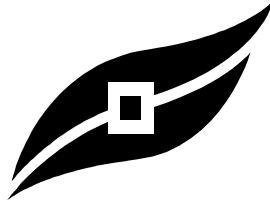


MINUTES



MANNINGHAM
BALANCE OF CITY AND COUNTRY

Ordinary Meeting of the Council

MEETING DETAILS:

MEETING NO: 6
MEETING DATE: 31 May 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
31 MAY 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 FOR ABSENCE AND GRANTING OF LEAVE OF ABSENCE

There were no apologies.

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 disclosures of Interest.

4. CONFIRMATION OF MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON 26 APRIL 2016 AND THE MINUTES OF THE SPECIAL MEETING OF COUNCIL HELD ON 17 MAY 2016

MOVED: GRIVOKOSTOPOULOS
SECONDED: O'BRIEN

That the Minutes of the Ordinary Meeting of Council held on 26 April 2016 and the Minutes of the Special Meeting of Council held on 17 May 2016 be confirmed.

CARRIED

5. VERBAL QUESTIONS FROM THE PUBLIC

A question was asked by:-

- Mr D Wolnizer, Templestowe Lower – Garbage Bins and Amendment C109

6. PRESENTATIONS

There were no Presentations.

7. PETITIONS

There were no Petitions.

8. ADMISSION OF URGENT BUSINESS

There were no items of Urgent Business.

9. PLANNING PERMIT APPLICATIONS

9.1 Planning Application PL15/025181 - Development of 1096 Doncaster Road Doncaster East for a four storey mixed used building comprising retail, office and two levels of residential consisting of eight apartments with associated ground and basement parking.

Responsible Director: Director Planning & Environment

File No. PL15/025181

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

Land:	1096 Doncaster Road, Doncaster East (Lot 1 on TP257918T Vol 8162 Fol 521)
Zone	Commercial 1 Zone (C1Z) Design & Development Overlay 1 (DD01)
Applicant:	Morteza & Sima Aminian
Ward:	Koonung
Melway Reference:	48D1, 48D2
Time to consider:	14 June 2016

SUMMARY

It is proposed to develop the land for a four storey, mixed use building comprising retail at ground level, office at first level and residential at levels two and three with associated basement and ground level car parking at 1096 Doncaster Road, Doncaster East. The site area is 678 square metres.

A total of eight (8) apartments are proposed, 132.4 square metres of retail floor space and 333.5 square metres of office floor space.

The proposal also seeks a car parking reduction pursuant to Clause 52.06, a waiver of the loading/unloading requirements pursuant to 52.07 and permission to remove the existing vehicular access from Doncaster Road pursuant to Clause 52.29.

A maximum building height of 14.7 metres is proposed across the eastern elevation. The maximum building heights across the front and rear elevations are generally 14 metres.

The application was advertised in September/October 2015 and a total of eleven (11) objections were received. Grounds of objection mainly relate to the reliance on the Council laneway for site access and insufficient car parking.

Following advertising, the development's car parking provision was raised as an issue for reconsideration by the permit applicant. On 12 April 2016, the permit applicant amended their proposal under section 57A of the Planning & Environment Act 1987 (the Act) to reduce the extent of the car parking reduction sought from five (5) car spaces to two (2) car spaces. These plans are now the decision plans.

Following an assessment against the Manningham Planning Scheme, the proposal is considered to be consistent with the aspirations of the Scheme. The proposal has also been considered and assessed against the Tunstall Square Structure Plan, March 2015, and deemed to be consistent with the objectives and strategies contained within.

It is therefore proposed to support the planning application, subject to conditions.

1 BACKGROUND

- 1.1 The subject site is 1096 Doncaster Road, Doncaster East. It is legally described as Lot 1 on TP 257918T with Certificate of Title Volume 816 Folio 521
- 1.2 The site is situated on the south side of Doncaster Road, at its corner with a laneway servicing the rear of the Tunstall Square (West) Neighbourhood Activity Centre.
- 1.3 The site consists of one rectangular allotment with a frontage to Doncaster Road of 19.82 metres and a maximum depth of 34.57 metres. The site has a total land area of 678 square metres.
- 1.4 A single storey, brick building with tiled pitched roofing is currently situated on the site. A brick, flat roof carport is positioned adjacent to the eastern boundary. The site is presently used for office purposes by an insurance broker firm.
- 1.5 Access to the site is presently via both a crossover and driveway positioned along the western side of the property and the Council laneway.
- 1.6 Car parking is positioned both forward and to the rear of the building. With the exception of the driveway area, a solid brick fence encloses the site's frontage. Low level landscaping is provided in the section between the fence and title boundary. An electricity/light pole is situated in the nature strip forward of the site. A further light pole is located adjacent to the eastern boundary.
- 1.7 The site is burdened by a 2.44 metre drainage and sewerage easement which is situated along its southern, rear boundary. Some scattered trees are situated within the easement providing a natural screen to the property to the south.
- 1.8 The site has a gentle fall from front (northern boundary) to back (southern boundary). Along the eastern boundary this consists of a level difference of 1 metre, while along the western boundary this is closer to 600mm.
- 1.9 Boundary fencing of the site is of varying heights, materials and conditions.
- 1.10 The site is not burdened by any covenants or Section 173 Agreements.
- 1.11 The site has abutments with the following properties:

Direction	Address	Description
West	1094 Doncaster Road, Doncaster East	Comprises a two storey, sheer wall, office building with a curved facade presenting to the Elvie Street intersection. A series of dense shrubs planted forward of the building provides

Direction	Address	Description
		a dense screen of the first level of the building to Doncaster Road. This continues along the Elvie Street frontage in which large canopy trees are featured. Undercroft style, car parking is provided at the rear of the building via a crossover along Elvie Street.
South	2 Elvie Street, Doncaster East	The single storey, brick dwelling on the lot is used for non-residential purposes presently accommodating a Physiotherapy and Pilates clinic. An open air car park is situated to the rear of the dwelling accessed via a crossover at the northern end of the frontage. The accessway abuts the northern boundary. Vegetation wraps around the perimeter of the car park area providing a visual screen to the subject site.
North	Doncaster Road Reservation	The land forming part of the Doncaster Road reservation under the jurisdiction of VicRoads.
East	Tunstall Square laneway	The Council owned laneway has a 6 metre width and facilitates two way vehicle movements. It provides rear of shop access to the western group of premises within the Tunstall Square Neighbourhood Activity Centre.

1.12 Adjoining lots comprise a variety of land use zones, as follows:

1.12.1 The adjoining lot to the west and land to the east are zoned Commercial 1 Zone (C1Z) and affected by the Schedule 1 to the Design and Development Overlay (DD01).

1.12.2 Land to the south is contained within a General Residential Zone 2 (GRZ2) and affected by the Schedule 8 to the Design and Development Overlay (DD08).

1.12.3 Land within the road reservation to the north is zoned Road Zone Category 1 (RDZ1).

1.13 The character of the surrounding area is in transition. While several nearby properties along Doncaster Road and surrounding streets remain post war brick or brick veneer, apartment developments have been approved in the immediate area and are emerging in the streetscape. The most notable examples in this neighbourhood include the four storey apartment

development at 1040-1044 Doncaster Road, Doncaster East and the three storey residential development at 51-53 Talford Street, Doncaster East.

- 1.14 The site is also clearly influenced by its location within the Tunstall Square Neighbourhood Activity Centre. The site is identified as being within the Activity Centre for the purpose of the Tunstall Square Structure Plan.
- 1.15 The site is also highly affected by its position on Doncaster Road - a six lane, primary arterial road separated by a central median strip responsible for carrying a high volume of vehicular traffic. It presently has a 70km per hour speed limit along the frontage of the site. Under the jurisdiction of VicRoads, the road is a busy arterial for the public transport network.
- 1.16 A bus lane is provided immediately forward of the site within the southernmost lane along Doncaster Road. Peak hour bus lanes operate in both directions and bus services are available from the bus stop situated on Doncaster Road (on the east side of the Council laneway) within 10-15 metres. Bus services accessing this route include Routes 207, 280, 282 and 907.
- 1.17 On-street parking is not possible along Doncaster Road or along the adjoining laneway. There is some restricted parking situated within Elvie Street (to the west of the site) and short-term parking opportunities within the Tunstall Square car park.

Planning History

- 1.18 There is no prior permit history for the subject site.
- 1.19 As part of this permit application, the proposal was considered by the Sustainable Design Taskforce on 28 May 2015. A number of issues were raised with the permit applicant, including the issue of the extent of the car parking reduction sought, reliance on the Council laneway to service the development and a number of suggestions relating to improving internal operation and amenity.
- 1.20 On 12 April 2106, the application was amended pursuant to Section 57A of the Act. The only change made via the amendment has been to introduce mechanical car stackers into the building to increase the number of on-site car parking spaces from 21 to 24 spaces.
- 1.21 As a consequence of this change, the extent of the car parking reduction for which planning permission is sought has been decreased from a total of five (5) to two (2) car spaces.
- 1.22 The application was not re-advertised, pursuant to Section 57B of the Act, as the changes to the plans are an improvement with the proposal reducing its reliance on off-site car parking. It is noted that all original objections stand.

2 PROPOSAL

- 2.1 It is proposed to demolish the existing buildings on the site and remove all vegetation, to construct a four storey, mixed use building with associated basement car parking.
- 2.2 An overview of the Section 57A/decision plans now follows:

Retail Use

- 2.3 At ground level, two separate retail premises are proposed at the northern end of the development described on advertised plans as "Retail 1" and "Retail 2". Collectively, the total retail floor space is 132.4 square metres with "Retail 1" to be 86.9 square metres and "Retail 2" to be 45.5 square metres.
- 2.4 The retail spaces have activated frontages to Doncaster Road accessible by both direct openings from the paved area immediately forward and via the common foyer (which separates the two spaces).
- 2.5 A communal WC facility is provided adjacent to the stairwell and lift.

Office Use

- 2.6 At first floor level, two separate office premises are proposed on either side of a central foyer, described on advertised plans as "Office 1" and "Office 2". Collectively, the total office floor space is 333.5 square metres with "Office 1" to be 159.7 square metres and "Office 2" to be 173.8 square metres.
- 2.7 Balconies are proposed to the north of each office premises, as follows:
- 2.7.1 Office 1 – 17.2 sqm
- 2.7.2 Office 2 - 20.02 sqm.
- 2.8 One communal balcony (58.9 sqm) is proposed to the south side of both office spaces. This balcony extends along the width of the site and projects out by 1.46 metres from the southern wall.
- 2.9 Communal WC facilities (male and female) are also provided at this level.
- 2.10 A total of fifteen (15) car spaces are proposed to be shared between the office and retail uses.

Residential Use (Levels 2 and 3)

- 2.11 Eight (8) residential apartments are proposed within the building four, (4) at each level. The dwelling mix encompasses:
- 2.11.1 7 x 2 bedroom apartments (Apartments 1-7);
- 2.11.2 1 x 3 bedroom apartment (Apartment 8).
- 2.12 The apartments vary in floor area between 73 and 106 square metres.
- 2.13 A total of nine (9) car spaces are proposed for the residential use. Each two bedroom apartment is provided with one car space. The single, three bedroom apartment is allocated two spaces within a car stacker.

Car Parking & Access

- 2.14 Car parking is proposed across one and a half levels, including an undercroft style parking level to the south of the retail premises (as shown on the ground floor plan) and a basement car park directly beneath (as shown on the basement floor plan) .
- 2.15 At ground floor, a total of eleven (11) car spaces are proposed, including one disabled car space. With the exception of the disabled car space, all other spaces are proposed at 4.9 metres (long) by 2.6 metres (wide). A communal bin store area is proposed adjacent to the disabled car space.
- 2.16 At the basement level, a total of thirteen (13) car spaces are to be provided. Six of the thirteen car spaces are provided within a car stacker arrangement.

These spaces are located at the south-eastern end of the basement footprint. Plans indicate these car spaces are to be allocated as follows:

- 2.16.1 One car stacker (2 spaces) to Office 1
 - 2.16.2 One car stacker (2 spaces) to Office 2
 - 2.16.3 One car stacker (2 spaces) to Apartment 8 (3-bedroom apartment).
- 2.17 Eight (8) storage areas are provided at the basement level all of which exceed 6 cubic metres in size and will be secured by the use of roller shutter doors.
- 2.18 A bicycle storage room with eight (8) bicycle spaces is also proposed at this level.
- 2.19 Vehicle access is proposed via the Council laneway in the form of a 6.4 metres wide accessway. As it ramps down to the basement level, the internal ramp narrows to 3.5 metres before increasing in width to a maximum 6.4 metres.
- 2.20 It is proposed to close all vehicular access to Doncaster Road by the removal of the existing crossover.
- 2.21 A waiver of the loading/unloading requirement is sought as loading/unloading of goods associated with the development is proposed to occur from outside of the property boundary.

Building Setbacks

Basement

- 2.22 Minimum building setbacks are as follows:
- 2.22.1 Northern boundary – 4.1m increasing to 4.8m;
 - 2.22.2 Southern boundary – 2.5 metres;
 - 2.22.3 Western boundary – 0 metres;
 - 2.22.4 Eastern boundary – 0 metres.

Ground Floor

- 2.23 Minimum building setbacks are as follows:
- 2.23.1 Northern boundary – 3.2m increasing to 3.9m;
 - 2.23.2 Southern boundary – 2.5 metres;
 - 2.23.3 Western boundary – 0 metres;
 - 2.23.4 Eastern boundary – 0 metres.

First Floor

- 2.24 Minimum building setbacks are as follows:
- 2.24.1 Northern boundary – 3.2m increasing to 3.9m;
 - 2.24.2 Southern boundary – 5.6 metres (exc. balcony, inc. balcony is 3.9m);
 - 2.24.3 Western boundary – 0 metres;
 - 2.24.4 Eastern boundary – 0 metres.

Second Floor

- 2.25 Minimum building setbacks are as follows:
- 2.25.1 Northern boundary – 5.7m (exc. balcony, inc balcony is 3.2m)
 - 2.25.2 Southern boundary – 3.9m (exc. balcony, inc balcony is 2.4m)
 - 2.25.3 Western boundary – 0 metres;
 - 2.25.4 Eastern boundary – 0 metres.

Third Floor

- 2.26 Minimum building setbacks are as follows:
- 2.26.1 Northern boundary – 5.7m (exc. balcony, inc balcony is 4.4m)
 - 2.26.2 Southern boundary – 4.4m (exc. balcony, inc balcony is 2.9m)
 - 2.26.3 Western boundary – 0 metres;
 - 2.26.4 Eastern boundary – 1.2 metres (exc. balcony, inc balcony is 0m).

Building Heights

- 2.27 The proposed maximum building height is 14.7 metres which occurs at a central location along the eastern elevation.
- 2.28 Across the Doncaster Road streetscape elevation (northern elevation), the proposed maximum building height is generally 14 metres.
- 2.29 Across the southern elevation, the maximum building height ranges between 13.1 metres (south-east corner) to 14 metres (south-west corner).

Materials & Finishes

- 2.30 Minimal information has been provided in respect of the proposed materials and finishes. It is apparent that the proposed building relies heavily on rendered finishes in a colour range consisting of white, brown and black. Aluminium composite cladding (in an orange tone) will be utilised in limited sections across the front (northern) and side (eastern) elevations.

Other Matters

- 2.31 The pedestrian entry to the building is via Doncaster Road. A series of steps abut the front title boundary leading to a large paved area associated with the two retail spaces. Bicycle racks are positioned on either side of the building's covered entry.
- 2.32 A 1:14 disability ramp is also proposed accessible from the north-east corner of the site. At the north-west corner of the frontage, a fire services cabinet is proposed to be flanked by a raised planter bed in which two indicative canopy trees are proposed.
- 2.33 The proposed building has a site coverage of 79% and an impervious site coverage of 92%.
- 2.34 In support of the planning application, the following documentation has been submitted with the proposal:
- 2.34.1 Architectural drawings, as prepared by Paul Shaw & Associates, Revision BV, dated 11 April 2016;

- 2.34.2 Colour perspective drawings, as prepared by Paul Shaw & Associates, received by Council on 31 July 2015;
- 2.34.3 Feature Survey Plan, as prepared by JCA Consultants, 20 March 2015;
- 2.34.4 Planning Report, as prepared by SJB Planning, April 2015;
- 2.34.5 Traffic Impact Report, as prepared by Ratio, dated April 2015 and additional traffic related advice, dated 12 January 2016;
- 2.34.6 Sustainability Management Plan, as prepared by Efficient Energy Choices, dated 2 April 2015;
- 2.34.7 Waste Management Plan, as prepared by R B Waste Consulting Service, dated 14 April 2015.

3 PRIORITY/TIMING

- 3.1 The statutory time for considering a planning application is 60 days. Having regard to the amended application pursuant to Section 57A, the statutory time is due to lapse on 14 June 2016.

4 RELEVANT LEGISLATION

- 4.1 The *Planning and Environment Act 1987 (the Act)* is the relevant legislation governing planning in Victoria. The Act identifies subordinate legislation in the form of Planning Schemes to guide future land use and development.
- 4.2 Section 60 of the Act outlines what matters a Responsible Authority must consider in the determination of an application. Before deciding on an application, the Responsible Authority must consider:
 - the relevant planning scheme, in this case being the Manningham Planning Scheme; and
 - the objectives of planning in Victoria; and
 - all objections and other submissions which it has received and which have not been withdrawn; and
 - any decision and comments of a referral authority which it has received; and
 - any significant effects which the responsible authority considers the use or development may have on the environment or which the responsible authority considers the environment may have on the use or development; and
 - any significant social effects and economic effects which the responsible authority considers the use or development may have.
- 4.3 Section 61(4) of the Act makes specific reference to covenants. The subject site is not affected by any covenant.

5 MANNINGHAM PLANNING SCHEME

Zoning

- 5.1 Pursuant to the Manningham Planning Scheme, the site is included in the Commercial 1 Zone (C1Z).
- 5.2 The purpose of the Commercial 1 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 create vibrant mixed use commercial centres for retail, office, business, entertainment and community uses.
 - To provide for residential uses at densities complementary to the role and scale of the commercial centre.
- 5.3 Pursuant to Clause 34.01-4, a planning permit is required to construct a building or construct or carry out works.
- 5.4 Clause 34.01-8 sets out the Decision Guidelines that a Responsible Authority must consider, in addition to the decision guidelines in Clause 65, the relevant ones to this application being:

General

- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- The interface with adjoining zones, especially the relationship with residential areas.

Buildings and Works

- The movement of pedestrians and cyclists, and vehicles providing for supplies, waste removal, emergency services and public transport.
- The provision of car parking.
- The streetscape, including the conservation of buildings, the design of verandahs, access from the street front, protecting active frontages to pedestrian areas, the treatment of the fronts and backs of buildings and their appurtenances, illumination of buildings or their immediate spaces and the landscaping of land adjoining a road.
- The storage of rubbish and materials for recycling.
- Defining the responsibility for the maintenance of buildings, landscaping and paved areas.
- Consideration of the overlooking and overshadowing as a result of building or works affecting adjoining land in a General Residential Zone, Neighbourhood Residential Zone, Residential Growth Zone or Township Zone.
- The availability of and connection to services.
- The design of buildings to provide for solar access.
- The objectives, standards and decision guidelines of Clause 54 and Clause 55. This does not apply to a development of five or more storeys, excluding a basement.

Overlays

- 5.5 The site is also included in the Design and Development Overlay Schedule 1 (DDO1) under the provisions of the Manningham Planning Scheme.
- 5.6 The purpose of the Design and Development Overlay is:
- To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
 - To identify areas which are affected by specific requirements relating to the design and built form of new development.
- 5.7 Pursuant to Clause 43.02-2, a planning permit is required to construct a building or construct or carry out works.
- 5.8 Buildings and works must be constructed in accordance with any requirements in a schedule to this overlay. A permit may be granted to construct a building or construct or carry out works which are not in accordance with any requirement in a schedule to this overlay, unless the schedule specifies otherwise.
- 5.9 Clause 43.02-5 sets out the Decision Guidelines that a Responsible Authority must consider, in addition to the decision guidelines in Clause 65, the relevant ones to this application being:
- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
 - The design objectives of the relevant schedule to this overlay.
 - The provisions of any relevant policies and urban design guidelines.
 - Whether the bulk, location and appearance of any proposed buildings and works will be in keeping with the character and appearance of adjacent buildings, the streetscape or the area.
 - Whether the design, form, layout, proportion and scale of any proposed buildings and works is compatible with the period, style, form, proportion, and scale of any identified heritage places surrounding the site.
 - Whether any proposed landscaping or removal of vegetation will be in keeping with the character and appearance of adjacent buildings, the streetscape or the area.
 - The layout and appearance of areas set aside for car parking, access and egress loading and unloading and the location of any proposed off street car parking
 - Whether subdivision will result in development which is not in keeping with the character and appearance of adjacent buildings, the streetscape or the area.
 - Any other matters specified in a schedule to this overlay.
- 5.10 Schedule 1 to the DD01 refers to the Doncaster Road Strategy Area. At Clause 1, the Design Objectives of the DD01 are:

- To achieve good design outcomes.
- To improve the attractiveness of Doncaster Road and to ensure that new development enhances the visual amenity and role of Doncaster Road as a viewing corridor.
- To enhance the viability and vitality of commercial activities along Doncaster Road.
- To ensure that advertising signs are compatible with the style of the built form and do not create visual clutter.
- To enhance the residential environment and improve facilities for public transport, pedestrians and cyclists.
- To promote safe pedestrian and bicycle access.
- To improve traffic efficiency and safety.
- To protect and enhance the amenity and liveability of residential areas.

5.11 In respect of buildings and works, Clause 2 specifies new development must:

- Recognise the importance of Doncaster Road as a main viewing corridor.
- Be set back 5 metres from the Doncaster Road frontage or have a sufficient setback from the Doncaster Road frontage to create a consistent built edge and incorporate tree planting and landscaping to achieve a boulevard character (This does not apply to dwellings).
- Create distinctive identities for gateways.
- Ensure that car parking areas are kept to the rear of buildings if possible.
- Allow vehicles to exit the site in a forward direction.
- Protect the capacity of the road and promote public safety by minimising the number of access points to Doncaster Road.
- Create visual interest and be compatible with the neighbourhood character by providing:
 - Articulated building facades and highlighted building entries.
 - Façade materials that do not exceed 70 per cent glazing.
 - Building heights that are responsive to the heights of adjoining buildings and do not cause a significant loss of amenity to adjoining properties.
- The landscape design must integrate development with adjoining properties and provide an attractive environment and buffer to these properties.
- Planting within the building setback area must include a row of avenue trees.

State Planning Policy Framework (SPPF)

- 5.12 Clause 11.01-1 (Activity Centres) includes the objective to build up activity centres as a focus for high-quality development, activity and living for the whole community by developing a network of activity centres.
- 5.13 Clause 11.01-2 (Activity Centre Planning) includes the objective to encourage the concentration of major retail, residential, commercial, administrative, entertainment and cultural developments into activity centres which provide a variety of land uses and are highly accessible to the community.
- 5.14 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.*
- 5.15 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.
- 5.16 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.*
- 5.17 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.

- 5.18 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.*
- 5.19 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.*
- 5.20 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.*
- 5.21 Clause 16.01-5 (Housing affordability) seeks to deliver more affordable housing closer to jobs, transport and services.
- 5.22 Clause 18.01-1 (Integrated Transport: Land use and transport planning) seeks to create a safe and sustainable transport system by integrating land-use and transport.

- 5.23 Clause 18.02-1 (Movement networks: Sustainable personal transport) has the objective to promote the use of sustainable personal transport.
- 5.24 Clause 18.02-2 (Cycling) seeks to integrate planning for cycling with land use and development planning and encourage as alternative modes of travel. The clause includes several strategies to achieve this objective including to:
- Require the provision of adequate bicycle parking and related facilities to meet demand at education, recreation, shopping and community facilities and other major attractions when issuing planning approvals.
- 5.25 Clause 18.02-4 (Management of the road system) has the objective to manage the road system to achieve integration, choice and balance by developing and efficient and safe network and making the most of existing infrastructure.
- 5.26 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 (LPPF)
Municipal Strategic Statement (Clause 21)**

- 5.27 Clause 21.03 (Key Influences) identifies that future housing need and residential amenity are critical land-use issues. The MSS acknowledges that there is a general trend towards smaller household size as a result of an ageing population and smaller family structure which will lead to an imbalance between the housing needs of the population and the actual housing stock that is available.
- 5.28 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.
- 5.29 Clause 21.09 (Activity Centre and Commercial Areas) outlines that *principal, major and identified neighbourhood activity centres will be the focus of increased residential growth and development.*
- 5.30 In respect of Neighbourhood Activity Centres, it states:

Manningham's Neighbourhood Activity Centres provide a limited mix of uses to meet local convenience needs. A key issue is to ensure that these centres remain viable and can evolve to meet the future needs of the community.

These centres will continue to be community hubs and meeting places for local residents, and opportunities for locating a range of social, community and recreational services within these centres will be encouraged. The activity centres located west of the Mullum Mullum Creek will be a focus for increased medium density development.

Development in the activity centres should improve functionality, accessibility, safety, social interaction, promote sustainability, and address scale and identity through site responsive design.

5.31 Clause 21.09-4 Neighbourhood Activity Centres sets out the following objectives:

- *To maintain the role of Neighbourhood Activity Centres to meet local convenience needs.*
- *To achieve active street frontages in Neighbourhood Activity Centres.*
- *To discourage the location of new commercial and retail development outside Neighbourhood Activity Centres.*
- *To minimise the negative impact of Neighbourhood Activity Centres on the amenity of adjoining residential areas.*
- *To achieve high quality urban design which promotes a sense of place, community identity, social interaction and a safe environment.*
- *To provide landscaping to soften built form.*
- *To achieve building design which includes accessibility and reduces the need to modify or alter buildings, in response to future changing needs and uses.*
- *To ensure that public spaces provide a high standard of amenity, convenience, accessibility and safety.*
- *To provide quality community services and facilities in proximity to and within Neighbourhood Activity Centres.*
- *To ensure that adequate infrastructure is provided as part of any development.*
- *To improve pedestrian, bicycle and public transport access to Neighbourhood Activity Centres.*
- *To achieve effective and safe pedestrian movement within Neighbourhood Activity Centres.*
- *To ensure appropriate traffic management and adequate parking provision.*
- *To ensure that development provides the highest level of access for all people.*

5.32 Clause 21.09-6 Commercial Areas contains the following objectives:

- *To contain commercial development within existing commercial areas or activity centres.*
- *To minimise the impact of commercial development on the amenity of other adjoining uses.*
- *To achieve development with a high standard of amenity, functionality and safety.*
- *To ensure that the range of uses within mixed use developments are compatible.*
- *To achieve high quality urban design that makes a positive visual contribution to existing commercial areas.*

- *To reduce the visual impacts of car parking and driveway areas.*
 - *To provide landscaping to soften built form.*
- 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 relate to:

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

Local Planning Policy

- 5.34 Clause 22.01 Design and Development Policy sets out the following objectives:
- *To ensure that the design, location and appearance of development respects the height and massing of surrounding development where this is a recognised and valued feature.*
 - *To encourage contemporary architecture combined with innovative urban design and building techniques, where appropriate.*
 - *To promote the siting of land uses and development, which reduces the need to travel and encourages multi-purpose trips.*
 - *To retain existing vegetation where possible and ensure that a high standard of landscaping is achieved.*
 - *To achieve a 'boulevard' character and well-defined built edge along Doncaster Road.*
 - *To discourage development that restricts significant views from main roads.*
 - *To achieve design, which is functional, safe, convenient, attractive, accessible and responsive to the site and surrounds.*
 - *To facilitate the creation of functional and high quality built form and urban spaces.*
 - *To encourage active street frontages.*
 - *To ensure protection from unreasonable overlooking or overshadowing of abutting and nearby residential properties.*
 - *To ensure that land used for vehicle access and parking is properly designed, constructed and drained.*
- 5.35 Clause 22.08 Safety Through Urban Design seeks to:
- *To provide and maintain a safer physical environment for those who live in, work in or visit the City of Manningham.*

- *To minimise opportunities for crime, through well designed and well maintained buildings and spaces.*
 - *To encourage the use of public spaces.*
 - *To improve accessibility by creating attractive, vibrant, walkable environments.*
 - *To discourage graffiti and vandalism.*
- 5.36 Clause 22.09 Access for disabled people has the following objectives:
- *To facilitate the integration of people with a disability into the community.*
 - *To ensure that people with a disability have the same level of access to buildings, services and facilities as any other person.*

Particular Provisions

- 5.37 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.*
- 5.38 In terms of the proposed retail use, car parking is required as follows:
- *4 car spaces to each 100 sq m of leasable floor area.*
- 5.39 The office use triggers the following car parking rate:
- *3.5 car spaces to each 100 sq m of net floor area.*
- 5.40 It is noted that definitions of leasable and net floor area, are contained at Clause 72 of the Scheme, as follows:
- Leasable Floor Area*
That part of the net floor area able to be leased. It does not include public or common tenancy areas, such as malls, verandahs, or public conveniences.
- Net floor area*
The total floor area of all floors of all buildings on a site. It includes half the width of any party wall and the full width of all other walls. It does not include the area of stairs, loading bays, accessways, or car parking areas, or any area occupied by machinery required for air conditioning, heating, power supply, or lifts.
- 5.41 Clause 52.06-8 outlines various design standards for parking areas that should be achieved.
- 5.42 Clause 52.07 (Loading and Unloading of Vehicles) seeks to set aside land for loading and unloading of commercial vehicles to prevent loss of amenity and adverse effect on traffic flow and road safety.
- 5.43 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.

- 5.44 Clause 52.34 (Bicycle Facilities) is applicable to this application. The statutory bicycle parking requirements are that in developments of four or more storeys, 1 bicycle space must be provided to each 5 dwellings (for residents) and 1 bicycle parking space for visitors is required for every 10 dwellings. While there are requirements for retail and office uses, these are not triggered in this instance due to the small size of these proposed uses.

General Provisions

- 5.45 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.*

Other Relevant Documents

Tunstall Square Structure Plan, March 2015

- 5.46 The Structure Plan for the Tunstall Square Neighbourhood Activity Centre was adopted in March 2015. The Plan establishes a preferred vision for the Tunstall Square Activity Centre for the next 20 years. The Plan states that it will:
- *Provide greater certainty for residents, businesses, landowners and investors about the future form and land use within the Centre*
 - *Manage change to ensure the ongoing sustainability and viability of the Centre as a place to live, work and do business.*
 - *Guide decision makers and other relevant key stakeholders at State and local government level regarding works and initiatives*
 - *Guide future land use and development in a way that is consistent with State and Local Planning policy*
 - *Direct Council resources to best serve the needs of the community.*
- 5.47 The Plan outlines that it will be used by Council
- *In the assessment of the planning permit applications and requests for Planning Scheme Amendments*
 - *To determine the application of local planning policy, zones and overlays in the Manningham Planning scheme*
 - *To support and plan for investment in public infrastructure within the Study Area.*

- 5.48 The subject site sits within the Study Area identified at Section 1.3 of the Plan.
- 5.49 The Structure Plan is organised into nine sections. Section 4 is titled Issues and Opportunities. Issues relevant to the application include: the Centre lacks a strong built form and identification presence from Doncaster Road (page 15) and the centre is a car dominated environment, both physically and visually (page 18).
- 5.50 At Section 6, the Structure Plan identifies a series of overarching objectives and strategies that will implement the vision for Tunstall Square.
- 5.51 Section 6.1.1. Housing (page 21) identifies that there is currently little or no housing within the commercial heart of the centre and there is the opportunity to provide for additional apartment style housing within the existing shopping centre where there is excellent access to shops, public transport and services and minimal residential interfaces.
- 5.52 As such, Objective 1 of the Plan seeks to provide a range of housing types to cater for the needs of the current and emerging population.
- 5.53 Section 6.2 Built Form (page 25) recognises that there are currently no restrictions on the height of buildings within the commercial part of the Study Area. The Plan states:
- Given that the commercial precinct is relatively flat, is reasonably self-contained, and has limited direct interfaces with residential properties; a built form of up to 16 metres (5 storeys) is proposed along Doncaster Road, with a form of up to 13.5 metres (4 storeys) proposed for specific sections of the commercial parts of the centre.*
- All buildings need to be of a high quality and designed so that the upper levels are 'stepped in' to minimise visual bulk and provide a reasonable transition to the adjoining residential properties.*
- 5.54 The Built Form Framework (Figure 4) identifies the site as one capable of accommodating a four storey building projected at having a maximum building height of 13.5 metres.
- 5.55 Objective 4 of the Plan seeks to provide for future redevelopment in selected locations within the commercial precinct of a design quality and height that reinforces the village atmosphere and has regard to the adjoining residential area.
- 5.56 Section 6.4.4 Car Parking (page 35) notes that the Centre experiences moderate to high parking demands interspersed with periods of higher congestion. The importance of ensuring that the efficiency of the operation of the car park is maximised is acknowledged.
- 5.57 Objective 9 of the Plan seeks to provide well designed car parking that is easy to find and access with minimal conflict with pedestrian, cyclists and public transport. Strategies to achieve this objective (as relevant to the application), include:
- *Optimise parking and improve pedestrian safety in the western car park*
 - *Encourage use of the Council laneway to provide access to additional car parking for private properties.*

6 ASSESSMENT

6.1 Having set out the planning policy and provisional framework of the Manningham Planning Scheme, an assessment of the proposal will now follow under the below headings:

- State Planning Policy Framework (SPPF)
- Local Planning Policy Framework (LPPF)
- Commercial 1 Zone (C1Z)
- Design and Development Overlay Schedule 1 (DD01)
- Particular Provisions
- Clause 65 Decision Guidelines

and against the Tunstall Square Structure Plan, March 2015.

State Planning Policy Framework

6.2 The proposed development meets the aforementioned objectives and strategies of the State Planning Policy Framework. The proposal meets the community's needs for a mixed use development comprising residential apartment opportunities within an existing, established activity centre where higher density living is best located. Housing diversity is provided and it is considered that the built form successfully responds to its urban context with a high degree of integration provided with the Doncaster Road streetscape from where public bus transportation is readily accessible.

Local Planning Policy Framework

6.3 The proposal is generally consistent with Council's Municipal Strategic Statement (MSS) and relevant local planning policies. The proposal facilitates additional residential living opportunities in an appropriate location in the midst of a range of community services, facilities and infrastructure.

6.4 The proposal features a number of the attributes sought by the MSS in respect to new development in Activity Centres (Clause 21.09), namely:

- It activates the Doncaster Road frontage by virtue of its integration with the streetscape and connectivity with the existing footpath network
- It provides an accessible building
- It offers on-site car parking and appropriate linkages to public transport
- It proposes a built form that does not cause any adverse amenity impacts
- It provides for some planting opportunities with the front and rear setbacks.

6.5 The proposal features a range of ecologically sustainable development initiatives as evidenced in the submitted Sustainability Management Plan to meet the requirements of Clause 21.10.

6.6 In respect to built form, the development responds favourably to the objectives of Clause 22.01 by:

- Its location within an Activity Centre which reduces car dependency and the need for multi-purpose trips;
- The scale and massing of the four-storey mixed-use building;
- Its adoption of a contemporary architectural style;
- Its positive relationship with the Doncaster Road frontage and well considered front setback layout which facilitates an activated frontage.

6.7 In regards to other relevant local planning policies (Clauses 22.08 and 22.09), it is considered that the design response is accessible to people of limited mobility by the provision of an appropriate ramp grade to enable access into the building. Once inside, all levels are serviced by lift. However, there are aspects of the detailed design that are considered likely to attract vandalism and graffiti. The proposed two-storey, white rendered wall along the eastern elevation presents as a “blank canvas” for this purpose. To avoid this likely ongoing maintenance issue for any future owners corporation, as well as to avoid this aspect of the building being an eyesore to all, it is proposed to require a permit condition that this wall be constructed of a durable material (for e.g. brick, glazed brickwork) and finished/treated appropriately. The wall must also not be finished in white (**Condition 1.18**).

Zoning & Overlay

Commercial 1 Zone (C1Z)

- 6.8 The proposal is consistent with the three purposes of the C1Z.
- 6.9 Firstly, as stated above, the proposal is consistent with the objectives and strategies contained within the SPPF and LPPF.
- 6.10 Secondly, the proposed mixed use development seeks to compliment and enhance the existing vibrancy of the Tunstall Square Neighbourhood Activity Centre by providing additional retail and office floor space to further employment and economic development opportunities to support the Centre’s ongoing viability and attractiveness to existing and new patrons.
- 6.11 Thirdly, the inclusion of two levels of residential provides an appropriate number and level of diversity in apartment type to facilitate opportunities for future residents seeking to live within an activity centre environment. The overall scale is compatible with the existing and preferred character of the Tunstall Square Neighbourhood Activity Centre.
- 6.12 The proposal is generally consistent with the decisions guidelines of the Zone (Clause 34.01-8) due to:
- Its provision of on-site car parking (although it is noted that there is a shortfall of two statutory car spaces)
 - A waste room incorporated with the building footprint and the building’s waste to be privately managed
 - The ability for ongoing maintenance to be definitive and manageable having regard to the front setback layout and common property arrangement in respect of the car parking area

- The building's design maximises solar access, particularly for the retail and office uses which will benefit from a northerly aspect. The ground level layout seeks to facilitate a small, north-facing alfresco style space for both retail premises while the balconies to both office spaces at first level will provide a high level of amenity for office workers to enjoy this space which will in turn provide for passive surveillance opportunities.
 - The proposal is considered to positively comply with a number of the objectives, standards and decision guidelines of Clause 55 having regard to the building's integration with the streetscape, opportunities for canopy tree planting to soften the streetscape elevation, regard to off-site amenity impacts, on-site open space provision in the form of appropriately sized and dimensioned balconies, storage provision for all dwellings and solar penetration into the habitable room spaces of the majority of dwellings.
- 6.13 While the proposal does not meet the relevant standard at Clause 55.04-1 side and rear setback objectives, it is considered that it meets the objective - to ensure that the height and setback of a building from a boundary respects the existing and preferred neighbourhood character and limits the impact on the amenity of existing dwellings.
- 6.14 The site is within a commercial zoning where it adjoins a laneway to its eastern boundary and an existing two storey wall on its western boundary. There is considered to be no unreasonable amenity impacts as a result of constructing to the eastern boundary while the future development of the land to the west at 1094 Doncaster Road (also zoned commercial) is to be afforded the same opportunity as the current proposal to build to the boundary to four storeys. As such, the development is not considered to unreasonably prejudice the future development opportunities of the land to the west.
- 6.15 To the rear, the land is zoned for residential purposes but is presently used as a non-residential use (physiotherapy & pilates). As previously noted, an open air car park adjoins the boundary common with the site. As such, the amenity protection for the property to the south (No. 2 Elvie Street) is not as great as if it were used for residential purposes and private open space was to be directly impacted by the built form. So, while there will be some overshadowing implications caused by the development's rear wall heights, these are not considered to be so unreasonable as to warrant modifications to the building for this purpose, or on neighbourhood character grounds.
- 6.16 From an equitable development perspective, a permit condition will however, seek a minimum 4.5 metre wall setback to the common boundary with No. 2 Elvie Street to avoid the need to screen south facing habitable room windows and afford the adjoining lot the same opportunity if/when it redevelops (**Condition 1.16**). This figure is derived having regard to the 9m distance sought by the overlooking objective at Clause 55.04-6 of the Manningham Planning Scheme. The encroachment of the balconies associated with Apartments 2 & 6 into this 4.5m space is reasonable (without screening) as it is considered a future design response on the adjoining lot can take their positioning into account (and respond in their design to avoid a direct outlook).

Schedule 1 to the Design and Development Overlay (DD01)

- 6.17 The proposal is generally consistent with the requirements of Clause 2 of the DD01 and is consistent with the requirements of the decision guidelines of the DD0 and DD01 due to:
- The scale and massing of the built form considered to be “in keeping” with the desired character for Doncaster Road and the site’s contribution to the Tunstall Square Neighbourhood Activity Centre.
 - The building generating a high level of visual interest by virtue of an appropriate building height, the appropriate level of glazing (being less than the 70% sought), achievement of an articulated building facade and readily identifiable building entry.
 - The integration of car parking within the building rather than presenting as an eyesore in the front setback.
 - The design of car parking to enable egress in a forward direction.
 - It minimising the number of access points onto Doncaster Road (it proposes no crossovers) and thereby protects the capacity of the road and provides for public safety for users of the Doncaster Road footpath.
 - The provision for some planting, including canopy tree planting, within the front setback (although does not meet the requirement to include a row of avenue trees within the building setback).
- 6.18 The 5 metre setback requirement to the Doncaster Road frontage is not met by the proposal. At ground level, the minimum setback of the building to Doncaster Road is 3.2 metres (Retail 2) increasing to 3.9 metres (Retail 1). However, the proposed setback of Retail 2 is consistent with the existing setback of the building at 1094 Doncaster Road and thereby provides a consistent building edge, as sought by the DD01. On this basis, the proposed setback of the mixed use building is considered acceptable.

Particular Provisions Assessment

- 6.19 An assessment follows against the relevant particular provisions of the Scheme:
- Clause 52.06 Car Parking**
- 6.20 Prior to a new use commencing or a new building being occupied, Clause 52.06-2 requires the number of car parking spaces outlined at Clause 52.06-5 to be provided on the land or as approved under Clause 52.06-3 to the satisfaction of the Responsible Authority.
- 6.21 This clause 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.
- 6.22 Visitor car parking is required at a rate of one car parking space for every 5 dwellings.

- 6.23 The proposal satisfies the residential occupant car parking requirement by providing one car space to each two bedroom apartment (Apartments 1-7) and two car spaces in a mechanical car stacker for Apartment 8. However, it does not provide the one (1) residential visitor car space required by the Clause.
- 6.24 Having regard to the net floor area of office proposed, the proposal is required to provide a total of eleven (11) car spaces. The proposal provides the required spaces in the form of two mechanical stackers (4 spaces) at the basement level and seven (7) spaces at the car park entry level. It is anticipated that the stacker spaces will be allocated to office staff, rather than visitors (**Condition 1.1**).
- 6.25 In regards to the retail use, a total of five (5) statutory car spaces are required. The proposal provides four (4), including a disabled car space. As such there is a shortfall of one retail (1) space.
- 6.26 Overall, the proposal now seeks a reduction in the provision of two (2) spaces: one being for the retail use and the other for the residential (visitor) use. An assessment as to the reasonableness of this request requires a consideration of the extensive list of requirements at Clause 52.06-6 of the Manningham Planning Scheme. This list includes: the Car Parking Demand Assessment submitted in support of the application which has regard to, among other things, opportunities for multi-purpose trips, short-term vs long-term stay requirements of the uses, bicycle parking provision, access to public transport, and any adverse economic impact a shortfall of parking may have on the economic viability of any nearby activity centre.
- 6.27 The Car Parking Demand Assessment, April 2015, prepared by Ratio Consultants, acknowledges parking occupancy to be “reasonably high” within the survey period (surveys were conducted between 8am to 9pm on a Friday and 11am to 4pm on a Saturday and found a maximum occupancy of 79% and 85%, respectively).
- 6.28 Notwithstanding the high “take up” of car parking within the Activity Centre, the parking surveys do confirm that there is available public spaces in the vicinity of the site at all times, including during peak times, to cater to any off-site visitor parking demand. This is a relevant consideration.
- 6.29 Also a relevant consideration is the position of the Doncaster Road bus stop at the doorstep of the entry to the development. The Doncaster Road bus service has a dedicated bus lane along Doncaster Road which provides westbound access to a range of facilities, including Westfield Doncaster and the Melbourne Centre Activities District. Such convenient and proximate access to one of the best bus services in the municipality presents itself as an important (and relevant) consideration.
- 6.30 The proposal's inclusion of a series of bicycle parking facilities both at ground entry level and within the basement is also relevant, as is the proposed development's accessibility to pedestrians.
- 6.31 It is considered that the installation of mechanical stackers into the building to reduce the extent of the car parking reduction sought has been an important and positive adjustment to the proposal since the application was advertised. By the quantum of on-site car spaces increasing, it has also affected their allocation with a full compliance now achieved for the office

use. Given the longer term-stay associated with an office use, this is considered to be an important change.

- 6.32 This is to be contrasted to the retail use which is more likely to have shorter term visitor demand and be “a multi-purpose trip” generator with visitors also likely to attend the conveniences within the Tunstall Square Activity Centre.
- 6.33 It is the view of the permit applicant’s traffic engineer, in relation to the retail reduction sought, that:

“it is a common and acceptable outcome for all customer parking for retail tenancies of the size and location (within or near to an Activity Centre) to be accommodated in nearby on and off-street public parking locations, as proposed for this development”.
- 6.34 It is also noteworthy that the opportunity should exist for residential visitors to utilise the office visitor spaces outside of office hours. Signage to this effect could be helpful and will be required by permit condition (**Condition 1.9**).
- 6.35 Therefore, having regard to the above relevant considerations, the proposed car parking reduction is considered reasonable. It is not considered that by supporting this reduction that Council is causing an adverse economic impact on the viability of the Activity Centre. Rather, it is considered that the overall proposal serves to enhance the vibrancy and economic vitality of the Activity Centre. It is considered the number of spaces and the nature of the spaces to be waived is critical in the decision to support the car parking reduction and in drawing to the ultimate conclusion that the waiver will not have an adverse effect on the Centre.
- 6.36 Clause 52.06-8 contains seven (7) design standards with which the proposal should comply:

Design Standard	Met/Not Met
1 - Accessways	<p>Met with conditions</p> <p>The access has been proposed to enable vehicles to exit the site in a forward direction.</p> <p>It is considered that the 6.4 metre wide aisle width serves as the required passing area for the purpose of this development. This view is shared by the permit applicant’s traffic engineer.</p> <p>A permit condition will seek clarification that the headroom clearance of the building satisfies the 2.1 metre requirement of the standard (Condition 1.3).</p> <p>The perforated metal screens on either side of the accessway should allow for a good level of transparency to ensure appropriate sightlines. However, a permit condition will seek the design detail of these screens to ensure a minimum 50% transparency. Furthermore, the need for a security door across the crossover will need to adopt a similar transparent design to ensure the site lines of exiting vehicles can be maximised. In conjunction with a requirement to install an amber warning light to alert</p>

	<p>motorists and pedestrians utilising the laneway (a suggestion of the applicant's traffic engineer), these measures in conjunction with one another are considered will ensure the access into and out of the proposed development will be safe and accessible (Conditions 1.4, 1.5, 1.6).</p>
2 – Car Parking Spaces	<p>Met with condition Council's Engineering department has considered the size of proposed car parking spaces and aisle widths and considered them to be appropriate.</p> <p>Council's Engineers have raised concern with the location of car parking spaces 6, 7, 8 and 9 in relation to their proximity to the entry to the car park and in terms of the ability for these spaces to be used safely. It is considered with the adoption of the aforementioned requirements to improve the sightlines at the crossover point and the installation of an amber warning light to alert motorists and pedestrians along the laneway of an exiting vehicle (as discussed in the response to Design Standard 1), the concerns of Council's engineers with these spaces is considered to have been addressed.</p> <p>Council's Engineers seek the residential car parking spaces at the basement level to be made secure. This can be addressed by permit condition (Condition 1.8).</p>
3 - Gradients	<p>Met with condition Council's Engineering department have raised no concern with any proposed entry grades associated with the internal accessway although a condition recommended by them seeks clarification of the grades within the car park. They have asked for a section to confirm this and the appropriateness of headroom clearance within (Condition 1.11).</p>
4 – Mechanical Parking	<p>Met with conditions The proposed mechanical stackers will not be utilised by visitors to the building. They can be appropriately allocated to one residential apartment and the office use (occupiers, rather than visitors). A permit condition will confirm this by way of plan notation (Condition 1.1).</p> <p>Some further detail regarding the specifications associated with the design of the stackers will be sought by permit condition, including demonstration that head clearances accord with the requirement of this design standard (Condition 1.10)</p>
5 – Urban Design	<p>Met with conditions The presentation of the accessway, as viewed from the public realm, is deemed to be appropriate. To achieve the</p>

	right balance between site permeability and security, a security door with an appropriate level of transparency will be required by permit condition. (Conditions 1.4, 1.5).
6 – Safety	Met with conditions Given the high useage of the laneway, and the potential for conflict with pedestrians and the range of vehicles that utilise the laneway, it is considered very important to implement some safety measures at the car park entry to ensure public safety as outlined above in the response to Design Standard 1. Ratio Consultants have proposed a number of measures which could be adopted by permit condition to achieve this outcome, including the installation of an amber warning light (Conditions 1.4, 1.5, 1.6).
7 – Landscaping	Considered Met Given the access occurs ‘at grade’ and directly from the existing Council laneway, the typical opportunity to achieve a landscaped vehicle accessway is not permitted by the design response. Due to the site’s commercial zoning and location of the accessway, this is not considered to be an issue in this application.

6.37 It follows from the above assessment that the proposal is generally compliant with the applicable design standards at Clause 52.06-8 of the Manningham Planning Scheme with areas of concern resolvable by permit condition.

Clause 52.07 Loading and Unloading of Vehicles

6.38 Clause 52.07 requires land used for the manufacture, servicing, storage or sale of goods/materials to set aside space for the loading and unloading of vehicles. Accordingly, the proposed two retail tenancies are required to provide a loading bay.

6.39 A permit may be granted to reduce or waiver this requirement for an on-site loading bay if either:

- The land area is insufficient
- Adequate provision is made for loading and unloading of vehicles to the satisfaction of the Responsible Authority.

6.40 As most retail tenancies of this size and in such locations rely on off-site loading (either along the road frontage or adjoining ROW), it is considered reasonable to permit this arrangement in this instance. While Doncaster Road accommodates a dedicated bus lane and clearway during the hours of 7am to 9am and 4pm to 7pm, there is scope outside of these hours for a vehicle to prop outside the Doncaster Road frontage and directly enter the ground level retail spaces. The eastern side of the Council laneway would also be available for short term parking by delivery vehicles in a similar manner that occurs with many of the other business serviced by this laneway.

6.41 It follows from the above that the proposed waiver of the loading/unloading requirement is reasonable in the circumstance.

Clause 52.29 Land Adjacent to a Road Zone Category 1

- 6.42 The closure of the current access to Doncaster Road is supported by the Roads Authority, who by way of background, provided preliminary advice to the permit applicant that they would not support access to the proposed mixed use development from Doncaster Road (given the adjacent laneway access). As such, the permit applicant embarked on a design response which relies on the Council laneway for site access. Standard conditions will be applied, as sought by VicRoads, to ensure the removal and reinstatement of the nature strip, kerb and channel. The removal of the crossover to Doncaster Road is also consistent with the DD01 which serves to reduce the extent of crossovers to Doncaster Road in the interests of pedestrian safety.

Clause 65 Decision Guidelines

- 6.43 Clause 65 states because a planning permit can be granted, does not imply that a permit should or will be granted. The Responsible Authority must decide whether the proposal will produce acceptable outcomes in terms of the decision guidelines of this clause. Before deciding on an application, the Responsible Authority is required to consider up to twelve items which include *“the matters set out in Section 60 of the Planning and Environment Act 1987”*, *“the orderly planning of the area”* and *“the effect on the amenity of the area”*.
- 6.44 Having regards to the decision guidelines of this clause, it is considered that the proposed development constitutes orderly planning and will not have an unreasonable effect on the amenity of the neighbourhood for reasons discussed throughout this report.

Tunstall Square Structure Plan, March 2015

- 6.45 A review of the proposal against the policy aspirations, statements and objectives as contained within the Tunstall Square Structure Plan reveals a scheme that is highly compliant with the Plan.
- 6.46 The Structure Plan, as outlined above, specifically seeks to facilitate a four-storey mixed use building encompassing a significant residential component on the subject site. While it is acknowledged that the overall maximum building height exceeds the recommended 13.5 metres, the overall building height of the proposal is generally no greater than 14 metres (across the Doncaster Road streetscape elevation) where it is considered that a minor (500mm) deviation above the height limit can be readily absorbed. A section of the building that projects to 14.7 metres across the eastern elevation similarly exceeds the height limit contained within the Structure Plan. This 1.2 metre projection above the 13.5 metre height provision within the Plan occurs as the design incorporates a skillion roof form at a central-to-southern section of the built form. While a condition could seek a reduction to the overall building height, it is considered this would come at the expense of the articulation of the building as the roofline has been designed to accentuate the built form and provide visual interest where it could have otherwise adopted a flat roof. It is also noted that the height of the roof in this location presents no amenity impacts to adjoining properties. At the rear of the building, the heights steps down to between 13.1-14 metres (at the fourth level) and 10.5 metres (at the third level) which provides for a level of transition across the site to the residential zoned land to the rear (south).

- 6.47 In terms of car parking provision, the Structure Plan makes some observations in relation to the operation and demand for car parking within the commercial core of the Activity Centre. Opportunities to improve the car parking layout are noted but there are no explicit statements that the car parking is at saturation or that there is a need to introduce more car parking into the Centre. Rather, the focus in relation to access and circulation are heavily steered towards reducing car dependency and improving the experience for pedestrians and cyclists within the Centre. As such, the car parking reduction sought by the proposal is not considered to be contrary to the Structure Plan.
- 6.48 Critically, the proposal's reliance on the Council laneway to facilitate access to the development's basement car park is consistent with the Structure Plan which specifically calls for the use of the Council laneway to provide access to additional car parking for private properties.

7 REFERRALS

- 7.1 VicRoads is the statutory referral authority under the Manningham Planning Scheme. On 10 September 2015, VicRoads advised Council that they have no objection to the proposed development subject to the inclusion of some standard conditions relating to the removal of the existing crossover to Doncaster Road.
- 7.2 The application was referred to a number of Service Units within Council the following table summarises their responses:

Service Unit	Comments
Engineering & Technical Services Unit (Drainage)	<ul style="list-style-type: none"> Point of discharge is available for the site. All runoff is to be directed to the point of discharge subject to standard conditions. Requires the provision of an on-site stormwater detention system.
Engineering & Technical Services Unit (Vehicle Crossings)	<ul style="list-style-type: none"> Existing power pole needs to be relocated to facilitate vehicle access from the laneway. Existing crossover along Doncaster Road to be removed and reinstated.
Engineering & Technical Services Unit (Access & Driveway)	<ul style="list-style-type: none"> Proposed accessway serves more than 10 car spaces and the accessway is more than 50m long. Applicant is to provide a 5m wide and 7m long passing area at the entrance in accordance with Design Standard 1 of Clause 52.06-8. Car spaces 6, 7, 8 and 9 are constrained and manoeuvrability of these spaces will have impacts to the

Service Unit	Comments
	<p>laneway's operation.</p> <ul style="list-style-type: none"> • Car spaces 7 and 8 are at blind aisles and should be reviewed to allow visibility within sight triangles having regard to pedestrian movement along the laneway. • The applicant is to provide a security door for the residential car park. • No stopping parking restrictions to be installed on the eastern wall of the building to prevent vehicular parking along the laneway close to the intersection with Doncaster Road at the cost of the developer. • "Give-way" line marking and associated signage to be installed at the intersection of the laneway and Doncaster Road at the cost of the developer. • There are no footpath provisions in the laneway to facilitate safe pedestrian movement between the development and the shopping area. • Requires public lighting along the laneway adjacent to the proposed development. • More details on plans to be provided – cross sections for the two ramps, headroom clearance, reduced levels along the driveway.
<p>Engineering & Technical Services Unit (Parking & Traffic)</p>	<ul style="list-style-type: none"> • The initial proposal to seek a car parking reduction in the order of 5 car parking spaces is not supported by Council's engineers. (The waiver consisted of three spaces associated with the retail use and two spaces associated with the office component of the development. Noting that the proposed shops require short-term car spaces for customers while the office use required long term car parking spaces especially during week days, it was recommended that the applicant provide the entire car parking requirement within the development). • The applicant is required to

Service Unit	Comments
	<p>demonstrate how and where loading and unloading operations for the proposed two shops are to be undertaken.</p> <ul style="list-style-type: none"> Bicycle parking is satisfactory and in accordance with Clause 52.34.
Engineering & Technical Services Unit (Waste Management)	<ul style="list-style-type: none"> Confirms private waste collection and there be no bins left outside the development boundary or left unattended at any time on any street frontage for any reason. Requires the developer to adhere to the draft Waste Management Plan, as prepared by Waste Consulting Services, dated 14 April 2015.
Engineering & Technical Services Unit (Construction Management)	<ul style="list-style-type: none"> Requires a Construction Management Plan to be lodged as a condition of approval.
Economic & Environmental Planning (Urban Design)	<ul style="list-style-type: none"> Considers the proposal to be “mainly successful” in providing for an increased diversity of retail, commercial and residential tenancies into the Activity Centre. The size and general amenity of the apartments is considered to be good with the exception of the bedrooms looking into the light well and provides some specific recommendations on how this can be addressed/improved. Notes that the site is suitable for a 4-storey mixed use development of this scale while the height “<i>is considered within an acceptable margin from the recommended 13.5 metres</i>”. Identifies some issues concerning equitable development, particularly in relation to the encroachment of balconies into the rear setback. Recommends that setbacks to the southern boundary be increased to allow for equitable development of the neighbouring site. Recommends the relocation of proposed bicycle racks to avoid

Service Unit	Comments
	<p>impeding pedestrian movement within the front setback.</p> <ul style="list-style-type: none"> • Recommends securing access to the car park. • Highlights that there is a large reliance on painted and rendered finishes, the durability of which are questioned. It is recommended that more quality materials and finishes are utilised with embedded colour and texture. • The use of white render to the laneway facade is a significant concern. • The location of the windows in the laneway facade at the lower two levels should be more carefully considered having regard to internal amenity. • Recommends the removal of the white rendered recesses in favour of just the recesses across the western elevation (two uppermost levels). • Recommends requiring a detailed materials board/schedule to ensure the quality and longevity of the selected materials. • Seeks clarification of the treatment/approach to the car park entry, its impact on the laneway and the internal safety of the car park.
Economic & Environmental Planning (Economic Development)	<ul style="list-style-type: none"> • Concerned about the allocation of car parking spaces and access from the laneway at the back of the shops. • Notes that while access from the laneway is ideal in that it takes traffic off Doncaster Road, it presents as an issue as this laneway is used for delivery of goods and access to parking for the nearby businesses. Any permission to use the laneway needs to consider the needs of the businesses and retention of the right of access to these businesses.
Economic & Environmental Planning (Sustainability Planner)	<ul style="list-style-type: none"> • Requires some amendments to the submitted Sustainability Management Plan, as prepared by Efficient Energy

Service Unit	Comments
	Choices, dated 2 April 2015, as outlined in the referral advice received on 10 May 2016. (Refer Condition 3).
Engineering & Technical Services Unit (Easements)	<ul style="list-style-type: none"> Applicant has been granted Build Over Easement approval in accordance with the conditions in letter dated 16 July 2015.

- 7.3 It is considered the above matters arising from the referral of the application to internal council departments can be, as considered appropriate by the assessing planning officer, applied as permit conditions to any decision to issue.

8 CONSULTATION

- 8.1 The planning application was placed on public notice for a three (3) week period which concluded on 4 October 2015. The public were notified by the sending of letters to adjoining and nearby properties and by the display of two (2) signs across each frontage.
- 8.2 Council has received eleven (11) objections from ten (10) properties/entities being:

Address
1094 Doncaster Road, Doncaster East
Apartment 28/1042 Doncaster Road, Doncaster East
4 Tunstall Square, Doncaster East
6 Tunstall Square, Doncaster East
10 Tunstall Square, Doncaster East
11 Tunstall Square, Doncaster East
21 Tunstall Square, Doncaster East
24 Tunstall Square, Doncaster East
141 Beverley Street, Doncaster East
Tunstall Square Traders Association, Manager.

- 8.3 The grounds of objection are:

Grounds:

- Laneway
 - Impact to the laneway (including character of the lane way)
 - Additional traffic, including on the Council laneway

- Reliance on the Council Laneway for access (safety issues, restrictions to conducting business and precedent for further development)
 - Impact to the structural integrity of the Laneway during potential construction
 - Internal Amenity Impacts (as a consequence of Tunstall Square traders loading/unloading in the laneway)
 - Insufficiency of Public Notice (having regard to the extent of reliance on the Council laneway)
 - The removal of the accessway to Doncaster Road
- Lack of Car Parking Provision/Oppose Car parking reduction
 - Inappropriateness of the Waiver of the loading/unloading requirement
 - Overdevelopment of the site
 - Proposal's accordance with the Tunstall Square Structure Plan
 - Amenity implications of the construction to the property at 1094 Doncaster Road (shadow & access to light).
- 8.4 As evidenced by the above list of grounds, a key issue for owners and occupiers within and around the Tunstall Square Activity Centre is the proposed use and reliance of the Council laneway to facilitate access to the site. A summarised response to the laneway related concerns now follows:
- Laneway related concerns**
- 8.5 A number of the objectors have expressed a range of concerns (as listed above) relating to the proposed use of the Council laneway to facilitate access to the development site.
- 8.6 Noting that there is already existing access to the subject site from the laneway, it is further noted that there is no prohibition for a private land owner to seek to rely on the Council laneway for an intensified use of the land.
- 8.7 There is also no policy in the Planning Scheme that recommends against this approach. To the contrary, the Tunstall Square Structure Plan specifically calls for the use of the laneway to "provide access to additional car parking for private properties".
- 8.8 On that basis, it would seem that it is the very intention of the Structure Plan to facilitate access from the laneway in the way that the proposal seeks to do, and this is an approach supported by Council in its adoption of the Structure Plan. As such, concerns raised about additional traffic in the laneway, the shared use of the laneway with delivery vehicles and the potential for additional properties to propose a similar arrangement are not considered to be persuasive reasons to not support the proposed access via the laneway.
- 8.9 By contrast, the extensive public consultation informing the development of this Structure Plan, and the relatively recent adoption of this Plan (March 2015), are considered highly relevant reasons to support the development

site utilising the laneway, as proposed, as contemplated by the Structure Plan.

- 8.10 There are some technical concerns with the physical design of the access into and out of the site which will need to be addressed by permit condition. **(Conditions 1.4, 1.5, 1.14 and 1.15)**. These include: measures across the eastern elevation to ensure an appropriate level of transparency and traffic devices to facilitate safe entry and egress (as has been previously discussed). However, subject to the appropriate implementation of these measures, it is not considered unreasonable for the proposed development site to achieve access from its existing crossover along its eastern boundary in the manner proposed.
- 8.11 In terms of the other laneway related matters raised,
- There is no specific reason to suggest that the physical integrity of the laneway would be diminished as a consequence of any construction vehicles. A permit condition could seek to ensure that any such damage would be recoverable from the permit holder. Incidentally a Construction Management Plan requirement would be a condition of any permit to issue to ensure that the operation of the laneway was not impeded adversely as a consequence of any development of the site proceeding **(Condition 5, in particular Condition 5.3)**.
 - It is considered future residents would understand the physical context in which they find themselves in (i.e. adjacent to the laneway and have to accept its function) as part of activity centre living.
 - The removal of the access to Doncaster Road is supported by VicRoads. There is also planning policy support in the form of the DD01.
 - While not all owners and occupiers with a direct abuttal to the accessway were provided with an individual notice of the planning application, Council did directly notify a number of the immediately proximate owners and occupiers of the laneway and required two public notices on each of the frontages of the site for the notification period to alert interested parties to the proposal.
- 8.12 Other grounds of objection are also responded to, as below:
- Car Parking**
- 8.13 A number of the objectors have expressed their dissatisfaction with the proposal failing to provide the car parking requirement of the Manningham Planning Scheme, or in their individual views, the necessary level of car parking to support the proposed uses. Some objectors are calling for “more than the base minimum spaces” to be provided.
- 8.14 Since the proposal was advertised, as already discussed throughout this report, the proposal has been amended pursuant to Section 57A of the *Planning & Environment Act 1987* to reduce the extent of the car parking reduction from a total of five spaces to two spaces. While some objectors might agree this is an improvement, it is still recognised by Council officers

that this adjustment is unlikely to entirely appease residents, traders and property owners' concerns. However, for the reasons discussed in the Assessment section of this report, it is considered that the request to reduce the car parking provisional requirement of this proposal by two car spaces is not unreasonable having regard to the shortfall now affecting one residential visitor space and one retail visitor space. The proposal satisfies the car parking rate for each apartment occupant, based on the number of bedrooms, and meets the car parking requirement of the Planning Scheme for the proposed office use. Refer to Sections 6.26 to 6.37.

Inappropriateness of the Waiver of the loading/unloading requirement

- 8.15 Some objectors are concerned about the proposal not providing a loading/unloading bay associated with the retail use (there is no requirement for the residential or office uses to provide loading/unloading).
- 8.16 For the reasons discussed in the Assessment section of the report, it is considered the small footprint of the two retail premises would not pose an unreasonable strain on the abutting vehicle carriageways (either Doncaster Road or the laneway). Future delivery vehicles would need to obey parking restrictions as do all current delivery vehicles.

Overdevelopment of the site

- 8.17 It is not considered that the proposal presents an overdevelopment of the site. The Tunstall Square Structure Plan earmarks the site for a four-storey built form. While the overall building height marginally exceeds the 13.5 metres recommended by the Plan, this deviation is not a great departure from what the Plan contemplates for the site. Having regard to other considerations, including building setbacks and the design response itself, the scale of the proposal is considered to be compatible within its physical context while also meeting the planning requirements of the Scheme.

Proposal's accordance with the Tunstall Square Structure Plan

- 8.18 The proposal has been carefully measured against the policy objectives and statements contained with the Tunstall Square Structure Plan. In terms of the mix of uses, four-storey scale of the building and point of access via the Council laneway, the proposal achieves a high level of compliance with the recently adopted Structure Plan. The minor exception is a slight deviation from the recommended overall maximum building height of 13.5 metres. For the reasons previously noted, this is not considered to be fatal to the application as the overall building height does not cause adverse amenity or negative streetscape impacts.

Amenity implications of the construction to the western property boundary (shadow & access to light)

- 8.19 The adjoining property to the west at 1094 Doncaster Road has expressed concern with the proposal's reliance on the common boundary and overshadowing and access to light implications.
- 8.20 Noting that the adjoining property is similarly zoned Commercial 1, is constructed to the common boundary with the site and has no windows or other openings facing the site, the proposed ground of objection is not considered to warrant adjustments to the proposed building.

9 CONCLUSION

- 9.1 It is considered appropriate to support the planning application, as amended pursuant to Section 57A of the Planning and Environment Act 1987, subject to changes. Changes will consist of amendments to the proposed development plans to address issues arising through the assessment, including a range of conditions to ensure safe access from/to the car park, an appropriate internal amenity arrangement, and improvements to the built form.
- 9.2 The scale of the built form is consistent with the desired four-storey vertical footprint contemplated by the Tunstall Square Structure Plan, March 2015 for the site. While tipping 14 metres, the building's overall height across is not considered to be unreasonable – a view shared by Council's Urban Designer. The compact nature of the building will ensure that the building projecting to a height of 14.7 metres across the elevation facing the laneway and 14 metres to other elevations does not create visual massing or other unreasonable amenity issues.
- 9.3 Having regard to the objectives of the Tunstall Square Structure Plan, including promoting a greater village style atmosphere in the Centre to be facilitated by the approval of mixed use residential development and actively seeking the use of the Council laneway to facilitate access to private properties, it is considered this proposal is consistent with the future aspirations for one of the municipality's largest Neighbourhood Activity Centres.
- 9.4 It is acknowledged that the proposal does not strictly satisfy the requirements of Clause 52.06 Car Parking with the proposal falling short by a total of two (2) car spaces. For the reasons discussed earlier in the report, this is not considered to be fatal to the application as the absence of a dedicated residential visitor space and one retail space can be alleviated by the general availability of car parking within Tunstall Square, the site's position at the doorstep of a west bound, bus service, provision for on-site bicycle parking and opportunities for the sharing of on-site car parking outside of the offices' operation.
- 9.5 It is the view of Council officers that the proposal presents no unreasonable off-site amenity impacts. Subject to some improvements to be required by permit condition, the mixed use building will generally afford a good level of internal amenity for future occupants and visitors.
- 9.6 It follows from the assessment in this report that the proposal achieves an acceptable level of compliance against the relevant considerations as expressed in the Manningham Planning Scheme and key Council strategic documents, in particular the Tunstall Square Structure Plan. As such, it is Council officers' recommendation 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. PL15/025181 relating to 1096 Doncaster Road, Doncaster East for the development of the land for a four storey mixed use building (comprising retail, office and residential) with

associated ground level and basement car parking, a reduction in car parking pursuant to Clause 52.06, waiver of the loading/unloading requirement pursuant to Clause 52.07 and removal of access to a road in a Road Zone Category 1 (RDZ1) pursuant to Clause 52.29 of the Manningham Planning Scheme and for no other purpose in accordance with the endorsed plans and subject to the following conditions

Endorsed Plans

1. **Before the use and development starts, amended plans must be submitted to and approved by the Responsible Authority. When approved, the plans will then form part of the permit. The plans must be drawn to scale with dimensions and two copies must be provided. The plans must be generally in accordance with the plans as prepared by Paul Shaw and Associates (Revision B) and received by Council on 12 April 2016, but modified to show:**

Car Parking/Vehicle Access

- 1.1. **The allocation of the car spaces to each office and retail Use (staff and visitor), which must include two (2) of the basement level mechanical stackers allocated to office staff, rather than office visitors. The number of car spaces attributed to the office use must accord with Clause 52.06 Car Parking of the Manningham Planning Scheme;**
- 1.2. **Removal of reference to the car parking areas as “residential” and “commercial”;**
- 1.3. **Demonstration that headroom clearance to the car park entry accords with Design Standard 1 of Clause 52.06 Car Parking;**
- 1.4. **The provision of a security door (adopting a minimum 50% transparency) across the entry to the car park;**
- 1.5. **The design detail of the car park enclosure (located on either side of the vehicle accessway) to be a minimum 50% transparent to the satisfaction of the Responsible Authority;**
- 1.6. **Details of a system comprising an amber warning light to be positioned adjacent to the car park entry/exit on the east side of the building programmed to “give warning” on the opening of the car park security door;**
- 1.7. **The provision of an intercom to enable visitor access to the car park;**
- 1.8. **A security door on the ramp to the basement level car park to provide additional security for the residential and office (non-visitor) car parking;**
- 1.9. **The provision of car park signage allocating car spaces accordingly and providing for the sharing of office visitor spaces (outside of office hours) with residential visitors;**
- 1.10. **The design detail and amended cross-section drawings to demonstrate the height clearance associated with the mechanical stackers to accord with Design Standard 4 of Clause 52.06 Car Parking;**

- 1.11. Amended cross-sectional drawings to demonstrate the head room clearance and vehicle access grades within the car park to be to the satisfaction of the Responsible Authority;
- 1.12. Details of basement ventilation, including the location of any exhaust intake or outlet required;
- 1.13. A plan notation that the removal or relocation of the power pole adjoining the eastern boundary of the site to facilitate car park access to be at the full cost of the permit holder and to the satisfaction of the relevant authority.
- 1.14. A plan notation that no stopping parking restrictions are to be installed on the eastern wall of the building on either side of the accessway at the full cost of the permit holder and to the satisfaction of the relevant authority.
- 1.15. A plan notation that "Giveaway" line marking and associated signage is to be installed at the intersection of the laneway and Doncaster Road at the full cost of the permit holder and to the satisfaction of the relevant authority.

Built Form

- 1.16. The setback of the southern wall of the building at levels 2 and 3 to be no less than 4.5 metres (excluding balconies) and any other consequential internal and/or external changes to the satisfaction of the Responsible Authority;
- 1.17. The deletion of the south facing balcony to Apartment 5 to optimise solar access to the adjoining bedroom;
- 1.18. A durable material and finish/treatment, such as Brickwork or glazed brickwork, to the two-storey "white rendered" wall along the eastern elevation to avoid it being a target for graffiti, requiring ongoing maintenance and presenting as an eyesore to the satisfaction of the Responsible Authority.
- 1.19. Removal of the colour treatment to the third and fourth level "recesses" across the western elevation;
- 1.20. A comprehensive colour schedule on all elevations to include details of all materials and colours, including all building and facade treatments, paving, retaining walls etc;

Internal Amenity

- 1.21. The windows to the lightwell to be operable and the lightwell to be open to the sky to allow for fresh air;
- 1.22. Obscured glazing to the lightwell to be up to a finished floor level of 2 metres and transparent above;
- 1.23. Acoustically rated glass to all window and door openings facing Doncaster Road and the Council laneway;
- 1.24. Deletion of the east facing windows to the retail premises;
- 1.25. Having regard to optimising internal amenity, reconsideration of the location and size of the east facing windows to the office premises;

1.26. External shading treatments to east facing windows;**General**

- 1.27. The reduction in the number of bicycle spaces provided in the front setback to no more than two (2) spaces and the spaces to be located so as not to impede access to the retail premises;**
 - 1.28. Demonstration that all fire service and electrical cabinets (including substations) will be integrated into the architectural design, so as not to present as visually dominating elements across any streetscape;**
 - 1.29. The location of all air-conditioning units to be screened from public and private realms;**
 - 1.30. Retractable clotheslines to all ground level open spaces and balconies to limit their visibility to public and private realms;**
 - 1.31. An amended roof plan containing services (including air conditioning units, basement exhaust ducts, solar panels, hot water systems, etc) consistent with the ESD initiatives in the Sustainability Management Plan (including rainwater capture to be utilised for toilet and irrigation) and be screened to the satisfaction of the Responsible Authority.**
- 2. The development as shown on the approved plans must not be modified for any reason, without the written consent of the Responsible Authority.**

Sustainability Management Plan

- 3. Before the development starts or the issue of a building permit for the development, whichever is the sooner, two copies of an amended Sustainability Management Plan (SMP), prepared by a suitably qualified environmental engineer or equivalent must be submitted to and approved by the Responsible Authority. When approved the Plan will form part of the permit. The recommendations of the Plan must be incorporated into the design and layout of the development and must be implemented to the satisfaction of the Responsible Authority before the occupation of any dwelling. The Plan must be generally in accordance with the plan prepared by Efficient Energy Choices, dated 2 April 2015, but modified to reflect the revised development plans (approved at Condition 1), provide all reference to the Manningham Planning Scheme and include the following:**
- 3.1. Energy Efficiency**
 - 3.1.1. Use of LED for lighting;**
 - 3.1.2. Solar gas booster hot water system with minimum energy savings of 30% for the residential dwellings;**
 - 3.2. Water**
 - 3.2.1. Overflow to detention via gravity flow;**
 - 3.2.2. An amended STEPS report that include solar hot water system in renewable system size, basins to be minimum 5 star WELS and the roof area connected to rainwater storage.**

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

Construction Management Plan

5. **Before the development starts, two copies of a Construction Management Plan must be submitted to and approved by the Responsible Authority. When approved the plan will form part of the permit. The plan must address, but not be limited to, the following:**
 - 5.1. **Hours of demolition and construction to be to the satisfaction of the Responsible Authority;**
 - 5.2. **Adequate parking facilities for the anticipated number and type of construction workers to be detailed in plan form to the satisfaction of the Responsible Authority. The location of parking must be compliant with any applicable Council parking restrictions or with any relevant permissions granted by any private land owner (in the event of the use of private land);**
 - 5.3. **If the Council laneway is sought to be relied upon in any way in order for construction vehicles to access the site, a series of measures to be detailed to ensure that the operation and structural integrity of the laneway is not to be adversely impacted to the satisfaction of the Responsible Authority. Any physical damage to the laneway must be repaired and/or replaced at the full cost of the permit holder, and carried out to the satisfaction of the Responsible Authority at the direction of the Responsible Authority;**
 - 5.4. **Methods to contain dust, dirt and mud within the site, and the method and frequency of clean up procedures;**
 - 5.5. **On site facilities for vehicle washing;**
 - 5.6. **Delivery and unloading points and expected frequency;**
 - 5.7. **A liaison officer for contact by residents and the Responsible Authority in the event of relevant queries or problems experienced;**
 - 5.8. **The movement of construction vehicles to and from the site must be regulated to ensure that no traffic hazards are created in and around the site;**
 - 5.9. **Measures to minimise the impact of construction vehicles arriving at and departing from the land;**
 - 5.10. **An outline of requests to occupy public footpaths or roads, and anticipated disruptions to local services;**
 - 5.11. **The processes to be adopted for the separation, re-use and recycling of demolition materials;**
 - 5.12. **The measures to minimise the amount of waste construction materials; the provision for the recycling of demolition and**

waste materials; and the return of waste materials to the supplier (where the supplier has a program of reuse or recycling);

- 5.13. The measures to minimise noise and other amenity impacts from mechanical equipment and demolition/construction activities, especially outside of daytime hours;
- 5.14. The provision of adequate environmental awareness training for all on-site contractors and sub contractors; and
- 5.15. An agreed schedule of compliance inspections.

Waste Management Plan

6. The Waste Management Plan, as prepared by Waste Consulting Services, dated 14 April 2015, must be complied with at all times to the satisfaction of the Responsible Authority.
7. The Management Plans approved under Conditions 3, 5 and 6 of this permit must be implemented and complied with at all times to the satisfaction of the Responsible Authority unless with the further written approval of the Responsible Authority.

Landscape Plan

8. Before the development starts, a landscaping plan prepared by a landscape architect or person of approved competence must be submitted to the Responsible Authority for approval. Such plan must be generally in accordance with the plans approved under Condition 1 of this permit, and must show:
 - 8.1. Species, locations, approximate height and spread of proposed planting;
 - 8.2. A minimum of two (2) canopy trees (capable of reaching a minimum mature height of 8.0 metres) and one (1) canopy tree (capable of reaching a minimum mature height of 6.0 metres), within the front setback of the site. The trees must be a minimum height of 1.5 metres at the time of planting;
 - 8.3. Shallow rooted screen planting along the full length of the southern boundary to be capable of reaching a height at maturity of a minimum of four (4) metres. The trees must be a minimum height of 1.5 metres at the time of planting;
 - 8.4. A sectional detail of the canopy tree planting method which includes support staking and the use of durable ties.
9. Before the release of the approved plans under Condition 1, a \$5,000 cash bond or bank guarantee must be lodged with the Responsible Authority to ensure the completion and maintenance of landscaped areas and such bond or bank guarantee will only be refunded or discharged after a period of 13 weeks from the completion of all works, provided the landscaped areas are being maintained to the satisfaction of the Responsible Authority.
10. Before the occupation of the dwellings, landscaping works as shown on the approved plans must be completed to the satisfaction of the Responsible Authority and then maintained to the satisfaction of the Responsible Authority.

Stormwater — On–Site Detention System

11. The owner must provide onsite 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:
 - 11.1. Be designed for a 1 in 5 year storm; and
 - 11.2. Storage must be designed for 1 in 10 year storm.
12. Before the development starts, a construction plan for the system required by Condition No. 11 of this permit must be submitted to and approved by the Responsible Authority. The system must be maintained by the Owner thereafter in accordance with the approved construction plan to the satisfaction of the Responsible Authority.

Drainage

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

Basement Car Parking/Vehicle Accessways

14. Before the occupation of the development, the areas set aside for the parking of vehicles, together with the aisles and access lanes as delineated on the endorsed plans must:
 - 14.1. be provided and completed to the satisfaction of the Responsible Authority prior to the commencement of the development hereby permitted;
 - 14.2. be line-marked, numbered and signposted and maintained as such at all times to the satisfaction of the Responsible Authority;
 - 14.3. be made available for such use at all times and not used for any other purpose;
 - 14.4. be properly formed to such levels that it can be used in accordance with the endorsed plan; and
 - 14.5. be drained and sealed with an all weather seal coat.
15. 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.
16. Visitor parking spaces must not be used for any other purpose to the satisfaction of the Responsible Authority.
17. Prior to occupation of the approved dwellings, any new or modified vehicular crossover must be constructed in accordance with the approved plans of this permit to the satisfaction of the Responsible Authority.

18. Any redundant vehicle crossover must be removed and the footpath, nature strip and kerbing reinstated to the satisfaction of the Responsible Authority.

Site Services

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

Maintenance

29. In the event of excavation causing damage to an existing boundary fence, the owner of the development site must at their own cost repair or

replace the affected fencing to the satisfaction of the Responsible Authority.

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

VicRoads Conditions

33. All disused or redundant vehicle crossings must be removed and the area reinstated to the satisfaction of and at no cost to the Roads Corporation prior to the commencement of the use or the occupation of the buildings or works.
34. The proposed development requires reinstatement of disused crossovers to kerb and channel. Separate approval under the Road Management Act for this activity may be required from VicRoads (the Roads Corporation).

Time Limit

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

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

MOVED: O'BRIEN
SECONDED: HAYNES

That the Recommendation be adopted.

CARRIED

"Refer Attachments"

* * * * *

9.2 Planning Application PL15/025773 65, 67 & 69 Turana Street, Doncaster - Construction of 17 three-storey dwellings and 2 two-storey dwellings Construction of seventeen (17) three-storey dwellings and two (2) two-storey dwellings

Responsible Director: Director Planning & Environment

File No. PL15/025773

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

Land: Lot 27 LP77091 Vol 8722 Fol 217
Lot 28 LP77091 Vol 8722 Fol 218
Lot 29 LP77091 Vol 8722 Fol 219

Zone General Residential Zone Schedule 2
Design and Development Overlay Schedule 8

Applicant: Bayland Properties Group

Ward: Koonung

Melway Reference: 33 F12

Time to consider: 20 May 2016

SUMMARY

It is proposed to develop three residential lots known as 65, 67 and 69 Turana Street, Doncaster (total area of 2616.5m²) with seventeen three-storey and two, two-storey dwellings. Vehicle access will be via a 5.0m crossover and driveway from Turana Street.

The application was advertised and two (2) objections were received. Grounds mainly relate to traffic capacity of the common driveway, traffic capacity of Turana Street, overlooking, inadequate on-site car parking, loss of on-street parking and appropriateness of tandem car parking.

The report concludes that the proposal generally complies with the Manningham Planning Scheme, including Clause 55 and the provisions of Schedule 8 of the Design and Development Overlay and Clause 21.05 of the Municipal Strategic Statement. These provisions recognise that there will be substantial level of change in dwelling yields and built form on the site.

The proposed development provides for nineteen dwellings, with appropriate design details and articulation that respects the neighbourhood character and ensure the amenity impact of the adjoining properties is minimised.

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

1 BACKGROUND

- 1.1 The site comprises of three separate parcels of land, namely Nos. 65, 67 and 69 Turana Street.
- 1.2 The property at No. 65 Turana Street is located on the south-eastern curvature of the court bowl and contains a single-storey, brick dwelling with a flat roof and an attached carport located adjacent to the eastern boundary. The dwelling has a front setback of 16.92m. Vehicle access is via a concrete driveway and crossover located adjacent to the eastern boundary. A swimming pool is located adjacent to the south-western corner of the property. The property is irregular in shape with a frontage of 13.47m and a depth of 54.23m, with an area of 907m². The site is legally referred to as Lot 29 LP77091, Volume 8722, Folio 219.
- 1.3 The property at No. 67 Turana Street is located on the southern side of Turana Street and contains a two-storey, brick dwelling with a pitched roof, setback 13.57m from the street. A double garage is located in front of the dwelling. Vehicle access is via concrete driveway and crossover located adjacent to the eastern boundary. The property is irregular in shape, with a frontage of 12.75m and a depth of 50.43m, with an area of 862m². The site is legally referred to as Lot 28 LP77091, Volume 8722, Folio 219.
- 1.4 The property at No. 69 Turana Street is located on the southern side of Turana Street and contains a single-storey, rendered finish dwelling with a flat roof, setback 10.63m. A double garage is located adjacent to the western boundary. Vehicle access is via a concrete driveway and crossover located adjacent to the western boundary. The property is regular in shape with a frontage of 16.81m, a depth of 50.23m and an area of 846m². The site is legally referred to as Lot 27 LP77091, Volume 8722, Folio 219.
- 1.5 The site has a combined area of 2616m². A 2.44m wide sewerage and drainage easement traverses the rear southern boundary on the three properties.
- 1.6 The site has abutments with three properties. Surrounding development is described as follows:

Direction	Address	Description
East	63 Turana Street	The property contains a single-storey, brick dwelling with a hipped, tiled roof with a front setback of 18.33m and a side setback of 1.96m from the common boundary. One habitable room window is orientated to the common boundary. A single carport is attached to the eastern side of the dwelling. Vehicle access is via a crossover and driveway located adjacent to the eastern boundary. Secluded private open space is located to the rear. Three large pine trees are located adjacent to the rear

Direction	Address	Description
		southern boundary fence.
West	71 Turana Street	The property contains a single-storey, brick dwelling with a pitched, tiled roof. The dwelling has a front setback of 9.0m and a side setback of 1.99m from the common boundary. Vehicle access is via a crossover and driveway located adjacent to the western boundary. A swimming pool is located to the rear. A pedestrian pathway, which links the Council Car Park is located to the western side of the property.
South	699 Doncaster Road	Immediately to the rear of the site is Council Car Park on Hummell Way and the Council Health Club building located to the north-western side of the property. A pedestrian pathway is located on the northern side, which traverses to Council Street to the north-west and a separate pathway to Turana Street to the north.
South-East	Doncaster Bowling Club	The Doncaster Bowling Club does not immediately abut the site. It adjoins No. 63 Turana Street. The club building is located to the south of the property with 34 designated car spaces located to the eastern side of the site on JJ Tully Drive.

- 1.7 The character of the area is in transition. While single detached brick dwellings are still common on many properties, an increasing number of lots are being developed with two or more dwellings townhouse style dwellings.
- 1.8 Turana Street is a local street within Council's jurisdiction. There is a 2-hour time limit on-street parking on the western side of Turana Street. The eastern side of Turana Street is a Permit Zone from 8am – 6pm Monday to Sunday (including Public Holidays). There is no parking on either side of the section of JJ Tully Drive, which intersects with Turana Street.
- 1.9 The site is well located to a range of services, with Schramms Reserve located 166m to the north-east, Council library, maternal and child health, child care centre and MC² located 631m on Doncaster Road and Westfield Doncaster Shopping Centre located 384m west of the site. A range of bus services are available along the sections of Doncaster Road and from Westfield Doncaster Shopping Centre. Doncaster Road is a major arterial

road with three lanes of traffic in each direction. Doncaster Road is a bus priority road, with designated bus lanes.

2 PROPOSAL

- 2.1 It is proposed to remove the existing buildings and to construct 17 three-storey townhouses (TH) and two two-storey townhouses.
- 2.2 Separate vehicle access is provided for TH1. Communal vehicle access will be provided for all remaining dwellings via a 5.0m wide crossover located adjacent to the eastern boundary.
- 2.3 TH1 and TH19 are the only two-storey dwellings and the remaining dwellings are all three-storeys in nature.
- 2.4 The development is broken into three separate built forms. TH1 – TH4 are located adjacent to the western boundary. TH5 – TH9 are located across the front of the site. TH10 – TH19 are located adjacent to the rear southern boundary. A tandem garage is provided for TH5 – TH19. A single garage is provided for TH1 – TH4.
- 2.5 With the exception of TH1 and TH19, the ground floor generally comprise of garages. The first floor comprise of open plan living areas with direct access to a balcony and the second floor comprise of bedrooms.
- 2.6 TH2 – TH4 contains two-bedrooms and TH1, TH5 – TH19 contain three-bedrooms.
- 2.7 Three visitor car spaces are provided and a bin collection area is provided adjacent to the eastern boundary.
- 2.8 The development has a site coverage of 47.7% and provides a density of one dwelling per 137.7m².
- 2.9 The dwellings range in height between 5.24m (TH29 two-storey) – 9.89m (TH8 three-storey).
- 2.10 The development has the following setbacks to site boundaries:
 - Front Setbacks TH1, TH5 – TH9
 - Ground Floor – 6.2m – 7.1m
 - First Floor – 5.3m (to balcony) – 12.2m
 - Second Floor – 8.41m
 - Western Boundary TH1 – TH4
 - Ground Floor – 1.0m
 - First Floor – 2.3m
 - Second Floor – 3.0m
 - TH10- TH19
 - Ground Floor – 2.53m
 - First Floor – 2.60m
 - Second Floor – 2.62m
 - Eastern Boundary TH5 – TH9

- Ground Floor – 1.71m
 - First Floor – 1.71m
 - Second Floor – 3.58m
 - TH10 – TH19
 - Ground Floor – 1.02m
 - First Floor – 4.06m
 - Second Floor – 16.95m
 - Southern Boundary TH10 – TH19
 - Ground Floor – 2.62m
 - First Floor – 2.51m
 - Second Floor – 4.36m
- 2.11 The proposed development has a modern architectural design, which includes flat roofs and articulated facade presentation on all sides. The facades consist of a mix of face brick, render and timber cladding and architectural feature cladding, which consists of a mosaic of green shades in Weathertext.
- 2.12 The western wall on the Second Floor of TH2 –TH4 will entail a raked roof form. The balconies of all dwellings are provided with a projecting rendered portal frame in either a white or dark grey colour. TH7- 9 & TH16 – TH19 are located on No. 65 Turana Street, are constructed of brick, as required by the restrictive covenant.
- 2.13 No trees on site are proposed to be retained. A Southern Blue Gum (Tree 44) located within the Council land, adjacent to the pedestrian pathway will be protected in accordance with arborist report, prepared by Blue Gum, dated 7 October 2015. Trees 42 and 43 located at 71 Turana Street will be provided with tree protection measures in accordance with the Arborist Report.
- 2.14 A new 1.8m high timber paling fence is proposed on the eastern, western and southern boundary.
- 2.15 Documentation supporting the application included an Arborist Report, Traffic Impact Assessment, Waste Management Plan and a Landscape Plan.

3 PRIORITY/TIMING

- 3.1 The proposal was not presented to Sustainable Design Taskforce meeting, due to its townhouse style form.
- 3.2 The statutory time for considering a planning application is 60 days. Allowing for the time taken to advertise the application, the statutory time lapsed on 20 May 2016.
- 3.3 The Planning and Environment Act 1987 is the relevant legislation governing planning in Victoria. The Act identifies subordinate legislation in the form of Planning Schemes to guide future land use and development.

- 3.4 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.
- 3.5 Section 61(4) of the Act makes specific reference to covenants. The subject site at 65 Turana Street is subject to a restrictive covenant, which requires any dwelling or dwellings to be enclosed by walls of brick or brick veneer. The affected dwellings at No. 65 Turana Street will be enclosed by brick walls.
- 3.6 It is further noted that the subject land is also not encumbered by any Section 173 Agreements.

4 MANNINGHAM PLANNING SCHEME

- 4.1 The site is included in the Residential Growth Zone, Schedule 2 under the provisions of the Manningham Planning Scheme.
- 4.2 A planning permit is required to construct two or more dwellings on a lot in the Residential Growth Zone.
- 4.3 The purpose of the Residential Growth Zone relates primarily to providing housing at increased densities, encouraging 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.
- 4.4 An assessment for buildings and works for two or more dwellings is required under the provisions of Clause 55 of the Manningham Planning Scheme.
- 4.5 The purpose of Clause 55 is generally to provide well designed dwellings with considered regard to internal amenity, while at the same time, maintaining the amenity and character of the locality, with particular emphasis on the amenity of adjoining residents.
- 4.6 The site is affected by the Design and Development Overlay Schedule 8 (DDO8) of the Manningham Planning Scheme
- 4.7 The Design Objectives of the DD08 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 subprecinct 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 subprecinct 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 subprecinct 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.*
- 4.8 Planning permission is required for buildings and works which must comply with the requirements set out in either Table 1 or Table 2 of the Schedule.
- 4.9 Being located within the Sub-Precinct A, the maximum allowable height for land more than 1800 square metres in area is 11 metres. A permit cannot be granted to vary the maximum building height.
- 4.10 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.

State Planning Policy Framework

- 4.11 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.*
- 4.12 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.
- 4.13 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.
- 4.14 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.
- 4.15 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.*
- 4.16 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.*
- 4.17 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.*
- 4.18 Clause 16.01-5 (Housing affordability) seeks to deliver more affordable housing closer to jobs, transport and services.

Local Planning Policy Framework (LPPF)

Municipal Strategic Statement

- 4.19 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.

- 4.20 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.
- 4.21 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.
- 4.22 The site is within "Precinct 2 –Residential Areas Surrounding Activity Centres and Along Main Roads".
- 4.23 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*
- 4.24 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.
- 4.25 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 same 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.

4.26 The site is located within Sub-Precinct – A (DDO8-2).

4.27 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.*

4.28 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*
- 4.29 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.
- 4.30 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.*
- 4.31 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

- 4.32 Clause 22.08 (Safety through urban design) applies to all land in Manningham. It endeavours 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.
- 4.33 Clause 22.09 (Access for disabled people) also applies to all land in Manningham. It seeks to ensure that people with a disability have the same level of access to buildings, services and facilities as any other person. The policy requires the needs of people with a disability to be taken into account in the design of all proposed developments.

Particular Provisions

- 4.34 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
- 4.35 Clause 52.06-8 outlines various design standards for parking areas that should be achieved.
- 4.36 Clause 52.34 (Bicycle Facilities) seeks to encourage cycling as a mode of transport and provide secure, accessible and convenient bicycle parking spaces.
- 4.37 Clause 55 (Two or More Dwellings on a Lot) 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.

General Provisions

- 4.38 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.

5 ASSESSMENT

- 5.1 Council has, through its policy statements throughout the Planning Scheme and in particular by its adoption of Schedule 8 to the Design and Development Overlay over part of this neighbourhood, created a planning mechanism that has and will, in time, alter the existing neighbourhood character.
- 5.2 Council's planning preference is for higher density, multi-unit developments which can include apartment style developments on larger lots. This higher density housing thereby provides for the "preferred neighbourhood character" which is guided by the design elements contained within the Schedule 8 to the Design and Development Overlay, in conjunction with an assessment against Clause 21.05 and Clause 55 – Rescode. The resultant built form is contemplated to have a more intense and less suburban outcome.
- 5.3 A townhouse development across the site comprising of three separate built form is generally consistent with the broad objectives of Council's planning policy outlined at Clause 21.05 of the Manningham Planning Scheme. The policy encourages urban consolidation and diversity in built form in this specific location due to its capacity to support change given the close proximity of the Principal Activity Centre, and to public transport. The policy anticipates a substantial level of change from the existing character of primarily single dwellings.
- 5.4 The consolidation of three lots with a combined area of 2616m² also provides opportunities for increased development as the larger area allows for

increased setbacks to compensate for its larger scale in comparison to traditional medium density housing. Given the site area, the proposal is permitted an 11 metre maximum building height under the Design and Development Overlay Schedule 8.

5.5 An assessment of the proposal will be made based on the following clauses:

- Local Planning Policy Framework
- Schedule 8 to the Design and Development Overlay (DDO8)
- Clause 52.06 Car Parking
- Clause 55 Two or More Dwellings on a Lot
- Clause 65 Decision Guidelines

Local Planning Policy Assessment

Clause 21.05 Residential

5.6 The development site is situated within Precinct 2 – Residential Areas Surrounding Activity Centres and Along Main Roads, where higher density is encouraged. Given the site is a consolidated lot with an area of 2616m², a maximum building height of 11 metres is applicable. A maximum site coverage of 60% is also sought by this policy. The development has a site coverage of 47.7%, which is well within the maximum specified in the DDO8 and the dwellings have maximum building heights ranging from 5.24m – 9.89m, all well within the maximum 11.0m.

5.7 The proposal provides adequate setbacks to all boundaries, thereby providing spacing and separation to adjoining properties. The development is arranged in three, separate built forms, providing visual break and separation to the continuous built forms. Strong perimeter landscaping can be provided, in particular to sensitive interfaces to the eastern and western sides.

5.8 Dwellings TH1 and TH19 are the only two-storey dwellings for the development. The two-storey nature of these dwellings are intended to provide a transition to the two existing detached dwellings located at 63 and 71 Turana Street, which are located to the eastern and western side, respectively. The dwellings with the highest building height are located towards the front of the site, namely TH5 – TH9.

5.9 In addition to the modest building heights and site coverage, the design response on all elevations is considered reasonable, displaying architectural coherence, including the highlight feature being balconies provided with a projecting portal frame, rendered with either white or a dark grey. The external walls will be in brick, timber, a mosaic feature wall with flat roofs. Articulation is offered via a combination of stepping, graduation and the incorporation of balconies and varied materials, textures and finishes.

5.10 Overall, the design response is considered to be consistent with Council's policy expectations at Clause 21.05 Residential.

Clause 21.10 Ecologically Sustainable Development

5.11 Council's MSS outlines ESD requirements to be incorporated into larger developments within the municipality. It is considered that by the preparation of a Sustainability Management Plan and that minimal issues have arisen as

a result of its assessment by Council’s Strategic Sustainability Planner, the proposal offers a number of positive ESD measures.

Clause 22.08 Safety through Urban design

- 5.12 Council’s Local Planning policy at Clause 22.08 applies to all land in the municipality and therefore has a broad range of objectives and policy requirements in relation to the design of buildings, street layout/access, lighting and car parks.
- 5.13 While a number of items are not relevant to the application, a number of the requirements in relation to building design area, including *“Buildings be orientated to maximise surveillance of entrances and exits from streets”*, *“Public spaces are adequately illuminated and are subject to surveillance from overlooking windows”* and *“The location of building entrances and windows maximise opportunities for passive surveillance of streets and other public spaces”*
- 5.14 It is considered that the design response is consistent with the requirements of this clause with a concerted effort made to ensure that passive surveillance is provided to the pedestrian pathway to the rear of the site and that public and private realms interact.

Clause 22.09 Access for Disabled People

- 5.15 The Access for Disable People Policy is based on the Disability Discrimination Act and requires that persons with a disability have the same level of access to buildings, services and facilities as any other person. It requires that the design of new building account for the needs of persons of limited mobility.
- 5.16 The dwellings provide at grade access or minimal steps from Turana Street to the respective front entry. Stair lifts could be installed internally within the individual dwellings to assist people with limited mobility.

Schedule 8 to the Design and Development Overlay

- 5.17 In the tables below, Officers have used the term ‘Met’ where an objective and performance standard or policy requirement is achieved and ‘Met subject to conditions’ where the objective or performance standard or policy requirement has not been met and modifications are required.
- 5.18 The assessment is against the design requirements of the DDO8:

Design Element	Level of Compliance
<p>DDO8-1 (Sub-Precinct A)</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 • 11 metres provided the condition regarding minimum land size is met. 	<p>Met</p> <p>The site comprises of three consolidated lots, all within the Sub-Precinct A, with a total site area of 2616m². Therefore, the maximum building height allowed is 11 metres.</p> <p>The dwellings have building heights ranging from 5.24m – 9.89m, all well within the maximum 11.0m.</p>

<p>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 site of the building is 2.5 degrees or more, in which case the maximum height must not exceed 10 metres.</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>Met TH1 will have a minimum front setback of 6.0m and TH9 will have a minimum front setback of 6.02m.</p>
<p>Form</p> <ul style="list-style-type: none"> Ensure that the site area covered by buildings does not exceed 60 percent. 	<p>Met The development will have a site coverage of 47.7%.</p>
<ul style="list-style-type: none"> Provide visual interest through articulation, glazing and variation in materials and textures. 	<p>Met The walls will entail brick, weatherboard, a feature wall with mosaic using Weathertext, rendered finish and balcony balustrades in aluminium and grey glass panels. The materials will be in a range of light and dark colours and the mosaic feature wall will be in different shades of green with light grey.</p>
<ul style="list-style-type: none"> Minimise buildings on boundaries to create spacing between developments. 	<p>Met No part of the dwellings will be located on the boundary.</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 TH1 and TH9 are two-storey dwellings, so that they provide a transition to the single-storey, detached dwellings located at 63 and 71 Turana Street.</p>
<ul style="list-style-type: none"> Where appropriate, ensure that buildings are designed to step with the slope of the land. 	<p>Met TH1 and TH10 -19 are benched into the land to respond to the slope of the land.</p>
<ul style="list-style-type: none"> Avoid reliance on below ground light courts for any habitable rooms. 	<p>Met No below ground light courts are proposed for habitable rooms.</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. 	<p>Met The first floor level of TH1 and TH19 are adequately recessed from the respective ground floor area to avoid sheer walls.</p>

<ul style="list-style-type: none"> Ensure that the upper level of a three storey building does not exceed 75% of the lower levels, unless it can be demonstrated that there is sufficient architectural interest to reduce the appearance of visual bulk and minimise continuous sheer wall presentation. 	<p>Met TH2, TH3 & TH4 have upper floors that comprise 84.6%, 87.5% and 87.9% of the ground floor area. It is considered that these dwellings are provided with adequate architectural interest to alleviate visual bulk and sheer wall presentation. The dwellings are provided with projecting portal frames to provide shade to the balconies and add depth. The raked roof on the western facades, in addition to the range of materials, adds visual interest and provides sufficient articulation. All remaining dwellings have upper floors that are well below 75% of the respective ground floors.</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 No imposing design features incorporated.</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 A 1.2m high masonry retaining wall is integrated with the southern ground floor wall of TH10 -19 and extends to the rear yard of TH19. The dwellings TH10 -19 are benched into the ground on the southern side to minimise the height of the finished floor levels.</p>
<ul style="list-style-type: none"> Be designed to minimise overlooking and avoid the excessive application of screen devices. 	<p>Met The dwellings have been designed and orientated to avoid excessive application of screening devices.</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 Dwelling entries are provided with minimal steps and the stairs can be fitted with stair lift for people with limited mobility.</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 garages are located at ground level.</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>N/A</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 The garages are located directly below the respective dwelling. The garages are well integrated with the dwellings, by utilising similar materials to complement the respective dwelling.</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>N/A</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 – subject to conditions The walls of the dwellings are setback from the boundaries, to enable perimeter landscaping. The clotheslines for TH2 – 4 and TH10 -19 will need to be relocated to the internal fence, so that these areas can accommodate screen planting. A condition will be added to this effect. (Condition 1.10)</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 – subject to conditions An air-conditioning condenser is proposed to be erected on the rooftop of each dwelling. A condition will require screening for the condenser to be erected in a complementary material. (Condition 1.11)</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 Separate vehicle access for TH1 will be via the existing crossover located adjacent to the western boundary. A new 5.0m wide crossover and driveway will provide vehicle access for the remaining 18 dwellings. The new crossover is located between two street trees. It will be 2.5m from the tree on the western side and 3.0m from the tree on the eastern side.</p>

<ul style="list-style-type: none"> Ensure that when the basement car park extends beyond the built form of the ground level of the building in the front and rear setback, any visible extension is utilised for paved open space or is appropriately screened, as is necessary. 	N/A
<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. 	Met with conditions The garage of TH1 is flush with the front wall. The garage should be setback a minimum of 1.0m from the front wall. A condition will be to this effect. (Condition 1.7) .
<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. 	N/A
<p><u>Landscaping</u></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. 	Met The frontage of the site can accommodate three canopy trees with a spreading crown and a mature height of 8.0m.
<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. 	Met with conditions The clotheslines of TH2 – 4 and TH10 – 19 will need to be relocated to the internal fences so that screen plantings can be accommodated along the perimeter of the site. Provision should also be made for a 500mm wide landscape strip adjacent to the eastern wall of TH1 with associated relocation of the common driveway and crossover 500mm to the east. (Conditions 1.9 & 1.10) .

<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 <p>and a continuous landscaping treatment within the 1.0m setback must be provided.</p>	<p>N/A No front fence proposed.</p>
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5.19 Having regard to the above assessment against the requirements of Schedule 8 to the Design and Development Overlay, it is considered that the proposed design respects the preferred neighbourhood character and responds to the features of the site.

5.20 Compliance is achieved in respect of the layout, built form, design, car parking, front fencing and opportunities for landscaping as articulated in the DD08.

Clause 52.06 Car Parking

5.21 Prior to a new use commencing or a new building being occupied, Clause 52.06-2 requires that the number of car parking spaces outlined at Clause 52.06-6 to be provided on the land or as approved under Clause 52.06-3 to the satisfaction of the Responsible Authority.

5.22 This clause 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. Visitor car parking is required at a rate of one car parking space for every five (5) dwellings.

5.23 The proposal requires 35 car spaces for residents and three (3) visitor car spaces. This number is provided.

5.24 The following table provides an assessment of the proposal against the seven (7) design standards of Clause 52.06-8:

Design Standard	Met/Not Met
1 – Accessways	<p>Met</p> <p>The new 5.0m wide crossover and driveway provides for a passing area with dimensions 5.0m by 7.0m. The passing area will enable two-way vehicle access. The driveway has been designed so that all vehicles for the development area able to exit the site in a forward direction. Clear sight lines are provided for the common driveway and for the driveway of TH1.</p>

2 – Car Parking Spaces	<p>Met</p> <p>Car parking spaces are provided in accordance with the design standard. Single garages have dimensions of 3.5m by 6.0m and tandem garages are 3.5m by 11.3m.</p> <p>The tandem car space of TH1 and the visitor car spaces are provided in accordance with the design standard.</p>
3 – Gradients	<p>Met</p> <p>The common driveway will have a grade of 1:10 for 7.0m and a grade of 1:8 and then to a grade of 1:16. The driveway grades are satisfactory and provided in accordance with the design standard.</p>
4 – Mechanical Parking	N/A
5 – Urban Design	<p>Met with condition</p> <p>The common driveway is located to the western side of the site. It will not dominate the streetscape. There is an existing street tree on either side of the driveway. There are adequate pervious surfaces on either side of the frontage to accommodate landscaping. The passing area and the letterboxes should be relocated 500mm to the east, so that a continuous landscape strip can be provided to the eastern side of TH1. A condition will be to this effect. (Condition 1.9)</p>
6 – Safety	<p>Met</p> <p>There are lighting bollards proposed along the various length of the driveway, so that the area is clearly lit. There are numerous windows orientated to the driveway for passive surveillance.</p>
7 – Landscaping	<p>Met – with condition</p> <p>There are landscape pockets adjacent to garages between TH5 – 9 and TH10 – 19. It is considered that these curvilinear landscape pockets can be increased to allow for more substantial landscaping, to soften the appearance of the paved surfaces. TH 5 & TH6 should also be moved forward, so that it is staggered from TH7 – 9, allowing for a larger curvilinear landscape pocket to the rear. (Conditions 1.8 & 1.12).</p>

Clause 55 Two or More Dwellings on a Lot

- 5.25 This Clause sets out a range of objectives which must be met. Each objective is supported by standards which should be met. If an alternative design solution to the relevant standard meets the objective, the alternative may be considered.

Clause 55 Assessment – Two or more dwellings on a lot

OBJECTIVE	OBJECTIVE MET/NOT MET
<p>55.02-1 Neighbourhood Character To ensure that the design respects the existing neighbourhood character or contributes to a preferred neighbourhood character.</p> <p>To ensure that development responds to the features of the site and the surrounding area.</p>	<p>Met As outlined in the assessment of the proposal against the policy requirements of the Schedule 8 to the Design and Development Overlay (DD08), it is considered that the proposed apartment development responds positively to the preferred neighbourhood character, and respects the natural features of the site and its surrounds.</p>
<p>55.02-2 Residential Policy 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.</p> <p>To support medium densities in areas where development can take advantage of public transport and community infrastructure and services.</p>	<p>Met The application was accompanied by a written statement that has demonstrated how the development is consistent with State, Local and Council policy.</p>
<p>55.02-3 Dwelling Diversity To encourage a range of dwelling sizes and types in developments of ten or more dwellings.</p>	<p>Met The proposed development provides three, two-bedroom townhouses with single garages and 16 three-bedroom townhouses with tandem garages. There is variety in the overall dwelling size, orientation and the size and provision of private open spaces.</p>
<p>55.02-4 Infrastructure To ensure development is provided with appropriate utility services and infrastructure.</p> <p>To ensure development does not unreasonably overload the capacity of utility services and infrastructure.</p>	<p>Met subject to condition 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. (Condition 12).</p>
<p>55.02-5 Integration with street To integrate the layout of development with the street.</p>	<p>Met The development is orientated to the site frontage. Direct pedestrian entry is provided from Turana Street to TH1, 5, 6, 7 & 8. A pedestrian pathway is provided from the letterboxes to the common driveway.</p>

OBJECTIVE	OBJECTIVE MET/NOT MET
<p>55.03-1 Street Setback 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>	<p>Met subject to conditions Pursuant to the DDO8 provision, the minimum front setback is 6.0m. TH1 has a minimum front setback of 6.0m and TH9 is 6.2m.</p>
<p>55.03-2 Building Height To ensure that the height of buildings respects the existing or preferred neighbourhood character.</p>	<p>Pursuant to the DDO8 provision, the maximum building height is 11.0m. All of the dwellings are below the maximum building height. The maximum building height is 9.89m for Dwelling TH8.</p>
<p>55.03-3 Site Coverage To ensure that the site coverage respects the existing or preferred neighbourhood character and responds to the features of the site.</p>	<p>Met The development will have a site coverage of 47.7%.</p>
<p>55.03-4 Permeability To reduce the impact of increased stormwater run-off on the drainage system. To facilitate on-site stormwater infiltration.</p>	<p>Met The development will have a permeability of 27.76%.</p>
<p>55.03-5 Energy Efficiency 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>	<p>Met With the exception of TH2 – 4, all dwellings will predominately have living areas with direct access to a shaded balcony to the north.</p>
<p>55.03-6 Open Space To integrate the layout of development with any public and communal open space provided in or adjacent to the development.</p>	<p>N/A No communal open space provided.</p>
<p>55.03-7 Safety To ensure the layout of development provides for the safety and security of residents and property.</p>	<p>Met Dwelling entries for TH1 – 9 are visible from the street to provide passive surveillance. The ground floor secluded private open spaces are designed so that it cannot be accessed by the public. Garages are secure and are conveniently located to the respective dwellings.</p>

OBJECTIVE	OBJECTIVE MET/NOT MET
<p>55.03-8 Landscaping To encourage development that respects the landscape character of the neighbourhood.</p> <p>To encourage development that maintains and enhances habitat for plants and animals in locations of habitat importance.</p> <p>To provide appropriate landscaping.</p> <p>To encourage the retention of mature vegetation on the site.</p>	<p>Met with conditions Trees identified as Trees 42 and 43 located on 71 Turana Street and Tree 44 located on Council land in the Applicant's arborist report will require tree protection measures consistent with the recommendations in arborist report (prepared by Bluegum, dated 7 October 2015). (Condition 1.13)</p> <p>The clotheslines located within the rear yards of TH2- 4, TH10 -19 should be relocated to the internal dividing fence, so that a continuous landscape buffer can be established along the western and southern boundaries. (Condition 1.10).</p> <p>The curvilinear landscape pockets between TH5 – 9 and TH10 -19 can be increased, so that substantial landscaping can be established in these pockets to soften the hard paved surface of the common driveway. Conditions will be to this effect. (Conditions 1.8 and 1.12).</p> <p>It is considered that there are adequate pervious surfaces on site to accommodate canopy trees within the front yard and for perimeter landscaping. A condition will require the submission of a landscape plan and a landscape bond.</p>
<p>55.03-9 Access To ensure vehicle access to and from a development is safe, manageable and convenient</p> <p>To ensure the number and design of vehicle crossovers respects the neighbourhood character.</p>	<p>Met The provision for two crossovers over three properties is considered appropriate. The crossovers will occupy 18.6% of the frontage and will not result in the loss of on-street car parking spaces.</p>
<p>55.03-10 Parking Location To provide convenient parking for resident and visitor vehicles.</p> <p>To avoid parking and traffic difficulties in the development and the neighbourhood.</p> <p>To protect residents from vehicular noise within developments.</p>	<p>Met The garages are conveniently located to the respective dwellings. Stairs are provided within each garage for direct access to the main living areas above.</p> <p>There is unlikely to be any noise transfer from the use of the garages, as the individual dwellings will be appropriately constructed for domestic noise attenuation measures.</p>

OBJECTIVE	OBJECTIVE MET/NOT MET																																											
<p>55.04-1 Side and Rear Setbacks 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>	<p>Met The development does not exceed the required setbacks.</p> <table border="1" data-bbox="815 459 1406 952"> <tr> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>Western Boundary</td> <td colspan="3" style="background-color: black;"></td> </tr> <tr> <td>TH1</td> <td>2.2m</td> <td>2.46m</td> <td>✓</td> </tr> <tr> <td>TH2 -4</td> <td>1.9m</td> <td>3.0m</td> <td>✓</td> </tr> <tr> <td>TH10</td> <td>2.3m</td> <td>2.62m</td> <td>✓</td> </tr> <tr> <td>Eastern Boundary</td> <td colspan="3" style="background-color: black;"></td> </tr> <tr> <td>TH9</td> <td>3.3m</td> <td>3.5m</td> <td>✓</td> </tr> <tr> <td>TH19</td> <td>1.57m</td> <td>16.9m</td> <td>✓</td> </tr> <tr> <td>Southern Boundary</td> <td colspan="3" style="background-color: black;"></td> </tr> <tr> <td>TH10-19</td> <td>2.5m – 2.8m</td> <td>4.36m – 4.84m</td> <td>✓</td> </tr> </table>								Western Boundary				TH1	2.2m	2.46m	✓	TH2 -4	1.9m	3.0m	✓	TH10	2.3m	2.62m	✓	Eastern Boundary				TH9	3.3m	3.5m	✓	TH19	1.57m	16.9m	✓	Southern Boundary				TH10-19	2.5m – 2.8m	4.36m – 4.84m	✓
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<p>55.04-2 Walls on Boundaries 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>	<p>Not applicable No walls on boundaries are proposed.</p>																																											
<p>55.04-3 Daylight to Existing Windows To allow adequate daylight into existing habitable room windows.</p>	<p>Met The western wall of TH3 and 4 is required to be located 2.2m from the edge of the two windows at 71 Turana Street. The western wall of TH3 and 4 complies with the standard.</p>																																											
<p>55.04-4 North Facing Windows To allow adequate solar access to existing north-facing habitable room windows.</p>	<p>Met There are no adjoining north-facing windows located within close proximity to the development.</p>																																											
<p>55.04-5 Overshadowing Open Space To ensure buildings do not significantly overshadow existing secluded private open space.</p>	<p>Met As demonstrated by the shadow diagrams submitted, there will be no additional overshadowing impact to adjoining secluded private open spaces at Nos. 63 and 71 Turana Street. At 9am, during the control period, there will be additional overshadowing to the eastern side of the dwelling at 71 Turana Street but this is a small pathway area. The adjoining secluded private open spaces will receive unencumbered sunlight during the equinox.</p>																																											

OBJECTIVE	OBJECTIVE MET/NOT MET
<p>55.04-6 Overlooking To limit views into existing secluded private open space and habitable room windows.</p>	<p>Met subject to condition The first floor west-facing windows of TH2-4 will be highlight windows and the second floor west-facing windows will be windows located within the raked roof. Therefore, the windows are orientated clear to the sky, with no downward views.</p> <p>The first floor east-facing windows of TH9 will be highlight windows, whereas the east-facing second floor windows of T19 have low sill heights and will have overlooking into the swimming pool and private open space at No. 63 Turana Street.</p> <p>A condition will require that the east-facing, first floor windows of TH19 be screened in accordance with the standard. (Condition 1.5)</p>
<p>55.04-7 Internal Views To limit views into the secluded private open space and habitable room windows of dwellings and residential buildings within a development.</p>	<p>Met There is no internal overlooking between adjoining habitable room windows and secluded private open spaces.</p>
<p>55.04-8 Noise Impacts To contain noise sources in developments that may affect existing dwellings.</p> <p>To protect residents from external noise.</p>	<p>Met There are no external noise sources that may impact unreasonably on future residents.</p>
<p>55.05-1 Accessibility To encourage the consideration of the needs of people with limited mobility in the design of developments.</p>	<p>Met There is a limited number of steps to the dwellings' entries. The stairs within the dwellings can be installed with a stair lift to assist people with limited mobility.</p>
<p>55.05-2 Dwelling Entry To provide each dwelling or residential building with its own sense of identity.</p>	<p>Met A balcony overhangs each dwelling entry, acting as a porch for the entry. The entry design is appropriate and is well identified. The balconies above the entries provide a shelter and protection from the elements.</p>
<p>55.05-3 Daylight to New Windows To allow adequate daylight into new habitable room windows.</p>	<p>Met All habitable room windows and living areas are provided with a window clear to the sky.</p>

OBJECTIVE	OBJECTIVE MET/NOT MET
<p>55.05-4 Private Open Space To provide adequate private open space for the reasonable recreation and service needs of residents.</p>	<p>Met The dwellings for the development are provided with a combination of balconies and ground floor service areas. The development is provided with the following private open spaces:</p> <ul style="list-style-type: none"> • TH1 – a balcony with 8m² and a dimension 1.7m • TH2 – TH4 – a balcony with 8m² and a dimension 1.8m, in addition to a service yard with an area between 10.6m² - 11m² • TH5 -TH 9 – a balcony with 8m² and a dimension of 2.3m • TH10 – TH19 – a balcony with 8m² and a dimension between 1.85m – 2.1m, and a service yard area between 12m² – 17m². • TH9, TH10 and TH19 are provided with a larger service yard as these dwellings are located at the perimeter of the site. <p>All balconies have direct access from the living area, in addition to the size and dimensions provided meet the minimum requirements of the standard. The provision of 2.3m wide balconies for many of the larger townhouses is particularly positive.</p> <p>It is considered that the private open spaces provided will meet the recreational and service needs of the residents.</p>
<p>55.05-5 Solar Access to Open Space To allow solar access into the secluded private open space of new dwellings and residential buildings.</p>	<p>Met All balconies have a northern or eastern orientation.</p>
<p>55.05-6 Storage To provide adequate storage facilities for each dwelling.</p>	<p>Met subject to conditions All storages are provided within the garages. A condition will require a sectional diagram of the type of storage, including dimensions and storage capacity for each dwelling to be confirmed. (Condition 1.16).</p>
<p>55.06-1 Design Detail To encourage design detail that respects the existing or preferred neighbourhood character.</p>	<p>Met subject to conditions The proposed architectural design is of a reasonable standard and offers a contemporary statement that responds</p>

OBJECTIVE	OBJECTIVE MET/NOT MET
	<p>positively to the preferred neighbourhood character.</p> <p>The varied materials palette, in addition to the articulated facades and the projecting portal frames for the balconies adds visual interest. The different textures and colours provides contrast and variety, whilst the mosaic architectural feature wall in Weathertex enhances the architectural presentation of the dwellings. Sufficient variety to window proportions and design detail is provided.</p> <p>The upper floor levels are adequately stepped from the ground floor walls to alleviate visual bulk. The development is provided with a high level of architectural coherence.</p> <p>A condition will require a schedule of materials and finishes with colour samples to be provided. (Condition 1.15).</p>
<p>55.06-2 Front Fence To encourage front fence design that respects the existing or preferred neighbourhood character.</p>	<p>N/A No front fence is proposed.</p>
<p>55.06-3 Common Property To ensure that communal open space, car parking, access areas and site facilities are practical, attractive and easily maintained.</p> <p>To avoid future management difficulties in areas of common ownership.</p>	<p>Met The driveway, letterboxes, visitor car spaces and bin collection area will be maintained by an Owners' Corporation. There are no apparent difficulties associated with future management of these areas.</p>
<p>55.06-4 Site Services To ensure that site services can be installed and easily maintained.</p> <p>To ensure that site facilities are accessible, adequate and attractive.</p>	<p>Met subject to conditions The site has access to all relevant services. Waste removal will be via a private contractor and a Waste Management Plan will be required. (Condition 5).</p>

6 REFERRALS

- 6.1 The application was not required to be referred to any statutory referral authorities.
- 6.2 The application was referred to a number of Service Units within Council, the following table summarises their responses:

Service Unit	Comments
Engineering & Technical Services Unit (Drainage)	<ul style="list-style-type: none"> • There is adequate point of discharge for the site. All runoff is to be directed to the point of discharge (Condition 14). • Provide an on-site stormwater detention system. (Condition 12). • Nos. 67 & 69 are within the proposed SB03 overlay and a 200mm high sleeper or concrete retaining wall barrier is required for the southern boundary, commencing from the furthest south-east corner to a minimum length of 22m towards the east to avoid surface flow entering into the property. The barrier is required to be located on the ground, with the boundary fence located directly above it. (Condition 1.1)
Engineering & Technical Services Unit (Vehicle Crossing)	<ul style="list-style-type: none"> • An existing pit is located within the crossover. The pit is required to be modified to a heavy duty pit lid or alternatively relocated to the satisfaction of the Responsible Authority. (Condition 1.2)
Engineering & Technical Services Unit (Access and Driveway)	<ul style="list-style-type: none"> • The garages of Dwellings TH3 and TH4 have a level difference of 230mm side-by-side. The garages' level differences are required to be reduced to facilitate practical entry. (Condition 1.3). • The common driveway is required to be modified so that it also accommodates the swept path diagrams of a waste truck, as shown on the diagrams prepared by Onemilegrid. (Condition 1.4).
Engineering & Technical Services Unit (Traffic and Car Parking)	<ul style="list-style-type: none"> • No objection.
Engineering & Technical Services Unit (Car Parking Layout)	<ul style="list-style-type: none"> • No objection.
Engineering & Technical Services Unit (Construction Management)	<ul style="list-style-type: none"> • Submission of a Construction Management Plan. (Condition 4).
Engineering & Technical Services Unit (Waste)	<ul style="list-style-type: none"> • Submission of a Waste Management Plan that is generally in accordance with the draft plan prepared by Leigh Design, dated 8 February 2016. (Condition 5). • Private waste collection will be required. • No private waste contractor bin can be left outside the development boundary or on any street frontage for any reason.

Service Unit	Comments
Strategic Projects Unit (Sustainability)	<ul style="list-style-type: none"> • Submission of a Sustainability Management Plan that includes the following: <ul style="list-style-type: none"> <u>Indoor Environment Quality and Energy Efficiency</u> <ul style="list-style-type: none"> ○ Provide external adjustable shading to east and west facades to control summer glare while allowing winter solar gains to bedrooms in TH2, TH3 & TH4; ○ Provide external adjustable shading to east facade to bedrooms in TH19; ○ Provide overhangs to north facade to control summer glare while allowing winter solar gains to TH1 and TH5-TH19. <u>Energy Efficiency</u> <ul style="list-style-type: none"> ○ Provide warm white LED fittings throughout due to cost parity to fluorescents (including T5s) which are becoming obsolete from higher OMR costs, reduced performance in low external temperatures and contain mercury. <u>Stormwater Management</u> <ul style="list-style-type: none"> ○ Ensure minimum roof catchment area of 50m² for each rainwater tank in accordance with the VBA Technical Solution Sheet 5.09 and Plumbing Regulations 2008. (Condition 3).
Economic and Environmental Planning Unit (Urban Design)	<ul style="list-style-type: none"> • Adequate variety is provided in materials and colour palette. • Provisions for three new street trees. One to be in front of TH9. • Greater landscaping areas to be provided adjacent to front entries and garages, to enable small trees, by staggering the front setbacks of TH5 and 6. (Condition 1.8). • Consideration to providing gates along the southern boundary to enable residents to access the adjoining pedestrian pathway on Council land. • Air conditioning condensers located on the rooftop of the dwellings located adjacent to the southern boundary will be visible when viewed from nearby buildings. Greater effort should be made to screen the visibility of these units. (Condition 1.11). • Street numbers on the letterbox should not be plastic. (Condition 1.18).

- 6.3 As appropriate, the requirements of internal departments and external authorities will be added in the form of planning permit conditions or notes.

7 CONSULTATION

- 7.1 The planning application was placed on public notice for a three (3) week period which concluded on 23 March 2016. The public was notified by the sending of letters to nearby properties and by the display of three (3) signs at the site frontage.

- 7.2 Council has received two (2) objections from the following property:

Address
56 Turana Street, DONCASTER VIC 3108 (opposite of 69 Turana Street)
63 Turana Street, DONCASTER VIC 3108 (eastern adjoining property)

- 7.3 The following is a summary of the grounds upon which the above properties have objected to the proposal:

- Increased traffic
- Traffic safety
- Inadequate on-street parking
- Overlooking into dwelling at rear yard at 63 Turana Street
- Close proximity of bin enclosure to common boundary of 63 Turana Street
- Practicality of tandem garages
- Inadequate on-site visitor car spaces
- Provision for two-way vehicle movement within common driveway

- 7.4 A response to the above grounds is provided in the paragraphs below:

Increased traffic

- 7.5 A Traffic Impact Assessment, prepared by Onemilegrid, date 2 November 2015. The report indicates that the development will generate 6 vehicle movements per day, per dwelling, with 10% occurring during the peak hours. Therefore, the development will generate 114 movements per days, including 11 vehicle movements during the morning and afternoon peak hours. This level of traffic is considered very low and is not expected to have an impact on the surrounding road network.

Traffic safety

- 7.6 Council's Traffic Engineers and the Traffic Impact Assessment, provided by Onemilegrid, are of the view that the proposed development will not have any unreasonable safety impact to traffic on Turana Street.

Inadequate on-street parking

- 7.7 The proposed development will not result in an increased demand for on-street parking, as adequate parking is provided for residents and visitors on site. The south side of Turana Street is a resident permit zone. The north side is time restricted.

Overlooking into dwelling at rear yard at 63 Turana Street

- 7.8 The ground floor east-facing windows of Dwelling T19 will be adequately screened by the new 1.8m high timber paling fence. The first floor, east-facing windows of T19 for the stairs and Southern Bedroom 2 are shown to be awning windows with obscure glazing. The overlooking diagram shows that these windows will have overlooking potential over the boundary fence. Therefore, a condition will be placed to require screening of the two, first floor east-facing windows of T19. **(Condition 1.5)**.

Close proximity of bin enclosure to common boundary of 63 Turana Street

- 7.9 Council's Waste Management Unit will require the submission of a Waste Management Plan, which will detail of waste collection methodology, including measures that minimise odour. Additionally, bin storage is provided in garages. The bin enclosure is a temporary holding area on collection day.

Practicality of tandem garages

- 7.10 Whilst not ideal for all situations, tandem car parking is an acceptable form of car parking and in Clause 52.06 of the Manningham Planning Scheme, provided it is designed appropriately. In this instance, the tandem car parking spaces are an appropriate size to provide future residents reasonable use of the garage and associated laundry and storage. Further the driveway is spacious and of sufficient width to provide easy turning and manoeuvring on site.

Inadequate on-site visitor car spaces

- 7.11 Pursuant to Clause 52.06, a minimum of 3 visitor car spaces is required. Clause 52.06-5 states that if the result in calculating car spaces is not a whole number, the required number is to be rounded down to the nearest whole number. Therefore, a minimum of 3 visitor car spaces is required (from 3.8).
- 7.12 The three common visitor car spaces are spaced out throughout the site to accommodate visitors visiting the site. One visitor space is located adjacent to the western wall of TH5, one to the southern wall of TH4 and one the eastern side of bin enclosure.

Provision for two-way vehicle movement within common driveway

- 7.13 Pursuant to Design Standard 1 of Clause 52.06, a passing area at the entrance is required. Two-way vehicle movement throughout the common driveway is not required by Clause 52.06 of the Manningham Planning Scheme. There is adequate space throughout the various lengths of the driveway to accommodate vehicle manoeuvres.

8 CONCLUSION

- 8.1 It is considered appropriate to support the application, subject to some minor design changes and the inclusion of suitable management plan conditions.
- 8.2 The construction of a well designed and visually interesting nineteen dwellings is consistent with the vision of the Manningham Planning Scheme, in particular Clause 21.05 Residential, Schedule 8 to the Design and Development Overlay (DDO8) and Clause 52.06 (ResCode). It will allow an

- increase in housing density and diversity in a location that has good access to services.
- 8.3 The proposal has also achieved an acceptable balance between considering the amenity of nearby properties and its attention to internal amenity of future occupants.
- 8.4 It is therefore considered appropriate to support the planning application, subject to changes to be required by conditions.

RECOMMENDATION

That having considered all objections A NOTICE OF DECISION TO GRANT A PERMIT be issued in relation to Planning Application No. PL15/025773 for the development and use of Nos. 65, 67 & 69 Turana Street, Doncaster (Lots 27, 28 & 29 LP77091 Vol 8722 Fol 217, 218 & 219) for the purpose of construction of seventeen (17) three-storey dwellings and two (2), two-storey dwellings and for no other purpose in accordance with the endorsed plan and subject to the following conditions:

- 1. Before the development starts, two copies of amended plans drawn to scale and dimensioned, must be submitted to and approved by the Responsible Authority. When approved the plans will be endorsed and will then form part of the permit. The plans must be generally in accordance with the plans submitted with the application (prepared by Bayland Property Group, dated 11 February 2016) but modified to show:**
Built Form
 - 1.1. Provision for a 200mm high sleeper or concrete retaining wall as a form of barricade for the southern boundary of TH10, extending for a length of 22.0m, terminating at the end of TH13, to avoid surface flow entering into the property. The barricade is to be located on the ground, with the boundary fence located directly above it to the satisfaction of the Responsible Authority;**
 - 1.2. Modification of existing pit to a heavy duty pit lid or alternatively, relocated to the satisfaction of the Responsible Authority;**
 - 1.3. The level difference between the garages of TH3 and TH4 is reduced to allow proper functioning to the satisfaction of the Responsible Authority;**
 - 1.4. Modification of the common driveway to reflect the swept path diagrams of the a waste truck, as shown on the diagrams prepared by Onemilegrid (report dated 2 November 2015);**
 - 1.5. Screening to the first-floor, east-facing windows of TH9 and first floor-floor east facing windows of TH19 in accordance with Clause 55.04-6 – Overlooking of the Manningham Planning Scheme;**
 - 1.6. Provision for windows to the rear of garages for TH10 – 19, to provide passive surveillance to the service yards;**
 - 1.7. The garage of TH1 setback a minimum of 1.0m from the front wall of the townhouse, to the satisfaction of the Responsible Authority;**
 - 1.8. TH 5 & TH6 with a minimum front setback of 6.0m, so that it is staggered from TH7 – 9, to allow for a larger curvilinear landscape**

pockets to the rear, to the satisfaction of the Responsible Authority;

- 1.9. Provision for a 500mm wide landscape strip adjacent to the eastern wall of TH1, and associated relocation of letterboxes, common driveway and crossover 500mm to the east, to the satisfaction of the Responsible Authority;
- 1.10. Relocation of clotheslines for TH2- 4, TH10 -19 to the internal dividing fence, so that the rear service yards can provide for a continuous landscape treatment;
- 1.11. Screening for the air-conditioning condensers on the rooftop of all dwellings in a complementary material, to the satisfaction of the Responsible Authority;
- 1.12. Increase to the curvilinear landscape pockets adjacent to entries and garages, to accommodate a variety of plants, including small trees, to the satisfaction of the Responsible Authority;
- 1.13. Plan notations to show tree protection measures for Trees 42, 43 and 44 in accordance with recommendations in arborist report prepared by Bluegum, dated 7 October 2015;
- 1.14. Visitor car spaces must be lined-marked and delineated in a different materials and/or finish;
- 1.15. A schedule of materials and finishes with colour samples of all external walls, roofs, fascias, window frames, paving (including terraces, balconies,, stairs), fencing, privacy screens, roof top plant screens, retaining walls and driveway surfacing;

Site services

- 1.16. A sectional diagram detailing, the dimensions, type of storage and capacity for each dwelling, in accordance with Clause 55.05-6 – Storage of the Manningham Planning Scheme;
- 1.17. The material of the street number on the mailboxes must be of a suitable and durable material (and not plastic);

Endorsed Plans

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

Sustainability Management Plan

3. Before the development starts or the issue of a building permit for the development, whichever is the sooner, two copies of an amended Sustainability Management Plan (SMP) must be submitted to and approved by the Responsible Authority. When approved the Plan will form part of the permit. The recommendations of the Plan must be incorporated into the design and layout of the development and must be implemented to the satisfaction of the Responsible Authority before the occupation of any dwelling. The Plan must be generally in accordance with the plan prepared by Sustainable Development Consultants, dated October 2015 but modified to show the following:
 - 3.1. Indoor Environment Quality and Energy Efficiency

- 3.1.1. Provide external adjustable shading to east and west facades to control summer glare while allowing winter solar gains to bedrooms in TH2, TH3 and TH4;
- 3.1.2. Provide external adjustable shading to east facade to bedrooms in TH9;
- 3.1.3. Provide overhangs to north facade to control summer glare while allowing winter solar gains to TH1 and TH19.
- 3.2. Energy Efficiency
 - 3.2.1. Provide warm white LED fittings throughout.
- 3.3. Stormwater Management
 - 3.3.1. Ensure minimum roof catchment area of 50m² for each rainwater tank in accordance with the VBA Technical Solution Sheet 5.09 and Plumbing Regulations 2008.

Construction Management Plan

- 4. Before the development starts, two copies of a Construction Management Plan must be submitted to and approved by the Responsible Authority. When approved the plan will form part of the permit. The plan must address, but not be limited to, the following:
 - 4.1. A liaison officer for contact by residents and the responsible authority in the event of relevant queries or problems experienced;
 - 4.2. Hours of construction;
 - 4.3. Delivery and unloading points and expected frequency;
 - 4.4. On-site facilities for vehicle washing;
 - 4.5. Parking facilities/locations for construction workers;
 - 4.6. Other measures to minimise the impact of construction vehicles arriving at and departing from the land;
 - 4.7. Methods to contain dust, dirt and mud within the site, and the method and frequency of clean up procedures;
 - 4.8. The measures for prevention of the unintended movement of building waste and other hazardous materials and pollutants on or off the site, whether by air, water or other means;
 - 4.9. An outline of requests to occupy public footpaths, road reserves, verges, or roads, and anticipated disruptions to local services;
 - 4.10. The measures to minimise the amount of waste construction materials;
 - 4.11. Measures to minimise impact to existing boundary and front fencing on adjoining properties;
 - 4.12. The measures to minimise noise and other amenity impacts from mechanical equipment/construction activities, especially outside of daytime hours; and
 - 4.13. Adequate environmental awareness training for all on-site contractors and sub-contractors.

Waste Management Plan

5. Before the development starts, or the issue of a building permit for the development, whichever is the sooner, an amended Waste Management Plan must be submitted and approved to the satisfaction of the Responsible Authority. When approved, the plan will form part of the permit. The Plan must generally be in accordance with the plan prepared by Leigh Design, dated 8 February 2016 but modified to provide for:
 - 5.1. A private waste contractor to undertake waste collection from within the site.
 - 5.2. No private waste contractor bins can be left outside the development boundary or left unattended at any time on any street frontage for any reason.
 - 5.3. Measures to control odour from bin enclosure.

Management Plan 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 each dwelling, written confirmation from the author of the approved Sustainability Management Plan, or a similarly qualified person or company, must be submitted to the Responsible Authority. The report must confirm that the sustainable design features/initiatives specified in the Sustainability Management Plan have been satisfactorily implemented in accordance with the approved plans.

Landscaping

8. Before the development starts, a detailed Landscape Plan must be prepared by a landscape architect showing species, locations, approximate height and spread of proposed planting, and must be submitted to the Responsible Authority for approval. Such plan must be generally in accordance with the approved plan, and must show:
 - 8.1. Any details as relevant or directed by any other condition of this Permit;
 - 8.2. A planting schedule detailing species, numbers of plants, approximate height, spread of proposed planting and planting/pot size;
 - 8.3. Location, species and number of proposed plantings;
 - 8.4. Surface treatments;
 - 8.5. Details of site and soil preparation, mulching and maintenance;
 - 8.6. A minimum of three (3) canopy trees, capable of reaching a minimum mature height of 8.0 metres, within the front setback of the site. The trees must be a minimum height of 1.5 metres at the time of planting;
 - 8.7. Screen planting adjacent to the eastern and western boundary, capable of reaching a mature height of 3.0 metres. The trees must be a minimum height of 1.5 metres at the time of planting;

- 8.8. Shallow-rooted, screen planting adjacent to the southern boundary, capable of reaching a mature height of 3.0 metres. The trees must be a minimum height of 1.5 metres at the time of planting;**

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

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

Street Tree

- 11. Except with the prior consent of the Responsible Authority, the existing street trees must not be removed or lopped.**

Stormwater — On-Site Detention System

- 12. The owner must provide onsite 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:**
- 12.1. Be designed for a 1 in 5 year storm; and**
- 12.2. Storage must be designed for 1 in 10 year storm.**
- 13. Before the development starts, a construction plan for the system required by Condition No. 12 of this permit must be submitted to and approved by the Responsible Authority. The system must be maintained by the Owner thereafter in accordance with the approved construction plan to the satisfaction of the Responsible Authority.**

Drainage

- 14. 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.**
- 15. 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.**

Site Services

16. All services, including water, electricity, gas, sewerage and telephone, must be installed underground and located to the satisfaction of the Responsible Authority.
17. All upper level service pipes (excluding stormwater downpipes) must be concealed and screened respectively to the satisfaction of the Responsible Authority.
18. 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.
19. In the event of gas being supplied to the approved dwellings, the owner must liaise with the relevant service authority to determine an appropriately discrete location for the placement of gas meters to the satisfaction of the Responsible Authority. Where no such placement is possible, meters must be "banked" and provided with a neatly designed, durable screen surround (in stained timber, or dark coloured, perforated metal sheeting, for instance) to the satisfaction of the Responsible Authority.
20. Any air-conditioning unit erected on the walls, roofs or balconies of the approved dwellings must be so located, as to not adversely affect the amenity of the area by way of appearance/visual prominence to the satisfaction of the Responsible Authority. Where the Responsible Authority identifies a concern about visual appearance, appropriately designed/finished screening must be installed and maintained to the satisfaction of the Responsible Authority.
21. 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.
22. Unless depicted on a Roof Plan approved under Condition 1 of this permit, no roof plant (includes air conditioning units, basement exhaust ducts, solar panels or hot water systems) which is visible to immediate neighbours or from the street may be placed on the roof of the approved buildings, without details in the form of an amending plan being submitted to and approved by the Responsible Authority.
23. Letterboxes must be designed and located to satisfy the requirements of Australia Post and to the satisfaction of the Responsible Authority.

Access

24. Prior to occupation of the approved dwellings, any new or modified vehicular crossover must be constructed in accordance with the plans endorsed under Condition 1 of this permit to the satisfaction of the Responsible Authority.
25. Driveway gradients and transitions as shown on the plan approved under Condition 1 of this permit must be generally achieved through the driveway construction process to the satisfaction of the Responsible Authority.

26. Redundant crossovers must be removed and the footpath and kerb and channel reinstated to the satisfaction of the Responsible Authority.

Car Parking

27. Visitor parking spaces must not be used for any other purpose to the satisfaction of the Responsible Authority.

Earthworks

28. The extent and depth of cut and fill must not exceed that shown on the plans endorsed under Condition 1 of this permit without the written consent of the Responsible Authority.
29. 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.

Fencing

30. Prior to the occupation of the approved dwellings, all fencing must be erected in accordance with the plans endorsed under Condition 1 of this permit to the satisfaction of the Responsible Authority.

Maintenance

31. Buildings, paved areas, drainage and landscaping must be maintained to the satisfaction of the Responsible Authority.
32. Privacy screens, obscure glazing, replacement boundary fencing as shown on the approved plans must be installed prior to occupation of the dwellings to the satisfaction of the Responsible Authority and maintained thereafter to the satisfaction of the Responsible Authority. The use of the obscure film fixed to transparent windows is not considered to be obscured glazing of an appropriate response to screen overlooking.

Time Limit

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

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

MOVED: O'BRIEN
SECONDED: GRIVOKOSTOPOULOS

That the Recommendation be adopted.

CARRIED

"Refer Attachments"

* * * * *

10. PLANNING & ENVIRONMENT

10.1 Proposed Sale of Tatterson Reserve

Responsible Director: Director Planning & Environment

File No. T16/108

The ultimate destination for this report is: COUNCIL AGENDA

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

SUMMARY

The purpose of this report is to consider submissions received in response to the statutory processes associated with the release for sale of Tatterson Reserve, Templestowe (1,618m²).

At its meeting on 15 December 2015, Council resolved to commence the necessary statutory processes for the sale of land known as Tatterson Reserve in order to fund the purchase of public open space at 3-7A Glenvill Court, Templestowe (8,265m²). These processes were a planning permit to remove the reserve status (municipal reserve) from the land, as required under the Manningham Planning Scheme, and giving notice of Council's intention to sell the land as required under section 189 of the Local Government Act 1989.

Submissions to the two statutory processes were invited from the community during a six week period which closed on April 13, 2016. Thirty six objections (including two petitions with 77 and 18 signatories) have been received to the proposed sale and removal of reserve status. Oral submissions in support of ten written submissions were heard on 27 April, 2016 by a Committee of Council appointed under section 223 of the Local Government Act.

All the submissions oppose the removal of the reserve status and sale of the reserve. Reasons provided related to its current usage; the change to the neighbourhood character which would be caused; the difficulty for the elderly and those with disabilities to access other reserves nearby; the likelihood of inappropriate residential development; the validity of the processes for site selection and proposed sale; and the availability of other alternatives to fund the purchase of the Glenvill Court land.

This report recommends the sale of open space of least value as a financially sustainable means to fund the recent purchase of land located at 3-7A Glenvill Court, Templestowe.

Having considered the submissions received, Tatterson Reserve is still considered to be the reserve most appropriate to be released for sale. Factors related to its selection include its location in the same open space precinct; its small size and physical constraints for open space development; the availability of several other reserves within walking distance; and minimising the impact of future uses.

1 BACKGROUND

- 1.1 Tatterson Reserve, situated at 1 Tatterson Court, Templestowe, is located in Green Gully Precinct (*Refer Attachment 1*).
- 1.2 At its meeting on 15 December 2015 Council resolved to commence the necessary statutory processes for its sale, to fund the purchase of public open space at 3-7A Glenvill Court, Templestowe, in accordance with Action 6 of the *Green Gully Linear Park Management Plan 2014*.
- 1.3 Existing Council budgets do not provide funds for a purchase of the scale of Glenvill Court and in a location not subject to growth. Accordingly, Council supported officers investigating options for sale of public open space of least value in the Green Gully Open Space precinct.
- 1.4 Several potential sites for sale were assessed having regard to the criteria specified in the *Open Space Strategy 2014*, Table 5: *Criteria to ascertain the comparative value of open space parcels*.
- 1.5 After due consideration, Tatterson Reserve was considered to be the reserve most appropriate to be released for sale, in the context of the purchase of land in Glenvill Court, and having regard to a range of factors including:
 - Proximity to the land being purchased, so that the benefits of the purchase could be experienced in the same local area.
 - Impact on the open space network – Tatterson Reserve is located within walking distance of several other areas of open space, including Falfield Reserve (213m) and Green Gully Linear Park, which includes Jenkins Park (270m) and Bronte Playspace (410m).
 - Reserve visitation – the use of a number of reserves in the area, including Tatterson Reserve, was monitored over a period of time, including various times of the day, week, and during both school holidays and the school term.
 - Site characteristics, including topography, site context and accessibility which limit opportunities for open space development of the site.
 - Reserve size (1,618m²) which was considered both in relation to minimising the loss of open space, and in consideration of the likely impact of urban development on the land.
 - Tatterson Reserve is the nearest separate developable parcel of Council owned land to 3-7A Glenvill Court. Located on the corner of Tatterson Court and Meredith Avenue the site is not prominent and is served by local roads only. As such, the site's development for residential use would have less impact on neighbourhood character than a more visually prominent location. The location, size, shape and topography of the land provides for residential development that is site responsive and respectful of local residential character. The site is not appropriate for non-residential uses allowable in the Residential Zone, having regard to traffic, amenity and local character impacts.
- 1.6 The arrangements for sale of Tatterson Reserve resolved by Council at its meeting on 15 December 2015 included:

- Applying for a planning permit and certificate to remove the reserve status from Tatterson Reserve pursuant to section 24A of the *Subdivision Act 1988*; and
 - Concurrently giving notice of Council's intention to sell Tatterson Reserve pursuant to sections 189 and 223 of the *Local Government Act 1989*.
- 1.7 Advertising of these processes occurred for a six week period from 29 February to 13 April, and included:
- A Notice of Application for Planning Permit erected on each street frontage of Tatterson Reserve;
 - A public notice of the Notice of Intention to Sell Land published in the *Manningham Leader* on Monday 29 February, 2016; and
 - A letter and related Fact Sheet posted to the owners of 181 properties located within 400 metres walking distance of Tatterson Reserve or within the original 1983 subdivision (refer to Attachment 2).
- 1.8 In response to the notification 37 submissions, including two petitions (*refer to Attachment 3*), have been received.
- 1.9 In response to queries raised during the exhibition period, additional information was provided on the Council website as an updated Fact Sheet (*refer Attachment 4*)
- 1.10 The petitions include an online petition containing 77 signatures (with an additional seven added after 19 April 2016) and a written petition with 18 signatures.
- 1.11 In accordance with the Council resolution of 15 December 2016, a Committee comprising the Mayor and Heide Ward Councillors was established under section 223 of the *Local Government Act 1989* to hear oral submissions in support of written submissions received in relation to the sale of Tatterson Reserve. The minutes of that meeting are included as *Attachment 5*.

2 PROPOSAL/ISSUE

Consideration of Submissions

- 2.1 All of the submissions received have been regarded as objections to both the application for planning permit to remove the Reserve Status for Municipal Purposes from Tatterson Reserve and Council's Notice of Intention to Sell Tatterson Reserve.
- 2.2 Submissions have been received from 25 of the 181(13.8%) households advised in writing of the proposed sale.
- 2.3 The petition with 77 signatures included 30 from Templestowe, 11 from other suburbs in Manningham and 36 from outside Manningham.
- 2.4 The petition stated that: *"Parks are a vital and integral part in the physical in the physical and mental health of people's lives. No matter the reason, it is extremely unfair to enhance the neighbourhood character of one area by providing more open space and then completely diminish another by selling away its open space, especially when they are miles apart from each other. It's conveniently easy to sell one asset to pay for another asset. However*

the real challenge is in finding ways to achieve your goals without the need to sell any assets owned and enjoyed by the public, especially a whole park. Smaller parks make it easier for our mature aged residents to access them. There are a number of residents in the immediate area who can only walk from their home to this park and back home. Selling this park will deny them access to any public open space. This alone should make your proposal untenable from your perspective. It certainly is regarded this way by those that rely on this park for their daily, if not, regular exercise. Spare the residents any further distress and allow them to keep Tatterson Reserve”.

- 2.5 The petition with 18 signatures has two signatories from Templestowe, with one of these residing in the Green Gully Open Space precinct. The remaining signatories are from other parts of Manningham. This petition stated that “*we are aware that the Manningham Council has proposed to sell Tatterson Reserve situated in the Hemmingway Estate. We are not opposed to the purchase and extension of open spaces but are concerned and object to the loss of any green spaces with increasing higher density housing. Pocket parks are essential for residents of all ages to access open spaces easily and to enjoy spaces within a safe environment without the threat of heavy traffic and fast traffic speed. Tatterson Reserve is one of those. We sincerely hope that the Council would reconsider and find other options to fund the purchase of Glenvill Court”.*
- 2.6 The 35 other submissions (*Refer Attachment 3*) have been analysed and summarised into the following major common themes (listed by frequency):

Theme of Objection	Officers' Response
1. <u>Usage of the reserve</u> 54% of submitters stated they use the reserve by themselves or with family.	Reports of usage by local residents are useful information, and contrast with recent visitation surveys that indicated minimal use.
2. <u>Change to neighbourhood character</u> 51% of submitters expressed concern regarding change to neighbourhood character associated with changed use of the land which would impact on local residents.	The small site has limited residential development potential, and is not in a prominent location. The site has few trees which do not offer a large canopy cover. Additional street tree planning could be provided to offset their loss. Any future development would be required to comply with the Victorian Government's ResCode provisions, including being considerate of neighbourhood character. A change from open space to residential use would be noticeable, but on this site will not result in a major change to streetscape character or local traffic.
3. <u>Sale of the reserve</u> 46% of submitters stated that reserved land should not be sold.	The sale of this reserve was required for the purchase of land for open space, and will result in an increase in the total amount of public open space to 6638m in this open space precinct. Refer to Section 1.5.
4. <u>Access to other reserves</u> 24% of submitters stated they were	Manningham is an ageing community, and its topography is an ongoing challenge. The <i>Open</i>

Theme of Objection	Officers' Response
aged local residents unable to walk to alternative reserves.	<i>Space Strategy</i> commits to provision of open space within 400 metres of all urban residences. 400 metres is a universally accepted standard for walkable distances, recognising that all communities include aged residents and variable topography. Falfield Reserve and Green Gully Reserve are located within 400 metres of Tatterson Reserve, and off-street car parking is available at nearby Jenkins Park in Green Gully.
5. <u>Future development of the land</u> 22% of submitters expressed concerns regarding future development of the land.	Future development potential was a consideration in the selection of appropriate land for sale. The small size of this reserve means future development will be residential in nature and limited in scale. Any future development would be required to comply with the Victorian Government's ResCode provisions. It would be anticipated that any proposed development would require a planning permit and an application for a permit. Surrounding residents would also have appeal rights at VCAT.
6. <u>Validity of the processes</u> 19% of submitters objected to or questioned the validity of the processes of site selection and sale.	Refer to Section 2.7 below.
7. <u>Distance between the location of land purchase and sale</u> 16% of submitters stated that the Glenvill purchase is not of benefit to residents in proximity to Tatterson Reserve.	<p>The <i>Open Space Strategy</i> recognises 15 open space precincts, which recognise landscape character, urban form, local communities, and barriers to pedestrian movement. Tatterson Reserve is located in the same Open Space Precinct as Glenvill Court.</p> <p>Green Gully Precinct is the best served of the 15 precincts in terms of open space within walking distance of residences.</p> <p>The Glenvill Court land is an important part of Green Gully Linear Park, which extends through the middle of the Green Gully precinct to within 400m of Tatterson Reserve, and includes paths, seating, lighting and play equipment at Jenkins Park and Bronte Playspace.</p> <p>Green Gully Linear Park is a District level reserve (public open space serving one or more suburbs). As such, it is available and intended to serve a catchment of one or more suburbs which includes the residents in proximity to Tatterson Reserve.</p>
8. <u>There is insufficient open space locally.</u>	The <i>Open Space Strategy</i> establishes clear standards for open space provision, and the Green Gully Open Space Precinct is the best

Theme of Objection	Officers' Response
10% of submitters expressed this view.	served of the 15 precincts against these standards. Tatterson Reserve is not located in a gap, nor would its loss as a reserve result in a new open space gap.
9. <u>Funding alternatives</u> 8% of submitters stated that alternative means of funding the purchase of land should be adopted instead.	Refer to Section 2.8 below.

2.7 The following issues were raised in submissions in relation to the validity of the processes for site selection and sale as referred to in Theme 6 above:

Issue	Officers' Response
Concurrent statutory processes Current statutory processes do not allow the same level of investigation as separate processes.	As the submissions relate to the same matter, it was considered appropriate and necessary that these processes were run together to ensure transparency. An extended exhibition period of six weeks was provided. The statutory requirement for a Notice of Intention to Sell is 28 days. For a planning permit the statutory time is 14 days. All submissions were recorded as being in response to both the planning application and the notice of intention to sell.
Preliminary Impact Study Council should have conducted a preliminary impact study with local residents prior to the December 15 Council meeting.	Council does not have an endorsed policy or procedures around investigating sale of land, but there are processes requiring Council approval prior to public consultation. Consulting with multiple neighbourhoods regarding potential sale of a local reserve would have caused an unnecessary level of community angst. Potential impacts were a major consideration for each of the three sites assessed.
Compensation for devaluation The submitter's view is that purchasers of the subdivision lots 'effectively funded' the reserve, and as such that compensation should be considered.	The reserve was part of the overall subdivision and it is somewhat difficult to assess whether a 'premium' was paid by residents adjacent to the reserve. The argument as to whether properties would be 'devalued' is conjecture and unsubstantiated.
Council's Open Space Streetscape and Advisory Committee Advice Council's OSSAC recommended that Falfield Reserve be sold rather than Tatterson Reserve.	The Open Space and Streetscape Advisory Committee is not a decision making body. The advice of the community representatives was noted and communicated to Councillors. The proposal to sell a Council open space reserve to fund the purchase of 3-7A Glenvill Court was considered at the November OSSAC meeting. The

Issue	Officers' Response
	<p>principle of sale of open space land to facilitate the purchase was supported. Four committee members supported selling Falfield Reserve. Three of the six community representatives suggested that Tatterson Reserve should be maintained as open space. These views were provided to Councillors prior to Council making the decision to commence the statutory process to sell Tatterson Reserve at 15 December Council meeting.</p> <p>Falfield Reserve could be selected as an alternative site to release for sale, in line with the views of some OSSAC members, but for the following reasons it is considered by Council officers to be a less appropriate option:</p> <ul style="list-style-type: none"> • It would result in a greater loss of open space area. • Sale would result in a gap in open space provision against Council standards. • Development of this site would be more extensive and more visually prominent, resulting in increased change in neighbourhood character. • Due to the land's size and location on Serpells Road, the possibility exists for non-residential uses in this location, which was considered to have a greater impact than residential development. • For the same reasons it was also anticipated that Falfield Reserve could impact on residents from an area beyond its 400m walkable catchment. • Council valuation's suggested that this Reserve could attract greater funds than were needed to purchase 3-7A Glenvill Court. Several OSSAC members suggested this was a good reason to sell this reserve over a smaller one, however Council officers felt it was more appropriate to sell the minimum area and top up funds as required, rather than seek additional funds without a tangible purpose for surplus.
<p>The proposal is not in accordance with section 20 of the <i>Subdivision Act</i> as the land purchase has already been funded.</p>	<p>While the purchase has been paid for, the funds have been borrowed from the Open Space Reserve. This is discussed in further detail in the final row of the next table, entitled '<i>Use of Open Space Reserve Funds.</i>'</p>
<p>Best Practice Guidelines</p> <p>Council has not complied with Local Government Best Practice Guidelines for the Sale, Exchange</p>	<p>Council has complied with the requirements of the June 2009 Local Government Best Practice Guidelines for the Sale, Exchange and Transfer of Land. Council has considered all matters relating to the land (to be sold) by considering, inter alia,</p>

Issue	Officers' Response
and Transfer of Land.	<p>potential sub-division and the current market strength for residential development sites (& based on highest and best use of the site, if sold). Council also conducted a valuation of the land prior to the public advertising process in accordance with the LGA 1989. Any covenants /section 173 agreements would be part of the planning approval process should a sale occur.</p> <p>Council officers are confident that there has been no breach of any statutory process and that Council has acted with due diligence.</p>
<p>Usage as a Criteria</p> <p>Equating usage of a reserve with the reserve's value does not recognise the inherent value of the presence of open space, nor is that usage influenced by Council's lack of investment in recreational infrastructure.</p>	<p>It is a reasonable assumption that an undeveloped reserve is likely to experience less use than one with playspaces, seating etc.</p> <p>However, Council officers were obliged to utilise the criteria in Table 5 of the <i>Open Space Strategy</i>, which included usage and level of recreational development. These criteria recognise that the community is likely to have a stronger attachment to a reserve with existing recreational facilities and that the loss of reserves which are already developed is likely to have an impact on a greater number of local residents than those which do not have these facilities. As such, those which have not been developed can reasonably be predicted to have less value to the community than those already used more frequently.</p> <p>It should also be noted that the <i>Open Space Strategy</i> did not identify Tatterson as an appropriate site for recreational facilities beyond planting and seating, due to its size and the proximity of other, well developed reserves nearby.</p>
<p>Open Space Strategy standards for open space provision were challenged: 2000m² minimum area and 400m walking distance standards were queried.</p>	<p>The 2000m² standard was established as a means of ensuring future contributions from development are of a better quality than those of the past, which were often simply one or two housing lots, rather than designed for use as open space. 2000m² was determined as likely to be larger than two housing lots, enabling open space to have a variety of recreational opportunities, capacity for large canopy trees, setback of facilities from adjacent roads, etc.</p> <p>400m is a universally accepted measure of walkable distance, correlating to the distance the average person covers in a five minute walk, and as such the distance within which communities expect to be able to access facilities and services, such as public transport and public open space. This measure has been developed with consideration for the varying ages and abilities of</p>

Issue	Officers' Response
	<p>every community.</p> <p>These standards have been endorsed in the <i>Open Space Strategy</i>, and Council officers are comfortable that these represent a sound minimum standard for open space provision. Tatterson Reserve's small size and location in proximity to a number of larger and better developed reserves were a factor in the decision that Tatterson was a reserve which could be sold, while still leaving a neighbourhood very well provided with open space.</p>
<p>Timing of advertising over Easter and school holidays was questioned.</p>	<p>School and public holidays are always considered when preparing for public exhibition. Where consultation coincides with school holidays, public advertising is always extended to include standard term time. In this way, opportunities to receive public input is maximised, rather than postponing then simply advertising for the required minimum period. The two processes required a minimum of 14 and 28 days, but the advertising period was extended to six weeks.</p>
<p>Objection to consultation in the Green Gully Linear Park Management Plan which showed support for the purchase of 3-7A Glenvill Court.</p>	<p>It was noted that while 80% of respondents (164 people) supported the purchase, they may not have done so if it was understood that this may be funded through sale of existing open space.</p> <p>This is a fair comment, but it is also worth noting that 15% were undecided and may well have given this response due to the potential funding implications. Only 5% of respondents did not think this land should be formalised as public open space.</p> <p>The funding model for purchase had not been determined in 2013 when the possibility of purchase was first raised. It was considered appropriate to determine community interest in various proposals around Green Gully before investing council resources on detailed planning.</p>

2.8 As described in Theme 7, two submitters proposed various alternative means of funding the purchase of the land at Glenvill Court, as follows:

Suggested Alternative	Officers' Response
<p>Sale of Council land other than open space.</p>	<p>This would require a comprehensive audit of all Council property and future land needs. The brief given to officers was to source property within the open space network.</p> <p>As a general principle, and over many years, Council has attempted to 'match' open space land sales with open space land purchases, thereby not</p>

Suggested Alternative	Officers' Response
	diluting Council's overall open space.
Borrowing funds.	Borrowing funds enables the initial purchase of an item, but does not address the real issue of funding as the source of interest and principal payments still need to be identified.
Seeking Federal or State government assistance, either financial or land for sale.	<p>Federal and State funds are available through various grant schemes for planning, infrastructure and programming, but not for the purchase of land for Council freehold.</p> <p>In the current economic climate, grant funds are harder to come by and generally focus more on strategic projects with Council contributions, rather than more local projects. Grant funds also are not allocated to projects that have been completed (such as the purchase of 3-7A Glenvill Court).</p>
Seeking funds from neighbouring Councils.	A purchase of this nature would not be co-funded by other municipalities, though that could be a possibility for regional projects.
Introducing a separate rate scheme or special levy.	As part of the Fair Go Rates system, Council may apply for a variation to increase rates beyond the advised rate cap (2.5% for 2016/17). The period to apply for a variation for the proposed 2016/17 Budget has closed and therefore the legislation does not provide any further opportunity for the proposed 2016/17 Budget.
Selling land prior to purchase.	<p>This is not an alternative funding mechanism but a matter of timing. Officers consider that it is more appropriate to be able to demonstrate a tangible gain when proposing a loss of open space.</p> <p>The period of time taken to follow the legislated process for Council to sell land in most cases precludes it from selling land prior to purchasing identified land.</p>
Selling land at an existing entrance to Green Gully Linear Park.	Reducing connectivity to the Green Gully Linear Trail would impact on the use and value of Green Gully Linear Park.
'Trimming': Selling a portion of a larger nearby park, such as Matisse or Fielding Reserves.	While the <i>Open Space Strategy</i> determines a minimum feasible open space area (2000m ²), this does not mean that larger areas are not necessary. Larger open spaces offer a great range of benefits, including more diverse recreational opportunities, retreat from urban surrounds and increased capacity for canopy trees. They typically attract greater visitation and longer periods of usage than

Suggested Alternative	Officers' Response
	<p>small reserves.</p> <p>The <i>Open Space Strategy</i> criteria for valuation of Council reserves assign higher value to larger open spaces.</p>
Use of Open Space Reserve Funds	<p>Council collects open space contributions from residential developers in Manningham in accordance with the <i>Subdivision Act</i>. The funds are generated from subdivisions of three or more lots. These contributions may be land or an equivalent financial contribution. However, as open space contributions relate to the additional population growth, which has resulted from new residential development, these funds are specifically used to expand open space opportunities in precincts that have been designated for substantial growth. The Green Gully Precincts is not an area which has or will experience significant residential development in the foreseeable future, and as such Council should not spend significant funds gained from open space contributions to purchase land in this precinct.</p> <p>Council's <i>Open Space Strategy</i> 2014 Part 1 has a specific objective: 1.3 "<i>Expand and improve open space in line with population increase</i>". This section sets out the areas that require additional open space and Objective 1.4 "<i>ensure the financial viability of open space network expansion and enhancement</i>."</p>

2.9 Other objections (raised by one or two objectors) were also submitted as follows:

2.9.1 *Council has recently developed a reserve at 28 Hemingway Drive.* This nearby property was vacant for many years and has been erroneously thought to be a public reserve by some locals. It has never been public land or in Council ownership.

2.9.2 *The Glenwill land purchase is not required as the land is undevelopable.* The Glenwill Court land purchase forms part of Green Gully Linear Park. The *Open Space Strategy* (2014) Part 1 recognises linear parks as highly valued due to their environmental values (particularly along rivers and creeks), as well as the opportunities they provide for walking, cycling and jogging in natural areas with connections to other amenities. This land has been used as open space for some years through the goodwill of the former owners, but this ongoing access could not be secured without purchase.

2.9.3 *Existing trees provide habitat offsetting loss of vegetation on neighbouring properties.* The existing trees could provide some habitat, but are small and not indigenous species.

Application for Planning Permit

2.10 The assessment of Application PL16/025968 follows.

APPLICATION NUMBER:
PL16/025968
PROPOSAL:
<ul style="list-style-type: none"> • Removal of Reserve Status for Municipal Purposes from Reserve No. 1 on LP142927 Volume 9542 Folio 266 (Tatterson Reserve 1 Tatterson Court TEMPLESTOWE)
PERMIT TRIGGER:
<ul style="list-style-type: none"> • Clause 52.02 Easements, Restrictions and Reserves. • The only decision guideline in the controls is: <ul style="list-style-type: none"> • <i>Before deciding on an application, in addition to the decision guidelines in clause 65, the responsible authority must consider the interests of affected people.</i>
PLANNING CONTROLS AND POLICY:
<ul style="list-style-type: none"> • Clause 32.08 – General Residential Zone 3 • Clause 65.02 – Decision Guidelines
EXISTING CONDITIONS
<ul style="list-style-type: none"> • This report has given an overview of the subject site. Specifically relevant to the planning permits application is the following: <ul style="list-style-type: none"> • The site was created as a reserve for municipal purposes on LP142927 when the land was originally subdivided around 1983. As a result, the site is owned by Council and is currently part of the Manningham City Council Open Space Network. • The site is approximately 1635 m2 and contains no structures. It is mostly lawn with a small number of trees scattered throughout. • On 15 December 2015, Council resolved at a meeting to purchase land at Glenvill Court and incorporate it as a Council owned municipal reserve into the Green Gully Linear Park. In order to fund the purchase of the land at Glenvill Court, Council also agreed to sell Tatterson Reserve based on a range of factors including size, usage, provision, proximity. • In order to sell the land, Council must acquire a planning permit to remove the reserve status. This application is being considered in conjunction with Council's Notice of Intention to sell process.
REFERRALS:
<ul style="list-style-type: none"> • The application did not require referral to any servicing authorities or internal departments.
ADVERTISING and OBJECTIONS:
<ul style="list-style-type: none"> • The application was advertised concurrently with Council's intention to the sell the land. A Public Notice for the planning permit application was published in the Manningham Leader Newspaper on Monday 29 February 2016 and a copy of the notice was also sent to land owners within the vicinity of the reserve and those that were created as part of the original subdivision LP142927. A sign was also placed on site. • The submissions (objections) have been considered in light of the planning permit application as required under Clause 52.02 of the Manningham Planning Scheme. This report has provided an overview of the concerns, as well as a response. Refer to Sections 2.1 to 2.8.
OFFICERS COMMENTS:
<ul style="list-style-type: none"> • There are generally no planning concerns with the proposed removal of reserve status, as the assessment has occurred in the context of the Open Space Strategy (2014). • The land is reserved for Municipal Purposes and zoned for residential purpose (General Residential Zone Schedule 3) under the Manningham Planning Scheme. The land is not specifically identified as a reserve for public open space, nor has the land been zoned Public

Park and Recreation Zone (PPRZ), been identified within Council's Open Space Network or Open Space and Tourism Plan at Clause 21.13 of the Manningham Planning Scheme.

- The removal of the reserve status has no relevance to the following decision criteria of Clause 65:
 - *The orderly planning of the area.* Council's Open Space Strategy ensures appropriate provision and quality of open space is provided to this neighbourhood.
 - *The effect on the amenity of the area.* The removal of the status has no impact. Further, the residential zoning of the land ensures future development is respectful of the surrounding neighbourhood.
 - *Factors likely to cause or contribute to land degradation, salinity or reduce water quality.* Not relevant.
 - *The extent and character of native vegetation and the likelihood of its destruction.* There is no indigenous vegetation on site.
 - *Whether native vegetation is to be or can be protected, planted or allowed to regenerate.* Not relevant.
 - *The degree of flood, erosion or fire hazard associated with the location of the land and the use, development or management of the land so as to minimise any such hazard.* There are no hazards associated with this parcel.

RECOMMENDATION:

That a Notice of Decision to Grant a Permit be issued for Removal of Reserve Status for Municipal Purposes from Reserve No. 1 on LP142927 Volume 9542 Folio 266 at Tatterson Reserve, 1 Tatterson Court TEMPLESTOWE VIC 3106.

Notice of Intention to Sell

- 2.11 Objective 1.4 of the *Open Space Strategy 2014* is to 'ensure the financial viability of open space network expansion and enhancement.'
- 2.12 Existing Council budgets do not provide funds for a purchase of this size. Accordingly Council officers have investigated options for sale of other public open space to fund this purchase. Funding mechanisms other than land sale are either not feasible or available, as discussed in responses to the submissions. Refer Section 2.7.
- 2.13 Tatterson Reserve is considered to be the reserve most appropriate to be released for sale, in the context of the purchase of land in Glenwill Court, having regard to a range of factors, including its location in the same open space precinct; its small size and physical constraints for open space development; and the availability of several other reserves within walking distance (four reserves are within 213- 410 metres).
- 2.14 The sale of Tatterson Reserve will also secure substantially more strategically important land for the open space network in a financially responsible manner, as it provides a net increase in public open space resulting in maximum community gain for minimal loss.
- 2.15 The purchase of 3-7A Glenwill Court and the sale of Tatterson Reserve would result in a net gain in area of public open space of 6,638m². Net gain in open space has been maximised through selection of the smallest appropriate site for sale.

3 PRIORITY/TIMING

- 3.1 Should Council support the sale of Tatterson Reserve, it is anticipated that settlement could be effected in the fourth quarter of the 2015/16 financial year.

4 POLICY/PRECEDENT IMPLICATIONS

- 4.1 While the *Open Space Strategy 2014* does not specifically identify any open space reserves for future sale, a key objective is 1.4: '*Ensure the financial viability of open space network expansion and enhancement.*' The Strategy provides criteria in Table 5 for ascertaining the comparative value of open space parcels.
- 4.2 The most recent open space reserve to be sold by Council was Herlihys Reserve, Templestowe in 2012.

5 CUSTOMER/COMMUNITY IMPACT

- 5.1 The submissions received confirm that some residents within close proximity to Tatterson Reserve consider that they would be negatively impacted by its proposed sale.
- 5.2 However, in the context of the purchase of land in Glenvill Court, Tatterson Reserve is considered to be the reserve most appropriate to be released for sale.
- 5.3 In addition securing the land at 3-7A Glenvill Court in public ownership has safeguarded open space values of the Green Gully Linear Park and Trail into the future, and still factoring in the sale of Tatterson Reserve, still resulted in a net increase in public open space of 6,638m² for the municipality.

6 FINANCIAL PLAN

- 6.1 Purchase of the property at 3-7A Glenvill Court has not been funded through Council's *Financial Strategy 2012-2023*.

7 FINANCIAL RESOURCE IMPLICATIONS

- 7.1 Funds for purchase of 3-7A Glenvill Court have been borrowed from Council's Open Space Reserve fund. This fund comprises financial contributions from residential developments of three or more lots, and as such it is appropriate that it be used to fund purchases and projects needed to address population increase in Manningham. Limited funds have been gathered from the Green Gully Open Space Precinct.
- 7.2 The purchase of 3-7A Glenvill Court is the last remaining major land purchase outside of growth areas within Manningham.
- 7.3 Part Two of the Open Space Strategy identifies four precincts (outside Doncaster Hill) in which significant development will occur and land acquisition for additional open space are required. This is a major investment for Council and the priority for use of funds gained from Open Space Developer Contributions.

8 REGIONAL/STRATEGIC IMPLICATIONS

- 8.1 The open space parcels proposed to be sold and purchased are both located in the Green Gully Open Space precinct, so the change in location and extent of open space will be confined to a single precinct.
- 8.2 The sale of Tatterson Reserve will not result in a gap in open space provision according to the standards set out in the *Open Space Strategy*.

9 CONSULTATION

- 9.1 The proposal to sell a Council open space reserve to fund the purchase of 3-7A Glenvill Court was considered at the November meeting of Council's Open Space and Streetscape Advisory Committee. The principle of sale of open space land to facilitate the purchase was supported by the Committee. Four committee members supported selling Falfield Reserve. Three of the six community representatives suggested that Tatterson Reserve should be maintained as open space. These views were provided to Councillors prior to Council making the decision to commence the statutory process to sell Tatterson Reserve at 15 December Council meeting.
- 9.2 Section 189 of the *Local Government Act 1989* required Council to give public notice of its intention to sell the land, and the opportunity, pursuant to section 223 of the Act, for a person to make a submission in that regard. In addition, notice of the application of the application for permit to remove the reserve status (municipal purposes) from the land was also given and submissions were invited and considered in relation to both statutory processes.

10 CONCLUSION

- 10.1 Council has acquired land located at 3-7A Glenvill Court in the *Green Gully Linear Park Management Plan 2014* and the *Open Space Strategy 2014*.
- 10.2 Tatterson Reserve has been assessed as being the most appropriate site for Council to sell to attain the necessary funds for purchase of the Glenvill Court site.
- 10.3 The sale of Tatterson Reserve will secure substantially more strategically important land for the open space network in a financially responsible manner, as it provides a net increase in public open space resulting in maximum community gain for minimal loss.

OFFICERS' RECOMMENDATION

That Council:

- (A) **Confirms the sale of public open space to be the mechanism for funding the purchase of 3-7A Glenvill Court.**
- (B) **Agrees to the sale of the property known as 1 Tatterson Court, Templestowe to fund the purchase of 3-7A Glenvill Court;**
- (C) **Agrees that a Notice of Decision to Grant a Permit be issued for Removal of Reserve Status for Municipal Purposes from Reserve No. 1 on LP142927 Volume 9542 Folio 266 at Tatterson Reserve, 1 Tatterson Court ,Templestowe VIC 3106.**
- (D) **Authorises the Chief Executive Officer to set a reserve price for the sale of the land by way of public auction;**
- (E) **Authorises the Chief Executive Officer to execute any documents associated with the sale of the land;**

- (F) **Authorises that the Common Seal of Council be affixed to the Transfer of Land and any other documents required to effect the sale and transfer of the land;**
- (G) **Resolves that the Committee of Council established to hear and consider any submissions now be disbanded; and**
- (H) **Notifies the submitters to the proposal in writing of Council's decision.**

MOVED: GOUGH
SECONDED: KLEINERT

That Council, having given consideration to the submissions received in response to the proposed sale of the property known as 1 Tatterson Court, Templestowe;

- A. determines not to proceed with the sale;**
- B. requests the Chief Executive Officer to report on alternative funding sources for the purchase of land in the Green Gully Linear Park;**
- C. resolves that the Committee of Council established to hear and consider any submissions now be disbanded; and**
- D. notifies the submitters to the proposal in writing of Council's decision.**

CARRIED

DIVISION

A Division having been demanded the Council divided as follows:

FOR (8): Councillors Haynes, O'Brien, Grivokostopoulos, Downie, Gough, Kleinert, Galbally & McLeish.

AGAINST (0): Nil.

THE MOTION WAS DECLARED CARRIED UNANIMOUSLY

Attachment 1: Green Gully Precinct Map
Attachment 2: Distribution Map
Attachment 3: List of objections
Attachment 4: Fact Sheet April 2016
Attachment 5: Minutes of Council Committee

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10.2 Melbourne East Regional Sport and Recreation Strategy

Responsible Director: Director Planning & Environment

File No. T16/97

The ultimate destination for this report is: COUNCIL AGENDA

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

SUMMARY

The purpose of this report is to seek Council's endorsement of the Melbourne East Regional Sport and Recreation Strategy. Refer Attachment 1.

The Strategy was prepared as a collaboration between the Councils of Melbourne East, Sport and Recreation Victoria and Regional Development Australia (East).

The purpose of the Strategy is to facilitate a regional planning approach that supports the development of both current and new sport and recreation infrastructure for the Melbourne East Region for the next 20 years.

The Strategy provides an overview of the region, identifies the gaps in regional sport and recreation facilities and shared trails, and outlines the vision for the future provision of regional facilities in Melbourne's East, as well as including a framework to support the prioritisation, planning and delivery of regional facilities, and shared trails collaboratively and effectively.

The Strategy includes specific actions in relation to three priority areas for the region of governance and partnerships; knowledge and understanding of the region; and sustainable, flexible and efficient facility development, that are critical to the successful planning, funding and delivery of regional sports and recreation facilities.

High priority facility development projects for the region that are of particular relevance to Manningham include the provision of additional indoor sports courts at Mullum Mullum Reserve and the investigation of the demand for a Regional Paddle Sports Centre at Westerfolds.

Regional level sport and recreation facilities play an important role in contributing to the health and well being of communities, as they generally serve a broad catchment and cater for a diverse range of activities.

It is recommended that Council endorses the Melbourne East Regional Sport and Recreation Strategy.

1 BACKGROUND

- 1.1 The Melbourne East Regional Sport and Recreation Strategy (the Strategy), included as Attachment 1, has been developed to support and guide Councils and stakeholders in the Melbourne East Region in the planning and delivery of regional level sport and recreation facilities and shared recreation trails.
- 1.2 The core project team responsible for development of the Strategy over the past year consisted of representation from the seven eastern Councils (Boroondara, Manningham, Monash, Maroondah, Whitehorse, Knox and the

Shire of Yarra Ranges), the Department of Transport, Planning and Local Infrastructure via Sport and Recreation Victoria (SRV), and Regional Development Australia (East).

- 1.3 The purpose of the Strategy is to facilitate a regional planning approach that supports the development of both current and new sport, and recreation infrastructure for the Melbourne East Region for the next 20 years.
- 1.4 The Strategy provides an overview of the region, identifies the gaps in regional sport and recreation facilities and shared trails, and outlines the vision for the future provision of regional facilities in Melbourne's East.
- 1.5 Also included in the Strategy is a planning framework to support Councils and other regional stakeholders to prioritise, plan and deliver regional facilities and shared trails collaboratively and effectively.
- 1.6 The Strategy investigates the issues and opportunities impacting the planning and provision of regional level facilities using information provided by the seven represented Councils, State Sporting Associations, State Government and other regional stakeholder groups.
- 1.7 The Strategy is supported by the background, research and consultation reports (Preliminary Situational Analysis and Key Findings Report and the State Sporting Association Consultation Findings Report).

2 PROPOSAL/ISSUE

Strategy Objectives

- 2.1 The key objectives of the Strategy are to:
 - Identify the vision and principles that will guide future planning and development of regional level sport and recreation facilities;
 - Develop a sustainable governance model to drive regional project delivery, improve stakeholder collaboration and create a structure for assessment and decision making;
 - Identify and map current and proposed regional level sport and recreation facilities and shared trails across the region;
 - Identify gaps in existing regional facility provision and recommend future development priorities that meet current and future demand; and
 - Develop regional project assessment criteria to support future project selection and prioritisation.

Findings

- 2.2 The key findings which informed the development of the Strategy included:
 - There is a strong supply of regional level sports facilities and shared recreation trails in Melbourne's East catering for a range of formal and informal activity.
 - Some of Melbourne's East Region Councils are under ongoing financial pressure and are prioritising the renewal of existing community facilities over committing to regional planning and collaboration.

- Councils to provide facilities and services that serve their local communities and are constrained on the level of support they can provide to regional level projects.
- Those municipalities located in the outer east such as Yarra Ranges can offer different sport and recreation experiences than densely populated inner region municipalities due to having greater access to land and open space provision.
- Informal sport and recreation activities such as walking, swimming and gymnasiums are popular with adults in Melbourne's East.
- Structured sports such as basketball, netball, football, cricket and soccer have high participation rates, particularly in the junior category.
- Some State Sporting Associations have limited information to influence regional planning and support key projects.
- There is an adequate supply of swimming pools and athletics facilities to service current and future demand across Melbourne's East at a regional level.
- There is an appetite from state and local government to plan and collaborate on shared recreation trail development projects to service the region.

Gaps

- 2.3 A number of gaps in the current provision of regional level sport and recreation facilities in Melbourne's East have been identified, including:
- The connection and development of shared recreation trails.
 - Fit for purpose indoor sports courts for basketball, netball and other compatible sports.
 - Development of specialised purpose built facilities for gymnastics.
 - A destination for adventure based activities that cater for the strong recreation market.

Priorities and Actions

- 2.4 The Strategy focuses on three priority areas for the region that are critical to the successful planning, funding and delivery of regional sports and recreation facilities which are:
1. Governance and partnerships.
 2. Knowledge and understanding of the region.
 3. Sustainable, flexible and efficient facility development.
- 2.5 These priorities are supported by 23 recommended actions across the region.

Benefits for Melbourne East Councils

- 2.6 The Strategy identifies a number of benefits that directly support sports and recreation development and participation across the Melbourne East region, including:
- Increased participation in sport and recreation activities;

- Provision of facilities that can accommodate future demand;
- Increased opportunities to bid for and host regional, state and national sporting events, resulting in economic benefits to communities;
- Provision of access to a wider range of quality facilities;
- Avoidance of duplication of facility provision across municipal boundaries; and
- Sports facilities are financially viable and sustainable.

Specific Opportunities for Manningham

2.7 High priority facility development projects for the region include the provision of additional indoor sports courts at Mullum Mullum Reserve and the investigation of the demand for a Regional Paddle Sports Centre at Westerfolds Park are both actions particularly relevant to Manningham which are identified in the Strategy.

3 PRIORITY/TIMING

- 3.1 Endorsement of the Strategy by the seven regional Councils is scheduled to occur during April and May and the City of Monash endorsed the Strategy at its April meeting.
- 3.2 All Eastern Region Councils will continue to meet regularly to discuss regional issues impacting the future provision of sport and recreation facilities and to implement the recommendations of the Strategy.

4 POLICY/PRECEDENT IMPLICATIONS

- 4.1 All regional priorities will be reviewed regionally using the agreed project assessment processes and regional planning framework.

5 CUSTOMER/COMMUNITY IMPACT

- 5.1 The Strategy identifies a number of benefits that directly support sports and recreation development and participation across the Melbourne East region, including:
- Increased participation in sport and recreation activities;
 - Provision of facilities that can accommodate future demand;
 - Increased opportunities to bid for and host regional, state and national sporting events, resulting in economic benefits to communities;
 - Provision of access to a wider range of quality facilities;
 - Avoidance of duplication of facility provision across municipal boundaries; and
 - Sports facilities are financially viable and sustainable.

6 FINANCIAL RESOURCE IMPLICATIONS

- 6.1 All participating Councils will allocate appropriate levels of co-funding to implement some of the actions of the Strategy, including the proposed regional sports forum and State Sporting Associations data collection.

- 6.2 Funding the development of regional facilities is a challenge for local government in the current financial climate. The broad range of services that Councils provide and their limited financial capacity means they rely heavily on state, federal and commercial partnerships to deliver regional level projects.
- 6.3 Establishing strategic partnerships and improving collaboration across key sport, government and community stakeholder groups will provide more opportunities for Councils to secure funding for regional projects.

7 REGIONAL/STRATEGIC IMPLICATIONS

- 7.1 The purpose of the Strategy is to facilitate an ongoing regional planning approach that supports the development of both current and new sport and recreation infrastructure for the Melbourne East Region for the next 20 years.

8 CONSULTATION

- 8.1 In preparation for the development of the Melbourne East Regional Sport and Recreation Strategy, a range of consultation methods were undertaken to ensure the outcomes of the Strategy were evidence based and provided a clear picture of the future needs of the region. The following methods were used:
- An information session for State and Regional Sporting Associations and subsequent survey (33 peak sporting bodies participated in the survey) – December 2014.
 - Key internal stakeholder consultations with individual Councils – July – Sep 2014
 - An external reference Group that provided technical advice and a formal mechanism to consult with key sport and industry leaders and organisations which included the following organisations:
 - Aquatics and Recreation Victoria
 - Victorian Trails Committee
 - VicSport
- 8.2 Other regional stakeholders consulted included Parks Victoria; Melbourne Water; Melbourne Planning Authority; Bicycle Network Victoria, YMCA, Belgravia Leisure; and the Victorian Equal Opportunity and Equal Rights Commission.
- 8.3 An analysis of the consultation data was conducted and a consultation report is an appendix to the Strategy.

9 COMMUNICATIONS STRATEGY

- 9.1 Following its adoption by all Melbourne East Councils, the Strategy will be distributed to all stakeholders.

10 CONCLUSION

- 10.1 The Melbourne East Regional Sport and Recreation Strategy has been developed through detailed consultation and research to create a Strategy

that provides a snap shot of the current provision of regional facilities and identifies future priorities.

- 10.2 The development of a planning framework and a process for evaluating, assessing and prioritising regional projects that improves collaboration across local government areas and delivers regional facilities that support healthy and active communities is a key outcome of the Strategy.
- 10.3 The establishment and nurturing of strategic partnerships and improving collaboration across key sport, government and community stakeholder groups which will also provide more opportunities for Councils to secure funding for regional projects.

OFFICER'S RECOMMENDATION

That Council:

(A) Endorses the Melbourne East Regional Sport and Recreation Strategy.

MOVED: HAYNES
SECONDED: KLEINERT

That the Recommendation be adopted.

CARRIED

"Refer Attachments"

Attachment 1 - Melbourne East Region Sport and Recreation Strategy

* * * * *

10.3 Protecting Victoria's Environment - Biodiversity 2036 - Council Submission (Sustainability)

Responsible Director: Director Planning & Environment

File No. T16/104

The ultimate destination for this report is: COUNCIL AGENDA

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

SUMMARY

The purpose of this report is to consider a response to the State Government's 'Protecting Victoria's Environment – Biodiversity 2036 - Draft' (the Biodiversity Plan). Submissions are being sought by May 15th 2016, after which the final plan will be prepared. Following the completion of the final plan, the State Government proposes to produce the implementation document for the Plan.

The Biodiversity Plan sets a strong commitment and is structured with a Vision, two main goals, eleven principles and twenty-two priorities. However feedback is being sought on twenty six specific questions and therefore Council's response is formatted as feedback to these questions.

The Biodiversity Plan is a big step towards developing a potentially new direction for Victoria's natural environment, and to measurable and beneficial economic and environmental outcomes for the Manningham and Victorian community. It is a thorough and honest document addressing most of the key threats and challenges of managing and enhancing biodiversity for the future in the state of Victoria.

The Plan is a potential opportunity for the State Government to work collaboratively with all key stakeholders including local government and private landholders to increase permanent protection of important bushland including Melbourne's Green Wedges.

This report seeks endorsement of Attachment 1, as Manningham's submission to the State Government's, 'Protecting Victoria's Environment – Biodiversity 2036 - Draft'. In summary, the Plans Vision, Goals, Principles and Priorities are largely supported; however, the Plan does not contain any specific targets or actions for implementation or any detail on how the implementation is to be resourced. Therefore, until the Implementation Phase of the Plan is completed, it is difficult to determine the potential effectiveness and success of this document.

1 BACKGROUND

1.1 *'Protecting Victoria's Environment – Biodiversity 2036 – Draft' (the Biodiversity Plan) represents the Victorian Government's commitment to national and international biodiversity programs and agreements. The draft Biodiversity Plan documents can be accessed via:*
<http://haveyoursay.delwp.vic.gov.au/biodiversity-plan/documents>

1.2 The Biodiversity Plan describes biodiversity as follows:

Biodiversity encompasses all the components of the living world: the numbers and variety of plants, animals and other living things, including micro-organisms across our land, rivers, coast and ocean. It includes the

diversity of their genetic information, the habitats and ecosystems within which they live, and their connections with other life forms and the natural world.

Indigenous biodiversity refers to the living things that originate in and are characteristic of a particular place – such as Victoria.

- 1.3 In 2010 the 196 signatory nations to the Convention on Biological Diversity, including Australia, adopted the international *Strategic Plan for Biodiversity 2011-2020*. This provides an overarching framework on biodiversity for all partners engaged in biodiversity management and policy development. In 2010, Australia delivered on its commitment to the convention by producing the Biodiversity Conservation Strategy 2010-2030.
- 1.4 The vision, goals and objectives of *'Protecting Victoria's Environment – Biodiversity 2036 – Draft'*, are consistent with those of the International Convention and of the *Australian Biodiversity Conservation Strategy 2010-2030*.
- 1.5 The draft Plan is also consistent with the relevant sections of the *Victorian Flora and Fauna Guarantee Act 1988 (FFG Act)*, which requires the preparation of a Flora and Fauna Guarantee Strategy. The *'Protecting Victoria's Environment – Biodiversity 2036'* will become this strategy when complete.
- 1.6 The 2013 State Government's, 'State of the Environment' Report was released, describing a concerning outlook for Victoria's environmental condition. It showed that many species were at risk from a range of pressures such as habitat loss, fragmentation and degradation. Combined with the added pressure of climate change, it was recommended that a state wide plan for managing Victoria's Biodiversity was urgently required. *'Protecting Victoria's Environment – Biodiversity 2036 - Draft'* was developed in response to that recommendation.
- 1.7 The Plan recognises the need for more cost-effective targeting of investments to protect threatened habitats and species, and better state wide information systems to track the health of the environment.

2 PROPOSAL/ISSUE

- 2.1 Council officers have prepared a response to the State Governments, *'Protecting Victoria's Environment – Biodiversity 2036 - Draft'*, which is included as Attachment 1. Following is a summary of the key issues outlined in the response.
- 2.2 Resourcing
 - 2.2.1 The Plan explains many good initiatives but will be ineffective unless there is a long term financial commitment to adequately resource implementation for the long term.
 - 2.2.2 There is a lack of resourcing for environmental enforcement and the need to increase penalties to reflect the true 'natural capital' lost from illegal clearing of vegetation.
 - 2.2.3 There is a need for significantly more Catchment Management Officers to support local government and help co-ordinate more effective and efficient biodiversity and land management across land tenure.

- 2.2.4 The Biodiversity Plan team is encouraged to engage with Manningham and local government officers during finalisation of the document, the development and setting of the targets and the implementation of the Plan into the future.
- 2.3 Community engagement
 - 2.3.1 The importance of Melbourne's Green Wedges to protect biodiversity and provide exposure to nature for large human populations, needs to be included in the Plan.
- 2.4 Biodiversity and Land Management
 - 2.4.1 The document fails to offer adequate solutions for the largest loss of biodiversity – that is, the removal of native vegetation – either unpermitted or via the diverse and poorly defined native vegetation clearing exemptions including fuel reduction for fire management, which needs to be better measured and managed.
 - 2.4.2 There is a need to preserve biodiversity stepping stones and wildlife corridors, therefore Melbourne's Green Wedges should be a priority for protection.
 - 2.4.3 Increasing deer populations are a new pest animal management concern for Manningham, therefore it is important to identify this in the Plan and recommend a long term strategy for deer management across all land tenure in Victoria.
- 2.5 Research & Monitoring
 - 2.5.1 More research is urgently required to understand the relationship between genetic diversity, species adaptation and climate change, with clear management strategies on how to best manage declining biodiversity due to a rapidly changing climate.
 - 2.5.2 Whilst acknowledging that under climate change it may not be possible to save every species, the targets that will be set during the next phase of the Plan need to be visionary and reflect the scale of work that is needed to save Victoria's biodiversity.
- 2.6 Strategic Direction and Planning
 - 2.6.1 Although the Plan seeks to 'protect Victoria's environment' it only deals with flora and fauna and needs to include or acknowledge the interactions with: soil biodiversity, water, air and gases that surround the earth. The intent and extent of environmental protection the Plan aims to achieve is unclear.
 - 2.6.2 Biodiversity offsetting should be reintroduced. Current approach reduces opportunity for communities close to the loss site to connect with nature, disadvantaging the community and further eroding the values that community place on vegetation. In turn, this often results in increased vegetation removal. Manningham recommends that bioregional offsetting be reintroduced.
 - 2.6.3 Better protection of regional biodiversity hotspots is required, rather than just those reserves that are high enough in quality and extent to be added to National Reserve. This will increase species resilience in face of the changing climate.

- 2.6.4 There is a need for State Government direction in relation to stray and feral cats in urban and peri-urban areas.
- 2.6.5 The Plan does not adequately consider (or engage with) the significant role of Local Government in protecting biodiversity through, for example:
- Community extension and education work.
 - Reserve management.
 - Investment in private land conservation.
 - Strategic planning.
 - Most critically - its function as the Responsible Authority for most private and public land planning permit decisions.
- 2.6.6 It is important that the Plan is embedded into legislation and reported on regularly to the independent Commissioner for Environmental Sustainability every five years; to ensure that long term commitments for implementation can survive changes of government.

3 PRIORITY/TIMING

- 3.1 Submissions in response to the draft Plan were due by May 15th 2016. Due to timing constraints, a Council resolution to support the Council officer response was not achievable prior to that date.
- 3.2 Following the completion of the Final Plan, the State Government will then produce the implementation document.

4 POLICY/PRECEDENT IMPLICATIONS

- 4.1 The Plan demonstrates strong alignment with many of Manningham's strategies and plans including:
- *Manningham Green Wedge Strategy 2004*
 - *Green Wedge Action Plan 2011- 2020,*
 - *Healthy Habitats - Bushland Management Strategy for Council Managed Land 2012*
 - *Development Guide for areas of Environmental and Landscape Significance 2010,*
 - *Manningham Green Wedge Infrastructure – Site Responsive Design Guide 2013,*
 - *Municipal Public Health and Wellbeing Plan & Policy 2013,*
 - *Climate 2020 Action Plan 2009,*
 - *Carbon Abatement Plan 2014,*
 - *Securing the Future Plan 2012,*
 - *Open Space Strategy 2014,*
- 4.2 Environmental conservation has also been incorporated in the Municipal Strategic Statement, Local Policies, the Rural Conservation Zone and a suite of Environmental Significance Overlays, Vegetation Protection Overlays and other provisions in the Manningham Planning Scheme.

5 CUSTOMER/COMMUNITY IMPACT

- 5.1 The purpose of the *'Protecting Victoria's Environment – Biodiversity 2036 - Draft'*, is to ensure the future protection and enhancement of Victoria's Biodiversity for the Victorian community.
- 5.2 The number one Goal of the Plan is: *'To encourage more Victorians to value nature'*, by encouraging Victorians to:
- *'Connect with nature on a daily basis;*
 - *Raise the awareness of all Victorians about our State's natural environment and its cultural and economic importance; and*
 - *Encourage all Victorian's to take positive personal action to protect and preserve our natural environment. '*
- 5.3 Protection of Victoria's biodiversity is important to the Manningham community who value the City's natural landscapes, sites of historical and cultural significance and healthy biodiversity.
- 5.4 Protection of biodiversity is also significant for the Manningham community as being in nature is good for our minds and bodies with evidence that time spent in nature is linked to positive long-term health outcomes. The Manningham community values and also spends much of their recreation time in the outdoors, enjoying many of Manningham's parks, bike trails and walking paths, relaxing in the natural surrounds of the bush or along the Yarra River, and participating in Manningham's numerous recreational or environmental programs.
- 5.5 If well resourced, the Plan will also assist Manningham's many Green Wedge land holders to manage their land sustainably.

6 FINANCIAL RESOURCE IMPLICATIONS

- 6.1 The submission to the State Government has been prepared using existing resources in the Economic and Environmental Planning Unit. It is anticipated that any further input into the final Plan or the implementation document, will be undertaken using existing staff resources.
- 6.2 There are potential opportunities during the implementation phase of the Plan for Manningham Council to benefit from future investment into areas such as:
- Research and monitoring;
 - Community engagement and education;
 - Incentives for private landholders;
 - Climate adaptation planning; and
 - More informed collaborative approaches to biodiversity management across land tenure.

7 SUSTAINABILITY

- 7.1 The purpose of *'Protecting Victoria's Environment – Biodiversity 2036 - Draft'*, including its Vision, Goals, Principles and twenty-two Priorities, is to protect the sustainability of Victoria's biodiversity which aligns with all of Manningham's key sustainability and environmental policies, strategies and plans.

8 REGIONAL/STRATEGIC IMPLICATIONS

- 8.1 The Biodiversity Plan is an opportunity for the State Government to work collaboratively with all key stakeholders including local government, Parks Victoria, Catchment Management Authorities and private landholders to efficiently distribute resources and increase permanent protection of important bushland, including Melbourne's Green Wedges.
- 8.2 The Plan demonstrates strong alignment with many of Manningham's strategies and plans including: *Manningham Green Wedge Strategy 2004*, *Green Wedge Action Plan 2011- 2020* and *Healthy Habitats - Bushland Management Strategy for Council Managed Land 2012*. The Biodiversity Plan also supports the Manningham Planning Scheme including the Municipal Strategic Statement and the purpose of the Rural Conservation Zone and the suite of Environment Significance Overlays and other environmental provisions.

9 CONSULTATION

- 9.1 The Victorian Government has been seeking public input into the development of *'Protecting Victoria's Environment – Biodiversity 2036 - Draft'* over a two month period.
- 9.2 Submissions are being sought by May 15th 2016, after which the final Plan will be prepared.

10 CONCLUSION

- 10.1 The *'Protecting Victoria's Environment – Biodiversity 2036 - Draft'*, is a very thorough, honest and confronting document which addresses most of the key threats and challenges of managing and enhancing biodiversity for the future in the state of Victoria.
- 10.2 The Plan outlines a strong commitment for action and should be supported by Council with the proviso that the Implementation Plan needs to be just as ambitious, with the adequate resources and expertise to manage the many biodiversity management challenges now and into the future.

OFFICER'S RECOMMENDATION

That Council:

- (A) Notes that the Council Officer response to the State Government's *'Protecting Victoria's Environment – Biodiversity 2036 - Draft'*, was forwarded to the Department of Environment, Land, Water and Planning on 15 May 2016.
- (B) Endorses Attachment 1 as Manningham's submission to the Department of Environment, Land, Water and Planning.
- (C) Notes that Attachment 1 will be resubmitted to the Department of Environment, Land, Water and Planning as Council's endorsed submission.

MOVED: O'BRIEN
SECONDED: DOWNIE

That the Recommendation be adopted.

CARRIED

"Refer Attachments"

Attachment 1 – Manningham City Council's Response to Protecting Victoria's Environment – Biodiversity 2036 – Draft

* * * * *

10.4 Review of the State's Native Vegetation Clearing Regulations - Council Submission (Sustainability)

Responsible Director: Director Planning & Environment

File No. T16/105

The ultimate destination for this report is: COUNCIL AGENDA

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

SUMMARY

The purpose of this report is to consider a response to the State Government's Consultation Paper for the Review of the Native Vegetation Clearing Regulations. The Review seeks to ensure the State Native Vegetation Clearing Regulations (including Clauses 12.01, 52.16, 52.17 and 66.02 of the Victoria Planning Provisions and incorporated document(s)) protect native vegetation

Since May 2015, the Department of Environment, Land, Water and Planning (DELWP) has undertaken extensive stakeholder liaison to attain a broad range of views on the current regulations through stakeholder and community workshops, surveys, and one-to-one meetings with groups that have an interest in the regulations. Stakeholders included the Victorian Farmers Federation, Environmental Farmers Network, Environmental Justice Australia, Minerals Council of Australia (Vic.), Municipal Association of Victoria, Hume City Council, City of Greater Bendigo, Trust for Nature, Urban Development Institute of Australia and the Victorian National Parks Association. Manningham Council Officers had the opportunity to provide feedback through representing Councils during this stakeholder liaison period.

As part of the next phase of consultation, DELWP has released a Consultation Paper that sets out proposed improvements to address key issues with the current regulations.

This report seeks endorsement of Attachment 1 as Manningham's submission to the State Native Vegetation Clearing Regulations. In general it is considered that

Generally, the proposed improvements detailed in the Consultation Paper will result in an improved regulatory system. The proposed improvements relate to quality improvements in data collection, database functionality, and modelling. The proposed improvements in ability for site-collected data to inform planning decisions; the proposed improvements that relate to increased resourcing and support for the implementation of the native vegetation clearing regulations; and the proposed improvements to increase State government support for Local Government enforcement and compliance to assist compliance with the State's native vegetation clearing regulations are also supported.

Submissions are due by 9th May 2016 however due to the timing of Manningham's Council meetings, a Council resolution to support the Council officer response will not be achievable by the required timeframe. Any changes to the submitted Council officer response resulting from this Council meeting will be forwarded to DELWP following the Council meeting on 31 May 2016.

1 BACKGROUND

- 1.1 Manningham City Council is responsible for implementing the Victoria Planning Provisions, including standard clauses relating to native vegetation. The current native vegetation clearing regulations have been challenging to work with, and the State has decided to review the regulations within two years of the introduction of the regulations in response to widespread issues with the implementation of, and compliance with, the regulations.
- 1.2 The current native vegetation clearing regulations have compromised planning decisions. Principally, this results from issues with the modelling that informs planning decisions, and a lack of clarity, guidance and support relating to the technical aspects of the regulations.
- 1.3 Since May 2015, the Department of Environment, Land, Water and Planning (DELWP) has undertaken extensive stakeholder liaison to attain a broad range of views on the current regulations through stakeholder and community workshops, surveys, and one-to-one meetings with groups that have an interest in the regulations. Stakeholders included the Victorian Farmers Federation, Environmental Farmers Network, Environmental Justice Australia, Minerals Council of Australia (Vic.), Municipal Association of Victoria, Hume City Council, City of Greater Bendigo, Trust for Nature, Urban Development Institute of Australia and the Victorian National Parks Association. Manningham Council Officers had the opportunity to provide feedback through representing Councils during this stakeholder liaison period.
- 1.4 Following extensive consultation, the Minister for Environment, Land, Water and Planning has released the Consultation Paper for the Review of the Native Vegetation Clearing Regulations as Phase Two. Phase Two consultation is open to any interested parties.
- 1.5 The Consultation Paper draws together the key findings from the Review's first phase of consultation and feedback is being sought from stakeholders and the broader community about proposed improvements to the native vegetation clearing regulations.
- 1.6 The removal of native vegetation is primarily regulated by the Victoria Planning Provisions (VPP) which form the basis of all Planning Schemes.
- 1.7 The Review considers several components of the VPP, including:
 - Clause 12.01 State Planning Policy Framework for biodiversity
 - Clause 52.16 Native Vegetation Precinct Plan
 - Clause 52.17 Native Vegetation
 - Incorporated document – *Permitted clearing of native vegetation – Biodiversity assessment guidelines*
 - Clause 62.02-2 – Use and development referrals (Native Vegetation)
- 1.8 The Review does not consider:
 - the structure and wording of overlays; or
 - Clause 52.48 that considers bushfire protection exemptions around dwellings and fences.

- 1.9 The Consultation Paper is structured around identified key issues and proposed improvements associated with six key themes that the review is seeking to address, namely:
1. Native vegetation clearing policy.
 2. Permit process and decision making.
 3. Biodiversity information tools used in decision making and offsetting.
 4. Offset delivery.
 5. Exemptions.
 6. Compliance and enforcement.
- 1.10 Interested parties have been invited to make a submission to the Department of Environment, Land, Water and Planning (DELWP) by 9 May 2016.

2 PROPOSAL/ISSUE

- 2.1 Council officers have submitted a draft response (Attachment 1) to the Consultation Paper for the Review of the Native Vegetation Clearing Regulations.
- 2.2 Key issues outlined in Council's response include:
- Generally, the proposed improvements detailed in the Consultation Paper will result in an improved regulatory system.
 - The current system's reliance on modelling and the inaccuracies of the underpinning data sets has resulted in inconsistent, unfair and unclear planning outcomes. The proposed improvements that relate to quality improvements in data collection, database functionality, and modelling are welcomed. The improvements in ability for site-collected data to inform planning decisions are also supported.
 - Most often, Council is the Responsible Authority for planning decisions and generally is the end user of the native vegetation clearing regulations. The proposed improvements that relate to increased resourcing and support for the implementation of the native vegetation clearing regulations is also supported.
 - Support, guidance and resourcing of compliance, enforcement and monitoring under the current regulations have been limited. The proposed improvements to increase State government support for Local Government enforcement and compliance to assist compliance with the State's native vegetation clearing regulations are also supported.
 - The largely economic approach to native vegetation clearing presented in the current review does not adequately recognise that native vegetation is diverse, dynamic and not readily assessed by the lay person.
 - The proposed improvements may not enable successful implementation of the goals and priorities of the State Government's *Protecting Victoria's Environment – Biodiversity 2013*.
 - Opening the offset market to the catchment scale has resulted in a significant loss of vegetation and little effective offsetting of those losses within the municipality (or region).

- The principles of avoidance and minimisation need to be extended to 'other matters' such as local biodiversity matters, erosion, salinity and environmental landscape values to ensure that all applications are considered holistically.
- Supporting redesign of the vegetation standards.
- Supporting clarification of exemptions so that vegetation removal under exemptions is minimised and justified.

2.3 Future phases of consultation will invite submissions on implementation strategies for achieving the proposed improvements to the native vegetation clearing regulations. Council officers will make submissions during future stages to represent Council in achieving positive changes to assist Council's implementation of State native vegetation clearing regulations.

3 PRIORITY/TIMING

3.1 Submissions are due to DELWP on Monday 9th May 2016.

3.2 Due to timing of Manningham's Council meetings, a Council resolution to support the Council officer response will not be achievable by the required timeframe. Any changes to the Council officer response resulting from this Council meeting will be forwarded to DELWP following the Council meeting on 31 May 2016.

4 CUSTOMER/COMMUNITY IMPACT

4.1 The proposed improvements elucidated in the Consultation Paper seek to resolve issues with the implementation of planning controls that affect planning decision relating to the removal of native vegetation. The key improvements that will impact the community are:

- improved functionality of the models that determine application requirements;
- clearer definitions and guidance for exemptions for vegetation removal;
- improved functionality of the offset market; and
- increased support (including training) from the State for Council officers to facilitate consistent and timely planning decisions.

4.2 It is anticipated that the proposed improvements will provide greater consistency across Victoria in planning decisions and planning compliance and enforcement activities involving native vegetation removal.

5 FINANCIAL RESOURCE IMPLICATIONS

5.1 The submission to DELWP has been prepared using existing resources in the Economic and Environmental Planning Unit. It is anticipated that any further input into the State Government's Review of the Native Vegetation Clearing Regulations (including implementation strategy) will be undertaken using existing staff resources.

5.2 The purpose of the *Review of the Native Vegetation Clearing Regulations* is to improve the process for assessing permit applications seeking to remove native vegetation and to guide consistent, fair and timely decision-making relating to the issuing of such permits. Proposed improvements such as

more support and guidance from the Department will reduce the financial and other resource costs for Council, which is responsible for implementation of the native vegetation clearing regulations.

6 SUSTAINABILITY

- 6.1 The *Review of the Native Vegetation Clearing Regulations* aims to ensure that native vegetation clearance across the State is undertaken in a more sustainable manner, through improved decision-making processes, greater clarity on the intent of the regulations, increased compliance with the regulations, and improved offsetting rules and functionality.

7 REGIONAL/STRATEGIC IMPLICATIONS

- 7.1 It is anticipated that the proposed improvements will provide greater consistency across the region (i.e. neighbouring municipalities) and Victoria in planning decisions and planning compliance and enforcement activities involving native vegetation removal.

8 CONSULTATION

- 8.1 The review of native vegetation clearing regulations has been underpinned by extensive stakeholder consultation, including with Local Government. The proposed improvements detailed in the Consultation Paper clearly respond to widely held concerns with the current regulations and seek to achieve an improved, more consistent regulatory framework for planning decisions and compliance and enforcement action.
- 8.2 The Department will consider all relevant submissions to the Consultation Paper.
- 8.3 It is anticipated that there will be further consultation as the review progresses.

9 CONCLUSION

- 9.1 The submission to the *Review of the Native Vegetation Clearing Regulations* lodged by Council officers generally supports the proposed improvements to the current regulations. The proposed improvements seek to improve the application and decision-making processes for permit applicants and Council. Increased resourcing and guidance from the Department will benefit community and Council.
- 9.2 Council's submission recommends some changes to the proposed improvements and the native vegetation clearing regulations to provide greater clarity to certain technical aspects of the regulations and to ensure greater consistency with planning outcomes, particularly across metropolitan Melbourne.
- 9.3 Further submissions during future consultation phases will be required to ensure the implementation strategy proposed to achieve the improvements detailed in the Consultation Paper actually will deliver improvements for Council and the community.

OFFICER'S RECOMMENDATION

That Council:

- (A) Notes that the draft Council officer response to the *Consultation Paper on the Review of the Native Vegetation Clearing Regulations* (Attachment 1) has been forwarded to the Department of Environment, Land, Water and Planning to meet the 9 May 2016 submission date.**
- (B) Endorses Attachment 1 as Manningham City Council's submission to the Department of Environment, Land, Water and Planning.**
- (C) Notes that Attachment 1 will be resubmitted to the Department of Environment, Land, Water and Planning as Council's endorsed submission.**

MOVED: O'BRIEN

SECONDED: GOUGH

That the Recommendation be adopted.

CARRIED

Attachment 1 – Manningham City Council's submission to the Review of the Victorian Native Vegetation Clearing Regulations

* * * * *

10.5 Amendment C104 - Westfield Doncaster - Seeking Authorisation for Public Exhibition

Responsible Director: Director Planning & Environment

File No. T15/154

The ultimate destination for this report is: COUNCIL AGENDA

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

SUMMARY

The purpose of this report is for Council to consider a request, by Contour Consultants on behalf of the Scentre Group, for Council to prepare and exhibit an amendment to the Manningham Planning Scheme and to concurrently exhibit a Development Plan to facilitate a future expansion of Westfield Doncaster.

Amendment C104 proposes to (refer to Attachment 1):

- Amend the Municipal Strategic Statement, Schedule 1 to the Activity Centre Zone, Schedule 1 to the Development Contributions Overlay, Schedule 1 to the Parking Overlay and the list of incorporated documents as they relate to Westfield Doncaster;*
- Delete the existing Schedule 1 to the Incorporated Plan (IPO1) as it currently applies to Westfield Doncaster and 1 Grosvenor Street, Doncaster; and*
- Apply a specific Development Plan Overlay (DPO4) to the whole of the Westfield Doncaster site and a Road Closure Overlay to the western end of the adjoining Westfield Drive.*

The proposed Development Plan (refer to Attachment 2) includes:

- A site analysis which summarises the strategic planning context for the site and analysis of existing conditions;*
- A development plan which outlines the strategies and plans for the future development of Westfield Doncaster; and*
- A summary of the economic benefits of the proposed development.*

Both the Amendment and Development Plan are designed to facilitate the following expansion and development of Westfield Doncaster:

- An additional approximately 43,000sqm of retail floor space and 18,000sqm of commercial office space generally to the north of the site;*
- A commercial 'gateway' building with a maximum height of ten to fourteen storeys above a 2 level podium in the northwest corner of the site;*
- An enhanced and expanded bus interchange;*
- Improved vehicular and pedestrian access to and within the centre;*
- Additional car parking with a retail rate of 4.09 spaces per 100sqm and a commercial rate of 3.5 spaces per 100sqm; and*

- *Improved public realm.*

Importantly, the Development Plan Overlay exempts subsequent applications for planning permits from advertising and exempts third party appeal rights. This means that the amendment process is the only opportunity for interested parties to make a submission in relation to the proposed development of the site and the reason why it is important that the proposed Development Plan is exhibited at the same time as the Amendment.

During the exhibition period, nearby residents and other interested parties will be able to make a submission on the Amendment, the proposed Development Plan, or both. Council will not be able to make a decision on the Development Plan until the Minister for Planning makes a decision in relation to the Amendment.

This report recommends that Council seeks authorisation from the Minister for Planning to prepare Amendment C104 to the Manningham Planning Scheme, subject to some specific changes, and that subject to that authorisation, Council exhibits the Amendment concurrently with the proposed Development Plan, subject to some nominated changes to that document.

1 BACKGROUND

The Site

- 1.1 Westfield Doncaster (the Centre) is located at 619 Doncaster Road, Doncaster and forms part of the Doncaster Hill Activity Centre. Figures 1 and 2 identify the subject site and surrounds and zoning, respectively. It comprises 13.4 ha of land, and is located on the north-eastern corner of Doncaster Road and Williamsons Road, Doncaster. It is bounded by Westfield Drive to the north, Goodson Street to the north-east; Roseville Street and Tower Street to the east, Doncaster Road to the south and Williamsons Road to the west.



Figure 1. Subject site and surrounds



Figure 2. Zoning

- 1.2 The last major expansion of Westfield Doncaster was completed in 2008 and focussed primarily on the southern and central part of the site, and currently comprises:
- Retail floor-space of approximately 123,549sqm;
 - Non-retail floor-space of approximately 3,000sqm;
 - Myer and David Jones department stores;
 - Big W and Target discount department stores;
 - Coles and Woolworths supermarkets;
 - Various mini-major tenancies;
 - A Village Cinemas complex; and
 - An entertainment and dining precinct located at the southern end of the complex.
- 1.3 A bus interchange is located on the Williamsons Road frontage and it accommodates eight bus bays and services a number of routes.
- 1.4 The existing office tower makes up the highest built form on site with a maximum RL151.5 (9 storeys). It is located centrally on the site, close to the Williamsons Road frontage. Built form height elsewhere on the site generally ranges up to RL138.
- 1.5 A total of 4,782 car parking spaces are provided on the site at a current rate of 3.87 spaces per 100m² for retail (not including those additional spaces currently under construction, in a five level carpark in the eastern part of the

site, approved as part of Planning Permit PL13/23936). This will provide an additional 556 car parking spaces.

Site context

- 1.6 The subject site makes up most of Precinct 4 within the 58ha Doncaster Hill Activity Centre and extends to the northern edge of the Activity Centre.
- 1.7 Land to the north along Westfield Drive and to the east along Roseville Street outside the Activity Centre is generally characterised by residential development and is located within the General Residential Zone (GRZ2) and is also affected by Design and Development Overlay (DDO8-2). That area is identified for substantial change and a mandatory maximum building height of 11 metres applies on sites with a minimum of 1,800m². If that condition cannot be met, the maximum building height is 9 metres or 10 metres on a sloping site.
- 1.8 Land to the west along Williamsons Road is located within Precinct 5 of the Doncaster Hill Activity Centre where mandatory building heights apply, ranging from 29 metres to 36 metres north-west along Williamsons Road.
- 1.9 Land to the north-west along Williamsons Road, beyond Precinct 5 of the Doncaster Hill Activity Centre boundary, is also outside the Doncaster Hill Activity Centre and is within the Residential Growth Zone (RGZ2) and affected by a Design Development Overlay (DDO8-1). That area is identified for substantial change and a maximum building height of 11 metres applies on sites with a minimum of 1,800m². If that condition cannot be met, the maximum building height is 9 metres or 10 metres on a sloping site. However it is a discretionary control and can be varied with a permit.

Existing Planning Scheme Zone

- 1.10 Since 2009, the whole of the Doncaster Hill Activity Centre, including Westfield Doncaster, has been included within Schedule 1 to the Activity Centre Zone- Doncaster Hill Principal Activity Centre (ACZ1). The ACZ1 is based on the key requirements set out in the *Doncaster Hill Strategy* (October 2002, revised 2004).
- 1.11 Sub-precincts 4A and 4C of Precinct 4 relate to Westfield.

Existing Planning Scheme Overlays

- 1.12 The site is affected by a number of existing overlays:
Incorporated Plan Overlay – Schedule 1 (IPO1)
- 1.13 Schedule 1 to the Incorporated Plan Overlay (IPO1) – *Westfield Shoppingtown Doncaster Concept Plan, September 1996* covers the whole site. The IPO1 requires development to be generally in accordance with the incorporated plan but also allows for a permit to be granted which is generally not in accordance with the incorporated plan.
- 1.14 The *Westfield Shoppingtown Doncaster Concept Plan, September 1996* is currently also listed as an Incorporated Document in the schedule to Clause 81.01.

Development Contributions Plan Overlay – Schedule 1 (DCPO1)

- 1.15 Schedule 1 to the Development Contributions Plan Overlay (DCPO1) applies to Doncaster Hill, including Westfield Doncaster. The DCPO1 allows Council to collect a monetary contribution or in-kind works from developers towards the provision of transport infrastructure, streetscape works, public art and social infrastructure within the activity centre.
- 1.16 For non-residential development, the approved DCP requires a contribution of \$855 per 121sqm of commercial floor-space or 19sqm of retail floor-space for Development Infrastructure (encompassing transport, streetscape and public art). This is the current rate for 2015/16 and will change each financial year, based on CPI. There is no contribution payable for community infrastructure.
- 1.17 However, there is currently an exemption applicable for Westfield Doncaster for:

Construction of a building or construction or carrying out of works on the land known as Westfield Shoppingtown Doncaster being the land identified on Planning Scheme Map 7IPO up to a leasable floor area of 135,000 square metres (comprising a maximum of 90,000 square metres leasable floor area for shop) provided that the infrastructure works specified in the conditions of Planning Permit No. PL03/015005 or other works in lieu of the specified works (as agreed by Council) are carried out or there is an agreement to secure the carrying out of those works to the satisfaction of the responsible authority.

- 1.18 The Centre now exceeds 90,000sqm of shop floor space therefore that exemption would no longer apply.

Parking Overlay – Schedule 1 (PO1)

- 1.19 The Parking Overlay (PO1) applies to the site however the *Doncaster Hill Parking Precinct Plan (2003)* specifically exempts Westfield Doncaster, as follows:

It should be noted that Precinct 4 represents something of an anomalous situation in the context of this Parking Precinct Plan. Doncaster Shoppingtown has been the subject of many detailed traffic and parking studies and specific controls for development including traffic access and car parking requirements have already been incorporated within the Manningham Planning Scheme. As a consequence Doncaster Shoppingtown has been effectively deleted from Precinct 4 and subsequent analysis and discussion. (Source: Doncaster Hill Parking Precinct Plan (2003), by GTA Consultants, page 3)

Exhibited Planning Scheme amendment

- 1.20 Amendment C109 to the Manningham Planning Scheme, which has recently been exhibited, seeks to revise or introduce a Land Subject to Inundation Overlay (LSIO) and the Special Building Overlay (SBO) to properties that may be subject to overland stormwater flow risk. Amendment C109 affects that part of the site proposed for future expansion of the Centre. Scentre Group has lodged a submission to Amendment C109 which will be considered at the next stage of Council's consideration of that amendment.

- 1.21 Amendment C109 will need to be considered in relation to future development of the site.

Consultation prior to the request for amendment

- 1.22 Since 2014, Contour Consulting on behalf of Scentre Group has worked closely with or consulted a range of key stakeholders, including VicRoads, Public Transport Victoria (PTV), Department of Economic Development, Jobs, Transport and Resources (DEDJTR), Department of Environment, Land, Water and Planning (DELWP) and Manningham Council officers, in the preparation/progression of Amendment C104, proposed Development Plan and related technical reports.

2 PROPOSAL/ISSUE

- 2.1 On 2 November 2015, Contour Consultants, on behalf of the Scentre Group, lodged a formal request to amend the Manningham Planning Scheme to change the planning controls that apply to the Westfield Doncaster site to facilitate a future expansion of the Centre. Since that date, officers have been undertaking a detailed review of the documentation prior to seeking authorisation from the Minister for Planning to publicly exhibit the Amendment.
- 2.2 As part of this planning scheme amendment request, Contour Consultants has also submitted a proposed Development Plan and accompanying technical reports, with a request that an amendment to the Manningham Planning Scheme be exhibited concurrently with the proposed Development Plan.
- 2.3 Both the proposed Amendment (refer to Attachment 1) and Development Plan (Attachment 2) are supported by a series of technical documents which have been provided to Council (refer to Attachment 3). Although technical documents would not be formally endorsed as part of the process, they provide important background information and justification for what is being proposed. These documents include:
- *Manningham Planning Scheme Amendment C104 Town Planning and Urban Context Report, Contour (April 2016)*
 - *Westfield Doncaster Urban Design Report, Tract Consultants & Land Design Partnership (April 2016)*
 - *Westfield Doncaster Economic Benefits Assessment, Urbis (March 2016)*
 - *Westfield Doncaster Acoustic Assessment, Acoustic Logic (April 2016)*
 - *Westfield Doncaster Development Plan Sustainability Commitments, Cundall (March 2016)*
 - *Westfield Doncaster Master Plan Integrated Transport and Access Plan, GTA Consultants (April 2016)*
 - *Westfield Doncaster Assessment of Potential Social Impacts, Urbis (April 2016)*
- 2.4 The proposed Amendment and Development Plan are designed to facilitate the following expansion and development of Westfield Doncaster:
- An additional approximately 43,000sqm of retail floor space and 18,000sqm of commercial office space generally to the north of the site;

- A commercial 'gateway' building with a maximum height of ten to fourteen storeys above a 2 level podium in the northwest corner of the site;
- An enhanced and expanded bus interchange at street level, closer to Williamsons Road;
- Improvements to vehicular and pedestrian access to and within the Centre, including relocation of the existing main entrance from Williamsons Road further north towards Westfield Drive;
- An additional 7,430 car parking spaces, provided through a mix of on-site basement and multi-storey car parks with a retail rate of 4.09 spaces per 100sqm and a commercial rate of 3.5 spaces per 100sqm; and
- Improved public realm including a new public forecourt providing a more defined entry to the Centre.

Request for Amendment

2.5 Amendment C104 proposes to make the following changes to the Manningham Planning Scheme (refer to Attachment 1):

- Amend the content of the Municipal Strategic Statement at Clause 21.09 (Activity Centres and Commercial Areas);
- Amend Schedule 1 to the Activity Centre Zone at Clause 37.08 (ACZ1), and in particular, the provisions relating to Precinct 4: Westfield Doncaster;
- Delete Schedule 1 to the Incorporated Plan Overlay at Clause 43.03 (IPO1) and remove the overlay from the land at 619 Doncaster Road and 1 Grosvenor Street, Doncaster and associated mapping;
- Introduce a new Schedule 4 to the Development Plan Overlay at Clause 43.04 (DPO4) and apply it to the land at 619 Doncaster Road, Doncaster and associated mapping. The DPO4 is not proposed to apply to 1 Grosvenor Street, Doncaster on the basis that this site is no longer in Scentre Group ownership and has been developed as a 10 storey residential apartment-style development;
- Introduce the Road Closure Overlay (RXO) at Clause 45.04 into the Manningham Planning Scheme and associated new map 7RXO. RXO is to be applied to the westernmost end of Westfield Drive adjoining the northern boundary of the Westfield site;
- Apply a Road Closure Overlay (RXO) to the westernmost end of Westfield Drive adjoining the northern boundary of the Westfield site;
- Amend Schedule 1 to the Development Contributions Overlay (DCPO1) at Clause 45.06 to clarify the development contributions that would apply in relation to development of the site;
- Amend Schedule 1 to the Parking Overlay (PO1) at Clause 45.09 to specify retail (shop) and commercial (office) car parking rates specifically for the Westfield Doncaster site; and
- Amend the schedule to clause 81.01 to remove reference to the Incorporated Document which forms the basis of the IPO1 titled '*Westfield Shoppingtown Doncaster Concept Plan, September 1996*'.

Response to request for amendment

- 2.6 The following part of the report assesses the proposed changes to the Manningham Planning Scheme, with corresponding officer responses and recommendations, where applicable.

Municipal Strategic Statement Clause 21.09 Activity Centres and Commercial Areas

- 2.7 Changes to the relevant sub-clauses contained within the Municipal Strategic Statement (MSS) are being proposed to update the title reference of the centre from 'Westfield Shoppingtown' to Westfield Doncaster' and other changes to identify high level objectives and strategies to facilitate the expansion of Westfield in accordance with a Development Plan.

Officer Response:

- 2.8 It is noted that the proposed changes to the relevant clauses contained within the Municipal Strategic Statement are limited to updating the title reference of the centre and other minor changes to identify high level objectives sought through the DPO4 and Development Plan. However some further changes are needed to ensure consistency with other parts of the Planning Scheme.

Recommended Changes:

Amend sub-clause 21.09-2 to incorporate minor wording changes, including the reference to the gateway building to ensure it is consistent with requirements set out in ACZ1.

Schedule 1 to the Activity Centre Zone (ACZ1)

- 2.9 Key changes to ACZ1 relate to reinforcing the future role of Westfield as envisaged through the Development Plan and amending the Framework Plan and sub-precinct 4A map and adding in reference to the Westfield Doncaster Development Plan in the application requirements.

Officer Response:

- 2.10 In assessing the appropriateness of the proposed changes to the ACZ1, including changes to the Framework Plan and Precinct Map, Council officers considered whether the changes would clarify the existing Doncaster Hill Activity Centre or Precinct 4 objectives, or remove requirements that are no longer relevant in the context of the changes proposed by the Development Plan.
- 2.11 The Doncaster Hill Framework Plan both at Section 1.0 of ACZ1 and the Precinct 4 map are proposed to be updated to identify the 'switch' between the location of the proposed bus interchange and the new public plaza/forecourt. These plans are proposed to be updated to more accurately identify the location of these uses in the Development Plan.
- 2.12 In complying with the Department of Environment, Land, Water and Planning (DELWP) public exhibition requirements, the maps will also need to clearly make the distinction between the existing and future conditions.
- 2.13 Two key changes being proposed to the ACZ1 relate to amending mandatory provisions guiding boulevard treatment and advertising signage. Whilst it is acknowledged that these amendments to ACZ1 are required to achieve the outcomes specified in the Development Plan, these exemptions need to be

clearly articulated within the ACZ1 to indicate that they only apply along Williamsons Road.

Recommended Changes:

- 2.14 Amend Doncaster Hill Framework Plan both at Section 1.0 of ACZ1 and the Precinct 4 map to distinguish between the existing conditions and future conditions relating to the location of the bus interchange and public plaza/forecourt.**

Amend sub-clause 4.4 Advertising signs and boulevard requirements to ensure that the exemption from meeting the mandatory requirements only applies along Williamsons Road.

Development Plan Overlay – Schedule 4 (DPO4)

- 2.15 As part of the last major expansion of the centre in 2008, Scentre Group has delivered all of the components of the existing Concept Plan (master plan) as identified in IPO1, and therefore an amendment to the Manningham Planning Scheme is required/considered appropriate prior to any further major expansion of the centre.
- 2.16 Under the provisions of the Development Plan Overlay, a permit cannot be granted for the subdivision, use or development of the site until a development plan has been prepared to the satisfaction of the responsible authority. Any permit granted must be in accordance with the development plan and include any conditions or requirements specified in a schedule to the overlay. The development plan may be amended to the satisfaction of the responsible authority.
- 2.17 The proposed DPO4 requires the preparation of a development plan including the following items:
- Site Analysis Plans
 - Built Form and Envelope Plans
 - Design Criteria
 - Landscape and Public Realm Concept Plan
 - Integrated Transport Plan
 - Staging Plan
 - Infrastructure and Contributions
- 2.18 The submission of the Development Plan to the Responsible Authority must also be accompanied by:
- Town Planning Report
 - Urban Design Report
 - Traffic and Transport Assessment Report
 - Environmental Sustainability Plan
 - Acoustic Engineering Report
 - Economic Report
 - Services/Infrastructure Report (Utilities)

- Social Impact Report

- 2.19 Importantly, a concept plan included in Schedule 4 to the DPO also identifies the key outcomes to be delivered by the Development Plan.
- 2.20 Under the provisions of the DPO4, planning permits would be required for the use and development of the site, however if an application is generally in accordance with an approved development plan, the application would be exempt from notice and review requirements of the *Planning and Environment Act 1987* (i.e. there would be no third party appeal rights of review at the application stage).

Officer Response:

- 2.21 Both the Incorporated Plan Overlay (IPO) and Development Plan Overlay (DPO) can be used in planning schemes to ensure that an overarching plan is prepared and approved for specific sites or areas, to guide future uses and development, usually where such development is to occur over an extended period of time and a holistic and integrated planning approach is preferred.
- 2.22 The DPO is typically applied to self contained sites where ownership is limited to one or two parties. It enables a Development Plan to be endorsed by Council rather than being formally included in the Planning Scheme as an incorporated document. The DPO is therefore more flexible in that it allows Council to approve changes to a Development Plan without the need for another amendment to the Planning Scheme.
- 2.23 Accordingly a Development Plan which is endorsed under the DPO tends to be more detailed than an Incorporated Plan because it can be varied without the need for a Planning Scheme amendment, although it is still subject to Council's satisfaction.
- 2.24 Within Manningham, the Development Plan Overlay planning tool was recently introduced as part of Amendment C101 in 2015 to guide the future redevelopment of the former Eastern Golf Course site.
- 2.25 Officers are generally satisfied with the structure and content of the DPO4 subject to the following changes:
- Minor wording changes in section 3.0 of the DPO4 to ensure the use of consistent terminology in referencing either 'Design Criteria' or 'Design Guidelines'; and
 - Amending the title of the Concept Plan in section 3.0 of the DPO4 to delete reference to the word 'indicative' and amending the Concept Plan in DPO4 to show:
 - Areas of active street front; and
 - Key building entries.
- 2.26 The DPO4 also requires a planning permit on the Westfield Doncaster site to include a condition that secures the provision of not less than 100sqm for community purposes through a section 173 agreement, further stating that *'The process of transfer or lease must be provided at no cost to Council.'* Refer also to Section 2.178-189 of this report addressing the recommendation for the youth hub/community space.

Whilst the inclusion of this provision by Scentre Group is to be commended, it is considered that further clarity is required in the DPO4 to clearly define Council's expectations as part of this proposal.

Recommended changes:

- 2.27 Amend Clause 2.0 'Conditions and requirements for permits' to add an additional dot point following the first paragraph:

"A Green Travel Plan to support the reduction of requirements for staff parking on the site."

- 2.28 Amend Clause 3.0 of DPO4 to ensure the use of consistent terminology in referencing 'Design Criteria' or 'Design Guidelines'.

- 2.29 In Clause 3.0 of DPO4 replace the title of the 'Indicative Concept Plan' to 'Concept Plan' and amend the plan to show areas of active street front and key building entries.

- 2.30 Amend Clause 2.0 of DPO4 to replacing the proposed wording under Conditions and requirements for permits:

"A planning permit granted for the use or development of the land in accordance with the approved Development Plan, must include a condition that requires the land owner to enter into an Agreement with the Responsible Authority pursuant to Section 173 of the Planning and Environment Act 1987. The Agreement must provide for the transfer or lease to the City of Manningham or its designated service provider of part of the building of an area of not less than 100sqm at ground floor level, near the bus interchange, for the purposes of use by Council or its designated service provider for community purposes. The process of transfer or lease must be provided at no cost to Council. Any planning permits required for the use of the tenancy, or other matters such as signage, are to be secured by Council or its designated service provider and are not the responsibility of the land owner."

with:

"A planning permit granted for the use or development of the land in accordance with the approved Development Plan, must if required by Manningham City Council, include a condition that requires the land owner to enter into an Agreement with the Responsible Authority pursuant to Section 173 of the Planning and Environment Act 1987 which provides for the following matters:

- ***the transfer or lease to the Manningham City Council or its designated service provider of part of the building comprising an area of not less than 100sqm at ground floor level, near the bus interchange; (facility)***
- ***the facility is to be finished to the extent ready for internal fit out by Council at its own cost;***
- ***the facility is to have all utilities available and connected;***
- ***the facility is to be used for community purposes;***

- ***the transfer or lease as the case may be must be at no ongoing cost to Council other than a peppercorn consideration or peppercorn rent as the case may be;***
- ***no outgoings are to be charged to the facility save for the utilities;***
- ***any planning permits required for the use of the facility are the responsibility of Council to obtain; and***
- ***signage is the responsibility of Council but must adhere to centre signage requirements; and***
- ***any other matters which the parties agree to.”***

Road Closure Overlay (RXO)

- 2.31 As part of the new Northern Access Road along Williamsons Road, it is proposed to prevent direct access from Westfield Drive to / from Williamsons Road. A Road Closure Overlay (RXO) is proposed to be applied to the western end of Westfield Drive.
- 2.32 The new northern access road will provide access into the centre and will provide resident access into Westfield Drive.
- Officer response:*
- 2.33 It is considered that the proposed application of the RXO is appropriate to formally identify the closure of Westfield Drive to / from Williamsons Road. Minor amendments will be required to the RXO map to account for the left turn slip lane at the western edge and at the eastern edge to allow for on-street vehicle parking west of the driveway at No. 1 Westfield Drive.
- 2.34 A carriageway easement for the general public will be required over the new Westfield Doncaster northern access road to ensure that access to Westfield Drive from Williamsons Road is maintained at all times.
- 2.35 As outlined in under Section 9 Communications Strategy in this report, an information session specifically for Westfield Drive residents will be provided during the public exhibition period.

Recommended change:

- 2.36 Amend the western edge of the Road Closure Overlay (RXO) map to account for the left turn slip lane off Williamsons Road and amend the eastern edge to allow for on-street vehicle parking west of the driveway at No. 1 Westfield Drive.**

Development Contributions Plan Overlay – Schedule 1 (DCPO1)

- 2.37 As it relates to Westfield Doncaster, the following exemption is currently included in DCPO1:

Construction of a building or construction or carrying out of works on the land known as Westfield Shoppingtown Doncaster being the land identified on Planning Scheme Map 7IPO up to a leasable floor area of 135,000 square metres (comprising a maximum of 90,000 square metres leasable floor area for shop) provided that the infrastructure works specified in the conditions of Planning Permit No. PL03/015005 or other works in lieu of the specified works (as agreed by Council) are carried out or there is an agreement to secure the carrying out of those works to the satisfaction of the responsible authority.

2.38 It is proposed to retain DCPO1 but to make a minor revision to the text within the DCPO1, by amending the reference of 'Map 7IPO' (in the exemption above) to 'Map 7DPO'.

2.39 Having regard to the current proposal, Westfield Doncaster will exceed the leasable floor area specified in the exemption above, and will therefore be liable for development contributions.

Officer response:

2.40 This revision is considered minor and administrative, as it only reflects the change in the planning tool, namely that the IPO is being replaced by DPO as part of Amendment C104.

2.41 Irrespective of the minor text revision, it is important to note that this exemption will no longer be applicable given that Westfield Doncaster, as part of its current proposal, will exceed the leasable floor area specified in the exemption. Based on current indexation of the levies payable under the DCPO1, the development contribution payable by Scentre Group is likely to be in excess of \$2.8 million. Given that development contributions are payable as part of the planning permit process at a later time, it is likely that this amount will increase due to further indexation.

Car Parking Overlay – Schedule 1 (PO1)

2.42 Clause 52.06 Car parking sets out the minimum standard planning scheme requirements about the number and design of car parking spaces.

2.43 Clause 45.09 Parking Overlay enables variations to the standard requirements in Clause 52.06 for a particular area or precinct. These requirements override the requirements set out in Clause 52.06.

2.44 A planning permit can be issued to vary the car parking rates within the Parking Overlay, but this is assessed on a case by case basis.

2.45 It was noted in Section 1 of this report that whilst PO1 currently applies to the site by way of mapping, the provisions exclude Westfield.

2.46 As part of Amendment C104, it is proposed to amend the existing table within PO1 to identify minimum car parking rates for commercial (office) and retail (shop) uses within Westfield, as follows:

- Office - 3.5 spaces to each 100sqm of net floor space; and
- Shop - 4.09 spaces to each to each 100sqm of leasable floor area based on a whole of centre assessment.

2.47 It is also proposed to amend Clause 3.0 within the schedule to identify Westfield Doncaster site specific application requirements and decision guidelines for permit applications relating to car parking.

Officer response:

2.48 It is considered important that car parking rates for Westfield are given statutory weight through the relevant planning provisions of the Scheme so as to be used in the assessment of applications for any expansion of the centre.

2.49 The proposed rate for office at 3.5 for each 100sqm of net floor area is consistent with Clause 52.06 of the Manningham Planning Scheme, but

exceeds the current rate of 2.5 to each 100sqm of net floor area that is specified for office use within the balance of Doncaster Hill.

- 2.50 Since the request for amendment was first lodged for Council consideration the Scentre Group has committed to provide a proposed rate for shop of 4.17 spaces per 100sqm of leasable floor area based on full build out of the centre.
- 2.51 That proposed rate will exceed the existing parking rate of 3.87 spaces per 100sqm of leasable floor area (excluding the stage 1 car park). The Scentre Group has also agreed that the nominated parking rates will be maintained at each nominated stage of delivery of the Development Plan. That commitment needs to be included in the Schedule to the Parking Overlay.
- 2.52 A summary of the existing shop and future shop and office floor area car parking provisions are provided in Table 1 and Table 2, respectively. Table 3 provides a comparison between standard car parking standard rates within the Manningham Planning Scheme.

Table 1. Existing Shop Car Parking Rates (including Stage 1 car park)

Existing Conditions	123,549sqm	4,782	3.87 spaces per 100sqm	Rate applied to the existing built form
Completion of Stage 1 Car Park	123,549sqm	5,338	4.32 spaces per 100sqm	Car parking associated with no increase in floor area

Table 2. Proposed Car Parking Rates

Shop	166,549sqm	6,800	4.09 spaces per 100sqm	Based on a whole of centre assessment
Office	18,000sqm	630 spaces	3.5 spaces per 100sqm	
Total	184,549sqm	7,430 spaces	-	

Table 3. Manningham Planning Scheme Parking Rates Comparison

Shop	4 spaces to each 100sqm of leasable floor area	Not specified	4.17 spaces per 100sqm based on a whole of centre assessment
Office	3.5 spaces to each 100sqm of net floor	2.5 spaces to each 100sqm of	3.5 spaces to each 100sqm of net floor area

	area	net floor area	

- 2.53 As noted in Table 1, the Stage 1 car park is not associated with any increase in floor area and will increase the on-site car parking in the interim by 556 spaces. The car park is currently under construction and is anticipated to be operational by the end of 2016.
- 2.54 The 630 spaces for office use are proposed to be assigned to the gateway commercial tower at a rate of 3.5 spaces per 100sqm of net floor area.
- 2.55 Whilst the intent is to provide a rate of 4.09 spaces for shop use per 100sqm of leasable floor area at full build out, it is acknowledged that it is likely that the car parking rate will vary over time in accordance with the staged approach for the Development Plan. It is therefore considered appropriate to ensure that the staged development is managed by an agreement under section 173 of the *Planning and Environment Act 1987* in order to ensure that the required carparking rate is provided in a timely manner.
- 2.56 It is further noted that the reference to 'shop' should be included to provide clarity that the whole of centre assessment is based only the 'shop' use and not the combined assessment of all uses on site.
- 2.57 The inclusion of an Application Requirement in PO1 will ensure that, based on the staged nature of the future development of Westfield Doncaster that the car parking is provided in a timely manner.

Recommended Changes:

- 2.58 **Amend Clause 2.0 in PO1 to include reference to 'shop' in the measure for whole-of-centre assessment for shop in Precinct 4A (Westfield).**
- 2.59 **Amend the table in Clause 2.0 in PO1 to replace the rate of 4.09 for shop with 4.17 and to replace the measure with the following:**
- "To each 100sqm of leasable floor area based on a whole-of-centre assessment at each nominated stage of the development."*
- 2.60 **Amend Clause 3.0 in PO1 by replacing the following proposed wording within Application requirements and decision guidelines for permit applications:**
- "Before deciding on an application, the Responsible Authority must consider the following decision guidelines:*
- The staged nature of the future redevelopment of Westfield Doncaster as specified in an approved Development Plan and acknowledgement that the car parking rate will vary over time in accordance with this staged approach."*
- with*
- "Before deciding on an application, the Responsible Authority must consider the following decision guidelines:*

The provision of car parking having regard to the staged nature of the future redevelopment of Westfield Doncaster as specified in an approved Development Plan and whether the staged development needs to be managed by a s173 agreement which ensure that the required carparking rate is provided in a timely manner.”

Schedule to Clause 81.01

- 2.61 The Schedule to Clause 81.01 Incorporated Documents is proposed to be amended to remove reference to the incorporated document ‘*Westfield Shoppingtown Doncaster Concept Plan 1996*’.

Officer response:

- 2.62 It is considered that this is a necessary procedural matter given that the IPO1 is to be removed.

Proposed Development Plan

- 2.63 The proposed *Westfield Doncaster Development Plan (2016)* (Development Plan) has been prepared in accordance with the provisions of DPO4 which specifies the requirements for a development plan.

- 2.64 The Urban Design Vision as stated in the Development Plan is:

To create a vibrant, world-class retail and commercial complex at the heart of the Doncaster Hill Activity Centre that offers a diverse mix of activity, transport and employment opportunities to improve and meet the needs of the growing residential and worker population.

Westfield Doncaster will be distinctive in scale and form to signify the regional significance of the complex, and built form will reinforce the Doncaster Road and Williamsons Road boulevards and establish a defined gateway to Doncaster Hill. Pedestrians, cyclists and public transport users will be prioritised through improved public realm along key roads, a new entry forecourt, and an upgraded bus interchange.’

(page 23, Westfield Doncaster Development Plan, 2016)

- 2.65 The Development Plan is informed by the existing strategic context, including the zoning, overlay and policies that apply to the site, as well as the seven supporting technical reports.
- 2.66 Whilst the last major expansion of the centre focussed on the redevelopment of the southern and central parts of the site, this Development Plan seeks to develop land to the north, north-eastern and north-west of the site, linking in with the existing built form on the site.
- 2.67 The proposed Development Plan is organised into four key sections:
1. Introduction – Outlines the purpose and general document structure.
 2. Site Analysis – Summarises the strategic planning context that applies to the site and analyses existing conditions, including site uses; built form; access and movement; topography; landscaping and public realm; and infrastructure.
 3. Development Plan – Outlines the strategies and plans for the future development of the Centre and includes vision; development principles;

concept plan; built form and envelope plans; integrated transport plan; public realm and landscape; development criteria; ecologically sustainable development; social infrastructure; advertising signs; acoustic treatments and staging plan.

4. Economic Benefits – Summarises the economic benefits of the proposed development

- 2.68 The proposed Development Plan includes several 'Envelope Plans' which specify the future built form envelope for the expansion of the centre. The envelope plans have regard to the site context, existing site conditions and identify building setbacks and heights.
- 2.69 The heights in the Development Plan are expressed as Reduced Levels (RL). An RL is an elevation of a point or mark related to a nominated datum. Source: Standards Australia - HB 50 – 2004 - Glossary of Building Terms

Response to Proposed Development Plan

- 2.70 The following part of the report considers the key elements of the proposed Development Plan, with corresponding officer responses and recommendations, where applicable.

Gateway building/commercial tower form(s)

- 2.71 As part of the Development Plan, it is proposed to develop a building/commercial tower abutting Williamsons Road in the north-west corner of the precinct, to mark the gateway at the northern entry into Doncaster Hill.
- 2.72 A maximum height of RL166 applies to the tower form along Williamsons Road. This is proposed to be articulated as a 10-14 storey commercial tower above a two level podium, demonstrating an exemplary design response/strong architectural design response.
- 2.73 In terms of site context, the existing office tower in the Centre (set back from the Williamsons Road frontage), has a maximum height of RL151.5 (9 storeys). The proposed gateway tower would therefore be approximately 14.5 metres higher, (approximately 4 storeys).

Officer response:

- 2.74 Precinct Guidelines at section 5.4-4 of ACZ1 set out the following requirements in relation to gateway buildings within Precinct 4 which contain the Doncaster Westfield complex:

Develop a unique gateway abutting Williamsons Road in the north-west corner of the precinct.

- 2.75 Whilst the ACZ1 does not specify any maximum building height requirements to guide the 'gateway' commercial tower proposal, the land use and development objectives at Clause 2.0 encourage gateway buildings 'to act as markers with distinguishing architectural or urban design treatments'. Clause 2.0 also requires that the following objective is met:

To ensure an appropriate transition in height both within the activity centre and to surrounding neighbourhoods.'

- 2.76 The *Land use and development objectives* to be achieved at Clause 2.0 of the ACZ1 also include the following:

To ensure public spaces are minimally impacted by overshadowing, including preserving solar access in mid-winter to the key boulevards of Doncaster Road and Williamsons Road.

- 2.77 Therefore, a key consideration in the assessment of this component of the Development Plan is the site context of the gateway building/commercial tower and its potential interface impacts both within the subject site and the surrounding area.
- 2.78 In addressing the interface issues, the Development Plan states that the tower form will be designed to maintain an acceptable level of sunlight to adjacent sites, namely the properties along the western side of Williamsons Road and the proposed public realm area located to the south of the subject site.
- 2.79 The proposed tower building is located to the south of one of the more sensitive interfaces along Westfield Drive but will not have any shadow impacts on the more sensitive interfaces north of Westfield Drive.
- 2.80 At the request of officers, the proponent has included shadow diagrams within the Development Plan to identify the impacts between the hours of 9am and 3pm at the equinox (refer to pages 32 and 33 of the Development Plan in Section 3.5 Built Form and Envelope Plans.
- 2.81 As the highest built form being proposed on site, and with its proximity with a sensitive interface and a mix of other uses, it is considered that the Development Plan at section 3.5 *Built Form and Envelope Plans* should include design rationale for the gateway building to assist in guiding the development as part of any future planning application.

Recommended Changes:

- 2.82 Amend the Development Plan at section 3.5 *Built Form and Envelope Plans* to include design rationale for the gateway building.**

Williamsons Road Interface

- 2.83 The existing character of the Centre, in the form of a two level podium with a defined edge along Williamsons Road is proposed to be extended to the north.
- 2.84 With the exception of a retail envelope with a maximum RL137 located centrally along the Williamsons Road frontage, the building envelope plan identifies an average podium height of RL127. This height average is lower than the existing podium heights along Williamsons Road, which range between approximately RL134 to RL138. An indentation in the envelope plan is shown for the provision of a public forecourt area and bus interchange.
- 2.85 A more urban character than that of the northern interface is to be achieved with the location of retail use frontages engaging with the Williamsons Road frontage, the bus interchange and new public forecourt. Extended blank walls are to be avoided, where possible.
- 2.86 The existing boulevard character is also proposed to be extended, providing key links to the Centre, for pedestrians and cyclists.

- 2.87 Landscaping treatments, comprising Canary Island Palms, which are consistent with the existing theme along Williamsons Road will be continued, where possible.
- Officer response:*
- 2.88 It is acknowledged that the Williamsons Road interface will be a prominent public edge with a consolidated mix of uses, including boulevard treatment, bus interchange, public forecourt with a defined main entry to the site, retail use frontages, end of trip cycling facilities and pedestrian links from the surrounding area.
- 2.89 This mix of uses addresses ACZ1 Precinct 4 objectives which seek:
- To create a number of significant externalised public urban spaces/plazas, which are well connected to the public transport interchange and boulevard along Doncaster Road.*
- 2.90 A key consideration in the assessment of this interface is the potential overshadowing impact of the public forecourt area.
- 2.91 The overshadowing diagrams provided indicate that it is the two storey podium and not the commercial tower that will have the most impact on the overshadowing of the public realm, which will occur until early afternoon for much of the year.
- 2.92 Whilst this is not an ideal outcome, it is acknowledged that there needs to be a balanced approach in considering the mix of uses and the location and orientation of the space, accounting for the bus, which for traffic functional requirements will be utilising existing traffic signals.
- 2.93 It is noted that the Development Plan *Entry Forecourt* section on page 54 includes a commitment to design the adjacent building *'to provide reasonable access to sunlight to the forecourt and to reasonably minimise wind impacts on the space.'*
- 2.94 As noted in Section 2.9 to 2.14 of this report, the proposed changes to the ACZ1 seek to vary the mandatory boulevard treatments to accommodate the bus interchange and public forecourt area.

Roseville Street Interface

- 2.95 On the eastern side of the centre (north of Goodson Street), the Development Plan proposes the addition of two recessed levels of car parking at a maximum RL115.6 and maximum RL121 respectively, above the Stage 1 car park. The Stage 1 car park was approved as part of planning permit PL13/023936 in 2014, with a maximum RL107.6.
- Officer response:*
- 2.96 In acknowledging its sensitive residential interface with properties on the western side of Roseville Avenue, the Development Plan states that:
- Built form facing Roseville Avenue should provide an appropriate transition in height from the adjacent residential scale and limit where possible the visual impact of built form on viewlines from the surrounding public realm areas or streets. (page 52, Westfield Doncaster Development Plan)*

- 2.97 This commitment is reflected in Figure 71 which identifies that both of the additional levels of carparking are to be recessed, as well as addressing this interface with acoustic treatment and landscaping.
- 2.98 The additional levels of carparking are to be recessed at the north and along a significant portion of the eastern interface, with setbacks ranging from 6 metres along the eastern envelope (consistent with the Stage 1 carpark setback) and 16 and 17 metres from the boundary along the northern envelope.
- 2.99 Section plans have also been prepared to assess the viewlines from key vantage points from Roseville Avenue, to demonstrate that the visual impact of the additional levels of car parking will not be unreasonable.

Westfield Drive Interface

- 2.100 At the northern side of the centre at the interface with Westfield Drive, the Development Plan proposes a new access road. The new access road is addressed in detail in Figure 50 and 51, respectively.
- 2.101 The development along the southern side of the new access road is proposed to be used for a mix of retail and multi-storey car parking. Whilst the maximum building form heights along most of that boundary will range from RL121 to RL136, set back from the northern boundary by a minimum of 15 metres, the gateway commercial tower located on the north-west corner of the subject site, with a maximum of RL166, will be set back a minimum 53 metres from the site boundary.
- 2.102 The Westfield Drive interface of the site is proposed to be addressed with acoustic treatment and landscaping.
- 2.103 In addition to the existing service areas (loading bays) located at key points within the centre, the Development Plan proposes to include a new service area within the retail building envelope in close proximity to the Westfield Drive interface. A commitment is to be included so that the location, planning and design of that service area will ensure:
- minimal disruption and conflict with the surrounding pedestrian network and general vehicular movement;
 - minimal visual intrusion of the service area from the streetscape or public realm.

Officer response:

- 2.104 It is acknowledged that as part of this proposed expansion, there will be a number of considerations in relation to the treatment of the sensitive residential interface with Westfield Drive.
- 2.105 In acknowledging its sensitive residential interface with properties to the north along Westfield Drive, the Development Plan states that:

The treatment of built form facing Westfield Drive should provide an appropriate transition in height from the adjacent residential scale. It should also consider the topographic variance between the site and Westfield Drive interface. (page 46, Westfield Doncaster Development Plan)

- 2.106 The response to this interface is demonstrated in Figure 43 identifying varying built form heights and setbacks along the northern boundary. However, it is considered that the Development Plan at the *Westfield Drive Interface section* on page 46 should be amended to include an additional key component which would require articulation and modulation to break up built form mass, create visual interest and reduce overall visual bulk at the Westfield Drive interface.
- 2.107 The gateway building responds to the ACZ1 requirements to develop a unique gateway abutting Williamsons Road in the north-west corner of the precinct. However it is proposed to be set back a minimum of 53 metres from the site boundary.
- 2.108 The Development Plan acknowledges that the residential dwellings located to the north of the site along Westfield Drive are one of the nearest noise receivers, noting that the existing '*acoustic noise at the site is dominated by transportation noise.*'
- 2.109 It is proposed that acoustic barriers at a height of 4.5 metres will be used to mitigate noise impacts of the proposed access from Williamsons Road and landscaping with a mix of canopy and dense vegetation and ground level is proposed to enhance the visual amenity.
- 2.110 As the Westfield Drive properties are located to the north of the subject site they will not be impacted by overshadowing. This is demonstrated by the Envelope Plan Shadow Studies in Section 3.5 (pages 32-33) of the Development Plan.
- 2.111 With regards to the proposed location of the service areas within the retail built form, it is considered that an additional commitment is required to ensure that any noise impacts are managed appropriately with the hours of operation, noting that the intent of minimizing conflict with general vehicular movement may potentially result in trucks accessing the site out of retail hours.

Recommended Changes:

- 2.112 **Amend Section 3.6 in the Development Plan under *Service Areas* to include a commitment to ensure that any noise impacts are managed by hours of operation.**
- 2.113 **Amend Section 3.8 in the Development Plan under *Westfield Drive Interface* to include an additional key component which would require articulation and modulation to break up built form mass, create visual interest and reduce overall visual bulk at the Westfield Drive interface.**

Vehicular network / New access road

- 2.114 As identified in Figure 49, a key change proposed in the Development Plan is the relocation and upgrading of the existing main northern-most signalised Williamsons Road intersection to a proposed new intersection with Westfield Drive, identified as the proposed Northern Access Road.
- 2.115 This new intersection, including a left turn slip lane, will also provide access to basement level car parking off Westfield Drive.
- 2.116 Westfield Drive is proposed to be reconfigured to maintain resident access only. The proposed Road Closure Overlay (RXO) would be applied to the western end of Westfield Drive to prevent direct access from Westfield Drive

to / from Williamsons Road. On-street carparking would be retained along Westfield Drive as well as access and a turning circle for emergency and waste management vehicles.

2.117 Westfield Drive residents would still have access to the east along Westfield Drive via the existing and proposed internal centre road network, as well as access to the signalised Westfield and Williamsons Road intersection via the roundabout forming part of the proposed northern access road.

2.118 Other key changes proposed to the surrounding road network include:

- A new signalised intersection on Williamsons Road for exclusive public transport bus access (no car access);
- Retention of the existing signalised intersection to the south of the bus interchange on Williamsons Road; Revisions to traffic access at Frederick Street, including the removal of traffic signals and their replacement with a signalised pedestrian crossing facility; and
- Introduction of a third right turn lane from Williamsons Road (north) to Doncaster Road (west).

Officer response:

2.119 The vehicular access arrangements proposed as part of the Development Plan seek to provide for safe and efficient traffic movements within and around the Centre and to mitigate on-site and off-site traffic congestion during construction and at full build out, in accordance with the Development Plan.

2.120 This has been based on comprehensive traffic modelling work that has been undertaken in close collaboration with VicRoads and Council officers to assess the impacts both on-site and for the broader road network beyond the Westfield site.

2.121 It is considered that in the context of the proposed expansion and full build out of Doncaster Hill, that a number of the proposed works associated with the vehicular movement will benefit the centre by minimising conflict between cars and buses at the bus interchange and also provide for a more efficient traffic flow across the site and the broader road network.

Key changes to the road network are discussed in Section 3.6 of the Development Plan. Diagrams of each intersection showing the proposed works and any ancillary works to the local road network are shown in Figures 50, 51, 52, 53, 54 and 55.

2.122 The Development Plan notes on page 37 *Vehicular Network* that all the works identified in Figure 49 '...are to be delivered by Westfield in liaison with Council and VicRoads, subject to DCP negotiations and more detailed delivery arrangements.'

2.123 It is considered that roadworks that are required as part of the operation of the Centre are mitigation works and would not be subject to any credit against development contribution obligations.

Pedestrian and cycling networks

2.124 The proposed Development Plan sets out the facilities, services and activities proposed to be undertaken to help facilitate the options for people who choose to walk or cycle to and within the Doncaster Hill Activity Centre.

It also seeks to support public transport use (bus interchange), which typically requires people to walk or cycle either end of such a trip.

2.125 Key components of the pedestrian and cycling network, as identified in Figures 47 and 48 include:

- Improvements in the pedestrian crossings across Williamsons Road to align with pedestrian desire lines, including the proposed plaza forecourt and bus interchange;
- Replacement of the existing traffic signals at the junction of Doncaster Road and Frederick Street to provide dedicated pedestrian access, with the exception of access into the existing service area;
- Improvements to the existing pedestrian entry from the eastern side of the centre, aligned with Goodson Street;
- Provision of four (4) locations for new end of trip facilities; and
- Improved signage and wayfinding for the local bicycle links and facilities integrated into the wider Doncaster Hill bicycle networks.

Officer response:

2.126 It is considered that the importance of alternative modes of transport, including pedestrian and cycling networks has been acknowledged through commitments in the proposed Development Plan, including an increased number of formalised pedestrian signalised crossings and onsite networks. Prepared in consultation with Council officers and VicRoads, these networks reflect improvements to the pedestrian desire lines both off and on-site, to access key entry points into the Centre, and in particular the bus interchange.

2.127 These commitments respond to Clause 2.0 of the ACZ1 Land use and development objectives which include:

To achieve development of circulation networks that focus on providing strong linkages within the Doncaster Hill Principal Activity Centre, and enhance public transport, pedestrian and bicycle users' amenity.

To provide for well-defined vehicular, bicycle and pedestrian access both within and external to all precincts, with strong pedestrian crossing points to be established between the north and south sides of Doncaster Road.

2.128 Precinct 4 objectives of the ACZ1 at Section 5.4-2 also include the following:

Encourage an enhanced pedestrian environment within the precinct.

To support and connect with the pedestrian link proposed for the Doncaster, Williamsons and Tram Roads intersection at the western end of the precinct.

Car Parking / Parking Management

- 2.129 At present, the site provides approximately 4,782 on-site car parking spaces, provided through a mix of both surface car parks and multi-storey car parking buildings.
- 2.130 The Development Plan proposes to make modifications to vehicle access arrangements, which includes an increase to a total of 7465 parking spaces at the centre for cars, which includes a recent commitment by the Scentre Group to provide an additional 35 car spaces as part of the development.
- 2.131 These modifications are driven by the removal of at-grade car parking particularly to the north of the site, the revised traffic and entry conditions from Williamsons Road, and the extension of the retail centre built form to the northern boundary of the site.
- 2.132 Figure 56 identifies the proposed new car parking zones, which include:
- Two additional recessed levels of car parking above the approved (five level) Stage 1 car park to the east to the site;
 - Multi-deck car parking to the north of the eastern car park with an interface to Westfield Drive; and
 - Basement car parking along the Williamsons Road frontage and adjacent to Westfield Drive, accessed from the proposed northern access road.
- 2.133 Whilst the location of a proposed taxi area has not been shown, the Development Plan identifies criteria to be used in the assessment of any application.
- 2.134 The on-site car parking is currently managed through a ticketless fee based car parking system which is supplemented by an on-site electronic parking guidance system which improves efficiency and occupancy of car parking within the centre. The parking guidance system includes external dynamic signage advising patrons of parking vacancies along Williamsons Road. These systems are proposed to be extended to operate within the expanded centre.
- 2.135 An exemption from the mandatory requirements relating to signage in the ACZ1 to allow for signage within the five metre front setback line is being sought through changes to the ACZ1 along Williamsons Road, in the following context:
- Signs have primarily a directional role to guide road users to an appropriate vehicle entry for the site;
 - Shopping centre directional signs may include the primary tenancies serviced by that access location;
 - Signs may display car parking information;
 - Signs are integrated within the landscape setback and boulevard character of the road reserve but are able to be sited to fulfil their directional role and be visible to road users;

- Signs are illuminated where required, but within VicRoads guidelines to ensure that signs do not compromise the safety of the road network; and
- Signs are associated with the bus interchange, including any promotional sign forming part of the bus interchange infrastructure, such as on bus shelters.

Officer response:

- 2.136 It is considered that the management of car parking and access is one of the key challenges for the Centre and as part of the provision and management of on-site car parking, the Development Plan involves modifications to vehicle access arrangements as well as increased supply of car parking.
- 2.137 The assessment of car parking and subsequent parking rates is addressed in Section 2.42-2.60 of this report.
- 2.138 In relation to signage, it is considered appropriate to allow for signage along Williamsons Road to be exempt from the mandatory ACZ1 advertising sign requirements, where it improves efficiency and safety for drivers. However, it is considered that the Development Plan needs to be amended to require the preparation of an advertising signage package for each facade and entry point and to ensure that the exemption from the ACZ1 mandatory signage requirements only relates to directional signage for drivers, which may include primary tenancies.
- 2.139 The requirement for signage to be set back within the five metre front setback should continue to apply for all other parts of the site.

Recommended change:

- 2.140 Amend the Advertising Sign section of the Development Plan to require the preparation of an Advertising Signage Package for each façade and entry point and ensure that the exemption from the ACZ1 mandatory signage requirements only relates to directional signage for drivers, which may include primary tenancies.**

New bus interchange

- 2.141 As part of the Development Plan, it is proposed to alter the location and configuration of the existing bus interchange currently located in close proximity to the main entrance on the western side of the centre. The design of the new bus interchange has been undertaken in consultation with Public Transport Victoria (PTV), Transdev, VicRoads and Council officers.
- 2.142 Key features/changes intended as part of the new bus interchange, are as follows:
- Bus interchange to be relocated to the north of its current location along Williamsons Road and provided at street level;
 - An increase from eight to a total of nine bus bays (including one articulated bus bay) to be provided, including the inclusion of a bus bay for articulated buses;
 - A dedicated signalised intersection providing access to the bus interchange;

- Provision of full weather protection for bus patrons and other users of the space;
- A new dedicated area for bus driver amenities;
- Improved pedestrian access to the bus interchange and centre, including wayfinding signage;
- Clear and direct connections between the new entry forecourt and bus interchange;
- Incorporation of small-scale retail use(s), public transport and/or bicycle facilities into the design of the bus interchange to activate the area;
- Incorporation of an interactive wall, displaying transport and community information to activate the bus interchange; and
- Improved pedestrian and bus visibility to improve user safety; and
- Materials, lighting and acoustic treatments to provide a calm, pleasant and safe environment for all users.

Officer response:

2.143 The proposed improvements to the bus interchange which seek to:

- provide services to meet the current and future transport requirements of the local and regional community; and
- provide a range of complementary services integrated within the centre to support patrons and to provide an activated public space

respond appropriately to the ACZ1 Precinct 4 Guidelines which sets out the following requirement:

Provide an integrated public transport interchange to support both Westfield Shoppingtown and the greater Doncaster Hill area in a prominent and easily accessible location. (Doncaster Hill Strategy, 2002, revised 2004, page 78)

2.144 In addition to supporting the proposed improvements to the operation, accessibility and storage capacity of the interchange, Council officers also support the integration of new crossings designed to align with pedestrian desire lines, building entries and the public forecourt.

2.145 Since the preparation of the Strategy and the expansion of the centre in 2008, it is acknowledged that the patronage of bus services has increased both from local and regional catchments.

2.146 It is considered that the new design features will improve functionality and improve passenger and driver safety with the installation of a dedicated signalised intersection providing access to the interchange.

Public Realm

2.147 A key objective of the proposed works is to significantly improve, (where applicable and appropriate), the associated public realm and streetscape interfaces where the Centre meets the surrounding streets and road network.

- 2.148 The Development Plan seeks to continue to reinforce the character and identity of the centre, and the wider Doncaster Hill Activity Centre through works to support the boulevard nature of Williamsons Road, improvements to Westfield Drive, and creating greater opportunities for the activity within the retail centre to spill out and engage with the public realm and activity on the Street.
- 2.149 An exemption from complying with the mandatory boulevard and streetscape treatments is being sought through changes proposed to the ACZ1 along Williamsons Road to achieve the outcomes specified in the Development Plan, shown in a landscape cross-section showing the boulevard treatment including street planting, footpath and built form setbacks.

Officer response:

- 2.150 An exemption from complying with the mandatory boulevard and streetscape treatments is being sought through changes proposed to the ACZ1 along Williamsons Road is considered appropriate to achieve the outcomes specified in the Development Plan, shown in a landscape cross-section showing the boulevard treatment including street planting, footpath and built form setbacks.

- 2.151 This exemption should not apply in any other parts of the site.

Williamsons Road Entry Forecourt

- 2.152 A new entry forecourt or plaza space, located on Williamsons Road will delineate the main entry into the retail centre from Williamsons Road and the bus interchange.
- 2.153 A new public forecourt will be located to the north of the new bus interchange and will have an area of approximately 400sqm.
- 2.154 The forecourt will provide for a defined entry to the shopping centre and provide a transitional space between the bus interchange, the commercial precinct in the north-western part of the site, and a public amenity and meeting space. It will:
- Incorporate pedestrian access through the provision of footpaths that are wide enough to accommodate for outdoor seating and public realm spaces;
 - High quality and durable material for all public realm locations to provide a strong visual character appropriate to the contemporary architectural character.

Officer response:

- 2.155 The proposed new public urban space/plaza addresses a Precinct 4 objective at sub-clause 5.4-2 within the ACZ1, setting out the requirement:

To create a number of significant externalised public urban spaces/plazas, which are well connected to the public transport interchange....'

- 2.156 Whilst the proposed shift of the location of the public space from the south to the north side of the bus interchange (as currently identified in the Doncaster Hill Framework Plan both at Section 1.0 of ACZ1 and the Precinct 4 map), in itself is not a key strategic issue, ensuring that the space is well designed

and provides for an attractive, comfortable and strongly activated and functional space, is the primary objective to be achieved.

Landscaping

- 2.157 Landscaping treatments proposed as part of the Development Plan seek to be complementary to their function and purpose, including:
- landscaping at interfaces to provide soft barriers and protection to surrounding areas with respect to the visual, noise and operational requirements of the centre;
 - extension of landscaping themes that are in accordance with the Doncaster Hill streetscapes requirements;
 - extension of landscaping themes characteristic to the centre, including the Canary Island Palms along the Williamsons Road boulevard; and
 - landscaping which enhances the public forecourt experience as well as serving functional purpose through shade, separation of tenancies and vehicle areas.

Officer response:

- 2.158 It is noted that in addition to the new landscaping proposals, the 'Proposed landscape improvements for Westfield Doncaster' in Figure 61 identify an holistic approach to managing landscaping across the site, with a commitment to retain and enhance landscaping along the periphery of the existing parts of the centre.
- 2.159 Landscaping will be assessed in more detail at the planning permit stage.
- 2.160 It is noted that Section 3.7 *Public Realm and Landscaping* in the Development Plan identifies a commitment to reduce the heat island effect of hard spaces in the public realm and to provide shade to footpaths.
- 2.161 In addition to the '*Potential new upper level dining terrace comprising a roof garden*', it is considered that there is also a further opportunity to utilise the expansive roof top space and building surfaces associated with the proposed expansion to incorporate rooftop landscaping and/or green facades, to contribute toward reducing the urban heat island effect. while also promoting biodiversity.

Recommended Change:

- 2.162 Amend the Development Plan at Section 3.7 *Public Realm and Landscaping* to include a new commitment to consider additional rooftop landscaping and/or green facades, aimed at reducing the urban heat island effect, while also promoting biodiversity.**

Sustainability

- 2.163 The Development Plan commits to recognise the importance of achieving a strong sustainable outcome for the development to support Council's sustainability aspirations for Doncaster Hill. It will adopt an integrated and

holistic design approach that considers the triple bottom line view of sustainability.

- 2.164 It proposes to build on the Centre's previous environmental successes and best practice's sustainability design approach, to take a further step forward and achieve a 'National Excellence' outcome by demonstrating the potential to achieve a 5-Star Green Star rating or equivalent performance for the expanded retail centre as well as the proposed new commercial office development.
- 2.165 The expansion will target a greenhouse emission reduction of at least 25%, and will also support the Council's Water15 Sustainable Water Management Plan by adopting a strong approach to potable water conservation and include infrastructure for Yarra Valley Water recycled water.

Officer response:

- 2.166 Whilst Westfield Scentre Group's commitment to demonstrate beyond Best Practice with a **National Excellence** - 5 Star Green Star certification as part of the proposed expansion is acknowledged, it is noted that detailed design in the Sustainability Management Plan (SMP) will be assessed at the time of lodgement of any relevant application for planning permit. In accordance with the Doncaster Hill ESD Requirements Part C, it is a mandatory requirement that the SMP demonstrates as a minimum:
- The application of current best practice principles;
 - The use of emerging technology; and
 - A commitment to 'beyond' compliance throughout the construction period and subsequent operation of the building.
- 2.167 An example of current best practice principles in retail centres was reflected in Chadstone winning the first 5 Star Green Star for retail centres in Australia in 2010 from its redevelopment.
- 2.168 The SMP requirements shall be met by demonstrating **National Excellence** in providing a formal 5 Star Green Star rating. If a formal Green Star rating is not possible (due to expansion of existing facility) then an equivalent formal certification (to Council's approval) needs to be provided to demonstrate the commitment to **National Excellence**.
- 2.169 As the largest occupant in the Doncaster Hill Activity Centre, there is a great opportunity in the expansion of this facility to reflect the Scentre Group's sustainability commitments as outlined in the *Scentre Group Sustainability Report 2015*. This will demonstrate environmental performance as a key pillar of Scentre Group's approach to creating a sustainable business and its acknowledgement of Australia's requirements in the recent Paris Agreement as referenced on page 14 of that report.
- 2.170 In context with the response above, it is recommended to amend the Development Plan in section 3.9 *Ecologically Sustainable Development* with the following amended third and fifth paragraphs:
- It also intends to build on a best practice sustainability design approach, by taking a further step forward and achieve a 'National Excellence' outcome by achieving a 5-Star Green Star rating or equivalent performance for the expanded retail centre as well as the proposed new commercial office development. Noting that if obtaining a formal Green Star may not be*

possible as the development reflects an expansion of the existing facility, then an equivalent formal 'National Excellence' rating by an alternative certification tool (to Council's approval) will be provided.

The expansion will target a greenhouse emission reduction of at least 25% as compared to a reference design through a combination of efficiency measures in the Cundall Sustainability Commitments report. It will also support Manningham Council's following policies and plans:

- *Activity Centre Sustainability Management Plan Policy (Clause 22.13);*
- *Doncaster Hill ESD requirements Part C;*
- *Doncaster Hill Water Plan Information Pack (DHWIP); and*
- *YVW Third pipe initiative.*

- 2.171 It is also noted that the Development Plan at Section 3.9 *Ecologically Sustainable Development* under sustainability commitments themes omits referencing 'waste'. Whilst this reflects the themes identified in the accompanying 'Westfield Doncaster Development Plan Sustainability Commitments, Cundall (March 2016) technical report, it is considered that this theme will need to be addressed in the Development Plan and the associated technical report.

Recommended change:

- 2.172 **Amend the Development Plan in section 3.9 *Ecologically Sustainable Development* with the following amended third and fifth paragraphs:**

It also intends to build on a best practice sustainability design approach, by taking a further step forward and achieve a 'National Excellence' outcome by achieving a 5-Star Green Star rating or equivalent performance for the expanded retail centre as well as the proposed new commercial office development. Noting that if obtaining a formal Green Star may not be possible as the development reflects an expansion of the existing facility, then an equivalent formal 'National Excellence' rating by an alternative certification tool (to Council's approval) will be provided.

The expansion will target a greenhouse emission reduction of at least 25% as compared to a reference design through a combination of efficiency measures in the Cundall Sustainability Commitments report. It will also support Manningham Council's following policies and plans:

- ***Activity Centre Sustainability Management Plan Policy (Clause 22.13)***
- ***Doncaster Hill ESD requirements Part C;***
- ***Doncaster Hill Water Plan Information Pack (DHWIP);***
- ***YVW Third pipe initiative.***

- 2.173 **Amend the Development Plan at Section 3.9 *Ecologically Sustainable Development* under sustainability commitment themes to reference 'waste'. This theme will also need to be addressed in the associated *Westfield Doncaster Development Plan Sustainability Commitments, Cundall (March 2016) technical report.***

Acoustic Treatments

2.174 Scentre Group has identified a commitment in the Development Plan to ensure that the acoustic environment at the site *'which is dominated by transportation noise'* (page 56) will be addressed by the installation of acoustic treatments along:

- the northern boundary to Westfield Drive; and
- the rear of the properties along Roseville Avenue.

Officer response:

2.175 The identified acoustic treatment is based on the potential for the redevelopment of the properties adjacent to Westfield to develop (subject to a minimum lot size of 1,800sqm) to a mandatory maximum building height of 11 metres.

2.176 Whilst it is acknowledged that the intent of the acoustic treatments is to comply with technical industry standards, from a physical perspective, the proposed treatment includes:

- A 4.5 metre screen along the northern boundary of the site, with an opening to allow public pedestrian access; and
- Material options include either or a combination of precast concrete, Hebel, glazed walls, masonry walls, cement sheet, timber, landscape earth berms or similar materials.

2.177 Compliance with technical industry standards, in conjunction with achieving good urban design outcomes (detail and material choice), will be assessed at the planning permit stage.

Social Impact Assessment / Community Space

2.178 Prior to the lodgement of the request for amendment, Council officers requested that a Social Impact Assessment (SIA) to enable a better understanding of the social impact of the proposal. It was also important to understand the potential demand generated by the proposal for additional community facilities and services to mitigate any social impacts generated by the development.

2.179 The report (SIA) is based on the outcomes of desktop research, social planning analysis, a site visit and consultation with local community service providers nominated by Council. Overall, the report identifies that the proposed expansion will result in a Net Community Benefit including:

- Development of sustainable transport options (by increasing the provision and connectivity of bus services), reduced travel demand (by encouraging visitors to undertake multi-modal visits) and change travel behaviour (in accordance with Council's Doncaster Hill Mode Shift Plan);
- Provision of future traffic and transport infrastructure in a comprehensive, timely and equitable way; and
- Enhanced status of the Doncaster Hill Activity Centre, which will provide for an appropriate mix of uses and functions.

2.180 The Social Impact Assessment (SIA) notes that the additional workforce generated by the proposed development would require access to a range of services and facilities during the day, especially recreation and child care facilities.

2.181 The report also recommends the following:

- *Westfield further investigates the feasibility of providing additional services in the shopping centre, particularly allied, medical and dental services to complement the proposed office development;*
- *Westfield and YMCA discuss the opportunity of a youth incubator space with an electronic retail store within the centre; and*
- *Council investigates the feasibility of a youth hub at the proposed bus interchange incorporated as part of the proposed expansion.*

(page 23, Westfield Doncaster Assessment of Potential Social Impacts, April 2016)

Officer Response:

2.182 Officers are supportive of the recommendations in the SIA report that acknowledge that Scentre Group further investigates the feasibility of providing additional services in the shopping centre, including recreation and child care facilities, and more importantly a range of allied, medical and dental services and opportunities. It is acknowledged that Scentre Group will investigate these opportunities throughout this planning scheme amendment process and the subsequent planning permit process. It is important to note that the provision of services will be dependent on securing appropriate operators.

2.183 One of the recommendations relating to the provision of a youth hub has specific considerations/implications for Council:

Council will need to work with local youth agencies including the YMCA to scope out the proposal in terms of size, staffing and financial feasibility. If the facility was feasible and could be funded, a suitable space would need to be designed into the bus interchange so that it is well located in terms of safety, accessibility and visibility. (page 22, Westfield Doncaster Assessment of Potential Social Impacts)

2.184 Council's Access Equity and Diversity Strategy 2014-2017, October 2014 is a strategic framework to support Council in addressing diversity, access and social inclusion issues within Manningham. Action No. 25 identifies:

Continue to work in partnership with the Manningham YMCA to provide a specified range of age-appropriate youth services, including: information, support and referral; school programs; non-school programs; youth counselling; participation and leadership initiatives; co-ordination and partnership initiatives; strategic development initiatives; an early intervention program; and to investigate youth health related initiatives.

2.185 Scentre Group has identified the inclusion of a 100sqm community space within Westfield Doncaster in the DPO4 and the draft Development Plan. Refer to Section 2.30 of this report for recommended changes to DPO4.

- 2.186 In addition, a community space of at least 100sqm is specified on page 26 of the draft Development Plan. The following is further detailed on page 55:

More specific social infrastructure outcomes for the site will include:

- *Additional services in the shopping centre, particularly allied, medical and dental services to complement the proposed office development*
- *A community space of at least 100sqm is to be provided through a Section 173 Agreement as a condition of future planning permits. This will be located within close proximity to the bus interchange to provide ready access.*

- 2.187 Since the request for amendment was lodged, Council officers have met with representatives of the Scentre Group to discuss an emerging need in the municipality for business incubator/co-working/innovation space. This type of facility would be a valuable asset within a regional activity centre such as Westfield and the Scentre Group has agreed to work with Council to provide an innovation hub that has a youth technology component.

- 2.188 During the exhibition period it will be important for Council to progress consideration of its needs in relation to this matter.

Recommended change:

- 2.189 Amend the Development Plan, Section 3.10, to replace the words ‘social infrastructure’ with ‘community infrastructure’ in both the heading and the third paragraph and to add the following paragraph:**

“Council has identified an emerging need in Manningham for an innovation hub that includes business incubator, co-working, meeting and training spaces and the developer is committed working with Council to address that need.”

Staging Plan

- 2.190 The Development Plan identifies that the expansion may be undertaken as part of six (6) key stages, noting that the staging has been defined to achieve the following objectives during construction:

- minimise disruption to the adjoining neighbours, existing retailers and the local street network, during construction;
- maintain sufficient shopping centre access;
- mitigate expected car parking deficiencies; and
- ensure minimal impact on the environment.

Officer response:

- 2.191 It is noted that the staging plan is indicative only and will be subject to confirmation at the planning permit stage.

Planning Scheme Amendment Process

- 2.192 The planning scheme amendment process is expected to take a minimum of 12 months. It has the following key stages:

- Council resolution to request the Minister for Planning to authorise Council to prepare the Amendment;
 - Public exhibition, where residents and other interested persons have the opportunity to make a submission of support or objection;
 - Council consideration of submissions and decision whether to change or abandon the Amendment or to refer submissions to an independent panel appointed by the Minister for Planning;
 - If submissions are referred to an Independent Panel, submitters will have an opportunity to present their submission to an independent panel;
 - Council considers the Panel report and resolves to adopt, change or abandon the Amendment;
 - Submission of final amendment to the Minister for Planning for approval; and
 - Approval of the Amendment by the Minister for Planning.
- 2.193 In this case, it is proposed that Amendment C104 and the proposed Development Plan be exhibited concurrently so that the community can be better informed about how the Amendment relates to the future development of the site.
- 2.194 However, it will be difficult to differentiate between which submissions relate to the Amendment (i.e. the proposed planning controls) and which relate to the proposed Development Plan for the site.
- 2.195 A Directions Hearing has been pre-set for the week commencing 23 January 2017, with a Panel Hearing scheduled for the week commencing 1 March 2017 (refer to the Explanatory Report in Attachment 1)
- 2.196 An independent panel appointed to consider submissions to the Amendment would not have the powers to consider submissions to the proposed Development Plan. However, if Council were to decide to refer submissions received during the exhibition process to an independent panel, Council officers consider it would be beneficial to request the Minister to appoint an combined panel and advisory committee to consider submissions relating to both the proposed Amendment and Development Plan. This will be considered as part of a future report to Council.

PRIORITY/TIMING

- 2.197 Scentre Group has indicated that the progression of the amendment and subsequent redevelopment of the centre is a high priority. The Westfield Doncaster Development Plan identifies that the Development Plan is to be delivered in six (6) key stages.
- 2.198 Subject to Council endorsement, it is proposed to seek authorisation from the Minister for Planning to concurrently exhibit Amendment C104 to the Manningham Planning Scheme and the Development Plan, generally in accordance with the attached amendment documentation, as soon as possible.
- 2.199 Ministerial Direction No. 15 requires that an amendment is placed on public exhibition within 40 business days of receiving authorisation.

2.200 Whilst Section 19(4)(b) of the *Planning and Environment Act 1987* identifies that any planning scheme amendment needs to be on exhibition for a minimum of 4 weeks, similar to other significant and complex amendments considered by Council, it is proposed to exhibit Amendment C104 to the Manningham Planning Scheme, for a period of 6 weeks.

3 POLICY/PRECEDENT IMPLICATIONS

- 3.1 The proposed Amendment supports and implements many of the policies of the State Planning Policy Framework, specifically Clause 11.01 (Activity Centres); 11.04-1 (Delivering Jobs and Investment); Clause 13.04-1 Noise Abatement); Clause 15 (Built Environment and Heritage); Clause 15.02-1 (Resource and Energy Efficiency); Clause 17.01-1 (Business); Clause 18.01 (Integrated Transport) and Clause 18.02 (Movement Networks).
- 3.2 The Amendment will also assist in implementing the policy directions outlined in the Local Planning Policy Framework (LPPF) and the Municipal Strategic Statement (MSS), specifically Clause 21.02, Clause 21.03, Clause 21.04, Clause 21.09, Clause 21.10 and 21.12.
- 3.3 There are a number of other key Council strategies and plans that are relevant to the Amendment and Development Plan and many of these are already included as reference documents within the Manningham Planning Scheme. These include:
- *Doncaster Hill Strategy (October 2002, revised 2004);*
 - *Doncaster Hill Pedestrian and Cycling Plan (2009);*
 - *Doncaster Hill Mode Shift Plan (2014);*
 - *Principal Pedestrian Network (PPN); and*
 - *Bicycle Strategy (2013).*

4 CUSTOMER/COMMUNITY IMPACT

- 4.1 The proposed Development Plan has been lodged for Council's consideration at the same time as the request for the Amendment, so that Council, the community and other interested parties can ascertain how the site is proposed to be redeveloped.
- 4.2 Importantly, the Development Plan Overlay exempts subsequent permit applications from advertising and exempts third party appeal rights. This means that the amendment process is the only opportunity for the community and other interested parties to make a submission in relation to the proposed development of the subject site.
- 4.3 During the exhibition period, the community and other interested parties will be provided the opportunity to make a written submission on the Amendment, the proposed Plan, or both.
- 4.4 In the event that Council cannot resolve the concerns raised in submissions, then the Council can request the Minister for Planning to appoint an independent panel to consider the submissions.

5 FINANCIAL RESOURCE IMPLICATIONS

- 5.1 The applicant will be responsible for covering the costs of the amendment process in accordance with the *Planning and Environment (Fees) Regulations 2000*.

6 SUSTAINABILITY

- 6.1 Amendment C104 and the Development Plan are considered to be consistent with social, economic and environmental sustainability objectives.
- 6.2 One of the underpinning Development Criteria identified in the Development Plan in Section 3.8 is a commitment to ensure that the proposed expansion of Westfield Doncaster will continue to recognise the importance of achieving a strong sustainable outcome for the proposed development and to support the Council's sustainability aspirations for Doncaster Hill, including achieving a 30% mode shift and improvements to the bus service.

7 REGIONAL/STRATEGIC IMPLICATIONS

- 7.1 Scentre Group has submitted that the last expansion in 2008 reflected a significant elevation of the centre's offer and role as one of Melbourne's leading shopping centres.
- 7.2 The Westfield centre will perform an important role to underpin the profile and identity of Doncaster Hill as the centre continues to develop in future.
- 7.3 At a broader strategic level, the proposed expansion of the centre responds to a number of land use and development objectives to be achieved within the Doncaster Hill Activity Centre, as stated in ACZ1:
- *To advance Doncaster Hill as a sustainable and vibrant mixed-use activity centre with a strong sense of place...*
 - *To develop the centre as a focus for contemporary high density residential development incorporating a mix of complementary, retail, social, commercial and entertainment uses.*
 - *To ensure the activity centre enhances the social, environmental, economic and cultural elements of the municipality and region, advancing Doncaster Hill as a destination in Melbourne's East.*
- 7.4 At a precinct level – 'Precinct 4: Westfield Doncaster', the expansion addresses and or advances the following objectives:
- *To further improve existing active street frontages.*
 - *Encourage and enhance pedestrian environment within the precinct.*
 - *To provide opportunities for a range of commercial uses to develop within the precinct along with the existing retail development.*
 - *To create a number of significant externalised public urban spaces/plazas, which are well connected to the public transport interchange and boulevard along Doncaster Road.*
 - *To support and connect with the pedestrian link proposed for the Doncaster, Williamsons and Tram Road intersection at the western end of the precinct.*

- 7.5 The expansion will also address or advance the following Precinct guidelines:
- *Develop a unique gateway building abutting Williamsons Road in the north-west corner of the precinct.*
 - *Maintain and enhance an integrated public transport interchange to support both Westfield Doncaster and the greater Doncaster Hill area in a prominent and easily accessible location.*
 - *Establish strong pedestrian entries and linkages from Westfield Doncaster to all other precincts within Doncaster Hill.*
 - *Future building form is to maximise the north-east aspect and views, and vistas to the CBD.*
 - *External spaces should directly link to Williamsons Road....where appropriate.*

8 CONSULTATION

- 8.1 It is proposed that the Amendment C104 will be placed on public exhibition for a period of 6 weeks, to provide the opportunity for all key stakeholders, including affected residents, to be informed of the proposed changes, attend information sessions and prepare submissions. The key elements of that consultation are described in Section 9 below.

9 COMMUNICATIONS STRATEGY

- 9.1 The concurrent exhibition of the Amendment and the proposed Development Plan would include the following notification processes:
- Notice in the Government Gazette;
 - Notices in the Manningham Leader;
 - An article in Manningham Matters, if the timing meets its distribution dates;
 - Direct notification of the Amendment and the proposed Development Plan sent to all property owners and occupiers within and to a distance of 100 metres around the Doncaster Hill Activity Centre. This is the boundary that has been used consistently for notification of amendments within the Doncaster Hill Activity Centre. This will include, specifically tailored letters to property owners on Westfield Drive to inform them of the proposed traffic access arrangements, including the road closure and signalised intersection of Westfield Drive.
 - Information on Council's website, including Frequently Asked Questions;
 - Information available at the municipal offices and all local libraries;
 - Two (2) drop-in sessions, where display boards would provide information on all aspects of the Planning Scheme Amendment and proposed Development Plan; and
 - It is also proposed to have a specific information session(s) with residents from Westfield Drive.

10 CONCLUSION

- 10.1 Whilst there are some changes recommended to proposed Amendment C104 and the proposed Westfield Doncaster Development Plan, it is considered that subject to those changes it is now appropriate to seek authorisation from the Minister for Planning to prepare the Amendment and to concurrently exhibit the Amendment and Development Plan to seek community feedback.
- 10.2 Following the exhibition period Council will be able to review the submissions and make a decision in relation to the next stage of the process.

OFFICER'S RECOMMENDATION

That Council:

- (A) seeks the authorisation of the Minister for Planning under section 8A of the *Planning and Environment Act 1987* to prepare Amendment C104 to the Manningham Planning Scheme in accordance with Attachment 1, subject to the changes to the submitted Amendment identified in Attachment 4;
- (B) subject to authorisation of the Minister for Planning, exhibits Amendment C104 to the Manningham Planning Scheme in accordance with section 19 of the *Planning and Environment Act 1987* for a period of six (6) weeks; and
- (C) subject to authorisation of Amendment C104 by the Minister for Planning, seeks public comment on a proposed *Westfield Doncaster Development Plan (2016)*, concurrently with the exhibition of Amendment C104, subject to the changes to the submitted Development Plan identified in Attachment 4.

MOVED: GOUGH
SECONDED: O'BRIEN

That the Recommendation be adopted.

CARRIED

"Refer Attachments"

Attachment 1 – Amendment Documentation

Attachment 2 – Development Plan

Attachment 3 – Accompanying Technical Reports are available to view or download from Council's website

Attachment 4 – Recommended changes to: Amendment C104 to the Manningham Planning Scheme submitted documents and Westfield Doncaster Development Plan

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11. ASSETS & ENGINEERING

11.1 Tunstall Square Activity Centre - Road Closure and Consideration of Submissions

Responsible Director: Director Assets and Engineering

File No. T16/107

The ultimate destination for this report is: COUNCIL AGENDA

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

SUMMARY

Council at its meeting on 15 December 2015 endorsed the implementation of the statutory process to permanently close the roadway between Beverley Street and the Tunstall Square west carpark (as shown in Attachment 1), also formerly known as Shaw Street, to through traffic, and resolved to form a Committee of Council to consider public submissions on the road closure, in accordance with the provisions of Section 223 of the Local Government Act 1989.

*Council officers subsequently initiated the necessary statutory procedures to call for submissions in respect of the potential closure of Tunstall Square road in accordance with the relevant provisions of the Local Government Act 1989 on 29 February 2016. An Engagement and Community Plan (Attachment 2) was developed and implemented, which included publication of an invitation to make submissions in the *Manningham Leader* on 29 February 2016, mail out to properties within the catchment, (including traders), installation of signage at Tunstall Square and publication on Council's website calling for on-line submissions. The subject road was also closed to traffic temporarily as a trial for two weeks, to demonstrate potential activation of the plaza space and to engage the community on the road closure proposal.*

Community consultation was undertaken over a period of six and a half weeks. The period for submissions from the community closed on 13 April 2016.

Council received 67 submissions in respect of the proposal (of which 66 were submitted within the statutory time frame and one was a late submission), with 43 in support and 4 submissions either incomplete or vague. A total of 20 submitters were opposed to the proposed road closure, including a submitter who only made an oral submission. A summary of the submissions and issues raised by the submitters, and corresponding officer comments, are detailed in Attachment 3.

Submitters to the proposal were also given the opportunity to present their submissions in person before a Committee of Council on 27 April 2016. 4 of the 67 submitters opted to present their submissions to the Committee of Council. However, only 2 persons attended the submitters meeting, 1 of whom presented in support of his written submission and another who attended without notice or making an earlier written submission.

The majority of issues raised by the submitters relate to potential impacts of the proposal on traffic movement, parking, access and congestion.

Having considered all relevant matters to the proposal, and taking into account the submissions received, as well as minimal traffic impacts on the existing access arrangements along Tunstall Road, the community's desire to create a community gathering space, the need to facilitate and encourage safe pedestrian and sustainable transport access to the Centre from Beverley Street, and improving the amenity of the centre, it is recommended that Council resolve to declare the section of Tunstall Square road, between Beverley Street and the western car park to be a shopping mall and restrict the entry of motor vehicles into the mall, in accordance with the provisions of Section 207, Clause 11, Schedule 11 of the Local Government Act 1989.

It is further recommended that Council notify the submitters to the proposal in writing of Council's decision, and that physical closure of the road proceed in tandem with the plaza development.

1 BACKGROUND

- 1.1 Council's Tunstall Square Structure Plan was adopted by Council in March 2015, following extensive community consultation.
- 1.2 Both the urban design analysis and stakeholder and community consultation undertaken during the development of the Structure Plan, which included distribution of feedback forms to 1,800 property owners, identified the lack of a community gathering space in Tunstall Square as a key issue.
- 1.3 Consequently, Action P2 of the Structure Plan is to '*Close the one way roadway connecting Beverley Street to the central carpark on the western side of Tunstall Road and undertake streetscape improvements to transform it into a community gathering space and public plaza*'.
- 1.4 In response to the Access and Movement Structure Plan theme, there is also a need to facilitate and encourage sustainable transport access and provide safe pedestrian access to the centre from Beverley Street and other access points. A shared path link from the south via Beverley Street to the Centre is identified in Council's Bicycle Strategy.
- 1.5 At its meeting on 15 December 2015, Council resolved in part to commence the statutory process under the provisions of Sections 207, 207A, 223 and Section 11, Schedule 11 of the Local Government Act 1989, to close the one-way road in Tunstall Square, (formerly known as Shaw Street), between Beverley Street and the carpark on the western side of Tunstall Road, (a shown in Attachment 1), for the purposes of developing a public plaza.
- 1.6 In accordance with the provisions of Section 223 of the Local Government Act 1989, a public notice was placed in the local newspaper on 29 February 2016, advertising the proposed closure and inviting submissions to the proposal.
- 1.7 Community engagement initiatives undertaken to inform and consult the community about the proposal are detailed in the Community and Engagement Plan, provided in Attachment 2 of this report. The Plan includes a mail out, publication of the proposal on Council's websites, on site signage, local media and community drop-in sessions during a trial closure of the road.
- 1.8 During the consultation period, Council temporarily closed the subject section of road for a period of two weeks, for the purposes of community engagement regarding the development of the proposed public plaza, should the road closure proceed.

- 1.9 During the trial, traffic count surveys were conducted to determine the traffic impacts of closing the road on the Tunstall Road access points to the western car park.
- 1.10 Traffic impact assessment surveys were conducted before and after the trial road closure on Friday 19 and Saturday 20 February 2016, and Friday 4 and Saturday 5 March 2016, respectively. The surveys were conducted between 9.00am and 1.00pm and 3.00pm and 7.00pm on Friday 19 February and Friday 4 March also between 10.00am and 3.00pm on Saturday 20 February and 5 March 2016.
- 1.11 The results from these surveys confirm the consultant advice that the road closure will have minimal impacts on the performance of the Tunstall Road access points.
- 1.12 SIDRA* analysis shows that the road closure will only have minimal impacts to the other access points with slight variances in the average delay of vehicles at the southern car park access from Tunstall Road.
* SIDRA –Signalised and unsignalised Intersection Design and Research Aid - traffic engineering software
- 1.13 In practical terms, the road closure is not anticipated to result in discernible impacts on the performance of other car park access points.
- 1.14 Community consultation commenced on 29 February 2016. Submissions closed on Wednesday, 13 April 2016.
- 1.15 Council received sixty seven (67) submissions in total, sixty four (66) submissions being received within the statutory time period, with one late submission.
- 1.16 Twenty (20) submissions, (including one late submission and one oral submission made in the absence of a written submission) objected to the proposal, forty three (43) were in support and there were four (4) submissions which were either incomplete or unable to be categorised as to whether they supported or were opposed to the proposal.
- 1.17 A summary of the submissions and issues raised by the submitters and corresponding officer comments are detailed in Attachment 3.
- 1.18 VicRoads and service authorities were also notified of the proposal and requested to provide comments.
- 1.19 Submitters to the proposal were also given the opportunity to appear in person to present their written submissions before a Committee of Council.
- 1.20 Four (4) submitters objecting to the proposal opted to present their submissions to the Committee of Council.
- 1.21 A Submissions Hearing was held on 27 April 2016, involving Councillors Haynes and Downie, Council officers and two submitters.
- 1.22 Only 1 of the 4 submitters who had booked in to address the Committee attended the hearing of submissions. 1 other individual attended the hearing without notice or making a prior written submission.
- 1.23 A summary of the issues presented at the hearing of submissions are detailed below:
 - 1.1.1 Mr Savoria of Warrandyte, spoke in support of his written submission and objected to the road closure proposal citing the following concerns.
 - Questioned the motivation for the proposal and why the issue of the road closure has been raised repeatedly despite it being rejected by traders twice previously.
 - There is a need for more parking bays at Tunstall Square.

- Does not support the proposal to create a plaza.
 - If the proposal proceeds, he would like to see the plaza centrally located within the shopping precinct on the west side of Tunstall Road.
- 1.1.2 Mr Shedden attended the hearing without notice and lodged his objection to the road closure proposal citing the following reasons.
- Potential displacement of traffic currently using the roadway from Beverley Street to the access points in Tunstall Square and the potential for increased congestion on Tunstall Road.
 - Owners of shops should have more say in the outcome.
 - Questioned the amount of use the plaza receive, particularly during the colder months.
 - Raised concerns regarding the ongoing maintenance and cleanliness of the area.
 - Parking should be made more available to the public.
- 1.24 The current road closure proposal has arisen from consultation associated with the adopted Structure Plan for the Centre, which identified a lack of community gathering spaces in the Centre and supporting the proposal to close the road for the development of a public plaza.
- 1.25 Council officers have assessed opportunities to locate the plaza at the Centre. In order to provide a plaza, of comparable size to the area of the former Shaw Street site at the western end of the central walkway, it would necessitate loss of parking facilities.
- 1.26 The proposed plaza site at the former Shaw Street within the extents of the road closure offers the following benefits.
- This location is away from the main trading area, enhancing public safety outcomes due to its location away from traffic movements and the parking area.
 - The proposed road closure has minimal impact on the existing parking facilities or access to these facilities.
- 1.27 Traffic surveys undertaken before and during the temporary road closure confirm that there will be negligible impact on the operational characteristics of the access points along Tunstall Road, as a result of traffic displacement associated with the proposed road closure.
- 1.28 In response to Council's request for comments from the service authorities regarding the road closure proposal, Multinet Gas and Yarra Valley Water indicated that subject to access arrangements being maintained to their respective assets, they had no objection to the proposal. No responses were received from telecommunications and the electricity distributor, Transdev, Victoria Police, CFA, Metropolitan Fire Brigade, Ambulance Services or the State Emergency Service.
- 1.29 VicRoads in a letter dated 12 January 2016 confirmed that they have no objection to the proposed road closure.
- 1.30 Having considered all relevant matters to the proposal, including the submissions received in response to the road closure proposal, minimal traffic impacts on the existing access arrangements along Tunstall Road, the community's desire to create a community gathering space, the need to

facilitate and encourage safe pedestrian and sustainable transport access to the Centre from Beverley Street and improve the amenity of the centre, it is considered appropriate that Council proceed with the formal closure of Tunstall Square roadway (formerly known as Shaw Street), between Beverley Street and the western car park.

2 PROPOSAL/ISSUE

- 2.1 It is proposed that Council resolve to declare the section of Tunstall Square road, between Beverley Street and the western car park to be a shopping mall and restrict the entry of motor vehicles into the mall, in accordance with the provisions of Section 207, Clause 11, Schedule 11 of the Local Government Act 1989.
- 2.2 Physical closure of the road is proposed to proceed in tandem with the plaza development, following consultation regarding the plaza design.
- 2.3 It is further proposed that Council notify the submitters to the proposal in writing of Council's decision.

3 PRIORITY/TIMING

- 3.1 Physical closure of the road should proceed in tandem with the plaza development.
- 3.2 Development of the public plaza requires further consultation with stakeholders, development of engineering plans, procurement and construction. In order to minimise disruption to trade during the Christmas trading period, officers will target completion of construction by the end of November 2016.

4 POLICY/PRECEDENT IMPLICATIONS

- 4.1 Council has powers under Section 207 of the Local Government Act 1989, over roads and traffic. These powers are primarily set out in Schedules 10 and 11 of the Act.
- 4.2 Clause 11 of Schedule 11 of the Act, Powers of Councils over Traffic, states the following:

11. Powers concerning shopping malls

A Council may declare a road, or part of a road, to be a shopping mall and may prohibit or restrict the entry of motor vehicles into any such mall.

- 4.3 The actions under Schedule 11 do not trigger a requirement for gazettal through the Government Gazette.

5 CUSTOMER/COMMUNITY IMPACT

- 5.1 The traffic report and results from the trial closure indicate that, while the proposed road closure will cause minor inconvenience to shopping centre customers approaching from Beverley Street, the traffic impacts of the proposed road closure on car park access and egress and trade will likewise be minor. It is noted that the majority of the Centre's customers access the centre from the north along Tunstall Road.
- 5.2 The creation of a new public plaza and improvements in the public realm will provide a focal point and encourage greater community interaction. The road closure will also facilitate improved pedestrian and bicycle connections to the popular Koonung Creek Linear Trail.

- 5.3 Public safety will be enhanced through the removal of a conflict point between traffic and pedestrians at the northern end of the proposed road closure.

6 FINANCIAL RESOURCE IMPLICATIONS

- 6.1 The funds required to implement the proposed road closure and the development of a public plaza will be sourced from the Neighbourhood Activity Centres Capital Works budget.

7 CONSULTATION

- 7.1 Actions identified in the Communications and Engagement Plan (Attachment 3) have been implemented as part of the consultation associated with the proposed road closure.
- 7.2 Consultation with the Tunstall Square traders, land owners and other parties will be undertaken as appropriate, to facilitate input into the development of the public plaza.

8 COMMUNICATIONS STRATEGY

- 8.1 Residents who made a submission will be notified in writing of Council's decision and the reasons for the decision on the closure of the road.
- 8.2 Notification of the proposed physical road closure will be issued to relevant stakeholders a minimum of two weeks prior to implementation.

9 CONCLUSION

- 9.1 At its meeting of 24 November 2015, Council confirmed its endorsement of the Tunstall Square Structure Plan (March 2015), including Action P2 relating to the closure of the one-way roadway connecting Beverley Street to the central car park on the western side of Tunstall Road and development of a public plaza.
- 9.2 The majority of respondents to action P2 as part of the exhibition of the Structure Plan were supportive.
- 9.3 Traffic studies, and more recently a traffic survey during the trial closure of the subject road, indicate that from a traffic perspective, the proposed road closure would have minimal impact on access to the Centre.
- 9.4 Benefits arising from the road closure would include facilitation of the development of a public plaza and improved safety through the removal of a conflict point between traffic and pedestrians.
- 9.5 The majority of submitters to the proposed road closure support the proposed road closure.
- 9.6 It is considered appropriate that Council proceed with the closure of the road, in accordance with the statutory requirements of the Local Government Act 1989.

OFFICER'S RECOMMENDATION

That:

- (A) Council formally resolve to declare the section of Tunstall Square road, between Beverley Street and the western car park to be a shopping mall and restrict the entry of motor vehicles into the mall, in accordance with the**

provisions of Section 207, Clause 11, Schedule 11 of the Local Government Act 1989.

- (B) Physical closure of the road proceed in tandem with the plaza development, following consultation regarding the plaza design.
- (C) Council notify the submitters to the proposal in writing of Council's decision.

MOVED: GALBALLY
SECONDED: HAYNES

That the Recommendation be adopted.

CARRIED

"Refer Attachments"

* * * * *

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

Responsible Director: Director Assets and Engineering

File No. T16/111

The ultimate destination for this report is: COUNCIL AGENDA

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

SUMMARY

This report recommends that Council resolve to give public notice under section 223 of the Local Government Act (LGA) 1989 of its intention to finalise at law, the deviation of Springvale Road (south of Reynolds Road) to the west of Mullum Mullum Reserve (1-41 Springvale Road, Donvale).

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

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

This report recommends that Council give public notice, and in the event that no submissions are received, that Council deviate the road and publish notice of the deviation in the next available edition of the Victoria Government Gazette.

Simultaneously, it is convenient to rectify a long-standing but minor anomaly at the Western end of Parklands Close.

1 BACKGROUND

In relation to the deviation of Springvale Road

- 1.1 It is proposed that Council discontinue the road shown hatched on the attached plan, being part government road on Crown Allotment 2010 ('Old Road').
- 1.2 On or around 1981 The City of Doncaster & Templestowe (Council's predecessor) acquired Council's Land for the purposes of the deviation of Springvale Road.
- 1.3 Council's predecessor resolved at its meeting on 5 October 1982, that Council's Land (shown cross-hatched on the attached plan) should be declared a public highway and that 'the existing section of Springvale Road between Reynolds Road and the point where the deviation commenced should be able to be closed'.
- 1.4 Accordingly, the new alignment was declared to be a public highway by Gazette 106 dated 3 Nov 1982, page 3624. As a public highway it is now a road within the meaning of the Road Management Act 2004. It has also been

proclaimed as an Arterial Road for which VicRoads is the coordinating road authority.

- 1.5 Legal advice provided to Council officers advises that 'it is apparent that Council's intention in this report was to conduct a road deviation pursuant to section 524 and 526 of the Local Government Act 1958'.
- 1.6 Legal advice further clarifies that 'Section 526(2) and (3A) of the 1958 Act have the effect of vesting Crown land on which a deviated road was formerly located in the local Council', and 'this is analogous to the effect of section 207B(2A) and clause 2 of Schedule 10 of the LGA of 1989'.
- 1.7 Correspondence between Council's predecessor and the Chief Executive of Lands from the Conservation, Forests and Lands Department, dated 27 August 1984, requested that the Old Road be closed as a part of the deviation of Springvale Road.
- 1.8 Council's predecessor was advised, in correspondence dated 29 March 1985, that the Department of Conservation, Forests and Lands was prepared to proceed with the closure and deviation of the Old Road, subject to the further advice of the Melbourne and Metropolitan Board of Works.
- 1.9 The deviation of the Old Road onto Council's Land was never finalised at Law.
- 1.10 On 10 June 2015 Council's solicitors, under instruction, wrote to the Department of Environment, Land Water & Planning (DELWP) seeking ministerial consent, as required under clause 2(2) of Schedule 10 of the LGA, to finalise the deviation of Springvale Road.
- 1.11 Ministerial consent to the proposed deviation was provided on 19 April 2016.

In relation to the Western end of Parklands Close

- 1.12 The southern tip of Mullum Mullum Reserve, at the convergence of the old and new alignments of Springvale Road, is occupied by a roadway forming the western end of Parklands Close. This land, shown by dot filling on the attached plan, should be proclaimed as a road.
- 1.13 Council has power to proclaim this triangle as a road under section 11(1) of the Road Management Act 2004. Such a proclamation must be published in the Government Gazette, but does not require exhibition.

2 PROPOSAL/ISSUE

In relation to the deviation of Springvale Road

- 2.1 Council now proposes to complete the deviation pursuant to section 207B(2A) and clause 2 of Schedule 10 of the LGA.
- 2.2 Clause 2(3) of Schedule 10 of the LGA states that 'before starting work to give effect to a deviation, the Council must publish a notice in the Government Gazette describing the deviation'. Legal advice provided to Council officers and to DELWP, dated 26 October 2015, advised that this requirement under the Local Government Act of 1989 did not exist when the road was physically deviated, thus 'giving effect' to the deviation, in or around 1982.
- 2.3 Further, a precedent exists in the deviation of a road undertaken by Moorabool Shire Council and published in Government Gazette no. G24, dated 18 June 2015.

- 2.4 Legal advice is that, giving consideration to the above, the requirements of clause 2(3) of Schedule 10 of the LGA are not relevant in this case. This position was considered and accepted by the Minister's delegate within DELWP in providing his consent to the proposed deviation, dated 19 April 2016.

In relation to the Western end of Parklands Close

- 2.5 Simultaneously, it is proposed that the triangle at the southern tip of Mullum Mullum reserve, which serves as the western end of Parklands Close, be gazetted as a road pursuant to section 11(1) of the Road Management Act 2004.

3 PRIORITY/TIMING

- 3.1 In accordance with clause 2 of Schedule 10 and section 223 of the LGA, it is proposed that Council publish a public notice advising of the proposed deviation.

4 CUSTOMER/COMMUNITY IMPACT

- 4.1 The proposal to finalise the deviation at law is likely to have no discernible impact on the community's continued use of Springvale Road, as the deviation was physically concluded in the early 1980s.
- 4.2 The effect of the deviation is to remove the encumbrances upon Council in its management of the Mullum Mullum Reserve for the benefit of the community.
- 4.3 The proposal to declare the triangle at the southern tip of Mullum Mullum reserve as a road is likely to have no discernible community impact, because it already functions as a road, being the western end of Parklands Close.

5 FINANCIAL PLAN

- 5.1 The Old Road bisecting the Mullum Mullum Reserve is currently Crown Land, with the status of a Government Road.
- 5.2 Under section 207B(2A) of the LGA the Old Road will revert to fee simple (freehold) land vested in Council after the deviation of the Old Road onto the Council's Land. Accordingly, Council is not required to purchase the Old Road from the State of Victoria.
- 5.3 The proclamation of the triangle at the southern tip of Mullum Mullum reserve as a road will have no financial impact.

6 CONSULTATION

- 6.1 Council is required to give the public notice in accordance with clause 2 of Schedule 10 of the Act, and to consider any submissions received in accordance with section 223 of the LGA.

7 CONCLUSION

In relation to the deviation of Springvale Road:

- 7.1 The finalisation of the deviation of Springvale Road to the west of Mullum Mullum Reserve (1-41 Springvale Road, Donvale) is necessary to provide Council the ability to freely manage the reserve for the benefit and betterment of the community.

- 7.2 In order for Council to finalise the deviation of Springvale Road at law, concluding a process commenced in the early 1980s, it is required to comply with the statutory provisions under the LGA.
- 7.3 It is recommended that Council authorises the commencement of the statutory procedures in accordance with section 223 and clause 2 of Schedule 10 and 223 of the LGA, and subject to the completion of those procedures, resolve to deviate the Old Road onto Council's Land pursuant to clause 2 of Schedule 10 of the LGA.

In relation to the western end of Parklands Close:

- 7.4 The proclamation of the triangle at the southern tip of Mullum Mullum reserve as a road will cause the legal status of this land to correspond to its long-standing physical configuration.
- 7.5 It is recommended that the Chief Executive Officer be authorised to publish the necessary notice in the Government Gazette

OFFICER'S RECOMMENDATION

That in relation to Springvale Road:

1. Council resolves to give public notice, pursuant to clause 2 of Schedule 10 and section 223 of the *Local Government Act 1989*, of its intention to discontinue the land shown single hatched on reference drawing 7879-GAZ(V2), being part Government Road on Crown Allotment 2010 ('Old Road'), and concurrently deviate the Old Road onto the land shown cross hatched on reference drawing 7879-GAZ(V2), being part of the land contained in certificate of title volume 9471 folio 746, and the whole of the land contained in certificate of title volume 9471 folio 745.
2. The public notice stipulate that persons may make a submission on the proposed discontinuance and deviation in accordance with section 223 of the *Local Government Act*, and that written submissions must be received within 28 days of the date of the publication.
3. Council further resolves that, if submissions are received under section 223 of the *Local Government Act*, Council establish a Special Committee of Council comprising the Mayor and the Mullum Mullum Ward Councillors, to hear and consider any submissions received in accordance with section 223 of the *Local Government Act 1989*.
4. Council further resolves that, should no submissions be received:
 - 4.1. Having followed all the required statutory procedures pursuant to clause 2 of Schedule 10 and section 223 of the *Local Government Act 1989*, it deviates the Old Road and by publishing a notice of the deviation in the next available edition of the *Victoria Government Gazette*; and
 - 4.2. Delegates to Council's Chief Executive Officer the power to sign any transfer of land or other document required to obtain title to the Old Road in Council's name.

That in relation to the Western end of Parklands Close:

- 5 Council proclaims the triangle at the southern end of Mullum Mullum Reserve to be a road pursuant to section 11(1) of the Road Management Act 2004, and authorises the Chief Executive Officer to publish the necessary notice in the Government Gazette.**

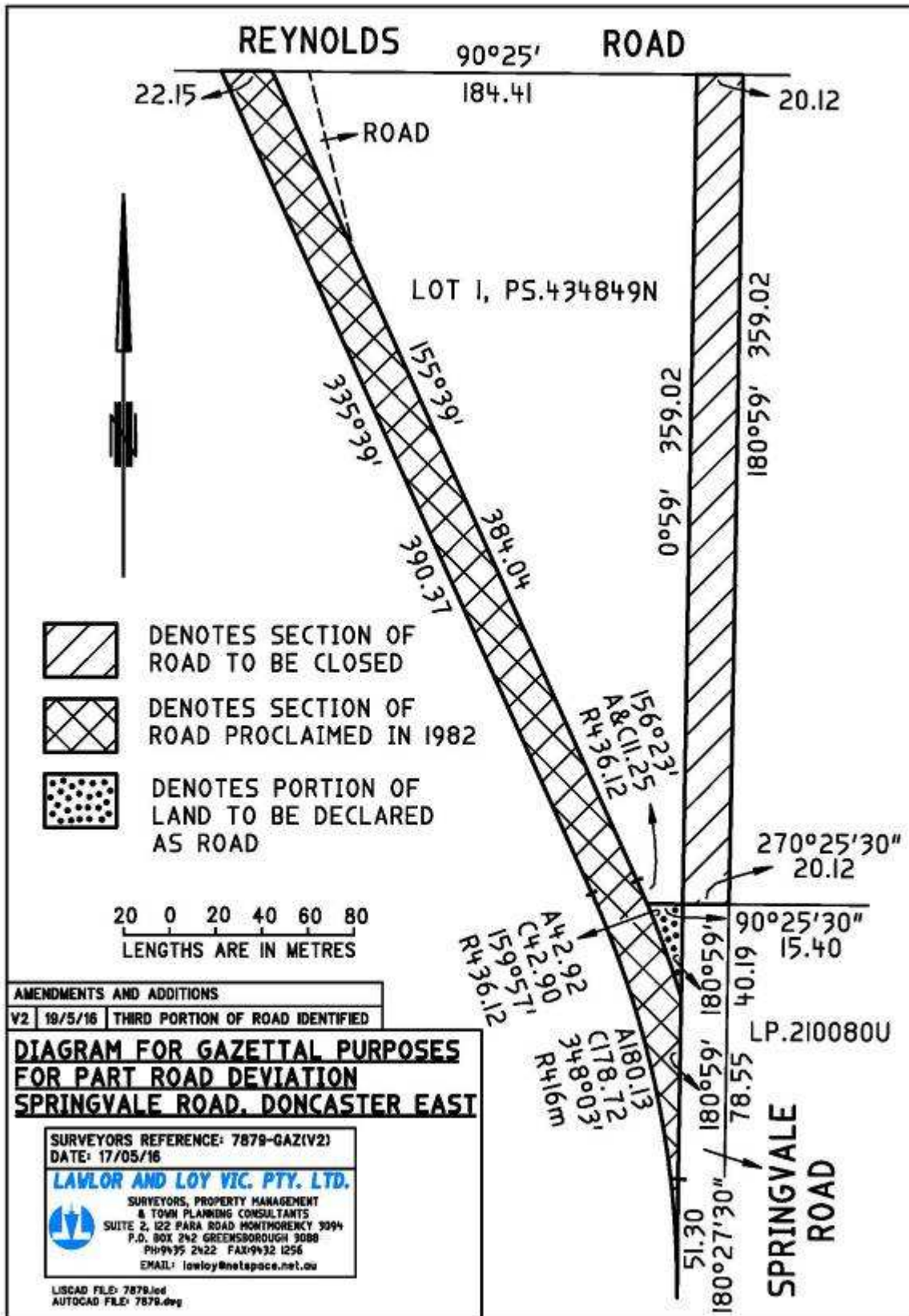
**MOVED: DOWNIE
SECONDED: KLEINERT**

That the Recommendation be adopted.

CARRIED

“Refer Attachment”

* * * * *



11.3 Roads Benchmarking Survey - January 2016

Responsible Director: Director Assets and Engineering

File No. T16/17

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 considers the outcomes of the annual roads maintenance and infrastructure benchmarking survey of Manningham against five (5) other municipalities, carried out during January 2016. A detailed and comprehensive road benchmarking survey report is attached.

The roads infrastructure benchmarking survey is solely an initiative of Council, which has been conducted annually since 2000 and provides valuable trend data, and is a key exercise in assisting with the prioritising of Council's resources.

The results indicate that Manningham continues to present its roads at a high standard in comparison to other councils and is generally performing well in the areas of pot hole and drainage pit maintenance, and in the overall cleanliness of local roads.

Overall, Manningham rated top 3 in 6 of the key road infrastructure performance categories. However, although the survey rated Manningham's performance as equal best in line marking and sign maintenance, and second best in the presentation of garden beds, performance was found to be somewhat inconsistent in these areas.

It is recommended that the report and benchmarking survey outcomes be noted, including the resultant outcomes and improvement opportunities to raise the overall level of performance in relation to the standard of maintenance of roads throughout Manningham.

1 BACKGROUND

- 1.1 An external consultant, Gilbert Consulting, and Council's Asset Co-ordinator carried out a roads maintenance benchmarking survey of six (6) municipalities. The councils surveyed were the Cities of Manningham, Whitehorse, Monash, Maroondah, Knox and Banyule.
- 1.2 The roads benchmarking survey was carried out on 19th and 20th of January 2016.
- 1.3 Roads infrastructure benchmarking surveys have been conducted annually since 1999, and the results of the key elements inspected have been compared over this period. In addition, the results for Manningham over the past surveys have been compiled, to assist in identifying any key trends or

issues that may require further analysis, and to assist with resource prioritisation. The surveys are an initiative of Manningham.

- 1.4 The main objective of the benchmarking survey exercise is to determine the overall performance, from a community perspective, of each council surveyed in terms of road infrastructure maintenance, and to establish an appropriate visual benchmark on which to compare the overall performance and urban amenity with that of Manningham.
- 1.5 The road infrastructure benchmarking survey is assessed by a “windscreen” survey of approximately 30km of local roads in each municipality, and includes the following key elements: road pavement, signs, line marking, side entry pits, garden beds and overall tidiness.

2 PROPOSAL/ISSUE

- 2.1 It is proposed that the report and roads benchmarking survey outcomes be noted, and that the proposed improvement opportunities be endorsed for action, to enhance the overall level of performance in relation to the presentation of roads throughout Manningham.

3 ISSUE

- 3.1 A summary of the survey results for Manningham, and the comparisons of performance against the other councils surveyed, is outlined in the following table:

Road Infrastructure

(The following table summarises the number of incidents/ratings recorded for the various performance categories within the road infrastructure survey. The lower the number of recorded incidents, the better the performance, and conversely, the higher the rating, the higher the standard of maintenance/presentation at the time of the survey).

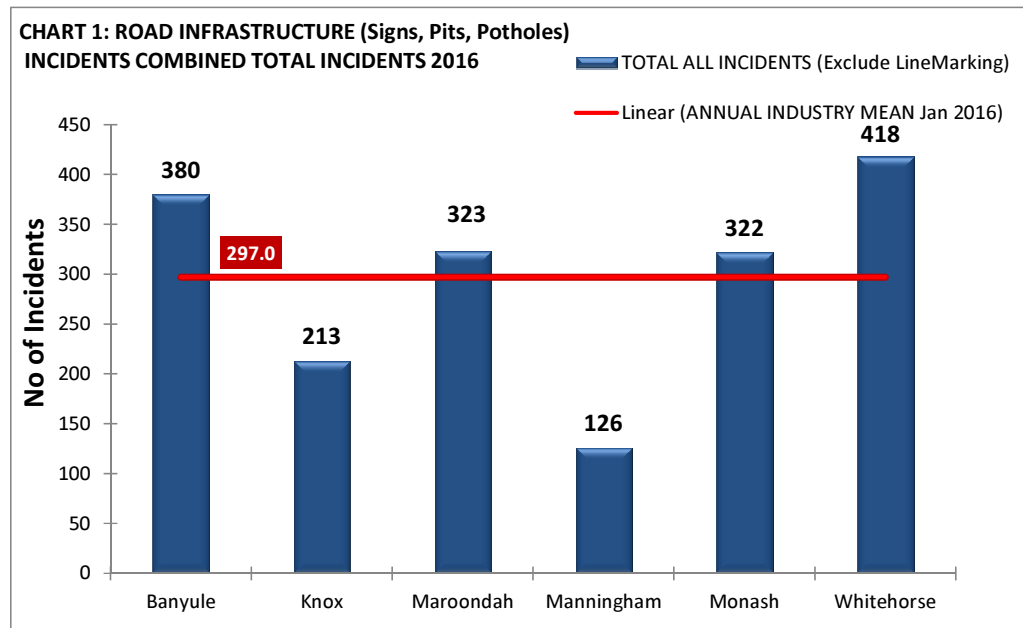
No. of Incidents / Standard Rating				
Road Infrastructure (30 km) Performance Categories	Manningham Results	Average Results (All Councils)	Best Results (All Councils)	Worst Results (All Councils)
No. of Signs Incidents	99	248	99	367
No. of Side Entry Pits Incidents	18	36	18	57
No. of Potholes Incidents	9	14	7	28
Line Marking Rating	3.5	3.3	3.5	3.1
Garden Beds Rating	3.6	3.4	3.7	3.1
Overall Tidiness Rating (local roads)	3.8	3.8	3.9	3.6

Note: Ratings are scored out of a maximum of 5 points.

- 3.2 The results indicate that Manningham continues to present its roads at a high standard in comparison to other councils and is generally at or above the benchmark mean in a number of performance categories, with a relatively low number of road infrastructure incidents recorded. Overall, Manningham rated top 3 in 6 of the key road infrastructure performance categories.
- 3.3 Whereas the results generally reveal that Manningham is performing well in the areas of pot hole and drainage pit maintenance, and in the overall cleanliness of local roads, the long term trends indicate that Manningham's performance was found to be somewhat inconsistent in the areas of line marking, sign maintenance and garden beds, despite rating top and second top in these.
- 3.4 Whilst there has been a slight decrease in performance compared to the 2015 line marking results, Manningham's 2016 results are now equal with the five year industry benchmark mean for this group of councils. Although there has been an improvement from earlier surveys, some inconsistencies and variances in performance were observed, particularly the need to maintain the quality of line marking at acceptable visibility standards. Refer to the table at paragraph 3.9 for management's response.
- 3.5 The 2016 survey has recorded a slight decline in the performance of garden beds compared to last year's results, with evidence in the field of less consistent performance between the garden beds inspected. Whilst Manningham continues to be above the five year industry mean, it is proposed that a review of garden bed standards and practices be undertaken to address the downward trend in performance and improve the overall consistency in the presentation of garden beds. Refer to table at paragraph 3.9.
- 3.6 In terms of signs, the 2016 survey recorded a decrease in the number of sign incidents compared to the 2015 results, but above the Manningham five year mean. The number of bent/broken/twisted signs and leaning/bent poles was the major contributor to this increase. Whilst Manningham continues to be lower than the average five year industry mean indicating a higher focus and performance in sign maintenance compared to other councils, it is proposed that a review of sign maintenance standards and practices be undertaken. Refer to table at paragraph 3.9.
- 3.7 The following is a summary of Manningham's performance in comparison to the other councils surveyed, including trends over past surveys:
- **Signs** - Lowest number of incidents recorded, with a downward trend in performance over past three surveys, but with a slight improvement in 2016 compared to 2015.
 - **Garden Beds** - Continuation of improvement in performance over previous surveys, although slight decline in the overall presentation of garden beds in 2016 compared to 2015.
 - **Side Entry Pits** - Decrease in incidents and lowest number of incidents compared to other councils.
 - **Line Marking** - Achieved an equal highest rating, which is an improvement on previous surveys, however, inconsistencies were found in the standard of line marking with a continued downward trend in performance.

- **Potholes** - Overall number of potholes continues to be low, with a slight increase in the number of incidences recorded in the 2016 survey.
- **General Tidiness** - Continuation of improvement in performance over last three surveys, with 2016 rating being the highest of last five surveys.

3.8 Chart 1 below shows that Manningham had the lowest number of road infrastructure incidents recorded and well below the Annual Industry Mean. In 2015, Manningham was also the lowest.



3.9 Two improvement opportunities/recommendations have been identified, as a result of the roads benchmarking survey, to meet the needs and reasonable expectations of the community and improve the overall standard of maintenance of roads throughout Manningham. The following is a summary of the recommended action plan and management response:

Recommended Action	Management Response
1. The drop of performance in signs be examined and the inspection and intervention maintenance standards and practices be reviewed.	Agreed.
2. The drop of performance in garden beds be examined and the maintenance standards and practices be reviewed to obtain better consistency.	Agreed.

<p>3. A review of line marking be undertaken to address the inconsistency in service delivery, particularly the need to keep the quality of the line marking at acceptable visibility standards.</p>	<p>Following a review of line marking programs and resourcing in 2012, additional funds were allocated in the operating budget to bolster resources required to improve the line marking on roads throughout the municipality.</p> <p>Council's main roads (link and collector) were initially targeted during this time, as a part of an ongoing program.</p> <p>It will take approximately 5 years to complete the entire municipality based on current funding allocations. At the time the road benchmarking audit was undertaken in January, the impact of these works had not been fully realised, and the results would vary depending on whether the audit was done in an area that had been targeted under the current line marking program.</p> <p>It should be noted, however, that Manningham's 2016 results are now equal to five year Industry Mean and there has been a vast improvement in performance compared to previous surveys.</p>
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3.10 The appearance of Council's roads is well regarded, and historically, Manningham's performance over time has rated well in comparison to other councils.

4 BEST VALUE

4.1 The survey provides a comprehensive urban amenity benchmark to assist in comparing Manningham's overall performance and amenity, in regard to road infrastructure maintenance, and enables comparisons with other councils surveyed.

5 FINANCIAL RESOURCE IMPLICATIONS

5.1 The road infrastructure benchmarking survey is provided for within the Assets and Engineering Directorate budget.

6 CONSULTATION

6.1 The relevant service unit managers have been consulted in regard to the outcomes and improvement opportunities that have been identified, as a result of the benchmarking survey.

7 CONCLUSION

7.1 The annual road benchmarking survey, involving the Cities of Manningham, Whitehorse, Monash, Knox, Maroondah and Banyule, continues to provide Council with a practical means of measuring its performance against similar

councils. It also enables trends to be identified and effective process improvements to be implemented, to improve the consistency in performance.

- 7.2 The January 2016 survey results have shown that reasonable maintenance standards are being achieved in most areas, although some challenging trends are emerging, especially in relation to line marking standards and sign incidents.
- 7.3 The survey has identified some improvement opportunities in regard to the overall level of performance and standard of maintenance of roads throughout Manningham, and the relevant Service Unit Managers have responded with corrective actions.

OFFICER'S RECOMMENDATION

That Council:

- (A) Receive and note the report.**
- (B) Note the improvement opportunities identified in the report, to improve the overall level of performance in relation to the standard of maintenance of roads throughout Manningham.**

MOVED: KLEINERT
SECONDED: GRIVOKOSTOPOULOS

That the Recommendation be adopted.

CARRIED

"Refer Attachments"

Manningham Road Benchmarking Report - January 2016 (D16/22769)

* * * * *

11.4 Road Management Plan and Infrastructure Condition Audit - March 2016

Responsible Director: Director Assets and Engineering

File No. T16/54

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 a review of the outcomes of an annual audit of Council's compliance with Manningham's Road Management Plan (RMP) and infrastructure assets condition audit for the 2015 calendar year.

A detailed and comprehensive RMP Compliance Audit report and an Infrastructure Assets Audit Condition report, prepared by an external consultant, Dennis Hunt & Associates, are attached.

Independent RMP and infrastructure asset audits have been conducted since 2002, to assess Council's operational compliance with Manningham's RMP, and of the infrastructure maintenance services provided by the Engineering Operations and Parks & Recreation Service Units.

The consultant has assessed Council's performance as satisfactory, and has concluded that Council is generally operating in compliance with Manningham's RMP, except for bridges and traffic signals.

Available data indicates that approximately 54% of all identified works requests for relevant asset categories are generated internally, which is reflective of a more proactive approach to identifying maintenance works. This proactive approach minimises the need for community reporting of hazards and defects, and enhances Council's reputation and customer satisfaction.

It is also noted that system improvements have been implemented with the Reflect MMS and mobile computing devices.

It is recommended that the report and audit compliance outcomes for the period ending December 2015 be noted, including the improvement opportunities and recommendations to improve Council's compliance with the RMP and overall level of performance, in relation to the asset condition of road and park infrastructure.

1 BACKGROUND

1.1 An independent audit of Council's compliance with Manningham's Road Management Plan (RMP), and of the infrastructure maintenance services provided by the Engineering Operations and Parks & Recreation Service Units has been undertaken by an external consultant, Dennis Hunt & Associates, for the 2015 calendar year.

- 1.2 Independent RMP and infrastructure asset audits are undertaken annually, to assess Manningham's compliance with its RMP and infrastructure maintenance services.
- 1.3 These audits have been conducted since 2002, and they provide valuable information to assist in determining whether Council is complying with Manningham's RMP, and to assess the overall performance in relation to the management of its infrastructure assets.
- 1.4 The 2015 RMP compliance audits were conducted via an examination of inspection practices, work activities, response times, and performance report records in Council's Customer Feedback System (CFS), Maintenance Management System (Reflect MMS), Excel and Word files, service plans, work instruction sheets and various supporting reports.
- 1.5 The following activities were assessed against the requirements of the RMP:
 - Road Condition Assessments / Routine Maintenance Inspections;
 - Repair and Maintenance Works;
 - Temporary Works; and
 - RMP Administrative Requirements.
- 1.6 The infrastructure assets condition audit was based on a survey of a sample of the road, car parks, shopping centres, and reserves infrastructure, which included the following asset categories:
 - local access, collector and link roads;
 - arterial roads (service roads & landscape areas only)
 - car parks;
 - parks and reserves; and
 - major shopping centres and adjoining median strips.
- 1.7 The inspections of roads and streets were conducted as a 'windscreen' survey. The car parks, parks and reserves and shopping centres were inspected as a 'walk-through' survey.

2 PROPOSAL/ISSUE

- 2.1 It is proposed that the report and audit outcomes for 2014 be noted, including the resultant improvement opportunities and recommendations to improve Council's compliance with the RMP and overall level of performance, in relation to the asset condition of road and park infrastructure.

RMP Compliance Audit

- 2.2 In order to determine whether response times and work standards comply with the requirements of the RMP, records of activities and defects were assessed by interrogation of Council's Customer Feedback System (CFS) and Reflect Maintenance Management System (MMS), and from discussions held with Council staff.
- 2.3 Council's CFS is primarily used to record and track external requests, although it does log some internal requests, whilst Reflect is an operational

tool, used to log internally identified work, and to program and record all identified works.

- 2.4 CFS KPI performance reports were interrogated across a sample of all relevant asset categories, to determine the level of compliance with respect to response times. Over a 12 month period, out of 1,844 recorded requests, 199 requests were recorded as 'out of time', which represents a level of compliance of approximately **89.0%**. This result is slightly down on the previous audit result (90%), and marginally below the overall target level of compliance of **90%**.
- 2.5 Whilst the level of compliance was below 90% due to a number of 'in time' results being down in a few categories, this can be partly attributable to the low record number of requests being received for Road Maintenance - Concrete, Guardrail and Bridges.
- 2.6 The following Reflect MMS records from over the previous 12 month period show a total of 5,600 work requests (54.4% internal and 45.6% external). Total request numbers are down on the previous year (6,066), which is reflective of a more proactive approach to identifying maintenance works, as well as the increased use of electronic data collection, increased use of Reflect, and general improvement in overall response times. This proactive approach by Council officers minimises the need for community reporting of hazards and defects, and enhances Council's reputation and customer satisfaction levels.

WORKS REQUESTS SUMMARY 2015

Category	TOTALS						
	CFS Internal	MMS Internal	No. Internal	No. External	Total	Internal %	External %
Roads/Signs/Furniture	242	754	996	581	1,577	63%	37%
Footpaths	61	1,534	1,595	354	1,949	82%	18%
Drainage	144	120	264	777	1,041	25%	75%
Street Sweeping	14	4	18	260	278	6%	94%
Litter/Rubbish/Animals	172	3	175	580	755	23%	77%
ENG OPS SUMMARY	633	2,415	3,048	2,552	5,600	54.40%	45.60%

- 2.7 It is difficult to achieve the required response rate in all asset categories, particularly in peak periods when heavy rains, flooding and/or wind storms contribute significantly to workloads. The Engineering Operations Unit is internally resourced for normal conditions, supplemented with contract resources to meet peak period demands and to perform specialist services as required.
- 2.8 A sample of 30 CFS completed works, on a range of assets, was also identified, and a visual inspection was undertaken, which found that the majority of requests, with the exception of two, had been satisfactorily completed to an acceptable standard.
- 2.9 Whilst Council's performance has been assessed as satisfactory, and is generally operating in compliance with Manningham's RMP, except for bridges and traffic signals.

- 2.10 Reflect is currently being used to record defects and for program works for bridges and traffic signals. With recent changes in staff, Council officers are currently receiving training for level 1 bridge inspections, but have not yet received their certification from the Australian Road Research Board (ARRB). As a result, bridge inspections were not completed for the 2015 calendar year and were, therefore, assessed as non compliant. The inspections will proceed immediately following certification of the Council officers. The audit results are, therefore, a 'point-in-time' result.
- 2.11 Traffic signal inspections are currently undertaken by a contractor on a quarterly basis, and at the time of the audit the completed inspection reports were not available. As a result, the traffic signal inspections were assessed as non compliant. The matter is currently being followed up with the contractor and a process will be put in place to ensure that any future inspection reports are also recorded electronically. Again, this is a 'point-in-time' result.
- 2.12 A number of improvement opportunities and recommendations have been identified in the audit, and a summary of the issues raised, and resultant action plan, is outlined below:

Recommended Action	Management Response	Timeframe for Action
1. That Council investigate the feasibility of electronic transfer of CFS records to 'Reflect' to eliminate the current administrative duplication.	The possible integration of the CFS with Reflect is currently on hold pending the outcomes of the imminent replacement of Council's Asset Management System, which is due to be awarded.	30 June 2016
2. That Council review current agreements and areas of responsibilities with adjoining municipalities regarding maintenance activities on boundary roads.	A review of boundary road agreements is currently well advanced with adjoining municipalities (Maroondah, Yarra Ranges and Whitehorse)	30 September 2016
3. That additional road category reports be developed in the GIS to enable improved inspections monitoring for RMP	A review of reporting information in the GIS is currently underway to assist in streamlining the inspection	30 September 2016

compliance.	monitoring process.	
4. That traffic signal inspections be recorded electronically and invoices/reports made available as proof of compliance with RMP.	Outstanding invoices and traffic signal inspection reports are currently being followed up with the contractor and a process will be put in place to ensure that any future inspection reports are recorded electronically.	30 June 2016
5. That level 1 bridge inspections be carried out immediately following certification of Council staff who are currently receiving training.	Council officers are currently receiving training for level 1 bridge inspections, but have not yet received their certification from the ARRB. Level 1 inspections will proceed immediately following certification.	30 June 2016
6. That the current map based system of recording pit inspections be conducted electronically and recorded in 'Reflect' to improve inspection monitoring.	The recording of pit inspections electronically in Reflect is currently on hold pending the outcomes of the imminent replacement of Council's Asset Management System.	30 June 2016
7. That additional staff training on recording issue locations for CFS requests be considered.	Ongoing staff training and guidance will be provided on the recording of CFS requests.	30 June 2016

2.13 The 2015 RMP audit also assessed the process for updating / amending Manningham's Public Roads Register.

2.14 Council's Asset Coordinator amends and updates Manningham's Public Roads Register as required, in accordance with the Council policy that was approved by Council on 28 September 2010.

- 2.15 Whilst the Roads Register is an attachment to the RMP, it is a separate document that can be amended or updated under delegation, to avoid the need to implement formal procedures under the Road Management Act, in order to amend the RMP and Roads Register.
- 2.16 Since the last audit, the Asset Coordinator has made 9 changes to the Public Roads Register under delegated authority, and the details have been updated and recorded on the Register as a part of the current reporting process, to provide an audit trail for compliance with the RMP and Road Management Act. The details are summarised in 6.7 of the attached RMP Compliance Audit report.
- 2.17 Reflect has been fully implemented for approximately 2 years and is currently being used for all defect inspections and minor programmed works. The implementation of the system involved major change to existing work flow processes that was managed within existing resources.
- 2.18 Some enhancements have been made to Reflect to assist appropriate data capture utilising mobile computing devices, and in regard to reporting requirements.

Infrastructure Assets Condition Audit

- 2.19 The infrastructure assets condition audit found that the infrastructure maintenance services currently being provided by the Engineering Operations and Parks & Recreation Service Units meets Council's required service standards. The service also continues to compare favourably with local government industry standards for infrastructure asset maintenance.
- 2.20 The overall weighted average score for infrastructure maintenance activities was 3.99, or 99.65%. The results from the audit are above the acceptable score of 98%, which is above the required service standards, and is similar to the previous audit carried out in February 2015.
- 2.21 In terms of overall score assessment, a score of 4.0 equates to a performance standard or degree of compliance of 100%. In practice 100% compliance is extremely difficult to achieve in infrastructure maintenance contracts, partly due to the reactive works component, and 98% is typically accepted as satisfactory performance.
- 2.22 The overall score trend has generally been maintained above the required standard since these infrastructure audits were first conducted in 2002. In addition to this year's overall result being above the required standard, the average audit scores for all asset categories were also found to be above the required standard, which is a commendable effort, especially given the adverse weather conditions at the time of audit and the overall age of the assets inspected.
- 2.23 The following table provides a summary of the 2015 calendar year audit results by asset category:

ASSET CATEGORY	No of Audit Records	AVE SCORE	%
Car Parks	1,126	3.98	99.47
All Council Roads	3,550	3.99	99.82

Parks & Reserves	419	3.96	98.99
Shopping Centres	121	4	99.90
Overall Score	5,216	15.93	99.65

- 2.24 A couple of improvement opportunities and recommendations have been identified, and a summary of the issues raised in the audit and the resultant action plan is outlined below:

Recommended Action	Management Response	Timeframe for Action
1. That the ownership (lease) and maintenance responsibility for the car park located at the rear of the service station at Donburn shopping centre be investigated at this car park is not being maintained to an acceptable standard	<p>Following recent legal advice on the current agreement with BP Australia, and in particular, the maintenance of the car park at the rear of the service station at 300-304 Blackburn Road, it has been determined that lease only extends to the front parcel of land (service station) and not the rear car park, and therefore Council is responsible for the maintenance of the car park.</p> <p>Action has been taken to include the car park on Council's regular street sweeping and maintenance program.</p>	Completed - 11 March 2016
2. That the GIS be updated to reflect the sale of reserve allotments previously owned by Council, ie. Herlihys Road Templestowe and Burge Court Doncaster East.	Action will be taken to reconcile Council's open space data with the spatial data in the GIS, and to implement a process to ensure that any future updates or changes to the GIS are made in a timely manner.	30 June 2016

3 CUSTOMER/COMMUNITY IMPACT

- 3.1 The principal outcome from the audits will be to improve the level of compliance with Manningham's RMP and overall performance in relation to the management of Council's infrastructure assets and delivery of services.

4 FINANCIAL RESOURCE IMPLICATIONS

- 4.1 The RMP and infrastructure asset condition audits are provided for within the Engineering Operations and Parks & Recreation budgets

5 CONSULTATION

- 5.1 The relevant service unit managers have been consulted in regard to the outcomes and recommendations identified in the audits.

6 CONCLUSION

- 6.1 The RMP and infrastructure assets condition audits provide valuable information to assist in determining whether Council is complying with Manningham's RMP, and to assess the overall performance in relation to the management of its infrastructure assets.
- 6.2 The information will be useful to assist Council in improving its overall performance in relation to the management of its infrastructure assets and the adequacy of service levels, where appropriate

OFFICER'S RECOMMENDATION**That Council:**

- (A) **Note and receive the report.**
- (B) **Note the satisfactory compliance with Manningham's Road Management Plan and Infrastructure Assets Condition Audit for the 2015 calendar year.**
- (C) **Note the improvement opportunities and recommendations from the audit outcomes, to improve Council's compliance with the Road Management Plan and overall performance in relation to the management of its infrastructure assets.**
- (D) **Note the actions of the Asset Coordinator, in exercising delegated authority, to update and amend Manningham's Public Road Register.**

MOVED: GOUGH
SECONDED: GRIVOKOSTOPOULOS

That the Recommendation be adopted.

CARRIED

"Refer Attachments"

- Road Management Plan Compliance Audit March 2016 (D16/22672)
- Infrastructure Assets Condition Annual Report March 2016 (D16/22673)

* * * * *

12. COMMUNITY PROGRAMS

There were no Community Programs reports.

13. CORPORATE SERVICES

13.1 Recreational Land - Charges in Lieu of Rates 2016-17

Responsible Director: Director Shared Services

File No. T16/82

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

Properties classified as Recreational Land under the Cultural and Recreational Lands Act 1963 must be levied a charge in lieu of rates that is determined in accordance with that Act. As a new valuation is about to be returned to Council, it is appropriate to review the charges for each classified property.

1 BACKGROUND

- 1.1 The Cultural and Recreational Lands Act 1963 (the C&RL Act) enables Council to provide financial support to rateable properties that are used for out-door sporting, recreational or cultural purposes and vested in, or operated by, not-for-profit organisations.
- 1.2 That support is facilitated by section 4(1) of the C&RL Act, which allows Council to set a charge in lieu of rates that Council thinks reasonable having regard to the services provided by Council in relation to such lands and having regard to the benefit to the community derived from such recreational lands.
- 1.3 The Council conducted a review in 2014 of the cost/benefit principles and values of recreational lands and determined to continue with the principles and values.
- 1.4 This approval is again recommended for 2016.
- 1.5 The 2016 review confirmed that apart from the Eastern Golf Club ceasing to be in occupation of their land on Doncaster Road following settlement of the sale of that land to Mirvac on 30 June 2015, there were no other movements in the type or number of Recreational Lands from those identified in the 2014 review.
- 1.6 There are 17 properties considered to be Recreational Lands within the municipality, being
 - Minor Clubs:
 - Tennis Clubs (10);

- Bowls Clubs (4); and
- Hockey Clubs (1).

Major Clubs:

- Veneto Social Club; and
 - Yarra Valley Country Club.
- 1.7 In 2014 it was determined by Council that the benefit to the community from the listed Minor Clubs was considered greater than the cost of services by Council. The level of volunteers offsets the cost to Council and the benefit of volunteers is a saving to Council in the provision of services. Therefore the Charges in Lieu of Rates was set at \$0 for all Minor Clubs. This approach is again supported for the 2016 review.
- 1.8 In relation to the Major Clubs the following table provides an outline of the historical Charges in Lieu of Rates from 2012 and that proposed for 2016/17.

Charges in lieu of Rates	2012/13	2013/14	2014/15	2015/16	2016/17 (Proposed)
General Rate increase		+6%	+5%	+4.5%	+2.5%
Veneto Club	\$13,708	\$14,530	\$15,943	\$16,069	\$15,518 -3.4%
Yarra Valley Country Club	\$13,708	\$14,530	\$15,943	\$15,051	\$14,597 -3.0%
Total	\$27,416	\$29,060	\$31,886	\$31,120	\$30,115 -3.2%

- 1.9 The reduction in the \$ value for charges in lieu of rates relates to the fact that the valuation of these properties has increased by a lower percentage compared to the average increase for all properties, therefore the equivalent general rate charge is less than if the 2.5% average increase for all properties was applied to the existing charge in lieu of rates for these properties (and in this case results in a reduction on 2015/16).
- 1.10 It is proposed that Council apply the cost/benefit principles and values established in 2014 for the 2016/17 year based on all the land identified as Recreational Lands.
- 1.11 Services provided by Council:
- the facilities provided by Council;
 - the services available to the community at large; and
 - services specific to the Club.
- 1.12 Benefits were reviewed in terms of:

- volunteer services
- benefits to the community at large; and
- open space benefits.

1.13 As part of the current review Council has the opportunity to further consider the factors outlined in section 4(1) of the C&RL Act in relation to setting charges in lieu of rates. Under that section Council sets the charges as it thinks reasonable:

“having regard to the services provided by the Council in relation to such lands” and

“having regard to the benefit to the community derived from such recreational lands.”

In recognition of the legislation, and to assist Council in its deliberations, Council reviewed each property classified as Recreational Land following receipt of a rental and property questionnaire in relation to the 2016 general revaluation.

1.14 The list of classified properties has also been reviewed, and includes ten tennis clubs, four bowling clubs, and a hockey club and excludes the two basketball clubs that, because they are not used for “outdoor sporting ... activities”, do not qualify for classification under the C&RL Act:

Property No.	Club	Address
731907	Bulleen Tennis Club	284 Thompsons Road, Lower Templestowe
725769	Currawong Tennis Club	25 Springvale Road, Donvale
43688	Doncaster Bowling Club	Rear 699 Doncaster Road, Doncaster
725751	Doncaster Hockey Club	7 Springvale Road, Donvale
503032	Doncaster Tennis Club	802-804 Doncaster Road, Doncaster
725760	Donvale Bowls Club	11 Springvale Road, Donvale
731952	Donvale Tennis Club	36 Mitcham Road, Donvale
38902	Greythorn Bowling Club	7 Gregory Court, Bulleen
732474	Park Orchards Tennis Club	568 Park Road, Park Orchards
732438	Serpell Tennis Club	7A Burleigh Drive, Templestowe
732447	South Warrandyte Tennis Club	64 Croydon Road, Warrandyte South
255770	Templestowe Bowling Club	1-3 Swilk Street, Templestowe
732429	Templestowe Park Tennis Club	94 Porter Street, Templestowe
10108	Veneto Club	191 Bulleen Road, Bulleen

732456	Warrandyte Tennis Club	12 Taroona Avenue, Warrandyte
732465	Wonga Park Tennis Club	6 Old Yarra Road, Wonga Park
200634	Yarra Valley Country Club	9-15 Templestowe Road, Bulleen

1.15 The Greythorn Bowling Club, Veneto Club and Yarra Valley Country Club are each on privately-owned land, whilst the other clubs are situated on Council land, with varying degrees of support being provided by Council.

1.16 Other than the sale of the Eastern Golf Club, there are no other changes to the list of Recreational Land when compared to the 2014/15 list.

2 PROPOSAL/ISSUE

2.1 The C&RL Act requires that Council sets charges in lieu of rates having regard to the services it provides to the recreational lands and the community benefit to the community derived from the recreational lands.

2.2 Services provided by Council have been considered under three categories, namely:-

- facilities provided by Council,
- services to the community at large that the Club partakes, and
- services specifically provided to the Incorporated Club.

2.3 In relation to facilities provided by Council on Council land such as playing surfaces, club houses, car parks and the like: these are part of Council's obligation to provide opportunities for the ratepayers to participate in recreational activities. These assets always remain the property of Council and as such, the provision of such facilities is a community benefit and not a benefit specific to the incorporated body engaged to manage and operate the facilities on Council's behalf.

2.4 All Clubs are able to avail themselves of Council services that are generally made available to members of the Manningham community. As such the value of the service can be equated to the average annual cost to ratepayers evidenced through an average rate bill of \$1,726 per annum.

2.5 Where Clubs are provided with specific services in excess of those that are provided to the community in general then these have been valued at cost to Council.

2.6 All of the recreational lands in Manningham are operated on a not-for-profit basis where access to the recreation facilities is through membership rights and fees or charges. The only facilities which are generally open to non-members are those available to guests at gaming and dining facilities at the Veneto Club and Yarra Valley Country Club.

2.7 In all instances where access to recreational facilities is through membership fees and charges the benefit to the community needs to be assessed having regard to both the value placed on the recreation by the user and the cost borne by the participants. In this environment it is considered that the benefit of the services consumed is equivalent to the value paid to partake, there is equal value and therefore no net community benefit arising from fee paying

opportunities. It is acknowledged that there is private benefit from the undertaking of recreation but this is not a factor in consideration under the C&RL Act.

- 2.8 In considering the net benefit to the community it is appropriate to consider the value of volunteer services. In the minor clubs (tennis, bowls and hockey) where there is a high level of volunteerism the “free input” of volunteerism creates a net value, or benefit, to the user equivalent to the value of the volunteer labour. The value of volunteerism is therefore considered as a net benefit to the community.
- 2.9 The areas occupied by the two major clubs, the Veneto Club and the Yarra Valley Country Club are on extensive private land. However, the community benefit of the open space is restricted since a person has to be a member of the Club, or an invited guest, to gain access to the open space area. Nevertheless, the presence of open space adds to the amenity of the area and has an environmental benefit.
- 2.10 In the case of the Veneto Club (5.2 hectares) and Yarra Valley Country Club (21.8 hectares) this land is such that the area has severe development restrictions and will most likely remain open space. The land’s classification as Recreational Land is not a determining factor because, if it ceased to be Recreational Land, it would continue to be open space.
- 2.11 The Eastern Golf Club that previously occupied 41.1 hectares of land was sold to Mirvac on 30 June 2015 and subsequently the recreational land use ceased and the land became rateable as from 1 July 2015. Council received back rates from Mirvac based on the methodology prescribed under the C&RL Act, such basis being the value of the land immediately after such lands ceasing to be recreational land.
- Mirvac through its lawyers, however, have subsequently objected to the level of valuation as adopted by Council.
- Council is currently defending its assessment based on two independent valuations assessed immediately after the land ceased to be recreational land, and not on the basis of the historic level of statutory value (as at 1 January 2014). Council’s legal adviser has confirmed our approach is appropriate.
- 2.12 The review shows that there is need for a uniform approach in assessing the services provided by Council and community benefits and that the nature of the Recreational Lands and their management impact the community benefits.
- 2.13 Council is required by the C&RL Act to apply charges in lieu of rates that it “thinks reasonable”. Having regard to the similar nature of minor clubs that provide tennis, bowls and hockey, it is reasonable that these clubs be treated similarly since they all have similar operations, level of volunteerism, provide membership-based services and do not occupy large areas of open space.
- 2.14 On balance, and having regard to the level of direct services provided to Minor Clubs, and their net contributions to the community, it has been concluded that the net benefits to the community attributable to the value of volunteer services exceeds the consumption of direct and indirect Council services and that it is therefore reasonable that their charges in lieu of rates be \$0.
- 2.15 The land occupied by the Veneto Club and Yarra Valley Country Club is not dependant on its classification as Recreational Land to remain open space. Further, the value of volunteer services is a statutory requirement under their

gaming licences and is claimed as an offset to the taxes they would otherwise be required to pay. They do not operate facilities on behalf of Council and the size and scale of the operations enable them to employ staff, and meet expenses normally associated with commercial operations. The 2016 review therefore concludes that the Veneto Club and Yarra Valley Country Club should continue to have Charges in the order of those levied for the past years and it is proposed that the Charges in lieu of rates be set at \$15,518 and \$14,597 respectively for 2016/17.

3 PRIORITY/TIMING

- 3.1 The policy for charges in lieu of rates for Recreational Land needs to be adopted prior to determination on the draft budget.

4 CUSTOMER/COMMUNITY IMPACT

- 4.1 The outcome of Council's determination will be advised to the Clubs, together with their property classifications and the basis for proposed charges in lieu of rates for the coming financial year.
- 4.2 In addition, those Clubs occupying land deemed to be Recreational Land will receive annual Rate Notices that will disclose charges in lieu of rates.
- 4.3 They will also be advised that the C&RL Act provides that, when such properties cease to be Recreational Lands, they will be liable for back-rates for up to ten years based on the value of the property at the time it ceases to be classified. This only applies to land in private ownership.

5 FINANCIAL RESOURCE IMPLICATIONS

- 5.1 Properties classified as Recreational Land paid \$31,120 in charge for 2015/16. It is proposed that the seventeen properties classified as Recreational Lands under the C&RL Act be charged a total of \$30,115 in 2016/17.

6 CONSULTATION

- 6.1 Rental and Property Questionnaires were sent to the seventeen properties and discussions were held with some clubs to clarify the process and to assist them in providing the required information for the 2016 revaluation.
- 6.2 Completed rental and property questionnaires have been received from the clubs surveyed. The common theme that is evident is that honorary committees of management of these clubs provide social and sporting activities to several thousand adults and children, many of whom are Manningham residents. They are not-for-profit organisations and consequently provide facilities and services consistent with the costs to members.

7 CONCLUSION

- 7.1 Fourteen of the seventeen classified properties maintain Council's assets under lease arrangements and provide sporting and social activities on a voluntary basis. These Clubs are seen to contribute voluntary services for the benefit of the community, and the value of such services is in excess of Council's services to the Clubs. The proposal is therefore that the ten tennis clubs, four bowls clubs and the hockey club not be levied charges in lieu of rates in recognition of their community contribution.

- 7.2 The Clubs with gaming machines apply the value of their contributions, gifts and volunteer services funded from gaming revenue as a community contribution under State legislation to satisfy their gaming licences and, therefore, have no further claim for community benefit from their operations. In addition the open space associated with their facilities would unlikely be developed if it ceased to be Recreational Land, so there is little additional benefit from this aspect.
- 7.3 The review of Charges for the Veneto Club and the Yarra Valley Country Club recommends that their Charges in Lieu of Rates each be set at \$15,518 and \$14,597 respectively for 2016/17.

OFFICER'S RECOMMENDATION

That Council declare the following properties to be Recreational Lands under the provisions of the Cultural and Recreational Lands Act 1963, and in consideration of the services provided by Council to the Recreational Lands and of the benefit to the community derived from such Recreational Lands, levy the following Charges in Lieu of Rates for 2016-17:

Property No.	Club	Address	Charges in Lieu of rates for 2016/17
731907	Bulleen Tennis Club	284 Thompsons Road, Lower Templestowe	Nil
725769	Currawong Tennis Club	25 Springvale Road, Donvale	Nil
43688	Doncaster Bowling Club	Rear 699 Doncaster Road, Doncaster	Nil
725751	Doncaster Hockey Club	7 Springvale Road, Donvale	Nil
503032	Doncaster Tennis Club	802-804 Doncaster Road, Doncaster	Nil
725760	Donvale Bowls Club	11 Springvale Road, Donvale	Nil
731952	Donvale Tennis Club	36 Mitcham Road, Donvale	Nil
38902	Greythorn Bowling Club	7 Gregory Court, Bulleen	Nil
732474	Park Orchards Tennis Club	568 Park Road, Park Orchards	Nil
732438	Serpell Tennis Club	7A Burleigh Drive, Templestowe	Nil
732447	South Warrandyte Tennis Club	64 Croydon Road, Warrandyte South	Nil
255770	Templestowe Bowling Club	1-3 Swilk Street, Templestowe	Nil
732429	Templestowe Park Tennis Club	94 Porter Street, Templestowe	Nil
10108	Veneto Club	191 Bulleen Road, Bulleen	\$15,518
732456	Warrandyte Tennis Club	12 Taroona Avenue, Warrandyte	Nil

732465	Wonga Park Tennis Club	6 Old Yarra Road, Wonga Park	Nil
200634	Yarra Valley Country Club	9-15 Templestowe Road, Bulleen	\$14,597
		Total 2016-17	\$30,115

MOVED: HAYNES
SECONDED: O'BRIEN

That the Recommendation be adopted.

CARRIED

* * * * *

14. CHIEF EXECUTIVE OFFICER**14.1 Appointment of Authorised Officer under the Planning and Environment Act 1987 – May 2016**

Responsible Manager: Acting Manager Strategic Governance

File No. EF15/28870

The ultimate destination for this report is: COUNCIL AGENDA

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

SUMMARY

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

1 BACKGROUND

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

Appointment and Authorisation under section 232 of the Local Government Act 1989.

2 PROPOSAL/ISSUE

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

3 CONCLUSION

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

OFFICER'S RECOMMENDATION

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

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

MOVED: DOWNIE
SECONDED: GRIVOKOSTOPOULOS

That the Recommendation be adopted.

CARRIED

"Refer Attachment"

* * * * *

ATTACHMENT 1

**Instrument of Appointment and Authorisation
(Planning and Environment Act 1987)**

In this instrument "officer" means -

Patrick Armstrong, Investigations Officer, Statutory Planning

By this instrument of appointment and authorisation Manningham City Council -

- 1. under section 147(4) of the *Planning and Environment Act 1987* - appoints the officers to be an authorised officer for the purposes of the *Planning and Environment Act 1987* and the regulations made under that Act; and
- 2. under section 232 of the *Local Government Act 1989* authorises the officers generally to institute proceedings for offences against the Acts and regulations described in this instrument.

It is declared that this instrument comes into force immediately upon its execution and remains in force until varied or revoked.

This instrument is authorised by a resolution of the Manningham City Council on 31 May 2016.

The Common Seal of)
Manningham City Council)
Was hereunto affixed)
In the presence of:)

Mayor

Chief Executive

Date:

14.2 Record of Assembly of Councillors - May 2016

Responsible Manager: Acting Strategic Governance

File No. EF15/29450

The ultimate destination for this report is: COUNCIL AGENDA

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

SUMMARY

Section 80A of the Local Government Act 1989 requires a record of each meeting that constitutes an Assembly of Councillors to be reported to the next ordinary meeting of Council and those records be incorporated into the minutes of the Council Meeting.

The Assemblies to be reported to this Council Meeting took place between 21 March and 15 April 2016 (both dates inclusive). They are:-

- *Committee for Manningham Centre Association lease/sub-lease on 10 May*
- *Committee for Tatterson Reserve on 27 April*
- *Committee for Tunstall Square Laneway closure on 27 April*
- *Council Municipal Fire Prevention Committee on 20 May*
- *Integrated Transport Advisory Committee on 9 May*
- *Meeting Briefing Session on 26 April*
- *Municipal Emergency Management Planning Committee on 20 May*
- *Strategic Briefing Sessions on 19 April and 17 May*
- *Sustainable Design Task Force on 28 April*

1 BACKGROUND

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

who has disclosed a conflict of interest leaves the Assembly for the item in which he or she has an interest.

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

2 PROPOSAL/ISSUE

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

OFFICER'S RECOMMENDATION

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

**MOVED: KLEINERT
SECONDED: GRIVOKOSTOPOULOS**

That the Recommendation be adopted.

CARRIED

"Refer Attachments"

* * * * *

14.3 Documents for Sealing - 31 May 2016

Responsible Director: Acting Manager Strategic Governance
File No. .

The ultimate destination for this report is: COUNCIL AGENDA

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

SUMMARY

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

1 BACKGROUND

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

OFFICER'S RECOMMENDATION

That the following documents be signed and sealed:

**Consent Agreement to Build Over an Easement
Section 173 of the Planning and Environment Act 1987
Council and R S Z Zhang
1 Joyce Court, Doncaster**

**Community Services Lease
Council and Early Childhood Management Services Inc
Part 96-106 Swanston Street, Templestowe Lower**

**Community Services Lease
Council and Manningham Toy Library Inc
Part 96-106 Swanston Street, Templestowe Lower**

**Lease – Section 17D of the Crown Land (Reserves) Act 1978
Council and Warrandyte Tennis Club Inc & Department of Environment, Land, Water
and Planning
Part Crown Allotment 8 Section 10, Township of Warrandyte, Parish of Warrandyte
(Taroona Avenue, Warrandyte)**

**Agreement to Grant an Easement
Council and N D S Wise & K E Porter
8 Edgar Avenue, Wonga Park**

**Creation of Easement
Council and N D S Wise & K E Porter
Part Certificate of Title Volume 8272 Folio 530
8 Edgar Avenue, Wonga Park**

**MOVED: GRIVOKOSTOPOULOS
SECONDED: DOWNIE**

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

**Consent Agreement to Build Over an Easement
Section 173 of the Planning and Environment Act 1987
Council and Y Zhao
21 Curnola Court, Doncaster**

**Community Services Lease
Council and Moresby Avenue Child Care & Early Learning Centre Inc
6-8 Moresby Avenue, Bulleen**

CARRIED

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15. URGENT BUSINESS REPORTS

There are no Urgent Business Reports.

16. NOTICES OF MOTION**16.1 Notice of Motion by Stephen O'Brien (Nom No.2/2016)**

“That Council requests the CEO to:

- 1. Write to all declared candidates for the seat of Menzies in the Federal election seeking a written statement by no later than June 20 on their policy positions as they relate to City of Manningham. Such responses are to be published in full on the Council website.**
- 2. Facilitate a candidates forum to be held at an event room at the Civic Centre on an evening the week beginning Tuesday June 14, chaired by an independent facilitator whereby Councillors ask the Candidates a list of issue questions pertaining to the City of Manningham.**
- 3. Prepare a report for the June council summarising the written statements (if supplied) from the various candidates.”**

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

“That Council requests the CEO to:

- 1. Write to all declared candidates for the seat of Menzies in the Federal election seeking a written statement by no later than June 20 on their policy positions as they relate to City of Manningham. Such responses are to be published in full on the Council website.**
- 2. All questions to be agreed to by Councillors and the Executive Team prior to the proposed forum at an SBS.**
- 3. Facilitate a candidates forum to be held at an event room at the Civic Centre on an evening the week beginning Tuesday June 14, chaired by an independent facilitator whereby Councillors ask the Candidates a list of issue questions pertaining to the City of Manningham.**
- 4. Prepare a report for the June council summarising the written statements (if supplied) from the various candidates.”**

LOST

DIVISION

A Division having been demanded the Council divided as follows:

FOR (4): Councillors O'Brien, Kleinert, Galbally and McLeish.

AGAINST (4): Councillors Haynes, Grivokostopoulos, Downie and Gough.

THE MOTION WAS DECLARED LOST UPON THE CASTING VOTE OF THE MAYOR

A motion was passed during the debate to grant Cr Gough an extension of his speaking time.

17. QUESTIONS FROM THE PUBLIC**17.1 P. Jenkins, Templestowe**

- Q1 If it is agreed that the sale of Tatterson Reserve is no longer required to fund purchasing another block of land, then can the application to change the parkland status, so it will not come up again at a later date.

The Chief Executive Officer advised that any decision on any future rezoning of the land would be a decision that Council would need to make and it may wish to do so in the future.

The Director Planning and Environment clarified that Council would not now be proceeding with the planning permit, now the land will not be sold.

17.2 D. Wolnizer, Lower Templestowe

- Q1 I asked for a public meeting with all submitters to the flood overlay being advised. Does no reply mean that Council is not prepared to front the public on this matter?

The Chief Executive Officer stated that if Council choose to hold a public meeting on this matter then a public meeting can be held but at this stage there is no proposal to do so.

The Director Planning and Environment added that Council is in the early stages of a statutory process and Council has directed Officers to extend the period of exhibition, so we have provided additional information, still taking submissions and encouraging people to come in for one on one sessions and this process is continue now.

- Q2 Given the refusal of the CEO to meet over their concerns and the inaccurate comments in the press by the Director of Planning and Environment; given the concerns raised with the local press and local politicians, why shouldn't Council now conduct a public meeting in order to proceed with legal action to halt this flood overlay scheme?

The Chief Executive Officer advised that this question and been dealt with in the previous answer by the Director Planning and Environment.

18. QUESTIONS WITHOUT NOTICE

Questions were asked by Councillors on various issues that did not require direct Council action, these can be heard on the audio for the Council Meeting on Council's website.

19. CONFIDENTIAL REPORTS**19.1 Manningham Centre Association - New Agreement 2016 - 2032**

This matter 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 S 89 (2) of the Act is that the information contained in the report concerns contractual matters and disclosure of its contents may be prejudicial to the interests of the Council and/or other parties.

MOVER: HAYNES
SECONDER: O'BRIEN

That the Council consider the confidential report in a closed Council Meeting session as the relevant ground for making this matter confidential is that the information contained in the report concerns contractual matters and disclosure of its contents may be prejudicial to the interests of the Council and/or other parties.

CARRIED

The Meeting was closed to the Public at 8.40pm and was re-opened at 8.42pm.

The Council resolved that the following resolution of Council made in the closed session be recorded in the open session of the Council Meeting minutes.

MOVED: O'BRIEN
SECONDED: HAYNES

That Council

- (A) Having considered verbal and written submissions on the proposed Lease Premises: Part 383 Manningham Road, Doncaster; and Sub-Lease Premises: 371 Manningham Road, Doncaster, resolve to proceed with the Lease and Sub-Lease;**
- (B) Endorse the Deed of Termination; Option Deed; Lease Premises: Part 383 Manningham Road, Doncaster; and Sub-Lease Premises: 371 Manningham Road, Doncaster with associated Annexure and Schedules as attached, in order to enable the new arrangements with the Manningham Centre Association to commence on 1 July 2016;**
- (C) Authorise the CEO to execute the Deed of Termination and Option Deed;**
- (D) Authorise that the Common Seal of Council be affixed to the Lease, Premises: Part 383 Manningham Road, Doncaster and Sub-Lease premises: 371 Manningham Road, Doncaster; and**

- (E) **Publish this resolution and the minutes of the S223 Submissions Committee Meeting held on 10 May 2016 in the open section of the Council Meeting minutes but all other documents remain confidential pursuant to S89(2)(d) and (h) of the Local Government Act 1989.**

CARRIED

“Refer Attachment”

- Minutes - S223 Submissions Committee May 2016

The meeting concluded at 8:43pm.

Chairman
CONFIRMED THIS 28 JUNE 2016

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