in Chapter 17.

## 8 Climate Change and Environmentally Sustainable Design (ESD)

---

The impacts and risks associated with climate change are growing, and it is becoming increasingly important that we plan for the impacts of climate change and mitigate risks wherever possible. Extreme weather events, increased average temperatures, and a declining water supply in our catchments, coupled with population growth are all issues which may compromise the liveability of Manningham.

### 8.1 State Initiatives

Since the last Review there has been a significant body of work undertaken at a State level to address climate change impacts.

The *Built Environment Climate Change Adaptation Action Plan 2022-2026* sets out the Victorian Government's plan to respond to climate risk to our built environment. This Action Plan forms part of seven action plans that address systems vulnerable to climate change impacts.

The State Government has recently released '*Environmentally sustainable development of buildings and subdivision: A roadmap for Victoria's planning system*' (Department of Environment, Land, Water and Planning, 2020). The Plan identifies the need for planning to:

- Make it easier to recycle;
- Cool new developments and our urban environments;
- Facilitate active and sustainable transport;
- Reduce exposure to air and noise pollution;
- Improve building energy efficiency and support transition to low emission futures;
- Enhance stormwater management and efficient water usage;
- Strengthen and extend ESD considerations for commercial and industrial developments.

The plan comprises two stages with Stage 1 being to update the Planning Policy Framework to support ESD. Stage 2 comprises developing ESD objectives and standards in new and updated particular provisions.

Stage 1 has been implemented via Amendment VC216 which was gazetted on 10 June 2022. This amendment embeds and strengthens ESD and climate change policies in the Planning Policy Framework for all Victorian planning schemes. The changes are made in accordance with *Plan Melbourne 2017-2050* Action 80 'Review of planning and building system to support environmentally sustainable development outcomes'.

The State Government has commenced the *Cooling and Greening Melbourne* project. *Plan Melbourne* Action 91 commits to developing an approach to cooling and greening the urban area, including expanding Melbourne's urban forest. The *Cooling and Greening Melbourne* project seeks to increase sustainability and resilience through green infrastructure, reduce the urban heat island effect, and create more liveable urban environments. This project aims to:

- protecting existing green spaces
- creating new opportunities for urban greening
- improving water-sensitive urban design
- greening buildings (roofs, facades and walls)
- increasing permeable surfaces.

## 8.2 Collaborative Initiatives

On 5 June 2019 Council committed to the *Living Melbourne: Our Metropolitan Urban Forest* along with 31 other councils. *RMIT's 2020 Vision Report* identified that between 2013 and 2016 Manningham lost between 2 and 3 per cent of its total tree canopy cover. During the same period there was also a 4.6 percent increase in hard surface area, which can result in an increase in local air temperatures. An essential mitigation measure to manage the urban heat island effect is to increase greening in urban areas.

The Council Alliance for a Sustainable Built Environment (CASBE) is progressing a project to elevate ESD targets for new development via changes to the planning scheme. This project seeks to establish zero net emissions requirements for new development, better manage water and waste, enhance greening and biodiversity, as well as facilitate buildings that provide for a healthier more comfortable environment.

## 8.3 Local Initiatives

Goal 2.2 of the Council Plan 2021-2025 includes the following action relating to tree canopy coverage:

- Facilitate an increase in tree canopy across our parks as part of the Resilient Melbourne - Metropolitan Urban Forest Strategy.

In January 2020 Council passed a motion to declare a climate emergency. This was followed the adoption of the following climate mitigation targets in October 2021:

- net zero emissions by 2028 for Council operations;
- net zero emissions by 2035 for the Manningham community.

In April 2022 Council endorsed a draft Climate Emergency Action Plan for public consultation. The feedback from the consultation is being reviewed and will inform the final plan for adoption.

## 8.4 Discussion

It is evident from the above review and the feedback received from the various consultation processes, that climate change mitigation and strengthening ESD requirements is becoming increasingly important. While several initiatives are being delivered at a state level, there is a need for local governments to show leadership and progress change to strengthen the response to these emerging issues. Council is not part of the first round initiating increasing ESD requirements through a joint council-led planning scheme amendment process. However, there are likely to be other opportunities in the future.

Consultation highlighted the gap in planning policy to protect trees in our urban areas. Trees are one of the most valued characteristics of Manningham and make a significant contribution to the municipality's character. Trees provide important biodiversity, landscape



and amenity value, improve stormwater management, reduce wind speeds, and assist in improving health and wellbeing.

Opportunities to be part of the *Cooling and Greening Melbourne* project to protect trees in urban environments and increase permeable areas should be explored.

## 8.5 Recommendations

The following actions are recommended to address the Climate Change and Environmentally Sustainable Development matters discussed above:

- 1. Investigate opportunities to join the CASBE led Elevating ESD Targets project.**

## 8.6 Other Actions / Advocacy

The following actions are also recommended however, they sit outside the realm of the planning scheme:

- Advocate to the State Government for municipal wide tree protection controls and replanting requirements to reduce the urban heat island effect and maintain the landscape character across the municipality.

# 9 Environment and Rural Areas Land Management

---

There are a significant number of changes to the planning scheme currently underway or proposed to be commenced in relation to the environment and rural areas at a State level. These changes focus on managing increasing risk from bushfires, flooding and climate change. Environment was identified as the second most important issue for the planning scheme after neighbourhood character in the survey responses received during the consultation phase. This chapter considers planning and land use and development issues relating to:

- Yarra River Corridor
- Biodiversity;
- Bushfire Planning;
- Rural Land Use and Development;
- Integrated Water Management and Flood Modelling;
- Pine and Cypress tree controls; and
- Contaminated Land.

## 9.1 Yarra River Corridor

### 9.1.1 State Initiatives

In 2017, the Minister for Planning introduced interim planning controls (through Amendment GC48) to the Banyule, Boroondara, Manningham, Nillumbik, Stonnington and Yarra planning schemes, applying schedules to the Design and Development Overlay (DDO2) and Significant Landscape Overlay (SLO2) to protect the environmental, social and recreational values along the Yarra River corridor. The controls were due to expire on 31 January 2021.

In particular, the DDO2 prescribes mandatory maximum building heights, minimum development setbacks and overshadowing controls and strengthen vegetation controls for all new development. Melbourne Water is a recommending referral authority for applications within 100 metres of the Yarra River.

On 4 April 2021 the Minister for Planning approved Amendment VC197 to introduce the existing interim controls on a permanent basis.

The Yarra Strategic Plan 2022-2032 was approved by the Minister for Water in February 2022 and gives effect to the community's long-term vision and supports collaborative management of the river and surrounding land. The release of the final plan followed an extensive engagement process which involved councils, State government agencies, the Wurundjeri Woi-wurrung people as well as the broader community.

The Plan comprises performance objectives, collaborative actions and priority projects which are intended to be met and delivered over the 10-year period. It also includes a land use framework with whole-of-river actions and directions for future use and development. Importantly, the plan connects planning law and water management to protect the natural beauty and health of the Yarra River's landscapes.

The draft 'Yarra River – Precinct Bulleen Land Use Framework Plan' (draft Framework Plan) was prepared by the Department of Environment, Land, Water and Planning (DELWP). The purpose of the Plan is to provide direction on the future land use changes along the Yarra River Corridor in parts of Bulleen, Heidelberg and Lower Templestowe. The Framework Plan addresses four themes:

- Ecological and parkland connections
- Access and Circulation
- An internationally significant cultural place
- A complementary mix of uses

The Minister for Planning appointed an Advisory Committee to provide strategic and statutory planning advice on two matters:

- The Bulleen Land Use Framework Plan; and
- Amendment C125 to the Manningham Planning Scheme which proposes to redevelop part of the Yarra Valley Country Club (YVCC) for residential purposes.

The Advisory Committee hearing took place in early 2021. However, at the time of preparing this report, the Minister for Planning had not released the Committee's report.

## 9.2 Biodiversity

Manningham is rich in biodiversity and supports a diverse range of indigenous flora, fauna and ecological vegetation communities, many of which are rare or threatened. Conservation and management from the pressures of development is required to maintain this biodiversity.

Climate change can impact biodiversity through drought, bushfires, storms and warmer temperatures. Furthermore, the loss of biodiversity can perpetuate the urban heat island effect, and result in land degradation and a reduction in water quality.

### 9.2.1 Local Initiatives

Goal 3.1 of the *Council Plan 2021-2025* includes an action to “*increase tree and vegetation coverage to bolster biodiversity*”.

### 9.2.2 Discussion

The removal of native vegetation is a major threat to the survival of indigenous flora and fauna in Manningham. Feedback from consultation emphasises the need to strengthen our policies and planning controls to minimise the removal of native vegetation.

The ESO controls play an important role in the protection of sites of biological significance in Manningham. The *Manningham Sites of Biological Significance Review 2004* informed Amendment C54 which among other changes, introduced various schedules to the Environmental Significance Overlay (ESO) to protect important biodiversity and landscape assets in the municipality. There has been no update to these provisions since the gazettal of this amendment in February 2013.

Since 2013, numerous changes have been introduced at State level which need to be reflected in the ESO schedules. The ESO schedules require updating to ensure they align

with State policy and address current challenges, such as climate change. The updates and changes required to the ESO schedules are required to:

- Simplify planning permit triggers;
- Incorporate consistent exemptions for weed removal;
- Include exemptions for the removal of dangerous trees;
- Strengthen the protection of habitat corridors;
- Respond to complexities with the removal of vegetation for bushfire protection;
- Update the terminology from 'local offsets' to 'replacement planting';
- Incorporate consideration of climate change;
- Incorporate requirements for land management plans for animal husbandry including horse keeping.

Consultation feedback identified the need to further review areas within ESO5 that are also located in the General Residential Zone Schedule 3 (GRZ3). There may be merit in considering whether the Neighbourhood Residential Zone (NRZ) is a more appropriate zone to reflect the environmental qualities of these areas.

The progress and actions to enhance tree canopy coverage across the Melbourne and more specifically Manningham will also contribute to maintaining and strengthening biodiversity in the municipality (Chapter 8).

### 9.2.3 Recommendations

It is recommended that the following work be undertaken to improve the management of biodiversity in Manningham:

#### 2. Review the schedules to the Environmental Significance Overlay.

## 9.3 Bushfire

The 2019-2020 bushfires had a profound impact on Victoria, in terms of loss of lives, destruction of homes, farmland, infrastructure, crops and conservation land and animals. While Manningham was not directly impacted, there is an increasing risk of more frequent and severe bushfires events, which highlights the importance in planning for bushfires.

### 9.3.1 State Initiatives

The State Government has undertaken several initiatives over the last four years in relation to bushfire planning. Amendment VC179 was introduced in May 2020 and its purpose was to streamline planning scheme requirements and application processes for the rebuilding of dwellings and other buildings damaged or destroyed by bushfires. A revised *Clause 52.10 Reconstruction after an emergency* exempts the use of the land for a dwelling, and exempts applications from third party notice and review requirements, subject to meeting conditions. The provision applies state-wide and could apply to any future bushfire event or emergency that may impact Manningham.

Amendment VC176 revised *Clause 52.12 Bushfire Protection Exemptions* to align the 10/30 rule (allows for the removal of any vegetation within 10 metres, and removal of any vegetation other than trees within 30 metres of an existing building used for accommodation

and constructed before 10 September 2009), and fence-line vegetation exemptions with the Bushfire Prone Areas across all of Victoria. This has had a significant impact on Manningham, by expanding the exemptions for vegetation removal to all designated Bushfire Prone Areas, which generally align with the rural areas of the municipality.

In December 2021 the State Government released a Discussion Paper on the review of the bushfire planning provisions, including *Clause 13.02-1S Bushfire Planning*, *Clause 44.60 Bushfire Management Overlay*, *Clause 52.12 Bushfire Protection Exemptions* and *Clause 53.02 Bushfire Planning*. The focus of the review was to make the provisions clearer and simpler. The review explores:

- providing further permit exemptions for vegetation removal for bushfire protection
- expanding the VicSmart provisions to include applications in the Bushfire Management Overlay
- including a use permit trigger in the Bushfire Management Overlay
- reducing referrals to the Country Fire Authority (CFA).

At the time of the preparation of this report, the findings of the consultation process were yet to be released.

### 9.3.2 Discussion

Council officers support several initiatives introduced in the Discussion Paper to improve the operation of the above-mentioned provisions but does not support extending the exemptions for the removal of vegetation at Clause 52.12.

Wonga Park has been identified as having a relatively high bushfire risk in Manningham. In partnership with the State Government, Council seeks to review the application of the Bushfire Management Overlay in the Wonga Park township. The aim of the review is to ensure high risk areas are correctly identified to require the preparation of a bushfire hazard assessment, appropriate siting of dwellings, on site water supply, emergency vehicle access to the property and vegetation management. This review may result in a planning scheme amendment to modify the extent of the Bushfire Management Overlay in Wonga Park.

Exemptions for tree removal in bushfire prone areas has the potential to have a significant impact on biodiversity. Opportunities could be explored to further inform and provide community education in relation to vegetation retention in bushfire prone areas. This could be in the form of more information in landscape guidelines, outlining vegetation removal which will assist in bushfire protection and retention of vegetation for biodiversity values.

### 9.3.3 Recommendations

The following action is recommended to address the bushfire risk in Manningham:

#### 3. Review the extent of the Bushfire Management Overlay in Wonga Park.

### 9.3.4 Other Actions

Review opportunities to improve education in relation to vegetation retention in bushfire prone areas.

## 9.4 Erosion, Landslip and Sloping Sites

Specific areas in Wonga Park and Warrandyte South were historically identified as being potentially liable to erosion and landslide and are affected by an Erosion Management Overlay (EMO). Policies within the planning scheme seek to ensure that development has regard to potential landslip and erosion hazards.

Sloping sites are a common occurrence in Manningham due to the undulating topography. Subsequently, many developments require earthworks to facilitate a building but this can have consequential impacts on other integral features of the landscape.

### 9.4.1 State Initiatives

In March 2022 the State Government released a discussion paper '*Landslide and Erosion in the Planning System*' (DELWP, 2021 – Discussion Paper). The paper sought to more clearly define landslip and the role of planning in responding to these hazards and achieve greater consistency with the management of risk.

### 9.4.2 Discussion

Manningham only has minor areas affected by the Erosion Management Overlay. These areas are limited to Warrandyte South and Wonga Park which have been inherited from the former Shire of Lilydale Planning Scheme, prior to amalgamation. It is recommended these areas be reviewed to determine if the overlay control remains relevant, or alternatively, revise the schedule to the Erosion Management Overlay to provide better guidance.

Manningham features an undulating topography and subsequently many properties are affected by slopes of varying grades. As a result, earthworks are often required to facilitate development. These earthworks can impact on soil stability, vegetation, drainage and the general landscape and appearance of the area. While the Rural Zones and Environmental Overlays in the Planning Scheme contain numerous triggers for earthworks, there is a lack of guidance on how applications for earthworks should be determined. This work will be undertaken, in the context of the changes by the State Government following the review of Erosion Management Overlay.

### 9.4.3 Recommendations

The following is recommended to address the erosion and landscape issues in Manningham:

- 4. Review the land areas currently affected by the Erosion Management Overlay.**

## 9.5 Rural Land Use and Development

Manningham's Green Wedge is located outside of the Urban Growth Boundary (UGB) and provides a range of rural residential development and lifestyle opportunities in a sensitive environmental and landscape setting. The Green Wedge also supports a number of commercial and tourist developments which are important for Manningham's economy.

### 9.5.1 State Initiatives

The Victorian Government is seeking to strengthen the planning controls for the protection of the Green Wedge and agricultural land and is undertaking a review of the Green Wedge provisions titled, *Planning for Melbourne's Green Wedges and Agricultural Land project*. The review identified opportunities to:

- *Manage subdivision and dwelling development in agricultural areas*
- *Support agricultural diversification, value-adding and innovation*
- *manage the urban-rural interface*
- *manage discretionary and other uses of land*
- *Implement design and development guidelines*
- *Introduce design requirements.*

At the time of the preparation of this report, the outcome of this review was still pending.

### 9.5.2 Local Initiatives

Goal 2.1 of the *Council Plan 2021-2025* includes the following action of relevance to the Manningham Planning Scheme:

- Investigate enhanced planning controls to enhance the protection of our environment (major initiative)

Amendment C117mann proposed to improve guidance for the types of land uses and developments that are appropriate in Manningham's rural area through changes proposed to the MSS, extend the application of the local policy at *Clause 22.19 Outbuilding in the Low Density Residential Zone* to include the Rural Conservation Zone (RCZ), and introduce a new local policy at Clause 22.20 - Non Residential Uses in the Rural Conservation Zone) to provide more specific guidance to non-residential planning applications within the Rural Conservation Zone.

The Panel concluded that the broader policy position to support more tourism in the green wedge is contrary to sound planning and runs counter to the purposes of the RCZ. Subsequently the Panel recommended abandonment of the proposed changes to the MSS. The Panel appeared to infer that Council was supporting tourism uses over agricultural uses (which are in decline). Conversely, Council highlighted that the decline in agriculture indicates that this use is no longer viable, but this trend does not preclude agricultural uses from continuing alongside tourism establishments. The Amendment also sought to provide robust policy guidance for existing and future non-residential uses and development permitted under the zone. Whilst the high level policy changes to the MSS were not supported, the introduction of the new non-residential uses policy and the changes to the outbuildings policy were supported by the Panel.

The Amendment was gazetted in September 2019.

### 9.5.3 Discussion

The rural areas of Manningham are highly sought after by those seeking a rural residential lifestyle in a location that is still relatively close to the services and facilities offered in an urban part of the municipality.

The increasing pressure for development in these areas has highlighted the need to strengthen landscape and urban design policy in the rural areas. This work seeks to improve the visual impacts of development as part of the proposed Neighbourhood Character Study. This policy could inform the review of existing Significant Landscape Overlays or the preparation of new controls to improve design and built form outcomes.

#### 9.5.4 Recommendations

The following actions for rural areas are recommended by this Review:

5. Investigate opportunities to strengthen landscape design policy in the Rural Conservation Zone.

## 9.6 Integrated Water Management / Flood Modelling

There are increasing pressures on the management of our water resources arising from a variety of drivers, including climate change and population growth. Integrated Water Management is a collaborative approach to the management of all elements of the water cycle.

### 9.6.1 State Initiatives

There has been a significant shift in the requirements for integrated water management by the State Government. Amendment VC154 introduced a new particular provision at *Clause 53.18 Stormwater management in urban areas*. The Amendment was prepared in response to the increasing impact of stormwater caused by urban development on the health and amenity of water ways. The new provisions require an integrated approach to sewage management, water supply, stormwater management and water with stormwater management requirements for two or more dwellings, commercial and industrial development, public use development, and all subdivisions in urban areas.

### 9.6.2 Local Initiatives

Goal 2.4 of the *Council Plan 2021-2025* includes the following action of relevance:

- Improve water management with the development of an Integrated Water Management Strategy.

The *Planning and Environment Act 1987* Section 6(2)(e) states the Planning Scheme may regulate or prohibit development in hazardous areas or in areas which are likely to become hazardous areas. Council is required to prepare mapping for areas under its control that are liable to flooding. The Manningham Flood Mapping Project is being delivered in partnership by Melbourne Water and Council. It will provide maps indicating flood extents, flow depths and velocities for the regional and local drainage networks in Manningham, for a range of probable storm events.



Amendment C137mann has recently been approved, which corrects the Special Building Overlay 1, as it applies to properties in and around Hillcroft Drive, Templestowe. For more details on the amendment, refer to Appendix 2.

The Manningham Flood Mapping Project will inform the development of Council's Integrated Water Management Strategy. This Strategy will respond to emerging challenges including, population growth, development pressure and climate change and increasing flood and drought risk.

### **9.6.3 Discussion**

Flood modelling is important to inform flood risk assessment and priorities for drainage capital improvements and other flood risk mitigation actions. Further work needs to be undertaken in partnership with Melbourne Water, and to engage with the community and investigate flood mitigation options. These options include the potential introduction of a Special Building Overlay to apply to local catchments in Manningham in addition to the Special Building Overlay - Schedule 1 (SBO1) and Land Subject to Inundation (LSIO) that currently apply to Melbourne Water's flood extents.

An Integrated Water Management Strategy is required to respond to climate change and population growth, and to identify opportunities to respond sustainably to the impacts on water management pressures. The development of the Integrated Water Management Strategy will explore options for voluntary and off-site stormwater management offsets. Further investigation is required to identify options for public infrastructure which could be achieved in place of Integrated Water Management and Water Sensitive Urban Design infrastructure on private property, through a potential stormwater management offsets scheme.

### **9.6.4 Recommendations**

The following actions are recommended to improve integrated water management in Manningham:

- 6. Progress the preparation of an Integrated Water Management Strategy.**
- 7. Progress flood mapping for the municipality.**

## **9.7 Pine and Cypress Tree Controls**

### **9.7.1 Discussion**

The Planning Scheme contains a number of controls relating to the protection of Pine and Cypress trees across the municipality. A planning permit is required to remove Pine and Cypress trees under Schedules 6 and 7 to the Significant Landscape Overlay, specific properties affected by the Heritage Overlay and specific trees affected by Schedule 5 to the Vegetation Protection Overlay.

Pine and Cypress trees have formed an important part of the land use story and landscape setting in Manningham. However, a review of the trees and current controls is required to determine if Pine and Cypress trees still warrant protection.

This issue was noted in a 2018 Tribunal decision, *Boomsma v Manningham CC [2018] VCAT 1183*, which related to 72-74 McGowans Road, Donvale. The VCAT member noted that the *Manningham Monterey Pine and Cypress Tree Assessment, 2003*, which forms that strategic basis for the SLO applying to the site, mentioned that the likely life expectancy of the trees in this assessment is 100 years, and that many were planted around 80 years ago (circa 1923). Therefore, in 2022, many of the Pine and Cypress trees are nearing the end of their life expectancy.

### 9.7.2 Recommendations

The following action is recommended:

#### 8. Review the controls that protect Pine and Cypress trees.

## 9.8 Contaminated Land

Currently, there are only a small number of isolated sites affected by an Environmental Audit Overlay (EAO) in Manningham. The EAO is applied to sites that have known, identified or reasonably suspected contamination or potential contamination. Council and other planning authorities are responsible for applying and removing EAOs via Planning Scheme Amendments.

### 9.8.1 State Initiatives

In 2011, the Victorian Audit General's Office (VAGO) released a report on '*Managing Contaminated Sites in Victoria*'. This included a recommendation that all municipalities conduct a review of the potential risks of land contamination associated with historical land uses.

### 9.8.2 Discussion

'*Ministerial Direction No. 1 – Potentially Contaminated Land*' seeks to ensure that potentially contaminated land is suitable for a use which is proposed to be allowed, and which could be significantly adversely affected by contamination. Such uses defined in the Ministerial Direction include sensitive uses (residential use, child care centre, kindergarten, pre-school centre and primary school), a children's playground, secondary school, land to be used for agriculture, or public open space. Potentially contaminated land may include land used for industry or mining, or storing of chemicals, gas, waste or fuel.

Council should investigate land which is potentially contaminated and likely to be used for a sensitive use. The Environment Protection Authority (EPA) has identified the property at 178 Foote Street, Templestowe as having elevated levels of chemicals on site. Council should investigate the need for an Environmental Audit Overlay to be applied to the land.

### 9.8.3 Recommendations

The following action is recommended to address potentially contaminated land in the municipality:

#### 9. Identify and investigate potentially contaminated land and where appropriate apply an Environmental Audit Overlay (EAO).

# 10 Residential and Neighbourhood Character

---

Planning policy relating to residential development is often the most contentious and debated policy. Over half of all planning permit applications relate to the residential development and subdivision of land. Eighty (80) percent of VCAT applications relate to multi-dwelling development. Residential development was identified as the most important planning issue in the consultation for the Planning Scheme Review 2022.

## 10.1 Development in the Residential Areas

### 10.1.1 State Initiatives

Over the past four (4) year period, the State Government has introduced a number of important amendments and initiatives relating to development in Residential Areas.

#### ***Better Apartment Design Standards***

The State Government introduced changes to the Better Apartment Design Standards as part of Amendment VC174 in *Clause 55.07 Apartment Developments* and *Clause 58 Apartment Developments*. The revised provisions focus on the external amenity impacts of apartment buildings and require a greater proportion of apartment developments (those with 10 or more dwellings) to provide communal open space, respond to changing population needs, incorporate higher quality façade finishes, have attractive and engaging street frontages, and be designed to minimise excessive wind for pedestrians.

#### ***ResCode Review***

The State Government is seeking to improve the operation of the ResCode provisions. These provisions provide the residential design standards which development applications are assessed (*Clauses 54 One Dwelling on A Lot* and *Clause 55 Two or More Dwellings on a Lot*). The Review is exploring opportunities to replace objectives, standards and decision guidelines with a Performance Assessment Model (PAM) that creates more consistent decision making. The new model will allow further detail to be included in the schedule to the zone to enable quantitative performance measures.

Manningham lodged a submission to the Improving the Operation of ResCode - Discussion Paper. At the time of preparing this report, no further information on the progress of the review has been released by the State Government.

### 10.1.2 Local Initiatives

The Liveable City Strategy 2040 has identified several actions relating to extending growth corridors, reviewing design and built form policy and the application of zones and overlays in residential areas. The relevant recommendations are contained in Appendix 5 of this report.

### 10.1.3 Discussion

#### ***Residential Development Framework***

An additional 4,857 dwellings have been constructed over the past five years. There are currently 49,887 dwellings located within the City of Manningham. The Manningham Planning Scheme, in accordance with State policy, directs growth to activity centres, and along main roads to be supported by public transport, shops and services. However, a review of recent approvals of multi-dwelling developments applications has demonstrated that a large proportion of growth has occurred as incremental development across our urban area.

There is a need to reassess the directions for residential development within the municipality and how this is achieved through the current framework of zone and overlay schedules. Schedule 1 to the General Residential Zone (GRZ1) is based on the premise of 'incremental change' and 'neighbourhood character', but these concepts could be more clearly defined and explained in the planning scheme in order to assist with the assessment of planning permit applications.

In the case of 41-43 Riverview Terrace, Bulleen (*Panicle Pty Ltd v Manningham CC [2019] VCAT 711*), the Tribunal referred to the lack of a definition for 'incremental change'. The Tribunal referred to the previous case (*Donvale Gardens Estate Pty Ltd v Manningham CC [2017] VCAT 1300*) for a definition of incremental change. This decision reinforces the need for a clear understanding within the planning scheme of what Council envisages to be preferred development throughout the residential areas.

#### ***Resolving Conflicts in Policy / Zones***

The introduction of new Statewide provisions for Residential Growth Zone in 2017/2018 has resulted in conflict and inconsistencies between the zone and DDO8 schedules in respect to front setbacks and height controls.

In the schedule to the RGZ2, no front setback is specified, therefore ResCode applies. However, DDO8-1, which applies to all land zoned RGZ2, specifies a minimum front setback of 6m. Similarly, the zone schedule specifies a maximum height is 13.5m, whereas DDO8-1 has a maximum height of 11m on larger sites (>1,800m<sup>2</sup>) and 9m/10m on all other sites.

As with the case of RGZ, there are similar conflicts between the GRZ2 and DDO8 schedules in respect of front setbacks and height controls, resulting in missed opportunities for higher density residential development in proximity to main roads and activity centres.

The zone schedules should not be contrary to State policy. It should however be clear in reinforcing Council's policy for higher density residential development within the municipality. The review of the Residential Strategy will address these inconsistencies, as well as examine the extent of the zone's application and details of the schedule.

#### ***Design of Multi-Dwelling Development***

A significant challenge within the current residential framework for the design of multi-dwelling development is the reliance on local policy for guidance, rather than using schedules to zones and overlays especially for incremental residential areas. Objectives contained in schedules to zones and overlays carry more weight in decision making than local policies. The description of the preferred character of the area in relation to siting,

scale, form and materials is often missing from schedule to the zone, in particular the General Residential Zone.

The new State Government design guidelines seek to improve the quality of apartment standards, and ultimately the quality of apartment dwellings. However, they only apply to apartment buildings and not to town house style development. Feedback received from consultation indicated that this standard of design is not achieved for smaller development applications. The new Housing Strategy and Neighbourhood Character Study will focus on improving the design guidelines for all housing typologies, including townhouses.

Schedule 3 to the General Residential Zone (GRZ3) lacks providing clear and concise guidance on future development within a large part of the residential area identified as Precinct 4 – Post 1975 Residential Areas under Clause 21.05 of the planning scheme. The following five VCAT cases made particular mention of a lack of a clear neighbourhood character statements in the planning scheme and Council’s understanding of incremental change within this precinct:

- 10 Meredith Avenue, Templestowe Lower (*Moxon v Manningham CC [2018] VCAT 1211*)
- 6, 7, & 8 Yolande Court, Templestowe (*Yolande Homes Pty Ltd & Campi Homes Pty Ltd vs Manningham CC [2018] 1420*)
- 99-101 Old Warrandyte Road, Donvale (*WP Donvale Dev Pty Let v Manningham CC [2018] VACT 1808*)
- 5 Willowbank Court, Templestowe (*Zampichelli v Manningham CC [2019] VCAT 1006*)
- 39 Greenridge Avenue, Templestowe (*Templestowe Developments Pty Ltd v Manningham CC [2019] VCAT 1308*)

Of particular note in the Yolande Court case, was the Tribunal considered that the lack of local policy allowed a more liberal interpretation of neighbourhood character.

Based on the lack of policy in the Manningham Planning Scheme relating to GRZ3 to assist the Tribunal in their decision making, several Tribunals referred to a previous decision (*Donvale Gardens Estate Pty Ltd v Manningham CC [2017] VCAT 1300*) for a definition of incremental change in the GRZ3, that being:

*... the phrase incremental change as indicating that the existing neighbourhood character of the surrounding area should form an identifiable basis for the character of a future development on the review site. However at the same time there is an expectation that some elements of the surrounding neighbourhood character may be over or under emphasised in new development, leading to a development that draws on some elements and represents a level of change in other elements.*

In addition, in the Old Warrandyte Road case, the Tribunal highlighted that there was no distinction as to the level of development anticipated in parts of Precinct 4 - Post 1975 Residential Areas that are more distant from activity centres and public transport and other areas which are closer.

These decisions highlight the deficiencies and lack of clarity in the preferred future development directions within the schedules to the residential zones. These matters should be considered by Council as part of the proposed review of the Residential Strategy as well as any State Government initiatives reviewing ResCode. The Strategy should also take into

consideration, the impact overlays may have on creating distinct neighbourhood character areas, for example, in Willowbank Court, where Environmental Significance Overlay Schedule 5 – Environmentally Significant Urban Areas (ESO5) applies.

In the case of 5 Morrison Crescent, Doncaster (*P549/2019*), an appeal was lodged by the applicant to review conditions that would result in Council's preferred neighbourhood character outcomes. It is understood that the Tribunal determined that the condition requiring 'reduction to the extent of mouldings, columns and French provincial styling to transition to a simplicity and coherence contemporary architectural treatment' was to be deleted on the basis that the planning scheme did not include any specific style considerations.

In the case of 17 Lindsay Street, Bulleen (*Koziaris v Manningham CC [2021] VCAT 547*), the applicant appealed against proposed permit conditions to increase ground and first floor setbacks. The Tribunal determined that these conditions were unnecessary as they would not enhance neighbourhood character any more than the current proposal.

Schedule 1 to the Neighbourhood Residential Zone (NRZ) does not specify any variation to the provisions of the zone or ResCode. *Planning Practice Note 91: Using the Residential Zones* states that the NRZ is required to contain neighbourhood, heritage, environmental or landscape objectives in the schedule.

There have been several issues with the development of multi-dwelling developments. Six appeals against Council's decision to refuse a multi-unit development within DDO8 were considered and reported on by the Tribunal:

- 1 Elizabeth Street, Doncaster East *Zhengxin Pty Ltd v Manningham CC [2018] VCAT 402*
- 15 Glendale Avenue, Templestowe –*Advanced Choice Property Group v Manningham CC [2020] VCAT 499*
- 64 Macedon Road, Templestowe Lower –*Chen v Manningham CC [2020] VCAT 779*
- 45 Glendale Avenue, Templestowe –*Sargeant v Manningham CC [2020] VCAT 879*
- 13 & 15 Morinda Crescent, Doncaster East –*Rong v Manningham CC [2021] VCAT 194*
- 19 & 21 Bayley Grove, Doncaster –*Grand Excelsia Pty Ltd v Manningham CC [2021] VCAT 685*

In four of these cases (as well as many others), the interpretation of the controls by the Tribunal concluded that two and three storey development was reasonable within the context of the site and surrounding neighbourhood, provided that maximum height limit was met. However, one Tribunal member considering two of the above cases, concluded that the built form guidelines of the DDO8 provided a clear expectation of a maximum two-storey townhouse.

This inconsistent interpretation of controls needs to be addressed by further strategic work to determine the robustness and clarity of both the DDO8 controls and relevant local policy that would lead to a preferred built form outcome.

### **Detailed Design**

Review and consultation has highlighted the following issues relating to detailed design consideration:

- Waste management particularly in courts. This could include developing a statement under *Clause 58.06-3 Waste and recycling* to provide guidance in relation to waste management of apartment developments.
- Current design styles including 'reverse living' (dwellings with living areas and secluded private open space above ground floor level), side-by-side development and the functionality of car stackers.
- Achieving environmental sustainable design principles including the provision of bicycle parking and access to natural sunlight.
- Providing greater guidance for development on sloping sites.

#### 10.1.4 Recommendations

It is recommended the following action be undertaken to address the residential and neighbourhood character issues identified above:

**10. Progress the preparation of a Housing Strategy and Neighbourhood Character Study to identify preferred character precincts to guide residential growth and development across the municipality.**

It is further recommended that as part of the scope of the Housing Strategy and Neighbourhood Character Study, the following is included and / or addressed:

- A review of housing demands and needs over the next 15 years.
- A review of neighbourhood character and vision for future character for residential areas and activity centres, with a particular focus on providing guidelines for incremental development.
- A review of the spatial application of zones especially in relation to proximity to Neighbourhood Activity Centres
- Resolving conflicts in the heights and setbacks in the General Residential Zone, Residential Growth Zone and the Design and Development Overlay - Schedule 8
- Reviewing content of *Clause 22.15 Dwellings in the General Residential Zone 1* and including content in the schedule to the Zone.
- Reviewing and revise Design and Development Overlay - Schedule 8 to ensure a robust and clear policy.
- Identifying opportunities to limit heights adjacent to open space to protect the amenity of valued public open space.
- Developing Design and Development Overlays or similar to provide specific guidance in relation to development at Activity Centres.
- Consideration of key issues relating to gender equality, affordable housing, sustainable development, improving the standard of residential development and providing for aging residents.
- Exploring opportunities to apply a Significant Landscape Overlay or similar control to Low Density Residential Zone areas to provide design guidance.
- Reviewing specific sites and areas identified as part of this Review.

## 10.2 Development in the Low Density Residential Buffer Area

### 10.2.1 Discussion

The low density residential areas of the municipality are an important characteristic of Manningham. These areas offer a different lifestyle choice and play an important buffer role between the urban and land within the Green Wedge. However, direction for built form and design in these areas relies on local policy. The development of the low density residential areas are complex and often must balance competing interests between increasing demand for large urban style development, significant landscapes and neighbourhood characteristics, bushfire risk and limited drainage infrastructure and public transport. Opportunities to introduce design guidelines that focuses on the protection of the landscape and amenity in the form of Significant Landscape Overlay for the Low Density Residential Areas will be explored.

In the decision *P887/2018* that related to 6 Milne Road, Park Orchards, the Tribunal determined that two dwellings on a lot in a Low Density Residential Zone did not need to be attached to satisfy the objective of Clause 21.06-2. This decision is contrary to one of the strategies of Clause 21.06-2, and highlights the limited weight given to local policy in decision making by the Tribunal.

### 10.2.2 Recommendations

It is recommended that the following work be undertaken within the scope of the Housing Strategy and Neighbourhood Character Study (recommendation 13) to improve design guidelines in the low density residential buffer areas in Manningham:

- explore opportunities to apply a Significant Landscape Overlay or similar control to Low Density Residential Zone areas to provide design guidance.

**10.** Progress the preparation of a Housing Strategy and Neighbourhood Character Study to identify preferred character precincts to guide residential growth and development across the municipality.

## 10.3 Affordable and Social Housing

There is a growing demand for affordable housing and related housing services for households on very low to medium incomes. This situation is occurring across all states in Australia. Like many municipalities in Victoria, Manningham has a demand for affordable housing. In September 2021 only 13 (1.8%) of new rental lettings in Manningham were suitable for low income households. Furthermore, last financial year, 1088 people in Manningham accessed specialist homelessness services. Affordable housing is subsidised housing that is offered outside the mainstream housing market. It is aimed at people who cannot afford to rent in the private rental market. This form of housing has eligibility requirements.

The *Planning and Environment Act 1987* (the Act) defines affordable housing as housing, including social housing, that is appropriate to the needs of very low, low and moderate



income households. The income thresholds for affordable housing (excluding social housing) are updated annually in the Victorian Government Gazette.

### **10.3.1 State Initiatives**

The Victoria Government introduced 'Homes for Victorians' in 2017, which outlines initiatives to increase and renew social housing stock, including the renovation of existing rooming houses and community housing. Amendment VC152 introduced exemptions for community care accommodation to streamline the renewal and development of these facilities.

Amendment VC187 introduced a new particular provision *Clause 53.20 Housing*. This new provision streamlines the planning permit process for applicable housing projects, by or on behalf of the Director of Housing. The Amendment will support the Government initiative to substantially increase investment in community and public housing.

Council will assess applications for up to nine dwellings, and the Minister for Energy, Environment and Climate Change will assess applications for 10 or more dwellings. This provision provides exemptions for the notice and review of decisions to streamline the process for housing approvals.

### **10.3.2 Local Initiatives**

Manningham currently has an Affordable Housing Policy and Action Plan (AHPAP) that established a strategic framework to achieve Council's affordable housing policy objectives. A new policy will be prepared that builds on the achievements of the existing policy and which reflects recent State Government policy changes.

### **10.3.3 Recommendations**

The following action has been identified in the Council Plan:

**11. Prepare a new Affordable Housing Policy to respond to housing need.**

## **10.4 Residential Aged Care**

### **10.4.1 State Initiatives**

Amendment VC152 introduced a simpler and streamlined assessment process for aged care accommodation to assist in ensuring there is a sufficient supply of appropriate housing enable members of the community to 'age in place', close to their social and family networks. Plan *Melbourne 2017-2050* recognised that residential aged care facilities have different built form requirements than other accommodation types, and that there is an increasing need for such facilities.

### **10.4.2 Discussion**

Manningham recognises the increasing need and demand for residential aged care. In 2021 Census there was 9,210 residents aged 80 years and over, and this represents an increase from 7,295 in 2016. There is a reasonable distribution of existing public and private aged care throughout the municipality. However, no such accommodation currently exists in Bulleen, Warrandyte or Wonga Park. The review of the Residential Strategy will examine

existing residential aged care to determine where current and future shortfalls exist, related to the anticipated future demands of the ageing population.

### **10.4.3 Recommendations**

It is recommended that as part of the scope of the Housing Strategy and Neighbourhood Character Review, opportunities to support residential aged care are considered.

10. Progress the preparation of a Housing Strategy and Neighbourhood Character Study to identify preferred character precincts to guide residential growth and development across the municipality.

## **10.5 Specific Areas and Sites for Review**

Since the last Review, Council has received a number of rezoning requests and enquiries that will need to be considered in the context of the Housing Strategy and Neighbourhood Character Study, as part of a wholistic review of the application of the zones and overlays across all residential areas.

Appendix 6 contains a Table with specific sites or areas that will be considered as part of the Strategy in response to rezoning requests or enquiries.

### **10.5.1 Recommendations**

It is recommended that the zone and overlay controls applying to properties listed in Appendix 6 be considered as part of the wholistic revision to the residential controls in the Housing Strategy and Neighbourhood Character Study (recommendation 13).

10. Progress the preparation of a Housing Strategy and Neighbourhood Character Study to identify preferred character precincts to guide residential growth and development across the municipality.

# 11 Activity Centres and Commercial Uses

---

Activity Centres are “*areas that provide a focus for services, employment, housing, transport and social interaction. They range in size and intensity of use from smaller neighbourhood centres to major suburban centres and larger metropolitan centres*” (Plan Melbourne 2017-2050). They can be focal points for community life and interaction. They provide places for where people can shop, work, meet, relax and live. Usually, activities centres include groups of retail shops, restaurants, offices, and sometimes community facilities, public transport and higher density housing.

*Plan Melbourne 2017-2050* identifies two Major Activity Centres within Manningham, being Doncaster Hill and The Pines. In addition, there are ten (10) Neighbourhood Activity Centres which cater for the local needs of the community, and twenty-eight (28) local activity centres which service some needs of the local catchment.

Employment in Manningham is limited with the largest portion of jobs being in health care and social assistance, and retail trade. Industrial activity in Manningham is very limited.

## 11.1 The COVID-19 Pandemic

Like other parts of metropolitan Melbourne, the COVID-19 pandemic has had a significant impact on Manningham. The pandemic brought about many challenges and changes to the way we live and work, including:

- Increased use of open space and reserves
- Increased reliance on online shopping
- Continuation of residents working from home, at least in a part-time capacity
- Declining confidence in the development industry
- Major disruptions to supply chains
- Disruption to local business operations and a loss of income
- Reduction in international visitors, international students and immigration
- Increased stress and anxiety in the community.

### 11.1.1 State Initiatives

Amendments VC181 and VC193 were introduced in the response to the COVID-19 pandemic, primarily to facilitate business activity by providing short term exemptions from certain planning scheme requirements and permit conditions.

VC181 was introduced in April 2020 to enable the delivery of food and other essential goods to supermarkets, hospital, pharmacies and other essential businesses at any time to meet demand during and following the pandemic, exempting standard planning permit conditions which usually limit the days and hours which goods can be dispatched, delivered, loaded or unloaded. *Clause 52.18 State of Emergency and Recovery Exemptions* provided exemptions from these requirements during the COVID-19 pandemic.

Amendment VC193 was introduced in February 2021 to support restaurants and other food and drink businesses to quickly and safely re-open with outdoor seating. The State

Government recognised the impact the pandemic had on the hospitality industry, causing them to close or scale back operations. The changes allowed businesses to reopen with a predominately outdoor seated service, without the need for a planning permit, or to comply with other planning scheme requirements.

### **11.1.2 Local Initiatives**

The *Council Plan 2021-2025* includes an action to develop a ‘10-Year Vibrant Villages Plan’ to prioritise future upgrades or precinct master planning of all major and local neighbourhood activity centres” under Goal 4.1.

The Vibrant Villages Action Plan sets out a plan for the renewal and upgrade of Manningham’s Activity Centres over the next 10 years. The Action Plan identifies and prioritise placemaking, urban design upgrades and structure planning throughout Manningham’s 10 Neighbourhood and 28 Local Activity Centres.

### **11.1.3 Discussion**

Council has identified the need to support communities and business to recover from the COVID-19 pandemic. This includes supporting the development of our activity centres through place making initiatives such as outdoor dining and creating community spaces. These initiatives also correspond with feedback received during consultation where the need to upgrade and improve our activity centres was also highlighted.

Renewal and upgrade can occur through small scale placemaking initiatives, streetscape improvements, and structure planning or masterplanning to guide substantial change and development.

Barriers to the activation of activity centres need to be addressed to promote improvements and changes within the centres. Streamlining and simplifying the approvals process is one way to encourage further activation within centres.

Implementation of the Liveable City Strategy 2022 and Vibrant Villages Action Plan will support these improvements as well as structure planning.

### **11.1.4 Recommendations**

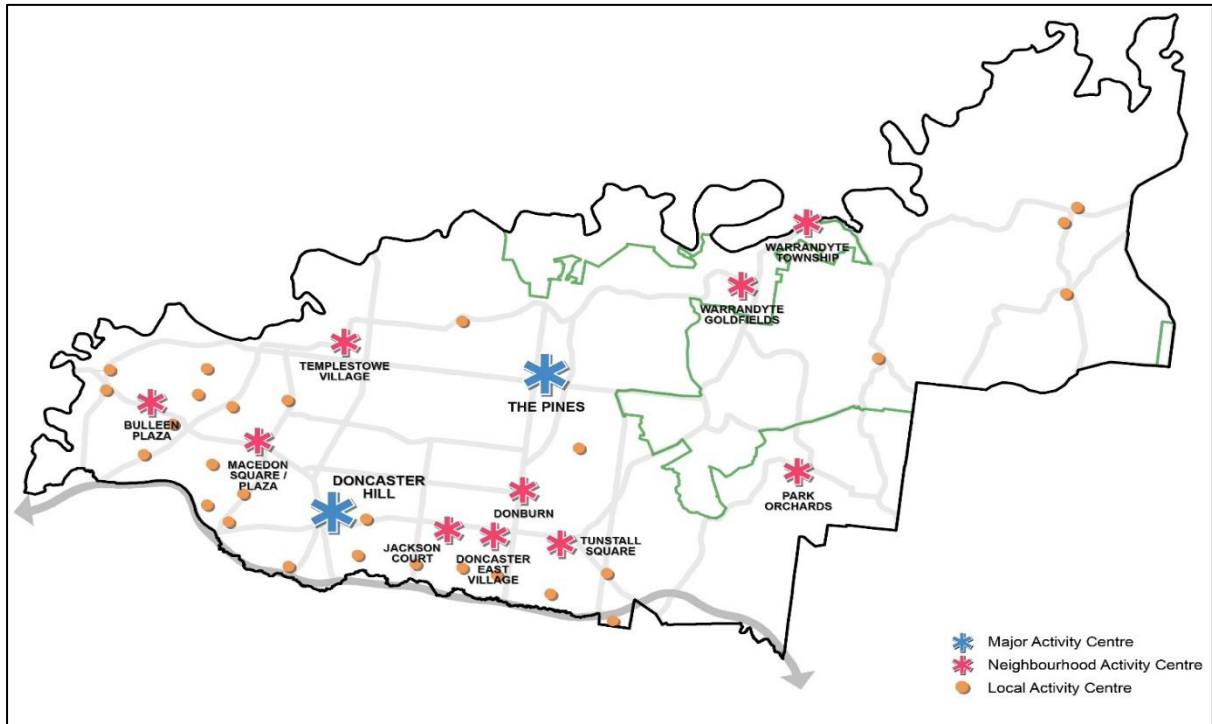
The following action has been identified in the Council Plan to support local businesses, encourage private investment, support local communities and public health and recovering from the COVID-19 pandemic through the improvement of our local and neighbourhood activity centres.

## **12. Develop a Vibrant Villages Action Plan.**

## **11.2 Activity Centre Design**

Manningham’s activity centres need renewal and upgrade. The Liveable City Strategy 2040 contains ‘Activity Centre Improvements’ plans for every Major and Neighbourhood Activity Centre which contains actions to achieve greater liveability within out suburbs. These plans form the basis of further interventions including structure planning.

The development of the Vibrant Villages Action Plan will prioritise structure planning and other initiatives in our municipality.



Manningham has two major, ten neighbourhood and 28 local activity centres. A list of activity centres is contained in Appendix 7.

### 11.2.1 Discussion

Significant residential and employment growth is expected in and around Manningham's activity centres over the next 15 years. State planning policy supports higher density development in and around activity centres, due to access to services, facilities and public transport. There are increasing numbers of applications for larger scale developments in our activity centres as well as a significant number of incremental development applications near neighbourhood activity centres. The Review has identified a significant gap in the policy guidelines for development in commercial zoned areas.

The status of existing structure planning work was raised in the case of 8 Montgomery Street, Doncaster East (Montgomery Investment Group Pty Ltd v Manningham CC [2020] VCAT 550). In considering Council's grounds of refusal, the Tribunal commented that the Doncaster East Village Structure Plan, relied upon by Council in its decision to refuse the application, was not included in the planning scheme nor was it a reference document. It only provided the strategic basis for the rezoning of the site to Schedule 3 to the Residential Growth Zone – Residential Areas Surrounding Prominent Intersections and/or Interfacing Commercial Areas (RGZ3) and applying Schedule 13 to the Design and Development Overlay - Residential Areas Surrounding Prominent Intersections and/or Interfacing Commercial Areas (DDO13). This VCAT decision highlights the importance of ensuring that the key requirements of structure plans are translated into controls within the planning scheme to provide a basis for decision making within activity centres.

The development in Manningham's activity centres must be balanced between facilitating medium to higher density development appropriate to its strategic location and providing built form certainty where there are amenity and public realm sensitives. *Clause 22.01 Design and Development Policy* provides guidance in relation to building heights and setbacks but is lacking in measurable requirements, which often results in different interpretations by various parties to an application. Furthermore, the policy does not distinguish between different commercial areas. It is recommended that Design and Development Overlay(s) be developed to provide specific guidance in relation to building heights, street wall heights, setbacks, protection of the amenity of public spaces, overshadowing and landscaping. The development of policy guidelines will seek to provide greater certainty to developers and adjoining residents. In drafting any new planning controls, consideration must be given to potential heritage buildings, traffic issues and car parking in activity centres.

### 11.2.2 Recommendations

It is recommended that the issues relating to activity centre design be addressed as part of recommendations 10 and 12.

It is suggested that a component of the Housing Strategy and Neighbourhood Character Study (recommendation 10) form the basis for design guidelines for local and neighbourhood activity centres which facilitate an appropriate transition to sensitive adjoining uses.

Recommendation 12 seeks to address design issues across the activity centres within the municipality by prioritising intervention within activity centres.

## 13. Prepare urban design guidelines for neighbourhood and local activity centres.

## 11.3 Doncaster Hill Activity Centre

Doncaster Hill has changed significantly since the preparation of the Doncaster Hill Strategy (2002, revised 2004). Higher density development is expected to continue, particularly given the approval of the Westfield Doncaster Development Plan and the north section of the Suburban Rail Loop (SRL).

### 11.3.1 Local Initiatives

The *Council Plan 2021-2025* includes the following action of relevance to Doncaster Hill:

- Encourage and support tourism and employment opportunities by implementing recommendations in the Doncaster Hill Strategy and Economic Development Strategy (Goal 4.1).

Amendment C104 was gazetted in May 2019. The Amendment introduced Schedule 4 to the Development Plan Overlay - Westfield Doncaster Development Plan (DPO4) and concurrently approved the exhibited Development Plan to facilitate the future expansion to the north and north-west of the existing Centre which provides for:

- Approximately 43,000 square metres of additional retail floor space and 18,000 square metres of commercial office space generally to the north of the site.
- A commercial 'gateway building' with a maximum height of ten (10) to fourteen (14) storeys above a two-level podium in the north-west sector of the site.
- An enhanced and expanded bus interchange.
- Improved vehicular and pedestrian access to and within the centre.
- Additional car parking providing for an overall retail rate of 4.17 spaces per 100sqm of floor space, as a whole of centre assessment and an overall commercial rate of 3.5 spaces per 100sqm of floor space throughout the centre.
- Improved public realm outcomes.

The Panel considered the Amendment was well supported by State and local policy, results in a net community benefit and consolidates the role of Westfield Doncaster as a regional shopping precinct.

### 11.3.2 Discussion

The *Doncaster Hill Strategy 2002 (revised 2004)* intended to guide land use and development until 2020. In 2019 a review of the existing Strategy commenced.

A future Doncaster Hill Framework Plan will build on the vision of the previous Strategy and seek to maintain the centre as a regional retail and community destination. There are potential opportunities created by the proposed Suburban Rail Loop (SRL) station and how it can support economic growth and diversification within the centre. At the time of preparing this Review, the project has been put on hold pending engagement and resolution with the SRL. DELWP have advised they would not support authorising any amendments, without input on the alignment between the framework and SRL. SRL have advised they are not in a position to provide advice for Doncaster Hill. It is noted without the advice from SRL it would be difficult to further progress this review.

Consultation feedback and several VCAT decisions have raised issues with Schedule 1 to the Parking Overlay (PO1) which applies to the Doncaster Hill Major Activity Centre. While several VCAT cases have dealt with properties affected by PO1, only one decision specifically referred to the fact that the overlay was now out of date following the introduction

of the Principal Public Transport Network Area (PPTNA). This Area was introduced into the Manningham Planning Scheme as part of Amendment VC148 on 31 July 2018, and among other things, introduced car parking rates in Column B of Table 1 of *Clause 52.06 Car parking* for land within the PPTNA, that is, land within 400 metres of high quality public transport services.

An analysis comparing the car parking rates for various specified uses should be undertaken and the PO1 amended accordingly. It is envisaged that this review will occur in conjunction with the Plan.

### 11.3.3 Recommendations

The following actions are recommended for Doncaster Hill:

**14. Review and update the Doncaster Hill Strategy 2002 (revised 2004) and the Parking Overlay Schedule 1.**

## 11.4 Commercial Use and Development

### 11.4.1 Local initiatives

The *Council Plan 2021-2025* outlines the following actions relating to the commercial uses in the Planning Scheme:

- Investigate options for land for employment use to reduce Council's reliance on rate revenue (Goal 2.3).
- Ensure that future land use planning balances amenity and economic pressures (Goal 5.1).

The *Liveable City Strategy 2040* and the *Draft Bulleen Precinct Land Use Framework Plan* identifies the Websters Road area in Templestowe as a potential future employment area. It notes that further investigation would be required to determine whether this area would be suitable.

### 11.4.2 Discussion

Opportunities to provide additional land for employment purposes within Manningham needs to be explored. The majority of Manningham residents travel outside the municipality for work, which reflect a lack of employment opportunities within Manningham.

The Bulleen industrial precinct has played an important role in providing services and local employment. To accommodate the construction of the tunnel portals and underground freeway interchange, the State Government compulsorily acquired over 100 businesses in this location, which provided over 1,000 jobs in the local service industry.

Following the completion of the North East Link project, there may be residual land available to consider future land use that supports employment opportunities. To ensure the most appropriate land use and development of the site, it recommended that Council undertake strategic work, in consultation with the State Government to inform any future planning controls for the land.



*Clause 22.05 Non-residential uses in residential areas* was developed on the understanding that commercial uses can have a significant impact on residential areas. The nature and issues associated with these uses has changed since the development of the policy. The establishment of commercial uses in residential areas, and particularly child care centres in Low Density Residential Zone (LDRZ) areas, has been discussed in a number of VCAT decisions over the last four years.

In the case of 9 Pescara Place, Donvale (*Brown v Manningham CC [2019] VCAT 13*), an appeal was lodged by several neighbours against Council's decision to support the application for childcare centre. As the appeal was a Section 82 review against Council's decision, the decision of the Tribunal was 'de novo', meaning the entire matter was reviewed afresh. The Tribunal found that:

- *The proposal would have an unacceptable impact on landscape character and traffic.*
- *'Offset' planting would not equate to retention of existing vegetation within the context of landscape character.*
- *Whilst proposal would provide for a community need, it was not an acceptable outcome.*

On this basis, the Tribunal determined to set Council's decision aside, with no permit to issue.

Two subsequent applications for a child care centre in the LDRZ followed this decision, both of which were refused by Council.

In the case of 196-198 Serpells Road, Templestowe (*Avramidis v Manningham CC [2019] VCAT 628*) the Tribunal found that:

- *The site was too far removed from existing community uses.*
- *The near full clearing of vegetation from the site was unacceptable from a landscape character perspective.*
- *Details of noise impacts were unresolved as they were based on flawed evidence.*

In the case of 9 Honybun Court, Donvale (*Chand v Manningham CC [2019] VCAT 1287*) the Tribunal found that:

- *The location is inappropriate for a child care centre with regard to local policy and high amenity characteristics of the area.*
- *The significant amount of earthworks required was not a site responsive design.*
- *The proposed access arrangement was inappropriate and the use would likely lead to car parking issues.*
- *The noise impacts from the use would be unacceptable.*

In all three decisions, the Tribunal considered that each proposal failed to adequately demonstrate the benefit or achievement of co-locating community uses within the LDRZ, and amenity impacts caused by tree removal, earthworks, traffic and noise would significantly compromise the environmental qualities and residential amenity of the established low density residential areas. Further, whilst a child care centre is not prohibited in the LDRZ, the use is also not encouraged or contemplated within its purpose, as they are in other residential zones. The expectations of non-residential uses (and in particular a child care centre) in the LDRZ could be made clearer in local policy, in particular through a review of *Clause 22.05 Non-Residential Uses in Residential Areas*.

### 11.4.3 Recommendations

The following action is recommended to improve the management of commercial uses and facilitate new employment opportunities:

**15. Undertake strategic work to determine future land use options to support employment of the residual land at the former Bulleen Industrial Precinct.**

**16. Review and revise *Clause 22.05 Non-residential uses in residential areas* to provide greater guidance for the assessment of non-residential applications in residential zones.**

## 12. Open Space and Leisure

---

Manningham has one of the largest networks of open space, covering 17.7% of the municipality. The importance of open space was highlighted during the COVID-19 pandemic, where local open space was increasingly used for exercise and as a place to socialise.

### 12.1 Local Initiatives

The Liveable City Strategy 2040 identified that more than 70% of residents have access to local, district or regional parks within 400 metres. However, there are pockets of Templestowe, Bulleen and Donvale which have limited access. There are also opportunities to improve the linkages between open space and to provide a network of attractive and inviting tree-lined walking and cycling connections (greenways) linking key destinations, parks and regional open space.

### 12.1 Discussion

Public open space provides significant benefits. Open space can provide for protection of biodiversity, improved health and wellbeing of residents, facilitating social interaction and education. The value of open space is increasing due to increased percentage of residents living in medium and high density development, who are reliant on public open space for the recreation and leisure needs.

The Open Space Strategy 2014 seeks to:

- Value, expand and enhance the open space network
- Make the most of existing open space
- Attract more people more often, to open space.

The Strategy identifies opportunities for new open space and links. The implementation of this strategy will require changes to the Planning Scheme through the application of Public Acquisition Overlays to acquire land.

The need to review our Planning Scheme to protect sunlight access to our local parks has been identified through consultation. Parks are a vital to the health and wellbeing of our community and an increasing number of residents rely on these spaces for exercise, dog walking or socialising. Managing the levels of overshadowing of public space during winter months in areas identified of medium and high density development have been identified as the priority. This will be considered as part of the review of the Residential Strategy. Specific consideration will be given to the built form including heights, setbacks and overshadowing of public open space.

### 12.2 Recommendations

The following actions are recommended to improve open space access and usage:

**17. Pursue the creation of additional open space and key links including sites identified in the Open Space Strategy through the application of the Public Acquisition Overlay.**

**18. Review opportunities to mitigate against over-shadowing of public open space.**

# 13. Heritage

---

Manningham has a responsibility to protect the narrative of Manningham and its heritage places. This need was further emphasised through the consultation process where specific properties were mentioned and the broader need for a review of heritage places was identified.

## 13.1 State Initiatives

Recent changes to the *Planning and Environment Amendment Act 2021* Division 2A of Part 6 enables an order to be issued prohibiting the use and development of land for up to 10 years following demolition by neglect of a heritage building. The provisions do not impose an obligation on landowners to maintain heritage buildings, but enable the Councils to undertake a planning scheme amendment to prohibit further development following intentional and unlawful demolition.

## 13.2 Local Initiatives

Goal 2.4 of the *Council Plan 2021-2025* includes the following action relating to heritage preservation across the municipality:

- Explore the need for a broad heritage review and assessment to protect and promote the cultural and historical significance of Council's assets.

## 13.3 Discussion

The need to review existing places within the Heritage Overlay has also been identified. Several citations are outdated and in need of a more comprehensive statement of significance that clearly sets out what, how and why a place is considered to be of heritage significance. *Planning Practice Note 1 Applying the Heritage Overlay* has established requirements for new inclusions into the Schedule to the Heritage Overlay.

Mid-century houses of special value have been identified by a number of Councils for protection and inclusion in the Heritage Overlay. This work has further highlighted conflicts between landowners expectations to develop their property and preservation of places for their heritage significance. Care needs to be undertaken to ensure the highest value heritage places are protected, which are identified in a fair and reasonable manner. It is recommended that Council explores opportunities to identify and protect the best examples of mid-century architecture in Manningham.

Westerfolds Manor (HO62) has been specifically raised, with a need to investigate opportunities to change the schedule to the Heritage Overlay to facilitate the consideration of 'prohibited uses' that would support the conservation of the heritage values of the site. The Manor is falling into disrepair and changes to the planning scheme would assist in facilitating the re-use of the site to ensure its ongoing maintenance and preservation.

The Planning Policy translation process highlighted the need to review *Clause 22.03 Cultural Heritage Policy*. The policy repeated content from the Heritage Overlay, and there are opportunities to further develop guidance to assist in the assessment of applications in the Heritage Overlay. This issue was specifically highlighted in VCAT matter PVN21/0102 for a carport addition to a contributory heritage dwelling in Warrandyte which was Refused by

Council. The Tribunal supported the application on the basis that the height was reduced. The decision highlighted the need for greater rigour in our heritage policy, especially in relation to additions.

There is a need to review the Schedule to the Heritage Overlay to identify places which have been demolished or developed and update the schedule to reflect their current status, some properties identified have been included in Appendix 8.

### **13.4 Recommendations**

The following actions have been identified in the Planning Scheme Review:

**19. Develop a heritage framework plan to identify and prioritise heritage-based actions.**

# 14. Transport

---

Land use planning is required to protect existing and planned transport infrastructure, including movement networks, transport interchanges, infrastructure, and land reserves for future transport needs from the impact of land use and development. Local movement networks include local roads, cycling and walking routes, community transport and 'first and last mile' freight links.

## 14.1 State Initiatives

Amendments VC204, VC205 and VC200 have been introduced to align the transport system policy with the *Transport Integration Act 2010*. The aim of the policy is to provide efficient, safe and sustainable movements for people and goods. The State Transport System comprises of the Principal:

- Bicycle Network
- Public Transport Network
- Road Network
- Freight Network
- Transport Gateways.

Major State Government Transport Infrastructure Projects impacting Manningham include the North East Link, Suburban Rail Loop and the Fitzsimons Lane Upgrade, which have been facilitated by Amendments GC98, VC168 and GC119. These projects seek to improve access to major employment centres, increasing the capacity and connectivity of Victoria's freight network and improve public transport services.

The North East link project includes an extension to the M80 Ring Road, connection between M80 Ring Road and Manningham Road and widening of the Eastern Freeway between Hoddle Street and Springvale Road. The project also includes new and upgraded walking and cycling infrastructure and a dedicated bus lane between Doncaster and the city. North East link will have a significant impact on Manningham, in the short term by providing employment, and in the long term by directing freight transport routes away from local roads.

## 14.2 Local Initiatives

Goals 1.1 and 2.1 of the *Council Plan 2021-2025* includes the following action regarding transport and access in Manningham:

- Improve access to active, leisure and recreation destinations across the municipality by embracing the 20-minute neighbourhood.

In September 2021 Council endorsed *The Manningham Transport Action Plan* which identifies key transport based objectives, actions and advocacy to enhance transport in the municipality. The Plan reinforces the need for Doncaster Bus Rapid Transit, Suburban Rail Loop and more sustainable transport technologies including 'on demand' bus services, car share schemes and electric vehicles.

A key objective of The *Liveable City Strategy 2040* is to achieve a network of 20-minute neighbourhoods. The plan identifies pedestrian and cycling connections and opportunities to prioritise pedestrian connectivity in activity centres.

*The Health and Wellbeing Plan* has recognised Council's commitment to support active lifestyles, and seeks to increase the proportion of journeys that use active transport. *The Transport Action Plan 2021* supports more sustainable transport options to achieve '20-minute neighbourhoods'.

### 14.3 Discussion

The North East Link and proposed Suburban Rail Loop station at Doncaster Hill, is likely to have a significant impact on future transport and land use activities both locally and within the broader regional area. Our local planning policy needs to be reviewed and revised to respond to these changes including the schedules to the Parking Overlay.

The changes under VC205 to introduce the new Transport Zone also prompt the need to review our transport zones and check they have been applied correctly.

DDO1 applies along Doncaster Road (TRZ2), excluding the Doncaster Hill Activity Centre boundary and land affected zones. In addition, there are situations where the overlay extends beyond the immediate vicinity of Doncaster Road, for example, Golf Links Court and the southern end of Iskandar Court. There is merit in reassessing the application of this overlay, particularly as part of the development of the design guidelines for activity centres and review of DDO8.

The Manningham Planning Scheme contains two schedules to the Parking Overlay (PO1 for Doncaster Hill and PO2 for Jackson Court). Both of the schedules were informed by Parking Precinct Plans prepared for each centre prior to the introduction of the Principal Public Transport Network Area (VC148). This amendment introduced car parking rates in Column B of Table 1 of *Clause 52.06 Car parking* for land within 400 metres of high-quality public transport services, which includes both Doncaster Hill and Jackson Court. A review of both schedules for their relevance and consistency to *Clause 52.06* is required to ensure that there is no conflict between State and local provisions.

*Plan Melbourne* Direction 5 seeks to create a city of 20-minute neighbourhoods. The principles of '20-minute neighbourhoods' and 'living locally' seek to give people the ability to meet most of their daily needs within a 20-minute return walk from home, with access to safe cycling and local transport options. This policy recognises that where we live has a direct impact on our health. By creating well-designed walkable neighbourhoods which have a mix of uses, housing types, and access to quality public transport, we can create more healthy communities. Walkable neighbourhoods are particularly challenging in Manningham, because of the rural nature of part of municipality, lack of employment and the undulating topography.

Our local transport policy needs to be reviewed and revised in the context of better supporting active transport and the implementation of '20-minute neighbourhoods' in accordance with the goals and objectives of the *Council Plan*, *Health and Wellbeing Plan* and *Liveable City Strategy*. Further consideration should be given to the impacts from North East Link and Suburban Rail Loop on movement and planning for Doncaster. The need to improve public transport access to support further development in the municipality was also raised in consultation feedback.



## 14.4 Recommendations

The following actions have been identified to improve the planning scheme relating to transport:

**20. Review *Clause 21.12 Infrastructure* to better support public and active transport including the implications of the North East Link and Suburban Rail Loop.**

**21. Review the application of DDO1 – Doncaster Road Strategy Area.**

**22. Review schedules to the Parking Overlay to ensure consistency with *Clause 52.06 Car Parking*.**

# 15. Development Contributions

---

## 15.1 Discussion

Growth and development is placing increased pressure on infrastructure. This growth, in conjunction with rate capping, and the rising costs of infrastructure delivery have implications for the delivery of Council's capital works program. Development Contributions Plans (DCPs) are becoming increasingly common among urban municipalities given their ability to generate substantial additional funds to support the delivery of essential infrastructure projects.

The Doncaster Hill Development Contributions Plan (DCP) is an incorporated document in the Manningham Planning Scheme. The Plan contains 56 infrastructure projects relating to transport, streetscape, public lighting and community facilities that need to be delivered over a twenty year period (2005 – 2025). Consultants have been engaged to review the degree to which the infrastructure items have been delivered, or scheduled to be constructed within the timeframe, and provide direction on the next steps to meet the requirements of the DCP and the provisions of the *Planning and Environment Act 1987*.

Council is progressing work on a municipal wide DCP, with specialist consultants to be engaged to lead the technical aspects of the DCP preparation. The DCP will collect levies from various types of development that contribute to the need for new or upgraded infrastructure. The DCP will set out a list of infrastructure projects that will be partially funded by development contributions and delivered by Council within the timespan of the DCP (nominally 20 years).

## 15.2 Recommendation

The following action is recommended:

- 23. Prepare a Municipal Wide Development Contributions Plan.**
- 24. Review of the Doncaster Hill Development Contributions Plan 2005.**

# 16 Administrative Amendments

---

From time to time, Council may be required to undertake administrative amendments to remove redundant provisions, where provisions are no longer effective or duplicate other provisions to maximise the efficiency and effectiveness of the planning scheme.

## 16.1 Discussion

Ongoing recording of the acquisition of land by Council (and other acquiring authorities) is required to ensure that redundant provisions, such as Public Acquisition Overlays, are removed as part of regular 'housekeeping' amendments to ensure that the Planning Scheme remains current. In some instances, land may also need to be rezoned to reflect the purpose for which the land has been acquired. Updates to the schedule to the Heritage Overlay may be required where a house in the Heritage Overlay has been demolished. Administrative amendments may also include minor changes in mapping to fix anomalies.

## 16.2 Recommendations

The following actions have been identified to improve the planning scheme:

**25. Undertake administrative planning scheme amendments, when required.**

# 17 Findings and Recommendations

The Review found the Manningham Planning Scheme is operating effectively. Some gaps were identified in relation to design guidelines for incremental residential development, neighbourhood and local activity centres, and tree controls in urban areas. Further efficiencies and better outcomes can be gained by reviewing and revising schedules to the Residential Zones and Environmental Significance Overlay. Other priorities include the review of the flood mapping and development of an Integrated Water Strategy.

Table 10 contains the goals, recommendations, scope of works and priorities of the Review. The recommendations from the body of the report have been prioritised as high, medium and low with the priority given to projects which will have the greatest impact on improving the planning outcomes in Manningham. Priority has been given to project which will achieve the greatest net community benefit. This may include giving priority to changes which will affect the greatest number of properties.

**Table 10: Planning Scheme Review Recommendations**

\*CP: Existing Council Plan (CP) Action

High: 1-2 years Medium:2-3 years Low: 4 years

<b>Climate Change and Environmentally Sustainable Design (ESD)</b>		
<b>Goals</b>		
To respond to climate change and proactively manage environmental risk.		
<b>Actions</b>	<b>Scope of Work</b>	<b>Priority</b>
1. Investigate opportunities to join the CASBE led Elevating ESD Targets project.	Explore opportunities to be part of the <i>Elevating ESD Targets</i> project led by CASBE to establish zero net emissions requirements for new development, better manage water and waste, enhance greening and biodiversity, as well as facilitate buildings that provide for a healthier more comfortable environment.	High
<b>Environment and Rural Areas Land Management</b>		
<b>Goal</b>		
To protect biodiversity.		
To protect rural areas from inappropriate development.		
<b>Actions</b>	<b>Scope of Work</b>	<b>Priority</b>
<b>Biodiversity</b>		
2. Review the schedules to the Environmental Significance Overlay.	A review and revision of ordinance of the schedules to the Environmental Significance Overlay to provide up to date, concise and clear permit triggers and requirements.	Medium

<b>Bushfire</b>		
<b>3. Review the application of the Bushfire Management Overlay in Wonga Park.</b>	Review the findings of <i>The Bushfire Risk Profile Manningham – Wonga Park 2021</i> in partnership with DELWP and CFA and determine if a Bushfire Management Overlay is required to identify the risk in Wonga Park.	High
<b>Erosion, Landslip and Sloping Sites</b>		
<b>4. Review the land areas currently affected by the Erosion Management Overlay.</b>	Review the areas identified in the Erosion Management Overlay and determine if the overlay control remains relevant, or alternatively, revise the schedule to the Erosion Management Overlay to provide better guidance.	Low
<b>Rural Areas</b>		
<b>5. Investigate opportunities to strengthen landscape design policy in the Rural Conservation Zone.</b>	Review design guidelines to improve the visual impact of development including to encourage site responsive design on sloping sites using appropriate planning controls for the Rural Conservation Zone.	Low
<b>Integrated Water Management</b>		
<b>6. Progress the preparation of an Integrated Water Management Strategy.</b>	Progress development of an Integrated Water Management Strategy to respond to flooding and storm water management risks and respond to emerging challenges including, population growth, development pressure, climate change and increasing flood and drought risk.	High (CP)
<b>7. Progress flood mapping for the municipality.</b>	In partnership with Melbourne Water identify land subject to flooding and determine appropriate planning mechanisms (potential overlays) to identify areas of risk.	High
<b>Pine and Cypress Tree Controls</b>		
<b>8. Review the controls that protect Pine and</b>	Assess the general health and condition of pine and cypress trees. Determine if any changes are	High

<b>Cypress trees.</b>	required to the planning controls.	
<b>Contaminated Land</b>		
<b>9. Identify potentially contaminated land and where appropriate apply an Environmental Audit Overlay (EAO).</b>	Review land previously used for industry, mining, storage of chemicals, waste or liquid fuel which may be used for a sensitive use and assess the need for planning controls.	Low
<b>Residential / Neighbourhood Character</b>		
<b>Goals</b>		
To provide improved design guidelines for residential development that respects neighbourhood character.		
<b>Actions</b>	<b>Scope of Work</b>	<b>Priority</b>
<b>10. Progress the preparation of a Housing Strategy and Neighbourhood Character Study to identify preferred character precincts to guide residential growth and development across the municipality.</b>	<p>The Housing Strategy and Neighbourhood Character Study will include:</p> <ul style="list-style-type: none"> <li>• A review of housing demands and needs over the next 15 years</li> <li>• A review of neighbourhood character and vision for future character for residential areas and activity centres, with a particular focus on providing guidelines for incremental development.</li> <li>• A review of the spatial application of zones especially in relation to proximity to Neighbourhood Activity Centres and along key main transport routes.</li> <li>• Resolve conflicts in the heights and setbacks in the General Residential Zone, Residential Growth Zone and the Design and Development Overlay Schedule 8</li> <li>• Review content of <i>Clause 22.15 Dwellings in the General Residential Zone 1</i> and include content in schedule to the Zone.</li> </ul>	High

	<ul style="list-style-type: none"> <li>• Review and revise Design and Development Overlay Schedule 8 to ensure robust and clear policy.</li> <li>• Identify opportunities to manage built form adjacent to open space to minimise overshadowing on public open space.</li> <li>• Prepare Design and Development Overlays or similar controls to provide specific guidance in relation to development at Neighbourhood and Local Activity Centres.</li> <li>• Consideration of key issues relating to gender equality, affordable housing, sustainable development, improving the standard of residential development and providing for ageing residents.</li> <li>• Explore opportunities to apply a Significant Landscape Overlay or similar control to Low Density Residential Zone areas to provide design guidance.</li> <li>• Develop guidelines to require site responsive design for sloping sites.</li> <li>• Review specific sites and areas identified as part of this Review.</li> </ul>	
--	---	--

<p><b>11. Prepare a new Affordable Housing Policy to respond to community need.</b></p>	<p>Prepare a new affordable housing policy that builds on the Affordable Housing Policy and Action Plan 2010 – 2020, to improve Affordable housing outcomes in the municipality.</p>	<p>High (CP)</p>
---	--	------------------

**Activity Centres/ Commercial Uses**

**Goals**

To support the development of our activity centres with improved design guidelines.

To support recovery from COVID-19 pandemic.

Actions	Scope of Work	Priority
<p><b>12. Develop a Vibrant Villages Action Plan.</b></p>	<p>Prepare a framework for the prioritisation and implementation of placemaking improvements and structure planning across the municipality to assist our activity centres to support the ideals of ‘20-minute’ neighbourhoods and ‘living locally’. The development of the Vibrant Villages Action Plan will:</p> <ul style="list-style-type: none"> <li>• support the renewal and upgrade of Manningham’s activity centres;</li> <li>• prioritise areas of highest need;</li> <li>• to streamline the approvals process to facilitate the activation of activity centres.</li> </ul>	<p>High (CP)</p>
<p><b>13. Prepare design guidelines for neighbourhood and local activity centres.</b></p>	<p>As part of the preparation of relevant strategies, including the Housing Strategy, Neighbourhood Character Study develop a set of design guidelines which focus on best practice built form and public realm outcomes for activity centres that strengthen the unique character of Manningham’s activity centres and enhance amenity. These design guidelines could be implemented in the form of a Design and Development Overlay or similar.</p>	<p>High</p>
<p><b>14. Review and update the Doncaster Hill Strategy 2002 (revised 2004) and the Parking Overlay Schedule 1.</b></p>	<p>Review the Doncaster Hill Strategy including the precinct guidelines, mandatory heights, urban form, development principles and schedule to the Parking Overlay.</p>	<p>High</p>
<p><b>15. Undertake strategic work to determine future land use options to support employment of the residual land at the former Bulleen Industrial Precinct.</b></p>	<p>Undertake a strategic review of the residual land from the former Bulleen Industrial Precinct to determine the suitability of potential employment generating uses, in consultation with the State Government.</p>	<p>High</p>



<p><b>16. Review and revise Clause 22.05 Non-residential uses in residential areas to provide greater guidance for the assessment of non-residential applications in residential zones.</b></p>	<p>Provide guidance for the design of non residential uses, including ‘childcare’ and ‘medical centres’, recognizing the impact they have on residential areas.</p>	<p>Medium</p>
---	---	---------------

## Open Space and Leisure

### Goals

To support increased active lifestyles.

To improve connections and protect the amenity of public open space.

Actions	Scope of Work	Priority
<p><b>17. Pursue the creation of additional open space and key links including sites identified in the Open Space Strategy.</b></p>	<p>Implement the findings of the Open Space Strategy 2014 and Liveable City Strategy 2040, and other Council endorsed strategies. This could include the application of the Public Acquisition Overlays or other planning mechanisms to identify and acquire land to provide for future open space, greenways (tree-lined walking and cycling connections) and reserves.</p>	<p>High</p>
<p><b>18. Review opportunities to mitigate against over-shadowing of public open space.</b></p>	<p>As part of the preparation the Housing Strategy and Neighbourhood Character Study identify opportunities to introduce built form controls including setbacks and height requirements in areas adjacent to open spaces to maintain the amenity of open spaces by limiting overshadowing.</p>	<p>High</p>

## Heritage

### Goals

To protect places of heritage significance.

Actions	Scope of Work	Priority
<p><b>19. Develop a heritage framework plan to identify and</b></p>	<p>Develop a framework for future actions to address heritage priorities including:</p>	<p>High</p>

<p><b>prioritise heritage-based actions.</b></p>	<ul style="list-style-type: none"> <li>• Review the status of Heritage Overlays to ensure that the statements of significance accurately reflect the heritage significance of the place;</li> <li>• Remove places from the Heritage Overlay where their listing is no longer justified;</li> <li>• Review and revise <i>Clause 22.03 Cultural Heritage Policy</i> to provide clearer guidance for the assessment of planning permit applications.</li> <li>• Undertake a heritage assessment of Westerfolds Manor to support a Planning Scheme Amendment to amend the schedule to the Heritage Overlay (HO62) and allow prohibited uses to be permit required uses to support the use and conservation of the site.</li> </ul>	
--	--	--

## Transport

### Goals

To support '20-minute neighbourhoods'.

To support sustainable transport options.

Actions	Scope of Work	Priority
<p><b>20. Review <i>Clause 21.12 Infrastructure</i> to better support public and active transport including the implications of the North East Link and Suburban Rail Loop.</b></p>	<p>Review and revise <i>Clause 21.12 Infrastructure</i> in response to State Government initiatives and the Manningham Transport Action Plan 2021.</p>	<p>Medium</p>
<p><b>21. Review the application of DDO1 – Doncaster Road Strategy Area.</b></p>	<p>As part of the preparation of the design guidelines for Neighbourhood and Local Activity Centre, review the role and function of DDO1 provision, which currently applies to manage setbacks and landscaping requirements to the frontage of Commercial 1 Zone properties along</p>	<p>High</p>

	Doncaster Road.	
<b>22. Review schedules to the <i>Parking Overlay</i> to ensure consistency with Clause 52.06 Car Parking.</b>	Review the schedules to the Parking Overlay in the context of changes to State planning policy <i>Clause 52.06 Car Parking</i> which reduced car parking in the Principal Public Transport Network Area Map.	Medium

### Development Contributions

#### Goal

To facilitate the preparation and implementation of a Development Contributions Plan as a way to support the delivery of infrastructure.

Actions	Scope of Work	Priority
<b>23. Prepare a municipal wide Development Contributions Plan.</b>	Develop a municipal wide Development Contributions Plan to levy funding from new development for new or improved infrastructure provision.	High (CP)
<b>24. Review the Doncaster Hill Development Contributions Plan.</b>	Undertake a review of Doncaster Hill Development Contribution Plan to determine the degree to which the specified projects have been delivered and outline options and next steps to acquit the requirements of the DCP by 2025.	High

### Administrative Amendments

Actions	Scope of Work	Priority
<b>25. Undertake administrative planning scheme amendments.</b>	<p>Where they arise, this involves correcting mapping and ordinance anomalies, to delete redundant controls and correct provisions.</p> <p>Review the application of the current Transport Zones to correctly identify State transport infrastructure, principal road network, significant municipal road and other transport uses.</p>	Low (as required)

## 17.1 Advocacy and Other Actions

Council plays an active role in advocating to State Government and other agencies on matters that affect Manningham.

Table 11 below identifies advocacy actions and other recommendations that sit outside the scope of local changes to the Manningham Planning Scheme. These actions have been identified through the Review process and will assist in achieving our objectives.

**Table 11: Advocacy and Other Actions**

<b>Advocacy</b>	<b>Scope of Work</b>	<b>Priority</b>
Advocate to the State Government for municipal wide tree protection controls and replanting requirements to reduce the urban heat island effect and maintain the landscape character across the municipality.	Explore opportunities to be part of the <i>Cooling and Greening Melbourne</i> project to protect trees on private land in urban environments and increase permeable areas.	Medium
<b>Other Actions</b>	<b>Scope of Work</b>	<b>Priority</b>
Review opportunities to improve education in relation to vegetation retention in bushfire prone areas.	Develop design guidelines that assist in providing safe approaches to biodiversity enhancements and preservation of the landscape character in bushfire prone areas.	Medium

## 18.0 Implementation

---

### 18.1 Communication, Marketing and Advertising

Communication, marketing and advertising to support awareness of our projects is vital to connect with the community. The significant changes in communication since Covid-19 has meant we are predominantly relying on electronic means to communicate. However, this may not always be the best way to our engage with our community. We recognise Manningham benefits from an ethnically diverse population, where English is often a second language. An example of a successful different approach has been the creation of the 'Community Reference Panel' to assist in the development of the Integrated Water Strategy.

### 18.2 Diversity

We are committed to ensuring that all people in our community are treated with dignity, respect and fairness. We will consider the gender, equality and diversity of all people in our future strategic planning projects. A 'gender impact assessment' will be undertaken as part of any major project, which includes research and consultation to ensure an understanding of diversity and inclusion in the project. Other projects will apply a 'gender lens' to ensure consideration is given to people of different cultural backgrounds, sexual orientation and disability, experiences such as homelessness and incarceration, geography, particularly place based disadvantage.

### 18.3 Monitoring and Review

In 2026, at the conclusion of the Planning Scheme Review period, we will assess the implementation of the recommendations from the Review 2022. We anticipate significant ongoing changes to planning policy at a State level, which will influence how and when we achieve our goals.

# Appendix 1: VCAT Decisions

Table 12: VCAT Decisions received (1 January 2018 – 31 December 2021)

Order Date	Planning Permit VCAT No	Site Address	Proposal	RA Decision	VCAT Decision	Comments re: policy implications of VCAT decision
02/02/2018	PL16/026449 P2378/2017	285-287 George Street, Doncaster	Seven (7) dwellings	Refusal	RA decision set aside, permit issued by consent	<ul style="list-style-type: none"> <li>Application refused on grounds related to overdevelopment, neighbourhood character, external and internal amenity, design response</li> </ul> <p><i>No policy issues</i></p>
23/02/2018	PL17/027219 P2514/2017	12 Curlew Court, Doncaster	Six (6) dwellings, car parking reduction	Refusal	RA decision set aside, permit issued by consent	<ul style="list-style-type: none"> <li>Application refused on grounds related to landscaping, visual bulk, visitor parking</li> </ul> <p><i>No policy issues</i></p>
20/03/2018	PL16/026580 P2815/2017	810 Elgar Road, Doncaster	Hotel, RDZ1 (TRZ2) access	Refusal	RA decision set aside, permit issued by consent	<ul style="list-style-type: none"> <li>Application refused on grounds related to height, external amenity, landscaping, car parking, access, bicycle spaces, pedestrian access</li> </ul> <p><i>Policy issues: The parking overlay for the Doncaster Hill is now 'out of date' following introduction of the PPTNA</i></p>
28/03/2018	PL16/026654 P1973/2017	1 Elizabeth Street, Doncaster East	Six (6) dwellings	Refusal	RA decision set aside, permit issued	<ul style="list-style-type: none"> <li>Application refused on grounds related to neighbourhood character, height &amp; bulk, landscaping, external amenity</li> </ul> <p>Findings:</p> <ul style="list-style-type: none"> <li>Strategic intent is not to start at the maximum allowable height and either work your way down from there or to seek to justify the proposed height.</li> <li>There is no prohibition on a three storey development being considered, it is one of context.</li> <li>The proposal is an acceptable response in its context having regard to the DDO8 and other relevant policy. The extent of the</li> </ul>

Order Date	Planning Permit VCAT No	Site Address	Proposal	RA Decision	VCAT Decision	Comments re: policy implications of VCAT decision
						<p>upper floor given the overall design response, including the setbacks, architectural treatment and graduated setbacks at each level throughout the development combine to result in a proposal that, whilst visible within the streetscape, will not be unacceptably imposing and will have a scale that is acceptable within the existing streetscape and the envisaged character under DDO8</p> <ul style="list-style-type: none"> <li>The DDO8 does not seek that development be completely screened by landscaping. It seeks opportunities to help break up continuous built form and/or softening of it.</li> <li>The Tribunal found that the proposed landscaping would help to break up the massing of the proposed building. The built form will still be visible but it will not appear as a continuous element when viewed from these individual spaces.</li> </ul> <p>Point of interest:</p> <ul style="list-style-type: none"> <li>The deletion of the Landscaping Bond condition by the Tribunal.</li> </ul> <p><i>Policy issues: The Tribunal determined that the proposal was consistent with the relevant policies in the planning scheme</i></p>
<b>10/04/2018</b>	PL17/027322 P2353/2017	43 Celeste Street, Doncaster East	Two (2) dwellings	Refusal	RA decision set aside, permit issued by consent	<ul style="list-style-type: none"> <li>Application refused on grounds related to neighbourhood character, scale &amp; density, external amenity, landscaping</li> </ul> <p><i>No policy issues</i></p>
<b>02/05/2018</b>	PL16/026569 P2427/2017	14 Hakea Street, Templestowe	Six (6) dwellings	Refusal	RA decision set aside, permit issued by consent	<ul style="list-style-type: none"> <li>Application refused on grounds related to neighbourhood character, external amenity, site response, setbacks, landscaping</li> </ul> <p><i>No policy issues</i></p>
<b>02/05/2018</b>	PL17/027355 P2481/2017	911 Doncaster Road, Doncaster East	Seven (7) dwellings, RDZ1 (TRZ2) access	Refusal	RA decision set aside, permit issued by consent	<ul style="list-style-type: none"> <li>Application refused on grounds related to neighbourhood character, landscaping, streetscape, external and internal amenity, impact on existing tree</li> </ul> <p><i>No policy issues</i></p>

Order Date	Planning Permit VCAT No	Site Address	Proposal	RA Decision	VCAT Decision	Comments re: policy implications of VCAT decision
07/05/2018	PL16/026611 P2748/2017	28 Manningham Road, Bulleen	Five (5) dwellings, RDZ1 (TRZ2) access	Refusal	RA decision set aside, permit issued by consent	<ul style="list-style-type: none"> <li>Application refused on grounds related to neighbourhood character, internal amenity, visitor parking, access</li> </ul> <p><i>No policy issues</i></p>
08/05/2018	PL17/027190 P61/2018	20-23 Airdrie Court, Templestowe Lower	Fifteen (15) dwellings	Permit	RA decision varied, modified permit issued by consent	<ul style="list-style-type: none"> <li>Appeal by applicant to various permit conditions</li> </ul> <p><i>No policy issues</i></p>
08/05/2018	PL16/026925 P2302/2017	2 & 4 Turana Street, Doncaster	Child care centre, dwelling, car parking reduction, signage	Permit	RA decision varied, modified permit issued	<ul style="list-style-type: none"> <li>Appeal by neighbours on grounds related to inappropriate location for a child care centre, parking, neighbourhood character.</li> </ul> <p><i>No policy issues</i></p>
11/05/2018	PL17/027110 P2512/2017	13 Larkspur Avenue, Doncaster	Three (3) dwellings	Refusal	RA decision affirmed, no permit issued	<ul style="list-style-type: none"> <li>Application refused on grounds related to neighbourhood character, height, setbacks</li> </ul> <p>Findings:</p> <ul style="list-style-type: none"> <li>Whilst there are positives in the design, such as north facing secluded private open space, north facing living rooms, and a side-by-side configuration which seems to be the design of choice and an emerging trend for medium density development in the area, these positive features are not bonuses but requirements of ResCode</li> <li>Tribunal agreed with Council's view that the design was not an appropriate fit for the area and not achieving the housing and design policies for the precinct, which is for land removed from activity centres and main roads where development is to be less intensive and for a design to be consistent with the character of the area</li> </ul>



Order Date	Planning Permit VCAT No	Site Address	Proposal	RA Decision	VCAT Decision	Comments re: policy implications of VCAT decision
						<i>Policy issues: The proposal is fails to satisfy relevant policies in the planning scheme.</i>
<b>16/05/2018</b>	PL17/027127 P2569/2017	30 Alfred Street, Templestowe Lower	Two (2) dwellings	Refusal	RA decision set aside, permit issued	<ul style="list-style-type: none"> <li>Application refused on grounds related to neighbourhood character, scale, external and internal amenity, landscaping, slope of the land, street tree removal</li> </ul> <i>No policy issues</i>
<b>22/05/2018</b>	PL17/027351 P2497/2017	60 Turana Street, Doncaster	Five (5) dwellings	Refusal	RA decision set aside, permit issued by consent	<ul style="list-style-type: none"> <li>Application refused on grounds related to restrictive covenant, neighbourhood character, slope of the land, external and internal amenity, access, common property and accessibility</li> </ul> <i>No policy issues</i>
<b>23/05/018</b>	PL17/027868 P201/2018	1 Wellington Street, Templestowe Lower	Front Fence	Permit	RA decision varied, modified permit issued	<ul style="list-style-type: none"> <li>Appeal by applicant to front fence conditions</li> </ul> <i>No policy issues</i>
<b>23/05/2018</b>	PL17/027407 P189/2018	6 Bourke Street, Bulleen	Buildings and work on lot <500m <sup>2</sup>	Permit	RA decision varied, modified permit issued	<ul style="list-style-type: none"> <li>Appeal by applicant to southern boundary wall condition.</li> </ul> <i>No policy issues</i>
<b>06/06/2018</b>	PL17/027221 P353/2018	83 Roy Street, Donvale	Eight (8) dwellings	Refusal	RA decision set aside, permit issued by consent	<ul style="list-style-type: none"> <li>Application refused on grounds related to neighbourhood character, transition between substantial and incremental change areas, massing, landscaping, internal amenity, visitor car parking, waste collection.</li> </ul> <i>No policy issues</i>
<b>20/06/2018</b>	PL16/026982 P2492/2017	6 Ananda Court, Donvale	Two (2) dwellings	Refusal	RA decision affirmed, no permit issued	<ul style="list-style-type: none"> <li>Application refused on grounds related to neighbourhood character, front setback, external and internal amenity, access, landscaping, impact on existing tree</li> </ul> Findings:

Order Date	Planning Permit VCAT No	Site Address	Proposal	RA Decision	VCAT Decision	Comments re: policy implications of VCAT decision
						<ul style="list-style-type: none"> <li>Despite the proposal largely complying with numeric ResCode standards, the proposal does not 'fit in' in the manner set out in <i>Planning Practice Note 43</i>, regarding neighbouring character.</li> </ul> <p><i>Policy issues: The proposal is fails to satisfy relevant policies in the planning scheme.</i></p>
26/06/2018	PL17/027524 P343/2018	22 Colchester Drive, Doncaster East	Two (2) dwellings	Permit	RA decision varied, modified permit issued by consent	<ul style="list-style-type: none"> <li>Appeal by adjoining school on grounds related to construction impacting school operations.</li> </ul> <p>Findings</p> <ul style="list-style-type: none"> <li>Modified permit required a Construction Management Plan.</li> </ul> <p><i>No policy issues</i></p>
29/06/2018	PI15/025924.0 1 P493/2018	330-334 Manningham Road, Doncaster	Four storey apartment building, 40 dwellings, RDZ1 (TRZ2) access, reduced visitor parking	Refusal	RA decision set aside, amended permit issued by consent	<ul style="list-style-type: none"> <li>Application to increase the size of the uppermost level to provide for additional 2 dwellings was refused on grounds related to preferred neighbourhood character, dominance to streetscape and adjoining properties, external amenity, visual bulk, limited fourth floor articulation</li> </ul> <p><i>No policy issues</i></p>
06/07/2018	PL17/027090 P2570/2017	45 Glendale Avenue, Templestowe	Five (5) dwellings	Refusal	RA decision affirmed, no permit issued	<ul style="list-style-type: none"> <li>Application refused on grounds related to neighbourhood character, overdevelopment of the site, access, internal amenity, landscaping, tree protection, visitor parking</li> </ul> <p>Findings:</p> <ul style="list-style-type: none"> <li>While the proposal would respond well to the strategic framework for increased dwelling densities and housing diversity, there are a number of fundamental design elements that are poorly resolved.</li> <li>The appearance of the development would adversely impact the neighbouring property to the north in terms of excessive visual bulk, contrary to design objectives under DDO8, policy at Clause 21.05 and the design guidance provided under Clause 2.0 of DDO8. DDO8 seeks to ensure that the upper level of a two</li> </ul>

Order Date	Planning Permit VCAT No	Site Address	Proposal	RA Decision	VCAT Decision	Comments re: policy implications of VCAT decision
						<p>storey building provides adequate articulation to reduce the appearance of visual bulk and minimise continuous sheer wall presentation.</p> <ul style="list-style-type: none"> <li>Impact on existing tree significant and cannot be addressed by permit conditions</li> <li>Limited landscaping opportunities along the northern and southern boundaries</li> </ul> <p><i>Policy issues: The proposal is fails to satisfy relevant policies in the planning scheme.</i></p>
<b>09/07/2018</b>	PL17/027475 P2935/2017	27 Linton Avenue, Templestowe Lower	Two (2) dwellings	Permit	RA decision varied, modified permit issued	<ul style="list-style-type: none"> <li>Appeal by neighbour on grounds related to fence heights, potential overlooking</li> </ul> <p><i>No policy issues</i></p>
<b>09/07/2018</b>	PL17/027461 P2882/2017	1 Harrow Court, Doncaster	Two (2) dwellings	Permit	RA decision varied, modified permit issued	<ul style="list-style-type: none"> <li>Appeal by neighbour on grounds related to external amenity, particularly first floor setbacks</li> </ul> <p><i>No policy issues</i></p>
<b>12/07/2018</b>	PL17/027388 P2590/2017	2 Carel Court, Park Orchards	Earthworks for driveway (retrospective)	Failure, recommended permit	RA decision set aside, permit issued	<ul style="list-style-type: none"> <li>RA would have supported proposal had failure appeal not been lodged.</li> </ul> <p><i>No policy issues</i></p>
<b>12/07/2018</b>	PL17/027224 P14/2018	23-27 Websters Road, Templestowe	Three (3) lot subdivision, vegetation removal, create/vary easements	Failure, recommended permit	RA decision set aside, permit issued by consent	<ul style="list-style-type: none"> <li>RA would have supported proposal had failure appeal not been lodged.</li> </ul> <p><i>No policy issues</i></p>
<b>13/07/2018</b>	PL10/021019.01 P2861/2017	2 Devlaw Drive, Doncaster East	Medical centre increase to 5 practitioners,	Refusal	RA decision affirmed, no amended permit issued	<ul style="list-style-type: none"> <li>Application refused on grounds related to external amenity, inconsistent with local policy Clause 22.05 Non-residential uses in the residential areas, car parking, waste collection</li> </ul>

Order Date	Planning Permit VCAT No	Site Address	Proposal	RA Decision	VCAT Decision	Comments re: policy implications of VCAT decision
			car parking waiver			<p>Findings:</p> <ul style="list-style-type: none"> <li>From a design point of view, the Tribunal found that the proposed additions integrated well with the existing building, its scale and massing and was not out of place with typical suburban domestic buildings.</li> <li>The car parking issue has not been resolved, and this is the reason why the proposal was not supported by the Tribunal.</li> </ul> <p><i>No policy issues</i></p>
17/07/2018	PL17/027673 P553/2018	142-146 Templestowe Road, Templestowe Lower	Thirteen (13) dwellings, alteration to RDZ1 (TRZ2) access	Refusal	RA decision set aside, permit issued by consent	<ul style="list-style-type: none"> <li>Application refused on grounds related to breach of restrictive covenant, neighbourhood character, bulky and visually intrusive upper levels, spacing, landscaping, external and internal amenity, access.</li> </ul> <p><i>No policy issues</i></p>
26/07/2018	PL17/027048 P2881/2017	33 Gray Street, Doncaster	Two (2) dwellings	Permit	RA decision affirmed, permit issued	<ul style="list-style-type: none"> <li>Appeal by neighbour on ground related to neighbourhood character</li> </ul> <p>Findings:</p> <ul style="list-style-type: none"> <li>Tribunal found that the proposal was respectful of both the existing and preferred character of the area and meets the objectives at Clause 55.02-1 of the planning scheme</li> </ul> <p><i>No policy issues</i></p>
27/07/2018	PL16/026928 P2891/2017	19-23 Bayley Grove, Doncaster	Four-storey apartment building, 29 dwellings	Permit	RA decision varied, modified permit issued	<ul style="list-style-type: none"> <li>Appeal by neighbour on grounds related to overshadowing, parking and traffic</li> </ul> <p><i>No policy issues</i></p>
30/07/2018	PL17/027257 P89/2018	72-74 McGowans Road, Donvale	Tree removal (8 pine trees)	Refusal	RA decision set aside, permit issued	<ul style="list-style-type: none"> <li>Application refused on grounds related to landscape character, contrary to policy, not justified, trees of high landscape value.</li> </ul> <p>Findings:</p>

Order Date	Planning Permit VCAT No	Site Address	Proposal	RA Decision	VCAT Decision	Comments re: policy implications of VCAT decision
						<ul style="list-style-type: none"> <li>As the useful life expectancy of the trees sought to be removed is estimated between 5-15 years, the Tribunal supported their removal and replacement.</li> </ul> <p><i>Policy issues: the Manningham Monterey Pine and Cypress Tree Assessment, 2003 acknowledges that the likely life expectancy of the trees in this assessment is 100 years, and that many were planted around 80 years ago (circa 1923). Therefore, in 2022, they are coming to the end of their life expectancy. Strategic have already prepared a report addressing the need for SLO6</i></p>
<b>30/07/2018</b>	PL17/027535 P2832/2017	10 Meredith Avenue, Templestowe Lower	Two (2) dwellings	Permit	RA decision varied, modified permit issued	<ul style="list-style-type: none"> <li>Appeal by neighbours on grounds related to neighbourhood character and overlooking.</li> </ul> <p>Findings:</p> <ul style="list-style-type: none"> <li>Beyond the site's categorisation as being in Precinct 4, the Scheme does not contain specific guidance in terms of preferred neighbourhood character for areas within the municipality.</li> <li>The proposed will enhance the existing or preferred neighbourhood character.</li> </ul> <p><i>Policy issues: The lack of specific guidance in terms of preferred neighbourhood character in GRZ3 / Precinct 4</i></p>
<b>02/08/2018</b>	PL16/026927 P146/2018	951-953 Doncaster Road, Doncaster East	Fourteen (14) dwellings, RDZ1 (TRZ2) access	Permit	RA decision varied, modified permit issued by consent	<ul style="list-style-type: none"> <li>Appeal by applicant regarding setback and layout conditions</li> </ul> <p><i>No policy issues</i></p>
<b>09/08/2018</b>	PL17/027159 P319/2018	40 Winston Drive , Doncaster	Four (4) dwellings	Refusal	RA decision set aside, permit issued by consent	<ul style="list-style-type: none"> <li>Application refused on grounds related to scale and massing, neighbourhood character, external and internal amenity</li> </ul> <p><i>No policy issues</i></p>

Order Date	Planning Permit VCAT No	Site Address	Proposal	RA Decision	VCAT Decision	Comments re: policy implications of VCAT decision
03/09/2018	PL17/027661 P1066/2018	Tullamore 463-535 Doncaster Road, Doncaster	Restricted recreation facility	Failure, recommen ded permit	Permit issued by consent.	<ul style="list-style-type: none"> <li>RA would have supported proposal had failure appeal not been lodged.</li> <li>Appeal by applicant to regarding various conditions</li> </ul> <p><i>No policy issues</i></p>
20/09/2018	PL17/027714 P987/2018	348 Porter Street, Templestowe	Fourteen (14) dwellings	Failure, recommen ded refusal	RA decision set aside, permit issued by consent.	<ul style="list-style-type: none"> <li>RA would have refused the application had a failure review application not been lodged.</li> <li>Application would have been refused on the grounds related to neighbourhood character, inappropriate level of incremental change, external and internal amenity</li> <li>Amended plans proposed 13 dwellings, which addressed most of RA concerns</li> </ul> <p><i>No policy issues</i></p>
21/09/2018	PL17/027709 P670/2018	6, 7 & 8 Yolande Court, Templestowe	Nineteen (19) dwellings, subdivision alter easements	Failure, recommen ded refusal	RA decision set aside, permit issued	<ul style="list-style-type: none"> <li>RA would have refused the application had a failure review application not been lodged.</li> <li>Application would have been refused on grounds related to neighbourhood character, removal of vegetation, landscaping, earthworks, drainage, access, traffic</li> </ul> <p>Findings:</p> <ul style="list-style-type: none"> <li>Need to achieve balance between conflicting urban consolidation and respect for the neighbourhood's character.</li> <li>The lack of local policy that specifies the character of this neighbourhood allows a more liberal interpretation of character, to determine the characteristics of the neighbourhood.</li> <li>Any new development of the review land needs to provide an even balance between dwellings and landscape, retaining a reasonable number of existing canopy trees that respects of the neighbourhood's character.</li> <li>Neighbourhood character when combined with housing policy for an incremental level of change can accommodate a development in the order of 19 dwellings on the site.</li> </ul>

Order Date	Planning Permit VCAT No	Site Address	Proposal	RA Decision	VCAT Decision	Comments re: policy implications of VCAT decision
						<ul style="list-style-type: none"> <li>The retention of only 12% of existing canopy trees is not respectful the neighbourhood's character, and additional trees were required to be retained, complemented by additional planting..</li> </ul> <p>Point of interest:</p> <ul style="list-style-type: none"> <li>This decision has been highlighted in a number of subsequent VCAT cases located in GRZ3. These cases, among other things, query what Council anticipates for the future of these areas. In the absence of a definition of incremental change, the Tribunal is acknowledging (and being told by advocates and witnesses appearing before it) that there is little guidance offered by the Scheme.</li> </ul> <p><i>Policy issues: there is a lack of local policy that specifies the character of GRZ3/ Post 1975 areas, nor is there specific local guidance on what would be appropriate design responses.</i></p>
<b>26/09/2018</b>	PL17/027220 P817/2018 P1162/2018	136-140 Andersons Creek Road, Doncaster East	Twenty-two (22) dwellings	Permit	RA decision varied, modified permit issued by consent	<ul style="list-style-type: none"> <li>Appeal by applicant regarding traffic / access</li> <li>Appeal by neighbour on grounds related to external amenity, scale, and mass, landscaping</li> </ul> <p><i>No policy issues</i></p>
<b>05/10/2018</b>	PL17/027149 P533/2018	1 Stanley Street, Bulleen	Three (3) dwellings	Refusal	RA decision set aside, permit issued.	<ul style="list-style-type: none"> <li>Application was refused on the grounds related to neighbourhood character, streetscape, excessive earthworks, internal amenity, landscaping.</li> <li>Amended plans addressed many of the refusal grounds having regard to the exterior materials, opportunity for landscaping, avoidance of boundary to boundary development and the stepped nature of the development to follow the topography</li> <li>Outstanding issue related to the proposed raked roof rather than the preferred flat, parapet roof.</li> </ul> <p>Findings</p>

Order Date	Planning Permit VCAT No	Site Address	Proposal	RA Decision	VCAT Decision	Comments re: policy implications of VCAT decision
						<ul style="list-style-type: none"> <li>Overall, Tribunal was satisfied that the proposal was consistent with Clauses 21.05 and 22.15 is an acceptable outcome having regard to its context</li> </ul> <p><i>No policy issues</i></p>
15/10/2018	PL17/027561 P784/2018	37 Falconer Road, Park Orchards	Outbuilding (garage)	Refusal	RA decision set aside, permit issued by consent	<ul style="list-style-type: none"> <li>Application refused on grounds related to inconsistency with Green Wedge policies, conservation values of RCZ3, landscape character, excessive building size</li> </ul> <p><i>No policy issues</i></p>
22/10/2018	PL16/026788 P280/2018	172 Manningham Road, Bulleen	Five (5) dwellings, RDZ1 (TRZ2) access	Refusal	RA decision set aside, permit issued by consent	<ul style="list-style-type: none"> <li>Application refused on grounds related to car parking and access integration with street, setbacks, form, landscaping, fencing, external amenity</li> <li>Amended plans reduced size of 1 dwelling and addressed Council concerns.</li> </ul> <p><i>No policy issues</i></p>
01/11/2018	PL17/027864 P697/2018	2 Moonbria Way, Templestowe	Two (2) dwellings	Permit	RA decision varied, modified permit issued	<ul style="list-style-type: none"> <li>Appeal by neighbour on grounds related to overdevelopment, existing vegetation, siting of garage, landscaping, traffic, parking, drainage and ground water</li> </ul> <p><i>No policy issues</i></p>
05/11/2018	PL17/027477 P887/2018	6 Milne Road, Park Orchards	Two (2) dwellings	Refusal	RA decision set aside, permit issued	<ul style="list-style-type: none"> <li>Application refused on grounds related to local policy, effluent disposal, earthworks, tree protection, unacceptable precedent</li> </ul> <p>Findings:</p> <ul style="list-style-type: none"> <li>Two dwellings in LDRZ do not need to be attached to satisfy the objective of Clause 21.06-2</li> </ul> <p><i>Policy issues: the objectives of Clause 21.06 Low Density can be satisfied without requiring two dwellings being attached.</i></p>



Order Date	Planning Permit VCAT No	Site Address	Proposal	RA Decision	VCAT Decision	Comments re: policy implications of VCAT decision
12/11/2018	PL17/027278 P25/2018	431 Doncaster Road, Doncaster	Five (5) dwellings	Permit	RA decision varied, modified permit issued	<ul style="list-style-type: none"> <li>Appeal by neighbour on grounds related to height, bulk, external amenity, neighbourhood character, parking.</li> </ul> <p><i>No policy issues</i></p>
16/11/2018	PL16/026838 P2238/2017	16 Windermere Avenue, Doncaster East	Two (2) dwellings	Refusal	RA decision set aside, permit issued	<ul style="list-style-type: none"> <li>Application was refused on the grounds related to bulk &amp; mass, external amenity, landscaping, basement access</li> <li>Around 10 days prior to the hearing AM VC143 introduced 'garden area'</li> <li>There were a number of errors on the plans largely related to the FFL of each dwelling. The applicant was required to simply address this issue, however, the revised plans also sought to amend the proposal in a number of ways.</li> <li>The Tribunal was frustrated that the applicant did not follow the process set out in the Orders, making changes over and above what was required.</li> </ul> <p>Findings:</p> <ul style="list-style-type: none"> <li>The minimum garden area requirement had been met.</li> <li>The maximum height requirement had been met.</li> <li>Proposal is an appropriate response to the neighbourhood character policies of the scheme</li> </ul> <p><i>No policy issues</i></p>
19/11/2018	PL17/027684 P636/2018	69 Atkinson Street, Templestowe	Three (3) dwellings, alteration to RDZ1 (TRZ2) access	Permit	RA decision varied, modified permit	<ul style="list-style-type: none"> <li>Appeal by neighbour on grounds related to front setback, overlooking, bulk, neighbourhood character, drainage. These grounds were reduced to only drainage based on revised plans.</li> </ul> <p><i>No policy issues</i></p>
26/11/2018	PL17/027403 P816/2018	The Pines, 181 Reynolds Road, Doncaster East	Retirement village, dwellings, communal facilities, retail,	Refusal	RA decision set aside, permit issued by consent.	<ul style="list-style-type: none"> <li>Application was refused on the grounds related to inconsistency with The Pines Activity Centre Structure Plan (September 2011), lack of appropriate mix of uses and active street frontages, inconsistency with purpose of zone, car parking, internal amenity</li> <li>RA supported amended proposal</li> </ul>

Order Date	Planning Permit VCAT No	Site Address	Proposal	RA Decision	VCAT Decision	Comments re: policy implications of VCAT decision
			office, RDZ1 (TRZ2) access			<i>No policy issues</i>
30/11/2018	PL17/028018 P1206/2018	99-101 Old Warrandyte Road, Donvale	Twelve (12) dwellings	Refusal	RA decision set aside, permit issued	<ul style="list-style-type: none"> <li>Application refused on grounds related to neighbourhood character, visual bulk, tree protection, landscaping, internal amenity, visitor parking</li> <li>Amended proposal comprised 11 dwellings</li> </ul> <p>Findings:</p> <ul style="list-style-type: none"> <li>There is no distinction as to the level of development anticipated in parts of Precinct 4 that are more distant from activity centres and public transport and other areas which are closer. The review site is distant from the nearest activity centre and remote from public transport; it is proximate to Donvale Christian College.</li> <li>The role of Precinct 4 / GRZ3 areas has been discussed in several Tribunal decisions [Donvale Garden Estate vs MCC 1300/2017 (25-35 Park Road, Donvale [PL15/025711, also referred to in Yolande Homes vs MCC 1420/2018]], where the Tribunal found that: <p><i>We interpret the phrase incremental change as indicating that the existing neighbourhood character of the surrounding area should form an identifiable basis for the character of a future development on the review site. However at the same time there is an expectation that some elements of the surrounding neighbourhood character may be over or under emphasised in new development, leading to a development that draws on some elements and represents a level of change in other elements.</i></p> </li> <li>Amended Proposal is acceptable from a neighbourhood character, landscape, external and internal amenity perspective.</li> </ul> <p><i>Policy issues: there is limited specific policy guidance in GRZ3 Residential Precinct 4 – Post 1975 Residential Area on the desired future character of this area – the same issue that was raised in Donvale Garden Estate Pty Ltd v Manningham CC [2017] VCAT 1300–25-35 Park Road, Donvale [PL15/025711</i></p>

Order Date	Planning Permit VCAT No	Site Address	Proposal	RA Decision	VCAT Decision	Comments re: policy implications of VCAT decision
11/12/2018	PL16/026934 P1194/2018	1-2 Winbrook Court, Doncaster	Nine (9) dwellings	Permit	RA decision varied, modified permit issued	<ul style="list-style-type: none"> <li>Appeal by neighbours on grounds related to height, size and bulk.</li> </ul> <p><i>No policy issues</i></p>
02/01/2019	<u>PL17/027281</u> P1216/2018	4 Eumeralla Avenue, Templestowe Lower	Seven (7) dwellings, vegetation removal	Refusal	RA decision affirmed, no permit issued	<ul style="list-style-type: none"> <li>Application refused on grounds related to scale and intensity of development, extent of earthworks, natural landscape and neighbourhood character, internal amenity.</li> </ul> <p>Findings:</p> <ul style="list-style-type: none"> <li>Review site is one of only two properties in this low density residential estate located within GRZ1; all other properties are within LDZ; the position of the zone boundary is surprising and not consistent with the location.</li> <li>Incremental change is a relative term, and must be applied having regard to the site's context. In this instance, the review site is in a location remote from a range of services and facilities to strategically support a level of medium density housing. Secondly, from a character perspective, the review site reads as part of a low density residential neighbourhood, with its access from the low density residential estate. The critical assessment is whether the proposal represents an appropriate response to the character of this low density residential neighbourhood.</li> </ul> <p>Point of Interest:</p> <ul style="list-style-type: none"> <li>The boundary between the GRZ1 and LDRZ is a reflection of the boundary that existed prior to the new format planning scheme and any change to this boundary would be hard to justify.</li> </ul> <p><i>Policy issues: The proposal is fails to satisfy relevant policies in the planning scheme.</i></p>

Order Date	Planning Permit VCAT No	Site Address	Proposal	RA Decision	VCAT Decision	Comments re: policy implications of VCAT decision
04/01/2019	<u>PL16/026481</u> P2416/2017	9 Pescara Place, Donvale	Childcare centre, vegetation removal, signage	Permit	RA decision set aside, no permit issued	<ul style="list-style-type: none"> <li>Amendment VC140 was introduced into the planning scheme following RA decision to support application. This amendment required assessment against bushfire planning policy, which resulted in additional vegetation removal/lopping.</li> <li>Proposal is generally consistent with policy, except matters relating to traffic, car parking and safety.</li> <li>As a S82 review, the decision of the Tribunal is 'de novo', meaning the entire matter is reviewed afresh.</li> </ul> <p>Findings:</p> <ul style="list-style-type: none"> <li>Proposal will have an unacceptable impact on landscape character and traffic.</li> <li>'Offset' planting does not equate to retention of existing vegetation within the context of landscape character.</li> <li>Whilst proposal will provide for a community need, proposal is not an acceptable outcome.</li> </ul> <p><i>Policy issues: in LDRZ child care centre is not prohibited, but it is also not encouraged or contemplated within its purpose, as they are in other residential zones [GRZ, NRZ]</i></p>
10/01/2019	<u>PL17/028003</u> P2027/2018	43 Clay Drive, Doncaster	Four (4) dwellings	Refusal	RA decision set aside, permit issued by consent	<ul style="list-style-type: none"> <li>Application refused on grounds related to neighbourhood character, external and internal amenity, visual bulk, excessive height and scale, landscaping</li> </ul> <p><i>No policy issues</i></p>
08/02/2019	<u>PL17/027382</u> P1286/2018	3 Belvoir Street, Doncaster East	Three (3) dwellings	Refusal	RA decision affirmed, no permit issued	<ul style="list-style-type: none"> <li>Application refused on grounds related to mandatory garden area, neighbourhood character, overdevelopment of the site, visual bulk, external and internal amenity, landscaping, car parking, excessive fill</li> </ul> <p><i>Policy issues: The proposal is fails to satisfy relevant policies in the planning scheme.</i></p>

Order Date	Planning Permit VCAT No	Site Address	Proposal	RA Decision	VCAT Decision	Comments re: policy implications of VCAT decision
11/02/2019	<u>PLN18/0111</u> P1857/2018	5 Dion Street, Doncaster	Two (2) dwellings	Permit	RA decision varied, modified permit issued	<ul style="list-style-type: none"> <li>Appeal by applicant against conditions related to FFLs, setbacks, wall heights, screening and street tree</li> </ul> <p><i>No policy issues</i></p>
13/02/2019	<u>PL17/027896</u> P155/2018	5 Yarra Street, Warrandyte	One (1) dwelling, RDZ1 (TRZ2) access	Permit	RA decision varied, modified permit issued	<ul style="list-style-type: none"> <li>Appeal by neighbours on grounds related to location of new dwelling having regard to the physical characteristics of the area, scale, neighbourhood character.</li> </ul> <p><i>No policy issues</i></p>
21/02/2019	<u>PL17/027511</u> P1384/2018	91 Whittens Lane, Doncaster	Four (4) dwellings	Permit	RA decision affirmed, permit issued	<ul style="list-style-type: none"> <li>Appeal by neighbours on grounds related to height, setbacks, neighbourhood character.</li> </ul> <p><i>No policy issues</i></p>
27/02/2019	<u>PL17/027801</u> P2044/2018	14-16 Clay Drive, Doncaster	Five-storey apartment building, 22 dwellings	Refusal	RA decision set aside, permit issued by consent	<ul style="list-style-type: none"> <li>Application refused on grounds related to transition from ACZ1 to GRZ1, unreasonable streetscape, bulk massing, external and internal amenity, landscaping</li> </ul> <p><i>Policy issues: The parking overlay for the Doncaster Hill is now 'out of date' following introduction of the PPTNA</i></p>
05/04/2019	<u>PL17/027430</u> P520/2018	27-29 Brindy Crescent, Doncaster East	Six (6) dwellings, visitor car space waiver	Refusal	RA decision affirmed, no permit issued	<ul style="list-style-type: none"> <li>Application refused on grounds related to garden area, neighbourhood character, overdevelopment, external and internal amenity, interface to Koonung Creek Linear Park, car parking</li> </ul> <p>Key findings:</p> <ul style="list-style-type: none"> <li>Proposal cannot be supported because mandatory minimum garden area is not provided.</li> <li>The site is suitable for modest medium density housing</li> <li>There is no need for on-site visitor parking within a designated PPTN area.</li> <li>Even if the garden area requirement had been met, there are shortcomings with the proposal, including excessive built form and massing, lack of landscaping, poor internal amenity</li> </ul>

Order Date	Planning Permit VCAT No	Site Address	Proposal	RA Decision	VCAT Decision	Comments re: policy implications of VCAT decision
						<ul style="list-style-type: none"> <li>Built form does not integrate with adjoining reserve and creates a highly visible and dominant built form</li> </ul> <p>Learnings:</p> <ul style="list-style-type: none"> <li>The Member was particularly concerned that he did not have in front of him a plan that demonstrated compliance with the garden area requirement, and expressed a view that the garden area is a threshold requirement that ought to be met at the application stage rather than as a condition on a permit.</li> </ul> <p><i>No policy issues</i></p>
10/04/2019	<u>PLN18/0289</u> P153/2019	36-38 Parker Street, Templestowe Lower	Child care centre, reduction in parking requirements, RDZ1 (TRZ2) access, signage	Refusal	RA decision set aside, permit issued by consent	<ul style="list-style-type: none"> <li>Application refused on grounds related to removal of mature eucalyptus tree, car parking, pedestrian and road safety, contrary to Clause 22.05 Non-Residential uses in Residential Areas).</li> </ul> <p><i>No policy issues</i></p>
16/04/2019	<u>PLN18/0199</u> P2536/2018	21 Rosco Drive, Templestowe	Three (3) dwellings	Permit	RA decision affirmed, permit issued	<ul style="list-style-type: none"> <li>Appeal by neighbours on grounds related to external amenity and views</li> </ul> <p><i>No policy issues</i></p>
30/04/2019	<u>PL17/027343</u> P1913/2018	103 James Street, Templestowe	Seven (7) dwellings, RDZ1 (TRZ2) access	Refusal	RA decision affirmed, no permit issued	<ul style="list-style-type: none"> <li>Application refused on grounds related to neighbourhood character, inadequate transition to the rear, garden area, excessive height, bulk, external and internal amenity, car parking. VicRoads as referral authority also did not support application.</li> </ul> <p>Key findings:</p> <ul style="list-style-type: none"> <li>Proposal is not response to neighbourhood character.</li> <li>There is a lack of landscaping opportunities at the rear of the site</li> <li>Lack of north-facing windows raises concerns with energy efficiency objectives and solar access</li> </ul>

Order Date	Planning Permit VCAT No	Site Address	Proposal	RA Decision	VCAT Decision	Comments re: policy implications of VCAT decision
						<ul style="list-style-type: none"> <li>A redesign of the proposal is possible to orientate the front dwelling to the street with clear entry arrangements, 1m wide landscaping along the side boundary, increased rear setback, north-facing windows, possibly a reduction in the number of dwellings.</li> <li>Access to the site needs to be resolved and therefore the application is premature.</li> </ul> <p><i>Policy issues: The proposal is fails to satisfy relevant policies in the planning scheme.</i></p>
01/05/2019	<u>PL17/027907</u> P1120/2018	91 St Clems Road, Doncaster East	Three (3) dwellings	Refusal	RA decision set aside, permit issued by consent	<ul style="list-style-type: none"> <li>Application refused on grounds related to neighbourhood character, streetscape impact, external and internal amenity, landscaping.</li> </ul> <p><i>No policy issues</i></p>
13/05/2019	<u>PLA18/0127</u> P240/2019	33-37 Mitcham Road, Donvale	Extend existing residential aged care facility	Amended permit	RA decision, varied, modified permit issued by consent	<ul style="list-style-type: none"> <li>The reduction in the proposal included deletion of an entire building, resulting in the deletion of a number of conditions from the original permit.</li> </ul> <p><i>No policy issues</i></p>
14/05/2019	<u>PL17/027970</u> P1931/2018	196-198 Serpells Road, Templestowe	Child care centre, vegetation removal, signage	Permit	RA decision set aside, no permit issued	<p>Key findings:</p> <ul style="list-style-type: none"> <li>The site is too far removed from existing community uses.</li> <li>The near full clearing of vegetation from the site is unacceptable from a landscape character perspective.</li> <li>Details of noise impacts were unresolved as they were based on flawed evidence.</li> </ul> <p>Lessons:</p> <ul style="list-style-type: none"> <li>New 'community uses' need to more or less physically adjoin existing, established community uses in order to satisfy the objective of co-locating community uses within LDRZ areas under local policy.</li> </ul>

Order Date	Planning Permit VCAT No	Site Address	Proposal	RA Decision	VCAT Decision	Comments re: policy implications of VCAT decision
						<ul style="list-style-type: none"> <li>Despite low rating of individual trees, consideration must still be given to the 'character' impacts of vegetation removal.</li> </ul> <p><i>Policy issues: proposal is contrary to Clause 22.05 Non-Residential Uses in Residential Areas which seeks clustering of non-residential uses for local community benefit.</i></p>
15/05/2019	<u>PLN18/0318</u> P2179/2018	41 & 43 Riverview Terrace, Bulleen	Seven (7) dwellings	Failure – recommended refusal	RA decision set aside, permit issued	<ul style="list-style-type: none"> <li>RA would have refused the application had a failure review application not been lodged.</li> <li>Application would have been refused on the grounds related to neighbourhood character, scale, design and layout, bulk, front fence, internal amenity, car parking, garden area.</li> </ul> <p>Key findings:</p> <ul style="list-style-type: none"> <li>The development responds appropriately to neighbourhood character, the surrounding area and local policy.</li> <li>The proposal appropriately considers amenity.</li> </ul> <p>Lessons:</p> <ul style="list-style-type: none"> <li>A higher density at the rear of a site within GRZ1 may be acceptable where a site adjoins a DDO8 area.</li> <li>Contemporary gable roof forms are an acceptable response to a neighbourhood character that consists entirely of hipped and tiled roof forms.</li> </ul> <p><i>Policy issues: Clause 22.15 Dwellings in the General Residential Zone, Schedule 1 does not include a specific definition of 'incremental level of change'.</i></p>
20/05/2019	<u>PLA18/0036</u> P2192/2018	49-53 Dudley Road, Wonga Park	Amendment to PL16/026395 by retaining existing dwelling to be used with the new dwelling	Refusal	RA decision affirmed, no amended permit issued	<ul style="list-style-type: none"> <li>Original permit application to construct a new dwelling within a RCZ area, which included demolition of the existing dwelling.</li> <li>Amendment application to retain the existing dwelling for use as 'group accommodation'.</li> <li>During the processing of the application, Council advised the Applicant that 'group accommodation' was prohibited and the</li> </ul>



Order Date	Planning Permit VCAT No	Site Address	Proposal	RA Decision	VCAT Decision	Comments re: policy implications of VCAT decision
			as group accommodation			<p>Applicant subsequently amended their application to 'bed and breakfast'.</p> <ul style="list-style-type: none"> <li>Application was then refused on grounds that use of original dwelling as a bed and breakfast is prohibited</li> <li>Following the refusal of the application, the Applicant amended the application back to 'group accommodation' through the VCAT process.</li> <li>Council maintained a position that the proposal was prohibited under Clause 51.02 of the Scheme (formerly Clause 57) based on past VCAT interpretations.</li> </ul> <p>Key findings:</p> <ul style="list-style-type: none"> <li>The proposed use fails the 'in conjunction with' test, as required under Clause 51.02 and as established under Clause 64.02, and is therefore prohibited.</li> </ul> <p><i>No policy issues</i></p>
<b>30/05/2019</b>	<u>PL17/027606</u> P2384/2018	505 Ringwood-Warrandyte Road, Warrandyte South	Two (2) dwellings, vegetation removal, RDZ1 (TRZ2) access	Refusal	RA decision set aside, permit issued by consent	<ul style="list-style-type: none"> <li>Application refused on grounds related to scale of built form, inconsistent with local policy, zone and overlay objectives.</li> </ul> <p><i>No policy issues</i></p>
<b>19/06/2019</b>	<u>PLN18/0500</u> P344/2019	23, 25 & 27 Ireland Avenue, Doncaster East	Ten (10) dwellings	Refusal	RA decision set aside, permit issued by consent	<ul style="list-style-type: none"> <li>Application refused on grounds related to neighbourhood character, car parking, mass &amp; bulk, internal amenity, landscaping.</li> </ul> <p><i>No policy issues</i></p>
<b>21/06/2019</b>	<u>PL17/028017</u> P2563/2018	769-771 Doncaster Road, Doncaster	Twelve (12) dwellings, alteration to RDZ1 (TRZ2) access	Refusal	RA decision set aside, permit issued	<ul style="list-style-type: none"> <li>Application refused on grounds related to neighbourhood character, height and mass, spacing, transitioning, landscaping, external and internal amenity.</li> </ul> <p>Key findings:</p>

Order Date	Planning Permit VCAT No	Site Address	Proposal	RA Decision	VCAT Decision	Comments re: policy implications of VCAT decision
						<ul style="list-style-type: none"> <li>• There is scheme support for the proposal.</li> <li>• The development appropriately responds to the preferred character.</li> <li>• Adequate landscaping space is provided onsite.</li> <li>• The development will not result in any unreasonable amenity impacts.</li> <li>• The development provides adequate on-site and internal amenity.</li> <li>• The car parking arrangement is satisfactory.</li> <li>• The lack of an SMP was acceptable based on other information.</li> </ul> <p><i>No policy issues</i></p>
05/07/2019	<a href="#">PL17/027699</a> P2459/2018	5 Willowbank Court, Templestowe	Alterations and additions to a dwelling, five (5) additional dwellings, vegetation removal	Permit	RA decision, varied, modified permit issued	<ul style="list-style-type: none"> <li>• Appeal by neighbours on grounds related to neighbourhood character, visual impact, landscaping external amenity.</li> <li>• The subject land is within an incremental change area (Precinct 4), but has environmental significance; it more closely resembles LDRZ character.</li> </ul> <p>Key findings:</p> <ul style="list-style-type: none"> <li>• The proposal is an acceptable built form response to its existing and preferred character as well as the relevant landscape objectives of ESO5.</li> <li>• No unreasonable amenity impacts through overlooking, visual bulk or traffic.</li> <li>• The proposal should lead to an overall beneficial outcome for the environmental values of the land and biodiversity loss is adequately off-set through permit conditions.</li> </ul> <p><i>Policy issues: the preferred character of Clause 21.05 Residential Precinct 4 provides little policy assistance, other than to acknowledge that there is minimal unit development and that incremental change is anticipated.</i></p>
22/07/2019	<a href="#">PLN18/0562</a> P497/2019	2-4 Old Warrandyte Road, Donvale	Five-storey apartment building, 35	Permit	RA decision, varied, modified permit issued	<ul style="list-style-type: none"> <li>• Appeal by neighbours on grounds relating to height, transition to adjoining GRZ1, access and traffic.</li> </ul>

Order Date	Planning Permit VCAT No	Site Address	Proposal	RA Decision	VCAT Decision	Comments re: policy implications of VCAT decision
			dwelling, RDZ1 (TRZ2) access			<i>No policy issues</i>
13/08/2019	<u>PLN18/0349</u> P488/2019	19 & 21 Herlihys Road, Templestowe Lower	Eight (8) dwellings	Refusal	RA decision set aside, permit issued by consent	<ul style="list-style-type: none"> <li>Application refused on grounds related to neighbourhood character, streetscape, overdevelopment, bulk, external and internal amenity, ESD, car parking.</li> </ul> <i>No policy issues</i>
21/08/2019	<u>PLN18/0295</u> P565/2019	54 Devon Drive, Doncaster East	Two (2) dwellings	Refusal	RA decision affirmed, no permit issued	<ul style="list-style-type: none"> <li>Application refused on grounds related to the poor site response, impact on tree located on adjoining property, internal and external amenity, bulk and mass.</li> </ul> <p>Key findings:</p> <ul style="list-style-type: none"> <li>The Tribunal ultimately agreed with Council's submissions that the proposal failed to adequately respond to the features of the site, including the significant site slope, significant vegetation (that is worthy of retention) and tree protection zones of trees on adjoining properties.</li> <li>The poor site response also leads to unreasonable off-site and on-site amenity issues.</li> <li>The Tribunal determined these issues to be fundamental and that a redesign (suggested in a tandem manner) would be required.</li> </ul> <p><i>Policy issues: The proposal is fails to satisfy relevant policies in the planning scheme, in particular regarding minimising bulk through stepping down the site.</i></p>
21/08/2019	<u>PLN18/0217</u> P272/2019	27 McKenzie Street, Doncaster East	Two (2) dwellings	Refusal	RA decision set aside, permit issued by consent	<ul style="list-style-type: none"> <li>Application refused on grounds related to site response, preferred character and amenity.</li> </ul> <i>No policy issues</i>

Order Date	Planning Permit VCAT No	Site Address	Proposal	RA Decision	VCAT Decision	Comments re: policy implications of VCAT decision
21/08/2019	<u>PLN18/0642</u> P549/2019	5 Morrison Crescent, Doncaster	Two (2) dwellings	Permit	RA decision varied, modified permit issued	<ul style="list-style-type: none"> <li>• Appeal by applicant to review four (4) of the Condition 1 requirements. These conditions largely related to preferred neighbourhood character outcomes.</li> <li>• Of the challenged conditions, one was retained, two were varied and one was deleted.</li> </ul> <p><i>Policy issues: local policy does not require any specific style considerations.</i></p>
30/08/2019	<u>PLN18/0448</u> P167/2019	39 Greenridge Avenue, Templestowe	Three-storey apartment building, 13 dwellings	Failure – recommended refusal	RA decision set aside, permit issued	<ul style="list-style-type: none"> <li>• RA would have refused the application had a failure application not been lodged.</li> <li>• Application would have been refused on the grounds related to neighbourhood character, external and internal amenity, form, scale, bulk, mass, landscaping.</li> <li>• Application for the conversion of an existing (disused) aged care facility into a three-storey apartment building.</li> </ul> <p>Key findings:</p> <ul style="list-style-type: none"> <li>• The proposal is consistent with the purpose of the GRZ3, noting no policy guidance in Residential Precinct 4 areas.</li> <li>• Unique site specific factors make the site appropriate for an apartment development.</li> <li>• The scale of the apartment building appropriately responds to the scale of existing three-storey single dwellings within the surrounding streetscape.</li> <li>• The proposal includes adequate landscaping opportunities throughout the site.</li> <li>• The building scale will present appropriately to adjoining properties.</li> <li>• The provision of non-secluded private open space for majority of the dwellings is appropriate as it is an apartment development.</li> </ul> <p><i>Policy issues: there is limited specific policy guidance in GRZ3 Residential Precinct 4 – Post 1975 Residential Area on the desired future character of this area – the same issue that was raised in</i></p>

Order Date	Planning Permit VCAT No	Site Address	Proposal	RA Decision	VCAT Decision	Comments re: policy implications of VCAT decision
						<i>Donvale Garden Estate Pty Ltd v Manningham CC [2017] VCAT 1300–25-35 Park Road, Donvale [PL15/025711</i>
<b>06/09/2019</b>	<u>PLN18/0715</u> P869/2019	70 Rose Avenue, Templestowe Lower	Two (2) dwellings	Permit	RA decision varied, modified permit issued	<ul style="list-style-type: none"> <li>• Appeal by neighbours on grounds relating to overdevelopment, overshadowing , parking, traffic</li> </ul> <p>Key findings:</p> <ul style="list-style-type: none"> <li>• The proposal suitably represented incremental change.</li> <li>• The proposal suitably responds to the preferred neighbourhood character.</li> <li>• The proposal suitably considers and limits off-site amenity impacts.</li> </ul> <p><i>No policy issues</i></p>
<b>10/09/2019</b>	<u>PLN19/0007</u> P1396/2019	176 Bulleen Road, Bulleen	Mixed use development, 6 dwellings, food and drink premises, RDZ1 (TRZ2) access	Refusal	RA decision set aside, permit issued by consent	<ul style="list-style-type: none"> <li>• Application refused on grounds related to food and drink premises does not serve community needs, not consistent with local policy, neighbourhood character, landscaping, external and internal amenity, car parking provision.</li> </ul> <p><i>No policy issues</i></p>
<b>24/09/2019</b>	<u>PLN18/0583</u> P1138/2019	104-108 Parker Street, Templestowe	Seven (7) dwellings	Refusal	RA decision set aside, permit issued by consent	<ul style="list-style-type: none"> <li>• Application refused on grounds related to neighbourhood character, car parking, internal and external amenity, landscape character.</li> </ul> <p><i>No policy issues</i></p>
<b>04/10/2019</b>	<u>PLN18/0813</u> P1044/2019	30 John Street, Templestowe Lower	Four (4) dwellings	Refusal	RA decision set aside, permit issued by consent.	<ul style="list-style-type: none"> <li>• Application refused on grounds related to overdevelopment, neighbourhood character, visual bulk, landscaping, external and internal amenity, car parking.</li> </ul> <p><i>No policy issues</i></p>

Order Date	Planning Permit VCAT No	Site Address	Proposal	RA Decision	VCAT Decision	Comments re: policy implications of VCAT decision
10/10/2019	<u>PLN18/0404</u> P1037/2019	20 Pine Way, Doncaster East	Two (2) dwellings	Refusal	RA decision set aside, permit issued by consent	<ul style="list-style-type: none"> <li>Application refused on grounds related to neighbourhood character, internal amenity, landscaping, front fence.</li> </ul> <p><i>No policy issues</i></p>
11/10/2019	<u>PLN18/0513</u> P1211/2019	72 Roy Street, Donvale	Four (4) dwellings	Refusal	RA decision set aside, permit issued by consent.	<ul style="list-style-type: none"> <li>Application for five (5) dwellings refused on grounds related to breach of restrictive covenant, neighbourhood character, excessive site coverage, setbacks, landscaping, bulk &amp; mass, external and internal amenity, car parking</li> <li>Amended proposal for four (4) dwellings addressed all concerns, and was therefore supported by Council.</li> </ul> <p><i>No policy issues</i></p>
11/10/2019	<u>PLN18/0449</u> P807/2019	35 Council Street, Doncaster	Four (4) dwellings	Refusal	RA decision affirmed, no permit issued	<ul style="list-style-type: none"> <li>Application refused on grounds relating to mandatory non-compliances, site response, neighbourhood character, building bulk/design detail, external and internal amenity, landscaping, parking.</li> </ul> <p>Key findings:</p> <ul style="list-style-type: none"> <li>Whilst an overall concept of four, two-storey dwellings is appropriate, the execution is poor, with the elevated basement and finished floor levels and the large poorly designed roof terraces significantly compromising the two-storey form.</li> <li>The undersized ground level open space and subsequent reliance on roof-top terraces to meet SPOS requirements is inadequate.</li> <li>The need to screen nearly all habitable room windows and SPOS areas to prevent overlooking is a poor internal amenity result and indicative of a compromised design response.</li> </ul> <p>Lessons:</p> <ul style="list-style-type: none"> <li>The reliance on roof terraces or balconies as the SPOS for four bedroom townhouses is inappropriate and is more suitable for apartment style development.</li> </ul>

Order Date	Planning Permit VCAT No	Site Address	Proposal	RA Decision	VCAT Decision	Comments re: policy implications of VCAT decision
						<i>Policy issues: Clause 21.05 and DDO8 are clear in their guidance for the scale of development: two storeys for single lot and three storey apartment type development on land that is 1800 square metres or over. The principle of achieving a two storey built form for the site is the correct approach consistent with the intent expressed in clause 21.05 and DDO8.</i>
07/11/2019	<a href="#">PLN18/0421</a> P2511/2018	9 Honybun Court, Donvale	Child care centre (80 children), vegetation removal	Refusal	RA decision affirmed, no permit issued	<ul style="list-style-type: none"> <li>Application refused on grounds relating to location, amenity impacts, restrictive covenant.</li> </ul> <p>Key findings:</p> <ul style="list-style-type: none"> <li>The location is inappropriate for a child care centre with regard to local policy and high amenity characteristics of the area.</li> <li>The significant amount of earthworks required is not a site responsive design.</li> <li>The proposed access arrangement is inappropriate and the use would likely lead to car parking issues.</li> <li>The noise impacts from the use would be unacceptable.</li> <li>The covenant is irrelevant to the proposal and would not restrict the grant of a permit.</li> </ul> <p>Lessons:</p> <ul style="list-style-type: none"> <li>The need to analyse the nature of existing community based facilities to determine whether there will be any benefit through co-location as required through local policy.</li> <li>The need for amenity impacts to be considered proportionate and relative to the existing higher amenity context of the surrounding area.</li> <li>The need to regard the 'preamble' of a restrictive covenant in addition to the nature of the restriction as, in this instance, the restriction contained within the covenant was found to apply to a <u>specific person only</u> rather than any land holder.</li> </ul> <p><i>Policy issues: the proposed childcare centre is not appropriate in this low density residential area of high amenity, where earthworks, traffic</i></p>

Order Date	Planning Permit VCAT No	Site Address	Proposal	RA Decision	VCAT Decision	Comments re: policy implications of VCAT decision
						<i>and noise will adversely impact the area's environmental qualities and residential amenity.</i>
12/11/2019	<u>PL17/027276</u> P1436/2018	133-139 Webb Street, Warrandyte	Single dwelling, carport, shed, rainwater tank, vegetation removal	Refusal	RA decision affirmed, no permit issued	<ul style="list-style-type: none"> <li>Application for a dwelling on the heavily vegetated land adjacent to Warrandyte State Park.</li> <li>Application refused on grounds relating to environmental impacts, rural conservation impacts and risk to person and property through bushfire.</li> </ul> <p>Key findings:</p> <ul style="list-style-type: none"> <li>There is no implied right to the use of the land for a dwelling under the RCZ and a dwelling use should only be allowed if it complies with the overarching purposes of the RCZ.</li> <li>The proposal had been designed with a mentality that would be acceptable in a residential zone, i.e. consideration of the best location to the site the dwelling for amenity rather than conservation purposes.</li> <li>The development would result in fragmentation of native vegetation and have unacceptable environmental impacts.</li> <li>Bushfire risk was acceptable subject to implementation of the CFA requirements.</li> </ul> <p><i>Policy issues: The proposal is fails to satisfy relevant policies and controls in the planning scheme.</i></p>
07/11/2019	<u>PLN18/0165</u> P265/2019	26 Gertrude Street, Templestowe	Two (2) dwellings	Refusal	RA decision set aside, permit issued	<ul style="list-style-type: none"> <li>Application refused on grounds relating to neighbourhood character, scale and on-site amenity.</li> </ul> <p>Key findings:</p> <ul style="list-style-type: none"> <li>The proposed density and built-form is in line with the expectations of the planning policy framework and existing character.</li> <li>The development achieves a high level of compliance with the local policy expectations outlined under Clause 21.05 Residential and Clause 22.15 Dwellings in the General Residential Zone Schedule 1.</li> </ul>



Order Date	Planning Permit VCAT No	Site Address	Proposal	RA Decision	VCAT Decision	Comments re: policy implications of VCAT decision
						<ul style="list-style-type: none"> <li>The development responds well to the objectives of Clause 55</li> </ul> <i>No policy issues</i>
26/11/2019	<u>PLN18/0745</u> P1140/2019	8 Allara Court, Donvale	Three (3) dwellings	Refusal	RA decision set aside, permit issued by consent	<ul style="list-style-type: none"> <li>Application refused on grounds related to neighbourhood character, external amenity.</li> </ul> <i>No policy issues</i>
25/11/2019	<u>PLN18/0816</u> P1548/2019	1 Verdi Court, Templestowe	Four (4) dwellings	Refusal	RA decision set aside, permit issued by consent	<ul style="list-style-type: none"> <li>Application refused on grounds related to conflict with restrictive covenant, neighbourhood character, landscaping, overdevelopment of the site, bulk.</li> </ul> <i>No policy issues</i>
05/12/2019	<u>PLN18/0663</u> P1097/2019	9 Laviah Court, Templestowe	Six (6) dwellings	Refusal	RA decision affirmed, no permit issued	<ul style="list-style-type: none"> <li>Application refused on grounds related to neighbourhood character, landscaping, bulk, external and internal amenity</li> </ul> <p>Key findings:</p> <ul style="list-style-type: none"> <li>Six dwellings may, subject to a good design response, be appropriate for the land, however, this particular proposal is inappropriate.</li> <li>Earthworks and response to existing topography is unclear.</li> <li>Impacts to neighbouring vegetation is unclear.</li> </ul> <p><i>Policy issues: The proposal is fails to satisfy relevant policies in the planning scheme.</i></p>
17/12/2019	<u>PLN18/0616</u> P860/2019	18 Morna Road, Doncaster East	Three (3) dwellings	Refusal	RA decision set aside, permit issued	<ul style="list-style-type: none"> <li>Application refused on grounds relating to site response, on-site amenity and neighbourhood character.</li> </ul> <p>Key findings:</p> <ul style="list-style-type: none"> <li>The height of retaining walls does not compromise the amenity of the SPOS.</li> </ul> <i>No policy issues</i>

Order Date	Planning Permit VCAT No	Site Address	Proposal	RA Decision	VCAT Decision	Comments re: policy implications of VCAT decision
20/12/2019	<u>PLN18/0671</u> P1786/2019	Tullamore 463-535 Doncaster Road, Doncaster	Apartment building, 102 dwellings, vegetation removal	Permit	RA decision varied, modified permit issued by consent	<ul style="list-style-type: none"> <li>Appeal by applicant to review condition which required 20 visitor spaces in accordance with the Eastern Golf Course Development Plan.</li> </ul> <p><i>No policy issues</i></p>
31/01/2020	<u>PLN18/0633</u> P1700/2019	33 Kenneth Street, Bulleen	Two (2) dwellings	Refusal	RA decision set aside, permit issued by consent	<ul style="list-style-type: none"> <li>Application refused on grounds related to neighbourhood character, landscaping, and external amenity.</li> </ul> <p><i>No policy issues</i></p>
05/02/2020	<u>PLA18/0144</u> P907/2019	2 Devlaw Drive, Doncaster East	Amendment to PL10/021019 (medical centre for 3 practitioners, car parking waiver) by increase to 6 practitioners with some additional car parking	Refusal of amendm ent	RA decision affirmed (permit not amended)	<ul style="list-style-type: none"> <li>The application was a repeat of a previous application that had been refused by Council on grounds relating to visual bulk and the proposed car parking reduction. In affirming this decision, VCAT agreed with the concerns regarding the car parking reduction, but largely disagreed with the visual bulk concerns.</li> <li>Given that the PPTNA now applies to the subject land, a reduction in car parking requirements is no longer required.</li> <li>The decision was assigned 'red dot' status due to its commentary on the need for a state level change to the statutory provisions to provide greater guidance to assessment of impact to existing solar panels.</li> </ul> <p>Key findings:</p> <ul style="list-style-type: none"> <li>There has been a significant change in 'planning context' (namely the introduction of the PPTNA) since the previous decision.</li> <li>The community benefit of the proposal, whilst positive, is not compelling enough to outweigh dis-benefits</li> <li>Whilst visual impacts from the building are acceptable impacts from the car parking extension are not.</li> <li>Impacts to the solar panels at the objector's property are not unreasonable, but further guidance is required within planning schemes to enable consistent assessment and a level of certainty</li> </ul>

Order Date	Planning Permit VCAT No	Site Address	Proposal	RA Decision	VCAT Decision	Comments re: policy implications of VCAT decision
						<p>for decision makers, applicants and people wishing to install solar panels.</p> <p><i>Policy issues: The proposal is fails to satisfy relevant policies in the planning scheme, in particular landscaping requirements of Clause 22.05 Non-Residential Uses in Residential Areas.</i></p>
25/02/2020	<u>PLN18/0584</u> P1118/2019	34 Roger Street, Doncaster East	Three (3) dwellings	Refusal	RA decision affirmed, no permit issued	<ul style="list-style-type: none"> <li>Application refused on grounds relating to neighbourhood character, site response, on-site amenity, functionality and unresolved plan details.</li> </ul> <p>Key findings:</p> <ul style="list-style-type: none"> <li>Amenity of the internal access is poor.</li> <li>The car parking and access arrangement does not allow for easy or efficient use.</li> <li>The site response is not well resolved.</li> </ul> <p>Lessons:</p> <ul style="list-style-type: none"> <li>The decision provides useful (and favourable) commentary on a number of issues we regularly encounter (with varying levels of success), including: <ul style="list-style-type: none"> <li>Poor development presentation to an internal access;</li> <li>Lack of external 'transitional space' around entries;</li> <li>Poor access arrangement where ingress and egress for almost all spaces requires corrective manoeuvres;</li> <li>Inappropriate reliance on tandem car parking for a large dwelling;</li> <li>Lack of consideration where build-over-easement approval from Council and Yarra Valley Water is not given;</li> <li>Shading required to west-facing windows;</li> <li>Disproportionate windows.</li> </ul> </li> </ul> <p><i>No policy issues, issues mainly related to poor ResCode response</i></p>

Order Date	Planning Permit VCAT No	Site Address	Proposal	RA Decision	VCAT Decision	Comments re: policy implications of VCAT decision
11/03/2020	<u>PLN18/0598</u> P1938/2019	21 Glendale Avenue, Templestowe	Six (6) dwellings	Refusal	RA decision set aside, permit issued by consent	<ul style="list-style-type: none"> <li>Application refused on grounds related to neighbourhood character, bulk &amp; massing, internal and external amenity concerns.</li> </ul> <p><i>No policy issues</i></p>
20/03/2020	<u>PLN18/0542</u> P898/2019	23 Frederick Street, Doncaster	Five-storey apartment building, 17 dwellings, reduction visitor car parking	Refusal	RA decision affirmed, no permit issued	<ul style="list-style-type: none"> <li>Application for an apartment building with the Doncaster Hill Activity Centre refused on grounds relating to site response, built form, landscaping, car parking and amenity.</li> <li>Ultimately, the Tribunal affirmed Council's decision to refuse the application as the applicant could not demonstrate that their landscaping plan was achievable.</li> </ul> <p>Key findings:</p> <ul style="list-style-type: none"> <li>The proposal represents an appropriate response to the ACZ1 zone policy and the lack of site consolidation is not a critical issue given the remaining development potential of the adjoining property to the south (the last property within the ACZ to the south).</li> <li>There are no unreasonable amenity impacts to adjoining.</li> <li>The development presents appropriate internal layouts and offers a good mix of apartment options.</li> <li>Impacts to a tree on the adjoining property to the south are unresolved.</li> <li>The waiver of the one required visitor car parking space is appropriate on the basis of parking surveys and a view that the parking overlay for the Doncaster Hill is now 'out of date' following introduction of the PPTNA.</li> </ul> <p><i>Policy issues: The parking overlay for the Doncaster Hill is now 'out of date' following introduction of the PPTNA</i></p>
26/03/2020	<u>PLN19/0159</u> P1770/2019	7 Kanooka Avenue, Templestowe Lower	Two (2) dwellings	Permit	RA decision varied, modified permit issued	<i>No policy issues</i>

Order Date	Planning Permit VCAT No	Site Address	Proposal	RA Decision	VCAT Decision	Comments re: policy implications of VCAT decision
20/04/2020	<u>PLN18/0304</u> P1240/2019	15 Glendale Avenue, Templestowe	Eight (8) dwellings	Refusal	RA decision affirmed, no permit issued	<ul style="list-style-type: none"> <li>Application refused on grounds related to neighbourhood character, landscaping and external amenity.</li> </ul> <p>Key findings:</p> <ul style="list-style-type: none"> <li>Whilst the general concept of 8 dwellings may be acceptable, there are too many changes required to 'fix' the development that would lead to uncertainty in the overall outcome and it largely goes beyond the decision maker's role to resolve these issues.</li> <li>A number of issues were identified that needed to be resolved:</li> </ul> <p>Lessons:</p> <ul style="list-style-type: none"> <li>The decision provides a commentary on the 'dangers' of approving a proposal subject to extensive Condition 1 requirements as it is indicative of planning 'on the run' and leaves too much room for uncertainty.</li> </ul> <p>Point of Interest:</p> <ul style="list-style-type: none"> <li>The Tribunal in this case was the same as for 64 Macedon Road <u>PLN19/0346</u>, with the interpretation of controls contradictory to the more prevailing interpretation by other Tribunal members. This Tribunal concluded that the built form guidelines of the DDO8 provide limitations on that, including a clear expectation of maximum two-storey townhouse form in this precinct, articulation of upper storeys, walls setback from boundaries, a maximum 60% site coverage and provision of sufficient opportunities for planting and landscaping</li> </ul> <p><i>Policy issues: interpretation of DDO maximum height controls rather than policy guidance for maximum storeys</i></p>
08/05/2020	<u>PLN18/0121</u> P880/2019	8 Montgomery Street, Doncaster East	Seventeen (17) dwellings, reduction in car parking	Refusal	RA decision set aside, permit issued	<ul style="list-style-type: none"> <li>Application refused on grounds including proposal not consistent with Doncaster East Village Activity Centre policy, excessive building mass, insufficient spacing, limited landscaping, contrary to preferred neighbourhood character and design objectives, poor</li> </ul>

Order Date	Planning Permit VCAT No	Site Address	Proposal	RA Decision	VCAT Decision	Comments re: policy implications of VCAT decision
						<p>internal amenity, affordable housing not suitably integrated into development, external amenity impacts.</p> <ul style="list-style-type: none"> <li>The land was former Council land that was sold with an agreement that a certain percentage of any development include affordable housing.</li> </ul> <p>Key findings:</p> <ul style="list-style-type: none"> <li>Townhouse development is appropriate for the site.</li> <li>The proposal meets the built form controls of DDO13.</li> <li>The proposal provides suitable internal amenity and no unreasonable amenity impacts and appropriate landscaping.</li> <li>The affordable housing is appropriately designed and is supported by Community Housing Limited.</li> <li>The proposal will not result in an unreasonable traffic impact and the waiver of car parking spaces associated with the affordable housing is appropriate.</li> </ul> <p><i>Policy issues: Doncaster East Village Activity Centre policy is not included in the planning scheme or is a reference document. The Tribunal has afforded little weight to this document. Further, the DDO13 post-dates this strategic work.</i></p>
11/06/2020	<u>PLN19/0397</u> P8/2020	12/402 Heidelberg-Warrandyte Road, Warrandyte	Electronic business identification sign	Refusal	RA decision set aside, permit issued	<ul style="list-style-type: none"> <li>Application refused on grounds contrary to Clause 22.07 – Outdoor Advertising Signs Policy, conflicts with existing signage, visual clutter, duplicates existing signage.</li> </ul> <p><i>No policy issues</i></p>
15/06/2020	<u>PLA19/0054</u> P260/2020	12 & 14 Red Hill Terrace, Doncaster East	Amend PL08/019982 by reducing setbacks, no visitor car space	Refusal of amended permit	RA decision set aside, amended permit issued by consent	<ul style="list-style-type: none"> <li>The amendment sought retrospective approval for ‘as-built’ changes to two of the smaller apartment buildings only. Included in the changes were removal of a visitor car space and increases to lift wells (height, depth and width).</li> </ul> <p><i>No policy issues</i></p>

Order Date	Planning Permit VCAT No	Site Address	Proposal	RA Decision	VCAT Decision	Comments re: policy implications of VCAT decision
17/07/2020	<u>PLN19/0346</u> P165/2020	64 Macedon Road, Templestowe Lower	Five (5) dwellings	Refusal	RA decision set aside, permit issued	<ul style="list-style-type: none"> <li>Application refused on grounds related neighbourhood character, bulk and mass, landscaping.</li> </ul> <p>Key findings:</p> <ul style="list-style-type: none"> <li>The first floor levels are not unduly bulky or visually intrusive.</li> <li>Adequate landscaping opportunities are available and species selection shown on the landscape plan is appropriate.</li> </ul> <p><i>Policy issues: The Tribunal highlighted that the DDO8 objectives and built form guidelines do not necessarily result in a preferred future character outcome. It was the same Tribunal member as for 15 Glendale Avenue (PLN18/0304), re- emphasising preferred built form is two-storeys.</i></p>
28/08/2020	<u>PLN19/0641</u> P710/2020	36 Waratah Drive, Templestowe	Two (2) dwellings	Permit	RA decision varied, modified permit issued	<ul style="list-style-type: none"> <li>Appeal by applicant to review condition that required replacement of parapet elements with hipped roof forms.</li> </ul> <p>Key findings:</p> <ul style="list-style-type: none"> <li>Due to a range of features (including the setback of the parapet elements, the protrusion of the porches below, the lack of balconies above the porticos, adequate front setbacks, ability for front setback landscaping and the use of pitched roof forms for majority of the development), the parapet elements are acceptable with regard to the neighbourhood character and streetscape.</li> </ul> <p><i>No policy issues</i></p>
07/09/2020	<u>PLN19/0154</u> P197/2020	5 Erin Court, Doncaster	Five (5) dwellings	Permit	RA decision varied, modified permit issued by consent.	<ul style="list-style-type: none"> <li>Appeal by neighbours on grounds relating to neighbourhood character, access, tree protection, external amenity</li> </ul> <p><i>No policy issues</i></p>
18/09/2020	<u>PLN19/0158</u> P1984/2019	45 Glendale Avenue, Templestowe	Four (4) dwellings	Refusal	RA decision set aside, permit issued	<ul style="list-style-type: none"> <li>Application refused on grounds that related to neighbourhood character, overdevelopment, internal amenity, overlooking and garden area question marks.</li> </ul>

Order Date	Planning Permit VCAT No	Site Address	Proposal	RA Decision	VCAT Decision	Comments re: policy implications of VCAT decision
						<p>Key findings:</p> <ul style="list-style-type: none"> <li>• There is policy support given the main road location and surrounding medium density development.</li> <li>• The proposal meets the purpose of the GRZ and the design objectives of the DDO8, specifically, the nominal site coverage and significant building setbacks, and the compliance with the maximum height requirements.</li> <li>• Internal and external amenity is appropriately considered.</li> </ul> <p>Points of Interest:</p> <ul style="list-style-type: none"> <li>• The Tribunal interpreted the maximum height controls of the DDO8 as the 'operative control', placing significantly more weight on compliance with this requirement rather than the policy guidance for maximum storeys. This is consistent with the more prevailing interpretation of the Tribunal, but is contradictory to the most recent decision with regard to this matter (see <i>Advanced Choice Property Group v Manningham CC</i> [2020] VCAT 499, <a href="#">D20/38626</a>) 15 Glendale Avenue, Templestowe. It is also a somewhat problematic interpretation as Sub-Precinct A and Sub-Precinct B provide differing built form expectations through policy but have the same building height restrictions.</li> </ul> <p><i>Policy issues: interpretation of DDO maximum height controls rather than policy guidance for maximum storeys</i></p>
28/09/2020	<a href="#">PLN19/0659</a> P1000/2020	Marist Brothers Province Centre, 7 Tuscany Rise, Templestowe	8- lot subdivision, vegetation removal, creation of easement and restrictions	Permit	RA decision varied, modified permit issued by consent	<ul style="list-style-type: none"> <li>• Appeal by neighbours on grounds relating to external amenity and site layout.</li> </ul> <p><i>No policy issues</i></p>
05/10/2020	<a href="#">PLN19/0661</a> P963/2020	295-299 High Street,	Eight (8) dwellings	Permit	RA decision varied, modified	<ul style="list-style-type: none"> <li>• Appeal by neighbour on grounds related to visual bulk, external amenity impacts</li> </ul>



Order Date	Planning Permit VCAT No	Site Address	Proposal	RA Decision	VCAT Decision	Comments re: policy implications of VCAT decision
		Templestowe Lower			permit issued by consent	<i>No policy issues</i>
08/10/2020	<u>PLN19/0678</u> P843/2020	Marcellin College, 160 Bulleen Road, Bulleen	On-premises licence) associated with the existing education centre	Permit	RA decision varied, modified permit issued by consent.	<ul style="list-style-type: none"> <li>Appeal by neighbours on grounds relating to hours of operation.</li> </ul> <i>No policy issues</i>
15/10/2020	<u>PLN18/0519</u> P17/2020	2 Koolkuna Avenue, Doncaster	Three (3) dwellings	Permit	RA decision varied, modified permit issued	<ul style="list-style-type: none"> <li>Appeal by neighbours on grounds relating to overdevelopment and traffic</li> </ul> Key findings: <ul style="list-style-type: none"> <li>The proposal is consistent with the relevant incremental change policies, particularly with regard to its proximity to Doncaster Hill, and satisfies the objectives of Clause 55.</li> </ul> <i>Policy issues: The proposal was consistent with the relevant policies in the planning scheme.</i>
06/10/2020 23/11/2020 (correction)	<u>PLN19/0563</u> P1011/2020	121 Beverley Street, Doncaster East	Four (4) dwelling	Failure – recommended refusal	RA decision set aside permit issued by consent	<ul style="list-style-type: none"> <li>RA would have refused the application had a failure review application not been lodged.</li> <li>Application would have been refused on the grounds related to bulk, massing, transition to adjoining properties, internal amenity, external amenity impacts, landscaping.</li> </ul> <i>No policy issues</i>
26/11/2020	<u>PLN18/0771</u> P2183/2019	147 Manningham Road, Bulleen	Seven (7) dwellings, RDZ1 (TRZ2) access	Refusal	RA decision affirmed – no permit granted	<ul style="list-style-type: none"> <li>Application refused on grounds related to DDO8 compliance, site response, landscaping and internal amenity.</li> </ul> Key findings:

Order Date	Planning Permit VCAT No	Site Address	Proposal	RA Decision	VCAT Decision	Comments re: policy implications of VCAT decision
						<ul style="list-style-type: none"> <li>Despite non-compliance with DDO8 height and storey requirements, the three-storey height is not necessarily a reason for refusal.</li> <li>Internal amenity is deficient, with extensive non-compliances that affect majority of the dwellings.</li> <li>The design is unresolved with regard to impacts to adjoining dwellings, vegetation on adjoining properties, earthworks over the easement and equitable development opportunities.</li> </ul> <p><i>Policy issues: The proposal fails to satisfy relevant policies in the planning scheme.</i></p>
22/09/2020 08/12/2020 (correction)	<a href="#">PL16/026495</a> P2336/2018	92-96 Williamsons Road, Doncaster	Four-storey apartment building, 76 dwellings, RDZ1 (TRZ2) access	Permit	RA decision varied, modified permit issued	<ul style="list-style-type: none"> <li>Appeal by neighbours on grounds relating to neighbourhood character, lack of transition to GRZ1, external and internal amenity</li> </ul> <p>Key findings:</p> <ul style="list-style-type: none"> <li>The policy and physical context provides considerable support for a significant development.</li> <li>The proposal presents an appropriate scale and form to the streetscape.</li> <li>The proposal responds appropriately to the eastern, northern and southern interfaces respectively.</li> <li>Vehicle access is appropriately provided and considered.</li> <li>Internal amenity is adequate, particularly when considered relative to location.</li> </ul> <p><i>Policy issues: The proposal was consistent with the relevant policies in the planning scheme.</i></p>
04/01/2021	<a href="#">PLN19/0407</a> P1202/2020	22-28 Queens Avenue, 2 Pleasant Avenue, Doncaster	Seventeen (17) dwellings	Refusal	RA decision set aside permit issued by consent	<ul style="list-style-type: none"> <li>Application refused on grounds relating to non-compliance with the DDO8, poor internal amenity and unreasonable off-site amenity.</li> </ul>

Order Date	Planning Permit VCAT No	Site Address	Proposal	RA Decision	VCAT Decision	Comments re: policy implications of VCAT decision
						<i>No policy issues</i>
11/02/2021	<a href="#">PLN19/0350</a> P445/2020	25 Murndal Drive, Donvale	Illuminated private tennis court, and associated earthworks	Permit	RA decision varied, modified permit issued	<ul style="list-style-type: none"> <li>Appeal by neighbour on grounds related to the location of the tennis court</li> </ul> <i>No policy issues</i>
25/02/2021	<a href="#">PLN20/0086</a> P1786/2020	90 Golden Way, Bulleen	Two (2) dwellings, variation of Restrictive Covenant	Permit	RA decision varied, modified permit issued by consent	<ul style="list-style-type: none"> <li>Appeal by neighbour related to increased eastern side setbacks conditions.</li> <li>Proposed alternative setbacks met the intent of the conditions.</li> </ul> <i>No policy issues</i>
16/03/2021	<a href="#">PLN19/0018</a> P811/2020	6 & 7 Merrigum Court, Doncaster	Six (6) dwellings	Refusal	RA decision set aside, permit issued by consent	<ul style="list-style-type: none"> <li>Application for seven dwellings refused on grounds related to neighbourhood character, built form, separation between dwellings, landscaping.</li> <li>Prior to the hearing the development reduced to six dwellings.</li> <li>The reduction by one dwelling addressed all previous concerns.</li> </ul> <i>No policy issues</i>
09/03/2021	<a href="#">PLN19/0080</a> P321/2020	13 & 15 Morinda Crescent, Doncaster East	Thirteen (13) dwellings	Refusal	RA decision set aside, permit issued	<ul style="list-style-type: none"> <li>Application refused on grounds related to dwelling typology and orientation, reserve interface, extent of hardstand surfacing and bulk to adjoining properties.</li> <li>Despite setting aside Council's refusal, the Tribunal appears to have agreed with some of Council's more significant concerns but sought to take a 'facilitative approach' in light of the policy aspirations for 'substantial change' and address these concerns by requiring significant changes (including the deletion of a dwelling) through conditions.</li> </ul> <p>Key findings:</p> <ul style="list-style-type: none"> <li>The proposed development layout is a generally appropriate response with regard to policy aspirations, with: <ul style="list-style-type: none"> <li>The layout that adopts two distinct rows of townhouses sufficiently breaking up the built form;</li> </ul> </li> </ul>

Order Date	Planning Permit VCAT No	Site Address	Proposal	RA Decision	VCAT Decision	Comments re: policy implications of VCAT decision
						<ul style="list-style-type: none"> <li>○ Sufficient articulation and visual interest the dwellings;</li> <li>○ The lack of landscaping and visual interest through the central driveway largely inconsequential given the likely use of this space;</li> <li>○ The orientation of dwelling entries towards the reserve an appropriate outcome due to the variety of options to access the dwellings from this direction.</li> <li>● The interface to the reserve is appropriate based on the topography and vegetation of the reserve and the setbacks and design of the development.</li> <li>● Side setbacks are inappropriate in a number of locations with regards to visual bulk and lack of landscaping opportunities, but these can be addressed by permit conditions.</li> <li>● Subject to the changes required through conditions, off-site and on-site amenity are both appropriately considered.</li> <li>● The car parking arrangement is acceptable despite the lack of single manoeuvre car parking spaces.</li> </ul> <p><i>Policy issues: The Tribunal determined that the proposal was appropriate based on local policy, with concerns addressed through permit conditions, including a reduction in the number of dwellings.</i></p>
23/03/2021	<u>PLN19/0014</u> P796/2020	736 Elgar Road, Doncaster	Three (3) dwellings, RDZ1 (TRZ2) access	Failure – recommended refusal	RA decision affirmed, no permit issued	<ul style="list-style-type: none"> <li>● RA would have refused the application had a failure review application not been lodged.</li> <li>● Grounds of refusal would have related to neighbourhood character, amenity, site response, vehicle access and an overall poor quality design response.</li> </ul> <p>Key findings:</p> <ul style="list-style-type: none"> <li>● The design is not of a high standard as required by policy and DDO8.</li> <li>● There is an overreliance on screening devices.</li> <li>● The proposal has not adequately considered a neighbouring tree.</li> <li>● Internal amenity is poor with regard to dwelling entries and street activation.</li> </ul>

Order Date	Planning Permit VCAT No	Site Address	Proposal	RA Decision	VCAT Decision	Comments re: policy implications of VCAT decision
						<ul style="list-style-type: none"> <li>Vehicle access is unresolved and does not appear to be functional.</li> </ul> <p><i>Policy issues: The proposal fails to satisfy relevant policies in the planning scheme.</i></p>
06/04/2021	<u>PLN18/0786</u> P1858/2019	107-127 Porter Street, Templestowe	Market, food and drink premises, car parking reduction, vegetation removal, RDZ1 (TRZ2) access, signage	Refusal	RA decision set aside, permit issued  Hearing 11 – 13 March 2020	<ul style="list-style-type: none"> <li>Application refused primarily relating to the proposal being prohibited under the LDRZ as RA considered use was defined as a shop rather than a market.</li> </ul> <p>Key findings:</p> <ul style="list-style-type: none"> <li>The use is correctly defined as a market and Council's attempts to classify it otherwise were misconceived.</li> <li>The location is acceptable due to a range of factors including the main road location and nearby non-residential uses.</li> <li>Subject to the imposition of strict use controls, including limited days and hours of operation and management techniques, the proposal would not have an unreasonable impact on the amenity of the surrounding area, accounting for the greater amenity expectations of low density areas.</li> </ul> <p><i>Policy issues: the proposed location meets local policy Clause 22.05 Non-Residential Uses in Residential Areas</i></p>
13/04/2021	<u>PLN20/0031</u> P1346/2020	809 Elgar Road, Doncaster	Buildings and works, signage associated with existing medical centre	Refusal	RA decision set aside, permit issued by consent	<ul style="list-style-type: none"> <li>Application refused on grounds related to the functionality and design of the car park.</li> </ul> <p><i>No policy issues</i></p>
04/05/2021	<u>PLN20/0051</u> P1759/2020	9 Aumann Drive, Templestowe	Two (2) dwellings	Permit	RA decision varied, modified permit issued by consent.	<ul style="list-style-type: none"> <li>Appeal by neighbour on grounds related to neighbourhood character, visual bulk, overlooking</li> </ul> <p><i>No policy issues</i></p>

Order Date	Planning Permit VCAT No	Site Address	Proposal	RA Decision	VCAT Decision	Comments re: policy implications of VCAT decision
28/05/2021	<u>PLN20/0181</u> P127/2021	17 Lindsay Street, Bulleen	Two (2) dwellings	Permit	RA decision varied, modified permit issued	<ul style="list-style-type: none"> <li>Appeal by applicant to review conditions requiring modifications to the development to achieve compliance with the neighbourhood character outcomes for Residential Precinct 1 and ensure adequate functionality.</li> </ul> <p>Key findings:</p> <ul style="list-style-type: none"> <li>There is no need to increase the ground floor spacing between the dwellings for character, landscaping or on-site amenity reasons.</li> <li>The proposed upper level footprints are acceptable and modification is unwarranted.</li> </ul> <p><i>Policy issues: The Tribunal determined that the proposed permit conditions to increase ground and first floor setbacks were unnecessary as they would not enhance neighbourhood character any more than the current proposal.</i></p>
03/06/2021	<u>PLN20/0037</u> P1900/2020	55 & 57 Lilian Street, Bulleen	Seven (7) dwellings	Refusal	RA decision affirmed, no permit issued	<ul style="list-style-type: none"> <li>Application where one lot falls within the RGZ2 / DDO8-1 and the other lot falls within GRZ1.</li> <li>Grounds of refusal related to lack of transition from high density to neighbouring development, scale and bulk, external and internal amenity, landscaping, access and excessive earthworks.</li> </ul> <p>Key findings:</p> <ul style="list-style-type: none"> <li>The proposed development within the substantial change area fails to appropriately transition to the incremental change interface within the subject land and beyond.</li> <li>The scale of the development within the incremental change area is excessive.</li> <li>The development does not provide appropriate landscaping opportunities, further exacerbating visual bulk and compromising on-site amenity.</li> </ul> <p><i>Policy issues: The proposal fails to satisfy relevant policies in the planning scheme.</i></p>

Order Date	Planning Permit VCAT No	Site Address	Proposal	RA Decision	VCAT Decision	Comments re: policy implications of VCAT decision
07/06/2021	<u>PLA19/0154</u> P1213/2020	9 Milne Road, Park Orchards	Amendment to PL15/025877 to allow retention of the existing dwelling, resulting in 2 dwellings on the land (PL15/025877 allowed for one dwelling)	Refusal of amendment	RA decision set aside, amended permit issued	<ul style="list-style-type: none"> <li>A permit was granted for the construction of a new dwelling that required removal of the existing dwelling via condition, which was later allowed to be retained as an outbuilding via an amendment.</li> <li>A further amendment was then made to retain the existing dwelling for use as a second dwelling.</li> <li>The application was refused on grounds related to lack of compliance with the low density and environmental provisions of the Scheme.</li> </ul> <p>Key findings:</p> <ul style="list-style-type: none"> <li>The retention of two dwellings on the land is consistent with the low density controls and character of the area.</li> <li>Retention of the existing dwelling results in no additional built form impacts or environmental impacts.</li> <li>Lack of consideration for bushfire protection measures can be addressed via condition.</li> </ul> <p><i>Policy issues: The Tribunal determined that the proposal was consistent with the relevant policies in the planning scheme</i></p>
08/06/2021	<u>PLA19/0043</u> P2116/2019	420 Ringwood-Warrandyte Road, Warrandyte	Amend PLN18/0415 (related to the existing function centre) to extend the area of sale and consumption of liquor and amend Condition 14 relating to limiting	Amended permit	RA decision varied, modified permit issued	<ul style="list-style-type: none"> <li>Applications relating to the <i>Bramleigh Estate</i> function centre (previously known as <i>Alfred's Homestead</i>), which operates under existing use rights.</li> <li>A permit was granted in 2018 to allow the construction of a large outdoor deck area associated with the function centre. An amendment was then sought to allow the sale and consumption of liquor on the deck.</li> <li>The application was approved by Council, but with the imposition of conditions restricting the hours of use and playing of amplified noise. These conditions were challenged by the permit holder.</li> </ul> <p>Key findings:</p> <ul style="list-style-type: none"> <li>The Tribunal's discretion is only in review of the conditions being challenged, and there is no scope to impose additional conditions</li> </ul>

Order Date	Planning Permit VCAT No	Site Address	Proposal	RA Decision	VCAT Decision	Comments re: policy implications of VCAT decision
			external music.			<p>as recommended by the objector's and the applicant's acoustic expert.</p> <ul style="list-style-type: none"> <li>The acoustic evidence of the Applicant failed to demonstrate that potential noise impacts would be acceptable and the conditions should therefore be retained.</li> <li>There is more work to be done if the proposed hours are to extend beyond what is specified in condition 15 [8pm].</li> <li>It is reasonable to modify one of the challenged conditions to allow the decking to be utilised to move equipment outside of the hours of operation.</li> </ul> <p><i>Policy issues: Clause 22.06 Eating and Entertainment Premises policy and Clause 22.20 Use and development in the Rural Conservation Zone seek to protect the amenity of residents from adverse impacts by way of noise and other impacts. The Tribunal determined that any change to permit conditions would not necessarily be consistent with these policies.</i></p>
10/06/2021	<u>PLN19/0506</u> P1276/2020	32 Fyfe Drive, Templestowe Lower	Two (2) dwellings	Refusal	RA decision set aside, permit issued by consent	<ul style="list-style-type: none"> <li>Application refused on grounds related to character, landscaping and internal amenity.</li> </ul> <p><i>No policy issues</i></p>
30/06/2021	<u>PLN20/0002</u> P2024/2020	19 & 21 Bayley Grove, Doncaster	Nine (9) dwellings	Refusal	RA decision set aside, permit issued	<ul style="list-style-type: none"> <li>Application refused on grounds related to neighbourhood character, bulk, overshadowing, external and internal amenity, landscaping.</li> </ul> <p>Key findings:</p> <ul style="list-style-type: none"> <li>The proposal is consistent with the strategic intent for housing growth.</li> <li>The proposal meets the objectives and requirements of DDO8 and the GRZ2.</li> <li>All trees in question can be appropriately maintained through the development.</li> <li>Off-site amenity is appropriately mitigated.</li> </ul>



Order Date	Planning Permit VCAT No	Site Address	Proposal	RA Decision	VCAT Decision	Comments re: policy implications of VCAT decision
						<i>Policy issues: The Tribunal determined that the proposal was consistent with the relevant policies in the planning scheme</i>
<b>01/07/2021</b>	<u>PLN19/0569</u> P1455/2020	35 Council Street, Doncaster	Four (4) dwellings	Permit	RA decision varied, modified permit issued	<ul style="list-style-type: none"> <li>• Previous application was refused by Council, refusal decision upheld by Tribunal <u>PLN18/0449</u></li> <li>• This application sought to 'correct' the reasons that resulted in refusal of the previous application.</li> </ul> <p>Key findings:</p> <ul style="list-style-type: none"> <li>• The proposal is an acceptable response to the preferred character guidance for built form.</li> <li>• Impacts from visual bulk and overshadowing are appropriately mitigated.</li> </ul> <p><i>Policy issues: The proposal was consistent with the relevant policies in the planning scheme.</i></p>
<b>28/07/2021</b>	<u>PLN19/0227</u> P1767/2020	29-31 Manningham Road, Bulleen	Child care centre, RDZ1 (TRZ2) access, signage	Permit	RA decision varied, modified permit issued	<p>Key findings:</p> <ul style="list-style-type: none"> <li>• The location is acceptable and conforms with policy guidance for non-residential uses.</li> <li>• The design response is acceptable, with appropriate articulation and step downs to its sensitive interfaces.</li> <li>• Amenity impacts, including visual bulk and noise, are appropriately mitigated.</li> <li>• There are no demonstrated issues with traffic generation that should result in refusal of the application.</li> <li>• Parking meets the required rates and has been designed appropriately (subject to some minor changes recommended in expert evidence).</li> </ul> <p><i>Policy issues: The proposed child care centre satisfies Clause 21.14 Community Health and Well-Being, Clause 22.05 Non-Residential Uses in Residential Areas and DDO-1 siting, scale, built form, landscaping and amenity interface.</i></p>

Order Date	Planning Permit VCAT No	Site Address	Proposal	RA Decision	VCAT Decision	Comments re: policy implications of VCAT decision
09/08/2021	<u>PLN20/0230</u> P455/2021	5 Henry Street, Doncaster	Ten (10) dwellings	Refusal	RA decision set aside, permit issued by consent.	<ul style="list-style-type: none"> <li>Application refused on grounds related to three-storey presentation to the street, bulk, landscaping and internal amenity (solar access).</li> </ul> <p><i>No policy issues</i></p>
18/08/2021	<u>PLN20/0472</u> P902/2021	12 Marianne Way, Doncaster	Two (2) dwellings	Permit	RA decision varied, modified permit issued	<ul style="list-style-type: none"> <li>Appeal by applicant to review conditions relating to finished floor levels, wall heights, well extents and setbacks, largely in order to better respond to the Residential Precinct 1 policies.</li> </ul> <p><i>No policy issues</i></p>
07/09/2021	<u>PLN20/0351</u> P1943/2020	23 Frederick Street, Doncaster	Five-storey apartment building, 17 dwellings	Permit	RA decision varied, modified permit issued	<ul style="list-style-type: none"> <li>Repeat application of <u>PLN18/0542</u> where RA refusal was affirmed by VCAT largely on the resolved impacts to a neighbour's tree.</li> <li>The tree in question was removed and a near identical application was lodged. Guided by the findings of the previous Tribunal decision, Council approved the application.</li> </ul> <p><i>No policy issues</i></p>
13/09/2021	<u>PLN20/0004</u> P97/2021	50 Wilsons Road, Doncaster	Two (2) dwellings	Refusal	RA decision affirmed, no permit granted	<ul style="list-style-type: none"> <li>Application refused on grounds related to neighbourhood character, internal amenity and impacts to existing vegetation, largely as a result of bulky and elevated built form.</li> <li>The Tribunal ultimately affirmed Council's decision, finding the cumulative impacts of the issues and errors to be too significant to warrant approval.</li> </ul> <p>Key findings:</p> <ul style="list-style-type: none"> <li>The layout and placement of the dwellings is generally acceptable.</li> <li>The presentation to the side street and elevation of the built form is not well resolved.</li> <li>The contemporary form is acceptable.</li> <li>Amenity impacts are unresolved in a number of areas, relating to on-site and off-site impacts</li> </ul>

Order Date	Planning Permit VCAT No	Site Address	Proposal	RA Decision	VCAT Decision	Comments re: policy implications of VCAT decision
						<i>Policy issues: The proposal is fails to satisfy relevant policies in the planning scheme.</i>
28/09/2021	<u>PLN20/0128</u> P345/2021	39 Blackburn Road, Doncaster East	Three (3) dwellings, RDZ1 (TRZ2) access	Refusal	RA decision set aside, permit issued by consent	<ul style="list-style-type: none"> <li>Application refused on grounds related to neighbourhood character, bulk and massing.</li> </ul> <i>No policy issues</i>
29/09/2021	<u>PLN20/0605</u> P11072/2021	1/69 Russell Crescent, Doncaster East	Extension to the existing dwelling on a lot <500m <sup>2</sup> including high front fence	Permit	RA decision varied, modified by consent.	<ul style="list-style-type: none"> <li>Appeal by applicant to review condition requiring redesign of the front fence.</li> </ul> <i>No policy issues</i>
01/11/2021	<u>PLN19/0632</u> P744/2021	14 Derreck Avenue, Bulleen	Three (3) dwellings	Refusal	RA decision set aside, permit issued by consent	<ul style="list-style-type: none"> <li>Application refused on grounds related to the intensity of the built form and poor development functionality.</li> </ul> <i>No policy issues</i>
08/11/2021	<u>PLN19/0464</u> P102/2020	237-241 Bulleen Road, Bulleen	Major promotion sky sign	Refusal	RA decision affirmed, no permit issued	<ul style="list-style-type: none"> <li>Application refused on grounds of lack of consistency with signage policy, poor integration with the surrounding environment, uncertainty regarding the future NEL construction and plan errors.</li> </ul> Key Findings: <ul style="list-style-type: none"> <li>The proposed sign will be overly dominant given its form and scale relative to the surrounding built form and existing signage within the Bulleen industrial</li> </ul> <i>Policy issues: The proposal is fails to satisfy relevant policies in the planning scheme.</i>
09/11/2021	<u>PLN19/0581</u> P1557/2020	28 Dellas Avenue, Templestowe	Two (2) dwellings, earthworks, native	Failure – recommended refusal	RA decision set aside, permit issued	<ul style="list-style-type: none"> <li>RA would have refused the application had a failure review application not been lodged on grounds related to excessive native vegetation removal, landscape character, external amenity,</li> </ul>

Order Date	Planning Permit VCAT No	Site Address	Proposal	RA Decision	VCAT Decision	Comments re: policy implications of VCAT decision
			vegetation removal, boundary realignment			<p>streetscape character, quality of open space, bushfire protection measures.</p> <p>Key findings:</p> <ul style="list-style-type: none"> <li>In principle, there is a reasonable expectation that the land should be developed for residential purposes given the zoning and suburban context.</li> <li>Contemporary form is appropriate, including the general bulk of the development, with some issues regarding the broadness of the form to be addressed through conditions.</li> <li>Vegetation removal has been avoided to the extent that is reasonably possible, impacts have been appropriately mitigated to trees to be retained and the bushfire management plan can be tailored to allow for additional retention/planting.</li> </ul> <p><i>Policy issues: The Tribunal determined that the proposal was consistent with the relevant policies in the planning scheme</i></p>
06/12/2021	PLN20/0121 P637/2021	12 Balmoral Avenue, Templestowe Lower	Two (2) dwellings	Refusal	RA decision set aside, permit granted	<ul style="list-style-type: none"> <li>Application refused on grounds that related to design response, primary vehicle access from the rear laneway associated with the Macedon activity centre.</li> </ul> <p>Key findings</p> <ul style="list-style-type: none"> <li>Subject to some alterations to the finished floor levels, roof forms and extent of glazing, the development meets the objectives of the DDO8.</li> <li>Given that the rear laneway is a public road, the development has a right to make use of its legal right of access to the rear laneway. Any road management issues with the laneway are distinct from the planning merits consideration of the proposal.</li> </ul> <p><i>Policy issues: The Tribunal determined that subject to some alterations, the proposal meets the objectives of DDO8.</i></p>

Order Date	Planning Permit VCAT No	Site Address	Proposal	RA Decision	VCAT Decision	Comments re: policy implications of VCAT decision
16/12/2021	<a href="#">PLN20/0397</a> P922/2021	22 Philip Avenue, Doncaster	Two (2) dwellings	Permit	RA decision varied, modified permit issued	<ul style="list-style-type: none"> <li>Appeal by neighbour on grounds related to with neighbourhood character and external amenity impacts, including overshadowing, visual bulk and mass.</li> </ul> <p>Key findings</p> <ul style="list-style-type: none"> <li>The two-dwelling development meets the purpose of the GRZ and the relevant planning policy for incremental change.</li> <li>The proposal meets all elements of the preferred character, including with relation to the streetscape presentation, landscaping and building scale.</li> <li>Off-site amenity impacts are appropriately mitigated including loss of views, which, whilst will be noticeable, is not unreasonable.</li> <li>On-site amenity is appropriately considered.</li> </ul> <p><i>No policy issues</i></p>
17/12/2021	<a href="#">PLN20/0341</a> P756/2021	26 Bullen Street, Doncaster East	Three (3) dwellings	Refusal	RA decision affirmed, no permit issued	<ul style="list-style-type: none"> <li>Application refused on grounds related to neighbourhood character (scale, form and landscaping), garden area and maximum building height mandatory controls, external and internal amenity, access.</li> <li>The Tribunal ultimately agreed with Council that the development was fundamentally inconsistent with policy expectations and affirmed Council's refusal. This issue was deemed to be substantive enough that the Tribunal declined to make findings on the remainder of the issues.</li> </ul> <p>Key findings:</p> <ul style="list-style-type: none"> <li>The intensity of the built form is contrary to the development intentions expressed for Precinct 1.</li> <li>The topography and landscaped character of the area will be overwhelmed by the proposed built form.</li> <li>The lack of substantive rear setback resulting from the rear dwelling being located clear of the more central easement is an unjustified response to the easement constraint.</li> </ul>

Order Date	Planning Permit VCAT No	Site Address	Proposal	RA Decision	VCAT Decision	Comments re: policy implications of VCAT decision
						<ul style="list-style-type: none"> <li>There is insufficient landscaping opportunities to screen the built form with regard to site coverage, setbacks, circulation space and growing conditions.</li> </ul> <p><i>Policy issues: The proposal is fails to satisfy relevant policies in the planning scheme.</i></p>
23/12/2021	<u>PLN20/0444</u> P11448/2021	333-337 High Street, Templestowe	Twelve (12) dwellings	Refusal	RA decision set aside, permit issued by consent	<ul style="list-style-type: none"> <li>Application refused on grounds related to the intensity of Building 'A' built form, poor functionality and safety of the internal access, landscaping, external amenity.</li> </ul> <p><i>No policy issues</i></p>
05/01/2022	<u>PLN20/0118</u> P717/2021	5 Highview Drive, Doncaster	Three (3) dwellings	Refusal	RA decision set aside, permit issued	<ul style="list-style-type: none"> <li>Application refused on grounds related to neighbourhood character, external amenity impacts through bulk and overshadowing, impacts to a neighbouring tree.</li> </ul> <p>Findings:</p> <ul style="list-style-type: none"> <li>Tribunal found that the proposal was an acceptable outcome, provided an appropriate response to neighbourhood character with regard to the surrounding developments and any impacts on neighbouring amenity were acceptable.</li> </ul> <p><i>Policy issues: The Tribunal determined that the proposal was consistent with the relevant policies in the planning scheme</i></p>
16/02/2022	PLN20/0485 P11179/2021	388-390 Manningham Road, Doncaster	Four-storey apartment building, 18 dwellings, TRZ2 access	Refusal	RA decision set aside, permit issued by consent	<ul style="list-style-type: none"> <li>Application refused on grounds related to scale and visual bulk, transition, off-site amenity, landscaping and internal amenity</li> </ul> <p><i>No policy issues</i></p>

Order Date	Planning Permit VCAT No	Site Address	Proposal	RA Decision	VCAT Decision	Comments re: policy implications of VCAT decision
25/02/2022	PLN20/0554 P11183/2021	3 Beaufort Rise, Warrandyte	Dwelling, outbuilding, earthworks, vegetation removal	Permit	RA decision varied, modified permit issued	<ul style="list-style-type: none"> <li>Appeal by applicant to review conditions related to environmental factors, including offsets, land management plans and vegetation protection</li> </ul> <p>Key Questions</p> <ul style="list-style-type: none"> <li>the requirements in dispute related to: <ul style="list-style-type: none"> <li>Deletion of the southern vehicle crossover.</li> <li>Retention of native vegetation, including trees #3 and #26.</li> <li>Tree protection and management.</li> <li>Land Management Plan.</li> </ul> </li> <li>Landscaping and native vegetation offsets.</li> </ul> <p>Key Findings</p> <ul style="list-style-type: none"> <li>The decision included: <ul style="list-style-type: none"> <li>Retention of the requirement to delete the second crossover and accessway;</li> <li>Deletion of the requirement to maintain tree #3 and retention of the requirement to retain tree #26;</li> <li>Retention of the modified offset score requirement; and</li> <li>Retention of some of the vegetation protection requirements, including the need to delineate between areas where native vegetation is to be retained</li> </ul> </li> </ul> <p><i>No policy issues</i></p>
19/05/2022	PLN18/0743 P1847/2019	25-35 Park Road Donvale	Construction of 35 dwellings	Refusal	RA decision set aside, permit issued	<p>The Tribunal determined that aspects of the proposal were acceptable and other aspects were not acceptable and required addressing under an Interim decision. A further day of hearings then occurred following the submission of an amended design. Key matters that required addressing included:</p> <ul style="list-style-type: none"> <li>Dwelling diversity;</li> <li>Materials and finishes that integrate with the existing neighbourhood;</li> <li>Safety and lighting;</li> <li>Private open space provision;</li> </ul>

Order Date	Planning Permit VCAT No	Site Address	Proposal	RA Decision	VCAT Decision	Comments re: policy implications of VCAT decision
						<ul style="list-style-type: none"> <li>Landscaping and access.</li> </ul>
5/05/2022	PLA20/0073 P848/2021	27 & 29 Serpells Road Templestowe	Amendment to a Permit for construction of a three storey apartment building	Objector	The decision of the RA is varied	<p>Key findings:</p> <ul style="list-style-type: none"> <li>The apartment development of 19 dwellings should provide some variety in the number of bedrooms. The development must be amended to provide 2 x 2-bed dwellings and 1x1 bed dwellings (the 16 other dwellings will remain 3-bed).</li> <li>The application benefits from the transitional requirements introduced by Amendment VC110 and therefore the mandatory garden area requirement is not applicable. The DDO8 cannot be considered an 'approved equivalent strategic plan' for the purpose of 32.08-4.</li> <li>While the external finishes and treatments differ to the surrounding neighbourhood they still achieve DDO8 objectives and are suitably respectful of existing character.</li> </ul>
20/06/2022	PVN21/0102	36-38 Yarra Street, WARRANDYT E	Construction of a carport in a Heritage Overlay	Refusal	Hearing June 222	Highlights the need to review our heritage policy to provide further guidance in relation to additions.
7/03/2022	PLN21/0249	18 Mullens Road, Warrandyte	Buildings and works associated with a first-floor extension.	Objector	Withdrawn	N/A – objector appeal to VCAT was withdrawn.
7/03/2022	PLA21/0155	181 Reynolds Road, Doncaster East	Amendment to Permit for retirement village at The Pines	Council refusal	Resolved prior to hearing.	
11/04/2022	PLA20/0187 P11718/2021	52 & 54 Manningham Road, Bulleen	17 three-storey dwellings and alteration of	Refusal	RA decision set aside by consent	



Order Date	Planning Permit VCAT No	Site Address	Proposal	RA Decision	VCAT Decision	Comments re: policy implications of VCAT decision
			access to TRZ2			
6/05/2022	PLN20/0528	89 Hodgson Street, Templestowe Lower	Two double storey dwellings	Failure to determine within prescribed time frame	Affirmed	Key findings: <ul style="list-style-type: none"> <li>The irregular shaped lot and prominent positioning of the lot requires a more site responsive design.</li> <li>The proposal has not achieved the preferred neighbourhood character and landscape outcomes sought by Clauses 21.05 and 22.15.</li> </ul>

## Appendix 2: Local Amendments

### Planning Scheme Amendments Gazetted

Table 14 shows nine council amendments to the Manningham Planning Scheme have been approved by the Minister for Planning and gazetted since September 2018.

Table 14: Local Council Amendments

Council Amendments	Date Gazetted	Description
<b>C109Pt1mann</b>	10 October 2019	Updates the Scheme to accord with revised flood modelling undertaken by Melbourne Water and Manningham Council in relation to Melbourne Water assets. Changes have been made to update reference documents in <i>Clause 21.12 Infrastructure</i> , <i>Clause 21.16 Key References</i> , the title of the Schedule to the Special Building Overlay (SBO), and the SBO and Land Subject to Inundation Overlay mapping.
<b>C117mann</b>	20 September 2019	Amends and introduces policy settings to provide more specific guidance for planning applications in the Rural Conservation Zone (RCZ).
<b>C122mann</b>	16 May 2019	A generally policy neutral amendment that corrects the application of the zones and overlays across numerous properties in Manningham.
Proponent Led Amendments	Date Gazetted	Description
<b>C104mann</b>	23 May 2019	Facilitate the preparation and approval of a Development Plan to support the expansion of Westfield Doncaster.
<b>C130mann</b>	6 May 2021	Deletes the Design and Development Overlay, Schedule 7 from 11 Toronto Avenue, Doncaster.
<b>C132mann</b>	7 December 2020	Applies the Specific Controls Overlay (SCO6) to 27-59 Templestowe Road, Doncaster, to facilitate the relocation of sporting facilities from Bulleen Park that will be permanently impacted by the construction of the North East Link project.
<b>C127mann</b>	8 September 2022	<p>This Amendment is site specific, and relates to the land at 674-680 Doncaster Road, 2 Short Street, and 14, 14A, 16 &amp; 18 Hepburn Road, Doncaster (Doncaster Church of Christ). The Amendment proposes to shift the boundary between sub-precincts 2B and 2C in the schedule to the Activity Centre Zone to increase the mandatory building height for the properties at 674-680 Doncaster Road and 2 Short Street. The height controls over the remaining properties are not proposed to be changed.</p> <p>Planning Permit Application PLN20/0303 (Application) was lodged concurrently with the Amendment and applies to the whole of the site. The Application has been designed to comply with the proposed amended height controls should they be approved. The Application proposes to partially demolish the existing heritage listed church, use and develop the site for a 17-storey mixed use development comprising dwellings, a place of assembly, child care centre, two food and drink premises and offices, a reduction in the provision of the standard car parking requirements for the non-residential uses,</p>

		and altered access arrangements to Doncaster Road. Ten of the dwellings will be required under Section 173 Agreement to be affordable housing.
<b>Minister Amendments</b>	<b>Date Gazetted</b>	<b>Description</b>
<b>C126mann</b>	27 May 2019	Makes administrative, formatting and technical changes to local provisions to reflect reforms introduced by Amendments VC142 and VC148 and to ensure consistency with the Ministerial Direction on the Form and Content of Planning Schemes as part of the Smart Planning reform program.
<b>C129mann</b>	25 February 2020	A policy neutral amendment that transfers properties listed under <i>Clause 51.01 Specific Sites and Exclusions</i> into the Specific Controls Overlay, with consequential changes.
<b>C131mann</b>	28 January 2021	Amends Schedule 2 of the Table of Uses to <i>Clause 37.08 Activity Centre Zone Doncaster Hill Major Activity Centre</i> to remove the condition requirement that prohibits uses for Food and Drink premises outside of Precinct 4 and 2A of the Doncaster Hill Activity Centre.
<b>C137mann</b>		This Amendment has been requested by Melbourne Water to amend or remove the Special Building Overly (SBO1) as it relates to properties in and around Hillcroft Drive, Templestowe. This Amendment has recently been approved and is awaiting gazettal.

**Table 15: Local Amendments Under Consideration**

<b>Proposed Amendment</b>	<b>Description</b>
<b>C125mann</b>	Amendment C125mann seeks to support the redevelopment part of the Yarra Valley Country Club (YVCC) for residential purposes, and includes the transferral of the northern portion of the site to a public authority for public open space purposes. The Amendment has been prepared by the Minister for Planning at the request of YVCC Pty Ltd and Linked Solutions Pty Ltd.

# Appendix 3: Online Survey

---

1. Do you:\*  Live in Manningham  Work in Manningham  Visit Manningham  Other - (please specify):

\_\_\_\_\_\*

2. Are you representing an organisation? If yes, please specify.

\_\_\_\_\_

3. How have you experienced the Manningham Planning Scheme?

- Making a planning permit application
- Making a submission to a planning permit application
- Making a submission to a strategic planning project or amendment
- Requesting a planning scheme amendment
- I have not used the Manningham Planning Scheme
- Other - (please specify):

\_\_\_\_\_\*

4. What do you think are the most important issues which the Manningham Planning Scheme should respond to? (rank 1 to 8)

Residential Development

Neighbourhood Character

Environment Rural Land Use / Green Wedge

Activity Centres

Employment

Transport

Heritage, Arts, Cultural and Recreation

5. What aspects of the Planning Scheme do you think are working well in relation to?

6. Do any aspects of the Manningham Planning Scheme need improvement?

If yes, please provide details in the comments section below. (Extremely well/ Moderately well / Not at all well )

Residential Development

Neighbourhood Character

Environment Rural Land Use / Green Wedge

Activity Centres

Employment

Transport

Heritage, Arts, Cultural and Recreation

7. Are there any planning policies missing from the Manningham Planning Scheme?

If yes, please provide details.  Yes  No Comments:

8. Do you have any other comments?

# Appendix 4: Relevant State Planning Initiatives

---

## Decriminalisation of sex work

The Victorian Government is decriminalising the sex work. The changes include replacing the land use term brothel with sex services premises. Deleting *Clause 53.03 Brothels*. The new term will be nested under shop. Sex work will be regulated in commercial areas the same way other personal services businesses. The changes will enable sex work to be carried out as a home based business. These changes are expected to come into effect by the end of 2023.

## Second dwelling Code

Amendment VC168 introduced a new particular provision to *Clause 51.06 Secondary Dwellings* on 27 August 2020 into the Moreland, Greater Bendigo, Murrindindi and Kingston Planning Scheme as part of a pilot program for 7 months. The Amendment sought to facilitate the development of secondary dwellings to facilitate modest affordable secondary dwellings through a fast-track VicSmart process.

The standard provisions relating to site coverage, side and rear setbacks, garden area and overlooking apply. However, requirements to provide private open space do not apply. A number of additional requirements including a maximum floor area of the dwelling of 60 square metres, and prohibition on subdivision were also applied.

## Eastern Metro Land Use Framework Plan

The Eastern Metro Land Use Framework Plan is an initiative of Plan Melbourne to provide specific plans for the eastern region comprising the municipalities of Knox, Manningham, Maroondah, Monash, Whitehorse and Yarra Ranges.

The Land Use Framework Plan seeks to influence population and industry growth into established areas, inform plans for services and infrastructure, guide investment and facilitate collaboration between State and local government and inform priorities for State-led planning. A number of initiatives were identified particularly relevant to Manningham, including:

- Support significant change and high density development in Doncaster Hill, as a Suburban Railway Loop precinct.
- Promote Doncaster Hill as a new IT/innovation sector.
- Support housing development supported by other uses such as commercial, retail and services to maximize their potential to transit orientated development sites.
- Support affordable housing for younger people
- Transformation of key road corridors into green boulevards.
- Increase tree canopy to 30 per cent by 2050.
- Focus on green infrastructure, urban heat island effect and maintaining/providing cool urban environments.

## Relevant State Planning Scheme Amendments

Table 15 shows the key State planning amendments that affect Manningham since the last Planning Scheme Review in September 2018.

Table 15: Relevant State Planning Scheme Amendments

Amendment	Gazettal	Description
VC216	10 June 2022	<p>Makes changes to the Planning Policy Framework to support environmentally sustainable development, in accordance with <i>Plan Melbourne 2017-2050</i> Action 80 'Review of planning and building system to support environmentally sustainable development outcomes'.</p> <p>The change identify the need for planning to respond to relating to climate change, water management, cooling and greening, air and noise pollution, and recycling and resource recovery. These changes to the PPF are part of stage one of the Environmentally sustainable development of buildings and subdivisions - A roadmap for Victoria's planning system (Department of Environment, Land, Water and Planning, 2020).</p> <p>The amendment adds consideration of ESD within relevant planning policy themes and includes consideration of climate change into the purpose of Victoria Planning Provisions and all planning schemes.</p>
VC209	8 March 2022	<p>Updates <i>Clause 52.18 State of emergency and recovery exemptions</i> to reflect the new pandemic declaration.</p>
VC200	17 February 2022	<p>Introduces <i>Clause 53.21 State Transport Projects</i>, which includes exemptions for land use and development associated with transport projects, and makes the Minister for Planning the Responsible Authority for all applications made by the Department of Transport.</p>
VC205	20 January 2022	<p>Replaced Road Zones and Public Use Zone 4 with Transport Zone.</p> <ul style="list-style-type: none"> <li>• Transport Zone 1 relates to state transport infrastructure</li> <li>• Transport Zone 2 replaces Road Zone Category 1.</li> <li>• Transport 3 Zone replaces Road Zone Category 2.</li> <li>• Transport Zone 4 identifies other transport uses, including Public Use Zone 4.</li> </ul>
VC174	20 December 2021	<p>Implements new and improved standards to improve the amenity and overall design quality of apartment buildings and support their integration in established urban areas. This includes new landscaping requirements for apartments to provide soil area and canopy trees.</p>

VC204	9 December 2021	Revised <i>Clause 18 Land Use and Transport</i> to include separate walking and cycling policies and revised freight policy. Transport system and transport manager was added to <i>Clause 73 General Terms</i> .
VC214	19 November 2021	Amends the public land exemptions in <i>Clause 52.18 State of Emergency and Recovery Exemptions</i> to apply for a broad range of uses.
VC196	13 October 2021	Introduces new zone and overlay controls to provide stronger recognition and protection to existing extractive industries, and to designate land with State-significant earth resources, where extractive industries may be established in the future as strategic extractive resource areas.
VC208	5 October 2021	Amends <i>Clause 52.10 Reconstruction After An Emergency</i> to apply, the use, notice and review exemptions to other types of emergencies.
VC198	18 August 2021	Introduces a new particular provision at 52.35 Major Road Projects and 52.36 Rail Projects.
VC180	4 August 2021	Facilitates the development of new, and the upgrade and expansion of existing, non-government primary and secondary schools by providing a fast-track assessment process through the Minister for Planning.
VC194	4 August 2021	Inserts two new particular provisions at <i>Clause 52.30 and 52.31</i> to facilitate state projects and local government projects to support Victoria's economic recovery from the coronavirus pandemic.
VC188	5 May 2021	Removes <i>Clause 52.13 2009 Bushfire: Recovery Exemptions</i> and references in the planning scheme.
VC190/VC187	17 March 2021	Introduces a new provision Victoria's Big Housing Build at <i>Clause 52.20</i> , which removes the need for a planning permit for a housing project funded under the Victoria's Big Build by the Director of Housing.
GC164	3 February 2021	Amends the Specific Control Overlay 12 for the delivery of the North East Project to facilitate the realignment of the Yarra East Main Sewer.
VC193	3 February 2021	Amends <i>Clause 52.18 State of emergency exemption</i> to support Victoria's social and economic recovery from Covid-19, through temporary planning scheme and permit condition exemptions that enable outdoor dining and facilitate the reopening and safe operation of restaurants and other food and drink premises. These provisions apply when a state emergency declaration is in place under the Public Health and Wellbeing Act 2008, and the following 12 months.



VC 183	5 January 2021	Introduces a new State policy <i>Clause 13.07-3S Live music</i> and makes change <i>Clause 53.06 Live Music Entertainment Venues</i> to recognise the social, economic and cultural benefits of live music.
VC176	12 November 2020	Amends <i>Clause 52.12 Bushfire Protection: Exemptions</i> to align the 10/30 and fence line vegetation exemptions with the Bushfire Prone Area map across all Victorian councils and clarifies the exemptions for dwellings and defensible space under the BMO.
VC169	9 October 2020	Amends the <i>Clause 15.01-5S Neighbourhood character</i> and <i>Clause 16 Housing</i> to ensure preferred neighbourhood character and housing growth objectives correspond.
VC175	26 May 2020	Amends <i>Clause 13.07 Amenity and Safety</i> and <i>Clause 53.10 Uses with Adverse Amenity Potential</i> by strengthening policy for separation distances and buffers for amenity, human health and safety impacts.
VC179	6 May 2020	Inserts a new provision <i>Clause 52.10</i> to facilitate the rebuilding following the 2019/2020 bushfires.
VC154	21 April 2020	Implementation of the Integrated Water Management Reforms.
VC181	5 April 2020	Introduces a new <i>Clause 52.18 State Emergency exemption</i> to facilitate the delivery of food and other essential goods to supermarkets, hospital, pharmacies and other essential businesses at any time to meet demand during and following the coronavirus pandemic.
VC177	11 March 2020	Inserts a new particular provision at <i>Clause 52.07</i> to facilitate and support recovery from bushfire by enabling any use associated with bushfire recovery, accommodation, or any use previously carried directly before the bushfire to commence without the need for a planning permit.
VC168	11 February 2020	Amends State planning policy to facilitate the delivery of the Suburban Rail Loop through reference to the new <i>Plan Melbourne 2017-2050</i> .
GC119	16 January 2020	The Amendment facilitates the Fitzsimons Lane Upgrade Project by inserting a new Specific Control Overlay and Incorporated Document as part of the Northern Roads Upgrade Project.
GC98	3 January 2020	Amendment to facilitate the North East link.
VC165	3 December 2019	Amends the Victoria Planning Provisions and all planning schemes to introduce notice and review exemptions and to amend the responsible authority

		status for certain planning applications for non-government schools.
VC159	8 August 2019	Updates land use terms and definitions to improve community understanding.
GC48	24 July 2019	Introduces a new Design and Development Overlay to the Yarra River corridor to provide a consistent approach for management of the development, and protection of the landscapes and environmental qualities.
VC155	24 July 2019	Amends <i>Clause 15.03 Heritage</i> to introduce a new strategy to consider restoration or reconstruction of a heritage building unlawfully or unintentionally demolished.
VC139	3 June 2019	Introduces new planning requirements for racing dog facilities. Inserts new reference documents for urban design guidelines and apartment design guidelines
VC152	26 October 2018	Introduces new objectives and strategies for major hazard facilities in <i>Clause 13.07 Amenity</i> and a new provisions <i>Clause 53.17 Residential aged care facility</i> . The Amendment also introduced new land use terms including community care accommodation and rooming house. Nested land use terms residential aged care facility. Deleted land use terms including backpackers lodged, boarding house, hostel, nurses home, nursing home and residential college.

# Appendix 5: Local Strategic Initiatives

---

## Liveable City Strategy 2040

The Liveable City Strategy seeks to improve the liveability of the City by creating a high quality urban environment. The Key Directions were identified under six themes of:

- Vibrant Activity Centres
- Thriving Employment
- Housing Choice and Distinct Communities
- Greening Our City
- Sustainable Transport and Travel Mode Choice
- Building Social and Cultural Connections.

The Liveable City Strategy identified a number of actions relevant to the Planning Scheme Review which have been included below.

### Vibrant Activity Centres

- Prepare and implement a structure plan/master plan for each activity centre (as required) identifying built form opportunities and public realm improvements, in accordance with Vibrant Villages Action Plan.
- Working in partnership with private landowners, develop a vision for the future of privately-owned shopping centres and car parks (excluding Westfield Doncaster), to facilitate redevelopment outcomes through appropriate planning mechanisms such as a Development Plan Overlay (DPO).
- Investigate the feasibility of consolidating Council owned public car parks in Neighbourhood Activity Centres (NACs), to enable the creation of new public space/town squares.
- Develop a 10 year Vibrant Villages Action Plan to improve the liveability and viability of Manningham's activity centres
- Review and amend planning provisions within and around activity centres to ensure that they facilitate the desired built form, use and quality of development, while protecting amenity of residents and adjoining properties.
- Improve walking and cycling connectivity, amenity and safety within an 800m catchment of activity centres.

### Thriving Economy

- Develop new employment precincts and grow existing ones.
- Increase land supply for commercial/ housing opportunities adjacent to existing activity centres.

### Housing Choice and Distinct Communities

- Review the 'Manningham Residential Strategy 2012' and prepare a new housing strategy that identifies preferred neighbourhood character precincts/attributes, including housing growth areas.
- Prepare a new affordable housing policy that outlines Council's actions to increase the supply of affordable housing in the municipality.

- Review and amend planning provisions within and around activity centres to ensure that they facilitate the desired built form, use and quality of development, while protecting amenity of residents and adjoining properties.
- Prevent inappropriate development within the Green Wedge.
- Strengthen the neighbourhood characters of the municipality through canopy tree planting and landscaping in both the public and private realm.
- Improve the interface between substantial change and the low-scale residential hinterland.

### Greening our city

- Create new parks, or improve access, in areas with poor connectivity to public open space.
- Establish a network of ‘greenways’ linking all residential neighbourhoods to regional open space.
- Improve streetscape character across the municipality, and increase tree canopy cover, in accordance with Manningham’s Urban Forest Action Plan.
- Use water efficiently and improve stormwater management through Water Sensitive Urban Design (WSUD) treatments and ‘Smart City’ initiatives.

## Other Local Strategic Initiatives

Table 16: Other local strategic initiatives

COUNCIL STRATEGY	RELEVANT KEY INITIATIVES
Imagine Manningham 2040 (2019)	<p>An extensive community engagement project to capture views on how to make Manningham a great place to live. Consultation was undertaken to inform Liveable Cities Strategy, Doncaster Hill Framework and Community Vision. The issues facing Manningham was identified as:</p> <ul style="list-style-type: none"> <li>- Population growth</li> <li>- Housing</li> <li>- Transport</li> <li>- Climate change</li> </ul> <p>The Manningham community love where they live. The safety of neighbourhoods, connections, sense of community, parks, open space, and the natural environment were highly valued. Concerns was raised into congestion, population growth and environmental and urban challenges.</p>
Tree Amenity Value Policy	<p>Council adopted a Tree Amenity Value Policy in December 2021. This policy establishes a monetary value for individual trees on public land and urban forest to discourage the loss of tree canopy within Manningham. The value considers the recreational, functional, environmental, ecological, social, health and aesthetic value of trees. Council will receive financial compensation for the loss of tree assets.</p>
Health and Wellbeing Strategy 2021-2025	<p>The Health and Wellbeing Plan 2021-2025 seeks to support an increase in active lifestyles including active transport, organised sport and active recreation.</p>

	<ul style="list-style-type: none"> <li>• Improved social and emotional wellbeing</li> <li>• Increased healthy eating</li> <li>• Increased active lifestyles</li> <li>• Increase adaption to the health impacts from climate change</li> <li>• Prevention of all forms of family violence</li> </ul> <p>Increased connection to and engagement in community life</p>
Climate Emergency Action Plan	On 28 January 2020 Council declared a climate change emergency. Council resolves to prepare a comprehensive Climate Response Plan as part of the Manningham's 2020 Environment Strategy, consult and educate residents on climate change and environmental changes, and advocate to other levels of government on climate change and biodiversity issues.
Transport Action Plan 2021	Manningham's Transport Action Plan reinforces the advocacy for the Doncaster Bus Rapid Transit, Suburban Rail Loop and North East Link. The Plan identifies actions to support more sustainable transport technologies including on-demand bus services, car share schemes, electric vehicles and the promotion of active transport. The Plan also identifies actions to support '20 minute neighbourhoods', to support the development of well-designed walkable neighbourhoods that are connected through a mix of land-uses, housing types and access to quality public transport.
Manningham Placemaking Framework 2021	Manningham's Placemaking Framework outlines the way we understand, design and deliver our public spaces and community activities. The Framework includes our placemaking approach, guiding principles, benefits and key steps to creating vibrant and inclusive local places in Manningham.
Manningham Public Toilet Plan 2021	Manningham's Public Toilet Policy is a ten year plan to provide a network of safe, accessible, well maintained and sustainable toilet facilities across Manningham to support community participation in public life. Access to toilet facilities is critical for health and wellbeing of the community. The Policy made recommendations to construct new facilities and upgrade older facilities.
Manningham's Reconciliation Action Plan 2021-2024	<p>Manningham's Reconciliation Action Plan focuses on:</p> <ul style="list-style-type: none"> <li>• Building respectful and resilient relationships between Indigenous and the wider community.</li> <li>• Respecting the rights of all Indigenous people to retain a strong relationship with their people, their culture, values, customs, the land and waterways, and acknowledge Council's role in supporting them achieving this right.</li> <li>• Providing local opportunities, resources and support for Indigenous people and those involved in reconciliation.</li> </ul>
10-Year Financial Plan (2021)	Provides a financial road for the future. The aim of the plan is to create a financially sustainable organisation that enables Council

	<p>to continue to provide high quality services and infrastructure for the medium and long term. Council continue to focuses on targeted reductions in operating costs and will continue to focus on efficiencies and cost savings.</p> <p>The Plan supports the development of a municipal wide Development Contribution Plan to assist in funding community infrastructure.</p>
--	---

## Appendix 6: Specific Sites and Areas for Review

Table 17: Specific sites and areas for review

Policy	Application	Issue
<b>Neighbourhood Residential Zone 1, DDO5 and SLO7.</b>	The property at 7 Aminga Avenue, Doncaster East.	Investigate the potential rezoning of land to allow further development due to proximity to Activity Centre.
<b>General Residential Zone 1</b>	The property at 2-4 Eumerall Avenue, Templestowe Lower.	Investigate rezoning the land from General Residential Zone to Low Density Residential Zone to be consistent with the surrounding area.
<b>DDO4 - Templestowe Environmental Residential Area</b>	Land within the north-west section of this overlay is also affected by DDO2 Yarra (Birrarung) River Corridor Protection.	An assessment should be undertaken to determine whether there is a duplication of controls. It is noted that this same area in Ellen Grove and Dellas Avenue is also affected by ESO5.
<b>DDO12 – Former Lamanna Nursery Area</b>	This overlay applies to a site in Ruby Street, Donvale.	The land has now been developed for 4 residential properties located within NRZ1. A study should be undertaken to determine whether this overlay is still relevant.
<b>DDO13 – Residential Areas Surrounding Prominent Intersections and/or Interfacing Commercial Areas</b>	The property at 8-16 Montgomery Street, Doncaster East.	Many of the design objectives are not relevant to this site, but could be applied to other properties in the future.
<b>Development Plan Overlay 1 – Large Potential Redevelopment Sites</b>	Two properties in Whetherby Road, Doncaster.	A review should be undertaken as to the appropriateness of the use of this control and if appropriate, if there are other sites should be identified.

## Appendix 7: Activity Centres

Plan Melbourne 2017-2050 identifies The Pines and Doncaster Hill as Major Activity Centres. The Liveable City Strategy identifies ten neighbourhood activity centres:

### Neighbourhood Activity Centres

**Donburn**

**Doncaster East Village**

**Jackson Court**

**Macedon Square/ Plaza**

**Park Orchards**

**Templestowe Village**

**Tunstall Square**

**Warrandyte Goldfields**

**Warrandyte Village**

The Liveable City Strategy identifies 28 local activity centres:

Local Activity Centre	Suburb
Horsfall Street Shops	Templestowe Lower
Feathertop Avenue Shops	Templestowe Lower
Village Avenue Shops	Bulleen
Stutt Avenue Shops	Doncaster
Chatsworth Quadrant Shops	Templestowe Lower
Ayr Street at Outhwaite Avenue Shops	Doncaster
Lillian Street Shops	Bulleen
Ayr Street at Lindsay Street Shops	Doncaster
Highview Drive Shops	Doncaster
Renshaw Street at Wetherby Road Shops	Doncaster East
Rosella Street Shops	Doncaster East



<b>Paula Crescent at Tunstall Road Shops</b>	Doncaster East
<b>Leeds Street Shops</b>	Doncaster East
<b>Yarra Road at Brysons Road Shops</b>	Wonga Park
<b>Worrell Street Shops</b>	Nunawading
<b>Mitcham Road at McGowans Road Shops</b>	Donvale
<b>Doncaster Road at JJ Tully Drive Shops</b>	Doncaster
<b>Templestowe Road at Bridge Street Shops</b>	Bulleen
<b>Thompsons Heights Shops</b>	Bulleen
<b>Bulleen Road Shops</b>	Bulleen
<b>Fullwood Parade Shops</b>	Doncaster East
<b>Jumping Creek Road Shops</b>	Wonga Park
<b>Launders Avenue Shops</b>	Wonga Park
<b>Newmans Road Shops</b>	Templestowe
<b>Katrina Street Shops</b>	Doncaster
<b>Gertrude Street</b>	Lower Templestowe
<b>Ringwood-Warrandyte Road</b>	Warrandyte
<b>Doncaster Road</b>	Doncaster

## Schedule 8: to the Heritage Overlay – Specific Sites to Review

Table 18: Specific Heritage Overlay sites for review

Planning Control	Address	Issue
<b>Vegetation Protection Overlay 3</b>	131 High Street, Doncaster	Review Vegetation Protection Overlay Schedule 3 which appears to duplicate the requirements of the Heritage Overlay by protecting vegetation associated with the historical significance of the site
<b>HO6 East Doncaster Hall</b>	1-5 Andersons Creek Road, Doncaster East	Review the schedule to delete reference to tree controls following the review of the significance of the site.
<b>HO68 House</b>	88-80 George Street	Remove reference to No. 90 George Street needs to be removed to reflect the subdivision of the site.
<b>HO184 The Hedge</b>	52-78 (9087) Yarra Road, Wonga Park	Amend the address in the schedule to read '256-278 Yarra Road' to reflect the actual address of the property (which is mapped correctly).
<b>HO204 House</b>	103 James Street, Templestowe	Review the status of the house, it appears to demolition of the dwelling
<b>HO53 Red Box tree</b>	4 Dudley Road, Wonga Park	Delete dwelling from control, should only apply to road reserve
<b>HO94 Marshall's Post Office (former)</b>	76-78 Jumping Creek Road, Wonga Park	Review application of the overlay 80 Jumping Creek Road.

# Manningham Council

**P:** 9840 9333

**E:** [manningham@manningham.vic.gov.au](mailto:manningham@manningham.vic.gov.au)

**W:** [manningham.vic.gov.au](http://manningham.vic.gov.au)

