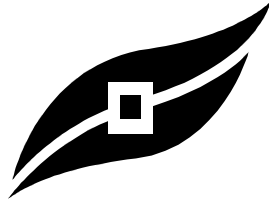


MINUTES



MANNINGHAM
BALANCE OF CITY AND COUNTRY

Ordinary Meeting of the Council

MEETING DETAILS:

MEETING NO: 13
MEETING DATE: 24 November 2015
TIME: 7:00 PM
LOCATION: Council Chamber
699 Doncaster Road, Doncaster

MINUTES

PLEASE NOTE

This is the abridged version of the Council Minutes. The images / attachments have been removed in order to reduce the size of the document for ease of access purposes.

The full Council Minutes are also available on the Council's website. It is also available for inspection at the Municipal Offices, Bulleen Branch Library, Doncaster Branch Library, The Pines Branch Library, Warrandyte Library and Park Orchards Community House.

It should be noted that as a consequence of the removal of the attachments the page numbering in this abridged version has been affected.

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MANNINGHAM CITY COUNCIL
MINUTES OF THE ORDINARY COUNCIL MEETING
HELD AT COUNCIL CHAMBER
ON
24 NOVEMBER 2015

The meeting commenced at 7:00 PM.

Present: Councillor Jennifer Yang (Mayor)
Councillor Meg Downie
Councillor Sophy Galbally
Councillor Geoff Gough
Councillor Jim Grivokostopoulos
Councillor Dot Haynes (Deputy Mayor)
Councillor Michelle Kleinert
Councillor Paul McLeish
Councillor Stephen O'Brien (arrived at 7.06pm)(left at 8.13pm before item 18)

Officers Present: Acting Chief Executive Officer, Mr Leigh Harrison
Acting Director Assets & Engineering, Mr Roger Woodlock
Acting Director Community Programs, Mr Malcolm Foard
Director Planning & Environment, Ms Teresa Dominik
Director Shared Services, Mr Philip Lee
Manager Strategic Governance – Ms Melissa Harris

1. OPENING PRAYER & STATEMENTS OF ACKNOWLEDGMENT

The Mayor read the Opening Prayer & Statements of Acknowledgement.

2. APOLOGIES

There were no Apologies for this Meeting.

3. PRIOR NOTIFICATION OF CONFLICTS OF INTEREST

The Chairman invited Councillors to disclose any conflict of interest in any item listed on the Council Agenda.

The Acting Chief Executive Officer advised that he has received two written disclosures of a conflict of interest, these being from:-

- Cr Jim Grivokostopoulos for Item 9.1 concerning Planning Application PL 14/024686, the interest being an indirect interest because of residential amenity.
- Cr Stephen O'Brien for Item 10.1 concerning Amendment C102 – Montgomery Street Proposal to Rezone Land – Consideration of Submissions, the interest being an indirect interest because of a close association.

4. CONFIRMATION OF MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON 27 OCTOBER 2015 AND THE SPECIAL ANNUAL MEETING OF COUNCIL HELD ON 10 NOVEMBER 2015

MOVED: GRIVOKOSTOPOULOS
SECONDED: DOWNIE

That the Minutes of the Ordinary Meeting of Council held on 27 October 2015 and the Special Annual Meeting of Council held on 10 November 2015 be confirmed.

CARRIED

5. VERBAL QUESTIONS FROM THE PUBLIC

There were no questions from the public.

6. PRESENTATIONS

There were no presentations.

7. PETITIONS

7.1 Joint Letter - Street Tree in Front of 9 Cottesloe Court, Doncaster East (Koonung Ward)

MOVED: HAYNES
SECONDED: O'BRIEN

That the petition received from twenty-six (26) residents from Doncaster East opposed to the removal of the street tree at the front of 9 Cottesloe Court, Doncaster East, be received and referred to the appropriate Officer for consideration.

CARRIED

* * * * *

8. ADMISSION OF URGENT BUSINESS

The Mayor advised that there was a report on the “**Templestowe Special Charge Scheme – Applications for Review to VCAT**” proposed to be admitted as an item of urgent business

Conflict of Interest

Cr Kleinert stated:

“Councillors, I wish to disclose that I have a conflict of interest in this item being an indirect interest of close association and I will be leaving the meeting room for the duration of the item.”

Having disclosed her conflict of interest Cr Kleinert left the meeting room at 7.08pm and returned at 7.09pm after the matter had been finalized and took no part in the discussion and voting on this item.

MOVED: DOWNIE
SECONDED: GRIVOKOSTOPOULOS

That Council admits for consideration the following item of Urgent Business at item 15.1:-

Templestowe Special Charge Scheme – Applications for Review to VCAT.

CARRIED

9. PLANNING PERMIT APPLICATIONS**9.1 Planning Application PL14/024686: 185 - 187 Manningham Road, Templestowe Lower - Construction of a three-storey apartment building comprising 17 apartments above basement level car parking**

Responsible Director: Director Planning & Environment

File No. T15/247

Neither the responsible Director, Manager or Planning Officer authoring this report has a conflict of interest in this matter.

Land:	Lot 1 TP213345P Vol 09310 Fol 552 Lot 2 TP213345P Vol 09310 Fol 552
Zone	Residential Growth Zone - Schedule 2 Design Development Overlay - Schedule 8 (Sub-precinct Main Roads)
Applicant:	Sam Salerno C/- Paul Shaw and Associates
Ward:	Heide
Melway Reference:	32J8
Time to consider:	8 December 2015

SUMMARY

Planning Application PL14/024686 proposes to develop two adjoining residential lots (total area 1352sqm) with a three-storey apartment building above basement level car parking on land known as 185 and 187 Manningham Road, Templestowe Lower (the site). The site is located on the intersection of Manningham Road and Lakeview Terrace. The apartment building proposes a yield of 17, one and two bedroom apartments plus 20 car parking spaces, of which 3 are dedicated for visitor parking. Vehicular access to the basement is from Lakeview Terrace. Pedestrian access to a common area foyer is also from Lakeview Terrace. The site coverage of buildings is 59.0%, the maximum building height is 11.0 metres and the proposed permeable surface is 26.9%.

The application was advertised and one (1) objection was received. The grounds of objection mainly relate to neighbourhood character, loss of views from excessive building height and bulk, noise generated from future occupants, traffic congestion and inadequate on-street car parking, loss of daylight, the safety of residents in the street, and loss of property values.

The development is broadly consistent with Council's planning policy that recognises there will be a 'substantial level of change' in dwelling yield and built form at this main road location. Particular consideration of visual impacts has been given to this application, noting that an apartment building comprising 22 apartments

is almost finished at 181 and 183 Manningham Road, which abuts the western boundary of the Site.

The report concludes that the proposal complies with the Manningham Planning Scheme, including the requirements of the Design and Development Overlay – Schedule 8 and Clause 55. The building incorporates a range of design features, such as protruding and recessive elements that break up the building’s mass whilst achieving a high level of architectural coherence. The building has been excavated into the ground to account for the fall of the land with no part of the building being more than three storeys above the natural ground level. The varied materials, colours and finishes, and design detail add to the visual interest of the building.

On this basis, it is considered the proposal is not an overdevelopment of the site and it is recommended that a Notice of Decision to Grant a Planning Permit be issued.

1 BACKGROUND

- 1.1 The irregular shaped site (total area 1352sqm) consists of two adjoining residential allotments that are located on the north-western corner of the Manningham Road and Lakeview Terrace intersection.
- 1.2 These allotments are effectively consolidated by the single-storey dwelling being constructed across both lots - the site is in one Title. The dwelling is constructed in face brickwork with a hipped, tiled roof and is considered to be in a poor or dilapidated condition. The site previously contained a mixture of native and exotic vegetation but these have now mostly been removed.
- 1.3 Along the Manningham Road frontage is a 2.1 metre high brick retaining wall. A matching 1.8 metre high brick wall was located in the Lakeview Terrace frontage but this has now been removed. A 1.7 metre high paling fence is located along the northern boundary which is considered to be in a fair to good condition. A new 1.8m high timber paling fence is proposed along the western boundary in response to the apartment building that is currently under construction at 181 and 183 Manningham Road.
- 1.4 The dimensions of the site are:
 - Manningham Road frontage - 38.56 metres;
 - Lakeview Terrace frontage - 41.71 metres;
 - Western boundary - 41.46 metres;
 - Northern boundary - 22.58 metres; and
 - A 4.82 metre long splay is opposite the intersection.
- 1.5 The land slopes towards the south west with a level difference of approximately 2.7 metres between the north-eastern corner and the south-western corner.
- 1.6 A 1.83 metre wide unclassified easement abuts the northern boundary which appears to contain a drainage pipe.
- 1.7 Registered Restrictive Covenant 1587628 is registered to the Title (i.e. it applies to both lots). In part, the covenant says:

“ ... will not at any time hereafter excavate carry away or remove or permit to be excavated carried away or removed from the said land

hereby transferred any marl earth clay stone gravel or sand except for the purpose of excavating for the foundations of any building to be erected thereon or use or permit or allow the said land to be used for the manufacture or winning of bricks tiles or pottery ware and it is intended that this covenant shall run with the land hereby transferred and shall be set out as an encumbrance on any Certificate of Title to issue for the said land or any part thereof."

- 1.8 The site has abuttals with two properties. The surrounding development is described as follows:

Direction	Property Address	Description
North	1 Lakeview Terrace	<p>This lot is currently developed with a single-storey face brickwork dwelling with a tiled, hipped roof. The southern corner of the dwelling is setback approximately 1.8 metres to the common boundary.</p> <p>The same planning controls as the subject site affect this parcel.</p> <p>Application for planning permit PL14/024444 for land at 1 Lakeview Terrace is currently under review with a 1-day VCAT hearing set down for 12 January 2016. The review is against Council's failure to determine the application within the prescribed timeframe (60 days). Officers are generally supportive of a modified development and plans to be formally substituted to VCAT comprising the construction of seven (7) townhouses in a 3-storey apartment style built form (a proposal for nine dwellings was originally submitted). In relation to the interface with the site, the proposed development at 1 Lakeview Terrace includes two (2) townhouses (Dwelling 1 orientated towards the street, and Dwelling 3 orientated towards the site). The town houses have variable setbacks to the site, with a minimum setback of 1.53 metres at ground level. The first and second floor levels are setback between 1.54 metres and 4.50 metres from the site. Two (2) visitor car parking spaces will immediately abut the common boundary as will a pedestrian pathway and landscaping bed.</p>

Direction	Property Address	Description
West	181-183 Manningham Road	An apartment building comprising 22 apartments and basement car parking with access gained from Manningham Road is nearing completion (Planning Permit PL12/023165). Ten of the apartments have an eastern orientation, i.e. they face towards the site; 4 each are at the ground and first floor level, and 2 are at the second floor level. At ground level, the building is setback between 1.75 metres and 2.00 metres, with terraces setback 1.00 metre to the common boundary. At first floor level, the building is also setback between 1.75 metres and 2.00 metres (including two terraces with a setback of 1.75 metres). At the upper floor level, the building is setback between 4.40 metres and 5.15 metres.

- 1.9 The properties opposite the site and on the eastern side of Lakeview Terrace are single or two-storeys in height and are elevated above the site. These properties are located within the General Residential Zone – Schedule 1. There are no overlay controls that apply to these properties.
- 1.10 The properties opposite the site and on the southern side of Manningham Road are located within the Main Roads Sub-precinct of the Design and Development Overlay - Schedule 8. The property at 195 Thompsons Road contains a three-storey mixed use building for a medical centre and apartments. Planning Permit PL11/022557 was granted for the construction of two, four-storey buildings, comprising a total of 61 apartments and two levels of basement car parking at 164-166 & 170 Manningham Road (corner of Thompsons Road).
- 1.11 Manningham Road is a major arterial road within the jurisdiction of VicRoads. Manningham Road is also designated as a Bus Priority Route within VicRoads road use hierarchy. Manningham Road contains six lanes of traffic (three lanes in either direction) with a speed limit of 70km/h. A raised barrier divides the lanes, with the east-bound lanes set above the west-bound lanes. Manningham Road intersects with Thompsons Road to the west which provides access to the Eastern Freeway from Thompsons Road. Manningham Road has a Clearway Zone which prohibits on-street parking between 6:30am – 9:30am and 4pm – 6:30pm on Monday to Friday.
- 1.12 The character of the area is primarily residential which is reflective of the current planning controls. Dwellings display a range of styles with various front setbacks and materials, where brick with hipped, tiled roofs is the dominant material of construction, noting that there are examples of dwellings with weatherboard cladding.

- 1.13 There are now several lots in the vicinity of the site that are being redeveloped with developments of a significantly higher density than the housing stock it replaces. This is the outcome encouraged by the various provisions of the Design and Development Overlay – Schedule 8 that applies along Manningham Road and to some lots nearby.
- 1.14 Landscaping, both within residential lots and along Manningham Road is generally unremarkable, however established street trees will mature to provide improved landscaping values.
- 1.15 The site is located near the following facilities and amenities - approximate distances are provided:
- 100m from Thompsons Reserve;
 - 400m from Manningham Park Primary School;
 - 800m to Bulleen Plaza;
 - Public transport is available in Manningham Road, in front of the site.

Planning History

- 1.16 The planning application was presented to a Sustainable Design Taskforce at an early pre application stage on 27 February 2014.
- 1.17 An amendment was submitted on 8 October 2015 under Section 57A of the *Planning and Environment Act 1987* to address several concerns raised by Council officers. The amendments applied for are:
- The ground and first floor element (and balcony) near the south-western corner of the site abutting the property at 181 – 183 Manningham Road has been redesigned by removing the protruding 'box' structure, which softens and 'opens up' this corner of the building;
 - An additional retaining wall and planter box has been provided in front of the basement projection (i.e. in the south-west corner of the building) to provide further planting opportunities around the perimeter of the building;
 - Altered ramp gradients and increased headroom clearance into the basement;
 - Apartment 7 has been reduced in size (bedroom 1) increasing the setback from the northern and Lakeview Terrace boundaries; and
 - Apartment 9 has been redesigned now offering an open study instead of a second bedroom to improve diversity.

2 PROPOSAL

- 2.1 The proposal is described from the formally amended plans submitted under Section 57A of the *Planning and Environment Act 1987*.
- 2.2 It is proposed to demolish the existing dwelling and construct a three-storey apartment building comprising 17 apartments with basement level car parking providing 20 car parking spaces.

- 2.3 The building features 1 one-bedroom apartment (Apartment 9), and 16 two-bedroom apartments. Apartment 9 has a floor area of 71sqm. The two bedroom apartments have floor areas between 79sqm and 112sqm. All apartments have balconies and these range in area between 8.4sqm and 35sqm. Apartment 12 has two balconies, each with an area of 13sqm. The balconies generally have an irregular shape and a typically dimension of approximately 2.4m for some part of the balcony. In addition, Apartments 1 (56sqm), 2 (20sqm) and 6 (22sqm) have an open space area at ground level.
- 2.4 All apartments are allocated one car parking space each, leaving 3 spaces available for visitors.
- 2.5 The basement is accessed from a 5.50 metre wide crossover that widens to a 6.20 metre wide ramp adjacent to the crossover - this is intended to enable vehicles to pass each other. The ramp then narrows into a single-width lane as it turns left and down into the basement. The maximum gradient of the ramp is 1:4. A convex mirror is provided on the wall above the curve to enable the full view of the ramp to be made for drivers accessing the ramp in either direction. The minimum headroom clearance is 2.30 metres above the ramp. An intercom island is located in the middle of the widened ramp section. An electronically controlled basement door is located at the entrance to the ramp.
- 2.6 The void beneath the ramp has been utilised as a storage area for Apartments 1-6. The storage areas for the remaining units are positioned at the end of their car parking spaces. A communal bin storage room and bike storage room containing 5 "Ned Kelly" style racks are located in the south western corner of the basement. A pedestrian access to Manningham Road is adjacent to these rooms. Occupants can access the levels above from the path adjacent to the dwarf wall adjacent to the visitor car parking spaces and car parking space 17 to the lift and stairs.
- 2.7 The building will be excavated into the ground to a maximum depth of approximately 2.40 metres at the northern end of the site and 2.50 metres in the south-eastern corner. The building will have a maximum overall height of 11.0 metres.
- 2.8 The building has the following setbacks:
- Manningham Road (southern boundary):
- Basement – 6.00 metres;
 - Ground Floor – 4.80 metres (balconies of Apartments 4 & 5), building 6.00 metres;
 - First Floor – 5.00 metres (balconies of Apartments 11 & 12), building 6.00 metres;
 - Second Floor – 6.00 metres (balcony of Apartment 16), building 7.50 metres.
- Lakeview Terrace (eastern boundary):
- Basement – 0.30 metres – 2.10 metres;
 - Ground Floor – 2.10 metres (Apartment 6);
 - First Floor – 2.10 metres (Apartment 13);
 - Second Floor – 1.70 metres (balcony Apartment 17).

Side setback (western boundary) – the building’s front elevation where the pedestrian and vehicle entry presents:

- Basement – 2.30 metres;
- Ground Floor – 2.30 metres (balconies of Apartments 1 & 2), building 3.00 metres;
- First Floor – 2.50 metres (balcony of Apartment 10), building 3.00 metres;
- Second Floor – 4.80 metres (balcony of Apartment 15).

Side setback (northern boundary):

- Basement – 4.00 metres;
- Ground Floor – 3.80 metres (Basement ramp);
- First Floor – 3.00 metres (balconies of Apartments 7 & 8), building 3.20 metres;
- Second Floor – 5.20 metres (balcony of Apartment 14), building 7.00 metres.

- 2.9 The building has a contemporary design, including a flat roof and a range of materials and finishes, such as painted rendered finish in muted colours and lightweight cladding. Two architectural ‘framed’ elements feature, one in each street frontage.
- 2.10 Horizontal aluminium screens are provided in the western elevation on the second floor. Aluminium screens are also provided in the north elevation at ground level to provide basement ventilation.
- 2.11 Roof mounted solar panels for solar hot water systems and roof mounted hot water systems are enclosed with a 1.60 metre high screen and are located over the northern half of the roof.
- 2.12 The proposed building has a site coverage of 59.0% and a density of 1 apartment per 79.5sqm of site area.
- 2.13 The retaining wall within the Manningham Road frontage is to be modified. Two sections of the wall are proposed to be set back into the property and constructed with two recessing steps to create ‘openings’ within the frontage.
- 2.14 An accessible ramp surfaced in non-slip tiles will be provided from Lakeview Terrace to the pedestrian entry.
- 2.15 A light well is proposed to provide a supplementary internal light source to Apartments 1, 2, 9 and 15. This will also be visible from common areas within the building at each level. Landscaping is proposed at ground level. Feature timber screens are proposed on the well at all levels to provide privacy to the rooms depending upon light from this source.

3 RELEVANT LEGISLATION

- 3.1 The *Planning and Environment Act* 1987 (the Act) is the relevant legislation governing planning in Victoria. The Act identifies subordinate legislation in the form of Planning Schemes to guide future land use and development.
- 3.2 Section 60 of the Act outlines what matters a Responsible Authority must consider in the determination of an application. The Responsible Authority is required to consider:

- The relevant planning scheme;
 - The objectives of planning in Victoria;
 - All objectives and other submissions which it has received and which have not been withdrawn;
 - Any decision and comments of a referral authority which it has received; and
 - Any significant effects which the Responsible Authority considers the use or development may have on the environment or which the responsible authority considers the environment may have on the use or development.
- 3.3 Section 61(4) of the Act requires that if the grant of a planning permit would authorise anything that would result in a breach of a registered restrictive covenant, the Responsible Authority must refuse to grant a permit, unless a permit has been issued, or a decision made to grant a permit, to allow the removal or variation of the covenant.
- 3.4 This proposed development will not contravene Covenant 1587628 that is registered to the Title, which prohibits excavations or removal of marl, earth, clay stone gravel, except for the purpose of a foundation associated with a building.

4 PRIORITY/TIMING

- 4.1 The statutory time for considering a planning application is 60 days. Allowing for the time taken to advertise the planning application, the statutory time period lapses on 8 December 2015.

5 MANNINGHAM PLANNING SCHEME

- 5.1 The site is located in the Residential Growth Zone – Schedule 2 (RGZ2) and is covered by the Design and Development Overlay – Schedule 8 (DDO8-1).
- 5.2 A planning permit is required to construct two or more dwellings on a lot under the zone (Clause 32.07-4). The relevant purpose of the zone is:
- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies;*
 - *To provide housing at increased densities in buildings up to and including four storey buildings;*
 - *To encourage a diversity of housing types in locations offering good access to services and transport including activities areas.*
 - *To encourage a scale of development that provides a transition between areas of more intensive use and development and areas of restricted housing growth.*
- 5.3 Manningham Road is zoned Road Zone – Category 1. Given that vehicular access to Manningham Road is not proposed, no further reference to the Road Zone – Category 1 will be made in this report.

- 5.4 A planning permit is also required to construct a building or to construct or carry out works under DDO8-1 (Clause 43.02-2). The relevant design objectives contained in Schedule 8 of the DDO are:
- *To increase residential densities and provide a range of housing types around activity centres and along main roads;*
 - *To encourage development that is contemporary in design that includes an articulated built form and incorporates a range of visually interesting building materials and façade treatments.*
 - *To support three storey, ‘apartment style’, developments within the Main Road sub-precinct and in sub-precinct A, where the minimum land size can be achieved.*
 - *To ensure new development is well articulated and upper storey elements are not unduly bulky or visually intrusive, taking into account the preferred neighbourhood character.*
 - *To encourage spacing between developments to minimise a continuous building line when viewed from a street.*
 - *To ensure the design and siting of dwellings have regard to the future development opportunities and future amenity of adjoining properties.*
 - *To ensure developments of two or more storeys are sufficiently stepped down at the perimeter of the Main Road sub-precinct to provide an appropriate and attractive interface to sub-precinct A or B, or other adjoining zone.*
 - *To ensure overlooking into adjoining properties is minimised.*
 - *To ensure the design of basement and undercroft car parks complement the design of the building, eliminates unsightly projections of basement walls above natural ground level and are sited to allow for effective screen planting.*
 - *To create a boulevard effect along Doncaster Road and Manningham Road by planting trees within the front setback that are consistent with the street trees.*
 - *To encourage landscaping around buildings to enhance separation between buildings and soften built form.*
- 5.5 The DDO8 lists a series of specific requirements under the headings “Height and Setback”, “Form”, “Car parking and Access”, “Landscaping” and “Fencing”. These requirements are outlined and considered in the Assessment section of this report (Refer to Section 6).

State Planning Policy Framework

- 5.6 The State Planning Policy Framework contains a statement of general principles for land use and development in Victoria as follows:
- 5.7 Clause 11 (Settlement) provides that planning is to anticipate and respond to the needs of existing and future communities through provision of zoned and serviced land for housing, employment, recreation and open space, commercial and community facilities and infrastructure.

- 5.8 Clause 15 (Built Environment and heritage) provides that land use and development planning must support the development and maintenance of communities with adequate and safe physical and social environments for their residents, through the appropriate location of uses and development and quality of urban design.
- 5.9 Clause 15.01-1 (Urban design) has as its objective to create urban environments that are safe, functional and provide good quality environments with a sense of place and cultural identity. Strategies towards achieving this are identified as follows:
- *Promote good urban design to make the environment more liveable and attractive.*
 - *Ensure new development or redevelopment contributes to community and cultural life by improving safety, diversity and choice, the quality of living and working environments, accessibility and inclusiveness and environmental sustainability.*
 - *Require development to respond to its context in terms of urban character, cultural heritage, natural features, surrounding landscape and climate.*
 - *Require development to include a site analysis and descriptive statement explaining how the proposed development responds to its site and context.*
 - *Encourage retention of existing vegetation or revegetation as part of subdivision and development proposals.*
- 5.10 Clause 15.01-2 (Urban design principles) has as its key objective *to achieve architectural and urban design outcomes that contribute positively to local urban character and enhance the public realm while minimising detrimental impact on neighbouring properties.*
- 5.11 Clause 15.01-4 (Design for safety) has as its key objective *to improve community safety and encourage neighbourhood design that makes people feel safe achieved by ensuring the design of buildings, public spaces and the mix of activities contribute to safety and perceptions of safety.*
- 5.12 Clause 15.01-5 (Cultural identity and neighbourhood character) has as its key objective *to recognise and protect cultural identity, neighbourhood character and sense of place.* The strategies to achieve this objective seek to:
- *Ensure development responds and contributes to existing sense of place and cultural identity.*
 - *Ensure development recognises distinctive urban forms and layout and their relationship to landscape and vegetation.*
 - *Ensure development responds to its context and reinforces special characteristics of local environment and place by emphasising:*
 - *The underlying natural landscape character.*
 - *The heritage values and built form that reflect community identity.*
 - *The values, needs and aspirations of the community.*

- 5.13 Clause 15.02-1 (Energy and resource efficiency) encourages land use and development that is consistent with the efficient use of energy and the minimisation of greenhouse gas emissions by:
- *Ensuring that buildings and subdivision design improves efficiency in energy use.*
 - *Promote consolidation of urban development and integration of land use and transport.*
 - *Improve efficiency in energy use through greater use of renewable energy.*
 - *Support low energy forms of transport such as walking and cycling.*
- 5.14 Clause 16.01-1 (Integrated housing) seeks to promote a housing market that meets community needs. Strategies towards achieving this are detailed as follows:
- *Increase the supply of housing in existing urban areas by facilitating increased housing yield in appropriate locations, including under-utilised urban land.*
 - *Ensure that the planning system supports the appropriate quantity, quality and type of housing, including the provision of aged care facilities.*
 - *Ensure housing developments are integrated with infrastructure and services, whether they are located in existing suburbs, growth areas or regional towns.*
 - *Encourage housing that is both water efficient and energy efficient.*
 - *Facilitate the delivery of high quality social housing to meet the needs of Victorians.*
- 5.15 Clause 16.01-2 (Location of residential development) seeks to locate new housing in or close to activity centres and employment corridors and at other strategic redevelopment sites that offer good access to services and transport. Strategies towards achieving this are identified as follows:
- *Increase the proportion of housing in Metropolitan Melbourne to be developed within the established urban area, particularly at activity centres, employment corridors and at other strategic sites, and reduce the share of new dwellings in greenfield and dispersed development areas.*
 - *Encourage higher density housing development on sites that are well located in relation to activity centres, employment corridors and public transport.*
 - *Ensure an adequate supply of redevelopment opportunities within the established urban area to reduce the pressure for fringe development.*
 - *Facilitate residential development that is cost-effective in infrastructure provision and use, energy efficient, incorporates water efficient design principles and encourages public transport use.*

- 5.16 Clause 16.01-4 (Housing diversity) seeks to provide for a range of housing types to meet increasingly diverse needs. Strategies towards achieving this are identified as follows:
- *Ensure housing stock matches changing demand by widening housing choice, particularly in the middle and outer suburbs.*
 - *Encourage the development of well-designed medium-density housing which:*
 - *Respects the neighbourhood character.*
 - *Improves housing choice.*
 - *Makes better use of existing infrastructure.*
 - *Improves energy efficiency of housing.*
 - *Support opportunities for a wide range of income groups to choose housing in well serviced locations.*
 - *Ensure planning for growth areas provides for a mix of housing types and higher housing densities in and around activity centres.*

Municipal Strategic Statement (MSS)

- 5.17 Clause 21.03 (Key influences) identifies that future housing need and residential amenity are critical land use issues. The MSS acknowledges that there is a general trend towards smaller household size as a result of an ageing population and smaller family structure which will lead to an imbalance between the housing needs of the population and the actual housing stock that is available.
- 5.18 This increasing pressure for re-development raises issues about how these changes affect the character and amenity of our local neighbourhoods. In meeting future housing needs, the challenge is to provide for residential re-development in appropriate locations, to reduce pressure for development in more sensitive areas, and in a manner that respects the residential character and amenity valued by existing residents.
- 5.19 Clause 21.05 (Residential) applies to residential development within the Municipality. This policy outlines the division of Manningham into four Residential Character Precincts. The site is within "Precinct 2 – Residential Areas Surrounding Activity Centres and Along Main Roads".
- 5.20 A substantial level of change is anticipated in Precinct 2. Whilst this area will be a focus for higher density developments, there are three sub-precincts which each stipulate different height, scale and built form outcomes to provide a transition between each sub-precinct and adjoining properties, primarily in Precinct 1 – Residential Areas Removed from Activity Centres and Main Roads.
- 5.21 The three sub-precincts of Precinct 2 are:
- Sub-precinct Main Road (DDO8-1) is an area where three storey (11 metres) 'apartment style' developments are encouraged on land with a minimum area of 1800sqm. Where the land comprises more than one lot, the lots must be consecutive lots which are side by side and have a shared frontage. The area of 1800sqm must all be in the same sub-precinct. All development in the Main Road sub-precinct should have a maximum site coverage of 60%.

Higher developments on the perimeter of the Main Road sub-precinct should be designed so that the height and form are sufficiently stepped down, so that the scale and form complement the interface of sub-precinct A or B, or other adjoining zone.

Sub-precinct A (DDO8-2) is an area where two storey units (9 metres) and three storey (11 metres) 'apartment style' developments are encouraged. Three storey, contemporary developments should only occur on land with a minimum area of 1800sqm. Where the land comprises more than one lot, the lots must be consecutive lots which are side by side and have a shared frontage. The area of 1800sqm must all be in the same sub-precinct. In this sub-precinct, if a lot has an area less than 1800sqm, a townhouse style development proposal only will be considered, but development should be a maximum of two storeys. All development in Sub-precinct A should have a maximum site coverage of 60%.

Higher developments on the perimeter of sub-precinct A should be designed so that the height and form are sufficiently stepped down, so that the scale and form complement the interface of sub-precinct B, or other adjoining zone.

Sub-precinct B (DDO8-3) is an area where single storey and two storey dwellings only will be considered and development should have a maximum site coverage of 60%. There is no minimum land area for such developments.

5.22 The site is located within Sub-precinct Main Road (DDO8-1). The design objectives, where applicable, to be achieved are:

- *To increase residential densities and provide a range of housing types around activity centres and along main roads.*
- *To encourage development that is contemporary in design that includes an articulated built form and incorporates a range of visually interesting building materials and façade treatments.*
- *To support three storey, 'apartment style', developments within the Main Road sub-precinct and in sub-precinct A, where the minimum land size can be achieved.*
- *To support two storey townhouse style dwellings with a higher yield within sub-precinct B and sub-precinct A, where the minimum land size cannot be achieved.*
- *To ensure new development is well articulated and upper storey elements are not unduly bulky or visually intrusive, taking into account the preferred neighbourhood character.*
- *To encourage spacing between developments to minimise a continuous building line when viewed from a street.*
- *To ensure the design and siting of dwellings have regard to the future development opportunities and future amenity of adjoining properties.*
- *To ensure developments of two or more storeys are sufficiently stepped down at the perimeter of the Main Road sub-precinct to*

provide an appropriate and attractive interface to sub-precinct A or B, or other adjoining zone.

- *Higher developments on the perimeter of sub-precinct A must be designed so that the height and form are sufficiently stepped down, so that the scale and form complement the interface of sub-precinct B or other adjoining zone.*
- *To ensure overlooking into adjoining properties is minimised.*
- *To ensure the design of carports and garages complement the design of the building.*
- *To ensure the design of basement and undercroft car parks complement the design of the building, eliminates unsightly projections of basement walls above natural ground level and are sited to allow for effective screen planting.*
- *To create a boulevard effect along Doncaster Road and Manningham Road by planting trees within the front setback that are consistent with the street trees.*
- *To encourage landscaping around buildings to enhance separation between buildings and soften built form.*

5.23 Clause 21.05-2 (Housing) contains the following relevant policy objectives:

- *To accommodate Manningham's projected population growth through urban consolidation, in infill developments and Key Redevelopment Sites.*
- *To ensure that housing choice, quality and diversity will be increased to better meet the needs of the local community and reflect demographic changes.*
- *To ensure that higher density housing is located close to activity centres and along main roads in accordance with relevant strategies.*
- *To promote affordable and accessible housing to enable residents with changing needs to stay within their local neighbourhood or the municipality.*
- *To encourage development of key Redevelopment Sites to support a diverse residential community that offers a range of dwelling densities and lifestyle opportunities.*
- *To encourage high quality and integrated environmentally sustainable development.*

5.24 The relevant strategies to achieve these objectives include:

- *Ensure that the provision of housing stock responds to the needs of the municipality's population.*
- *Promote the consolidation of lots to provide for a diversity of housing types and design options.*
- *Ensure higher density residential development occurs around the prescribed activity centres and along main roads identified as Precinct 2 on the Residential Framework Plan 1 and Map 1 to this clause.*

- *Allow housing development that respects existing neighbourhood character and supports incremental level of change in areas removed from activity centres and main roads identified as Precinct 1 on the Residential Framework Plan 1 and Map 1 to this clause.*
 - *Encourage development to be designed to respond to the needs of people with limited mobility, which may for example, incorporate lifts into three storey developments.*
- 5.25 Clause 21.05-4 (Built form and neighbourhood character) contains the following policy objective:
- *To encourage residential development that enhances the existing or preferred neighbourhood character of the residential character precincts as shown on Map 1 to this Clause.*
- 5.26 The strategies to achieve this objective include:
- *Require residential development to be designed and landscaped to make a positive contribution to the streetscape and the character of the local area.*
 - *Ensure that where development is constructed on steeply sloping sites that any development is encouraged to adopt suitable architectural techniques that minimise earthworks and building bulk.*
 - *Ensure that development is designed to provide a high level of internal amenity for residents.*
 - *Require residential development to include stepped heights, articulation and sufficient setbacks to avoid detrimental impacts to the area's character and amenity.*
- 5.27 Clause 21.10 (Ecologically sustainable development) highlights Council's commitment to ESD and outlines a number of ESD principles to which regard must be given. These are:
- Building energy management;
 - Water sensitive design;
 - External environmental amenity;
 - Waste management;
 - Quality of public and private realm;
 - Transport.

Local Planning Policy Framework

- 5.28 Clause 22.08 (Safety through urban design policy) includes the following objective:
- *To provide and maintain a safer physical environment for those who live in, work in or visit the City of Manningham.*
- 5.29 Clause 22.09 (Access for disabled people policy) includes the following objectives:

- *To facilitate the integration of people with a disability into the community.*
- *To ensure that people with a disability have the same level of access to buildings, services and facilities as any other person.*

Particular Provisions

5.30 Clause 52.06 (Car parking) outlines a car parking rate that must be met by specific developments including dwellings. This clause also outlines design standards for parking areas and accessways that should be achieved. The purpose of Clause 52.06 is:

- *To ensure that car parking is provided in accordance with the State Planning Policy Framework and Local Planning Policy Framework.*
- *To ensure the provision of an appropriate number of car parking spaces having regard to the demand likely to be generated, the activities on the land and the nature of the locality.*
- *To support sustainable transport alternatives to the motor car.*
- *To promote the efficient use of car parking spaces through the consolidation of car parking facilities.*
- *To ensure that car parking does not adversely affect the amenity of the locality.*
- *To ensure that the design and location of car parking is of a high standard, creates a safe environment for users and enables easy and efficient use.*

5.31 Clause 55 (Two or More Dwellings on a Lot and Residential Buildings) applies to all applications for two or more dwellings on a lot.

5.32 Clause 65 (Decision guidelines) outlines that before deciding on an application, the Responsible Authority must consider, as appropriate:

- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies;
- The purpose of the zone, overlays or other provisions;
- The orderly planning of the area;
- The effect of the amenity on the area.

6 ASSESSMENT

6.1 Council's preference for development at this site is clearly articulated in Clause 21.05 and the DDO8 objectives. The policy encourages urban consolidation in this specific location due to its capacity to support change, being located on a main road. The policy anticipates a substantial level of change from the existing single dwelling and dual occupancy pattern of development that has occurred in the past and that is evident around the site.

- 6.2 The DDO8 specifically encourages increased density through apartment style developments with generous side and rear boundary setbacks that supports landscaping to emphasis separation between developments.
- 6.3 In response, the proposed development mirrors landscape and building setbacks of the neighbouring apartment along the western boundary and provides greater setbacks along the northern than the proposed apartment / town house being considered.
- 6.4 The requirement for a planning permit is triggered by buildings and works in this instance and therefore Council, as the Responsible Authority, needs to be assured that the development is appropriate in a more specific context, including, but not limited to:
 - Is the built form appropriate in the public realm when viewed from either Manningham Road or Lakeview Terrace and from adjoining properties, including its scale and setbacks?
 - Are there any unreasonable amenity impacts on neighbouring residents?
 - Is there adequate area set aside for landscaping and does the proposed landscaping work appropriately?
 - Are open space areas provided adequate to meet the recreational and service needs of future occupiers?
 - Does the development provide reasonable internal amenity for future occupiers, sufficient diversity, natural light and ESD measures?
- 6.5 The main planning controls that require assessment under are:
 - Clause 43.02 Design and Development Overlay – Schedule 8-1 (Main Road Sub-precinct);
 - Clause 52.06 Car Parking; and
 - Clause 55 Two or More Dwellings on a Lot and Residential Buildings.
- 6.6 In the table below, officers have used the term ‘Met’ where an objective and performance standard or policy requirement is achieved. ‘Considered met’ where the objective is met, but the performance standard or policy requires flexibility in its assessment, and ‘Not met’ when it is considered neither the objective nor the performance standard or policy requirement has not been met.

Clause 43.02 Design and Development Overlay – Schedule 8

- 6.7 These provisions implement the objectives for Residential Areas Surrounding Activity Centres and Along Main Roads which seeks to ensure that residential development contributes to a preferred neighbourhood character.
- 6.8 An assessment of the design elements in Clause 43.02 Design and Development Overlay – Schedule 8 is as follows:

Design Element	Level of Compliance
<u>Building Height and Setbacks</u> DDO8-1 (Main Road Sub-precinct): <ul style="list-style-type: none"> • The minimum lot size is 1800sqm, which 	The area of the site is 1352sqm.

<p>must be all the same sub-precinct. Where the land comprises more than one lot, the lots must be consecutive lots which are side by side and have a shared frontage.</p> <ul style="list-style-type: none"> • The building has a maximum height of 11m provided the condition regarding minimum lot size is met. If the condition is not met, the maximum height is 9m, unless the slope of the natural ground level at any cross section wider than eight metres of the building is 2.5 degrees or more, in which case the maximum height must not exceed 10m. 	<p>Considered met. The site is subject to modest slope and due to a reasonably balanced cut and fill technique the building height varies approximately plus or minus 1 metre above or below the required 10 metre maximum building height.</p> <p>Above Apartment 16 or the southern side of the site where the land falls away, the maximum height is 11.00 metres. Above Apartment 14 on the northern side of the site, where the building is cut into the slope, the maximum building height of 9.00 metres.</p> <p>Within the Manningham Road frontage, the heights range between 10.30 metres and 11.00 metres. This relates to the upper level which is setback between 7.50 metres and 7.80 metres to the Manningham Road frontage. Manningham Road is not considered a sensitive abuttal and the height of the building when viewed from this public domain is considered acceptable.</p> <p>Within Lakeview Terrace, the building heights range between 9.10 metres and 10.30 metres. The 10.30 metre section is associated with a framed architectural feature which is designed to provide visual interest. On this basis, this too is considered acceptable.</p> <p>Within the northern elevation, the building heights range between 9.10 metres and 10.20 metres. The 10.20 metre section is setback 7.00 metres to the boundary and will not generate any unreasonable impacts on development proposed under Planning Application PL14/024444.</p> <p>Within the western elevation the building heights range between 10.30 metres and 10.90 metres. This upper floor level is setback between 7.60 metres and 9.29 metres to the boundary and will not have any detrimental impacts on the amenity of future occupants of the apartment building being constructed under Planning Permit PL12/023165.</p> <p>In addition, it is noted that the apartment building approved under Planning Permit PL12/023165 was approved with a maximum height of 11.25 metres. Like this site, the adjoining proposal did not meet the minimum area requirement under the DDO8 to allow maximum building heights of 11.00 metres.</p> <p>The 10.00 metre height requirement is not a mandatory height provision and can be varied. The proposed height of the building is considered</p>
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	appropriate having regard for the slope of the land and the higher sections addressing street frontages.
<ul style="list-style-type: none"> Minimum front street setback is the distance specified in Clause 55.03-1 or 6m, whichever is the lesser. Minimum side street setback is the distance specified in Clause 55.03-1. 	<p>Considered met. The building has been setback 6.00 metres from Manningham Road, although this elevation is not being used for vehicle or pedestrian entry. This continues the 'consistent' setback of buildings along the main road.</p> <p>Balconies project into the setback, which is consistent with the DDO8 requirement and helps provide visual interest. The balconies of Apartments 3 (5.50 metres), 4 & 5 (4.80 metres), 11 (5.0 metres) and 12 (4.80 metres) all have front setbacks less than 6.00 metres.</p> <p>The north-eastern corner of Apartment 6 (bedroom 2) is proposed to have a setback of 2.10 metres to Lakeview Terrace, whereas a minimum setback of 3.00 metres is required. This is not considered problematic as this is the only wall section on the side street below the setback requirement. All walls within this elevation have variable setbacks to Lakeview Terrace in response to the alignment of the property boundary and are generally well in excess of the 2 metre or 3 metre requirement. There are ample landscaping opportunities between the building and street frontage.</p>
<p>Form</p> <ul style="list-style-type: none"> Ensure that the site area covered by buildings does not exceed 60%. 	<p>Met. The site coverage is 59.0%.</p>
<ul style="list-style-type: none"> Provide visual interest through articulation, glazing and variation in materials and textures. 	<p>Met. The building predominately comprises a mix of rendered finish walls in light and dark grey colours. Feature lightweight cladding is provided on the first and second floor in a timber stain. The terraced retaining walls in the Manningham Road frontage are not shown in a particular finish, and a condition (Condition 1.12) has been included requiring this to be shown in a rendered finished, painted in a muted colour blending with the colour scheme of the building. Balcony balustrades will be in grey cladding. The framed architectural features in both street frontages are white.</p> <p>The varied materials, colours and finishes are considered appropriate, and the use of darker colours should enhance the presentation and provide depth and emphasis in contrast to the lighter colours. The development exhibits a high level of architectural coherence.</p>
<ul style="list-style-type: none"> Minimise buildings on boundaries to create spacing between developments. 	<p>Met. There are no buildings proposed on a boundary.</p>
<ul style="list-style-type: none"> Where appropriate ensure that buildings are stepped down at the rear of sites to provide a gradual transition to the scale 	<p>Met. Being located on a corner site, there is no true rear boundary, however the proposed development incorporates stepping in building form towards the</p>

<p>of the adjoining residential area.</p>	<p>adjoining properties. This, at ground level, is achieved by the location of the basement ramp that is adjacent to the boundary. The retaining wall of the ramp is setback 4.00 metres to the boundary. On the first floor above, the balconies of Apartments 7 and 8 are setback 3.00 metres to the boundary, with the walls being setback 3.20 metres (Apartment 7) and 4.00 metres (Apartment 8). On the second floor, the north-eastern corner of the balcony of Apartment 14 is setback 5.10 metres to the boundary, with the wall of the building setback 7.00 metres.</p> <p>As mentioned, Planning Application PL14/024444 is currently being considered for this property which is applying to develop this land with 7 two-storey dwellings in a town house design.</p>
<ul style="list-style-type: none"> Where appropriate, ensure that buildings are designed to step with the slope of the land. 	<p>Met. The constraints presented by the sloping site have been addressed by excavation, providing the car parking in a basement level. The apartment building is not proposed to incorporate any internal stepping at any level. This design response is considered appropriate.</p>
<ul style="list-style-type: none"> Avoid reliance on below ground light courts for any habitable rooms. 	<p>Met. There are no below ground light courts proposed. The portion of the building cut into the site comprises the vehicles ramp to the basement.</p>
<ul style="list-style-type: none"> Ensure that the upper level of a two storey building provides adequate articulation to reduce the appearance of visual bulk and minimise continuous sheer wall presentation. 	<p>Not applicable. The apartment building is three-storeys in height.</p>
<ul style="list-style-type: none"> Ensure that the upper level of a three storey building does not exceed 75% of the lower levels, unless it can be demonstrated that there is sufficient architectural interest to reduce the appearance of visual bulk and minimise continuous sheer wall presentation. 	<p>Met. The second floor of the buildings represents 65.7% (excluding balconies) of the ground floor area.</p>
<ul style="list-style-type: none"> Integrate porticos and other design features with the overall design of the building and not include imposing design features such as double storey porticos. 	<p>Met. The shared entrance and feature design elements have been incorporated into the overall design of the building, and there are no imposing design features.</p>
<ul style="list-style-type: none"> Be designed and sited to address slope constraints, including minimising views of basement projections and/or minimising the height of finished floor levels and providing appropriate retaining wall presentation. 	<p>Met. The proposed excavation provides an appropriate design response for the site's slope. Basement projections within the Manningham Road frontage have been minimised and limited to the extent that the retaining wall and planter beds are to be modified to hide this within Manningham Road frontage.</p>
<ul style="list-style-type: none"> Be designed to minimise overlooking and avoid the excessive application of screening devices. 	<p>Considered met subject to conditions. The proposed design provides a high level of privacy in respect of the adjoining properties. The following assessment within each elevation is as follows:</p>

	<p><u>Western elevation</u> Satisfactory screening has been provided for all apartments except for Apartment 3 and the kitchen window of Apartment 10, using a combination of methods consisting of obscure glazed balustrades, highlight windows, screening devices, and fixing 600mm high trellis on top of the boundary fence. A section drawing of the upper level demonstrates that screening is not required due to the views from the recessed upper level being restricted by the roof below.</p> <p>A condition (Condition 1.9) has been included requiring the applicant to demonstrate an appropriate level of screening from Apartment 3 and the kitchen window of Apartment 10.</p> <p><u>Northern elevation</u> The balconies of Apartments 7 and 8, and the bedroom 2 and kitchen of Apartment 14 are not screened towards the development being considered at 1 Lakeview Terrace under (Planning Application PL14/024444). The plans of this development indicate that there are no ground floor secluded private open space areas provided between the building and common boundary fence. There are some habitable room windows and the side of a balcony within the proposed development, however their location within the building will not enable these to be looked into from the site.</p> <p>The use of screening devices is not excessive, and aids in the architectural cohesiveness of the design.</p> <p>With the inclusion of Condition 1.9, overlooking has been considered to be appropriately minimised.</p>
<ul style="list-style-type: none"> • Ensure design solutions respect the principle of equitable access at the main entry of any building for people of all mobilities. 	<p>Met subject to conditions. Access to the apartment building is from a shared entrance from Lakeview Terrace. This incorporates a ramp, enabling equitable access for all people. There is no internal stepping within the building. The ramp is shown with a gradient of 1:4, however a maximum gradient of 1:14 should be provided and has been included as a condition (Condition 1.8). The notation provided appears to be a drafting error.</p>
<ul style="list-style-type: none"> • Ensure that projections of basement car parking above natural ground level do not result in excessive building height as viewed by neighbouring properties. 	<p>Met. The projection of the basement will only be visible within the Manningham Road frontage, in the south-western corner of the building. In this location, the retaining wall will be modified and new landscaping beds incorporated to hide the projection. This is what has occurred on the neighbouring apartment building.</p>
<ul style="list-style-type: none"> • Ensure basement or undercroft car parks are not visually obtrusive when viewed from the front of the site. 	<p>Met. The basement is not visually obtrusive when viewed from the Lakeview Terrace. The appearance of the basement is softened by the retention of the</p>

	existing retaining wall within the street frontage. With its modified design enabling landscaping, the wall is not visually obtrusive.
<ul style="list-style-type: none"> Integrate car parking requirements into the design of buildings and landform by encouraging the use of undercroft or basement parking and minimise the use of open car park and half basement parking. 	Met. Basement level car parking has been designed into the overall form of the building.
<ul style="list-style-type: none"> Ensure the setback of the basement or undercroft car park is consistent with the front building setback and is setback a minimum of 4.0m from the rear boundary to enable effective landscaping to be established. 	<p>Considered met subject to conditions. The basement is consistent with the Manningham Road setback of the building, being setback 6.00 metres, and is proposed to have a 4.00 metre setback to the northern boundary. Within these setbacks, effective landscaping can be established.</p> <p>Within Lakeview Terrace, the setback of the basement to the street is variable, with some sections of it having a setback less than that of the building setback. Despite this, only small sections of the basement have this inconsistent setback. Despite this, there remains ample opportunity for landscaping within this setback, including the planting of 6 canopy trees.</p> <p>It is recommended that a condition (Condition 8) be included requiring a landscaping plan be submitted for approved incorporating appropriate landscaping treatments.</p>
<ul style="list-style-type: none"> Ensure that building walls, including basements, are sited a sufficient distance from site boundaries to enable the planting of effective screen planting, including canopy trees, in larger spaces. 	Met subject to conditions. The building walls are sited a sufficient distance to enable an appropriate landscaping treatment within the Lakeview Terrace and western boundary setbacks. It is recommended that a condition be included requiring a landscaping plan be submitted for approved incorporating appropriate landscaping treatments (Condition 8).
<ul style="list-style-type: none"> Ensure that service equipment, building services, lift over-runs and roof-mounted equipment, including screening devices is integrated into the built form or otherwise screened to minimise the aesthetic impacts on the streetscape and avoids unreasonable amenity impacts on surrounding properties and open spaces. 	<p>Met. Roof mounted solar panels for the solar hot water systems are proposed in two rows on the northern section of the roof. These are not proposed to be screened as they will not be visible from adjoining properties. In addition, roof mounted Hot Water systems are proposed on the southern side of the solar panels which are to be screened by 1.60 metre high aluminium louvres. This is appropriate.</p> <p>The lift is located on the eastern side of the building and has an overrun protruding 650mm above the roof level. This is not considered an excessive protrusion. It has been finished in dark rendered finish and has been integrated in the architectural design of the building in respect of materials used. This effectively 'disguises' the overrun and it will not be a significant feature.</p>
Car Parking and Access	

<ul style="list-style-type: none"> • Include only one vehicular crossover, wherever possible, to maximise availability of on street parking and to minimise disruption to pedestrian movement. Where possible, retain existing crossovers to avoid the removal of street tree(s). Driveways must be setback a minimum of 1.5m from any street tree, except in cases where a larger tree requires an increased setback. 	<p>Met subject to conditions. One vehicle crossover from Lakeview Terrace is proposed. The location of the crossover will necessitate the removal of a small street tree. This tree has a poor structure and has previously been lopped. There is no concern in the removal of this tree. A condition has been included requiring the replacement of the street tree within the Lakeview Drive frontage (Condition 1.5).</p>
<ul style="list-style-type: none"> • Ensure that when the basement car park extends beyond the built form of the ground level of the building in the front and rear setback, any visible extension is utilised for paved open space or is appropriately screened, as is necessary. 	<p>Met. Paved open space areas and landscaping are provided within the Lakeview Terrace frontage where the basement extends beyond the wall of the building. Similarly, balconies have been provided above the basement extension for Apartments 1 and 2 in the western elevation. These are all considered to be an appropriate treatment.</p>
<ul style="list-style-type: none"> • Ensure that where garages are located in the street elevation, they are set back a minimum of 1.0m from the front setback of the dwelling. 	<p>Not applicable. No garages are proposed in the street elevation.</p>
<ul style="list-style-type: none"> • Ensure that access gradients of basement car parks are designed appropriately to provide for safe and convenient access for vehicles and servicing requirements. 	<p>Met. The access gradients are appropriately designed and provide for safe and convenient access for vehicles and service requirements. In addition, a convex mirror has been placed on the wall above the turn to enable vision for motorists utilising the ramp in either direction.</p>
<p>Landscaping</p> <ul style="list-style-type: none"> • On sites where a three storey development is proposed include at least 3 canopy trees within the front setback, which have a spreading crown and are capable of growing to a height of 8.0m or more at maturity. • On sites where one or two storey development is proposed include at least 1 canopy tree within the front setback, which has a spreading crown, and is capable of growing to a height of 8.0m or more at maturity. 	<p>Met subject to conditions. Satisfactory landscaping can be included within both street frontages.</p> <p>A condition would require a landscaping plan to be submitted for approval, which would incorporate the required canopy tree provisions (Condition 8).</p>
<ul style="list-style-type: none"> • Provide opportunities for planting along side boundaries in areas that assist in breaking up the length of continuous built form and/or soften the appearance of the built form. 	<p>Met subject to conditions. The landscaping opportunities within the northern and western setbacks enable appropriate opportunities for landscaping along the boundaries.</p> <p>A condition (Condition 8) would require a landscaping plan to be submitted for approval, which would incorporate these landscaping provisions.</p>
<p>Fencing</p> <ul style="list-style-type: none"> • A front fence must be at least 50% transparent. • On sites that front Doncaster, Tram, Elgar, Manningham, Thompsons, 	<p>Not applicable. There is no fence proposed within either street frontage.</p>

<p>Blackburn and Mitcham Roads, a fence must:</p> <ul style="list-style-type: none"> • not exceed a maximum height of 1.8m; • be setback a minimum of 1.0m from the front title boundary; <p>and a continuous landscaping treatment within the 1.0m setback must be provided.</p>	
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- 6.9 It is evident from the above assessment that the proposed development achieves a high level of compliance with respect to the existing DDO8 controls. The building is provided with articulated facades, varied materials and colours palette and an array of interesting architectural elements that adds visual interest. The building is well setback from all boundaries, allowing for perimeter landscaping to be established and adequate physical articulation and modulation to break up and disguise the length of the building and mitigate visual bulk concerns. The building steps up to a smaller second floor.

Clause 52.06 Car parking

- 6.10 The control requires resident parking to be provided at a rate of 1 car space for each 1 or 2 bedroom dwelling, plus 2 car spaces for dwellings containing 3 or more bedrooms. Apartment 9 is proposed to have one bedroom, and the remaining 16 apartments, 2 bedrooms each. Each apartment is proposed to have 1 car parking space. The provision of resident car parking is met.
- 6.11 Visitor parking is required at a rate of 1 space for every 5 dwellings where 5 or more dwellings are proposed, which equates to 3 spaces for this development. The provision of visitor car parking is met.
- 6.12 There are no planning grounds on which a higher rate of parking provisions can be required than that proposed for either the public or private spaces.
- 6.13 The following table considers the design standards in Clause 52.06-8:

Design Standard	Met / Not Met
<p>1 – Accessways</p>	<p>Met subject to conditions</p> <p>The access to the site is via a 5.50 metre wide crossover which is sized to accommodate passing at the entrance of the site in accordance with the design standard.</p> <p>The minimum headroom clearance of the basement ramp is 2.3 metres, which exceeds the minimum 2.1 metre clearance requirement.</p> <p>All vehicles can exit the basement in a forward direction.</p> <p>Visibility is able to be proved at the entrance in accordance with the standard requirements, however this has not been shown. A condition has been included requiring these be shown on the plans (Condition 1.4).</p>

2 – Car Parking Spaces	<p>Met subject to conditions All car parking spaces meet the minimum standard dimension requirements.</p> <p>The Traffic Impact Report that accompanied the planning application (Ratio, June 2014) provided vehicle sweep paths from each car parking space to demonstrate that sufficient area has been provided within the development for satisfactory vehicle manoeuvrability. A vehicle sweep path analysis was also provided for the mini collector garbage truck.</p> <p>Council’s Engineering and Technical Services Department raised two concerns relating to vehicle movements within the basement. The first is for vehicle access to Car Parking spaces 1 and 2, with space 1 being the most constrained.</p> <p>The second concern relates to the ability of the Waste Collection vehicle to exit the site in a forward direction using not more than 3 movements. The only area available for this vehicle to manoeuvre is at the base of the ramp, opposite car parking spaces 1 and 2. A sweep path analysis for a mini collector vehicle indicates that the vehicle could exit the basement in a forward direction, but requiring 4 movements.</p> <p>In response to these concerns, it is recommended that a condition be included requiring the reallocation of car parking spaces 1 and 2 and the visitor car spaces (Condition 1.6). Car parking spaces 1 and 2 (currently allocate for occupants) would be better placed where Visitor spaces 2 and 3 are currently indicated, with these then spaces being re-allocated for visitor car parking.</p> <p>Occupant vehicles from these re-allocated spaces can exit using two movements, which is less restrictive and convenient which is considered a positive improvement. In addition, when waste is being collected it is more likely that these re-allocated visitor spaces will be unoccupied and thereby enable the waste vehicle to utilise these spaces to provide easier turning options.</p>
3 – Gradients	<p>Met The basement ramp has been designed to comply with the gradient requirements.</p>
4 – Mechanical Parking	<p>Not Applicable No car stacker systems are proposed.</p>
5 – Urban Design	<p>Met This design standard requires that car parking within buildings (including visible portions of partially submerged basements) must be screened or obscured where possible, including through the use of occupied tenancies, landscaping, architectural treatments and artworks.</p> <p>The section of the basement that projects above natural ground level is proposed to be screened by landscaping within landscaping beds adjacent to those wall sections. This is considered an appropriate screening treatment.</p>

6 – Safety	<p>Met subject to conditions The basement level car park will incorporate an appropriate level of lighting.</p> <p>Car parking spaces are clearly identified on the Basement Floor Plan. A condition has been included that requires car parking spaces to be line marked and maintained thereafter to the satisfaction of the Responsible Authority (Condition 14).</p> <p>Pedestrian access to this level is from the lift or stairs that are accessible to all occupants from common areas. Occupants with bikes will likely use the lift to gain access to Lakeview Terrace which typically occurs in apartment buildings.</p>
7 – Landscaping	<p>Met Landscaping can be established adjacent to both sides of the ramp at the front of the site.</p>

Clause 55 Two or More Dwellings on a Lot and Residential Buildings

- 6.14 This clause sets out a range of objectives which must be met. Each objective is supported by standards which should be met. If an alternative design solution to the relevant standard meets the objective, the alternative may be considered.
- 6.15 The following table sets out the level of compliance with the objectives of this clause.

OBJECTIVE	HAVE THE OBJECTIVES BEEN MET?
55.02 Neighbourhood Character and Infrastructure	
<p>55.02-1 Neighbourhood character</p> <ul style="list-style-type: none"> To ensure that the design respects the existing neighbourhood character or contributes to a preferred neighbourhood character. To ensure that development responds to the features of the site and the surrounding area. 	<p>Met. Officers have considered the development response to the preferred neighbourhood character under the DDO8 assessment.</p>
<p>55.02-2 Residential policy</p> <ul style="list-style-type: none"> To ensure that residential development is provided in accordance with any policy for housing in the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies. To support medium densities in areas where development can take advantage of public transport and community infrastructure and services. 	<p>Met. The proposal is considered to be generally in accordance with relevant planning policy and provides a boost to “more affordable” housing stock in a location within close proximity to community infrastructure and services.</p> <p>The site is well located to the following facilities:</p> <ul style="list-style-type: none"> 100 metres to Thompsons Reserve; 400 metres to the Manningham Park Primary School; 800 metres to the Bulleen Plaza, which provides a wide range of commercial and retail services; In front of the site – public transport;
<p>55.02-3 Dwelling diversity</p>	<p>Met. The standard requirement is for there to be a range in the number of bedrooms.</p>

OBJECTIVE	HAVE THE OBJECTIVES BEEN MET?
<ul style="list-style-type: none"> To encourage a range of dwelling sizes and types in developments of ten or more dwellings. 	<p>Apartment 9 is proposed with 1 bedroom, whilst the remaining Apartments are proposed with 2 bedrooms. The size of the apartments range between 79sqm and 112sqm in area.</p>
<p>55.02-4 Infrastructure</p> <ul style="list-style-type: none"> To ensure development is provided with appropriate utility services and infrastructure. To ensure development does not unreasonably overload the capacity of utility services and infrastructure. 	<p>Met. The site has access to all services. If supported, the applicant would be required to provide an on-site stormwater detention system to alleviate pressure on the drainage system.</p> <p>Any assessment in relation to the need for an electricity transformer upgrade would be made at the Building Permit stage. There are no apparent utility servicing issues in this location.</p>
<p>55.02-5 Integration with the street</p> <ul style="list-style-type: none"> To integrate the layout of development with the street. 	<p>Met. The proposed pedestrian access arrangements are satisfactory. In particular, the pedestrian entry faces Lakeview Terrace and is well defined through design detail, a series of terraced retaining walls and landscaped beds.</p>
<p>55.03 Site Layout and Building Massing</p>	
<p>55.03-1 Street setback</p> <ul style="list-style-type: none"> To ensure that the setbacks of buildings from a street respect the existing or preferred neighbourhood character and make efficient use of the site. 	<p>Considered met – refer to assessment in DDO8, section 6.8 of this report.</p>
<p>55.03-2 Building height</p> <ul style="list-style-type: none"> To ensure that the height of buildings respects the existing or preferred neighbourhood character. 	<p>Considered met – refer to assessment in DDO8, section 6.8 of this report.</p>
<p>55.03-3 Site coverage</p> <ul style="list-style-type: none"> To ensure that the site coverage respects the existing or preferred neighbourhood character and responds to the features of the site. 	<p>Met. The coverage of the site with buildings is 59.0% of site area which is below the maximum allowable amount of 60%.</p>
<p>55.03-4 Permeability</p> <ul style="list-style-type: none"> To reduce the impact of increased stormwater run-off on the drainage system. To facilitate on-site stormwater infiltration. 	<p>Met. The plan provides for a hard surface area of 73.1% which means that 26.9% of the site is available for full water absorption. This latter figure exceeds the 20% minimum specified by the standard.</p>
<p>55.03-5 Energy efficiency</p> <ul style="list-style-type: none"> To achieve and protect energy efficient dwellings. To ensure the orientation and layout of development reduce fossil fuel energy use and make appropriate use of daylight and solar energy. 	<p>Met. In the event a planning permit is granted for the proposal, energy efficiency and water reticulation will be considered at the building permit stage (in relation to current State building code provisions).</p> <p>The application was accompanied with a Sustainable Management Plan (prepared by Efficient Choices, 13 March 2015) that assessed the sustainability of the design.</p>

OBJECTIVE	HAVE THE OBJECTIVES BEEN MET?
	<p>The report assessed energy efficiency, material fabrics, water efficiency, transport, construction & building waste management and indoor environment quality.</p> <p>Features outlined in the report include:</p> <ul style="list-style-type: none"> • Average combined energy efficiency rating assessment to be a minimum 6.0 stars for apartments; • Each apartment to have a shutdown switch near the main entry; • Solar gas boosted hot water system. Contribution of minimum 30% energy savings; • Energy efficient LED lighting and/or compact fluorescent lighting type for apartments and basement; • Double glazing throughout; • Glazing will be generally shaded by balconies and eaves; • Collection of rain water tank size minimum 16000 litres. Water to be used for irrigation and vehicle/paving washing. To be connected to apartments for flushing; • Required to allow minimum 5 secure bicycle storage spaces. To be noted on plans; • Use CO monitoring and VSD fans for basement car park; and • Minimise VOC materials on paints and adhesives.
<p>55.03-6 Open space</p> <ul style="list-style-type: none"> • To integrate the layout of development with any public and communal open space provided in or adjacent to the development. 	<p>Met. Communal open space areas consist of the basement car park and foyer areas on all levels. This has been appropriately integrated into the layout of the development enabling easy communal access for all occupants.</p>
<p>55.03-7 Safety</p> <ul style="list-style-type: none"> • To ensure the layout of development provides for the safety and security of residents and property. 	<p>Met. The layout of the development and associated security arrangements to the basement car park and entry are satisfactory.</p> <p>The design also provides for appropriate levels of passive surveillance of Manningham Road and Lakeview Terrace.</p>
<p>55.03-8 Landscaping</p> <ul style="list-style-type: none"> • To encourage development that respects the landscape character of the neighbourhood. • To encourage development that maintains and enhances habitat for plants and animals in locations of habitat importance. • To provide appropriate landscaping. • To encourage the retention of mature vegetation on the site. 	<p>Met. Concept Landscaping was shown on the Ground Floor Plan. This provides for generous tree planting within both street setbacks and around the perimeter of the development. The landscaping, when established, will complement the landscape character of the neighbourhood and will soften the built form of the development.</p> <p>A maintenance bond of \$10,000 would be appropriate for this development. This will be required as a condition. (Condition 9)</p>

OBJECTIVE	HAVE THE OBJECTIVES BEEN MET?
<p>55.03-9 Access</p> <ul style="list-style-type: none"> To ensure the number and design of vehicle crossovers respects the neighbourhood character. 	<p>Met subject to conditions. The position of the crossover is satisfactory to Council's Engineers. It will occupy 13.3% of the Lakeview Terrace frontage and is acceptable. As mentioned, a street tree requires removal and a condition has been included requiring this be satisfactorily replaced (Condition 1.5).</p>
<p>55.03-10 Parking location</p> <ul style="list-style-type: none"> To provide convenient parking for resident and visitor vehicles. To protect residents from vehicular noise within developments. 	<p>Met subject to conditions. The provision of basement car parking with lift and stair access to the apartments is convenient for all residents and visitors who park on the site.</p> <p>As is usual in most apartment buildings, visitors may require access to an intercom system to be 'buzzed' in. As mentioned, Condition 1.2 requires the intercom island to be removed to enable improved vehicle movements at the entrance – see section 6.13. Should an intercom system be required, this can be attached to the side entrance wall of the driveway in front of the basement security door. Occupants will have individual remote electronic devices enabling access.</p> <p>In terms of on-site vehicular noise, concrete slab floor construction will provide appropriate noise attenuation to the ground level from any limited noise associated with the basement parking activity.</p>
<p>55.04 Amenity Impacts</p>	
<p>55.04-1 Side and rear setbacks</p> <ul style="list-style-type: none"> To ensure that the height and setback of a building from a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings. 	<p>Met. This clause relates to setbacks to the northern and western boundaries. The maximum first floor wall height, minimum setback requirement and proposed setbacks for each building are:</p> <p><u>Northern elevation</u></p> <ul style="list-style-type: none"> Wall height – 10.20m; Required setback – 5.30m; Proposed setback – 7.00m. <p><u>Western elevation</u></p> <ul style="list-style-type: none"> Wall height – 10.90m; Required setback – 6.00m; Proposed setback – 9.29m. <p>All setbacks to the side and rear boundaries at the other levels comply.</p>
<p>55.04-2 Walls on boundaries</p> <ul style="list-style-type: none"> To ensure that the location, length and height of a wall on a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings. 	<p>Not applicable. There are no walls proposed on a boundary.</p>
<p>55.04-3 Daylight to existing windows</p>	<p>Met. The apartment building at 181-185 Manningham</p>

OBJECTIVE	HAVE THE OBJECTIVES BEEN MET?
<ul style="list-style-type: none"> To allow adequate daylight into existing habitable room windows. 	<p>Road is setback to the site between 1.75 metres and 2.00 metres at ground and first floor level, with the upper floor being setback between 4.00 metres and 5.15 metres.</p> <p>The existing dwelling at 1 Lakeview Terrace is setback a minimum 1.80 metres to the boundary with the site. All existing windows have a 3sqm light court.</p>
<p>55.04-4 North facing windows</p> <ul style="list-style-type: none"> To allow adequate solar access to existing north-facing habitable room windows. 	<p>Met. There are no north-facing windows within 3m of the site.</p>
<p>55.04-5 Overshadowing open space</p> <ul style="list-style-type: none"> To ensure buildings do not significantly overshadow existing secluded private open space. 	<p>Met. The relevant standard requires a shadow assessment to be made for the September Equinox. Where shadow falls onto neighbouring secluded private open space, a percentage/minimum area of the yard needs to receive sunlight for at least 5 hours between 9am-3pm.</p> <p>Any overshadowing of the property to the west will cease by 10am.</p> <p>The amount of shadowing complies with the Standard.</p>
<p>55.04-6 Overlooking</p> <ul style="list-style-type: none"> To limit views into existing secluded private open space and habitable room windows. 	<p>Met subject to conditions – An assessment of the potential for overlooking has been undertaken in Section 6.8. As mentioned, Condition 1.9 has been included requiring the applicant to demonstrate that an appropriate level of screening is provided from Apartment 3 and the kitchen window of Apartment 10 towards the apartment building at 181-183 Manningham Road.</p> <p>With the inclusion of this condition, the standard requirement is met.</p>
<p>55.04-7 Internal views</p> <ul style="list-style-type: none"> To limit views into the secluded private open space and habitable room windows of dwellings and residential buildings within a development. 	<p>Met. Fenestration and balcony design prevent viewing into private open space and habitable room windows of dwellings within the development.</p>
<p>55.04-8 Noise impacts</p> <ul style="list-style-type: none"> To contain noise sources in developments that may affect existing dwellings. To protect residents from external noise. 	<p>Met subject to conditions. Potential sources of noise from the development would be limited to mechanical ventilation. Mechanical ventilation and any other utility services will be located wholly within the building.</p> <p>The placement of air-conditioning units should be regulated to ensure appropriate positioning (mainly for aesthetic reasons). Should approval be granted for the development, a condition should be placed to ensure that air-conditioning units are located where they are not visible from the public realm (Condition 23).</p>

OBJECTIVE	HAVE THE OBJECTIVES BEEN MET?
	<p>The use of double glazing through the building was considered in the Sustainable Management Plan that accompanied the planning application. This is considered an appropriate response given the development is located on a major arterial road to mitigate noise from this source.</p>
<p>55.05 Onsite Amenity and Facilities</p>	
<p>55.05-1 Accessibility</p> <ul style="list-style-type: none"> To encourage the consideration of the needs of people with limited mobility in the design of developments. 	<p>Met. The proposed access arrangements will be suited to all users and will enable a barrier-free approach to the front entry of the building.</p> <p>The building is serviced by a lift which will ensure step free access to all apartments.</p>
<p>55.05-2 Dwelling entry</p> <ul style="list-style-type: none"> To provide each dwelling or residential building with its own sense of identity. 	<p>Met. The main pedestrian entry is provided with a prominent entry design cohesively designed within the form of the building. The entry is provided with appropriate design detail and visible and easily identifiable from Lakeview Terrace.</p>
<p>55.05-3 Daylight to new windows</p> <ul style="list-style-type: none"> To allow adequate daylight into new habitable room windows. 	<p>Met. A centrally located light well will provide an internal light source to Apartments 1 and 2 (bedroom 2), and Apartment 9 (bedroom 1). The light well is considered to be sufficiently large enough to enable adequate light penetration.</p> <p>All other habitable room windows gain external light from windows.</p>
<p>55.05-4 Private open space</p> <ul style="list-style-type: none"> To provide adequate private open space for the reasonable recreation and service needs of residents. 	<p>Met.</p> <p>The open space requirement of the Standard is 8sqm of balcony or 40sqm if a traditional rear yard is provided. None of the apartments have a traditional rear yard, although the ground level apartments do incorporate the landscape buffer around the site that increases their open space area.</p> <p>All apartments are provided with a balcony or terrace that exceeds 8sqm and varies between 1.8 metres – 5.2 metres in width. They are predominately located immediately adjacent to the main living areas and provide the future residence convenient access to open space.</p>
<p>55.05-5 Solar access to open space</p> <ul style="list-style-type: none"> To allow solar access into the secluded private open space of new dwellings and residential buildings. 	<p>Met. The SPOS areas are mostly located on the eastern, northern and western sides of the building and these will receive direct solar access. Only Apartments 4, 5 and 11 have balconies that are on the southern side. Some south facing open space areas are inevitable for apartment buildings, particularly when they are located on the north side of a main road. Where possible, open space areas have been positioned to avoid a southern</p>

OBJECTIVE	HAVE THE OBJECTIVES BEEN MET?
	aspect.
<p>55.05-6 Storage</p> <ul style="list-style-type: none"> To provide adequate storage facilities for each dwelling. 	<p>Considered met. Six cubic metres of storage sheds have been provided for Apartments 1-6 beneath the access ramp and all exceed 6 cubic metres.</p> <p>Storage areas for the remaining Apartments are located at the end of their respective car parking spaces. These range in volume between 5.2 – 5.8 cubic metres. Although below the recommended standard, the level on non-compliance is minor, and sufficient storage is considered to have been provided.</p>
55.06 Detailed Design	
<p>55.06-1 Design Detail</p> <ul style="list-style-type: none"> To encourage design detail that respects the existing or preferred neighbourhood character. 	<p>Met subject to conditions. The proposed architectural presentation offers a contemporary statement that responds positively to the preferred neighbourhood character. The overall concept is well conceived in terms of its streetscape presentation, and incorporates a range of design elements, such as the framed elements within each street frontage, and the protruding balconies which break up the building's mass and achieving a high level of architectural coherence.</p> <p>The building is well articulated and the upper floor is adequately recessed from the ground floor to mitigate visual bulk.</p> <p>A series of terraced retaining walls located within the Manningham Road frontage should be rendered in a muted colour. A condition is proposed to this effect (Condition 1.12).</p> <p>The selection of building materials and finishes has been developed to complement the design elements and will work well in the local context. Window design is attractive and well proportioned, and balcony balustrading is also well designed.</p> <p>A Decision Guideline associated with this clause requires the Responsible Authority to determine whether the visual bulk of a building is acceptable in the neighbourhood setting. In this regard, the building will be appropriate, particularly given the area is identified for substantial change on a main road, including the provision of more apartments. The development offers a degree of transition to surrounding development.</p>
<p>55.06-2 Front fence</p> <ul style="list-style-type: none"> To encourage front fence design that respects the existing or preferred neighbourhood character. 	<p>Not applicable – no fence is proposed in either street frontage.</p>
<p>55.06-3 Common property</p> <ul style="list-style-type: none"> To ensure that communal open space, car parking, access areas and site 	<p>Met. The communal areas within the building will be maintained by an Owners' Corporation. The building is constructed using durable materials and the</p>

OBJECTIVE	HAVE THE OBJECTIVES BEEN MET?
facilities are practical, attractive and easily maintained. <ul style="list-style-type: none"> To avoid future management difficulties in areas of common ownership. 	management of these areas should be minimal.
55.06-4 Site services <ul style="list-style-type: none"> To ensure that site services can be installed and easily maintained. To ensure that site facilities are accessible, adequate and attractive. 	<p>Met. There are no apparent service supply issues in this area.</p> <p>Satisfactory provision is made for mail delivery and bin storage within the basement.</p> <p>A preliminary Waste Management and Recycling Plan submitted with the planning application (RB Waste Consulting Service, 30 January 2015) indicates that a private rubbish collection service is to be used.</p>

7 REFERRALS

- 7.1 There are no statutory referrals required under the Manningham Planning Scheme. However, the application was referred to a number of Service units within Council. The following table summarises the responses:

Services Unit	Comments
Engineering and Technical Services (Drainage)	<ul style="list-style-type: none"> Point of discharge is available to the site. Developer to provide on-site storm-water detention system. All areas are to be drained to the point of discharge.
Engineering and Technical Services (Vehicle Crossing)	<ul style="list-style-type: none"> Proposed crossover location is satisfactory. Vehicle crossing permit required. Width of crossover should be increased to 6.00 metres to accommodate two way traffic flows. Existing crossovers and nature strips are to be reinstated. Street tree to be replaced to the satisfaction of the Responsible Authority.
Engineering and Technical Services (Access and Driveways)	<ul style="list-style-type: none"> Adequate sightlines are available from the internal driveway. Gradients of vehicle access accord with

Services Unit	Comments
	<p>Design Standard 3 (Clause 52.06 Car parking).</p> <ul style="list-style-type: none"> • Width and internal radius of the driveway allow sufficient turning areas for all vehicles to exit in a forward direction. • Headroom clearance is satisfactory. • Proposed intercom obstructs the passing area. • Each lane at the entrance must be 3.00 metres wide in accordance with Design Standard 1 (Clause 52.06 Car parking). • Applicant required to demonstrate how two vehicles can pass each other on the ramp due to limited width and steepness. • Applicant needs to review the impact that a vehicle at the base of the ramp waiting to exit the basement would have on vehicles trying to move in and out of car spaces at the base of the ramp. • Applicant needs to demonstrate that cars entering car spaces 1 and 2 can exit the basement in a forward direction with not more than 3 vehicle manoeuvres.
Engineering and Technical Services (Parking Provision and Traffic Impacts)	<ul style="list-style-type: none"> • Car parking spaces appropriately dimensioned. • No traffic concerns on the surrounding street network. • Car parking provided at the appropriate rate.
Engineering and Technical Services (Car park layout)	<ul style="list-style-type: none"> • Pedestrian signs to be provided identifying beneath ramp storage areas. • Sliding doors to be provided for storage spaces 7 to 17 to improve safety of parked vehicles. • Visitor parking spaces to be signed. • Bicycle spaces to be signed.
Engineering and Technical Services (Construction Management)	<ul style="list-style-type: none"> • Construction Management Plan to be provided.
Engineering and Technical Services (Waste Management)	<ul style="list-style-type: none"> • Waste collection to be undertaken by private contractor.

Services Unit	Comments
	<ul style="list-style-type: none"> • Waste Management Plan to be provided. • Waste vehicle to be able to perform a 3 point turn to exit the site in a forward direction. • Adequate height clearance for waste collection vehicle to be demonstrated.
Engineering and Technical Services (Easements)	<ul style="list-style-type: none"> • No 'Build Over Easement' approval is required.
Economic and Environmental Planning (Urban Design)	<ul style="list-style-type: none"> • Building is well articulated through modular design of form and surface treatments, including varying facades, fenestration (arrangement of window) and roofline lines, to create strong visual interest and reduces the overall massing of the building. • South view is a blind facade, but has some benefits from the setbacks of the retaining wall, but does not communicate or interact with the street. There is a need for additional articulation or visual interest on the Manningham Road retaining wall; this could be provided by some additional recesses or architectural elements in the retaining wall. • Screen required to be incorporated into the design for each clothes line.
Economic and Environmental Planning (Sustainability)	<p>Amendments required to draft Sustainability Management Report as follows:</p> <p><u>Appliances</u></p> <ul style="list-style-type: none"> • Plans to show solar hot water system with minimum 30% energy savings. • LED fittings required throughout. <p><u>Energy Efficiency</u></p> <ul style="list-style-type: none"> • West elevation glazing to have retractable external blinds. • All apartments to have permanent clothe lines. <p><u>Stormwater Management</u></p> <ul style="list-style-type: none"> • Overflow to detention system to be gravity fed. • Roof to be drained to water tanks.

Services Unit	Comments
	Water tanks to be connected to toilets, and used for irrigation and wash down.

7.2 There are no issues that cannot be addressed as conditions.

8 CONSULTATION

8.1 The application was notified by erecting three (3) signs on the site. Letters were also sent to abutting and nearby property owners and occupiers. One (1) objection has been received.

8.2 The Section 57A amended plans that were received were not renotified. Council's delegate exercised discretionary authority to not notify in the circumstances as each of the amendments proposed would have a reduced material impact on adjoining and nearby landowners and occupants.

8.3 Details of the objection are as follows:

Affected Property Address
3 Lakeview Terrace, Templestowe Lower

Grounds:

- Not in keeping with the neighbourhood character;
- Traffic congestion and lack of on-street car parking;
- Overlooking and loss of privacy;
- Noise generated from occupant activities;
- Increased safety risks and security from occupants;
- Loss of views from the excessive building height;
- Loss of property values.

8.4 A response to the grounds of objection is as follows:

Not in keeping with the neighbourhood character

8.5 The proposal has been assessed against the preferred neighbourhood character anticipated by planning policy at Clause 21.05 of the Manningham Planning Scheme. The policy outlines a substantial level of change is anticipated and a departure from the existing neighbourhood character is therefore inevitable. This, however, does not imply that impacts generated by the preferred neighbourhood character can unreasonably impact adjoining private properties or public spaces.

8.6 This site is capable of being developed for a range of dwelling typologies including that of an apartment style development which is proposed. This typology generates different living standards to detached dwellings and may potentially impact neighbouring or nearby properties. Officers have considered the direct impacts of this development, and not as a comparison of what may occur if a different typology were proposed.

- 8.7 It is evident that the proposed development achieves a high level of compliance with respect to the existing DDO8 controls. The building is provided with articulated facades, varied materials and colours palette and an array of interesting architectural elements that adds visual interest. The building is well setback from all boundaries, allowing for perimeter landscaping to be established and adequate physical articulation and modulation to break up and disguise the length of the building and mitigate visual bulk concerns.

Traffic congestion and lack of on-street car parking

- 8.8 The provision of on-site car parking is a common concern raised by objectors in areas which are already experiencing congestion and a lack of on-street car parking or high-turnover of on-street car parking. The site's location close to Manningham Road and the resulting flow of traffic and traffic movements along Lakeview Terrace is acknowledged. However in relation to the issue of congestion and loss of on-street car parking, Council's traffic engineering unit raise no concern regarding the impact of the proposal on the surrounding traffic network.
- 8.9 In addition, the application has been assessed against Clause 52.06 – Car parking of the Manningham Planning Scheme. The design incorporates 1 car space for each apartment, meeting the standard requirement. Three car parking spaces for visitors have also been provided which meets the standard requirement for developments containing 17 apartments. Council is unable to require a higher car parking rate for this development under the Manningham Planning Scheme.
- 8.10 The Traffic Impact Report that accompanied the planning application included an assessment of the available on-street car parking. It concluded that there are a minimum of 76 and a maximum of 82 publicly available parking spaces near the site. On this basis it is considered that people visiting the site who choose to not park in the basement car park can do so on the street without difficulty within the immediate vicinity of the site.
- 8.11 The proposal only proposes one crossover, thereby maximising the number of on-street car parking spaces available.

Overlooking and loss of privacy

- 8.12 The loss of established privacy generated by overlooking from new development proposals is an amenity impact that is required to be considered under the planning scheme, and, if the impact is excessive, be mitigated.
- 8.13 The proposal has been assessed against the provisions of Clause 55.04-6 Overlooking of the Manningham Planning Scheme. The objective of this clause is to limit views into existing secluded private open space and habitable room windows. The standard requirement under this clause provides that this is to be achieved by requiring a (new) habitable room window or balcony should be located and designed to avoid direct views into the secluded private open space of an existing dwelling within a horizontal distance of 9 metres (measured at ground level).
- 8.14 Within this 9 metre distance, the properties at 181-183 Manningham Road and 1 Lakeview Terrace are the only two properties where potential overlooking impacts are required to be considered. It is concluded that

overlooking has been appropriately mitigated by a range of measures including window design (obscure glazing or highlight windows) or screening.

- 8.15 In any event, the objector's property does not abut the site, as it is located on the northern side of the property at No. 1 Lakeview Terrace, a distance of approximately 27 metres. As mentioned, No. 1 Lakeview Terrace is currently being considered for redevelopment under Planning Application PL14/024444. The assessment of potential overlooking and any resultant loss of privacy on the objector's property will be appropriately undertaken under this planning application.

Noise generated from occupant activities

- 8.16 This ground of objection relates to noise being generated from the site following occupation of the apartment building. The consideration of this planning application is confined only to the construction of the apartment building. The residential use of the building does not require a planning permit and is not a planning matter. Residential noise associated with a dwelling is considered normal and reasonable in an urban setting. Any future issues of amenity, if they arise should be pursued as a civil matter.

Increased safety risks and security by future occupants

- 8.17 This ground of objection relates to the increase in safety risk and security of the existing residents generated following occupation of the apartment building. As with noise generated by future occupants, the consideration of this planning application is confined only to the construction of the apartment building. Any willful activities undertaken by future occupants should be pursued as a civil matter.

Loss of views

- 8.18 Whilst it is recognised that views may form part of residential amenity, there is no specific controls within the Manningham Planning Scheme that protects residents' rights to a view. It is not considered that the extent of views lost or the significance of the view would warrant refusal or modification of the application.

Loss of property values

- 8.19 The Victorian Civil and Administrative Tribunal and its predecessors have generally found subjective claims that a proposal will reduce property values are difficult, if not impossible to gauge and of no assistance to the determination of a planning permit application. It is considered the impacts of a proposal are best assessed through an assessment of the amenity implications rather than any impacts upon property values. This report provides a detailed assessment of the amenity impact of this proposal.

9 CONCLUSION

- 9.1 It is considered appropriate to support the planning application as it is of a type and design that is anticipated under planning policy where substantial change and well designed apartment buildings are encouraged.

RECOMMENDATION

That having considered the objection A NOTICE OF DECISION TO GRANT A PERMIT be issued in relation to Planning Application No. PL14/024686 for the development and

use of No. 185-187 Manningham Road TEMPLESTOWE LOWER (Lots 1 & 2 TP TP213345P Vol 09310 Fol 552) for the purpose of the construction of a three-storey apartment building comprising 17 apartments above basement level car parking and for no other purpose in accordance with the endorsed plan and subject to the following conditions-

1. Before the development starts, two copies of amended plans drawn to scale 1:100 and dimensioned must be submitted to and approved by the Responsible Authority. When approved the plans will be endorsed and will then form part of the permit. The plans must be generally in accordance with the plans submitted with the application (prepared by Paul Shaw and Associates, Job No. 14-010, Rev C, 6 October 2015) and as received by Council on 8 October 2015) but modified to show:
 - 1.1 Crossover widened to 6.00 metres in width;
 - 1.2 Deletion of the 'Intercom Island' within the driveway. Should an Intercom system be required, this can be attached to the wall of the building, to the satisfaction of the Responsible Authority;
 - 1.3 Width of the driveway at entry shown as 6.00 metres and the edges of the driveway to align with the crossover;
 - 1.4 Visibility triangles drawn in accordance with Design Standard 1: Accessways, of Clause 52.06 Car Parking, of the Manningham Planning Scheme;
 - 1.5 A notation that the removal and replacement of the street tree is to occur at the full cost of the permit holder, to the satisfaction of the Responsible Authority;
 - 1.6 Car parking space 1 and 2 classified as Visitor car parking spaces, and Visitor car parking spaces 2 and 3 classified as Car parking spaces 1 and 2, and the spaces renumbered, to the satisfaction of the Responsible Authority;
 - 1.7 Details of basement ventilation, including the location of any exhaust intake or outlet required;
 - 1.8 An amended notation on the Ground Floor Plan that the pedestrian ramp gradient is to be 'Maximum gradient 1:14';
 - 1.9 West facing habitable room windows in Apartment 3, the kitchen window of Apartment 10, the north facing balconies of Apartments 7 and 8, and bedroom 2 and the kitchen window of Apartment 14 to be screened in accordance with Standard B22 of Clause 55.04-6 Overlooking of the Manningham Planning Scheme, to the satisfaction of the Responsible Authority;
 - 1.10 A notation on the Elevation Plans that 'Double glazing is to be provided to all external window and door openings within the building';
 - 1.11 A notation on the Roof Plan "Gas boosted solar hot water system with minimum 30% energy savings";
 - 1.12 A coloured colour and materials schedule on all elevations to include details of all paving, fencing, screening, retaining walls and all building and facade treatments;
 - 1.13 A notation that the location of all air-conditioning units to be screened from public and private realms and not be located on apartment balconies;
 - 1.14 Details of external lighting to be installed to provide for the safety of occupants and visitors of the building;

- 1.15 Design details that show that all fire service and electrical cabinets (including substations) will be integrated into the architectural design, so as not to present as visually dominating elements across any streetscape;

Endorsed Plans

2. The development as shown on the approved plans must not be modified for any reason, without the written consent of the Responsible Authority.

Sustainability Management Plan

3. Before the development starts or the issue of a building permit for the development, whichever is the sooner, two copies of an amended Sustainability Management Plan (SMP), prepared by a suitably qualified environmental engineer or equivalent must be submitted to and approved by the Responsible Authority. When approved the Plan will form part of the permit. The recommendations of the Plan must be incorporated into the design and layout of the development and must be implemented to the satisfaction of the Responsible Authority before the occupation of any dwelling. The Plan must be generally in accordance with the plan prepared by Efficient Energy Choices (13 March 2015) but modified to include the following:

3.1 Appliances

3.1.1 Water Heater type - STEPS Report (p3) amended to provide 'Gas boosted solar hot water system with minimum 30% energy savings';

3.1.2 Lighting type – Sustainability Management Plan (p7) amended to provide 'LED fittings throughout due to cost parity of CFL's and linear fluorescents which are becoming obsolete';

3.1.3 Lighting type – STEP report (p3) amended to provide 'Warm white LED fittings throughout';

3.2 Energy Efficiency

3.2.1 Sustainability Management Plan amended to provide 'West elevation glazing to have retractable external blinds to control glare and reduce solar gains in summer';

3.2.2 Sustainability Management Plan amended to provide 'All apartments to have accessible permanent clothes line facilities to ensure occupants avoid electric dryers';

3.2.3 Water Efficiency - Sustainability Management Plan (p3 & p9) amended to provide 'Basins – minimum 5 Star WELS rating';

3.2.4 Water Efficiency - STEP report (p3) amended to provide 'Basins – minimum 5 Star WELS rating';

3.2.5 Stormwater Management – Sustainability Management Plan (9) amended to indicate ‘Overflow to detention via gravity flow’.

- 4. Prior to the occupation of any building approved under this permit, a report from the author of the SMP report, approved pursuant to this permit, or similarly qualified person or company, must be submitted to the satisfaction of the Responsible Authority. The report must confirm that all measures specified in the SMP have been implemented in accordance with the approved Plan.**

Construction Management Plan

- 5. Before the development starts, two copies of a Construction Management Plan must be submitted to and approved by the Responsible Authority. When approved the plan will form part of the permit. The plan must address, but not be limited to, the following:**
 - 5.1 A liaison officer for contact by residents and the responsible authority in the event of relevant queries or problems experienced;**
 - 5.2 Hours of construction in accordance with the Manningham Local Law;**
 - 5.3 Delivery and unloading points and expected frequency;**
 - 5.4 On-site facilities for vehicle washing;**
 - 5.5 Parking facilities/locations for construction workers to be illustrated in map form;**
 - 5.6 Other measures to minimise the impact of construction vehicles arriving at and departing from the land;**
 - 5.7 Methods to contain dust, dirt and mud within the site, and the method and frequency of clean up procedures;**
 - 5.8 The measures for prevention of the unintended movement of building waste and other hazardous materials and pollutants on or off the site, whether by air, water or other means;**
 - 5.9 An outline of requests to occupy public footpaths or roads, and anticipated disruptions to local services;**
 - 5.10 The measures to minimise the amount of waste construction materials;**
 - 5.11 Measures to minimise impact to existing boundary and front fencing on adjoining properties;**
 - 5.12 The measures to minimise noise and other amenity impacts from mechanical equipment/construction activities, especially outside of daytime hours; and**
 - 5.13 Adequate environmental awareness training for all on-site contractors and sub-contractors.**

Waste Management Plan

- 6. Before the development starts, or the issue of a building permit for the development, whichever is the sooner, an amended Waste Management Plan must be submitted and approved to the satisfaction of the Responsible Authority. When approved the plan will form part of the permit. The Plan must generally be in accordance with the plan prepared by RB Waste Consulting Service (30 January 2015), but modified to provide for:**

- 6.1 The number of apartments;
 - 6.2 The private waste contractor to undertake waste collection from within the basements comprising the development;
 - 6.3 The hours and frequency of pick up for general waste and recyclables;
 - 6.4 Demonstration that an adequate height clearance is available within the basement to allow a waste service vehicle to enter and exit the site;
 - 6.5 Details of the waste collection vehicle that will enter and exit the site and access waste facilities;
 - 6.6 Details on how hard waste will be disposed;
 - 6.7 A description on how residents will access waste facilities.
7. The Management Plans approved under Conditions 3, 5 and 6 of this permit must be implemented and complied with at all times to the satisfaction of the Responsible Authority unless with the further written approval of the Responsible Authority.

Landscaping Plan

8. Before the development starts, a landscaping plan prepared by a landscape architect or person of approved competence must be submitted to the Responsible Authority for approval. Such plan must be generally in accordance with the approved plan, and must show species, locations, approximate height and spread of proposed planting and the retention of existing trees and shrubs, where appropriate or as directed by any other condition of this Permit. In particular, the plan is to include:
- 8.1 A layout consistent with the plans approved under Condition 1, including the location of all retaining walls;
 - 8.2 Any details as relevant or directed by any other condition of this Planning Permit;
 - 8.3 Screen planting at a height of 1.5 metres at the time of planting adjacent to the western boundary;
 - 8.4 A minimum of six canopy trees capable of reaching a mature height of 8.0 metres adjacent to the northern boundary;
 - 8.5 A minimum of eight canopy trees capable of reaching a mature height of 8.0 metres adjacent to the Manningham Road frontage;
 - 8.6 A minimum of five canopy trees capable of reaching a mature height of 8.0 metres adjacent to the Manningham Road frontage;
 - 8.7 The location of the replacement street tree.

The use of synthetic grass as a substitute for open lawn area within secluded private open space or a front setback will not be supported. Synthetic turf may be used in place of approved paving decking and/or other hardstand surfaces.

Landscape Bond

9. Before the release of the approved plans under Condition 8, a \$10,000 cash bond or bank guarantee must be lodged with the Responsible Authority to ensure the completion and maintenance of landscaped areas and such bond or bank guarantee will only be refunded or discharged after a period of 13 weeks from the completion of all works, provided the landscaped areas are being maintained to the satisfaction of the Responsible Authority.

10. Before the occupation of the dwellings, landscaping works as shown on the approved plans must be completed to the satisfaction of the Responsible Authority and then maintained to the satisfaction of the Responsible Authority.

Stormwater — On-Site Detention System

11. The owner must provide onsite storm water detention storage or other suitable system (which may include but is not limited to the re-use of stormwater using rainwater tanks), to limit the Permissible Site Discharge (PSD) to that applicable to the site coverage of 35 percent of hard surface or the pre existing hard surface if it is greater than 35 percent. The PSD must meet the following requirements:
 - 11.1 Be designed for a 1 in 5 year storm; and
 - 11.2 Storage must be designed for 1 in 10 year storm.
12. Before the development starts, a construction plan for the system required by Condition No. 11 of this permit must be submitted to and approved by the Responsible Authority. The system must be maintained by the Owner thereafter in accordance with the approved construction plan to the satisfaction of the Responsible Authority.

Drainage

13. Stormwater must not be discharged from the subject land other than by means of drainage to the legal point of discharge. The drainage system within the development must be designed and constructed to the requirements and satisfaction of the relevant Building Surveyor.

Basement Car Parking/Vehicle Accessways

14. Before the occupation of the approved dwellings, all basement parking spaces must be line-marked, numbered and signposted to provide allocation to each dwelling and visitors to the satisfaction of the Responsible Authority.
15. Visitor parking spaces must not be used for any other purpose to the satisfaction of the Responsible Authority.
16. Prior to occupation of the approved dwellings, any new or modified vehicular crossover must be constructed in accordance with the approved plans of this permit to the satisfaction of the Responsible Authority.
17. Any security door/grille to the basement opening must maintain sufficient clearance when fully open to enable the convenient passage of rubbish collection vehicles which are required to enter the basement and such clearance must also be maintained in respect of sub-floor service installations throughout areas in which the rubbish truck is required to travel to the satisfaction of the Responsible Authority.
18. Any redundant vehicle crossover must be removed and the footpath, nature strip and kerbing reinstated to the satisfaction of the Responsible Authority.

Site Services

19. Unless depicted on a roof plan approved by this planning permit, no roof plant (includes air conditioning units, basement exhaust ducts, solar panels or hot water systems) which is visible to immediate neighbours or from the street may be placed on the roof of the approved building, without details in the form of an amending plan being submitted to and approved by the Responsible Authority.
20. If in the opinion of the Responsible Authority, roof plant proposed under the permit is acceptable subject to the erection of sight screens, such sight screen details must be included within any amending plan and must provide for a colour co-ordinated, low maintenance screen system with suitable service access to the satisfaction of the Responsible Authority.
21. If allowed by the relevant fire authority, external fire services must be enclosed in a neatly constructed, durable cabinet finished to complement the overall development, or in the event that enclosure is not allowed, associated installations must be located, finished and landscaped to minimise visual impacts from the public footpath in front of the site to the satisfaction of the Responsible Authority.
22. All upper level service pipes (excluding stormwater downpipes) must be concealed and screened respectively to the satisfaction of the Responsible Authority.
23. No air-conditioning units may be installed on the building so as to be visible from public or private realm, including on balconies, to the satisfaction of the Responsible Authority.
24. Any clothes-drying rack or line system located on a balcony must be lower than the balustrade of the balcony and must not be visible from off the site to the satisfaction of the Responsible Authority.
25. A centralised TV antenna system must be installed and connections made to each dwelling to the satisfaction of the Responsible Authority.
26. No individual dish antennas may be installed on balconies, terraces or walls to the satisfaction of the Responsible Authority.
27. All services, including water, electricity, gas, sewerage and telephone, must be installed underground and located to the satisfaction of the Responsible Authority.

Maintenance/Nuisance

28. In the event of excavation causing damage to an existing boundary fence, the owner of the development site must at their own cost repair or replace the affected fencing to the satisfaction of the Responsible Authority.
29. Privacy screens, obscure glazing, replacement boundary fencing as shown on the approved plans must be installed prior to occupation of the dwellings to the satisfaction of the Responsible Authority and maintained thereafter to the satisfaction of the Responsible Authority. The use of the obscure film fixed to transparent windows is not considered to be obscured glazing or an appropriate response to screen overlooking.

30. All retaining walls must be constructed and finished in a professional manner to ensure a neat presentation and longevity to the satisfaction of the Responsible Authority.
31. Buildings, paved areas, drainage and landscaping must be maintained to the satisfaction of the Responsible Authority.
32. All noise emanating from any mechanical plant must comply with the relevant State noise control legislation and in particular, any basement exhaust duct/unit must be positioned, so as to minimise noise impacts on residents of the buildings and adjacent properties to the satisfaction of the Responsible Authority.

Time Limit

33. This permit will expire if one of the following circumstances apply:
 - 33.1 The development and use are not started within two (2) years of the date of the issue of this permit; and
 - 33.2 The development is not completed within four (4) years of the date of this permit.

The Responsible Authority may extend these periods referred to if a request is made in writing by the owner or occupier either before the permit expires or in accordance with Section 69 of the Planning and Environment Act 1987.

Conflict of Interest

Cr Grivokostopoulos stated:

“Councillors, I wish to disclose that I have a conflict of interest in this item being an indirect interest because of residential amenity and I will be leaving the meeting room for the duration of the item.”

Having disclosed his conflict of interest Cr Grivokostopoulos left the meeting room at 7.10 pm and returned at 7.14pm after the matter had been finalized and took no part in the discussion and voting on this item.

MOVED: KLEINERT
SECONDED: GOUGH

That the Recommendation be adopted.

CARRIED

“Refer Attachments”

* * * * *

9.2 Planning Application PL15/025480 for 1-41 Springvale Road, Donvale for Buildings and works associated with the construction of a new high ball stadium (indoor recreation facility) and associated car park at Mullum Mullum Reserve

Responsible Director: Director Planning & Environment

File No. PL15/025480

Neither the responsible Director, Manager nor the Officer authoring this report has a conflict of interest in this matter.

Land:	Mullum Mullum Reserve 1-41 Springvale Road, DONVALE
Zone	Public Park and Recreation Zone
Overlay	Environmental Significance Overlay Schedule 2 (part) Environmental Significance Overlay Schedule 3 (part) Land Subject to Inundation Overlay (part)
Applicant:	Manningham City Council
Ward:	Mullum Mullum
Melway Reference:	34G7
Time to consider:	26 October 2015

SUMMARY

It is proposed to construct a new indoor highball sporting facility and associated car parking at the existing Mullum Mullum Reserve located at 1-41 Springvale Road, Donvale. The facility will be approximately 6,000 square metres in area and will include five multipurpose courts, spectator seating for up to 500 people, change rooms, a public café and new car park comprising 141 spaces.

The Mullum Mullum Reserve is 35.3 hectares in area. The Reserve is currently occupied by a number of existing outdoor sporting facilities contained within the northern portion of the site. The area that is the subject of this application is in the southern section of the Reserve, and is currently open lawn area with adjoining at grade car park.

The application was advertised and attracted twelve (12) objections and six (6) letters of support. The grounds of objection include: visual bulk/ building is too large, the colour scheme is too bright, increased traffic congestion and its flow on implications for Parkland Close, use of Parkland Close for overflow parking, operating issues/ hours of operation, safety and security, and noise from users of the stadium and car park.

It is considered that the application is a contemporary building that has been sited and designed with regard to topography, existing vegetation, and the sensitive interface to properties abutting the Reserve in Parkland Close to the north. The siting and design of the stadium does not result in the removal of any Victorian native vegetation, and will allow the retention of most of the existing trees along the southern embankment between the rear of the facility and properties in Parklands Close. Moreover, it will respond to the recommendations of the Mullum Mullum Reserve Management Plan (Manningham Council, 2014), which identified the site as the most suitable for meeting the shortfall in highball courts to meet the growing

demands for recreation facilities within the municipality and region. It is proposed to support the application.

1 SITE AND SURROUNDS

- 1.1 The site is the Mullum Mullum Reserve, which is a 35.3 hectare public park owned and managed by Manningham City Council, and situated on the north-eastern corner of the intersection of Springvale Road and Reynolds Road, Donvale.
- 1.2 The Mullum Mullum Reserve is part of the broader Mullum Mullum Creek Linear Park, which is an area of green space extending 18 kilometres between the Yarra River in Templestowe to Croydon.
- 1.3 A total of five separate parcels of land make up the entire Mullum Mullum Reserve, however works will be contained to land near the southern boundary described as Lot 1 on TP761766 (Vol 9471 Folio 746), and Allotment 2010, Parish of Bulleen which is a 'Government Road' vested in the interest of Manningham City Council.
- 1.4 Lot 1 on TP761766 is an irregular shape, with a frontage to Springvale Road of approximately 119.9 metres, a southern boundary of 260 metres, a northern boundary of 186 metres, and a total area of 2.67 hectares.
- 1.5 A gas transmission line (managed by MultiNet) is located within the 'Government Road' reservation. The proposed works will not impact on the gas main.
- 1.6 The site is not burdened by restrictive covenants or easements.
- 1.7 Vehicle access to the Reserve is via two points, one entering from Reynolds Road to the north, and the other entering from Springvale Road to the west. These provide access to the internal two lane road providing a continuous connection between Springvale Road and Reynolds Road.
- 1.8 The northern end of the Mullum Mullum Reserve is currently occupied by a number of existing outdoor sporting facilities, including a full sized hockey playing field with floodlights and adjoining pavilion, six tennis courts, two lawn bowl greens and adjoining pavilion, a full sized playing field and public car park with spaces.
- 1.9 The proposed site of the facility is at the southern end of the Mullum Mullum Reserve which is an area that was levelled some time ago for playing fields. It currently comprises an open lawn area with no significant vegetation.
- 1.10 A vegetated grass embankment rises between the subject site and the rear of existing residential properties fronting Parklands Close. These properties are separated from the Reserve by way of timber paling or metal clad fences of varying heights and conditions.
- 1.11 The northern section of the site contains an existing at grade car park, together with an access road from Springvale Road, providing access to additional car parks located in proximity to Reynolds Road.
- 1.12 The eastern section of the site is bounded by the Mullum Mullum Creek and is heavily vegetated along the banks of the creek.
- 1.13 The western boundary also contains a vegetated embankment, providing a visual buffer between the site and Springvale Road.

- 1.14 Parklands Close is a cul-de-sac that runs parallel to the southern edge of the Mullum Mullum Reserve. It contains twenty four (24) residential lots.
- 1.15 The site has abuttals with ten (10) properties to the south, which all front onto Parklands Close. Surrounding development is described as follows:

Direction	Address	Description
South	2 Parklands Close	This is a small 134 square metre parcel of land owned by Manningham Council. It contains open lawn and a few juvenile canopy trees.
	3 Parklands Close	Is an 892 square metre parcel of land containing a double storey brick veneer dwelling with tiled hip and gable roof that is angled away from the Reserve, with an in ground swimming pool to the rear. The dwelling has a minimum setback of 1.5 metres from the boundary with the Reserve.
	4 Parklands Close	Is an 885 square metre parcel of land containing a double storey rendered dwelling with tiled hip and gable roof that is setback a minimum of 14.5 metres from the boundary with the Reserve. An in ground swimming pool, spa, and surrounding hard surfaced area, together with open lawn, is located in the intervening space.
	5 Parklands Close	Is an 965 square metre parcel of land containing a double storey rendered dwelling with tiled gable roof setback 20.5 metres from the boundary with the Reserve. Secluded open space in the form of open lawn area is located to the rear of the dwelling.
	6 Parklands Close	Is an 894 square metre parcel of

Direction	Address	Description
		land containing a double storey dwelling setback 14.2 metres from the boundary with the Reserve. The intervening space consists of open lawn with sporadic canopy trees near the perimeter.
	7 Parklands Close	Is an 876 square metre parcel of land containing a double storey rendered dwelling with tiled hip and gable roof setback 12.5 metres from the boundary with the Reserve. There is open lawn area to the rear of the dwelling.
	8 Parklands Close	Is an 923 square metre parcel of land containing a single storey brick veneer dwelling with tiled gable roof setback 7.5 metres from the boundary with the Reserve. The rear open space is heavily landscaped with shrubs and other low scale vegetation.
	9 Parklands Close	Is an 991 square metre parcel of land containing a double storey rendered dwelling with tiled gable roof setback 14.7 metres from the boundary with the Reserve. A deck with built in spa is located to the rear, together with open lawn area. A few smaller trees are also located at the perimeter.
	10 Parklands Close	No direct frontage to the Reserve.
	11 Parklands Close	Is an 880 square metre parcel of land containing a single storey brick veneer dwelling with tiled hip and gable roof setback 12.2 metres from the boundary with the Reserve. An open stepped

Direction	Address	Description
	13 Parklands Close	terrace is located to the rear of the dwelling together with open lawn area.
	14 Parklands Close	Is an 841 square metre parcel of land containing a double storey brick veneer dwelling with tiled gable roof setback 5.5 metres from the boundary with the Reserve. The rear contains a combination of hard surface area and open lawn with scattered canopy trees toward the perimeter. Is an 990 square metre parcel of land containing a double storey rendered dwelling with a hip and gable tiled roof setback 6.1 metres from the boundary with the Reserve. The rear of this dwelling is heavily vegetated with native canopy trees.
East	Mullum Mullum Creek	The eastern boundary of the lot is formed by the Mullum Mullum Creek. On the opposite side of the creek is Buck Reserve, which contains the Donvale Pony Club and Donvale Adult Riding School.
West	Opposite side of Springvale Road (Lyons Place and Lisbon Court)	These properties are located on the opposite side of Springvale Road, and contain a mixture of single and double storey dwellings from the 1970s on parcels of land that are approximately 800 square metres in area.

- 1.16 Springvale Road is a primary arterial road and is contained within a Road Zone Category 1. In the vicinity of the subject site, Springvale Road consists of one lane of through traffic in each direction. The road contains no formal kerb and channel.
- 1.17 Reynolds Road functions as a primary arterial road and is within a Road Zone Category 1. The intersection with Springvale Road, Reynolds Road has

two traffic lanes in each direction plus two dedicated right turning lanes to the south.

- 1.18 There is access to public transport from the subject site, with a number of bus services operating along Springvale Road. Bus stops provide accessibility to routes travelling to The Pines Shopping Centre, Nunawading train station, and the City.

Planning History

- 1.19 Planning Permit PL15/024920 was issued in May 2015 for Vegetation removal associated with an upgrade to the existing car park in the Reserve.
- 1.20 The existing access points to both Springvale Road and Reynolds Road will be widened as part of the Stage 1 implementation works which were granted a planning permit in May 2015. These works include the provision of separate exit lanes for left and right turn traffic.
- 1.21 The upgrades also include new kerb, channel and pram crossing, 94 additional car parking spaces, a new round-a-bout and road realignment, the introduction of water sensitive urban design treatments and the construction of new pedestrian and shared paths.

2 PROPOSAL

- 2.1 It is proposed to develop the site with a new indoor recreation facility, being a highball stadium. The stadium is in line with Council's 2015/2016 Capital Works Program, and consistent with the Mullum Mullum Reserve Management Plan (2014).

Stadium

- 2.2 The stadium will be approximately 6,000 square metres in area. At ground level the stadium will include five (5) multipurpose courts, spectator seating for up to 500 people, two team changing rooms, separate male and female change rooms and toilets. At the entry, there is a reception area and cafe with internal and external seating. The level also includes office and meeting facilities for the building's operator and storage.
- 2.3 At Level 1, the stadium will feature a viewing platform, function room with kitchen, and further storage areas.
- 2.4 The five courts provide flexible space for table tennis, volleyball, basketball, netball and badminton.
- 2.5 The facility is to be managed by an independent management group on behalf of Manningham City Council, hence the inclusion of office space and administration areas within the building.
- 2.6 The cafe is primarily designed to cater for highball facility users, but will be accessible to non-facility users also.
- 2.7 The facility will generally be open between 7am and 11pm Monday to Sunday. Peak hours for the stadium facilities will generally be Monday to Friday from 4pm to 11pm and Saturday and Sunday from 8am to 10pm. Off-peak hours will be from approximately 8am to 4pm Monday to Friday.

Stadium Construction

- 2.8 The stadium will be constructed primarily from precast concrete panels. The concrete panels will be tinted in three colours, being 'Diorite' (dark grey), 'Windspray' (medium grey), and 'Watergrey' (light grey).
- 2.9 To add visual interest and reduce mass, various other materials are used in combination including:
- Euroa bricks in 'silver black' (black) along the base of the building on the northern (front), eastern and western facades with a strip of horizontal clear glazed windows on top.
 - Coloured anodised aluminium panels in 'silver coin' (light grey), 'silver smith' (medium grey) and 'temple gold' (subdued yellow/gold), arranged in a honeycomb pattern on parts of the northern (front) elevation and in a rectangular pattern on the western façade facing Springvale Road.
 - A glazed entry with a feature cascading skillion roof.
- 2.10 The southern facade will remain largely unadorned, and will comprise dark grey concrete panels at the base with light grey concrete panels at the top. This facade also contains no glazing, and only one emergency fire door, so as to limit openings to the adjacent properties in Parklands Close.
- 2.11 The building will be setback 13.7 metres from the southern boundary (the interfaces with Parklands Close properties) and a minimum 20 metres setback from Springvale Road.
- 2.12 The maximum building height is 14 metres and this is positioned along the northern (front) facade of the building adjacent to the main entrance. The roof tapers lower to the southern wall, and in combination with a modest site cut at the base of the southern elevation (around 1.3m in depth), the building height varies from 10.9 metres at the south-western corner, and 7.8 metres at the south-eastern corner.
- 2.13 The facility will have a dark grey colorbond roof, although this will not be visible. The roof will accommodate solar panels that are predominantly hidden by a low parapet.

Car Parking

- 2.14 The proposal includes the construction of 141 additional car parking spaces that will be located on the northern and eastern sides of the building, with 4 spaces allocated for disabled car parking. The car park will feature water sensitive urban design treatments and a drop off bay will be provided adjacent to the front entrance of the building.
- 2.15 In combination with the additional parking already approved for the Reserve there is a total net increase of 235 car parking spaces.
- 2.16 In order to minimise amenity impacts on residential areas, the new eastern car park on the eastern side of the building will be closed to entering vehicles at 9:00pm each night.
- 2.17 Parking for 48 bicycles will be provided in proximity to the front entrance of the building.

Supporting Documents

- 2.18 In support of the planning application, the following documentation was submitted with the proposal:

- Architectural drawings
- Planning Report
- Traffic Report
- Arborist Report
- Sustainability Management Plan
- Acoustic Report
- Crime Prevention through Environmental Design (CPTED) Assessment

Arborist Report

- 2.19 The Arborist Report (prepared by Treelogic and dated July 2015) assessed twenty two (22) trees in proximity to the proposed building, including Narrow-leaved Peppermint (*Eucalyptus radiata*), Red Box (*Eucalyptus polyanthemos*), Messmate stringybark (*Eucalyptus oblique*), Blackwood (*Acacia melanoxylon*), Red stringybark (*Eucalyptus macrorhyncha*), Spotted Gum (*Corymbia maculata*) and Tasmanian Blue Gum (*Eucalyptus globulus*).
- 2.20 Of these 22 trees, the arborist noted that trees numbered 2 and 9 will be closest to the southern wall of the stadium, and trees 17, 18 and 21 will be closest to the car park area. Trees 2, 9, 18, and 21 should not be impacted because less than 10% of the tree's root protection zone will be impacted (being 1%, 6.2%, 1.7% and 1.8% respectively). Tree 17 will have its protection zone encroached by 13.7% by the car park, however should not be unreasonably impacted if certain protection measures occur (refer to Condition 12 and 13).
- 2.21 The arborist further recommends that trees numbered 3 and 7 be removed as they are dead, and that trees numbered 11 and 12 should be removed as they are in decline. These trees are three Narrow-leaved Peppermints, and one Blackwood, that require planning permission for removal as they exceed the size requirements under the SLO3 that covers the site. It is appropriate to remove these trees and require replacement planting as part of the overall development (refer to Condition 9.1 and 9.2).

Sustainable Management Plan

- 2.22 The Sustainable Management Plan (prepared by Cundall and dated July 2015) summarises the sustainability commitments of the proposed highball stadium development.
- 2.23 Key features of the proposal include evaporative cooling for court areas, LED lighting to be used throughout, collection of rainwater from the roof for reuse for toilet flushing, use of sustainable materials including plantation timber for the stadium floors, and the inclusion of solar boosted hot water systems. In addition, a large solar photovoltaic array is proposed to be included on the roof area, to provide generation for onsite electrical loads and will be connected for feedback to the grid.
- 2.24 Water sensitive urban design treatments will also be used within the car park, where stormwater runoff is directed to raingardens prior to being discharge into the adjacent Mullum Mullum Creek.

Acoustic Report

- 2.25 The Acoustic Report (prepared by Acoustic Consulting Australia Pty Ltd, and dated June 2015) provides preliminary advice on the matter of environmental noise control and general acoustic design.
- 2.26 In terms of the building design, the report notes that:
- The south, east and west facing walls are to be constructed with a concrete panel system, with internal wall surfaces to be treated with a sound absorptive treatment.
 - The roof system is to include a mass layer ceiling with a sound absorptive internal surface.
 - The absence of windows on the southern and eastern facades.
 - Closure of the eastern car park at 9pm.
- 2.27 It concludes that with specific sound absorption treatments that the building will achieve environmental noise design goals and not cause unreasonable impacts on the nearby residents within Parklands Close.
- 2.28 In relation to the car park, it is recommended that a 2.2 metre tall acoustic fence be located as shown on the plans submitted with the proposal. The fence should be of solid construction using material having a surface mass of not less than 10kg/m².
- Crime Prevention through Environmental Design (CPTED) Assessment*
- 2.29 This report was prepared by MGN Consultancy, dated July 2015 and focuses on the design, planning and structure of physical spaces and infrastructure to reduce potential offenders from identifying opportunities to commit crime. The report highlights areas where current design and other information demonstrate commitment to CPTED principles.
- 2.30 The report identifies the following measures be incorporated into the design to provide natural surveillance, such as offices and café face onto entry plaza, disabled parking bays near the entrance provides safer access for vulnerable space users, limited number of trees in the entry zone, and pedestrian routes that have good sightlines.
- 2.31 In terms of access control, the report identifies that the stadium has an airlock entry to reduce opportunity for 'quick escape', provision of a range of land uses including highball courts and a café with external eating area which will attract new visitors, all components of the stadium are linked and there are no isolated spaces.
- 2.32 In terms of territoriality, the report identifies that the separate car park on the eastern boundary, and the boom gate, create clear statements of connection to the stadium, and the café identifies the plaza area as a safe and social space for legitimate users.
- 2.33 In terms of activity space management, the report identifies that the management of the stadium will be contracted to an independent service provider, with CPTED principles embedded into the contract arrangements. The stadium will be a focus of activity for children and teenagers, who may often be unsupervised by parents. Therefore best practice policy and practice must be implemented and reviewed to ensure that attention to safety and removal of opportunity for potential offenders are both maintained and monitored as standard management practice.

3 PRIORITY/TIMING

- 3.1 The statutory time for considering a planning application is 60 days. Allowing for the time taken to advertise the application, the statutory time lapsed on 26 October 2015.

4 RELEVANT LEGISLATION

- 4.1 The Planning and Environment Act 1987 is the relevant legislation governing planning in Victoria. The Act identifies subordinate legislation in the form of Planning Schemes to guide future land use and development.
- 4.2 Section 60 of the Act outlines what matters a Responsible Authority must consider in the determination of an application. The Responsible Authority is required to consider the relevant planning scheme; and
- 4.2.1 The objectives of planning in Victoria; and
 - 4.2.2 All objectives and other submissions which it has received and which have not been withdrawn;
 - 4.2.3 Any decision and comments of a referral authority which it has received; and
 - 4.2.4 Any significant effects which the responsible authority considers the use or development may have on the environment or which the responsible authority considers the environment may have on the use or development.

5 MANNINGHAM PLANNING SCHEME*Public Park and Recreation Zone*

- 5.1 The site and adjacent land is included in the Public Park and Recreation Zone under the provisions of the Manningham Planning Scheme.
- 5.2 Pursuant to Clause 36.02-1 (PPRZ) a planning permit is not required for the use of the site as an indoor recreation facility as the use is being conducted by the public land manager (Council) under the relevant provisions of the Local Government Act 1989.
- 5.3 Pursuant to Clause 36.02-2 (PPRZ) a planning permit is not required to construct an indoor recreation facility building on the land as it is being constructed by the public land manager (Council) under the relevant provisions of the Local Government Act 1989.
- 5.4 Parts of the site are also included in the Environmental Significance Overlay Schedule 2 (ESO2), Environmental Significance Overlay Schedule 3 (ESO3), and the Land Subject to Inundation Overlay (LSIO). However the only control over the land where the sports stadium and associated car park is being constructed in the ESO3.

Significant Landscape Overlay Schedule 2 and 3



- 5.5 As can be seen above, the Environmental Significance Overlay Schedule 2 (Core conservation areas) applies to the eastern strip of the site closest to the interface with the Mullum Mullum Creek. The majority of the site where the stadium and associated car park is being constructed is covered by the Environmental Significance Overlay Schedule 3 (Buffer conservations areas).
- 5.6 The purpose of the Environmental Significant Overlay is to identify areas where the development of land may be affected by environmental constraints, and to ensure that development is compatible with identified environmental values.
- 5.7 Under Schedule 3 of the Overlay, planning permission is required to construct a building or construct or carry out works. This includes the building itself, earthworks associated with the proposal, and the construction of car parking.
- 5.8 Planning permission is also required to remove Victorian native vegetation and Australian native tree that have a trunk circumference of more than 0.35 metres measured at a height of 1.3 metres above natural ground level, or a height of more than 6 metres.
- 5.9 The statement of environmental significance of the Environmental Significant Overlay Schedule 3 is:

“The sites covered by this schedule have been assessed as being either Buffer Habitat or other land with environmental and/or landscape values that supports Core Conservation and Buffer Habitat areas. These areas are known as Buffer Conservation Areas.

Core Conservation Areas (Biosites) are the most intact and significant areas of indigenous vegetation, within Manningham and contain the majority of Manningham’s biodiversity assets. Buffer Conservation Areas, whilst usually more modified from their presumed ‘natural’ condition than Core Conservation Areas, nevertheless have environmental values in their own right, as well as providing additional (usually adjacent) habitat that supports their ecological integrity and

function of Core Conservation Areas. In Buffer Conservation Areas, indigenous vegetation provides the best habitat for indigenous flora and fauna, however large planted trees that are native to Australia also play a supporting role.

The values of Buffer Conservation Areas are under threat due to a number of factors, including vegetation clearance, fragmentation of bushland areas, overgrazing by stock, pest plant and animal invasion, changes in burning regimes, soil erosion and hydrological changes.

Without continued conservation and enhancement, the environmental values of Buffer Conservation Areas will continue to decline and the ecological values of adjacent or nearby Core Conservation Areas may be threatened. Appropriate management is required to ensure ecological values are protected and improved.

Development should be located in those areas that are the least intact or devoid of vegetation to minimise detrimental impacts on identified environmental values. Built form is subordinate to the landscape and these areas need to be properly managed to ensure that the distinctive features are protected and enhanced.”

- 5.10 The relevant Clause 42.01 Environmental Significance Overlay Schedule 3 – Buffer Conservation Areas objectives to be achieved are:
- *To protect and enhance the ecological values of Buffer Conservation Areas.*
 - *To protect the ecological values of Critical and Core Conservation Areas.*
 - *To encourage the location of development within those areas that are the most degraded and devoid of native vegetation.*
 - *To encourage development that is in keeping with the semi-rural character of the area and is sympathetic to the existing built form.*
 - *To ensure that development responds to the area’s environmental and landscape characteristics, including topography and waterways.*
 - *To minimise earthworks.*
 - *To conserve and where possible enhance habitat value and landscape contribution.*
 - *To protect natural resources, ecological processes, genetic diversity and ecosystem services.*
 - *To protect and enhance habitat corridors and ecological stepping stones.*
- 5.11 When deciding on an application to construct a building, construct or carry out works, or remove, destroy or lop vegetation in the Environmental Significance Overlay, the responsible authority must consider, as appropriate, the following relevant decision guidelines:
- *The extent to which the proposal will impact on the ecological values and function of any nearby or adjacent Biosites.*
 - *Whether the proposed development has been located to avoid impacts on areas where offsets for previous development have been provided.*

- *The extent to which the removal of vegetation will contribute to the fragmentation and isolation of existing flora and fauna habitat.*
- *The likely impact of the proposal on species of flora or fauna which are threatened at the municipal, regional, state or federal level and the extent to which provisions are made to negate, minimise or manage those impacts.*
- *The role of Australian native trees in providing habitat and landscape value.*
- *Whether replacement planting with indigenous vegetation is proposed for the removal of any Australian native trees (other than Victorian native vegetation).*
- *Whether the design and siting of buildings or other development minimises the environmental impacts on:*
 - *Native fauna*
 - *Waterway health, wetland condition and water quality*
 - *Site run-off and soil erosion*
 - *Habitat corridors or ecological stepping stones*
 - *Any adjacent public open space.*
 - *The extent to which the application complies with the Development Guide for Areas of Environmental and Landscape Significance 2011.*
 - *Whether building design and siting is in keeping with the bushland character of the area and whether external building finishes and colours are non-reflective and blend with the natural environment.*

Land Subject to Inundation Overlay

5.12 The LSIO land is just east of the proposed car park and the control is proposed to extend slightly under Amendment C109.

The objectives of the Land Subject to Inundation Overlay are:

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To identify land in a flood storage or flood fringe area affected by the 1 in 100 year flood or any other area determined by the floodplain management authority.*
- *To ensure that development maintains the free passage and temporary storage of floodwaters, minimizes flood damage, is compatible with the flood hazard and local drainage conditions and will not cause any significant rise in flood level or flow velocity.*
- *To reflect any declaration under Division 4 of Part 10 of the Water Act, 1989 where a declaration has been made.*
- *To protect water quality in accordance with the provision of relevant State Environmental Protection Policies, particularly in accordance with*

Clauses 33 and 35 of the State Environment Protection Policy (waters of Victoria).

- 5.13 A planning permit is required to construct a building or construct or carry out works. All applications must be referred to Melbourne Water.
- 5.14 On 31 July 2015, Melbourne Water provided a written referral response to Manningham Council. The advice noted that portions of the site are subject to flooding from the Mullum Mullum Creek, however, the location of the indoor recreation facility and car parks are outside of the flood area.
- 5.15 The LSIO land is just east of the proposed car park and the control is proposed to extend slightly under Amendment C109. Melbourne Water recommended that Council include four conditions on any permit issued, relating to a) no polluted or sediment laden runoff to discharge from the site, b) finished floor levels of the stadium be constructed 600mm above applicable flood level, c) car parking be constructed 350mm above applicable flood level, and d) that a Site Environmental Management Plan be prepared and submitted to Melbourne Water.
- 5.16 These conditions are included in the recommended approval (refer to Condition 32, 33, 34, and 35) and therefore no further consideration of the overlay is required.

State Planning Policy Framework

- 5.17 Clause 15.01-1 (Urban Design) seeks to ensure that development is designed and landscaped to create a high quality built form which complements the scale of surrounding development and contributes positively to the neighbourhood character.
- 5.18 Strategies to achieve these objectives include encouraging high quality building form, ensuring buildings and works enhance design and management objectives and investment in buildings and works on public land where development is proposed adjacent to or abutting public land or major traffic routes.
- 5.19 Clause 15.01-4 (Design for Safety) seeks to improve community safety and encourage neighbourhood design that makes people feel safe. The strategy identified to achieve this objective is to ensure the design of buildings, public spaces and the mix of activities contribute to safety and perceptions of safety.
- 5.20 Clause 15.01-5 (Cultural Identity and Neighbourhood Character) seeks to recognise and protect cultural identity, neighbourhood character and sense of place. The clause emphasizes the importance of neighbourhood character and the identity of neighbourhoods and their sense of place. Strategies towards achieving this are identified as follows:
- *Ensure development responds and contributes to existing sense of place and cultural identity.*
 - *Ensure development recognizes distinctive urban forms and layout and their relationship to landscape and vegetation.*
 - *Ensure development responds to its context and reinforces special characteristics of local environment and place.*

- 5.21 Clause 15.02-1 (Energy and Resource Efficiency) seeks to encourage land use and development that is consistent with the efficient use of energy and the minimisation of greenhouse gas emissions.
- 5.22 Clause 15.10 (Open Space) states that planning authorities should plan for regional open space networks to be used for recreation and conservation of natural and cultural environments. Planning and responsible authorities should ensure that open space networks:
- *Are linked through the provision of walking and cycle trails and rights of way.*
 - *Are integrated with open space contributions from abutting subdivisions.*
 - *Incorporate, where possible, links between major park and activity areas, along waterways and natural drainage corridors, connecting places of natural and cultural interest, as well as maintaining public accessibility on public land immediately adjoining waterways and coasts.*
 - *Planning and responsible authorities should ensure that land is set aside and development in residential areas for local recreation use and to create pedestrian and bicycle links to commercial and community facilities.*
 - *Planning and responsible authorities should ensure that land use and development adjoining regional open space networks, national parks and conservation reserves complements the open space in terms of visual and noise impacts, treatment of waste water to reduce turbidity or pollution and preservation of vegetation.*

Local Planning Policy Framework

Municipal Strategic Statement

- 5.23 Clause 21.07 (Green Wedge and Yarra River Corridor) applies to all land outside the Urban Growth Boundary and public and privately owned land within the Yarra River corridor. These areas have an attractive, undulating topography. The slopes and extensive vegetation cover contribute to the landscape and environmental qualities. Development should protect and enhance the natural environment, topography, open space, habitat and fauna links within the green wedge and Yarra River corridor.
- 5.24 Key issues for built form and landscape character is to design and construct development in areas with topographical constraints, wildfire risk, landscape character, visual and environmental significance.
- 5.25 The relevant objectives are to encourage building form that responds appropriately to the landscape and minimises risk, as well as to encourage retention of native vegetation, minimise the extent of earthworks, and encourage the planting of indigenous vegetation.
- 5.26 Clause 21.13 (Open Space and Tourism) states that Manningham's open space areas are highly valued, performing a range of functions including conservation, recreation, visual image, tourism significance and contribution to the health and well-being of the community. The focus will be on the effective management of open space assets and provision of future open space opportunities, including sporting, community use and facility development. The extension and enhancement of the linear parks systems and open space networks is also vital. The use and development of open

space assets needs to respond to the cultural, interpretive, ecological values and changing needs of the community.

- 5.27 Key issues include balancing differing user demands of open space, and minimising interface issues with adjoining land uses.
- 5.28 The relevant objectives are to identify existing and future active and passive recreation needs, to effectively manage the use of open space for environmental, cultural, leisure and sporting activities, and to minimise the impact of adjoining land use and development on public open space.
- 5.29 Strategies to achieve this include preparing and implementing Management/ Development Plans for public open space.

Local Planning Policy

- 5.30 Clause 22.08 (Safety Through Urban Design) is relevant to this application and seeks to provide and maintain a safer physical environment for those who live in, work in or visit the City of Manningham. The policy seeks attractive, vibrant and walkable public spaces where crime, graffiti and vandalism are minimised.
- 5.31 Clause 22.09 (Access for Disabled People) is relevant to this application and seeks to ensure that people with a disability have the same level of access to buildings, services and facilities as any other person.

Particular Provisions

- 5.32 Clause 52.06 (Car Parking) is relevant to this application. The clause provides requirements in relation to the number of spaces for various users and design. There is no specific requirement for a indoor recreation centre. For these unspecified uses the number of spaces provided must be to the satisfaction of the Responsible Authority. Accordingly, the Responsible Authority will consider an empirical assessment derived from surveys of similar existing facilities located elsewhere.
- 5.33 Clause 52.06-7 outlines various design standards for parking areas that should be achieved
- 5.34 The following table considers the design requirements of Clause 52.06:

Design Standard	Met/ Not Met
1 - Accessways	Met – The accessways from Springvale Road and Reynolds Road propose a single traffic lane in each direction and are therefore more than 3.0 metres in width.
2 – Car Parking Spaces	Met – Standard car parking spaces are provided in accordance with the requirements, with dimensions of 2.5m wide, length of 4.8m (adjacent to kerbs to allow vehicle overhang) and accessed from an aisle width of 5.8m. Disabled spaces have adjacent clear areas for driver/ passenger access.
3 - Gradients	Not applicable – There are no ramps proposed to provide access to the car park.
4 – Mechanical Parking	Not applicable – No car parking stacker systems are proposed.
5 – Urban Design	Met – The ground level car parking will not visually dominate the public space, as the building and its landscaped surrounds will be most apparent.
6 – Safety	Met – The proposed ground level car parking will be well lit, and clearly signed. There is a high degree of visual permeability

	through the car park from the front of the stadium which will maximise natural surveillance and pedestrian visibility.
7 – Landscaping	Met – The layout of the car parking area includes water sensitive urban design treatment, in addition to landscaping. The landscaping proposed includes trees to provide shade and shelter.

- 5.35 Clause 52.29 (Land Adjacent to a Road Zone Category 1) seeks to ensure appropriate access to identified roads. A permit is required to create or alter access to a road in a Road Zone Category 1.
- 5.36 The application has therefore been referred to VicRoads, who have responded that they have no objection to the proposed development. It is noted VicRoads provided comments and requirements for the car park upgrade permit issued in May which proposed the widening of both the Springvale Road & Reynolds Road entry.
- 5.37 Clause 52.34 Bicycle Parking is relevant to this application. Pursuant to Clause 52.34, where the proposed land use is not specified in the table, the number of bicycle parking spaces provided must be to the satisfaction of the Responsible Authority.
- 5.38 The plans include the provision of 48 bicycle parking spaces, with the majority located in close proximity to the entry plaza and cafe. The number provided is well in excess of the 10 spaces that are required for a similar size 'Place of Assembly'. The proximity of the spaces to the entry plaza will allow for the passive surveillance of the bicycle parking area.
- 5.39 Clause 65 Decision Guidelines outlines that before deciding on an application, the responsible authority must consider, as appropriate:
- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies;
 - The purpose of the zone;
 - The orderly planning of the area;
 - The effect on the amenity of the area.

Cultural Heritage

- 5.40 Due to the proximity of the proposed works to a declared waterway and the site's proximity to the Mullum Mullum Creek, the *Aboriginal Heritage Act 2006* establishes that a cultural heritage management plan and/or permit may be required to manage activities on land that may harm Aboriginal cultural heritage.
- 5.41 The proposed works are not considered to be 'High Impact' as listed in the Aboriginal Heritage Regulations. Therefore, advice received from the Department of Premier and Cabinet (DPC) and Aboriginal Affairs Victoria confirms that a Cultural Heritage Management Plan (CHMP) is not required for this project.

6 ASSESSMENT

- 6.1 The proposal is considered to be generally consistent with the Local Planning Policies, Environmental Significant Overlay 3 and General

Provisions of the Manningham Planning Scheme, as it presents an appropriate building with associated works for its location.

Clause 42.01 Environmental Significance Overlay

- 6.2 The following is an assessment of the overlay objective using the Decision Guidelines.

Whether building design and siting is in keeping with the bushland character of the area and whether external building finishes and colours are non-reflective and blend with the natural environment.

- 6.3 With regard to building design, the proposed highball facility will be located within an existing recreation reserve which already provides facilities including tennis courts, hockey pitches, and lawn bowls pitches. As such it will 'nest' with similar uses within a Council Reserve.
- 6.4 It is considered that the building design and siting is in keeping with the bushland character of the area, and external building finishes and colours are non-reflective and visually unobtrusive. The colours selected for accent elements reference colours found in indigenous vegetation (wattle) found nearby.
- 6.5 In particular the siting of the building in the south-western corner of the Mullum Mullum Reserve is on an open relatively flat lawn area which was historically cleared and levelled for playing fields. Therefore, the extent of earthworks and vegetation removal has also been kept to a minimum.
- 6.6 The 13.7 metre setback between the rear (southern) edge of the building and the common boundary with the properties in Parklands Close has enabled the majority of trees to be retained on the existing landscaped embankment.
- 6.7 The finishes of the building respond to the environmental character of the area. The concrete slabs will be tinted in shades ranging from light grey to dark grey, with a band of black brickwork at the base and anodised aluminium feature cladding in matt gold and are considered appropriate for the bushland setting. The materials are non reflective. The feature cladding will be limited mainly to the northern facade, therefore being located away from the outlook of residential properties in Parklands Close.
- Whether the removal of Victorian native vegetation has been avoided, or where this is not possible, whether adverse impacts have been minimised.*
- and
- Whether the loss of Victorian native vegetation will be offset and whether long term protection will be provided for the offsets.*
- 6.8 In terms of whether the design and siting of buildings minimises the environmental impact (in particular in terms of the removal of Victorian native vegetation) the application itself did not seek to remove any trees. The building and car park are located on cleared land.
- 6.9 The arborist report, which was prepared by Treelogic and submitted with the application, recommends however the removal of 4 trees. These are 3 narrow-leafed peppermint trees, and 1 blackwood. None of these trees are Victorian native vegetation, they are all Australian native trees.
- 6.10 The reasons given for their recommended removal by the arborist is that one of the narrow-leafed peppermint trees and the blackwood are dead, and the two remaining narrow-leafed peppermint trees are assessed as being in poor

health with poor structure, including the main leader trunk being dead with evidence of borer damage.

- 6.11 The remaining eighteen (18) trees located to the south of the proposed building along the embankment, will remain and will not be impacted on as a result of the development proposal.
- 6.12 These trees will provide an attractive backdrop to the highball facility, together with preserving the landscape character of the area which comprises native vegetation and providing an established vegetative screen to properties along the southern side of Parklands Close which adjoin the common boundary.
- 6.13 As part of any planning approval for the proposed stadium, a condition can be included requiring replacement planting in accordance with the guidelines prepared by Council's Economic and Environmental Planning Unit's Policy (Condition G). Based on the diameter of the trees being removed 55 indigenous plants with a minimum of 8 trees needs to be planted. The proposed planting around the building including around the car park easily exceeds this.

Whether the proposed development has been located to avoid impacts on areas where offsets for previous development have been provided.

- 6.14 The proposed stadium and its adjoining car parking areas have not been located on an area where planting offsets for previous developments have been provided. The area where the proposed building will be located was used in the 1950s as an orchard farm, which was then cleared in the 1980s to allow for recreation facilities to occur.

The extent to which the removal of vegetation will contribute to the fragmentation and isolation of existing flora and fauna habitat.

- 6.15 The original application did not seek to remove any trees or vegetation, however the arborist report submitted in support of the application recommended the removal of four Australian native trees from the embankment to the south of the proposed stadium building.
- 6.16 It is not considered that the removal of four trees from this embankment will contribute to the fragmentation and isolation of existing flora and fauna, as there will be eighteen (18) trees retained on the embankment, and replacement planting will occur.
- 6.17 Furthermore, the main spine of vegetation which supports local fauna is sited along the perimeter of Mullum Mullum Creek, and will remain undisturbed as a result of this proposal.

The role of Australian native trees in providing habitat and landscape value.

- 6.18 As previously identified, although the applicant has not sought to remove trees with this application, the arborist has recommended the removal of four Australian native trees owing to poor health and useful life expectancy.
- 6.19 While these trees undoubtedly contribute to the local landscape character, and possibly provide habitat, given that they are in identified poor health, approval should be given for their removal.

Whether replacement planting with indigenous vegetation is proposed for the removal of any Australian native trees.

- 6.20 Four (4) Australian native trees will be removed as part of this proposal, as recommended in the arborist report which accompanied the application. A condition can be included on any permit issued requiring the replacement planting of these trees in accordance with Council's Operational Policy and Guidelines, together with protection measures during construction for the eighteen (18) trees proposed to be retained along the southern embankment.

Clause 52.06 Car Parking

Parking Provision

- 6.21 Prior to a new use commencing or a new building being occupied, Clause 52.06-2 requires that the number of car parking spaces outlined at Clause 52.06-6 be provided on the land.
- 6.22 In terms of an assessment, car parking requirements are laid out at Clause 52.06 of the Manningham Planning Scheme. There is no specific requirement for an indoor recreation facility, and therefore car parking must be provided to the satisfaction of the Responsible Authority.
- 6.23 In support of this, the Traffic Report uses participation surveys at the Mullum Mullum Reserve and empirical rates derived from surveys of similar existing facilities elsewhere. The Traffic Report prepared by Ratio Consultants and provided by the applicant, identifies that, according to participation surveys (which were undertaken in August 2013 and again in September 2014 at the Mullum Mullum Reserve) the hockey club currently generates the highest levels of player and spectator participation, especially on Saturdays. The report noted that even at their busiest times, the bowls and tennis clubs generate significantly lower levels of participation.
- 6.24 The Waverley Basketball Stadium, Chadstone, was used to assess the parking requirement of the proposed highball stadium. It has six indoor basketball courts and about 600 seats with no "show" court. The data collected shows that up to 33 cars per court are used, or up to 0.46 parked cars per person on site. The report also noted that the City of Manningham's Sheahans Road Reserve Stadium which has 2 basketball courts, has 100 parking spaces (or 50 spaces per court).
- 6.25 The information in the Traffic Report which accompanied the application indicates that, for the proposed five court stadium with provision for 500 seats, parking demand would be in the range of 165 to 230 spaces but could peak at 250 spaces. The Traffic Report concludes that the proposed 235 new spaces provided by this proposal (141 spaces) and the car park upgrade already approved (94 spaces) will be ample. At peak times, such as at basketball match change over times, there is a shortfall of up to 15 existing spaces which can be accommodated within the existing Reserve parking provision (312 spaces).

Parking Design

- 6.26 The proposed parking areas along the north and east sides of the proposed stadium comply with the requirements of the Manningham Planning Scheme and Australian Standard 2890.1 as per the table at Section S37 of this report. In particular, spaces are 4.8 metres long and 2.5 metres wide, aisles are 5.8 metres wide, and disabled spaces have adjacent clear areas for driver/passenger access.

7 REFERRALS

- 7.1 The application was referred to Melbourne Water and VicRoads and the authorities comments have been discussed previously in this report. Neither authority objects to the approval of the proposal.
- 7.2 Melbourne Water acknowledges that given the location of the stadium building outside the Land Subject to Inundation Overlay, they are not a determining referral authority under Section 55 of the *Planning and Environment Act (1987)*, however they recommended the inclusion of four conditions relating to finished floor levels of the car park and stadium, and no polluted/ sediment laden runoff to be discharged into Melbourne Water's drains or watercourses (Condition 32-35).
- 7.3 In relation to internal referrals, the applicant in this instance is Manningham City Council and specifically the Strategic Projects Unit. Together with other relevant officers of Council they have worked with the architect to provide satisfactory outcomes in relation to engineering design of the car parking and drainage, urban design, vegetation impacts, and sustainability. As such, internal units have only offered support for the proposal.
- 7.4 Councils Urban Design officer provided the below comments in relation to the proposed stadium:
- Note that the building has been designed to minimise amenity impacts on neighbouring residential properties to the south with respect to noise and building height and bulk;
 - The building is tastefully articulated and utilises a varied and high quality material palette. Tonal and colour variation has been used to provide visual interest. I understand that the use of the yellow on highlight elements is a reference to the colour of local wattles found along the Mullum Mullum Creek;
 - The solar panels appear to be screened from view;
 - The development proposes extensive feature and screening landscaping which will further soften the presentation of the building and provide shade for parked cars and pedestrians; and,
 - The cafe and adjoining spill-out spaces are suitably located in what will be a sunny location and one that will attract a high degree of pedestrian traffic.

8 CONSULTATION

- 8.1 Extensive consultation was undertaken with the community and key stakeholders in the development of the Mullum Mullum Reserve Management Plan. The Mullum Mullum Reserve Management Plan has been prepared to expand the provision of recreational opportunities and address the demand for highball sports within the City, whilst protecting and enhancing the local environment. The Plan was placed on public exhibition on Monday 30th June 2014 and was distributed via an Australia Post mail out and an electronic mail out. Furthermore, extensive promotion was undertaken including four A2 signs erected around the Reserve, a display in the concourse of the Council offices and Libraries and ads in the local media and Council publications.

- 8.2 A total of 45 submissions were received during this period. The majority of the submissions stated their position on the proposed highball facility, with 14 submissions in support of the proposed facility, 28 in opposition and 5 neutral. Further to this consultation period, Council received 48 submissions in the 2014/15 Council budgetary process related to the funding allocated for the processed highball facility. Of these submissions, 47 of the 48 submissions were supportive of the proposed development at Mullum Mullum. The Mullum Mullum Reserve Management Plan was endorsed by Council on the 30th September 2014.
- 8.3 As part of Council's Major Application process preliminary concepts were taken to a Sustainable Design Taskforce on 4 September 2014. Feedback from this session was incorporated into the final designs.
- 8.4 The planning application was advertised for three (3) weeks by way of the sending of letters to adjoining and nearby properties and by the display of one (1) large sign on site facing the car park. Two drop in information sessions (on 26 August 2015 from 2-4pm, and 6-8pm) were also held. Emails were sent to residents who had registered on the Mullum Mullum Reserve page through 'Your Say Manningham'. Emails were also sent to the presidents of clubs who could be potential users of the facility.
- 8.5 During the advertising period 231 people visited a webpage dedicated to the development, 121 people actively searched and viewed documents on the site, and 83 people downloaded documents.
- 8.6 Council has received a total of twelve (12) objections from the following properties.

Address
7 Rochelle Court
3, 4, 5, 7, 8, 9, 10, 13, 14, 17, 27 Parklands Close

- 8.7 The following is a summary of the grounds upon which the above properties have objected to the proposal:
- 8.7.1 Visual bulk/ Out of Character for the area: the proposed building is a large structure inappropriate for a residential area.
- 8.7.2 Amenity Impacts, including noise from events in the stadium, noise from the car parking areas, loss of outlook from properties in Parklands Close, light spill and increased anti-social behaviour.
- 8.7.3 Traffic Congestion, in particular entering and exiting Parklands Close from Springvale Road.
- 8.7.4 Car Parking facilities will be inadequate for major events, possibly leading to cars being parked in adjacent streets such as Parklands Close.
- 8.8 A response to the above grounds is provided in the below paragraphs.
- 8.9 In addition to the objections, six (6) letters in support of the proposal were also received from the following properties:

Address
11 Dirlton Crescent, Park Orchards

Address
PO Box 34 Park Orchards [President Park Orchards Basketball Club]
8 Whitefriars Way, Donvale
12 Beaufort Rise, Warrandyte
42-44 Dalry Avenue, Park Orchards
19 Brackenbury Street, Warrandyte

- 8.10 A Consultation Meeting was held on 14 October 2015 which was attended by Ward Councillors, Senior Council Officers, representatives of the applicant, and eleven (11) residents.
- 8.11 Statutory Planning staff were able to offer some assurances to the residents that certain conditions could be considered on any approval to minimise impacts.
- 8.12 Following discussion at the consultation meeting, the applicant agreed to provide additional information to one of the objectors including a view line from the common boundary fence down to the building.

Visual bulk/ Out of Character

- 8.13 The proposed stadium has been designed with careful consideration given to the interface with properties facing Parklands Close.
- 8.14 The proposed building has been designed with a skillion roof to reduce in height as it approaches the southern boundary. The building has a maximum height of 14 metres on the northern facade facing the car park and entry road and this reduces to 11 metres on the southern facade.
- 8.15 Furthermore, the building will also be cut into the existing embankment along the southern edge of the Reserve, further reducing its overall height and therefore visibility in the order of 1.3 metres.
- 8.16 The proposed building provides a setback of 13.7 metres from the common southern boundary with those properties facing Parklands Close. In addition, the ground upon which the building will be constructed is lower, situated down an embankment from the properties fronting Parklands Close.
- 8.17 Levels of articulation via materials and finishes selection, together with the graduation in the height of the building, and areas for retention and planting of trees around the perimeter of the building will soften its presentation to adjoining properties.
- 8.18 The embankment along the southern edge of the Reserve contains in the order of twenty two established mature trees which will in the most part be retained and will therefore further assist in screening views from the properties in Parklands Close toward the stadium facility.
- 8.19 The solar panels on the roof will also be screened from view by a neutral colour screen recessed 1.5 metres from the edge of the building. The panels will be set at the lowest possible angles at the time of installation to reduce their height and therefore visibility.
- 8.20 Planting has already taken place in consultation with adjoining residents. Further planting is also to occur after the building is built.

Amenity Impacts

- 8.21 Amenity concerns, in particular relating to noise associated with whistle blowing, spectator behaviour, and ball bouncing were raised, together with light spill, and graffiti.
- 8.22 In terms of acoustics, the stadium has been designed with only one proposed opening (a fire door) on the southern side of the building, so there will be little to no acoustic spill. The main entrance, associated drop off bays, windows, and car parking area are all located to the north and east of the building, and where possible, away from adjoining residential properties.
- 8.23 Substantial sound attenuation measures have been included in the design of the facility, with each external wall comprising two 150-180mm thick precast concrete panels with sound absorptive material in between. The roof system will also incorporate the sound absorptive treatment, with a 'build up system' including a mass layer ceiling with sound absorptive face.
- 8.24 In terms of mechanical plant and equipment noise, the acoustic engineer has noted the design of the plantroom has adequate scope to attenuate plant noise via the plantroom envelope and the outside air openings using standard noise control techniques. These include sound attenuating ductwork, acoustic louvers and suitable orientation of air flow openings.
- 8.25 An acoustic engineer has been involved in the design, and will check the facility from an acoustic point of view both during construction, and post construction.
- 8.26 A 2.2m high acoustic fence that provides the residents of Parkland Close further protection of the car park is to be erected on the common boundary with 6, 7, 8, 9, and 11 Parklands Close. At the Consultation Meeting it was agreed to also include number 13 Parklands Close to address concerns raised by that objector (Condition 1.2 and 1.3).
- 8.27 With regard to noise from the car park, while there are no guidelines on permitted noise from vehicles or people, it is considered that most people operate their vehicles and behave in a reasonable manner when at these type of facilities. However, the proposal has included some time-based restrictions that will apply to the use of the car parking area wherein the car park located on the eastern side of the stadium will be closed for entering vehicles from 9pm each night (nearest Parkland Close residents) (Condition 20).
- 8.28 In terms of lighting, there are no windows on the southern side of the stadium so there will be no light spill (Condition 22). Low level security lighting will be fitted to the southern side of the building to deter antisocial behaviour.
- 8.29 The car park will use LED lights that are similar to street lights when the car park is in operation. This will limit light spill to adjoining properties.
- 8.30 In terms of graffiti, an anti-graffiti sealant will be used on the exterior of the building. Regular inspections can be written into operating contracts of the facility, with time limits for its removal usually confined to 24-48 hours. Which is standard for Council facilities.

Traffic Congestion

- 8.31 It is noted that several objectors have raised the issue of traffic, in particular entering and exiting Parklands Close onto Springvale Road.

- 8.32 It is acknowledged that the construction of the stadium will result in additional traffic, however the Traffic Report considers that the traffic works already approved which include the widening of the entrances to both Springvale Road and Reynolds Road with dedicated left and right turn lanes will effectively double the capacity of these access points and assist traffic to move into and out of the site efficiently.
- 8.33 In response to the concerns raised by the objectors, the applicant obtained an addendum to the original Traffic Report, dated 8 October 2015, which focused solely on vehicles entering the traffic stream on Springvale Road from Parklands Close. It was found that there are substantial gaps created by the traffic signals on the intersection of Springvale and Reynolds Roads so opportunities to enter the traffic stream are available and not affected by the proposal.
- 8.34 During the consultation meeting, it was suggested that directional signage on Springvale Road should be provided to assist in directing visitors into the reserve, and reduce instances of people turning into Parklands Close. This has been included as a separate recommendation, and will require separate approval from VicRoads.

Car Parking

- 8.35 Several objectors have raised the issue of car parking.
- 8.36 The Traffic Report, prepared by Ratio Consultants and submitted with the application, concluded that the 235 additional car parking spaces will be sufficient to meet the parking needs (including changeover time) of the stadium.

9 CONCLUSION

- 9.1 It is considered appropriate to support the application.
- 9.2 The proposed stadium can be easily accommodated on this site within the Mullum Mullum Reserve, and does not require substantive earthworks, nor the removal of trees beyond that recommended by the arborist for health and longevity reasons.
- 9.3 The retention of the balance of the trees on the embankment to the south of the proposed building will assist in filtering views of the proposed building from residential properties in Parklands Close.
- 9.4 The colours of the building, being predominantly soft grey tones, will be visually unobtrusive in the context of a bushland backdrop. Yellow / gold highlight elements are a visual reference to indigenous wattles growing along the nearby Mullum Mullum Creek.
- 9.5 As demonstrated in the assessment in this report, the proposal achieves a high level of compliance with the Manningham Planning Scheme, in particular Environmental Significance Overlay Schedule 3, Land Subject to Inundation Overlay
- 9.6 The proposal provides for a modern, contemporary indoor recreation facility to be introduced to the Mullum Mullum Reserve. The proposal does not, in the opinion of officers, compromise the amenity of adjoining and nearby properties.
- 9.7 The building design provides good levels of articulation, and a mixture of materials and finishes to provide visual interest.

RECOMMENDATION

That having considered all objections:

- (A) **A NOTICE OF DECISION TO GRANT A PERMIT be issued in relation to Planning Application No. PL15/025480 for buildings and works associated with the construction of a new high ball stadium (indoor recreation facility) and associated car park at Mullum Mullum Reserve, 1-41 Springvale Road, Donvale, and for no other purpose in accordance with the endorsed plan and subject to the following conditions-**
1. **Before the development starts, two copies of amended plans drawn to scale and dimensioned, must be submitted to and approved by the Responsible Authority. When approved the plans will be endorsed and will then form part of the permit. The plans must be generally in accordance with the plans submitted with the application (prepared by Mantric Architecture, Revision P2, dated 24 July 2014 and as received by Council on 6 August 2015) but modified to show:**
 - 1.1. **The location and design details (height, material) of a screen to conceal the roof top infrastructure.**
 - 1.2. **The extent of the proposed 2.2m tall acoustic fence as shown in Section 4.3 of the Acoustic Consulting Australia report, dated 22 June 2015, and submitted with the application (which extends from 6 Parklands Close to 11 Parklands Close).**
 - 1.3. **The proposed acoustic fence as discussed in Condition 1.2 extended to the west side fence and vehicle gate (northern side) of number 13 Parklands Close.**
 - 1.4. **The location and capacity details of proposed rainwater tanks in accordance with the Sustainability Management Plan prepared by Cundall and dated July 2015.**
 - 1.5. **A schedule listing the minimum sustainability features applicable to the development, as described in the approved Sustainability Management Plan.**
 - 1.6. **A separate materials and finishes sheet depicting the range of finishes,/ textures, colours and materials to the exterior of the building, including roof-top plant screen, all paving, fencing, screening, retaining walls and any other facade treatments proposed;**
 - 1.7. **Details of how all fire services, gas installations and electrical cabinets/ podiums will be presented/ located, so as to minimise visual impacts.**
 - 1.8. **Removal of trees numbered 3, 7, 11 and 12 as identified in the arborist report prepared by Treelogic dated July 2015.**
 - 1.9. **A schedule of all trees to be retained in accordance with the arborist report prepared by Treelogic dated July 2015.**

Endorsed Plans

2. The development as shown on the approved plans must not be modified for any reason, without the written consent of the Responsible Authority.

Sustainability Management Plan

3. Before the development starts or the issue of a building permit for the development, whichever is the sooner, two copies of an updated version of the Sustainability Management Plan (SMP), prepared by Cundall and dated July 2015 must be submitted to and approved by the Responsible Authority. When approved the Plan will form part of the permit.

Construction Management Plan

4. Before the development starts, two copies of a Construction Management Plan must be submitted to and approved by the Responsible Authority. When approved the plan will form part of the permit. The plan must address, but not be limited to, the following:
 - 4.1. A liaison officer for contact by residents and the responsible authority in the event of relevant queries or problems experienced;
 - 4.2. Hours of construction;
 - 4.3. Delivery and unloading points and expected frequency;
 - 4.4. On-site facilities for vehicle washing;
 - 4.5. Parking facilities/locations for construction workers;
 - 4.6. Other measures to minimise the impact of construction vehicles arriving at and departing from the land;
 - 4.7. Measures to manage environmental issues on site in accordance with "Environmental guidelines for major construction sites, EPA 1996" or other relevant guidelines, particularly in relation to sediment and erosion controls and dust suppression;
 - 4.8. The measures for prevention of the unintended movement of building waste and other hazardous materials and pollutants on or off the site, whether by air, water or other means;
 - 4.9. An outline of requests to occupy public footpaths or roads, and anticipated disruptions to local services;
 - 4.10. The measures to minimise the amount of waste construction materials;
 - 4.11. Measures to minimise impact to existing boundary fencing on adjoining properties;
 - 4.12. The measures to minimise noise and other amenity impacts from mechanical equipment/construction activities, especially outside of daytime hours;
 - 4.13. Adequate environmental awareness training for all on-site contractors and sub-contractors; and
 - 4.14. Recognition of the required tree/ root zone protection measures of this permit.

Waste Management Plan

5. **Before the development starts, a Waste Management Plan must be submitted and approved to the satisfaction of the Responsible Authority. When approved the plan will form part of the permit. The Plan must include, but not limited to the following:**
 - 5.1. **calculations showing that sufficient space for the proposed number of garbage and recycling bins;**
 - 5.2. **the size and location for the storage of general waste and recyclables on the ground/basement floor and details of screening from view;**
 - 5.3. **the consideration of the ease of taking the fully laden bins to the collection point(s);**
 - 5.4. **private contractor options, if applicable, detailing the methods of collection with regard to site and road network constraints and the potential requirement to manoeuvre garbage trucks, including a collection plan approved by the proposed collection agencies that meets Council's Waste Management Plan; and**
 - 5.5. **confirmation of the hours and frequency of pick up for general recyclable waste with regard to potential noise impacts to the surrounding neighbourhood.**

6. **The Management Plans approved under Conditions 3, 4, and 5 of this permit must be implemented and complied with at all times to the satisfaction of the Responsible Authority unless with the further written approval of the Responsible Authority.**

Acoustic Report

7. **Before the development starts or the issue of a building permit for the development, whichever is the sooner, two copies of an updated version of the Acoustic Report, prepared by Acoustic Consulting Australia and dated June 2015 must be submitted to and approved by the Responsible Authority. When approved the Plan will form part of the permit.**

8. **Prior to the use of the building commencing, written confirmation from the authority of the approved Sustainability Management Plan, and the Acoustic Report, or a similarly qualified person or company, must be submitted to the Responsible Authority. The report must confirm that the features specified in the associated reports have been satisfactorily implemented.**

Landscape Plan

9. **Before the permitted development starts, a detailed landscape plan must be prepared by a landscape architect showing species, locations, approximate height and spread of proposed planting, and must be submitted to the Responsible Authority for approval. The plan must include the following:**
 - 9.1. **Removal of trees 3, 7, 11 and 12 as identified in the arborist report prepared by Treelogic and dated July 2015.**

- 9.2. Replacement planting of a minimum of 55 plants including 8 trees which are Victorian native species. At least 4 of the trees are to be located on the southern embankment of the rear of the stadium.
- 9.3. Planting in and around the facility is to comprise indigenous vegetation.
- 9.4. Any details as relevant or directed by any other condition of this Permit;
- 9.5. A planting schedule detailing species, numbers of plants, approximate height, spread of proposed planting and planting/pot size;
- 9.6. Location, species and number of proposed plantings;
- 9.7. Surface treatments;
- 9.8. Details of site and soil preparation, mulching and maintenance.
10. All indigenous plants used during or after the development (including for landscaping, screening revegetating, etc) must be of local provenance sourced from an approved indigenous nursery.
11. An inground drip feed watering system must be installed in the main landscaped areas to the satisfaction of the Responsible Authority.

Tree Retention

12. Before the development starts, a protective barrier, fence, or similar must be erected a minimum of 3.0 metres from the trunk of all trees to be retained to assist in their preservation. Such barriers must be erected before the start of site works and be maintained to the satisfaction of the Responsible Authority during construction.
13. During construction works:
 - 13.1. No excavation, trenching or soil removal may be carried out within the drip line of any tree to be retained on the subject site without the prior written approval of the Responsible Authority.
 - 13.2. No goods or materials may be stored or vehicles parked within the dripline of any tree to be retained on the subject site;
 - 13.3. All exposed roots must be cut by or under the supervision of an Arborist or suitably qualified person.
14. No vegetation, apart from that shown on the approved plan as vegetation to be removed may be felled, destroyed or lopped without the written consent of the Responsible Authority.
15. Before the use of the building starts, landscaping works as shown on the approved plans must be completed to the satisfaction of the Responsible Authority and then maintained to the satisfaction of the Responsible Authority.

Drainage

16. Stormwater must not be discharged from the subject land other than by means of drainage to the legal point of discharge. The drainage system within the development must be designed and constructed to the requirements and satisfaction of the relevant Building Surveyor.

17. The whole of the land including landscaped and paved areas must be graded and drained to the satisfaction of the responsible authority, to prevent ponding and to minimise overland flows onto adjoining properties.

Driveway and Car Parking Areas

18. The external driveway system and parking spaces, as shown on the plan approved pursuant to Condition 2 of this Permit, must be formed to the depicted levels and must be constructed, surfaced, drained and linemarked to the satisfaction of the Responsible Authority.
19. Parking areas and access lanes must be kept available for these purposes at all times and must be maintained to the satisfaction of the Responsible Authority.
20. The car park on the eastern side of the stadium is to close at 9:00pm each night to the satisfaction of the Responsible Authority.

General Services

21. All security alarms or similar devices installed on the land must be of a silent type to the satisfaction of the Responsible Authority.
22. External lighting including security lighting must be designed so to limit loss of amenity to residents of adjoining properties to the satisfaction of the Responsible Authority.
23. Garbage and recycling storage areas must be maintained in a neat and tidy condition to the satisfaction of the Responsible Authority.
24. All roof-top plant must be installed in appropriately screened areas, unless otherwise agreed to in writing with the Responsible Authority.
25. All solar panels and any associated safety railings must be located away from the outer edges of the roof section upon which they are installed, so as to minimise general visual impacts from off the site to the satisfaction of the Responsible Authority.
26. All services, including water, electricity, gas, sewerage and telephone, must be installed underground and located to the satisfaction of the Responsible Authority.
27. All hot water systems (excluding associated solar panels) must be installed within the subject buildings, unless otherwise agreed in writing with the Responsible Authority.

Maintenance

28. Acoustic boundary fencing as shown on the approved plans must be installed prior to the use of the building commencing to the satisfaction of the Responsible Authority and maintained thereafter to the satisfaction of the Responsible Authority.
29. Buildings, paved areas, drainage and landscaping must be maintained to the satisfaction of the Responsible Authority.
30. All noise emanating from any mechanical plant must comply with the relevant State noise control legislation so as to minimise noise impacts on residents of the subject building and adjacent properties to the satisfaction of the Responsible Authority.

VicRoads Conditions

31. All disused or redundant vehicle crossings must be removed and the area reinstated to kerb and channel to the satisfaction of and at no cost to the Roads Corporation prior to the occupation of the buildings hereby approved.

Melbourne Water Conditions

32. No polluted and/or sediment laden runoff is to be discharged directly or indirectly into Melbourne Water's drains or watercourses.
33. The finished floor levels of the stadium must be constructed with levels set a minimum of 600mm above the applicable grading flood level.
34. Car parking must be constructed with finished surface levels set no lower than 350mm below the applicable grading flood level.
35. Prior to the commencement of works a Site Environmental Management Plan (SEMP) must be submitted to Melbourne Water. The SEMP must include a site map detailing the location and design of all measures including the following:
- 35.1. Silt fencing
 - 35.2. Access tracks
 - 35.3. Soil stockpiling
 - 35.4. Trenching locations

Time Limit

36. This permit will expire if one of the following circumstances apply:
- 36.1. The development is not started within two (2) years of the date of the issue of this permit; and
 - 36.2. The development is not completed within four (4) years of the date of this permit.

The Responsible Authority may extend these periods referred to if a request is made in writing by the owner or occupier either before the permit expires or in accordance with Section 69 of the *Planning and Environment Act 1987*.

- (B) The applicant investigate (with the input of VicRoads) the installation of directional signage on Springvale Road to assist in directing visitors into the Mullum Mullum Reserve, and reduce instances of people turning into Parklands Close.

MOVED: McLEISH
SECONDED: DOWNIE

That the Recommendation be adopted.

CARRIED

"Refer Attachments"

* * * * *

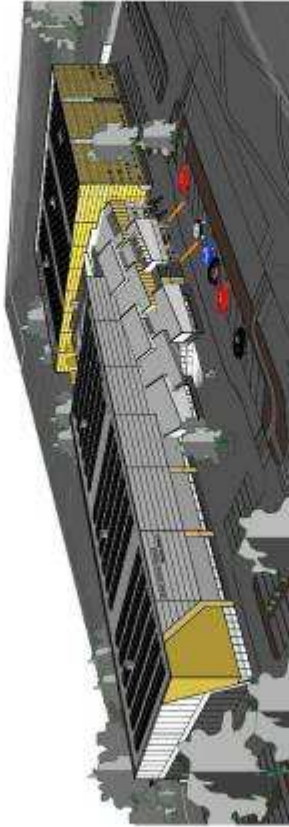


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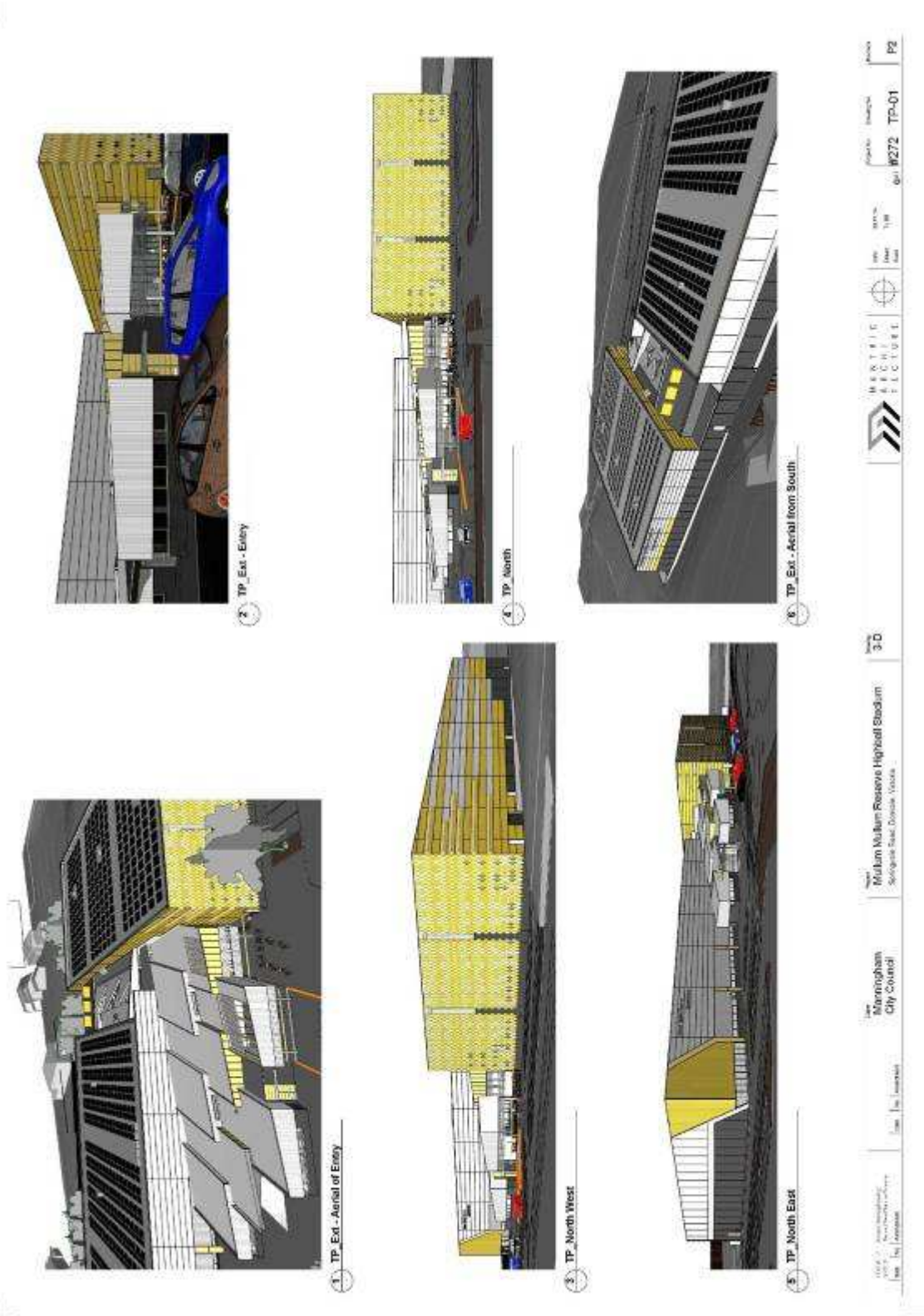
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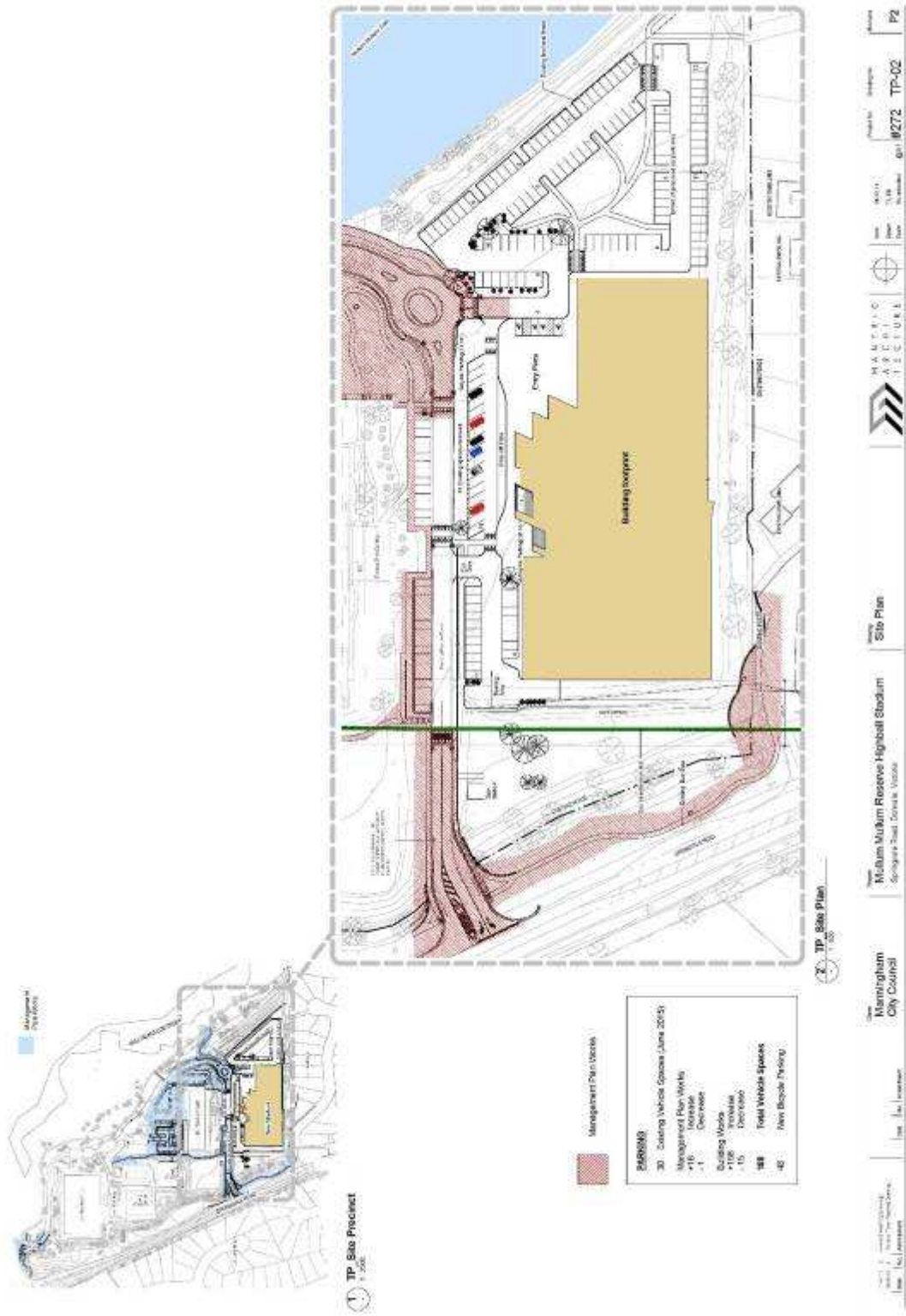
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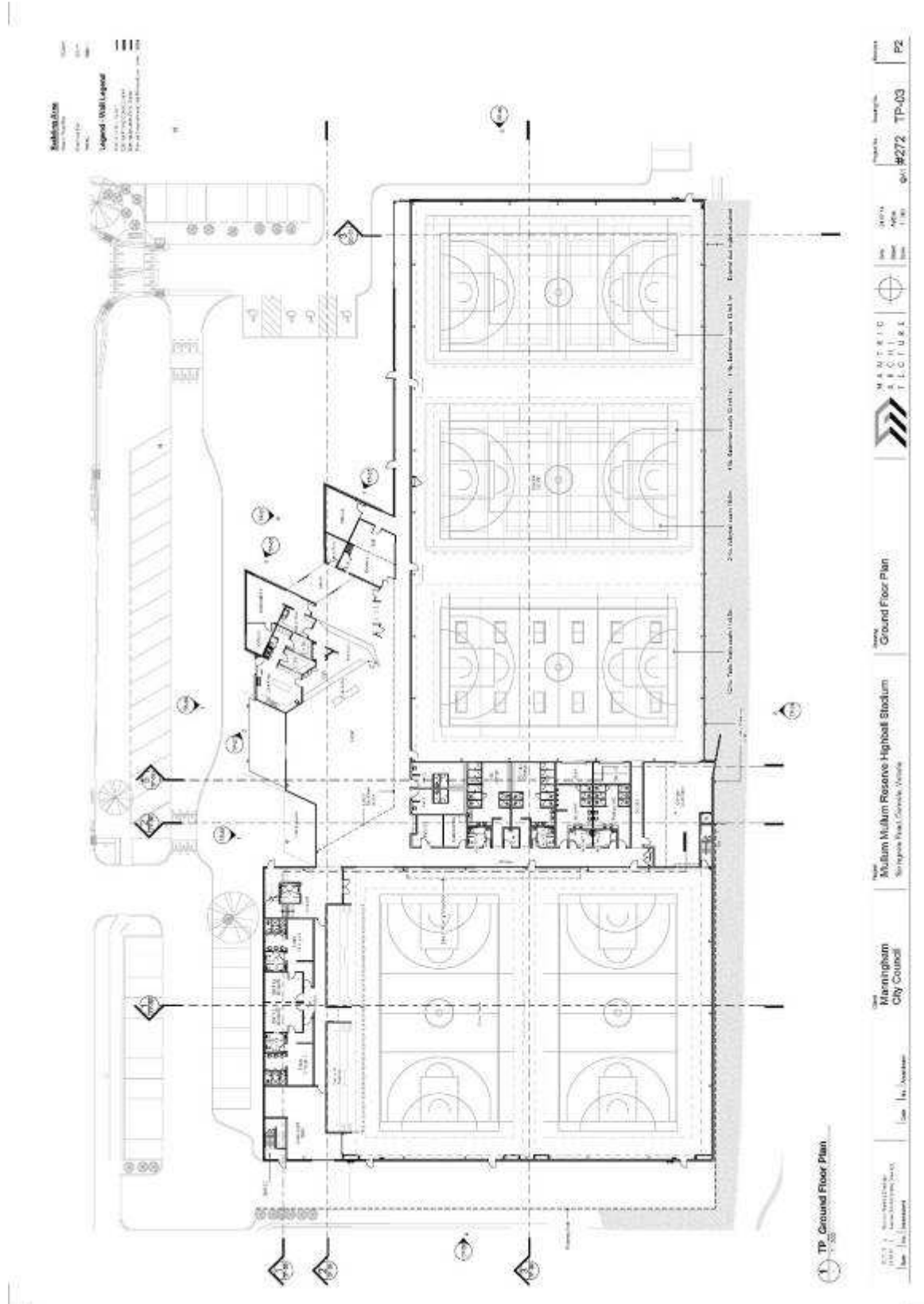
TP-00	Cover Sheet
TP-01	3-D
TP-02	Site Plan
TP-03	Ground Floor Plan
TP-04	First Floor Plan
TP-05	Roof Plan
TP-06	Building Elevations - Sheet 1
TP-07	Not Used
TP-08	Building Sections - Sheet 1
TP-09	Building Sections - Sheet 2



Mullum Mullum Reserve Highball Stadium
#272

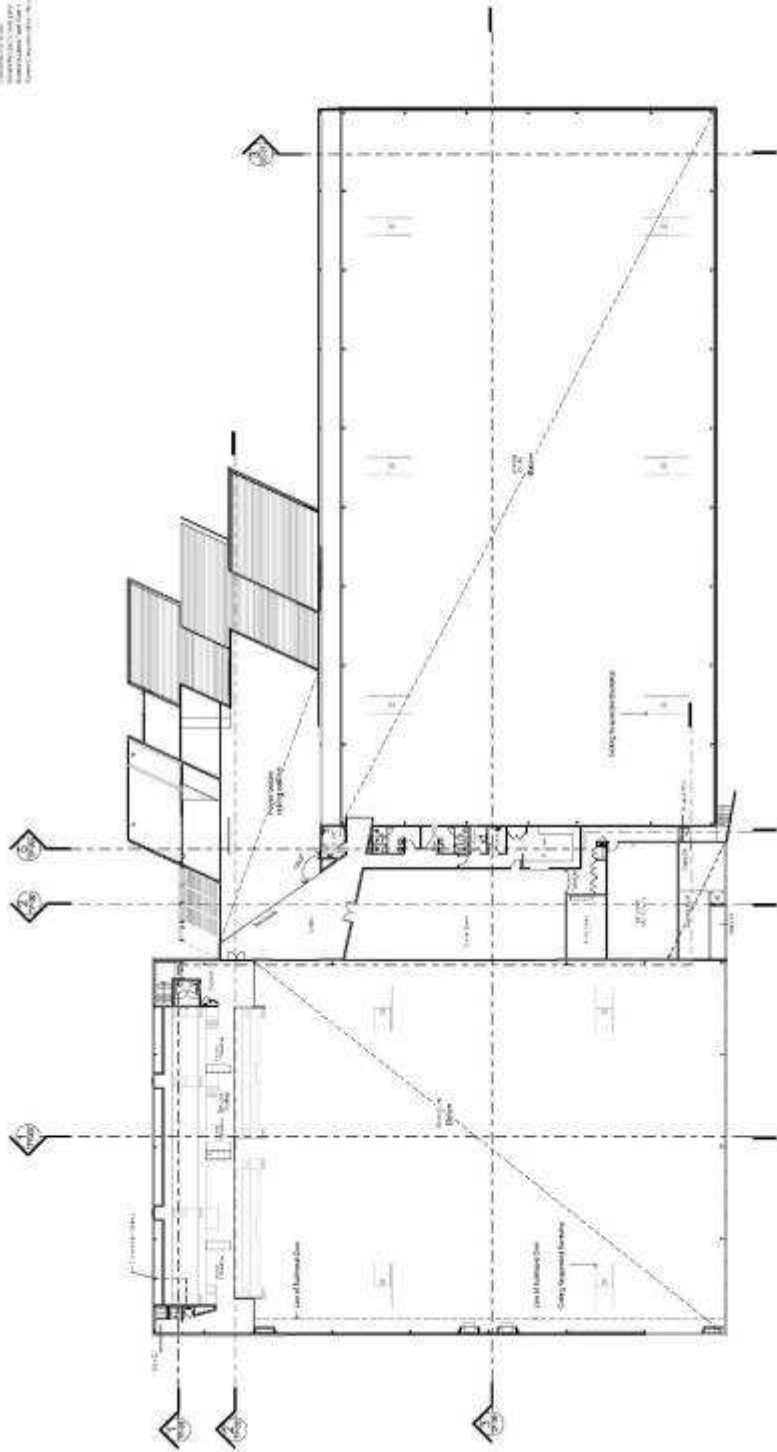






Address Area
1:100
1:200
1:400
1:800
1:1600

Legend - Wall Legend
1:100
1:200
1:400
1:800
1:1600



TP First Floor - Plan

1:100 1:200 1:400 1:800 1:1600

Mullum Mullum Reserve Highball Stadium
Smyth Road, Dunwich, Victoria

Merrimack City Council

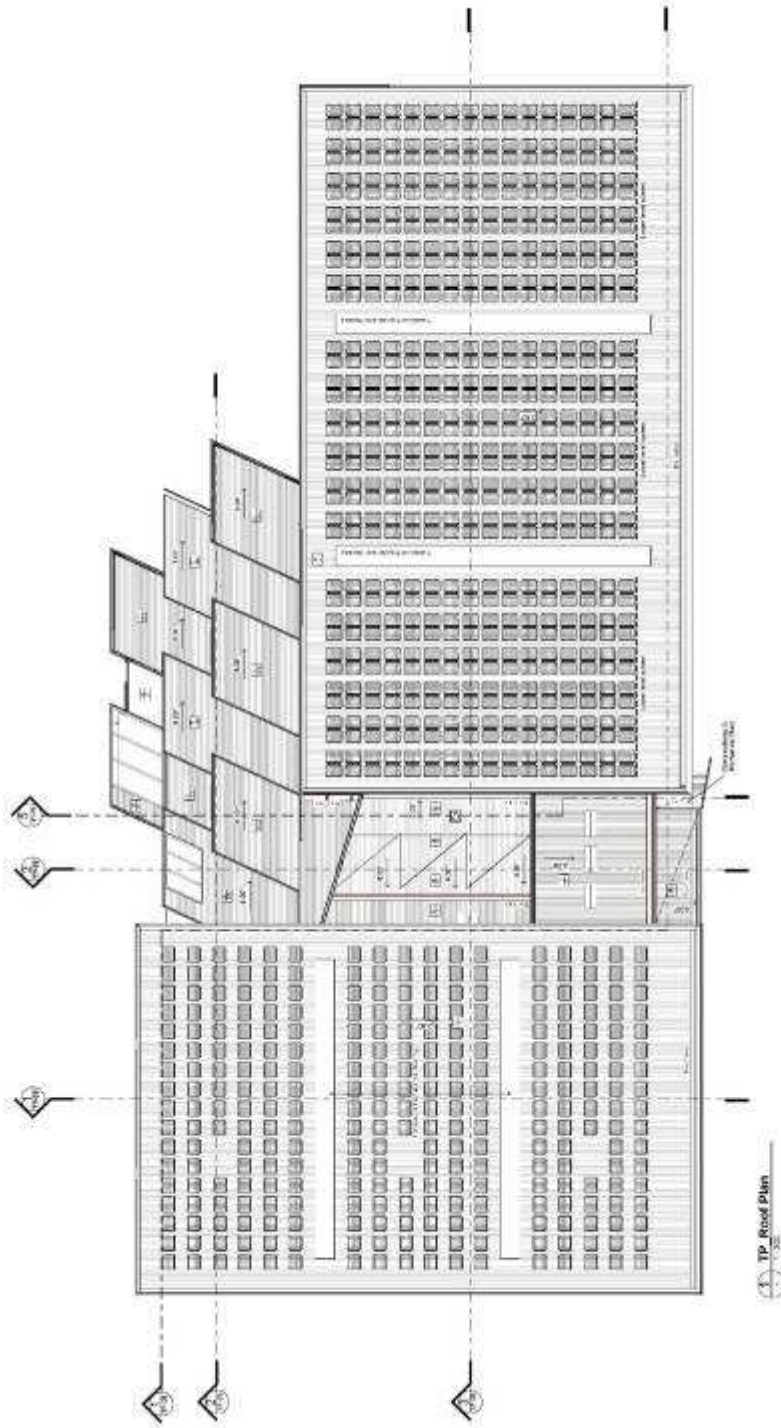
TP First Floor - Plan

METRIC ARCHITECTURE

Project: #272 TP-04

Page: P2

LEGEND: Roof Finish
GR: GRASS
S: SAND
M: MORTAR
C: CONCRETE
P: PAVEMENT
D: DRIVEWAY
E: EXISTING
N: NEW



Scale: 1/4" = 1'-0"

TP Roof Plan

Mullum Mullum Reserve Highball Stadium
Stadium Road, Mullum Mullum, Victoria

Marrnngham City Council

Project: Mullum Mullum Reserve Highball Stadium
Drawing: TP-05

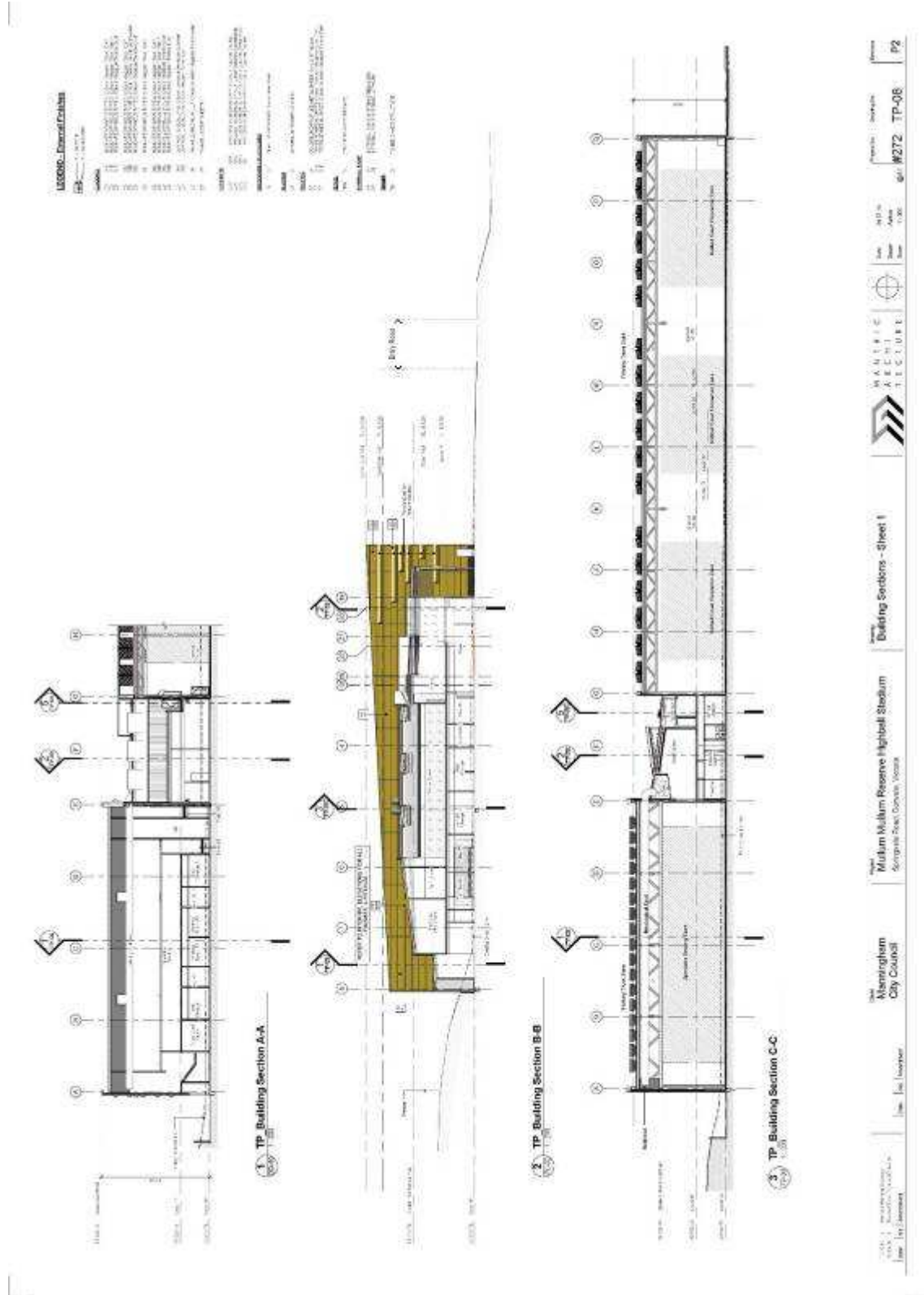
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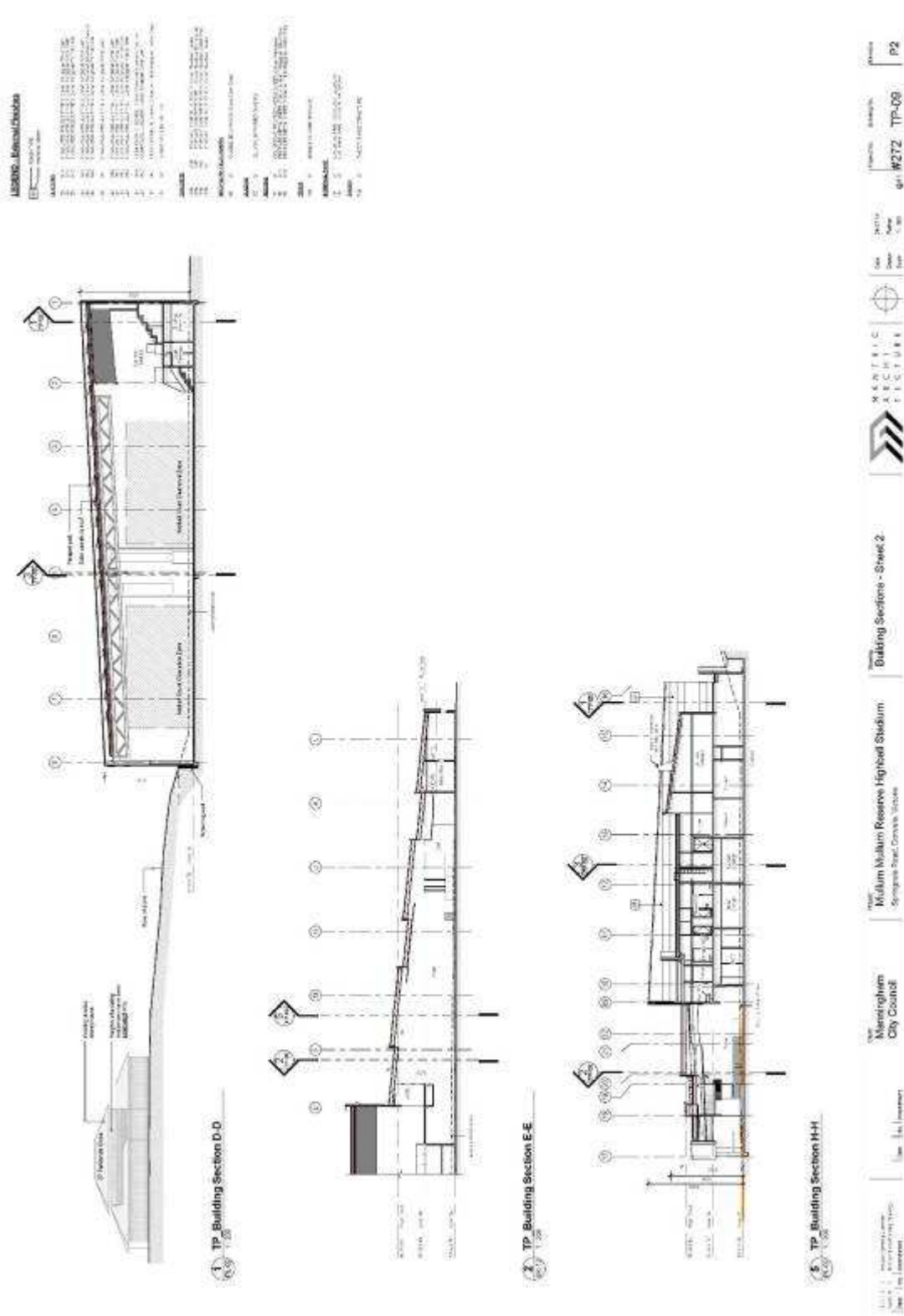
Checked: [Name]

Approved: [Name]

Project No: #272

Sheet No: P2





10. PLANNING & ENVIRONMENT

10.1 Amendment C102 - Montgomery Street Proposal to Rezone Land - Consideration of Submissions

Responsible Director: Director Planning & Environment

File No. T15/191

The ultimate destination for this report is: COUNCIL AGENDA

Neither the responsible Director, Manager nor the Officer authoring this report has a conflict of interest in this matter.

SUMMARY

The purpose of this report is for Council to consider the submissions received in respect to the exhibition of Amendment C102 to the Manningham Planning Scheme and Planning Permit Application PL15/025196 and to make a decision with respect to changing the Amendment/Application in the manner requested by the submissions, abandoning the Amendment or referring the submissions to an Independent Panel for review.

On 21 April 2015 Council resolved to seek authorisation to amend the Manningham Planning Scheme as it relates to the Council owned land at 6-10 Montgomery Street, Doncaster East, in order to facilitate the future sale of most of that land for residential purposes, through an Expression of Interest process. In particular it is proposed to:

- retain in Council ownership and rezone the majority of the land known as 6 Montgomery Street, which is currently used for public car parking, from a General Residential Zone Schedule 2 to a Public Use Zone 6;*
- rezone 8 Montgomery Street from a Public Use Zone 6 to a General Residential Zone Schedule 2;*
- apply a new Design and Development Overlay (Schedule 13) to the Council owned land at 6 (part of) – 10 Montgomery Street proposed to be included in the General Residential Zone Schedule 2, as well as to the adjoining properties at 12-16 Montgomery Street, with a mandatory building height of 13.5 metres (4 storeys) and;*
- amend the MSS at Clause 21.05 Residential accordingly to reflect the introduction of DDO13 and provide clarity regarding the areas identified within Precinct 2; and*
- apply for a planning application to resubdivide the land proposed to be sold, including 6 (part of) to No.10 Montgomery Street.*

Exhibition of the combined Amendment and Application occurred between 20 August and 1 October 2015. Three submissions have been received objecting to the proposed Amendment/Application, primarily relating to the loss of parking in the area.

It is recommended that all submissions be referred to an Independent Panel for consideration. Furthermore, It is recommended that Council endorse minor changes

to the exhibited MSS, investigate and implement a carparking management plan for the Montgomery Street precinct and also commit funds from the sale of 6 (part) – 10 Montgomery Street to the upgrading of the laneway.

1 BACKGROUND

Subject land

- 1.1 Council owns five parcels of land at 2-10 Montgomery Street, Doncaster East, which have a total area of approximately 4,600sqm. (Refer **Attachment 1**). The subject land forms part of the Doncaster East Village Activity Centre and is commonly referred to as the Montgomery Street sub-precinct. The land comprises:
 - 2 Montgomery Street – a small park with an area of approximately 900sqm. The park is encroached on slightly by the adjoining Pre-school.
 - 4 Montgomery Street – occupied by Doncaster East Pre-school.
 - 6 Montgomery Street – public carpark with no formal line-marking.
 - 8 Montgomery Street – a building formerly occupied by Doncare and currently leased by Doncaster City Church. The building has a floor area of around 350sqm and 17 car spaces. The property is leased until December 2015.
 - 10 Montgomery Street – carparking providing for about 13 spaces with no formal line-marking.
- 1.2 The Council-owned land in Montgomery Street is currently in two zones in the Manningham Planning Scheme. Land at 2, 4 and 8 Montgomery Street is within a Public Use Zone (PUZ6), whilst land at 6 and 10 Montgomery Street is within a General Residential Zone Schedule 2 (GRZ2) in conjunction with a Design and Development Overlay – Schedule 8 (DDO8-2), which encourages apartment style development of up to 11 metres in height on lots with an area of at least 1,800sqm (Refer **Attachment 2** for existing planning controls).
- 1.3 Investigations, discussions, community consultation and briefings with Councillors have been occurring since at least 2003 with regard to the future of this Council owned land.
- 1.4 In 2009, Council commenced discussions with Places Victoria to identify potential development opportunities within the municipality. During those discussions Council identified the need to cater for specific housing markets where demand was higher than supply, in particular young and downsizing home owners. As part of that work, the land at 2-10 Montgomery Street, Doncaster East, was identified as a potential strategic redevelopment site.
- 1.5 In September 2011, Places Victoria provided background information on work undertaken in relation to the subject land and outlined the issues that would influence the preparation of a draft masterplan for the site. In-principle support was also provided by Council to execute a Memorandum of Understanding (MoU) to progress due diligence for the subject land, which was signed in October 2011.
- 1.6 At its meeting in November 2011, Council endorsed the *Doncaster East Village Structure Plan (2011, updated July 2012)*. Amongst other things, that plan confirmed the identification of the subject land as a strategic redevelopment site. It also included actions to finalise a masterplan for the

Montgomery Street sub-precinct and to investigate a partnership with Places Victoria to develop the Council owned land, to provide for a diversity of housing, a pre-school replacement, carparking spaces for traders and an open space plaza.

- 1.7 Following execution of the MoU, Places Victoria, in conjunction with Council, engaged a team of consultants to progress the due diligence.
- 1.8 At its meeting in August 2012, Council resolved to, interalia:
- A) *Support the proposed redevelopment of 2-10 Montgomery Street, generally in accordance with the commercial terms set out in the draft Project Delivery Agreement (PDA);*
 - B) *Endorse the partnership model and associated commercial terms in accordance with the draft PDA; and*
 - C) *Endorse progressing a combined planning scheme amendment and planning permit application.*
- 1.9 A Project Development Agreement (PDA) was executed in September 2012 and detailed:
- the shared objectives to be met by both parties;
 - the conditions precedent outlining the obligations required to be met as part of each phase;
 - the shared responsibilities and timing of the completion of the community facilities, including the pre-school, open space plaza; public car parking spaces and laneway;
 - subdivision and sale of the land; and
 - dispute resolution.
- 1.10 In late 2012, in conjunction with Places Victoria, Council undertook targeted consultation on the proposal to redevelop the Council owned land. Places Victoria also undertook additional market research for the project.
- 1.11 The development model agreed in principle between Council and Places Victoria included the comprehensive redevelopment of the Council owned land at 2-10 Montgomery Street to provide for medium density housing, a pre-school replacement, provision of carparking spaces and a new open space plaza.
- 1.12 Both Council and Places Victoria sought changes to the 'exhibited concept design' in response to the outcomes of the consultation and market research. In particular, Council requested a minimum of 15 additional car spaces be incorporated into the development, with the loss of car parking being raised as a key issue by the traders and the preschool. In addition, Council officers committed to investigating car parking restrictions within the local area as part of a longer-term strategy to manage car parking requirements in the vicinity.
- 1.13 However in August 2014, Council and Places Victoria decided that, despite best efforts of both parties, the outcomes agreed upon in the Project Development Agreement (PDA) were not able to be delivered. The project was not considered to be financially viable under revised Treasury and Places Victoria Board parameters. Further, Council was not prepared to deviate from the agreed PDA (as executed between the parties in September 2012).

- 1.14 It was also recognised that there were significant challenges and difficulties in navigating the approvals process for the business case and, as a result, Council and Places Victoria agreed to mutually terminate the PDA governing the proposed redevelopment of the subject site.
- 1.15 In a joint media release (September 2014) and a letter dated 5 September 2014 to all stakeholders, Council indicated that it still believed that the precinct had the potential to achieve the original vision and objectives, and that further options will be considered in the coming months.
- 1.16 Although the agreement between Places Victoria and Council for a joint venture was terminated, Council considered that there was still the potential for the redevelopment of the Montgomery Street sub-precinct generally in line with the original vision and objectives.
- 1.17 Council considered options for the site at its meeting of 21 April 2015 and resolved to:
- A) *Reaffirm its commitment identified in the Doncaster East Structure Plan (November 2011, update July 2012) to the Montgomery Street Precinct as a key strategic redevelopment site which provides the greatest opportunity in the short term for redevelopment of currently underutilised land.*
 - B) *Seek authorisation of the Minister for Planning under section 8A of the Planning and Environment Act 1987 to prepare and exhibit a combined Amendment to the Manningham Planning Scheme (Amendment C102) and Application for Planning Permit to:*
 - *amend the MSS at Clause 21.05 Residential to reflect the introduction of DDO13 in Precinct 2;*
 - *rezone the land at No. 8 Montgomery Street, Doncaster East to the General Residential Zone Schedule 2;*
 - *rezone the western part of the site at No. 6 Montgomery Street, Doncaster East to the Public Use Zone 6;*
 - *apply a DDO Schedule 13 to the land including the eastern part of No. 6, 8, 10, 12, 14 and 16 Montgomery Street, Doncaster East; and*
 - *resubdivide the land proposed to be sold, including part of No. 6 to No.10 Montgomery Street, Doncaster East, to facilitate the sale of the land for residential purposes,*
 - C) *Subject to authorisation of the Minister for Planning, exhibits Amendment C102 to the Manningham Planning Scheme and the application for planning permit in accordance with section 96C of the Planning and Environment Act 1987 for a minimum of 6 weeks.*
 - D) *Subject to a further report authorising the commencement of statutory proceedings under section 189 of the Local Government Act 1989, gives in principle support to sell the parcel of land shown in Attachments 3a and 3b, known as (part of) No. 6 to No. 10 Montgomery Street, Doncaster East for residential purposes, subject to an expression of interest process and the following principles for future development of the site:*

- *A preferred minimum 10% of the development to comprise affordable/disability housing;*
- *Demonstrated ability to address local market needs;*
- *Need for high quality, sustainable urban design features; and*
- *Vehicular access to be provided off Montgomery Street only.*
- *Endorses the provision of a minimum of 28 Council carparking spaces on the remaining land at No. 6 Montgomery Street, Doncaster East;*

E) *Notes that:*

- *the public park at No. 2 Montgomery Street will be upgraded to coincide with the redevelopment of the subject land at 6 – 10 Montgomery Street ; and*
- *consultation will be held with landowners and business owners to progress improvements to the laneway as part of the economic development of the activity centre and the Montgomery Street sub precinct.*

1.18 Amendment C102 and draft Planning Permit (PL 15/025196) were subsequently placed on public exhibition from 20 August to 1 October 2015. Notices were sent to affected owners and occupiers and to the prescribed Ministers on 17 August 2015. Notices were placed in the Manningham Leader and the Government Gazette and an article appeared in Manningham Matters. Two notices were also erected across the subject sites.

1.19 A total of three submissions have been received in response to the public exhibition of the Amendment and draft Planning Permit.

1.20 The exhibition period has now closed and Council is required to consider all submissions received.

2 PROPOSAL/ISSUE

2.1 The proposal is for a combined Planning Permit and Planning Scheme Amendment request under Section 96(A) of the *Planning and Environment Act 1987* (the Act), which seeks to facilitate the sale and redevelopment of Council owned land at 6 (part) – 10 Montgomery Street, Doncaster East for residential development. The Amendment also affects the privately owned land at 12 – 16 Montgomery Street Doncaster East.

Proposed Planning Scheme amendment

2.2 More specifically, the amendment proposes to:

- Rezone (part) 6 Montgomery Street, Doncaster East from the General Residential Zone 2 to a Public Use Zone 6, and amend Planning Scheme Map 8 accordingly.
- Rezone 8 Montgomery Street, Doncaster East from a Public Use Zone 6 to a General Residential Zone 2, and amend Planning Scheme Map 8 accordingly;

- Delete Design and Development Overlay Schedule 8 (DDO8 and DDO8-2) from 6, 10, 12, 14 and 16 Montgomery Street, Doncaster East, and amend Planning Scheme Map 8DDO accordingly;
- Apply a new Design and Development Overlay (DDO13) to the land at 6 (part) – 16 Montgomery Street, Doncaster East to manage built form outcomes including maximum building height and front setbacks, and amend Planning Scheme Map 8DDO accordingly;
- Amend the MSS at Clause 21.05 Residential to reflect the introduction of DDO13 - *Residential Areas Interfacing Commercial Areas in Precinct 2: Residential Areas Surrounding Activity Centres and Along Main Roads*.

2.3 Refer to **Attachment 3** for exhibited Amendment.

Planning Application for Subdivision and consolidation

- 2.4 Application is also being made concurrently for a planning permit to create a lot for sale by Council for residential redevelopment. The application for a planning permit proposes to resubdivide the land at 6 – 10 Montgomery Street to create a lot for sale by Council for residential redevelopment. (Refer **Attachment 4** for exhibited Planning Application).
- 2.5 Pursuant to section 22 of the *Planning and Environment Act 1987*, Council must consider all submissions made in respect to an amendment. Where a submission requests a change to the Amendment, Council must:
- Change the Amendment in the manner requested or
 - Refer the submissions to a Panel appointed under Part 8 of the Act; or
 - Abandon the Amendment or part of the Amendment.
- 2.6 It is proposed that Council consider all submissions made to the Amendment C102 and Planning Permit No. PL 15/025196 (refer to Section 8 of this report) and refer all submissions to an Independent Panel for consideration.

Expression of Interest Process

- 2.7 In respect to the Expression of Interest (EoI) process, Council at its meeting of 21 April 2015 resolved to:

“Subject to a further report authorising the commencement of statutory proceedings under section 189 of the Local Government Act 1989, gives in principle support to sell the parcel of land shown in Attachments 3a and 3b, known as (part of) No. 6 to No. 10 Montgomery Street, Doncaster East for residential purposes, subject to an expression of interest process and the following principles for future development of the site:

- *A preferred minimum 10% of the development to comprise affordable/disability housing;*
- *Demonstrated ability to address local market needs;*
- *Need for high quality, sustainable urban design features; and*
- *Vehicular access to be provided off Montgomery Street only.*
- *Endorses the provision of a minimum of 28 Council carparking spaces on the remaining land at No. 6 Montgomery Street, Doncaster East;*

- 2.8 The statutory process will be enacted for the EoI under Section 189 and 223 of the *Local Government Act 1989* (sale of land and public advertising).
- 2.9 Prior to the EoI process commencing, a further report on the final details of the EoI (documents and process) and the commencement of statutory proceedings under section 189 of the *Local Government Act 1989* will need to be considered and endorsed by Council at the time that Council considers the Panel Report and whether to adopt the Amendment. This is likely to be in March 2016. In this way greater certainty would be provided for any prospective purchasers regarding the rezoning and fundamental details of the land to be sold.

3 PRIORITY/TIMING

- 3.1 Ministerial Direction No. 15 sets the timeframe for completing the various steps in the Planning Scheme amendment process.
- 3.2 Pursuant to Clause 4(3) of the Ministerial Direction, Council must request the appointment of a Panel within 40 business days of the closing date for submissions unless a Panel is not required.
- 3.3 As submissions closed on 1 October 2015, it will be necessary to request the appointment of a Panel no later than 26 November 2015.
- 3.4 Once a decision has been made by Council to refer the submissions to an independent panel, a formal request to appoint a Panel will be made. This will also be the trigger used to commence the investigation and implementation of a carparking management plan for the Montgomery Street precinct.

4 POLICY/PRECEDENT IMPLICATIONS

- 4.1 The Municipal Strategic Statement (MSS) forms part of the Manningham Planning Scheme and is a statement of the key strategic planning, land use and development objectives for the municipality. The MSS recognises that activity centres are integral to the local economy and local employment generation and are an important focal point for community life and interaction.
- 4.2 Clause 21.05 Residential of the MSS recognises that managing change and growth in the residential areas of Manningham is a key issue facing Council. Infill residential development and redevelopment of key strategic sites that consolidates the role of established urban areas is encouraged.
- 4.3 In accordance with Council's *Residential Strategy (2012)*, the MSS notes that there will be a need for a greater mix of housing in the form of medium and higher density residential developments and that higher density housing will be encouraged in close proximity to activity centres.
- 4.4 Clause 21.09 Activity Centres and Commercial Areas of the MSS identifies that key challenges for Manningham's network of activity centres are to ensure that existing centres remain vibrant, viable and sustainable into the future. The identified activity centres will be the focus of increased residential growth and development.
- 4.5 Activity centres like Doncaster East Village, provide a limited mix of uses to meet local convenience needs. A key issue for these centres is to ensure that these centres remain viable and can evolve to meet the future needs of the community. These centres will continue to be community hubs and meeting

places for local residents, and opportunities for locating a range of social, community and recreational services within these centres will be encouraged.

- 4.6 The MSS notes that development in these types of activity centres should improve functionality, accessibility, safety, social interaction, promote sustainability and address scale and identity through site responsive design.

5 CUSTOMER/COMMUNITY IMPACT

- 5.1 The proposed rezoning and sale of the land would aim to deliver residential development that caters for under-represented markets in Manningham and assist in encouraging renewal of the shopping precinct. The development would act as a demonstration project to showcase high quality urban design and best practice in sustainability and affordability and facilitate the provision of affordable housing opportunities within an activity centre.
- 5.2 The community has had an opportunity to comment on the Amendment and Application and make submissions during the exhibition process. Further opportunity for community input will occur as part of the subsequent planning application for development. Consultation with key stakeholders who have a direct interest in the development of the precinct, was included in the planning amendment process and will again include affected stakeholders during future application processes.
- 5.3 All submitters to Amendment C102 and Planning Permit Application (PL 15/025196) will be invited to make a presentation at an Independent Panel hearing if Council resolves to request that a Panel be appointed.

6 FINANCIAL RESOURCE IMPLICATIONS

- 6.1 Planning Scheme amendments are prepared and administered by the Economic and Environmental Planning (EEP) Unit. The EEP Unit will meet the costs of the amendment process in accordance with the *Planning and Environment (Fees) Regulations 2000*, including any fees associated with a panel hearing.
- 6.2 Council will be responsible for all costs associated with its representation at a panel hearing.
- 6.3 Council will also be responsible for costs associated with carparking provision and management, and will also commit funds from the sale of the land to assist with the upgrade of the laneway.

7 SUSTAINABILITY

- 7.1 It is expected that the proposed Amendment would result in development that would have positive social, environmental and economic outcomes. The Amendment would support the objectives and implements key aspects, of the *Doncaster East Village Structure Plan* by providing new housing opportunities for underrepresented markets including some provision of affordable housing and an upgraded public carpark.
- 7.2 The sub precinct is also expected to be improved with an upgraded open space/plaza and pre-school facility which would benefit the broader community.

8 CONSULTATION

- 8.1 The public exhibition period for the combined Amendment and Application was for 6 weeks from 20 August – 1 October 2015. Public notice of the combined Amendment and Application was placed in the *Manningham Leader* on 17 August and in the *Government Gazette* on 20 August 2015. Two public notices were also erected across the sites for the duration of the exhibition period.
- 8.2 Notice of the combined Amendment and Application was also sent by mail to approximately 80 people, including land owners and occupiers surrounding the site in the area bounded by Doncaster Road, Churchill Street, Montgomery Street and Blackburn Road. This included owners and occupiers within the Doncaster East shopping centre. Notice of the Amendment and Application was also given to the prescribed Ministers and relevant statutory authorities.
- 8.3 Two information sessions were conducted on 26 August 2015 for the traders and 2 September 2015 for the residents, to explain the proposal and to respond to enquiries. Only one owner of a commercial property in the Doncaster East shopping centre attended these sessions.
- 8.4 The Amendment documentation, including the draft planning permit, was placed on the *Your Say Manningham* website and was available for viewing at the Council offices and branch libraries. A total of 86 visits to the Council web site to view the relevant documentation were recorded.
- 8.5 A total of three submissions have been received in response to the public exhibition of the Amendment. Two submissions are from owners/occupiers of commercial properties on the north side of Doncaster Road. One submission is from an owner/occupier of a commercial property on the south side of Doncaster Road. No submissions have been received from residents of Montgomery Street or Churchill Road.
- 8.6 The table included at **Attachment 5** summarises the issues raised by the submitters and includes a recommended response to all submissions.
- 8.7 In summary, the main issues raised by the objecting submissions relates to:
- The proposed reduction of public car parking will have a negative impact on the Doncaster East Village shopping precinct and the surrounding residential streets.
 - The proposed residential development on the development site at 6 (part) – 10 Montgomery Street will exacerbate parking problems in the area.
 - Council should make provision for additional parking over and above the public carparking spaces proposed to be provided and upgrade the laneway.
 - The proposed sale of land is an attempt by Council to generate income and is self serving.
- 8.8 In response to these submissions, the history of the provision of public carparking in the precinct needs to be discussed and understood.
- 8.9 Public carparking is currently provided on Council owned land in the precinct as follows:

- 6 Montgomery Street – 28 public parking spaces provided with no formal line marking
 - 8 Montgomery Street – 17 spaces available for used by the Doncaster City Church (traders use these spaces but they are not technically public parking).
 - 10 Montgomery Street – 13 public parking spaces with poor line marking.
- 8.10 A total of 41 spaces are therefore currently available for public parking in the precinct.
- 8.11 In late 2012, in conjunction with Places Victoria, Council exhibited a concept plan and undertook targeted consultation and market research with residents, traders and key stakeholders. The loss of carparking as a result of the joint Council and Places Victoria proposal was one of the key issues raised. In response to feedback, Council considered that 28 public carparking spaces (an increase of 15 spaces above the 13 exhibited), should be provided as a component of any development proposal for the precinct. In addition, Council officers committed to investigating carparking restrictions within the local area as part of a longer term strategy to manage carparking requirements in the vicinity.
- 8.12 The 29 (plus one disabled) spaces currently proposed to be provided as part of Amendment C102 is therefore consistent with Council's 2012 position on the provision of carparking in the precinct. In respect to how the 29 (plus one disabled) spaces are derived, it can be reasonably concluded that 30 spaces reflects the number of spaces that can physically be accommodated on No. 6 Montgomery Street. It is also noted that any new residential development in the precinct will need to provide on site parking in accordance with Clause 55 of the Planning Scheme.
- 8.13 Whilst it is acknowledged that the number of spaces currently available for public parking on the subject land is proposed to be reduced by 11 spaces, there is no statutory requirement for Council to provide off street public carparking. The 41 spaces that currently exist in Montgomery Street are more a product of circumstance than in response to any statutory requirements in the Planning Scheme.
- 8.14 One of the submissions suggests that Council could provide additional parking to mitigate against the net loss of public parking by reducing the size of the development parcel of land by subdividing a further strip of the development site on the southern boundary which adjoins the lane way at the rear of the shops along Doncaster Road to make way for further parking (potentially 12-15 spaces).
- 8.15 It is considered that the provision of 29 (plus one disabled) public carparking spaces on No. 6 Montgomery Street is satisfactory. Providing further spaces abutting the laneway as submitted will further encumber and compromise the traffic function, safety, visual amenity and vehicular access in the laneway and is not supported.
- 8.16 It is also noted that DDO8 "*Residential Areas Surrounding Activity centres and Along Main Roads*", includes a condition requiring a minimum land size of 1800sqm to be provided and where the land comprises more than one lot, the lots must be consecutive lots which are side by side and have a shared

frontage. These parameters have been reflected in DDO13 which is proposed for the site (although the land size of 1800sqm is discretionary). If Council were to consider making available additional parking spaces abutting the laneway, this would reduce the proposed development site at (part) 6 – 10 Montgomery Street below the 1800sqm threshold. Although this is discretionary, it is important that Council be consistent with its desire to have 1800sqm minimum land size for development.

- 8.17 It is also acknowledged that on street parking restrictions in the precinct should be reviewed to assess the capacity of the surrounding streets to yield additional parking for traders and shoppers. To this end, it is recommended that Council investigate and implement on street and public car parking management and improvements within the local area as part of a strategy to manage car parking requirements in the vicinity. This management plan would be implemented ahead of any sale being finalised.
- 8.18 Finally, officers have identified following exhibition that additional changes to the MSS at *Clause 21.05 Residential* are required as follows:
- 8.18.1 Under *Clause 21.05-1 Built form and neighbourhood character*, it is noted that the heights specified under DDO8 and DDO9 refer to 'storeys' as well as 'heights in metres'. The exhibited amendment proposes to include a paragraph on the application of DDO13, however refers only to a height of 'up to four storey apartment style' without referring to the height in metres. It is therefore recommended that the height of '13.5m' be added for consistency with the references to the other DDO schedules.
- 8.18.2 Under *Clause 21.05-2 Housing – Zones and overlays*, an amendment to the exhibited amendment is required to reflect the application of *DDO13 - Residential Areas Interfacing Commercial Areas in Precinct 2: Residential Areas Surrounding Activity Centres and Along Main Roads*.

These proposed changes should be submitted to the Panel as post exhibition changes to the Amendment. These changes are required for clarification purposes and for consistency between the MSS and the proposed DDO. The amended MSS Clause 21.05 with the proposed changes is attached at **Attachment 6**.

- 8.19 For the reasons above, it is recommended that the exhibited Amendment not be changed in response to the submissions received, with the exception of the minor changes proposed to the MSS.
- 8.20 Council is not able to adopt the amendment at this point, given there are objecting submissions that are unresolved. It is therefore recommended that Council refer the submissions to an Independent Panel for consideration. This option would enable the statutory process to continue, provide for on-going community input.

9 COMMUNICATIONS STRATEGY

- 9.1 All submitters to the Amendment and Application will continue to be kept informed about the Amendment process. A letter was sent to all submitters advising them of Council's resolution in relation to the course of the Amendment and at other key stages of the Amendment process. If the Amendment and Application proceeds to a Panel hearing, all correspondence

relating to the Hearing will be initiated by Planning Panels Victoria. All submitters will be invited to make a verbal submission to the Independent Panel.

10 CONCLUSION

- 10.1 In September 2014, Council and Places Victoria agreed to mutually terminate a Project Development Agreement (PDA) which governed the proposed redevelopment of Council owned land at 2-10 Montgomery Street, Doncaster East, however, the site is still considered to have significant potential for achieving the agreed vision and objectives for the precinct.
- 10.2 Proposed changes to the zones and overlays applicable to the Council owned land will facilitate the sale, by EoI, of a 2000sqm site and its future residential redevelopment of a height consistent with the *Doncaster East Village Structure Plan*. The proposed Design and Development Overlay is also proposed to be applied to adjoining privately owned land in the Montgomery Street precinct as recommended in the Structure Plan.
- 10.3 A total of three submissions have been received in response to the public exhibition of the Amendment and Application. The submissions are based primarily on parking concerns and the loss of public carparking as a result of the Amendment/Application. In response to the submissions, it is not recommended that any changes be made to the exhibited Amendment at this stage with the exception of minor changes to the MSS.
- 10.4 As any changes be made to the Amendment in response to the submissions are not supported, it is therefore recommended that Council refer the Amendment/Applications and submissions to an Independent Panel for consideration.

OFFICER'S RECOMMENDATION

That Council:

- (A) **Notes all submissions received in response to Amendment C102 to the Manningham Planning Scheme and Planning Permit Application PL15/025196;**
- (B) **Endorses the officers' recommended responses to the issues raised by submitters as shown in Attachment 5 and endorse these responses as the basis for Council's submission to an Independent Panel;**
- (C) **Endorses the recommended post exhibition changes to the MSS at *Clause 21.05 Residential* for inclusion in Council's submission to an Independent Panel generally in accordance with Attachment 6;**
- (D) **Requests that the Minister for Planning appoint an Independent Panel under part 8 of the *Planning and Environment Act 1987*, to consider all submissions received in response to Amendment C102 to the Manningham Planning Scheme and Planning Permit Application PL15/025196;**
- (E) **Writes to all submitters, informing them of Council's decision to proceed to the Panel stage;**
- (F) **Subject to the successful resolution of the necessary Statutory processes, agrees to investigate and implement a carparking management plan for the**

Montgomery Street precinct and to commit funds from the sale of the proposed development site at 6 (part) – 10 Montgomery Street towards the upgrading of the laneway.

Conflict of Interest

Cr O'Brien stated:

"Councillors, I wish to disclose that I have a conflict of interest in this item being an indirect interest of a close association and I will be leaving the meeting room for the duration of the item."

Having disclosed his conflict of interest Cr O'Brien left the meeting room at 7.22pm and returned at 7.24pm after the matter had been finalized and took no part in the discussion and voting on this item.

MOVED: GALBALLY
SECONDED: HAYNES

That the Recommendation be adopted.

CARRIED

Attachment 1: Site Context

Attachment 2: Existing Planning Scheme Controls

Attachment 3: Exhibited Amendment C102

Attachment 4: Exhibited Planning Permit Application PL15/025196

Attachment 5: Summary of Submissions

Attachment 6: Post exhibition changes to MSS Clause 21.05 Residential

* * * * *

10.2 Tunstall Square - Two Petitions Objecting to the Closure of the Beverley Street Entrance

Responsible Director: Director Planning & Environment
File No. T15/221

The ultimate destination for this report is: COUNCIL AGENDA

Neither the responsible Director, Manager nor the Officer authoring this report has a conflict of interest in this matter.

SUMMARY

The purpose of this report is for Council to consider two petitions relating to the proposed closure of Shaw Street in the Tunstall Square Shopping Centre. One of the petitions includes signatories from 36 property owners, the other includes signatories from 33 traders.

Both petitions oppose Action P2 of Council's Tunstall Square Structure Plan (March 2015) which is the closure of the one-way roadway from Beverley Street, also known as Shaw Street, to create a community gathering space and public plaza.

The closure of Shaw Street has been an issue since 2001. Residents have sought to close Shaw Street to improve pedestrian safety and provide a community gathering space, whilst many traders have opposed the closure believing that it will lead to traffic congestion.

During the preparation of the Tunstall Square Structure Plan (2015), the community continued to identify the need to create a community gathering space in the Centre. Traffic data compiled by BVY Traffic Survey concluded that the closure of Shaw Street would not create significant additional delays to traffic.

It is considered that circumstances have not changed since the Council adopted the Tunstall Square Structure Plan in March of this year and that the action that relates to closing the one way road way from Beverley Street to create a public plaza should be retained and Council should continue to work with the property owners and traders so as to ensure the best possible outcome for the centre and local community.

A separate statutory process involving further public consultation is required to formally close Shaw Street and a separate report on that will be presented at the December Council meeting.

1 BACKGROUND

1.1 Since 2001 Council has received various petitions relating to the closure of Shaw Street. A summary is provided below:

December 2001	Residents	273	Seek to close Shaw Street
February 2002	Traders and customers	448	Opposing proposed closure of Shaw Street
November 2008	Residents	589	Requesting closure of Shaw Street entry into Tunstall Square

- 1.2 On 30 April 2002 Council resolved amongst other things to:
- Support in principle the trial closure of the lane formerly known as Shaw Street; and
 - Discuss options with interested parties in relation to improving pedestrian safety and amenity along the lane.
- 1.3 In response, the lane was realigned and two speed humps, planter boxes, bollards and signage were installed, however the trial lane closure did not proceed.
- 1.4 In November 2008 a petition with 589 signatories from residents was received requesting the closure of the Shaw Street entry into Tunstall Square.
- 1.5 Council officers surveyed the owners and tenants of businesses in the western part of Tunstall Square to gauge support for closing the lane. 87% of the questionnaires were returned and the results showed that:
- 12 respondents supported the closing the lane; and
 - 61 respondents were not in favour of closing the lane.
- 1.6 In January 2009, the Tunstall Square Traders Association reinforced its opposition in writing to the closure of the lane.
- 1.7 In March 2009, Council resolved to keep the laneway open given the significant opposition from traders and on the basis that there was no masterplan prepared for Tunstall Square Activity Centre.
- 1.8 The creation of a high quality public plaza between Beverley Street and Tunstall Square was a specific strategy identified in the draft Tunstall Square Structure Plan which included a related action (P2) "Close the one-way roadway connecting Beverley Street to the central carpark on the western side of Tunstall Road and undertake streetscape improvements to transform it into a community gathering space and public plaza."
- 1.9 In response to the exhibition of the draft Structure Plan in November - December 2014, 129 submissions were received. The broad breakdown of submitters included: 96 residents; 13 traders; 12 business owners; 2 resident / owners; 1 resident/trader; 3 visitors and 2 anonymous.
- 1.10 The recommended action to close off the entrance off Beverley Street to create a public plaza received the greatest number of responses, with 34 respondents agreeing; 7 conditionally agreeing; and 18 disagreeing.

- 1.11 The report to Council in response to the submissions stated that:
- 2.23 *The public plaza is a vexed issue and the closure of the Beverley Road access has been proposed previously. Whilst it is acknowledged that the public plaza could benefit from being more centrally located within the centre, that could not occur until there was a redevelopment opportunity, for example in the vicinity of the proposed gateway location along Doncaster Road. In the meantime, it is considered that the creation of a public plaza that provides a space where the community can gather will be beneficial for the Centre. Furthermore, the need for a public plaza was identified by shoppers and visitors of the Centre in previous public consultation associated with the draft Structure Plan as well as during this round of public consultation.*
 - 2.24 *During the preparation of the draft Structure Plan, Council engaged Ratio Consultants to undertake a traffic and parking review of the Tunstall Square activity centre and commissioned BVY Pty Ltd to conduct traffic surveys at access points on Tunstall Road and at the Beverley Street entrance (Shaw Street). Both studies concluded that the proposed laneway closure would have only minimal traffic impact.*
 - 2.25 *The draft Tunstall Square Structure Plan (Public Spaces Action P2) identifies that the closure of the Beverley Street access would be undertaken in a staged manner. It is considered that the Centre will benefit from the provision of a public plaza and that closing the one way road in a staged manner will lead to confusion with traders and visitors to the Centre. It is therefore recommended that the Beverley Street access be closed on a permanent basis and undertaken as soon as practicable.*
 - 2.26 *Prior to any closure of the access off Beverley Street, Council will need to undertake a communications and engagement plan informing traders, residents and visitors of the change in access arrangements. Council officers would also need to work closely with the Tunstall Square Traders' Association to monitor the closure.*
 - 2.27 *Given that the Structure Plan has a 20 year timeframe, when a redevelopment opportunity arises elsewhere in the Centre, the provision of a larger public plaza could be further considered.*
- 1.12 On 31 March 2015 Council adopted the *Tunstall Square Structure Plan*, including Action P2 - *'Close the one-way roadway connecting Beverley Street to the central car park on the western side of Tunstall Road and undertake streetscape improvements to transform it into a community gathering space and public plaza'*.

2 PROPOSAL/ISSUE

- 2.1 Two petitions have been received from owners and traders relating to properties on the west side of the Tunstall Square Shopping Centre.
- 2.2 The first, received on 23 July (**Attachment 1**), with signatories from the owners of 36 of the 42 properties on the west side of the Centre (approximately 86%) requests that Council retain the entrance from Beverley Street via Shaw Street into Tunstall Square Shopping Centre.

- 2.3 The second, received on 24 August (**Attachment 2**), with signatories from 33 of the 46 businesses (approximately 71%) on the west side of the Centre includes the same request. The covering letter for that petition on behalf of the Traders' Association also states that the Association is against the closure but supports the beautification and necessary safety improvements required.
- 2.4 When previous petitions were considered there was neither a structure plan nor master plan prepared for the Centre. In this instance the two petitions need to be considered having regard to the Tunstall Square Structure Plan (2015).
- 2.5 The need to provide a public plaza within the Tunstall Square Activity Centre and the closure of Shaw Street to create such a plaza have been an ongoing issue since 2001. In summary, residents have sought the closure of Shaw Street to improve pedestrian safety and provide a community gathering space, however traders have not supported the closure because of the potential loss of trade and increased congestion at the vehicle accesses along Tunstall Road.
- 2.6 During the preparation of the Structure Plan (2015), Council engaged Ratio consultants to undertake a traffic and parking review of the Tunstall Square activity centre and commissioned BVY Pty Ltd to conduct traffic surveys at access points on Tunstall Road and at the Beverley Street entrance (Shaw Street). Whilst it was identified that there are some congestion points in the car parking areas, it was concluded that the proposed laneway closure would not create significant additional delays to the traffic.
- 2.7 It is considered that circumstances have not changed since the Council adopted the *Tunstall Square Structure Plan* in March of this year and that the action that relates to closing the one way road way from Beverley Street to create a community gathering place and public plaza should be retained and Council should continue to work with the property owners and traders so as to ensure the best possible outcome for the centre and local community.
- 2.8 In addition it should be noted that a formal statutory process involving the opportunity for submissions must be followed to formally close any road and a report in relation to that matter will be presented to Council at the December Council meeting.

3 PRIORITY/TIMING

- 3.1 Action P2 of the Tunstall Square Structure Plan (2015), relating to the road closure, is identified as a short – medium term action. The Structure Plan identifies short term actions being 0 – 5 years. Medium term actions have a timeframe of 6 – 10 years.

4 POLICY/PRECEDENT IMPLICATIONS

- 4.1 Council adopted the *Tunstall Square Structure Plan* in March 2015. The Plan provides direction for the future use and development of the Centre over the next 20 years. It has been informed by a community (demographic) profile; an economic assessment; traffic and parking reviews; an active travel audit and an urban design analysis as well as comprehensive community consultation.

- 4.2 The recently reviewed Open Space Strategy endorsed in 2014 identified the need for additional open space in the Boronia Precinct (recommendation 4.1). The closure of Beverley Street entrance will provide for an urban open space plaza that will assist in meeting the objectives of this recommendation.

5 CUSTOMER/COMMUNITY IMPACT

- 5.1 The urban plaza and associated improvements in the public areas will assist in making the Tunstall Square Shopping Centre an attractive place to shop, visit and work.

6 CONSULTATION

- 6.1 There was comprehensive community consultation associated with the development of the Tunstall Square Structure Plan which included:
- public exhibition for six weeks;
 - an A3 coloured brochure that illustrated the key recommendations and a feedback form sent to around 1800 owners and occupiers of properties within the Structure Plan area and to submitters who had been involved in previous consultation leading up to the development of the draft Plan;
 - all information made available on the Manningham website, in libraries, the Manningham Leader and Manningham Matters; and
 - information sessions for traders and residents.

7 CONCLUSION

- 7.1 The closure of the one-way entrance from Beverley Street, known as Shaw Street, has been an ongoing issue since 2001. In the past the community has requested the need to close Shaw Street to create a community gathering space, but has faced opposition from traders. Whilst previous Councils have supported a trial closure of Shaw Street, the trial has not proceeded given the absence of an approved plan for the Centre.
- 7.2 The two petitions that are subject to this report need to be considered having regard to the approved *Tunstall Square Structure Plan (2015)*. The Structure Plan (2015) was informed by: a community (demographic) profile; an economic assessment; traffic and parking reviews; an active travel audit and an urban design analysis, and extensive public consultation.
- 7.3 A Traffic and Parking Review (June 2013) and traffic counts prepared by BVY Traffic Survey concluded that the closure of Shaw Street would not create significant additional delays to traffic.
- 7.4 It is considered that the circumstances relating to the value of an urban plaza and gathering place for the Tunstall Square Shopping Centre have not changed since the Structure Plan was endorsed by Council in March this year and therefore that Action P2 of the Structure Plan (2015) that relates to closing the one way road way from Beverley Street to create a public plaza and community gathering space should be retained.

OFFICER'S RECOMMENDATION

That Council:

- (A) Notes the opposition by signatories to the petitions shown as Attachments 1 and 2 to the closure of the one-way access road way from Beverley Street via Shaw Street in the Tunstall Square Shopping Centre.
- (B) Confirms its endorsement of the Tunstall Square Structure Plan (March 2015) including Action P2 - *'Close the one-way roadway connecting Beverley Street to the central car park on the western side of Tunstall Road and undertake streetscape improvements to transform it into a community gathering space and public plaza'*.
- (C) Informs those persons who have lodged each petition shown as Attachments 1 and 2 that Council confirms its endorsement of the Tunstall Square Structure Plan (March 2015) including Action P2 - *'Close the one-way roadway connecting Beverley Street to the central car park on the western side of Tunstall Road and undertake streetscape improvements to transform it into a community gathering space and public plaza'*.
- (D) Notes that a separate report in relation to the statutory process required to close the one-way roadway from Beverley Street will be presented at the December Council meeting.

MOVED: HAYNES
SECONDED: GALBALLY

That the Recommendation be adopted.

CARRIED

Attachment 1: Petition with signatories from property owners of the west side of Tunstall Square activity centre

Attachment 2: Petition with signatories from traders of the west side of Tunstall Square activity centre

11. ASSETS & ENGINEERING

11.1 Melbourne Hill Road Catchment Study Results- Concept Adoption

Responsible Director: Director Assets and Engineering

File No. T15/252

The ultimate destination for this report is: COUNCIL AGENDA

Neither the responsible director, manager nor the officer authoring this report has a conflict of interest in this matter.

SUMMARY

The flood event that occurred late in December 2011 resulted in 6 reports of the habitable floors of homes being inundated within the Melbourne Hill Road catchment.

In response, Council officers developed a potential drainage scheme option, taking account of initial community feedback. However, the community were not supportive of this option and requested that Council consider an environmentally sustainable alternative.

Acknowledging the unique environmental sensitivities and semi rural nature of the Melbourne Hill Road catchment, at its meeting held on 29 July 2014, Council resolved to engage an external environmental water management consultant to prepare a report evaluating the potential for alternate, environmentally sustainable options to assist with flood mitigation works in the Melbourne Hill Road precinct.

Consultants BMT WBM were awarded the contract on 8 January 2015. A detailed flood model was developed to facilitate the study. The base case flood model results also showed that there is a significant flooding problem in this catchment, with 8 houses flooding in a major or 1 in 100 year ARI flood event. The entire catchment contributes to the flooding issues experienced in the catchment. The modelling results also indicate that the existing drainage system is significantly undersized, with the majority of flood water conveyed overland. These results reinforce the need for drainage improvements within this catchment.

Extensive community consultation was undertaken during the progress of this multi phase consultancy project. The community were engaged in the development of several alternative scheme options, as well as values against which to assess them against. One of the key project requirements was the mitigation of habitable floor flooding. The results of the Scheme Assessment are set out in detail in the Melbourne Hill Road Drainage Scheme Assessment - Community Report.

The values applied in assessing and comparing the three valid schemes include cost effectiveness, preserved amenity and community character, environmental, works on private land, innovation, flood mitigation, safety, residual risk, planning feasibility and legal Points of Drainage Discharge.

Based on this analysis, and the relative performance of the four schemes against the community and core project values, BMT WBM recommended that Schemes 2

and 4 be set aside and that only Schemes 1 and 5 (Modified) be further considered. It is noted that Schemes 1 and 5 (Modified) were also the highest cost schemes at estimated costs of \$2.2 million and \$2.0 million (adjusted), respectively.

Taking account of community concerns regarding the higher cost of the two preferred schemes, BMTWBM were engaged to further investigate modifications to Scheme 2, in consultation with the Reference Panel, in order to develop a low cost scheme option that would achieve similar habitable floor' flood mitigation performance to Schemes 1 and 5 (Modified), to be known as Scheme 2.1.

The Reference Panel then requested that the upgrade of the Lorraine Avenue easement drain be added, in addition to the works proposed as part of Scheme 2.1, to form Scheme 2.3. However, as Scheme 2.3 would provide no additional flood mitigation benefit over that provided by Scheme 2.1, would not result in any improved environmental outcomes, would result in the disturbance of a further 14 properties and would be more costly, Scheme 2.3 was not supported.

Property owners within the catchment were then surveyed, seeking their preferences amongst the three short listed scheme options. Invalid responses constituted 74.1% of the responses received (these response favoured Scheme 2.3, even though it was not proposed). Of the valid scheme options, the highest level of support was expressed for Scheme 5, then Scheme 1, followed by the lowest cost option being Scheme 2.1.

Whilst Scheme 5 offers the greatest benefit in terms of Andersons Creek health outcomes, this benefit is only marginal and there are difficulties with the implementation of Scheme 5. In addition, the private infrastructure would largely be funded by individual property owners. This contribution would be in addition to a contribution in respect of the special charge scheme for some properties. As such, disparate costs would result between properties.

By comparison, Scheme 1 provides the following benefits:

- It achieves the core project habitable floor flood mitigation outcome requirements.
- While the scheme represents the highest cost of the options considered, it alleviates the need for any further drainage capital works within this catchment.
- Scheme 1 serves the greatest number of property Points of Drainage Discharge of the schemes assessed. As such, the scheme minimises future property owner liability under Section 16 of the Water Act. It also most fully facilitates equitable property redevelopment within the catchment for the future.
- Scheme 1 achieves the best results of the short listed schemes in terms of residual risk and safety outcomes.
- While Scheme 1 involves works within the greatest number of properties of the schemes, it delivers the greatest long term benefits.

By way of note, the scheme boundary for Scheme 1 would require further investigation, as the more detailed investigations from the BMT WBM study have revealed that it may be necessary to add in some additional properties to the original Scheme 1 proposal. This is referred to below as Scheme 1 (modified).

Officer recommendations are offered as follows. That:

- A. Council receive and note the Community Report and associated documentation as developed by the consultant to date.*
- B. Scheme 1 (modified) be adopted as the preferred concept option, to resolve the flooding in the Melbourne Hill Road catchment.*
- C. Officers be authorised to progress the detailed design for Scheme 1 in consultation with the Reference Panel, identify the extent of any required easement acquisition and prepare an updated project cost estimate, define the scheme boundary and prepare a preliminary cost apportionment.*
- D. Officers complete and submit the project completion report and finalise the requirements associated with the Living Rivers grant funding through Melbourne Water.*
- E. Council reaffirm its previous resolution of 26 March 2013, to consider a further report on the intention to declare a special charge, upon completion of the detailed design, estimates and preliminary cost apportionment for the Melbourne Hill Road catchment.*

1 BACKGROUND

- 1.1 The flood event which occurred late in December 2011 resulted in 6 reports from Melbourne Hill Road catchment residents of flooding of habitable floor areas of their homes. This catchment is considered to be Manningham's worst impacted area as a result of this event, and the number one priority to resolve.
- 1.2 A public meeting was held on 6 February 2013 at which a drainage system concept and details of the special charge process were presented. Following this meeting, a questionnaire survey was distributed to properties within the catchment and while 15% of respondents agreed that there is a need for drainage improvements within this catchment, only 4% of the 95 respondents were supportive of the implementation of a drainage scheme.
- 1.3 At the 26 March 2013 meeting, Council resolved in part to authorise officers to review the concept plan in consultation with a community reference panel, for a proposed special charge scheme, to improve drainage infrastructure within the Melbourne Hill Road catchment. Council also resolved to consider a further report on the intention to declare a special charge, upon completion of the detailed design, estimates and preliminary cost apportionment.
- 1.4 Scheme concept refinement followed, in consultation with the Reference Panel members. Changes to the original concept proposal included deletion of the proposed kerb and channel from Lorraine Avenue and Melbourne Hill Road, extension of the underground drainage system to collect surface flows near Wildflower Reserve and truncation of the proposed underground drainage system at the northern end of Lorraine Avenue. Asphalt lined clay mounding was also proposed at several locations as requested by the Panel members to direct surface flows.
- 1.5 The majority of the community were not supportive of the amended scheme option, as evidenced through the submission of a petition dated 21 February 2014. The community requested a 'sustainable' flood mitigation solution in preference to the amended concept proposed by Council officers. Advice was however received through the Reference Panel that there was general

agreement amongst community members that there is a need to improve drainage infrastructure within this catchment.

- 1.6 At the 25 March 2014 meeting, Council considered a report on the community consultation undertaken over the previous year and the work undertaken in amending the project concept in response to community concerns. The report also included extensive commentary on difficulties associated with the application of sustainable integrated water management options for this catchment owing to planning and topographical constraints, as well as the paucity of suitable public land to accommodate the required infrastructure .
- 1.7 Council resolved in part to adopt the officer amended concept for drainage improvements within this catchment. In addition, Council resolved to fund in full the cost of the extension of the underground drainage system to capture flows from the Wildflower Reserve catchment, over and above the provisions of Council policy. **Attachment 1** shows the drainage scheme option proposed by officers at the March 2014 meeting.
- 1.8 Acknowledging the unique environmental sensitivities and semi rural nature of the Melbourne Hill Road catchment, at the meeting held on 29 June 2014, Council resolved in part, to prepare terms of reference and engage an external environmental water management consultant to prepare a report that evaluates the potential for alternate, environmentally sustainable options to assist with flood mitigation works in the Melbourne Hill Road precinct. The report was to include advice as to its broader application to other potential drainage projects in similar circumstances.
- 1.9 Council further resolved that on receipt of the report and information from the MHRC panel, a further report be presented back to Council on the viable alternatives, timeframes and associated costs in addressing the drainage issues in the Melbourne Hill Road precinct.

Investigation into Environmentally Sustainable Flood Mitigation Options for Peri Urban Areas.

- 1.10 In response, officers developed a Project Brief in consultation with the Melbourne Hill Road Reference Panel, for Investigation into Flood Mitigation Options Incorporating IWCM Initiatives for the Melbourne Hill Road Catchment. The primary objectives of the consultant study were as follows.
 - Definition of flood conditions in the catchment through the development of a flood model and verification against anecdotal and video information and reports of flooded habitable floors, as a result of the December 2011 flood event.
 - The development, testing and assessment of three sustainable flood mitigation scheme options considering IWCM initiatives in consultation with the community and comparison of these potential schemes against the performance of the amended scheme option developed in 2014.
 - Define a set of community based values for the comparison of the four scheme options and prepare cost estimates for the four schemes.
 - The development of a selection guide for the implementation of sustainable flood mitigation options was also required.

- 1.11 In tandem, officers submitted a grant application to Melbourne Water through the Living Rivers program for part funding for the consultant study on a cost shared basis. Council's application for \$50,000 of the estimated total project cost of \$100,000 was successful.
- 1.12 Officers had also been progressing flood mapping in support of Planning Scheme Amendment C109, including flood mapping of the Andersons Creek catchment. The flood model developed by Cardno for the Andersons Creek catchment using Tuflow software was made available as the base upon which to model, test and compare the four scheme options.
- 1.13 Quotations were called accordingly for the provision of consultant services. Several submissions were received and following assessment, BMT WBM were awarded the contract on 8 January 2015. BMT WBM were selected as they developed the Tuflow software and have expertise in its manipulation and utilisation, have extensive experience in the modelling of sustainable flood mitigation measures through the software and proposed a beneficial community engagement approach to the project using a recognised practitioner.

Study Methodology

- 1.14 At project inception, the Melbourne Hill Road Reference Panel were invited to a meeting held on 5 February 2015 at which the study methodology and 'community values' for the project were discussed. The Community Values together with the core project objectives set out in the Project Brief were used as the basis for assessment and comparison of the four potential drainage schemes. Following this meeting, the draft Community Values were ratified by the Reference Panel and adopted (**Attachment 2**). At this meeting the Terms of Reference for the Reference Panel were also adopted, then posted on Your Say Manningham.
- 1.15 At the request of the Panel and in accordance with the requirements of the Project Brief, a tour of the catchment was undertaken following the community meeting, to familiarise the consultant with the catchment features and to provide an opportunity for the community to provide anecdotal information about their observations of overland flows during flood events. The tour involved Reference Panel members, BMT WBM representatives, Councillors and Council officers. In parallel with this tour and at the request of individual property owners, a member of the consultant team and a Council officer visited properties which had previously reported flooding and interviewed the property owners.
- 1.16 The study from this point involved several stages as follows.
- Stage 1 - Development of a flood model to define existing flooding conditions and identification of feasible Integrated Water Cycle Management (IWCM) options to assist flood mitigation.
 - Stage 2 - Development of three additional flood mitigation schemes in consultation with the community that could potentially achieve the project aims, testing of the schemes through the flood model, preparation of cost estimates and evaluation of the schemes against the community and core project values.

Base Case Flood Modelling Results

- 1.17 In order to ensure that the flood model best represented actual flooding conditions within the Melbourne Hill Road subcatchment, several adjustments were made to the Andersons Creek flood model. Field survey information including details of open drains and vehicle crossing culverts and the existing underground drain within the valley were incorporated into the model. These measures were taken although this infrastructure is under private control. The model does not include any private drainage infrastructure on private land as Council does not have exhaustive records of this infrastructure. In addition, this infrastructure is controlled by individual property owners and can be adjusted or removed at any time. It may also be poorly maintained and may not be functional. As such, this infrastructure cannot be relied upon for catchment wide flood mitigation purposes. The catchment boundary was also reviewed. Floor level survey information was also collected for vulnerable properties.
- 1.18 It was found that there was generally good correlation between the available anecdotal information received from property owners and reported house flooding with the flood modelling results. *The base case flood model results also showed that there is a significant flooding problem in this catchment with 8 houses flooding in a major or 1 in 100 year ARI flood event.* There are also several uncontrolled flowpaths impacting the catchment. *The entire catchment contributes to the flooding issues experienced in the catchment.*
- 1.19 A second base case major (1 in 100 year ARI event) storm scenario involving 50% blockage of all existing drainage system inlets was also tested through the model. It was found that in general, there was only a marginal increase in flooding within the catchment. *This result indicates that the existing drainage system is significantly undersized with the majority of flood water conveyed overland. These results reinforce the need for drainage improvements within this catchment.*

Scheme Option Development

- 1.20 BMT WBM developed a long list of 22 IWCM options, as potential components of the three flood mitigation schemes to be developed in consultation with the community. A report was prepared describing each option and providing an indication of relative costs, flood mitigation effectiveness, benefits and disbenefits, as well as links to further information.
- 1.21 A community scheme shortlisting workshop was conducted on 30 April 2015. The Melbourne Hill Road Catchment: Long List of Flood Mitigation Options report was distributed to the Reference Panel members prior to the workshop. Due to the size of this document, it has not been attached to this report. The document is available through the Your Say Manningham website.
- 1.22 At the workshop, the existing conditions flood model results were presented. The flood modelling clearly showed the passage of water through the catchment and through several properties. The modelling results for the Lorraine Avenue subcatchment were questioned. In response, further field survey was undertaken and the flood model was updated and rerun. The results demonstrate flood extents which correlate reasonably well with runoff

shown in video footage submitted by the community, following the December 2011 flood peak. These results were communicated to the Reference Panel member concerned and included in commentary as part of the Community Report.

- 1.23 Details regarding each IWCM option were then presented. The community members were requested to provide feedback regarding their preferences from the IWCM long list options. The results were collated and the long list options were prioritised accordingly. **Attachment 3** provides details of property owner preferred IWCM options. The infrastructure items receiving the highest level of support at the workshop were upgrade of the open drains and vehicle crossing culverts.
- 1.24 Later at the workshop, this information was used as the basis for the development of three potential schemes incorporating IWCM options. Two groups were formed which included community members, a representative from BMT WBM and a Council officer. The two groups were tasked with the development of alternative scheme options, based on the flood mapping information and taking account of the community preferred sustainable flood mitigation options. This work resulted in the development of Schemes 2, 3 and 4. It was agreed by the Consultant and Council officers that each of the three potential schemes would assist flood mitigation within the catchment.
- 1.25 Following this workshop, representatives of the Reference Panel approached Council officers, proposing a new scheme known as Scheme 5 (**Attachment 6**), and requesting that Scheme 5 be modelled in place of Scheme 3. Instruction was issued to the consultant accordingly to replace Scheme 3 with Scheme 5 for modelling purposes and a plan showing the scheme 3 infrastructure was not developed. Plans showing Schemes 2 and 4 are also attached (**Attachments 4 and 5**).
- 1.26 Following the workshop, the consultant was tasked with sizing the infrastructure associated with the three schemes developed in consultation with the community. This was undertaken through an iterative process using the flood model, optimising infrastructure sizes to best meet the core project objectives.

Active Storages

- 1.27 Rainwater tanks and raingardens received community support at the Short Listing Workshop and were incorporated into Schemes 4 and 5 for Drysdale Road and upper Melbourne Hill Road properties. They contribute to flood mitigation by capturing and temporarily storing excess runoff during a rainfall event. Typically, the overflow from the rainwater tank would discharge to the raingarden. The raingarden in turn would be connected and discharge to a flexipipe underground drain located within the easement at the rear of the property. For these assets to effectively contribute to flood mitigation, storages need to have a significant available capacity prior to a flood event. It was therefore determined that the associated tanks would not be a reliable source of irrigation water, operating more as detention storages.

Scheme Assessment

- 1.28 The results of the Scheme Assessment are set out in detail in the Melbourne Hill Road Drainage Scheme Assessment - Community Report and in summary below. Due to the size of this document, it has not been attached

to this report. The document is available through the Your Say Manningham website.

- 1.29 Maps showing the flood extents and flood impacts in the minor (1 in 5 year ARI) and major (1 in 100 year ARI) events are shown in the Community Report in figures 4.4 to 4.19 and in the Addendum Scheme 2.1: Melbourne Hill Road Drainage Scheme Assessment - Community Report in Figures 3.4 to 3.7.
- 1.30 The main source of flood risk for the catchment is uncontrolled flowpaths throughout the catchment. There is correlation between the reduction in uncontrolled flow paths and the extent to which points of drainage discharge are provided throughout the catchment. *It follows that the scheme which offers the greatest reduction in overland flow paths will also minimise overall catchment flood risk.*
- 1.31 In general, the modelling has demonstrated that the infrastructure providing the greatest reduction in flood risk is the proposed valley drain. *No other flood mitigation option provides as significant a benefit as the valley drain.* The existing private valley drain is largely constructed beyond the easement. It is critical that inlets to the valley drain be located in the valley to maximise the effectiveness of this infrastructure. The existing Melbourne Hill Road valley easement is 3 metres wide and needs to accommodate sewerage reticulation, as well as the valley drain. *Easement acquisition or potentially widening is likely to impact several properties irrespective of which scheme is supported.* These impacts will be quantified during the detailed design phase.
- 1.32 The Houghton Road diversion aims to divert flows from the upper section of Melbourne Hill Road to Houghton Road. The modelling undertaken indicates that this option provides some protection for Francis Street properties, but does not provide any measurable flood benefit elsewhere in the catchment. *This diversion increases overland flows along Houghton Road and necessitates the involvement of properties which were not impacted by Scheme 1.*
- 1.33 The community values applied in assessing and comparing the four schemes and the basis for assessment are as follows.
- Cost effectiveness – The scheme with the lowest capital cost scored highest and the highest capital cost scheme received the lowest score.
 - Preserved amenity and community character – Each scheme received a score based on a preliminary assessment of the number of trees impacted by the works and the assessed impact on the catchment aesthetics. It is noted that in time, the aesthetic impacts of the works will diminish as reinstated vegetation establishes.
 - Environmental – This criterion focuses on the relative impacts of the schemes on Andersons Creek. This was assessed through assessment of the reduction in peak flows entering the creek (if any) and reduction in nitrogen discharge to Andersons Creek. It needs to be recognised that changes to the peak discharge from the Melbourne Hill Road catchment are

however comparatively minor, representing a maximum shift of 2.7% of the peak flow in Andersons Creek.

- Works on private land – This descriptor takes account of the severity, scale and duration of works on private land for each scheme.
- Innovation – Criterion is a measure of the level of IWCM initiatives proposed as part of the scheme option.
- Flood mitigation – Criterion is a measure of the relative ability of each scheme to mitigate habitable floor flooding in a 100 year ARI event.

1.34 It was agreed with the Panel members that 'staged implementation' is not a helpful criteria when comparing schemes and, as such, was set aside from the scheme assessment process.

1.35 The core project values applied to the scheme assessment are as follows.

- Flood mitigation.
- Safety – Criterion primarily relates to the risk posed to people and property by uncontrolled overland flows through the catchment.
- Residual risk – Relates to the risk remaining following implementation of each scheme due to uncontrolled flowpaths.
- Planning feasibility – Schemes 4 and 5 which involve the construction of raingardens and rainwater tanks on private land require a more complex delivery approach than conventional drainage schemes such as Schemes 1 and 2. Schemes 1 and 2 can be delivered through the Special Charge provisions of the Local Government Act 1989.

In addition, the extent of provision of Points of Drainage Discharge for each scheme was also considered. Further information is provided in section 4 of this report.

1.36 Table 4-2 in the Community Report indicates that for Scheme 5, two properties remain impacted by habitable floor flooding. Analysis of the flood modelling results for Scheme 5 indicates that there are opportunities to improve the habitable floor flood mitigation performance of this scheme to match the performance of Scheme 1. Recommended modifications included the following.

- Removing the storage at 30 Melbourne Hill Road as it does not provide significant flood mitigation benefits.
- The addition of ancillary works, to improve the management of storm water flows near the junction of Houghton Road and Melbourne Hill Road and at Francis Street.
- The addition of active storages with a flexible easement drain overflow pipe to serve properties located at 27 – 37 Melbourne Hill Road.

These changes would be subject to testing through the flood model, prior to detailed design. Scheme 5 incorporating these modifications will be referred

to as Scheme 5 (Modified). The nett budgetary impact of these changes is estimated to be of the order of \$100,000, resulting in an adjusted project budget of \$2.0 million.

- 1.37 Based on this analysis and the relative performance of the four schemes against the community and core project values, BMT WBM recommended that Schemes 2 and 4 be set aside and that only Schemes 1 and 5 (Modified) be further considered. It is noted that Schemes 1 and 5 (Modified) were also the highest cost schemes at estimated costs of \$2.2 million and \$2.0 million (adjusted) respectively.
- 1.38 The Community Report findings were presented at a community meeting conducted on 10 August 2015. A Panel member made a statement on behalf of the Reference Panel at the commencement of the meeting, culminating in demands for the following actions.
- An independent baseline costing for the minimum upgrades to existing Melbourne Hill Road Catchment drainage infrastructure to manage a 1 in 5 year ARI event in the absence of water originating from Council assets.
 - A drainage scheme to manage the water from Council controlled assets be implemented to manage a 1 in 100 year ARI event. Construction to be staged and in consultation with affected property owners such that costs to Council be spread over a number of years.
 - The staged approach include the diversion of water down Houghton Road.

The Panel's statement was later published in the Warrandyte Diary. Copies of the Panel statement and Council response form **Attachments 7 and 8** respectively.

Scheme 2.1

- 1.39 The primary concern raised by the community related to the cost of Schemes 1 and 5 and the desirability of developing a lower cost scheme which matched the habitable floor flood mitigation performance of Schemes 1 and 5 (Modified).
- 1.40 In response to these concerns and as Scheme 2 is the lowest cost of the four identified schemes, advice was provided to the community by letter dated 14 August 2015 that Council had engaged BMTWBM, to investigate modifications to Scheme 2 in consultation with the Reference Panel, to develop a low cost scheme option which would achieve similar habitable floor flood mitigation performance to Schemes 1 and 5 (Modified). This additional work has effectively delayed Council consideration of this matter.
- 1.41 BMT WBM developed two indicative potential variations on Scheme 2. One scheme involved extension of the conventional underground drainage system and the second scheme included IWCM options including the Francis Street storage and active storages on four Melbourne Hill Road properties. A copy of the report was distributed to the Reference Panel members prior to the Reference Panel meeting conducted on 21 September 2015.
- 1.42 At the September Panel meeting, the Panel members did not support the inclusion of IWCM options as part of the modifications to Scheme 2. The

Panel also requested the diversion of flows from upper Melbourne Hill Road and the portion of the Wildflower Reserve, along Houghton Road. This infrastructure has been incorporated into Scheme 2.1.

- 1.43 In addition, the Panel requested upgrade of the existing Council easement drain at the rear of the Lorraine Avenue properties, to convey major storm event flows from the Lorraine Avenue / Francis Street sub catchment and a corresponding decrease in the valley drain diameter. The Panel referred to this option as Scheme 2.3 (**Attachment 9**).
- 1.44 Upgrade of the Lorraine Avenue easement drain would also necessitate the replacement of the existing drain along Houghton Road, down to the outlet located in the open space in front of the Goldfields Plaza Shopping Centre. The existing easement drain is in good working order and it is not due for replacement. A preliminary assessment of the potential reduction in size of the valley drain indicates that a reduction in diameter of only 150mm may be possible, if the capacity of the Lorraine Avenue easement drain were to be increased. There would be little associated reduction in the disturbance associated with the construction of the valley drain. In addition, the Lorraine Avenue easement drain is poorly located to collect surface flows as it is located on the side of a hill, not in a valley. Ancillary works such as the construction of a swale or a bund would be necessary at the rear of the Lorraine Avenue properties, to ensure the effectiveness of this drain. It follows that if this option were to be supported, it would effectively result in the construction of a second drain running parallel to the valley drain, significantly increasing the cost of construction.
- 1.45 Upgrade of the Lorraine Avenue easement drain would provide no additional flood mitigation benefit over that provided by Scheme 2.1 and the works would result in the disturbance of a further 14 properties. This option is not cost effective as it would significantly increase the cost of the works, for no additional benefit. Based on this assessment, upgrade of the Lorraine Avenue easement drain and Scheme 2.3 were not supported.
- 1.46 The final infrastructure proposed as part of Scheme 2.1 is shown in **Attachment 10**. The Addendum Scheme 2.1: Melbourne Hill Road Drainage Scheme Assessment – Community Report provides details of the assessment of Scheme 2.1 against the community and core project values and a comparison against the four other schemes. Due to the size of this document, it has not been attached to this report. The document is available through the Your Say Manningham website.

Scheme / Catchment Boundary

- 1.47 A scheme boundary identifies the properties which are considered to derive special benefit from the proposed scheme works. In this case, special benefit refers to the ability of a property to discharge flows, or to receive protection from the proposed drainage system. It is not possible to accurately determine the scheme boundary until the scope of the scheme works has been determined.
- 1.48 By comparison, a catchment boundary defines the extent of land which contributes flows to a given point and is based on the land topography. The catchment boundary will usually differ from the scheme boundary, depending on the scope of the works proposed as part of a scheme.

- 1.49 Community concerns were raised regarding the accuracy of the red boundary around the catchment, as shown in the August 2015 Community Report and the extent of the land along upper Melbourne Hill Road and Wildflower Reserve contained within the boundary was questioned. In addition, the exclusion of eastern Lorraine Avenue and Houghton Road properties from the boundary was also questioned.
- 1.50 In response to the concerns raised, officers and BMT WBM have conducted further field investigations, assessed the local topography and features and have modified the catchment boundary along upper Melbourne Hill Road. The revised catchment boundary has also been mapped along Houghton Road, to include Houghton Road and Lorraine Avenue east properties.
- 1.51 The current catchment boundary is shown in Attachment 10, with the previous scheme boundary. The area to the south-west of the catchment bounded by two red lines indicates the increase in the catchment area due to the incorporation of more the upper Melbourne Hill Road / Wildflower Reserve catchment. The subject land is 0.76 hectares in area. The contours do not suggest that this additional area is part of the Melbourne Hill Road catchment. However, given the advice provided by the community that flows had been witnessed discharging from this area to the north-east, the catchment boundary has been adjusted. Changes to the catchment boundary have resulted in an increase in the number of properties affected from 107 to 125. Whilst additional properties have been included within the catchment boundary, not all properties within the catchment will be subject to any future special charge.

Comparison of Schemes Against Community and Core Project Values

- 1.52 The habitable floor flood mitigation impacts of the five schemes have been determined through field survey to ascertain house floor levels and comparison with modelled flood levels. The table below provides the results for each scheme in the 1 in 5 year Average Recurrence Interval (ARI) (minor) event and the 1 in 100 year ARI (major) storm event.

Scheme	1 in 5 Year ARI Event	1 in 100 Year ARI Event
Scheme 1	1	1
Scheme 2	2	3
Scheme 2.1	1	1
Scheme 4	2	3
Scheme 5	2	2

It is noted that none of the schemes fully mitigate habitable floor flooding within this catchment. Further analysis indicates that irrespective of any works which could be undertaken on public land, there is one property which requires work on private property to fully address the habitable floor flood risk. Discussions will be held with the affected property owner accordingly.

- 1.53 A summary of the assessment of the five schemes against the agreed community and core project values is provided below. Each Scheme has been assigned a rank based on its relative performance with 5 indicating the highest performance and 1 the lowest against the relevant value. The yellow shading of cells in the table highlights the best performing scheme for each value.

Assessment Criteria	Scheme 1	Scheme 2	Scheme 2.1	Scheme 4	Scheme 5 (Modified)
Cost**	1	5	4	3	2
Preserved amenity and community character	Yes	Yes	Yes	Yes	Yes
Environment	1	1	1	3	4
Works on Private Land	1	5	4	3	2
Innovation	No	No	No	Yes	Yes
Flood Mitigation (Habitable floor flooding)	Yes	No	Yes	No	Yes (As modified)
Points of drainage discharge	All	No	Partial	Partial	Partial
Safety	5	1	2	4	3
Residual Risk	5	1	2	3	4
Planning Feasibility	5	5	5	1	1

** The consultants reports refer to 'Cost Effectiveness', but this measure is simply a comparison of the respective estimated scheme costs. More correctly, this measure is referred to in this report as 'Cost'.

- 1.54 Schemes 1 and 2.1 provide the greatest reductions in the incidence of flooded floors of all the schemes. The consultant identified an opportunity to modify Scheme 5 to improve its flood mitigation performance to be comparable to Scheme 1. It should be noted that while Schemes 1, 2.1 and 5 (Modified) provide similar levels of protection for habitable floors, safety and residual risk also require consideration. *While habitable floors are protected from flooding for each of these schemes, several properties in Francis Street and in Melbourne Hill Road remain at risk for Schemes 2.1 and 5.*
- 1.55 Based on the foregoing, the consultant recommended that Council consider Schemes 1, 2.1 and 5 (Modified), as these schemes meet the habitable floor flood mitigation project requirement.
- 1.56 By way of note, the scheme boundary for Scheme 1 would require further investigation, as the more detailed investigations from the BMT WBM study have revealed that it may be necessary to add in some additional properties to the original Scheme 1 proposal. This is referred to below as Scheme 1 (modified).

2 PROPOSAL/ISSUE

- 2.1 It is proposed that Council receive and note the Community Report and associated documentation as developed by the consultant to date and that the guide to the selection of IWCM treatments for future drainage schemes and the report for the Melbourne Hill Road catchment study be finalised.
- 2.2 It is proposed that Scheme 1 (Modified) be adopted as the preferred concept option, to resolve the flooding in the Melbourne Hill Road catchment.
- 2.3 Officers be authorised to progress the detailed design for Scheme 1 in consultation with the Reference Panel, progress the planning permit application, identify the extent of any required easement acquisition and prepare an updated project cost estimate, define the scheme boundary and prepare a preliminary cost apportionment.
- 2.4 Officers complete and submit the project completion report and finalise the requirements associated with the Living Rivers grant funding through Melbourne Water.
- 2.5 Council reaffirm its previous resolution of 26 March 2013, to consider a further report on the intention to declare a special charge, upon completion of the detailed design, for the Melbourne Hill Road catchment.

3 PRIORITY/TIMING

- 3.1 Given the delays associated with the investigation of additional Scheme 2.1, completion of the Investigation Into Flood Mitigation Options Incorporating IWCM Initiatives for the Melbourne Hill Road Catchment is now expected by the end of December 2015.
- 3.2 The detailed design for Scheme 1 for the Melbourne Hill Road Catchment is expected to be completed at the end of July 2016.
- 3.3 A report on the intention to declare a special charge for the Melbourne Hill Road catchment is expected to be tabled for consideration at the September 2016 Council meeting.

4 POLICY/PRECEDENT IMPLICATIONS**Special Rates and Charges**

- 4.1 The current policy provisions relating to drainage schemes follow in part.

Council to fund scheme contributions in respect of road reservations.

Council to fund costs over and above construction by open trench, where necessitated by site conditions or planning scheme requirements.

Where habitable floor areas are flooded in the 100 year ARI event and there is an existing Council minor drainage system, Council will fully fund the cost of upgrading the drainage system to convey runoff from the 100 Year ARI event to protect habitable floor areas.

Property owners fund the balance of the scheme costs.

- 4.2 The policy recognises the long history of works undertaken at cost to property owners through past schemes, and requires those owners deriving

special benefit from new works to fund the balance of the cost of the scheme works. It is noted that Council has recently completed the works associated with the Thea Grove / Boronia Grove Doncaster East special charge scheme.

- 4.3 Benchmarking has been undertaken through a search of Council websites, to compare Manningham's policy in relation to Council contributions to drainage special charge schemes with other eastern region Councils. Policies from the Shire of Yarra Ranges, Nillumbik Shire Council, Knox City Council and Casey City Council were reviewed and of these Councils, Manningham's policy provides the highest level of Council contribution to drainage scheme works. Relevant details of these policies are summarised in Attachment 11.
- 4.4 The recoverable project costs are required to be distributed between property owners based on equivalent areas of discharge and protection, taking into consideration special cases, in compliance with the requirements of Council policy. Council's policy also takes account of the long history of precedent set at previous Victorian Civil Administrative Tribunal hearings.
- 4.5 Given the existence of some Council drainage infrastructure within this catchment which was developed through a previous special charge process, there is a need to make allowance for these previous infrastructure contributions when determining the special benefit associated with the current works. As such, it is proposed that the apportionment basis be expanded from the 'area' basis outlined in Council Policy, to incorporate 'benefit'.
- 4.6 Council Policy also caps property owner special charge contributions at 10% over and above the declared charge.
- 4.7 It will be recommended to Council that the payment of special charge contributions by quarterly instalments over a 10 year period with interest, be permitted in respect of the proposed Melbourne Hill Road Catchment special charge scheme, should it proceed.
- 4.8 Under the Hardship Provisions of Council's Rate Debtor Management Policy, a ratepayer who is assessed as being, or will be, in financial hardship as a consequence of paying their special charge contribution may be eligible for:
 - o a Payment Agreement that acknowledges their financial position;
 - o a waiver of interest; or
 - o a deferment of rates and charges to a mutually agreed date (the interest rate charged on unpaid charges under this option will be Council's investment rate provided in the annual budget).
- 4.9 The following criteria are considered by Council officers in determining if there is a sustainable case for financial hardship:
 - o The applicant is currently in receipt of a pensioners' discount on their Rates;
 - o The applicant is unemployed;
 - o Disposable income and savings levels;

- Number of dependants living with the ratepayer and their incomes;
 - Other properties owned;
 - Enduring or permanent nature of financial position; and
 - Whether a report from a recognised financial counsellor has been received (in some cases it may be required).
- 4.10 Section 163 of the Act sets out the process and notification requirements that apply to the administration of special charge schemes. Council cannot charge for the reconstruction of previously permanently constructed assets that were funded through a previous special charge scheme.
- 4.11 Council's Special Rates and Charges Contributory Projects Policy states the following in relation to project initiation.

The final outcome of many proposals of Councils contribution towards the cost of the works or services will depend to a large degree on community support, and provision of capital works or scheme administration funding. In some instances following community consultation Council may not proceed unless at least 75% support is received from persons required to pay the Special Rate or Special Charge.

Having regard to Sec 163B (6), Council reserves the right to continue with the preparation of a special charge, should the level of community support be less than 75% if it is deemed by Council that it would be in the interests of the community to proceed with the proposed works or services.

- 4.12 In circumstances where, pursuant to section 163B of the Local Government Act 1989 ('Act'), Council decides to commence a statutory process to declare and levy a special charge which does not seek to recover from the special charge contributors an amount exceeding two thirds of the total cost of the performance of the works (viz. where Council makes a contribution of more than one third of the total cost of the works) –
- Section 163B of the Act has no application; and
 - A majority of affected special ratepayers (who are required to pay the special charge) have no right to prohibit, restrain or prevent Council from proceeding with the proposed special charge.

Special ratepayers do, separately, have a right to make a submission under section 223 of the Act and also to seek a review of Council's decision before VCAT.

Put another way, Council does not have to follow – and ratepayers have no rights under – section 163B of the Act, if Council contributes more than one third of the total cost of the works.

Nominated Point of Drainage Discharge Policy

- 4.13 Council is required under the provisions of the Building Code of Australia, to nominate a Point of Drainage Discharge for any property, either within the

allotment or at the allotment boundary, where a building permit is required for the carrying out of building work that includes a stormwater drainage system. Council policy specifies suitable Points of Drainage Discharge which include connection to a Council underground drain. There is a correlation between the extent to which Points of Drainage Discharge are provided and uncontrolled overland flows within the catchment. It should be noted that the provision of a rainwater tank without a point of connection to a drain to receive surplus flows is not an acceptable Point of Drainage Discharge, as this arrangement does not adequately manage the risk of nuisance flows to abutting properties.

- 4.14 Under the requirements of Council's Nominated Point of Drainage Discharge Policy, *where a property's point of drainage discharge is not within the immediate vicinity of a Council drain, Melbourne Water drain or water course, Council will consider options for the effective drainage of the site including whether it is appropriate to require (by way of planning permit condition or under section 200 of the Local Government Act 1989) the owner of any property to construct an underground outfall drain from the property's point of drainage discharge to the nearest drainage system,.... in order to establish an effective point of drainage discharge for the property. The owner of such property will generally be required to design such outfall drain that will adequately cater for the upstream and downstream properties that fall within the proposed drain catchment area. The design of any outfall drain will also be required to meet with Council's design criteria and standards.*
- 4.15 Following from these provisions, properties which are not provided with a Point of Drainage Discharge through any given scheme will continue to be liable for the construction of an outfall drain at owner cost, should building development of any individual site be proposed in the future. Property owner provision of an outfall drain can be triggered through the requirement for a Planning Permit or a Building Permit, as a result of a need for an outlet for an internal property drainage system. Council contributes the minority of the cost of works required under this Policy (up to 20% of the associated cost), compared with the contributions made by Council in relation to special charge schemes. The associated cost of the respective scheme works is correspondingly lower where Council drains to service points of drainage discharge are provided to fewer properties across the catchment. The works to address this ongoing liability are effectively deferred to a later time under these schemes.
- 4.16 Relevant summary information regarding special charge schemes and other information can be found in Attachment 12, the Raw Facts fact sheet.

5 BEST VALUE

- 5.1 The implementation of the drainage scheme will improve drainage in this local area and reduce the likelihood of future flooding of private properties in the Melbourne Hill Road catchment. Extensive consultation has been and will continue to be undertaken with property owners through this process. Competitive tenders will be called for the works, should the scheme be adopted.

6 CUSTOMER/COMMUNITY IMPACT

- 6.1 All properties in the scheme will be required to fund their portion of the special charge, and there will be some inconvenience and disruption to properties during construction.
- 6.2 Following the completion of the project, there will be significant benefits to both upstream and downstream properties. Upstream properties will be provided with points of drainage discharge for storm water from their properties (to varying degrees depending on which scheme is selected), whilst downstream properties will be provided with protection from the discharge of storm water from upstream properties and will be less likely to experience flooding. Upstream properties also benefit from the provision of downstream trunk drainage systems, which convey stormwater emanating from their properties.
- 6.3 Upstream property owners also derive special benefit through protection from liability under Section 16 of the Water Act. Section 16 holds property owners liable to pay damages for unreasonable flows of water from private land which cause injury, damage to property or any other person to suffer economic loss. For properties provided with outlets for private drainage systems through any proposed drainage scheme, this liability can be effectively managed, thereby benefiting the subject property.
- 6.4 Each scheme will have varying levels of impact on the local area. The impacts of individual schemes are compared under section 1.51 of this report. The specific descriptors of relevance are preserved amenity and community character, works on private land, safety and residual risk.
- 6.5 While all schemes will result in tree removal and disturbance, reinstatement works will be undertaken as part of the project. In the long term, once vegetation re-establishes, the impacts of the works under each of the schemes on amenity and community character will be minimal as the proposed assets are either underground or upgrades of existing assets such as open drains, in keeping with the existing neighbourhood character. One measure of the relative impacts of the various schemes on community character in the short to medium term is the number of trees likely to be impacted by each scheme. The consultant assessed the number of trees intersecting with works proposed as part of each scheme as follows.

Scheme	1	2	2.1	4	5
No. Trees Intersected	143	86	115	78	78

It however needs to be recognised that underground drain installation will be undertaken by boring where required, minimising the number of trees to be removed. The above figures make no account of this construction methodology.

- 6.6 Some works on private property are necessary to achieve the required flood mitigation. It is desirable to minimise the number of properties impacted by the proposed scheme works, to lessen the extent of disruption and inconvenience to residents. Following is a comparison of the number of properties likely to be directly affected by works for each scheme.

Scheme	1	2	2.1	4	5
No. Properties Affected	60	20	25	55	55

- 6.7 Safety concerns within this catchment relate to the depth and velocity of uncontrolled overland flows through the catchment. In general, greater flow velocities and depths when combined, pose greater potential hazards. All of the schemes considered improve safety outcomes within this catchment to varying degrees. Residual risk refers to the flood risk remaining after the respective schemes have been implemented. The primary risk for this catchment relates to uncontrolled surface flows. Following are assessed rankings for each of the schemes in terms of the ability of each scheme to reduce the level of residual risk for the catchment, with a ranking of 5 indicating the greatest reduction in residual risk and a ranking of 1 for the scheme leaving the highest level of residual risk.

Scheme No.	1	2	2.1	4	5
Ranking for Residual Risk	5	1	2	3	4

- 6.8 Section 4.2.9 of the Community Report states the following.

The modelling has shown only one instance of above floor flooding due to runoff from neighbouring properties. However, the lack of points of discharge for many properties with down slope neighbours means that there is a high risk of this occurring in this catchment. In these situations, small changes to topography, the presence of flow obstructions or blockages to flowpaths in lots could easily lead to flow concentration which could inundate dwellings during heavy rainfall events. This is considered to be a significant residual risk.

7 FINANCIAL RESOURCE IMPLICATIONS

- 7.1 Preliminary cost estimates have been prepared for each of the drainage schemes. A 10% contingency sum has been allowed for each scheme. The cost estimates do not include excavation in hard rock, boring under significant vegetation, legal costs, land acquisition, service alterations or environmental offsets. Following are the preliminary estimated scheme costs.

Scheme	1	2	2.1	4	5 (Modified)
Cost Estimate	\$2.2 Mil	\$1.0 Mil	\$1.3 Mil	\$1.6 Mil	\$2.0 Mil

- 7.2 Scheme 5 (Modified) includes additional works over and above the infrastructure works shown in Attachment 6. The estimated cost for Scheme 5 has been escalated from the estimate of \$1.9 Million stated in the Community Report to \$2.0 Million to account for the additional works proposed to be included to bring the habitable floor flood mitigation performance of Scheme 5 (Modified) in line with Scheme 1.
- 7.3 The original reported preliminary cost estimate for Scheme 1 was \$1.9 million (\$1.94 million rounded down). An amended project estimate was developed and presented to the Reference Panel, taking account of cost escalation to February 2014, and proposed changes to the scope of works in response to community requests. These scope changes included the following items.
- Extension of the proposed underground drainage system from the south-eastern corner of 30 Melbourne Hill Road to the north west, to better collect flows from upper Melbourne Hill Road and Wildflower Reserve.
 - Replacement of the originally proposed kerb and channel with earth mounding and pavement overlay works proposed in the vicinity of 78-80 Melbourne Hill Road.
 - This amount excludes the cost of boring and vegetation management costs which are yet to be determined, subject to further investigative work.

As at February 2014, the project estimate for Scheme 1 was \$2,104,000. Further escalation of this cost estimate has been necessary due to the time elapsed and continued construction industry price increases during the intervening period. The current project estimate for Scheme 1 is \$2.2 Million.

- 7.4 Under the terms of Council Policy, Council's contribution to drainage scheme works is based on the following principles.
- Council to fund scheme contributions in respect of road reservations and any other Council controlled land (on an area basis).
 - Council to fund costs over and above construction by open trenching, where necessitated by site conditions or planning scheme requirements.
 - Where a 1 in 5 year ARI drain requires upgrade to mitigate habitable floor flooding in a 100 year ARI event, Council fully funds the cost of upgrading the drainage system to protect habitable floor areas.
- 7.5 Indicative cost estimates have been prepared, for the 1 in 5 year ARI component cost and the total project cost, for each of the schemes meeting the core project flood mitigation objective. The results for each respective scheme follow.

Scheme	Estimated 5 Year ARI Project Cost	Estimated 100 Year ARI Upgrade Cost Only	Estimated Total Project Cost
Scheme 1	\$1,700,000	\$500,000	\$2,200,000
Scheme 2.1	\$ 850,000	\$450,000	\$1,300,000
Scheme 5 (Modified)	\$1,350,000	\$650,000	\$2,000,000

- 7.6 Determination of Council and property owner contributions requires definition of the scheme boundary, to assess the number of properties deriving special benefit from the proposed works and thus, required to contribute through any special charge scheme. As the scheme boundary will differ depending on the proposed scope of works, it is proposed to define the scheme boundary following Council's adoption of a project concept. *Properties for which direct connection to the proposed drainage system is not provided, would still be liable to contribute to any special charge scheme in the event that stormwater flows from these properties are conveyed through proposed downstream drainage infrastructure.*
- 7.7 The raingardens and rainwater tanks will be private infrastructure and as such, cannot be included in a special charge scheme, necessitating a separate process to deliver these assets. The public assets associated with Scheme 5 could still be delivered through a special charge scheme.
- 7.8 Should the scheme proceed, it will be recommended that contributing property owners be given the option of contributing by quarterly instalments over a period of ten years.
- 7.9 Council's contribution to the project cost can be funded from the Advanced Design and the Drainage Strategy capital works accounts from 2015/2016 to 2017/2018, as required.

8 SUSTAINABILITY

- 8.1 The consultant prepared the Melbourne Hill Road Catchment: Long List of Flood Mitigation Options Report identifying 22 IWCM options and consultation was undertaken with the community on 30 April 2015 to prioritise these options and develop 3 potential drainage schemes as detailed previously under sections 1.20 to 1.25 of this report.
- 8.2 The 'Environment' community value focussed on the health of Andersons Creek. Tree and vegetation loss was considered under the 'Preserved Amenity and Community Character' community value.
- 8.3 Schemes 4 and 5 included the most significant IWCM infrastructure of the 5 schemes. Schemes 4 and 5 included active storages on private properties, consisting of rainwater tanks, discharging to rain gardens. These systems were proposed to discharge to flexible pipe easement drains.
- 8.4 Scheme 5 also included a 300 KL underground storage located near the intersection of Houghton Road and Melbourne Hill Road, which would act as a detention system. Constraints associated with significant vegetation prevented the installation of an above ground storage at this location.

Scheme 5 also included a 300KL vegetated wetland just north of the intersection of Francis Street and Lorraine Avenue.

- 8.5 Owing to the local topography and limited public land available, no opportunities were identified to install rain gardens on public land. Further, as the existing easements would be required to accommodate the easement drain and sewerage reticulation, it would be necessary to install the active storages on private land, clear of the easements. These assets would need to be sized to accept stormwater from roof, paved and garden areas. In order to provide the required storage volume to detain excess runoff and mitigate flooding, storages need to have significant available capacity prior to a flood event. For this reason, either there would need to be high demand for stormwater reuse or the active storage would need to act as a detention system. It follows that the tanks would not be a reliable source of irrigation water. The required tanks would be of the order of 5 to 10 cubic metres in volume, coupled with a raingarden at least 15 square metres in area. In short, aside from the management of liability under the Water Act, the property owner would likely derive little benefit in terms of reduced demand for potable water from the active storages. The properties would however be encumbered by these assets and need to be maintained by the property owners.
- 8.6 The health of Andersons Creek could be improved by the active storages, Francis Street wetland and Melbourne Hill Road storage included as part of Scheme 5 in two ways.
- Reduction in nitrogen loads.
 - Reduction in the peak discharge for the 1 in 5 year ARI (minor) storm event.
- 8.7 Scheme 5 would result in an estimated reduction of 33.4 kg of nitrogen discharged to Andersons Creek annually. Scheme 4 would result in an estimated reduction of 22.9 kg of nitrogen discharged to Andersons Creek annually.
- 8.8 The impact on the 1 in 5 year ARI peak discharge for Andersons Creek as a result of each respective shortlisted scheme is as follows.

Scheme	1	2.1	5
1 in 5 year ARI peak flow change in Andersons Creek	2.7%	1.8%	-1.3%

Scheme 5 offers a reduction of 1.3% of the Andersons Creek flow resulting from a 1 in 5 year ARI storm event. By comparison, Scheme 1 results in only a 2.7% increase in Andersons Creek flows in a 1 in 5 year ARI storm event. These results are in keeping with the comparatively small contribution the Melbourne Hill Road sub catchment makes to the overall Andersons Creek catchment flows.

9 REGIONAL/STRATEGIC IMPLICATIONS

- 9.1 Rain gardens and rainwater tanks on private land are privately owned and manage stormwater from the subject property, assisting in managing owner

liability under Section 16 of the Water Act. These private active storage assets introduce a range of complexities to project implementation. In addition, the public drainage system would be designed, taking account of these assets and as such, the function of these assets needs to be preserved into the future.

- 9.2 As these assets are privately owned, they cannot be funded through a Special Rates and Charges scheme. The Section 200 provisions of the Local Government Act 1989 (LGA) could be exercised to require property owners to design, supply and install these assets. The Section 200 provisions require issue of a notice to the affected property owner and also include rights for the property owner to make a submission in respect of the notice through Section 221 of the LGA. This approach would require a separate and lengthy administrative process to be employed to achieve the required infrastructure.
- 9.3 Once installed, it will be necessary to ensure that the private assets are maintained and functional into the future. The introduction of a local law requiring the relevant assets to be maintained would achieve this outcome. This approach would, however, lead to Council needing to ensure sufficient resources are available to monitor and enforce these local laws over time.
- 9.4 Alternatively, in order to protect these assets and ensure that they are retained, Council could amend the planning scheme (for example by the addition of an overlay) so that the installation of onsite detention in the Melbourne Hill Road area requires a planning permit, and then make entry into a Section 173 agreement by the landowner a condition of the planning permit. The Section 173 agreement would contain terms that require the landowner to maintain the approved onsite detention infrastructure on an ongoing basis. This approach could be taken in place of amending Council's Local Law.
- 9.5 In summary, the arrangements necessary to ensure the ongoing viability of active storages on private land are onerous and exceed Council resources and current Council practice in respect of drainage works. The imposition of these requirements and costs on only some property owners within the catchment would be in addition to contribution toward the scheme for public infrastructure serving the catchment. The equity of this approach is questionable.

10 CONSULTATION

- 10.1 Extensive consultation has been undertaken with community representatives throughout the course of the project development, leading up to Council's resolution to engage an independent consultant for the purposes of conducting an Investigation into Flood Mitigation Options Incorporating IWCM initiatives for the Melbourne Hill Road Catchment.
- 10.2 Extensive consultation has been undertaken with the Reference Panel members and the broader community, throughout the study. Consultation opportunities have been facilitated through the involvement of a community engagement specialist as part of the consultant's team.
- 10.3 As part of the study development, consultation has been incorporated into each phase of the project as follows.

- The Reference Panel were consulted during the development of the project brief and suggested changes were incorporated into the final document.
 - Reference Panel members were invited to the contract inception meeting with the consultant, Council officer and Councillors. As part of this meeting, work was undertaken with the Reference Panel in the development of a list of 'community values' which would inform the assessment of the scheme options later in the project.
 - Following this meeting and at the request of the Reference Panel, a walking tour of the catchment was undertaken with Reference Panel members, Councillors, the consultant and Council officers, to inspect the site and receive community information regarding their observations regarding flood behaviour.
 - At the request of the Panel, property owners who had reported property flooding following the December 2011 flood were invited to meet on site with the consultant and Council officers, to inform the consultant regarding owner flood behaviour observations.
 - A community Option Short Listing Workshop was conducted on 30 April 2015. Invitations were issued to all property owners within the catchment. At this session, the identified IWCM options for the catchment were presented and the community members were invited to prioritise these options for inclusion as components of three potential flood mitigation schemes. The community then worked in partnership with the consultant and Council officers to develop three scheme options.
 - A Community Report was developed, assessing the four scheme options and this report was presented at a community meeting held on 10 August 2015. Concerns expressed by community members at this meeting in part related to the higher cost of the two preferred scheme options.
 - In response, arrangements were made to investigate a further scheme which would achieve comparable habitable floor flood mitigation results to Schemes 1 and 5 (Modified). A meeting was conducted with the Reference Panel on 21 September 2015, to seek the Panel's views on two potential options.
- 10.4 Throughout this process, correspondence was forwarded to the property owners on several occasions providing project updates and highlighting the availability of all information through the Your Say Manningham website.
- 10.5 On 19 October 2015, all affected property owners (125 properties) were invited to complete a survey, to advise of their preferences between the three schemes which achieve the required habitable floor flood protection, being Schemes 1, 2.1 and 5. Survey responses could be submitted on line through Your Say Manningham or via hard copy survey forms attached to the letter. The closing date for the survey was close of business on Monday 2

November 2015. A total of 60 survey forms were received (a response rate of 48%) including 2 late responses received after the closing date.

- 10.6 The following survey results were recorded, based only on the first preference votes.

Scheme Option	No. of Responses in Favour	Percentage of Total Number of Responses
Scheme 1	2	3.3%
Scheme 2.1	1	1.7%
Scheme 2.3	29	48.3%
Scheme 4	2	3.3%
Scheme 5	3	5.0%
No cost scheme	22	36.7%
None of the schemes identified	1	1.7%
Totals	60	100%

Observations arising from these survey results are as follows.

- Of the primary votes, only 10% related to Schemes 1, 2.1 or 5.
- Only 1 respondent indicated that they did not support any scheme. It follows that there is majority respondent support for drainage improvement works within the catchment.
- Despite advice of the reasons why Council officers do not support Scheme 2.3, 48.3% of respondents indicated first preference support for Scheme 2.3.
- A further 36.3% of primary responses indicated that Council should fund the scheme works in full as their first preference. Of these responses, 12 did not indicate support for any of the valid scheme options.

- 10.7 Taking account of all community preference votes, the following survey results were recorded.

Scheme Option	No. of 1st, 2nd and 3rd Preference Responses in Favour	Percentage of Total Number of Responses
Scheme 1	4	4.4%
Scheme 2.1	10	11.1%
Scheme 2.3	34	37.8%
Scheme 4	2	2.2%
Scheme 5	8	8.9%
No cost scheme	31	34.5%
None of the schemes identified	1	1.1%
Totals	90	100%

Observations arising from all survey results indicate that the majority of the respondents did not exercise the option of advising of their preferences from the three Council supported schemes.

10.8 Given that only 24.4% of all votes cast by the respondents to the survey related to the Scheme options supported by Council officers, it is considered that the survey results are inconclusive.

10.9 Comments were also received from several respondents. Including those outlined below in italics. Officer responses to these comments follow each item.

- *Property owners should not have to contribute to the cost of the scheme works as the flooding within the catchment has resulted from previous Council planning decisions.*

There is no doubt that the existing drainage infrastructure within the catchment is inadequate. Had underground drainage been required to be constructed as part of any previous land subdivision, this infrastructure would have been installed at developer cost and the developer would have recovered the cost of construction through the sales of the subdivided lots. The fact that drainage was not provided at the time of development does not mean that resident liability is foregone. It simply means that residents have been able to defer the cost of drainage for those years that have since passed.

The provision of drainage infrastructure will benefit properties within the catchment through use of the drain and/or protection of property from uncontrolled flows. As such, benefitting properties can be included in a special charge scheme to defray the associated project costs.

- *Can't afford to contribute to the scheme costs.*

Officers will recommend to Council that contribution payments be permitted to be made by quarterly instalments with interest over a ten year period. In addition, section 4 of this report includes the details of Council's approach to cases of demonstrated hardship.

- *The existing drainage infrastructure within the catchment is adequate if properly maintained and if flows from land under Council control are discounted.*

This assertion is contrary to industry drainage design principles. Also, the flood modelling clearly demonstrates that the drainage system within the catchment is not adequate, even in a 5 year ARI event. The principles underpinning drainage design require the solution to account for all flows emanating from upstream land, as they accumulate. A 100 year storm event comprises the sum of all of the parts that make it up, whether those parts be area or intensity based.

The flooding is the result of the combined effect of all contributing elements (it is the sum of the whole). Where a 100 year flow is applicable, the five year flow is not separable from

a physical perspective. This position is founded in law and court rulings.

- *I am most unhappy with Council...Council doesn't listen to residents or represent our interests.*

As properties experiencing flooding are usually in the minority within any given catchment, it is not uncommon for there to be low levels of community support for drainage schemes. There is ample evidence that officers have undertaken significant and lengthy community consultation and engagement in respect of this project, seeking community input into their preferred types of Integrated Water Management treatments and in the formulation of several schemes tested.

10.10 Consultation will continue on a basis to be determined during the detailed design phase, based on the adopted concept.

10.11 Should the scheme proceed, the formal process requires the issue of notices to affected property owners to advise of Council's intention to declare a special charge, and again when Council declares and levies the special charge. Submissions to the intention to declare a special charge notification will be considered by a special committee of the Council, which will also hear any verbal submissions from the submitters, before making a recommendation to Council.

11 CONCLUSION

11.1 Through the Investigation into Flood Mitigation Options Incorporating IWCM Initiatives for the Melbourne Hill Road Catchment, three drainage scheme options which achieve the habitable floor flood mitigation as required under the project brief were assessed, two of which were developed as part of the current consultant study, in consultation with the community.

11.2 Property owners within the catchment were surveyed seeking their preferences amongst the three valid scheme options. Invalid responses constituted 74.1% of the responses received. Of the valid scheme options, the highest level of support was expressed for Scheme 5, then Scheme 1, followed by the lowest cost option being Scheme 2.1.

11.3 Scheme 2.3 as suggested by the Reference Panel was not assessed for reasons outlined in sections 1.43 to 1.45 of this report.

11.4 Whilst Scheme 5 offers the greatest benefit in terms of Andersons Creek health outcomes, this benefit is only marginal and there are difficulties with the implementation of Scheme 5, which are set out in sections 8.5 and 9 of this report. In addition, this scheme does not provide points of drainage discharge for affected properties, to the extent that Scheme 1 does.

11.5 It is considered appropriate that Scheme 1 be supported by Council as the preferred scheme option for the Melbourne Hill Road catchment for the following reasons.

- It achieves the core project habitable floor flood mitigation outcome requirements.

- While the scheme represents the highest cost of the options considered, it alleviates the need for any further drainage capital works within this catchment. .
- Scheme 1 serves the greatest number of property Points of Drainage Discharge of the valid schemes assessed. As such, the scheme minimises future property owner liability under Section 16 of the Water Act. It also most fully facilitates equitable property redevelopment within the catchment for the future.
- Scheme 1 achieves the best results of the valid schemes in terms of residual risk and safety outcomes.
- While Schemes 1 and 2.1 are the lowest performing schemes from the perspective of impacts on the health of Andersons Creek, the catchment is relatively small compared with the size of the Andersons Creek catchment. As such, the scale of the impacts are relatively small. In addition, there are opportunities to improve the scheme environmental performance in the future, through stormwater harvesting for Warrandyte Reserve. The adoption of scheme one does not preclude property owners from installing rainwater tanks and raingardens on private land at their cost.
- In terms of preserving amenity and community character, there will be short and medium term impacts, which will be reduced where feasible through underboring of the drainage assets. Reinstatement will also be undertaken as part of the project works. In the long term, the proposed assets are either underground or in the case of the open drain improvements, in keeping with the existing character of the area.
- While Scheme 1 involves works within the greatest number of properties of the valid schemes, it delivers the greatest long term benefits.

11.6 By way of note, the scheme boundary for Scheme 1 would require further investigation, as the more detailed investigations from the BMT WBM study have revealed that it may be necessary to add in some additional properties to the original Scheme 1 proposal. This is referred to below as Scheme 1 (modified).

OFFICER'S RECOMMENDATION

That

- (A) Council receive and note the Community Report and associated documentation as developed by the consultant to date and that the guide to the selection of IWCM treatments for future drainage schemes and the report for the Melbourne Hill Road catchment study be finalised.**
- (B) It is proposed that Scheme 1 (Modified) be adopted as the preferred concept option, to resolve the flooding in the Melbourne Hill Road catchment.**

- (C) Officers be authorised to progress the detailed design for Scheme 1 in consultation with the Reference Panel, progress the planning permit application, identify the extent of any required easement acquisition and prepare an updated project cost estimate, define the scheme boundary and prepare a preliminary cost apportionment.
- (D) Officers complete and submit the project completion report and finalise the requirements associated with the Living Rivers grant funding through Melbourne Water.
- (E) Council reaffirm its previous resolution of 26 March 2013, to consider a further report on the intention to declare a special charge, upon completion of the detailed design, estimates and preliminary cost apportionment for the Melbourne Hill Road catchment.

MOVED: McLEISH
SECONDED: GRIVOKOSTOPOULOS

That the Recommendation be adopted. (Substantive Motion and see below*)

MOVED: GOUGH
SECONDED: McLEISH

That an extension of time be granted to Cr Galbally.

CARRIED

MOVED: DOWNIE
SECONDED: HAYNES

That Standing Orders clauses 43.11 and 43.12 be suspended to remove the requirement to take speakers for and against in alternate sequence for this item only.

CARRIED

MOVED: DOWNIE
SECONDED: HAYNES

That an extension of time be granted to Cr Gough.

CARRIED

* At the conclusion of the debate on this matter the Mayor **PUT** the Substantive Motion and it was **CARRIED**

DIVISION

A Division having been demanded the Council divided as follows:

FOR (6): Councillors Haynes, McLeish, Gough, Downie, Grivokostopoulos & Yang.

AGAINST (3): O'Brien, Kleinert and Galbally.

THE MOTION WAS DECLARED CARRIED

"Refer Attachments"

* * * * *

11.2 Transport Advisory Committee and DRASC Review

Responsible Director: Director Assets and Engineering

File No. T15/233

The ultimate destination for this report is: COUNCIL AGENDA

Neither the responsible director, manager nor the officer authoring this report has a conflict of interest in this matter.

SUMMARY

The purpose of this report is for Council to consider its options for continuing with its transport committee(s) beyond 2015. This report provides an outline of the consideration of options to determine the future of the existing Transport Advisory Committee (TAC), the Doncaster Rail Advocacy Steering Committee (DRASC) and/or the establishment of a new Integrated Transport Advisory Committee (ITAC).

Council previously approved (at its meeting of 26 May 2015) to review the TAC and consider the establishment of a new transport-focused committee containing community representation. At the same meeting, Council also approved to extend the operation of DRASC to 31 December 2015, acknowledging the need to review the future and purpose of the DRASC in conjunction with the TAC.

The recommended option is to consider merging the objectives and functions of TAC and DRASC, in order to establish a new ITAC, with community representation included. The objective of this recommendation is to establish a transport advisory and advocacy body, with community representation, to consider all forms of transport, and to enable the committee to undertake many of the former activities of both TAC and DRASC, including to maintain the 'We Support Doncaster Rail' campaign.

Given that both the current State Government and Opposition have not committed to, or included any reference to, undertaking Phase Two of the Doncaster Rail Feasibility Study, it is considered that Council needs to maintain a broad advocacy base for rail to Doncaster to be realised by 2029 (as proposed by Public Transport Victoria), whilst in the interim focus its advocacy efforts towards attaining a Bus Rapid Transit (BRT) system between the CBD and Doncaster, along with improvements to other modes of transport.

Upon considering all options presented in this report, it is suggested that Council consider approving the new Integrated Transport Advisory Committee (ITAC) and endorse the Terms of Reference, with representation on the ITAC to be the mayor and one (1) councillor from each other ward, nominated senior Council officers and up to six (6) community and/or business/organisation representatives.

1 BACKGROUND

- 1.1 At its meeting of 26 May 2015, Council approved to review the future of the TAC and consider the establishment of a new transport-focused committee containing community representation, whilst concurrently, consider a review of the future of DRASC beyond 31 December 2015.

Transport Advisory Committee (TAC)

- 1.2 The TAC was first established on 27 February 2007, for an initial term of three (3) years, and has been an active committee group since this time. At the 2 December 2014 Annual Meeting, Council resolved to endorse a further term of four (4) years and adopted the revised Terms of Reference of the Committee.
- 1.3 The initial purpose of the TAC was to provide advice to Council on transport projects, proposals, strategies and policies. To date, the TAC has been maintained as an internal committee, as numerous matters are often considered confidential and not appropriate for disclosure outside of Council. However, in recent times, many matters or proposals presented or discussed at the TAC have already been communicated and consulted with EMT, SBS and Council officers, prior to being tabled on the agenda of a future TAC meeting. This often leads to repeated discussion at TAC meetings and a duplication of material.
- 1.4 In addition, the transport environment has changed, with successive changes in government, the release of the first phase of the Doncaster Rail Feasibility Study, incremental improvements to the DART system, reviews of local bus services, a new local bus operator, the PTV's policy position on Doncaster Rail and the establishment of Infrastructure Victoria.
- 1.5 Therefore, at the 26 May 2015 Council meeting, and at subsequent TAC meetings, it has been suggested that the existing format of TAC should be reviewed to adapt to the current transport environment.

Request for community-based Integrated Transport Advisory Committee (ITAC)

- 1.6 It has been suggested in the past that the TAC should consider community representation, however, due to the sensitive nature of some of the items discussed at TAC, it was not deemed appropriate to include community representation.
- 1.7 The proposal for a new ITAC includes consideration for community representation, and aims to shift the focus of the committee to include an advocacy-based approach, focusing concurrently on advocacy for an interim Bus Rapid Transit solution to mass-transit and delivery of rail to Doncaster by 2029, among other transport priorities.
- 1.8 Manningham is the only municipality in metropolitan Melbourne without a light or heavy rail service, and it is often recognised that Manningham has a high level of car dependency, as a result of the lack of a good quality public transport system and transport infrastructure and poor travel choices. An increasingly ageing population and densification in existing urban areas (primarily Doncaster Hill and its arteries), supports the need for immediate action to significantly improve public transport and accessibility in Manningham.
- 1.9 Council recognises the aspirations of Manningham residents, who seek the provision of an integrated and sustainable transport system, which includes all forms of motorised and non-motorised transport, such as cycling and walking, to contribute to an inclusive, prosperous, sustainable and environmentally responsible municipality.
- 1.10 Whilst many elements of public transport are a State Government responsibility, Council has a responsibility to its community to advocate for improvements for transport infrastructure to, from and within its municipal

district, and to deliver locally-based infrastructure and initiatives, such as pedestrian and cycling facilities, bus stops and shelters, and community programs, to encourage the uptake of sustainable transport (such as walk to school programs, behaviour change initiatives, etc).

- 1.11 Therefore, community-based advocacy remains an important element, and it is considered that Council should maintain its facilitation of this, through the establishment of the ITAC.

Doncaster Rail Study

- 1.12 In October 2014, the former Liberal government released the *'Doncaster Rail Feasibility Study: Phase One Recommendations Report'* and although the Doncaster Rail feasibility study was not completed in its entirety (Phase Two has yet to be commenced), the outcome of the Phase One study was positive, and identified that a rail line to Doncaster is feasible. Consequently, Public Transport Victoria (PTV) has confirmed that Doncaster Rail should form part of the metropolitan rail network and should be delivered by 2029 (*Network Development Plan – Metropolitan Rail, PTV, 2012*).
- 1.13 However, since taking government in November 2014, it is understood that the Victorian Labor Party has decided to not proceed with any further feasibility studies relating to Doncaster Rail, with the Minister for Public Transport, Jacinta Allan, making recent public announcements confirming this, and the advertised 2015/16 State budget not including any reference to Doncaster Rail. Furthermore, a letter dated 7 September 2015 has been received from the Minister for Public Transport, responding to Council's requests, and it is clear that Doncaster Rail is not one of the State's key transport priorities at this time (Attachment A).
- 1.14 The current priority for rail infrastructure in Victoria is the delivery of the Melbourne Metro Rail Tunnel (new subway and five underground stations between South Yarra and Kensington via the CBD) and the grade separation of up to 50 level crossings across Melbourne. PTV has stated that no additional rail lines can be built in Melbourne until these projects are delivered.
- 1.15 Ultimately, Manningham requires a mass transit solution to its public transport woes, and, through the State Government's partially completed rail study, rapid transit heavy rail has been found to be a viable solution. However, PTV have advised that rail to Doncaster cannot be delivered until 2029, at the earliest.
- 1.16 Given the above, at its meeting of 29 September 2015, Council resolved to continue to advocate strongly for Doncaster Rail to serve as the ultimate transport solution for Manningham, and requested officers to investigate improved Bus Rapid Transit (BRT) solutions, such as a Busway, as an interim solution for improved commuting to and from the Melbourne CBD.
- 1.17 Advocacy for the State Government to complete the phase two feasibility study will continue in parallel and will be maintained as a target advocacy priority in the short term. This approach is consistent with the findings of the *'Doncaster Rail Prospective Implementation Program'* report, prepared by URS.
- 1.18 This advocacy can continue to be achieved through the proposed ITAC, and as a part of Council's corporate advocacy.

- 1.19 It is recommended that advocacy on heavy rail should continue, particularly as the Doncaster Rail proposal still requires the completion of the phase two study, to determine the physical requirements, legislative processes and funding opportunities to deliver 'Rapid Transit' rail along the Eastern Freeway corridor. Advocacy on Doncaster Rail can be maintained through the continuation of the 'We Support Doncaster Rail' campaign, under the direction and through the activities of the proposed ITAC, particularly, and if appropriate, in the lead up to the next State election in 2018.

Doncaster Rail Advocacy Steering Committee (DRASC)

- 1.20 At the Council meeting of 31 July 2012, it was resolved to endorse the establishment of DRASC, and the first meeting of the committee was held in March 2013. Since this time, the committee has met on a bi-monthly basis, and maintained six of the original eight community members (two previous members resigned due to work commitments, and have since been replaced).
- 1.21 The purpose of DRASC was to foster greater community engagement and involvement in advocating to government on the importance of providing improved public transport to the region in the form of heavy rail, while also giving community and key special interest group representatives the opportunity to be directly involved in driving this advocacy campaign.
- 1.22 It is considered that DRASC has largely achieved its objectives to engage the local community to support the Doncaster Rail proposal and by establishing the very well recognised 'We Support Doncaster Rail' brand.
- 1.23 However, in the past 12-18 months, the committee has noticed an increase in community apathy for the proposal, and cynical views that rail will never be built have since reignited, due to the recent inaction of the State Government to commit to the proposal, or at best, complete the feasibility study, as was first intended.
- 1.24 As such, it is determined that advocacy to deliver rail to Doncaster in the timeframe set out by the PTV should be integrated with more short term advocacy for bus improvements as interim measures ahead of the realisation of rail. Accordingly, it is proposed to merge DRASC with the TAC to form a new multi-focussed committee. However, irrespective of this, it is recognised that the efforts of the committee, and in particular its volunteer members, has managed to shift the momentum of the wider community in support of heavy rail while the State Government's feasibility study was in motion, and created the well recognised 'We Support Doncaster Rail' brand.
- 1.25 Since the committee commenced in March 2013, DRASC has achieved the following notable accomplishments:
- 1.25.1 the collection of over 4,000 petition signatures which were submitted to the Victorian Parliament in October 2014;
 - 1.25.2 the further collection of over 900 petition signatures in 2015 requesting the State Government to fund and deliver the Phase Two study;
 - 1.25.3 advocated to the State Government to release the final Phase One study report in late 2013;
 - 1.25.4 established the 'We Support Doncaster Rail' brand, with over 9,000 'likes' to the campaign's 'Yes to Doncaster Rail' Facebook page;

- 1.25.5 community advocacy at several local markets and festivals, including the very prominent annual Warrandyte and Templestowe Village festivals;
 - 1.25.6 distributed thousands of factsheets, flyers, posters and signs throughout the community;
 - 1.25.7 hosted a number of key advocacy campaigns, which attracted widespread attention, including three (3) individual four-day stalls at Westfield Doncaster in January and September 2014 and September 2015;
 - 1.25.8 hosted the Doncaster Rail Forum, on 20 February 2014, which included presentations from key transport advocates from the PTUA, Monash University and Council and attended by over 100 people;
 - 1.25.9 maintained a significant online media presence via the 'Yes to Doncaster Rail' Facebook page, the dedicated Doncaster Rail website and an online digital competition;
 - 1.25.10 facilitated the installation of the very popular 3D 'virtual' subway station at MC², which generated significant community and media activity around this; and
 - 1.25.11 engaged with and supported the Manningham Leader's transport focused campaign 'Get Manningham Moving' with several feature articles (including front page news spreads).
- 1.26 Given the expressed lack of support to progress the Doncaster Rail proposal from the State Government and the Opposition at this time, it is prudent that Council considers interim solutions to improve the public transport network in Manningham, to meet growing demand and the expectations of its community.
- 1.27 As such, it is recommended that future advocacy on Doncaster Rail is undertaken and carried through the proposed ITAC, rather than the single issue DRASC committee.

2 PROPOSAL/ISSUE

- 2.1 In order to determine the best way forward, it is proposed that the following six (6) options be considered for the future of Council's transport-based committees (in order of preference):
- a) merge the functions of both TAC and DRASC, to establish a new ITAC (preferred option); or
 - b) discontinue the function of TAC, establish the new ITAC and amend the operation of DRASC, to become a community-led committee (remove councillor representation and reduce officer representation); or
 - c) maintain TAC and DRASC as is (status quo) and extend the term of DRASC; or
 - d) discontinue the function of TAC and maintain DRASC in the current format (Council-led); or
 - e) discontinue the function of TAC and revise the format of DRASC (as community-led committee, with minimal Council representation); or
 - f) discontinue the function of both TAC and DRASC.

- 2.2 In order to determine the best way forward, consideration has been provided below to both the pros and cons of each of the above six (6) options.

Option A: Merge the function of both TAC and DRASC to establish a new ITAC

- 2.2.1 Option A is the preferred option of officers, as it enables the objectives of the existing TAC and DRASC to essentially be consolidated. ITAC will incorporate the consideration of all forms of transport (integration), including maintaining advocacy on Doncaster Rail, without remaining exclusive to rail, to allow for advocacy and investigation of other transport modes if and when appropriate (such as BRT).
- 2.2.2 Whilst remaining an advisory committee to Council, one main purpose of the ITAC will be to provide a new transport platform to assist Council to advocate and implement transport initiatives, including proposals, projects, strategies and policies relating to all forms of transport. The committee will aim to work in a strategic and collaborative manner with the community and relevant stakeholders, in order to facilitate improvements in transport and infrastructure. This includes the consideration of all forms of public and private transport modes, including an improved bus network, light and heavy rail, cycling, walking and any vehicle/bicycle sharing schemes.
- 2.2.3 As such, this option does not abandon Council's objective to advocate for Doncaster Rail (and maintain the popular and recognisable 'We Support Doncaster Rail' campaign), yet provides an opportunity for the new committee to decide when and where to focus or direct transport advocacy (in response to the climate of transport priorities by State Government and other stakeholders, or in the lead up to elections) and expand its focus on buses, cycling, walking and other transport modes.
- 2.2.4 This option responds to recent requests to include community representation and reduce Council officer representation, yet allows Council to oversee and guide the direction of its transport priorities.
- 2.2.5 The consideration to provide up to three (3) former DRASC members on this new committee, provides for a transition of knowledge and motivation between the two committees.
- 2.2.6 Knox City Council currently successfully operates a similar committee (Knox Transport and Mobility Advisory Committee) to the ITAC proposal, and has managed to balance the objectives of their committee to advocate for Rowville Rail, in conjunction with all their other transport priorities.
- 2.2.7 In merging the function of DRASC, the community (and government) should not incorrectly see this as Council abandoning its long-fought campaign on rail, which is not the case, and would be negated by maintaining the 'We Support Doncaster Rail' campaign through the new ITAC, as well as continuing advocacy on rail through ITAC and other supporting committees, such as the Eastern Transport Coalition and Metropolitan Transport Forum, and any joint advocacy between Manningham and neighbouring Councils, such as Yarra, Boroondara or Banyule.

Option B: Discontinue the function of TAC, establish a new ITAC and amend the operation of DRASC to become a community-led committee

- 2.2.8 Option B provides the same pros and cons to establishing ITAC as per Option A, however, amends the operation of DRASC by all but removing Council representation (councillors and officers) to create a purely community-led group (with administrative support from one or two Council officer(s) – similar to other Council ‘Reference Groups’).
- 2.2.9 The amended DRASC would operate as a sub-group to ITAC, with up to three (3) members of DRASC to also sit on the ITAC committee. ITAC will undertake corporate advocacy, and DRASC will undertake community based advocacy.
- 2.2.10 This option enables Council to maintain a heavy rail-based advocacy group, and continue to implement and advocate the objectives of the current DRASC committee.
- 2.2.11 A disadvantage of this option is that advocacy on rail may be duplicated (and/or conflicted) by having two separate bodies.
- 2.2.12 Officers consider that this option presents the only other viable alternative to Option A, suggested above.

Option C: Maintain TAC and DRASC as is (status quo) and extend the term of DRASC

- 2.2.1 This option considers maintaining the operation of both committees as they currently perform. This will require the term of DRASC to be extended to at least 2018 (to provide advocacy in the lead up to the next State election).
- 2.2.2 However, this option fails to address changing the operation of TAC to respond to requests to include community representation and address the issue of duplicated discussion at TAC meetings.
- 2.2.3 This option also fails to respond to the changing nature of the transport environment (given the Government’s future intentions with Doncaster Rail), and fails to address issues that have been raised with how the TAC currently operates.
- 2.2.4 On that basis, this option is not recommended.

Option D: Discontinue the function of TAC and maintain DRASC in the current format (Council-led)

- 2.2.5 This option responds to the request to reconsider the effectiveness and operation of the current TAC by discontinuing this committee, however, does not establish another transport committee in its place.
- 2.2.6 The only advantage of this option is that DRASC can continue in its current format, and the advocacy focus on rail can be maintained.
- 2.2.7 A further disadvantage is that rail will be the only form of transport advocacy considered by Council at a committee-level. This consequently does not meet Council’s obligations or community expectation to consider an inclusive and integrated transport network.
- 2.2.8 On that basis, this option is not recommended.

Option E: Discontinue the function of TAC and revise the format of DRASC (as community-led committee, with minimal Council representation)

- 2.2.9 This option to discontinue TAC presents the same challenges and issues as outlined in Option D above.

2.2.10 In addition, this option presents the added risk and disadvantages presented by providing a community-led DRASC with little Council officer or councillor support or oversight, as outlined in Option B above.

2.2.11 On that basis, this option is not recommended.

Option F: Discontinue the function of both TAC and DRASC

2.2.12 This option fails to provide Council with any transport-based committees or avenues to advocate for and consider transport, failing to meet Council's obligations as raised in Option D above.

2.2.13 On that basis, this option is not recommended.

2.3 Upon considering the various options outlined above, regarding the future of Council's transport-based committee(s), it is proposed to:

2.3.1 merge the functions of the Transport Advisory Committee (TAC) and the Doncaster Rail Advocacy Steering Committee (DRASC) to establish the new Integrated Transport Advisory Committee (ITAC) for a term of three (3) years from 1 January 2016.

2.4 It is recommended that Council endorse the new Terms of Reference (Attachment B) for the ITAC, to consider the representation on the ITAC to be the mayor and one (1) councillor from each other ward, together with nominated senior Council officers and up to six (6) community and/or business/organisation representatives.

2.5 It is suggested that Council advertise for the six (6) new community members via an Expression of Interest (Eoi) in February 2016. (Given the current proximity to the approaching Christmas holiday period, it is not deemed appropriate timing to commence this process before then.)

2.6 It should be noted that it is not considered appropriate to establish both a new community-based transport committee, and continue with the community led DRASC committee, as the roles of the two committees will be duplicated and hinder the objective to advocate for an integrated transport network.

2.7 The establishment of ITAC is on the basis that the function of both DRASC and TAC are both discontinued as of their current format. This provides an opportunity for existing members of DRASC, who are active and willing to continue as community volunteers, to apply for a position on the new ITAC, and continue advocacy on rail through this new platform (ITAC).

3 PRIORITY/TIMING

3.1 It is proposed that ITAC will conduct its activities for a term of three (3) years, commencing from 1 January 2016, and expire on 31 December 2018. At the expiry of this term, Council shall assess the future of ITAC.

3.2 It is proposed that an Expression of Interest is undertaken in February 2016 to seek community representation. It is intended that shortlisted members will be decided by Council at the March Council Meeting, with the first meeting of the ITAC to take place in April 2016.

3.3 It is intended that the ITAC meet on a quarterly basis between February and November, for a time of no more than two (2) hours.

3.4 It is requested that we discontinue the function of both TAC and DRASC by 31 December 2015.

- 3.5 Any transport committee by Council will need to take into consideration the timing of the next State election in 2018, and focus advocacy toward this. In addition, consultation will also need to be undertaken throughout 2016 with the newly established Infrastructure Victoria body, as it prepares its 30 year Infrastructure Strategy for Victoria.

4 CUSTOMER/COMMUNITY IMPACT

- 4.1 Since DRASC was established in 2013, the Committee and Council have been instrumental in increasing the level of awareness and support for improvements in public transport within, to and from Manningham. In particular, DRASC has managed to alter the community's response towards Doncaster Rail and public transport in general, from a previously cynical view that Doncaster Rail or better public transport would never be delivered to Manningham, to a more positive outlook which informs the community of the benefits of public transport, and encourages and empowers them to make a difference in helping to garner increased support in public transport by other members of the community, government officials and key decision makers.
- 4.2 The Committee has illustrated to the wider community that Council, and its citizens, are serious in demanding greater investment in public transport, to address social, financial and environmental factors that often plague areas that lack adequate transport connectivity to the metropolitan and regional area.
- 4.3 The community should not view the discontinuation of DRASC as Council not continuing its advocacy on the matter. Given that PTV have considered that Doncaster Rail could be built by 2029 (a view which is supported by the State Government), and that advocacy on rail will continue through the new ITAC, the proposed approach does not abandon Council's advocacy on rail, yet seeks that interim solutions to improve public transport are explored in anticipation for the future delivery of rail to Doncaster by 2029. Furthermore, the achievements of DRASC during its term have been, in-part, instrumental in ensuring that PTV consider rail to Doncaster in the future.
- 4.4 The establishment of ITAC will also allow for the wider community to be involved with a committee that considers all forms of transport, inclusive of rail. This may engage that element of the community who live beyond the traditional urban areas where rail has been proposed, to become actively involved with Council's advocacy, due to the wider attraction of all forms of transport considered by ITAC.

5 COUNCIL PLAN/ MEASURE OF ACHIEVEMENT OF ACTION

- 5.1 The establishment of the ITAC will support the 2015/16 Strategic Resource Plan (SRP) objective 3.1.1.1 *'to continue Council's advocacy for improved public transport options for Manningham, including improvements to the bus, cycling, pedestrian and road network, and advocacy for heavy rail to Doncaster'*.
- 5.2 The ITAC will also assist Council in continuing to implement the objectives and actions of the *Manningham Integrated Transport Strategy (2009)*, and contribute to the preparation of a new Council transport strategy in coming years.

6 FINANCIAL RESOURCE IMPLICATIONS

- 6.1 Meeting resources will be provided by Manningham City Council. A total of \$7,500 has been provided in the 2015/16 Council budget to facilitate transport advocacy.
- 6.2 A review of the resource allocation may be necessary, should any proposed campaign to advocate for improved public transport intensify and require additional resourcing.
- 6.3 However, it would generally be requested that at least \$10,000 is allocated in each financial year to facilitate transport advocacy and support any proposed committees.

7 SUSTAINABILITY

- 7.1 The establishment of the ITAC will support Council's objectives to improve public transport and seek increased use and establishment of more sustainable modes of transport, to reduce oil-dependency, greenhouse gas emissions, traffic congestion and reliance on the private automobile.

8 REGIONAL/STRATEGIC IMPLICATIONS

- 8.1 The ITAC will continue to advocate to the State Government for it to complete Doncaster Rail, as an essential transport infrastructure project for Victoria, and as a priority objective, seek that Phase Two of the study is funded and completed by 2016. In addition, seek for a BRT network to be established to improve transport connectivity between Manningham and the CBD in the interim.
- 8.2 The Committee will also advocate for an improvement of transport connectivity and access between Manningham, the CBD and other metropolitan areas, and may opt to consult and coordinate activities with neighbouring Councils, if and when required.

9 CONSULTATION

- 9.1 Consultation to select new committee members for ITAC will be undertaken through the EoI process in early 2016. However, consultation may also need to occur with specific organisations or stakeholders, to encourage them to participate and cooperate with any selected committee and Council (e.g. Westfield, PTUA, VicRoads, etc).
- 9.2 The actions and activities of the ITAC (or any selected transport committee) may align and operate concurrently with the objectives of other committees throughout Melbourne who are also advocating a similar message for improvements to public transport infrastructure and services (such as the PTUA's committee, Eastern Transport Coalition, Metropolitan Transport Forum, etc).
- 9.3 Should DRASC be merged with the existing TAC, Council will need to clearly articulate that it is not abandoning its advocacy on rail, but rather refreshing its approach. Council will need to ensure that it highlights the objective of ITAC to consider all forms of transport (integration), and that advocacy on rail will be maintained through the 'We Support Doncaster Rail' campaign.

10 COMMUNICATIONS STRATEGY

- 10.1 A communications and marketing plan for DRASC was prepared in 2013, and the committee's advocacy will continue to operate in line with the objectives and policies of the *'Doncaster Rail Community Advocacy – Communications Action Plan'*.
- 10.2 However, pending the outcome of establishing ITAC, a new communications and engagement plan will need to be prepared to guide the new committee's future consultation activities.

11 CONCLUSION

- 11.1 Given the current State Government's position on Doncaster Rail, it is considered that Council needs to maintain a broad advocacy base for rail to Doncaster to be realised by 2029 (as supported by Public Transport Victoria), whilst as an interim option, focus advocacy efforts to support the proposal of a Bus Rapid Transit (BRT) system between the CBD and Doncaster along with other modes of transport.
- 11.2 Therefore, it is suggested that Council (upon considering all options presented in this report) determine the future of its transport-based committees by adopting the recommendation to merge the functions of both TAC and DRASC, to establish the new Integrated Transport Advisory Committee (ITAC) in their place.

OFFICER'S RECOMMENDATION

That Council resolve to:

- (a) Merge the functions of the Transport Advisory Committee (TAC) and the Doncaster Rail Advocacy Steering Committee (DRASC) to establish the Integrated Transport Advisory Committee (ITAC) for a term of three (3) years from 1 January 2016.
- (b) Endorse the Terms of Reference of the Integrated Transport Advisory Committee (ITAC) (Attachment B);
- (c) Write a letter of thank you to each DRASC community member and to the CEO of each Council member of the former Doncaster Rail Local Government Group (DRLGG) for their efforts and support on the two groups.
- (d) Nominate the Mayor and Cr and Cr as representatives of the new ITAC for a term of 12 months.

MOVED: GOUGH
 SECONDED: HAYNES

That the Recommendation be adopted with the inclusion of Cr Grivokostopoulos and Cr McLeish as representatives on the Committee.

CARRIED

"Refer Attachments"

Attachment A: Letter of response (Doncaster Rail), Public Transport Minister, 30 June 2015

Attachment B: Integrated Transport Advisory Committee (ITAC) Terms of Reference

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12. COMMUNITY PROGRAMS

There were no Community Programs reports.

13. CORPORATE SERVICES

13.1 Council Meeting Schedule for the 2015-2016 Municipal Year

Responsible Director: Strategic Governance

File No. .

The ultimate destination for this report is: COUNCIL AGENDA

Neither the responsible Director, Manager nor the Officer authoring this report has a conflict of interest in this matter.

SUMMARY

Council needs to determine its meeting schedule for the bulk of the 2015-2016 municipal year.

Presently, Ordinary Council meetings are held on Tuesdays (generally the last of each month) at 7:00pm, on a monthly cycle, in the Council Chamber at the Municipal Offices. It is proposed to continue to hold Ordinary Council meetings on this basis.

The recommended meeting schedule is consistent with the above arrangements, excepting where circumstances i.e. clash with a public holiday or where an alternative function may affect the attaining of a quorum, etc., suggest some other arrangement or as regards 2016 being a Council election year.

1 BACKGROUND

1.1 Council's Meeting Procedure Law 2015 provides that the date, time and place for all Ordinary Council meetings be fixed by Council from time to time.

1.2 The current meeting arrangements provide for Ordinary Council meetings to be held:

- on Tuesdays (generally the last of each month) at 7:00pm;
- on a monthly cycle; and
- in the Council Chamber at the Municipal Offices.

1.3 The public holidays to be observed in Victoria during the 2015-2016 municipal year are:

- Friday 25 December, 2015 (Christmas Day);
- Monday 28 December, 2015 (Boxing Day) – additional day;
- Friday 1 January, 2016 (New Year's Day);
- Tuesday 26 January, 2016 (Australia Day);
- Monday 14 March, 2016 (Labour Day);
- Friday 25 March, 2016 (Good Friday);
- Monday 28 March, 2016 (Easter Monday);
- Monday 25 April, 2016 (ANZAC Day);

- Monday 13 June, 2016 (Queen's Birthday);
 - Friday 30 September, 2016 (Friday before the AFL Grand Final); and
 - Tuesday 1 November, 2016 (Melbourne Cup Day).
- 1.4 The Local Government Managers Australia annual conference is scheduled to take place from Wednesday 4 to Friday 6 May, 2016 (in Gold Coast) and the Australian Local Government Association annual conference is scheduled to take place from Sunday 19 to Wednesday 22 June, 2016 (in Canberra).
- 1.5 The Annual Council meeting held on 10 November marks the commencement of the 2015-2016 municipal year. Ordinary Council meetings have previously been scheduled for Tuesday 24 November (this meeting) and Tuesday 15 December, 2015. It is from the December meeting that Council needs to determine its meeting schedule.
- 1.6 Council elections are to be held on 22 October, 2016. For the purposes of this report, the significant dates associated with the 2016 Council elections are Tuesday 20 September (being Nomination Day) and Saturday 22 October (being Election Day). Nomination Day marks the commencement of the statutory "election period". Section 93A(1) of the Local Government Act 1989 provides that "Subject to this section, a Council, a special Committee or a person acting under a delegation given by the Council must not make a major policy decision during the election period for a general election".
- 1.7 Section 65 of the Local Government Amendment (Improved Governance) Act 2015 amends the Local Government Act 1989 by inserting new provisions into that act that, among other things, -
- requires a council to prepare, adopt and maintain an election period policy by no later than 31 March, 2016 (new sections 93B(1) & (2));
 - provides that the election period policy include procedures intended to prevent a council from making inappropriate decisions or using resources inappropriately during the election period (new section 93B(3)(a));
 - provides that the election period policy include limits on public consultation and the scheduling of Council events (new section 93B(3)(b));
 - provides that the election period policy include procedures to ensure that access to information held by a council is made equally available and accessible to candidates during the election period (new section 93B(3)(c)); and
 - provides that for the purposes of section 93B "*inappropriate decisions*" made by a council during the election period includes decisions that would affect voting in the election and decisions that could reasonably be made after the election (new section 93B(5)).

2 PROPOSAL/ISSUE

- 2.1 Council needs to determine its meeting schedule for the bulk of the 2015-2016 municipal year.

- 2.2 It is proposed to continue to hold Ordinary Council meetings on Tuesdays (generally the last of each month) at 7:00pm, on a monthly cycle, in the Council Chamber at the Municipal Offices. The recommended meeting schedule is consistent with the above arrangements, scheduling Ordinary Council meetings for the last Tuesday of each month, excepting the meetings shown for 2 February, 1 March and 13 December, 2016.
- 2.3 The meeting proposed for 2 February, 2016, would occur a week after the last Tuesday (26 January) of the month. As the Australia Day public holiday falls on 26 January, it has been recommended that the Ordinary Council meeting be scheduled for the following Tuesday. This will allow for the first Strategic Briefing Session of the year to be scheduled for 19 January.
- 2.4 The meeting proposed for 1 March, 2016, would occur a week after the last Tuesday (23 February) of the month. As it is otherwise proposed that Ordinary Council meetings be scheduled for 2 February and 29 March, it has been recommended that the meeting be scheduled for 1 March to have equal time between these meetings i.e. four weeks respectively.
- 2.5 Having regard to 2016 being a Council election year and the matters outlined at paragraphs 1.6 and 1.7 above, it is proposed that no Ordinary Council meetings be scheduled between 20 September (Nomination Day) and 22 October (Election Day) at this time, until further advice is received from Local Government Victoria about the implications of the Local Government Amendment (Improved Governance) Act 2015 and the preparation of the proposed election period policy.
- 2.6 It is anticipated that in 2016 the Annual Council meeting will be held in late October or early November however, owing to the unpredictability over the finalisation of the elections a meeting date has not been proposed at this time. It is noted that section 84A of the Local Government Act 1989 provides that the Chief Executive Officer may summon a Special Council meeting within 14 days after day the returning officer for the general election publicly declares the result of the election.
- 2.7 It is proposed that Ordinary Council meetings also be held on Tuesday 29 November and Tuesday 13 December, 2016. Given the anticipated scheduling of the Annual Council meeting, these are almost certain to be the first two Ordinary Council meetings of the 2016-2017 municipal year. Whilst these meeting dates may be subject to change owing to the Council elections, the early scheduling of the meetings is proposed for convenience and for notification purposes. The meeting proposed for 13 December, 2016, would occur towards the middle of the month and thus well before the Christmas holiday period.

OFFICER'S RECOMMENDATION

That –

1. **Ordinary Council meetings for 2016 continue to generally be held on the last Tuesday of the month (except as discussed in this report) at 7:00pm in the Council Chamber at the Municipal Offices on the following dates:**
 - **Tuesday 2 February, 2016;**
 - **Tuesday 1 March, 2016;**

- Tuesday 29 March, 2016;
- Tuesday 26 April, 2016;
- Tuesday 31 May, 2016;
- Tuesday 28 June, 2016;
- Tuesday 26 July, 2016;
- Tuesday 30 August, 2016;
- Tuesday 29 November, 2016; and
- Tuesday 13 December, 2016.

2. a further report be prepared for Council in 2016 regarding potential future meeting dates in September and October 2016, following receipt of advice from Local Government Victoria about the new provisions contained in the Local Government Amendment (Improved Governance) Act 2015.

MOVED: DOWNIE
SECONDED: GRIVOKOSTOPOULOS

That the Recommendation be adopted.

CARRIED

* * * * *

13.2 Appointment of Authorised Officers under the Planning and Environment Act 1987 – November 2015

Responsible Director: Strategic Governance

File No. T15/271

The ultimate destination for this report is: COUNCIL AGENDA

Neither the responsible Manager nor the Officer authoring this report has a conflict of interest in this matter.

SUMMARY

In accordance with section 188(2)(c) of the Planning and Environment Act 1987, Council is required to authorise appropriately qualified Officers for the purpose of enforcing the Planning and Environment Act. It is proposed to appoint a newly employed Statutory Planning Officer as an Authorised Officer under this Act. The Appointment is detailed on the attached sample Instrument of Appointment and Authorisation and will be recorded in the Authorised Officers Register kept pursuant to Section 224 of the Local Government Act 1989 and made available for public inspection.

1 BACKGROUND

- 1.1 Council, pursuant to Section 224 of the Local Government Act 1989, may appoint any person other than a Councillor to be an authorised officer for the purposes of the administration and enforcement of most Acts, regulations or local laws which relate to the functions and powers of the Council. This is normally done under the delegated authority of the Chief Executive Officer and allows the appointed Council Officer to carry out their functions under a variety of statutes.
- 1.2 The Planning and Environment Act 1987 regulates enforcement and is reliant on authorised officers acting on behalf of the Responsible Authority.
- 1.3 The Planning and Environment Act 1987, unlike the Local Government Act, in most cases does not permit appointments to be made by the Chief Executive Officer and therefore it is necessary for the Council to make these appointments by formal resolution.
- 1.4 In order to legally undertake the duties of their office the nominated Officers need to be appointed as an Authorised Officer pursuant to the Planning and Environment Act 1987. The attached Instrument of Appointment and Authorisation will come into force immediately upon its execution under the Seal of Council and signed by the Mayor and Chief Executive Officer.
- 1.5 The appointment also allows for the Officer to institute proceedings for offences against the Acts and regulations described in the Instrument of Appointment and Authorisation under section 232 of the Local Government Act 1989.

2 PROPOSAL/ISSUE

- 2.1 It is proposed to appoint the following Statutory Planning Officer as an Authorised Officer pursuant to Section 147(4) of the Planning and Environment Act 1987. The Officer is Peter McWhinney a Town Planner in the Statutory Planning Unit.
- 2.2 The appointment will remain in force until varied or revoked by Council or the Officer ceases employment with Council.

3 CONCLUSION

- 3.1 The Instrument of Appointment and Authorisation documents are in accord with the format recommended by Maddocks.
- 3.2 The Officer has already been appointed by the Chief Executive Officer as an Authorised Officer under the Local Government Act 1989.
- 3.3 Both appointment forms will be recorded in the Authorised Officers Register that is required to be kept by Council pursuant to Section 224 of the Local Government Act 1989 and is available for public inspection.

OFFICER'S RECOMMENDATION

That in the exercise of the powers conferred by Section 224 of the *Local Government Act 1989* and the other legislation referred to in the attached sample Instrument of Appointment and Authorisation (Attachment 1), Council resolves that:

- A. The member of Council staff referred to in the above report be appointed and authorised as set out in the Instrument;**
- B. The Instrument comes into force immediately the Common Seal of Council is affixed to the Instrument and remains in force until Council determines to vary or revoke it or the Officer ceases employment with Council; and**
- C. The Common Seal of the Council be affixed to an Instrument of Appointment for each of the Officers.**

**MOVED: McLEISH
SECONDED: GALBALLY**

That the Recommendation be adopted.

CARRIED

"Refer Attachments"

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13.3 Record of Assembly of Councillors - November 2015

Responsible Director: Strategic Governance

File No. T15/270

The ultimate destination for this report is: COUNCIL AGENDA

Neither the responsible Manager nor the Officer authoring this report has a conflict of interest in this matter.

SUMMARY

Section 80A of the Local Government Act 1989 requires a record of each meeting that constitutes an Assembly of Councillors to be reported to the next ordinary meeting of Council and those records be incorporated into the minutes of the Council Meeting. The Assemblies to be reported to this Council Meeting took place between 19 October and 13 November 2015 (both dates inclusive). They are:-

- *Council Meeting Briefing Session on 27 October*
- *Senior Citizens Reference Group Committee on 11 November*
- *Strategic Briefing Session on 20 October & 11 November*
- *Sustainable Design Taskforce on 22 October*

1 BACKGROUND

- 1.1 An Assembly of Councillors is defined in the Local Government Act 1989 and means a meeting of an advisory committee of the Council, if at least one Councillor is present, or a planned or scheduled meeting of at least half of the Councillors and one member of Council staff which considers matters that are intended or likely to be:-
 - 1.1.1 the subject of a decision of the Council; or
 - 1.1.2 subject to the exercise of a function, duty or power of the Council that has been delegated to a person or committee but does not include a meeting of the Council, a special committee of the Council, an audit committee established under section 139, a club, association, peak body, political party or other organisation.
- 1.2 An advisory committee can be any committee or group appointed by Council and does not necessarily have to have the term 'advisory' or 'advisory committee' in its title.
- 1.3 Written records of Assemblies of Councillors must be kept and present that record to the next practicable ordinary meeting of Council. The record is to include the names of all Councillors and members of Council staff attending, a list of the matters considered, any conflict of interest disclosures made by a Councillor attending and whether a Councillor who has disclosed a conflict of interest leaves the assembly for the item in which he or she has an interest.
- 1.4 A Councillor who has a conflict of interest at an assembly of Councillors must disclose to the meeting that he or she has a conflict of interest, and leave the meeting while the matter is being discussed.

1.5 The details of each Assembly are shown in the Attachments to this report.

2 PROPOSAL/ISSUE

2.1 That Council formally note the reports of Assemblies of Councillors as contained within the Attachments to this report.

OFFICER'S RECOMMENDATION

That the records of the Assemblies of Councillors as listed in the summary to this report and shown attached be noted and incorporated in the minutes of this Council Meeting.

**MOVED: GRIVOKOSTOPOULOS
SECONDED: DOWNIE**

**That the recommendation be adopted with a correction to the record of assembly for the October Council Meeting to record Cr Yang as an attendee instead of an apology.
CARRIED**

"Refer Attachments"

* * * * *

13.4 Documents for Sealing - 24 November 2015

Responsible Director: Strategic Governance

File No. .

The ultimate destination for this report is: COUNCIL AGENDA

Neither the responsible Director, Manager nor the Officer authoring this report has a conflict of interest in this matter.

SUMMARY

The following documents are submitted for signing and sealing by Council.

1 BACKGROUND

- 1.1 The Council's common seal must only be used on the authority of the Council or the Chief Executive Officer under delegation from the Council. An authorising Council resolution is required in relation to the documents listed in the Recommendation section of this report.

OFFICER'S RECOMMENDATION

That the following documents be signed and sealed:

Consent Agreement to Build Over an Easement
Section 173 of the Planning and Environment Act 1987
Council and Williamsons Road Pty Ltd
249 and 251 Williamsons Road, Templestowe

Consent Agreement to Build Over an Easement
Section 173 of the Planning and Environment Act 1987
Council and P N & S N Voglis
6 The Crest, Bulleen

ALTERNATIVE RECOMMENDATION

That the following documents be signed and sealed:

**Consent Agreement to Build Over an Easement
Section 173 of the Planning and Environment Act 1987
Council and Williamsons Road Pty Ltd
249 and 251 Williamsons Road, Templestowe**

**Consent Agreement to Build Over an Easement
Section 173 of the Planning and Environment Act 1987
Council and P N & S N Voglis
6 The Crest, Bulleen**

**Consent Agreement to Build Over an Easement
Section 173 of the Planning and Environment Act 1987
Council and M & A Tomaro
57 Smiths Road, Templestowe**

**Community Services Lease
Council and The Scout Association of Australia, Victorian Branch Council
Part Rieschiecks Reserve, 125-149 George Street, Doncaster East**

**Deed of Renewal and Variation of Lease
Council and Templestowe Heights Pre-School Association Inc
Part 64-68 Fyfe Drive and Part 10A Totara Court, Templestowe Lower**

**Community Services Lease
Council and The Lions Club of Warrandyte Inc
Part Council Works Depot, 620-628 Blackburn Road, Doncaster East**

**MOVED: GALBALLY
SECONDED: O'BRIEN**

That the Alternative Recommendation be adopted.

CARRIED

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13.5 Proposed Sale of Part of the Discontinued Right of Way at Rear of 25 & 27 Queens Avenue Doncaster (Post Statutory Advertising)

Responsible Director: Director Shared Services

File No. T15/239

The ultimate destination for this report is: COUNCIL AGENDA

Neither the responsible Director, Manager nor the Officer authoring this report has a conflict of interest in this matter.

SUMMARY

A request has been received from the owner of the property at 25 Queens Avenue, Doncaster, to purchase a section of discontinued right-of way at the rear of his property. The subject land is a section of discontinued right-of way vested in Manningham City Council, (Gazetted on 12 May 1989). This particular section has been fenced off and occupied by 25 and 27 Queens Avenue for over 20 years. It is recommended that Council sells this section of right-of-way to the abutting owners at 25 and 27 Queens Avenue, Doncaster, subject to satisfying the statutory requirements. The statutory advertising subject to section 189 of the Local Government Act 1989 has been completed and no submissions have been received by Council.

It is now recommended that Council approve the sale of this section of right-of-way.

1 BACKGROUND

- 1.1 The owner of the property at 25 Queens Avenue, Doncaster has formally requested to purchase a section of a discontinued right of way abutting the rear of their land from Council.
- 1.2 In the process of notifying the adjoining owners, the owners from 27 Queens Avenue also expressed their interest to retain the section of the land, which they are currently occupying without Council's consent, preferably at no cost.
- 1.3 As advised by Council's Land Surveyor Lawlor and Loy, the total land area of the land is 48 square metres. The subject parcel is currently fenced off by the owners of 25 and 27 Queens Avenue. There is an open timber shed structure on the right of way that belongs to the owners of 27 Queens Avenue. Yarra Valley Water has indicated that it owns the underground sewer facilities within the right of way.
- 1.4 The property at 25 Queens Avenue Doncaster has a land area of approximately 710 square metres and the section of the discontinued right-of-way at the rear of that property has an area of 35 square metres.
- 1.5 The property at 27 Queens Avenue Doncaster has a land area of approximately 697 square metres and the section of the discontinued right-of-way at the rear of that property which has an area of approximately 13 square metres.

- 1.6 Consultation in November 2014 with relevant Council departments has confirmed that this land is surplus to Council requirements.
- 1.7 In addition, service authorities (Yarra Valley Water and United Energy) have been consulted and neither reports any issues surrounding the proposed sales, providing that the appropriate encumbrances are registered on the titles.
- 1.8 The owner at 25 Queens Avenue has been seeking regular updates from Council since August 2015 regarding the progress of the proposed sale. He is requesting Council to proceed with the sale as soon as possible.

2 PROPOSAL/ISSUE

- 2.1 The market value of the whole land has been assessed by Council's Valuers reflecting the assessed differential between the value of the land on a before and after acquisition scenario.
- 2.2 The acquisition of the part discontinued right-of-way would increase the land area of their property; however, the resultant land area would not yield any potential for subdivision as the land is encumbered by the easements in favour of Yarra Valley Water and Manningham City Council.
- 2.3 The land is zoned General Residential Zone, however, the land is not able to be subdivided and is regarded as sub-optimal even with the additional land.
- 2.4 Council has completed the advertising of its intention to sell the land pursuant to section 189 of the Local Government Act 1989 (the Act) and to consider any submission under section 223 of the Act for a person to make a submission.
- 2.5 No submission was received by Council after the 28 days statutory public submission period.
- 2.6 Subject to the sale and transfer of title of the discontinued right of way, it is anticipated that the subject land is to be consolidated with the current title of the property at 25 Queens Avenue, Doncaster after the transfer.
- 2.7 Council has been notified that there has been a recent change of ownership at 734 Doncaster Road. This property is adjacent to the north boundary of the subject land.
- 2.8 In view that there were no further response from the owners at 27 Queens Avenue, Doncaster regarding Council's offer, officers have proposed to send a written final advice to the owners to advise them Council might withdraw the offer after 30 days and make an new offer to the other adjoining owner for the section of the land which they are currently occupying. Further legal advice has been sought and such legal advice supports our recommended approach regarding this proposal.

3 PRIORITY/TIMING

- 3.1 If Council resolves to sell the relevant section of the land to the owner of 25 Queens Avenue, the following actions will take place:
 - 3.1.1 Council will instruct a legal firm to draft the contract of sale for the land;
 - 3.1.2 Council agrees to the total sale price of the relevant section of the discontinued right-of-way to be acquired by the owners of 25 Queens Avenue, Doncaster, at \$10,800;

3.1.3 Council authorises the Chief Executive Officer to execute any documents associated with the sale of discontinued right-of-way.

4 POLICY/PRECEDENT IMPLICATIONS

4.1 Council policy CD14.3 Road and Lane Discontinuance provides for the sale of discontinued roadways to abutting owners.

5 CUSTOMER/COMMUNITY IMPACT

5.1 We do not expect the sale of this remaining section of the discontinued right of way would affect the public and the community as the land is being used as part of a privately owned backyard for the adjoining owners for an extensive periods. There were also no submissions received during the required 28 days statutory period under section 223 of the Act.

6 FINANCIAL PLAN

6.1 The proceeds from sale do not form part of the 5 year Financial Plan revenue.

7 FINANCIAL RESOURCE IMPLICATIONS

7.1 The total land that is the subject of this report has been valued by Council's Valuers at market value based on a before and after assessment. A price of \$10,800 for the relevant section of the land of 35 square metres has been agreed by the prospective purchaser of 25 Queens Avenue. The purchaser is responsible for their own legal and professional fee and charges.

7.2 As yet, no agreement has been reach between Council and the owners of 27 Queens Avenue at the date of this report. The proposed sale price for the relevant section of 13 square metres is \$4,500.

7.3 The income from the sales has not been anticipated in Council's budget.

8 SUSTAINABILITY

8.1 The proposed sale for part of the discontinued right of way is unlikely to generate any environmental, sustainability, social and economic issues.

9 REGIONAL/STRATEGIC IMPLICATIONS

9.1 No regional or strategic implications were identified in this proposed sale of the discontinued right of way.

10 CONSULTATION

10.1 A Public Notice was published in the Manningham Leader newspaper on 3rd August 2015, advising of Council's intention to sell the discontinued section of right of way for market value plus costs, and providing the opportunity for any person to make a submission to Council.

10.2 No submissions were received by Council during or after the specified 28 days period under Section 223 of the Act.

11 CONCLUSION

11.1 It is considered the section of the discontinued right of way that is the subject of this report is not required for public use.

- 11.2 It is recommended that Council sell the relevant discontinued section of right of way to the owner of 25 Queens Avenue Doncaster.
- 11.3 It is recommended that Council to issue a final written advice to the owners of 27 Queens Avenue, Doncaster seeking their formal response within 30 days of the advice, and if unsuccessful, offer the remaining 13 square metres of the right of way to other adjoining owners at 734 Doncaster Road.

OFFICER'S RECOMMENDATION

That:

- (A) Council resolves to sell the section of the discontinued right-of-way at the rear of 25 Queens Avenue, Doncaster, being the land as shown hatched and bordered in red on the plan that attached to this report and labelled as Attachment 1;
- (B) Council agrees to the total sale price of the section of the discontinued right-of-way to be acquired by the owners of 25 Queens Avenue, Doncaster, at \$10,800;
- (C) Council authorises the Chief Executive Officer to execute any documents associated with the sale of discontinued right-of-way;
- (D) Affix the common seal to the Transfer of Land and any other documents required to effect the sale and transfer; and
- (E) Resolves that the Special Committee established to hear and consider any submissions now be disbanded.
- (F) It is recommended that Council to issue a final written advice to the owners of 27 Queens Avenue, Doncaster seeking their formal response within 30 days of the advice and, in the event that the owners at 27 Queens Avenue decline Council's offer to sell the relevant section of the discontinued right of way or no response is received, it is recommended that Council advertise a public notice and offer the remaining 13 square metres of the right of way to the adjoining owner at 734 Doncaster Road.

MOVED: HAYNES
SECONDED: O'BRIEN

That the Recommendation be adopted.

CARRIED

Refer to the attachment 1 & 2

* * * * *

14. CHIEF EXECUTIVE OFFICER

14.1 Quarterly Organisational CEO Report - Quarter 1 (July - September) 2015

Responsible Director: Strategic Governance

File No. T15/267

The ultimate destination for this report is: COUNCIL AGENDA

Neither the responsible Director, Manager nor the Officer authoring this report has a conflict of interest in this matter.

SUMMARY

The Quarterly Organisational CEO Report is a new reporting initiative that aims to:

- 1. Streamline the reporting requirements under the Local Government Performance Reporting Framework (LGPRF)*
- 2. Monitor and track key aspects of council's performance for continuous improvement purposes*
- 3. Highlight Council's services, activities and achievements.*

1 BACKGROUND

- 1.1 Council regularly receives reports providing comprehensive detail on organisational performance including capital works, risk management, corporate reporting, financial and service performance.
- 1.2 The new CEO Organisational Quarterly Report incorporates key aspects of current reporting in a streamlined approach, as well as highlighting council performance and achievements across a broad range of activities.
- 1.3 The new Report has been developed to:
 - a) Streamline current reporting to meet the requirements under the Local Government Performance Reporting Framework (LGPRF). The LGPRF requirements this report will meet include:
 - Council Plan reporting (report reviewing the performance of the Council against the Council Plan, including results in relation to strategic indicators, for the first six months of the financial year)
 - Financial reporting (quarterly report to Council comparing budgeted revenue and expenditure with actual revenue and expenditure)
 - Risk reporting (six-monthly reports of strategic risks to Council's operations, their likelihood and consequences of occurring and risk minimisation strategies)
 - Performance reporting (six-monthly reports of indicators measuring the results against financial and non-financial performance).
 - b) Monitor and track key aspects of Council's performance for continuous improvement in quality, effectiveness and efficiency:

- EMT and Managers have put forward indicators to depict key areas of activity. Work will continue to ensure that the information provided strengthens its focus on productivity, efficiency and effectiveness.
 - 2014/15 data is shown where available for comparison over time in the indicator sets. More detail on particular circumstances can be provided for accurate comparison and analysis in areas of interest.
- c) Promote Council performance and achievements across a broader range of services and activities:
- The Report draws together a level of information on council activities, service performance and achievements in each Directorate that have not been recently promoted in one central location.
 - It is timely to promote the value, quality and breadth of activities and services that Council is providing its residents, particularly in light of the potential impact of rate capping and the launch of the 'Know Your Council' State Government website in late 2015.

2 PROPOSAL/ISSUE

- 2.1 This new format organisational CEO Report will be produced on a quarterly basis for Council (September, December, March, June) in collaboration with Assets and Engineering (Capital Works Report), People Culture and Risk (Risk Report and Risk Register) and Finance (Finance Report). Additional detail for the following reports will still be available as follows:
- Capital works report (produced monthly)
 - Financial report (produced in alternate months)
 - Risk report (produced as required)
- 2.2 The report format aims to be easy to read for Council and the community. To keep the report concise, council services and activities not included in the indicator information will be featured in achievements and activities.

3 PRIORITY/TIMING

- 3.1 On endorsement, the Report will be produced following each quarter, tailored to meet the necessary reporting requirements.

OFFICER'S RECOMMENDATION

That the Quarterly Organisational CEO Report format be received and endorsed.

MOVED: GALBALLY
SECONDED: GOUGH

That the Recommendation be adopted.

CARRIED

"Refer Attachments"

- Quarterly Organisational CEO Report - Quarter 1 (July - September) 2015.

* * * * *

15. URGENT BUSINESS REPORTS

15.1 Templestowe Special Charge Scheme - Applications for Review to VCAT

Responsible Director: Director Planning & Environment

File No. T15/275

The ultimate destination for this report is: COUNCIL AGENDA

Neither the responsible Director, Manager nor the Officer authoring this report has a conflict of interest in this matter.

SUMMARY

The purpose of this report is for Council to consider the implications of the applications for review to VCAT lodged in relation to the Templestowe Village Special Charge Scheme declared by Council on 25 August 2015.

Council declared a Special Charge Scheme for the 81 properties making up the Templestowe Village Shopping Centre on 25 August 2015 to support marketing and business development initiatives in the Centre. It would raise a total of \$270,000 over the next five years and would be based on an initial charge of \$700pa for primary benefit properties (74) and \$350 for secondary benefit properties (7). The Scheme was declared by Council based on evidence of 75% of businesses supporting the Scheme before Council resolved to give Notice of Intention to Declare the Scheme and minority (17) opposition following the giving of that notice.

However following declaration of the Scheme, joint applications (now 37 businesses) have been made to VCAT for review of Council's decision to impose the Special Charge and evidence of a further 11 objections to the Scheme has also been provided. VCAT has listed a Practice Day hearing in relation to this matter on Friday 27 November.

A Special Charge Scheme has been successfully implemented for Templestowe Village since 1997 and has supported the preparation and implementation of a business plan for the Centre and, more particularly, the employment of a part-time coordinator, promotion, advertising, marketing and business development.

However, given the increased level of opposition to the Special Charge, as evidenced by both the number of parties involved in the joint application for review and the further separate objections, as well as the significant cost for Council to contest the matter at VCAT, it is considered appropriate for Council to review its position in relation to the Special Charge Scheme.

Accordingly it is recommended that Council confirm the actual level of support for continuing the Scheme so as to inform a decision as to whether it should discontinue the Scheme under section 164(1) of the Act.

1 BACKGROUND

1.1 At its meeting on 25 August 2015 in accordance with the *Local Government Act 1989* (the Act) Council declared a Special Charge Scheme for the Templestowe Village Shopping Centre to support marketing and business development initiatives in the Centre from 1 July 2015 to 30 June 2020 (5 years).

- 1.2 Key elements of that Scheme are:
 - 1.2.1 It applies to a total of 81 rateable properties zoned or used for commercial, retail and professional purposes and forming part of the Templestowe Village Shopping Centre.
 - 1.2.2 It will raise a total of approximately \$270,000 over the 5 years of the Scheme and is based on an initial charge of \$700 per year for primary benefit properties (74) and \$350 for secondary benefit properties (7) with an annual increase by CPI.
 - 1.2.3 It will be used for the “appointment of a part time marketing coordinator, promotional, advertising, marketing, business development and other incidental expenses as approved by Council all of which are associated with the encouragement of commerce, retail and professional activity and employment in the Templestowe Village Shopping Centre Precinct.”
 - 1.2.4 Expenditure of the funds collected under the Scheme will be managed by the Templestowe Village Traders Association in accordance with the terms of formal agreement with Council.
- 1.3 Council initiated the Scheme, which was requested by the Templestowe Traders Association, in May 2015, on the basis that (and as Council had been informed in writing by the Traders Association, with copies of letters of support provided) 75% of the businesses in the Scheme area had confirmed in writing their support for the Scheme.
- 1.4 Following the completion of the subsequent statutory consultation process, Council went on to declare the Scheme in August 2015, largely on the basis that, of the 27 submissions received, 10 supported the Scheme and 17 objected to the Scheme. This was considered to be a ‘minimal’ objection to the Scheme, given that (of the 81 rateable properties included in the Scheme) there would have been approximately 162 affected persons (this figure, assuming no owner-occupiers, being the combined level of property owners and occupiers/business operators included in the Scheme).
- 1.5 Following declaration by Council, notice of declaration of the Scheme was sent to each property owner and tenant on 28 August 2015. The declared Special Charge has now been levied by Council.
- 1.6 Under sections 185 and 185AA of the Act, there is a right of appeal to VCAT against Council’s decision to impose a Special Charge.
- 1.7 On 28 September Townshend & Associates Pty Ltd (the business at 33 Anderson Street) lodged a joint application (with 14 other business owners) to VCAT for the review of Council’s decision to impose the Special Charge on them.
- 1.8 The grounds of the request for review under section 185 of the Act are that:
 - the special charge does not provide special benefit to each applicant; and
 - the basis of the distribution of the charge is unreasonable.
- 1.9 Also, under section 185AA of the Act the applicants are applying to VCAT for a declaration concerning the validity of Council’s decision to impose the special charge on a range of ‘legal’ grounds.

- 1.10 In a letter to VCAT (cc'd to Council) the lawyers acting on behalf of the joint applicants for review have confirmed that a further 22 business owners have sought to be joined as applicants for the review (making a total of 37) and a further 11 business owners have signed written forms of objection, although they do not seek to be joined as applicants. It should be noted that several of the business owners now opposing the Scheme initially signed letters of support for it.
- 1.11 VCAT has listed a Practice Day hearing in relation to this matter on Friday 27 November. VCAT has also issued an order which specifies a number of actions, largely relating to material to be provided, to be undertaken by both the applicants and Council by specified dates.

2 PROPOSAL/ISSUE

- 2.1 Macquarie Lawyers will be representing Council in relation to this matter and have suggested that, before VCAT progresses to the next step and proceeds to hear the merits of the application for review (at a date to be set at the Directions Hearing), it may be prudent (and otherwise appropriate) for Council to consider reviewing its position in relation to the imposition of the Special Charge, particularly given the level of opposition which now appears to be emerging for the Scheme and the likely legal and other costs that would be incurred by Council in defending its decision in this matter.
- 2.2 Council has been advised that, in order for Council to properly contest the matter, Council would need to be legally represented and that it would be required to obtain expert evidence from both an independent valuer and a retail economist. This would result in significant legal and other costs being incurred by Council.
- 2.3 The Special Charge Scheme has been prepared in accordance with the provisions of the *Local Government Act 1989* using legal advice at key points in the process.
- 2.4 Key drivers for Council's decision to declare the Special Charge Scheme 2015-2020 for the Centre were:
- 2.4.1 A Special Charge Scheme had been successfully implemented in the Templestowe Village Shopping Centre since 2010. An earlier Scheme which commenced in 1997, primarily to support capital works improvements in the Centre, also included a component for marketing and promotion of the Centre.
- 2.4.2 Council's *Special Rates and Charges Contributory Projects Policy* August 2012 specifically encourages at least 75% support from persons required to pay the special charge before Council initiates the formal special charge process which relies heavily on Council staff and financial resources.
- 2.4.3 An independent consultant undertook a survey of businesses and the Traders' Association confirmed that 75% of traders in the Centre supported the Scheme and provided signed forms to verify this. This was done before the commencement of the statutory process by Council.
- 2.4.4 During the formal statutory process (and in response to Council's Notice of Intention to Declare the Special Charge), from the approximately 81 businesses and 81 property owners eligible to

make a submission and/or objection) a total of 27 submissions were received, as previously set out.

- 2.5 It should also be noted that, under section 163B(6) of the *Local Government Act 1989*, Council could not have made a declaration if it had received objections from persons required to pay the special charge in respect of a majority of the rateable properties in respect of which the Special Charge would be imposed. Clearly, this did not apply as Council did not receive a majority of objections.
- 2.6 Notwithstanding all of the above (which it is considered, at the time of declaration, supported Council's decision to declare the Special Charge), it would now appear that there is an increasing number of businesses which do not support the Scheme and which do not wish it to proceed.
- 2.7 Accordingly, and before committing to the 'next step', it may be prudent (and Council's legal advisors consider it may otherwise be appropriate) for Council to seek to reconfirm the current level of support for continuing the Scheme.
- 2.8 If on this basis Council was to be subsequently satisfied that there was currently (and now) a sufficient level of broad opposition to the Scheme, then under section 164(1) of the Act Council (subject to its further consideration of the matter) would have the power to resolve to "discontinue the whole of the purpose for which it is charging the special charge", and the Scheme would thereby not proceed.
- 2.9 Were such a decision to be made by Council, and subject to the effectiveness and outcome of the further consultation which Council would be required to undertake with the Traders' Association and the owners and occupiers of the properties and the operators of businesses included in the Scheme area), it is considered that the basis for the making of a decision to discontinue the Scheme would be as follows: "that in the interests of good governance, Council's position is that it has no desire to force the imposition of a special charge on a section of its business community in circumstances where, as Council has now become aware, there is no longer any support from the owners and occupiers of the affected properties in the Scheme area (if ever there was any support), alternatively it has now been made clear to Council that there is no support for the Scheme)".
- 2.10 If Council were to subsequently make a decision to discontinue the Scheme, it is important to consider some of the consequences, which would include:
- The Traders Association would have no source of funds for activities such as those supported during the previous Scheme which have included:
 - Development and implementation of a business plan to target promotional activities such as seasonal marketing campaigns, Christmas decorations for the Centre, festivals, branding for the Centre and a website featuring a directory of all businesses in the Centre; and
 - Employment of a part-time Marketing Coordinator who implements most of the actions within the business plan for the Centre.
 - There would be increased pressure for Council to spend other rate revenue to support the economic viability of the Centre and its role as a community hub.

- It may be seen that a 'precedent' is being set for future Schemes. In that regard it should be noted that there is a current scheme in place for Tunstall Square Shopping Centre, a renewal of a special rate scheme is being sought for Warrandyte and Jackson Court traders have expressed interest in a scheme for that centre.

3 PRIORITY/TIMING

- 3.1 The Practice Day hearing relating to the request for review has been scheduled for Friday November 27 and it is important that a formal Council position on the matter can be presented to VCAT on that day.

4 POLICY/PRECEDENT IMPLICATIONS

- 4.1 Under theme of is *Everything We Need Is Local* the Council Plan states that:
Promotion of distinct villages and activity centres are valued and cultivated and we aim to support businesses and traders to build a resilient local economy.
- 4.2 A related goal in the Council Plan is that:
Our distinct villages and activity centre are vibrant places to meet and provide support to local businesses and traders.
- 4.3 In addition a strategic indicator in the Council Plan is participation in special rate and charge scheme and the measure is "*Number of activity centres participating in a Special Rate and Charge Scheme for marketing and promotion.*"
- 4.4 Under the Strategic Direction of *Activating and Improving Activity Centres* Council's *Economic Development Strategy 2011-2030* includes an objective "*Provide Activity Centres and the Retail Sector with support structures and industry information*". Action 20 under that objective is "*Support the development and implementation of Special Rate and Charge Schemes for Business and Marketing Plans and activities.*"

5 CUSTOMER/COMMUNITY IMPACT

- 5.1 If Council was to decide to discontinue the Scheme property/business owners would no longer be required to make the annual contribution of approximately \$700 or \$350 to the Scheme.
- 5.2 However it discontinuance would also mean that the funding made available through a scheme to enable promotional activities to benefit the traders and the local community would no longer be available.
- 5.3 The Templestowe Village Shopping Precinct is a traditional strip shopping and business centre that is operating in an increasingly competitive environment. An ongoing program and long term commitment, planning and resources are required to ensure continued work toward goals and objectives aimed at enhancing the economic activity and vibrancy of the area.
- 5.4 The Templestowe Village Traders' Association has worked closely with Council's Economic Development team to develop a five year Business Plan for the Templestowe Village Precinct, outlining marketing goals and objectives for the Templestowe Village Shopping Centre. (**Attachment 1**)

- 5.5 The Business Plan was developed in consultation with the traders in the Centre and its goals and objectives are relevant to the ongoing economic, social and cultural vibrancy and appeal of the Shopping Centre.

6 FINANCIAL PLAN

- 6.1 The Templestowe Village Traders Association has requested that the proposed scheme raises \$54,250 per annum, being \$700 per year for primary benefit properties and a \$350 per year for secondary benefit properties. It is proposed that the amount will be increased in each of the subsequent four years of the Scheme by an amount equivalent to the previous year's amount, plus CPI. In total, the special charge will raise an amount of at least \$270,000 over the 5 year period of the Scheme.
- 6.2 Property owners are legally liable to pay the Special Charge, however the liability can be passed on to tenants (traders/business operators) through individual leasing/tenancy agreements. It is a matter between the property owners and tenant to decide who is responsible to pay the Special Charge.
- 6.3 Council will require the Templestowe Village Traders Association to have a high level of financial and management accountability of the funds. Financial requirements will include the submission of quarterly profit and loss statements, budgets, evidence of promotion as per the Centre's business plan, an annual plan and budget and certified annual financial statements at the end of each financial year.
- 6.4 It is a requirement that the Templestowe Village Traders Association enters into a new funding agreement with Council, as a precondition to any funds from the proceeds of the Special Charge being paid to the Association.

7 FINANCIAL RESOURCE IMPLICATIONS

- 7.1 Council's *Special Rates and Charges Contributory Project Policy*, August 2012, states in relation to Marketing and Promotion schemes that "*Council will pay for the development and administration (including the consultation, preparation of apportionments, preparation of reports, collection and distribution of funds).*"
- 7.2 The estimated cost of renewal of the Scheme is \$15,000 which includes gauging the level of support and advertisements.
- 7.3 The Scheme would then continue to be administered by Council which collects the charge and distributes the collected funds to the Traders Association on a quarterly basis, based on quarterly progress reports of expenditure in accordance with the Association's business plans. The cost of administration of all of Council's special charge schemes forms part of the operational budget for Council's Finance and Economic Development teams in particular.
- 7.4 However given that there has been an application for review to VCAT, Council will also incur significant legal and other costs associated with legal advice and representation and expert evidence required to contest the matter.

8 SUSTAINABILITY

- 8.1 Discontinuance of the Special Charge Scheme could affect the economic sustainability of the Templestowe Village Shopping Centre given that

promotion and marketing activities associated with the Centre have relied on the funds from the Special Charge Scheme since 1997.

9 REGIONAL/STRATEGIC IMPLICATIONS

- 9.1 A study from Mainstreet Australia and Essential Economics (The Economic Value of Main Street, May 2011) indicated that there are in excess of 70 Special Rate and/or Charge Schemes (for the purposes of marketing and promotion) operating throughout Victoria. The study highlighted that management and marketing programs funded by Special Rates and Charges are playing an increasingly important role in supporting the viability and health of main streets in Victoria. There are schemes in nearly one third of Victorian Councils and approximately \$7.6 million is generated directly by Special Rates and Charges. Adoption of a Special Rate and Charge Scheme is identified as the current best practice financial model to sustain a long term marketing and management framework for main street precincts, shopping and town centres.
- 9.2 Several competing centres, both within Manningham and in neighbouring municipalities, currently operate under a Special Rate and Charge Scheme, such as Tunstall Square and Warrandyte shopping precincts. The Templestowe Village Special Charge Scheme would facilitate the competitive positioning of a local centre through marketing and promotion while demonstrating the continuation of Council supported growth in local economic strongholds.

10 CONSULTATION

- 10.1 There was a significant amount of consultation associated with the initial proposal for the Scheme which included:
- a survey seeking feedback on past activities and suggestions for the new business plan;
 - visits by an independent project consultant to discuss input into the business plan, issues or suggestions for improvement and answer any questions on the Special Charge Scheme;
 - a form seeking confirmation of support for the Special Charge Scheme, together with an information sheet providing an overview of the Scheme and future marketing plan priorities.
 - personal invitations to attend a trader meeting to discuss the successes and opportunities from the previous scheme, as well as any ideas for the future that can be considered as part of the new business plan.
- 10.2 However given that it would appear that there is no longer the level of support for the Scheme which was first conveyed to Council through both the informal process prior to Council resolving to give notice of intention to declare the scheme or following that through the statutory process, it would be prudent for Council to determine whether there is support for it to continue the Scheme.
- 10.3 It is proposed that letters be sent to all owners and occupiers of those properties liable or required to pay the special charge explaining that Council intends to consider a report on whether or not it should discontinue the Scheme and seeking their views on whether they support or object to the proposed discontinuance. Any owner or occupier who chooses not to make

any submission to Council would be considered, on an opt-in basis, to support the proposed discontinuance of the special charge. It should be noted that given Council has already been through a statutory process which looked at objections/submissions in relation to the Scheme itself, the focus of this next consultation needs to be on whether or not to continue the Scheme.

11 CONCLUSION

- 11.1 The proposed Special Charge Scheme was to be a positive local economic development initiative which would encourage and generate competitive commerce, retail and professional activity and employment in the Templestowe Village Shopping Centre.
- 11.2 However, given the increased level of opposition to the Special Charge, as evidenced by both the number of parties involved in the joint application for review and the further separate objections, as well as the significant cost for Council to contest the matter at VCAT, it is considered appropriate for Council to review its position in relation to the Special Charge Scheme.
- 11.3 Accordingly it is recommended that Council confirm the actual level of support for continuing the Scheme by writing to all owners and occupiers of properties within the Scheme area so as to inform a decision as to whether it should discontinue the Scheme under section 164(1) of the Act.

OFFICER'S RECOMMENDATION

That Council:

- (A) **Confirms that it intends to consider a report at its 2 February 2016 meeting on whether or not it should discontinue the Templestowe Village Special Charge Scheme declared by Council on 25 August 2015.**
- (B) **Supports requesting any owner or occupier of any property or business who is liable or required to pay the special charge to make a written submission to Council on whether they support or object to the proposed discontinuance (with an owner or occupier who chooses not to make any submission to Council being considered to support the proposed discontinuance of the special charge).**
- (C) **Considers any submissions received before deciding whether or not to discontinue the special charge scheme.**

Conflict of Interest

Cr Kleinert stated:

"Councillors, I wish to disclose that I have a conflict of interest in this item being an indirect interest of close association and I will be leaving the meeting room for the duration of the item."

Having disclosed her conflict of interest Cr Kleinert left the meeting room at 8.06pm and returned at 8.09pm after the matter had been finalized and took no part in the discussion and voting on this item.

MOVED: GOUGH
SECONDED: GRIVOKOSTOPOULOS

That the Recommendation be adopted.

CARRIED

"Refer Attachments"

* * * * *

16. QUESTIONS FROM THE PUBLIC

16.1 Tunstall Square

Mr L Shedden, Doncaster East, asked “How can 86% of property owners with an estimated property value of \$80mill. Who are current and past Traders and largely responsible for the success Tunstall Square is, be ignored?”

The Director Planning and Environment advised that the report tabled tonight outlines that a separate statutory process involving further public consultation is required to formally close Shaw street. There will be a report to the December Council Meeting which will outline the consultation, which will include all the traders having a voice, so there are quite a few more steps before we get to that final process and there will be a consultation process next year and all voices will be heard in that consultation process.

17. QUESTIONS WITHOUT NOTICE FROM COUNCILLORS

17.1 Main Roads Maintenance

Cr Gough raised a concern about the deteriorating condition of parts of Thompsons Road, Manningham Road and Bulleen Road, all VicRoads roads, and asked if Council could consult with VicRoads on improving these roads.

The Acting Chief Executive Officer advised that Officers will consult with VicRoads on this matter.

17.2 Planning Permits – Enforcement of Old Permits

Cr Gough advised that in the mid 1990's many planning permits issued for properties on Manningham Road required the retention of trees on the properties but now many of these trees are being removed and asked for a review of Council's policies on what audit or follow-up exists on such matters.

The Acting Chief executive Officer advised that a report on the matter will be prepared for consideration.

17.3 Residential Waste Collection Bins

Cr Gough asked the Mayor if Council was considering changing its residential rubbish bins and the colours of the bins to ones with bright coloured lids rather than ones that blend into the natural environment of Manningham, and if so, can I have a report on this and whether there can be public consultation on what the public thinks of different coloured bin lids.

The Mayor advised that a report will be prepared on this matter for consideration.

17.4 Local Support for African Orphans

Cr Downie asked the Mayor if she was aware that a local service club has recently raised funds for sending the education of African orphans.

The Mayor thanked Cr Downie for this information.

18. CONFIDENTIAL REPORTS

MOVED: DOWNIE
SECONDED: McLEISH

That Council consider the two confidential matters in open Council Meeting.
CARRIED

18.1 Warrandyte Bakery Public Toilet/Cool Store Facility and Associated Land Acquisition

This matter has been declared confidential by the Chief Executive Officer pursuant to S89(2) of the Local Government Act 1989. The relevant grounds for making this declaration are that the information contains contractual matters and disclosure of its contents may be prejudicial to the interests of the Council and/or other parties.

MOVED: GALBALLY
SECONDED: McLEISH

That the recommendation be adopted and this matter remain confidential on the understanding that the report and attachments are to remain confidential, subject to Officers being authorised to take appropriate action to implement the resolution.

CARRIED

18.2 Waste Kerbside Collection and Receipt of Recyclables - Contract No. EF14/18784

This matter has been declared confidential by the Chief Executive Officer pursuant to S89(2) of the Local Government Act 1989. The relevant grounds for making this declaration are that the information contains contractual matters and disclosure of its contents may be prejudicial to the interests of the Council and/or other parties.

MOVED: GRIVOKOSTOPOULOS
SECONDED: DOWNIE

That the recommendation be adopted and this matter remain confidential on the understanding that the report and attachments are to remain, subject to Officers being authorised to take appropriate action to implement the resolution.

CARRIED

The meeting concluded at 8:17pm

Chairman
CONFIRMED THIS 15 DECEMBER 2015