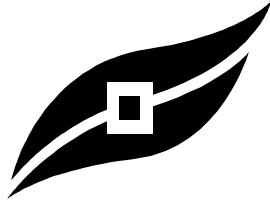


MINUTES



MANNINGHAM
BALANCE OF CITY AND COUNTRY

Ordinary Meeting of the Council

MEETING DETAILS:

MEETING NO: 10
MEETING DATE: 30 August 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
30 AUGUST 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 Geoff Gough
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 People & Governance – Ms Jill Colson

1. OPENING PRAYER & STATEMENTS OF ACKNOWLEDGEMENT

The Mayor read the Opening Prayer & Statements of Acknowledgement.

2. APOLOGIES

There were no Apologies for this meeting.

3. PRIOR NOTIFICATION OF CONFLICTS OF INTEREST

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

There were no notifications of Conflict of Interest.

4. CONFIRMATION OF MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON 26 JULY 2016

MOVED: GRIVOKOSTOPOULOS

SECONDED: DOWNIE

That the Minutes of the Ordinary Meeting of Council held on 26 July 2016 be confirmed.

CARRIED

5. VERBAL QUESTIONS FROM THE PUBLIC

There were no Questions from the Public.

6. PRESENTATIONS

There were no Presentations.

7. PETITIONS

7.1 Overdevelopment of High Density Buildings in Bulleen

MOVED: GRIVOKOSTOPOULOS

SECONDED: O'BRIEN

That the Petition containing 68 signatures concern about the overdevelopment of high density buildings in Bulleen particularly on and around Manningham Road be received and referred to the appropriate Officer for attention.

CARRIED

8. ADMISSION OF URGENT BUSINESS

8.1 Confidential Governance Matter

MOVED: GOUGH

SECONDED: HAYNES

That Council admits as Urgent Business an item titled "Confidential Governance Matter" and this matter be considered in closed Council as part of item 20 as public disclosure would prejudice the Council or any person pursuant to section 89(2)(h) of the Local Government Act 1989.

CARRIED

Procedure Motion

MOVED: HAYNES
SECONDED: DOWNIE

That the Meeting Procedures Standing Orders be suspended to allow items 16 and 17 to be brought forward and considered before item 9 on Planning Permit Applications.

CARRIED

Item 16 Rescission Motion and item 17 Notices of Motion were considered at this stage in the Meeting but the outcome are shown later in the Minutes.

9. PLANNING PERMIT APPLICATIONS

9.1 Planning Application PL15/025340 - 118-120 Manningham Road, Bulleen - Construction of a four-storey Apartment Building with 32 Apartments

Responsible Director: Director Planning & Environment

File No. T16/183

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

Land: 118-120 Manningham Road, Bulleen
Zone Residential Growth Zone Schedule 2
Applicant: Roland Zhang
Ward: Heide
Melway Reference: 32G7
Time to consider: 11 September 2016

SUMMARY

The proposal is for the development of two (2) side-by-side residential lots (with a total area of approximately 1,391 square metres) with a four-storey apartment building and basement car parking on land known as 118 and 120 Manningham Road, Bulleen. The apartment building proposes a yield of 32 dwellings consisting of 3 one bedroom apartments, 25 two bedroom apartments and 4 three bedroom apartments. A total of 40 car parking spaces are provided on-site.

The application was advertised and 19 objections were received, including one multi-signatory objection with 5 signatures from owners and occupiers of surrounding land. Grounds of objection relate to the design response and neighbourhood character, the built form and building height, site coverage, on- car parking provision, traffic, and off-site amenity impacts including overlooking, overshadowing and the visual impact of the building.

This report concludes that the proposal generally complies with the Manningham Planning Scheme, including Clause 55 (Res Code) and the requirements of Schedule 8 to the Design and Development Overlay (Residential Areas adjacent to Activity Centres and along Main Roads). These planning controls recognise that there will be a substantial level of change in dwelling yields and built form at the subject site.

Officers have however, given particular consideration to the building's height and scale, as it proposes to take full advantage of the site opportunities including a four-storey built form with a maximum height of 11.7 metres above natural ground level. This height exceeds the preferred maximum height and policy intent outlined in the Design and Development Overlay Schedule 8, which encourages a maximum height of 9 metres and built form outcomes up to three-storeys in height, on the subject site.

Subject to conditions on any permit issued, requiring increased setbacks from the rear site boundary (to 1 Nirvana Crescent) at the first and third floor levels, and change to some of the stronger design elements to the rear building façade at the second floor level, in order to improve off-site amenity impacts and improve height transition to the south, the height and mass of the building form is considered acceptable on this main road location. The design response includes reasonable setbacks from the remaining site boundaries to allow for perimeter landscaping. This will assist in softening and screening the building from adjoining residents and limiting any unreasonable visual bulk and off-site amenity impacts.

The design proposes a site coverage of 65% according to the submitted plans. This exceeds the preferred 60% maximum site coverage prescribed under the DDO8. However, a further analysis of this has revealed that the ground level building footprint has a site coverage of only 55% and it is the overhanging balconies and construction over the driveway that are responsible for the inflated figure. The proposal provides ground level setbacks consistent with 60% maximum site coverage and the development is suitably softened by generous amounts of landscaping.

Overall, this is a compliant development and approval (subject to conditions on any permit issued) is recommended.

1 BACKGROUND

Site

- 1.1 118 -120 Manningham Road, Bulleen (the subject site) comprises two (2) residential lots that have a total site area of approximately 1,391 square metres. The subject site is irregular in shape with a street frontage to Manningham Road (northern boundary) of 41.15 metres, a frontage to Nirvana Crescent (eastern boundary) of 35.74 metres and a 2.91 metre corner splay at the intersection (north-eastern corner).
- 1.2 The lot at 118 Manningham Road is developed with a single-storey brick dwelling with a flat roof. The dwelling is setback approximately 7.5 metres from Manningham Road and the frontage is fenced by a low height brick fence.
- 1.3 The lot at 120 Manningham Road is developed with a single-storey brick dwelling with a tiled hipped roof. The dwelling is setback approximately 8.5 metres from Manningham Road and 3.0 metres from Nirvana Crescent. Both the Manningham Road and Nirvana Crescent frontages are unfenced. Vehicle access is provided via a crossover from Nirvana Crescent.
- 1.4 To the east of the subject site, there is a rise up from the road surface across the nature strip such that the subject site sits between approximately 1.5 and 1.7 metres higher than the footpath level, and between 1.8 and 2.0 metres higher than the road surface level. The battered portion of the nature strip (located between the footpath and the title boundary) is planted out with ground covers and shrubs and while it is Council land, it presents as part of the subject site.
- 1.5 The subject site itself is relatively flat, with a slight fall to the northeast corner.
- 1.6 Both lots have a 1.83 metre wide drainage and sewerage easement running along the southern boundary. There are no covenants or Section 173 Agreements registered against either title, however each title has a caveat

registered. The proposed development will not breach any restrictions registered to title.

Surrounds

- 1.7 The subject site is a corner lot with frontages to two (2) streets and has direct abuttal with two (2) properties. These properties and other surrounding development are described as follows:

Direction	Address	Description
North	Manningham Road	To the front of the subject site is Manningham Road, which is a 6 lane main road with a central median strip.
South	1 Nirvana Crescent	This site is an irregular shaped lot with an area of approximately 736 square metres. The site is developed with a single dwelling orientated to Nirvana Crescent. The dwelling is a single-storey brick dwelling with a shallow pitched hipped roof and wide eaves. The dwelling is set back between 2.63 metres and 6.0 metres from the shared boundary with the subject site with habitable from windows a distance of 6.0m from the shared boundary. A carport is constructed on the shared boundary and a shed is located immediately to the rear of this. An area of secluded private open space is located at the rear (western side) of the dwelling. The shared boundary comprises a 2.0 metre high paling fence. This property is zones General Residential 1 (GRZ1).
East		To the east of the subject site is Nirvana Crescent, a local street with on-street parking provided. On the opposite side of Nirvana Crescent are 2A and 2B Nirvana Crescent, which are developed with 2 single-storey dwellings constructed of rendered walls with tiled hipped roofs. Both dwellings share a vehicle access off Nirvana Crescent. This site is also in a Residential Growth Zone (GRZ).
West	114 and 116 Manningham Road	This site was previously occupied by a single dwelling, but currently an 8 dwelling development approved under planning permit PL14/024313 is under

Direction	Address	Description
		construction. The completed development will result in 8, 3-storey dwellings setback 6.0 metres from Manningham Road and 2.5 metres (2.0 metres when measure to balconies) from the shared boundary with the subject site.

- 1.8 Further west, number 112 Manningham Road is developed with a single-storey, brick dwelling set back 7.7 metres from the street frontage. Vehicle access is via a crossover on the eastern end of the frontage, leading to a driveway that provides access to a carport attached to the east of the dwelling and a garage at the south-east corner of the property. The secluded private open space is located to the south of the dwelling and is mostly grassed with some small trees. A brick fence approximately 1.2 metres in height is located on the frontage.
- 1.9 Number 3A Nirvana Crescent abuts the western corner of the southern boundary of the subject site and is currently being developed with a two-storey dwelling set back 3.8 metres from the common boundary. Facing the subject site, the dwelling has four (4) habitable room windows at ground level (the closest being 6.55 metres from the shared boundary) and one (1) habitable room window at the upper level.
- 1.10 Manningham Road is a major arterial road and has three (3) lanes of traffic travelling in east and westerly directions, and a raised median strip. Bus services are available along Manningham Road.
- 1.11 Bulleen Plaza Shopping Centre is located approximately 200 metres to the west of the subject site. St. Clements Primary School is located 300 metres to the west and Pinnacle Reserve is located 220 metres to the east of the subject site.
- 1.12 Nearby housing is generally single-dwellings on a lot with a mix of single and double-storey built forms. Housing stock is generally constructed in brick with evidence of both flat and hipped roof forms. Garages are generally built at the side of dwellings or incorporated into the design of the dwellings with single driveway access. Some nearby lots have also been developed with multiple dwellings.

2 PROPOSAL

- 2.1 It is proposed to demolish the existing buildings (no planning permit required), carry out excavation for two (2) levels of basement car parking and construct a four-storey apartment building with a roof terrace for each of the four (4), 3-bedroom dwellings on Level 3.
- 2.2 The building will provide 32 dwellings, including 3 one-bedroom apartments, 25 two-bedroom apartments, and 4 three bedroom apartments. The apartments vary in floor area between 49 and 97 square metres.
- 2.3 The submitted plans show a building site coverage of approximately 65.72%. An analysis of the plans shows that the ground level building footprint has a

site coverage of 55% and it is the overhanging balconies and construction of the driveway that are responsible for the inflated figure.

- 2.4 The proposal provides a density of one dwelling per 43.4 square metres.
- 2.5 The pervious site coverage is 33.4%.
- 2.6 The building has a maximum height of 11.7 metres above the existing ground level (located at the parapet wall of the southwest corner of the roof terrace). At other points, the roof terrace has a height of between 11.4 and 11.5 metres above existing ground level.
- 2.7 The proposed building has a stylish modern architectural design, which includes a flat roof form and curved façade presentation at the upper most level and corners atop a more linear structured lower level. The building façades consist of a mix of rendered walls, zinc composite cladding, metal screens, and glazed surfaces. The colour palette is a mix of grey, white silver and black.
- 2.8 The pedestrian entry to the building will be via a pathway from Nirvana Crescent. It leads to a central foyer that provides a lift and a stairwell for internal access to all levels of the building except for the roof level.
- 2.9 Vehicle access is provided via a new 6.365 metre wide crossover near the southern end of the eastern Nirvana Crescent frontage. It leads to a driveway with a maximum grade of 1:4 that slopes down towards the basement. The existing crossover to 120 Manningham Road will be removed and the footpath and nature strip replaced.
- 2.10 No existing trees on site are proposed to be retained. The areas around the building will be landscaped and the concept landscape plan shows canopy tree and other planting within the setbacks.
- 2.11 Along the south and west site boundaries, paling fences will be provided (2.0 metres in height to the southern boundary and 1.6 metres in height with lattice atop to 2.0 metres to the western site boundary).
- 2.12 No front fence is shown on plans.
- 2.13 The development will require a retaining wall to the western boundary, and along the north frontage (setback from the boundary), and the east frontage (setback from the boundary). The maximum depth of cut for the retaining wall will be in the order of 1.25 metres to the west boundary, whilst the maximum height of the wall itself will be in the order of 1.7 metres, with approximately 450mm of wall protruding above natural ground level.
- 2.14 Details for each building level is described as follows:
 - 2.14.1 The ground level consists of nine, two-bedroom apartments, all of which are provided with ground level terraces or courtyards. The courtyards range in size from 23.37 square metres to 88.25 square metres. This level also includes the main building entry from Nirvana Crescent, a central foyer with lift and stairwell area.
 - 2.14.2 Level 1 consists of seven, two-bedroom apartments and three one-bedroom apartments, each provided with balconies that range in size between 8.1 to 27.7 square metres.
 - 2.14.3 Level 2 consists of eight two-bedroom apartments, each provided with balconies or terraces that range in size from 9.29 to 28.85 square metres.

- 2.14.4 Level 3 consists of four, three-bedroom apartments and one two-bedroom apartment, each provided with balconies or terraces that range from 22.47 to 72.47 square metres. The 3 bedroom apartments each have an uncovered roof terrace of between 59.03 to 97.96 square metres in size.
- 2.14.5 Basement Level 1 provides 20 car parking spaces, including five visitor car parking spaces. It also includes a waste storage room, 9 secure bicycle spaces, two rain water tanks, 4 secure apartment storage spaces, and a lift and stairwell area. Access is restricted by an automatic roller door.
- 2.14.6 Basement Level 2 provides 20 car parking spaces. It also includes a water tank (located under ramp), 28 secure apartment storage spaces provided in two separate rooms and a lift and stairwell area.
- 2.15 The building has the following minimum setbacks to site boundaries:
- 2.15.1 Manningham Road (north) boundary:
Ground level – 6.0 metres to façade, 4.2m to balcony columns
Level 1 – 6.0 metres to façade, 4m to balcony edge
Level 2 – 6.0 metres to façade, 4m to balcony edge
Level 3 – 8.05 metres to façade, 3.95 metres to balcony edge
- 2.15.2 Nirvana Crescent Lane (east) boundary:
Ground level – 4.0 metres to façade, 2.0 metres to balcony columns
Level 1 – 4.0 metres to façade, 2.0 metres to balcony edge
Level 2 – 4.0 metres to façade, 2.0 metres to balcony edge
Level 3 – 6.0 metres to façade, 2.0 metres to balcony edge
- 2.15.3 Western boundary:
Ground level – 2.0 metres
Level 1 – 1.8 metres
Level 2 – 4.0 metres to façade, 1.8 metres to balcony edge
Level 3 – 7.0 metres to façade, 4.0 metres to balcony edge
- 2.15.4 Southern boundary:
Ground level – 4.0 metres to façade, 2.6m to balcony columns
Level 1 – 3.6 metres to façade, 2.6m to balcony edge
Level 2 – 6.0 metres to façade, 4.9 metres to balcony edge
Level 3 – 8.7 metres to façade, 7.5 metres to stairwell edge
- 2.16 Documentation submitted with the application includes an arboricultural report, sustainability management plan, traffic and car parking analysis, noise assessment, waste management plan and landscaping plans. Information from these documents is referenced where necessary in this report.

Planning History

- 2.17 Council Officers provided the Applicant with pre-application advice in May 2015 and the application was presented to the Sustainable Design Taskforce on 25 June 2015.
- 2.18 The application for planning permit was lodged to Council on 30 June 2015 (Revision A plans).
- 2.19 Throughout the application process, Officers have continually expressed concern in relation to the height of the building in the submitted built form and the presentation and transition to the southern interface. Concern has also been expressed in relation to the treatment of the nature strip embankments and site coverage exceeding the 60% supported by policy.
- 2.20 Following notification (advertising) of the submitted application (Revision A plans) and the receipt of 19 objections, a Consultation Meeting was held on 28 January 2016. This meeting was facilitated by Officers and Councillors were present at the meeting, to discuss the concerns raised by objectors in their objection letters.
- 2.21 In response to queries raised at the Consultation Meeting the Applicant provided additional information in the form of sightlines (plan TP19 Rev B), a shadow analysis (plan TP20 Rev B) and an addendum to the submitted traffic report (dated 3 February 2016). Copies of each were posted to all of the objectors. The objectors were advised that the information provided was based on the submitted (advertised) design of the building and intended to provide Council Officers and objectors with additional information / clarification following discussions at the Consultation Meeting. The Applicant had re-visited the site since the Consultation Meeting and confirmed that the height of the southern boundary fence (when measured from the subject site) was already accurately shown on the plans (2.0 metres) and for this reason, no amendments had been made to the submitted plans or submitted shadow diagrams. Objectors were advised that there was no need to respond to Council in light of the additional information, however if they wanted to withdraw their objection or submit a further objection / addendum to their submitted objection in light of the additional information, they could do so.
- 2.22 One objector lodged a further objection in light of the information sent to them.
- 2.23 Throughout the application process, and particularly since the Consultation Meeting, Officers have been in discussions with the Applicant to discuss possible changes that could be made to the design response to improve the design of the southern building façade and limit off-site amenity impacts.
- 2.24 On 19 May 2016 an amended application was lodged pursuant to Section 57A of the Planning and Environment Act (1987). Further information was required by Officers and on 11 July 2016 the applicant submitted Revision E plans to satisfy Officers request for further information.
- 2.25 The Revision E plans are the plans that will be assessed in this report and are the 'decision plans'.
- 2.26 The Revision E plans were not re-advertised. The plans are generally consistent with the advertised plans (Revision A) and show minor design changes including:
- 2.26.1 Basement setback to southern site boundary increased by 0.4 metres from 3.6 metres to 4.0 metres.

- 2.26.2 Paved area in front of Apartments 1, 2 and 3 altered to lawn.
 - 2.26.3 Removal of internal atrium.
 - 2.26.4 Apartments 11, 12 and 13 – size of balconies reduced through the introduction of planter boxes.
 - 2.26.5 Apartment 11 and 18 - minor alteration to layout, including the introduction of a study.
 - 2.26.6 Apartments 26 and 23 - minor alteration to layout, including the introduction of a study.
 - 2.26.7 Apartment 20 - minor alteration to layout.
 - 2.26.8 Apartment 29 - removal of south-facing balcony.
 - 2.26.9 Apartment 28 - indented south side of balcony in lieu of overhanging balcony, setback increased by 0.3 metres from 0.6 metre to 0.9 metre, and associated minor alteration to layout.
 - 2.26.10 Apartments 29 and 30 – reduced size of roof terrace.
- 2.27 While these changes are considered to be an improvement on the advertised plans, Officers always considered that more substantial changes would ultimately be required to be made to the Revision E plans in order for the proposal to be fully supported by Council.

3 PRIORITY/TIMING

- 3.1 The statutory time for considering a planning application is 60 days. Allowing for the time taken to advertise the application, and based on the amended application lodged pursuant to Section 57A of the *Planning and Environment Act 1987*, the statutory time lapses on 11 September 2016.

4 POLICY IMPLICATIONS

- 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. The Responsible Authority is required to consider:
- 4.2.1 the relevant planning scheme; and
 - 4.2.2 the objectives of planning in Victoria; and
 - 4.2.3 all objections and other submissions which it has received and which have not been withdrawn; and
 - 4.2.4 any decision and comments of a referral authority which it has received; and
 - 4.2.5 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.
- 4.3 Section 61(4) of the Act makes specific reference to covenants. This is not relevant to this application as the lots are not burdened by a covenant.

5 MANNINGHAM PLANNING SCHEME

- 5.1 The subject site is located in the Residential Growth Zone Schedule 2 (RGZ2) under the provisions of the Manningham Planning Scheme (the Scheme). Adjacent land fronting Manningham Road is also included in the Residential Growth Zone Schedule 2.
- 5.2 Land to the south is located within the General Residential Zone Schedule 1 (GRZ1).
- 5.3 A planning permit is required to construct two or more dwellings on a lot in the Residential Growth Zone under Clause 32.07-4 of the Scheme.
- 5.4 The purpose of the Residential Growth Zone relates primarily to providing housing at increased densities, encourage a diversity of housing types and encouraging a scale of development that provides a transition between areas of more intensive use and development and areas of restricted housing growth.
- 5.5 Assessment is required under the provisions of Clause 55 (Res Code) of the Scheme.
- 5.6 The purpose of Clause 55 is generally to provide well designed and sustainable medium-density housing which offers a good living environment and life-style choice for occupants, while at the same time, maintaining the amenity and character of the locality, with particular emphasis on the amenity of adjoining residents.
- 5.7 The subject site is also included in the Design and Development Overlay Schedule 8 (DDO8) under the provisions of the Scheme.
- 5.8 The Design Objectives of the DDO8 are:
- To increase residential densities and provide a range of housing types around activity centres and along main roads.
 - To encourage development that is contemporary in design that includes an articulated built form and incorporates a range of visually interesting building materials and façade treatments.
 - To support three storey, 'apartment style', developments within the Main Road sub precinct and in sub-precinct A, where the minimum land size can be achieved.
 - To support two storey townhouse style dwellings with a higher yield within sub precinct B and sub-precinct A, where the minimum land size cannot be achieved.
 - To ensure new development is well articulated and upper storey elements are not unduly bulky or visually intrusive, taking into account the preferred neighbourhood character.
 - To encourage spacing between developments to minimise a continuous building line when viewed from a street.
 - To ensure the design and siting of dwellings have regard to the future development opportunities and future amenity of adjoining properties.
 - To ensure developments of two or more storeys are sufficiently stepped down at the perimeter of the Main Road sub-precinct to provide an

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

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

5.9 Planning permission is required for buildings and works which must comply with the requirements set out in Table 1 and 2 of the Schedule. A planning permit cannot be granted to vary certain requirements of Table 2 (land size and height).

5.10 There is a range of policy requirements outlined in this control under the headings of building height and setbacks, form, car parking and access, landscaping and fencing.

5.11 The subject site is located within **Sub-Precinct Main Road DDO8-1**. In this precinct Table 1 applies.

5.12 Pursuant to Table 1 the maximum allowable building height for land less than 1,800 square metres in size is 9 metres or 11 metres for land of greater than 1,800 square metres. The height is not mandatory, and a permit can be granted to allowing a higher building.

State Planning Policy Framework

5.13 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.
- 5.14 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.
- 5.15 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.
- 5.16 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.
- 5.17 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.
- 5.18 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.
- 5.19 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.
- 5.20 Clause 16.01-5 (Housing affordability) seeks to deliver more affordable housing closer to jobs, transport and services.

Municipal Strategic Statement (Clause 21)

- 5.21 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 aging 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.
- 5.22 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.
- 5.23 Clause 21.05 (Residential) outlines the division of Manningham into four Residential Character Precincts. The precincts seek to channel increased housing densities around activity centres and main roads where facilities and services are available. In areas which are removed from these facilities a lower intensity of development is encouraged. A low residential density is also encouraged in areas that have identified environmental or landscape features.
- 5.24 The site is within "Precinct 2 –Residential Areas Surrounding Activity Centres and Along Main Roads".
- 5.25 This area is aimed at providing a focus for higher density development and a substantial level of change is anticipated. Future development in this precinct is encouraged to:
- Provide for contemporary architecture and achieve high design standards

- Provide visual interest and make a positive contribution to the streetscape
 - Provide a graduated building line from side and rear boundaries
 - Minimise adverse amenity impacts on adjoining properties
 - Use varied and durable building materials
 - Incorporate a landscape treatment that enhances the overall appearance of the development.
- 5.26 Within this precinct, there are three sub-precincts which each stipulate different height, scale and built form outcomes to provide a transition between each sub-precinct and adjoining properties, primarily those in Precinct 1 – Residential Areas Removed from Activity Centres and Main Roads.
- 5.27 The three sub-precincts within Precinct 2 consist of:

Sub-precinct – Main Road (DDO8-1) is an area where three storey (11 metres) ‘apartment style’ developments are encouraged on land with a minimum area of 1,800m². Where the land comprises more than one lot, the lots must be consecutive lots which are side by side in the sub-precinct. All development in the Main Road sub-precinct should have a maximum site coverage of 60 percent.

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

Sub-precinct A (DDO8-2) is an area where two storey units (9 metres) and three storey (11 metres) ‘apartment style’ developments are encouraged.

Three-storey, contemporary developments should only occur on land with a minimum area of 1800m². Where the land comprises more than one lot, the lots must be consecutive lots which are side by side and have a shared frontage. The area of 1800m² must all be in the same sub-precinct. In this sub-precinct, if a lot has an area less than 1800m², a townhouse style development proposal only will be considered, but development should be a maximum of two storeys. All development in Sub-precinct A should have a maximum site coverage of 60 percent.

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

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

- 5.28 The subject site is located within **Sub-Precinct – Main Road (DDO8-1)**.

- 5.29 Clause 21.05-2 Housing contains the following objectives:

- To accommodate Manningham’s projected population growth through urban consolidation, infill developments and Key Redevelopment Sites.

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

5.30 The strategies to achieve these objectives include:

- Ensure that the provision of housing stock responds to the needs of the municipality's population.
- Promote the consolidation of lots to provide for a diversity of housing types and design options.
- Ensure higher density residential development occurs around the prescribed activity centres and along main roads identified as Precinct 2 on the Residential Framework Plan 1 and Map 1 to this clause.
- Encourage development to be designed to respond to the needs of people with limited mobility, which may for example, incorporate lifts into three storey developments.

5.31 Clause 21.05-4 (Built form and neighbourhood character) seeks to ensure that residential development enhances the existing or preferred neighbourhood character of the residential character precincts as shown on Map 1 to this Clause.

5.32 The strategies to achieve this objective include:

- Require residential development to be designed and landscaped to make a positive contribution to the streetscape and the character of the local area.
- Ensure that where development is constructed on steeply sloping sites that any development is encouraged to adopt suitable architectural techniques that minimise earthworks and building bulk.
- Ensure that development is designed to provide a high level of internal amenity for residents.
- Require residential development to include stepped heights, articulation and sufficient setbacks to avoid detrimental impacts to the area's character and amenity.

5.33 Clause 21.10 (Ecologically Sustainable Development) highlights Council's commitment to ESD and outlines a number of ESD principles to which regard must be given. These are:

- Building energy management

- Water sensitive design
- External environmental amenity
- Waste management
- Quality of public and private realm
- Transport

Local Planning Policy

- 5.34 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.
- 5.35 Clause 22.09 (Access for disabled people) is relevant to this applicant 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

- 5.36 Clause 52.06 (Car Parking) is relevant to this application. Pursuant to Clause 52.06-5, car parking is required to be provided at the following rate:
- 1 space for 1 and 2 bedroom dwellings
 - 2 spaces for 3 or more bedroom dwellings
 - 1 visitor space to every 5 dwellings for developments of 5 or more dwellings (rounded down)
- 5.37 Clause 52.06-7 outlines several design standards for parking areas that should be achieved unless with the approval of the Responsible Authority..
- 5.38 Clause 52.29 (Land Adjacent to a Road Zone Category 1) seeks to ensure appropriate access to identified roads. A permit is required to create or alter access to a road in a Road Zone, Category 1. All applications must be referred to VicRoads for comment.
- 5.39 Clause 55 (Res Code) applies to all applications for two or more dwellings on a lot. Consideration of this clause is outlined in the Assessment section of this report.
- 5.40 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 ASSESSMENT

- 6.1 The proposed apartment building on the subject site is consistent with the broad objectives of Council's planning policy outlined at Clause 21.05 of the Scheme. The policy encourages urban consolidation (and apartment buildings) in this specific location due to its capacity to support change given that the subject site is located on a main road. The policy anticipates a substantial level of change from the existing single dwelling and dual occupancy pattern of development that is evident in the area and has occurred in the past.
- 6.2 The consolidation of lots with a combined area of approximately 1,391 square metres allows for increased development potential, as the larger area allows increased setbacks to compensate for its larger scale in comparison to traditional medium density housing. Whilst the site does not reach the 1,800 square metre desired land size under the provisions of the DDO8 control to support an 11 metre high building, the subject site benefits from being on a corner location with two (2) street frontages, with only two (2) direct abutments with residential properties. Policy allows discretion to be applied in granting a higher building.
- 6.3 An assessment of the proposal will be made based on the following planning controls:
- Design and Development Overlay, Schedule 8
 - Clause 52.06 Car Parking
 - Clause 55 Res Code (Two or more dwellings on a lot and residential buildings)
 - General Matters
- 6.4 In the tables below, Officers have used the term 'Met' where an objective and performance standard or policy requirement is achieved, 'Considered met' where the objective is met, but the performance standard or policy requirement is not achieved, and 'Met subject to conditions' where either the objective or the performance standard or policy requirement has not been met and modifications are required.

Design and Development Overlay

- 6.5 Clause 43.02 (Design and Development Overlay Schedule 8) of the Scheme has the following decision guidelines against which a general assessment is provided:

Design Element	Level of Compliance
<p><u>Building Height and Setbacks</u> DDO8-1 (Main Road Sub-precinct):</p> <ul style="list-style-type: none"> • The minimum lot size is 1800 square metres, which must be all the same sub-precinct. Where the land comprises more than one lot, the lots must be consecutive lots which are side by side and have a shared frontage • The building has a maximum height 	<p>Considered Met - subject to Conditions 1.1 and 1.6</p> <p>The subject site has an area of 1,391 square metres that is entirely within the Main Road Sub-Precinct. Table 1 sets out that a 9 metre maximum building height is applicable.</p> <p>The building has a maximum height of 11.7 metres, shown on the plans, which exceeds</p>

<p>of 11 metres provided the condition regarding minimum lot size is met. If the condition is not met, the maximum height is 9 metres, unless the slope of the natural ground level at any cross section wider than eight metres of the building is 2.5 degrees or more, in which case the maximum height must not exceed 10 metres.</p>	<p>the 9 metre maximum height by 2.7 metres.</p> <p>The height is not mandatory however a policy states that a permit can be granted to allowing a higher building.</p> <p>The purpose of providing discretion in building height on the Main Road Sub-Precinct is to allow flexibility to achieve design excellence. This might be through providing a 'pop-up' level to provide visual interest to an otherwise uninspiring roof form, or a design feature on a 'gateway' site. The discretion is only provided to the sub-precinct because main road streetscapes typically contain a greater mix of building forms with more robust building forms (for example higher solid fencing, larger commercial buildings) compared to local streets and therefore can absorb some additional height.</p> <p>In this instance, the additional built form constructed above the 9 metre maximum building height, is the uppermost floor and roof terrace. These are setback from the lower floors of the building and the design has used various design techniques to try and reduce the building mass of these elements. The uppermost floor is of a lighter colour than the floors below and utilizes organically shaped curved walls rather than angular or sharply defined corners. This allows various light different penetrations and a softer appearance of the upper floor, when viewed from the street. Sightline diagrams demonstrate that the upper floor will not generally be seen from the footpath on the southern side of Manningham Road, and only a small portion of the upper floor building form will be visible from the western side of Nirvana Crescent.</p> <p>The fact that the site sits approximately 1.5-2.0 metres above the footpath and road level with an embankment between footpath and title boundaries also allows for some greater building height. This embankment form provides an effective lower level vegetation screen and screens some of the lower level, especially when combined with the approximately 800mm to 1 metre drop proposed to the ground floor level.</p>
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	<p>That said, to the rear (south), Officers have some concern that the setback of the upper floor of the building does not go far enough to provide an appropriate transition to the lower level residential properties in Nirvana Crescent. This residential interface is the most sensitive residential interface abutting the Main Roads Sub-Precinct, as land to the south is included in an incremental change area (General Residential Zone Schedule 1). This location has no transition controls like some other areas where Sub-Precinct A or B provides a gradual reduction in scale to the incremental change area. Further, there is no 'buffer' in the form of a road.</p> <p>This concern can be rectified through permit conditions requiring the upper floor to be setback a minimum of 12.5 metres from the rear site boundary, in line with the southern wall of the stairwell and the submitted cross-section demonstrates that this design change will provide a more suitable recess of the upper floor so that it is not generally visible from 1 Nirvana Crescent. Further, the view of the upper floor will be screened by design elements (eaves) of the lower floor.</p> <p>Subject to this design change by way of a permit condition, the additional 2.7 metre building height proposed is because:</p> <ul style="list-style-type: none">• it is limited to the uppermost floor and roof terrace, and these have been designed with colours and forms to reduce their visibility;• the perimeter embankment allows a raised ground level presentation of landscaping which combined with the site cuts proposed will limit the appearance of the building to generally a 3 and a half storey form; and• permit conditions will require an increased southern setback of the upper floor so that it will generally not be visible past the eaves of the lower floor when from the south adjoining property at 1 Nirvana Crescent. <p>Connected to the issue of building height is an acknowledgement that the proposed building is four storeys in height. The DDO8 and Clause 21.05 of the Scheme specifically</p>
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	<p>encourage '3-storey' developments.</p> <p>However the planning control does not mandate that buildings can be <u>only</u> three storeys, and the DDO8 and policy does not prohibit buildings having more than 3 storeys. It is just generally assumed that 3 storeys can fit within a 9 metre height limit.</p> <p>In this instance, the raised embankment to the east and northern corner, the site cuts proposed, and the setbacks and variation of colours/materials on the upper floor will result in an effective 3 and a half storey form presentation to much of the north and east.</p> <p>For the south, the increased setbacks will make the building appear more as 3-storey.</p>
<ul style="list-style-type: none"> Minimum front street setback is the distance specified in Clause 55.03-1 or 6 metres, whichever is the lesser. 	<p>Considered Met The building has a street setback to Manningham Road of 6 metres for the building façade, and balconies protruding to a 4 metre setback.</p> <p>This is considered acceptable as the non compliance is limited to the balconies which include visually permeable balustrade and not solid walls. The setback to balconies still allows for a good amount of landscaping in front of the building and the concept landscape plan demonstrates that trees can be planted within the landscape area.</p>
<ul style="list-style-type: none"> Minimum side street setback is the distance specified in Clause 55.03-1. 	<p>Considered Met The standard recommends a 3 metre setback to buildings. The building has a minimum side street setback to Nirvana Crescent of 4 metres to the façade and 2 metres to the edge of balconies. The balconies use visually permeable balustrade and not solid walls, and there is also a strong landscape presence within the Nirvana Crescent frontage. Additionally the curved form to the northeast corner provides visual interest and a marker feature to that corner and a smooth transition of building form around the corner.</p>
<p>Form</p> <ul style="list-style-type: none"> Ensure that the site area covered by buildings does not exceed 60 percent. 	<p>Considered Met The submitted plans show that the building has a site coverage of 65.72% which is 5.72% greater than the 60% sought by the</p>

	<p>DDO8. That said, under the definition of what constitutes 'site coverage' in the Scheme, the ground level building footprint has a site coverage of only 55% and it is the overhanging balconies at level 1 and level 2 over the ground level open space areas and construction of the driveway ramp which descends into the basement (which are not otherwise included in the calculation) that are responsible for the inflated figure.</p> <p>The inclusion of projecting balconies assists with providing articulation and visual interest to the building. The balconies are generally 2.0 metres wide and whilst there is an opportunity to scale them back to 1.6 metres (which is the minimum balcony width in the Scheme) to reduce site coverage to closer to 60%, this is not considered to be a good outcome as it would impact on the balcony sizes and on-site amenity of future residents within the building.</p> <p>Likewise there is an opportunity for Apartment 10 (which is constructed above the driveway) to be modified and reduced to nearer 60% but this would be a poor design outcome as it would expose the vehicle entrance and also reduce passive surveillance to Nirvana Crescent.</p> <p>The ground floor building footprint (approximately 763.9 square metres) equates to a site coverage of 58% which is below 60%. It demonstrates that there is appropriate space around the building to accommodate the required landscaping.</p> <p>The site coverage can be justified, for the following reasons:</p> <ul style="list-style-type: none">• The corner location of the site gives an advantage over a mid block site, as there are only two (2) direct residential abuttals, rather than 3 or more abuttals as is generally found in mid block sites.• An appropriate balance between landscaping and built form has been achieved.• The wide verge on the site perimeter gives the appearance of forming part of the subject site and the proposal has taken full advantage of this unique site context. In the event that the Council
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	<p>land is acquired by the Applicant (refer to Condition 6) this area would add approximately 150 square metres to the subject site area, resulting in the proposed development falling even further below the prescribed 60% site coverage.</p> <ul style="list-style-type: none"> The ground floor setbacks for the building comply with the setbacks prescribed under the DDO8. The front 6 metre set back and the rear 4.0 metre setback is met. A 4.0 metre side street setback is achieved and the 1.5 metre setback to the western site boundary is consistent with the general setbacks of buildings, and gaps between buildings, along a main road, and allows for appropriate in-ground planting to provide a screening 'buffer' between buildings.
<ul style="list-style-type: none"> Provide visual interest through articulation, glazing and variation in materials and textures. 	<p>Met – subject to Conditions 1.4, 1.5 and 1.6</p> <p>The building is designed with a mix of colours and materials, and has made use of varied setbacks and modulated forms. The use of a mix of curved and straight walls and recesses at various points along the façade provide balconies / terraces, successfully breaks up the mass of the building and reduces perceptions of any visual bulk. The result is a building that has visual interest, whilst presenting a legible and coherent form.</p> <p>Where Officers have concerns is the rear (southern) interface and there could be some improvements to the rear (southern façade) of the building. At first floor, the balconies to apartments 11, 12 and 13 protrude over the open space of the ground floor apartments (1, 2 and 3) below, and the outer edges of balconies are designed with solid walls (containing planter boxes). This results in a strong horizontal band across much of the rear of the building which presents as an unnecessary bulky element to the south at first floor level.</p> <p>There is an opportunity to setback the outer edge of these balconies to 3.6m (so that they are in line with the southern wall of the bedroom and bathroom of Apartment 10), and retain the planter box design (although</p>

	<p>with a different colour to the planter box wall to reduce the bulk to this element) or require a screen. This will reduce the visual bulk to this portion of the building and it would allow an improved level of solar access to the ground level south-facing dwellings below.</p> <p>At second floor, to the southwest corner, the balcony to Apartment 21 also provides a 'bulky' element to the rear yard of the south adjoining dwelling. This could be alleviated by a condition requiring the southern edge of the balcony to be setback to 7.8m in line with the southern wall of the kitchen of that apartment. A condition will also require the then exposed kitchen window of Apartment 21 to be screened in accordance with the objective at standard B22 of Res Code to limit views within a 9 metre radius of the window.</p> <p>Combined, these design changes, will significantly improve the design of the rear façade and reduce the visual bulk to the south adjoining dwelling.</p>
<ul style="list-style-type: none"> Minimise buildings on boundaries to create spacing between developments. 	<p>Met</p> <p>There are no building elements on boundaries. Setbacks are at least 1.8 metres along the side boundary to provide spacing between the building and the adjoining property. To the south, the setbacks are at least 2.6 metres to the edge of balconies and this spacing can accommodate landscaping and allow light into adjacent rooms.</p>
<ul style="list-style-type: none"> Where appropriate ensure that buildings are stepped down at the rear of sites to provide a transition to the scale of the adjoining residential area. 	<p>Met - subject to Conditions 1.1 and 1.6</p> <p>As discussed above, the third floor will be required to be setback further from the southern boundary to allow for a more appropriate transition to the adjacent residential properties to the south which are located in the General Residential Zone, Schedule 1.</p> <p>Conditions will be included requiring the setback of the top level be increased from 9 metres to 12.5 metres providing a more appropriate transition and greater articulation. This figure is taken from a sightline drawn on the submitted cross-section which shows that this setback is</p>

	required in order for the third floor and terraces to have limited visibility from the south.
<ul style="list-style-type: none"> Where appropriate, ensure that buildings are designed to step with the slope of the land. 	<p>Considered Met with Condition 1.1 Subject to the conditional increased setback to the south boundary described above, the overall built form will step appropriately down to the southern rear boundary.</p>
<ul style="list-style-type: none"> Avoid reliance on below ground light courts for any habitable rooms. 	<p>Met There is a site cut proposed and retaining walls to the west and north, and the ground floor apartments have floor levels that are generally 800mm-1 metre below the ground level at the boundary. The plans show the RL to top of retaining wall at RL70 to the northwest corner, RL70.45 along the west boundary and RL70 along the north and east frontages in front of courtyards. The courtyard areas to Apartments 6, 7, 8 and 9 all have finished surface levels of RL68.75. The courtyard areas to Apartment 5 all have finished surface levels of RL68.75. Whilst the north and east facing apartments (6, 7, 8, 9 and 4) should all receive good sunlight, there is potential impact to west facing windows of Apartment 5 and the south facing windows to Apartments 1, 2 and 3. As described above, conditional amendments to the plans will improve the solar access to Apartments 1, 2 and 3. For Apartment 5, it is accepted that as an energy efficiency outcome, as the windows affected are west facing, it is acceptable to allow for a lower level of light.</p>
<ul style="list-style-type: none"> Ensure the upper level of a two storey building provides adequate articulation to reduce the appearance of visual bulk and minimise continuous sheer wall presentation. 	Not applicable
<ul style="list-style-type: none"> Ensure that the upper level of a three storey building does not exceed 75% of the lower levels, unless it can be demonstrated that there is sufficient architectural interest to reduce the appearance of visual bulk and minimise continuous sheer wall presentation. 	<p>Considered Met This is a four storey building.</p> <p>The upper floor of apartments has a floor area of 490.79 square metres, which is approximately 71% of the floor area of the floor below (691.02 square metres). The floor area of the upper floor and roof terrace will be reduced through the design changes required by conditions.</p>

<ul style="list-style-type: none"> Integrate porticos and other design features with the overall design of the building and not include imposing design features such as double storey porticos. 	<p>Met There are no porticos proposed. The main building entry is recessed from the eastern boundary (Nirvana Crescent frontage).</p>
<ul style="list-style-type: none"> Be designed and sited to address slope constraints, including minimising views of basement projections and/or minimising the height of finished floor levels and providing appropriate retaining wall presentation. 	<p>Met The site is relatively flat, save the fact that there are embankments from the title boundaries down to the edges of footpaths. The building has been designed with basements that are generally below the natural ground level, without projections.</p>
<ul style="list-style-type: none"> Be designed to minimise overlooking and avoid the excessive application of screen devices. 	<p>Met Screens are provided where upper level balconies may allow direct views into the habitable room windows or secluded private open spaces of the adjoining properties. There is no excessive application of screen devices. Overlooking impacts will be further discussed in the assessment against Standard B22 at Clause 55.04-6 of the Scheme.</p>
<ul style="list-style-type: none"> Ensure design solutions respect the principle of equitable access at the main entry of any building for people of all mobilities. 	<p>Met The main entry will be able to be navigated by people of all mobilities as it is accessed via a ramped footpath from Nirvana Crescent. A lift within the building provides access to all internal levels.</p>
<ul style="list-style-type: none"> Ensure that projections of basement car parking above natural ground level do not result in excessive building height as viewed by neighbouring properties. 	<p>Met The basement will not be significantly projected above natural ground level and will not result in visual impacts to neighbouring properties.</p>
<ul style="list-style-type: none"> Ensure basement or undercroft car parks are not visually obtrusive when viewed from the front of the site. 	<p>Met The basement car park will not be visually obtrusive when viewed from Manningham Road or from Nirvana Crescent.</p>
<ul style="list-style-type: none"> Integrate car parking requirements into the design of buildings and landform by encouraging the use of undercroft or basement parking and minimise the use of open car park and half basement parking. 	<p>Met All car parking spaces are incorporated into the basement levels.</p>
<ul style="list-style-type: none"> Ensure the setback of the basement or undercroft car park is consistent with the front building setback and is setback a minimum of 4.0m from the rear boundary to enable effective landscaping to be established. 	<p>Considered Met The 2 level basement car park is setback 6.0 metres from the Manningham Road frontage, 4.0 metres from the Nirvana Crescent frontage, 1.6 metres from the west boundary and 4.0 metres from the south</p>

	<p>boundary. These setbacks provide sufficient room for in ground planting to the perimeter of the site.</p> <p>The basement is set down such that it does not protrude above existing ground level. This is considered to be acceptable as the basement will not be visible above natural ground level.</p>
<ul style="list-style-type: none"> Ensure that building walls, including basements, are sited a sufficient distance from site boundaries to enable the planting of effective screen planting, including canopy trees, in larger spaces. 	<p>Met</p> <p>The building is set back sufficiently from the northern, eastern and southern boundaries to allow for canopy trees and effective screen planting. Whilst the setback to the west is only 1.8 metres at first floor level, the concept landscape plan shows some planting along the side of Apartments 5 and 6 and to the north and south corners. The endorsed approved landscape plan for the west adjoining development includes a row of trees along the length of the shared boundary which would also provide screening.</p>
<ul style="list-style-type: none"> Ensure that service equipment, building services, lift over-runs and roof-mounted equipment, including screening devices is integrated into the built form or otherwise screened to minimise the aesthetic impacts on the streetscape and avoids unreasonable amenity impacts on surrounding properties and open spaces. 	<p>Met</p> <p>The plant equipment on the roof is located away from the sides of the building and is screened. This will appropriately limit any visual and amenity impacts on the street and adjoining properties.</p>
<p><u>Car Parking and Access</u></p> <ul style="list-style-type: none"> Include only one vehicular crossover, wherever possible, to maximise availability of on street parking and to minimise disruption to pedestrian movement. Where possible, retain existing crossovers to avoid the removal of street tree(s). Driveways must be setback a minimum of 1.5m from any street tree, except in cases where a larger tree requires an increased setback. 	<p>Met</p> <p>There will be one crossover on the Nirvana Crescent frontage, located toward the southern end. The crossover will have a width of 6.365 metres leading to a 5 metre wide driveway.</p>
<ul style="list-style-type: none"> Ensure that when the basement car park extends beyond the built form of the ground level of the building in the front and rear setback, any visible extension is utilised for paved open space or is appropriately screened, 	<p>Met</p> <p>There is no visible extension of the basement above natural ground level.</p>

as is necessary.	
<ul style="list-style-type: none"> Ensure that where garages are located in the street elevation, they are set back a minimum of 1.0m from the front setback of the dwelling. 	<p>Not applicable There are no garages in the street elevation.</p>
<ul style="list-style-type: none"> Ensure that access gradients of basement car parks are designed appropriately to provide for safe and convenient access for vehicles and servicing requirements. 	<p>Met Access gradients to the basement have been designed to generally achieve the relevant design standard in Clause 52.06-8. Council's Engineers have raised concern regarding compliance with design standard 3 however and to address this, conditions will require a longer access ramp and changes to the embankment adjacent the vehicle entry and suitable gradients to be achieved.</p>
<p>Landscaping</p> <ul style="list-style-type: none"> On sites where a three storey development is proposed include at least 3 canopy trees within the front setback, which have a spreading crown and are capable of growing to a height of 8.0m or more at maturity. On sites where one or two storey development is proposed include at least 1 canopy tree within the front setback, which has a spreading crown, and is capable of growing to a height of 8.0m or more at maturity. 	<p>Met – Subject to Condition 15 The concept landscape plan shows the site will allow the planting of numerous canopy trees within the north, east and south setbacks. This will be reinforced by a permit condition for a full landscaping plan to be submitted.</p>
<ul style="list-style-type: none"> Provide opportunities for planting alongside boundaries in areas that assist in breaking up the length of continuous built form and/or soften the appearance of the built form. 	<p>Met The site plan shows a variety of planting along site boundaries to soften the appearance of the built form.</p>
<p>Fencing</p> <ul style="list-style-type: none"> A front fence must be at least 50 per cent transparent. On sites that front Doncaster, Tram, Elgar, Manningham, Thompsons, Blackburn and Mitcham Roads, a fence must: <ul style="list-style-type: none"> not exceed a maximum height of 1.8m be setback a minimum of 1.0m from the front title boundary and a continuous landscaping treatment within the 1.0m setback must be provided. 	<p>Met No front fence is shown, which is supported by the DDO8.</p> <p>There is an embankment up from the footpath to the title boundary, and there is a site cut at ground level to provide a retaining wall to the west, north and east of the building. The top of the retaining wall has a height of generally 1.25 metres above the finished surface levels of the courtyards. The area in front of the wall on the street frontages contains low level landscaping, and this may require occasional maintenance.</p>

- 6.6 Having regard to the above assessment against the requirements of Schedule 8 to the Design and Development Overlay, it is considered that subject to conditions requiring some design changes (mostly to the southern building façade), the proposed design respects the preferred neighbourhood character and responds to the features of the site.

Clause 52.06 Car Parking

- 6.7 Clause 52.06 of the Scheme requires resident car parking at a rate of one space for each dwelling with one or two bedrooms and two spaces for each dwelling with three or more bedrooms.
- 6.8 Visitor car parking is required at a rate of one car parking space for every 5 dwellings.
- 6.9 For 32 apartments, the proposal requires the provision of 36 resident car parking spaces and 6 visitor spaces under the requirements of Clause 52.06.
- 6.10 A total of 35 resident car parking spaces and 5 visitor spaces have been provided. This is a shortfall of the requirement by one (1) visitor car parking space and one (1) resident car parking space.
- 6.11 The proposal has always been designed with this shortfall however the Applicant has not sought to reduce / waiver the car parking requirement of the Scheme. Since lodgement, Officers have considered that with some modification to the basement layouts, the proposal could achieve the required number of on-site car parking spaces for residents and visitors, in accordance with the requirements of Clause 52.06 of the Scheme. For example, one car parking space could be provided at basement 2 adjacent to car space 17.
- 6.12 Further, Officers were aware that the design of the building itself would need to be revised to improve the transitioning down to the southern interface which would inevitably reduce floor area and most likely the number of apartments within the building. The design changes (required by way of permit condition) to the upper floor will inevitably affect Apartments 28, 29 and 30 (which are 2 bedroom and 3 bedroom apartments).
- 6.13 Regardless, a permit condition will require the number of dwellings within the building to meet the car parking requirement under Clause 52.06 of the Scheme.
- 6.14 The following table provides an assessment against the design standards at Clause 52.06-8 of the Scheme:

Design Standard	Met / Not Met
1 – Accessways	Met – Subject to Conditions 17 and 18 The accessway and basement car park is supported by Council's Traffic Engineers who confirm that it meets the requirements for vehicle manoeuvrability and the minimum width and height clearance requirements. The car park has also been designed so all vehicles can exit the site in a forward direction, including vehicles parked in the last space of a dead-end accessway.
2 – Car Parking Spaces	Met Car parking spaces are sufficient in size. The spaces are generally 2.6 metres wide, 4.9 metres in length and accessed

	<p>from an aisle width of 6.4 metres.</p> <p>Whilst there are some instances where the aisle width is 6.35 metres, Council's Traffic Engineers confirm that spaces are of sufficient size and are accessible.</p> <p>Clearance is provided adjacent to car parking spaces in line with the requirements of the standard.</p>
3 – Gradients	<p>Met – subject to Condition 18</p> <p>The accessway ramp will have various grades with generally a 1 in 20 gradient, but with some areas as steep as 1 in 4. Council's Engineers raise concerns that the 1 in 5 gradient of the ramp starts within 10 metres of the site frontage. This will be addressed by conditions.</p>
4 – Mechanical Parking	<p>Not Applicable</p> <p>No car stacker systems are proposed.</p>
5 – Urban Design	<p>Met</p> <p>The vehicle crossing and accessway will not dominate the public domain. The security door into the basement car park will not dominate the streetscape as it is recessed from the frontage and beneath the ground level of the building and therefore hidden as far as practicable from public view.</p>
6 – Safety	<p>Met</p> <p>The basement car park will be secure and well lit.</p>
7 – Landscaping	<p>Met</p> <p>No ground level car parking is proposed. Landscaping is provided to soften the appearance of the accessway.</p>

Clause 55 (Res Code) – Two or more dwellings on a lot and residential buildings

- 6.15 Clause 55 of the Scheme sets out a range of objectives which must be met. Each objective is supported by standards which should be met. If an alternative design solution to the relevant standard meets the objective, the alternative may be considered.
- 6.16 The following table sets out the level of compliance with the objectives of this clause:

OBJECTIVE	OBJECTIVE MET / NOT MET
<p>55.02-1 – Neighbourhood Character</p> <ul style="list-style-type: none"> To ensure that the design respects the existing neighbourhood character or contributes to a preferred neighbourhood character. To ensure that development responds to the features of the site and the surrounding area. 	<p>Met – Subject to Condition 1.1</p> <p>Council, through its policy statements and the adoption of the Design and Development Overlay Schedule 8 (DDO8) over this neighbourhood, has created a planning mechanism that will over time alter the present neighbourhood character.</p> <p>Council's planning preference is for higher density, multi-unit developments which may include apartment-style buildings, especially on larger lots.</p> <p>The resultant built form will have a more intense</p>

OBJECTIVE	OBJECTIVE MET / NOT MET
	<p>and less suburban character. This higher density housing theme therefore represents the “preferred neighbourhood character”.</p> <p>Broadly, the development responds well to the preferred neighbourhood character outlined in the DDO8 control and supported by policy at Clause 21.05-2. It offers a high quality and contemporary architectural response, which incorporates articulation, graduation of the upper levels and visual interest to reduce visual bulk.</p> <p>Subject to some modification to the rear, the appearance of the building when viewed from adjacent properties is also considered to be appropriate for this type of development.</p> <p>Having regard to the assessment against the requirements of the DDO8, it is considered that the proposed design generally respects the preferred neighbourhood character. Refer to Condition 1.1.</p>
<p>55.02-2 – Residential Policy</p> <ul style="list-style-type: none"> • To ensure that residential development is provided in accordance with any policy for housing in the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies. • To support medium densities in areas where development can take advantage of public transport and community infrastructure and services. 	<p>Met</p> <p>The application was accompanied by a written statement that has demonstrated how the development is consistent with state and Local policies.</p>
<p>55.02-3 – Dwelling Diversity</p> <ul style="list-style-type: none"> • To encourage a range of dwelling sizes and types in developments of ten or more dwellings. • At least one dwelling that contains a kitchen, bath or shower, and a toilet and wash basin at ground floor level. 	<p>Met</p> <p>The design provides a mix of one, two and three bedroom apartments. There is also variety in the overall apartment size, orientation and balconies / open space sizes. All dwellings are single level dwellings accessible to people of limited mobility.</p>
<p>55.02-4 – Infrastructure</p> <ul style="list-style-type: none"> • To ensure development is provided with appropriate utility services and infrastructure. • To ensure development does not 	<p>Met – Subject to Condition19</p> <p>The site has access to all services. The applicant will be required to provide an on-site stormwater detention system to alleviate pressure on the drainage system.</p>

OBJECTIVE	OBJECTIVE MET / NOT MET
unreasonably overload the capacity of utility services and infrastructure.	
<p>55.02-5 – Integration With Street</p> <ul style="list-style-type: none"> To integrate the layout of development with the street. 	<p>Met</p> <p>The development is orientated towards Nirvana Crescent and provided with adequate vehicle and pedestrian entries.</p> <p>Although direct access to the development is not provided from Manningham Road, it is considered the frontage is sufficiently activated with balconies and windows with a direct view to the street.</p>
<p>55.03-1 – Street Setback</p> <ul style="list-style-type: none"> To ensure that the setbacks of buildings from a street respect the existing or preferred neighbourhood character and make efficient use of the site. 	<p>Met</p> <p>The façade of the building is setback 6 metres to Manningham Road, which meets the requirements of the Design and Development Overlay (Schedule 8). Whilst the balcony forms protrude forward of this to a 4 metre setback, the policy allows for this encroachments and the balconies are framed and well modulated with visually permeable balustrade along the front, and there are also deep recesses between balcony forms.</p> <p>The building has a side street setback to Nirvana Crescent of 4 metres which exceeds the 3 metre requirement. Whilst the balcony forms protrude forward of this to a 4 metre setback, the balconies are framed and well modulated with visually permeable balustrade along the front, and there are also deep recesses between balcony forms</p>
<p>55.03-2 – Building Height</p> <ul style="list-style-type: none"> To ensure that the height of buildings respects the existing or preferred neighbourhood character. 	<p>Considered Met</p> <p>The building has a maximum height of 11.7 metres, which is 2.7 metre higher than the 9 metre maximum height recommended under DDO8.</p> <p>As discussed under the DDO8 assessment for maximum building height, the 2.7 metre encroachment to 11.7 metres in height in the submitted design (and combined with design modifications that will be required through permit conditions), is considered acceptable in this instance.</p>
<p>55.03-3 – Site Coverage</p> <ul style="list-style-type: none"> To ensure that the site coverage respects the existing or preferred neighbourhood character and responds to the features of the site. 	<p>Met</p> <p>The proposed site coverage is 65.72%, which is less than 80% recommended by the Clause 55 standard, but greater than the 60% set out in the DDO8.</p>

OBJECTIVE	OBJECTIVE MET / NOT MET
	<p>A full assessment of this is provided in the DDO8 assessment and the outcome is considered to be acceptable. In summary, the site is in the Residential Growth Zone on a main road and on a corner. The site benefits from locational attributes and there is a landscaping embankment located between the footpath and site boundary that gives the impression of the curtilage of the site being larger than it is on title. Further, the building form is articulated and modulated and subject to conditions relating to the re-design of the upper floors, will be appropriately setback from site boundaries. Appropriate landscaping will be provided to soften the building form.</p>
<p>55.03-4 – Permeability</p> <ul style="list-style-type: none"> To reduce the impact of increased stormwater run-off on the drainage system. To facilitate on-site stormwater infiltration. 	<p>Met</p> <p>The proposal has 27.25% of site area as a pervious surface, which exceeds the required minimum provision of 20% by 7.25%.</p>
<p>55.03-5 – Energy Efficiency</p> <ul style="list-style-type: none"> To achieve and protect energy efficient dwellings. To ensure the orientation and layout of development reduce fossil fuel energy use and make appropriate use of daylight and solar energy. 	<p>Met – Subject to Condition 8</p> <p>The design and the likely form of construction will assist in providing an energy-efficient building. In particular, the multi-storey construction will offer consolidated thermal mass with good insulation properties between floors.</p> <p>The submitted Sustainability Management Plan (SMP) outlining ESD methods that will be utilised through construction to achieve a sustainable building is supported by Council's Sustainability Officer subject to some changes that will be required through a permit condition.</p>
<p>55.03-6 – Open Space</p> <ul style="list-style-type: none"> To integrate the layout of development with any public and communal open space provided in or adjacent to the development. 	<p>Not Applicable</p> <p>The design includes communal entry, car parking and lift/stairwell spaces, but no communal open space or recreation facilities are provided. The design meets the standard with regard to the communal service areas.</p>
<p>55.03-7 – Safety</p> <ul style="list-style-type: none"> To ensure the layout of development provides for the safety and security of residents and property. 	<p>Met</p> <p>The main pedestrian entrance to the building is from Nirvana Crescent. The entry is visible and identifiable with a footpath leading to it, a feature portico, and a recess in the building between apartment balconies differentiating the entry from the residences either side.</p> <p>Appropriate levels of passive surveillance are</p>

OBJECTIVE	OBJECTIVE MET / NOT MET
	provided for Manningham Road and Nirvana crescent. Lighting is provided along the side walls of the basement driveway.
<p>55.03-8 – Landscaping</p> <ul style="list-style-type: none"> • To encourage development that respects the landscape character of the neighbourhood. • To encourage development that maintains and enhances habitat for plants and animals in locations of habitat importance. • To provide appropriate landscaping. • To encourage the retention of mature vegetation on the site. 	<p>Met – Subject to Condition 15</p> <p>The trees within the site have been assessed in the submitted arboricultural report and cannot practically be retained or integrated into the design response given their location and the need for excavation on site. While this is unfortunate it is not unreasonable given the zoning of the land and fact that no tree controls apply to the site and therefore the trees can be removed without a planning permit at any time.</p> <p>The provision of landscaping has been considered under the DDO8 controls. A full landscaping plan will be required by a permit condition prior to the start of the development. Canopy trees will be required within courtyards and street setbacks. Refer Condition 15.</p> <p>The development is not expected to have any impact on vegetation near the application site due to the proposed setbacks of the building at basement level and ground level. That said, a condition will be included on any permit issued requiring the tree protection zones (TPZ) and protection methods to be shown on the landscaping plans for during the construction phase.</p>
<p>55.03-9 – Access</p> <ul style="list-style-type: none"> • To ensure the number and design of vehicle crossovers respects the neighbourhood character. 	<p>Met</p> <p>Vehicle access to the development is acceptable and is supported by Council's Traffic Engineering Unit and VicRoads. The vehicle crossover is an appropriate design response and will be located away from the Manningham Road and Nirvana Crescent intersection to minimise any traffic impacts.</p>
<p>55.03-10 – Parking Location</p> <ul style="list-style-type: none"> • To provide convenient parking for resident and visitor vehicles. • To avoid parking and traffic difficulties in the development and the neighbourhood. • To protect residents from vehicular noise within developments. 	<p>Met</p> <p>A lift and separate staircase will provide internal access from the basement levels to the ground floor main entrance and to all levels of the building except for the roof terraces. This provides convenience for all residents and visitors who park on-site.</p> <p>As is the usual case with apartment style developments, access to the basement for visitors will be reliant on an intercom system and an automated garage door which inevitably</p>

OBJECTIVE	OBJECTIVE MET / NOT MET
	<p>affects the security of the car park for residents.</p> <p>Any noise transfer from the basement levels would unlikely be a disturbance to neighbours. Mechanical car stackers are not proposed.</p>
<p>55.04-1 – Side And Rear Setbacks</p> <ul style="list-style-type: none"> To ensure that the height and setback of a building from a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings. 	<p>Met</p> <p>Submitted plans show an accurate cross-section and 'B17 profile line' demonstrating the setbacks of the building and compliance with the B17 setback requirements to the western and southern side boundaries.</p> <p>Conditions on permit will require the setback of the upper floors from the southern site boundary to go over and above the setbacks prescribed under Res Code in order to improve the transition to the south adjoining lot in accordance with the requirements of the DDO8. If the DDO8 did not apply to the subject site, the setbacks shown on plans would meet the setback requirements of ResCode. Refer Condition 1.1.</p>
<p>55.04-2 – Walls On Boundaries</p> <ul style="list-style-type: none"> To ensure that the location, length and height of a wall on a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings. 	<p>Not Applicable</p> <p>No walls on boundaries are proposed.</p>
<p>55.04-3 – Daylight To Existing Windows</p> <ul style="list-style-type: none"> To allow adequate daylight into existing habitable room windows. 	<p>Met</p> <p>The west adjoining site is currently under construction with townhouses and a review of the endorsed plans for that development show that all habitable windows facing east will be setback at least 2.5 metres from the shared boundary. As the proposed building is setback at least 1.8 metres from the shared boundary, sufficient light courts and setbacks will be provided to meet the requirements of the standard and ensure the required level of solar access.</p> <p>The existing habitable room windows within the south adjoining properties are located 6 metres distance from the shared boundary (therefore in excess of the 3 metres stated at standard B19) and so technically the standard requirements do not apply. That said, given the design changes required by way of permit conditions to address</p>

OBJECTIVE	OBJECTIVE MET / NOT MET
	the DDO8 concerns, daylight to existing windows of the south adjoining dwellings will be improved beyond what Res Code contemplates.
<p>55.04-4 – North Facing Windows</p> <ul style="list-style-type: none"> To allow adequate solar access to existing north-facing habitable room windows. 	<p>Not Applicable</p> <p>The existing habitable room windows within the south adjoining properties are located 6 metres distance or more from the shared boundary and there are therefore no north-facing windows within 3 metres of the site. Technically the requirements of the standard do not apply. Again, the design changes required by way of permit conditions to address the DDO8 concerns, will ultimately improve light to existing north-facing windows in the south adjoining dwellings beyond what Res Code contemplates.</p>
<p>55.04-5 – Overshadowing Open Space</p> <ul style="list-style-type: none"> To ensure buildings do not significantly overshadow existing secluded private open space. 	<p>Met</p> <p>Shadow diagrams demonstrate that shadows cast by the building will cover a portion of the secluded private open spaces within the adjoining properties. These shadows will not exceed the requirements prescribed under the standard.</p> <p>The decision guidelines require the responsible authority to consider the design response, the impact on the amenity of existing dwellings, existing sunlight penetration to the secluded private open space, the time of day that sunlight will be available to the secluded private open space and the effect that the reduction in sunlight will have on the use of the open space.</p> <p>Submitted shadow diagrams demonstrate that at 9am the proposed building will cast shadows over 6 metres in length across the two (2) south adjoining secluded private open space areas at 1 and 3A Nirvana Crescent. For 1 Nirvana Crescent this is 3 metres beyond existing shadows cast by boundary fencing and partly affects secluded private open space. For 3 Nirvana Crescent this exceeds shadows cast by existing boundary fencing and the affected area is confined to the north-east corner of the property.</p> <p>From 10am to 12 noon shadows will shift to affect only 1 Nirvana Crescent with shadows generally limited to along the fence line and over the car port, shed and areas within the front setback.</p>

OBJECTIVE	OBJECTIVE MET / NOT MET
	<p>At 3pm, the development will cast shadows over ground level open space areas and balconies of south and east-facing apartments within the development, and Nirvana Crescent (footpath and street).</p> <p>Importantly, plans demonstrate that the difference between existing shadows cast by fencing and shadows cast by the proposed development is relatively minor. Shadows affecting the south adjoining dwellings open space areas are greatest between 9am and 10am and for the most part, additional shadows will be limited to rear portions of open space areas and along fence lines.</p> <p>The standard requires adjoining open space areas to receive a minimum of 5 hours of sunlight between 9am and 3pm. Shadows cast to the south adjoining dwellings meets the standard.</p> <p>While the standard looks at impact on the amenity of existing dwellings it is acknowledged that there are several open space areas within the development that will be affected by overshadowing throughout the day. Overshadowing within the development will however be improved (reduced) beyond ResCode compliance through the design changes required under the conditions of permit.</p>
<p>55.04-6 – Overlooking</p> <ul style="list-style-type: none"> To limit views into existing secluded private open space and habitable room windows. 	<p>Met – Subject to Conditions 1.4, 1.5 and 1.6</p> <p>Overlooking (limiting views within a 9m radius from habitable rooms, secluded private open space areas and balconies) has been generally addressed in the design of the development.</p> <p><u>South</u></p> <p>On the ground level, there is no unreasonable overlooking as courtyards are located at ground level and views will be limited by boundary fencing and landscaping.</p> <p>On levels 1, 2, and 3, balconies and windows have been screened or obscured to comply with the standard. Further detail will be required (1:50 scale drawing) for the screening treatment to the second floor windows to ensure that the proposed slats allow only horizontal views and</p>

OBJECTIVE	OBJECTIVE MET / NOT MET
	<p>not views downward to adjoining open space and habitable room windows.</p> <p><u>West</u> On the ground level, overlooking is limited as courtyards are located at ground level and views will be restricted by boundary fencing.</p> <p>On levels 1, 2, and 3, to both the west and south, balconies and windows have been screened or obscured to comply with the standard.</p> <p>Conditions will require changes to some design details and setbacks to the south elevation and as such conditions will also be included to ensure that any additional screening or obscure glazing will be provided in order for the revised built form to meet the requirements of standard B22.</p>
<p>55.04-7 – Internal Views</p> <ul style="list-style-type: none"> To limit views into the secluded private open space and habitable room windows of dwellings and residential buildings within a development. 	<p>Met</p> <p>Fences and screens are provided between courtyards, balconies and terraces to limit direct views.</p>
<p>55.04-8 – Noise Impacts</p> <ul style="list-style-type: none"> To contain noise sources in developments that may affect existing dwellings. To protect residents from external noise. 	<p>Met – Subject to Condition 1.12</p> <p>Potential noise sources from a residential development (excluding domestic noise) is ordinarily limited to plant and equipment (such as air conditioning units, mechanical ventilation and automated roller doors to car parks.</p> <p>No details (relating to noise levels) have been submitted with the application, however ordinarily all residential noise for a development of this type would be subject to standard EPA requirements controlled through local laws.</p> <p>The placement of air-conditioning units will be regulated to ensure appropriate positioning (mainly for aesthetic reasons). A condition will ensure they are located where they are not visible, such as on balconies behind solid balustrades. Plant on the roof of the building will be screened. Refer Condition 1.12.</p> <p>Overall, it is considered that there are no external noise sources that may unreasonably impact unreasonably on existing or future residents.</p>

OBJECTIVE	OBJECTIVE MET / NOT MET
<p>55.05-1 – Accessibility</p> <ul style="list-style-type: none"> To encourage the consideration of the needs of people with limited mobility in the design of developments. 	<p>Met</p> <p>The pedestrian entrance is ramped and accessible to people of limited mobility. All apartments are single level and accessible to residents and visitors. There is a lift directly accessible from the entry and from the resident and visitor car parking spaces which provides step free access to all apartments.</p>
<p>55.05-2 – Dwelling Entry</p> <ul style="list-style-type: none"> To provide each dwelling or residential building with its own sense of identity. 	<p>Met</p> <p>The dwellings all derive pedestrian access from the central entry path and hall on the eastern frontage of the building, which leads to a foyer.</p>
<p>55.05-3 – Daylight To New Windows</p> <ul style="list-style-type: none"> To allow adequate daylight into new habitable room windows. 	<p>Met</p> <p>While ground level windows may have a slightly reduced level of daylight afforded to them as a result of boundary fencing, screen planting and canopy trees, all dwellings will have a reasonable level of daylight overall.</p> <p>The solid outer wall and planter boxes to the south-facing balconies of Apartments 11, 12 and 13 add an unnecessary degree of visual bulk to the south elevation and so a condition will require design changes and further setbacks for the three balconies, in order to comply with the DDO8 objectives. Given that these overhangs also add shading to the lower floor apartments (1, 2 and 3) the increased setbacks will ultimately improve solar penetration and benefit the on-site amenity for these lower level apartments.</p>
<p>55.05-4 – Private Open Space</p> <ul style="list-style-type: none"> To provide adequate private open space for the reasonable recreation and service needs of residents. 	<p>Met</p> <p>Schedule 2 to the RGZ does not prescribe a minimum private open space area size.</p> <p>Each dwelling will be provided with an area of private open space.</p> <p>Each of the ground floor dwellings is provided with secluded private open space which consists of paved courtyards and landscaped gardens. The total amount of secluded private open space afforded to each dwelling at ground level ranges from 23.37 square metres to 88.25 square metres.</p> <p>Level 1 consists of seven two-bedroom apartments and three one-bedroom apartments, each provided with balconies that range from 8.1 to 27.7 square metres. Level 2 consists of</p>

OBJECTIVE	OBJECTIVE MET / NOT MET
	<p>eight two-bedroom apartments, each provided with balconies or terraces that range from 9.29 to 28.85 square metres. Level 3 consists of four three-bedroom apartments and one two-bedroom apartment, each provided with balconies or terraces that range from 22.47 to 72.47 square metres.</p> <p>The 3 bedroom apartments each have roof terraces of 59.03 to 97.96 square metres.</p> <p>The open space provided to each dwelling meets the Clause 55 standard.</p>
<p>55.05-5 – Solar Access To Open Space</p> <ul style="list-style-type: none"> To allow solar access into the secluded private open space of new dwellings and residential buildings. 	<p>Considered Met</p> <p>Apartments 1, 2, 3, 11, 12, 13 and 28 all have south-facing courtyards or balconies that receive limited sunlight. As discussed above, conditions will require design features to improve the appearance of the building to the south which will also improve solar penetration to open space of the other apartments. This is considered to be an acceptable design response given the orientation of the lot.</p>
<p>55.05-6 – Storage</p> <ul style="list-style-type: none"> To provide adequate storage facilities for each dwelling. 	<p>Met - Subject to Condition 1.19</p> <p>Plans show storage cages provided in separate rooms within the basement car park. In these locations they are easily accessed by residents and are secure. The provision of separate storage cages and dedicated rooms (in other words, not above-bonnet storage) is not generally provided for a development of this type and is therefore fully supported.</p> <p>A number of storage cages are less than the required 6 cubic metre size prescribed under the standard. There is ample room to provide the required storage size (including possibly externally within some of the yards spaces of Apartments 1, 2 ,3) and as such there is no reason for any storage cage to be undersized. A condition will require all storage spaces to be 6 cubic metres at a minimum as per the standard.</p> <p>Despite there being no Scheme requirement to provide on-site bicycle parking (for residents or visitors) the basement provides 9 secure racks within the storage cages room and visitor spaces are located within the Nirvana Crescent setback, integrated into the landscaped area.</p>

OBJECTIVE	OBJECTIVE MET / NOT MET
	This is fully supported as it would mean that storage cages will not need to double-up as bicycle storage.
<p>55.06-1 – Design Detail</p> <ul style="list-style-type: none"> To encourage design detail that respects the existing or preferred neighbourhood character. 	<p>Met</p> <p>The proposed architectural design is of a high standard and offers a contemporary statement that responds positively to the preferred neighbourhood character. The design includes varied colours and materials whilst providing a coherent style or theme. The building is modulated with framing elements to balconies and deep recesses that allow for different depth and shadow perceptions across the building. The building form uses curved surfaces to the corner and upper floors which add visual interest.</p> <p>In relation to the design detailing of the southern wall, a condition will require changes to be made in the way of relocated balconies, changes to façade treatment and more setbacks as discussed in the DDO8 assessment.</p>
<p>55.06-2 – Front Fence</p> <ul style="list-style-type: none"> To encourage front fence design that respects the existing or preferred neighbourhood character. 	<p>Met</p> <p>The proposal does not include a front fence, which is supported by the DDO8.</p>
<p>55.06-3 – Common Property</p> <ul style="list-style-type: none"> To ensure that communal open space, car parking, access areas and site facilities are practical, attractive and easily maintained. To avoid future management difficulties in areas of common ownership. 	<p>Met</p> <p>Assuming the dwellings are sold individually, communal areas such as the basement and the perimeter gardens will be maintained by an Owners' Corporation. There are no perceived difficulties associated with future management of these areas.</p>
<p>55.06-4 – Site Services</p> <ul style="list-style-type: none"> To ensure that site services can be installed and easily maintained. To ensure that site facilities are accessible, adequate and attractive. 	<p>Met – Subject to Conditions 13, and 33 to 42</p> <p>Mailboxes are located outside the foyer of the building. There is an Australia Post requirement for mailboxes to be parallel to the footpath and as such note on permit will require mailboxes as per the Australia Post requirements.</p> <p>Permit conditions will require retractable clotheslines to be installed within all courtyards, balconies and terraces that they are not visible from the street or adjoining properties.</p> <p>Bin storage in the car park is easily accessible by all residents and not visible from the public domain.</p>

OBJECTIVE	OBJECTIVE MET / NOT MET
	The submitted Waste Management Plan (WMP) confirms that all waste collection will be made by a private collector is supported by Council's traffic engineering unit (waste services). The WMP is supported subject to modifications which will be required by way of condition.

General Matters

- 6.17 In addition to the assessment above, the following general matters have been considered.

Waste Management

- 6.18 *The submitted Waste Management Plan prepared by Frater Energy Assessor estimates the generation of 2,720 litres of general waste per week and 3,840 litres of co-mingled recyclables per week. Whilst the Waste Management Plan showed that there was sufficient space for storage of waste bins, the plan contemplated collection from street frontages.*
- 6.19 *Council's Traffic Engineers (waste services) does not support private waste collection on-street and recommends that private collection occurs within the title boundaries of the subject land.*
- 6.20 *The referral advice was provided to the Applicant and a revised Waste Management Plan was lodged with a traffic engineering report on the ability of the waste vehicle to collect waste from within the site. The proposed waste collection vehicle a "Wastewise Mini rear loader" is able to collect and empty bins up to 660 litres within a 2.08 metre height. The traffic engineering report highlighted that to collect waste, a minimum 2.2 metre headroom, clear of overhead obstructions must be provided for the entire basement 1 access aisle, and a minimum 2.35 metre headroom must be provided in the vicinity of the lower ramp transition. Whilst the traffic engineering report suggested this vehicle could undertake on-site collection, possible conflicts are noted in relation to building regulations if sprinkler systems, lighting and/or emergency signage are required along the basement 1 access aisle. However this could be potentially resolved by a wider floor to ceiling height. If this is required, then a deeper excavation will be required, rather than raise the building height any further. This will all be addressed by way of permit conditions.*
- 6.21 *The revised waste management plan is based on 1100 litre bins, which the Wastewise documentation shows cannot be collected by the Wastewise mini rear loader within a 2.1 metre height. If 660 litre bins are used, it does not appear that there will be sufficient room within the bin storage room and it is likely bins will need to be collected twice weekly. This will be required by condition of permit.*
- Noise impacts to apartments from Manningham Road traffic and other sources.*
- 6.22 *The submitted Noise Assessment report identifies likely noise impacts to the apartments, recommending that improved glazing would be necessary for some apartments to ensure that they do not suffer an unacceptable amenity noise impact from traffic on Manningham Road. Appendices to the report*

includes the use of improved glazing to the apartments identified. Condition 45 requires that any noise protection measures to apartments must be undertaken as per the requirements of the Noise Assessment report.

Sustainability

- 6.23 *The submitted Sustainability Management plan includes a STEPS (Sustainable Tools for Environmental Performance Strategy) assessment and a STORM (Stormwater Treatment Objective- Relative Measure) assessment. STEPS is an energy assessment tool developed by City of Moreland to determine the energy efficiency and environmental sustainability of developments. STORM is a stormwater treatment assessment tool developed by Melbourne Water to determine the stormwater treatment impacts and requirements of developments.*
- 6.24 *The submitted STEPS assessment indicates the development achieves an acceptable sustainability score to meet the requirements of the tool (achieved project score benchmark within the measured categories). The STORM report indicates the development achieved an acceptable stormwater score to meet the requirements of the tool (45% reduction in the typical annual load of total nitrogen and achieved best practice objectives). This is supported by Council's ESD adviser.*

Works outside title boundary

- 6.25 *To the north, the back of the footpath touches the title boundary, and there is a rise from the level of the footpath to the ground level of the yard. To the east, this is even more pronounced, with the embankment running along Nirvana Crescent having a height of approximately 1.5-1.8 metres above the footpath height.*
- 6.26 *The 'shoulders' of the embankment near the vehicle accessway would potentially impede clear sightlines, and the embankment would need to be re-shaped near the vehicle and pedestrian accessways to allow for clear sightlines.*
- 6.27 *Further, the landscape plan shows landscaping within the embankment area.*
- 6.28 *The applicant has investigated purchasing from Council the embankment area from the back of footpath to title boundary to allow for the above-mentioned works to be undertaken. Whilst this is not an ideal model for all development, it is acknowledged that this instance is an unusual case, where currently and for some period of time, the embankment area presents as generally being part of the curtilage of the subject site and is not readily trafficable by the public.*
- 6.29 *A review of the submitted design and the surrounds identifies that this is an integral part of the design as it stands, and it is recommended that if a permit were to be issued, a condition requires the Applicant to investigate further the acquirement of part or all of the embankment area from Council to allow for the works and landscaping to occur, or amend the vehicle accessway, footpath width and landscaping plans to occur only within the title boundaries.*

7 REFERRALS

External

- 7.1 VicRoads are a statutory referral authority given it is proposed to remove an existing access point to Manningham Road. The originally submitted (advertised) application was referred to VicRoads who support the proposal subject to one condition that the redundant crossover must be re-instated to nature strip and made good.
- 7.2 The VicRoads condition will be included as a condition on any permit issued.
- 7.3 The amended application (the decision plans) were not referred to VicRoads given that the plans make no changes to the vehicle access or change to the originally proposed alteration to Manningham Road.

Internal

- 7.4 The application was referred to a number of Service Units. Where appropriate, the amended application (decision plans) and information were referred back to Service Units.
- 7.5 The following table summarises their responses:

Service Unit	Comments
Engineering & Technical Services Unit (Drainage)	<ul style="list-style-type: none"> • Point of discharge (drainage) is available for the site. • Provide an on-site stormwater detention system. • All areas are to be drained to the point of discharge.
Engineering & Technical Services Unit (Traffic)	<ul style="list-style-type: none"> • The proposed development includes 32 apartments. A visitor parking space is required for every 5 dwellings in accordance with table 1 of Clause 52.06 of the Manningham Planning Scheme. Accordingly 6 visitor parking spaces are required. However, the applicant proposes 5 on site visitor car spaces within the Basement One car park (TP04 Plan). It is recommended the applicant to provide another visitor car space within the development. • Another car space is required to meet the parking demand for residential apartments. It is unclear which apartment requires a waiver of car parking. Nominate the car spaces to each apartment. • It is recommended to provide the onsite car parking provision in accordance with Table 1 of clause 52.06-8 of Manningham Planning Scheme. Alternatively applicant can reduce the size of the development meeting the statutory car parking requirement within the development or install mechanical parking devices such as car stackers to meet the parking demand.
Engineering & Technical Services Unit (Engineering)	<ul style="list-style-type: none"> • Crossover requires to be reviewed and accordingly the accessway to be redesigned. • Accessway serves more than 4 dwellings. Accessway grades must not be steeper than 1:10 within 5m of the frontage in accordance with Design Standard 3. The proposed grade 1:5 within 5m from street frontage does not comply with this requirement. • Convex mirrors to be provided at right angular changes of accessway direction as per the recommendations of the ML Traffic Engineers' traffic assessment report dated 11th September. • The applicant will require submitting swept path analyses for

Service Unit	Comments
	<p>a waste truck. Demonstrate that a private waste collection vehicle can enter the Basement One car park to collect waste within the development and exit the car park in a forward direction with not more than three vehicle manoeuvres.</p> <ul style="list-style-type: none"> • Accessway aisle width in front of car spaces 8 to 17 at Basement One car park must be 6400mm. • Accessway aisle width in front of car spaces 8 to 16 at Basement Two car park must be 6400mm. • Pedestrian access link is proposed to the existing footpath of Nirvana Crescent over the Council's land. The Applicant will require reducing the width of this footpath connection to maximum 1.4m. The proposed 3.4m width is not allowed within the Council's land. This footpath needs to be constructed in accordance with Council's Standard drawing for footpaths • The applicant proposes 9 bicycle parking spaces within the basement One Car Park for residents and 4 visitor bicycle parking spaces at the main pedestrian entrance from Nirvana Crescent for visitors. Proposed bicycle parking provision is within the development is satisfactory.
Engineering & Technical Services Unit (Waste Management)	<ul style="list-style-type: none"> • Modifications to the submitted waste management plan are necessary. • A private waste contractor to undertake waste collection from within the property boundary. • Refer to the comments dated 18th November 2015, prepared by Acting Waste Management & Resource Recovery Coordinator.
Strategic Projects Unit (Sustainability)	<ul style="list-style-type: none"> • Modifications to the submitted sustainability management plan are necessary prior to endorsement.

7.6 Recommendations will be addressed via permit conditions and footnotes where appropriate, on any permit issued.

7.7 The following is provided in response to recommendations that will not be reflected via permit conditions and footnotes, or where further clarification is required:

Engineering – 'The crossover is not at right angles to the road edge'

7.8 Whilst this is not ideal, as long as there are reasonable sightlines, it is not considered necessary to require an alteration to the crossover to achieve a right angle entry. In this case, there are some constraints to sightlines due to the embankments between back of footpath and edge of title boundary. These embankments will need to be slightly re-graded to allow for adequate sightlines. As discussed previously in this report, this will be required as a condition of permit.

Engineering – 'Accessway serves more than 4 dwellings. Accessway grades must not be steeper than 1:10 within 5m of the frontage in accordance with Design Standard 3. The proposed grade 1:5 within 5m from street frontage does not comply with this requirement'

- 7.9 The crossover starts to ramp down from approximately 1 metre to the rear of the footpath at a grade of 1 in 10, and then increases to a 1 in 5 grade approximately 3.2 metres into the site from the current title boundary, which is approximately 8.2 metres from the back of the footpath.
- 7.10 As discussed previously, if *the embankment area is purchased by the Applicant it would mean the ramp would only need to have a 1 in 10 gradient extended for a further 1.2 metres westward.* There would also be room to lengthen the access ramp at the western end. A condition will require the crossover and ramp gradients to comply with the design standard.
- 7.11 Engineering – ‘Accessway aisle width in front of car spaces 8 to 17 at Basement One car park must be 6400mm. Accessway aisle width in front of car spaces 8 to 16 at Basement Two car park must be 6400mm’
- 7.12 The submitted traffic report includes turning diagrams showing that whilst the 6.4 metre width as set out in the standard was not met, the proposed 6.3 metre width shown was adequate for the spaces to be accessible. On this basis, it is not considered necessary to increase the width of the accessway by 100mm to meet the design standard.
- Engineering – ‘Pedestrian access link is proposed to the existing footpath of Nirvana Crescent over the Council’s land. The Applicant will require reducing the width of this footpath connection to maximum 1.4m. The proposed 3.4m width is not allowed within the Council’s land. This footpath needs to be constructed in accordance with Council’s Standard drawing for footpaths’*
- 7.13 The use of a 3.4 metre wide entry path from back of footpath to building entry would be an appropriate design technique to allow for good identification of the entry and good access for people of limited mobility.
- 7.14 The footpath area goes partly through the embankment on the nature strip. While the Applicant has been in discussions with Council in relation to purchasing this area of Council land, to date, no agreement has been reached.
- 7.15 As discussed above, whilst this is not ideal, it is considered in this case, this is acceptable. If this embankment area is purchased and included on title, the Council footpath standards would not apply and Council would not be responsible for future maintenance of the entry path. However, in the event that it is not purchased, a condition will require the footpath width to be reduced to 1.4 metres and for the footpath design (longitudinal and cross-section) to be approved by Council prior to construction commencing.

8 NOTIFICATION

- 8.1 Notice of the originally submitted application was required to be given under Section 52 of the Planning & Environment Act 1987, by sending notices to adjoining and nearby landowners/occupiers and by displaying notices on the land for a 3 week period. Four (4) notices were displayed on site.
- 8.2 Council received 19 objections, including one multi-signatory objection with 5 signatures.
- 8.3 Details are as follows:

Address
1, 2, 2B, 3, 3A, 6A, 7, 8, 10, 12, 14, 16 Nirvana Crescent, Bulleen
112, 4/131 Manningham Road, Bulleen

Address

1/60 Ayr Street, Doncaster

- 8.4 The grounds of objection can be summarised as follows:
- Lack of policy support in the Scheme under the zone and the overlay requirements *for the height and site coverage*
 - Design – scale and design is out of character with the area (which includes single dwellings)
 - Off-site amenity – overlooking / loss of privacy, visual bulk, overshadowing, residential noise resulting from the roof terrace
 - Traffic - *driveway should be on Manningham Road, on-street parking and traffic will increase*
 - *Other - adverse impact on drainage system and construction noise*
- 8.5 A response to the above grounds is provided in the following paragraphs:
Lack of policy support in Scheme under the zone and overlay requirements for the height and site coverage
- 8.6 There is clear support for development of the land in the Scheme in terms of urban consolidation and a proposed increase in residential density. The proposed development supports the key vision objectives which encourage a higher density and innovative contemporary design by providing residential development within a building in a location that is highly accessible to the community. In that regard it is consistent with policy.
- 8.7 Notwithstanding that, it is not development at any cost and policy sets out design parameters including a maximum site coverage of 60 percent and a requirement that higher developments on the perimeter of the Main Road sub-precinct are designed so that the height and form are sufficiently stepped down, so that the scale and form complements the interface which in this case is the southern interface with dwellings in Nirvana Crescent.
- 8.8 Subject to permit conditions on any permit issued, requiring design changes to the southern side of the development, the articulation, height transitioning and relationship to the south will provide a more acceptable interface which is envisaged under the DDO8.
Design – scale and design is out of character with the area (which includes single dwellings)
- 8.9 A full assessment of the building design, neighbourhood character and landscaping is provided in the DDO8 assessment and Res Code assessment in this report.
- 8.10 In summary, the subject site is located within the Residential Growth Zone is located in the DDO8-1 “sub precinct Main Road”. Policy supports housing developments that will respect existing neighbourhood character. It is acknowledged that the scale, form and age of existing housing in the area is predominately 1970s (single-storey) with a substantial amount of development dating between the late 1980s and 1990s (double and in some instances 3-storey) with minimal unit development. However, Council through its policy statements and the DDO8 has created a planning

mechanism that will over time alter the present neighbourhood character along Mitcham Road. Through policy, Council's 'preference' is for higher density, multi-unit developments which may include apartment-style buildings, especially on larger lots, and the resultant built form will have a more intense and less 'suburban' character.

8.11 This higher density housing theme represents the 'preferred neighbourhood character' and guidance as to the ultimate form of development is provided through the Design Elements contained within the DDO8 provisions. To accommodate Manningham's projected population growth, policy objectives (at Clause 21.05-2 Housing) within the Scheme supports a higher density of housing along main roads, and anticipates and supports an incremental level of change along main roads.

8.12 As discussed earlier in the report, the building is reasonably well articulated and modulated and has been designed to limit perceptions of visual bulk. As discussed, design changes will be required by condition to alter some of the southern facade and subject to these changes, the bulk and mass of the building are considered acceptable within this area identified for increased residential development.

Off-site amenity – overlooking / loss of privacy, visual bulk, overshadowing, residential noise resulting from the roof terrace

8.13 Relevant concern is raised in relation to the impact of the proposed development on south adjoining properties, in particular due to the different residential zoning (the subject site is within the RGZ and the south adjoining dwellings are within the GRZ) and their residential amenity expectations given the proposal is for a 4-storey built form immediately to the north.

8.14 The design of the proposed building on the southern side is acceptable subject to design changes that will be required by way of conditions (relocated balconies, increased setbacks of southern walls).

8.15 A full assessment against all Res Code standards and objectives and the DDO8 requirements which require appropriate height transitioning, is provided in this report. Subject to conditions, the proposal will present a reasonable level of off-site amenity impact to existing adjoining dwellings, including those located to the south and within the GRZ.

8.16 In relation to residential noise the consideration of this planning application is confined to the construction of the development. The residential use of the subject site does not require a planning permit under the zone and is therefore not a planning matter and cannot be considered in this assessment. Residential noise associated with a dwelling is considered normal and reasonable in an urban setting. Residential noise would be subject to standard EPA guidelines and any future amenity issues, should they arise, can only be pursued as a civil matter.

8.17 Overlooking from windows and balconies has been discussed in the assessment against Clause 55.04-6 of the Scheme. Permit conditions will require some additional screening to balconies and habitable room windows that allow direct views within a 9 metre radius and require them to be designed to meet the policy objective.

8.18 Overshadowing has been assessed against Clause 55.04-5 of the Scheme. The shadows cast by the development will only cover a limited portion of the west and east secluded private open spaces and will not exceed the

requirement in the standard and meets the policy objective which is to limit any unreasonable amenity impacts on adjoining properties.

Traffic - driveway should be on Manningham Road, on-street parking and traffic will increase

- 8.19 The car parking requirements of the Scheme is at Clause 52.06-1 (Car Parking) of the Scheme and a full assessment against the requirements of Clause 52.06 is provided in this report.
- 8.20 While the submitted proposal has a shortfall of two (2) on-site car parking spaces, the basements could be re-designed to provide for this shortfall. A re-design of the third floor and roof terrace in particular will be required to meet the setback changes envisaged under the DDO8 and improve the transitioning down to the southern interface so that the development does not present as 4-storeys from the south. This will inevitably reduce floor area and most likely reduce the number of apartments within the building and re-calculate the car parking requirement prescribed under Clause 52.06 of the Scheme. Regardless, a condition on permit will require amended plans to demonstrate that the number of visitor and residents spaces provided on-site meet the requirements of Clause 52.06 of the Scheme.
- 8.21 Existing on-street parking problems in the area cannot be addressed through the current application, nor should the burden of relieving these existing problems be imposed on the developer of the subject site.
- 8.22 In terms of traffic generation, it is a generally accepted principle in many Victorian municipalities that multi-dwelling developments generally create an average of 4-8 vehicle movements per day per dwelling, or less where there is good access to public transport. This is consistent with the "NSW RTA guide to Traffic Generating Developments 2002", which identifies a rate of 4-5 movements daily for 2 bedroom dwellings and 5-6 movements daily per 3 bedroom dwelling. The applicant has submitted a traffic report which references the NSW RTA document and highlights that based on the traffic generation rates usually expected for developments of this sort, the development is likely to generate 18 vehicle trips per hour in peak hours, with 14 outbound and 4 inbound trips during AM peak hour and 5 outbound and 13 inbound trips during PM peak hour.
- 8.23 Whilst it is acknowledged that there is some congestion in Nirvana Crescent during school drop off and pick up times, based on the likely traffic movements generated by the development, it is not considered there will be any unacceptable impacts to traffic flow in and out of Nirvana Crescent as a result of the development.
- 8.24 In relation to the suggestion that the vehicle driveway be on Manningham road, the subject site has access to a main road controlled by VicRoads and a side street. It is normal practice for sites with two accesses such as this to remove the access from the main road and provide access from the side street. This is generally the preference of VicRoads as it improves traffic safety by allowing less private property access to a main road and instead provides access to a main road from other public streets.
- 8.25 Council's traffic engineering unit and VicRoads as the appropriate referral authority support the proposed development.

Other - adverse impact on drainage system and construction noise

- 8.26 The site will have 33.4% of surfaces with permeable surfaces, which meets the standard at Clause 55.03-4 of the Scheme. Council's Traffic Engineers raised no concern subject to the installation of an on-site storm water detention system which will be required by way of permit condition.
- 8.27 Noise disturbance during construction works is a common objector concern. Some noise and other disturbance is inevitable when any construction occurs and the developer will be required to meet relevant Local Law and EPA regulations regarding construction practices to ensure these impacts are mitigated. In addition to these requirements, a condition will require the submission of a Construction Management Plan (CMP) which will require the applicant to submit details of the construction, for approval.

9 CONCLUSION

- 9.1 It is considered appropriate to support the application subject to some design changes to the building and the inclusion of suitable management plan conditions.
- 9.2 The proposed development, subject to some minor changes that will be required by way of permit conditions, is considered appropriate for the zone and the DDO8 provisions. The design is consistent with the preferred neighbourhood character, achieves a good level of internal amenity for future residents and will have a reasonable impact on the amenity of adjoining properties subject to minor changes to the southern interface that will be required by way of permit conditions.
- 9.3 The construction of a well designed and visually interesting apartment style building is consistent with the vision of the Scheme, in particular Clause 21.05 Residential, Schedule 8 to the Design and Development Overlay (DDO8) and Clause 55 (Res Code). It will allow an increase in housing density and diversity in a location that has good access to services.
- 9.4 The relevant referral authorities have been notified of this application for Planning Permit, and the conditions as required by the referral authority, and agreed to by Manningham City Council, have been included on the Notice of Decision to Grant a Planning Permit.

RECOMMENDATION

- (A) That having considered all objections, A NOTICE OF DECISION TO GRANT A PERMIT be issued in relation to Planning Application No. PL15/025340 in accordance with endorsed plans and subject to the following conditions:**
- 1. Before the development starts, two (2) copies of amended plans, uncoloured, drawn to a scale of 1:100 and dimensioned must be submitted to the satisfaction of the Responsible Authority. When approved by the Responsible Authority, the plans will be endorsed and will then form part of the permit. The plans must be generally in accordance with the decision plans (prepared by Cornetta Partners, Revision E, dated July 2016), but modified to show the following:**
 - 1.1. At third floor, the setback from the southern site boundary increased to 12.5 metres minimum, resulting in the internal reconfiguration of all third floor apartments and roof terraces, to**

provide more stepping down of the building and more appropriate height transition of the building to the southern interface.

- 1.2. A car parking allocation schedule to demonstrate that the on-site car parking required under Clause 52.06 (resident and visitor spaces) of the Manningham Planning Scheme is met.
- 1.3. At first floor, the setback of balconies (balcony edges) of Apartments 11, 12 and 13 increased to 3.6 metres so that they are in line with the southern wall of the bathroom and bedroom of Apartment 10, and any resulting internal configuration of these apartments. Balconies must remain at least 8 square metres or greater in size. Planter boxes should be retained but painted a contrasting colour to the southern walls of Apartments 10 and 13 (located on either side) in order to reduce their visual bulk, or another balcony screen type provided in lieu.
- 1.4. Details of balcony screens and south-facing windows of Apartments 11, 12 and 13 to comply with the objective of Clause 55.04-6 (Overlooking) of the Manningham Planning Scheme.
- 1.5. Details (including a 1:50 elevation) of screen measures proposed to the south-facing window of Apartment 21 and balconies of Apartment 22 and Apartment 29 to comply with the objectives of Clause 55.04-6 (Overlooking) of the Manningham Planning Scheme.
- 1.6. At second floor, the setback of the southern edge of the balcony to Apartment 21 increased to 7.8m in line with the southern wall of the kitchen of that apartment, and screened to comply with the objective of clause 55.04-6 (Overlooking) of the Manningham Planning Scheme. The then exposed kitchen window to Apartment 21 must also screened to comply with the objective of Clause 55.04-6 (Overlooking) of the Manningham Planning Scheme.
- 1.7. Plan notations to confirm that:
 - 1.7.1. a minimum of 2.2m headroom, clear of any overhead obstructions such as pipes, beams, signs and light fittings is provided for the entire basement 1 access aisle; and
 - 1.7.2. a minimum 2.35m headroom clear of any overhead obstructions will be maintained in the vicinity of the lower ramp transition.
- 1.8. In accordance with Design Standards for car parking at Clause 52.06-8 of the Manningham Planning Scheme, either:
 - 1.8.1. the reshaping of the embankment areas on the north and south sides of the vehicle accessway, to allow vehicle sight triangles of 2.0 metres by 2.5 metres with landscaping no higher than 900m, and modified grades for the vehicle accessway to comply with Design Standard 3 at Clause 52.06 (Car Parking) of the Manningham Planning Scheme, with details of the footpaths submitted (including a longitudinal section and cross-section); or
 - 1.8.2. in the event that nature strip is not acquired pursuant to Condition 6 of this permit, the proposal amended to show vehicle accessway grades, vehicle crossover and

embankment design to Council's satisfaction, and the pedestrian footpath width reduced to 1.4 metres with details submitted (including but not limited to a longitudinal section and cross-section).

- 1.9. Clotheslines / external clothes drying facilities for each dwelling shown on plan, with clothes-drying racks or line systems located on balconies to be same height or lower than the balustrade of the balcony to limit visibility of clothes drying from the street and adjoining dwellings.
- 1.10. A separate palette sheet (colour schedule) depicting the range of finishes/textures, colours and materials to all externals of the buildings, including balcony and terrace balustrade/screens and roof-top plant screen, and paving finishes (including balconies and terraces, stairs and ramps).
- 1.11. Details for any mechanical ventilation of the basement car park, with any external flues designed and integrated into the building design.
- 1.12. Details for screening to:
 - 1.12.1. roof plant and equipment (appropriately screened so that it integrates into the building design and has limited views from adjoining lots and the street);
 - 1.12.2. all air conditioning units; and
 - 1.12.3. the services box fronting the street (appropriately screened so that it has limited limit views from the public domain).
- 1.13. Additional landscaping as required by the Landscaping Plan required by condition 15 on this permit.
- 1.14. Any relevant changes as a result of the endorsed Waste Management Plan required by condition 13 on this permit.
- 1.15. Any relevant changes as a result of the endorsed Sustainability Management Plan required by condition 8 on this permit and a schedule listing the minimum sustainability features applicable to the development, as described in the Sustainability Management Plan.
- 1.16. Plan notation to confirm that *noise protection measures to all apartments will be undertaken as per the requirements of the Noise Assessment Report prepared by SLR dated 8 September 2015 submitted with the application.*
- 1.17. Plan notation to confirm that the basement levels will be provided with convex mirrors and other requirements of the ML Traffic Engineering Report submitted with the application.
- 1.18. Any changes required by VicRoads (condition 46 on this permit).
- 1.19. All storage spaces to be 6 cubic metres (minimum), located internally or externally.

Endorsed Plans

2. **The layout of the site and the size of buildings and works shown on the approved plans must not be modified for any reason, without the prior written consent of the Responsible Authority.**
3. **Floor levels shown on the endorsed plans must not be altered or modified. Any alterations must be approved in writing by the Responsible Authority.**
4. **Privacy screens to balconies as required in accordance with the endorsed plans must be installed prior to occupation of the dwellings to the satisfaction of the Responsible Authority and maintained to the satisfaction of the Responsible Authority thereafter.**
5. **Obscure glazing must be installed prior to occupation of the building, to the satisfaction of the Responsible Authority and maintained thereafter to the satisfaction of the Responsible Authority. The use of obscure film fixed to transparent windows is not considered to be 'obscure glazing' or an appropriate response to screen overlooking.**

Consolidation and Acquisition of Land

6. **Prior to the endorsement of Condition 1 plans, the permit holder must either:**
 - 6.1. **acquire all or part of the nature strip adjacent the east boundary of 120 Manningham Road, between the title boundary and back of existing footpath to the satisfaction of Council, and make design changes generally in accordance with the requirements of condition 1.7 of this permit; or**
 - 6.2. **amend the design to show vehicle accessway grades, vehicle crossover and embankment design to comply with Design Standard 3 at Clause 52.06 (Car Parking) of the Manningham Planning Scheme, and the pedestrian footpath width reduced to 1.4 metres with details submitted (including but not limited to a longitudinal section and cross-section) to the satisfaction of Council.**
7. **Prior to commencement of works, the land in certificate of title Volume 08461 Folio 567 and Volume 08461 Folio 146 must be consolidated into one title.**

Sustainability Management Plan

8. **Before the development starts or the issue of a building permit for the development, whichever is the sooner, two copies of an amended Sustainability Management Plan (SMP) must be submitted to and approved by the Responsible Authority. The plan must be generally in accordance with the submitted plan (prepared by Frater Energy Assessor), but modified to include the recommendations of Council's ESD adviser in their memo dated 18 November 2015, and include, but not limited to:**
 - 8.1. **Inclusion of page numbers and numbered sections.**
 - 8.2. **Amend the Artificial lighting section to delete reference to compact fluorescent.**

- 8.3. Include a section that clotheslines will be provided to avoid reliance on electric dryers.
- 8.4. Include a Glazing section and specify details of glazing which must be low-e, and incorporate uPVC framing
- 8.5. Specify roof area harvested for rainwater storage and connected to all toilets.

The recommendations of the plan must be incorporated into the design and layout of the development and must be implemented to the satisfaction of the Responsible Authority before the occupation of any dwelling.

Construction Management Plan

9. Before the development starts, two copies of a Construction Management Plan must be submitted to and approved by the Responsible Authority. When approved, the plan will form part of the permit. The plan must address, but not be limited to, the following:
 - 9.1. A liaison officer for contact by residents and the responsible authority in the event of relevant queries or problems experienced;
 - 9.2. Hours of construction;
 - 9.3. Delivery and unloading points and expected frequency;
 - 9.4. On-site facilities for vehicle washing;
 - 9.5. Parking facilities/locations for construction workers;
 - 9.6. Other measures to minimise the impact of construction vehicles arriving at and departing from the land;
 - 9.7. Methods to contain dust, dirt and mud within the site, and the method and frequency of clean up procedures;
 - 9.8. The measures for prevention of the unintended movement of building waste and other hazardous materials and pollutants on or off the site, whether by air, water or other means;
 - 9.9. An outline of requests to occupy public footpaths or roads, and anticipated disruptions to local services;
 - 9.10. The measures to minimise the amount of waste construction materials, including details how the commitment to reduce or reuse 50% of construction waste going to landfill outlined in the SMP is achieved;
 - 9.11. The measures to minimise noise and other amenity impacts from mechanical equipment/construction activities, especially outside of daytime hours;
 - 9.12. Details for footpath re-construction (including cross-sections and longitudinal section) and any works to Council assets and on Council land; and
 - 9.13. Adequate environmental awareness training for all on-site contractors and sub-contractors.

10. In the event of damage to an existing boundary fence (as a result of construction activity), the owner of the development site must at their cost, promptly repair or replace the affected fencing to the satisfaction of the Responsible Authority.
11. The endorsed Construction Management Plan 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
12. During construction, the following must occur:
 - 12.1. any stormwater discharged into the stormwater drainage system to comply with EPA guidelines;
 - 12.2. stormwater drainage system protection measures must be installed as required to ensure that no solid waste, sediment, sand, soil, clay or stones from the premises enters the stormwater drainage system;
 - 12.3. vehicle borne material must not accumulate on the roads abutting the site;
 - 12.4. the cleaning of machinery and equipment must take place on site and not on adjacent footpaths or roads;
 - 12.5. all litter (including items such as cement bags, food packaging and plastic strapping) must be disposed of responsibly; and
 - 12.6. all site operations must comply with the EPA Publication TG302/92.

Waste Management Plan

13. Before the development starts, two copies of a 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 be generally in accordance with the plan submitted by Frater Energy assessor but modified to show:
 - 13.1. Use of bins no greater than 660 litres (to accommodate on-site pick up by a Wastewise mini rear loader or similar vehicle) within basement car park areas.
 - 13.2. Twice weekly collection for general waste.
 - 13.3. Twice weekly collection for co-mingled recyclables.
 - 13.4. The accessway to the basement car park, including the height clearance, is sufficient for the proposed waste collection vehicle;
 - 13.5. Details on how best practice standards are achieved based on the Manningham City Council – Waste Collection for Residential Developments in Manningham – Guidelines for Developers.

Management Plans

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

Landscaping

15. Before the development starts, a landscaping plan must be prepared by a landscape architect showing species, locations, approximate height and spread of proposed planting, and must be submitted to the Responsible Authority for approval. The plan must be generally in accordance with the concept landscaping plan prepared by Hansen Partnership dated 7/9/15, including the balcony planter box design and specifications, but amended to show:
 - 15.1. Reshaping of the embankment areas north and south of the vehicle accessway to allow vehicle sight triangles of 2.0m by 2.5 metres with landscaping no higher than 900mm.
 - 15.2. Terrace and surface treatments areas that correspond to the development plans.
 - 15.3. Details of site and soil preparation, mulching and maintenance.
 - 15.4. Screen planting along the southern and western boundary to be a minimum height of 1.5 metres at the time of planting.
 - 15.5. Details of an automatic watering system built into the development for the vertical garden / green wall, to be managed by the owners corporation.
 - 15.6. A minimum of one (1) canopy tree within the private open space of each ground level dwelling to be a minimum height of 1.5 metres at the time of planting and capable of growing to a height of 8m at maturity.
 - 15.7. Tree protection measures for trees on adjoining lots during the construction phase.
 - 15.8. Provision of more screen planting along the length of the western site boundary, including setback of retaining wall along this boundary and grass in lieu of pavers where appropriate, to provide more in-ground planting.
16. Before the release of the approved plan under Condition 1, a \$10,000 cash bond or bank guarantee must be lodged with the Responsible Authority to ensure the completion and maintenance of landscaped areas and such bond or bank guarantee will only be refunded or discharged after a period of 13 weeks from the completion of all works, provided the landscaped areas are being maintained to the satisfaction of the Responsible Authority.
17. Landscaping must be carried out in accordance with the endorsed Landscape Plan and maintained to the satisfaction of the Responsible Authority.
18. The site must be landscaped prior to the occupation of any dwelling allowed by this permit.

Drainage

19. 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:

- 19.1. Be designed for a 1 in 5 year storm; and
- 19.2. Storage must be designed for 1 in 10 year storm.
- 19.3. Be maintained by the owner in accordance with construction plans approved by the Responsible Authority.
20. Before the development starts, a construction plan for the system required by Condition No. 20 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.
21. 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.
22. The whole of the subject land, including landscaped and paved areas, must be graded and drained to the satisfaction of the Responsible Authority, to prevent ponding and to minimise overland flows onto adjoining properties.
23. The permit holder must at the subdivision stage enter into a legal agreement (pursuant to section 173 of the *Planning & Environment Act 1987*) requiring all future owners of the dwellings to maintain the proposed on-site stormwater detention system and the primary drainage lines associated with the on-site stormwater detention system.
24. No works are to take place within any easement and all excavation work must be managed and supervised, so as to ensure that the area within any easement is not adversely impacted upon, to the satisfaction of the Responsible Authority.

Access and Car Parking

25. Before the occupation of the approved dwellings, the vehicular crossing must be constructed in accordance with the approved plans to the satisfaction of the Responsible Authority.
26. Before the occupation of the approved dwellings, redundant vehicle crossovers must be removed and the footpath, nature strip and kerbing reinstated to the satisfaction of the Responsible Authority.
27. Before the occupation of the approved dwellings, all basement parking spaces must be line-marked, numbered and signposted to provide allocation to each dwelling and visitors to the satisfaction of the Responsible Authority.
28. Visitor parking spaces must not be used for any other purpose to the satisfaction of the Responsible Authority.
29. The costs of all of road infrastructure reinstatements and rectification works associated with utility service provision and building works must be borne by the developer.
30. Any damaged road(s) and footpath(s) adjacent to the development site as a result of the development must be reinstated to the satisfaction of the Responsible Authority. All costs associated with these works must be borne by the permit holder.

31. **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.**
32. **Any security door/grille to the basement opening must maintain sufficient clearance when fully open to enable the convenient passage of rubbish collection vehicles which are required to enter the basement and such clearance must also be maintained in respect of sub-floor service installations throughout areas in which the rubbish truck is required to travel to the satisfaction of the Responsible Authority.**

Site Services

33. **Before the occupation of the approved dwellings, all fencing must be in a good condition to the satisfaction of the Responsible Authority.**
34. **All upper level service pipes (excluding stormwater downpipes) must be concealed and screened respectively to the satisfaction of the Responsible Authority.**
35. **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.**
36. **No air-conditioning units are to be installed on any balcony or façade so that they are visible from outside the site.**
37. **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.**
38. **A centralised TV antenna system must be installed and connections made to each dwelling to the satisfaction of the Responsible Authority.**
39. **No individual dish antennas may be installed on balconies, terraces or walls to the satisfaction of the Responsible Authority.**
40. **All services, including water, electricity, gas, sewerage and telephone, must be installed underground and located to the satisfaction of the Responsible Authority.**
41. **Buildings, paved areas, drainage and landscaping must be maintained to the satisfaction of the Responsible Authority.**
42. **All retaining walls must be constructed and finished in a professional manner to ensure a neat presentation and longevity to the satisfaction of the Responsible Authority**

Lighting

43. **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. **Prior to the occupation of the dwellings, lighting capable of illuminating access to each car parking space, store, rubbish bin, recycling bin, pedestrian walkways, stairwells, lift, dwelling entrances and entry foyer must be provided. Lighting must be located, directed, shielded and of**

limited intensity so that no nuisance or loss of amenity is caused to any person within and beyond the site, to the satisfaction of the Responsible Authority.

Noise

45. All noise emanating from any mechanical plant must comply with the relevant State noise control legislation and in particular, any basement exhaust duct/unit must be positioned, so as to minimise noise impacts on residents of the subject building and adjacent properties to the satisfaction of the Responsible Authority.

VicRoads (condition 46)

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

Expiry

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

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

NOTES

The site must be drained to the legal point of discharge to the satisfaction of the Responsible Authority.

It is the developer's responsibility to coordinate and manage the service authorities and their works associated with underground utility provision and connections to the subject development. Trenches or areas of excavation made as result of laying underground services to the development will require the full width reinstatement of footpath, road pavement and the replacement of damaged kerb and channel to the satisfaction of Council's Engineering Services unit.

Under Section 69 of the *Planning and Environment Act 1987* the owner or occupier of the land may apply to extend a permit either:

- before it expires; or
- within 6 months of the expiry if the permit has not been acted on; or
- within 12 months of the expiry of the permit if the development was started lawfully before the permit expired.

The Responsible Authority (Statutory Planning Unit) must be advised when all construction and works (including nature strip restoration and on-site landscaping) are fully completed to enable the site to be inspected for compliance with the approved permit and plans.

Before the construction or modification of any vehicular crossing, a Miscellaneous Works Permit must be obtained from the Responsible Authority. Approved vehicular crossings must be constructed under the Responsible Authority's supervision, for which 24 hours notice is required.

Plans submitted for approval for the on-site storm water detention system should be forwarded to Council's Engineering and Technical Services Unit. For any queries in relation to these plans please contact Engineering and Technical Services on 9846 0563.

The location and design of mail boxes must accord with Australia Post guidelines found at www.auspost.com.au/media/documents/Appendix_02_Aug13.pdf. Developers seeking additional information regarding this should call Australia Post Customer Service on 13 13 18. Manningham City Council is the Responsible authority for the allocation of all new property addressing. For information or advice regarding the allocation of new addresses please contact Council's Property Services team on 9840 9242.

No filling/excavation works to occur over the easement. Consent in the form of a written "Build Over Easement" consent/permit from the relevant service authority must be obtained before any works occur over an easement which is located on the subject land. For any queries in relation to these plans please contact Engineering and Technical Services Unit on 9846 0542.

MOVED: O'BRIEN
SECONDED: HAYNES

That the Recommendation be adopted.

CARRIED

Procedure Motion

MOVED: GOUGH
SECONDED: GRIVOKOSTOPOULOS

That Standing Orders 8.11 and 8.12 be suspended to remove the requirement to take speakers for and against in alternate sequence for this item only.

CARRIED

When all Councillors who wanted to speak had done so the Motion was then PUT and CARRIED

"Refer Attachments"

* * * * *

9.2 Planning Application PL16/026099 - 67-73 King Street and 1 Tuckers Road, Templestowe - Construction of a 117 Bed Aged Care Facility

Responsible Director: Director Planning & Environment

File No. T16/176

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

Land: 67-73 King Street and 1 Tuckers Road, Templestowe
Zone Low Density Residential
Applicant: James Weight
Ward: Heide
Melway Reference: 33E10
Time to consider: 28 August 2016

SUMMARY

It is proposed to use and develop the land for the purpose of a residential aged care facility. The development involves the construction of a purpose built, part single, part 2-storey building comprising 117 beds for residents, in addition to associated communal and servicing amenities. The building will have a single storey presentation addressing King Street, with a basement level car park beneath and staff amenity area within a lower ground level towards the rear. A total of 63 car spaces are accommodated on site. The application includes the creation of access onto King Street (within a Road Zone Category 1) and the variation of the restrictive covenant affecting each land Title to enable the erection of an aged care facility on the site.

The application was advertised and ten (10) objections were received. Grounds of objection mainly relate to traffic, neighbourhood character and amenity impacts.

It is considered that the application constitutes a well conceived development which is responsive to the site and surrounding context. The proposal is generally consistent with the relevant State and Local Planning Policy Framework and is sited and designed to limit off-site amenity impacts on adjoining properties, whilst achieving a high level of internal amenity for future residents.

VicRoads and Public Transport Victoria have no objections to the proposal, subject to the inclusion of conditions on any permit issued.

It is recommended that the application be supported subject to conditions.

1 BACKGROUND

1.1 The site is located on the north-west corner of the King Street and Tuckers Road intersection. The site consists of three residential allotments (separately titled) known 67-69 King Street, 71-73 King Street, and 1 Tuckers Road. Together, the site is generally regular in shape with a total frontage of 117m to King Street, a depth of 65m, and a combined site area in excess of 12,000sqm.

- 1.2 The three allotments are currently developed for residential purposes, containing single storey dwellings centrally sited on each. The dwellings at No. 67-69 and 71-73 King Street contain swimming pools to their rear. Landscaping is generally confined to the periphery of each parcel and consists of scattered trees and dense shrubbery, with a more substantial canopy tree coverage on No. 1 Tuckers Road.
- 1.3 The land falls away some 3.5m toward the north, with a more gradual cross-fall in the order of 2.0m from east to west. A 3.05m wide easement traverses the northern boundary.
- 1.4 There are three points of vehicle access along King Street (crossovers servicing each dwelling), and one further vehicular crossing along Tuckers Road.
- 1.5 Solid brick fencing encloses the frontage of the central allotment, with the frontage of the remaining two defined by post and ringlock fencing and dense planting.
- 1.6 The site has abuttals with seven (7) residential properties. Surrounding development is described as follows:

Direction	Address	Description
North	No. 1, 2 and 3 Beavis Court	These properties each share their rear boundaries with the subject site. The properties are similarly developed with single dwellings located over 35.0m distance from the shared boundary, oriented to Beavis Court. Tennis courts are located south of the dwellings within the rear private open spaces, in proximity to the subject site. Post and rail mesh fencing defines the length of the southern site boundaries, with screen planting along parts.
West	65 King Street 101 Greenridge Avenue 17 and 18 Noral Court	No. 65 King Street adjoins the southern portion of the sites western boundary. The dwelling is setback 7.6m from King Street and 2.0m from the shared boundary. The dwelling has a number of habitable room windows and an alfresco facing toward the site, with its primary open space located to the rear of the dwelling. The remaining adjoining properties share their rear boundaries with the subject site. The dwellings are located between 6.8m and 23m from the

Direction	Address	Description
		shared boundary with the site, with secluded private open space occupying the intervening areas.

- 1.7 Land to the east, on the opposite corner of the intersection at No. 79 King Street, is quite a large block (approximately 2000sqm) developed with a two storey dwelling, with dense vegetation lining the boundaries. It is noted that a Planning Application (PL16/026150) was lodged in April, proposing the construction of ten two-storey dwellings on the land. The application is yet to be advertised or determined, as Council is currently awaiting the submission of further information.
- 1.8 Land opposite on the south side of King Street contains single and double storey homes on average blocks, including some multi-unit development.
- 1.9 The Low Density Residential Zone applies to the subject site, and the land to the north (along the west side and Tuckers Road and Serpells Road beyond). Land within this zoning on the west side of Tuckers Road is distinctly characterised by larger land parcels, generally an acre in size, developed with larger single and double storey homes. Many contain swimming pools and tennis courts amongst a landscaped setting. No overlays affect these properties, given that vegetation is generally a subordinate feature.
- 1.10 Serpell Primary School is located some 300m to the north of the site and accessed via Tuckers Road. St. Charles Borromeo Primary School is accessed via Serpells Road, further beyond to the north-east. The land in front of the school at No. 222 Serpells Road, contains a 'Bupa' residential aged care facility which was approved by Council at its meeting in July 2010 and completed in 2014. The facility contains 143 beds (approximately 8,000sqm site area) within a two storeys building, set above a basement car park. It is located approximately 800m away from the subject site (by road). It is understood that there is a waiting list for beds at this facility.
- 1.11 Land immediately adjoining the subject site to the west, on the south side of King Street and east side of Tuckers Road, is zoned General Residential 1. These properties are characterised by a more typical urban setting, generally being standard sized lots developed with either single homes or multi unit development. Double storey housing is the more dominant form, with many frontages enclosed by high solid fencing.
- 1.12 There are some mature trees located within front gardens along King Street and Tuckers Road which provide some canopy contribution to the landscape character, however the built form is the more dominant element.
- 1.13 King Street is currently a VicRoads controlled arterial road generally aligned in an east-west direction between Williamsons Road and Blackburn Road. Note that King Street is soon to be placed into the jurisdiction of Council. At the frontage of the site, King Street provides a single traffic lane and an on-road bicycle lane in each direction. The road widens to provide a line-marked median and right turn lane into Tuckers Road. No stopping restrictions apply along both sides. The road is sealed without formal kerb and channelling, and the road reserve contains an unmade, gravel pedestrian path adjacent to the site's southern boundary.

- 1.14 Tuckers Road is a council controlled collector road extending north from its intersection with King Street for approximately 700m, before curving west and continuing as Serpells Road. It provides a single traffic lane in each direction (with a 50km/h speed limit) and no stopping restrictions along both kerbs. The intersection of Tuckers Road and King Street is controlled by a stop sign, with priority afforded to traffic along King Street. The gravel pedestrian path from King Street continues within the road reserve to the west of the street.
- 1.15 There is a general absence of planting within the road reserves. A bus stop is located in front of No. 67-69 King Street (at the western-most end of the frontage).

Planning History

N/A

2 PROPOSAL

- 2.1 It is proposed to use and develop the land for residential aged care facility providing 117 beds. Two new access points are proposed along King Street, which falls a Road Zone Category 1. Variation to the restrictive covenants affecting each Title is proposed to permit the development of an aged care facility on the land (currently single dwelling covenant restriction).

Use

- 2.2 The facility is intended to provide both low and high level care for elderly persons within the community. Rooms will range in size, however each provide for a bed, sitting area and separate ensuite bathroom.
- 2.3 Rooms have an outlook to either the surrounding landscaped space, or the internal and external courtyards.
- 2.4 The facility incorporates a number of recreational and dining facilities for exclusive resident use. In addition are activity rooms, meetings rooms, a theatre, hairdresser, central foyer/meeting place with small coffee/gift shop, and five large internal courtyard spaces with landscaping and seating for passive recreation.
- 2.5 All meals are served to residents in small dining areas that are spread across the facility. These areas generally cater for between 16-20 people. Residents can also hold family functions in dedicated private dining rooms.
- 2.6 Smaller, informal lounge areas are also spread throughout the facility for use by residents and visitors.
- 2.7 The beds are contained within a single ground level footprint, with the lower level basement level supporting car parking, waste management/loading, catering, storage and staff amenities.
- 2.8 Staffing is required to provide for personal care, administration and catering at all times to support the residents. Across the 24 hour period, staffing numbers will vary, however will not exceed 25 at any one time, which is expected to peak in the morning period.
- 2.9 The main entry to the building will be via a centrally sited porte-cocher fronting King Street, with an internal access link provided from the basement car park.

- 2.10 The facility will be owned and managed by “Arcare”, a current provider of residential aged care and community care services in Victoria and Queensland.

Built Form

- 2.11 As viewed from King Street, the building will present as a single storey form. The rear elevation presents a two-storey form, with the north-ward slope of the land allowing for the provision of a lower-ground level and basement beneath the main footprint. A classic/residential style of architecture is proposed, incorporating rendered and limestone cladding, a prominent tiled and hipped roof form, and a proportionate level of glazing and balconies around the perimeter.
- 2.12 The building will be setback a minimum of 10.2m from King Street, and 9.7m from Tuckers Road. The front porte-cocher will extend into the front setback area (setback 2.28m to King Street) to provide a sheltered entry and pick up/drop off transitional space. A 1.8m high front fence is proposed to extend across both street frontages, constructed of rendered brick pillars and base with steel picket infills. The plans indicate that a dense hedge will be established to cover the steel infills.
- 2.13 The building is setback a minimum of 8.6 from the northern boundary, however balconies extend across the length of this façade, generally projecting 2.5m into this setback. The intervening space supports the accessway to the basement car park at the eastern end, with a landscaped garden area for the remainder. A new 2.5m high fence is proposed along the length of the northern boundary, with the section adjacent to the accessway to be acoustically rated.
- 2.14 From the western boundary the building is setback a minimum of 6.1m, with two larger communal balconies projecting up to 4.6m into the setback. A 2.5m tall high fence is proposed along the length of the western boundary.
- 2.15 The overall building height reaches 9.9m towards the rear (due to the land slope).
- 2.16 A site coverage of 52.05% is proposed, with a permeable area of 26.91%
- 2.17 There are five internal courtyards within the building footprint. These courtyards are substantially sized, ranging between 230 and 450sqm in area. These courtyards offer a direct light source to both private and communal areas of the building.

Car Parking and Access

- 2.18 A total of 63 spaces are provided on site. The basement car park will provide 58 spaces for staff and visitor parking. The car park will be accessed via a proposed double-width crossover at the northern end of the Tuckers Road frontage.
- 2.19 Two new 6.4m wide crossings are proposed along King Street to support a one-way circular drive within the front setback area. The creation of these crossovers is a permit consideration of this application (being Road Zone Category 1). The porte-cocher defines the main entrance of the building in order to provide a convenient pick up/drop off point for use of visitors, taxis, ambulance vehicles and community transport vehicles. Flanking either side of the circular drive are 5 further short-term visitor car spaces.

- 2.20 The collection of waste and any loading/unloading requirements will be undertaken at the rear of the building via the Tuckers Road entrance located in the far north-east corner of the site. A turning bay is provided for directly adjacent to the crossover to enable loading vehicles to exit in a forward direction. Waste collection will occur up to three times per week, and will be undertaken by a private collection service.

Vegetation removal

- 2.21 In order to accommodate the development, most vegetation on site will be removed (no planning permit required), with the exception of three trees along the site's perimeter.
- 2.22 The Arboresit Report submitted with the application assesses the retention value and development impacts of vegetation on site and on adjoining properties. The twenty-six trees proposed for removal consist of native and exotic trees of low to moderate retention value. Trees 7, 4 and 29 are proposed for retention and consist of a 6m tall Blackwood, a 19m tall Tasmanian Blue Gum and a 7m tall Pear tree.
- 2.23 The proposed building envelope is outside of the tree protection zone (TPZ) of all trees to be retained on site and on neighbouring properties.
- 2.24 The Arborist report provides written evidence to demonstrate that all native vegetation proposed for removal has been planted for aesthetic or amenity purposes and therefore exempt from the requirements of Cause 52.17 (Native Vegetation) of the Scheme.

Restrictive Covenant Variation

- 2.25 A restrictive covenant burdens each title of the subject site, requiring that the proprietor not erect any building other than a single dwelling house and the usual outbuildings on the land.
- 2.26 It is proposed to vary the wording of the covenant contained in instrument of transfer No's F933627, F687990 and F909625 (on each of the three titles) to permit an aged care facility. The covenant is proposed to generally read as follows: "...*any building other than a single dwelling house or an aged care facility and the usual outbuildings...*"
- 2.27 There are 10 properties (in addition to the site) which benefit from the covenant. Beneficiaries include all properties within the Plan of Subdivision, including those within Beavis Court and Burleigh Drive, and with Serpell Primary School.

3 PRIORITY/TIMING

- 3.1 The statutory time for considering a planning application is 60 days. Allowing for the time taken to advertise the application, the statutory time lapses on 26 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. The Responsible Authority is required to consider:
- the relevant 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 may consider the use or development may have.
- 4.3 Section 61(4) of the Act makes specific reference to covenants. The subject site is affected by restrictive covenants which prevent the erection of any building other than a single dwelling and the usual outbuildings on the land.
- 4.4 If the grant of a permit would authorise anything which would result in a breach of a registered restrictive covenant, the responsible authority must refuse to grant the permit unless a permit has been issued, or a decision made to grant a permit, to allow the removal or variation of the covenant.
- 4.5 Section 60(5) of Act stipulates that responsible authority must not grant a permit which allows the removal or variation of a restriction referred to in subsection (4) unless it is satisfied that—
- the owner of any land benefited by the restriction (other than an owner who, before or after the making of the application for the permit but not more than three months before its making, has consented in writing to the grant of the permit) will be unlikely to suffer any detriment of any kind (including any perceived detriment) as a consequence of the removal or variation of the restriction; and
 - if that owner has objected to the grant of the permit, the objection is vexatious or not made in good faith.
- 4.6 Variation to the restrictive covenants affecting the land has been sought in conjunction with the development application in order to allow for the erection of a residential aged care facility.

5 MANNINGHAM PLANNING SCHEME

Zoning

- 5.1 The site is located in the Low Density Residential Zone (LDRZ) under the provisions of the Manningham Planning Scheme.
- 5.2 In the LDRZ, accommodation is a Section 2 use for which a planning permit is required (residential aged care facility falls within the land use definition of

accommodation). A permit is also required to construct or carry out works associated with a Section 2 use.

- 5.3 The purpose of the Low Density Residential 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 for low-density residential development on lots which, in the absence of reticulated sewerage, can treat and retain all wastewater.*

State Planning Policy Framework

- 5.4 Clause 11.02 (Supply of Urban Land) aims to ensure a sufficient supply of land is available for residential, commercial, retail, industrial, recreational and other community uses.
- 5.5 Other broad objectives seek to reinforce various activity centres (Principal, Major and Neighbourhood) for 'significant' housing development and to facilitate targeted redevelopment to increase levels of housing and employment in established areas close to where people reside.
- 5.6 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 sensitive landscape areas are protected and that development does not detract from their natural quality.*
 - *Encourage retention of existing vegetation or revegetation as part of subdivision and development proposals.*
- 5.7 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.
- 5.8 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.*
- 5.9 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.
- 5.10 Clause 16.02-3 (Residential Aged Care Facilities) includes the objective to *facilitate the timely development of residential aged care facilities to meet existing and future needs*. Strategies to achieve this include:
- *Ensure local housing strategies, precinct structure plans, and activity centre structure plans provide for residential aged care facilities.*
 - *Encourage planning for housing that:*
 - *Delivers an adequate supply of land or redevelopment opportunities for residential aged care facilities.*
 - *Enables older people to live in appropriate housing in their local community.*
- 5.11 Clause 18.01-1 (Land Use and Transport Planning) includes the strategy to *plan urban development to make jobs and community services more accessible by ensuring access is provided to development in accordance with forecast demand, taking advantage of all available modes of transport and to minimise adverse impacts on existing transport networks and the amenity of surrounding residents*.
- 5.12 Clause 18.02-5 (Car parking) seeks to ensure an adequate supply of car parking that is appropriately designed and located.

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

- 5.13 Clause 21.05 (Residential) seeks to provide a range of housing densities in locations with convenient access to services, facilities, and public transport. This Clause also states that accommodation should reflect the diverse needs, expectations and aspirations of people in the community and assist them to 'age in place' and that accommodation should be located, designed and operated to provide a safe and pleasant environment while maintaining the amenity of the neighbourhood setting.
- 5.14 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 include building energy management, water sensitive design, external environmental amenity, waste management, quality of public and private realm and transport.
- 5.15 Clause 21.14 (Community Health and Well-being) seeks to ensure residential accommodation responds to the diverse lifestyles of people, taking into consideration their health, safety, and wellbeing.

Local Planning Policy

- 5.16 Clause 22.04 (Residential Accommodation) applies to residential buildings (which includes Residential Aged Care Facilities) and includes the following objectives:
- *To ensure that group accommodation, residential buildings, residential villages and retirement villages are appropriately located close to activity centres, main roads, community facilities and public transport networks, to optimise convenient access to these services and facilities.*
 - *To ensure that safe and convenient vehicle and pedestrian access is provided within, to and from the site.*
 - *To ensure that adequate provision is made for on-site car parking.*
 - *To ensure that siting takes account of traffic generated on the street and effects on traffic flow and road safety.*
 - *To ensure that the location of the use does not adversely affect the role and function of the road network and that adequate provision is made for on-site car parking.*
 - *To ensure that adequate provision is made for utility services.*
 - *To ensure that the design, scale, visual bulk and appearance of development minimises the impact on neighbourhood character and the streetscape.*
 - *To ensure that these facilities minimise the impact on land with identified environmental and/or landscape values.*
 - *To ensure that the amenity of the locality is not detrimentally affected by way of the operation of these uses, including the effects of noise, car parking and traffic.*
 - *To ensure that the location and design of these facilities promotes a high level of amenity and accessibility for all users of the facility.*
 - *To ensure that developers/operators provide a suitable level of support services and facilities for residents.*
- 5.17 The control outlines policies under the headings of Location, Design and built form, Open space and landscaping and Car parking and access.
- 5.18 Clause 22.08 (Safety Through Urban Design Policy) seeks to provide and maintain a safer physical environment for those who live in, work in or visit the City of Manningham.
- 5.19 Clause 22.09 (Access for disabled people policy) 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

- 5.20 Clause 52.06 Car parking requires car parking to be provided for new uses and development in accordance with the rates specified in Table 1 to Clause 52.06-5. The proposal generates a requirement of 0.3 spaces per lodging room, which equates to 35 on-site car parking spaces.
- 5.21 The proposed amount of car parking (63 spaces) exceeds the statutory provision (35 spaces).

- 5.22 Clause 52.17 Native Vegetation requires a permit for the removal of native vegetation (due to the site being greater than 0.4ha in area), however as outlined above, the application is exempt from this requirement having demonstrated that the vegetation which has been planted is for aesthetic or amenity purposes .
- 5.23 Clause 52.29 Land Adjacent to a Road in a Road Zone includes a permit trigger to create and alter access to King Street, which is currently under the jurisdiction of the Roads Authority (VicRoads).
- 5.24 Clause 52.34 Bicycle Parking outlines a requirement for bicycle parking in a nursing home, specifying a rate of 1 to each 7 beds for residents/employees and 1 to each 60 beds for visitors. The proposed provision for 20 bicycle spaces exceeds the statutory requirement for 19 spaces.
- 5.25 Clause 55 Two or More Dwellings on a Lot and Residential Buildings apply to residential buildings, however is not applicable to land within the Low Density Residential Zone.
- 5.26 Clause 52.36 (Integrated Public Transport Planning) is also relevant to this application. The Clause provides Public Transport Victoria a statutory opportunity to condition or reject major development applications based on their impacts on the operation of public transport.

General Provisions

- 5.27 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 ASSESSMENT

- 6.1 Section 5 of this report has outlined the overarching objectives and policy ambitions in the Scheme which are of relevance to the proposal. These form the key considerations in assessing the overall strategic support for the proposed use and development. Additional considerations of the application include car parking and site services, and the permit triggers relating to the creation of access in a Road Zone Category 1, and variation of the restrictive covenant.

Policy Considerations

- 6.2 Broadly, the proposal is supported by State Policy, providing for further opportunity for older people to live in appropriate housing within their local community. Council's MSS identifies that the greatest change in Manningham's age structure will be the increase in the ageing population. It is projected that by 2036, 28% of its population will be aged 60 years or over. Clause 16.02-3 seeks to ensure that the timely development of residential aged care facilities be facilitated to meet existing and future needs.
- 6.3 There are a number of aged care facilities already established in the general area, however the planning submission accompanying the application

suggests that there is a significant undersupply, with only 10 beds available across the six facilities within the surrounding suburbs.

- 6.4 Clause 22.04 provides more prescriptive policy directions specifically relevant to residential accommodation within the Municipality. The following assessment considers the key policy considerations of this Clause.

Location

- 6.5 Whilst land within the Low Density Residential Zoning (LDRZ) is not identified as a 'preferred' location for residential accommodation, the context of the site and surrounds is an important consideration in this case.
- 6.6 The subject site in terms of its location, is somewhat of an anomaly, as it differs quite substantially from the standard description of land within the LDRZ. Typically, land within this zone is defined by a less urban character, often with additional landscape or environmental values. They generally form a buffer between the green wedge/Yarra River and developed urban areas, with the majority remaining unsewered.
- 6.7 One of the objectives of the LDRZ is to *provide for low-density residential development on lots which, in the absence of reticulated sewerage, can treat and retain all wastewater*. The subject site and the land to the north in this particular low density pocket in Templestowe is sewerred, and therefore housing tends to be far more substantial in its size and footprint.
- 6.8 Furthermore, all land surrounding the site which fronts onto King Street falls within a General Residential Zoning, characterised by typical residential homes and land sizes in a standard urban setting. The policy intentions relating to the LDRZ is directed more toward areas that are characterised by the typical, predominant landscape features of other low density areas within the Municipality, and therefore the location criteria of Clause 22.04 should be applied more subjectively in this case.
- 6.9 Despite this, it can be said that the criteria for land within the LDRZ has been largely met, being located on a main road and on a public transport route (particularly beneficial for staff). The site is serviced by reticulated sewerage, is not constrained by significant slope, vegetation cover or drainage lines. There is negligible cross-fall which facilitates a single level floor plan without great need for earthworks, with the northward slope of benefit in enabling car parking to be concealed from street view within a basement footprint.
- 6.10 It has the added benefit of providing a frontage well in excess of 15m, and will rely upon both a main and collector road for its primary points of access. Whilst not within an Activity Centre, the site enjoys good access to sustainable transport modes, with numerous bus routes operating along King Street. An eastbound stop is located at the sites western boundary, and a west-bound stop directly opposite. Three bus routes connect passengers to Westfield Doncaster, and two to The Pines Shopping Centre. The site is also located in proximity to the two local primary schools, supporting a clustering of facilities that service the community.
- 6.11 Both King Street and Tuckers Road are single lane roads, however they are relatively wide and not like the more typical narrow and unmade roads which can be commonly found within the LDRZ areas. Being arterial and collector roads mean they have the capacity to absorb the current and additional

traffic movements created by the proposal (discussed in greater detail below).

- 6.12 The substantial land size, prominent main road positioning and predominant zoning of the surrounds make the subject site an appropriate choice to locate a residential aged care facility.

Design and Built Form

- 6.13 The overall design response for the site creates a building that reflects the residential character of the broader streetscape. The building will present its primary facade to King Street, being the main frontage. The design reflects the common architectural styling of nearby development, incorporating well articulated facades, finished in rendered and limestone claddings, and prominent tiled and hipped roofing.
- 6.14 Due to the large width of the frontage, the portion of built form will be much larger than that of the neighbouring single houses. The design has cleverly mitigated the appearance of an excessively long and continuous built form by applying a multiple fronted façade, which incorporates two distinct recesses to break the building up into what appears to be three distinct modules. The roof form accentuates this, by capping each of the three modules with a distinct roof pitch on each.
- 6.15 Whilst proportionately greater, it can be said that it will appropriately appear as a residential style building within a residential zone.

Setbacks

- 6.16 The building is setback at least 10.0m from King Street, being in excess of the required 7.6m setback required to match the setback of the adjoining property. The recessed elements are setback over 20m from the frontage, and are glazed to enhance the sense depth and distinction from the main façade components.
- 6.17 From Tuckers Road, the building is setback over 10.0m. The eastern façade is not as substantial in length, however is well articulated with varied setbacks. The proposed front fencing will be complemented by a dense hedge, which will eventually produce a green screen to effectively soften much of the building walls from a streetscape perspective.
- 6.18 The building will present a two storey scale to the north and west in part. The building is setback at least 9.0m from the north boundary, and 7.3m from the east, with balconies projecting into these setbacks. The tallest wall element reaches 8m in the north-western corner. The recommendations of Clause 22.04 require a setback in the order of 3.1m. The proposed side and rear setbacks exceed the requirements substantially.

Height

- 6.19 A reasonable building height is maintained, reaching 10.0m at its highest point. The tall pitch of the roof does contribute to this height, however this is considered a positive element, as the roof provides a 'capping' effect, and brings the tallest element away from the boundaries and more centrally into the ridge of the roof as a receding element.
- 6.20 The building height will be relative to the single and double storey scales of the neighbouring houses. The generous side and rear boundary setbacks

will provide for a substantial landscape theme along the periphery, incorporating screen planting and canopy trees. Once established, much of the built form will be screened or softened in appearance, ensuring visual and amenity impacts are minimised.

- 6.21 Balconies are proposed to extend within the setbacks to the north and west boundaries. Whilst ResCode is not applicable to this application, it provides a useful tool in assessing potential overlooking impacts. The balconies to the north are allocated to independent rooms and are setback over 6.0m from the boundary. They incorporate a planters along the balustrade edge. When applying the requirements of Standard B22, the proposed 2.5m boundary fencing would suitably screen views of any adjoining SPOS within the 9m viewing arc. There are no habitable room windows in proximity to consider.
- 6.22 The planter boxes, proposed landscaping, and boundary fencing will together maintain a satisfactory level of privacy for the adjoining dwellings. It is noted that all three properties to the north contain tennis courts in the vicinity of the shared boundary, with the dwellings setback quite a substantial distance away.
- 6.23 Two communal balconies will extend into the western boundary setback. Both will be suitably screened with a fixed metal screen with no more than 25% transparency, and up to a height of 1.7m. This is an appropriate response to maintain neighbouring amenity and privacy. Overlooking implications associated with the bedroom windows facing west will be screened by the boundary fencing. It is noted the windows toward the northern end of this elevation are requisite raised, however their 6.0m minimum boundary setback combined with the 2.5m high boundary fencing would prevent downward views into the adjoining SPOS.

Overshadowing

- 6.24 Overshadowing implications are limited to a slight impact upon the properties to the west at 9am. The shadow will extend less than 4m into these properties, only marginally affecting their total SPOS areas, and being completely removed by 10am. The size of the SPOS areas of the west adjoining properties, generous boundary setbacks proposed and beneficial site orientation ensure excessive overshadowing is avoided.

Amenity Impacts

- 6.25 Further amenity considerations are the impact of the noise, lighting and plant equipment. Traffic movement and deliveries occurring via the Tuckers Road accessway is the most anticipated cause of any increased noise associated with the use. Siting the accessway in the vicinity of the northern boundary is an appropriate design response, as associated amenity impacts will be least on these adjoining dwellings, which are located over 30m away. Despite this a 2.5m acoustic fence is proposed along the northern boundary, for the length of the accessway. Noise associated with vehicle movements and truck deliveries should be suitably muted with this measure. As a precaution, the restriction of any deliveries to within specific hours will be imposed to ensure they do not occur at unreasonable hours (refer condition 39).
- 6.26 Lighting details are not indicated on the plans, however it can be assumed that lighting will be provided more intensely within the front entry area, and around the perimeter of the property for security. A condition will require that

external lighting be designed so as to limit loss of amenity to adjoining residents (refer Condition 42).

- 6.27 Most plant equipment is sited within central roof platforms, with screening devices proposed around them. An evaporative cooler vent has been indicated outside of the service platform, in potential view of adjoining properties to the north. A condition will require that it be relocated to within the service platform, or other suitably concealed location (refer Condition 1.4).
- 6.28 The overall façade presentation provides a coherent and contemporary design that complements the landscape character of the site and surrounds. The overall form is non-intrusive, and incorporates proportions and fine grain detailing which suitably engage a pedestrian/human scale.

Open space and landscaping

- 6.29 The landscape plan submitted with the application indicates that the residential interfaces will be densely screened with evergreen trees reaching 8.0m in height. A combination of large and narrow deciduous trees will be heavily planted throughout the front setback areas, within the internal courtyards, and sporadically along the north and west boundaries. Treatment within the side and rear setback incorporates a grade circulation path around the buildings perimeter, amongst a garden setting.
- 6.30 Understorey planting, hedges and lawn will extend throughout the boundary setback areas to complement the screening and canopy trees.
- 6.31 The plan presents a well conceived landscape theme overall, appropriately placing evergreen and deciduous trees where either screening or sunlight needs to be considered. The plan does not indicate the plant numbers or sizes, which will therefore require detailing by way of condition (refer condition 8).
- 6.32 The requirement for advanced planting where screen planting is imminent will also be required to ensure that visual impact is softened more rapidly along the sensitive residential interfaces. Advanced canopy tree planting will also be necessary within front setbacks areas to establish a contributory front garden setting.
- 6.33 The design incorporates five large internal courtyards, which will be treated with a combination of grass, trees, paving, seating and tables. These courtyards are substantially sized (between 2232sqm and 456sqm and totalling an area of 1,419sqm). The generous dimensions will enable canopy trees to be established within each of these spaces. It is understood that raised planters will be incorporated within the courtyards that are located above the basement, however further detailing regarding the design and treatment is required to ensure root establishment is accounted for (refer Condition 1.4).
- 6.34 These spaces provide for a sheltered courtyard area for residents and visitors to undertake in passive recreation. They also contribute to the overall internal amenity and design philosophy of the building. Rooms are generally designed to flank either side of a circulation corridor. The outer rooms have outlooks either to a private balcony or landscape garden setting, and the rooms along the inner side of the corridor are given outlook onto one of the

internal courtyards. The courtyard dimensions are suitably sized to ensure ample light filtration into these rooms.

- 6.35 Overall, the landscape response is consistent with the policy requirements of Clause 22.04, ensuring the landscaping softens visual impact and assists with integration into streetscapes, and incorporates high quality communal open spaces for outlook and recreation.

Car Parking and access

- 6.36 In accordance with policy at Clause 22.04 and the design requirements of Clause 52.06 the proposal is provided *safe and convenient vehicle access* as well as *adequate provision for on-site car parking*.
- 6.37 Tuckers Road will provide the primary access point for staff and visitors, and therefore will be the most utilised. The roadway and car parking access follows the northern boundary, with the lands topography providing opportunity for the car park to be in a basement form beneath the main building footprint. This arrangement allows for car parking facilities to be largely hidden from external view, as encouraged by policy. Landscaping further softens any views of the accessway, incorporating a garden bed well in excess of 1.5m in width along the north boundary.
- 6.38 The provision of a drop-off/pick up point adjacent to the main entry off King Street achieves objectives to provide convenient access, and requires a one-way circulation which ensures a forward exit onto the abutting road. Whilst this space needs to be inevitably shared with the primary pedestrian entry point, the designated pedestrian crossing will ensure pedestrian movements and safety are prioritised.
- 6.39 Council's Engineers have indicated that the car park is designed appropriately. It includes lift foyers, bicycle parking and at-grade storage.

Further car parking and traffic considerations.

- 6.40 Pursuant to Clause 52.06 – Car Parking, a 117-bed aged care facility generates a statutory requirement of 35 car parking spaces (calculated at a rate of 0.3 spaces per lodging room).
- 6.41 The development provides provision for 58 car spaces within the basement, and a further 5 at-grade spaces for short term parking or pick up and drop offs (two of which are for disabled persons). This is a total of 63 spaces, which well exceeds the statutory requirement.
- 6.42 A notation on the basement floor plan makes reference to 'basement staff parking'. This is likely a printing error as such allocations are not referenced in the supporting Traffic Impact Assessment. The Planning Submission also identifies that a maximum of 25 staff will be on-site at any one time.
- 6.43 To ensure car parking allocation is appropriately distributed between staff and visitors, a condition will require a parking management plan be provided (refer Condition 18) to specify the minimum allocation of car parking for visitor and staff parking. Due consideration to the location of these also needs to be given to ensure that visitor parking is conveniently located to the basement entry and lift access points.
- 6.44 The proposal is generally consistent with the requirements of the Design Standards of Clause 52.06, with a minor non-compliance relating to the location of car parking spaces within 6m of the King Street frontage. Given it

is for a short-term visitor space (and less utilised than the primary basement car park) it is not envisaged to hinder traffic flow or create safety issues. The wide crossover and aisle width should also enable vehicles to directly enter the space without need for several turning movements.

- 6.45 There is also question as to whether pedestrian sight lines are adequately achieved in accordance with Design Standard 1. A condition will require that this be demonstrated on the plans (refer to Condition 1.1). The dimensioning of the car spaces accessed via King Street should be notated on the plans to ensure they are constructed appropriately (refer to Condition 1.2)
- 6.46 The Traffic Impact Report submitted (prepared by One Mile Grid Traffic Engineering) indicates that the proposal could be expected to generate up to 24 traffic movements per hour, or slightly more than one vehicle movement every three minutes during the road network peak hours. Traffic generation may be greater during staff changeover periods, however unlikely to affect queues given traffic volumes would be generally lower during these times (anticipated between 2.00-300pm).
- 6.47 It is acknowledged that The Tuckers Road/King Street intersection generates higher traffic volumes surrounding the starting and finish times of the two primary schools nearby. To ensure that the development does not unnecessarily add to congestion during these times, the parking management plan (as required above) will also be required to demonstrate management of staffing numbers/ peak times /changeover periods to avoid conflict with traffic associated with the school peak hours, to the satisfaction of the Responsible Authority. This requirement will ensure any unnecessary traffic congestion is prevented.

Site services, infrastructure and deliveries

- 6.48 The proposal is not required to provide loading facilities in accordance with the requirements of Clause 52.07 of the Scheme, however makes provision for a delivery bay and waste collection area/truck turning bay. The delivery bay is located at the end of the access aisle accessed via Tuckers Road, and measures in excess of 3.6m in width and 8m in depth to enable loading and unloading for deliveries. A secondary truck turning area/waste collection bay is provided immediately adjacent to the crossover (within the Tuckers Road setback) and can accommodate vehicles up to 10.3m in length.
- 6.49 A designated waste storage area is located adjacent to the collection bay and car park entry. It is to be screened with sliding screen enclosure to conceal views of bins from street view. Collection will be undertaken via private contractors in accordance with an approved Waste Management Plan (refer to Condition 5)
- 6.50 The potential location for a substation is shown within the front setback to Tuckers Road. Albeit that the front fence would provide some screening of the substation, it is unclear as to whether it would be sufficiently screened from the public realm. A condition will require that the details of the substation be included on both plan and elevation, and that it be suitably located and screened to the satisfaction of the Responsible Authority. Similarly a condition will ensure all other building services, including meters, fire pumps etc be appropriately screened and positioned (refer to Condition 1.6).
- 6.51 The location of mail boxes are not shown and will form a condition of permit (Condition 1.7)

Creation of Access to King Street

- 6.52 The permit trigger here is Clause 52.29 – Access to a road in a Road Zone. The control seeks to manage access onto main roads so they are safe. VicRoads is the key Statutory Authority in relation to this.
- 6.53 This development proposes an intensification of the current residential uses and the creation of new entry/exit point centrally along the King Street frontage.
- 6.54 The three existing crossovers along King Street will be removed and reinstated with kerb and channel, and two new 6.4m wide crossovers will be created. These are intended to service the pick-up/drop-off component of the use within the porte-cochere at the buildings main entry. The access points provide an entry-only/exit-only arrangement serviced by a circular drive.
- 6.55 These access points are centrally sited along the frontage, with appropriate clearance from the nearest intersection of Tuckers Road. Their proposed width and splay design ensures vehicles, and particularly larger ambulance/emergency vehicles, can enter the site efficiently to avoid hindrance to traffic flow. VicRoads and Council's Engineers have not raised concerns with the design or location of these access points. It is noted that King Street is soon to be placed into the jurisdiction of Council.

Variation of Restrictive Covenants

- 6.56 Variation to the restrictive covenants affecting each the subject site is proposed. The current wording of the covenants restricts the erection of any building other than a single dwelling house and the usual outbuildings. The proposal seeks to alter the wording to allow for the erection of residential aged care facility.
- 6.57 In addition to the subject site, there are ten beneficiaries to the covenants affecting each title. These are:
- 8 Burleigh Drive and 11-13 Tuckers Road, Templestowe
 - 1 Burleigh Drive, Templestowe
 - 3 Burleigh Drive, Templestowe
 - 5 Burleigh Drive, Templestowe
 - 1 Beavis Court, Templestowe
 - 2 Beavis Court, Templestowe
 - 3 Beavis Court, Templestowe
 - 4 Beavis Court, Templestowe
 - 5 Beavis Court, Templestowe
 - 6 Beavis Court, Templestowe
- 6.58 Following the notification of the application (via letters, notices on the land and a notice in the local Leader newspaper) no objections were received from any of the above-mentioned beneficiaries. Council can therefore be satisfied that the requirements of Section 60(5) have been met, and that the variation of the covenant can be supported to ensure that the approval of the proposed development does not result in a breach as per Section 61(4) of the Act. Condition 46 will require that the permit does not come into effect until the covenant is varied.

7 REFERRALS

External

- 7.1 VicRoads is a statutory referral authority under the Manningham Planning Scheme.
- 7.2 In correspondence dated 8 June 2016, VicRoads advised that they had assessed the application and have no objection to the proposal, given that King Street is due to be placed into Council's jurisdiction within the near future. It was therefore deemed appropriate that issues relating to access to and from King Street be addressed by Council.
- 7.3 VicRoads in their response also suggested that consideration be given to providing residents of the facility with appropriate access to local community facilities. Noting that a bus stop is located opposite the proposed development, it was recommended the consideration be given to providing safe access to vulnerable road users to this and other local community facilities.
- 7.4 In response to this comment, it is noted that there is a pedestrian crossing approximately 80m to the west of the site along King Street, which is supervised during peak morning and afternoon periods when traffic is at a peak. Given the care requirements of many residents, most off-site trips are anticipated to be facilitated by the operators (Arcare). The safety of residents overall is also a facet that can be reasonably expected to be a responsibility of the staff operations.
- 7.5 Public Transport Victoria (PTV) is also statutory referral authority under the Manningham Planning Scheme.
- 7.6 In correspondence dated 26 May 2016, PTV advised that they did not object to the proposal, subject to conditions to prevent disturbance of the adjacent bus stop and bus operations during construction (see Conditions 47 and 48).

Internal

- 7.7 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 Services (Drainage)	<ul style="list-style-type: none"> An outfall drainage system is required to be constructed as there is no point of discharge available to the site. An outfall drain is required to be constructed (Condition 15) along the easement of the northern boundary of No. 17 Noral Court and connect in the existing Council drainage line within the road reserve in front of 17 Noral Court. Alternative alignment solutions may be considered subject to the approval of the Responsible Authority. An on-site stormwater detention system is required to be provided (Condition 13).
Engineering and Technical Services	<ul style="list-style-type: none"> Sufficient car parking provided on site, however clarification required regarding nomination of

Service Unit	Comments
(Traffic and Parking)	basement of staff parking. <ul style="list-style-type: none"> • Loading bay and visitor spaces to be signed and directed. • Adequate sight lines required adjacent to driveways (Condition 1.1) • It is not anticipated that traffic will be adversely impacted by the development.
Engineering and Technical Services (Infrastructure)	<ul style="list-style-type: none"> • Levels at property boundary for the two proposed crossovers along King Street are to match the levels nominated in the engineering design plans prepared by Council for the Reconstruction of King Street, Templestowe/Doncaster East, Drawing No. A1/4046. The developer or his appointed design consultant is required to contact Council's Design Engineers in the Technical Services unit when designing the vehicle crossovers in King Street. The vehicle crossovers must be designed and constructed to the satisfaction of the Responsible Authority (Condition 24). • The developer is to design and construct at no cost to Council, a 1.5metre wide concrete path in Tuckers Road, along the full length of the eastern property boundary of the site. The developer or their appointed design consultant is required to contact Council's Design Engineers in the Technical Services unit when designing the path in Tuckers Road. The path must be designed and constructed in accordance with Council Standards and to the satisfaction of the Responsible Authority (Condition 25).
Engineering and Technical Services (Waste Services)	<ul style="list-style-type: none"> • Waste Management Plan to be submitted and approved to the satisfaction of the Responsible Authority.
Strategic Sustainability Planner	<ul style="list-style-type: none"> • SMP amended to include changes relating to provision of clotheslines, alternative sleeper material, roof area for 3x21,500l rainwater storages connected to toilets, and increased bicycle parking in frontage.

- 7.8 In relation to the recommendation for increased bicycle parking, this recommendation was made on the assumption that the basement car park would not be closed beyond regular business hours. As the car park will not be closed at any time, the need for increased bicycle spaces is not necessary.

8 CONSULTATION

- 8.1 The application was advertised and ten (10) objections (from nine properties) were received. Details are as follows:

Affected properties
5 Elm Court TEMPLESTOWE
70 King Street DONCASTER EAST
72 King Street DONCASTER EAST
76-78 King Street DONCASTER EAST
2/82 King Street DONCASTER EAST
1/82 King Street DONCASTER EAST
84 King Street DONCASTER EAST
94A King Street DONCASTER EAST
8 Tolstoy Court DONCASTER EAST

- 8.2 The grounds of objection can be summarised as follows:

Grounds:

- Inconsistent with neighbourhood character/ preferred location of Clause 22.04
- Increased traffic congestion/safety
- Visual bulk
- Oversupply of aged care facilities
- Amenity impacts associated with noise (traffic/visitors/deliveries) and light spill
- Inadequate storm water drainage
- Property devaluation

- 8.3 A response to the objector concerns is outlined below:

Inconsistent with neighbourhood character/ preferred location of Clause 22.04

- 8.4 Reference is made to the proposed use being inappropriate within a residential setting. The aged care facility is a residential use and necessary to accommodate an ageing population. Policy does not exclude the location of such facilities from residential areas. The building footprint is larger than what typically characterises the built form of surrounding housing, however the design adopts a modulated form to break up the building mass. Furthermore, the residential style of architecture incorporates materials and proportions which reflect the common characteristics of the neighbourhood character. As discussed in the assessment section above, compliance with the location requirements of Clause 22.04 is considered met in this instance, particularly considering the suburban context of the site and surrounds and main road location.
- 8.5 Reference has been made to the site coverage exceeding 60% of the site area. The proposal has a site coverage of 52.05%, which is a reasonable

and modest figure which demonstrates that a balance between built form and landscaping has been achieved.

Increased traffic congestion/safety

- 8.6 The application was supported by a Traffic Impact Assessment and reviewed by Council's Engineering Service Unit. No safety concerns have been identified with the proposed access arrangement, or with the ability for King Street or Tuckers Road to absorb increased traffic movements generated by the proposed use.
- 8.7 Conflict with traffic generation from the local schools was raised as a primary concern. The implementation of a parking management plan will be required by way of permit condition to ensure that staffing numbers/ shift changeover times are managed to not conflict with peak traffic times associated with school start/finish times.
- 8.8 In terms of traffic generation from visitors to the facility, this is likely to occur on weekends (outside of school or business hours) and is generally spaced throughout the course of a day.

Visual bulk

- 8.9 Visual bulk as viewed from the King Street perspective has been raised. The single storey form of the development, coupled with the generous setbacks to both street frontages will result in a subdued built form, with landscape softening provided by canopy tree planting and hedging likely to screen much of the façade from street view.

Oversupply of aged care facilities

- 8.10 It is acknowledged that there are similar facilities already existing in the area, however the MSS identifies Manningham's ageing population which is expected to increase. There are no specific requirements which cap or restrict the number of aged care accommodation within any particular area, but rather policy guidelines which identify suitable locations for such facilities. The subject site has been identified as a suitable location for the proposed use, as discussed within the policy assessment above.

Amenity impacts associated with noise and light spill

- 8.11 It is not anticipated that noise associated with trucks and deliveries will be undertaken outside of business hours. However this will be managed via a condition which requires that they do not occur outside of the hours of 7am and 6pm to ensure amenity is not detrimentally affected (see Condition 39). Acoustic fencing is also proposed along the northern boundary adjacent to the access aisle to limit noise emissions beyond the site (Condition 43 requires this to be constructed prior to the use commencing).
- 8.12 The required Waste management Plan will similarly determine designated days and times for waste collection to occur, ensuring amenity is considered (condition 5).
- 8.13 Due to the nature of the proposed use and activity associated with it, the noise associated with staff and visitors for a 17 bed home are not expected to create amenity issues, as the car park is concealed within the basement footprint and arrival departure times will vary throughout the course of the day.

- 8.14 Whilst some external lighting will be required for security, it will be required that such lighting be designed so as to limit loss of amenity to residents of adjoining properties to the satisfaction of the Responsible Authority (see condition 42).

Inadequate storm water drainage

- 8.15 The provision of an on-site storm water detention storage will be required to support on-site stormwater filtration. A point of discharge will also need to be created for all runoff to be directed to.
- 8.16 On-site drainage will need to be designed and managed to the satisfaction of Council's Engineering unit.

Property devaluation

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

9 CONCLUSION

- 9.1 The proposal is designed in a sensitive manner that is both attractive when viewed from the public and private realms, and causes minimal amenity impacts due to generous setbacks and subsequent landscaping opportunities. As demonstrated by the assessment in this report, the proposal achieves general compliance with the relevant policies of the State and Local Planning Policy Framework, as expressed in the Manningham Planning Scheme. As such, it is recommended that the proposal be supported subject to conditions.

RECOMMENDATION

That having considered all objections A NOTICE OF DECISION TO GRANT A PERMIT be issued in relation to Planning Application No. PL16/026099 for the use and development of the land for a residential aged care facility (117 beds), the creation of access to a road in a Road Zone Category 1, and variation to the restrictive covenant contained in Instrument of Transfer No. F933627, F687990 and F909625 to enable an aged care facility to be erected on the land in accordance with the endorsed plans at No. 67-73 King Street and 1 Tuckers Road, Templestowe, and subject to 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 decision plans (prepared by Demaine Partnership dated March 2016), but modified to show:**

- 1.1. **Demonstration that the access points achieve clear sight distance to pedestrians for exiting vehicles in accordance with Design Standard 1 of Clause 52.06 of the Planning Scheme;**
- 1.2. **The car parking spaces accessed via King Street to be dimensioned to demonstrate compliance with Clause 52.06 of the Planning Scheme;**
- 1.3. **Removal of reference to 'basement staff parking' from basement floor plan. Any allocation of staff car parking is conform with the parking management plan required by condition 18;**
- 1.4. **Additional plans/sections detailing the internal courtyard design, including further detailing to demonstrate how canopy tree planting will be established where located above the basement level.**
- 1.5. **The relocation of the evaporative cooler unit to within the service platform, or other suitably concealed location;**
- 1.6. **Details to demonstrate how all fire services, gas installations and electrical cabinets (including existing substations) will be integrated into the architectural design, so as not to present as visually dominating elements.**
- 1.7. **Details of the design and location of any letterboxes.**
- 1.8. **A staging plan should the project be constructed in stages.**
- 1.9. **A separate palette sheet depicting the range of finishes/textures, colours and materials to the externals of the building, including balcony and terrace balustrading/screens and any roof-top plant screen;**

Endorsed Plan

2. **The layout of the site, the size of buildings and use of all specific areas nominated on the approved plans must not be modified for any reason, without the written consent of the Responsible Authority.**

Sustainability Management Plan

3. **Before the development starts or the issue of a building permit for the development, whichever is the sooner, two copies of a Sustainability Management Plan (SMP), prepared by a suitably qualified environmental engineer or equivalent must submitted to and approved by the Responsible Authority. When approved the SMP will form part of the permit.**

The recommendations of the SMP must be incorporated into the design and layout of the development and must be implemented to the satisfaction of the Responsible Authority before the occupation of any dwelling.

Construction Management Plan

4. **Before the development starts, two copies of a Construction Management Plan must be submitted to and approved by the Responsible Authority. When approved the Plan will form part of the**

planning permit. The Plan must address, but not be limited to the following:

- 4.1. A liaison officer for contact by residents and the responsible authority in the event of relevant queries or problems experienced;
- 4.2. Hours of construction;
- 4.3. Delivery and unloading points and expected frequency;
- 4.4. On-site facilities for vehicle washing;
- 4.5. Parking facilities/locations for construction workers;
- 4.6. Other measures to minimise the impact of construction vehicles arriving at and departing from the land;
- 4.7. Methods to contain dust, dirt and mud within the site, and the method and frequency of clean up procedures;
- 4.8. Measures to prevent disruption to the bus stop and bus services along King Street, in accordance with Conditions 42 and 4 of this Permit;
- 4.9. The measures for prevention of the unintended movement of building waste and other hazardous materials and pollutants on or off the site, whether by air, water or other means;
- 4.10. An outline of requests to occupy public footpaths or roads, and anticipated disruptions to local services;
- 4.11. The measures to minimise noise and other amenity impacts from mechanical equipment/construction activities, especially outside of daytime hours; and
- 4.12. Adequate environmental awareness training for all on-site contractors and sub-contractors.

Waste Management Plan

5. Before the development starts (excluding demolition, bulk excavation, site preparation, soil removal, site remediation, retention works, piling, footings, ground beams and ground slab), two copies of a 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 be generally in accordance with the WMP prepared by One Mile Grid dated March 2016 but amended to show:

- 5.1. Confirmation of the hours and frequency of pick-up for general and recyclable waste, with regard to potential noise impacts to the surrounding neighbourhood.

Management Plan Implementation/compliance

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

7. **Prior to the occupation of the approved building, a report from the author of the SMP report (as 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 the sustainable design features/initiatives specified in the SMP have been implemented in accordance with the approved Plan.**

Landscaping

8. **Before the occupation of the dwellings, a landscaping plan prepared by a landscape architect or person of approved competence must be submitted to the Responsible Authority for approval. Such plan must be generally in accordance with the concept landscape plan submitted with this application and plan approved under Condition 1 of this permit, and must show:**
 - 8.1. **Species, locations, approximate height and spread of proposed planting and the retention of existing trees and shrubs, where appropriate or as directed by any other condition of this Permit;**
 - 8.2. **Details of soil preparation and mulch depth for garden beds and surface preparation for grassed areas;**
 - 8.3. **Fixed edge strips for separation between grassed and garden areas and/or to contain mulch on batters;**
 - 8.4. **A sectional detail of the canopy tree planting method which includes support staking and the use of durable ties;**
 - 8.5. **All canopy trees to a minimum height of 1.5 metres at the time of planting;**
 - 8.6. **Screen planting along the north and west boundaries to be minimum height of 1.5 metres at the time of planting;**
 - 8.7. **Planting within 2 metres along the frontage from the edge of the driveway(s) and 2.5 metres along the driveway(s) from the frontage to be no greater than 900mm in height at maturity.**
9. **Before the release of the approved plan under Condition No. 1, a \$10,000 cash bond or bank guarantee must be lodged with the Responsible Authority to ensure the completion and maintenance of landscaped areas and such bond or bank guarantee will only be refunded or discharged after a period of 13 weeks from the completion of all works, provided the landscaped areas are being maintained to the satisfaction of the Responsible Authority.**
10. **An in-ground, automatic watering system linked to the rainwater tanks must be installed to all garden areas to the satisfaction of the Responsible Authority.**

Vegetation Retention

11. **Before the development starts (including any demolition, excavations, tree removal, delivery of building/construction materials and/or temporary buildings) vegetation protection fencing must be erected to the satisfaction of the Responsible Authority to establish a tree protection**

zone around the neighbouring trees and trees to be retained on site identified in TreeLogic Arborist Report dated 4 February 2016. The fence is to follow the tree protection zone identified in the report and be maintained in good condition until the completion of the construction works on the site.

12. The following actions must not be undertaken in any Tree Protection Zone of vegetation to the satisfaction of the Responsible Authority:
 - 12.1. Materials or equipment stored within the zone;
 - 12.2. Nothing is to be attached to any tree (including temporary service wires, nails, screws or any other fixing device);
 - 12.3. Open cut trenching or excavation works (whether or not for laying of services) undertaken within the zone;
 - 12.4. Changes to the soil grade level within the zone.

Drainage

13. 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:
 - 13.1. Be designed for a 1 in 5 year storm; and
 - 13.2. Storage must be designed for 1 in 10 year storm.
14. Before the development starts, a construction plan for the system required by Condition No. 13 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.
15. Before the development is completed, outfall drainage works must be constructed between the site and the nominated Council drain (within the road reserve in front of 17 Noral Court), in accordance with an engineering construction plan approved by the Responsible Authority. Before the works start:
 - 1.1 a supervision fee equal to 2.5% of the cost of construction of the drainage works must be paid to the Responsible Authority;
 - 1.2 a plan-checking fee equal to 0.75% of the cost of construction of the drainage works must be paid to the Responsible Authority;
 - 1.3 a maintenance deposit equal to 5% of the cost of construction of the drainage works must be lodged with the Responsible Authority and retained thereafter for a minimum of three months; and
 - 1.4 a schedule of costs for the construction of drainage works must be submitted to 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.

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

Car Parking, Access and Infrastructure

18. Before the building is occupied, a car parking management plan must be submitted to, and approved by, the Responsible Authority. The Plan is to outline:
 - 18.1. The allocation of any parking space to staff and visitors.
 - 18.2. How users will be directed to the allocated areas including details of directional signage and linemarking.
 - 18.3. The proposed management of staffing numbers/ peak times /changeover periods to avoid conflict with traffic associated with the school peak hours, to the satisfaction of the Responsible Authority.
19. Before the approved use commences, the area set aside for the parking of vehicles and access lanes as shown on the approved plan must be:
 - 19.1. Constructed and formed to approved levels;
 - 19.2. surfaced with an all weather-seal coat;
 - 19.3. drained;
 - 19.4. line marked to indicate each car space; and
 - 19.5. marked to show the direction of traffic along access lanes and driveways;
 - 19.6. marked to show a car space for a person with a disability designed to the relevant Australian Standard;
to the satisfaction of the Responsible Authority.
20. Parking areas and access lanes must be kept available for these purposes at all times and must be maintained to the satisfaction of the Responsible Authority.
21. A directional sign(s) to the satisfaction of the responsible authority must be provided directing drivers to the area set aside for car parking and must be located and maintained to the satisfaction of the Responsible Authority. The sign must not exceed 0.3 square metres in area.
22. The operator must ensure that 24 hour access to the basement car park is provided to all staff and visitors.
23. Redundant vehicle crossovers must be removed and the footpath, nature strip and kerbing reinstated to the satisfaction of the Responsible Authority.
24. Levels at property boundary for the two proposed crossovers along King Street are to match the levels nominated in the engineering design plans prepared by Council for the Reconstruction of King Street, Templestowe/Doncaster East, Drawing No. A1/4046. The developer or his appointed design consultant is required to contact Council's Design Engineers in the Technical Services unit when designing the vehicle

crossovers in King Street. The vehicle crossovers must be designed and constructed to the satisfaction of the Responsible Authority.

25. The developer shall design and construct a 1.5 metre wide concrete path in Tuckers Road, along the full length of the eastern property boundary of the site, at no cost to Council and in accordance with construction plans submitted to and approved by Responsible Authority.

Completion

26. Privacy screens and obscure glazing as required in accordance with the approved plans must be installed prior to occupation of the building to the satisfaction of the Responsible Authority and maintained thereafter to the satisfaction of the Responsible Authority.
27. All upper level service pipes must be concealed and screened respectively to the satisfaction of the Responsible Authority.
28. All roof-top plant must be installed in appropriately screened areas unless otherwise agreed in writing with the Responsible Authority.
29. Any air-conditioning unit installed on a balcony or terrace must stand at floor level and be positioned to minimise visibility from off the site. No air-conditioning unit may be erected on an external wall to the satisfaction of the Responsible Authority.
30. Any clothes-drying rack or line system located on a balcony or terrace must not be visible from off the site to the satisfaction of the Responsible Authority.
31. No individual dish antennas may be installed on balconies, terraces, roofs or walls to the satisfaction of the Responsible Authority.
32. All services, including water, electricity, gas, sewerage and telephone, must be installed underground and located to the satisfaction of the Responsible Authority.
33. All hot water units must be installed within the subject building or within cupboards on balconies, unless otherwise agreed in writing with the Responsible Authority.
34. Buildings, paved areas, drainage and landscaping must be maintained to the satisfaction of the Responsible Authority.
35. All security alarms or similar devices installed on the land must be of a silent type to the satisfaction of the Responsible Authority.

Lighting

36. 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.

Noise

37. All noise emanating from any mechanical plant must comply with the relevant State noise control legislation and in particular, any basement exhaust duct/unit must be positioned, so as to minimise noise impacts

on residents of the subject building and adjacent properties to the satisfaction of the Responsible Authority.

Loading and Unloading Operations

38. All loading and unloading, including waste collection, must at all times be carried out within the loading areas shown on plan to the satisfaction of the Responsible Authority.

Amenity

39. Except with the prior written consent of the Responsible Authority, unloading and loading of goods for the permitted use must only be carried out between the hours of 7.00am and 6.00pm, to the satisfaction of the Responsible Authority.
40. The use and development must 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.
42. External lighting must be designed so to limit loss of amenity to residents of adjoining properties to the satisfaction of the Responsible Authority.
43. Before the use commences, acoustic fencing must be erected along the northern boundaries where adjacent to the accessway to a minimum height of 2.5m above natural ground level. The design of the fences must be in accordance with the relevant Australian Standard to the satisfaction of the Responsible Authority.

Restrictive Covenant

44. A plan of variation of a restriction must be submitted for Certification by the Responsible Authority
45. The certified plan must be lodged with the Land Titles Office for registration
46. This permit does not come into effect until the covenant contained in Instrument of Transfer No. F933627, F687990 and F909625 in the Register of Titles is *varied* so as to read “...***any building other than a single dwelling house or a residential aged care facility and the usual outbuildings....***”

Public Transport Victoria (Conditions 47 and 48)

47. The existing bus stop and associated infrastructure on King Street must not be altered without the prior consent of Public Transport Victoria. Any alterations including temporary works or damage during

construction must be rectified to the satisfaction of Public Transport Victoria.

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

Expiry

49. This permit will expire if one of the following circumstances applies:
- 49.1. The development is not started within two (2) years of the date of the issue of this permit;
 - 49.2. The development is not completed within four (4) years of the date of this permit;
 - 49.3. The use is not commenced within two (2) years of the completion of the development.
 - 49.4. The plan of variation of restriction is not certified within two (2) years of the date of this permit.

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

Note: Plans submitted for approval for the on site storm water detention system should be forwarded to Council's Engineering Services Unit. For any queries in relation to these plans please contact Engineering Services on Ph.9846 9563.

Note: Except with the prior consent of the responsible authority, the existing street trees must not be removed or damaged. Please contact Council's Parks and Recreation Department on 9846 0512 to arrange amenity value payment for Council to undertake the removal and replacement of the street tree from Pinewood Drive.

Note: Before the construction of any vehicular crossings, a Miscellaneous Works Permit must be obtained from the responsible authority for all vehicular crossings. These must be constructed under the responsible authority's supervision, for which 24 hours notice is required.

Note: The Waste Management Plan must comply with the Manningham City Council – Waste Collection for Residential Developments in Manningham – Guidelines for Developers. If the development is within Doncaster Hill precinct, the Waste Management Plan must also comply with the Sustainability Guidelines for Doncaster Hill.

Note: The premises is to comply with the Health Act 1958, as amended. Premises to be used for the sale or storage of food in any manner are to be registered under the Food Act and Council's Health and Local Laws Unit should be contacted before the use starts.

Note: No works are permitted within the easement unless consent from the relevant service authorities are obtained prior.

Note: Except where no permit is required under the provisions of the Manningham Planning Scheme, no advertisement or sign may be erected on the site without the prior written consent of the Responsible Authority.

**MOVED: GOUGH
SECONDED: O'BRIEN**

That the Recommendation be adopted.

CARRIED

"Refer Attachments"

* * * * *

10. PLANNING & ENVIRONMENT

10.1 Amendment C113 - Heritage Overlay Amendments; including Warrandyte South Hall - Request for Ministerial Authorisation to Exhibit

Responsible Director: Director Planning & Environment

File No. T16/169

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 the preparation of an amendment to the Manningham Planning Scheme to:

- 1. Vary the schedule to the Heritage Overlay which applies to land at 66-68 Hall Road, Warrandyte South (occupied by the South Warrandyte Hall) to enable prohibited uses to be considered; and*
- 2. Correct a number of minor errors and anomalies in the schedule to the Heritage Overlay and some mapping of the Overlay.*

This report seeks Council's support to request the Minister for Planning to authorise Council to prepare and exhibit Amendment C113 to the Manningham Planning Scheme

BACKGROUND

South Warrandyte Hall

- 1.1 The first aspect of the Amendment applies to land at 66-68 Hall Road, Warrandyte South. The land is occupied by the South Warrandyte Hall. The land has an area of approximately 2,048m², as shown on the attached map. (**Attachment 1**)
- 1.2 The South Warrandyte Hall has been identified in the *Manningham Heritage Study* as being of local significance as a community meeting place recreated through community efforts after the 1939 bushfires.
- 1.3 The exterior of the Hall is intact to its original 1939 design and the building has been identified by Council's Heritage Advisor as being of local significance for its architectural integrity.
- 1.4 The Hall constructed in 1939 is one of 6 individual community halls in Manningham and is cited in the 1991 Heritage Study as of local historical and social significance. Council's Heritage advisor noted the need to preserve the hall as a heritage asset and for providing a use compatible with its significance as a large volume, publicly accessible space. Further, Council's Heritage Advisor has assessed the heritage impact of the use of this historic building and identified compatible uses. This includes retail premises such as antiques shops, a communal office building set up with small office spaces, and an art

gallery/cafe. Alternative uses such as a multi-purpose area for exercise classes and performance, and events such as books and antique fairs, computer swap meet or community garage sales could also be considered.

- 1.5 The Hall has been closed to the public since May 2015 due to building maintenance and public safety issues. The Hall was purchased by Council in 1974 and was run by a Committee of Management made up of local residents until 1998, at which time Council took over its management.
- 1.6 Hall hire has not proved to be a successful operating model with this venue and prior to its closure the Hall had very low usage rates. This is partly due to its condition but also due the restricted uses permitted in the Rural Conservation Zone and the Green Wedge more broadly noting also that the land is not serviced with reticulated sewerage.
- 1.7 In relation to the condition of the building, a tender has been advertised for a refurbishment of the building involving replacement of some external timber cladding, windows, doors and flooring, installation of new toilet and shower facilities, electrical works, kitchen improvements, painting and provision for universal access.
- 1.8 The ongoing use of an existing building has been recognised as an important part of conserving a heritage place. The uses permitted under the Rural Conservation Zone are quite limited due to the nature of the zone. Clause 35.06 sets out the table of uses for the RCZ. Currently permissible (Section 1 and 2) uses that might be relevant for this site include:
 - Landscape gardening supplies
 - Market - Land used to sell goods, including foodstuffs, from stalls.
 - Primary produce sales - Land used to display and sell primary produce, grown on the land or adjacent land. It may include processed goods made substantially from the primary produce.
 - Primary school
 - Restaurant - Land used to prepare and sell food and drink, for consumption on the premises
 - Rural store
 - Secondary school
 - Winery.
- 1.9 Section 3 of Clause 35.06 sets out the prohibited uses for the RCZ. Of relevance for use of this building could be:
 - Child care centre
 - Education centre
 - Office
 - Leisure and recreation
 - Place of assembly (other than carnival and circus). Whilst this was the nature of the original use of the Hall it is now a prohibited use given that the original use was not continuous.
 - Retail premises.

- 1.10 Given the site constraints, many of these are not practically possible.
- 1.11 One of the avenues to enable the consideration of prohibited uses on the land is an amendment to the Schedule to the Heritage Overlay by inserting “yes” in the “prohibited use may be permitted” column. As recognised by the Panel in Greater Bendigo Planning Scheme Amendment C201 Panel Report 15 July 2015 “there is an opportunity to use the schedule to the heritage overlay to broaden the potential for uses otherwise not allowed within the Zone prohibited uses.”
- 1.12 However, the Heritage Overlay is designed in such a way that the permissible uses of the heritage place can be broadened to maximise the opportunity for its ongoing protection by increasing the building’s functionality and supporting its continued use.
- 1.13 An amendment to the Schedule to the Heritage Overlay is required to allow a prohibited use to be permitted on the land, subject to the approval of a planning permit.

Corrections to Current Heritage Overlay

- 1.14 The following mapping errors relating to the Heritage Overlay have also been identified through the day to day operation of the Planning Scheme, as well as errors in the property description of some heritage places:
- HO203 Menlo- 17-25 Atkinson Street, Templestowe
 - HO191 Warrandyte Township Heritage Precinct – 111 Yarra Street, Warrandyte
 - HO43 Former Eastern Golf Course “Tullamore” and stables- 463 Doncaster Road, Doncaster
 - HO155 House- 47-49 Smiths Road, Templestowe
 - HO85 Windrush- Homestead Road, Templestowe
 - HO212 Monterey Cypress - 333, 339, 344 & 360 High Street, Doncaster
 - HO108 House- 2 McLeod Street, Doncaster.

These are described in more detail under Proposal/Issue below.

2 PROPOSAL/ISSUE

- 2.1 It is proposed to make the following changes in relation to the Heritage Overlay in the Manningham Planning Scheme as Amendment C113.

Part 1 – Warrandyte South Hall

- 2.1.1 Amendment C113 proposes to change the Schedule to the Heritage Overlay HO74 by permitting prohibited uses on the land at 66-68 Hall Road, Warrandyte South. A planning permit would still be required to facilitate any prohibited uses.
- 2.1.2 By amending the Schedule of the Heritage Overlay to allow for a prohibited use to be considered, the long term conservation of the building is likely to be improved.
- 2.1.3 The proposed amendment to the Schedule is not likely to result in a significant change on the nature of the possible future uses for the land as it is intended that future uses should maintain or respect the use of the hall for public purposes. Council, as the

landowner, will be able to ensure that only approved uses for the site are permitted.

- 2.1.4 The proposed amendment to the Scheme is consistent with the principles of the Burra Charter in that a paramount consideration for the retention of the heritage value of this place is the retention of the public access to the site by encouraging either a community use or commercial use. This objective is consistent with the need to retain associations and meaning in that the significant associations between people and place should be respected.

Part 2 – Corrections to Current Heritage Overlay

- 2.1.5 It is also proposed to correct several anomalies and errors in relation to other properties currently affected by the Heritage Overlay in order to more accurately reflect the current circumstances. The proposed changes are as follows:
- Delete the Heritage Overlay (HO108 House- 2 McLeod Street Doncaster). The land has been subdivided and is currently described as Units 1, 2, 6, 7 of 2 McLeod Street, Doncaster. These properties do not have heritage significance.
 - Amend the Schedule to Clause 43.01 - Heritage Overlay 203, to replace the word “No” with the words “Yes, VHR H2294” in the column “Included on the Victorian Heritage Register under the Heritage Act 1995”.
 - Amend the schedule to Clause 43.01 - Heritage Overlay HO191, by inserting reference to the Blacksmith Hut. The portable (mobile) Blacksmith’s Hut is a rare (possibly unique) example of a travelling blacksmith’s wagon in Victoria as there are no other examples recorded in current heritage databases. In 2015 the Warrandyte Historical Society successfully organised the relocation of the portable blacksmith hut from a private residence in Warrandyte to the Historical Society’s grounds. The proposed change will identify this heritage asset. The Amendment will change the column “outbuildings or fences which are not exempt under Clause 43.01-3” by deleting the word “No” and replacing it with “Yes, Blacksmith Hut at 111 Yarra Street Warrandyte.”
 - Amend Map 2 HO155 to correct the boundary to Heritage Overlay (HO155 House –47-49 Smiths Road, Templestowe). The extent of the Heritage Overlay needs to be corrected to reflect the subdivision and redevelopment of the land known as 3 Aumann Drive; 1/5 Aumann Drive; 2/5 Aumann Drive; 3/5 Aumann Drive; and 4/5 Aumann Drive, Templestowe.
 - Amend Map 3 HO85 to correct the extent of the heritage overlay that has been incorrectly mapped as it currently excludes a section of Windrush- 15- 17 Homestead Road, Templestowe.
 - Amend the Schedule to the Heritage Overlay 43 -463 Doncaster Road Doncaster. It is proposed to avoid repetition by deleting in the “Heritage Place” column the words “The

Tree Protection Zone of Tree numbers 4, 27 and 82 as identified in the "Conservation Analysis and Policy " Meredith Gould Architects Pty Ltd (2011) as shown on the heritage overlay map." The same statement will remain in the column "where tree controls apply?".

- Amend the Schedule to Clause 43.01 -Heritage Overlay HO212 –Monterey Cypresses at 333, 339, 344 & 360 High Street Doncaster to correct the property address by replacing the suburb Doncaster with Templestowe Lower.

2.2 It is proposed that Council seek authorisation from the Minister for Planning to prepare and exhibit Amendment C113 as detailed in the attached documentation (**Attachment 2**), to facilitate the proposed changes described in this report.

3 PRIORITY/TIMING

- 3.1 The draft amendment documentation has been prepared and Council officers will seek authorisation from the Minister for Planning once Council has endorsed such action.
- 3.2 Following authorisation, it is anticipated that the amendment will be placed on exhibition for a period of one month after the notice is given in the Government Gazette as required by section 19(4)(b) of the Planning and Environment Act 1987.

4 POLICY/PRECEDENT IMPLICATIONS

State Planning Policy Framework

- 4.1 The Amendment is consistent with and supports the following elements of the State Planning Policy Framework (SPPF):
- Clause 15 - Built Environment and Heritage identifies the need for planning to protect places and sites with significant heritage, architectural, aesthetic, scientific and cultural value. In more specific terms the SPPF notes in Clause 15.03 the need to ensure the conservation of places of heritage significance. One of the strategies identified relates to the need to support adaptive reuse of heritage buildings whose use has become redundant.

Local Planning Policies

- 4.2 The Amendment is consistent with the following provisions of the Local Planning Policy Framework, including the Municipal Strategic Statement (MSS):
- Clause 21.11 (Heritage) of the MSS notes that Council is committed to preserving and enhancing cultural heritage places in the municipality. Some of the relevant strategies include the need "to encourage the retention of the heritage fabric in development proposals, and consider the preparation of amendments to the heritage overlay schedule to allow prohibited uses where the use is unlikely to have a detrimental impact on adjoining land and which may assist with the ongoing preservation of the heritage building."

- Clause 22.03 (Cultural Heritage Policy) identifies the need to recognise, protect, conserve, manage and enhance identified cultural heritage places. It further notes the need to encourage the retention of cultural heritage places and ensure that these places are recognised and afforded appropriate protection to enrich the character, identity and heritage of the municipality.
 - It is policy that the partial or complete demolition and/or removal of any building, structure or feature of identified cultural heritage significance will be strongly discouraged, in order to conserve the range and quality of cultural heritage places in the municipality.
- 4.3 It is considered that the current planning controls restrict the use of the heritage building and could result in the building falling into a state of disrepair.
- 4.4 Planning Practice Note 1 (PPN01) "Applying the Heritage Overlay" sets out the application of heritage overlay provisions in the planning scheme. The Practice Note specifies that allowing prohibited uses "should not be applied to significant areas because it might result in the de facto rezoning of a large area. The provision should be applied to specific places, where it is considered that the normally available range of permissible uses is insufficient to provide for the future conservation of the building.
- 4.5 The Amendment is consistent with the Ministerial Direction on the Form and Content of Planning Schemes under section 7(5) of the Act.
- 4.6 The Amendment also meets the requirements of Ministerial Direction No 11 Strategic Assessment of Amendments.
- 4.7 It is also consistent with Ministerial Direction 9 Metropolitan Strategy. The Metropolitan Strategy (Plan Melbourne: Metropolitan Planning Strategy 2014) in particular Direction 4.7 Respect our heritage as we build for the future.

5 BEST VALUE

- 5.1 The proposed amendment will safeguard the retention of the heritage fabric of the building at 66-68 Hall Road Warrandyte South, whilst broadening the range of possible uses for the site.

6 CUSTOMER/COMMUNITY IMPACT

- 6.1 Individual owners of affected properties will be notified of the proposed amendment.
- 6.2 The Amendment will provide certainty in relation to the Heritage Overlay controls.

7 FINANCIAL RESOURCE IMPLICATIONS

- 7.1 Planning scheme amendments are prepared and administered by the Economic and Environmental Planning Unit. Any costs incurred as part of the amendment process, including any panel hearing will be covered through the Unit's operational budget.

8 SUSTAINABILITY

- 8.1 The proposed change to the Heritage Overlay Schedule in relation to the South Warrandyte Hall is intended to better ensure the conservation of the heritage place and to make its future use more sustainable.

9 CONSULTATION

- 9.1 As part of the planning scheme amendment process, any persons deemed to be affected by the amendment will be given notice of the amendment and hence the opportunity to make a submission. The amendment will be placed on exhibition for a minimum of one month.

10 COMMUNICATIONS STRATEGY

- 10.1 Subject to the authorisation of the Minister for Planning the proposed amendment would be placed on exhibition for a period of one month.
- 10.2 The exhibition of the amendment would include:
- advertisement in the local newspaper and Government Gazette;
 - direct notification of adjoining and nearby properties; and
 - notices to statutory authorities and prescribed Ministers.

11 CONCLUSION

- 11.1 Proposed Amendment C113 will assist with the long term conservation of the South Warrandyte Hall at 66-68 Hall Road Warrandyte by enabling the consideration of prohibited uses on the land.
- 11.2 The Amendment will also correct a number of errors and anomalies which have been identified in the day to day use of the Manningham Planning Scheme and thereby clarify and update heritage provisions in the Scheme.

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 Amendment C113 to the Manningham Planning Scheme to make the following changes generally in accordance with Attachment 2:**

Warrandyte South Hall

- **Amend the Schedule to the Heritage Overlay HO74 by replacing “No” with “Yes” in the “prohibited uses may be permitted” column.**

Corrections to Heritage Overlay

- **Amend Map 6 HO108 to delete the Heritage Overlay from 2 McLeod Street, Doncaster.**
- **Amend the Schedule to the Heritage Overlay HO203, to replace the word “No” with the words “Yes, VHR H2294” in the column “Included on the Victorian Heritage Register under the Heritage Act 1995”.**

- Amend the Schedule to the Heritage Overlay HO191, in the column “outbuildings or fences which are not exempt under Clause 43.01-3” by deleting the word “No” and replace it with “Yes, Blacksmith Hut at 111 Yarra Street, Warrandyte.”
- Amend Map 2 HO155 to delete the Heritage Overlay from part of the site currently known as 3 Aumann Drive; 1/5 Aumann Drive; 2/5 Aumann Drive; 3/5 Aumann Drive; and 4/5 Aumann Drive, Templestowe.
- Amend Map 3 HO85 to apply the Heritage Overlay to part of the site currently known as 15-17 Homestead Road, Templestowe.
- Amend the Schedule to the Heritage Overlay 43 - 463 Doncaster Road, Doncaster by deleting the following words from the “Heritage Place” column “The Tree Protection Zone of Tree numbers 4, 27 and 82 as identified in the “Conservation Analysis and Policy ” Meredith Gould Architects Pty Ltd (2011) as shown on the heritage overlay map”.
- Amend the Schedule to the Heritage Overlay HO212 –Monterey Cypresses at 333, 339, 344 & 360 High Street, Doncaster to correct the property address by replacing the suburb name Doncaster with Templestowe Lower.

MOVED: DOWNIE
SECONDED: GALBALLY

That the Recommendation be adopted.

CARRIED

Attachments

Attachment 1: Site Map 66-68 Hall Road, Warrandyte South
Attachment 2: Draft Explanatory Report and Schedule to the Heritage Overlay for Amendment C113

* * * * *

10.2 Planning Scheme Amendment GC42 - Environmentally Sustainable Development Policy - Consideration of Panel Report

Responsible Director: Director Planning & Environment

File No. T16/164

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 presents the findings of, and officers' response, to the Panel report which considered submissions to Amendment GC42 to the Darebin and Manningham Planning Scheme.

The exhibited Amendment proposes to change the Manningham Planning Scheme by:

- *Introducing a new Clause 22.12 (Environmentally Sustainable Development) Policy into the Local Planning Policy Framework (LPPF) of the Manningham Planning Scheme;*
- *Changing Clause 21.10 (Ecologically Sustainable Development) to reflect the introduction of Clause 22.12; and*
- *Amending Clause 21.16 (Key References), to update recent reviews of documents.*

The Councils jointly prepared the public notification of the Amendment. The Amendment was placed on public exhibition between 11 February 2016 and 15 March 2016. A total of eleven (11) submissions were received to the Amendment.

On 26 April 2016 Manningham Council resolved to request the Minister for Planning to appoint an Independent Panel to consider the submissions received in relation to the Amendment. A Panel hearing was held on 6 June 2016.

The Panel Report (See Attachment 1) recommends that Amendment GC42 to the Darebin and Manningham Planning Scheme be adopted as exhibited, subject to a number of minor changes relating to the inclusion of a sunset clause in the Manningham policy, amending a reference document and amending Darebin proposed clause 21.02.

Pursuant to section 27 of the Planning and Environment Act 1987, Council must consider the panel report before deciding whether or not to adopt the Amendment (with or without changes), or to abandon all or part of the Amendment.

It is recommended that Council adopts Amendment GC42 with changes as identified in Attachment 2 (responses to Panel recommendations) and reflected in Attachment 3 (Adoption Documents), and forward the Amendment as adopted to the Minister for Planning for approval in accordance with section 31 of the Act.

1 BACKGROUND

- 1.1 Amendment GC42, proposes to change the Manningham Planning Scheme by:
- Introducing a new Clause 22.12 (Environmentally Sustainable Development) Policy into the Local Planning Policy Framework (LPPF) of the Manningham Planning Scheme;
 - Changing Clause 21.10 (Ecologically Sustainable Development) to reflect the introduction of Clause 22.12; and
 - Amending Clause 21.16 (Key References), to update recent reviews of documents.
- 1.2 The Amendment has been undertaken with Darebin City Council, as a second round of Councils to go through this process. The first round of Councils was known as the 'Joint Councils'.
- 1.3 Central to the Amendment is the introduction of Clause 22.12 (Environmentally Sustainable Development) into the Schemes, which strengthens the ability for the two Councils to consider Environmentally Sustainable Development (ESD) in their respective Local Planning Policy Framework (LPPFs).
- 1.4 The introduction of an ESD Policy will address a gap in the local planning policy framework to ensure that environmental performance is considered in the assessment of development proposals.
- 1.5 On 19 January 2016, the Minister for Planning authorised the preparation of Amendment GC42 subject to the following conditions:
- The prescribed information submitted for authorisation is combined into one amendment package referencing changes to both the Darebin and Manningham Planning Schemes.
 - Amend wording within the proposed Darebin Clause 22.12 to be consistent with the proposed Manningham Clause 22.12.
 - References to the Sustainable Design Assessment in the Planning Process (SDAPP) program are to be removed.
- 1.6 The Amendment was exhibited between 11 February 2016 and 15 March 2016. During the exhibition a total of 11 (eleven) submissions were received to the Amendment. Letters of support were received from 6 local Councils, including 3 of the Joint Councils (the Cities of Stonnington, Moreland and Yarra). Two letters of support were received from Municipal Association Victoria (MAV) and Council Alliance for a Sustainable Built Environment (CASBE). Two further submissions were received from Sustainability Victoria which supported the amendment with changes, and another submission from Urbis on behalf of Mirvac provided commentary.
- 1.7 The HIA made the only objecting submission. The main issues raised by HIA are as follows:
- *The Clause*
 - *overlaps and contravenes the role of the National Construction Code (NCC) for buildings;*

- *goes against decisions made at VCAT regarding what is reasonable for local government to require as part of a planning permit ;*
 - *has not been tested through a rigorous and comprehensive cost benefit analysis;*
 - *disregards the realities of the building process and that certain changes in construction detail may occur but should not be bound by the planning permit. Changes in construction detail are commonplace given changes to the availability or cost of materials, new technologies coming into the market affecting material choice and changes to the economic situation or budget constraints; and*
 - *would create enforcement issues and difficulties for the Relevant Building Surveyor;*
- *Housing affordability impacts have not been adequately considered.*
 - *Alternatives to additional planning scheme policies or permit requirements have not been adequately considered such as building product or design awards, demonstration projects, rebates, community events and expos, training and education programs for industry and consumers.*
- 1.8 The submissions were reported to the Council meeting on 26 April 2016, where Council resolved to request the Minister for Planning to appoint a Independent Panel under Part 8 of the *Planning and Environment Act 1987*, to consider the submissions in relation to Amendment.
- 1.9 On 27 April 2016, Council requested the Minister for Planning to appoint a Panel.
- 1.10 Following the Council resolution on 26 April 2016, a Panel was appointed on to consider Amendment GC42 to the Manningham Planning Scheme on 29 April 2016.
- 1.11 A Directions Hearing was held on 9 May 2016 to set the timetable for the hearing and to consider preliminary matters.
- 1.12 The Hearing was held on 6 June 2016. Council was represented by Maddocks Lawyers.
- 1.13 The report of the Panel is included as Attachment 1.

2 PROPOSAL/ISSUE

- 2.1 Under section 27 (1) of the Act, Council must consider the Panel report before deciding whether or not to adopt the Amendment, with or without changes, or to abandon all or part of the Amendment.
- 2.2 The Panel has found that, with only minor changes, the changes proposed by the Amendment, are appropriate.
- 2.3 In summary, the Panel concluded that “the amendment is both sound and strategically justified.” It further noted that: “the issues raised by the HIA were comprehensively considered by the EEDAC (Environmental Efficiency Design Advisory Committee). The HIA has not introduced any new arguments or evidence that has persuaded the Panel to divert from the findings of the EEDAC report and the approach adopted by similar amendments which were ultimately approved by the Minister.”

- 2.4 The Panel was of the view that the Amendment is supported by, and implements the relevant sections of the State and local planning policy framework.
- 2.5 In more specific terms, the Panel considered all written submissions and it dealt with the following issues:
- Strategic planning context
 - HIA concerns
 - Suggested changes to the policy
- 2.6 The Panel discussed the concern raised by HIA as to whether the policies are necessary or appropriate. The main objection by HIA was an in principle objection as to the use of policies in planning schemes that will impose another layer of assessment and control that is not warranted in the development approval process. The Panel noted that the issues raised by HIA at the hearing were comprehensively considered by the EEDAC and introduce nothing that justifies diverting from the findings of the EEDAC report. In addressing the objection by HIA which criticised Councils for not undertaking any original or sufficient analysis of other development regulations, the Panel indicated that HIA itself has not introduced any new information, evidence or arguments to suggest the policies should not be supported.
- 2.7 The Panel highlighted the key findings of the EEDAC report:
- *There is a strong legislative and policy framework that supports the need for sustainable development and which recognises that both planning and building have a significant role to play in achieving it.*
 - *There is a role and a statutory obligation for planning to advance sustainability.*
 - *Whilst the existing State Planning Policy Framework and Victoria Planning Provisions provide a good starting point for the inclusion of sustainability, there are clear areas for improvement.*
 - *The role of planning in achieving sustainability is limited by the fact that it can only influence development that requires a planning permit.*
 - *A Statewide approach to sustainability in planning would be the most effective way to achieve the greatest sustainability outcomes; however, there is still a potential role for local policies to play in achieving greater local sustainability outcomes.*
 - *Any local approach should include a sunset clause that would enable the review of these policies upon the introduction of any Statewide approach.*
 - *The fact that the building regulatory system is generally not involved at the initial design stage of a development, when the orientation and internal layout of buildings is determined, can result in a less desirable design outcome, even though the minimum thermal; energy rating is met.*
 - *The involvement of planning at the initial site planning stage enables the orientation, internal layouts and sites development to be dealt with in a manner that may assist at the building approval stage in achieving the*

best design outcome in achieving the minimum or even a higher thermal energy rating of the building.

- *The approach to sustainability in planning schemes be further reviewed to provide a more coherent, strengthened approach to implementation. This should be based on a Statewide approach and include stronger, higher guidance in the State Planning Policy Framework and Clause 65, as a minimum, with consideration of a range of options.*

- 2.8 The Panel has supported the position adopted by the EEDAC and has re-emphasised that until a statewide approach is adopted, it is appropriate for the policies such as these be included in local planning policies. It further noted that the Minister for Planning supported the findings of the EEDAC and subsequently approved the six amendments (for the first round Joint Councils) thus creating a clear precedence for the merit of including ESD policies into the planning schemes.
- 2.9 The Panel indicated that until such time as a statewide approach is announced, for the sake of consistency, a sunset clause should be included in the Manningham policy. The Panel concluded that there is a strong policy support for the inclusion of the proposed ESD policies within the local planning policy framework. Refer Section 3.1 of Panel Report (Attachment 1).
- 2.10 In addressing the objection by HIA that the proposed policy contravenes the National Construction Code (NCC), the Panel concluded that the proposed policies will not contravene the NCC, but rather build upon them. The Panel highlighted the key findings of the EEDAC report:
- *All built form can incorporate elements of sustainability but there are divergent opinions as to when and how this is to be achieved and to what extent.*
 - *The fact that the building regulatory system is generally not involved at the initial design stage of a development, when the orientation and internal layout of buildings is determined, can result in a less desirable design outcome, even though the minimum thermal energy rating is met.*
 - *The involvement of planning at the initial site planning stage enables the orientation, internal layouts and site development to be dealt with in a manner that may assist at the building approval stage in achieving the best design outcome in achieving the minimum or even higher thermal energy rating of the building.*
 - *There is a clear need for an integrated planning and building approach to achieve sustainable outcomes.*
- 2.11 A further ground of objection raised by the HIA, which was discussed by the Panel was the extent of consistency with VCAT decisions and previous Panels. The HIA submission indicated that the proposed policies go against decisions made at VCAT regarding what is reasonable for local government to require as part of planning permits. The Panel noted that the HIA did not refer to any decision to support the submission made, and further did not introduce any new information or evidence that persuaded the Panel to divert from the findings of the EEDAC report. The Panel commented in the approach taken by VCAT: *“VCAT decisions have consistently supported the principle of sustainability and incorporating energy efficiency in development.*

There has been variation on the decisions about how this is achieved, how far it should go and whether it should be a planning or building approval matter.”

2.12 A further issue raised in HIA's submission is whether the policies have been tested through a rigorous and comprehensive cost benefit analysis and will impact on housing affordability. The Panel confirmed that the HIA had not introduced any new information, evidence or arguments to suggest the policies will have a negative cost benefit impact or that they will have a negative impact on housing affordability. The Panel referred to the key findings in the EEDAC report:

- *There are clear positive economic, social and environmental benefits to be gained through improved sustainable development outcomes in planning.*
- *The proposed Local Policies are unlikely to impose an unreasonable impost on the resources and administration costs of participating Councils.*
- *The consideration of ‘affordability’ should extend beyond construction and consider ongoing servicing costs.*
- *The Panel supports the findings of the EEDAC report.*

2.13 A further issue considered in the Panel report was whether there are alternatives to the planning approach to achieve sustainability. The Panel confirmed the previous findings of the EEDAC report which noted that other “initiatives are an important component in achieving sustainability development outcomes, however they need to be part of a package of measures supported by a strong and clear planning and building regulatory framework.”

2.14 HIA also raised the issue that the proposed policies create enforcement issues and difficulties for Building Surveyors. The Panel agreed with Council's submission that going forward there will be a need to develop a mechanism to ensure that ESD features committed to in planning permit are in fact implemented and incorporated in the buildings. The Panel noted that it did not see this as a reason why the policies should not be supported. The Panel further indicated that the issue was acknowledged by the EEDAC:

“One of the benefits of the planning system is that where sustainability measures are proposed or required as conditions of a planning permit, there is the scope to enforce these approved developments to ensure the sustainability measures are implemented. What is required is a mechanism to facilitate this. This would normally involve an inspection of the completed development, which would require resourcing. An alternative may be for an applicant, or its consultant, to certify the required work has been undertaken.”

2.15 The Panel considered HIA's suggested changes to the policy. In response to the objection by HIA that the statement relating to application requirements that “A sustainable design assessment will usually not need to be prepared by a suitably qualified professional”, the Panel noted that it did not consider the policy as written suggests there will never be the need for professional assistance in the preparation of an assessment. The Panel indicated that it is satisfied, based on the submissions of Council, that if such assistance is

required, and particularly for smaller projects which may not have professional design assistance, that the Councils can assist builders/developers through in house ESD support without having to engage in an independent ESD expert. For larger projects, which involve a variety of design professionals, the need to address ESD principles should not be onerous task for these professions. Consequently no change was recommended to the amendment in this matter.

- 2.16 A further issue considered by the Panel (refer Section 4.2, Attachment 1) was whether a specific reference document should be amended. The Panel agreed that the policy should reference the most relevant and up to date reference documents, and for that reason supported the proposed amendment to the policy. The Panel comments specifically related to the initial reference made in the policy to *Guide for Best Practice for Waste Management in Multi-Unit Developments* (Sustainability Victoria, 2010) as a reference document. Sustainability Victoria recommended that the reference be removed as the guide is no longer supported by Sustainability Victoria and has been removed from circulation. Sustainability Victoria also advised that the Metropolitan Waste and resource recovery Group is currently running the Improving Resource Recovery in Multi Unit Developments Program, to provide practical tools to help responsible authorities and applicants improve planning for waste management in multi unit developments. The Panel recommended that the Policy at Clause 22.12 be amended to replace reference to Guide for best Practice for Waste Management in Multi Unit developments with Improving Resource Recovery in Multi Unit Developments. This Panel recommendation is supported only in part by the deleting reference to the *Guide for Best Practice for Waste Management in Multi-Unit Developments* (Sustainability Victoria, 2010). The second part of the Panel recommendation is not supported in light of the advice received from Sustainability Victoria, as they have confirmed that it was never their intention that *Improving resource Recovery in Multi Unit Developments* be referenced in the Planning Scheme. Sustainability Victoria officers noted that the program is not complete and as such it is not designed as a guidance document.
- 2.17 The final issues addressed by the Panel related to the Eastern Golf Club site. It addressed Urbis's submission that although it was generally supportive of the amendment it sought clarification as to the extent of sustainability efforts required. The Panel agreed with Council's submission as to the advice that was provided in response to Urbis' queries, namely that not every criterion will be required for every development, ESD changes are unlikely to result in cost prohibited measures, and initiatives will be developed to minimise delays in the planning process. The Panel was satisfied that the concerns raised by Urbis were adequately addressed.
- 2.18 Further post exhibition changes identified by Darebin were discussed, however these changes specifically related to the Darebin MSS provisions.
- 2.19 The Panel's recommendations do not result in any major policy shift in respect to the planning controls, but rather seek to refine and clarify the controls.

3 PRIORITY/TIMING

- 3.1 Ministerial Direction No. 15 sets out the timeframe for completing the various stages in the planning scheme amendment process.
- 3.2 The *Planning and Environment Act 1987* requires Council to release the Panel Report to the public within twenty eight days of its receipt on 17 June 2016. Council released the report on 4 July 2016, well within the required time. Ministerial Direction 15 also requires Council to make a decision regarding whether or not to adopt an amendment within 40 business days of the date it receives the Panel's report.
- 3.3 Given that the Panel report was received on 17 June 2016, a decision regarding Amendment was required to be made by 12 August 2016.
- 3.4 In order to allow sufficient time to consider the Panel's recommendations and having regard to Manningham and Darebin Council meeting schedule, officers requested an extension of the time required to consider the Amendment.
- 3.5 If Council resolves to adopt Amendment, then Council must submit an adopted amendment under section 31 of the Act within 10 business days of the date the Amendment was adopted.

4 POLICY/PRECEDENT IMPLICATIONS

- 4.1 The proposed Amendment supports and implements many of the policies of the State Planning Policy Framework, specifically
 - Clauses 11: Settlement
 - Clause 12: Environment and Landscape Values
 - Clause 14: Natural resource Management
 - Clause 15: Built Environment and heritage
 - Clause 16: Housing
 - Clause 18: Transport
 - Clause 19: Infrastructure
- 4.2 The Amendment will also assist in implementing the policy directions outlined in the LPPF and the Municipal Strategic Statement in particular Clause 21.10 Ecologically Sustainable Development; Clause 21.12 Infrastructure; Clause 22.17 Eastern Golf Course Key Redevelopment Site Policy.
- 4.3 The proposed policy will assist in providing certainty to applicants in relation to application requirements for medium to large scale developments in relation to environmental sustainability. The policy is aimed at achieving best practice in environmentally sustainable development from the design stage through to construction and operation.
- 4.4 In addition the policy will provide planning certainty in relation to ESD by addressing the Building Code of Australia energy efficiency requirements at the early stages of the process.

5 CUSTOMER/COMMUNITY IMPACT

- 5.1 All submitters to Amendment GC42 will continue to be kept informed about the status of the amendment as part of the amendment process.

6 COUNCIL PLAN/ MEASURE OF ACHIEVEMENT OF ACTION

- 6.1 The ESD Policy is a specific initiative 4.1 in Council's Strategic Resource Plan 2015/2016 and responds to Strategic Objective 4-planning for where we live in the Council Plan 2013-2017.

7 FINANCIAL RESOURCE IMPLICATIONS

- 7.1 Planning scheme amendments are prepared and administered by the Economic and Environmental Planning Unit.
- 7.2 As noted in Council report on 26 April 2016, undertaking this amendment with Darebin City Council has reduced the overall advertising and Panel costs.

8 SUSTAINABILITY

- 8.1 Darebin and Manningham Councils have been advocates for sustainable development within their respective municipalities.
- 8.2 The Panel report makes reference to recent Tribunal decision, and the fact that the ESD policy is modelled on the joint Councils policies, which includes BESS as an assessment tool and reference document.
- 8.3 The achievement of sustainable development outcomes is likely to result in significant economic, social and environmental benefits. As noted in the EEDAC report and referred to the Panel report for GC42 "*there is a clear need for an integrated planning and building approach to achieve sustainable outcomes.*"

9 REGIONAL/STRATEGIC IMPLICATIONS

- 9.1 Both Councils are participating Councils in the Council Alliance for a Sustainable Built Environment (CASBE) Group. Manningham Council has supported the SDAPP (Sustainable Design Assessment in the Planning Process – the framework which supports BESS framework) and related assessment tools.
- 9.2 The amendment represents the second group of metropolitan Councils proposing to introduce an ESD Policy. The amendment for the first round of Councils was gazetted on 19 November 2015.
- 9.3 The Panel report highlights that, until a statewide approach is adopted, it is appropriate for ESD policies to be included in the local planning policies.

10 CONSULTATION

- 10.1 Darebin and Manningham Councils jointly prepared the public notification of the Amendment.
- 10.2 The Amendment was exhibited between 11 February 2016 and 15 March 2016.
- 10.3 A notice was placed in the Government Gazette on 11 February 2016.

- 10.4 A notice of the Amendment was placed in the Manningham Leader on 8 February 2016.
- 10.5 Amendment documentation was available at the Council office, City of Manningham corporate website and the Your Say Manningham website.
- 10.6 An information session was held at Manningham Council on Thursday 3 March 2016 from 6pm – 8pm at the Manningham Civic Centre. There were no attendees at that session.
- 10.7 In response to the exhibition of the Amendment, a total of 11 submissions were received. Of those submissions:
- 8 supported the Amendment;
 - 1 supported the Amendment with changes (Sustainability Victoria);
 - 1 provided commentary on the Amendment but did not amount to an objection) (Urbis on behalf of Mirvac); and
 - 1 objected to the Amendment (HIA).

11 COMMUNICATIONS STRATEGY

- 11.1 All submitters have been advised that the Panel Report is available and that the matter will be reported to Council. As noted previously, all submitters will continue to be kept informed about the progress of the Amendment.

12 CONCLUSION

- 12.1 The Panel has recommended that Amendment GC42 to the Manningham Planning Scheme should be adopted, subject to a number of minor changes. These include the addition of a 12 month sunset clause in the Manningham Policy in Clause 22.12 Environmentally Sustainable development (See Attachment 2); and amendment of Clause 22.12 to replace reference to *Guide for Best Practice for Waste Management in Multi Unit Developments* (Sustainability Victoria, 2010) with *Improving Resource Recovery in Multi Unit Developments*.
- 12.2 These changes are considered reasonable and appropriate to include in the version of the Amendment adopted by Council for submission to the Minister for Planning for approval.

OFFICER'S RECOMMENDATION

That Council:

- (A) **Notes the content of the Panel report for Amendment GC42 to the Manningham Planning Scheme, as shown in Attachment 1.**
- (B) **Endorses the officers' recommendations in response to the Panel Report for GC42, as outlined in Attachment 2.**
- (C) **Pursuant to section 29 of the *Planning and Environment Act 1987* adopts Amendment GC42 generally in accordance with Attachment 3 and pursuant to Section 35 of that Act requests the Minister for Planning to approve that Amendment.**

MOVED: HAYNES
SECONDED: GALBALLY

That the Recommendation be adopted.

CARRIED

“Refer Attachments”

Attachment 1 – Panel Report – Amendment GC42

Attachment 2 – Summary of Panel’s recommendation and Council officers’ response

Attachment 3 – Amendment GC42 documentation for adoption

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10.3 Heritage Restoration Fund 2016/2017 - Consideration of Applications

Responsible Director: Director Planning & Environment

File No. T16/175

The ultimate destination for this report is: COUNCIL AGENDA

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

SUMMARY

The purpose of this report is for Council to consider applications for funding through Council's Heritage Restoration Fund 2016/2017.

There are two types of funding available. The Heritage Restoration Fund provides the owners of properties listed in the heritage provisions of the Manningham Planning Scheme with the opportunity to apply for a small grant to assist with the maintenance and restoration of significant heritage buildings and other places of interest. The Heritage Restoration Fund (Trees and Gardens) is intended to assist owners of properties with identified significant trees and gardens to undertake appropriate maintenance works or to obtain a suitable water supply to provide for the longevity of the identified tree(s) and/or garden.

Council allocated a total of \$35,000 to the Heritage Restoration Fund and Heritage Restoration Fund (Trees and Gardens) in its 2016/2017 budget. A total of sixteen (16) applications have been received. Of these, nine (9) applications relate to building restoration works and a further seven (7) applications relate to trees and gardens.

Council's Heritage Advisory Committee has considered and made recommendations to Council in relation to these applications for funding. This report recommends that Council endorses allocation of funds as follows:

- *Heritage Restoration Fund: Nine (9) applications supported totalling \$29,722.40; and*
- *Heritage Restoration Fund (Trees and Gardens): Five (5) applications supported totalling \$ 4,728.00.*

1 BACKGROUND

1.1 The Heritage Restoration Fund has now operated successfully for over twenty years. One funding round is held each year. There are two types of funding available:

- The *Heritage Restoration Fund* provides the owners of properties listed in the heritage provisions of the Manningham Planning Scheme with the opportunity to apply for a small grant to assist with the maintenance and restoration of significant heritage buildings and other places of interest.
- The *Heritage Restoration Fund (Trees and Gardens)* is intended to assist owners of identified significant trees and gardens to undertake appropriate maintenance works or to obtain a suitable water supply to provide for the longevity of the identified tree(s) and/or garden.

- 1.2 The owners of all existing heritage places with a Heritage Overlay under the Manningham Planning Scheme and those properties listed in the Vegetation Protection Overlay Schedule 5 (VPO5) were individually notified of the funding round by mail, with advice that this year's funding round would close on 1 July 2016 (Refer to Attachment 1). A copy of Council's 'Heritage Update' newsletter was also supplied to property owners (a total of 418 letters were mailed out).

2 PROPOSAL/ISSUE

- 2.1 A total of nine (9) applications have been received for the Heritage Restoration Fund (building restoration works) compared to (16) applications during 2015/2016. Seven (7) applications have been received for the Heritage Restoration Fund (Trees and Gardens) for 2016/2017 compared to twelve (12) applications in the 2015/2016 financial year.

- 2.2 At its meeting on 13 July 2016, Council's Heritage Advisory Committee (HAC) considered the applications for funding and made recommendations in relation to each application. Projects were assessed in line with Council's Heritage Restoration Fund 2016/2017 Policy and Guidelines (Refer Attachment 1). The Committee supported the allocation of funds to nine (9) of the Heritage Restoration Fund applications and five (5) of the Heritage Restoration Fund (Trees and Gardens) applications.

- 2.3 The applications for funding not supported by the HAC consist of two (2) applications under the Trees and Gardens funding as follows:

23 Old Warrandyte Road, Donvale

- 2.3.1 The application for funding relates to the removal of an elm tree that is likely to cause damage to the house as it is located within a verandah area and 1.5m from the house.
- 2.3.2 The property forms part of the Old Warrandyte Road Heritage Precinct. This precinct has historic significance as an example of orchard area where trees were planted as windbreaks. The aesthetic significance relates to the evocative nature of the cultural landscape, where the rural character is enhanced by the early fences and informal walking tracks. The most dominant characteristic of the precinct is the forest woodland character created by the mature pine trees. The elm tree subject of this proposal does not form part of the woodland character associated with the mature pine trees.
- 2.3.3 Most of the houses in the precinct are well set back and are not a significant visual element. The conservation of the house on the site is not referred in the Heritage Overlay.
- 2.3.4 The allocation for funding was not supported by the HAC as the conservation of the house is not referred to in the citation to the Heritage Overlay. No funding allocation is recommended for the non significant fabric of the house and the likely damage caused by the tree.
- 2.3.5 More particularly, the proposed works do not satisfy the assessment criteria specified in the related Policy and Guidelines, in particular (1); (4).

Winter Park Body Corporate, 141A High Street, Doncaster

- 2.3.6 This retrospective application for funding relates to the pruning of all trees in the common property area.
- 2.3.7 Also part of the Winter Park Estate, the site is of state architectural and historical significance as a pioneer cluster subdivision. It also has aesthetic significance for its outstanding landscape and architectural design qualities, which was designed by Ellis Stones.
- 2.3.8 The works, which were undertaken last year, were not identified as being of an urgent nature, so the proposed funding for the retrospective works is not supported.
- 2.3.9 In accordance with the assessment criteria (2) and the nominated assessment priorities (16), the allocation was not supported by the Committee.
- 2.4 The Heritage Restoration Fund and Policy Guidelines which guide the allocation of the funding, specify that no more than 50% of the total costs of the completed works are eligible for funding and include specific criteria for the assessment of applications. Having regard to the criteria, the HAC has recommended that nine (9) applications relating to conservation work be supported for up to 50% of the total cost of the works (refer to Attachment 2). The criteria used in allocating funding relate to matters such as the nature of the works, the heritage significance of the place, the materials proposed, the urgency of works and the demonstrated hardship arising from the conservation works.
- 2.5 With regard to the applications received under the Heritage Restoration Fund (Trees and Gardens), the Committee has recommended five (5) applications for funding of 50% of the total cost of the works (refer to Attachment 3).
- 2.6 A summary of the assessments for building and works is provided below:

29 Edwin Road, Templestowe

- 2.6.1 The site is significant for its former dairy buildings. They are rare surviving evidence of farming activities in a now suburban area.
- 2.6.2 The proposal meets the assessment criteria (1) due to the local and aesthetic significance; (2) as it is of an urgent nature and (3) as proposed works being carried out will be under the guidance of Council's Heritage Advisor.
- 2.6.3 Even though previous funding was allocated last year towards tree protection and the works as part of this application have commenced at the time of the HAC recommendation, the proposed works are considered appropriate as they are consistent with conservation principles and the significance of the site.

Warrandyte Primary School

- 2.6.4 The school located in Forbes Street is of local significance. Council's Heritage Advisor has indicated that the school shelter, erected in 1925 is significant for its picturesque appearance and as a unique and intact example of a school shelter in the municipality. Council's Heritage Advisor further indicated that of the 100 or more

heritage listed schools in Victoria, there are only about 14 surviving shelter sheds.

- 2.6.5 As the property is owned by the State Government, possible allocation of funding is dependent on whether there is surplus funding available.
- 2.6.6 As this year's round includes the maximum allocation of 50% for all eligible applications, the proposed works satisfy the criteria for allocation. Of particular relevance is the fact that the school and the proposed works to the historic shelter are highly visible. The extent of public access is identified as an assessment priority in the Policy and Guidelines.

23 Hemingway Avenue, Templestowe

- 2.6.7 The property is of regional historical significance as an early building associated with Richard Serpell, one of pioneering orchardists in the area. The property comprises a reduced allotment around a brick Italianate house built in 1875 for the Serpell family. It was later occupied by the Jenkins family who constructed a rear extension in the 1920s. The verandah has a cast iron post, a lace valance and brackets (the verandah was added after 1883).
- 2.6.8 The application for funding relates to a proposal to restore the external verandah by replacing all floorboards, columns and restoring the roof.
- 2.6.9 Council's HAC considered that the grant application should cover the repair of the existing historic verandah on the north and east side of the house but not the cost of building the new verandah on the south side of the building.
- 2.6.10 The repair and replacement works are being supervised by a conservation consultant. The quotes submitted and further information provided by the applicant confirmed that the application is for carpentry work only and the verandah reconstruction will be carried out with the correct replacement of missing/damaged columns. The cast iron frieze and curved roofing to be funded separately by the owner.
- 2.6.11 Despite the previous allocation of funding to this property in last year's round, the significance of the property, the type and urgency of the works, the importance of the restoration project and the visibility of the property were considered the Committee to justify allocation of funding.

54-52 Knees Road Park, Orchards

- 2.6.12 This building is of social and historical significance with associations with Camp Pell as a World War II Army Chapel.
- 2.6.13 The proposal meets the eligibility criteria, primarily (1), (5) and (11).

28 Rosco Drive, Templestowe

- 2.6.14 The property is one of the cited project houses with particular significance for their energy conservation characteristics. No 28. is of regional architectural significance.
- 2.6.15 The proposed works will be consistent with the assessment criteria (1), (3); and (5).

42 Melbourne Hill Road, Warrandyte

- 2.6.16 The property is the former AH Snellman House.
- 2.6.17 This timber house is of aesthetic and architectural significance as a representative example of John Reid's architectural work in Warrandyte. The garden is specifically referred to in the citation as a garden terraced extensively with bluestone ashlar embankments.
- 2.6.18 The proposal relates to the repair of the retaining wall along the driveway. The allocation is supported on the basis of criteria (5), (6) and (13).

23 Old Warrandyte Road, Donvale

- 2.6.19 As noted in paragraph 2.3.1, the most dominant characteristic of the precinct is the forest woodland character created by the mature pine trees.
- 2.6.20 Most of the houses in the precinct are well set back and are not a significant visual element.
- 2.6.21 The funding application seeks assistance to repair and construct the fence, to replace the driveway damaged by tree roots and to cut the stump of an elm tree inside the decking.
- 2.6.22 The repairs to the existing fence are not supported as they constitute replacement with a new fence. The existing fence is significant and should be repaired to the same details. The owner can seek heritage advice as to who is an expert in traditional post and rail fencing.
- 2.6.23 The repairs to the driveway are supported as they meet the assessment criteria (1), (5) and (13).

243-245 Tindals Road, Warrandyte

- 2.6.24 This property is of local significance as an intact building complex, comprising the house, garden and outbuilding, and for its associations with part of the Aumann family orchardists. The proposed works involve the replacement of weatherboards to the laundry and bathroom, and replacement of the corrugated iron roof. The repairs require urgent attention.
- 2.6.25 Although funding has been allocated in the previous year's round to restore the roof, the proposed works are consistent with the assessment criteria due to the significance of the site, the type and urgency of the work required, and the inclusion of the property in the Heritage Overlay.

141A High Street, Doncaster

- 2.6.26 The proposed works consist of retrospective works to the pergola.
- 2.6.27 The site is of State architectural and historical significance as a pioneer cluster subdivision, and is of aesthetic significance for its outstanding landscape and architectural design qualities.
- 2.6.28 The proposed works are consistent with the assessment criteria (1), (2) and (12). Funding was allocated to Winter Park in the 2015/2016 round relating to Trees and Gardens. The Committee supports the allocation of funding taking into account the significance of the heritage property; the urgency of the works and the sympathetic works being carried out.
- 2.7 The assessment for Trees and Gardens applications is as follows:

10 Dehnert Street, East Doncaster

- 2.7.1 The property is of local significance as a remaining orchard house, now within a suburban street.
- 2.7.2 The *Manningham Heritage Garden and Significant Tree Study* identifies the cedrus deodar as a tree of local significance for its aesthetic value and connection with the house. The proposal to prune the cedar tree is supported by the Committee.

10 Timber Ridge, Doncaster

- 2.7.3 The proposal relates to rebuilding a blue stone retaining wall.
- 2.7.4 The site is of State architectural and historical significance as a pioneer cluster subdivision, and aesthetic significance for its outstanding landscape and architectural design qualities. The landscape was designed by Ellis Stones.
- 2.7.5 The original retaining wall section has been damaged by tree roots.
- 2.7.6 The allocation is supported on the basis that the proposed works meet the assessment criteria (1), (2), (4) and (5). The funding allocated last year, although it related to the Winter Park Estate Body Corporate area, related to 137-149 High Street, a different section of the Park.

Milgate Park Landscape Drive, Doncaster East

- 2.7.7 The Milgate Park development is of State significance as a rare demonstration of the Radburn traffic separation idea and also because it comprises a very extensive parkland.
- 2.7.8 Although funding has been provided in previous years, due to the extensive area in the property, the proposed treatment is in a different stage and it relates to treatment of approximately 140 elm trees in the common area.
- 2.7.9 The proposed works satisfy the assessment criteria (1), (2) and (4).

243-245 Tindals Road, Warrandyte

- 2.7.10 The property is of local significance as an intact building complex, with associations to the Aumann family orchardists.
- 2.7.11 The cypress hedge is identified in the heritage citation. The pruning of the hedge is supported as it meets the criteria for assessment.

232 Greenslopes Drive, Templestowe Lower

- 2.7.12 The house and garden are both designed by Meg Henderson and are of local and aesthetic significance, and also of potential State significance, as an example innovative architecture in the post war period by a female architect.
 - 2.7.13 The current owner is also the original designer and confirmed that the tree seedlings are not part of the original garden design and are restricting views to the house.
 - 2.7.14 The proposal meets the assessment criteria (1), (2) and (11).
- 2.8 The proposed allocation of funds amounts to a total of \$34,450.40, made up of \$29,722.40 under the *Heritage Restoration Fund* and \$4,728.00 under the *Heritage Restoration Fund (Trees and Gardens)*.
 - 2.9 As noted in earlier reports, Council has previously agreed to share the cost of any applications for planning permits associated with the proposed works. The allocation towards the cost of a planning permit should be 50% of the cost of the application and is applied through a 50% reduction in the cost of the planning permit application fee.

3 PRIORITY/TIMING

- 3.1 Applicants will be notified of the outcome of the funding allocation within a week of Council's resolution in order to enable the completion of works and claiming of funds within the current financial year.

4 POLICY/PRECEDENT IMPLICATIONS

- 4.1 The Committee's recommendations in relation to the applications for funding have been made in accordance with the Heritage Restoration Fund 2016-2017 Policy and Guidelines (refer Attachment 1).

5 CUSTOMER/COMMUNITY IMPACT

- 5.1 The funding will assist owners of heritage places to restore original features of their heritage places and owners of significant trees and gardens to undertake appropriate maintenance works or to obtain a suitable water supply, thereby maintaining the cultural and aesthetic values of the place and enjoyment it brings to the owners and wider community for years to come.

6 FINANCIAL RESOURCE IMPLICATIONS

- 6.1 Council allocated a total of \$35,000 to the Heritage Restoration Fund and Heritage Restoration Fund (Trees and Gardens) in the 2016/2017 financial year. The Committee recommends that the full amount be allocated as part of this round.

- 6.2 Where works are not completed in their entirety, or where works are completed for an amount less than that specified on the application form, a smaller grant may be paid than that allocated. Where the total cost of the works is less than 50% of the funds allocated, the total amount claimed may only be for up to 50% of the actual total cost of the works.
- 6.3 In accordance with Council's decision on 27 September 2011, the Guidelines provide for instances where any residual funds are available. The Guidelines enable new late applications or additional works for approved applications to be considered for funds at a later stage.

7 SUSTAINABILITY

- 7.1 The Heritage Restoration Fund has positive social, environmental and economic benefits. The grants program provides financial incentives for property owners to undertake appropriate conservation works.

8 CONSULTATION

- 8.1 The owners of all existing heritage places listed in the Heritage Overlay and those properties listed in the Vegetation Protection Overlay Schedule 5 (VPO5) were individually notified of the funding round by mail.
- 8.2 The Heritage Advisory Committee has considered the applications for funding and has made the recommendations referred to in this report to Council.

9 COMMUNICATIONS STRATEGY

- 9.1 All applicants seeking funding as part of the 2016/2017 *Heritage Restoration Fund* and *Heritage Restoration Fund (Trees and Gardens)* will be notified of the outcome of their applications.

10 CONCLUSION

- 10.1 The 2016/2017 Heritage Restoration fund closed on 1 July 2016. In accordance with the Heritage Restoration Policy Guidelines, Council's Heritage Advisory Committee has considered the applications for funding and has made recommendations to Council regarding the allocation of all the available funds as shown in Attachments 2 and 3.

OFFICER'S RECOMMENDATION

That Council:

- (A) **Notes the recommendations of the Heritage Advisory Committee in relation to the 2016/2017 applications for funding under the *Heritage Restoration Fund* and the *Heritage Restoration Fund (Trees and Gardens)* as shown in Attachments 2 and 3;**
- (B) **Endorses allocation of funding for the 2016/2017 Heritage Restoration Fund as follows:**
- a) ***Heritage Restoration Fund*: Nine (9) applications totalling \$29,722.40 (refer Attachment 2);**

- b) ***Heritage Restoration Fund (Trees and Gardens): Five (5) applications totalling \$4,728.00 (refer Attachment 3); and***
- c) **Notes that no changes are proposed to the Heritage Restoration Fund 2016/2017 Policy and Guidelines and these will be used for the 2017/2018 funding round (Refer Attachment 1).**

MOVED: GALBALLY
SECONDED: KLEINERT

That the Recommendation be adopted.

CARRIED

Attachment 1: Heritage Restoration Fund 2016/2017 Policy and Guidelines

Attachment 2: 2016/2017 Applications for Funding under the Heritage Restoration Fund

Attachment 3: 2016/2017 Applications for Funding under the *Heritage Restoration Fund (Trees and Gardens)*

* * * * *

10.4 Draft Lawford Reserve Plan - Consideration of Submissions

Responsible Director: Director Planning & Environment

File No. T16/163

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 during public consultation on the draft Lawford Reserve Plan.

In 2015, local resident and wider community input was sought into future planning for the Reserve and a draft Plan was subsequently prepared taking into consideration the community feedback received.

The draft Plan proposed major earthworks to create more useable areas, shared paths, secondary paths, a new district playspace, paved multiuse space, public toilets, picnic and barbecue facilities, shelter, public art, signage, landscape development and other open space improvements.

The draft Plan was on exhibition from 6 May and 14 June 2016, and 22 submissions were received during that time. Responses were a mixture of general support, objections to specific elements and requests for additional features to be included.

This report recommends Council's endorsement of the draft Lawford Reserve Plan with the changes listed in Attachment 2.

Implementation of the Plan is proposed to take place over a number of financial years after its endorsement by Council, commencing with the major earthworks and shared path connection to ensure the physical linking of Lawford Reserve with the public open space planned for the Tullamore Estate.

1 BACKGROUND

- 1.1 Lawford Reserve is located on the eastern side of former Eastern Golf Course (now the Tullamore Estate) just outside the Doncaster Hill precinct and is surrounded by medium density housing. It has been identified in the *Doncaster Hill Strategy* (2002) and *Doncaster Hill Urban Master Plan* (2003) as an important focus for the provision of informal recreation opportunities for Doncaster Hill's future residents.
- 1.2 This large reserve (2.1 hectares) currently connects to four residential streets and is also used by local residents as a thoroughfare to Williamsons Road and Westfield Doncaster. The Reserve also has a drainage function and works have been carried out in the gully area over the years to improve local drainage.
- 1.3 Major upgrading of Lawford Reserve has been previously endorsed by Council through specific recommendations in the *Doncaster Hill Strategy* (2002; revised 2004), *Doncaster Hill Urban Masterplan* (2003), *Doncaster Hill Public Art Masterplan* (2003), *Manningham Open Space Strategy* (2014),

Manningham Bicycle Strategy (2013) and the endorsed plans for the Tullamore Estate development.

- 1.4 Lawford Reserve is a large reserve, but as its usage increases in association with the development of the Tullamore Estate and Doncaster Hill, further open space facilities are needed.
- 1.5 Facilities currently include a play space (2-7 years), basketball ring, cricket pitch, seating, drinking fountains and an extensive path network. Recommendations for Lawford Reserve from the *Doncaster Hill Urban Masterplan* (2003) include further play and picnic facilities, more space for ball games, skateable areas, a dog park, public toilets and public art.
- 1.6 As it abuts the Tullamore Estate, Lawford Reserve will also have further linkages when that site is redeveloped. The east-west gully which dissects the Reserve continues through Tullamore and will become an important linear park including shared paths and recreation facilities.
- 1.7 20% of the Tullamore Estate will become public open space but the primary function of the majority of that space is to protect trees and significant bushland, and to provide for local play and informal recreation. Consequently, the additional 2,500+ residents that will live on the site will also use adjoining existing Council open space, particularly Lawford Reserve, for some of their recreation needs.
- 1.8 The projected public use of Lawford Reserve will now be higher than that anticipated in the *Doncaster Hill Strategy* (2004). The Tullamore Estate Development Plan also includes a shared path connection through Lawford Reserve joining the Tullamore Estate to Westfield Doncaster.
- 1.9 Mirvac's Tullamore Estate development at the former Eastern Golf Course site has commenced construction, with the southern portion of the future Council open space within Tullamore (continuous with Lawford Reserve) to be completed in early 2017. Accordingly, it is imperative that Lawford Reserve be planned for and the initial capital improvements undertaken at the same time, in order that the new open space can be properly integrated with Lawford Reserve.
- 1.10 \$375,000 has been allocated in the 2016/17 capital works budget to commence works at Lawford Reserve.
- 1.11 The development of Doncaster Hill open space (and the purchase of additional open space) is funded through open space developer contributions. Over the last five years, an average of \$460,000 per annum has been received for the purchase and development of Doncaster Hill open space. The development of Lawford Reserve will be fully funded from developer contributions.
- 1.12 Planning for the Reserve has commenced, and community input has been sought at two stages as part of this process.
- 1.13 Initial community input was sought between 18 September and 23 October 2015, via:
 - A flyer posted to over 1100 households surrounding the Reserve
 - Flyers distributed to visitors to MC² civic plaza as part of the launch of the Plaza Park project
 - On site signage

- Council's website
- Social media
- YMCA youth services contacts
- An onsite community drop in session on Saturday 10 October.

1.14 The numbers of responses were as follows:

- 122 visits to the web page
- 14 online surveys completed
- Six contributions to the four online forum topics
- 22 attendees at the drop in session
- Five visits to the Council offices in person
- Seven letters and emails
- Four phone conversations

1.15 Those interested were invited to complete a short survey to identify their priorities for Lawford Reserve, specifically in relation to the five general, play space and multipurpose space elements (from a suggestion list with an option to specify Other) that they would like to see in Lawford Reserve.

1.16 The most popular requests for the Reserve were:

Seating areas	18
More canopy trees	15
Multiuse: Basketball half court	13
Play: Natural landscapes	11
More planting beds	10
Lighting	10
Toilet facilities	10
Play: Swings	10
Formal tree planting	9
Picnic areas (e.g. shelters and barbecue facilities)	8

At the same time, some objections or concerns were raised as follows:

Toilet facilities	6
Multiuse: Skateable elements	5
Public art	5
Barbecue	2
Car parking	1
Sandpits	1
Mass shrub planting will result in encouraging drug use	1
Lighting	1
Noise	1
Littering	

1.17 Several elements received mixed responses:

	For	Against
Toilet facilities	10	6
Lighting	10	1
Barbecue	8	2
Car parking	6	1
Multiuse: Skate	3	5
Play: Sand	3	1
Public art	3	5

1.18 A draft plan was prepared, incorporating popular elements listed in 1.17 above. Items in 1.18 with more support than concerns were also included.

1.19 Two items (skateable space and public art) had more negative responses than positive (three 'fors' and five 'againsts' each). In consultation with Council's Cultural Services Executive Officer, the public art component was not included in the draft Plan in favour of the incorporation of some quality design elements. Given the low response rate to initial feedback and the reasons below, the skateable space was retained in the draft Plan for the following reasons:

- This site has been earmarked as an appropriate location for skate provision in the *Doncaster Hill Urban Masterplan* since 2002.
- Locations near activity centres and public transport are strategically desirable for skate facilities.
- Young people are legitimate users of public open space and it is appropriate to provide for them.
- Paved areas, such as 'urban' themed skateable spaces, are also valuable facilities for other recreational uses such as ball play, scooters and learning to ride for all ages.
- Lawford Reserve is a large reserve and the skateable area will represent less than 2% of the area. Any change in character and use will be localised.

1.20 Council endorsed the draft Plan for public exhibition on 26 April 2016, for the period 6 May – 6 June. The consultation period was subsequently extended until 14 June, resulting in a total consultation period of nearly 6 weeks.

2 PROPOSAL/ISSUE

2.1 Council sought community feedback on the draft Plan for Lawford Reserve between 6 May and 14 June 2016. This was publicised to the community via:

- A flyer posted to over 1100 households surrounding the Reserve
- On site signage
- Council's website
- Social media
- YMCA youth services contacts

The flyer, incorporating the draft Plan, is included as Attachment 1.

2.2 Feedback was received from 22 parties as follows:

- On-line survey (16)
- Post (3)
- Email (1)
- Phone conversations (2)

This represents a 2% response rate to the posted flyers.

2.3 Submissions and officer responses are detailed in Attachment 2, and are summarised as follows:

- Six respondents have expressed objections to the plan overall, citing overdevelopment related to elements such as toilets, barbecue, and/or skate facilities.
- Four respondents have expressed concerns regarding the provision of one or two specific elements, but were otherwise supportive or silent on the rest of the Plan. Concerns are as follows:
 - toilets
 - lemon scented gums, and bicycles on shared paths
 - provision of paved multiuse space
 - location of paved multiuse space (relocate to eastern end).
- Eight respondents have expressed general support for the design.
- Eight respondents (including three supporters and one objector) have requested additional recreational facilities or specific design of proposed elements, as follows:
 - netball ring
 - fitness equipment
 - skate area (exclusive not multiuse area requested)
 - skate area (provide skate bowl along length of existing gully)
 - skate area (please ensure at least as large as Bulleen Bowl)
 - indoor walking facilities
 - cinema stage and function events centre
 - water feature.

2.4 The key issues raised by submitters related to the provision of toilets, picnic shelters, barbecues and skate facilities.

2.5 The draft Plan proposes new public toilets facilities with accessible connecting paths at the eastern end of the Reserve close to the parking area on Lawford Street.

2.6 Toilet facilities were supported by the majority of respondents during the initial consultation phase. They are particularly needed for our oldest and youngest residents and to enable local park users who live further from the park to stay longer. They are also appropriate in a district level reserve. The detailed design will follow *Crime Prevention Through Environmental Design* principle and Council will also liaise with local police on design. The toilets will be locked overnight.

2.7 The draft Plan proposes provision for a barbecue, picnic shelter, seating walls and picnic settings in the south east corner of the Reserve. Picnic

shelters and barbecues were also supported by the majority of respondents during the initial consultation. They are considered appropriate in a reserve of this size, especially in an area with high numbers of apartments where residents will have limited private open space. Despite some locals feeling this is a small reserve, it is some 21,000m², more than ten times the area Council seeks for a viable neighbourhood park, and is classified as a District Reserve. Additional facilities are provided where possible as they encourage increased use of reserves, with health and wellbeing benefits for the Manningham community. The population of the area is also forecast to increase along with usage of the park and provision of these facilities is proposed to ensure that the Reserve can provide opportunities for all who wish to use it.

- 2.8 Views in relation to the provision of skate facilities varied from opposition to dissatisfaction with the small size of the facility. The draft Plan proposes a new paved multiuse space with skateable elements, scooter and bike play area and rebound area for ball play in the middle of the Reserve towards slightly towards its western end. It is not proposed to provide a skateable space the scale of that at Bulleen. In order to complement the Warrandyte and Bulleen skate parks, this space will have a different, urban character, and it is estimated that it will be approximately 300m², though this area will adjoin the basketball half court.
- 2.9 In response to community feedback, the following changes to the Plan are proposed:
1. Annotation to indicate provision of bins.
 2. Inclusion of a netball ring at the basketball half court.
 3. Annotation to indicate provision of sensory planting around the play area.
 4. Annotation to indicate provision of drinking fountains, including dog water bowls.
 5. Annotation to indicate time restrictions for the proposed car park.
 6. Annotation to indicate inclusion of goal posts.

3 PRIORITY/TIMING

- 3.1 Mirvac's Tullamore Estate development at the former Eastern Golf Course site has commenced construction, with the southern portion of the future Council open space within Tullamore (continuous with Lawford Reserve) to be completed in early 2017.
- 3.2 \$375,000 has been allocated in the current capital works budget to commence works at Lawford Reserve, to link with these works.

4 POLICY/PRECEDENT IMPLICATIONS

- 4.1 A major upgrade of Lawford Reserve has previously been endorsed by Council through specific recommendations in *Doncaster Hill Strategy* (2002; revised 2004), *Doncaster Hill Urban Masterplan* (2003), *Doncaster Hill Public Art Masterplan* (2003), *Manningham Open Space Strategy* (2014), *Manningham Bicycle Strategy* (2013) and the endorsed plans for the Tullamore Estate development.

5 BEST VALUE

- 5.1 This project aligns to the Best Value provisions in sections 208(A) to (J) of the *Local Government Act 1989* as follows:
- 5.2 *Services being responsive to the needs of the community:*
- 5.2.1 The major upgrade to Lawford Reserve is required to meet the additional local population growth through both the Doncaster Hill residential development and the Tullamore development. It will deliver community expectations from the various strategies and plans for Doncaster Hill and Tullamore.
- 5.2.2 The upgrade is a specific response to the changing local demographics and planning for recreation and open space needs in higher density areas.
- 5.2.3 Quality facilities in open space are critical to community health and wellbeing, and are regularly used as places to socialise and connect with neighbours and the wider community. With the future development of this area of Doncaster Hill and Tullamore, Lawford Reserve has the potential to become one of the most highly used local parks in Manningham and, given the connection to Westfield Doncaster, a community meeting point.
- 5.3 *Services being accessible to those for whom they are intended:*
- 5.3.1 Lawford Reserve is a district level reserve and is well serviced by public transport on nearby major roads.
- 5.3.2 The upgrade includes provision of disabled parking and an accessible toilet, which will increase opportunities for people with disabilities and mobility issues to benefit from outdoor recreation.
- 5.4 *Regular consultation with the community on the services provided:*
- 5.4.1 The extent of consultation associated with the preliminary stages of development of this plan was increased due the size and strategic significance of this Reserve. Prior to preparation of a draft plan, the community was asked for feedback around the recommendations of the relevant strategies, and their views regarding the Reserve.
- 5.4.2 A second round of consultation has now been completed, and informs this report.
- 5.5 *Quality and Cost of Services:*
- 5.5.1 The development of Doncaster Hill open space (and the purchase of additional open space) is funded through open space developer contributions. Over the last five years, an average of \$460,000 per annum has been received for the purchase and development of

Doncaster Hill open space, with contributions in 2015/16 being significantly higher and they will also be significantly higher in 2016/17. The development of Lawford Reserve will be fully funded from developer contributions.

6 CUSTOMER/COMMUNITY IMPACT

- 6.1 The upgrade to Lawford Reserve will not only provide for local residents but, together with the Tullamore Estate open space, will provide an important linkage to a much broader catchment.
- 6.2 Through the initial consultation phase, several long-term residents have expressed concern in relation to any change to the character of the park, and more specifically the impact of any facilities for skaters or young people.
- 6.3 The most common concerns raised during the initial community consultation were regarding the provision of public toilets, skateable spaces and public art. Council officers consider it is important to include the provision of toilets and skate facilities in the plan, but public art was not included in the draft Plan based on resident feedback.
- 6.4 Visitors to the reserve will be temporarily inconvenienced during the construction phase.

7 FINANCIAL RESOURCE IMPLICATIONS

- 7.1 An initial estimate of the total cost of implementing the Plan is \$1,165,000. The draft *Indicative 10 Year Capital Works Program* includes expenditure in relation to Lawford Reserve as \$375,000 in 2016/2017 and \$395,000 in both 2017/2018 and 2018/2019.
- 7.2 The capital works business case will be updated when the final plan is endorsed by Council.

8 SUSTAINABILITY

- 8.1 Lawford Reserve, as does the adjoining Tullamore Estate open space, contains a major gully and overland flow path that will be integrated into the landscape design of the open space.
- 8.2 Where possible, products and materials will be selected with consideration for environmental impacts and embodied energy.
- 8.3 The upgrade of Lawford Reserve will be critical to the social sustainability of this rapidly changing urban area.
- 8.4 The works will be fully funded from developer open space contributions.

9 REGIONAL/STRATEGIC IMPLICATIONS

- 9.1 The major upgrade of Lawford Reserve has been endorsed by Council through specific recommendations in the *Doncaster Hill Urban Masterplan*, *Doncaster Hill Public Art Masterplan (2003)*, *Manningham Open Space Strategy (2014)*, *Manningham Bicycle Strategy (2013)* and the endorsed plans for the Tullamore Estate development.
- 9.2 The *Doncaster Hill Urban Masterplan* states: 'It is highly desirable that each of the four residential quadrants formed by the main intersection on Doncaster Hill has ready access to a high quality green urban park in near proximity, which is strongly linked with the surrounding area. It is intended

that the urban parks be developed as tranquil, treed, predominantly green open spaces which offer quality play opportunities, sheltered seating and other forms of passive recreation in well lit, safe environments.'

10 CONSULTATION

- 10.1 The preliminary consultation, during which the community was invited to suggest ideas for elements to be included in the Reserve, ran from 18 September to 23 October 2015. Contributions were made via 14 online surveys, six contributions to online forums, seven letters and emails, four phone conversations, five conversations in person, and 22 attendees to the onsite drop in session.
- 10.2 The second round of consultation was conducted between 6 May and 14 June 2016 to seek feedback on the draft Plan for the Reserve. Twenty-two (22) submissions have been received.

11 COMMUNICATIONS STRATEGY

- 11.1 Residents who have indicated they wish to be kept informed will be advised of the outcome of the Council meeting via email or post.
- 11.2 On-site signage will provide information regarding the nature and timing of any construction works.

12 CONCLUSION

- 12.1 The timely upgrading of Lawford Reserve is important in responding to the recreation and open space needs of existing and future residents in both Doncaster Hill and the Tullamore Estate.
- 12.2 Community feedback has been modest and only minor amendments to draft are proposed in finalisation of the Plan.
- 12.3 Implementation of the Plan will commence this financial year and is likely to include earthworks, upgraded and new paths and terracing, subject to costings.

OFFICER'S RECOMMENDATION

That Council:

- (A) Notes the submissions received to the Draft Lawford Reserve Plan.**
- (B) Endorses the Lawford Reserve Plan (refer Attachment 3) with the following changes to the draft Plan:**
- 1. Annotation to indicate provision of bins.**
 - 2. Inclusion of a netball ring at the basketball half court.**
 - 3. Annotation to indicate provision of sensory planting around the play area.**
 - 4. Annotation to indicate provision of drinking fountains, including dog water bowls.**
 - 5. Annotation to indicate time restrictions for the proposed car park.**
 - 6. Annotation to indicate inclusion of goal posts.**

MOVED: O'BRIEN
SECONDED: HAYNES

That the Recommendation be adopted.

CARRIED

"Refer Attachments"

Attachment 1 – Draft Lawford Reserve Plan Flyer

Attachment 2 – Summary of Submissions

Attachment 3 – Lawford Reserve Plan, indicating proposed changes

* * * * *

10.5 Protecting the Yarra River (Birrarung) Discussion Paper - Council Response

Responsible Director: Director Planning & Environment

File No. T16/167

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 provide a Council endorsed response to the Protecting the Yarra River (Birrarung) Discussion Paper (Discussion Paper) developed by the Yarra River Protection Ministerial Advisory Committee (Yarra MAC). Refer to Attachment 1.

The Discussion Paper was released in July 2016 to promote community discussion about opportunities to improve the oversight and management of the Yarra River. It was developed through consultation with a Reference Group and key stakeholders about the most important issues and opportunities that need to be addressed.

The Yarra MAC was established in December 2015 to assess the effectiveness of current governance arrangements for protecting the Yarra River from its source in the headwaters above the Upper Yarra Reservoir to Port Phillip Bay. It is to provide its advice to the State Government by the end of 2016 and as part of the adopted approach is seeking submissions on the Protecting the Yarra River (Birrarung) Discussion Paper.

In structuring a response on behalf of Council (refer to Attachment 2), officers have focussed on the ten (10) questions that the Yarra MAC has specifically sought feedback on, as identified in Section 1.3 Have your say of the Discussion Paper. The response has been prepared with input from a range of Council service units including Environment, Recreation, Strategic Projects, Economic Development and Tourism.

The key matters addressed in the response include:

- *Querying what the gaps are that need to be addressed as part of a new governance structure to manage the Yarra;*
- *The lack of clarity in relation to any new management approach;*
- *The need for Bipartisan approach in any new management approach;*
- *Funding and grant implications;*
- *Reinforcing the local Manningham objectives for accessibility and protection of the Yarra within the context of the entire length of the River; and*
- *The importance of balancing and unlocking environmental, recreation, economic and tourism opportunities.*

Due to timing constraints, a Council resolution to support the Council officer response was not achievable prior to the due date for submissions and a draft Council officer response was forwarded to Yarra MAC on 5 August 2016, being the due date for submissions.

It is recommended that Council endorses the attached response and forwards the final version to the Yarra MAC. Note that additional comments are highlighted in blue and draw attention to:

- *Querying what the gaps are that need to be addressed as part of a new governance structure to manage the Yarra;*
- *The lack of clarity in relation to any new management approach;*
- *The need for Bipartisan approach in any new management approach;*
- *Funding and grant implications;*
- *Reinforcing the local Manningham objectives for accessibility and protection of the Yarra within the context of the entire length of the River;*
- *The importance of managing visual and amenity impacts of built form;*
- *Ensuring formal enforcement frameworks reflect sufficient powers in relation to managing pollution, litter and breaches of planning controls;*
- *The importance of balancing and unlocking environmental, recreation, economic and tourism opportunities;*
- *A stronger commitment to purchasing land identified by public acquisition overlays to provide additional recreation and linkage opportunities; and*
- *The inconsistency in referencing the character of different sections of the river.*

1 BACKGROUND

- 1.1 The Victorian Government has committed to protecting the Yarra River's amenity and significance by proposing to introduce legislation, stronger planning controls and a trust or similar entity. Before preparing new legislation to protect the Yarra River, the government established the Yarra River Protection Ministerial Advisory Committee (Yarra MAC) in 2015, to assess the effectiveness of current governance issues and to provide independent advice to the State Government about improving governance arrangements for protecting the Yarra River.
- 1.2 In July 2016 the Yarra MAC released a Discussion Paper on Protecting the Yarra River (Birrarung). This Paper highlights the concern that the current institutional and regulatory arrangements leave the river vulnerable to the increasing pressures of urban development and cannot deliver on the community's expectations for a healthy river, that can sustain the demands of a population that seek greater use and enjoyment of the river environment.
- 1.3 The Discussion Paper identifies a range of key issues and opportunities that have been developed through consultation with a Reference Group (comprising representatives from 11 councils, Melbourne Water, Parks Victoria and the Environment Protection Authority) and key stakeholders and has been divided into five (5) sections:
 1. Introduction
 2. Stewardship over time
 - Role of Aboriginal and European settlement

- Investment and regulation to date
3. The Yarra River today
 - Significance
 4. The case for change
 5. A new management tool
- 1.4 It should also be noted that consultation on the Discussion Paper is occurring in parallel with a range of other processes and projects associated with the protection of the Yarra River. This includes the review and preparation of new planning controls that Manningham officers are also involved with.

2 PROPOSAL/ISSUE

- 2.1 Council officers have prepared a submission (refer to Attachment 2) in response to matters addressed in the Discussion Paper, as well as identifying other key issues for the Yarra River MAC's consideration.
- 2.2 Whilst the Discussion Paper seeks views from the community and other stakeholders on key matters of local significance, it is acknowledged that it is primarily a high level document aimed at seeking views on an appropriate management model that will provide consistent and constructive outcomes in the protection of the entire length of the Yarra River.
- 2.3 It is noted that the Discussion Paper does not present a specific management structure(s) for consideration, but rather is seeking feedback on what the key considerations should be in developing an appropriate management model.
- 2.4 In structuring a response on behalf of Council, officers have focussed on the ten (10) questions that the Yarra MAC has specifically sought feedback on, as identified in Section 1.3 Have your say of the Discussion Paper. The response has been prepared with input from a number of Council service areas including Environment, Recreation, Strategic Projects and Economic Development and Planning.
- 2.5 The key matters addressed in the submission include:
- Querying what the gaps are that need to be addressed as part of a new governance structure to manage the Yarra;
 - The lack of clarity in relation to any new management approach;
 - The need for Bipartisan approach in any new management approach;
 - Funding and grant implications;
 - Reinforcing the local Manningham objectives for accessibility and protection of the Yarra within the context of the entire length of the River;
 - The importance of managing visual and amenity impacts of built form;
 - Ensuring formal enforcement frameworks reflect sufficient powers in relation to managing pollution, litter and breaches of planning controls;
 - The importance of balancing and unlocking environmental, recreation, economic and tourism opportunities;

- A stronger commitment to purchasing land identified by public acquisition overlays to provide additional recreation and linkage opportunities; and
- The inconsistency in referencing the character of different sections of the river.

3 PRIORITY/TIMING

- 3.1 The Yarra MAC has outlined the following Discussion Paper, project timelines:
- Release of Discussion Paper – July 2016;
 - Public and targeted consultation – July 2016;
 - Deliberation of feedback from community and key stakeholders – August 2016; and
 - Yarra MAC to provide advice to the State Government – late 2016.
- 3.2 Submissions on the Discussion Paper were due on 5 August 2016.
- 3.3 A draft Officer response to the Discussion Paper, on behalf of Council, was submitted by the due date of 5 August 2016, with advice that a formal response would be provided following Council's consideration of the Officer response at its meeting on 30 August 2016.

4 POLICY/PRECEDENT IMPLICATIONS

- 4.1 Protection of the Yarra River was recently identified in the State Planning Policy Framework (SPPF) at Clause 12.05-2 Yarra River Protection. This was introduced into the Manningham Planning Scheme in December 2015.
- 4.2 The aim of the contributions to the Yarra MAC's work is to ensure that future generations have the opportunity to enjoy the river's many values by strengthening management arrangements and ensuring a strong community voice in governance and oversight of the river.
- 4.3 This is in part to be achieved by establishing a shared vision and a consistent application of standards and regulations.
- 4.4 It is also anticipated that the planning controls applying to land along the Yarra River will be updated via a Ministerial Amendment to ensure that there is a consistent approach to the management of built form, vegetation and environmental values along the entire corridor between Richmond and Warrandyte. This will be completed as part of a separate but parallel process, involving six (6) councils, including Manningham.

5 CUSTOMER/COMMUNITY IMPACT

- 5.1 It is considered that the Victorian Government's commitment to protect the Yarra River's amenity and significance by introducing legislation, stronger planning controls and a Trust (or similar entity) will ensure that this valuable asset is protected for the benefit and enjoyment of future generations. Changes to better protect the Yarra River will result in positive outcomes for the long term enjoyment and protection of the Yarra River.

6 FINANCIAL RESOURCE IMPLICATIONS

- 6.1 Preparation of the submission in response to the Discussion Paper has been prepared utilising existing resources within Council.

7 SUSTAINABILITY

- 7.1 The primary aim of the Discussion Paper is to improve the oversight and management of the Yarra River to ensure its long-term protection, as reinforced in the Yarra MAC Chair's message in the Discussion Paper, which states:

'The Yarra River is a valuable natural asset that needs to be protected for the benefit and enjoyment of future generations.'

8 REGIONAL/STRATEGIC IMPLICATIONS

- 8.1 Building on the recent recognition of the significance of the Yarra River to Melbourne in the State Planning Policy Framework, a key outcome being sought through the Discussion Paper is the introduction of a more consistent approach to the management and protection across the entire length from *'its source in the headwaters above the Upper Yarra Reservoir to Port Phillip Bay.'* (Source: Protecting the Yarra River (Birrarung) Discussion Paper, Introduction, page 2)

9 CONSULTATION

- 9.1 At the request of the Department of Environment, Land, Water and Planning (DELWP), information regarding the consultation processes and link to the Discussion Paper was disseminated to the community within Manningham, as follows:
- On the home page of the Manningham website under the Latest News slider since 6 July 2016;
 - In the Manningham Leader half page advertisement on 11 July 2016; and
 - Via email or direct notification to a range of community stakeholders representing environment, recreation, economic/tourism, heritage, social and planning.

10 CONCLUSION

- 10.1 The matters raised in the Discussion Paper are considered to be generally positive as its aim is to promote community discussion through submissions about opportunities to improve the oversight and management of the Yarra River.
- 10.2 Officers from various Council service units have provided input into preparing the submission by providing a response to each of the ten (10) key questions identified in the Discussion Paper. These responses identify matters of both state and local significance.
- 10.3 Changes to the Discussion Paper Council officer response resulting from Council's consideration be clearly outlined and forwarded to Yarra MAC.

OFFICER'S RECOMMENDATION

That Council:

- (A) Notes that a draft Council officer response to the Protecting the Yarra River (Birraring) Discussion Paper was forwarded to the Yarra River Protection Ministerial Advisory Committee (Yarra MAC) on 5 August 2016;**
- (B) Endorses Attachment 2, as Manningham's submission to the Yarra MAC; and**
- (C) Notes that Attachment 2 will be submitted as Council's endorsed submission.**

**MOVED: GOUGH
SECONDED: GALBALLY**

That the Recommendation be adopted.

CARRIED

Attachment 1 – Protecting the Yarra River (Birraring) Discussion Paper

Attachment 2 – Final Council Officer Response to the Protecting the Yarra River (Birraring) Discussion Paper

* * * * *

10.6 Northern Alliance for Greenhouse Action (NAGA) Quarterly Update - Quarter 4 - 2015-2016

Responsible Director: Director Planning & Environment

File No. T16/187

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 present an update of the activities of the Northern Alliance for Greenhouse Action (NAGA), for the fourth quarter of the 2015-2016 financial year. (Refer to Attachment 1)

The City of Manningham has been a member of NAGA since 2002 with eight other Councils and the Moreland Energy Foundation (MEFL). NAGA is a network that shares information, coordinates emission reduction and adaptation activities and cooperates on the research and development of innovative projects.

Key activities during the last quarter have included:

- *The securing of funding:*

 - *In conjunction with the Eastern Alliance for Greenhouse Action, from the Victorian Government's New Energy Jobs Fund to work with 22 Councils to install solar on low-income households; and*
 - *From Energy Consumers Australia for a project which brings together planners from electrical distributors and local government.*

- *Collection of data to inform the preparation of municipal energy profiles for 2014.*
- *Comprehensive submissions to:*

 - *The electricity distribution price review;*
 - *The Victorian State Government on Infrastructure Victoria's discussion paper for Victoria's 30-year strategy;*
 - *The Victorian State Government on the Climate Adaptation Plan; and*
 - *The Victorian State Government on the Local Generation Network Credit (aka Virtual Net Metering rule change) draft decision.*

- *Regular meetings, along with other greenhouse alliances, with senior policy staff from Sustainability Victoria and the Department of Environment, Land, Water and Planning to advocate for a stronger role for local government to work in partnership with the Victorian Government in responding to climate change.*

It is recommended that Council notes NAGA's quarterly update.

1 BACKGROUND

- 1.1 The City of Manningham has been a member of NAGA since 2002, with eight other Councils and the Moreland Energy Foundation (MEFL). NAGA is a network that shares information, coordinates emission reduction and

adaptation activities and cooperates on the research and development of innovative projects.

1.2 NAGA's goal is to substantially contribute to the transition to a low-carbon future by delivering effective programs and leveraging local government, community and business action.

1.3 For its operations from 2015-2020 NAGA has established the following vision:

To contribute to the creation of a low-carbon society resilient to the impacts of climate change in the NAGA region.

1.4 NAGA's Strategic Plan 2015-2020 includes objectives and strategic actions in relation to:

- A. Climate change mitigation
- B. Climate change adaptation
- C. Advocacy
- D. Networking
- E. Governance

2 PROPOSAL/ISSUE

2.1 Attachment 1 identifies the key NAGA activities during the last quarter (4th quarter 2015/2016) which have benefitted all member Councils including Manningham.

Funding

2.2 In conjunction with the Eastern Alliance for Greenhouse Action NAGA has been successful in securing funding of \$764,589 from the Victorian Government's New Energy Jobs Fund to work with 22 Councils (Maroondah Council will be the lead Council) to install solar on low-income households through two alternative funding models.

2.3 Manningham will be a participant in a trial solar photovoltaic installation program which will help low income or vulnerable residents to save energy and make their households more comfortable and liveable.

2.4 NAGA has also received \$32,000 from Energy Consumers Australia for a project which brings together planners from electrical distributors and local government to identify likely growth pressure points in municipalities that could place pressure on the grid.

Municipal Energy Profiles

2.5 NAGA is collecting energy use data from distribution businesses and creating profiles of consumption trends across residential and commercial sectors, including local (suburban averages) to help Councils plan where energy saving programs can be best delivered.

2.6 Manningham's municipal energy profile for 2013 has been provided to Councillors previously and is included as Attachment 2. Collection of data to inform the preparation of municipal energy profiles for 2014 is still waiting on one distributor and will then be made available to Council.

Advocacy

- 2.7 NAGA has taken the lead in the preparation of comprehensive submissions to:
- The electricity distribution price review;
 - The Victorian State Government on Infrastructure Victoria's discussion paper for Victoria's 30-year strategy;
 - The Victorian State Government on the Climate Adaptation Plan; and
 - The Victorian State Government on the Local Generation Network Credit (aka Virtual Net Metering rule change) draft decision.
- 2.8 It has also had regular meetings, along with other greenhouse alliances, with senior policy staff from Sustainability Victoria and the Department of Environment, Land, Water and Planning to advocate for a stronger role for local government to work in partnership with the Victorian Government in responding to climate change.

3 POLICY/PRECEDENT IMPLICATIONS

- 3.1 Council's membership of NAGA enables improved delivery against the commitments in Manningham's *Climate 2020 Action Plan* and *Securing the Future Plan*.

4 CUSTOMER/COMMUNITY IMPACT

- 4.1 NAGA also assists Council to work with the community to decrease gas emissions, increase its resilience to climate change.

5 COUNCIL PLAN/ MEASURE OF ACHIEVEMENT OF ACTION

- 5.1 Councils work with NAGA is consistent with its Council Plan 2013/2017 goal of:

We proactively seek innovative solutions to address the effects of climate changes and work together to protect the environment.

6 FINANCIAL RESOURCE IMPLICATIONS

- 6.1 Council's membership of NAGA enables it to leverage significant resources for projects targeting its Council Plan goal.

7 REGIONAL/STRATEGIC IMPLICATIONS

- 7.1 NAGA facilitates a regional approach to climate change mitigation and adaptation.

8 CONCLUSION

- 8.1 The NAGA quarterly report demonstrates the ongoing high quality and productive work being at a regional level which enables Manningham City Council to secure both financial resources and advocacy at a more influential level.

OFFICER'S RECOMMENDATION

That Council:

- **Notes the Northern Alliance for Greenhouse Action (NAGA) Quarterly report for the Quarter 4, 2015-2016.**

MOVED: GALBALLY

SECONDED: KLEINERT

That the Recommendation be adopted.

CARRIED

Attachment 1: NAGA Councillor Update 4th Quarter 2015-2016

Attachment 2: Municipal Energy Profile 2013

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11. ASSETS & ENGINEERING

11.1 King Street Reconstruction Stage 1 - Intention to Declare Special Charge

Responsible Director: Director Assets and Engineering

File No. T16/172

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

King Street is currently a declared arterial road under the care and management of VicRoads. As indicated in the report to Council at the meeting of the 28 June 2016, an agreement has been reached with senior officers from VicRoads to revoke the arterial road status of the King Street between Victoria Street and Blackburn Road, and to conversely declare the section of Blackburn Road between King Street and Reynolds Road as an arterial road.

Advice from VicRoads indicates that the road swap will be completed by the end of August 2016 and, as a result, King Street between Blackburn Road and Victoria Street will become a Council Link Road.

In anticipation of the road swap, Council officers have completed detailed design plans for the reconstruction of the road, in consultation with the King Street reference panel.

Council's policy in relation to Link Roads is that Council will fund all costs associated with the upgrade of these roads, with the exception of footpaths that are not part of the Principal Pedestrian Network (PPN), landscaping, street trees and individual vehicle crossings that have not previously been formally constructed.

In order to facilitate the construction of this road in a timely manner, it will be necessary for Council to initiate a special charge scheme for those elements of the works that are recoverable from property owners, namely the non-PPN footpaths, landscaping works, street trees, vehicle crossings that have not formerly been constructed and parking bays, where required.

Accordingly, at its meeting of the 28 June 2016, Council resolved to implement two special charge schemes for different sections on each side of the road.

This report is in relation to the proposed scheme for the provision of landscaping, street trees and vehicle crossings on the north side of King Street between Wyena Way and Blackburn Road.

The total cost of stage 1 is estimated at \$2,260,281.72 of which \$81,815.11 is proposed to be recovered from thirty three property owners by means of a special charge scheme, in accordance with Councils policy and the Local Government Act 1989.

It is recommended that Council:

1. *Consider the plan, cost estimates and apportionment of cost in this report, and give notice of its Intention to Declare a Special Charge Scheme, at its meeting to be held on 31 January 2017, for the reconstruction of King Street Stage 1, between Blackburn Road and Wyena Way.*
2. *Resolve, in accordance with Sections 163(1A) and 163B(3) of the Act, that a public notice be given of Council's intention to declare a special charge.*
3. *Note the need to establish the King Street Stage 1 (Submissions) Committee, appoint two ward councillors to the committee, nominate a councillor as the chairperson and nominate two councillors as substitute committee members, if required, at its November 2016 meeting.*

1 BACKGROUND

- 1.1 Council at its meeting of the 28 June 2016 resolved (in part) that:
 - 1.1.1 *“Council authorise Council officers to prepare two special charge schemes for King Street as follows.*
- 1.2 In relation to matter at hand in this report, Council's then resolved as follows:
 - 1.2.1 *A special charge scheme for the provision of landscaping, street trees and vehicle crossings on the north side of King Street between Wyena Way and Blackburn Road.*
 - 1.2.2 *Upon the preparation of the scheme documentation, including cost estimates and apportionment of costs, Council consider a further report on Council's intention to declare a special charge on those properties that are deemed to derive a special benefit from the scheme works.*
 - 1.2.3 *Affected property owners be notified of the results of the survey and Councils resolution.”*
- 1.3 The intention of this report is to seek Council authorisation to give notice of its intention to declare a special charge for the provision of landscaping works, street trees and vehicle crossings on the north side of King Street between Wyena Way and Blackburn Road.
- 1.4 As previously indicated in the report to Council on the 28 June 2016, King Street is a declared arterial road currently under the care, operation and management of VicRoads, in accordance with the provisions of the Road Management Act 2004.
- 1.5 The road swap of King Street (between Blackburn Road and Victoria Street) with Blackburn Road (between King Street and Reynolds Road) has been agreed in principle with VicRoads and the revocation of the Arterial Road status of King Street is expected by the end of August 2016.
Special Charge Scheme
- 1.6 Where infrastructure works have not previously been constructed, Council has powers, under the provisions of section 163 of the Local Government Act 1989, to construct such infrastructure at the cost of owners who will derive a “special benefit” from such works, by means of a special charge scheme.
- 1.7 Council's Contributory Projects – Special Rates & Charges Policy, details the basis of determining the amount which can be recovered from benefitting

property owners for various infrastructure works. Relevant details of Council's current policy are set out in section 7 of this report.

- 1.8 The reconstruction works associated with King Street between Blackburn Road and Wyena Way involve the construction of kerbing, the provision of two 3.5 metre lanes in each direction, lane widening at select intersections, line marking, a 3.0 metre wide shared path on the north side of King Street, underground drainage, vehicle crossings, parking bays at requested locations, street trees and landscaping of nature strips. The purpose of the works is to construct the road to modern day standards and improve the amenity of the area.
- 1.9 The costs associated with those vehicle crossings which have not been formally constructed, parking bays at select locations which have been requested by property owners, street trees and landscaping of nature strips, will be the subject of the special charge.
- 1.10 Property No's 107, 113, 115, 117, 119-121, 123, 125-127, 133, 135, 137, 139, 141, 143, 145, 147, 149, 151, 153, 155, 157, 159, 166 King Street, 1 Taparoo Road, 1 Wyena Way and the tree reserve at the corner of King Street and Blackburn Road are considered to derive a special benefit from the works that will be subject to a special charge, in that the works will improve the amenity of the area and improve accessibility to and from King Street.

2 PROPOSAL/ISSUE

- 2.1 The proposal is that pursuant to Section 163(1A) of the Local Government Act 1989, Council give public notice of its intention to declare a special charge at its meeting of the 31 January 2017 for the construction of various components of infrastructure works, as defined in the scheme, that are associated with the reconstruction of King Street stage 1. A special benefit is to be derived by the owners of the following properties as described in Attachment 2.

Lot 2 LP200912F, Lot 1 LP133196, Lot 2 LP133196, Lot 3 LP133196, Lot 4 LP133196, Lot 14 LP138862, CP160321M, Lot 67 LP149912N, Lot 68 LP149912N, Lot 69 LP149912N, Lot 70 LP149912N, Lot 71 LP149912N, Lot 65 LP149913L, Lot 66 LP149913L, Lot 1 PS 402943C, Lot 61 LP149912N, Lot 62 LP149912N, Lot 63 LP149912N, Lot1 PS411314K, Lot2 PS411314K, Lot3 PS411314K, Lot 14 LP142626, Lot 1 SP034476E, Lot 2 SP034476E, Lot 3 SP034476E, Lot 4 SP034476E, Lot 5 SP034476E, Lot 6 SP034476E, Lot 1 SP027674Q, Lot 2 SP027674Q, Lot 3 SP027674Q, Lot 4 SP027674Q, and Reserve 1 LP149910S.
- 2.2 It is proposed that the Director of Assets and Engineering, be authorized to carry out any and all administrative procedures necessary to enable Council to carry out its functions under Sections 163A, 163(1A), (1B) and (1C) and sections 163B and 223 of the Act.
- 2.3 It is further proposed that Council establish the King Street Reconstruction – Stage 1 (Submissions) Committee, appoint two ward councillors to the committee, nominate a councillor as the chairperson and nominate two councillors as substitute committee members, if required, to consider submissions received in relation to the issue of the notice of intention to declare a special charge at its November 2016 meeting.

- 2.4 Also, that Council note that Council's contribution to the reconstruction of King Street is \$2,178,466.61.

3 DESCRIPTION OF WORKS BENEFICIARIES AND COSTS

Works

- 3.1 The special charge has been prepared in accordance with the provisions of Section 163 of the Local Government Act 1989 and Council's Policy for 'Contributory Projects – Special Rates & Charges', and provides for cost recovery for the construction of the following components of infrastructure works associated with the reconstruction of King Street Stage 1 (Attachment 3):
- 3.1.1 The topsoiling of nature strips, installation of garden beds at select locations along the street and planting of street trees.
- 3.1.2 The construction of unconstructed vehicle crossings in reinforced concrete that have not previously been constructed by individual property owners. Individual property owners will be charged a special charge for the construction of the vehicle crossing serving their property.
- 3.1.3 The construction of flexible pavement parking bays in accordance with Council's standards at select locations requested by individual property owners. Similarly individual property owners will be charged a special charge for construction of these parking bays.
- 3.1.4 Contingency Allowance & Professional / Administrative Fees
- A contingency of 10% of the estimated cost of the works is allowed in the cost of the scheme.
 - Project management fees for the design, administration and supervision of the works of 10%.
- 3.2 The amount to be recovered from the benefitting property owners is based on Council's policy, which is detailed in section 7 of this report.
- 3.3 The contribution of Council to the proposed reconstruction scheme works includes the construction costs associated with:
- Pavement reconstruction works to provide a 3.5 metre wide traffic lane in each direction
 - Lane widening at selected intersections, including the provision of an exclusive right turn lane at the intersection of King Street and Tuckers Road.
 - Kerb and channel on both sides of the street.
 - A 3.0 metre wide shared path on the north side of the street, in accordance with the requirements of Council's Bicycle Strategy.
 - Underground drainage and house drainage connections.
 - Signage, line marking and service alterations.

Special Beneficiaries

- 3.4 There are thirty three (33) properties considered to derive a special benefit from the scheme works. No other properties will receive special benefit from the proposed scheme works.
- 3.5 There is one non rateable property which has been included in the scheme, namely the tree reserve on the corner of Blackburn Road and King Street which is considered to receive a special benefit. The cost to be recovered for this property will be apportioned to Council.
- 3.6 All thirty three (33) properties will be required to pay the special charge.

Total number of properties in the scheme TSB (in) = 33.

Total number of properties out of the scheme TSB (out) = 163.

Level of Special Benefit

- 3.7 The thirty three (33) properties identified as receiving a special benefit are considered to receive differing levels of benefit, depending on their orientation to King Street or adjoining streets and property size.
- 3.8 Some properties will derive an additional benefit with the formalisation of their unconstructed vehicle crossing or the provision of a parking bay.

Total Cost

- 3.9 The total estimated cost (C) of the scheme works is \$2,260,281.72. (Attachment 4).

Total Community Special Benefit

- 3.10 It is considered that the scheme will result in a broader community benefit, taking account of vehicle access (75%) and amenity in terms of pedestrian and bicycle traffic and visual appearance (25%). The total daily traffic volume for King Street is 8,400 vehicles per day and the estimated traffic generated from directly abutting properties has been assessed at 1,570 vehicles per day, representing 18.7% of the total traffic volume. Unconstructed vehicle crossings will benefit individual properties only. The Total Community Benefit (TCB) associated with the scheme works is estimated accordingly at 639 benefit units.

Benefit Ratio (R)

- 3.11 The Benefit Ratio (R) = $\text{TSB (in)} / (\text{TSB (in)} + \text{TSB (out)} + \text{TCB})$
 $= 33 / (33+163+639) \times 100 = 3.95\%$

Maximum Total Levy (s)

$R \times C = S$, where C = the total cost

$3.95/100 \times \$2,260,281.72 = \$89,281.13$

The amount proposed to be recovered is \$81,815.11, which is less than the Maximum Total Levy and acceptable.

4 APPORTIONMENT OF SPECIAL CHARGE COSTS

- 4.1 Property owners share of costs are apportioned on the basis of benefit units and area of the property. Seventy five percent (75%) of the cost of the landscaping works of the nature strips and tree planting is to be recovered from the property owners based on benefit units, and twenty five (25%) of the cost

the landscaping works of the nature strips and tree planting are to be recovered from property owners based on the area of the property.

- 4.2 Special cases will apply to corner properties with a frontage to King Street or a frontage to a side street and a side boundary to King Street. Similarly properties with a rearage to King Street and the Council tree reserve will also be considered as special cases.
- 4.3 Any property that has a frontage and has access from King Street will be apportioned 1.0 benefit unit for 75% of the cost of works associated with the landscaping and street trees and the whole area of the property for 25% of the cost of works associated with the landscaping and street trees.

Special Cases

- 4.4 Corner properties with a frontage to King Street and a side boundary to an adjoining street will be charged half (0.5) a benefit unit for 75% of the cost of the works associated with the landscaping and street trees and two thirds (2/3) of the area of the property for 25% of the cost of the works associated with the landscaping and street trees.
- 4.5 Corner properties with a frontage to a side road and a side boundary to King Street will be charged half (0.5) a benefit unit for 75% of the cost of works associated with the landscaping and street trees and based on one third (1/3) of the area of the property for 25% of the cost of works associated with the landscaping and street trees.

4.5.1 This includes property numbers

- 107 King Street;
- Unit 1/2 Wyena Way;
- Unit 2/2 Wyena Way;
- Unit 3/2 Wyena Way;
- Unit 4/2 Wyena Way.

- 4.6 Properties with a rear boundary to King Street and primary access from an adjoining street will be charged one third (1/3) of a benefit unit for 75% of the cost of works associated with the landscaping and street trees and based on one third (1/3) of the area of the property for 25% of the cost of works associated with the landscaping and street trees.

4.6.1 This includes property numbers

- Unit 1/29 Taparoo Road;
- Unit 2/29 Taparoo Road;
- Unit 3/29 Taparoo Road;
- Unit 4/29 Taparoo Road;
- Unit 5/29 Taparoo Road;
- Unit 6/29 Taparoo Road.

- 4.7 Properties with a front boundary and primary access from King Street and secondary access from an adjoining street will be charged two thirds (2/3) of a benefit unit for 75% of the cost of works associated with the landscaping

and street trees and two thirds (2/3) of the area of the property for 25% of the cost of works associated with the landscaping and street trees.

4.7.1 This includes property number

- 145 King Street.

4.8 Council's tree reserve on the corner of King Street and Blackburn road will also be treated as a special case and will be apportioned half (0.5) a benefit unit for 75% of the cost of works associated with the landscaping and street trees and half (0.5) of the area of the property for 25% of the cost of works associated with the landscaping and street trees.

4.9 Vehicle crossings that have not been constructed will be apportioned to individual property owners at the estimated cost of the vehicle crossing to serve the property.

4.10 This includes property numbers:

- 117 King Street;
- 119-121 King Street;
- 123 King Street (two vehicle crossings);
- 133 King Street;
- 135 King Street;
- 155 King Street.

4.11 Property owners indicating that they require an indented parking bay will be apportioned the estimated cost of a parking bay. This includes property numbers:

- 135 King Street;
- 166 King Street.

4.12 The method of calculating the amount to be apportioned to individual property owners is as follows.

Apportionment	Benefit Units	Rate	Amount
75% of the cost of landscaping and street trees apportioned based on benefit units	21.5	\$2,139.484	\$45,998.91
25% of the cost of landscaping and street trees apportioned on area	17,128.32 m ²	\$0.895/m ²	\$15,332.97
Vehicle Crossings - 7 No.			\$15,881.25
Parking Bays – 2 No			\$4,601.98
Total Scheme Costs to be Recovered from Owners			\$81,815.11

4.13 Attachment 2 provides a list of owners and a description of properties within the special charge scheme, apportioned 75% of the cost of the landscaping

and street trees based on benefit units and 25% of the cost of the landscaping and street trees apportioned based on the property area. The attachment also details the estimated cost of vehicle crossings that have not previously been formally constructed by the individual property owners and the cost of indented parking bays that have been specifically requested by individual property owners.

- 4.14 The works have been deemed by Council officers as appropriate and necessary to complete the reconstruction of King Street.
- 4.15 None of the works are considered to be excessive, and the estimated cost of the works is considered to be reasonable, having regard to current contract rates and the cost of materials and services.
- 4.16 The proposed design and the construction standards adopted for the area are appropriate and will improve the amenity of the area.

Final Cost

- 4.17 On completion of the works, the actual amount to be recovered from owners of the properties will be calculated and estimated costs will be adjusted by the same proportion for all properties included in the special charge scheme.
- 4.18 In no case shall the actual amount to be recovered exceed the estimated amount by more than 10 percent.

5 RELEVANT LEGISLATION

- 5.1 The Local Government Act, 1989 Section 163 states that:
- “A Council may declare a special rate, a special charge or a combination of both only for the purpose of:
 - (a) *Defraying any expenses; or*
 - (b) *Repaying (with interest) any advance made to or debt incurred or loan raised by the Council –*
 - In relation to the performance of a function or the exercise of a power of the Council, if the Council considers that the performance of the function or the exercise of the power is or will be of special benefit to the persons required to pay the special rate or special charge.”
- 5.2 All owners required to pay the special charge will gain a “special benefit” because:
- The proposed construction works associated with the special charge will improve the amenity of the area.
 - Improve accessibility for residents without properly constructed vehicle crossings to and from King Street.

6 PRIORITY/TIMING

- 6.1 The declaration and the levying of the charge to owners should proceed at the earliest possible opportunity to allow the project program to be achieved.
- 6.2 The sequential steps to be followed to allow the project to proceed include notification of residents of Council’s intention to declare a special charge, declaration and levying of the special charge and construction.

- 6.3 The anticipated program for the project, assuming no objections are received or delays occur is as follows:

Date	Activity
30 th August 2016	Council Meeting – Intention to Declare Scheme
26 th October 2016	Public Notice – Intention to Declare Scheme
29 November 2016	Council nominate Councillors for Submissions Committee
14 th December 2016	Committee of Council to hear submissions
31 January 2017	Council Meeting – Declaration and Levy of Special Charge
3 rd February 2017	Submissions Close (VCAT)
15 th February 2017	Commence Construction (Assuming no VCAT appeals)
31 October 2017	Practical Completion of works
1 March 2018	Final Cost Notices Distributed

- 6.4 The contract will be structured such that the recoverable works are identified a separable portions, as a contingency in the event that there are issues with the final scheme adoption.

7 POLICY/PRECEDENT IMPLICATIONS

- 7.1 Council's Contributory Projects, Special Rates and Charges Policy applies to the works proposed along King Street. The following criteria applies to the various components of work within the road reservation:-
- 7.1.1 On Arterial Roads and Link Roads, owners are required to contribute the full cost of street trees, landscaping works and individual vehicle crossings (except where crossings have previously been constructed at the owner's expense). Council pays the construction of all pavements, kerbing and drainage works.
- 7.1.2 Shared paths identified in the Council's Bicycle Strategy are constructed at full cost to Council. Similarly, footpaths identified as being part of the PPN are constructed at Council cost.
- 7.2 The policy recognises the long history of works undertaken at the cost to property owners through past schemes by requiring those owners, deriving special benefit from new works, to contribute to the cost of the scheme works.

- 7.3 The recoverable project costs are required to be distributed between property owners based on the apportionment method adopted, taking into consideration special cases, in compliance with the requirements of Council policy. Council's cost apportionment policy provisions take account of established precedents of apportioning costs that are considered to be fair, reasonable and equitable having regard to the benefit to be derived and the size of the allotment.
- 7.4 Under the provisions of section 163B of the Local Government Act 1989, a Council can declare a special charge without the support of the majority of property owners, if the Council contribution to the works is in excess of 33%. Under the current proposal, Council will fund \$2,178,466.61 of the total cost of the reconstruction of King Street stage 1 and accordingly majority support of those required to fund the scheme works is not required.

8 BEST VALUE

- 8.1 The implementation of the road improvements, including the shared footpath and streetscape works will improve the safety and operation of the road including traffic, pedestrian and cyclist safety. The streetscape improvements, including the formalisation of the road with kerbs, underground drainage and vehicle crossings, will also improve the amenity of the street.
- 8.2 The road improvement works, which include the provision of a shared footpath, are a response to community requests over many years to upgrade this road to modern day standards.

9 CUSTOMER/COMMUNITY IMPACT

- 9.1 With the exception of the properties on the south side of King Street between No's 168 and 110 King Street, all other properties that abut the street will be subject to a special charge for some components of the work, in accordance with the provisions of Councils Contributory Projects, Special Rates and Charges Policy.
- 9.2 The construction of the shared path along King Street will provide significant access improvements for the community and improve bicycle safety for cyclists using King Street.
- 9.3 King Street forms part of the DART (Doncaster Area Rapid Transport) route, and the construction of a shared path along the street will provide significant improvements for public transport patrons using King Street to access the bus stops along the street.
- 9.4 The formalization of the road to modern day standards will improve safety for motorists using the road. Construction of underground drainage will improve amenity for abutting properties and result in the removal of the existing open drains and vehicle crossing culverts, relieving property owners of their responsibility for maintaining their vehicle crossing culverts.
- 9.5 There will be some inconvenience to motorists, pedestrians and cyclists during construction, however, the appointed contractor will be required to implement appropriate traffic management measures to ensure the safety of the travelling public.

10 FINANCIAL RESOURCE IMPLICATIONS

- 10.1 The total estimated cost of King Street stage 1 works is estimated to be \$2,260,281.72. Under the provisions of Council's Policy, Council's contribution to the project cost is estimated at \$2,178,466.61 (96.38% of the total project cost). The remaining amount of \$81,815.11 (3.62% of the total cost) is to be funded by property owners that derive a special benefit from the proposed works.
- 10.2 The proposed individual property contributions are set out in Attachment 2.
- 10.3 Should the scheme proceed, it will be recommended that contributing property owners be given the option of contributing by quarterly instalments over a period of ten years. Payments would be subject to the current rate at the time of scheme adoption plus 1%.
- 10.4 Council's contribution to the project cost can be funded from the funding allocations in Council's Capital Works "*Road Management Upgrades-Council Link Roads*" program for 2016/2017 where \$1.435Mil has been allocated and Council's indicative 10 Year Capital Works Program where \$3.229Mil is proposed in 2017/18 for the upgrade of high priority Link Roads.

11 SUSTAINABILITY

- 11.1 The provision of a shared path along King Street will have a positive impact on the health and well being of residents and cyclists along King Street and adjoining streets that will use these facilities.
- 11.2 The provision of the shared path and improved bus stop hard standing areas will improve public transport access to the DART bus service that traverses King Street. These changes should improve public transport patronage, thereby reducing the volume of traffic on King Street.
- 11.3 The formal construction of King Street will have positive economic benefits, obviating the continued need to regrade open table drains and top up the existing gravel paths along the street and minimise the wash off of crushed rock and fine material into receiving waterways.

12 CONSULTATION

- 12.1 An initial public meeting was held on 5 December 2013, with residents abutting King Street and some adjoining streets, to discuss the potential upgrade of King Street and to reform the community reference panel to provide input into the design development for the construction of King Street between Blackburn Road and Victoria Street.
- 12.2 Following the re-establishment of the reference panel, 5 meetings have been held with the reference panel to discuss issues associated with the conceptual proposal for the construction of King Street, the finalisation of the detailed design plans and the special charge apportionment methodology.
- 12.3 A questionnaire survey was conducted of residents likely to be included in the scheme in December 2014, to assess the level of support for the construction of the road and secondly to assess the level of support for residents to make a contribution toward the construction of footpaths, landscaping and street tree works associated with the project.
- 12.4 The survey results were included in the report to the Council meeting on 28 June 2016.

- 12.5 Prior to the questionnaire survey, Council officers set up a 'Your Say Manningham' web page specifically for King Street, which provided the residents the opportunity to respond to the questionnaire on line. In addition, minutes of previous reference panel meetings, details of the proposed works and the progress of the reference panel decisions to date were included on the web page.
- 12.6 The web page also included 'Frequently Asked Questions' regarding the proposed special rates and charges scheme.
- 12.7 Following Council's resolution on the 28 June 2016, a letter was forwarded to all property owners on 1 August 2016 advising residents of Council's resolution to implement a special charge scheme and to also conduct a further survey of residents in respect of whether residents require indented parking bays. The initial response to parking bays was very poor and residents have been given a second opportunity to indicate their preference in this regard.
- 12.8 The formal process requires public notification and the issue of notices to affected property owners, to advise of Council's intention to declare a special charge, and again when Council declares and levies the special charge. Submissions to the intention to declare a special charge notification will be considered by a committee of the Council, which will also hear any oral submissions, before making a recommendation to Council.

13 COMMUNICATIONS STRATEGY

- 13.1 Notice of Intention to Declare the Special Charge will be advertised in the Manningham Leader newspaper, and notices will be mailed to all owners whose properties are included in the scheme, advising of Council's intention to declare and levy a special charge, including their rights of appeal to Council, and inviting submissions. An opportunity will be made available for any interested person who has made a submission to present to a Committee of the Council.

14 CONCLUSION

- 14.1 King Street is currently a declared arterial road under the care and management of VicRoads.
- 14.2 In order to facilitate the construction of the eastern section of King Street (Blackburn Road to Victoria Street), which primarily performs a local road function, Council has reached agreement with VicRoads, as a part of the state-wide review of the arterial road network, to revoke the arterial road status of the eastern section of King Street to a local road and to declare Blackburn Road, between King Street and Reynolds Road, as a declared arterial road.
- 14.3 Under these arrangements, the eastern section of King Street between Blackburn Road and Victoria Street will form part of Council's local road network as a Link Road under the care and management of Manningham. Responsibility for the maintenance and management of the subject section of Blackburn Road will become the responsibility of VicRoads.
- 14.4 In preparation for this road swap, Council officers have completed design plans for the reconstruction of this section of road, in consultation with the King Street Reference Panel.

- 14.5 Council's policy in relation to Link Roads is that Council will fund all costs associated with the upgrade, with the exception of footpaths that are not part of the Principal Pedestrian Network, landscaping, street trees and individual vehicle crossings that have not been formally constructed previously.
- 14.6 Council officers have prepared scheme documents, which are the subject of this report, in accordance with Council's Special Rates and Charges Policy, for the implementation of the Stage 1 King Street works. The scheme will recover the cost of landscaping the nature strips and installation of street trees on the north side of King Street, as well as the construction of unmade vehicle crossings for a select number of properties and the provision of parking bays for a select number of properties.
- 14.7 Funding is available in Council's 10 Year Capital Works Program as a part of Council's 'Road Management Upgrade' program, to upgrade substandard link roads within the municipality. Council's Link Road Strategy 2014 identifies priorities for road upgrades and, subject to revocation of the arterial road status of King Street, the eastern section is ranked as the highest Council priority for implementation.
- 14.8 In order to facilitate the construction of this road in a timely manner and to comply with Council policy requirements, it will be necessary for Council to give notice of its intention to declare a special charge for those components of works associated with the reconstruction of King Street Stage 1 that are recoverable from property owners, namely the, landscaping works, street trees, new vehicle crossings that have not been previously constructed and parking bays.

OFFICER'S RECOMMENDATION

That Council:

- 1. Pursuant to Section 163 (1A) of the Local Government Act 1989 (Act), give public notice of its intention to declare a special charge at the Council meeting scheduled for 31 January 2017, generally in accordance with the process detailed in this recommendation.**
- 2. Give notice of its intention to declare a special charge for the purpose of defraying any expenses in relation to the construction of various components of works associated with the construction of King Street Stage 1 for properties with an abuttal to King Street which include Lot 2 LP200912F, Lot 1 LP133196, Lot 2 LP133196, Lot 3 LP133196, Lot 4 LP133196, Lot 14 LP138862, CP160321M, Lot 67 LP149912N, Lot 68 LP149912N, Lot 69 LP149912N, Lot 70 LP149912N, Lot 71 LP149912N, Lot 65 LP149913L, Lot 66 LP149913L, Lot 1 PS 402943C, Lot 61 LP149912N Lot 62 LP149912N, Lot 63 LP149912N, Lot1 PS411314K, Lot2 PS411314K, Lot3 PS411314K, Lot 14 LP142626, Lot 1 SP034476E, Lot 2 SP034476E, Lot 3 SP034476E, Lot 4 SP034476E, Lot 5 SP034476E, Lot 6 SP034476E, Lot 1 SP027674Q, Lot 2 SP027674Q, Lot 3 SP027674Q, Lot 4 SP027674Q, and Reserve 1 LP149910S (as shown in Attachment 2) for which Council considers is or will be of special benefit to those persons required to pay the Special Charge, who are described in succeeding parts of this resolution."**

3. Specify the following as the use for which the special charge is to be declared:
- “to raise the funds necessary for the design, construction and administration of the:
- landscaping of nature strips and planting of street trees on the north side of King Street between Blackburn Road and Wyena Way
 - The construction of vehicle crossings that have not previously been constructed
 - The provision of indented parking bays at selected locations
- as shown in the scope of works Plan No 4174, in the office of the Council”.
4. Specify the following as the land in relation to which the special charge is to be declared:
- Lot 2 LP200912F, Lot 1 LP133196, Lot 2 LP133196, Lot 3 LP133196, Lot 4 LP133196, Lot 14 LP138862, CP160321M, Lot 67 LP149912N, Lot 68 LP149912N, Lot 69 LP149912N, Lot 70 LP149912N, Lot 71 LP149912N, Lot 65 LP149913L, Lot 66 LP149913L, Lot 1 PS 402943C, Lot 61 LP149912N Lot 62 LP149912N, Lot 63 LP149912N, Lot1 PS411314K, Lot2 PS411314K, Lot3 PS411314K, Lot 14 LP142626, Lot 1 SP034476E, Lot 2 SP034476E, Lot 3 SP034476E, Lot 4 SP034476E, Lot 5 SP034476E, Lot 6 SP034476E, Lot 1 SP027674Q, Lot 2 SP027674Q, Lot 3 SP027674Q, Lot 4 SP027674Q, and Reserve 1 LP149910S.
5. Specify the following as the criteria which forms the basis of the special charge to be declared:
- The owners of the specified land, and identified as receiving a special benefit, are considered to receive differing levels of benefit, depending on whether they have direct access and frontage to King Street as opposed to properties that have a frontage to a side road and abuttal to King Street on the side boundary or have a rear abuttal to King Street and primary access to an adjoining street or have primary access from King Street and secondary access from an adjoining street.
 - The owners of the specified land, and identified as receiving a special benefit, are considered to receive differing levels of benefit if they have not previously paid for their vehicle crossing as opposed to residents that previously formalised their vehicle crossing.
 - The owners of the specified land, and identified as receiving a special benefit, are considered to receive differing levels of benefit if they require an indented parking bay as opposed to those residents who have not requested an indented parking bay at the front of their property.
6. Specify the following as the manner in which the Special Charge to be declared will be assessed and levied:
- The recoverable cost has been apportioned to the owners of the specified land on the basis of:-

- **Seventy five percent (75%) of the cost of the nature strip landscaping works and tree planting to be recovered from the property owners based on benefit units, and**
 - **twenty five (25%) of the cost the nature strip landscaping works and tree planting are to be recovered from property owners based on the area of the property;**
 - **Unconstructed vehicle crossings will be apportioned directly to each property with unconstructed vehicle crossings;**
 - **Indented parking bays will be apportioned to property owners that requested a parking bay.**
- 7. Having regard to the preceding parts of the resolution, record that:**
- 7.1. the owners of the land, as described in Attachment 2 (Special Charge Apportionment), are liable for the respective estimated amounts set out in the last column of the Attachment – Cost (the proposed Special Charge Levy); and**
- 7.2. such owners may, subject to any further resolution of Council, pay the special charge in the following manner:**
- 7.2.1. by lump sum payment on the due date or where requested, by terms payment over a ten year period with interest payable at the Borrowing Rate applicable to Council at the time of adoption of the scheme plus 1%.**
- 8. Resolve that in accordance with Sections 163(1A) and 163B(3) of the Act, public notice be given of Council’s intention to declare a special charge advising:**
- 8.1. that copies of the proposed declaration are available for inspection at the Council’s office for a period of not less than 28 days after the publication of the notice;**
- 8.2. state that submissions in respect of the proposed declaration and matters specified in the public notice received within 28 days of the notice, will be considered in accordance with Sections 163A, 163B and 223 of the Act; and**
- 8.3. be given by publication of such notice in the Manningham Leader newspaper and in accordance with the provisions of Section 163 (1C) of the Act, separate letters enclosing a copy of the public notice be sent to the owners of the properties referred to and set out in Attachment 2 to this report.**
- 9. Authorise Council’s Director Assets and Engineering, or the person for the time being acting in that position, to carry out any and all administrative procedures necessary to enable Council to carry out its functions under Sections 163A, 163(1A), (1B) and (1C) and sections 163B and 223 of the Act.**
- 10. Appoint two Councillors to a Committee of Council under Section 223 (1)(b)(i) of the Act, to be known as the King Street Stage 1 Special Charge Scheme (Submissions) Committee, nominate the Chairperson of the Committee and nominate two councillors as substitute committee members, if required, at its November 2016 meeting.**

11. **Resolve that the purpose of the Committee is to:**
 - 11.1. **consider any written submissions received by Council within 28 days after the publication of the Public Notice;**
 - 11.2. **provide the opportunity for persons to be heard in support of their submissions in accordance with Section 223 of the Act; and**
 - 11.3. **report to the Council on the submissions made and recommendations to the Council on the appropriateness of the proposed special charge or any amendments to the scheme.**
12. **Note its estimated contribution to the reconstruction works is \$2,178,466.61 and that this amount has been allocated in Council's Capital Works Program for 2016/2017 and 2017/18 as part of the Road Management Strategy Upgrades – Council Link Roads program.**

MOVED: GRIVOKOSTOPOULOS
SECONDED: HAYNES

That the Recommendation be adopted.

CARRIED

“Refer Attachments”

Attachment 1 – Scope of Works
Attachment 2 – Special Charge Apportionment
Attachment 3 – Engineering Estimate of Scheme Works
Attachment 4 – Engineering Estimate of Total Works of Stage 1

* * * * *

11.2 Mullum Mullum Stadium – Construction Contract Award & Project Update

Responsible Director: Director Assets and Engineering

File No. T16/188

The ultimate destination for this report is: COUNCIL AGENDA

CONFIDENTIAL MATTERS

Attachment 1 to this report has been declared confidential by the Chief Executive Officer pursuant to S77(2)(c) of the Local Government Act 1989. The relevant ground for making this declaration pursuant to S89 (2) of the Act is that the information contained in the report concerns contractual matters.

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, under the authority granted to it under section 186 of the Local Government Act 1989, enter into a contract for the construction of the Mullum Mullum Stadium for the adjusted lump sum price contained in Confidential Attachment 1.

That Council delegate to its Chief Executive Officer the power to sign contract documents to formalise the construction between Manningham City Council and CICG.

That, subject to Council's annual budgetary processes, Council defer \$980,000 of other capital investment to assist in funding the construction of the Mullum Mullum Stadium.

1 BACKGROUND

The construction of the five court multi-sport, Mullum Mullum Stadium, at Mullum Mullum Reserve (1-41 Springvale Road, Donvale) is a major strategic investment guided by Council's Highball Infrastructure Plan (2013) and the Mullum Mullum Reserve Management Plan endorsed by Council in 2014.

- 1.1 The construction of the state of the art facility will go towards addressing the current demand for highball facilities through the municipality.
- 1.2 The development of the stadium has been the subject of extensive community consultation during the preparation of the reserve management plan and through the statutory planning process.
- 1.3 In accordance with the Highball Infrastructure Plan and the reserve management plan, the new stadium will be operated by an independent management group under contract to Council.
- 1.4 The stadium was granted statutory planning approval with the issuing of planning permit PL15/025480 on 5 January 2016.

- 1.5 Council has recently concluded construction works at the reserve, implementing other actions identified in the reserve management plan and preparing the site for the construction of the stadium. The works have included:
 - 1.5.1 Modification to the entrances to the reserve at Springvale Road and Reynolds Road;
 - 1.5.2 Modification of the existing reserve carparks and construction of additional spaces;
 - 1.5.3 Construction of new pedestrian and cyclist paths throughout the reserve; and
 - 1.5.4 The installation of utilities to service the new stadium.

2 PROPOSAL/ISSUE

- 2.1 The Mullum Mullum Stadium will be constructed on a large cleared level area at the southern end of the Mullum Mullum Reserve.
- 2.2 The development includes the construction of:
 - 2.2.1 Five multi-sport timber sports courts, broken into two separate halls of two and three courts;
 - 2.2.2 A double storey amenities block that separates the court halls and contains public bathrooms, change facilities and associated services on the ground floor. On the second floor, a multipurpose function room, re-heat kitchen, meeting room, additional public amenities and an internal plant and equipment room.
 - 2.2.3 A large entrance foyer located to the north that contains reception and office amenities for the use of the management group operating the facility, along with a cafe and semi-commercial kitchen.
 - 2.2.4 Fixed tiered seating for approximately 400 spectators in the two court hall.
 - 2.2.5 Approximately 180 addition carpark spaces, in addition to those additional spaces already constructed as part of the management plan works, circulation roadways, and drop-off zones to the north and east of the building.
 - 2.2.6 Landscaping works, including the installation of stormwater treatment raingardens and a stormwater recycling facility.
- 2.3 The design and development of the stadium has been heavily influenced by the site constraints, including the existing reserve uses, the adjacent residential properties in Parklands Close and the proximity of the site to the environmentally sensitive Mullum Mullum Creek corridor.
- 2.4 The design includes extensive articulation to reduce the height of the building, architectural feature cladding on the northern and western façades, and the cutting-in of the southern side of the building into the existing earth batters to reduce overall height.
- 2.5 The design also includes widespread acoustic attenuation and insulation features, to both prevent excessive acoustic migration and improve the thermal efficiency of the building.

- 2.6 Council called for tenders for the construction of the stadium commencing on 28 May 2016 and closing on 6 July 2016. In response, Council received nine submissions, of which five were determined to conform with the tender requirements and were subject to further assessment using Council value for money methodology.
- 2.7 Throughout the tender process, a number of potential cost saving opportunities were identified. These included alternative construction techniques, substitution of particular products and the nomination of alternative finishes. Each potential cost saving was assessed against a number of criteria, including the impact on the end users and managers of the facility, impact on operation expenses and compliance with building regulations, project statutory planning approval, acoustic and fire engineering requirements.
- 2.8 The lowest tenderers were subject to detailed review, including interview by the design team, and detailed financial and performance assessments.
- 2.9 The recommended adjusted tender submission has been determined to be most advantageous to Council. The submission is the lowest conforming tender of those received, the contractor has an excellent track record of delivering similar projects within time and budgetary constraints, and has the requisite financial position to deliver the project successfully.
- 2.10 Further details of the assessment of the tenders, including details of referee interviews and financial performance assessments, are provided in the appended confidential attachment.
- 2.11 Council officers are currently negotiating the appointment of the independent management group to run the stadium on Council's behalf.
- 2.12 The independent management group appointed by Council will be responsible for running a publically advertised expression of interest (EOI) process to allocate available stadium time to users.
- 2.13 The EOI process will be guided by the priority of use as outlined in the Highball Infrastructure and Priority of Use Report (2013).
- 2.14 The EOI process will be run in accordance with Council's Community Facilities Access and Allocation Policy.

3 PRIORITY/TIMING

Stadium Construction

- 3.1 It is anticipated that construction works will commence onsite during September 2016.
- 3.2 Council's tender called for construction to be completed by no later than the end of April 2018.

User Group Expression of Interest

- 3.3 It is estimated that the independent management group will be appointed by January 2017.
- 3.4 The commencement of the user group EOI process will commence in March 2017 with public advertising, followed by prioritisation and negotiation.
- 3.5 It is estimated that the EOI process will take approximately 12 months.

4 CUSTOMER/COMMUNITY IMPACT

- 4.1 Council has attempted to reduce the impact of the construction of the stadium upon formal and informal recreation users of the reserve, through the construction of the management plan works ahead of the commencement of the stadium works.
- 4.2 The stadium construction works will be confined to the southern area of the reserve and be defined by tall hoardings around its full perimeter.
- 4.3 Controls will be in place throughout the duration of the construction to reduce potential impacts upon other reserve users through the allocation of car parking spaces for construction vehicles, and the provision of temporary amenities and material storage facilities within the construction compound.
- 4.4 Environmental controls will be in place throughout the construction to limit the impact of the works upon the surrounding area and, in particular, the adjacent residential properties in Parklands Close, as well as Mullum Mullum Creek.

User Group Expression of Interest:

- 4.5 Commencing in March 2017, Council and the independent management group will begin liaising with potential user groups through the expression of interest process.

5 FINANCIAL PLAN

- 5.1 Council has allocated \$16,131,945.08 over the period 2013/14-2017/18 in the annual capital works programs for the delivery of actions arising from the reserve management plan, the major item being the construction of the stadium.
- 5.2 Council has been successful in securing \$893,317.27 of external funding from other parties towards to the project, including Sport & Recreation Victoria, Melbourne Water and the Victorian Taxi Directorate.
- 5.3 Council has allocated \$200,000 from its water initiatives strategy program to fund the stormwater quality improvement elements of the project helping to improve the quality of water entering the adjacent Mullum Mullum Creek. The works include the construction of innovative reduced maintenance raingardens, a comprehensive grey water recycling system and the installation of educational signage throughout the reserve.
- 5.4 Council is awaiting the outcome of an application to the National Stronger Regions Fund. An announcement is not expected prior to contract award, but Council has agreed to underwrite the \$2M in grant funding.
- 5.5 Council is in the final stages of concluding commercial negotiations with a third-party to fully fund the installation of solar panels, a photovoltaic (PV) system, on the roof of the stadium. The proposed agreement will entirely fund the capital investment required and will subsidise the operational costs of the facility through reduced electricity demand.
- 5.6 The construction tender includes the installation of the PV system as a separable portion, allowing for the tender to be awarded, but for the PV system works to not commence until a commercial agreement is signed

by Council. This contractual approach presents no financial risk to Council.

- 5.7 Whilst extensive value management was undertaken throughout the project, further scope reductions would result in a significant degradation of the quality of the facility and may mean that it will no longer meet the strategic objectives of addressing the shortfall of available facilities within the municipality. Therefore, it is proposed to wholly or partially defer discretionary projects in year-one and year-two of the draft ten-year capital works program to fund the project shortfall.
- 5.8 Projects deferred will be funded in future years. The nominated projects, as outlined in Confidential Attachment 1, are only indicative at this time, as their funding lies beyond the adopted 2016/17 budget, and the final decision on this will be dependent on the overall budget considerations for the 2017/18 financial year.
- 5.9 Council's existing funding commitments, secured and underwritten grant funds, and the deferral of CWP combine to provide a total budget figure of \$21,205,262.35 over the 2013/14-2017/18 period.

6 CONSULTATION

- 6.1 The community was fully consulted in the development of the management plan for the reserve.
- 6.2 The most recent community update was published in mid July, informing the community of the proposed timelines for implementation of the project.
- 6.3 Throughout the construction, updates will be provided to potential future users, existing reserve users, impact residents and motorists, and the broader community through community updates, site signage, and publications on the project website yoursaymanningham.vic.gov.au/mullummullum.

7 CONCLUSION

- 7.1 The construction of the Mullum Mullum Stadium will help to address a major shortfall of highball facilities within the municipality. This state of the art facility will not only increase the quantum of facilities but also provide access to a broader cross-section of the community to participate in organise sporting activities.
- 7.2 To ensure that the facility meets its strategic objectives, it is necessary to reallocate \$980,000 from future discretionary capital works projects to fund the shortfall in the construction of the Mullum Mullum Stadium.
- 7.3 The recommended adjusted tender is the most financially advantageous for Council, in that it is the lowest conforming tender of those received and represents the greatest savings identified through an exhaustive value management process, undertaken in conjunction with the design team.
- 7.4 The preferred tenderer has an excellent proven track record of delivering similar community facilities within budget and program.
- 7.5 The preferred tenderer is in a strong financial position to undertake the project and represent minimal financial risk to Council.

OFFICER'S RECOMMENDATION

That:

1. Council, under the authority granted to it under section 186 of the Local Government Act, enter into a contract with the preferred tenderer for the construction of the Mullum Mullum Stadium for an adjusted lump sum price contained in Confidential Attachment 1;
2. Council delegate to its Chief Executive Officer the power to sign contract documents to formalise the construction agreement between Manningham City Council and the preferred tenderer in Confidential Attachment 1; and
3. Subject to Council's annual budgetary processes, that Council defer \$980,000 of other capital investment in the 2017/18 fiscal year to fund the shortfall in the current funding for the Mullum Mullum Stadium, the details of which are to be determined as a part of the 2017/18 Council budget preparation.

MOVED: GALBALLY
SECONDED: DOWNIE

That the Recommendation be adopted, but Attachment 1 to the report remains confidential.

CARRIED

"Refer Attachment"

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12. COMMUNITY PROGRAMS

There were no Community Programs reports.

13. CORPORATE SERVICES

13.1 Evaluating Community Engagement

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

The aim of this report is to seek Council endorsement of an addendum to the Community Engagement Framework that was adopted by Council in October 2014. The purpose of the addendum is to further enhance the existing Framework which is a guiding policy document for all engagement activities undertaken by Manningham Council. The addendum on Engagement Evaluation also meets the requirements of the Victorian Auditor –General’s Office (VAGO) Better Practice Guide on Public Participation in Government Decision-making.

1 BACKGROUND

- 1.1 Manningham City Council is committed to consulting and engaging with the community and considers it an essential component of good governance and leadership.
- 1.2 Community engagement is an important element of the democratic process. An empowered community is one that actively participates to influence decisions that affect their lives.
- 1.3 In October 2014, Council adopted the Community Engagement Framework. The Framework was designed to align our existing engagement processes at Manningham Council and to ensure we have a strategic, consistent and best practice approach to community engagement.
- 1.4 The Community Engagement Framework is the guiding policy document for all engagement activities undertaken by Manningham City Council.
- 1.5 The inclusion of the Engagement Evaluation addendum (pages 10 – 12) is to further enhance our existing Community Engagement Framework. The Engagement Evaluation addendum includes information and guidance on a number of key focus areas such as – what is engagement evaluation; why do we evaluate community engagement; how we evaluate engagement; and what we evaluate. There is also a focus on lessons learned to see how these could be applied to ensure successful engagement programs in the future.
- 1.6 The addendum on Engagement Evaluation will also meet the requirements of VAGO’s Better Practice Guide on Public Participation in Government Decision-making. Since the development of the guide in 2015, VAGO’s conducted performance audits with a focus on whether agencies, including

Councils, are efficiently and effectively engaging the public to inform government decision-making and implementation.

2 PROPOSAL/ISSUE

- 2.1 For future projects requiring community engagement, the process will need a more rigorous approach, including:
- Early project planning
 - Documented evidence that those affected by the decision have been involved in the engagement process
 - Evaluation of the outcomes against engagement objectives
 - Documenting the lessons learned
 - Recommendations for improvement.
- 2.2 The proposal is for Council to endorse the Community Engagement Framework with the addendum of the new Engagement Evaluation component.

3 PRIORITY/TIMING

- 3.1 We are seeking endorsement of the addendum to the Community Engagement Framework.
- 3.2 Following the endorsement, an awareness campaign will be held to inform staff of the changes to the Framework and how to apply it to all engagement projects.

4 POLICY/PRECEDENT IMPLICATIONS

- 4.1 Community engagement provides guidance to enhance Council's ability to make well informed and sustainable decisions however, it does not replace the final decision making power of the elected Councillors.
- 4.2 The Community Engagement Framework is the guiding policy document for all engagement activities undertaken by Manningham City Council.
- 4.3 The Community Engagement Framework enables Council to meet its requirements as part of the LGPRF (Local Government Performance Reporting Framework) indicators.

5 COMMUNICATIONS STRATEGY

- 5.1 Following the endorsement, an awareness campaign will be held to inform staff of the changes to the Framework and how to apply it to all engagement projects.
- 5.2 The Community Engagement Framework including the new Engagement Evaluation addendum to the Framework will be available on the corporate website and through Your Say Manningham.

6 CONCLUSION

- 6.1 The inclusion of the Engagement Evaluation is to further enhance our existing Community Engagement Framework.

- 6.2 The addendum on Engagement Evaluation will meet the requirements of VAGO's Better Practice Guide on Public Participation in Government Decision-making.
- 6.3 An awareness campaign to inform staff of the changes to the Community Engagement Framework will be implemented.
- 6.4 The Community Engagement Framework and Engagement Evaluation addendum to the Framework will be available on the corporate website and through Your Say Manningham.

OFFICER'S RECOMMENDATION

That Council endorses the Engagement Evaluation addendum to the Community Engagement Framework.

MOVED: GRIVOKOSTOPOULOS
SECONDED: KLEINERT

That the Recommendation be adopted.

CARRIED

"Refer Attachments"

* * * * *

13.2 2015/16 Financial Report and Performance Statement; Adoption in Principle

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

The completed 2015/16 Financial Report and 2015/16 Performance Statement are presented to Council for adoption in principal prior to their lodgement with the Auditor-General.

A detailed audit of the Financial Report and Performance Statement was undertaken by the Auditor-General's agent during August 2016. A "Closing report to the Audit Committee" for the financial year ended 30 June 2016", has been prepared by Mr Tim Fairclough, Partner, HLB Mann Judd. The Audit Conclusion was that "...the financial report of Manningham City Council is presented fairly". Mr Fairclough will be recommending to the Auditor General to issue a clear audit opinion for Manningham City Council on the two reports.

The draft 2015/16 Financial Report and 2015/16 Performance Statement together with the external audit Closing report were presented to the Audit Committee on 26 August 2016. The Audit Committee recommended a number of non-material changes and these have been incorporated into the final documents attached to this report.

The Audit Committee is satisfied that an appropriate external audit process has taken place and that the Audit Committee's review of the reports did not identify any issues that would prevent the Council from adopting the Statements "in principle" for submission to the Auditor- General.

This report also recommends that Councillor Paul McLeish and Councillor Dorothy Haynes be authorised to certify the Financial Report and Performance Statement.

1 BACKGROUND

- 1.1 The 2015/16 Financial Report is presented in accordance with the Model Financial Report issued by Local Government Victoria. It provides a comprehensive reporting of the revenues and expenses of Council for the 2015/16 financial year and the financial position of Council as at 30 June 2016. The notes accompanying the Financial Statements provide information relevant to Council's accountability obligations and additional information to assist users of the report to form an opinion on the financial performance of Council.
- 1.2 Under the Local Government Act 1989 and the Local Government (Planning and Reporting) Regulations 2014, Councils must now also report their performance against a set of prescribed service performance, financial and

sustainability indicators. These indicators are reported in the Performance Statement.

- 1.3 The Performance Statement details twelve service performance indicators, twelve financial performance indicators and six sustainable capacity indicators that are subject to audit. The draft the Financial Statements (Attachment 2) and Performance Statement (Attachment 3) must be approved in principle by Council prior to being forwarded to the Auditor-General.
- 1.4 The Financial Report and Performance Statement are included in full in Council's Annual report.

2 PROPOSAL/ISSUE

- 2.1 It is proposed that Council approve "in principle" the draft Financial Report and Performance Statement for the year ended 30 June 2016.
- 2.2 Further, that Councillor Paul McLeish and Councillor Dorothy Haynes are authorised to certify the Financial Report and Performance Statement in their final form. In the event that Councillors McLeish or Haynes is not available to certify the Statements, then any other Manningham Councillor is authorised to certify the Statements.

3 PRIORITY/TIMING

- 3.1 Following approval in principle by Council, the statutory statements will be submitted to the Auditor-General's Office for final audit clearance, which should be received prior to final sign off of Council's Annual Report.

4 POLICY/PRECEDENT IMPLICATIONS

- 4.1 The financial forecasts in Council's long term Financial Strategy will be updated to reflect the positive operating result and actual financial position of Council as at 30 June 2016.

5 FINANCIAL PLAN

- 5.1 The financial forecasts in Council's long term Financial Strategy will be updated to reflect the positive operating result and actual financial position of Council as at 30 June 2016.

6 COMMUNICATIONS STRATEGY

- 6.1 The Financial Report and Performance Statement will be published in Council's 2015/16 Annual Report.

7 CONCLUSION

- 7.1 That the 2015/16 Financial Report and Performance Statement, having been reviewed by the Auditor-General's Agent and Council's Audit Committee, be adopted in principle for submission to the Auditor-General.

OFFICER'S RECOMMENDATION

That

(A) Council notes:

1. The Audit Committee is satisfied that an appropriate external audit process has taken place on the proposed 2015/16 Financial Report and 2015/16 Performance Statement;
2. The Audit Committee has noted the contents and findings of the Victorian Auditor General's Office closing audit report to the Audit Committee of Manningham City Council for the financial year ended 30 June 2016;
3. That no issues of significance arose during the audit that needed to be brought to management's attention;
4. The Audit Committee's review of the draft 2015/16 Financial Report and the 2015/16 Performance Statement did not identify any issues that would prevent the Council from adopting the 2015/16 Financial Report and the Performance Statement in principle;

(B) Council authorises Councillor Paul McLeish and Councillor Dorothy Haynes to certify the 2015/16 Financial Report and 2015/16 Performance Statement in their final form. In the event that either Councillor McLeish or Haynes is not available to certify the Statements, then any other Manningham Councillor is authorised to certify the Statements.

(C) Council approves in principle the proposed 2015/16 Financial Report and 2015/16 Performance Statement.

**MOVED: GOUGH
SECONDED: HAYNES**

That the Recommendation be adopted.

CARRIED

"Refer Attachments"

1. **Attachment 1: Manningham City Council – Closing report for the financial year ended 30 June 2016**
2. **Attachment 2 2015/16 Financial Report**
3. **Attachment 3 2015/16 Performance Statement**

* * * * *

13.3 Financial Status Report - June 2016

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 Financial Status Report for the year ending 30 June 2016 reports variances to the end of year forecasts (as expressed in preparing the 2016/17 Annual Budget).

Council finished 2015/16 with a strong financial performance that gives it a secure base to commence the 2016/17 Annual Budget. Key financial results were:

- *Operating surplus of \$24.66 million, an improvement of \$5.30 million*
- *Underlying surplus of \$32.09 million, an improvement of \$2.91 million*
- *Total cash and investments \$62.97 million, an improvement of \$10.99 million*
- *Unrestricted cash \$26.16 million, an improvement of \$7.38 million*

The underlying surplus excludes non cash revenues and expenses, capital income, sale of assets and transfer to reserves.

In addition to this report, the 2015/16 audited Financial Report details financial performance to the Adopted 2015/16 Budget targets and compares 2014/15 and 2015/16 actual results. The Financial Report will be tabled at the Audit Committee on 26 August and Council on 30 August.

The 2015/16 Annual Report includes the Financial Report, Performance Statement and the Report of Operations incorporating the Local Government Performance and Reporting Framework (LGPRF) performance indicators.

1 BACKGROUND

- 1.1 The attached Financial Status Report for the year ending 30 June 2016 reflects a positive performance against the end of year forecasts.
- 1.2 Reporting on the performance of the Capital Works Program, Customer Feedback System, Council Plan Initiatives, Local Government Performance and Reporting Framework and Councillor expenditure is provided through alternate reporting mechanisms.

2 PROPOSAL/ISSUE

- 2.1 It is proposed that the attached Financial Status Report for the year ending 30 June 2016 be noted.

3 CONCLUSION

- 3.1 Council performed better than the 2015/16 end of year financial forecasts and this result provides a sound base for the 2016/17 Annual Budget.

OFFICER'S RECOMMENDATION

That the attached Financial Status Report detailing the financial performance of Council to year ending 30 June 2016 be noted.

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

That the Recommendation be adopted.

CARRIED

* * * * *

"Refer Attachments"

13.4 Citizen Connect

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

Manningham Council has increased its focus on delivering services that meet our citizens' needs, expectations and preferences.

While the organisation has a reasonable customer service culture and focus, a number of IT transformational projects have already commenced to uplift our service, business processes and to make the organisation more contemporary. However, the challenge we face is continuing the momentum by adequately supporting the delivery and maintenance of this program of works while also broadening our capability to better connect with our citizens.

A 2015/16 Council Plan Annual Initiative set the wheels in motion to undertake a review and identify the future customer service roadmap and strategy.

To bring to life Manningham's vision, a number of strategies need to be adopted. Our current decentralised approach to customer service needs to be replaced with a centralised service model. This model needs to be supported by the implementation of a contact centre, a Knowledge Base System and an enterprise Customer Relationship Management (CRM) to better manage and support our interactions with our citizens.

The review identified that our existing de-centralised service model (switchboard and satellite service unit based customer contact centres) has limitations for improvement; particularly in terms of service efficiencies, meaningful data capture, performance and customer satisfaction measurement.

Underpinning these issues, without a CRM we are currently unable to offer our customers a range of self-service options, access to end to end on-line transactions, and limited ability to improve our enterprise architecture. This significantly impedes efficiency improvements.

1 BACKGROUND

De-Centralised Customer Contact Centre

- 1.1 Our current de-centralised service model operates with a switchboard with transfers to eight small service unit based customer contact centres.
- 1.2 This mode of operation results in:
 - Inconsistent customer management practices
 - Multiple transfers for customer transactions

- High call abandonment rate
- The inability to capture consistent data
- Difficulty in measuring customer satisfaction and performance measuring
- Difficulty in introducing multi-channel access
- Specialists and senior staff spending time on issues front line should handle
- A lack of documented processes and procedures
- No central Knowledge Base for staff
- No holistic view of the organisation, its systems, processes and methods, and their interaction.

2 PROPOSAL/ISSUE

(1) Citizen Connect: Transformation to a Centralised Contact Centre

- 2.1 The transformation to a Centralised Citizen Connect Centre would result in the customer being able to access services by calling one number and in most instances receiving first call resolution.
- 2.2 Benefits of a Centralised Citizen Connect Centre include:
- Single point of contact for multiple services, first call resolution
 - Increased accountability for service delivery and performance monitoring
 - By introducing service standards, skills and protocols, we will improve the quality and consistency of the customer experience
 - Increase the speed with which we answer calls & decrease our call abandonment rate
 - Increase in self-service transactions
 - The ability to capture accessible customer data, improve reporting capabilities and the customer experience
 - Positive change in corporate culture
 - The development of a Knowledge Base - providing greater efficiencies as staff will have readily accessible, standardised information, processes and customer solutions available in a single source of truth, ensuring greater consistency and quality in the service provided.

(2) Citizen Connect: Implementing a Customer Relationship Management (CRM) Solution

- 2.3 Our staff are currently running legacy systems that have not kept pace with the demands of our citizens. Many services and transactional processes remain manual and require duplicated data entry from system to system for our staff.
- 2.4 CRM is a term that refers to practices, strategies and technologies that organisations use to manage and analyse customer interactions and data throughout the customer lifecycle.
- 2.5 Benefits of a CRM system include:
- Giving us a complete view of our citizens and the many and various transactions and interactions they have with us

- Building a better picture of why customers contact us, creating valuable insights, understanding, and visibility
- Leveraging insights into improved customer experience, processes and products
- Linking our back-office systems to provide our citizens with a 'single view' of their interactions with Council
- Providing a centralised portal where citizens can easily submit and track service requests, submit an application, or pay an account from anywhere, at any time, and on any device – self service
- Providing citizens with easier access to information relevant to their immediate neighbourhood and to improve the methods by which they report local incidents.

(3) Citizen Connect - Information Technology and I.T. Transformation: To continue developing our I.T. adequate resourcing and funding will be required.

- 2.6 Though significant progress has been made to some of our IT systems, we still remain substantively behind our expectations, and Council needs. The breadth and depth of the transformation cannot be underestimated. This follows many years of under investment.
- 2.7 We also require an improved foundation to deliver and support the outcomes of the following additional projects to drive a more efficient and productive organisation:
- CRM (Customer Relationship Management) system
 - Citizen Connect On-line Payments
 - Telephony Upgrade
 - Online planning applications - viewing and lodgement
 - Vehicle detection system
 - Event Management System
 - Data cleansing and warehousing
 - Infringement Reforms
- 2.8 Benefits of additional resourcing in Information Technology and IT Transformation include:
- Creation and fulfillment of a detailed staged plan of how the ultimate vision for Citizen Connect can be achieved
 - Development of a detailed enterprise architecture to support how Council should be operating into the future, including its systems, processes and methods
 - Improvement in the ability of Information Technology to support both current and future systems, with 12 new applications and systems in progress or recently implemented
 - Enabling of more efficient project delivery, through additional internal delivery expertise providing knowledge retention as well as a lower operating cost.
- 2.9 There will need to be a certain degree of flexibility in resources required, both permanent staff and contractors, so that this can be scaled up or down

dependant on the requirements at any given time to ensure the successful implementation and sustainability of these projects.

3 CUSTOMER/COMMUNITY IMPACT

- 3.1 Implementation of the listed projects will provide the community with a contemporary, efficient and effective interaction with Council and its services.

OFFICER'S RECOMMENDATION

That Council's vision for a more contemporary, connected and citizen centric organisation through the implementation of the above mentioned systems, processes and resources, which are all critical to building a high-performing, customer-focused Manningham, be adopted.

**MOVED: GRIVOKOSTOPOULOS
SECONDED: KLEINERT**

That the Recommendation be adopted.

CARRIED

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14. CHIEF EXECUTIVE OFFICER**14.1 Local Government Act Review Directions Paper - Submission**

Responsible Director: Executive Manager People & Governance

File No. T16/171

The ultimate destination for this report is: COUNCIL MEETING

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

SUMMARY

The State Government intends to reform local government by reinvigorating democratic practices and helping councils serve their communities more effectively and efficiently. A Directions Paper has been released seeking comments on a number of proposed directions for a new Local Government Act. This Paper provides a blueprint for a contemporary Act that will be clear, consistent and responsive to the needs of Victorians and municipal councils.

Local Government Victoria are seeking submissions on the Directions Paper by 16 September.

A Draft Submission is being prepared with input from Councillors and is recommended for adoption and submission the Local Government Victoria by the due date.

1 BACKGROUND

- 1.1 The review of the Local Government Act 1989 was a major election commitment of the Victorian Government as the Act is now outdated and flawed, and the local government sector has sought its reform for some time.
- 1.2 It is proposed that a new Act will provide a framework to revitalise participatory local democracy and reflect the diversity of contemporary Victorian community values and ideas in the vital decisions councils make. The Act's renewal will enable councils to adopt modern business practices and engage in stronger partnerships to deliver real public value in the interests of all Victorians.
- 1.3 Consultation was carried by Local Government Victoria in 2015 and Council made an initial submission in December 2015.
- 1.4 A Directions Paper containing proposed directions for the new Act has been released and submissions are sought by 16 September.
- 1.5 It is intended that following the lodgement of submissions, Local Government Victoria will analysis the comments made and give the State Government reform options to consider with the aim of again consulting with local government on a draft Bill in the last quarter of next year. It intends to have the new Act adopted in 2018.

- 1.6 The Directions Paper is divided into ten Headline Direction groupings. These are:-
- Mayors – Greater powers and longer terms
 - Consistent representative structures
 - Democratic voting rules supporting high participation
 - Council plans driven by participatory democracy
 - Integrated planning
 - Stronger Ministerial powers to resolve dysfunction
 - Transparency in CEO remuneration policy
 - Autonomous councils with independent decision making
 - Financially sustainable councils – innovative and collaborative
 - Consistency in rating – CIV to be the valuation methodology
- 1.7 Councillor's have provided feedback on various proposed Directions to assist in the formation of the attached draft submission.

RECOMMENDATION

That Council adopt the draft submission as presented and forward it to Local Government Victoria by Friday 16 September, 2016.

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

That the Recommendation be adopted.

CARRIED

"Refer Attachments"
Attachment 1 – Draft Submission

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14.2 Council Meeting Schedule for September to November 2016

Responsible Director: Executive Manager People & Governance

File No. T16/173

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

Due to the holding of Council's general elections in October, the operation of the Election Period from 21 September to 22 October and the extended period after the elections for the declaration of the result of the elections, it is necessary to hold two special meetings of Council to conduct normal business and change a meeting date to better assist in the conduct of Council business.

1 BACKGROUND

- 1.1 The Council Meeting Schedule for the 2015-2016 Municipal Year was adopted by Council on 24 November 2016. This schedule set the meeting dates for ordinary meetings of Council up to December 2016. It is proposed to amend this schedule for the remainder of the year due to the affect of the election period, the extended period for the declaration of the October elections and the need to better align the post election council meetings.
- 1.2 In addition to these changes, this report concerns the date for the Special Meeting required after the elections for the election of the Mayor, Deputy Mayor and other related matters. Under the Local Government Act 1989 it is the Chief Executive Officer pursuant to section 84A of the Local Government Act 1989 that can summon a special meeting of the Council for this purpose. This meeting needs to be called within 14 days after the day the returning officer for a general election publicly declares the result of the election. Given the recent changes to the Local Government (Electoral) Regulations 2016, the date of this meeting will be Tuesday 8 November, 2016.

2 PROPOSAL/ISSUE

- 2.1 It is proposed that Council resolve to call two special meetings of Council and change the date of the November ordinary meeting of Council.
- 2.2 The first special meeting of Council is to be on Tuesday 13 September at 7.00pm. This date is outside the election period and will be in lieu of an SBS meeting. This special meeting is required to approve 'in principle' the Annual report 2015/2016. The adoption of the Annual Report is a two part process with this meeting being the first part. The special meeting will also include statutory or routine matters needing to be determined in a timely manner such as Planning Permit applications, documents for sealing, etc.
- 2.3 The second special meeting is to be on Tuesday 4 October. This is inside the election period and conforms to the Council's Election Period policy. It is required to consider and adopt the Annual Report after it has been submitted

to the Minister. The Annual Report is an exempt document permitted to be dealt with in the election period. This meeting will be three weeks after the first Special Meeting and there may be additional minor routine matters to be considered as permitted by the Election Period Policy.

- 2.4 It is also proposed that the date of the Ordinary Meeting of Council scheduled for 29 November be changed to 15 November to bring it forward two weeks. This is considered necessary as it will be the first Council Meeting unencumbered by the Election Period being eleven weeks after the last Council Meeting on 30 August.
- 2.5 The Council Meeting previously approved for 13 December will remain as it will be four weeks after the proposed November Council Meeting.

3 POLICY/PRECEDENT IMPLICATIONS

- 3.1 The proposed changes are in line with the Council policy on the Election Period.

4 COMMUNICATIONS STRATEGY

- 4.1 The changed meeting dates will be shown on Council's website.

OFFICER'S RECOMMENDATION

That:-

- A. The Mayor be authorised to call, by written notice, a special meeting of Council for 7.00pm on 13 September and 4 October, 2016, and to specify within that notice the business to be transacted at each meeting;**
- B. The Ordinary Meeting of Council approved for 29 November be cancelled and replaced by an Ordinary Meeting of Council on 15 November; and**
- C. Council note the Chief Executive Officer expects to call a special Meeting of the newly elected Council on Tuesday 8 November, 2016.**

**MOVED: O'BRIEN
SECONDED: GOUGH**

That the Recommendation be adopted.

CARRIED

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14.3 Record of Assembly of Councillors - August 2016

Responsible Director: Executive Manager People & Governance

File No. T16/190

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 18 July and 19 August (both dates inclusive). They are:-

- Access and Equity Advisory Committee on 1 August
- Council Meeting Briefing on 26 July
- Integrated Transport Advisory Committee on 8 August
- Manningham Arts Advisory Committee on 20 July
- Municipal Emergency Management Planning Committee on 5 August
- Municipal Fire Management Planning Committee on 5 August*
- Senior Citizens Reference Group on 10 August
- Strategic Briefing Sessions on 19 July, 2,9 &16 August
- Submitters Meeting on 18 August

**Not available at the time of agenda publication*

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 shown attached be noted and incorporated in the minutes of this Council Meeting.

MOVED: GRIVOKOSTOPOULOS
SECONDED: DOWNIE

That the Recommendation be adopted.

CARRIED

"Refer Attachments"

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14.4 Documents for Sealing - 30 August 2016

Responsible Director: Executive Manager People & Governance

File No. .

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

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:

**Deed of Renewal and Variation of Lease
Council and Bulleen Templestowe Sports Club Inc
Part 284-302 Thompsons Road, Templestowe Lower**

**Deed of Renewal and Variation of Lease
Council and Yarra Junior Football League Inc
Part 175-189 Bulleen Road, Bulleen**

**Deed of Renewal and Variation of Lease
Council and Templestowe Sports Club Inc
Part 94-140 Porter Street, Templestowe**

**Consent Agreement to Build Over an Easement
Section 173 of the Planning and Environment Act 1987
Council and Manningham Investment Pty Ltd
23 Whittens Lane, Doncaster**

**MOVED: GRIVOKOSTOPOULOS
SECONDED: HAYNES**

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

**Deed of Renewal and Variation of Lease
Council and Living and Learning at Ajani Inc
Part 284-302 Thompsons Road, Templestowe Lower**

**Deed of Renewal And Variation of Lease
Council and Doncaster Kindergarten Association Inc
Part 687 Doncaster Road, Doncaster**

CARRIED

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15. URGENT BUSINESS REPORTS

There were no Urgent Business reports.

16. RESCISSION OR ALTERATION MOTIONS

16.1 Rescission Motion No. 1/2016 by Cr O'Brien

MOVED: O'BRIEN
SECONDED: GALBALLY

That Council rescind the motion passed at the Council Meeting held on 26 July, 2016, in relation to item 16.1 – Notice of Motion by Cr Dot Haynes (Nom No. 5/2016) concerning the former St John's Church and Hall at 283 Springvale Road, Donvale.

LOST

DIVISION

A Division having been demanded the Council divided as follows:

FOR (6): Councillors Haynes, Grivokostopoulos, Downie, Gough, Kleinert, and McLeish.

AGAINST (2): Councillors O'Brien and Galbally.

CARRIED

17. NOTICES OF MOTION

17.1 Notice of Motion by Cr Sophy Galbally (Nom No.7/2016)

MOVED: GALBALLY
SECONDED: KLEINERT

That Council provide advice and support to the group of Manningham Non Government Organisations, who have joined together under the auspices of Now Not Yet Inc. seeking to manage and operate Westerfolds Manor in Westerfolds Park, Templestowe, in preparing an expression of interest registration with Parks Victoria or other State Government agencies.

CARRIED

17.2 Notice of Motion by Cr Meg Downie (Nom No.8/2016)

MOVED: DOWNIE
SECONDED: GALBALLY

Manningham's indoor highball stadiums form part of a wider network of leisure and sporting facilities across the city to provide participation in a range of competitions, training, fitness activities and social opportunities to improve the overall health and wellbeing of the community. In recognition of this, Council's stadium pricing schedule is to be maintained at the following rates for high users (ie. usage is greater than 30 hours per week):

Court Hire	2016	2017	2018	2019
Peak Inc discount + 10 % direct debit	\$40.50 D:40% \$24.30	\$42.00 D:30% \$29.40	\$43.60 D:20% \$34.80	\$45.20 D:20% \$36.15
Off Peak Inc discount + 10% direct debit	\$30.10 D:40% \$18.05	\$31.25 D:30% \$21.90	\$32.45 D:20% \$26.00	\$33.65 D:20% \$26.90

This schedule applies to the end of the financial year 2019/2020.

CARRIED

18. QUESTIONS FROM THE PUBLIC

There were no questions from the public.

19. QUESTIONS WITHOUT NOTICE

There were no questions raised that required referral to a future Council Meeting or required any further action.

20. CONFIDENTIAL REPORTS

20.1 Confidential Governance Matter

This matter has been declared confidential by the Chief Executive Officer pursuant to Section 89(2)(h) of the Local Government Act 1989 due to it involving matters which would prejudice the Council or any person and is proposed to be considered in closed meeting.

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

That the Council consider this matter in closed Council Meeting as public disclosure may be prejudicial to the interests of the Council and/or other parties.

The Meeting then went into confidential closed session at 9.04pm and reopened at 9.30pm

The meeting concluded at 9.31pm

Chairperson
CONFIRMED THIS 15 NOVEMBER 2016

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