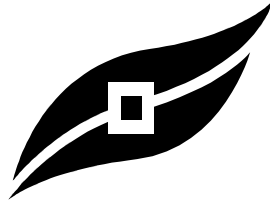


MINUTES



MANNINGHAM
BALANCE OF CITY AND COUNTRY

Ordinary Meeting of the Council

MEETING DETAILS:

MEETING NO: 9
MEETING DATE: 26 July 2016
TIME: 7:00 PM
LOCATION: Council Chamber, Civic Centre
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, CIVIC CENTRE
ON
26 JULY 2016

The meeting commenced at 7:00 PM.

Present: Councillor Paul McLeish (Mayor)
Councillor Dot Haynes (Deputy Mayor)
Councillor Meg Downie
Councillor Sophy Galbally
Councillor Jim Grivokostopoulos
Councillor Michelle Kleinert
Councillor Stephen O'Brien

Officers Present: Chief Executive Officer, Mr Warwick Winn
Director Assets & Engineering, Mr Leigh Harrison
Director Community Programs, Mr Chris Potter
Director Planning & Environment, Ms Teresa Dominik
Director Shared Services, Mr Philip Lee
Executive Manager Peolpe & Governance – Ms Jill Colson

1. OPENING PRAYER & STATEMENTS OF ACKNOWLEDGEMENT

The Mayor read the Opening Prayer & Statements of Acknowledgement.

2. APOLOGIES

An apology was received from Councillor Geoff Gough.

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 Chief Executive Officer advised Council that he has received a written disclosure of a conflict of interest from Cr Stephen O'Brien for Item 13.2 concerning 8-10 Montgomery Street, Doncaster East – Notice of Intention to Sell (Post Statutory Advertising), the interest being an indirect interest of close association.

4. CONFIRMATION OF MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON 28 JUNE 2016 AND SPECIAL MEETING OF COUNCIL HELD ON 28 JUNE 2016

**MOVED: DOWNIE
SECONDED: KLEINERT**

That the Minutes of the Ordinary Meeting of Council held on 28 June 2016 and Special Meeting of Council held on 28 June 2016 be confirmed.

CARRIED

5. VERBAL QUESTIONS FROM THE PUBLIC

There were no questions asked.

6. PRESENTATIONS

6.1 Greg Kennedy - South Warrandyte CFA Brigade

The Mayor presented a Certificate of Appreciation to Mr Greg Kennedy for his long service to the Greater Warrandyte community thought his 40 years service to the Warrandyte South CFA.

7. PETITIONS

There were no Petitions.

8. ADMISSION OF URGENT BUSINESS

**MOVED: GALBALLY
SECONDED: DOWNIE**

That Council admits for consideration the following item of Urgent Business at item 15.1. That the Chief Executive Officer allocate funds to the Greater Warrandyte Fireball Committee to assist it in meeting a budget shortfall of \$7,000 due to the venue organisers (Park Hyatt) requirement that their sound/stage contractor be used for the event.

CARRIED

* * * * *

9. PLANNING PERMIT APPLICATIONS**9.1 Amended Planning Application PL12/022747.01 for 659-669 Doncaster Road, 4-6 Tower Street and 1A-5 Council Street, Doncaster – Construction of three multi-storey buildings comprising 258 apartments, retail premises, trade supplies and restricted retail premises (Bunnings) and associated basement car parking**

Responsible Director: Director Planning & Environment

File No. T16/135

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

Land:	Lot 1, TP213306, Lot 8 Lot 9 and Lot 10 LP5384, Lot 8 and Lot 9 LP7349, and PC370480
Zone	Activity Centre Zone Schedule 1 (ACZ1) Development Contributions Plan Overlay (DCPO)
Applicant:	SJB Planning on behalf of Bunnings Properties Pty Ltd
Ward:	Koonung
Melway Reference:	47E1
Time to consider:	Monday 1 August 2016

SUMMARY

At its meeting on 28 May 2013, Council resolved to issue a Notice of Decision to Grant a Planning Permit in respect of PL12/022747. Following the matter being reviewed at the Victorian Civil and Administrative Tribunal (VCAT), Planning Permit PL12/022747 was issued on 31 October 2013 allowing:

- The use of the land for a trade supplies and restricted retail premises (a Bunnings store), and retail premises*
- The construction of three multi-storey buildings (in three stages) comprising apartments and the above uses with associated basement car parking*
- Alterations to a Road Zone 1 including new access*
- Display of business identification signage.*

On 24 June 2015, an amended planning application pursuant to Section 72 of the Planning & Environment Act 1987 was received by Council's Statutory Planning Unit. The Amendment seeks to undertake some substantial changes to the layout and built form associated with the approved land uses. In particular, it is proposed to relocate the Bunnings development from a central position on the subject site to its proposed location at the western end of the site (corner with Tower Street) and in closer proximity to Westfield Doncaster. Consequently, the two residential towers are now proposed at the eastern end of the site thereby presenting to Council Street. Significant changes to access arrangements are also proposed.

The amended application was advertised during January/February 2016 and five (5) objections were received.

Grounds of objection mainly relate to amenity impacts, traffic and car parking issues.

External referral advice has been received from both VicRoads and Public Transport Victoria (PTV), neither of whom have an objection to the amended proposal subject to conditions being imposed.

Following the receipt and consideration of engineering and urban design referral comments, the application was amended pursuant to Section 57A of the Planning & Environment Act 1987 on 1 June 2016 superseding all originally submitted development plans and making mainly urban design related adjustments to address internal referral feedback.

An officer assessment of the amended application now concludes that the amended proposal is generally consistent with the relevant objectives of state and local planning policies and generally complies with the Manningham Planning Scheme (the Scheme), including the requirements of the Activity Centre Zone 1 (ACZ1) and supporting policy relating to the Doncaster Hill Principal Activity Centre.

The amended proposal is considered to be an acceptable design response for the site, and as such, it is recommended that Council supports the amended planning permit (with revised conditions) as contained at the end of this report.

1 BACKGROUND

1.1 The site and surrounds has been described in the officer report considered by Council at its meeting on 28 May 2013 (see Attachment 1).

1.2 It should be noted that the residential development at 7-11 Berkeley Street, Doncaster has now been finalised and is occupied (whereas in mid-2013 it was under construction).

Planning History

1.3 On 28 May 2013, Council resolved to issue a Notice of Decision to Grant a Planning Permit in respect of planning application PL12/022747.

1.4 Following an appeal to the Victorian Civil and Administrative Tribunal (VCAT), a planning permit was issued on 31 October 2013, that allows:

- *The use of the land for a trade supplies and restricted retail premises, and retail premises*
- *The construction of three multi-storey buildings (in three stages) comprising apartments and the above uses with associated basement car parking*
- *Alterations to a Road Zone 1 including new access*
- *Display of business identification signage.*

1.5 The Permit is currently valid (pursuant to Condition 62 and an extension to both the commencement and completion dates provided in July 2015)

1.6 Development plans (namely Condition 1 plans) as well as other conditional requirements of the planning permit are yet to be satisfied.

1.7 On 26 March 2015, the permit applicant presented a revised proposal to a Sustainable Design Taskforce meeting. It was explained at this meeting that

the amended proposal arises as a consequence of Bunnings' unsuccessful attempts to find a joint venture partner to carry out the project, as approved. A further complication has been Bunnings' inability to mutually extinguish itself from its lease arrangement with the current occupant of the site (7-Eleven). As such, in order to deliver a Bunnings redevelopment within a shorter timeframe, it was determined necessary to amend the development plans in a manner that could realise construction through an alternative staging arrangement.

- 1.8 The amended permit application (Section 72 Application) was lodged in June 2015, advertised to the public across a four week period spanning January/February 2016 and formally amended pursuant to Section 57A of the Planning & Environment Act on 1 June 2016. Given the nature of the changes made as part of the Section 57A Application are considered to be improvements, the adjusted proposal has not been further advertised.

2 PROPOSAL

- 2.1 The original proposal (PL12/022747) was described in detail in the officer report considered by Council at its meeting on 28 May 2013 (see Attachment 1).
- 2.2 However, as a summary, it included:
- 2.2.1 **Stage 1 (Central Tower)** incorporating:
- a) A 10,500sqm Bunnings store (trade supplies and restricted retail premises).
 - b) 124 one and two bedroom dwellings in a six level tower above the Bunnings.
 - c) Three levels of basement car parking services the development, including 2 levels solely dedicated to Bunnings customers (401 spaces in total) and 1 level where barriers separate the Bunnings car parking from a residential component (137 spaces including visitor parking).
- 2.2.2 **Stage 2 (West Tower)** incorporating:
- a) A retail premises of 1,266 sqm facing Tower Street (and a small part of Doncaster Road) that is at street level at Doncaster Road and partly above street level in the northern half of the site.
 - b) 127 one, two and three bedroom dwellings in a seven level tower above the retail premises.
 - c) Four levels of basement car parking (190 spaces in total), including 1 level for the retail premises (43 spaces) and three levels for the residential component (146 spaces including visitor parking). Ingress and egress of the parking area is via the service road on Tower Street.
- 2.2.3 **Stage 3 (East Tower)** incorporating:
- a) A retail premises of 332sqm at street level at the north-west corner of Doncaster Road and Council Street
 - b) 134 one and two bedroom dwellings in eight levels.

- c) Four levels of basement car parking (159 spaces in total), which is dedicated to the residential component of the stage.
- 2.3 The amended permit application (PL12/022747.01), as received on 1 June 2016, seeks to alter building layouts, building envelopes, floorspace areas, number of apartments and car parking numbers. It is proposed to undertake the development in three stages described as Stage 1, Stage 2A and Stage 2B. An overview now follows:
 - 2.3.1 Stage 1 is proposed to consist of a Bunnings store, with a residential apartment tower atop and three levels of basement car parking.
 - 2.3.2 Stage 2 is to be undertaken in two parts: Stage 2A and Stage 2B. The timing of Stage 2 is likely to only occur after 7-Eleven's vacation from the site (i.e. upon its lease expiration, post 2022). Stage 2A consists of a residential building proposed at the north-east corner of the site. Stage 2B is to consist of a ground level retail premises with residential above.
- 2.4 More specifically, the key attributes of the stages are described as follows:
- 2.5 **Stage 1 (Central/Western Tower)** incorporating:
 - 2.5.1 A 11,119 square metre Bunnings store (trade supplies and restricted retail premises) at essentially ground and first floor level.
 - 2.5.2 99 residential dwellings in a four level tower (L-shaped configuration) above the Bunnings from Level 3-6, inclusive.
 - 2.5.3 Three levels of basement car parking servicing the development, including 2 levels (Basement 1 & 2) solely dedicated to Bunnings customers and 1 level (Basement 3) for the residential component.
- 2.6 **Stage 2A (North-Eastern Tower)** incorporating:
 - 2.6.1 86 residential dwellings across nine residential levels.
- 2.7 **Stage 2B (South- Eastern Tower)** incorporating:
 - 2.7.1 A 620 square metre retail premises at street level at the south-east corner of the site (corner of Doncaster Road and Council Street).
 - 2.7.2 73 residential dwellings across eight residential levels.
- 2.8 The notable differences between the "approved" development and the "proposed" development are:
 - 2.8.1 A 619 square metre floorspace increase associated with the Bunnings store;
 - 2.8.2 127 fewer residential apartments (previously 385, now 258 apartments);
 - 2.8.3 A 980 square metre decrease in retail floorspace;
 - 2.8.4 A retail component no longer forms part of Stage 1, only restricted retail and trade supplies (in other words, Bunnings).

- 2.9 While the overall proposal appears to maintain a maximum building height of 29 metres, a series of adjustments have also been made to the building envelopes, including an increase in the height of the podium to Doncaster Road from 10 metres to a maximum 14.2 metres as part of Stage 1. Other key Stage 1 changes include:
- 2.9.1 The building footprint moves to extend to the western (Tower) street boundary resulting in a substantially reduced setback to the side boundary.
 - 2.9.2 A shallower excavation due to the reduced number of car parking spaces and basement levels.
 - 2.9.3 Bunnings floorspace is now all at or above Doncaster Road (whereas the previous scheme provided for the Bunnings store located below ground level).
 - 2.9.4 A wider profile spans the northern and southern elevations for both Bunnings and the residential development component.
 - 2.9.5 Along the northern elevation (the interface to residential properties in Berkeley Street) the basement projection above natural ground level increases.
 - 2.9.6 Setbacks along the northern boundary generally increase (to offset the increased building wall heights).
 - 2.9.7 Larger car parking bays and separation between Bunnings customer parking and residential parking is now provided.
- 2.10 In terms of Stage 2, the most notable differences to the built form are:
- 2.10.1 The Stage 2A building is also wider along its northern elevation.
 - 2.10.2 The Stage 2A tower has a greater setback to the northern boundary.
 - 2.10.3 The eastern elevation to Council Street is provided with a physical separation in the order of 9 metres between Stage 2A and Stage 2B (whereas previously it was one tower across this elevation and thereby only large continuous built form).
 - 2.10.4 Stage 2B is situated closer to Stage 1 and offers less separation in the built form, as would be viewed from Doncaster Road. It provides for greater setbacks to the south-eastern and north-eastern corners of the site.
- 2.11 Internal rearrangements consequently flow from the layout changes associated with all revised building footprints. For example, within Stage 2, the location of residential amenities such as the gymnasium, multi-purpose rooms and courtyard spaces are all altered.
- 2.12 The amended proposal seeks an increase in the number and size of signage associated with the Bunnings use, including a more substantially sized, above verandah, business identification panel sign (12 x 9 metre) to be façade mounted above the premises' entrance. Other signage includes two Bunnings hammer logos which are 6 metres in diameter proposed across the south-west and south-east corners of the Bunnings premises.
- 2.13 The proposed maintains access arrangements from Doncaster Road, Tower Street and Council Street, however due to the reconfigurations of buildings

- and a temporary ingress and egress solution to Doncaster Road (see below) the volumes of traffic through each access is varied.
- 2.14 To illustrate access and internal circulation a detailed circulation plan forms part of the development plan set.
- 2.15 Despite the reduced number of apartments and reduced overall commercial floor area, the permit applicant proposes to ultimately undertake the same roadworks as required by the existing permit. This includes roadworks as part of Stage 1 comprising the widening of the east side of Council Street with an additional exit lane at Doncaster Road.
- 2.16 However, due to the continued operation of 7-Eleven at the site (until its lease expiry in 2022), road works originally earmarked for Stage 1 across Doncaster Road (to create a deceleration lane and turning lane into Council Street) will now be deferred. The applicant seeks to defer these works until the occupation of Stage 2B.
- 2.17 To further enable 7-Eleven to continue to trade from the site during the construction of Stage 1, a series of plans have been prepared with the submission which represent the construction of a large retaining wall that will be necessary to ensure the integrity of the Stage 2 land is not compromised during Stage 1 construction.
- 2.18 Interim landscape treatments are proposed to Stage 2 as illustrated on a Landscape Concept Plan, prepared by Tract Consultants. This is proposed to the north of 7-Eleven.
- 2.19 Draft amended permit conditions have been prepared by the permit applicant and advertised with the application to demonstrate, among other things, how the amended proposal seeks to manage interim access arrangements (Stage 1). In this regard, a number of road works related conditions are retained in modified form. Also, a number of Condition 1 requirements have been proposed to be modified or deleted. This mainly arises due to the altered design response, however, as will be discussed in the Assessment section of the report, some of these conditions will need to remain. To track the type and extent of changes, a copy of the issued Permit has been attached at Attachment 2.
- 2.20 Conditional requirements relating to the provision of Management Plans remain, detailed design drawings and ongoing requirements relating to managing on-site and off-site amenity impacts will also be retained.
- 2.21 In support of the amended planning application, the following documentation has been submitted:
- 2.21.1 Architectural and colour perspective drawings, as prepared by Thomson Adsett, dated June 2015 (as amended on 30 May 2016).
- 2.21.2 A Traffic Impact Assessment, as prepared by TraffixGroup, dated 19 June 2015 (and a Supplementary written response dated 1 June 2016).
- 2.21.3 A Planning Report, as prepared by SJB Planning, dated 22 June 2015 (and a Supplementary written response dated 1 June 2016).
- 2.21.4 An Urban Context Report and Design Response, prepared by Thomson Adsett, dated June 2015.

2.21.5 An amended Waste Management Plan (WMP), as prepared by Leigh Design, dated 24 May 2016.

2.21.6 Sustainability Management Plan, as prepared by Sustainable Design Consultants, June 2015.

3 PRIORITY/TIMING

3.1 The statutory time for considering a planning application is 60 days. Having regard to the amended application pursuant to Section 57A, the statutory time is not due to lapse until 1 August 2016.

4 RELEVANT LEGISLATION

4.1 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.

4.2 Section 60 of the Act outlines what matters a Responsible Authority must consider in the determination of an application. Before deciding on an application, the Responsible Authority must consider:

- the relevant planning scheme, in this case being the Manningham Planning Scheme; and
- the objectives of planning in Victoria; and
- all objections and other submissions which it has received and which have not been withdrawn; and
- 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; and
- any significant social effects and economic effects which the responsible authority considers the use or development may have.

4.3 Section 61(4) of the Act makes specific reference to covenants. The subject site is not affected by any covenant.

4.4 Section 72 of the Act provides for an application to be made to the Responsible Authority for an amendment of a permit.

4.5 Section 73 of the Act outlines the procedure for an Application under Section 72 and requires the Responsible Authority in deciding to grant an amendment to a permit subject to conditions to do so where conditions relate to the amendment to the permit.

5 MANNINGHAM PLANNING SCHEME

Zoning

5.1 The site is located in the Activity Centre Zone – Schedule 1 (ACZ1).

5.2 In the ACZ1, a dwelling is a Section 1 use – No planning permit required. A retail premises, trade supplies and restricted retail premises (Bunnings) is a

Section 2 use – Permit required. There are limitations to these Section 2 Uses, including that they occur in conjunction with one or more other uses and that they occur at ground level. A planning permit is required for buildings and works under the ACZ1 (Clause 37.08-5).

- 5.3 The relevant purposes of the Activity Centre Zone are:
- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
 - *To encourage a mixture of uses and the intensive development of the activity centre:*
 - *As a focus for business, shopping, working, housing, leisure, transport and community facilities.*
 - *To support sustainable urban outcomes that maximise the use of infrastructure and public transport.*
 - *To deliver a diversity of housing at higher densities to make optimum use of the facilities and services.*
 - *To create through good urban design an attractive, pleasant, walkable, safe and stimulating environment.*
 - *To facilitate use and development of land in accordance with the Development Framework for the activity centre.*

- 5.4 Schedule 1, relevant to the Doncaster Hill Principal Activity Centre outlines the following objectives:

Land use and development objectives to be achieved

- *To advance Doncaster Hill as a sustainable and vibrant mixed-use activity centre with a strong sense of place and civic identity.*
- *To develop the centre as a focus for contemporary high density residential development incorporating a mix of complementary retail, social, commercial and entertainment uses.*
- *To ensure the activity centre enhances the social, environmental, economic and cultural elements of the municipality and region, advancing Doncaster Hill as a destination in Melbourne's East.*

Land use

- *To provide for a vibrant range of mixed uses that support the strategic role of the Doncaster Hill Principal Activity Centre.*
- *To provide for a high level of activity that attracts people, provides a focal point for the community, creates an attractive and safe urban environment, increasing opportunities for social interaction.*
- *To ensure mixed use development comprises flexible floor spaces for a range of uses.*
- *To substantially increase the provision, intensity and diversity of housing (especially affordable housing), that allows for all sectors of the community to live in the centre.*

- *To provide for high-density residential development on individual sites in conjunction with a diversity of other uses including a mix of retail, commercial, social, community and entertainment uses.*
- *To encourage commercial and small-scale retail uses at the lower level of buildings, with high-density apartment style residential development on upper levels.*

Built form

- *To create treed boulevards framed by podiums, consistent front setbacks and a high quality landscape along Doncaster, Williamsons and Tram Roads.*
- *To encourage innovative, contemporary architecture that provides a distinctive sense of identity for the Doncaster Hill Principal Activity Centre.*
- *To emphasise the existing dramatic landform of Doncaster Hill through built form that steps down the hill.*
- *To ensure an appropriate transition in height both within the activity centre and to surrounding neighbourhoods.*
- *To encourage built form that capitalises on key views and vistas including to the middle-ground and distant features including Dandenongs, the Kinglake Ranges and the central Melbourne skyline.*
- *To encourage the provision of urban art within built form or in adjacent public areas.*
- *To encourage the built form at gateway locations identified in the Framework Plan to be designed to act as markers with distinguishing architectural or urban design treatments.*

Environmental sustainability

- *To ensure Australian Best Practice environmentally sustainable design is met in relation to building energy management, water sensitive urban design, construction materials, indoor environment quality, waste management and transport.*

Public realm

- *To encourage active street frontages and pedestrian generating activities to be located along main roads.*
- *To ensure public spaces are minimally impacted by overshadowing, including preserving solar access in mid-winter to the key boulevards of Doncaster Road and Williamsons Road.*
- *To facilitate the enjoyment of public urban spaces/plazas, streetscapes, pedestrian and bicycle paths by ensuring that these areas are not excessively overshadowed or affected by wind tunnelling.*
- *To encourage artwork in suitable locations to contribute to creating a distinctive sense of identity.*

Open space and landscaping

- *To achieve development that provides accessible, safe, attractive and functional private and public open space opportunities, which are well connected and integrated within a permeable urban environment.*
- *To create a healthy and consistently landscaped environment that is dominated by native and indigenous planting.*
- *To maximise opportunities for landscaping in the public and private realm.*
- *To ensure each precinct has ready access to well designed public open space.*

Transport and access

- *To achieve development of circulation networks that focus on providing strong linkages within the Doncaster Hill Principal Activity Centre, and enhance public transport, pedestrian and bicycle users' amenity.*
 - *To provide for well-defined vehicular, bicycle and pedestrian access both within and external to all precincts, with strong pedestrian crossing points to be established between the north and south sides of Doncaster Road.*
 - *To encourage the integration of car parking areas into buildings and the unique sloping landform, including providing under-croft and basement as opposed to open-lot parking.*
- 5.5 Within the Doncaster Hill Principal Activity Centre there are various precincts delineated in accordance with their topographic orientation and aspect on Doncaster Hill, their relationship to main roads, and their present and future uses. The application site, together with land to its north is situated within Precinct 3.
- 5.6 Under the ACZ1, the subject site is located in **Precinct 3C**. The objectives for Precinct 3C (expressed at Clause 5.3-2) are as follows:
- To encourage a greater mix of uses including residential and commercial in the precinct.
 - To encourage an enhanced pedestrian environment within the precinct.
 - To ensure development steps down the hill to maximise the northerly aspect and commanding views to the northern ranges.
 - To encourage the provision of a pedestrian and bicycle network to Westfield Doncaster and the civic and education precinct.
- 5.7 Clause 5.3-3 of the Scheme sets out the following precinct requirements:

Maximum height (excluding basement)	Design Element Height:	Setbacks
29m	5.8m above maximum height	5m to front podium edge from front boundary 15m to front tower edge from front

		boundary 4.5m from side boundaries 4.5m from rear boundary
--	--	--

5.8 Clause 5.3-4 provides precinct guidelines as follows:

- *Development should address rear lane-scapes providing alternate residential frontage to the north in addition to commercial and retail frontages along Doncaster Road.*
- *Development should maximise opportunities afforded by being positioned between Westfield Doncaster and the civic and education precinct.*

5.9 In addition to guidelines at clause 65 and clause 37.08.10 of the Scheme, Clause 8 of the ACZ1 (Decision guidelines) directs the responsible authority to consider the following:

Use

- *whether the proposal achieves an appropriate mix of uses within the site to complement and support the strategic role of Doncaster Hill Principal Activity Centre;*
- *whether the proposal provides for flexible non-residential floor spaces that can be adapted in the future to a variety of alternative non-residential uses;*
- *the contribution that the proposal made towards the achievement of residential population targets as set out in the Doncaster Hill Strategy (October 2002) and as envisaged by this scheme;*
- *whether the proposal will create a mix of active uses and pedestrian generating activities, particularly at street level, that contribute to a vibrant public realm;*
- *the contribution made towards the achievement of employment targets, including commercial and retail floor space forecasts as set out in the Doncaster Hill Strategy (October 2002, Revised 2004);*
- *whether the proposal provides for an appropriate scale of development in order to accommodate the mix and intensity of uses envisaged for each precinct.*

Design and built form

Whether the proposed development:

- *creates a strong visual interest by providing unique building types based on innovative, contemporary architecture, urban design and ecologically sustainable development;*
- *is site responsive and achieves an appropriate scale with a stepping down in built form that responds to Doncaster Hill's natural topography;*
- *incorporates side and rear setbacks to enhance pedestrian safety and amenity, and assists in the retention of view lines, penetration of sunlight and creation of landscape buffers;*

- *ensures that any environmental wind effects to the adjoining and surrounding neighbourhood is minimised to the satisfaction of the responsible authority;*
- *provides overhead weather protection features adjoining key pedestrian walkways and nodal points;*
- *ensures dwelling balconies have an open space area of at least 8 square metres, and a minimum dimension of 1.6 metres;*
- *complements, where relevant, the form, scale, materials, colour and lighting of a heritage place on the same or adjoining site;*
- *meets the objectives, standards and decision guidelines of Clause 55. This does not apply to a development of four or more storeys, excluding a basement.*

Signage

Whether the design and siting of any advertising sign/s satisfies the following design principles:

- *signs should be integrated into the design of the building façade, preferably within the first 3 levels of the podium;*
- *signs should be of a size and height that is complementary to the built form of the building and surrounding landscape treatments;*
- *signs should be limited in number and incorporate limited detail other than is necessary to identify the building name and key tenants;*
- *signs should be consolidated in mixed use and commercial developments to avoid the visual clutter of signage and displays (eg. vehicles, products, promotional material and free standing signs).*

Access

Whether the proposed development:

- *incorporates provisions for pedestrians, cyclists and people with a disability demonstrating how access needs are accommodated;*
- *integrates car parking requirements into the design of buildings and landform by encouraging the use of under-croft or basement parking and minimises the use of open lot/half basement/ground floor car parks at street frontage;*
- *provides vehicular access to buildings fronting key boulevards off side streets or via rear access;*
- *limits the number of vehicle crossings to each development.*

Overlays

Development Contributions Plan Overlay

- 5.10 Clause 45.06 Development Contributions Plan Overlay affects the subject land. The purpose of the overlay is:

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To identify areas which require the preparation of a development contributions plan for the purpose of levying contributions for the provision of works, services and facilities before development can commence.*

- 5.11 The Development Contribution Plan Overlay Schedule 1 (DCPO1) outlines development contributions for various infrastructure works within Doncaster Hill.
- 5.12 Pursuant to the DCPO1, a permit granted must include a condition that gives effect to the contribution and levies imposed by the schedule. A permit condition to this effect exists on the issued permit.

Parking Overlay

- 5.13 Clause 45.09 Parking Overlay applies to the land. The purpose of the overlay is:
- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
 - *To facilitate an appropriate provision of car parking spaces in an area.*
 - *To identify areas and uses where local car parking rates apply.*
 - *To identify areas where financial contributions are to be made for the provision of shared car parking.*
- 5.14 Clause 45.09-1 sets out the operation of the clause explaining that the overlay operates in conjunction with Clause 52.06.
- 5.15 Schedule 1 to the Parking Overlay applies to land in the Doncaster Hill Principal Activity Centre. Clause 2 sets out the number of car parking spaces required relative to the land use, requiring the following:
- One or two bedroom dwelling – 1 car space per dwelling;
 - Three bedroom dwelling – 2 car spaces per dwelling;
 - Visitor (resident spaces) - 1 visitor parking space for ten dwellings;
 - Retail – 2.5 car spaces to each 100 sqm of net floor area.
 - Restricted Retail – 1.5 spaces per 100 sqm of floorspace.
- 5.16 Clause 3 of the control sets out the application requirements and decision guidelines for permit applications.

State Planning Policy Framework (SPPF)

- 5.17 Clause 11.01-1 (Activity Centres) includes the objective to build up activity centres as a focus for high-quality development, activity and living for the whole community by developing a network of activity centres.

- 5.18 Clause 11.01-2 (Activity Centre Planning) includes the objective to encourage the concentration of major retail, residential, commercial, administrative, entertainment and cultural developments into activity centres which provide a variety of land uses and are highly accessible to the community.
- 5.19 It is a requirement of this Clause, as well as other Clauses within the SPPF, to have regard to, as relevant, the following policy documents:
- Design Guidelines for Higher Density Residential Development (Department of Sustainability and Environment, 2004)
 - Activity Centre Design Guidelines (Department of Sustainability and Environment, 2005)
 - Safer Design Guidelines for Victoria (Crime Prevention Victoria and Department of Sustainability and Environment, 2005)
- 5.20 As relevant, an assessment against the abovementioned policy documents will be carried out at Section 8 of this report.
- 5.21 Clause 15.01-1 (Urban Design) seeks 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.*
 - *Ensure transport corridors integrate land use planning, urban design and transport planning and are developed and managed with particular attention to urban design aspects*
 - *Encourage retention of existing vegetation or revegetation as part of subdivision and development proposals.*
- 5.22 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.
- 5.23 Clause 15.01-5 (Cultural Identity and Neighbourhood Character) seeks to recognise and protect cultural identity, neighbourhood character and sense of place. The clause emphasises 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 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.*
- 5.24 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.
- 5.25 Clause 16.01-1 (Integrated Housing) seeks to promote a housing market that meets community needs. Strategies towards achieving this are identified as follows:
- *Increase the supply of housing in existing urban areas by facilitating increased housing yield in appropriate locations.*
 - *Ensure housing developments are integrated with infrastructure and services, whether they are located in existing suburbs, growth areas or regional towns.*
- 5.26 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.*
 - *In Metropolitan Melbourne, locate more intense housing development in and around Activity centres, in areas close to train stations and on large redevelopment sites.*
 - *Encourage higher density housing development on sites that are well located in relation to activity centres, employment corridors and public transport.*
 - *Facilitate residential development that is cost-effective in infrastructure provision and use, energy efficient, incorporates water efficient design principles and encourages public transport use.*
- 5.27 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.*
- 5.28 Clause 16.01-5 (Housing affordability) seeks to deliver more affordable housing closer to jobs, transport and services.
- 5.29 Clause 18.01-1 integrated Transport: Land use and transport planning
- 5.30 The policy objective is:
- *To create a safe and sustainable transport system by integrating land-use and transport.*
- 5.31 Clause 18.02-1 Movement networks: Sustainable personal transport
- 5.32 The policy objective is:
- *To promote the use of sustainable personal transport.*
- 5.33 Clause 18.02-2 Cycling
- 5.34 The policy objective is:
- *To integrate planning for cycling with land use and development planning and encourage as alternative modes of travel.*
- 5.35 The clause includes several strategies to achieve this objective including to:
- *Require the provision of adequate bicycle parking and related facilities to meet demand at education, recreation, shopping and community facilities and other major attractions when issuing planning approvals.*
- 5.36 Clause 18.02-4 Management of the road system
- 5.37 The policy objective is:
- *To manage the road system to achieve integration, choice and balance by developing and efficient and safe network and making the most of existing infrastructure.*
- 5.38 Clause 18.02-5 Car parking
- 5.39 The policy objective is:
- *To ensure an adequate supply of car parking that is appropriately designed and located.*

**Local Planning Policy Framework (LPPF)
Municipal Strategic Statement (Clause 21)**

- 5.40 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.
- 5.41 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 redevelopment 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.

5.42 Clause 21.09 (Activity Centre and Commercial Areas) outlines that *principal, major and identified neighbourhood activity centres will be the focus of increased residential growth and development*. In particular, Doncaster Hill Principal Activity Centre will:

- *Challenges mainstream community planning and building design to achieve desired environmental outcomes.*
- *Provides more local jobs to reduce journey to work trips.*
- *Provides housing where residents may walk to facilities and services.*
- *Encourages reduced levels of car ownership and increased public transport usage.*

5.43 The vision for Doncaster Hill Principal Activity Centre is outlined in Council's *Doncaster Hill Strategy (2002)* and includes:

- *To implement the objectives of Melbourne 2030 in respect of Principal Activity Centres as a focus for retail, social, commercial, entertainment, civic and residential uses.*
- *To integrate ecologically sustainable development principles and techniques into every facet of the design, construction and operation/occupancy stages of new development to raise the aspirations of all users, appropriate for a city looking towards a long-term, responsible and sustainable future.*
- *To ensure that built form outcomes demonstrate the use of contemporary architecture combined with innovative urban design and building techniques that incorporate ecologically sustainable design principles.*
- *To emphasise the existing dramatic landform of Doncaster Hill through built form that steps down the hill.*
- *To encourage high density, high rise residential development.*
- *To provide a greater diversity of dwelling types.*
- *To alleviate pressure for more intense residential development in established urban areas.*
- *To reduce travel demand and change travel behaviour.*
- *To promote the development of sustainable transport options.*
- *To meet the future infrastructure requirements of Doncaster Hill in a comprehensive, timely and equitable way.*
- *To develop an integrated mixed-use precinct for Doncaster Hill Activity Centre which provides for an appropriate mix of uses and functions on a location specific level, including the provision of:*
 - *mixed uses within buildings, particularly along boulevard locations*

- *small scale retail opportunities at ground floor level in conjunction with other mixed use developments*
 - *additional commercial/office floor space*
 - *flexible floor spaces within buildings to ensure life cycle adaptability.*
- 5.44 As previously noted, the subject site is located in Sub-Precinct 3C.
- 5.45 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 relate to:
- *Building energy management*
 - *Water sensitive design*
 - *External environmental amenity*
 - *Waste management*
 - *Quality of public and private realm*
 - *Transport.*

Local Planning Policy

- 5.46 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 is minimised.
- 5.47 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

- 5.48 Schedule Clause 52.01 (Public Open Space Contribution and Subdivision) applies to all land in the Doncaster Hill Activity Centre. At the time of land subdivision, a 5% public open space contribution is required to Council for the purpose of funding public open space.
- 5.49 Clause 52.05 (Advertising Signs) is relevant to the signage component of this application. The Clause provides decision criteria which seek to retain quality visual amenity and limit signage clutter.
- 5.50 Clause 52.06 (Car Parking) is relevant to this application and must be read in conjunction with Schedule 1 to Clause 45.09 Parking Overlay – Doncaster Hill Principal Activity Centre. The design standards for car parking provided at Clause 52.06-8 of the Scheme are required to be met unless the Responsible Authority agrees otherwise
- 5.51 Clause 52.07 (Loading and Unloading of Vehicles) seeks to set aside land for loading and unloading of commercial vehicles to prevent loss of amenity and adverse effect on traffic flow and road safety.
- 5.52 Clause 52.29 (Land adjacent to a Road Zone Category 1) is relevant as the subject site sits adjacent to Doncaster Road - a road under the jurisdiction of the Roads Authority (VicRoads).

- 5.53 Clause 52.34 (Bicycle Facilities) is applicable to this application. The statutory bicycle parking requirements are that in developments of four or more storeys, 1 bicycle space must be provided to each 5 dwellings (for residents) and 1 bicycle parking space for visitors is required for every 10 dwellings. The commercial component generates a requirement of 1 bicycle space per 300 sqm of floor area (for employees) and 1 bicycle space per 500 sqm (for visitors). Shower and change facilities are also required For Bunnings pursuant to this Clause.
- 5.54 Clause 52.35 (Urban Context Report and Design Response for Residential Development of Four or More Storeys) requires a development of four or more storeys to be accompanied by an urban context report and a design response. As outlined above, this was submitted with the amended permit application.
- 5.55 Clause 52.36 (Integrated Public Transport Planning) is also relevant to this amended application. The Clause provides Public Transport Victoria (PTV) a statutory opportunity to condition or reject major development applications based on their impacts on the operation of public transport.

General Provisions

- 5.56 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, overlay or other provision.*
 - *The orderly planning of the area.*
 - *The effect on the amenity of the area.*

6 REFERRALS

- 6.1 VicRoads is a statutory referral authority under the Manningham Planning Scheme.
- 6.2 On 29 February 2016, VicRoads advised Council that they have assessed the proposed amended planning permit application and have no objection to the proposed amendment to the planning permit in accordance with the submitted plans.
- 6.3 On 24 June 2016, VicRoads advised Council that they reviewed the proposed amended planning permit and accept that conditions should be changed to reflect the current plans. To that end, VicRoads requires Council to apply a total of nine (9) conditions on any amended planning permit/notice of decision to grant a planning permit that is issued. The conditions sought by VicRoads are generally consistent with the proposed amended planning permit but reflect the altered staging arrangement.
- 6.4 Public Transport Victoria (PTV) is also a statutory referral authority pursuant to the Manningham Planning Scheme.
- 6.5 PTV have also provided a referral response (dated 10 June 2016) agreeing to the amended proposal adjusting the original conditions to reflect the amended proposal.

6.6 A number of conditions typically required by internal referral authorities, such as those relating to an OSD system and Management Plans, are already included on the existing permit (and will remain on the amended permit). As such, these requirements do not feature in the summary response from internal Service Units below.

6.7 The application was referred to a number of Service Units within Council and the following table summarises their responses:

Service Unit	Comments
Engineering and Technical- Vehicle Crossings	<ul style="list-style-type: none"> • All infrastructure to be clearly shown in proximity to crossovers. • Adequate clearances and relocation of services are required to facilitate crossovers. • The southern crossover to Tower Street is steep and re-grading of footpath is required. Part of the column lies within the accessway. This needs to be addressed.
Engineering and Technical – Staging	<ul style="list-style-type: none"> • Stage 1 and Stage 2 requires to be separately shown on plans with relevant notes. • The applicant requires providing more information regards to the car spaces below the accessway ramp from Doncaster Road at Stage 1. More information of the method of construction is required.
Engineering and Technical – School Consultation	<ul style="list-style-type: none"> • School consultation is required with regards to the crossover and Stage 2 lane widening. Location of school crossing and angle parking is required to be shown.
Engineering and Technical - Car Parking Layout/Access	<ul style="list-style-type: none"> • Truck swept paths are within the columns shown on the Ground floor Plan. • Car spaces proposed must not be affected by the waste truck swept path analyses. • Need to include wheel stops to tandem car spaces.
Engineering and Technical- Waste Services	<ul style="list-style-type: none"> • Waste Truck Access needs to be reviewed.
Economic and Environmental Planning - Urban Design	<ul style="list-style-type: none"> • The height and treatment of the podium on the Doncaster Road frontage of the site satisfies the requirements of the Scheme. • The southern face of the Stage 1 residential tower is suitably articulated, however, there is a

Service Unit	Comments
	<p>lack of clarity and detail about the materials proposed for use on the southern facade of the Stage 1 residential tower and it is recommended that greater detail and material swatches be provided.</p> <ul style="list-style-type: none"> • The glazing and vertical elements proposed for the western face of the Stage 1 lift well is an appropriate design response and will allow for natural light access in the stairwell. The triple-height glazing above the Tower Street residential entry is an appropriate design response. • The splay on the south-western corner of the building at ground level will provide a generous width for the pedestrian path to wrap around this corner. Suggests that the boulevard treatment extends up to the facade of the building on this corner in the same way that it does on the Doncaster Road frontage of the building to provide wide physical access around this corner. • The treatment to the northern side of the proposed Bunnings is appropriate. Effort has been made to break up the massing of the large exposed basement wall on the northern face of Stage 1. • The construction of the proposed Council Street ingress/ egress presents some concerns in respect of vehicular noise to neighbouring Berkeley Street properties. Consideration should be given to enclosing the ramp. • Regarding the main residential entry for Stage 1, recommends the ground plan be used as a way of distinguishing the residential entrance from the commercial store. • Greater amount of detail is required in the future regarding boulevard treatment. • Recommends a reduction in the no. of bicycle loops along the Doncaster Road frontage of Stage 1. • Notes there is a slight encroachment of the residential tower Stage 1A into the prescribed side setback from the western boundary. The road reserve is very large for the portion of this

Service Unit	Comments
	<p>frontage which separates the building from Tower Street, and given this will not be a busy pedestrian-way. No concern is expressed regarding this.</p> <ul style="list-style-type: none"> • In relation to the Stage 2A building, recommends that additional building stepping be incorporated to provide a more gentle transition of scale towards the northern boundary and to reduce the visual mass of the tower when viewed from the north. This is particularly important on the north-eastern corner of the building. To achieve this will require, as a minimum, the deletion of the corner-most apartments on levels 4 and 5, the single apartment to the immediate south of this on both levels 4 and 5, and the two-bedroom apartment to the immediate west of the corner apartment, on levels 4 and 5. (Total of 6 deleted apartments). • Notes there is a slight encroachment of the residential tower of Stage 2B into the prescribed 15 metre setback but expresses no concern regarding this. • Only a small proportion of apartment bedrooms in Stages 1, 2 and 3 will rely on borrowed light, which is positive. • No balconies within the development are less than 8 square metres and the vast majority of balconies are 9 square metres or greater, which is positive.

7 CONSULTATION

- 7.1 The original permit application was advertised by the sending of notices to adjoining and nearby properties together with the placement of three (3) large notification signs across each frontage for a four (4) week period across January/February 2016.
- 7.2 The application has attracted five (5) objections from the following properties:
- No. 5 Berkeley Street, Doncaster
 - No. 21 Council Street, Doncaster
 - PO. Box 431, North Balwyn
 - 14 Maude Avenue, Doncaster East
 - 1/90 Willow Bend, Bulleen.

7.3 Initially, an objection was also received from Scentre Group (Scentre Management Limited), the owner and operator of Westfield Doncaster. This objection has since been withdrawn.

7.4 The grounds of objection are summarised as follows:

Grounds:

- Increased emphasis on Bunnings (retail) in the amended plans, rather than residential development
- Adverse Impacts to the Public Realm
 - Visual Intrusion of Southern Elevation
 - Inappropriateness of increased Bunnings Signage to Doncaster Road
- Adverse Amenity impacts to Adjoining Properties
 - Odour from Bunnings' Garden Centre (5 Berkeley Street)
 - Noise
 - Other Amenity Impacts relating to the use (e.g. Storage/Placement of Gas Bottles)
 - Visual Bulk to the rear (5 Berkeley Street)
 - Insufficient setback for Entry/Exit Accessway along Northern Boundary (5 Berkeley Street)
 - Overshadowing Implications
- Traffic & Car Parking Issues
 - Increased Truck Movements/Light Vehicles Utes/Vehicles with Trailers (50% increase in timber trade)
 - Use of car parking spaces for alternative means (storage, hire trailers, gas bottles)
 - Roadworks to Doncaster Road to be approved by VicRoads
- Extent of Public Notification (Not notifying original objectors to the original application)
- Issues with representations made in the Planning Consultant's Report
- Insufficient Permeability on the site
- Staged Permit will create further disruption (5 Berkeley Street)
- Requested Conditions (5 Berkeley Street)

7.5 A response to those grounds of objection now follows under the below headings:

Increased emphasis on Bunnings (retail) in the amended plans, rather than residential development

7.6 It is acknowledged that the amended proposal does increase the floor area of Bunnings by 620 square metres. It is also acknowledged that the proposal

reduces the number of apartments substantially, and decreased retail floor space as well.

- 7.7 The ACZ1 does not prescribe minimum or maximum floor spaces associated with uses, rather it requires uses to be carried out in conjunction with one another. A 5-10% increase in the floor area of Bunnings as part of the amended proposal is not considered to be a significant issue having regard to relevant planning considerations. Car parking is clearly satisfied and the potential for a slightly greater patronage and attendance on the site by larger vehicles associated with loading/unloading are appropriately catered for. Road mitigation measures required by the original approval remain on the amended permit notwithstanding a significant reduction to apartment dwelling numbers.

Adverse Impacts to the Public Realm

- 7.8 It is acknowledged that the amended proposal makes some substantial changes to the presentation of the development to Doncaster Road. Nevertheless, the presentation to Doncaster Road has been assessed on its merits against the relevant provisions of the Manningham Planning Scheme, in particular the objectives and policy requirements of the ACZ1 and deemed to be satisfactory. Furthermore, Council's Urban Designer has considered the proposal and provided advice which has resulted in some improvements to the façade, particularly at the south-western end of the site, in order to improve the articulation and visual interest of the development to enhance its contribution to the Doncaster Road streetscape and the wider public realm.
- 7.9 In respect of the revised advertising signage, Council officers consider the proposed signage package to be successfully integrated into the built form in a manner specifically sought by the Planning Scheme. Officers do not consider the two hammer logos to be visually intrusive, to the contrary, they are symbols associated with the business use which are tastefully incorporated into the architecture of the façade at the south-east and south-west corners of the Bunnings store. The more substantial Bunnings business identification sign is clearly a more prominent example of signage than was evidenced on the original approval. However, as a consequence of the amended proposal, the scale of the Bunnings building has been increased with the built form now extending approximately 2/3rds of the width of the Doncaster road elevation and the height of the podium increasing also. Consequently, it is considered reasonable for the size of the signage to increase. Given the increased surface area of the Stage 1 podium and the sign's level of integration with the podium, the increased signage is considered appropriate.

Adverse Amenity impacts to Adjoining Properties

- 7.10 A number of the external amenity related objections to the amended proposal, for example those relating to odours and noise associated with the land use as a Bunnings are considered matters which were considered at the time of the original proposal's assessment and are thereby outside the scope of this amendment (*NB: It is not considered that the relatively minor increase in the floor area attributed to Bunnings warrants a reconsideration of these matters*).

- 7.11 However, a number of the amenity based objections are relevant to the amended proposal as setbacks and the visual massing and appearance of the northern elevation has changed.
- 7.12 In respect of building setbacks, Stage 1 and Stage 2 buildings generally achieve the 4.5 metre setback to the northern rear boundary, as recommended in the ACZ1. While the basement of the Stage 1 of the building is raised (relative to the original proposal), this is offset by its more generous setback to the northern boundary at the tower level of both Stages 1 and 2 to residential properties in Berkeley Street, including the apartment development at 7-11 Berkeley Street.
- 7.13 In respect of visual bulk concerns, Council's Urban Designer has made a number of specific recommendations to the project architect to enhance the visual amenity for residents with a direct interface with the northern elevation. This has included alterations to materials at the Bunnings levels and a more sympathetic treatment to the facade of the basement wall in an endeavour to reduce its scale and improve the visual interest of this elevation. Having regard to the Section 57A amended plans, Council's Urban Designer is now satisfied with the manner in which the large exposed basement wall on the northern face of Stage 1 of the development has been treated.
- 7.14 With the exception of the objector at 5 Berkeley Street, it is noted that visual bulk related objections have not been received from any other abutting property who would be directly affected by the northern elevation. Rather they have been submitted by objectors living elsewhere who have raised this as a ground for Council officer consideration.
- 7.15 In regards to the objector at 5 Berkeley Street, it is considered that the amended proposal provides for substantially increased building setbacks and balcony setbacks which are offset by a minimum of 9 metres from the common boundary.
- 7.16 It is acknowledged however that adjacent to the common boundary with 5 Berkeley Street (and to Berkeley Street properties from Number 5 Berkeley to the eastern boundary of the site) that the width of the area capable of accommodating a landscape buffer has been reduced. Furthermore, the enclosure of the accessway parallel to the northern boundary to the crossover has also been removed as part of the revised proposal. Neither of these adjustments are satisfactory and are significant departures from the approved scheme. As such, a permit condition will require the reinstatement of the 4.5 metre setback in which to achieve landscaping together with the enclosure of the Council street accessway. It is acknowledged that this will potentially require modification to the Stage 2A building. This will also need to be carefully detailed by permit condition. (Condition 1.26).
- 7.17 Lastly, as the objecting property at 5 Berkeley Street finds themselves located on the north side of the development site, it will not be overshadowed by the development.

Traffic & Car Parking Issues

- 7.18 As noted above, a permit condition will require a fully enclosed accessway (as per the original approval) to mitigate any potential amenity impacts to adjoining neighbouring properties.

- 7.19 Notwithstanding any potential increase in the number of truck Movements/Light Vehicles Utes/Vehicles with Trailers, etc, permit conditions on the issued permit seek to control and manage access onto the site. See Conditions 36 to 38.
- 7.20 The use of car parking for this purpose only (rather than for storage or other purposes) can be managed and enforced by existing Condition 20.
- 7.21 Permit conditions, including those required by VicRoads, relating to road works to improve vehicle movements around and into the site will remain and have been added to ensure they are the Road Authority's and Council's satisfaction (as specified in the relevant condition).
- 7.22 VicRoads has expressed no objection to the amended application. They have acknowledged the need to amend existing permit conditions and have provided Council with the nine (9) conditions they require to be included on any amended planning permit to issue.

Extent of Public Notification

- 7.23 As an original objector, one of the objectors has expressed concern at not being notified of the amended proposal.
- 7.24 The Planning & Environment Act 1987 does not require the Responsible Authority to specifically notify original objectors of amended planning permit applications.
- 7.25 As occurred with the original proposal, in order to advertise the amended application to the wider public, Council has provided notice by the use of three large notification signs on each frontage of the subject site for a time period exceeding the requirements of the Planning and Environment Act 1987.

Issues with representations made in the Planning Consultant's Report

- 7.26 Some objectors have concern with representations made in the Planning Report submitted with the amended permit application.
- 7.27 While Council officers are informed by any documentation submitted by permit applicants on any planning application, Council officers undertake our own assessments and make our own enquiries to ascertain the accuracy of the information provided in forming planning decisions.

Insufficient Permeability on the site

- 7.28 It was acknowledged in the original officer's assessment that the initial proposal was a departure from the "highly permeable urban fabric" anticipated for the site at Clause 21.09 of the Manningham Planning Scheme.

Staged Permit will create further disruption

- 7.29 The amendment does not introduce a staged development. The original proposal, as evidenced in the permit preamble and throughout the issued permit, already permitted this approach. While the location of works across the site is proposed to change as a consequence of the amended application, the amendment does not change the number of stages in which the development is anticipated to occur.

Requested Conditions

- 7.30 The objectors at 5 Berkeley Street has outlined a number of matters which are specific to their property and which they seek the permit applicant to address, for example the weekly cleaning of windows which adjoin the subject site. Council officers consider that through measures applied to the existing permit, such as the requirement for a Construction Management Plan, that sufficient and reasonable measures have been applied to the permit to enforce any unreasonable amenity considerations.

8 ASSESSMENT

- 8.1 Section 5 of this report has outlined the purposes and objectives of the ACZ1, including the specific visions for Precinct 3 of the Doncaster Hill Principal Activity Centre in which the site is located. However, the ACZ1 is much more prescriptive than simply listing policy ambitions. The ACZ1 sets a number of mandatory and preferred maximums/minimums for buildings within the Activity Centre. These mainly relate to the scale of the development, such as height and setback distances. The requirements establish a three dimensional building envelope for each site.
- 8.2 The following assessment identifies and considers these mandatory and preferred requirements from the ACZ1, as outlined at Clause 4.4 Design and Development, before moving onto other issues:

Clause 4.4 Design and Development

Building Height – Met, subject to conditions

- 8.3 The maximum building height, as outlined earlier in this report, is a mandatory maximum requirement. The maximum building height permitted for this site by the ACZ1 is 29m. There is a further height allowance of 5.8m attributed to a design element providing a number of criteria can be satisfied.
- 8.4 With the exception of permitted lift overruns and plant equipment (and related screening), the amended proposal appears to comply with the maximum building height permitted by the ACZ1. The northern elevation does not illustrate the 29 metre height envelope, which is anomalous, as all other elevation do. As such, a permit condition (Condition 1.25) will require the northern elevation to demonstrate full compliance with the maximum height limit of 29 metres and for the 29 metre height envelope to be depicted on this elevation.
- 8.5 As with the original proposal, there is no request to consider a design element as part of the amended development.

Buildings Setbacks

Front Setback - Met

- 8.6 A permit cannot be granted to vary the front setbacks, including the front podium and front tower setbacks. As such, the requirement to achieve a 5 metre setback at the podium level and a 15 metre setback to the front tower edge are both mandatory requirements. There is scope for:

Minor buildings and works such as verandas, architectural features, balconies, sunshades, screens, artworks and street furniture may be constructed within the setback areas specified in the precinct provisions at Clause 5 of this Schedule

- 8.7 At all podium levels, the proposed front setback to Doncaster Road is compliant with the mandatory setback pursuant to the ACZ1. Indeed, at ground level, due in part to the uneven alignment of the site boundary, the front setback to the existing property boundary ranges between 7-9 metres (The retail component associated with Stage 2 proposes a minimum 7m setback, whereas the Bunnings development is at a minimum 8.5m).
- 8.8 Recalling that the road works forming part of the original approval will result in a modified (reduced) property boundary to Doncaster Road (Stage 2), a 5 metre setback is also achieved for the “new” property boundary. Proposed development plans show the proposed podium level to achieve a 5 metre setback to the new front (southern) property boundary.
- 8.9 Inclusive of balconies, podium levels (i.e. ground level to level 3) all maintain setbacks in excess of 5 metres.
- 8.10 Inclusive of balconies, the tower level (Level 4 onwards) are also compliant with Scheme’s requirements of a minimum 15 metre setback requirement.
- 8.11 Consistent with the aspirations of the Doncaster Hill Strategy and the ACZ1, the appropriate setbacks to Doncaster Road will comfortably facilitate the achievement of a boulevard treatment as part of the revised proposal.

Side and Rear Building Setbacks - Met, subject to conditions

- 8.12 There are preferred minimum requirements relating to side and rear setbacks (i.e. they can be varied by a permit). The minimum setback from a side (or rear) boundary is 4.5m. As for the front setback, there is provision for elements such as balconies, sunshades and screens to be constructed within the specified setback *“provided they are designed and located to the satisfaction of the responsible authority”*.
- 8.13 To the existing side boundary to Council Street (to the east) the proposal achieves a compliant minimum 4.5 metre building setback at all levels. Courtyards and balconies at the north-east corner of the Stage 2A building encroach into this 4.5 metre setback. This is considered acceptable with balconies offering articulation to the built form and increase internal amenity for future occupants by the provision of more generous open spaces.
- 8.14 Recalling that the road works forming part of the original approval will result in a modified (reduced) property boundary to Council Street (as well as Doncaster Road), it is noted that the proposed side boundary to Council Street will experience a 500mm encroachment into the side setback by the south-eastern most apartment in Stage 2B. Given setbacks to Council Street are greater than the original approval, this minor encroachment into a “proposed” boundary is not considered to be an issue.
- 8.15 It is proposed to construct to the title boundary to the western property boundary. This is a departure from the original approval which provided a 4.5 metre setback from ground level onwards (basements were approved to the title boundary under the original scheme).
- 8.16 This is a substantial change in the amended proposal and arises from the reconfigured layout, namely that the Bunnings Stage 1 development is now situated adjacent to Tower Street (rather than a residential mixed use development). The permit applicant sees no benefit in a 4.5 metre setback to its interface with the collector road adjoining Westfield Doncaster. Council officers agree. By virtue of the change in land use to a Bunnings at this

location (the lower levels of the Stage 1 building), the Tower Street interface now becomes a more commercial one. Given the proposed character of this interface, it is agreed that the requirement for a 4.5 metre setback is not a critical one. It is considered reasonable to allow the reduced setback to the western property boundary, as proposed.

- 8.17 To the rear, northern elevation, building setbacks associated with both Stages 1 and Stage 2A appear to be 4.5 metres or very close to. In some areas, dimensions are not clearly provided although appear to scale to 4.5 metres. In any event, a permit condition will ensure building setbacks are no less than 4.5 metres (Condition 1.26 and 1.27).
- 8.18 However, a critical change is the proposal to reduce the landscape buffer and remove the wall enclosing the Council Street vehicle accessway. From an amenity perspective, this is not a good planning outcome. Given the necessity of the wall to address noise and other amenity considerations, a permit condition will require the wall to the accessway reintroduced and to be setback 4.5 metre setback from the property boundary in adherence to the requirements of the Zone and to accord with the original approval. In addition, the northern elevation will need to be corrected to accurately depict the levels associated with the accessway along this boundary. In the section between Number 5 Berkeley Street and the eastern property boundary, there is presently ambiguity with the plans (Condition 1.26).

Overshadowing - Met, subject to conditions

- 8.19 Clause 4.4 of the ACZ1 provides that development within the Zone should not overshadow adjacent properties outside of the activity centre between the hours of 11am and 2pm on the 22 September. The development causes no such shadow during these times.
- 8.20 The ACZ1 (at this Clause) also provides that development on the north side of Doncaster Road must not overshadow more than 1.2m beyond the back of kerb on the southern side of Doncaster Road between 11.30am and 1.30pm on 22 June.
- 8.21 As amended shadow diagrams were not submitted as part of the Section 57A Application, these will be required to be submitted as part of Condition 1 to accurately demonstrate shadow implications to the south. From shadow diagrams provided as part of the advertised application, it is evident that during the winter solstice, most of the shadow cast by the development will fall on Doncaster Road. However, to the extent that areas south of the back of the kerb, and a small section of the footpath on the south side of the road are affected, the existing Condition 1 (Condition 1.11) requirement relating to the adherence to the requirements of the ACZ1 will be retained on the permit and modified accordingly to meet the requirements of the Zone, i.e. that the amended development must not cast a shadow further than 1.2m south of the back of kerb on the south side of Doncaster Road between 11:30am and 1:30pm on 22 June (Condition 1.9).

Landscape Design - Met, subject to conditions

- 8.22 A landscape design response has been proposed to soften the impact of the built form to its northern interface, to contribute positively to the Doncaster Hill boulevard and to provide enhanced internal amenity for future apartment occupants.

- 8.23 In addition, the updated Concept Landscape Plan prepared by Tract Consultants evidences the project's commitment towards a temporary landscape solution for the land comprising Stage 2.
- 8.24 The proposal seeks to maintain a landscape buffer directly abutting the boundary common with Berkeley Street properties. Notwithstanding there is some encroachments into these setback areas as a consequence of the amended proposal (particularly where there is a reduced width in the landscape buffer opposite the boundary with Number 5 Berkeley), officers consider that there is still adequate spacing between the internal service road and the property boundary in which to achieve an appropriate and dense, landscape buffer.
- 8.25 An existing permit condition, Condition 11, provides for a more detailed landscape plan to be provided prior to the commencement of Stage 1. Among other things, this requires further detail in regards to interim landscaping treatments and Doncaster Hill trademark boulevard tree planting. These conditions will be retained on the amended planning permit.

Boulevard Character - Met, subject to conditions

- 8.26 The ACZ1 sets a boulevard character requirement for development along Doncaster, Williamsons and Tram Roads.
- 8.27 Along Doncaster Road, the development provides for a generous setback from the building's frontage in which to facilitate the boulevard tree planting sought by the Scheme. Indicative boulevard tree planting has been notated on both development and landscape plans to demonstrate the achievability and commitment towards this strategic streetscape outcome. The Condition 1.3 requirement relating to the depiction of the Boulevard treatment to be provided in accordance with Part D of Council's Doncaster Hill Strategy will be retained on the amended planning permit. Council's Urban Designer has specifically sought greater detail to be provided at a later stage. It is considered existing permit conditions (both at Condition 1 and that attached to the Landscape Plan condition) will ensure an appropriate level of detail will be provided prior to the commencement of the development.

Access and Mobility - Met, subject to conditions

- 8.28 As relevant to this application, Clause 4.4 of the ACZ1 requires new development to provide a high level of accessibility at the principal front entry for any residential development and to comply with the Australian Standard AS1428 Part 2 provisions for access and mobility.
- 8.29 While the southern elevation appears to illustrate "at grade" access into the Stage 1 development, finished floor and surface levels seem to suggest that this may not be the case. A permit condition will require a 1:20 grade access into the Bunnings development with relevant modifications to be made to the built form, if required. Finished surface and floor levels will need to be clearly notated demonstrating such access (Condition 1.29).
- 8.30 Access to Stage 1 from the western side of the building is the secondary access point. Although existing surface levels are not shown, the residential lobby area (with a RL of 118) is proposed to be approximately 2 metres lower than the ground level at the property boundary. This is not a good outcome. While it is not the primary access point, it will be necessary to lower the levels in the road reservation immediately abutting the site to provide for a gradual,

more sympathetic entry into the building and to avoid an extensive flight of stairs from footpath level (Condition 1.30).

- 8.31 In terms of Stage 2, further detail is required at both the entry to the retail premises and at the entry point to the residential development along Council Street to demonstrate accessibility. A disability access ramp is shown forming part of the design to the Stage 2 development. The ramp should comply with a grade no steeper than a 1:20.
- 8.32 Subject to the achievement of the above requirements, it is considered that the proposal can provide an appropriate level of accessibility.

Clause 8 Decision Guidelines

- 8.33 Clause 8 of the ACZ1 sets out a series of Decision guidelines, requiring the Responsible Authority to consider a series of guidelines under the headings of use, design and built form, access and subdivision.
- 8.34 Clearly, subdivision is not applicable in this application.
- 8.35 Also, given the amended planning permit application does not alter the proposed land uses, it is not considered relevant to assess the proposal against the use related decision guidelines.
- 8.36 As such, consideration of the amended proposal against the “design and built form” and “access” guidelines, now follows:

Design and Built Form – Considered Met, subject to conditions

- 8.37 The series of mixed-use buildings scaling up to eight/nine levels above natural ground level will provide a bold statement to Doncaster Road.
- 8.38 Stage 1 encompassing the Bunnings restricted retail and trade supply uses, together with residential above, will see the realisation of a dynamic and robust built form across the Doncaster Road streetscape and a more commercially devised façade across the western elevation.
- 8.39 In sympathy with the land fall along Council Street, the Stage 2 retail and residential towers have generally been designed to step down with the natural fall in the topography. The redesigned towers have been designed to integrate with the Council Street streetscape both in the context of proposed residential and retail.
- 8.40 While generally respecting the residential interface to its northern neighbours, the amended Stage 2 design also respects its interface with properties on the east side of Council Street namely the heritage protected Old Shire Hall and the Doncaster Primary School.
- 8.41 In terms of each elevation, the amended southern elevation provides a higher podium, relative to the original approval, resulting in a building height above the Doncaster Road footpath level of 14.2 metres (Stage 1). The increased height of the podium is consistent with the ACZ1 and podium setbacks are in accordance with the original approval (and the ACZ1).
- 8.42 At ground level, the breadth of the Bunnings building extends wider across the site. Rather than three distinct built forms with individual entry points, the revised proposal now addresses Doncaster Road with one prominent building façade (taking up approximately 2/3rds of the frontage), to be complimented in

time by a second, more narrower building (to constitute approximately the remaining 1/3 of the frontage) at the Doncaster Road/Council Street corner.

- 8.43 Notwithstanding this dramatic alteration to the approved Doncaster Road streetscape, the proposal meets the requirements of the ACZ1 in respect of heights and setbacks. In addition, through design techniques employed across the front facade, it also maintains an appropriate distinction between the podium and tower levels at both Stages 1 and 2B towers.
- 8.44 As in the original proposal, it is considered that the design of Stage 1's podium is appropriately distinct, yet complementary to the Stage 1 tower.
- 8.45 The use of glazing remains quite prominent across the entire streetscape elevation which is consistent with the original approval (and for internal amenity reasons considered important given the southerly orientation). The podium level of Stage 1 retains the use of vertically aligned, grey coloured aluminium fins to ground and define the Bunnings component of the development. This is now complimented by the integrated use of two red hammer logos at either end of the Stage 1 podium which assist with the business' brand identification, whilst for urban design purposes, provides a pop of colour to provide a welcome and noteworthy contrast to the more subdued, grey colour palette. It is considered that the signs are appropriately located and are consistent with the signage expectations as expressed in the ACZ1, namely they are sized to complement the scale of the building, integrated with the podium, limited in number and avoid visual clutter.
- 8.46 The tower (consisting of the residential component) is not only recessed by 15 metres from the property boundary (in compliance with ACZ1 setback requirements) but is characterised by a completely different architectural expression. This demonstrates an appropriate design response having regard to the desire of the Planning Scheme to distinguish between podium and tower components. Aluminium fins have dropped off at the residential tower level of Stage 1.
- 8.47 Activation of the Doncaster Road public realm will be maintained by the amended proposal. At Stage 1's ground level, the transparency of the façade associated with the Bunnings store is retained with the use of low-emissivity glass – being clear, energy-efficient glass designed to prevent heat escape. Permit conditions remain on the permit which ensure the glazing of the store will remain transparent to ensure an activate frontage will be maintained
- 8.48 The design of the ground level, retail premises associated with Stage 2 similarly uses low-emissivity glass to offer connectivity with the public realm. The layout of the retail ground floor space also provides a street setback which could be attractive to a potential food and drink premises use. This further activates the Doncaster Road streetscape in accordance with Activity Centre aspirations.
- 8.49 The Stage 2B building retains the use of feature brickwork at the podium level but exhibits a very different architectural expression at both podium and tower levels.
- 8.50 A discernible change is that Stage 2B's podium, at 11 metres, will be lower than that proposed for the Stage 1 tower by more than 3 metres (i.e. a storey). This will be viewed as providing a transition across Doncaster Road from west to east (i.e. from the commerciality of the Westfield complex, to the Stage 1 hybrid commercial/ residential development of Bunnings to a mixed use, to the

“residential feel” of the Stage 2 development). The splayed design at the south-east corner of the Stage 2B building is articulated by the provision of a canopy treatment which extends over the paved area and offers a design response that “opens up” this corner and invites the pedestrian to continue around the corner towards the Council Street residential apartment entry forecourt. Some detailed design work has been prepared as part of the development plan set to demonstrate the design of the entry forecourt with the Council Street footpath evidencing a good level of connectivity and integration. That said, a Condition 1 requirement will require a series of finished levels to be provided along Council Street to demonstrate level differences and address any level issues that may arise with an appropriate treatment, for e.g. landscaping.

- 8.51 The eastern elevation is, in many respects, considered to be a significant improvement to the original approval as it provides a greater setback to the Doncaster Road/Council street intersection, improves sight lines to the heritage building (on the east side of Council Street) and provides a 9 metres separation between Stage 2A and 2B towers (where previously it was only large continuous built form). It retains the general principle adopted in the approved scheme of *“stepping down with the natural landform to the north”* but due to its more residential feel and substantial physical separation, offers a more sympathetic building at street level and when viewed at a distance from a south-easterly or direct easterly position on Council Street (and from land further east).
- 8.52 Articulation is offered in both Stage 2A and 2B buildings with the redesigned proposal drawing on a similar range of materials, colours and finishes as per the original approval. Most notably, the eastern elevation continues to rely on the use of aluminium louvers and coloured balustrades to provide visual interest. As viewed from the south-east, Stage 2A recedes from Council Street with a gradual increased setback stepping back from approximately 6 metres to 8 metres. This is considered to be a positive and sympathetic design response.
- 8.53 However, the northern end of the Stage 2A tower (as would be viewed from an easterly position on Council Street) presents as a vertical, linear form from “Level 3” right up to “Level 8”. In other words, six levels of purely residential will sit elevated above the Council Street vehicle entry without any stepping or recessing of levels from the northern boundary. To better accord with the precinct objectives regarding stepping of the built form down the hill, it is considered appropriate to require, by permit condition, the stepping of the northern elevation of Tower 2A away from the northern boundary by the deletion of a number of apartments at Levels 5 and 6. This condition is supported by Council’s Urban Designer who encouraged this response in her initial feedback to the permit applicant and has further confirmed its necessity in final referral advice. Notwithstanding a 9 metre setback is provided to the northern boundary, and a similar response was approved as part of the original approval, it is considered that the modified design response in the current amended scheme warrants a more sympathetic, stepped outcome to the residential land to the north. As such, a permit condition will require this modification (Condition 1.32).
- 8.54 The northern and eastern elevations will also need to be amended to accurately depict the balconies at the north-east corner of the Stage 2A building, which indeed protrude beyond the wall (Condition 1.33).

- 8.55 The northern elevation proposes setbacks to its residential interface with Berkeley Street properties which are greater than approved under the original permit.
- 8.56 While the original approval had consistent 4.5 metre wall setbacks to all buildings – Bunnings and the two residential towers, Stage 1 setbacks to the northern boundary increase from 4.5 metres at the podium level to between 9-10 metres at the tower level. Residential towers associated with the original approval also had a series of balconies encroaching into the 4.5 metre setback with a typical 3.7-3.8 metre setback to the northern boundary.
- 8.57 Stage 2 setbacks to the northern boundary are even more generous ranging from 9 metres to 16 metres. Significantly, no balcony is situated closer than 9 metres to the northern boundary.
- 8.58 Notwithstanding the more generous setbacks under the proposed scheme, admittedly, the building sits higher out of the ground at the rear of the site. In recognition of this, some substantial design detail changes have been negotiated to improve the visual amenity for Berkeley Street apartment dwellers and other property owners/occupants residing in Berkeley Street. These measures include the use of exposed brickwork (rather than textured concrete) to treat the Bunnings basement wall and the use of horizontal louvered panels and green coloured perforated powder-coated metal panels (rather than polycarbonate sheeting) to the retail space above. Council officers consider the outlook back to the site is an improved one as a result of these treatments.
- 8.59 The western elevation has been transformed from a chiefly residential façade to one that exhibits a commercial development with elements of residential. As such, this elevation is dramatically different to the one which forms part of the original approval. Furthermore, this elevation now sits closer to Tower Street than the original approval, and this coupled with its altered design detail, has resulted in Council's Urban Designer providing some specific feedback to improve articulation and visual interest. The advice has generally been adopted in the Section 57A plans so as to improve the treatment of this façade as it would be viewed from Westfield and further west (as well as south-west from Doncaster Road). In particular, the design of the lift core has been substantially reworked to "lighten" its feel. The introduction of glazing to the lift core improves the elevation while also offering internal amenity benefits. A three-storey vertical detail has also been introduced and is deemed appropriate.
- 8.60 Horizontal detailing in the form of aluminium fins atop the Bunnings store wraps around the southern façade to its culmination atop the apartment building's side pedestrian entry. Elements of colour are now also introduced to this elevation by the use of perforated aluminium panels in green at the northern-western end.
- 8.61 A variety of materials, colours and finishes are indicated for use across the relevant elevation plans and encompassed in a relatively detailed materials schedule to evidence the commitment to some interesting finishes, which in combination, will articulate the built form. In respect of the southern facade of Stage 1, there is somewhat of a lack of clarity and detail about the materials proposed for use. Given the importance of the combination and mix of materials, colours and finishes, a permit condition will seek greater clarity to

ensure intended finishes to all elevations are clearly represented on elevation plans and are satisfactory to articulate the built form (Condition 1.1).

- 8.62 As mentioned earlier, a splayed corner introduced at ground level will assist with pedestrian sightlines and the connections between the Doncaster Road boulevard and footpath connections northwards along Tower Street. Council's Urban Designer recommends the continuation of the boulevard treatment to this edge – a matter that can be addressed by permit condition (Condition 11.3).
- 8.63 It is concluded from the above consideration of the design and built form response that the amended proposal:
- 8.63.1 Makes a positive architectural contribution to the Doncaster Road streetscape;
 - 8.63.2 Provides a respectful interface across Council Street (subject to condition 1.32 requiring the stepping back of the upper levels of Stage 2A from the northern boundary);
 - 8.63.3 Recognises its more proximate relationship to Westfield Doncaster, and as such, provides an appropriate design response to this commercial interface; and
 - 8.63.4 Notwithstanding the constraints of a Bunnings "back of house", maximises the extent of visual interest so as to mitigate visual bulk concerns to apartment dwellers and other residential occupants sharing the common boundary to the north.

Access

Car Parking

- 8.64 Schedule 1 to Clause 45.09 of the Manningham Planning Scheme requires the proposed mixed-use building to provide a total of 462 spaces in accordance with the car parking rates outlined at the Table to Clause 2 of this provision. The development supplies a total of 683 car parking spaces across three levels of basement car parking which greatly exceeds the statutory requirement. Furthermore, sufficient parking is provided for each stage of the development.
- 8.65 Within Stage 1, car parking is located at Basement Level 3 for the residential apartments and at Basement Levels 1 & 2 for the Bunnings development. Given the levels for the different uses are sufficiently separated, it is not considered necessary to allocate them other than visitor car parking spaces should be identified. It is noted that there are no three bedroom apartments so as to warrant the convenient allocation of spaces in this regard.
- 8.66 Within Stage 2, the retail use will warrant an allocation relative to residential dwellers and visitors. This is a matter that can also be addressed by permit condition (Condition 1.37 and 1.38).
- 8.67 Clause 52.06 provides guidance in terms of car parking design and sets out a number of design standards that a permit application should meet. The proposal has been considered against these requirements by Council's Engineers and the proposal is considered compliant, subject to a series of conditions including meeting sight lines required by Design Standard 1.
- 8.68 Council's Engineers have reviewed the design and layout of car parking having regard to the placement of columns, aisle widths, car parking dimensions, driveway grades, etc. They have identified no issues internal to either proposed basement.

In addition to allocation on the relevant basement floor plan, a permit condition will require the Development Summary Table to be updated to reflect apartment and retail floor space allocation.

Vehicle Access & Traffic

- 8.69 All conditions on the original permit relating to vehicle access arrangements and road mitigation works are proposed to remain, including those imposed by the statutory referral authority VicRoads (albeit in amended form). Given the slightly reduced intensity of the overall development (removal of approximately 100 apartments), this is considered an improved outcome with respect to any perceived or actual off-site amenity impacts.
- 8.70 To this end, road works will need to occur in Council Street and Doncaster Road. The proposal includes a series of interim measures, including left in and left out onto Doncaster Road until 2022 when 7-Eleven's lease expires, and longer lanes for outbound connections to Doncaster Road. After the lease expires and the portion of site occupied by 7-Eleven is vacated, the ultimate roadworks can occur including a new left hand turn lane on Doncaster Road at Council Street and the widening of the west side of Council Street to facilitate an additional turning lane.
- 8.71 The inclusion of interim works is far from ideal given it leads to a short period (up to 5 years) of compromised traffic arrangements including a busy two-way vehicle crossing over Council's pedestrian boulevard, some additional queuing in Council Street and limited bus lanes in front of the site. However, the site's timely development is important to help link several Doncaster Hill precincts and fill a substantial void in construction along Doncaster Road. Further, VicRoads have considered the amended proposal and have expressed no objection to the proposed amendment including the interim arrangements.
- 8.72 Council officers have carefully constructed permit conditions (Condition 22) that provide the highest level of certainty that the proposed ultimate works will be constructed as soon as possible following the cessation of 7-Eleven's lease.
- 8.73 The loading and unloading facilities forming part of the amended proposal are considered acceptable. There is no proposal as part of the amended permit to adjust or remove any operative unloading/loading conditions. Therefore, original Conditions 36, 37 and 38 relating to the size of loading vehicles, time restrictions and the physical location from which unloading or loading activities occurs within the land, respectively will be retained on any amended planning permit that may issue. Critically, from a direct amenity perspective, the return to an enclosed vehicle accessway will provide for an appropriate level of protection for Berkeley Street residents.
- 8.74 In short, traffic generated by the development will be accommodated in the surrounding road network in a safe and efficient manner with several conditions on the existing permit seeking to ensure this outcome.

Pedestrian Access

- 8.75 Pedestrian access is chiefly facilitated by the provision of a boulevard treatment consistent with the aspirations of the Doncaster Hill Strategy, as translated in the ACZ1. The amended approval makes no modifications to the integrity of the Doncaster Hill boulevard treatment adjacent to the site and

continues to facilitate an important link between Westfield and the Civic Precinct as sought by the decision guidelines of the ACZ1.

- 8.76 Measures have been employed in the design response to enhance pedestrian connections along Council Street to the east and retain access to Tower Street to the west. The provision of splayed corners at both the south-west and south-east corners of the buildings enable sightlines to ensure optimum permeability and visibility for pedestrians.
- 8.77 Notwithstanding the commercial interface the western side of Bunnings has with Westfield, and to that end the likelihood of a lower utilisation of this pathway, it nevertheless services an entry point into the apartments atop Bunnings. It is therefore important for it to be user friendly and safe to the greatest extent possible. To this end, the splaying of the Bunnings building at ground level (a modification made in the Section 57A plans) is considered to be an improvement in the overall design response and a positive for pedestrian access and circulation around the development. At the entry point along the western side of the building, permit conditions will require detail as to how the access to the west side of the Stage 1 building will function given that a substantial level difference is apparent (Condition 1.30).
- 8.78 To ensure optimal pedestrian access into the Stage 1 building from Doncaster Road, the finished floor and surface levels will also need to be clearly shown to demonstrate accessibility, as previously discussed.
- 8.79 By virtue of a common entry for buildings comprising Stage 2, and design detail provided at a greater scale to demonstrate entry forecourt and surrounds, the provision for pedestrians in the redesigned proposal along Council Street is generally considered to be appropriate.

Bicycle Provision & Access

- 8.80 In accordance with sustainability initiatives and in excess of the requirements of Clause 52.27 Bicycle Facilities, the amended proposal offers residents, visitors, staff and shoppers with access to bicycle parking both within the basement and at all street frontages.
- 8.81 The assessment above indicates that the “design and built form” and “access” is generally consistent with the expectations of development outlined in the ACZ1.

Signage

- 8.82 As in the original proposal, it is acknowledged that the restricted retail and retail aspects of the development warrant a level of signage. It is critical for signage to integrate with the built form.
- 8.83 Given the increased scale of the Bunnings building, the overall number and size of signs is considered to be reasonable. A permit condition will require specific design detail of all proposed signs, with dimensions to be provided.

Design Guidelines for Higher Density Residential Development (Department of Sustainability and Environment, 2004)

Amenity Impacts

- 8.84 The *Design Guidelines for Higher Density Residential Development* (Department of Sustainability and Environment, 2004) provide design criteria

for assessing amenity impacts. The most critical issues are protecting neighbours from overlooking, overshadowing and visual bulk.

- 8.85 The Guidelines seek 'equitable access' in relation to outlook and daylight (objective 2.6) and suggest new development be designed to achieve Clause 55 requirements in relation to overlooking and overshadowing secluded private open space. The notion of 'equitable' is particularly important in relation to the adjacent properties as they are also within Doncaster Hill and therefore provided opportunities for higher density development.

External Amenity

Outlook

- 8.86 It is considered that the amended proposal will not cause any unreasonable impact to the outlook of adjoining residents.
- 8.87 Notwithstanding that the amended proposal has increased height across its northern elevation, it has countered this increased height by providing a more generous level of separation between the Bunnings "back of house" and the common property boundary. Setbacks to the Stage 2A building and Berkeley Street properties is also greatly increased and sufficient design techniques have been employed to respond to outlook considerations.

Daylight

- 8.88 By virtue of sizeable setbacks to the north, in particular exceeding the 4.5 metre discretionary setback requirement of the ACZ1, the proposal will not cause any unreasonable impact on the ability of adjoining properties to achieve an acceptable level of access to daylight. As previously mentioned, setbacks are typically greater than 4.5 metres with residential apartments being positioned no closer than 9 metres to the northern property boundary.

Overshadowing

- 8.89 Given its location on the north side of Doncaster Road, the proposal will have no shadow affect whatsoever on its Berkeley Street neighbours. The site has no abutting properties to either its east or west.

Overlooking

- 8.90 In relation to overlooking, the guidelines (Objective 2.9) require Council to consider 'direct overlooking' within a 9m radius of habitable room windows and balconies (the same as Clause 55).
- 8.91 On this development site, the only possible overlooking impacts for consideration relate to the northern interface. It is noted that these properties are also situated within Doncaster Hill, affected by the ACZ1 and, more specifically, are situated within Precinct 3.
- 8.92 As part of the redesigned development, all residential apartments have habitable room windows and balconies in excess of 9 metres from the northern property boundary. Unlike the approved scheme which required screening measures to apartments within 9 metres, Stage 1 and Stage 2 are both sufficiently setback from the northern boundary so as to not warrant screening measures. This is considered to be a positive outcome, particularly for the internal amenity of future residents of the development.

Visual Bulk

- 8.93 For the reasons discussed in the assessment against the ACZ1, the increased height of the buildings to the north is countered by the increased setbacks offered by the amended proposal. Furthermore, the design detail adjustments that have been negotiated into the northern elevation, particularly to the Bunnings “back of house” area are considered sufficient measures to mitigate unreasonable visual bulk concerns.
- 8.94 In respect of Stage 2 works, a further measure to address visual bulk to the northern interface is proposed by the removal of six apartments from Stage 2A at Levels 5 and 6. This conditional requirement not only provides a stepping of the built form across Council Street to address streetscape considerations, but will ameliorate any perceived or actual bulk from directly adjoining properties.
- 8.95 The return of the wall to the vehicle accessway is needed to address amenity concerns. It would, however, be inappropriate to condition this wall to be no less than 4.5 metres from the northern boundary having regard to, among other things, visual bulk considerations. As such, a permit condition will require the wall to be setback by 4.5 metres from the northern boundary and the consequential adjustments to the vehicle accessway and Stage 2A building.

Noise/ Acoustic

- 8.96 While an acoustic report has been prepared by Acoustic Lodge in support of the application, the report does not address the most updated version of the plans, which among other things, have altered the use of the Stage 1 basement wall to the northern interface with brick, rather than concrete. Furthermore, other changes to be required by permit condition, such as the return of the wall enclosing the vehicle accessway and the manner in which this occurs will need to be factored into a revised assessment. As such, existing permit conditions on the permit will be retained to reflect the need for an amended acoustic assessment to occur having regard to the proposed Condition 1 Plans (Condition 1.22).

Internal Amenity*Dwelling Diversity*

- 8.97 In terms of dwelling diversity, the proposal continues to offer some level of variation across the spectrum of apartment levels.
- 8.98 Improvements from the original proposal consist of larger apartments with larger balconies. There are now apartments no smaller than 50 square metres (previously some one bedroom apartments were closer to 40 square metres). All apartments have balconies now which are a minimum of 8 square metres with a minimum dimension of 1.6 metres.
- 8.99 The location of smaller apartments are scattered across the development in both Stage 1 and Stage 2 and offer various orientations. This is also considered to be a positive outcome enabling some more affordable housing opportunities for those entering the apartment market, while offering other lone household dwellers with options for larger balconies or a range of locations throughout various levels across the development.

- 8.100 Across the buildings, corner apartments will achieve cross ventilation while a high proportion of apartments have been designed to avoid any reliance on borrowed light.

Internal Overlooking

- 8.101 While there are no external overlooking issues, given the number of buildings and the placement of balconies, habitable rooms and courtyard spaces, apartments at each level need to be carefully planned for with respect to sill heights, window types and balcony measures to avoid direct internal overlooking and any unreasonable noise related concerns.
- 8.102 Communal open space associated with Stage 1 will provide a high level of amenity particularly made attractive by its northerly aspect.
- 8.103 Several lifts are provided to ensure lengthy distances are not required. Both buildings have waste chutes connecting to waste rooms at the basement level.

Staging

- 8.104 The permit applicant's Planning report explains that "market conditions, financing and construction issues" have resulted in the need to submit an amended planning permit application allowing for construction to occur in different stages.
- 8.105 It also suggests that the staging plan is "*more practical, simpler and more economical allowing two thirds of the site to be constructed in at the outset, with subsequent stages on Council Street.*"
- 8.106 Interim arrangements are proposed to assist in the maintenance and management of the site during the time lapse between Stage 1 and Stage 2. This includes landscaping of Stage 2 as per the Tract Concept Landscape Plan. It is also recognised that staging of the development will assist in reducing the external amenity impact to neighbouring properties during construction. For example, vehicles will be able to utilise the Stage 2A land (to the north of the 7-Eleven) during construction.

Dwelling Numbers

- 8.107 While the original officer report calculated that the application site "*should be providing well over half of the anticipated number of residential apartments*" to meet the Doncaster Hill future population and household projections, and the amended proposal's substantial decrease in the number of apartments will affect these projections, this is not considered to be fatal to the application. While the projected dwelling numbers within Precinct 3 may be reduced as a consequence of the amendment, it is noted that dwelling projections elsewhere in the Doncaster Hill Activity Centre are higher than initial forecasts. As such, these gains achieved elsewhere in the Activity Centre will offset some of the reductions to apartment numbers achieved by this development site as a consequence of this amended permit application. Furthermore, there are notable improvements that have been negotiated through the amended planning permit process to enhance internal amenity as part of this development which will provide the future Doncaster Hill population with an enhanced level of amenity.
- 8.108 As was also noted in the original officer report, the extent of commercial floorspace is greater for the Precinct than was originally contemplated and this arises directly from the proposed Bunnings use. The impact of this

amendment on commercial floorspace is not substantial, but there is a small reduction in overall commercial floor space. (The 620 square metres increase to Bunnings is offset by the 980 square metres reduction in retail floorspace).

9 CONCLUSION

- 9.1 It follows from the assessment in this report that the amended proposal achieves an acceptable level of compliance against the relevant considerations, as expressed in the Manningham Planning Scheme. As such, it is Council officers' recommendation that the proposal be supported, subject to the below amended permit conditions.

RECOMMENDATION

That having considered all objections A NOTICE OF DECISION TO GRANT AN AMENDED PLANNING PERMIT be issued for Planning Application No. PL12/022747 for the use of land for a trade supplies and restricted retail premise, and retail premises, the construction of three multi-storey buildings (in three stages) comprising apartments and the above uses with associated basement car parking, alterations to a Road Zone 1 including new access and display of business identification signage in accordance with the endorsed plans at No. 659-669 Doncaster Road, 4-6 Tower Street and 1A-5 Council Street containing the following conditions:

Amended Plans

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 decisions plans (Drawn by Thomson Adsett, Revision 20, dated 25 May 2016 and as received by Council on 1 June – A3 copy and 6 June – A1 copy) but modified to show:
 - 1.1. An additional plan detailing the materials used in the façade of the buildings fronting Doncaster Road and the dimensions of all proposed business identification signs.
 - 1.2. Chain wire fencing (or similar) added to prevent unauthorized access to the landscape buffer area at the rear of the site.
 - 1.3. Demonstration that the boulevard treatment is to be provided in accordance with Part D of Council's Doncaster Hill Strategy (2002) in front of the site and adjacent to Doncaster Road, where possible.
 - 1.4. An additional plan showing the extent of proposed roadworks on Council Street and Doncaster Road in accordance with the recommendations outlined in the conclusions of the Traffic Group Traffic Engineering Assessment (dated 5 March 2013 and updated in June 2015) and VicRoads conditions of this permit.
 - 1.5. A plan notation that the existing speed hump and school pedestrian crossing in Council Street is to be relocated north of the application site at the developers cost prior to development commencing on site (to avoid conflicts with construction vehicles); and with no net loss in the availability of car parking to the primary school or other solution to the benefit of the primary school to the satisfaction of the responsible authority.

- 1.6. A plan notation that a safety barrier is to be erected on the eastern side of Council Street in the vicinity of the existing pedestrian entry of the primary school to prevent inadvertent access onto Council Street following its widening.
- 1.7. Shower and change room facilities for the trade supplies and restricted retail premise staff as per the requirements of Clause 52.34 of the Manningham Planning Scheme.
- 1.8. The residential pedestrian entry to the apartments in Stage 1 redesigned to include a functional bicycle storage room.
- 1.9. The extent of shadow caused by the buildings to not exceed the Overshadowing requirement of Clause 4.4 of the Schedule 1 to the Activity Centre Zone (ACZ1).
- 1.10. The number of storage areas to cater to one per apartment. Should above bonnet cages be used specifications of size of the cages and the clearance above ground is to be shown.
- 1.11. Specifications of the typical storage cupboards in the basement including their internal capacity.
- 1.12. Details of basement ventilation, including the location and design treatment of any mechanical intake or outlet required.
- 1.13. A gate or barrier that allows the entry to the car parking area in Stage 1 from Doncaster Road to close.
- 1.14. A plan notation that a clear sight distance of pedestrians for exiting vehicles as per Clause 3.2.4 of AS 2890.1 will be provided at all exits.
- 1.15. A plan notation outlining interim measures as part of Stage 1 that protect adjacent residents to the north from the noise associated with vehicles accessing the development whilst sections of the internal driveway remain open. A 2.6m high solid paling fence along the sections of the internal driveway in Stage 2 would satisfy this requirement.
- 1.16. Fixtures such as seating and/or public artwork that is to be installed in front of the building.
- 1.17. A notation that is consistent with the VicRoads requirements indicating that the footpath and nature strip in front of the development is to be vested in the Roads Corporation.
- 1.18. Details of the bus shelter that will be erected at the relocated bus stop.
- 1.19. Minimum sustainability features applicable to the development from the approved Sustainability Management Plan including the location and capacity of rainwater tanks, the uses for captured rainwater, and the solar hot water systems on the roof plans including notes for the solar fraction of the system and boosting types.
- 1.20. A plan notation to indicate 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.
- 1.21. A plan notation that a communal notice board will be erected within or nearby the lobby for use by residents of the building.

- 1.22. A report from a qualified person investigating whether specific acoustic measures are required in apartments adjacent to Doncaster Road to combat noise from traffic and the apartments adjacent to the trade supplies and restricted retail premise nursery area. The report is to use Australian Standards as benchmarks. Any recommended measures are to be incorporated into the plans.
- 1.23. The eastern elevations of the trade supplies and restricted retail premises in Stage 1 amended to include temporary architectural treatments (such as the horizontal timber battens) to provide additional visual interest.
- 1.24. A plan notation that signage will be erected at the vehicle entry and exit of the internal driveway, and at the vehicle entry from Doncaster Road, that restricts pedestrian access to these areas.
- 1.25. The 29 metre building envelope line across the northern elevation demonstrating that the maximum building height of the development accords with Clause 4.4 of Schedule 1 to the Activity Centre Zone.
- 1.26. The enclosure of the vehicle accessway and provision of a 4.5 metre wide landscape buffer along the north boundary adjacent to 7 Council Street and 3 and 5 Berkeley Street in accordance with the approved development (Hayball development plans) with any consequential adjustment to the vehicle accessway and Stage 2A building to be to the satisfaction of the Responsible Authority;
- 1.27. Building setbacks to the northern boundary no less than 4.5 metres.
- 1.28. The northern elevation to accurately depict the levels associated with the accessway along this boundary.
- 1.29. Demonstration that entry into the Stage 1 and 2 buildings complies with Australian Standard AS1428 Part 2 per Clause 4.4 of Schedule 1 to the Activity Centre Zone. The provision of a 1:20 grade should be provided, unless it can be demonstrated by a suitably qualified professional that an alternative outcome is suitable.
- 1.30. Existing and finished surface levels adjacent to and around all building entries. The access on the western elevation for Stage 1 is well below existing ground level and therefore the footpath and nature strip needs to be modified extensively.
- 1.31. Existing and finished surface levels adjacent to and around all vehicle entry/exit points. All vehicle access must be designed in accordance with Clause 52.06 Car Parking of the Manningham Planning Scheme and the relevant Australian Standards.
- 1.32. The provision of stepping of the Stage 2A building, as viewed from the eastern elevation via increased setbacks at the two uppermost levels to the satisfaction of the Responsible Authority.
- 1.33. The accurate depiction of protruding balconies associated with the Stage 2A building along the northern and eastern elevations.
- 1.34. Retractable clotheslines to all ground level open spaces and balconies to limit their visibility to public and private realms.

- 1.35. Details of paving and surface finishes of all common areas at ground and elevated levels clearly labelled.
- 1.36. The reduction in bicycle parking spaces along the Doncaster Road frontage by half.
- 1.37. The allocation of car parking spaces for residential or retail use.
- 1.38. Visitor car parking clearly labelled.
- 1.39. The *TraffixDesign* Interim Roadworks Plan and Ultimate Roadworks Plan (dated June 2015) updated to remove the southernmost access on Council Street and to include the direction of traffic flow at each access point.
- 1.40. Any relevant changes as a result of changes required by VicRoads Conditions 48 to 56 of this permit.

Endorsed Plan

2. The layout of the site, the size of buildings and works, the staging and the description of the uses 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 commences an amended SMP that outlines proposed sustainable design initiatives for the modified proposal must be submitted to and approved by the Responsible Authority. Upon approval the SMP will be endorsed as part of the planning permit and the development must incorporate the sustainable design initiatives outlined in the endorsed SMP to the satisfaction of the Responsible Authority. The amended SMP must be generally in accordance with the SMP prepared by Sustainable Development Consultants Pty Ltd dated June 2015 but modified to reflect the revised development (Section 57A Plans).
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 each stage of 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. Hours of demolition and construction to be to the satisfaction of the Responsible Authority;
 - 5.2. Adequate parking facilities for the anticipated number and type of construction workers to be detailed in plan form to the satisfaction of the Responsible Authority. The location of parking must be compliant with any applicable Council parking restrictions or with any relevant permissions granted by any private land owner (in the event of the use of private land);
 - 5.3. Methods to contain dust, dirt and mud within the site, and the method and frequency of clean up procedures;

- 5.4. On site facilities for vehicle washing;
 - 5.5. Delivery and unloading points and expected frequency;
 - 5.6. A liaison officer for contact by residents and the Responsible Authority in the event of relevant queries or problems experienced;
 - 5.7. The movement of construction vehicles to and from the site must be regulated to ensure that no traffic hazards are created in and around the site;
 - 5.8. Measures to minimise the impact of construction vehicles arriving at and departing from the land;
 - 5.9. An outline of requests to occupy public footpaths or roads, and anticipated disruptions to local services;
 - 5.10. The processes to be adopted for the separation, re-use and recycling of demolition materials;
 - 5.11. The measures to minimise the amount of waste construction materials; the provision for the recycling of demolition and waste materials; and the return of waste materials to the supplier (where the supplier has a program of reuse or recycling);
 - 5.12. The measures to minimise noise and other amenity impacts from mechanical equipment and demolition/construction activities, especially outside of daytime hours;
 - 5.13. The provision of adequate environmental awareness training for all on-site contractors and sub contractors; and
 - 5.14. An agreed schedule of compliance inspections
 - 5.15. Land in Stage 2 used to minimise the construction impact of Stage 1 to adjoining and nearby properties.
6. All works including earthworks, demolition and construction activity associated with the approved development is to be limited to the following hours, unless with the prior written consent of the Responsible Authority:
 - 6.1. Monday to Friday: 7:00am to 7:00pm
 - 6.2. Saturday: 9:00am to 5:00pm
 - 6.3. Sunday and Public Holidays: No construction
 7. No trucks or heavy construction vehicles associated with earthworks, demolition or construction works are permitted to use Council Street north of the application site to the satisfaction of the Responsible Authority.

Waste Management Plan

8. Before the development starts, two copies of an amended Waste Management Plan (WMP) 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 detail how best practice standards are achieved based on the Manningham City Council – Waste Collection for Residential Developments in Manningham – Guidelines for Developers, and be consistent with the submitted plan but amended to detail:
 - 8.1. Specific waste management practices pertaining to each separate collection area in the development;

- 8.2. Chutes, carousels, drop-off areas and compaction facilities;
- 8.3. Access to bin rooms, chutes and drop-off areas;
- 8.4. Hard waste collection;
- 8.5. Collection locations and routines including times and frequency;
- 8.6. The methods used to educate residents of waste collection system including the recycling component and hard waste; and,
- 8.7. Swept path diagrams illustrating the collection vehicles to be used as well as height clearance requirements need to be addressed and submitted for approval by the Responsible Authority.

Management Plans

9. The Management Plans approved under Conditions 3, 5 and 8 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

Development Contributions

10. Before the completion of each stage of the development, a Development Contribution as agreed by the Responsibility Authority in accordance with Clause 45.06, Development Contributions Plan Overlay Schedule 1 – Doncaster Hill Development Contributions Plan must be paid to the Responsible Authority.

Landscaping

11. Before the development starts, a landscaping plan must be prepared by a suitably qualified 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 be generally in accordance with the concept landscape plan prepared by Tract Consultants dated May 2015, but expanded to show:
 - 11.1. Any details as relevant or directed by any other condition of this Permit;
 - 11.2. A detailed planting schedule of the species, numbers of plants, approximate height, spread of proposed planting and planting/pot size for all trees, shrubs and all other plants;
 - 11.3. The boulevard treatment and any permanent fixtures in front of the building on Doncaster Road (as per Part D Doncaster Hill Strategy 2002) with the continuation of the boulevard treatment around the corners of both Council and Tower Streets to the satisfaction of the Responsible Authority;
 - 11.4. Details of interim landscaping and surface treatments over land in Stage 2 of the development.
 - 11.5. An in-ground, automatic watering system linked to the rainwater tanks in the basement.
12. Before the release of the approved plans for the development, a \$20,000 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 discharges after a period of 13

weeks from the completion of all landscaping works, provided the landscaped areas are being maintained to the satisfaction of the Responsible Authority.

13. Before the occupation of any building in each stage, landscaping works (including interim landscaping) 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

14. The owner must provide on site stormwater 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:
 - 14.1. Be designed for a 1 in 5 year storm; and
 - 14.2. Storage must be designed for 1 in 10 year storm.
15. Before the development starts, a construction plan for the system required by Condition No. 14 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.
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.

Vehicle Crossovers

17. Any new crossover or modifications to an existing vehicle crossover must be constructed in accordance with Council's standard details. No such works are permitted to commence unless a 'Vehicle Crossing Permit' is first obtained from the Responsible Authority.
18. Before the completion of Stage 1, the developer must remove all disused or redundant vehicle crossovers in Doncaster Road and Council Street and re-instate kerb, channel and naturestrip in the affected areas to the satisfaction of the Responsible Authority.

Car Parking

19. Before the occupation of the buildings in each stage, all basement parking spaces must be properly formed, line-marked, numbered and signposted to provide allocation to the commercial uses and/or each dwelling and visitors to the satisfaction of the Responsible Authority.
20. Car spaces, access lanes and driveways shown on the endorsed plans must not be used for any other purpose and may only be used by occupants of or visitors to the buildings to the satisfaction of the Responsible Authority.
21. Access to the car parking area in Stage 1 outside of the operating hours of the trade supplies and restricted retail premises is to be limited to pass holders only from the internal driveway at the rear of the site. The gate at the Doncaster Road entry is to close.

Roadworks

22. All road works in Council Street and Doncaster Road shown on the Interim Functional Layout Plan and Ultimate Functional Layout Plan must be completed to the satisfaction of the Responsible Authority, at the cost of the owner, and as follows:
- 22.1. The works shown on the Interim Functional Layout Plan in Council Street and Doncaster Road must be completed prior to the occupation of Stage 1, generally in accordance with the plan and including the erection of security barriers where necessary.
- 22.2. The works shown on the Ultimate Functional Layout Plan in Council Street and Doncaster Road must be completed generally in accordance with the plan:
- 22.2.1. Before the occupation of Stage 2B;
- 22.2.2. Within two years after the convenience store used by 7-Eleven ceases; or
- 22.2.3. Before 30 June 2024,
whichever is the earlier.

These works include the construction of a third departure lane within Council Street, the extension of the left turn lane on Doncaster Road from the crossover to be constructed as part of Stage 1 to Council Street, and the modification of the Doncaster Road crossover from a left-in/left-out arrangement to be left-in only arrangement.

If the land forming Stage 2B of the development is in separate ownership to the land accommodating the proposed Bunnings Store, these works must be undertaken at the cost of the owner of the land proposed to contain the Bunnings Store.

- 22.3. Despite Condition 22.1 and 22.2, if the use of the convenience store by 7-Eleven ceases prior to the occupation of Stage 1, the works shown on the Interim Functional Layout Plan and as modified by the Ultimate Functional Layout Plan must be completed before the occupation of Stage 1.

For the purpose of this condition, the convenience store use will have ceased if it is no longer operated as a 7-Eleven store and is open to the public.

23. If the works shown in the Interim Functional Layout Plan and Ultimate Layout Plan are not completed in accordance with Condition 22 and Condition 49 of this permit, the use of the Bunnings land for trade supplies and/or restricted retail premises must cease immediately.
24. All new or replacement street fixtures including street lighting, bollards and bicycle racks are to be constructed using the approved themed infrastructure for Doncaster Hill to the satisfaction of the Responsible Authority.
25. Before any works on public land commence including roadworks or works to lower footpath levels adjacent to the site, detailed construction plans must be submitted to and approved by the Responsible Authority. When approved, the plans will then form part of the permit. All works constructed or carried out must be in accordance with the approved plans. The plans must be drawn to scale with dimensions and two copies must be provided. The plans must include:

- 25.1. fully sealed pavement with kerb and channel and vehicular crossings where appropriate;
 - 25.2. footpaths and/or pedestrian/bicycle paths;
 - 25.3. surface and underground drains;
 - 25.4. underground conduits for water, gas, electricity and telephone;
 - 25.5. appropriate intersection and traffic measures;
 - 25.6. appropriate street lighting and signage;
 - 25.7. high stability permanent survey marks;
 - 25.8. vehicle crossings;
26. Before any public works associated with the development commence, a plan-checking fee equal to 0.75% of the cost of construction of the development works, and a supervision fee equal to 2.5% of the cost of construction of the development works must be paid to the Responsible Authority.
 27. Before the occupation of any building in Stage 1 of the development, a maintenance deposit equal to 5% of the cost of construction of the development roadworks must be lodged with the Responsible Authority and retained thereafter for a minimum of three months.

Completion

28. All privacy screens and obscure glazing as shown in accordance with the approved plans must be installed prior to occupation of each stage of the development to the satisfaction of the Responsible Authority and maintained thereafter to the satisfaction of the Responsible Authority.
29. All plant and equipment that is not installed within the building must otherwise be installed in the area of plant and equipment on the roof of the building, unless otherwise agreed in writing with the Responsible Authority.
30. No air-conditioning units are to be installed on any balcony or façade so that they are visible from outside the site.
31. 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.
32. An intercom and an automatic basement door opening system (connected to each dwelling) must be installed, so as to facilitate convenient 24 hour access to the basement car park by visitors, to the satisfaction of the Responsible Authority.
33. A centralised TV antenna system must be installed and connections made to each dwelling to the satisfaction of the Responsible Authority. No individual dish antennas may be installed on balconies, terraces or walls to the satisfaction of the Responsible Authority.
34. All services, including water, electricity, gas, sewerage and telephone, must be installed underground and located to the satisfaction of the Responsible Authority.
35. Buildings, paved areas, drainage and landscaping must be maintained to the satisfaction of the Responsible Authority.

36. The shop front and glass facades of the retail tenancies on ground level facing Doncaster Road including the glazing through to the travelator and atrium of the trade supplies and restricted retail premises, are not to be covered by posters, film or signage that reduces the transparency of the interface to the satisfaction of the responsible authority.

Loading and Unloading Operations

37. All commercial deliveries to the site may only be carried out between the hours of 7:00am to 9:00pm and by using medium ridged vehicles (maximum size) to the satisfaction of the Responsible Authority.
38. Delivery access to the loading area of the Trade Supplies and Restricted Retail Premises is restricted during school pickup and collection times between 8.45am - 9.15am and 3.15pm - 3.45pm to the satisfaction of the Responsible Authority.
39. All unloading or loading activities (including by retail customers) must be carried out wholly within the land to the satisfaction of the Responsible Authority.

Amenity of Area

40. The use and development be managed so that the amenity of the area is not detrimentally affected, to the satisfaction of the Responsible Authority, through the:
 - 40.1. Transport of materials, goods or commodities to or from the land;
 - 40.2. Storage of goods and wastes;
 - 40.3. Appearance of any building, works or materials;
 - 40.4. Emission of noise, light, vibration, odour & dust.
41. No external sound amplification equipment or loudspeakers are to be used for the purpose of announcement, broadcast, playing of music or similar purpose to the satisfaction of the Responsible Authority.
42. All noise emanating from any mechanical plant (air conditioners, refrigeration plant, etc.) must comply with the State Environment Protection Policy N-1 and in the event of the Responsible Authority receiving justifiable complaints regarding noise from such sources, the onus will be on the owner of the development site to prove compliance with the relevant policy to the satisfaction of the Responsible Authority.
43. External lighting must be designed so to limit loss of amenity to residents of adjoining properties to the satisfaction of the Responsible Authority. Any communal lighting must be connected to reticulated mains electricity and be operated by a time switch, movement sensors or a daylight sensor to the satisfaction of the Responsible Authority.
44. All security alarms or similar devices installed on the land must be of a silent type and be connected to a registered security service.

Business Identification Signs

45. The location, size, structure and details of the signs shown on the approved plans, must not be altered without the written consent of the Responsible Authority.

46. The approved signs must be constructed and maintained in good condition to the satisfaction of the Responsible Authority.
47. The approved signs must not contain flashing or intermittent light.
48. The permission under the permit relating to the display of signs expires fifteen years after its issue date.

VICROADS CONDITIONS

49. Prior to the submission of plans for endorsement, functional layout plans must be submitted to and approved by VicRoads (and the Responsible Authority in so far as the plans relate to works in Council Street). The plans must be generally in accordance with the Interim Works (Prepared by TraffixGroup, Drawing No G13420-03, Issue B, dated 1 September 2015) and the Ultimate Works (Prepared by Traffix Group, Drawing No G13420-04, Issue C, dated 21 March 2016).

The Interim Functional Layout Plan must include;

- 49.1. A lengthening of the right-turn lane of the eastern approach from Doncaster Road into Council Street to 170 metres, inclusive of taper,
- 49.2. Lengthening of the approach lanes on Council Street, and
- 49.3. Widening of Doncaster Road (to the north) of provide for a left-turn deceleration lane to the Doncaster Road access.

The Ultimate Functional Layout Plan must also include the following further works;

- 49.4. Extension of the left-turn deceleration lane on Doncaster Road from the Doncaster Road access to Council Street,
 - 49.5. Widening of Council Street to facilitate the inclusion of a third departure lane,
 - 49.6. Revised landscaping along the Doncaster Road reserve as shown on the VicRoads approved landscaping plan,
 - 49.7. Relocated locations of street lighting poles and signal pedestals, and
 - 49.8. Relocated location of the existing bus stop.
50. Prior to the submission of plans for endorsement, a revised landscape plan must be submitted to and approved by VicRoads (and the Responsible Authority in so far as the plans relate to Condition 11 of this Permit) . The landscape plans must show the following;
 - 50.1. Any new tree along Doncaster Road will have adequate safety clearance to the edge of the through traffic lane and the edge of the left-turn deceleration lane,
 - 50.2. Adequate approach sight distance shall be maintained between a driver's line of sight for vehicles within the deceleration lane and a pedestrian at the Bunnings' Doncaster Road driveway access, and
 - 50.3. Planting in the vicinity of the intersection of Doncaster Road and Council Street will not obstruct driver and pedestrian sight lines.
 51. Before the development starts, amended plans must be submitted to and approved by VicRoads (and the Responsible Authority in so far as the plans relate to works in Council Street). When approved by VicRoads (and the

Responsible Authority), the plans must be endorsed by the Responsible Authority and will then form part of the permit. The plans must be generally in accordance with Bunnings Ground Floor Plan (Sheet No A112, Project No 14.1053.17, Revision 30, dated 31 May 2016) and Basement B1 Carpark Floor Plan (Sheet No A111, Project No 14.1053.17, Revision 26, dated 31 May 2016), but modified to show;

- 51.1. All roadworks as shown on the approved Ultimate Functional Layout Plans, for the upgrade of the Doncaster Road and Council Street intersection,
 - 51.2. Landscaping along Doncaster Road reserve as shown in the approved Landscape Plan,
 - 51.3. The road reserve boundary revised such that the proposed kerblines is offset no less than 3 metres from the road reserve boundary, based on the approved Ultimate Functional Layout Plans, and
 - 51.4. No part of the building (including basement levels) extending or projecting into the revised road reserve.
52. Provision must be made for a new controller and associated hardware for the intersection of Doncaster Road and Council Street, prior to the occupation of Stage 2B, to allow for the inclusion of bonus left turn movements to and from Council Street and potentially a bus priority signal phase (subject to Public Transport Victoria's approval), to the satisfaction of VicRoads. The Doncaster Road access must remain open during the operating hours of the trade supplies and restricted retail premises.
53. Where the proposed roadworks, including footpath and nature strip, lie within the subject land, a widening of the road reserve will be required. The developer must engage a licensed surveyor to prepare Plans of Subdivision, for Stage 1 and Stage 2, showing the affected land labelled "ROAD", which is to be vested in the Roads Corporation upon certification of the Plan of Subdivision, without any encumbrances. Subsequent to the registration of the plan, the subdivider must ensure that the original Certificates of Title that issues in the name of the Roads Corporation, are posted to: VicRoads - Property Services Department, 60 Denmark Street KEW, 3101.
- 53.1. Prior to the start of any buildings and works for Stage 1, the land abutting Doncaster Road that will be required must be vested.
 - 53.2. Prior to the start of any buildings and works for Stage 2, the land abutting Council Street that will be required must be vested.
54. Prior to the commencement of any works or prior to a statement of compliance being issued for the subdivision of any stage of the subdivision, where the proposed roadworks, including footpath and nature strip, lie within the subject land the applicant must enter into an agreement with the Responsible Authority and VicRoads, under Section 173 of the Planning and Environment Act 1987, to provide for the permit holder to reimburse all costs incurred by VicRoads and the Responsible Authority associated with the declaration of the land as arterial road pursuant to the provisions of the Road Management Act 2004 and the rezoning of the land to RDZ1 pursuant to the provisions of the Planning and Environment Act 1987.

55. Prior to the commencement of use and/or the occupation of the buildings in Stage 1, all roadworks shown on the approved Interim Functional Layout Plans must be completed to the satisfaction of and at no cost to VicRoads.
56. Prior to the commencement of use and/or the occupation of the buildings in Stage 2, all roadworks shown on the approved Ultimate Functional Layout Plans must be completed to the satisfaction of and at no cost to VicRoads.
57. No work must be commenced in, on or over the road reserve without having first obtaining all necessary approvals under the Road Management Act 2004, the Road Safety Act 1986, and any other relevant Act or regulations created under those Acts.

PTV Conditions

58. Before the development starts, or other time agreed in writing with the Responsible Authority, amended plans for the interim and ultimate development to the satisfaction of the responsible authority and Public Transport Victoria 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 drawn to scale with dimensions and three copies must be provided. The plans for the interim and ultimate development must be generally in accordance with the plans submitted with the application but modified to show:

Interim road and access layout (during the tenure of the 7-Eleven)

- 58.1. Details of the relocated temporary bus shelter (on the departure side of Council Street) on Doncaster Road including bus shelter, line marking and all associated infrastructure Disability Discrimination Act (DDA) compliant to the satisfaction of the Responsible Authority.

Ultimate road and access layout (after the tenure of the 7-Eleven)

- 58.2. Details of the relocated bus stop on Doncaster Road including bus shelter, line marking and all associated infrastructure Discrimination Act (DDA) compliant to the satisfaction of Public Transport Victoria.
 - 58.3. Access path and paved surfaces in line with the entrance and exit points of the bus with a minimum width of 1.2 metres; and
 - 58.4. Provision of a bus queue jump facility in the left turn slip lane including a "B" signal priority light at the intersection of Council Street with Doncaster Road.
59. Before the occupation of Stage 1 of the development, the temporary bus stop and shelter relocation required during the interim road and access arrangements; and before occupation of Stage 2 of the development; the ultimate bus stop shelter relocation, bus queue jump and "B" light as shown on the endorsed plans, must be at a cost born by the permit holder to the satisfaction of Public Transport Victoria and deemed compliant with the Disability Discrimination Act – Disability Standards for Accessible Public Transport 2002.
 60. The permit holder must take all reasonable steps to ensure that disruption to bus operations along Doncaster Road is kept to a minimum during the construction of the development. Foreseen disruptions to bus operations and mitigation measures must be communicated to Public Transport Victoria fourteen days (14) prior.

Expiry

61. This permit will expire if any one of the following circumstances apply:
 - 61.1. The development associated with Stage 1 is not started within two (2) years of the date of the issue of this permit;
 - 61.2. The development associated with Stage 1 is not completed within four (4) years of the date of this permit;
 - 61.3. The use associated with Stage 1 is not commenced within four (4) years of the date of this permit;
 - 61.4. The development associated with Stages 2 is not started within six (6) years of the date of the permit.
 - 61.5. The development associated with Stages 2 is not completed within eight (8) years of the date of the permit.

The Responsible Authority may extend these times if a request is made in writing before the permit expires or within three months afterwards.

COUNCILLOR'S MOTION

That having considered all objections A NOTICE OF DECISION TO GRANT AN AMENDED PLANNING PERMIT be issued for Planning Application No. PL12/022747 for the use of land for a trade supplies and restricted retail premise, and retail premises, the construction of three multi-storey buildings (in three stages) comprising apartments and the above uses with associated basement car parking, alterations to a Road Zone 1 including new access and display of business identification signage in accordance with the endorsed plans at No. 659-669 Doncaster Road, 4-6 Tower Street and 1A-5 Council Street containing the following conditions:

Amended Plans

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 decisions plans (Drawn by Thomson Adsett, Revision 20, dated 25 May 2016 and as received by Council on 1 June – A3 copy and 6 June – A1 copy) but modified to show:**
 - 1.1. **An additional plan detailing the materials used in the façade of the buildings fronting Doncaster Road and the dimensions of all proposed business identification signs.**
 - 1.2. **Chain wire fencing (or similar) added to prevent unauthorized access to the landscape buffer area at the rear of the site.**
 - 1.3. **Demonstration that the boulevard treatment is to be provided in accordance with Part D of Council's Doncaster Hill Strategy (2002) in front of the site and adjacent to Doncaster Road, where possible.**
 - 1.4. **An additional plan showing the extent of proposed roadworks on Council Street and Doncaster Road in accordance with the recommendations outlined in the conclusions of the Traffic Group**

Traffic Engineering Assessment (dated 5 March 2013 and updated in June 2015) and VicRoads conditions of this permit.

- 1.5. A plan notation that the existing speed hump and school pedestrian crossing in Council Street is to be relocated north of the application site at the developers cost prior to development commencing on site (to avoid conflicts with construction vehicles); and with no net loss in the availability of car parking to the primary school or other solution to the benefit of the primary school to the satisfaction of the responsible authority.
- 1.6. A plan notation that a safety barrier is to be erected on the eastern side of Council Street in the vicinity of the existing pedestrian entry of the primary school to prevent inadvertent access onto Council Street following its widening.
- 1.7. Shower and change room facilities for the trade supplies and restricted retail premise staff as per the requirements of Clause 52.34 of the Manningham Planning Scheme.
- 1.8. The residential pedestrian entry to the apartments in Stage 1 redesigned to include a functional bicycle storage room.
- 1.9. The extent of shadow caused by the buildings to not exceed the Overshadowing requirement of Clause 4.4 of the Schedule 1 to the Activity Centre Zone (ACZ1).
- 1.10. The number of storage areas to cater to one per apartment. Should above bonnet cages be used specifications of size of the cages and the clearance above ground is to be shown.
- 1.11. Specifications of the typical storage cupboards in the basement including their internal capacity.
- 1.12. Details of basement ventilation, including the location and design treatment of any mechanical intake or outlet required.
- 1.13. A gate or barrier that allows the entry to the car parking area in Stage 1 from Doncaster Road to close.
- 1.14. A plan notation that a clear sight distance of pedestrians for exiting vehicles as per Clause 3.2.4 of AS 2890.1 will be provided at all exits.
- 1.15. A plan notation outlining interim measures as part of Stage 1 that protect adjacent residents to the north from the noise associated with vehicles accessing the development whilst sections of the internal driveway remain open. A 2.6m high solid paling fence along the sections of the internal driveway in Stage 2 would satisfy this requirement.
- 1.16. Fixtures such as seating and/or public artwork that is to be installed in front of the building.
- 1.17. A notation that is consistent with the VicRoads requirements indicating that the footpath and nature strip in front of the development is to be vested in the Roads Corporation.
- 1.18. Details of the bus shelter that will be erected at the relocated bus stop.

- 1.19. Minimum sustainability features applicable to the development from the approved Sustainability Management Plan including the location and capacity of rainwater tanks, the uses for captured rainwater, and the solar hot water systems on the roof plans including notes for the solar fraction of the system and boosting types.
- 1.20. A plan notation to indicate 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.
- 1.21. A plan notation that a communal notice board will be erected within or nearby the lobby for use by residents of the building.
- 1.22. A report from a qualified person investigating whether specific acoustic measures are required in apartments adjacent to Doncaster Road to combat noise from traffic and the apartments adjacent to the trade supplies and restricted retail premise nursery area. The report is to use Australian Standards as benchmarks. Any recommended measures are to be incorporated into the plans.
- 1.23. The eastern elevations of the trade supplies and restricted retail premises in Stage 1 amended to include temporary architectural treatments (such as the horizontal timber battens) to provide additional visual interest.
- 1.24. A plan notation that signage will be erected at the vehicle entry and exit of the internal driveway, and at the vehicle entry from Doncaster Road, that restricts pedestrian access to these areas.
- 1.25. The 29 metre building envelope line across the northern elevation demonstrating that the maximum building height of the development accords with Clause 4.4 of Schedule 1 to the Activity Centre Zone.
- 1.26. The enclosure of the vehicle accessway and provision of a 4.5 metre wide landscape buffer along the north boundary adjacent to 7 Council Street and 3 and 5 Berkeley Street for construction in Stage 1 and in accordance with the approved development (Hayball development plans) with any consequential adjustment to the vehicle accessway and Stage 2A building to be to the satisfaction of the Responsible Authority;
- 1.27. Building setbacks to the northern boundary no less than 4.5 metres.
- 1.28. The northern elevation to accurately depict the levels associated with the accessway along this boundary.
- 1.29. Demonstration that entry into the Stage 1 and 2 buildings complies with Australian Standard AS1428 Part 2 per Clause 4.4 of Schedule 1 to the Activity Centre Zone. The provision of a 1:20 grade should be provided, unless it can be demonstrated by a suitably qualified professional that an alternative outcome is suitable.
- 1.30. Existing and finished surface levels adjacent to and around all building entries. The access on the western elevation for Stage 1 is

well below existing ground level and therefore the footpath and nature strip needs to be modified extensively.

- 1.31. Existing and finished surface levels adjacent to and around all vehicle entry/exit points. All vehicle access must be designed in accordance with Clause 52.06 Car Parking of the Manningham Planning Scheme and the relevant Australian Standards.
- 1.32. The provision of stepping of the Stage 2A building, as viewed from the eastern elevation via increased setbacks at the two uppermost levels to the satisfaction of the Responsible Authority.
- 1.33. The accurate depiction of protruding balconies associated with the Stage 2A building along the northern and eastern elevations.
- 1.34. Retractable clotheslines to all ground level open spaces and balconies to limit their visibility to public and private realms.
- 1.35. Details of paving and surface finishes of all common areas at ground and elevated levels clearly labelled.
- 1.36. The reduction in bicycle parking spaces along the Doncaster Road frontage by half.
- 1.37. The allocation of car parking spaces for residential or retail use.
- 1.38. Visitor car parking clearly labelled.
- 1.39. The *TraffixDesign* Interim Roadworks Plan and Ultimate Roadworks Plan (dated June 2015) updated to remove the southernmost access on Council Street and to include the direction of traffic flow at each access point.
- 1.40. Any relevant changes as a result of changes required by VicRoads Conditions 48 to 56 of this permit.
- 1.41. A notation that the 'MSB RM' along the northern wall of Basement Level B1 (Stage 1) is not be converted for a electrical substation or ventilated to the external north-facing wall (i.e. it is to remain enclosed).
- 1.42. A statement/report by a qualified services engineering considering any impacts to future or existing residents from noise or fumes from the carpark and timber exhaust air outlet. The outlet sits adjacent to the northern end of the building in Stage 1 and immediately opposite bedrooms and a balcony of apartments in Stage 2. Should the outlet unreasonably impact future or existing residents, it is to be relocated.

Plan

2. The layout of the site, the size of buildings and works, the staging and the description of the uses 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 commences an amended SMP that outlines proposed sustainable design initiatives for the modified proposal must be submitted to and approved by the Responsible Authority. Upon approval the SMP will be endorsed as part of the planning permit and the

development must incorporate the sustainable design initiatives outlined in the endorsed SMP to the satisfaction of the Responsible Authority. The amended SMP must be generally in accordance with the SMP prepared by Sustainable Development Consultants Pty Ltd dated June 2015 but modified to reflect the revised development (Section 57A Plans).

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 each stage of 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. Hours of demolition and construction to be to the satisfaction of the Responsible Authority;
 - 5.2. Adequate parking facilities for the anticipated number and type of construction workers to be detailed in plan form to the satisfaction of the Responsible Authority. The location of parking must be compliant with any applicable Council parking restrictions or with any relevant permissions granted by any private land owner (in the event of the use of private land);
 - 5.3. Methods to contain dust, dirt and mud within the site, and the method and frequency of clean up procedures;
 - 5.4. On site facilities for vehicle washing;
 - 5.5. Delivery and unloading points and expected frequency;
 - 5.6. A liaison officer for contact by residents and the Responsible Authority in the event of relevant queries or problems experienced;
 - 5.7. The movement of construction vehicles to and from the site must be regulated to ensure that no traffic hazards are created in and around the site;
 - 5.8. Measures to minimise the impact of construction vehicles arriving at and departing from the land;
 - 5.9. An outline of requests to occupy public footpaths or roads, and anticipated disruptions to local services;
 - 5.10. The processes to be adopted for the separation, re-use and recycling of demolition materials;
 - 5.11. The measures to minimise the amount of waste construction materials; the provision for the recycling of demolition and waste materials; and the return of waste materials to the supplier (where the supplier has a program of reuse or recycling);

- 5.12. The measures to minimise noise and other amenity impacts from mechanical equipment and demolition/construction activities, especially outside of daytime hours;
 - 5.13. The provision of adequate environmental awareness training for all on-site contractors and sub contractors;
 - 5.14. Evidence of a pre-condition dilapidation survey has been carried out in relation to properties along the northern boundary of the site.
 - 5.15. An agreed schedule of compliance inspections; and
 - 5.16. Land in Stage 2 used to minimise the construction impact of Stage 1 to adjoining and nearby properties.
6. All works including earthworks, demolition and construction activity associated with the approved development is to be limited to the following hours, unless with the prior written consent of the Responsible Authority:
- 6.1. Monday to Friday: 7:00am to 7:00pm
 - 6.2. Saturday: 9:00am to 5:00pm
 - 6.3. Sunday and Public Holidays: No construction
7. No trucks or heavy construction vehicles associated with earthworks, demolition or construction works are permitted to use Council Street north of the application site to the satisfaction of the Responsible Authority.

Waste Management Plan

8. Before the development starts, two copies of an amended Waste Management Plan (WMP) 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 detail how best practice standards are achieved based on the Manningham City Council – Waste Collection for Residential Developments in Manningham – Guidelines for Developers, and be consistent with the submitted plan but amended to detail:
- 8.1. Specific waste management practices pertaining to each separate collection area in the development;
 - 8.2. Chutes, carousels, drop-off areas and compaction facilities;
 - 8.3. Access to bin rooms, chutes and drop-off areas;
 - 8.4. Hard waste collection;
 - 8.5. Collection locations and routines including times and frequency;
 - 8.6. The methods used to educate residents of waste collection system including the recycling component and hard waste; and,
 - 8.7. Swept path diagrams illustrating the collection vehicles to be used as well as height clearance requirements need to be addressed and submitted for approval by the Responsible Authority.

Management Plans

9. **The Management Plans approved under Conditions 3, 5 and 8 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**

Development Contributions

10. **Before the completion of each stage of the development, a Development Contribution as agreed by the Responsibility Authority in accordance with Clause 45.06, Development Contributions Plan Overlay Schedule 1 – Doncaster Hill Development Contributions Plan must be paid to the Responsible Authority.**

Landscaping

11. **Before the development starts, a landscaping plan must be prepared by a suitably qualified 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 be generally in accordance with the concept landscape plan prepared by Tract Consultants dated May 2015, but expanded to show:**
 - 11.1. **Any details as relevant or directed by any other condition of this Permit;**
 - 11.2. **A detailed planting schedule of the species, numbers of plants, approximate height, spread of proposed planting and planting/pot size for all trees, shrubs and all other plants;**
 - 11.3. **The boulevard treatment and any permanent fixtures in front of the building on Doncaster Road (as per Part D Doncaster Hill Strategy 2002) with the continuation of the boulevard treatment around the corners of both Council and Tower Streets to the satisfaction of the Responsible Authority;**
 - 11.4. **Details of interim landscaping and surface treatments over land in Stage 2 of the development.**
 - 11.5. **An in-ground, automatic watering system linked to the rainwater tanks in the basement.**
12. **Before the release of the approved plans for the development, a \$20,000 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 discharges after a period of 13 weeks from the completion of all landscaping works, provided the landscaped areas are being maintained to the satisfaction of the Responsible Authority.**
13. **Before the occupation of any building in each stage, landscaping works (including interim landscaping) 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

14. **The owner must provide on site stormwater 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:

- 14.1. Be designed for a 1 in 5 year storm; and
- 14.2. Storage must be designed for 1 in 10 year storm.
- 15. Before the development starts, a construction plan for the system required by Condition No. 14 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.
- 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.

Vehicle Crossovers

- 17. Any new crossover or modifications to an existing vehicle crossover must be constructed in accordance with Council's standard details. No such works are permitted to commence unless a 'Vehicle Crossing Permit' is first obtained from the Responsible Authority.
- 18. Before the completion of Stage 1, the developer must remove all disused or redundant vehicle crossovers in Doncaster Road and Council Street and re-instate kerb, channel and naturestrip in the affected areas to the satisfaction of the Responsible Authority.

Car Parking

- 19. Before the occupation of the buildings in each stage, all basement parking spaces must be properly formed, line-marked, numbered and signposted to provide allocation to the commercial uses and/or each dwelling and visitors to the satisfaction of the Responsible Authority.
- 20. Car spaces, access lanes and driveways shown on the endorsed plans must not be used for any other purpose and may only be used by occupants of or visitors to the buildings to the satisfaction of the Responsible Authority.
- 21. Access to the car parking area in Stage 1 outside of the operating hours of the trade supplies and restricted retail premises is to be limited to pass holders only from the internal driveway at the rear of the site. The gate at the Doncaster Road entry is to close.

Roadworks

- 22. All road works in Council Street and Doncaster Road shown on the Interim Functional Layout Plan and Ultimate Functional Layout Plan must be completed to the satisfaction of the Responsible Authority, at the cost of the owner, and as follows:
 - 22.1. The works shown on the Interim Functional Layout Plan in Council Street and Doncaster Road must be completed prior to the occupation of Stage 1, generally in accordance with the plan and including the erection of security barriers where necessary.

22.2. The works shown on the Ultimate Functional Layout Plan in Council Street and Doncaster Road must be completed generally in accordance with the plan:

22.2.1. Before the occupation of Stage 2B;

22.2.2. Within two years after the convenience store used by 7-Eleven ceases; or

22.2.3. Before 30 June 2024,

whichever is the earlier.

These works include the construction of a third departure lane within Council Street, the extension of the left turn lane on Doncaster Road from the crossover to be constructed as part of Stage 1 to Council Street, and the modification of the Doncaster Road crossover from a left-in/left-out arrangement to be left-in only arrangement.

If the land forming Stage 2B of the development is in separate ownership to the land accommodating the proposed Bunnings Store, these works must be undertaken at the cost of the owner of the land proposed to contain the Bunnings Store.

22.3. Despite Condition 22.1 and 22.2, if the use of the convenience store by 7-Eleven ceases prior to the occupation of Stage 1, the works shown on the Interim Functional Layout Plan and as modified by the Ultimate Functional Layout Plan must be completed before the occupation of Stage 1.

For the purpose of this condition, the convenience store use will have ceased if it is no longer operated as a 7-Eleven store and is open to the public.

- 23. If the works shown in the Interim Functional Layout Plan and Ultimate Layout Plan are not completed in accordance with Condition 22 and Condition 49 of this permit, the use of the Bunnings land for trade supplies and/or restricted retail premises must cease immediately.**
- 24. All new or replacement street fixtures including street lighting, bollards and bicycle racks are to be constructed using the approved themed infrastructure for Doncaster Hill to the satisfaction of the Responsible Authority.**
- 25. Before any works on public land commence including roadworks or works to lower footpath levels adjacent to the site, detailed construction plans must be submitted to and approved by the Responsible Authority. When approved, the plans will then form part of the permit. All works constructed or carried out must be in accordance with the approved plans. The plans must be drawn to scale with dimensions and two copies must be provided. The plans must include:**
- 25.1. fully sealed pavement with kerb and channel and vehicular crossings where appropriate;**
- 25.2. footpaths and/or pedestrian/bicycle paths;**
- 25.3. surface and underground drains;**
- 25.4. underground conduits for water, gas, electricity and telephone;**

- 25.5. appropriate intersection and traffication measures;
 - 25.6. appropriate street lighting and signage;
 - 25.7. high stability permanent survey marks;
 - 25.8. vehicle crossings;
26. Before any public works associated with the development commence, a plan-checking fee equal to 0.75% of the cost of construction of the development works, and a supervision fee equal to 2.5% of the cost of construction of the development works must be paid to the Responsible Authority.
27. Before the occupation of any building in Stage 1 of the development, a maintenance deposit equal to 5% of the cost of construction of the development roadworks must be lodged with the Responsible Authority and retained thereafter for a minimum of three months.

Completion

28. All privacy screens and obscure glazing as shown in accordance with the approved plans must be installed prior to occupation of each stage of the development to the satisfaction of the Responsible Authority and maintained thereafter to the satisfaction of the Responsible Authority.
29. All plant and equipment that is not installed within the building must otherwise be installed in the area of plant and equipment on the roof of the building, unless otherwise agreed in writing with the Responsible Authority.
30. No air-conditioning units are to be installed on any balcony or façade so that they are visible from outside the site.
31. 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.
32. An intercom and an automatic basement door opening system (connected to each dwelling) must be installed, so as to facilitate convenient 24 hour access to the basement car park by visitors, to the satisfaction of the Responsible Authority.
33. A centralised TV antenna system must be installed and connections made to each dwelling to the satisfaction of the Responsible Authority. No individual dish antennas may be installed on balconies, terraces or walls to the satisfaction of the Responsible Authority.
34. All services, including water, electricity, gas, sewerage and telephone, must be installed underground and located to the satisfaction of the Responsible Authority.
35. Buildings, paved areas, drainage and landscaping must be maintained to the satisfaction of the Responsible Authority.
36. The shop front and glass facades of the retail tenancies on ground level facing Doncaster Road including the glazing through to the travelator and atrium of the trade supplies and restricted retail premises, are not to be covered by posters, film or signage that reduces the transparency of the interface to the satisfaction of the responsible authority.

Loading and Unloading Operations

37. All commercial deliveries to the site may only be carried out between the hours of 7:00am to 9:00pm and by using medium ridged vehicles (maximum size) to the satisfaction of the Responsible Authority.
38. Delivery access to the loading area of the Trade Supplies and Restricted Retail Premises is restricted during school pickup and collection times between 8.45am - 9.15am and 3.15pm - 3.45pm to the satisfaction of the Responsible Authority.
39. All unloading or loading activities (including by retail customers) must be carried out wholly within the land to the satisfaction of the Responsible Authority.

Amenity of Area

40. The use and development be managed so that the amenity of the area is not detrimentally affected, to the satisfaction of the Responsible Authority, through the:
 - 40.1. Transport of materials, goods or commodities to or from the land;
 - 40.2. Storage of goods and wastes;
 - 40.3. Appearance of any building, works or materials;
 - 40.4. Emission of noise, light, vibration, odour & dust.
41. No external sound amplification equipment or loudspeakers are to be used for the purpose of announcement, broadcast, playing of music or similar purpose to the satisfaction of the Responsible Authority.
42. All noise emanating from any mechanical plant (air conditioners, refrigeration plant, etc.) must comply with the State Environment Protection Policy N-1 and in the event of the Responsible Authority receiving justifiable complaints regarding noise from such sources, the onus will be on the owner of the development site to prove compliance with the relevant policy to the satisfaction of the Responsible Authority.
43. External lighting must be designed so to limit loss of amenity to residents of adjoining properties to the satisfaction of the Responsible Authority. Any communal lighting must be connected to reticulated mains electricity and be operated by a time switch, movement sensors or a daylight sensor to the satisfaction of the Responsible Authority.
44. All security alarms or similar devices installed on the land must be of a silent type and be connected to a registered security service.

Business Identification Signs

45. The location, size, structure and details of the signs shown on the approved plans, must not be altered without the written consent of the Responsible Authority.
46. The approved signs must be constructed and maintained in good condition to the satisfaction of the Responsible Authority.
47. The approved signs must not contain flashing or intermittent light.
48. The permission under the permit relating to the display of signs expires fifteen years after its issue date.

VICROADS CONDITIONS

49. Prior to the submission of plans for endorsement, functional layout plans must be submitted to and approved by VicRoads (and the Responsible Authority in so far as the plans relate to works in Council Street). The plans must be generally in accordance with the Interim Works (Prepared by TraffixGroup, Drawing No G13420-03, Issue B, dated 1 September 2015) and the Ultimate Works (Prepared by Traffix Group, Drawing No G13420-04, Issue C, dated 21 March 2016).

The Interim Functional Layout Plan must include;

- 49.1. A lengthening of the right-turn lane of the eastern approach from Doncaster Road into Council Street to 170 metres, inclusive of taper,
- 49.2. Lengthening of the approach lanes on Council Street, and
- 49.3. Widening of Doncaster Road (to the north) of provide for a left-turn deceleration lane to the Doncaster Road access.

The Ultimate Functional Layout Plan must also include the following further works;

- 49.4. Extension of the left-turn deceleration lane on Doncaster Road from the Doncaster Road access to Council Street,
- 49.5. Widening of Council Street to facilitate the inclusion of a third departure lane,
- 49.6. Revised landscaping along the Doncaster Road reserve as shown on the VicRoads approved landscaping plan,
- 49.7. Relocated locations of street lighting poles and signal pedestals, and
- 49.8. Relocated location of the existing bus stop.
50. Prior to the submission of plans for endorsement, a revised landscape plan must be submitted to and approved by VicRoads (and the Responsible Authority in so far as the plans relate to Condition 11 of this Permit) . The landscape plans must show the following;
- 50.1. Any new tree along Doncaster Road will have adequate safety clearance to the edge of the through traffic lane and the edge of the left-turn deceleration lane,
- 50.2. Adequate approach sight distance shall be maintained between a driver's line of sight for vehicles within the deceleration lane and a pedestrian at the Bunnings' Doncaster Road driveway access, and
- 50.3. Planting in the vicinity of the intersection of Doncaster Road and Council Street will not obstruct driver and pedestrian sight lines.
51. Before the development starts, amended plans must be submitted to and approved by VicRoads (and the Responsible Authority in so far as the plans relate to works in Council Street). When approved by VicRoads (and the Responsible Authority), the plans must be endorse by the Responsible Authority and will then form part of the permit. The plans must be generally in accordance with Bunnings Ground Floor Plan (Sheet No A112, Project No 14.1053.17, Revision 30, dated 31 May 2016)

- and Basement B1 Carpark Floor Plan (Sheet No A111, Project No 14.1053.17, Revision 26, dated 31 May 2016), but modified to show;
- 51.1. All roadworks as shown on the approved Ultimate Functional Layout Plans, for the upgrade of the Doncaster Road and Council Street intersection,
 - 51.2. Landscaping along Doncaster Road reserve as shown in the approved Landscape Plan,
 - 51.3. The road reserve boundary revised such that the proposed kerblines is offset no less than 3 metres from the road reserve boundary, based on the approved Ultimate Functional Layout Plans, and
 - 51.4. No part of the building (including basement levels) extending or projecting into the revised road reserve.
52. Provision must be made for a new controller and associated hardware for the intersection of Doncaster Road and Council Street, prior to the occupation of Stage 2B, to allow for the inclusion of bonus left turn movements to and from Council Street and potentially a bus priority signal phase (subject to Public Transport Victoria's approval), to the satisfaction of VicRoads. The Doncaster Road access must remain open during the operating hours of the trade supplies and restricted retail premises.
53. Where the proposed roadworks, including footpath and nature strip, lie within the subject land, a widening of the road reserve will be required. The developer must engage a licensed surveyor to prepare Plans of Subdivision, for Stage 1 and Stage 2, showing the affected land labelled "ROAD", which is to be vested in the Roads Corporation upon certification of the Plan of Subdivision, without any encumbrances. Subsequent to the registration of the plan, the subdivider must ensure that the original Certificates of Title that issues in the name of the Roads Corporation, are posted to: VicRoads - Property Services Department, 60 Denmark Street KEW, 3101.
- 53.1. Prior to the start of any buildings and works for Stage 1, the land abutting Doncaster Road that will be required must be vested.
 - 53.2. Prior to the start of any buildings and works for Stage 2, the land abutting Council Street that will be required must be vested.
54. Prior to the commencement of any works or prior to a statement of compliance being issued for the subdivision of any stage of the subdivision, where the proposed roadworks, including footpath and nature strip, lie within the subject land the applicant must enter into an agreement with the Responsible Authority and VicRoads, under Section 173 of the Planning and Environment Act 1987, to provide for the permit holder to reimburse all costs incurred by VicRoads and the Responsible Authority associated with the declaration of the land as arterial road pursuant to the provisions of the Road Management Act 2004 and the rezoning of the land to RDZ1 pursuant to the provisions of the Planning and Environment Act 1987.
55. Prior to the commencement of use and/or the occupation of the buildings in Stage 1, all roadworks shown on the approved Interim

Functional Layout Plans must be completed to the satisfaction of and at no cost to VicRoads.

56. All roadworks shown on the approved Ultimate Functional Layout Plans must be completed to the satisfaction of and at no cost to VicRoads, within the following timeframes:
- 56.1. before the occupation of Stage 2B,
- 56.2. within two years after the convenience store used by 7-Eleven ceases; or
- 56.3. Before 30 June 2024,
- whichever is the earliest.
57. No work must be commenced in, on or over the road reserve without having first obtaining all necessary approvals under the Road Management Act 2004, the Road Safety Act 1986, and any other relevant Act or regulations created under those Acts.

PTV Conditions

58. Before the development starts, or other time agreed in writing with the Responsible Authority, amended plans for the interim and ultimate development to the satisfaction of the responsible authority and Public Transport Victoria 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 drawn to scale with dimensions and three copies must be provided. The plans for the interim and ultimate development must be generally in accordance with the plans submitted with the application but modified to show:
- Interim road and access layout (during the tenure of the 7-Eleven)*
- 58.1. Details of the relocated temporary bus shelter (on the departure side of Council Street) on Doncaster Road including bus shelter, line marking and all associated infrastructure Disability Discrimination Act (DDA) compliant to the satisfaction of the Responsible Authority.
- Ultimate road and access layout (after the tenure of the 7-Eleven)*
- 58.2. Details of the relocated bus stop on Doncaster Road including bus shelter, line marking and all associated infrastructure Disability Discrimination Act (DDA) compliant to the satisfaction of Public Transport Victoria.
- 58.3. Access path and paved surfaces in line with the entrance and exit points of the bus with a minimum width of 1.2 metres; and
- 58.4. Provision of a bus queue jump facility in the left turn slip lane including a “B” signal priority light at the intersection of Council Street with Doncaster Road.
59. Before the occupation of Stage 1 of the development, the temporary bus stop and shelter relocation required during the interim road and access arrangements; and before occupation of Stage 2 of the development; the ultimate bus stop shelter relocation, bus queue jump and “B” light as shown on the endorsed plans, must be at a cost born by the permit holder to the satisfaction of Public Transport Victoria and deemed

compliant with the Disability Discrimination Act – Disability Standards for Accessible Public Transport 2002.

60. The permit holder must take all reasonable steps to ensure that disruption to bus operations along Doncaster Road is kept to a minimum during the construction of the development. Foreseen disruptions to bus operations and mitigation measures must be communicated to Public Transport Victoria fourteen days (14) prior.

Expiry

61. This permit will expire if any one of the following circumstances apply:
- 61.1. The development associated with Stage 1 is not started within two (2) years of the date of the issue of this permit;
 - 61.2. The development associated with Stage 1 is not completed within four (4) years of the date of this permit;
 - 61.3. The use associated with Stage 1 is not commenced within four (4) years of the date of this permit;
 - 61.4. The development associated with Stages 2 is not started within six (6) years of the date of the permit.
 - 61.5. The development associated with Stages 2 is not completed within eight (8) years of the date of the permit.

The Responsible Authority may extend these times if a request is made in writing before the permit expires or within three months afterwards.

MOVED: HAYNES
SECONDED: O'BRIEN

That the Motion as tabled be adopted.

CARRIED

Attachments:

Attachment 1 – Council Report 28 May 2013
Attachment 2 – Planning Permit PL12/022747
Attachment 3 – Advertised Plans Bunnings Doncaster and Doncaster Hill Residential

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10. PLANNING & ENVIRONMENT**10.1 Amendment C112 to Manningham Planning Scheme 775-779
Doncaster Road, Doncaster - Removal of Restrictive
Covenant**

Responsible Director: Director Planning & Environment

File No. T16/125

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 to consider a request by Contour Consultants on behalf of Wilman Pty Ltd, for Council to seek Ministerial authorisation to prepare and exhibit an amendment to the Schedule to Clause 52.02 to the Manningham Planning Scheme to remove the restrictive covenants that encumber the land at 775, 777 and 779 Doncaster Road, Doncaster.

The restrictive covenants that currently apply to the abovementioned properties allow for only one dwelling to be constructed on each lot and require the dwellings to be constructed of specified materials.

The properties are located on a main road and are included within the Residential Growth Zone under the provisions of the Manningham Planning Scheme, as well as being affected by the Design and Development Overlay Schedule 8 which contains objectives designating the properties as being suitable for three storey 'apartment style' development.

The proponent argues that the removal of the restrictive covenants would allow for the future development of the land in a manner which is consistent with the current planning controls that apply to the properties, the State Planning Policy Framework, the Local Planning Policy Framework and the Manningham Residential Strategy 2012.

All beneficiaries of the restrictive covenants (approximately 18 properties) would be notified of the exhibition of any Amendment proposing the removal of the covenants.

It is recommended that Council seek authorisation of the Minister for Planning under section 8A of the Planning and Environment Act 1987 to prepare and exhibit a planning scheme amendment to the Manningham Planning Scheme to remove the restrictive covenant as it applies to 775, 777 and 779 Doncaster Road, Doncaster.

1 BACKGROUND

775-779 Doncaster Road, Doncaster

- 1.1 The land affected by the Amendment includes three properties at 775, 777 and 779 Doncaster Road Doncaster, located to the north of Doncaster Road, approximately 160 metres to the west of the Church Road intersection and one kilometre to the east of the intersection of Tram Road and Doncaster Road – refer **Attachment 1**.
- 1.2 The Amendment site comprises three regular size allotments with a total site area of approximately 2,096sqm. Refer **Attachment 2**.
- 1.3 Adjoining properties to the east and west are included within the Residential Growth Zone (Schedule 2) where increased housing densities are specifically encouraged – refer **Attachment 3**.
- 1.4 Adjoining properties to the north are included within the General Residential Zone (Schedule 2).
- 1.5 The subject land and the adjoining land to the north, east and west of the subject site is developed with single detached dwellings.

Restrictive Covenants

- 1.6 Many residential lots in the City of Manningham have titles which contain restrictive covenants. Covenants or restrictions can limit the use and development of the land in various ways, including a restriction that not more than one dwelling may be erected. This is commonly known as a single dwelling covenant.
- 1.7 The covenant is noted on the title and the full details are contained in a separate document called the Instrument of Transfer.
- 1.8 A covenant is not extinguished with the sale of land – the restriction is passed on to each subsequent purchaser (legal beneficiary).
- 1.9 Whilst planning schemes provide more comprehensive and transparent planning controls that guide use and development throughout a municipality, covenant's can still apply and cause issues if a landowner wishes to develop their land, depending on the restriction of the covenant.

Legal beneficiaries

- 1.10 Owners of land within the same subdivision are not all necessarily beneficiaries of a covenant shown on the title for a particular lot. The extent of nearby land owners having the benefit of the covenant is dependent upon the wording of the covenant and the date that each lot was transferred from the parent title.
- 1.11 In the case of the subject proposal the proponent has provided that, in relation to 775-779 Doncaster Road, Doncaster, the land benefited by this restrictive covenant is all the land in Plan of Subdivision No. 54013. The map at **Attachment 4** highlights in pink the sites at 775-779 Doncaster Road, Doncaster and highlights in yellow the balance of the land in Plan of Subdivision No. 54013 which is considered to have the benefit of the restrictive covenants applying to the sites at 775-779 Doncaster Road.

Planning and Environment (Restrictive Covenants) Act 2000

- 1.12 At a general level, the *Restrictive Covenants Act 2000* ensures that restrictive covenants play a larger role in planning decisions about how land is used or developed.
- 1.13 Under the Act, Council is prohibited from granting or amending a permit if anything authorised by the permit or amendment would result in a breach of a registered restrictive covenant. The only exception is if a permit is also granted to allow the removal or variation of the restrictive covenant. In this instance, Council would place a condition on the permit which states that this permit is not to come into effect until the covenant is removed or varied. In the case of a planning application to remove a covenant, if objections are received from beneficiaries objecting to the proposed removal of the covenant, the application must be refused.
- 1.14 Planning application PL15/025524 which was lodged in August 2015, in relation to 775, 777 and 779 Doncaster Road, Doncaster and proposed the removal of the restrictive covenant as it applied to the subject sites. The application was advertised and seven objections were received; three were received from properties that are not legal beneficiaries to the restrictive covenant. Based on Council advice that the application would be refused, the applicant chose to withdraw that application, in December 2015.

Removal of a Covenant

- 1.15 There are three methods available for the variation or removal of a restrictive covenant on the title:
- Pursue the variation or removal through the Supreme Court;
 - Apply for variation or removal via a planning permit; or
 - Apply for an amendment to the Manningham Planning Scheme.
- 1.16 With regard to the planning scheme amendment mechanism, section 6 (2) (g) of the *Planning and Environment Act 1987* provides that a planning scheme may regulate or provide for the removal or variation of a restrictive covenant.
- 1.17 Recent panels have used the following criteria to assess proposals for removal of restrictive covenant proposals via amendments to planning schemes including:
- The purpose of the restrictive covenant;
 - The benefit of the covenant;
 - Changes which have occurred in the character of the neighbourhood and circumstances which impact on the relevance of the covenant;
 - The detrimental impact on the amenity of the neighbouring properties;
 - Consistency with planning policies; and
 - Creation of an undesirable precedent.
- 1.18 The Panel Report for Amendment C50 to the Manningham Planning Scheme (which introduced elements of the Residential Character Guidelines into the Manningham Planning Scheme), responded to a request to remove

restrictive covenants along Doncaster Road. In that instance, submitters indicated that development was inappropriate due to existing covenants on properties in this area.

- 1.19 The Panel Report came to the following conclusions regarding the relevance of restrictive covenants:

“As a general planning principle the Panel does not accept that covenants should override the strategic planning for an area. The broader state and local policies to direct development toward activity centres should be the primary concern of planning provisions. Should private arrangements exist that prevent the implementation of these strategic direction then this is a separate matter that can be addressed in other forums.”

- 1.20 Whilst this conclusion responds to a submission for a separate planning scheme amendment, the same principles would apply to other areas where restrictive covenants apply.

2 PROPOSAL/ISSUE

- 2.1 Amendment C112 seeks to facilitate the removal of the restrictive covenant as it applies to 775 to 779 Doncaster Road, Doncaster by modifying the Schedule to Clause 52.02 of the Manningham Planning Scheme. Upon approval of the Amendment, it will be possible for the owner of each of the lots affected by this Amendment to lodge a plan for certification under section 23 of the *Subdivision Act 1988* showing the restrictive covenants as removed. Upon that plan of subdivision being lodged and registered at the Titles Office, the restrictive covenants affecting each lot will be removed.
- 2.2 The proposed Amendment documentation is included at **Attachment 5**.

3 PRIORITY/TIMING

- 3.1 Subject to Council's endorsement, authorisation will be sought from the Minister for Planning to prepare and exhibit the planning scheme amendment, which will be undertaken in accordance with Ministerial Direction 15.

4 POLICY/PRECEDENT IMPLICATIONS

State Planning Policy Framework (SPPF)

- 4.1 The SPPF identifies principles of land use and development planning relevant to the proposed amendment. The amendment would be consistent with the following:
- Clause 11.02-1 Supply of Urban Land: Planning for urban growth should consider opportunities for the consolidation, redevelopment and intensification of existing urban areas.
 - Clause 11.04-2 Housing Choice and Affordability: To reduce the cost of living by increasing housing supply near services and public transport.
 - Clause 16.01-1 Integrated Housing: Increase the supply of housing in existing urban areas by facilitating increased housing yield in appropriate locations, including under-utilised urban land.
 - Clause 16.01-2 Location of Residential Development: Encourage higher density housing development on sites that are well located in

relation to activity centres, employment corridors and public transport. Planning should also identify opportunities for increased residential densities to help consolidate urban areas.

Local Planning Policy Framework (LPPF)

- 4.2 The proposal would also be responsive to the applicable provisions set out within the Municipal Strategic Statement, namely Clauses 21.04 and 21.05, which identifies the subjects sites as being located along a main road within 'precinct 2' and thus suitable for a '*substantial level of change....with these areas being a focus for higher density developments.*'
- 4.3 This is further reinforced by the *Manningham Residential Strategy (2012)*, identified as a reference document under Clause 21.05, which designates land immediately adjacent to Doncaster Road as being suitable for '*substantial change*'.

Zoning

- 4.4 The subject land is included within the Residential Growth Zone Schedule 2 pursuant to the provisions of the Manningham Planning Scheme.
- 4.5 The purpose of the Residential Growth 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.
 - To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.
- 4.6 Schedule 2 to the Residential Growth Zone is specific to residential areas along main roads. The Schedule does not vary any of the requirements of the zone and no maximum building height is specified.
- 4.7 The sites affected by the amendment are located within a zone that encourages higher density residential development.

Design and Development Overlay Schedule 8

- 4.8 The subject sites are also affected by the Design and Development Overlay Schedule 8, Area 1 (DDO8 – 1) pursuant to the provisions of the Manningham Planning Scheme.
- 4.9 Schedule 8 specifically relates to 'residential areas surrounding activity centres and along main roads'. The schedule includes interalia, the following relevant design objectives as applicable to the 'Main Road sub-precinct' within which the sites are located:

- To increase residential densities and provide a range of housing types around activity centres and along main roads.
- To support three story 'apartment style' developments within the Main Road sub-precinct and in sub-precinct A, where the minimum land size can be achieved.

- 4.10 Within DDO8-1 (Main Road) sub precinct as applicable to the subject sites, the following controls apply:

Maximum Building Height

11 metres, provided the condition regarding minimum land size is met. The maximum building height is not mandatory within this precinct.

Condition regarding minimum land size

A minimum land size of 1,800 sqm, which must be all in 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.

- 4.11 DDO8-1 (Main Road) has been applied to facilitate higher residential densities, more specifically three storey 'apartment style' developments within the Main Road sub-precinct.

5 CUSTOMER/COMMUNITY IMPACT

- 5.1 The broader community, in particular the beneficiaries to the restrictive covenant will have the opportunity to comment on the proposed removal of the covenants and make submissions during the exhibition of the amendment. In addition, any subsequent planning application for development of the subject sites would also be advertised.

6 FINANCIAL RESOURCE IMPLICATIONS

- 6.1 Planning Scheme amendments are prepared and administered by the Economic and Environmental Planning Unit. The proponent of the Amendment 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.

7 SUSTAINABILITY

- 7.1 It is considered that:

- the Amendment would have positive social and economic effects by allowing for the removal of existing restrictive covenants which currently limits, among other things, the subject properties from accommodating more than one dwelling on a lot.
- the Amendment would facilitate development opportunities to fulfil the objectives of the *Manningham Residential Strategy (2012)* and the planning provisions that apply to the subject properties.
- the Amendment would be unlikely to have any negative environmental effects.

8 CONSULTATION

- 8.1 Before consulting with the community, Council is required to seek authorisation from the Minister for Planning to prepare and exhibit the proposed planning scheme amendment. The Amendment would be exhibited for four weeks. Consultation is proposed to include direct notification to the owners and occupiers of the properties identified as benefiting from the restrictive covenant.
- 8.2 Following the exhibition period, Council would consider any submissions received and decide whether to adopt the Amendment with or without changes, to refer the submissions to an Independent Panel appointed by the Minister for Planning, or to abandon the Amendment. If Council refers the submissions to a Panel, that Panel would consider the submissions and make recommendations to Council in relation to the submissions.

9 CONCLUSION

- 9.1 It is considered the proposed Amendment has a sound strategic basis and is supported by the SSPF and LPPF, the *Manningham Residential Strategy (2012)* and the objectives of the zone and overlays that apply to the subject sites, all of which encourage higher density housing in this location.
- 9.2 On this basis, it is recommended that Council seek authorisation from the Minister for Planning under section 8A of the *Planning and Environment Act 1987* to prepare and exhibit an amendment to the Manningham Planning Scheme to amend the schedule to Clause 52.02 to remove the restrictive covenants as they apply to 775, 777 and 779 Doncaster Road, Doncaster.

OFFICER'S RECOMMENDATION

That Council:

- (A) **Seeks authorisation from the Minister for Planning under section 8A of the *Planning and Environment Act 1987* to prepare and exhibit an amendment to the Schedule to Clause 52.02 to the Manningham Planning Scheme to remove the restrictive covenants that apply to the land at 775, 777 and 779 Doncaster Road, Doncaster, generally in accordance with Attachment 5.**
- (B) **Subject to authorisation being granted by the Minister for Planning, resolves to place Amendment C112 on public exhibition for a period of four weeks.**

**MOVED: O'BRIEN
SECONDED: GRIVOKOSTOPOULOS**

That the Recommendation be adopted.

CARRIED

"Refer Attachments"

ATTACHMENT 1	Subject sites – Location plan
ATTACHMENT 2	Subject sites – Aerial photo
ATTACHMENT 3	Zoning plan
ATTACHMENT 4	Plan showing legal beneficiaries to restrictive covenant
ATTACHMENT 5	Amendment documentation

* * * * *

10.2 Koonung Park - Management Plan Endorsement

Responsible Director: Director Planning & Environment

File No. T16/143

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 to consider submissions received in response to the exhibition of the draft Koonung Park Management Plan during May /June 2016.

The draft Koonung Park Management Plan, which includes recommendations for the Park's future use, development and management, was on public exhibition for a four week period, 6 May – 6 June 2016. A total of 23 submissions have been received.

The key comments received through the public exhibition period include:

- *Disappointment that the number of cricket training nets available to the public is being reduced from two to one.*
- *Concern that the new initiatives planned for the Park are exclusively benefitting the sports clubs at the expense of the community.*
- *Comments that the three tennis courts are all well utilised with the third court being the most popular playing surface and requests to retain all three for tennis.*
- *Requests to add basketball and netball as new activities to participate.*
- *Ideas for the new playground and requests to add a picnic shelter to the adjacent barbecue and picnic area.*

Council officers have recommended some changes to the Management Plan in response to community feedback (Refer Attachment 3). This report seeks Council endorsement of the draft Koonung Park Management Plan with those recommended changes.

1 BACKGROUND

- 1.1 Koonung Park is owned by Manningham City Council. It has an area of approximately 3.5 hectares and is located at Furneaux Grove, Bulleen on the southern boundary of the municipality, adjacent to Koonung Creek Linear Park.
- 1.2 Existing facilities at the Park include one sportsground used for cricket and football, three community tennis courts, Koonarra Hall (for hire), a playground and exercise equipment. It also includes a sports pavilion, carpark and public toilets. Significant River Red Gums are also an important feature of the Park.
- 1.3 The Park is located within one of the most populated residential communities in Manningham. It is identified in Council's *Open Space Strategy 2014* as a district reserve with an important function in Manningham's open space network as a sporting and recreation facility. It is one of the larger and more picturesque reserves in the Bolin Bolin precinct.

- 1.4 The Open Space Strategy identifies that residents east of Bulleen Road do not have ideal access to larger areas of open space. The Strategy recommends that reserves in this precinct should be upgraded to a higher standard than average, with quality facilities accessible to the community, so as to offset the impact of large open space gaps in this precinct.
- 1.5 There are few opportunities to provide additional land for open space purposes in this area south of Manningham Road therefore, Council needs to plan carefully with their current areas of open space.
- 1.6 The key stakeholders at Koonung Park are:
- Bulleen Cricket Club
 - Manningham Cobras Football Club (Australian Rules)
 - Koonarra Hall regular and casual hirers
 - Users of free community tennis courts
 - Local residents.
- 1.7 A draft management plan (the first for the Park) was developed having regard to feedback received following consultation with user groups and the community during 2015.
- 1.8 Key actions outlined in the draft management plan include:
- New landscaping and planting throughout the Park.
 - Creating new paths to improve access to community facilities.
 - Installing three new synthetic cricket training nets that are enclosed, lockable and available for club use only, plus one training net that is accessible to the community.
 - Installing cyclone mesh fence around the sportsground.
 - Installing protective netting behind northern goals (near the car park).
 - Providing options for the management of the community tennis courts.
 - Improvements to the car park.
 - An upgrade to the playground.
- 1.9 The draft Koonung Park Management Plan (Attachment 1) was on public exhibition for a four week period from 6 May to 6 June 2016.

2 PROPOSAL/ISSUE

- 2.1 A total of 24 submissions have been received in relation to the draft Management Plan, including 21 from local residents, and one each from the Bulleen Cricket Club, the Probus Club of Doncaster and advice from United Energy.
- 2.2 The submissions are listed in the table included as Attachment 3 and an officer response together with any recommended changes to the draft Plan are also included.
- 2.3 In response to the issues raised in the submissions, seven changes are recommended to the draft Plan and clarification is required in four other areas. These are described below.

Change Numbers 1 and 10 – Cricket practice nets

-
- 2.4 A change is recommended to the cricket practice nets facility to allow full usage by the community for the four nets. This new facility would be funded and maintained by Council. Extra storage for the cricket club is still proposed to be included as part of this facility.
 - 2.5 The draft Plan proposed to reduce the number of cricket nets available for community use from two nets to one net. The location of the new cricket nets is proposed on the site of one of the old tennis courts. This will separate the sporting facilities from the informal recreation activities (playground, exercise equipment and barbecue area) on the western side of the Park. The cricket facility proposed in the draft Plan includes three locked nets (for cricket club use only) and one cricket net open to the community. Feedback suggests that the community cricket nets are well utilised over the school holidays and in summer. The community's perception is a loss of access to public facilities at the expense of the cricket club gaining exclusive use of a new cricket facility.
 - 2.6 The cricket club's feedback is that they wish to retain the existing nets in addition to the new cricket net facility. The Plan already increases the number of synthetic practice nets from two to four. The cricket club proposal would provide six synthetic practice nets. The four new nets are considered sufficient to meet the demands of the club. Therefore no change is recommended to proposal in the draft plan to remove the old cricket nets.

Changes Numbers 2, 4, 6 and 9 - Tennis courts

- 2.7 In response to community feedback it is proposed that tennis be retained on all three of the courts, that futsal soccer be retained on the third court and that basketball and netball rings be provided at the top two courts.
- 2.8 The three tennis courts are a popular and well used asset. The draft Plan proposed to retain tennis on the top two courts only and convert the third court to other multi use activities. Recent feedback suggests that all three tennis courts are well used and the synthetic grass surface of the third court is especially popular in wet weather and a better playing surface.
- 2.9 There were also requests for informal soccer (goals), netball and basketball. The Koonarra tennis courts provide a great opportunity to provide multi use activities for the community, so it recommended that the Plan be changed to enable multi use of all courts with basketball, netball and tennis on the top two courts and futsal soccer and tennis on the third court.
- 2.10 Feedback from the consultation process suggests that at least one group who hires Koonarra Hall has been regularly using the tennis court floodlights. There is no maintenance being undertaken of these lights and there is no system in place for tennis court users to pay for the cost of lights. A 2016 external audit states that the poles and fixtures are in poor condition and recommends that the existing system be decommissioned to ensure no further use.
- 2.11 There is no change in the recommendation to remove the tennis court flood lights. A large capital investment is required to replace the lights with a new system and it is proposed to remove floodlights from the two courts. Two of these poles are poorly located in a pathway and in the carpark. While no change is recommended to the Plan, clarification is required that the lights are working and have been in use by at least one group.

In contradiction to Council's club based model, private tennis coaches are earning an income from the courts without outlaying any costs for usage or

infrastructure. Clarification is required that the long term recommendation of exploring options for use and management would be undertaken through an expressions of interest (EOI) process with the intention to assist community based clubs maximise potential for their programs that are currently capped at their existing club facility. The EOI would not be available for private coaches.

Change Number 3 - Screening of bins

- 2.12 It is recommended that the draft Plan be amended to show screen planting of the rubbish bins and switchboard on Furneaux Grove.
- 2.13 As a result of consolidating the park into two titles a new switchboard was recently installed on Furneaux Grove as part of the new sportsground flood lights. Along with the rubbish bins nearby, this is now an unattractive entrance to the Park and requires screening.

Change Numbers 5 and 7 - Picnic Shelter and BBQ

- 2.14 Some residents have requested some shelter at the barbecue area and Council's *Urban and Park Design Guidelines* specify that a simple shelter is appropriate in this situation.
- 2.15 Clarification that the barbeques next to the pavilion will be retained.

Change Numbers 8 – Opens Space and Landscape

- 2.16 Clarification of species and heritage value of vegetation proposed for removal.

Change Number 11 - Electronic scoreboard

- 2.17 It is recommended that the proposed electronic scoreboard be relocated onto the property title that contains the power supply in accordance with further advice from the service authority.

3 PRIORITY/TIMING

- 3.1 To date, there has not been a management plan for Koonung Park. It is timely to coordinate planning for facilities to ensure a balance is achieved for the community to have continued access to infrastructure and facilities.

4 POLICY/PRECEDENT IMPLICATIONS

- 4.1 Relevant Council strategies considered in preparation of the draft Plan include the *Open Space Strategy 2014*, *Active For Life Recreation Strategy 2010*, *Manningham Tennis Strategy 2003*, *Manningham Urban and Park Design Guidelines 2010* and the *Outdoor Sports Infrastructure Guidelines 2015*.

5 CUSTOMER/COMMUNITY IMPACT

- 5.1 The impact on the community for the changes made to the draft Management Plan as a result of May 2016 consultation includes retaining three courts for tennis.
- 5.2 This will have a positive impact on the community, especially those who have a preference for playing tennis on the synthetic grass surface on the third court. However, converting the three tennis courts areas to multi use will be a change for the community when on occasions, the top two courts will be in use for basketball and/ or netball.

- 5.3 Converting the three tennis courts to multi use with the addition of basketball/netball on the top two courts will provide more active recreation opportunities for the community. Feedback from recent consultation suggests the community's perception was that traditional male dominated sports were being catered for at the expense of activities that are also popular with girls. Basketball and netball will mainly be in use during the school holidays and early evenings over the summer months.
- 5.4 Overall, the impact of the proposed multi use courts will be an increase in the number of people using the Park giving a greater perception of increased safety for the local community.
- 5.5 Koonarra Hall hirers who use the lower tennis court for party activities will not be affected as they can continue to do this on a 'first come first served' basis with other tennis court users.
- 5.6 Council has not been maintaining the tennis court lights and has only been made aware that the floodlights have been in use by a group who hires Koonarra Hall (without paying for the cost). This group will be impacted over the winter months without the use of the lights available to them any longer.
- 5.7 Increasing the number of cricket nets open to the public from one to four will have a positive impact on the community. Recent consultation suggests the community's perception with the proposed 'locked' nets, was that the cricket club was being favoured over private use at the expense of the local community.
- 5.8 As per all tenant agreements, the cricket club will have first preference with these facilities during their nominated times of use. The proposed changes have been discussed with Bulleen Cricket Club. Council will now be maintaining all of these training nets so there isn't any anticipated negative impact to the club with the change in community accessibility to the proposed new cricket nets.
- 5.9 Screen planting the switchboard and rubbish bins that are visible from Furneaux Grove will improve the main entrance for visitors to the Park and residents living on Furneaux Grove.
- 5.10 The location of the existing scoreboard is visually prominent from Furneaux Grove, the main access to the Park. The relocation of the scoreboard (most likely to the western side of the sports ground) will visually be a positive impact on the community as it will be a less obtrusive sight. There is no anticipated functional impact on the relocation of the scoreboard.
- 5.11 More generally, the adoption of a Management Plan for Koonung Reserve will benefit the community by improving the facilities and amenity of the Park and providing for a range of facilities, services and open space areas with a range of uses and purposes, with benefits for the physical and psychological health of the community.

6 FINANCIAL RESOURCE IMPLICATIONS

- 6.1 The indicative ten year capital works program does not have any funds allocated to commence implementation of the Management Plan. Once the draft Plan is endorsed by Council a Capital Works Business Case will be prepared. The total cost of the Plan, with the changes recommended, will be \$494,000 which is an additional \$27,500 compared to the exhibited Plan.
- 6.2 The impacts of changes include:

- Increase scope of the paving area in front of the pavilion and the access path between this area and the new cricket nets (Balwyn Road).
- The cost of two basketball rings and two netball rings, which could be installed as part of the tennis court replacement fencing.
- The cost of the picnic shelter in the barbecue area is included as part of the Neighbourhood Parks Development program and has no impact on this Management Plan budget.
- The difference in cost of the modified cricket nets is negligible. However, the ongoing maintenance of the cricket nets will be Council's responsibility; the main concern being potential damage to the nets as a result of vandalism. There are no recent records of cricket nets in Manningham that are open to the public being vandalised.

7 REGIONAL/STRATEGIC IMPLICATIONS

- 7.1 The cricket club and football club both play in local competitions. There are no regional implications with the cricket club. The football club currently also plays at a low competition level but the Yarra Junior Football League has financially contributed to the new floodlight infrastructure and it is anticipated the ground will be used more for girls' competition in the future.
- 7.2 There are no regional or strategic implications associated with the recommended changes to the draft Plan following public exhibition.

8 CONSULTATION

- 8.1 Preliminary consultation was undertaken in November 2015 with the two sports clubs and via a survey mailed to 467 local residents; this formed the basis of the draft Management Plan.
- 8.2 The draft Management Plan went on public exhibition from 6 May to 6 June 2016. The Master Plan and information about making a submission was mailed to the same 467 residents as per the initial consultation (refer Attachment 2). In addition, advertisements were placed in the Leader newspaper, Council's Facebook page and website, a media release was prepared, copies of the draft plan were made available at each library and Council's customer service counter and signs were placed around Koonung Park. The draft Management Plan was also widely distributed to Council officers for comment.
- 8.3 Twenty three submissions were received from the community which are detailed in Attachment 3.

9 COMMUNICATIONS STRATEGY

- 9.1 Tenants will be notified and sent a copy of the final Plan when it is endorsed by Council.
- 9.2 All submitters will be notified of Council's decision.

10 CONCLUSION

- 10.1 Following consideration of the submissions received in response to the public exhibition of the draft Koonung Park Management Plan, it is proposed that the following changes be made to the Plan prior to its endorsement by Council:

1. The proposed four new cricket nets to allow full community access when not in use by the cricket club;
2. The three tennis courts to be retained to play tennis and other activities to make the area multi use;
3. Basketball and netball rings to be added to the two top tennis courts as part of the multi use area and futsal retained on the third court;
4. Electronic scoreboard to be relocated on to the property title that contains the power supply;
5. Rubbish bins and switchboard on Furneaux Grove to be screen planted; and
6. A picnic shelter is added to the barbecue area.
7. Additional information to clarify issues in the Management Plan.

OFFICER'S RECOMMENDATION

That Council:

- (A) Notes the submissions to the draft Koonung Park Management Plan.**
- (B) Endorses the Koonung Park Management Plan with the changes and clarifications identified in Attachment 3 to this report.**
- (C) Notifies all submitters of Council's decision and places the final Koonung Park Management Plan on Council's website.**
- (D) Notes that a Capital Works Business Case is to be prepared for implementation of the actions including in the Koonung Reserve Management Plan for consideration in the 2017/18 budget and subsequent budgets.**

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

That the Recommendation be adopted with Koonung Park being substituted for Koonung Reserve in part (D) of the recommendation.

CARRIED

"Refer Attachments"

Attachment 1 – Draft Koonung Park Management Plan
Attachment 2 – Flyer sent to residents for public consultation
Attachment 3 – Submitters' Table

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10.3 Economic and Environmental Planning Annual Reports (Council Plan)

Responsible Director: Director Planning & Environment

File No. T16/148

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 to summarise annual reports prepared in relation to economic, environmental, recreational, residential planning and Doncaster Hill for Manningham.

The reports respond to Council's Annual Initiatives 2015/2016 related to delivery of the Council Plan 2013-2017. In particular the reports relate to sustainable management, monitoring and enhancement of the natural and built environment; the Residential Strategy (2012); Doncaster Hill Strategy (2002, revised 2004); the Economic Development Strategy 2011-2030; and the Active for Life Recreation Strategy 2010-2025).

The report recommends that the annual reports be noted as completing the related 2015/2016 annual initiatives and will be published on Council's website.

1 BACKGROUND

1.1 The following are included as Annual Initiatives for 2015/2016 related to the delivery of the Council Plan 2013-2017.

No.	Goal	Name	Description	Measure of Success
9	2.3	Sustainable Management, Monitoring and Enhancement of the Natural and Built Environment	To continue to implement services and programs as identified in Council's key environmental strategies including <i>Bushland Management Strategy</i> , <i>Green Wedge Strategy</i> , <i>Climate 2020 Action Plan</i> , <i>Securing the Future</i> and <i>Carbon Action Plan</i> .	Successful achievement of major projects on the Natural Environment (18), Environmental Stewardship/Education (5) and Sustainability projects (7) by 30 June 2016.
14	4.2	Manningham Residential Strategy (2012) Implementation	To continue to implement the high priority actions of the <i>Manningham Residential Strategy</i> by developing new planning policies and controls.	Commencement or progressing of 90 per cent of the strategy's short term actions by 30 June 2016. <i>Note: These actions include implementation of the Doncaster Hill Strategy.</i>

No.	Goal	Name	Description	Measure of Success
18	5.2	Economic Development Strategy Implementation	To continue to implement the Economic Development Strategy with a particular focus on enhancing Manningham's tourism and activity centres to improve the economy of the City.	Development and commencement of a Visitor and Tourism Marketing Plan by 30 June 2016.
19	5.3	Active for Life Recreation Strategy Implementation	To continue to implement the Active for Life Recreation Action Plan.	Delivery of six diverse recreation programs that encourage our community to be more physically active in our parks and open spaces by 30 June 2016.

1.2 In accordance with previous annual initiatives annual reports have been presented to Councillors for the past several years in relation to the following:

- Environment programs and services related to the implementation of Council's key environmental strategies including *Bushland Management Strategy (2012)*, *Green Wedge Strategy (2004) and Action Plan (2011)*, *Climate 2020 Action Plan (2009)*, *Securing the Future (2012)* and *Carbon Abatement Plan (2014)*.
- *Residential Strategy (2012)*.
- *Doncaster Hill Strategy (2002) (Revised 2004)*.
- *Economic Development Strategy 2011-2030 (2011)*.
- *Active for Life Recreation Strategy 2010-2025 (2011)*.

1.3 Each of the strategies identified above include an Implementation Plan with recommended timeframes for the delivery of actions.

2 PROPOSAL/ISSUE

2.1 The following Annual Reports are attached:

- Environment services and programs– Refer Attachment 1.
- Residential Strategy – Refer Attachment 2.
- Doncaster Hill Strategy – Refer Attachment 3.
- Economic Development Strategy – Refer Attachment 4.
- Active for Life Recreation Strategy – Refer Attachment 5.

2.2 Some highlights from each of the reports are provided below:

Environment Programs and Services Annual Report (Attachment 1)

- 2.3 The key elements of Council's environmental services and programs include protecting biodiversity, saving energy and encouraging the community to be environmental stewards.
- 2.4 30 programs were envisaged for the year. 25 programs were successfully implemented, two were partially implemented, one not implemented at all and two programs collapsed into other programs. Therefore, 28 programs are included in the report (Attachment 1).
- 2.5 In the biodiversity or natural environment area, 18 environmental seminars and nature walks were held and continue to be popular; 85 residents were assisted with grants for sustainable land management work; 4850 Landcare group volunteer hours were worked; and extensive weed control work was done on 40 hectares of ecologically important private properties.
- 2.6 In the energy saving and sustainability area, a Council funding model has been approved for the switch to energy efficient LEDs for 4800 streetlights; a Food Security Plan was adopted and the Positive Charge service facilitated 43 household solar installations and other energy efficiency actions.
- 2.7 In the community stewardship area, 1500 people attended the Smarter Living Program to learn about healthy cooking, waste reduction and sustainable gardening; the MC2 community garden was expanded; and hundreds of school students attended Currawong Bush Park environmental education days.
- 2.8 Looking forward, some State Government policy reviews are underway which may provide an important opportunity to shape environmental policy, particularly in the areas of native vegetation and biodiversity. In a constrained financial context, new and innovative approaches to funding and partnerships will be necessary, such as the potential for 'shared services' with other local governments.
- 2.9 Consideration will also be given to streamlining the 2016/17 environmental reporting by reducing the number of projects from what was included in the relevant 'measure of success' under 'Enjoy and Protect Our Natural Spaces' in the Strategic Resource Plan 2016-2020 & Annual Initiatives 2016-17. Mostly, this can be done by collapsing some projects together while not diminishing the ability to achieve strategic goals, such as preserving our open spaces, bushlands, creeks and rivers.

Residential Strategy Annual Report (Attachment 2)

- 2.10 Of the Strategy's short term actions, 22 out of the 24 have been progressed or completed, which is close to 92% (target 90%).
- 2.11 Both building activity and planning applications continue to reflect increased diversity in housing products (townhouses and apartments) and that this growth is being directed to areas along main roads and around activity centres. A trend to including more 3 bedroom apartments in this area is also evident. This, together with Council's continued efforts to improve footpaths in these areas, is enhancing walkability.
- 2.12 The priority actions of 2015/16 have been successfully addressed, including:
- Amendment C109, which implements the findings of the municipal flood mapping, was prepared and exhibited in November 2015. The

submissions received as part of the exhibition are currently being reviewed.

- Amendment GC42, which introduces an ESD policy into the Manningham Planning Scheme, was prepared and exhibited in February 2016 and the Panel Hearing occurred in June 2016.
- Consultants were engaged in May 2016 to prepare a report that recommends a public open space contribution rate that could be included in Clause 52.01 of the Manningham Planning Scheme. The work is expected to be completed in the coming months.
- Amendment C110 was gazetted on 3 March 2016. This amendment provides greater policy direction for development in the Low Density Residential zone. Amongst other things, the Amendment had changes to Clause 21.06 to reflect the importance of the existing local road network and typology to the character of Low Density Residential areas.

2.13 Looking forward, the proposed key projects for 2016/17 include:

- Further progression of Amendment C109 that implements the findings of the municipal flood mapping.
- Further progression of GC42 that introduces an ESD policy for inclusion into the Manningham Planning Scheme.
- Completion of work that will determine a public open space contribution rate that could be applied across the municipality outside Doncaster Hill, as well as within the Doncaster Hill precinct, by way of an amendment to the Manningham Planning Scheme to introduce or amend the public open space contribution rate into the Schedule to Clause 52.01.
- Commencement of scoping and project planning to inform the preparation of a planning scheme amendment that introduces a development contribution rate across the municipality outside Doncaster Hill.
- Update of population forecasts based on revised assumptions and actual dwelling activity since the 2011 Census.

Doncaster Hill Strategy Annual Report (Attachment 3)

- 2.14 Property prices hit a record high, with land exceeding \$5000 per square metre. During 2015/2016 296 more apartments were completed, 892 were under construction (six developments) and two permits issued for an additional 182 apartments.
- 2.15 As part of the implementation of the Doncaster Hill Mode Shift Plan adopted by Council in July 2014 the Doncaster Hill Behaviour Change Plan was adopted by Council in March 2016. The aim of the Plan is to encourage a change in travel behaviour for existing and future residents, employers and employees in Doncaster Hill, to increase the use of sustainable transport modes for local trips and decrease private vehicle use in order to reduce congestions and adverse environmental impacts, as well as improving community health and wellbeing.
- 2.16 A review of the proposed traffic and transport infrastructure identified in the Doncaster Hill Development Contributions Plan 2005 has also commenced as another key action of the Mode Shift Plan.

- 2.17 Council and the Doncaster Rail Advocacy Steering Committee (DRASC) which has more recently been transformed into the new Integrated Transport Advisory Committee (ITAC) have continued their advocacy for achieving a Doncaster Rail Link to Manningham by 2029, as a long term objective, with other short and medium term advocacy objectives, such as formally preserving the Eastern Freeway alignment for rail, through the provision of a Bus Rapid Transit (BRT) network along this corridor in the interim (medium term).
- 2.18 Co-funded by VicHealth's Community Activation Program, the outdoor forecourt of MC² was transformed into a Plaza Park, a vibrant community space designed to accommodate a wide range of community programs and events from September 2015 – April 2016. During the 8 month period, 70 programs and events were run, ranging from exercise sessions to events in partnership with the Arts Centre and Circus Oz attracting over 15,000 participants.
- 2.19 The community food garden expanded from 12 to 24 boxes and a total of 30 food harvests were donated to the Doncare food bank.
- 2.20 Looking forward, Doncaster Hill continues to be successful in attracting large scale residential apartment investments. A need has been identified to better plan for employment-generating uses outside of Westfield in order to support local jobs creation.
- 2.21 A regional plan has also been developed, which provides clear direction for economic growth in the Melbourne East. This will assist with marketing Doncaster Hill as a prominent investment opportunity. Work has commenced on a Co-working Discussion Paper. This paper will help identify the opportunities and demand for a co-working facility in Doncaster Hill to service home-based businesses in Manningham.

Economic Development Strategy Annual Report (Attachment 4)

- 2.22 During 2015/2016, 94% of the 168 actions in the *Manningham Economic Development Strategy* were either delivered or completed by 30 June 2016. It should be noted that 78% of all the action are defined as *Ongoing*.
- 2.23 The *Visitor and Tourism Marketing Implementation Plan 2015/2016* was finalised in August 2015. The purpose of that plan is to develop a series of activities to encourage visitation and additional spend in Manningham.
- 2.24 Partnerships and an increased role in regional issues have also placed Manningham in a good position moving forward. The continued success of *the Manningham Business Excellence Awards* and *Women Inspiring Business Expo and Lunch* as feature events has created a stronger business community and has promoted Manningham as an ideal place to do business.
- 2.25 The *Business Development Program* was again successful for 2015-16 and included 54 events with 1,622 attendees. This was delivered at a minimal cost through leveraging and partnering with external agencies.
- 2.26 Launched the new *Manningham Business* website, built Wordpress platform providing an easy to use content management system that allows businesses to manage and control their content on the *Local Directory*.

- 2.27 The *Looking Forward* section of the report (page 40) highlights 11 initiatives that will be the focus of the *Economic Development and Tourism* team for 2016/2017.

Active for Live Active Recreation Strategy Annual Report (Attachment 5)

- 2.28 In relation to planning for recreation, there has been a focus on increasing participation, active travel and encouraging residents to be active in our parks and natural spaces. Significant investment has also been made in highball, Aquarena Aquatic and Leisure Centre and infrastructure for sports such as football, cricket, tennis, baseball and bowls.
- 2.29 The Active for Life Recreation Strategy 2010-2025 Action Plan is nearly complete. 80% of the project specific actions have been completed, with the final 20% to be completed over the next few years. 40% of the listed actions are ongoing and not project specific and will be addressed on a regular basis ongoing into the future.
- 2.30 The projects delivered for 2015/2016 include:
- Inspiring the community to get active outdoors and the numerous programs and events provided at no cost to the community to encourage activity and exercise in our parks and open spaces.
 - Planning for our community including the Melbourne East Regional Sport and Recreation Strategy and various stages of planning for local reserves including Domeney Reserve, Harold Link, Koonung Park, Lawford Reserve and Rieschiecks Reserve.
 - Showcasing our bushland reserves through nature plan programs and provision of specific nature play areas.
 - Getting around on our trails and walking circuits with improvements to shared paths and walking trails within our parks.
 - Exciting new playspaces with upgrades, including new signage, bollards, additional seating and planting in several reserves
 - Partnering with our community to support active travel to schools and the Doncaster Hill Mode Shift project.
 - Investing in our community in excess of \$14,097,568 on projects that include facility upgrades for sport and recreation clubs and the Manningham community.
- 2.31 Looking forward, the Strategy will be reviewed in 2016/2017 to develop an implementation plan for 2017-2025. New focus areas will include:
- Increasing demand for soccer facilities;
 - Increasing density in Doncaster Hill and adjacent areas (eg. Tullamore development)
 - Modified and flexible recreation opportunities;
 - Women in sport; and
 - Supporting non mainstream recreation groups/clubs.

3 PRIORITY/TIMING

- 3.1 Annual Progress Reports have been prepared at the end of each financial year for several years, in response to the measure of success for several annual initiatives prescribed in relation to delivery of the Council Plan 2013-2017.

4 CUSTOMER/COMMUNITY IMPACT

- 4.1 Each of the adopted strategies that are discussed within this report included extensive community engagement as part of its preparation. This engagement continues as part of implementation.
- 4.2 A number of communication tools support the delivery of each strategy, including fact sheets and brochures. Newsletters, such as *Invigorate* (Manningham's quarterly health and lifestyle magazine), Doncaster Hill e-newsletter, environment and business bulletins continue to be widely distributed.

5 COUNCIL PLAN/ MEASURE OF ACHIEVEMENT OF ACTION

- 5.1 Implementing these strategies, programs and services is related to the following themes and goals of the Council Plan 2013-2017, in particular:
- Theme 1 – Our Community Spirit
 - Goal 1.2 – A community that is involved and well connected, strengthening community spirit.
 - Theme 2 – Enjoy and Project our Natural Spaces
 - Goal 2.1 – Our unique balance of City and Country is safeguarded into the future
 - Goal 2.2 - Our open spaces, bushlands, creeks and rivers are valued and preserved
 - Goal 2.3 - We proactively seek innovative solutions to address the effects of climate change and work together to protect the environment
 - Theme 3 – Getting from Place to Place
 - Goal 3.2 – A well connected and accessible community with linked bicycle and walking pathways
 - Theme 4 – Planning for Where We Live
 - Goal 4.1 – A considered and sustainable approach to residential and commercial development, balancing the needs of our diverse population with our natural surroundings
 - Goal 4.2 – A diverse range of affordable and accessible housing options are available to accommodated the changing needs of our community
 - Goad 4.3 – Effective planning for local infrastructure that addresses population pressures
 - Theme 5 – Everything we need is Local

- Goal 5.1 – Accessible services and facilities for people of all ages and abilities
 - Goal 5.2 – Our distinct local villages and activity centres are vibrant places to meet and provide support to local businesses and traders
 - Access to services that promote health, wellbeing and education
 - Theme 6 – Council Leadership and Organisational Performance
 - Goal 6.1 – A responsive Council which leads through effective planning, advocacy, transparency and accountability
 - Goal 6.2 – An efficient organisation that aims to continuously improve service delivery to benefit community outcomes.
- 5.2 The reports relate to the measures of success specified in the Annual Plan 2015/2016 as identified in paragraph 1.1 of this report.

6 FINANCIAL RESOURCE IMPLICATIONS

- 6.1 The Annual Reports have been prepared using existing Council resources. The preparation of Annual Reports ensures that implementation of Council adopted strategies, programs and services are monitored, and also ensures that their resulting changes continue to meet the goals and actions of the Council Plan.

7 SUSTAINABILITY

- 7.1 Each of the strategies discussed in this report promotes elements of sustainability:
- All of the programs and services delivered by the Environment Team promote and achieve improved sustainable outcomes.
 - A key strategic direction of the Residential Strategy is:
Our residential suburbs will be characterised by sustainability – in terms of built form, public transport patronage, and infrastructure provision.
 - Objective 1 of the *Doncaster Hill Strategy* aims to set and maintain high Environmentally Sustainable Design principles.
 - Objective 3 of Part E (Integrating Economic Development) of the *Economic Development Strategy* seeks to integrate sustainable and resilient city objectives locally.
 - The vision of the *Active for Life Recreation Strategy*, relating to social sustainability, is for a:
Healthier, more active community that participates in a diverse range of recreational pursuits regardless of age, gender, ability and cultural background.

8 CONCLUSION

- 8.1 As demonstrated in the five attached annual reports, a significant number of actions within Council's adopted environment, residential, economic development and recreation strategies have been implemented during 2015/2016.

- 8.2 The implementation of these strategies and programs have been particularly instrumental in delivering on Council's Strategic objectives:
- Our Community Spirit
 - Enjoy and Protect our Natural Spaces
 - Getting from Place to Place
 - Planning Where We Live
 - Everything We Need is Local
 - Council Leadership and Organisational Performance.

OFFICER'S RECOMMENDATION

That Council:

- A. Notes the attached annual reports prepared in relation to economic, environmental, recreational, Doncaster Hill and residential planning for Manningham.**
- B. Notes that these reports complete Annual Initiatives 9, 14, 18 and 19 as specified in the Strategic Resource Plan and Annual Initiatives 2015/2016.**
- C. Notes that these annual reports will be published on Council's website.**

MOVED: O'BRIEN
SECONDED: KLEINERT

That the Recommendation be adopted.

CARRIED

"Refer Attachments"

Attachment 1: Environment services and programs

Attachment 2: Residential Strategy

Attachment 3: Doncaster Hill Strategy

Attachment 4: Economic Development Strategy

Attachment 5: Active for Life Recreation Strategy

* * * * *

11. ASSETS & ENGINEERING

11.1 Jumping Creek Road Upgrade - Endorsement of the Development Framework

Responsible Director: Director Assets and Engineering

File No. T16/155

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 to seek Council endorsement of the updated Jumping Creek Road Development Framework.

Throughout May and June 2016, consultation was undertaken with the community to ascertain the level of support for the proposal, seek contribution to the concept, and to identify matters of key community concern and interest to inform the design and planning of the road upgrade. In all, a total of 61 separate submissions were provided by the community, which have been considered and assessed in detail, to inform the updates to the proposed Framework (the strategic document).

With financial resourcing of \$17.905 million identified in Council's indicative 10 Year Capital Works Program (2017/18 to 2022/23) for the Jumping Creek Road works, there is a need to finalise the strategic document, in order to guide the planning, design and construction for the upgrade of this very important infrastructure project, and concurrently assist Council to progress partial land acquisition affecting a total of 19 properties along the corridor.

Therefore, it is recommended that Council:

- Note the issues and comments raised by the community, along with the officer responses;*
- Endorse the updated 'Jumping Creek Road Development Framework';*
- Adopt the Engagement and Communications Strategy, and support the establishment of a 'community reference group', to work with Council officers during the project development;*
- Support the commencement and delivery of Stages 1 and 2 of the road upgrade (from Ringwood-Warrantyte Road to 176 Jumping Creek Road);*
- Support expediting the road upgrade through the Wonga Park township (to form as stage 3 of the project); and*
- Endorse officers developing a draft policy to guide future land acquisition and compensation, for future Council consideration.*

1 BACKGROUND

- 1.1 The upgrade of Jumping Creek Road is considered necessary to improve safety along the corridor, better facilitate sustainable transport modes, and ensure the facility is designed and constructed to meet future demands, including the accommodation of growing traffic demand.
- 1.2 Key considerations for the road development include the environmental sensitivity of the area, the diverse requirements of stakeholders and the need for minor land acquisition to facilitate the road development. Given the scope and complexity of this project, a strategic document (the Jumping Creek Road Development Framework) is considered necessary to guide the investigation and planning for the future upgrade of the road, and to balance competing priorities.
- 1.3 This report incorporates the following information:
 - a) A summary of the key issues/aspects raised by the community during the public exhibition of the Framework, along with officer responses.
 - b) An outline of how these matters have been addressed in the updated Framework.
 - c) An outline of the proposed community consultation approach.
- 1.4 A copy of the updated Jumping Creek Road Development Framework (and associated appendices) is provided as Attachment 1.

2 PROPOSAL/ISSUE

- 2.1 Prior to proceeding with the upgrade of Jumping Creek Road, it is considered necessary to finalise (endorse) the 'Jumping Creek Road Development Framework'.
- 2.2 Stage one works for Jumping Creek Road are proposed to commence in 2017/18, and will focus on the corridor through Warrandyte, located between Ringwood-Warrandyte Road and the western approach to Jumping Creek. Stage two works will proceed from east of Jumping Creek through to the vicinity of numbers 175/176 Jumping Creek Road, with works expected to commence in 2018/19. Works to stages one and two will only proceed upon receipt of all necessary planning and environmental approvals, and following all necessary partial land acquisition.
- 2.3 Due to the higher reported casualty crash history, current deficiencies in the road environment (roadside hazards, sharp bends, steep dips and crests and poor sightlines) and the deteriorating state of the road along the western section of Jumping Creek Road, it is considered important that the road upgrade commence at the western end of the road.
- 2.4 Further, it is noted that the density of development is higher to the east of Yarra Road and that the Wonga Park Primary School is located on Dudley Road. Dudley Road is one of the more significant local roads intersecting with Jumping Creek Road, and Yarra Road functions as a Council Link Road. These factors, in tandem with concerns raised during the community consultation process, support prioritisation of the road upgrade through the Wonga Park township as the third stage of the upgrade.
- 2.5 Ongoing upgrades along the remainder of the corridor can occur in subsequent stages, over a number of years, as there is a need to stage the

- works in order to avoid disruption and maintain access during the bushfire danger period each year.
- 2.6 It is also proposed to establish a 'Community Reference Group', to provide a suitable communication avenue between Council and the wider community.
- 2.7 Prior to the commencement of any physical construction / roadworks, a number of preliminary tasks are required to be undertaken (on a stage-by-stage basis) to enable these works to proceed. These include:
- 2.7.1 Liaising with relevant stakeholders, residents and the proposed Community Reference Group;
 - 2.7.2 Undertaking detailed design, planning and further environmental / ecological assessments of the works area;
 - 2.7.3 Securing necessary planning and environmental approvals (i.e. for vegetation removal) and satisfying any vegetation offset requirements;
 - 2.7.4 Acquiring any necessary land from private property owners; and
 - 2.7.5 Completing preliminary works to alter utility services (i.e. relocate power poles, provide underground electricity supply, etc).

PROPOSED LAND ACQUISITION

- 2.8 Based on the current concept design, land will need to be partially acquired from 19 private properties (in total, equating to approximately 4,835 square metres (1.2 acres or 0.48 hectares) of private land). This is required to accommodate areas where the road reservation will need to be widened, to accommodate, in some locations, a realignment of the road or to allow for the new shared path. In most cases, less than one per cent of the total private allotments will need to be acquired, with the maximum proportion being 4.8 per cent of a property.
- 2.9 Given the six year duration of the construction works, the introduction of a Public Acquisition Overlay (PAO) would effectively reserve and limit development within the affected areas until the land can be acquired. However, the process to establish a PAO requires a period of two years to complete and implement, and, in order to meet the project budgetary and program constraints, it will be necessary to undertake the land acquisition in respect of Stages 1 and 2 in advance of this process.
- 2.10 It is likely that 92% of all of the land area to be acquired (from 14 of the 19 properties) would occur prior to the application of a PAO, especially if the adoption of the PAO is not achieved within 24 months. It then follows that the benefits of initiating a PAO are outweighed by the associated costs and timeframes, and, therefore, this approach is not recommended.
- 2.11 It is crucial that occupation of the land to be acquired be achieved in a timely manner, in order to avoid delays to project delivery. It is proposed that officers develop a policy for Council consideration, to resolve on the most appropriate approach for future land acquisition. This action will be the subject of a separate report.

3 PRIORITY/TIMING

- 3.1 Considering that Capital Works funding is identified to deliver the Jumping Creek Road project commencing from 2017/18, the Development Framework should be finalised by mid 2016, in order to provide strategic justification for the project, and to support the necessary land acquisitions from all 19 private properties.

4 FINANCIAL RESOURCE IMPLICATIONS

- 4.1 The current estimated project budget for the reconstruction of Jumping Creek Road is \$17.905 million (excluding necessary land acquisition and vegetation offsets), to be delivered over six (6) financial years between 2017/18 and 2022/23, as identified in Council's indicative 10 Year Capital Works Program.
- 4.2 If a sealed shared path is constructed, at the intersections with unsealed (crushed rock) vehicle crossings, the shared path will be widened at the crushed rock vehicle crossing to ensure that the shared path edges are not damaged as a result of vehicle traffic crossing the path. These works will be undertaken at Council cost.
- 4.3 Accordingly, there will be no requirement to initiate a special charge scheme to facilitate the proposed Jumping Creek Road works.
- 4.4 Consideration has been given to the location of Jumping Creek Road within a rural environment, when considering options for modifications to existing vehicle crossings. Where a vehicle crossing has already been constructed and sealed, should the crossover require adjustment to suit the proposed works, these works will be undertaken at Council cost. Where crossovers are not currently sealed (i.e. gravel) and require adjustment to match finished surface levels, they will be regraded with crushed rock to suit the proposed levels at Council cost. Property owners will also be given the option of having their vehicle crossings constructed by the contractor while on site, at property owner cost.

5 CONSULTATION**INITIAL CONSULTATION – 2011**

- 5.1 As part of the preparation of the initial draft Framework in 2011, a comprehensive community-wide communication and consultation process was undertaken, including a six week public exhibition process. This was facilitated through a number of community workshops, media releases to the local press, meetings with residents, stakeholders and relevant community groups. Finalisation of the Framework was delayed owing to proposed changes to relevant Council strategies, which inform the Framework and the timing of proposed capital funding.

SUBSEQUENT CONSULTATION – 2016

- 5.2 Given that five (5) years have passed since the initial draft Development Framework was prepared in 2016, Council officers have updated the draft Framework and undertaken further targeted consultation to assist in finalising the document. The intent was to provide an opportunity to address changes in land ownership, capture any necessary community comments and/or concerns, ensure that key issues were considered in the

final Development Framework, and, subsequently, facilitate ongoing community contribution to the future planning and design of the road upgrade.

- 5.3 Consultation in 2016 was undertaken via a number of avenues, and included the following actions.
- 5.3.1 Public exhibition of the draft Development Framework, from 29 April to 14 June (6 ½ weeks);
 - 5.3.2 Establishment of a dedicated webpage on 'Your Say Manningham', which provided all necessary documents, plans and information, and a comments portal for residents to submit their comments online;
 - 5.3.3 Letters and factsheets were sent to all owners/occupiers of properties abutting Jumping Creek Road and on intersecting side streets, up to two properties away from Jumping Creek Road, along with any submitters to the draft Development Framework from 2011;
 - 5.3.4 Officers personally met with 15 of the 19 land owners of properties affected by proposed land acquisitions. (Three of the remaining four land owners failed to respond to the requests to meet, and one property was owned by a vacant landlord);
 - 5.3.5 An article was placed in the Manningham Leader in the week of 9-15 May, regarding the project, inviting community input;
 - 5.3.6 Two community information sessions (morning and evening) were held at the Wonga Park Hall on Tuesday, 24 May, attended by approximately 160 residents in total; and
 - 5.3.7 Subsequent letters, factsheets and updates were provided to those outlined above, and to anyone who attended and registered their details at the community information sessions.

COMMUNITY FEEDBACK

- 5.4 During the 6 week public exhibition process, the community was able to provide comment in respect of the draft Framework online via the Your Say Manningham website, via direct email or mail to officers, or via hardcopy at the community information sessions.
- 5.5 In total, 61 submissions were received. Of these, 48% supported the upgrade, 23% objected to the upgrade and 10% were unsure of their support. In all, 81% of respondents made their views explicit.
- 5.6 The remaining 19% did not provide any response in relation to the above three options, however, two-thirds of these respondents appeared to support the proposal, albeit with various requests for further consideration regarding numerous elements of the upgrade.
- 5.7 In response to the general feedback at the community information sessions (and through written submissions), it appears that the majority of respondents support the upgrade of Jumping Creek Road, and acknowledge the need to address safety issues and provide pedestrian and cycling facilities. Albeit, the community noted the need to balance competing priorities along the corridor, and deliver the upgrade in a manner

- that respects the existing semi-rural character, environmental sensitivity and amenity of the area.
- 5.8 The direct feedback from meetings with the 15 landowners, whose land is subject to proposed partial acquisition, was generally positive, and the majority supported the road upgrade, recognising the current safety issues for motorists, pedestrians, cyclists and abutting property owners when entering or exiting their driveways.
- 5.9 The key issues raised by these land owners included consideration for early planting to screen their properties from the road, assurance that affected infrastructure (fencing, gates, landscaping) would be adequately and appropriately replaced, consideration of protecting significant or sensitive vegetation, waterways or ecosystems (i.e. water run-off from the road that feeds into nearby dams and streams), and a general request that Council continue to liaise with them during the planning, design and delivery phases, to ensure resident input into matters affecting their properties, access and amenity.
- 5.10 Responses to some submissions have already been issued by officers, in cases where operational concerns were raised which did not require a Council resolution and where early responses were necessary.
- 5.11 In early June, a factsheet and subsequent letter was distributed to approximately 300 local residents, including all 61 parties who provided a written submission and those who registered their attendance at either of the two community forums, acknowledging receipt of the submission/comments, and outlining some of the key issues raised to date. Subsequent notification was also provided (letter) in mid July of the forthcoming endorsement of the Framework at the July Council meeting.
- 5.12 It is further intended to notify all these parties (in late 2016) once the Framework has been endorsed by Council.

SUMMARY OF COMMENTS RECEIVED

- 5.13 A detailed summary of the comments provided by the community (based on the theme of topics raised), and recommended officer responses, is provided as Attachment 2.
- 5.14 The key matters raised are summarised below:
- The need for further refinement of the road design (particularly of the traffic management arrangements through the Wonga Park township);
 - Timing and staging of the project (namely to expedite the works through the Wonga Park township);
 - The alignment, surface treatment and provisions for all users (including equestrian users) of the shared path;
 - Further clarity regarding the surface treatment and funding responsibilities for private crossovers;
 - The proposed extent of vegetation removal, measures to minimise losses and the need for updated environmental / ecological reports;
 - Ensuring that there is ongoing communication and consultation with the community, and appropriate avenues for community input into the planning and detail design;

- Issues regarding speed and enforcement, discouraging overtaking and provisions for safe pedestrian crossings;
- Further consideration required regarding roundabouts (size and location), street lighting and drainage; and
- Minimisation of the impacts of construction and the road upgrade on fauna.

OFFICER RESPONSES

- 5.15 The Development Framework has been amended to reflect the comments that were received from the community, where appropriate.
- 5.16 A number of concerns were raised regarding the level of information and detail provided, and/or the currency of associated reports that were contained within the draft Framework (such as the ecological assessment and traffic and crash data).
- 5.17 As the road upgrade is only at a concept stage, detail design and planning has not yet commenced, other than for Stage one. Specific information, such as the number, location and type of trees or vegetation to be removed, extent of earthworks, exact alignment of the shared path, and the concept design through the Wonga Park township, will be determined through the project planning and design phases for each stage of the works. Explanation to this effect was provided at the community information sessions, and is also reflected in the updated Framework.
- 5.18 In particular, specific detail on vegetation removal and flora and fauna impacts will be determined on a stage-by-stage basis, once the works impacts have been better defined, and after qualified arborists and ecologists are engaged to undertake detailed environmental assessments. Planning and environmental approvals will need to be secured prior to construction commencing for each stage of the works. Community consultation is proposed throughout this process, and opportunities for submissions will be available through the planning permit advertising and assessment processes.
- 5.19 In order to capture and consider recent input from the community, a new chapter has been included in the updated Framework titled "Consideration for ongoing design". This section lists the key issues, design requests and matters requiring attention at the planning and design phase. This is intended to provide officers an opportunity to consider these matters, when designing each stage of the upgrade.
- 5.20 Once the Framework has been endorsed, all parties who provided a submission will be notified of this decision.

6 COMMUNICATIONS STRATEGY

- 6.1 A new Engagement and Communications Plan has been prepared to outline the proposed consultation process to be undertaken with key stakeholders, and is provided as Attachment 3. This will help guide ongoing communication with the community regarding the planning, design and delivery of the road upgrade.
- 6.2 A key aspect of the Strategy involves the proposed establishment of a Community Reference Group, to work with officers throughout the entire life

of the project. The purpose of this group is to provide a communication bridge between Council, officers, residents, local community groups and other stakeholders, in order to assist in the planning, design and delivery of the road upgrade.

- 6.3 It is envisaged that such a group will be established within the next six months, through an Expression of Interest (EOI) process, and will involve a rolling membership of residents who live along particular stages of the road upgrade and other community representatives, as identified above.
- 6.4 Through the delivery of the road upgrade, information will also be more broadly disseminated to the community through factsheets, articles in the local paper or Manningham Matters, via media releases and on Council's website. In addition, Council officers will also be available to respond to phone or counter enquiries, as required.

7 CONCLUSION

- 7.1 With financial resourcing of \$17.905 million identified in Council's 10 Year Capital Works Program (2017/18 to 2022/23) for the Jumping Creek Road works, there is a need to endorse the Development Framework to enable ongoing planning, design and construction to commence on this very important infrastructure project, and, concurrently, to assist Council to proceed with the process for partial land acquisition affecting a total of 19 properties along the corridor.
- 7.2 It is considered that appropriate actions have been undertaken, adequate community input has been sought, and due consideration has been given to community submissions on the concept and draft Framework, in finalising the Framework.
- 7.3 As such, it is considered appropriate that Council endorse the Jumping Creek Road Development Framework, as attached.

OFFICER'S RECOMMENDATION

That Council:

- A. Note the issues and comments raised by the community;**
- B. Endorse the 'Jumping Creek Road Development Framework';**
- C. Adopt the Engagement and Communications Strategy, and support the establishment of a 'community reference group';**
- D. Support the commencement and delivery of stages 1 and 2 of the road upgrade (from Ringwood-Warrandyte Road to 176 Jumping Creek Road);**
- E. Support expediting the road upgrade through the Wonga Park township, as stage 3 of the project; and**
- F. Endorse officers developing a draft policy to guide future partial land acquisition and compensation, for future Council consideration.**

MOVED: DOWNIE
SECONDED: GALBALLY

That the Recommendation be adopted.

CARRIED

"Refer Attachments"

- *Attachment 1 – Updated 'Jumping Creek Road Development Framework'(2016) – all appendices to the Framework are contained on the 'Your Say Manningham' website at www.yoursaymanningham.com.au/jumping-creek-road-upgrade*
- *Attachment 2 – Summary of Community Comments and Officers' Response*
- *Attachment 3 – New Engagement and Communications Strategy (and Action Plan)*

11.2 Finalisation of Deviation of Springvale Road at Mullum Mullum Reserve (1-41 Springvale Road, Donvale)

Responsible Director: Director Assets and Engineering

File No. T16/156

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

This report recommends that Council, having followed all the required statutory procedures pursuant to clause 2 of Schedule 10 and section 223 of the Local Government Act 1989, resolves to finalise at law, the deviation of Springvale Road (south of Reynolds Road) to the west of Mullum Mullum Reserve (1-41 Springvale Road, Donvale) by publishing a notice of the deviation in the next available edition of the Victoria Government Gazette.

That Council delegates to Council's Chief Executive Officer the power to sign any transfer of land or other document required to obtain title to the Old Road in Council's name.

The deviation is pursuant to clause 2 of Schedule 10 of the LGA and Council obtained the consent of the Minister for Environment, Climate Change and Water (The Minister) on 19 April 2016, as required pursuant to clause 2(2) of the LGA.

The road deviation was physically undertaken in or around 1982, but, for unknown reasons at the time, was not concluded at law, and, as such, a redundant parcel of road reservation remains within the Council reserve.

1 BACKGROUND

In relation to the deviation of Springvale Road:

- 1.1 It is proposed that Council discontinue the road shown hatched on the attached plan, being part government road on Crown Allotment 2010 ('Old Road').
- 1.2 Council at its meeting of 31 May 2016 considered a report on the deviation of Springvale Road (south of Reynolds Road) to the west of Mullum Mullum Reserve (1-41 Springvale Road, Donvale), and resolved:
 - 1.2.1 To give public notice, pursuant to clause 2 of Schedule 10 and section 223 of the Local Government Act 1989, of its intention to discontinue the land shown single hatched on reference drawing 7879-GAZ(V2), being part Government Road on Crown Allotment 2010 ('Old Road'), and concurrently deviate the Old Road onto the land shown cross hatched on reference drawing 7879-GAZ(V2), being part of the land contained in certificate of title volume 9471 folio 746, and the whole of the land contained in certificate of title volume 9471 folio 745; and

- 1.2.2 The public notice stipulate that persons may make a submission on the proposed discontinuance and deviation in accordance with section 223 of the Local Government Act, and that written submissions must be received within 28 days of the date of the publication.
- 1.3 A public notice was placed in the Leader Newspaper 6 June 2016, inviting submissions on the proposal, with submissions to be received before Friday, 8 July 2016.
- 1.4 One submission was received and the submitter did not request to appear in person. A copy of the submission is attached.
- 1.5 In summary the Submitter proposed that:
- 1.5.1 The discontinuation seems to be premature as the old alignment of Springvale Road could possibly form part of an alignment for the North East Link being considered by the State Government, and until the Springvale Road route for North East Link is ruled out, it would seem prudent to keep the old alignment option open.
- 1.5.2 There are very few possible routes from EastLink and the Eastern Freeway near Ringwood to connect to Greensborough:
- There is no gazetted route north from the tunnels through Park Orchards or Donvale and none looks feasible; and
 - Neither is there any standout route through Ringwood or North Ringwood from EastLink south of the tunnels.
- 1.5.3 One of the possible routes is along Springvale Road.
- 1.5.4 The decision on this discontinuation should be deferred until the alignment of the North East Link is decided.
- 1.6 In response to the Submission, officers advise that:
- 1.6.1 The alignment has not yet been identified; however, it will be very unlikely for it to traverse through Melbourne's green wedge and Springvale Road corridor, due to the environmental sensitivity of this area, and lack of suitable land/alignment.
- 1.6.2 It is understood that there are currently two alternative routes identified to potentially link the Eastern Freeway and M80 Ring Road:
- one following the Bulleen Road and Greensborough Highway corridor via Bulleen, Viewbank, Rosanna, Macleod and Greensborough; and
 - the other via a longer route from the East Link Tollway through Doncaster East, Templestowe, Warrandyte, Eltham; and Greensborough.
- Both options present challenges in their own right, and will require a thorough assessment of the economic, social and environmental impacts to deliver either option.
- 1.6.3 If, in the unlikely event that the North East Link route was to include the alignment of the 'Old Road', then its impact on the whole of the Mullum Mullum Reserve would be substantial, and the subject deviation would have little consequence on the outcome.

- 1.6.4 Deferral of the process until more information about the North-East Link (NEL) is known is not supported, in that:
- Timeframes for the NEL decision are unknown, which will leave the status of the land unresolved and the process for the deviation still not concluded at law;
 - It will place limitations on Council in its ability to manage and develop the reserve for the benefit of the community; and
 - There will be risks relating to responsibility for care and management associated with the unresolved ambiguous or erroneous land status.
- 1.6.5 The deviation (land swap) process, which commenced in the early 1980s, was predicated on Council giving up land for the new road, to gain land from the Old Road. Only half of this transaction has taken place, meaning an inequity exists, and one of the prime premises for Council agreeing to enter into the arrangement in the first place no longer stands. The transaction should be completed.
- 1.6.6 Further, if the State wants the land in the future for the NEL the owners, the ratepayers of the City of Manningham, should be fairly compensated for it, having already given up community land for the road deviation. Leaving the subject land as Crown Land, with the status of a government road, would prevent this from occurring.

2 PROPOSAL/ISSUE

In relation to the deviation of Springvale Road:

- 2.1 Council has advertised the proposal in accordance with section 223 of the LGA.
- 2.2 Council has considered the single submission received and, as no request was made to be heard, it is not necessary to form a Special Committee of Council to hear submissions.
- 2.3 Council, having given due regard to the contents of the submission received and the officers' response to the submission, now concludes to proceed and complete the deviation pursuant to section 207B(2A) and clause 2 of Schedule 10 of the LGA.

3 PRIORITY/TIMING

- 3.1 Council now deviate the Old Road by publishing a notice of the deviation in the next available edition of the Victoria Government Gazette.

4 CUSTOMER/COMMUNITY IMPACT

- 4.1 The proposal to finalise the deviation at law is likely to have no discernible impact on the community's continued use of Springvale Road, as the deviation was physically concluded in the early 1980s.
- 4.2 The effect of the deviation is to remove the encumbrances upon Council in its management of the Mullum Mullum Reserve for the benefit of the community.

5 FINANCIAL PLAN

- 5.1 The Old Road bisecting the Mullum Mullum Reserve is currently Crown Land, with the status of a Government Road.
- 5.2 Under section 207B(2A) of the LGA, the Old Road will revert to fee simple (freehold) land vested in Council, after the deviation of the Old Road onto the Council's Land. Accordingly, Council is not required to purchase the Old Road from the State of Victoria.

6 CONSULTATION

- 6.1 Council gave the public notice in the Leader Newspaper on 6 June 2016, in accordance with clause 2 of Schedule 10 of the Act, and considered the single submission received in accordance with section 223 of the LGA.

7 CONCLUSION

In relation to the deviation of Springvale Road:

- 7.1 The finalisation of the deviation of Springvale Road to the west of Mullum Mullum Reserve (1-41 Springvale Road, Donvale) is necessary to provide Council the ability to freely manage the reserve for the benefit and betterment of the community.
- 7.2 In order for Council to finalise the deviation of Springvale Road at law, concluding a process commenced in the early 1980s, Council has complied with the statutory provisions under the LGA.
- 7.3 Having followed all the required statutory procedures pursuant to clause 2 of Schedule 10 and section 223 of the Local Government Act 1989, Council deviates the Old Road and gives notice by publishing a notice of the deviation in the next available edition of the Victoria Government Gazette; and delegates to Council's Chief Executive Officer the power to sign any transfer of land or other document required to obtain title to the 'Old Road' in Council's name.

OFFICER'S RECOMMENDATION

That in relation to Springvale Road:

1. Council, having followed all the required statutory procedures pursuant to clause 2 of Schedule 10 and section 223 of the Local Government Act 1989, discontinues the land shown single hatched on reference drawing 7879-GAZ(V2), being part Government Road on Crown Allotment 2010 ('Old Road'), and concurrently deviates the Old Road onto the land shown cross hatched on reference drawing 7879-GAZ(V2), being part of the land contained in certificate of title volume 9471 folio 746, and the whole of the land contained in certificate of title volume 9471 folio 745, by publishing a notice of the deviation in the next available edition of the Victoria Government Gazette; and
2. Delegates to Council's Chief Executive Officer the power to sign any transfer of land or other document required to obtain title to the Old Road in Council's name.

MOVED: GALBALLY
SECONDED: DOWNIE

That the Recommendation be adopted.

CARRIED

“Refer Attachments”

* * * * *

11.3 2015-2016 Capital Works Program - End of June Status Report

Responsible Director: Director Assets and Engineering

File No. T16/88

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

This attached Capital Works Status Report, for the period ending 30 June 2016, is provided for review and consideration.

The overall financial performance indicators reveal that \$36.054 million (95.8%) of the Capital Works Program for 2015/16 was spent against the adopted budget of \$37.616 million (non-capitalised), which is above the Council Plan performance target of 90%. This is a 7% improvement on the 2014/15 result. The outcomes are summarised in the following table:

2015/16 Financial Performance Outcomes				
<i>Adopted Budget \$000's</i>	<i>MYR Budget \$000's</i>	<i>Actual Expenditure (non-capitalised) \$000's</i>	<i>% of Actual Expenditure Vs Adopted Budget (non-capitalised)</i>	<i>% of Actual Expenditure Vs MYR Budget (non-capitalised)</i>
37,616	39,225	36,054	95.8%	91.9%

In terms of the number of projects delivered, seventy-nine (79) were fully completed (84.0%) against a total of ninety-four (94) in the adopted program, which is below Council's non-reportable management performance target of 90%. However, including the partially completed projects, the overall completion percentage would increase to 92.8%. Of further note, though, is that a total of 205 sub-projects were included on the 2015/16 program.

Throughout the financial year, performance was impacted by delays on a number of projects, which resulted in three (3) projects being cancelled or fully deferred, and some 29 incomplete projects (or \$6.158 million) being partially deferred or carried forward to the 2016/17 Capital Works Program.

The variation between the budget and actual expenditure occurred as a result of:

- *savings due to efficiencies achieved;*
- *project planning and approval delays;*
- *hold ups by third parties, such as utility company component works, and State Government approving departments (funding partners, land managers/owners, etc);*
- *tender negotiations;*
- *protracted community and stakeholder consultation;*

- *contractor availability problems and performance issues;*
- *difficulties in gaining plant and materials, as experienced across the State;*
- *impacts from storm events and other non programmed works affecting the delivery of capital works; and*
- *delayed progress of works and access difficulties due to unfavourable weather.*

A detailed explanation is given against each carry forward project in tables B, C and D of the attached status report.

This report addresses and completes Strategic Resource Plan Initiative (Item 6.1.1.20) in the 2015/16 Council Action Plan, and the details of Council's performance will be included in the Annual Report.

8 BACKGROUND

- 8.1 Reporting on the status of the 2015/2016 Capital Works Program is carried out in a similar form to previous years and on a quarterly basis to Council.
- 8.2 A financial chart of performance with trend graphs and milestone program ('traffic light'), are presented in the attached report as indicators of performance, which have been previously endorsed by Council as the agreed set of monitoring tools for status reporting. Commentary on performance is by exception and as appropriate.
- 8.3 Key Performance Indicators are also provided to assist in comparing our performance in terms of our preferred budget position against the adopted budget and year end forecast, and in regard to measuring the scope and progress of key capital projects against cost/time variations.
- 8.4 The value of completed works (actual total expenditure) on capital projects at end of June was \$36.054 million (95.8%) of the Capital Works Program (pre-capitalisation) against the against the Adopted Budget total of \$37.616 million, and (91.8%) against the Mid Year Review Budget of \$39.225 million. The net difference between the value of completed works and MYR budget being a decrease in grants and income and budget adjustments of \$2.374 million, less approved and proposed carry forwards of \$5.208 million, less unspent funds (surplus) of \$0.337 million.
- 8.5 The surplus of \$0.337 million is the net result of variations in expenditure on several projects, both under and over, but can be largely attributed to savings being delivered on a number of projects due to efficiencies being achieved.
- 8.6 The total carry forwards to 2016/17 is \$6.158 million, and includes \$0.950 million approved at the MYR, plus \$3.849 million (post MYR) that has been included in the 2016/17 Capital Works Program, plus a further \$1.359 million of proposed carry forwards/adjustments that will be included at the 2016/17 MYR.
- 8.7 The value of works completed at end of June is \$1.562 million (4.2%) below the adopted budget, \$3.171 million (8.1%) below the YTD MYR budget, and \$0.337 million (0.9%) below the EoY Forecast amount of \$36.391 million, and includes the additional proposed carry forwards/adjustments of \$1.359 million identified under the Capital Works Program, outlined in 1.4 and 1.6 above.

- 8.8 The overall financial performance outcomes are summarised as follows:

2015/16 Financial Performance Outcomes				
<i>Adopted Budget \$000's</i>	<i>MYR Budget \$000's</i>	<i>Actual Expenditure (non-capitalised) \$000's</i>	<i>% of Actual Expenditure Vs Adopted Budget (non-capitalised)</i>	<i>% of Actual Expenditure Vs MYR Budget (non-capitalised)</i>
37,616	39,225	36,054	95.8%	91.9%

- 8.9 The variation between the Adopted Budget and actual expenditure can be largely attributed to a number of projects that did not commence or delayed resulting in \$6.158 million being carried forward, to be completed in 2016/17.
- 8.10 The delays have occurred as a result of project planning and approval delays, protracted community and stakeholder consultation, contractor availability and performance issues, from difficulties gaining plant and materials as experienced across the state, impacts from storm events and other non-programmed works affecting the delivery of works, and from access difficulties due to recent wet weather.
- 8.11 Whilst these project delays have impacted on Council's overall performance, resulting in funds being carried forward, some of these projects are well advanced, with some \$0.75 million of the carry forward amount forecast to be spent in July and a further \$2.50 million to be spent in the remaining first quarter of 2016/17.
- 8.12 Progress against milestones is below Council's non-reportable management performance target of 90% with 79 projects (84.0%) completed out of a total of 94 projects against the Adopted Program.
- 8.13 Initially the Capital Works Program consisted of 94 projects. As a part of the Mid Year Review process, 16 new projects were introduced and one new additional project, giving an overall total of 111 projects. Council's long term planning and 10 year Capital Works Program has enabled these additional projects to be brought forward for implementation. It should be noted that a number of the completed projects are significant in size and several programs, such as the Asset Management Strategy, Road Management Strategy, Drainage Strategy, Advanced Design Fees and Minor Capital Works, have many significant sub projects and expenditure activities. Overall, a total of 205 sub projects were included on the 2015/16 Capital Works Program.
- 8.14 Some sensitivity analysis was undertaken to determine the qualitative performance of the uncompleted projects. Of the 32 incomplete projects, 5 are more than 50% completed. Including the partially completed projects, the overall completion percentage would be 92.8% (+8.8%) against the Adopted Program.
- 8.15 This year's outcomes show a decrease in the number of incomplete/deferred projects compared to last year's total of 41 projects, and indicates some improvement in the overall management and delivery of the Capital Works Program.
- 8.16 The performance outcomes for 2015/16 are summarised in the following table:

2015/16 Management Performance - Incomplete Projects			
No of Incomplete Projects	<25% complete	25% - <50% complete	>50% complete
32	16	11	5

- 8.17 Whilst the total number of incomplete projects has decreased, the total amount of funds carried forward has increased compared to last year, as a result of project deferrals and/or delays due to circumstances beyond Council's control.
- 8.18 Further details regarding milestone performance of capital projects can be obtained from the 'traffic light' program, Attachment C, included with the attached Status Report.
- 8.19 Capital income received is slightly below YTD budget income at end of June, with an overall variance of 2.6%. This variance can be attributed to a reduction in the sale of plant and vehicle items, due to lower than expected sale prices, which are dictated by market rates, and from the deferral of income and grants associated to a number of projects that have been delayed and will carry over into 2016/17.

9 PROPOSAL/ISSUE

- 9.1 It is proposed that Council note the outcome of the implementation of the 2015/2016 Capital Works Program, the approved carry forwards (post MYR) that have been included as a part of the 2016/17 Capital Works Program (Refer Table C), the additional proposed carry forwards that will be considered at the 2016/17 Mid Year Review (Refer Table D), and approve the transfer of funds, as indicated in the Status Report (Refer Table H), to ensure effective utilisation of capital funds and additional progress was made under the program.

10 COUNCIL PLAN/ MEASURE OF ACHIEVEMENT OF ACTION

- 10.1 The delivery of the Capital Works Program is also identified as a Key Strategic Resource Plan Initiative (Item 6.1.1.20) in the 2015/16 Council Action Plan. This SRP reports on Council's performance to expend equal to or greater than 90% of capital expenditure against the adopted capital budget in accordance with Council objectives and management processes.
- 10.2 The overall performance indicators reveal that \$36.054 million (95.8%) of the Capital Works Program (pre-capitalisation) for 2015/16 was spent against the Adopted Budget of \$37.616 million, and the SRP action has therefore been achieved against the performance target.
- 10.3 This report addresses and completes this SRP, and the details of Council's performance will be included in the Annual Report.

11 FINANCIAL RESOURCE IMPLICATIONS

- 11.1 Works under the Capital Program have been implemented with an overall surplus (savings) of \$0.337 million against the end of year forecast amount of \$36.391 million. The surplus is the net result of variations in expenditure on several projects, both under and over, but can be largely attributed to savings being delivered on a number of projects due to efficiencies being achieved.

- 11.2 Whilst the carry forwards/adjustments do not create any adverse financial implications from a cash flow prospective, they have impacted on Council's overall performance in terms of the funds not being spent in 2015/16, therefore resulting in a lesser number of projects being completed.

12 CONCLUSION

- 12.1 It can be concluded that satisfactory performance has been made in relation to the implementation of the Capital Works Program with capital expenditure exceeding the Council Plan performance target of 90%, against the adopted budget.
- 12.2 Whilst the management performance target of 90% completion of projects was not met, the results need to be considered against influencing factors encountered with the delivery of the program, such as unforeseen problems and delays encountered with the delivery of the Capital Works Program, and that total expenditure on capital projects was some \$5 million higher than the previous ten year average. Charts highlighting capital works expenditure (non-capitalised) against the adopted budget over the past ten years are included as Appendix 1 and 2.

OFFICER'S RECOMMENDATION

That Council:

- (A) **Receive and note the attached Capital Works Program Status Report for the period ending 30 June 2016.**
- (B) **Note and approve the transfer of \$0.436 million, as indicated in the Status Report (Refer Table H), to enable effective utilisation of capital funds and additional progress was made under the Capital Works Program.**
- (C) **Note the proposed additional carry forward amount of \$1.359 million, which will be considered as a part of the 2016/17 Mid Year Review.**
- (D) **Note the milestone performance table 'traffic light program', including those projects that were not completed and will be carried forward into 2016/17.**

MOVED: HAYNES
SECONDED: KLEINERT

That the Recommendation be adopted.

CARRIED

"Refer Attachments"

- 2015/16 Capital Works Program Status Report - End of June
- Traffic Light Program June 2016
- Appendix 1 Capital Works Expenditure - Past 10 years
- Appendix 2 Percentage of Capital Works Expenditure - Past 10 Years

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12. COMMUNITY PROGRAMS

There were no Community Programs reports.

13. CORPORATE SERVICES

13.1 Investment Policy - 2016 Review

Responsible Director: Director Shared Services

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

This report outlines the outcome of the scheduled two yearly review of Council's Investment Policy. The Investment Policy was last reviewed in 2014.

The primary objective of the Investment Policy is to provide a framework for the optimum investment of Council funds while having due regard to risk, liquidity and security of investments.

The reviewed Policy enables management to utilise the services of an independent investment advisor and provides for a moderate easing of Investment Category limits and Individual Institution (ADI) limits. It is projected that these changes will enable Council to earn an additional \$50,000 interest income while still maintaining appropriate control and having due consideration of risk.

It is recommended that the attached Investment Policy be adopted.

1 BACKGROUND

1.1 The reviewed Investment Policy maintains strong control and oversight of the investment function while providing a greater degree of flexibility in investment decisions.

2 PROPOSAL/ISSUE

2.1 The reviewed Policy provides a stronger balance between optimising investment returns and due consideration of risk.

2.2 The key changes to the Policy are as follows:

2.2.1 Enables the appointment of an independent, licensed Investment Advisor to assist with investment decisions and strategy

2.2.2 Provides additional flexibility through a moderate easing of Investment Category limits (maximum percentage of investment pool in any one credit rating category):

Investment category	2014 Policy	2016 Policy
AAA category	100%	100%
AA Category	100%	100%
A	40%	60%
BBB+ to BBB	Included in A	35%

- 2.2.3 Provides additional flexibility through a moderate easing of Individual Institution (ADI) limits (maximum dollar value per individual ADI):

Investment category	2014 Policy	2016 Policy
AAA category	35%	40%
AA Category	35%	40%
A	\$4 million	20%
BBB+ to BBB	\$4 million	15%

- 2.2.4 Allows for investments in the BBB credit rating (previously only BBB+).
- 2.3 The Policy does not allow Investments with a long term rating at or below BBB- (including unrated ADI).
- 2.4 The Policy principles in 2.2.1 to 2.2.4 were noted by the Audit Committee at its 15 July 2016 meeting.

3 POLICY/PRECEDENT IMPLICATIONS

- 3.1 This report updates the existing Investment Policy of Council.

4 FINANCIAL PLAN

- 4.1 The outcome of the reviewed Policy is a potential additional \$50,000 in interest income. The additional revenue will be taken up in the 2016/17 Mid Year Review which is due to be tabled at the January 2017 Council meeting.

5 CONCLUSION

- 5.1 The reviewed Investment Policy maintains strong control and oversight of the investment function while providing a greater degree of flexibility in investment decisions.

OFFICER'S RECOMMENDATION

That the attached Investment Policy be adopted.

Moved: GRIVOKOSTOPOULOS
Seconded: KLEINERT

That the Recommendation be adopted.

CARRIED

"Refer Attachments"

Attachment 1: Investment Policy 2016

* * * * *

13.2 8-10 Montgomery Street, Doncaster East - Notice of Intention to Sell (Post Statutory Advertising)

Responsible Director: Director Shared Services / Director Planning and Environment

File No. T16/140

The ultimate destination for this report is: COUNCIL

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 to note that no submissions have been received in response to Council's Notice of Intention to sell 8-10 Montgomery Street, Doncaster East, and to authorise the Chief Executive Officer to undertake administrative tasks associated with the proposed sale of the land.

At its meeting on 26 April 2016, Council resolved to give public notice of its intention to sell 8-10 Montgomery Street, Doncaster East and to establish a committee under section 223 of the Local Government Act to hear submissions received in relation to the proposed sale.

The Notice of Intention to Sell Land was published in the Manningham Leader on 9 May, 2016 and the closing date for receipt of submissions was 7 June, 2016. No submissions were received.

Council also resolved at its April 2016 meeting to commence the Expression of Interest (EOI) process. In order to facilitate the EOI process it is recommended that the Chief Executive Officer be authorised to both set the reserve price for the sale of the land and to execute any documents associated with the sale of the land and that Council authorise the Common Seal of Council to be affixed to the Transfer of Land and any other documents required to effect the sale and transfer of the land.

1 BACKGROUND

1.1 Council owns five parcels of land at 2-10 Montgomery Street, Doncaster East, which have a total area of approximately 4,600sqm. 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 poor line-marking.
- 8 Montgomery Street – a building formerly occupied by Doncare and currently leased by Doncaster City Church on a monthly basis. The building has a floor area of around 350sqm and 17 car spaces. The tenant has been formally advised of the impending sale.
- 10 Montgomery Street – carparking providing for about 13 spaces with poor line-marking.

- 1.2 At its meetings of 21 April 2015, 24 November 2015 and 26 April 2016, Council resolved on several matters designed to facilitate the sale of 8-10 Montgomery Street, including:
- The rezoning of 8 Montgomery Street to the General Residential Zone Schedule 2 and the application of a Design and Development Overlay Schedule 13 to land in the area, including 8 -10 Montgomery Street. The related Amendment C102 to the Manningham Planning Scheme has been exhibited, submissions considered, a panel hearing held, the panel report considered by Council and the amendment submitted to the Minister for Planning for approval (9 May 2016).
 - A resolution (26 April 2016) to commence the Expression of Interest (EOI) process, including giving public notice of its intention to sell 8-10 Montgomery Street pursuant to sections 189 and 223 of the *Local Government Act 1989*;
 - A resolution (26 April 2016) to establish a committee under section 223 comprising the Mayor and Koonung Ward Councillors to hear submissions received in regard to the sale of 8-10 Montgomery Street in accordance with section 223 of the *Local Government Act 1989*.
 - Implement a carparking management plan for the Montgomery Street precinct and to commit funds from the sale of the proposed development site towards the upgrading of the laneway.
- 1.3 The Notice of Intention to Sell Land (refer to Attachment 1) was published in the *Manningham Leader* on 9 May, 2016 and the closing date for receipt of submissions was 7 June, 2016.

2 PROPOSAL/ISSUE

- 2.1 No submissions were received in relation to the Notice of Intention to Sell 8-10 Montgomery Street; therefore the section 223 committee is not required.
- 2.2 In order to facilitate and expedite the sale of the land process, it is proposed that the Chief Executive Officer be authorised to both set the reserve price for the sale of the land and to execute any documents associated with the sale of the land and also that Council authorise the Common Seal of Council to be affixed to the Transfer of Land and any other documents required to effect the sale and transfer of the land.

3 PRIORITY/TIMING

- 3.1 It is expected that the Minister for Planning will approve Amendment C102 within the next month.
- 3.2 In the meantime, the Council has formally sought marketing and sale proposals from selected real estate agents in order to consider and then appoint a suitable marketing and selling agent.
- 3.3 Council's legal adviser (Maddocks) has been engaged to prepare EOI documentation, and subsequently undertake for Council the required legal conveyance aspects of the sale of the land.
- 3.4 It is anticipated that the formal EOI campaign will be commenced in early 2016/17, once the Planning Scheme Amendment has been approved by the Minister.

4 POLICY/PRECEDENT IMPLICATIONS

- 4.1 The rezoning of the subject land and its proposed sale will facilitate its redevelopment for higher density residential development. The principles to be embodied in the EOI to guide future development of the site, as endorsed by Council at its meeting on 24 November 2015, also specify a preferred minimum 10% of the development to comprise affordable/disability housing.
- 4.2 The Manningham Municipal Strategic Statement and related Planning Scheme provisions specifically encourage higher density residential development in close proximity to activity centres, as well as the provision of affordable housing.

5 CUSTOMER/COMMUNITY IMPACT

- 5.1 The proposed rezoning and sale of the land aims 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. Submissions were also invited in response to the Notice of Intention to Sell. Further opportunity for community input will also 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 amendment process and will again include affected stakeholders during future application processes.

6 FINANCIAL PLAN

- 6.1 The 2016/17 Annual Budget includes proceeds from the sale of this property as settlement is expected to occur prior to 30 June 2017.
- 6.2 Sales proceeds will be applied to the Capital Works Program as follows:
 - 6.2.1 Mullum Mullum Stadium (\$2.0 million in the 2016/17 Capital Works Program); and
 - 6.2.2 Proposed upgrade to the laneway on the property (estimated value and date of works yet to be confirmed).

7 SUSTAINABILITY

- 7.1 It is expected that the development which will be facilitated on this site will have positive social, environmental and economic outcomes. It will support the objectives and implement key aspects, of the *Doncaster East Village Structure Plan* by providing new housing opportunities for underrepresented markets including some provision of affordable housing, an upgraded public carpark and upgraded laneway.

8 CONSULTATION

- 8.1 There was extensive consultation associated with the exhibition of Amendment C102 to the Manningham Planning Scheme.

- 8.2 In relation to the proposed sale of the land, Notice of Intention to Sell was published in the *Manningham Leader* on 9 May, 2016 and the closing date for receipt of submissions was 7 June, 2016. The Notice of Intention to Sell was also mailed directly to key stakeholders in the area. No submissions have been received.

9 COMMUNICATIONS STRATEGY

- 9.1 Statutory obligations for advising the community for the proposed sale of the land by way of Expression of Interest (EOI) have been completed.
- 9.2 An EOI process is the Council's preferred process for the sale of 8-10 Montgomery Street and this will be communicated in all approved marketing documentation.
- 9.3 The EOI process will include and provide the following principles for all potential purchasers of the land to consider the following:
- 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.
- 9.4 Council will, through its appointed marketing and selling agent, ensure that all aspects and requirements associated with the proposed sale of the land will be communicated to prospective purchasers.

10 CONCLUSION

- 10.1 As no submissions were received in response to the Notice of Intention to Sell 8-10 Montgomery Street, Doncaster East, a section 223 committee is not required.
- 10.2 It is now recommended to proceed with the sale of 8-10 Montgomery Street, Doncaster East.

OFFICER'S RECOMMENDATION

That Council:

- (A) Notes that no submissions were received to the Notice of Intention to Sell 8-10 Montgomery Street, Doncaster East;**
- (B) Resolves to sell 8-10 Montgomery Street, Doncaster East;**
- (C) Authorises the Chief Executive Officer to set a reserve price for the sale of the land;**
- (D) Authorises the Chief Executive Officer to execute any documents associated with the sale of the land.**
- (E) Authorises that the Common Seal of Council be affixed to the Transfer of Land and any other documents required to effect the sale and transfer of the land.**

Conflict of Interest

Cr O'Brien advised Council that he has a conflict of interest in this item being an indirect interest of close association and he would be leaving the meeting room for the duration of the discussion on this matter.

MOVED: HAYNES
SECONDED: GALBALLY

That the Recommendation be adopted.

CARRIED

Having disclosed his conflict of interest Cr O'Brien left the meeting room at 7.35pm and returned at 7.36pm after the matter had been finalised and took no part in the discussion and voting on this item.

"Refer Attachment"

* * * * *

13.3 25B Morna Rd, Doncaster East - Sale of Part Drainage Reserve

Responsible Director: Director Shared Services

File No. T16/151

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

Councillors were advised at a Strategic Briefing Session on 19 January 2016 that the northern 58 metres of the 105 metre long Council-owned drainage and sewerage reserve at 25B Morna Road, Doncaster East has been occupied by three abutting properties for many years. The southern section is regularly maintained by Council. Councillors noted the information and it was also noted that if there is interest from the abutting property owners, and agreement on the selling prices, a report would be prepared for Council, recommending the subdivision and sale subject to the requirements of sections 189 and 223 of the Local Government Act 1989. As there is now agreement from three abutting property owners at the northern end of the reserve, it is proposed to sell those sections of the reserve to the abutting property owners, subject to satisfying the statutory requirements and the proposed subdivision.

1 BACKGROUND

1.1 Plan of Subdivision LP 30053 was created in the late 1950s and, with a natural drainage course through much of it, a Drainage and Sewerage Reserve was incorporated into the subdivision. That reserve commences at the rear of 62 Beverley Street and extends south towards the Koonung Creek, partly across Council property, but mainly across private property via easements. The northern part of the reserve, being the subject of this report, does not connect to other streets and, with a length of some 105 metres by only 8 metres wide, is undesirable as parkland and vulnerable to the dumping of rubbish or other undesirable activities. The northern 58 metres has been fenced and privately occupied by three abutting properties for many years.

See Attachment 1 – Occupiers.

1.2 Council's Engineering and Technical Services Unit (ETS) has advised there is a 600mm drainage pipe within the reserve. Occasionally during heavy storms the underground pipe is inadequate and storm water flows across the surface. Recently revised flood modelling in this local catchment indicates this part of the reserve is subject to one in one hundred year floods of up to 0.85 metres depth in places, but generally between 0.14 to 0.43 metres in depth. There is also a Melbourne Water sewerage pipe located along the western side of the reserve.

1.3 Occupancies of the reserve north of Morna Road are as follows:

Unit 2 at 1 Mantell St	approximately	148 sq m
Unit 2 at 3 Mantell St	“	149 sq m
6 Milan St	“	147 sq m
25B Morna Rd	unoccupied approx	346 sq m

- 1.4 The dwelling on the northern-most property, Unit 2, 1 Mantell Street, was erected in 1994 at the rear of the original dwelling and was purchased most recently in October 2010, and previously in June 2003. It is understood the reserve has been adversely occupied for as far back as 1979. A recent inspection of this property, and perusal of a floor plan related to the sale of the property, reveals that extensive decking and a covered veranda have been built at the rear of the dwelling, and which extend into Council's land, but there is no record of any planning or building permits having been issued for such works. Additionally, formal landscaping within the reserve includes brick paving and other landscaping, including plantings within the last five years.
- 1.5 The second property, Unit 2, 3 Mantell Street, which has an area of concrete paving within the reserve and several bushes in an informal garden, was built in 1990. It was sold at auction in August 2015, previously in April 2003, and again in August 1999. The Reserve has been adversely occupied during all that time, and possibly beyond that.
- 1.6 The third property, which has minimal improvements apart from fencing, has been in the same ownership since 1960 and, although it is not known how long this part of the reserve has been adversely occupied, it has certainly been for many years.

2 PROPOSAL/ISSUE

- 2.1 Council's Engineering and Technical Services Unit and Economic and Environmental Planning Unit have indicated no objection to the land being sold, provided the resulting allotments are encumbered by drainage and sewerage easements.
- 2.2 Although Council has the right to require the owner of Unit 2 at 1 Mantell Street to remove the improvements encroaching onto Council's land, such a move would cause significant disturbance to the owner. Given the long-standing occupancy, it has been decided to offer that section of reserve to that owner.
- 2.3 Council's Building Surveyor inspected the decking and verandah at the rear of Unit 2 at 1 Mantell Street in April 2016 and considered the works to be free of any significant defects, apart from being built over the property boundary, which represents a problem regarding fire separation. That problem would be overcome with the purchase of the drainage reserve and consolidation of titles.
- 2.4 In order not to be left with any land-locked parcels of land, agreement had to be reached with each owner sequentially from the north down. Terms of sale have now been agreed with the two occupiers at the northern end of the reserve, and the owner of the property on the opposite side to the southern-most occupier, including signatures to the terms of sale and payment of deposits. The owner of the property at 6 Milan Street, the southern-most occupier, had responded to an invitation to purchase the land as being not

interested. That parcel was, therefore, offered to the owner of Unit 3 at 5 Mantell Street on the opposite side of the reserve.

See Attachment 2 – Abutting Purchasers.

- 2.5 The land abutting the reserve is zoned General Residential 1 and is encompassed in the proposed planning scheme amendment C109, which is intended to introduce a Special Building Overlay in recognition of its propensity to flood during heavy rainfall. The land being offered to abutting properties will be encumbered with drainage and sewerage easements and will not add to the development potential of the purchasers' land.
- 2.6 If Council agrees to sell the land, its intention must first be advertised by public notice pursuant to sections 189 and 223 of the Local Government Act 1989, providing the opportunity to interested persons to make a submission.
- 2.7 The market value of each section of reserve being considered for sale has been assessed by staff valuers at market levels, and purchasers are also required to pay a portion of Council's survey and legal expenses. Following negotiations with respective parties, which included meetings with Ward Councillors, sale of part of the reserve has been agreed with the following land owners:
 - 2.7.1 Unit 2 at 1 Mantell Street
 - 2.7.2 Unit 2 at 3 Mantell Street
 - 2.7.3 Unit 3 at 5 Mantell StreetCouncillors have been separately advised of the terms of the proposed sale of each section of reserve.
- 2.8 Fencing designs that enable the free flow of excess surface water have been prepared by ETS and, after agreement with respective purchasers, will be installed across the subdivided reserve at their expense.

3 PRIORITY/TIMING

- 3.1 If Council resolves that it intends to sell the land, the following actions will take place:
 - 3.1.1 Pursuant to sections 189 and 223 of the Local Government Act 1989 a Public Notice will be published in the Manningham Leader newspaper, advising of Council's proposal to subdivide the section of drainage and sewerage reserve and sell the land to the abutting owners, and of a person's right to make a submission in regard to Council's proposal.
 - 3.1.2 Any submissions would be presented to a Committee of Council for consideration, and its findings would be reported to Council.
 - 3.1.3 If there are no submissions, a report will be prepared, inviting Council to have the reserve status of that section of the drainage reserve removed and to subdivide the land, then to sell its land to those abutting owners who wish to buy the allotments.
 - 3.1.4 If Council resolves to sell the land, Council's consultant surveyor will be engaged to prepare the necessary plans and have titles issued by Land Victoria, and its solicitor will be engaged to prepare contracts of sale and to undertake the transfer of the land. The

subdivided parcels will then be consolidated with the purchasers' titles.

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 This section of drainage reserve has been in use by abutting property owners for a number of years, and nearby residents may have been under the impression the land was privately owned. Offers to purchase the land were made to owners whose properties had long-standing occupancy, although the current owner of Unit 2 at 3 Mantell Street only purchased the property in August 2015.
- 5.2 The owner of 6 Milan Street, who has occupied the reserve for many years, declined Council's invitation to purchase it.
- 5.3 The public notice may alert other abutting owners, who could also benefit from the additional land, that the land is available for purchase.

6 FINANCIAL RESOURCE IMPLICATIONS

- 6.1 The land that is the subject of this report has been valued by Council's City Valuer but, because of the limited market and encumbrances over the land, the added value to respective abutting properties is highly subjective. It is considered the agreed prices and deals are reasonable given the circumstances.

7 CONSULTATION

- 7.1 A Public Notice in accordance with the Act will be published in the *Manningham Leader* newspaper, advising of Council's intention to sell the section of drainage reserve and providing the opportunity for any person to make a submission to Council regarding its proposal.

8 CONCLUSION

- 8.1 It is considered the section of drainage reserve that is the subject of this report is not required for public use, but the public must be consulted before resolving to subdivide and sell it.

OFFICER'S RECOMMENDATION

That Council:

- (A) **Resolves its intention to sell the proposed subdivided section of drainage and sewerage reserve at the northern end of 25B Morna Road, Doncaster East, and which is shown on the plan attached to this report and labelled as Attachment 1, and authorises the undertaking of the statutory procedures;**
- (B) **Publishes a public notice in the *Manningham Leader* newspaper detailing the proposed subdivision and sale pursuant to sections 189 and 223 of the Local Government Act 1989;**

- (C) **Agrees to the sale prices and conditions of sale of the section of the reserve to be acquired by the respective owners of Unit 2/1, Unit 2/3, and Unit 3/5 Mantell Street, Doncaster East as detailed in this report;**
- (D) **Establish a Committee of Council, comprising the Mayor and Koonung Ward Councillors, and chaired by the Mayor, to consider any submissions in accordance with sections 189 and 223 of the Local Government Act 1989;**
- (E) **Council to disband the Committee of Council once it has reported to Council on any submissions received.**

Council further resolves that, should no submissions be received:

- (F) **That the Chief Executive Officer be authorised to sign any contract of sale and other necessary documents for the sale of the land on behalf of Council; and**
- (G) **That Council's seal be affixed to any transfer of land and to any other document to which Council's seal is required to be affixed in connection with the sale of the land;**

**MOVED: O'BRIEN
SECONDED: HAYNES**

That the Recommendation be adopted.

CARRIED

"Refer Attachments"

Attachment 1 - Occupiers

Attachment 2 - Abutting Purchasers

* * * * *

13.4 11 Hepburn Road, Doncaster - Property Acquisition

Responsible Directors: Director Planning & Environment and Director Shared Services

File No. T16/124

The ultimate destination for this report is: COUNCIL AGENDA

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

SUMMARY

The purpose of this report is to respond to a request from the owner of 11 Hepburn Road, Doncaster for Council to purchase the property.

As part of the implementation of the Doncaster Hill Strategy (October 2002, revised 2004), a number of properties were reserved by a Public Acquisition Overlay (PAO) for future acquisition as part of future infrastructure planning for Doncaster Hill. Public Acquisition Overlay (PAO1) for open space purposes, was applied to 11 Hepburn Road, Doncaster, as part of Amendment C37, approved in 2005. The owner of the property at 11 Hepburn Road, Doncaster, has formally advised Council of their intention to sell and have invited Council to purchase this property now.

It is recommended that Council proceed with the purchase.

9 BACKGROUND

- 9.1 Council previously identified a number of properties that it intends to acquire as part of the Doncaster Hill Strategy (October 2002, revised 2004) for infrastructure improvements.
- 9.2 The Public Acquisition Overlay was required as some of the infrastructure works proposed for Doncaster Hill required land acquisition.
- 9.3 The Doncaster Hill Urban Plazas and Parks, June 2003 report sets out the open space requirements for Doncaster Hill. It identified the need to upgrade three existing reserves (Lawford, Carrawatha and Saxon) and create a new reserve in Hepburn Road to service Precinct 2 (the precinct with the highest densities).
- 9.4 11 Hepburn Road is a land parcel of 725 square metres, on which is a part two level dwelling of approximately 177 square metres. The dwelling was originally built in 1964 and was renovated in early 2000.
- 9.5 The Hepburn Road Reserve will service Precincts 2 and 3. The June 2003 report *"recommends that the park be developed as predominantly green open space, with quality play opportunities, ample seating, perhaps with a paved seating area, barbeque, some shelter, paved pathways, lighting throughout and significant areas of tree and shrub planting. A feature to be incorporated which terminates the vista from Doncaster Road and highlights the park."* Refer attached Precinct 2 Master Plan.
- 9.6 As part of Amendment C30 and C37 to the Manningham Planning Scheme, a Public Acquisition Overlay was applied for the purposes of either open space (PAO1) or road (PAO7) to a number of properties within Doncaster Hill, with Manningham City Council identified as the acquisition authority. Amendment

C30 to the Manningham Planning Scheme was approved on 8 September 2005. Amendment C37 was approved on 18 August 2005.

- 9.7 The PAO1 was applied to 9, 11, 13 and 15 Hepburn Road to provide the opportunity to increase the open space requirements for Doncaster Hill and in particular Precinct 2.
- 9.8 Amendment C30 (gazetted 8 September 2005) put in place a mandatory 5% open space contribution to be paid by developers to fund the identified Doncaster Hill open space improvements.
- 9.9 Council purchased 13 Hepburn Road in 2005 for \$450,000 and 15 Hepburn Road in 2010 for \$870,000.
- 9.10 The Hepburn Road Reserve is listed in the Open Space Strategy 2014 (Part 2, Recommendation 5.1) as an important open space for the highest density precinct of Doncaster Hill.
- 9.11 If Council does not purchase the property now, section 46 of the Act provides that the owner may make claims on Council for any pecuniary loss, including loss on the value of the property attributable to its reservation and any associated expenses. As the acquisition process has not involved the issue of a formal notice of acquisition under section 19 of the Act, it becomes arguable as to what costs may be reimbursed by Council. For example, any unreasonable delay in proceeding to purchase the property, and such delay causes the vendor to incur additional costs in the purchase of another property, may become a claim on Council.
- 9.12 Whilst the PAO doesn't preclude a vendor from offering to sell the property to another party, there would be very few prospective purchasers who would be prepared to take on the risk of the uncertain future of the property. That is, the property is unlikely to sell with the PAO still in place and, if it did, the loss on sale price is likely to be substantial.
- 9.13 The property is included in an Activity Centre Zone under the Manningham Planning Scheme, as is land to the west, north and east, and in that zone high density mixed residential and commercial development is encouraged.
- 9.14 Land further south in Walker Street and Gifford Road is included in the General Residential Zone (Schedule 2) and subject to a Design and Development Overlay Schedule 8, one objective of which is to increase residential densities and provide a range of housing types in and around activity centres.

10 PROPOSAL/ISSUE

- 10.1 The owner of 11 Hepburn Road, Doncaster, currently occupies the property and has formally approached Council to advise that they intend to sell this property. They wrote to Council on 23 May 2016, inviting Council to purchase the property.
- 10.2 It could be more than three years before the property will be developed for open space purposes and in the interim it could be leased.

11 PRIORITY/TIMING

- 11.1 As the owner of the property has made a formal request for Council to consider the purchase, they require a decision by Council as to whether Council would purchase the property.

11.2 There are currently a number of developments under construction in Precinct 2 and it will be important that open space is delivered to the area in a timely manner.

12 FINANCIAL PLAN

12.1 The purchase will be funded from the Doncaster Hill Open Space Reserve, which will have sufficient funds to cover the purchase in 2016/2017.

12.2 Council's City Valuer's assessment of the value of the property has been conveyed separately to Councillors.

12.3 The owner has had an independent valuation completed of the property and this valuation accords with Council's own valuation as assessed at the current date based on sales evidence and all appropriate market data.

12.4 Council is obligated to pay for the reasonable valuation, and legal expenses of the owner as vendor.

13 CONSULTATION

13.1 Council's intention to acquire this property was made known to the property owner as part of undertaking the process to amend the Manningham Planning Scheme to apply the Public Acquisition Overlay.

14 CONCLUSION

14.1 Council should proceed to purchase the property at 11 Hepburn Road, Doncaster.

14.2 The purchase will provide important open space for the locality given Council owns adjoining properties at 13 and 15 Hepburn Road, which are also designated for open space.

OFFICER'S RECOMMENDATION

That Council:

- (A) Resolves to purchase the property known as 11 Hepburn Road, Doncaster to be funded from the Doncaster Hill Open Space Reserve;**
- (B) Authorises the Chief Executive Officer to execute any documents associated with the purchase;**
- (C) Affixes the common seal to the Transfer of Land and any other documents required to effect the purchase and transfer; and**
- (D) Notes that the property would be leased until such time as it can be developed for open space purposes.**

MOVED: O'BRIEN
SECONDED: HAYNES

That the Recommendation be adopted.

CARRIED

"Refer Attachments"

* * * * *

14. CHIEF EXECUTIVE OFFICER

14.1 Strategic Risk Register Report to Council - six month period ending 30 June 2016

Responsible Director: Executive Manager People & Governance

File No. T16/154

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

This report provides summary details of Manningham City Council's Strategic Risk Register for the six month period ending 30 June 2016. This is consistent with the Risk Management Policy reporting framework and the Local Government Performance Reporting Framework (LGPRF). Capture of the Strategic risks and their risk ratings is a dynamic process and is relative to a point in time. There are presently 12 Strategic risks. This report has been endorsed by the Audit Committee on 15 July 2016.

1 BACKGROUND

- 1.1 The Risk Register comprises 12 Strategic and 75 Directorate Operational risks. Directors and Service Unit Managers undertake regular reviews of existing key operational and emerging risks. The Operational risks broadly sit under the umbrella of a Strategic risk and deliver the operational control processes and treatment plans that mitigate the Strategic risk.
- 1.2 The policy defines Strategic risks as 'significant enough to potentially impact the Council's service delivery and implementation of the Council Plan and its statutory responsibilities'.

2 PROPOSAL/ISSUE

- 2.1 At its meeting on 22 June, the Risk Management Committee reviewed MCC's Strategic risks, focussing their attention on editing the risk descriptions to allow broadening and simplification of the identified risks in keeping with the advice of the Audit Committee. The Risk Management Committee concluded that risk number 11, 'Significant injury or infrastructure damage arising from a Council management or approved event', was no longer deemed a Strategic risk following the recent internal audit. Public safety is already incorporated into Strategic Risk number 4 and event management is captured in the Directorate Operational risks.
- 2.2 Of the 12 Strategic risks, three are rated high and nine are rated Medium.
- 2.3 The organisation is presently implementing a dedicated risk register software program. As a result, some changes will be introduced to the current risk assessment process including two stages of rating the risk, being the

'current' (inherent) and 'target' (residual) risk ratings. As a consequence, the Risk Management Committee will be undertaking a more comprehensive review of the Strategic Risks and applying a more advanced approach to treatment options and risk appetite. An improved and automated reporting format will also feature in the new system.

3 CONCLUSION

- 3.1 The Strategic Risk Register now features 12 risks which are regularly monitored by the Risk Management Committee and the independent Audit Committee.

OFFICER'S RECOMMENDATION

That Council note the Strategic Risk Register as at the 30 June 2016.

MOVED: KLEINERT
SECONDED: GRIVOKOSTOPOULOS

That the Recommendation be adopted.

CARRIED

"Refer attachment"

* * * * *

14.2 Delegations - Update July 2016 Instrument of Delegation (S6)

Responsible Director: Executive Manager People & Governance

File No. T16/158

The ultimate destination for this report is: COUNCIL AGENDA

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

SUMMARY

Council delegates various powers to officers to assist in the streamlining of the day-to-day business operations and thereby providing a more effective and timely service to residents, customers and other stakeholders. The delegations that are made directly by Council are to the Chief Executive Officer (CEO) pursuant to the Local Government Act 1989 or to other staff members under the authority of other State Government Acts or Regulations. The Instrument of Delegation from Council to Staff (S6) has been reviewed and updated on advice received from Maddocks Lawyers concerning changes to Acts and Regulations made since the last update of the Instrument of Delegation.

1 PROPOSAL/ISSUE

- 1.1 It is proposed that the S6 Instrument of Delegation be updated in accordance with advice received from Maddocks Lawyers and once adopted be published on Council's website.

2 BACKGROUND

- 2.1 The Local Government Act 1989 (the Act) provides that Council may delegate to a member of staff most powers, duties or functions of a Council under that Act or any other Act that empowers Council to delegate powers to members of Council staff.
- 2.2 The delegation framework in use at Manningham Council consists of the following five Instruments of Delegation.
 - a. Instrument of Delegation from Council to the CEO (S5)
 - b. Instrument of Delegation from Council to Organisational Positions (S6)
 - c. Instrument of Sub-Delegation from the CEO to Officers (S7)
 - d. Instrument of Delegation by the Municipal Building Surveyor (S12)
 - e. Instrument of Delegation by the CEO for VicSmart Applications (S14)
- 2.3 These Instruments are kept up-to-date in two ways. The first is by subscription to a delegations service provided by Maddocks providing information of changes in legislation and delegated powers provided to Council every six months. The second is by way of a total review conducted after every general election of Council. This last took place in July 2013 and

the next will be within twelve months after the general elections in October 2016.

- 2.4 Maddocks Lawyers have now provided the first update to their Delegations and Authorisations Service for 2016. It takes into account legislative changes made since December 2015, which affect Council's powers, functions and duties. The update only amends two of the five Instruments that make up the suite of delegations given by Council or the Chief Executive Officer. These two are :-
- S6 Instrument of Delegation – Council to Officers
 - S7 Instrument of Sub-delegations by the Chief executive Officer
- 2.5 This report only concerns the first of these Instruments as it is the only one whereby Council directly gives delegations to Officers. The changes to this Instrument are very minor and in some cases simply reflect the change of Regulations made in 2005 being replaced by the same Regulations in 2015 such as the Road Management (General) Regulations 2016. Amendments to the Planning and Environment Act 1987 have been included which allow for infrastructure contributions plans to be included in a planning scheme.
- 2.6 The updated S6 Instrument, as attached, shows the delegations given directly from Council to Officers in the new format generated for the first time by the use of Advent ManageR[®] Delegations Software which streamlines the onerous and complex task of creating and maintaining all of Council's Delegations Registers. This software package is produced with the permission of Maddocks Lawyers.

3 POLICY/PRECEDENT IMPLICATIONS

- 3.1 This report conforms to Policy POL/504 adopted by Council on 9 December 2015.

4 CONSULTATION

- 4.1 In undertaking this update all affected Service Unit Managers and members of the Executive Management Team have been consulted prior to presentation to Council to ensure the accuracy and appropriateness of the delegations.

5 COMMUNICATIONS STRATEGY

- 5.1 The updated S6 Instrument forms part of the public Register of Delegations held by Council's Strategic Governance Unit pursuant to S98 of the Act. The Instruments of Delegation must be kept for public inspection and as such are all displayed on Council's website.

6 CONCLUSION

- 6.1 Delegations perform a fundamental governance function, and prescribe matters where the CEO and identified Council staff can exercise specific powers, duties and functions to assist in the best performance of their position and to provide a more efficient and effective service to the local community.

- 6.2 This report solely updates the S6 Instrument to take into account recent legislative changes that have affected current delegations or introduced new matters for delegation.
- 6.3 It is recommended that the updated S6 Instrument be updated and adopted by Council.

OFFICER'S RECOMMENDATION

That Council in the exercise of the powers conferred by section 98(1) of the Local Government Act 1989 (the Act) and the other legislation referred to in the attached Instrument of Delegation (S6) resolves that:-

- a) **There be delegated to the members of Council staff holding, acting in or performing the duties of the positions referred to in the attached Instrument to members of Council staff, the powers, duties and functions set out in the attached Instrument subject to the conditions and limitations specified in that Instrument;**
- b) **The Instrument comes into force immediately the Common Seal of Council is affixed to the Instrument;**
- c) **On the coming into force of the Instrument, all previous delegations from Council to members of Council Staff (other than the Chief Executive Officer) are revoked;**
- d) **The duties and functions set out in the Instrument must be performed, and the powers set out in the Instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt; and**
- e) **Council affix the Common Seal to this Instrument.**

MOVED: GALBALLY
SECONDED: GRIVOKOSTOPOULOS

That the Recommendation be adopted.

CARRIED

"Refer Attachments"

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14.3 Documents for Sealing - 26 July 2016

Responsible Director: Executive Manager People & Governance

File No. T16/153

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 K & K Mozaffarian, V H Qazvini, S Samiee & M Hajjari
279 Church Road, Templestowe**

**Deletion of Easement Agreement
Council and ABC Homes and Construction Pty Ltd
1 Harold Street, Bulleen**

**Community Services Lease
Council and Donvale Sports Club Inc
Part Donvale Reserve, 36-82 Mitcham Road, Donvale**

**Deed of Renewal and Variation of Lease
Council and Inner East Community Health Service
Part MC², 687 Doncaster Road, Doncaster**

**Deed of Renewal and Variation of Lease
Council and Doncaster Community Care and Counselling Centre Inc
Part MC², 687 Doncaster Road, Doncaster**

**Deed of Renewal and Variation of Lease
Council and Young Mens Christian Association of Manningham Inc
Part MC², 687 Doncaster Road, Doncaster**

MOVED: GRIVOKOSTOPOULOS
SECONDED: DOWNIE

That the Recommendation be adopted with the addition of the following agreements:

**Council Telecommunications Lease – Vodafone
Council and Vodafone Network Pty Ltd
Part 139-153 Williamsons Road, Templestowe Lower**

**Transfer of Land – Section 45 of the Transfer of Land Act 1958
(Acquisition for Tindals Road Network Improvements)
Council and Z J Zhao & F Ye
Lot R1 on Plan of Subdivision PS713739R, Part 154 Tindals Road, Donvale**

**Transfer of Land – Section 45 of the Transfer of Land Act 1958
(Acquisition for Tindals Road Network Improvements)
Council and M K Sheppard
Lot R2 on Plan of Subdivision PS713739R, Part 162 Tindals Road, Donvale**

CARRIED

* * * * *

14.4 Record of Assembly of Councillors - July 2016

Responsible Director: Executive Manager People & Governance

File No. T16/161

The ultimate destination for this report is: COUNCIL AGENDA

Neither the responsible Executive 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 20 June and 15 July (both dates inclusive). They are:-

- Sustainable Design Task Force on 23 June
- Council Meeting on 28 June
- Sustainable Design Task Force on 30 June
- SBS on 12 July
- Senior Citizens Reference Group on 13 July

1 BACKGROUND

- 1.1 An Assembly of Councillors is defined in the Local Government Act 1989 as 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 are 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 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 The details of each Assembly are shown in the Attachments to this report.

2 PROPOSAL/ISSUE

- 2.1 The Assembly records are submitted to Council, in accordance with the requirements of Section 80A of the Local Government Act 1989.

OFFICER'S RECOMMENDATION

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

**MOVED: HAYNES
SECONDED: KLEINERT**

That the Recommendation be adopted.

CARRIED

"Refer Attachments"

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15. URGENT BUSINESS REPORTS

15.1 Greater Warrandyte Fireball Committee

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

That Council admits for consideration the following item of Urgent Business at item 15.1. That the Chief Executive Officer allocate funds to the Greater Warrandyte Fireball Committee to assist it in meeting a budget shortfall of \$7,000 due to the venue organisers (Park Hyatt) requirement that their sound/stage contractor be used for the event.

Amendment

**MOVED: DOWNIE
SECONDED: McLEISH**

That the Chief Executive Officer approach Nillumbik Council for assistance in funding this \$7,000 which is to be given directly to the CFA for purchasing of the slipon truck.

LOST

The motion was then PUT and CARRIED

16. NOTICES OF MOTION

16.1 Notice of Motion by Cr Dot Haynes (Nom No.5/2016)

**MOVED: HAYNES
SECONDED: DOWNIE**

That Council, having regard to the former St John's Church and Hall at 283 Springvale Rd Donvale:

- (a) Immediately commences the process to amend the Manningham Planning Scheme to include the former St John's Church and Hall at 283 Springvale Rd Donvale as a heritage place in the Schedule to clause 43.01 Heritage Overlay, and in addition apply controls to internal alterations;**
- (b) Negotiates with the building owners an agreement by which Council acquires and removes said buildings from the property and relocates them in or adjacent to the site known as Schramms Cottage for the care of and use by the Manningham Historical Society;**
- (c) Allocates sufficient Council funding in the current and future budgets to achieve (a) and (b); and**
- (d) Seeks funding from other parties to achieve (a) and (b) including State and Commonwealth Governments, Community and Church groups.**

And thereby evidences to our Community the importance that Manningham City Council places upon our heritage for the benefit of current and future generations.

CARRIED

DIVISION

A Division having been demanded the Council divided as follows:

FOR (4): Councillors Haynes, Downie, Kleinert and McLeish.

AGAINST (3): Councillors O'Brien, Grivokostopoulos and Galbally

THE MOTION WAS DECLARED CARRIED

16.2 Notice of Motion by Cr Meg Downie (Nom No.6/2016)

MOVED: DOWNIE
SECONDED: HAYNES

That Council, in the interests of the safety of the children at Wonga Park Primary School:

- (a) Commence discussions with Wonga Park Primary School and the Victorian Department of Education and Training to investigate traffic-related issues around the school and determine the most appropriate and effective response. This may include on-street or off-street treatments. The solution would need to involve a mutually beneficial outcome for the school, the Department and the Council.**

- (b) Send a copy of Council's resolution to the Government Representative in the Legislative Council informing him of the motion and asking him for assistance in this.**

Procedure Motion

MOVED: GALBALLY
SECONDED: O'BRIEN

That the Standing Orders for the meeting procedures be suspended.

CARRIED

Procedure Motion

MOVED: HAYNES
SECONDED: O'BRIEN

That the Standing Orders for the meeting procedures be resumed.

CARRIED

The original motion was then PUT and CARRIED

DIVISION

A Division having been demanded the Council divided as follows:

FOR (7): Councillors Haynes, O'Brien, Grivokostopoulos, Downie, Kleinert, Galbally and McLeish.

AGAINST (0): Nil.

THE MOTION WAS DECLARED CARRIED UNANIMOUSLY

17. QUESTIONS FROM THE PUBLIC

There were no written questions from the public.

18. QUESTIONS WITHOUT NOTICE

Questions were asked by Councillors on various issues, none of which required direct Council action or referral to a Strategic Briefing Session for further consideration, these can be heard on the audio for the Council Meeting on Council's website.

19. CONFIDENTIAL REPORTS

There were no Confidential Reports

The meeting concluded at 8:36pm

Chairman
CONFIRMED THIS 30 AUGUST 2016.

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