

MANNINGHAM

## Ordinary Meeting of the Council

# MINUTES

<b>Date:</b>	<b>Tuesday, 26 February 2019</b>
<b>Time:</b>	<b>7:00pm</b>
<b>Location:</b>	<b>Council Chamber, Civic Centre 699 Doncaster Road, Doncaster</b>

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**MANNINGHAM CITY COUNCIL  
MINUTES OF THE ORDINARY MEETING OF THE COUNCIL  
HELD ON 26 FEBRUARY 2019 AT 7:00PM  
IN COUNCIL CHAMBER, CIVIC CENTRE  
699 DONCASTER ROAD, DONCASTER**

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The meeting commenced at 7:00pm.

**PRESENT:** Councillor Paula Piccinini (Mayor)  
Councillor Anna Chen (Deputy Mayor)  
Councillor Andrew Conlon  
Councillor Sophy Galbally  
Councillor Geoff Gough  
Councillor Dot Haynes  
Councillor Michelle Kleinert  
Councillor Paul McLeish  
Councillor Mike Zafirooulos

**OFFICERS PRESENT:** Chief Executive Officer, Mr Andrew Day  
Director City Services, Mr Leigh Harrison  
Director Shared Services, Mr Philip Lee  
Director City Planning & Community, Mr Angelo Kourambas  
Acting Group Manager Legal, Governance and Risk,  
Mr Andrew McMaster  
Group Manager Approvals and Compliance, Niall Sheehy

**1 OPENING PRAYER AND STATEMENTS OF  
ACKNOWLEDGEMENT**

The Mayor read the Opening Prayer & Statements of Acknowledgement.

**2 APOLOGIES AND REQUESTS FOR LEAVE OF ABSENCE**

There were no apologies.

**3 PRIOR NOTIFICATION OF CONFLICT OF INTEREST**

The Chairperson asked if there were any written disclosures of a conflict of interest submitted prior to the meeting and invited Councillors to disclose any conflict of interest in any item listed on the Council Agenda.

There were no disclosures made.

## 4 CONFIRMATION OF MINUTES

### COUNCIL RESOLUTION

**MOVED:** CR SOPHY GALBALLY  
**SECONDED:** CR ANNA CHEN

**That the Minutes of the Ordinary Meeting of Council held on 29 January 2019 and the Special Meeting of Council held on 12 February 2019 be confirmed.**

**CARRIED**

## 5 PRESENTATIONS

### 5.1 Australia Day Honours List

The Mayor acknowledged the following Manningham residents who were recipients of awards in the 2019 Australia Day Honours List:

- Mr Kevin Sheedy AM – Officer (AO) in the General Division – For distinguished service to Australian rules football as a senior coach, and to education and employment programs for young people
- Ms Sally Goldner – Member (AM) in the General Division – For significant service to the LGBTIQ community through advocacy roles, and to the broadcast media
- Miss Coral Deauge – Medal (OAM) in the General Division – For service to dance as a choreographer and teacher
- Dr Boon Hong – Medal (OAM) in the General Division – For service to community health
- Mr Geoffrey Roberts – Medal (OAM) in the General Division – For service to the community of Manningham
- Mrs Loel Thomson – Medal (OAM) in the General Division – For service to community history

## 6 PETITIONS

There were no Petitions.

## 7 PUBLIC QUESTION TIME

### 7.1 Mr J. Biondo, Bulleen

- Q1 There are approximately 700 registered soccer players at Templestowe United and The Veneto Social club that currently have 50% tenancy of the Oval number 1 and 100% of the soccer pitches at Bulleen Park. Has council considered the significant negative impact to patronage levels to these clubs as well as the Social club by moving the 2 soccer pitches?

*The Mayor, Councillor Piccinini responded that the Concept Plan before Council demonstrates that all of Bulleen Park is required for its users and in fact, Council is of the view that additional space along the Yarra River corridor is required to accommodate the current users of Bulleen Park. Councillor Piccinini also advised that the proposed plan is only a concept at this stage and as the North East Link Project progresses there will be further opportunities to contribute to the planning of this corridor.*

*The Director of City Planning and Community Mr Angelo Kourambas responded that based on the Clubs' ground applications for the coming Winter 2019 season, Council is aware that the use of the 2 pitches equate to approximately a 30% utilisation rate and has taken this into account in its planning.*

*Mr Kourambas further advised that Council did consider keeping soccer at Bulleen Park, however, an alternative location for the relocation of the impacted AFL oval (No.1) was not feasible outside of Bulleen Park. Therefore, the option to locate two synthetic soccer pitches, pavilion building and associated car parking at the current Bulleen Golf Driving Range can fit within the site, and will provide a dedicated soccer facility. Mr Kourambas noted that synthetic pitches can also be constructed above the flood level alongside Templestowe Road (in line with Football Federation Victoria's State Football Facilities Strategy to 2026 objectives).*

- Q2 Is there a possibility through the planning process for the resident clubs to contribute and influence the concept plan put forward to ensure that every impact/implication is considered before a position is formed to ensure the operational aspects of the clubs are considered in full?

*The Director of City Planning and Community Mr Angelo Kourambas responded that the proposals contained within the Concept Plan are presented as concepts only. Further planning, assessment and approvals will be required to address issues around flooding, land contamination, planning / development constraints, environmental impacts, cultural heritage and access. He advised that Council will continue to work with all stakeholders throughout the planning and design stage of the project.*

## 7.2 Mr R. McDonald, Donvale

- Q1 Despite proposal exceeding building height policy – officers say it responds to preferred neighbour character. What does this mean and what is the criteria?

*Mr Niall Sheehy, Group Manager Approvals and Compliance responded that in assessing the application officers have considered the suite of both state and local planning policies in addition to the zones and overlays which affect the site. In recommending the application for approval, officers believe that the proposal on balance satisfies the preferred character of the area when taking into account not only the existing conditions but also the conditions identified in the planning scheme for the future as identified by the residential growth zone.*

*Mr Sheehy further responded that in looking at neighbourhood character it is important not to just look at one aspect of the planning scheme but the scheme in its entirety. He advised that when you look at the purpose of the zones particularly along this part of the municipality, on a main arterial road, the purpose of the zone is to provide for higher residential density. He noted that the proposal on balance satisfies the preferred character of the area.*

- Q2 Traffic Impact – What is basis for subjective statement that proposal can be accommodated without adverse traffic safety or capacity – what criteria?

*Mr Niall Sheehy, Group Manager Approvals and Compliance responded that officers during the course of the application engaged Council's internal traffic experts from Council's Infrastructure team and examined the information submitted with the application in detail. He advised that officers were satisfied that the local road has the capacity to accommodate the traffic that will be generated from the development.*

## 7.3 Ms L. Bonavia, Donvale

Why did no one from Manningham town planning attend this area during peak hour traffic times to observe our concerns as confirmed by Mr Johnathan Caruso himself at the submitters meeting held on the 21<sup>st</sup> February?

*Mr Niall Sheehy, Group Manager Approvals and Compliance responded that in assessing the application planning officers referred the matter to Council's in house expert traffic engineers and advised that Council's traffic engineers are very familiar with the traffic in this area during peak hour times.*

## 7.4 Mr J. Bonavia, Donvale

Why build a 5 storey apartment in this location? Why is town planning giving the green light to a 5 storey apartment that ignores the important objectives of Planning Scheme DD08, when they agree to the fact that the proposal exceeds the preferred building height and number of storeys allowed??

*Mr Niall Sheehy, Group Manager Approvals and Compliance responded that in assessing this application it is important to identify that there are limited areas in the municipality for residential growth of this density. This particular area along the main arterial road has been identified by the planning scheme as being appropriate for this level of density and this number of storeys. Whilst it does exceed the preferred height, those heights and the number of storeys are discretionary which provides officers and Council the ability to assess an application exceeding the standard height requirements.*

**7.5 Ms A. Milonas, Donvale**

- Q1 What considerations have been made for visitors parking for the planned permit 2-4 Old Warrandyte Road to ease congestion in Tunstall Square?

*Mr Niall Sheehy, Group Manager Approvals and Compliance responded that it is normal practice for Vicroads, when a site is located on a major arterial road, to not grant access if another option is available. Mr Sheehy advised that in this case, the application was referred to Vicroads and they indicated that they supported the current arrangements.*

*Mr Sheehy further responded that subsequent to the submitters meeting held last week, officers contacted Vicroads and enquired with them as to whether they would entertain direct access from Mitcham Road and Vicroads advised that they would not.*

*In response to the concern raised about visitor parking, Mr Sheehy advised that the proposal provides a number of spaces in excess of the spaces that Council can require.*

*The Mayor, Councillor Piccinini further responded that Council does not have the capacity to ask for more spaces as this is a state planning law.*

- Q2 Can a VicRoads independent assessment to traffic flow be undertaken?

*Mr Niall Sheehy, Group Manager Approvals and Compliance responded that he cannot speak on behalf of Vicroads and suggested that the questioner contact them directly. Mr Sheehy did advise however that Council's infrastructure team is satisfied that whilst the proposal will generate some additional traffic, the local road system has capacity to accommodate this.*

**7.6 Mr J. Wilson, Donvale**

Landscaping. Not appropriate for landscape character.

*Mr Niall Sheehy, Group Manager Approvals and Compliance responded that condition 11 of the planning permit requires amended landscape plans to be provided. Mr Sheehy advised that the amended landscape plan could take into account what Council has heard this evening and will be reviewed by Council's landscape architect to ensure an appropriate outcome.*

**7.7 Ms S. Yee, Doncaster**

Can the Council please update us on the \$10 million update to Fitzsimmons Lane as announced by MP Kevin Andrews in his pamphlet to Manningham received today.

*The Chief Executive Officer, Mr Andrew Day responded that Council had not received any additional information in relation to the funding announcement other than it is to address issues of congestion in and around the Fitzsimmons Lane area.*



**7.8 Ms M. Downie, Donvale**

Q1 Why were my emails blocked?

*The Mayor, Councillor Piccinini responded that all nine councillors had been briefed as to the circumstances around this matter and apologised on behalf of the Council. Councillor Piccinini advised that a technical administrative error had occurred and the error was in no way intentional.*

Q2 Who blocked them? Who authorised them to be blocked?

*The Chief Executive Officer, Mr Andrew Day further apologised for the inconvenience this administrative error had caused. Mr Day advised that a number of individuals had requested, through the appropriate channels, that they no longer receive emails from Ms Downie. Mr Day responded further that unfortunately Ms Downie's emails were inadvertently blocked right across the organisation. This was discovered on Friday and Council moved to rectify the situation immediately. Mr Day advised that a review will be undertaken to ensure that the correct protocols are in place for requests of this nature.*

**8 ADMISSION OF URGENT BUSINESS**

There are items of Urgent Business.

## 9 PLANNING PERMIT APPLICATIONS

### 9.1 Planning Application PLN18/0562 at 2-4 Old Warrandyte Road, Donvale, for the construction of a five-storey apartment building comprising 35 dwellings, two levels of associated basement car parking and alteration of access to a road in a Road Zone, Category 1

File Number:	IN19/4
Responsible Director:	Director City Planning and Community
Applicant:	Ratio Consultants
Planning Controls:	Residential Growth Zone (RGZ2); General Residential Zone, Schedule 1 (GRZ1); Design and Development Overlay, Schedule 8 (DDO8-1).
Ward:	Mullum Mullum
Attachments:	1 Decision Plans <a href="#">↓</a> 2 Legislative Requirements <a href="#">↓</a>

#### EXECUTIVE SUMMARY

##### Purpose

1. This report provides Council with an assessment of the planning permit application submitted for land at 2-4 Old Warrandyte Road, Donvale and recommends approval of the submitted proposal, subject to amendments that will be addressed by way of permit conditions. The application is being reported to Council as it is a Major Application (with more than 15 dwellings and a development cost of more than \$5 million).

##### Proposal

2. The proposal is for buildings and works associated with the construction of a five-storey apartment building comprising 35 dwellings, with two levels of associated basement car parking. The proposal also involves the removal of a redundant vehicle crossover from Mitcham Road.
3. The land has a total area of 2,546m<sup>2</sup>. The building has an overall site coverage of 59% and a site permeability of 30.8%. The building has a maximum height of 13.8m. A total of 70 car spaces and 14 bicycle spaces are provided.

##### Advertising

4. Notice of the application was given over a three week period which concluded on 19 December 2018.
5. To date, 11 objections have been received, including one multi-signatory objection containing 65 signatories. The objections include issues relating to overdevelopment, density and neighbourhood character, design and built form, traffic, congestion, pedestrian safety, lack of off-street and on-street car parking, off-site amenity impacts, loss of property value and construction impacts.

**Key issues in considering the application**

6. The key issues for Council in considering the proposal relate to:
- Planning Policy Frameworks;
  - Design and built form;
  - Apartment developments;
  - Car parking, access, traffic, Land Adjacent to a Road Zone Category 1 and bicycle facilities; and
  - Objector concerns.

**Assessment**

7. The development of the land for a higher density residential apartment building is consistent with the relevant objectives of State and local planning policies of the Manningham Planning Scheme (the Scheme), including the requirements of the Residential Growth Zone, Schedule 2 (RGZ2). The proposal also has proper regard for the General Residential Zone, Schedule 1 (GRZ1), as it applies to the eastern portion of the site.
8. The proposed development features a contemporary design, which utilises the prevailing materials from the area and meets the maximum building heights prescribed by the zones, including the mandatory 10m height within the eastern part of the land affected by the GRZ1 and the 14.5m height within the western part of the land affected by the RGZ2. Whilst the proposal exceeds the preferred building height for the western part of site affected by Design and Development Overlay, Schedule 8 (DDO8-1), it is considered that the proposal presents a scale and form that responds to the preferred neighbourhood character and provides an adequate transition and stepping down to the scale and form of the adjoining properties within the GRZ1.

**Conclusion**

9. The proposed development complies with all mandatory requirements of the RGZ2 and the GRZ1. It positively responds to the objectives of DDO8 and Clause 22.15 as they relate to siting, form, car parking and access, landscaping and fencing and transitions appropriately to surrounding development. The eastern portion of the development also steps down in built form to respond to the preferred residential character within the GRZ1 to the east. This report concludes that the proposal complies with the relevant planning policy in the Scheme and should be supported, subject to conditions requiring modest design changes to the building and the submission of management plans for approval prior to the commencement of works.
10. It is recommended that the application be supported, subject to conditions.

**COUNCIL RESOLUTION**

**MOVED:** CR PAUL MCLEISH  
**SECONDED:** CR SOPHY GALBALLY

**That Council:**

- A. Having considered all objections issue a Notice Of Decision To Grant A Permit in relation to Planning Application PLN/0562 at 2-4 Old Warrandyte Road, Donvale for the construction of a five-storey apartment building, associated basement car parking and alteration of access to a road in a Road Zone, Category 1, subject to the following conditions –**
- 1. Before the use and development starts, amended plans drawn to scale and dimensioned, must be submitted via email and approved by the Responsible Authority. When approved the plans will then form part of the permit. The plans must be generally in accordance with the decision plans (prepared by Ascui & Co. Architects, Job No. 1553, Revision B dated 23 November 2018), but modified to show the following:**
    - 1.1 A functional layout plan showing a traffic island within the proposed crossover that prevents right turn movements into and out of the site to the satisfaction of Council's Infrastructure Services unit;**
    - 1.2 Conversion of the existing grated side-entry pit within the proposed crossover location, to suit the crossover profile;**
    - 1.3 Details of the proposed material/s on the façade above the pedestrian entry in the material selection schedule;**
    - 1.4 Internal views have been satisfactorily limited between balconies of the apartments;**
    - 1.5 Provide a minimum 6m<sup>3</sup> of storage to each dwelling;**
    - 1.6 A plan notation indicating indoor clothes drying rails within laundries;**
    - 1.7 A plan notation indicating that each dwelling's private open space area be provided with an external tap and floor waste;**
    - 1.8 A car parking allocation schedule incorporating each residential car parking space, rationalised based on the location of external storage areas, where possible and the location of visitor spaces which must be clearly delineated;**
    - 1.9 Any relevant changes as a result of the endorsed Sustainability Management Plan prepared under Condition 4 of this permit;**
    - 1.10 A schedule listing all sustainability features / commitments applicable to the approved development, as described in the approved Sustainability Management Plan, and including the provision of third pipe; and**
    - 1.11 All recommendations and design changes as required by VicRoads, the Sustainability Management Plan, the Waste Management Plan, Disability Access, acoustic and any other report approved under conditions of this permit.**

**Endorsed Plans**

2. The use and development, including the location of buildings, services, engineering works, fences and landscaping as shown on the approved plans must not be altered without the written consent of the Responsible Authority.

**Construction Management Plan**

3. Not less than two months before the development starts, a Construction Management Plan (CMP) must be submitted via email and approved by the Responsible Authority. When approved the plan will form part of the permit. The Construction Management Plan is to be prepared in accordance with the template within Council's CMP Guidelines. The CMP must address:
  - 3.1 Element A1: Public Safety, Amenity and Site Security;
  - 3.2 Element A2: Operating Hours, Noise and Vibration Controls;
  - 3.3 Element A3: Air Quality and Dust Management;
  - 3.4 Element A4: Stormwater and Sediment Control and Tree Protection (also as per the specific requirements of this permit);
  - 3.5 Element A5: Waste Minimisation and Litter Prevention; and
  - 3.6 Element A6: Traffic and Parking Management must demonstrate that traffic conditions and amenity of the area will not be adversely affected, from (but not limited to) the parking of trade persons' vehicles during construction and the movement of heavy vehicles to and from the site which must avoid where practical, peak traffic periods in the morning and evening.

Council's Works Code of Practice and Construction Management Plan Guideline are available on Council's website.

**Sustainability Management Plan**

4. Before the development starts, or the issue of a building permit for the development, whichever is the sooner, 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 report prepared by Low Impact Development Consulting dated 7 January 2019, but be modified to reflect any changes shown on plans endorsed under this permit or other conditions of this permit.

**Green Travel Plan**

5. The development must be constructed in accordance with the Green Travel Plan approved and forming part of this permit (prepared by Low Impact Development Consulting, dated 22 November 2018), and all of its requirements 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.

**Waste Management Plan**

6. Not less than two months before the development starts, 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 be generally in accordance with the submitted Waste Management Plan prepared by Low Impact Consulting dated 22 November 2018. The developer must ensure that the private waste contractor can access the development and the private waste contractor bins. No private waste contractor bins can be left outside the development boundary at any time on any street frontage for any reason.

**Acoustic Report**

7. Before the development starts, or the issue of a building permit for the development, whichever is the sooner, an Acoustic Report must be submitted and approved to the satisfaction of the Responsible Authority. When approved, the plan will form part of the permit. The plan must be generally in accordance with the acoustic report prepared by Acoustical Design dated 23 November 2018 submitted with the application but be modified to reflect any changes shown on plans endorsed under this permit or other conditions of this permit.

**Disability Access**

8. Before the development starts, or the issue of a building permit for the development, whichever is the sooner, a Disability Access Plan that implements the recommendations of a Disability Access Audit, prepared by a suitably qualified person that demonstrates compliance with the relevant Australian Standards for access, including AS1428 Part 2, must be submitted and approved to the satisfaction of the Responsible Authority. When approved, the plan will form part of the permit. The plan must include but is not limited to:
  - 8.1 Vehicular and pedestrian access into the building;
  - 8.2 Access to the lifts;
  - 8.3 The provision of tactile indicators;
  - 8.4 The provision of braille indicators for the lifts;
  - 8.5 The use of contrasting paving materials to assist the vision impaired;
  - 8.6 All emergency exits; and
  - 8.7 Car parking areas.

**Management Plan Compliance**

9. The Management Plans approved under Conditions 3, 4, 5, 6, 7 and 8 of this permit must be implemented and complied with at all times to the satisfaction of the Responsible Authority, unless with the further written approval of the Responsible Authority.

10. Before the occupancy of the development, a report from the author of the Sustainability Management Plan approved pursuant to this permit, or similar qualified person or company, must be submitted to the Responsible Authority. The report must be to the satisfaction of the Responsible Authority and must confirm that all measures / commitments in the Sustainability Management Plan approved under Condition 4 of this permit, and the third pipe requirements, have been implemented in accordance with the approved plans and the planning permit.

#### Landscape Plan

11. Before the development starts, an amended landscaping plan must be submitted to the Responsible Authority for approval. The plan must be generally in accordance with the approved site layout plan and the landscape concept plan prepared by memLa, Project No. LC 2209, Revision B dated 21 November 2018, but modified to show:

- 11.1 Species, locations, quantities, approximate height and spread of proposed planting;

- 11.2 Details of soil preparation and mulch depth for garden beds;

- 11.3 Sectional details of shrub planting method;

- 11.4 A sectional detail of the planting method for the central planter box, which includes the method of drainage;

- 11.5 The extent of irrigation to communal garden beds that are controlled by sensors;

- 11.6 All canopy trees and screen planting to be at least 1.5 metres in height at the time of planting.

#### Landscape Bond

12. Before the release of the approved plan for the development, 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.

#### Completion and Maintenance

13. Before the occupation of any approved dwelling the following works must be completed generally in accordance with the approved plans and to the satisfaction of the Responsible Authority:

- 13.1 All privacy screens and obscured glazing must be installed, noting that the use of obscure film fixed to transparent windows is not considered to be 'obscured glazing';

13.2 All driveways, bicycle and car parking areas fully constructed, with appropriate grades and transitions, line marked and/or signed and available for use; and

13.3 All landscape areas must be fully planted and mulched or grassed.

14. Once the permitted development has commenced it must be continued and completed to the satisfaction of the Responsible Authority.

15. Buildings, including screening, engineering works, fences and landscaped areas must be maintained to the satisfaction of the Responsible Authority.

16. The landscaping as shown on the approved landscaping plan must be maintained by replacing any dead, diseased, dying or damaged plants as soon as practicable and not using the areas set aside for landscaping for any other purpose, to the satisfaction of the Responsible Authority.

#### Stormwater – On-site detention (OSD)

17. The owner must provide on-site storm water detention storage or other suitable system (which may include but is not limited to the re-use of stormwater using rainwater tanks), to limit the Permissible Site Discharge (PSD) to that applicable to the site coverage of 35 percent of hard surface or the pre-existing hard surface if it is greater than 35 percent. The PSD must meet the following requirements:

17.1 Be designed for a 1 in 5 year storm; and

17.2 Storage must be designed for 1 in 10 year storm.

#### Construction Plan (OSD)

18. Before the development starts, a construction plan for the system required by Condition 17 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

19. 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. A connection to Council maintained assets must not be constructed unless a Miscellaneous Works Permit is first obtained from the Responsible Authority.

20. 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.



**On-site car parking and bicycle parking**

21. The areas set aside for the parking of vehicles, together with the aisles and access lanes as delineated on the endorsed plans must:
  - 21.1 Be completed and line-marked to the satisfaction of the Responsible Authority prior to the commencement of the development hereby permitted;
  - 21.2 Be used for no other purpose and maintained at all times to the satisfaction of the Responsible Authority; and
  - 21.3 Be drained and sealed with an all-weather seal coat where appropriate.
22. Surplus car parking spaces must be made available for residential visitor vehicle parking free of charge at all times and must not be used for any other purpose to the satisfaction of the Responsible Authority.
23. All bicycle parking must be maintained and not be used for any other purpose, to the satisfaction of the Responsible Authority.

**Lighting**

24. External lighting must be designed so as to minimise loss of amenity to residents of adjoining properties to the satisfaction of the Responsible Authority.
25. The development must be provided with external lighting capable of illuminating access to each car parking space, storage, rubbish bin, recycling bin, pedestrian walkways, stairwells, lift, dwelling entrances and entry foyer. Lighting must be located, directed, shielded and of limited intensity so that no nuisance or loss of amenity is caused to any person within and beyond the site, to the satisfaction of the Responsible Authority.

**General**

26. All services, including water, electricity, gas, sewerage and telephone, must be installed underground and located to the satisfaction of the Responsible Authority.
27. A centralised TV antenna must be installed and connections made to each dwelling to the satisfaction of the Responsible Authority.
28. No individual dish antennae may be installed on the overall building to the satisfaction of the Responsible Authority.
29. 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.

30. Once the permitted development has commenced it must be continued and completed to the satisfaction of the Responsible Authority.
31. Buildings, engineering works, fences and landscaped areas must be maintained to the satisfaction of the Responsible Authority.
32. Privacy screens as required in accordance with the endorsed plans must be installed prior to occupation of the building to the satisfaction of the Responsible Authority and maintained to the satisfaction of the Responsible Authority thereafter.
33. Any external clothes drying facilities must be appropriately designed and must not be visible from the street.

**VicRoads:**

34. Prior to the commencement of the use or occupation of the development, all disused or redundant vehicle crossings must be removed and the area reinstated to the satisfaction of the Responsible Authority (RA) and at no cost to VicRoads or the RA.

**Permit Expiry**

35. This permit will expire if one of the following circumstances applies:
  - 35.1 The development is not started within four (4) years of the date of this permit; and
  - 35.2 The development is not completed within eight (8) years of the date of this permit.

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

**DIVISION**

A Division was called by Cr Gough and the Council divided as follows:

**FOR (9):** Councillors Anna Chen, Mike Zafirooulos, Andrew Conlon, Geoff Gough, Dot Haynes, Paul McLeish, Michelle Kleinert, Sophy Galbally and Paula Piccinini.

**AGAINST (0):** Nil.

**THE MOTION WAS DECLARED CARRIED**

**2. BACKGROUND**

- 2.1 Planning Permit PL04/015604 was granted on 8 August 2005, at the direction of VCAT, which allowed the use and development of a licensed restaurant, signage, alteration of access to land within a Road Zone Category 1 and vegetation removal.

- 2.2 Planning Permit PL10/020962 was granted on 12 April 2011, at the direction of VCAT, which allowed the use and development of a restricted recreation facility (indoor swim school) with access to land within a Road Zone Category 1 and vegetation removal.
- 2.3 The previous planning permits were not acted upon and have since expired.
- 2.4 The current application was submitted to Council on 22 August 2018.
- 2.5 A request for further information was sent on 12 September 2018. The letter raised concerns relating to the requirement to provide garden area on the eastern lot, building bulk, setbacks, and off-site amenity impacts.
- 2.6 The proposal was presented to the Sustainable Design Taskforce meeting on 25 October 2018. Issues raised included the pedestrian entry lacking presence, the corner of the building that faces Mitcham Road could be made more prominent, inadequate transition in building height and form between the zones and the need to provide a left in, left out vehicle access arrangement.
- 2.7 All requested further information was received by Council on 26 November 2018.
- 2.8 Notice of the application was given over a three-week period which concluded on 19 December 2018.
- 2.9 The statutory time for considering a planning application is 60 days, which lapsed on 25 January 2019.
- 2.10 The land titles are not affected by any covenants or Section 173 Agreements.

### 3. THE SITE AND SURROUNDS

#### The Site

- 3.1 The site is situated at the corner of Mitcham Road and Old Warrandyte Road. It comprises two lots; the western lot is located within the Residential Growth Zone, Schedule 2 with frontages to both roads and the eastern lot is located within the General Residential Zone, Schedule 1 with a frontage to Old Warrandyte Road.
- 3.2 The site has dimensions of 21.34m along the linear section of the Old Warrandyte Road frontage, 47.74m along the curvilinear Old Warrandyte and Mitcham Road corner, 29.43m along the linear section of the Mitcham Road frontage, 53.43m along the south-eastern boundary and 41m along the north-eastern boundary. The total site area is 2,546m<sup>2</sup>.
- 3.3 Both lots are presently vacant and devoid of vegetation. The site has an approximate 1.8m fall from north-east to south-west.
- 3.4 There are three existing vehicle crossovers; one to each lot on Old Warrandyte Road and one on Mitcham Road.
- 3.5 Two drainage and sewerage easements affect the site, a 1.83m wide easement along the entire north-eastern boundary and a 2.44m wide easement along a 22.5m long section of the south-western boundary, extending from the southern corner of the site.

- 3.6 The road frontages are unfenced. A 1m (approx.) high retaining wall is located along the linear section of the Old Warrandyte Road frontage. 2.1m high and 2.2m high capped paling fences delineate the south-eastern and north-eastern boundaries, respectively.

### The Surrounds

- 3.7 The site directly abuts one residential property and two common property driveways. More generally, the site is adjacent to a total of seven dwellings. The surrounding development is described as follows:

Direction	Address	Description
North-east	1/6 Old Warrandyte Road	A two-storey rendered brick dwelling with a gable roof, setback 7.1m from Old Warrandyte Road, and 6.3m from the common boundary separated by a common driveway and landscape area. A first floor habitable room window is setback approximately 9.3m.
	2/6 Old Warrandyte Road	A two-storey rendered brick dwelling with a gable roof, with a ground floor habitable room window setback 7.7m from the common boundary separated by a common driveway and landscape area. First floor windows are setback a minimum 9.6m.
	3/6 Old Warrandyte Road	A two-storey rendered brick dwelling with a gable roof, setback 9.7m from the common boundary separated by a common driveway and landscape area.
	4/6 Old Warrandyte Road	A two-storey rendered brick dwelling with a gable roof, setback 17.3m from the common boundary separated by 3/6 Old Warrandyte Road and a common driveway and landscape area.
The properties at 6 Old Warrandyte are subject to the General Residential Zone that has a maximum overall height of 9 metres and three stories unless it meets specific land gradient criteria which enables a new building to be constructed to a maximum of 10 metres. No overlays affect this land.		
South-east	3/5 Mitcham Road	A single-storey brick dwelling with a hipped roof offset 0.4m from the common boundary. The dwelling contains an abutting area of secluded private open space to the north-east
	2/5 Mitcham Road	A single-storey brick dwelling with a hipped roof setback 11.7m from the common boundary separated by a common driveway and landscaping.
	1/5 Mitcham Road	A single-storey brick dwelling with a hipped roof setback 7m from Mitcham Road, and 5.9m from the common boundary separated by a common driveway and landscaping.
The properties located to the rear at 5 Mitcham Road are subject to the same planning controls as part of the subject site (2 Old Warrandyte Road)		

- 3.8 The character of the broader area is mixed, with a high proportion of single and two-storey unit developments on the northern side of Mitcham Road. This character rapidly changes further north and to the north-east, as zoning changes to Neighbourhood Residential and Low Density Residential Zones. The prevailing character on the southern side of Mitcham Road is of single detached dwellings, with some examples of two-dwelling developments emerging.

- 3.9 To the south-west is Mitcham Road, a declared main road with three lanes in both directions, separated by a narrow median strip. The outer lanes are designated part-time bus lanes (operating from 7:00am to 9:00am and from 4:00pm to 7:00pm weekdays), with bicycle use permitted within the bus lanes during these periods. Parking on both sides of the road is prohibited through clearways during bus operating times. Outside of these times, no stopping restrictions apply.
- 3.10 To the north is Old Warrandyte Road, a Council-managed major road with one lane in each direction. A painted traffic island divides the lanes opposite the site.
- 3.11 The intersection of Mitcham Road and Old Warrandyte Road is a signalised T-intersection. On the north-east approach to the intersection, Old Warrandyte Road provides two dedicated right turn lanes and a left turn slip lane onto Mitcham Road. On Mitcham Road, a dedicated right turn lane is provided on the south-east approach and a left turn slip lane is provided on the north-west approach.
- 3.12 The site is serviced by a range of bus routes operating within 900m of the site, with the two closest routes within 80m walking distance, at the corner of Mitcham Road and Old Warrandyte Road. Route 907 connects the site with Melbourne's Central Activity District. The site is within 150m of Tunstall Square, a Neighbourhood Activity Centre, which incorporates a large range of retail shops. The site is also serviced by Donvale Reserve within 550m walking distance, and other community and local facilities, including several childcare and kindergartens, Donvale Primary School, Beverley Hills Primary School and Donburn Primary School.

#### 4. THE PROPOSAL

- 4.1 The proposal is outlined on the plans prepared by Ascui & Co. Architects, Job No. 1553, Revision B dated 23 November 2018, together with a landscape concept plan prepared by memLa, Project No. LC 2209, Revision B dated 21 November 2018. Refer to Attachment 1.
- 4.2 The following reports were provided in support of the application:
- Town Planning report and Clause 58 Assessment prepared by Ratio Consultants dated November 2018;
  - Waste Management Plan prepared by Low Impact Consulting dated 22 November 2018;
  - Traffic report prepared by Ratio Consultants dated November 2018;
  - Sustainable Management Plan prepared by Low Impact Development Consulting dated 7 January 2019;
  - Green Travel Plan prepared by Low Impact Development Consulting dated 22 November 2018;
  - Daylight Modelling report prepared by Low Impact Development Consulting dated 23 October 2018;
  - Arboricultural report and Dilapidation report prepared by Greenwood Consulting dated 8 November 2018; and
  - Acoustic Report prepared by Acoustical Design dated 23 November 2018.

4.3 A summary of the development is provided as follows:

Land Size:	2,546m <sup>2</sup>	Minimum wall setback to Mitcham Road (south-west)	Basement: 4.65m
Site Coverage:	59%		Ground: 7.5m
Permeability:	30.8%		Level 1: 7.64m Level 2: 7.64m Level 3: 7.64m Level 4: 10.15m
Proposed maximum building height (RGZ2):	The building in the RGZ2 should not exceed:	Minimum wall setback to Old Warrandyte Road (north-west)	Basement: 2.68m
Proposed maximum building height (GRZ1):	The building in the GRZ1 must not exceed:		Ground: 7.236m
	<ul style="list-style-type: none"> <li>• 13.8m</li> <li>• 14.5m</li> </ul>		Level 1: 7.06m
	<ul style="list-style-type: none"> <li>• 10m</li> <li>• 10m</li> </ul>		Level 2: 7.06m
			Level 3: 7.06m
			Level 4: 13.15m
Number of Dwellings:	35	Minimum wall setback to north-eastern boundary	Basement: 3.65m
• 2 Beds:	• 8		Ground: 3.65m
• 3 Beds:	• 27		Level 1: 4.38m
Dwelling Density:	One per 72.7m <sup>2</sup>		Level 2: 4.38m
			Level 3: 5.68m
			Level 4: 25.36m
Car parking:	Provided:	Minimum wall setback to south-eastern boundary	Basement: 2.5m
• Total	• 70 spaces		Ground: 2.5m
• 2 Beds:	• 54		Level 1: 2.5m
• 3 Beds:	• 8		Level 2: 2.5m
• Surplus:	• 8		Level 3: 5.7m
			Level 4: 12.23m

### Design layout

4.4 The ground floor comprises three dwellings with direct pedestrian access to Mitcham Road. Four visitor bicycle spaces are provided adjacent to the common pedestrian path to Mitcham Road. The remainder of this level is dedicated to a basement.

4.5 Levels 1 and 2 consist of 11 dwellings on each floor, Level 3 consists of 8 dwellings and Level 4 consists of 2 dwellings located towards the western corner of the building. The dwellings incorporate a range of layouts with two or three bedrooms. Dwelling sizes vary from 76m<sup>2</sup> to 155m<sup>2</sup>. A central light well provides a ground floor garden that is open to the sky.

### Pedestrian and vehicle access and layout

4.6 The pedestrian entry to the building is provided at ground floor level via Mitcham Road. The entry leads to a modest lobby with a single lift and stairwell.

4.7 Vehicle access is provided by a crossover at the north-eastern end of the Old Warrandyte Road frontage. It leads to a 6.4m wide passing area and basement entry providing access to the two levels of basement car parking. A total of 70 car parking spaces are provided.

- 4.8 The ground floor basement incorporates 24 car parking spaces, 10 communal bicycle spaces, external storage enclosures allocated to 8 dwellings and a common bin room. The lower level basement incorporates a further 46 car parking spaces, external storage enclosures allocated to 27 dwellings, fire and pump equipment storage and a 20,000 litre rainwater tank.

### Landscaping

- 4.9 Canopy trees are proposed within the frontages to Mitcham and Old Warrandyte Roads. There is ample opportunity for screen planting along the north-eastern and south-eastern boundaries. The central light well incorporates a vertical picket screen designed to limit overlooking between inward facing bedrooms and hallways, while providing an amenable outlook.

### Design detail

- 4.10 The proposed development features a contemporary architectural design, incorporating brickwork, render, vertical aluminium battens to provide accents. Horizontal features primarily incorporating alternate use of rendered and metal infill balustrades visually break up the built form. The building entry, while benched into the site, is emphasised through the use of a slate canopy. Fencing to the site frontages is designed to complement balustrade materials.

## 5. LEGISLATIVE REQUIREMENTS

- 5.1 Refer to Attachment 2.
- 5.2 A permit is required under the following Clauses of the Manningham Planning Scheme:
- Clause 32.07-5 (Residential Growth Zone – RGZ), to construct two or more dwellings on a lot.
  - Clause 32.08-6 (General Residential Zone – GRZ), to construct two or more dwellings on a lot.
  - Clause 43.02-2 (Design and Development Overlay, Schedule 8 – DDO8), to construct a building or construct or carry out works.
  - Clause 52.29 (Land Adjacent to a Road Zone Category 1 or a Public Acquisition Overlay for a Category 1 Road), to create or alter access to a road in a Road Zone, Category 1.

## 6. REFERRALS

### External

- 6.1 Given the proposal involves the alteration of access to Mitcham Road, it is a statutory requirement to refer the application to VicRoads as a determining referral authority.
- 6.2 VicRoads have no objection subject to conditions being included on any permit issued requiring the removal of the redundant crossover and reinstatement of the area.

**Internal**

6.3 The application was referred to a number of Service Units within Council. The following table summarises the responses:

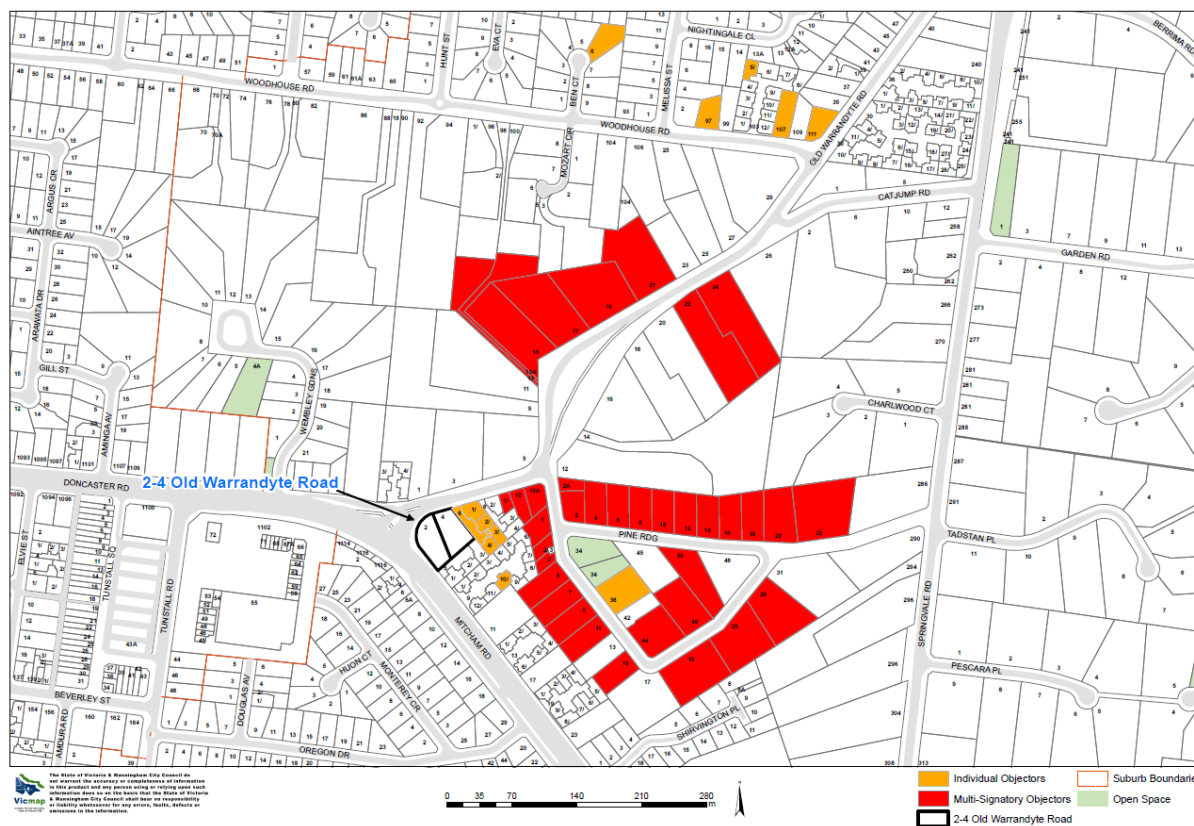
<b>Service Unit</b>	<b>Comments</b>
Infrastructure Services Unit – Drainage	<ul style="list-style-type: none"> <li>No objection subject to conditions for the provision of onsite storm water detention.</li> </ul>
Infrastructure Services Unit – Vehicle Crossing	<ul style="list-style-type: none"> <li>No objection subject to conditions requiring the removal of redundant crossovers and the conversion of the grated side-entry pit within the proposed crossover to suit the crossover profile.</li> </ul>
Infrastructure Services Unit – Access and Driveway	<ul style="list-style-type: none"> <li>No objection.</li> </ul>
Infrastructure Services Unit – Traffic and Car Parking	<ul style="list-style-type: none"> <li>No objection subject to conditions requiring a functional layout plan showing a traffic island at the tee that prevents right turn movements into and out of the site.</li> <li>The applicant's suggestion to use regulatory signage instead of a traffic island is not supported by Engineering Services as this is not self-regulatory and there will be occurrences of non-compliance from drivers.</li> </ul>
Infrastructure Services Unit – Car Parking Layout	<ul style="list-style-type: none"> <li>No objection subject to conditions requiring the allocation of car parking spaces to specific dwellings.</li> </ul>
Infrastructure Services Unit – Construction Management	<ul style="list-style-type: none"> <li>No objection subject to a requirement for the provision of a construction management plan.</li> </ul>
Infrastructure Services Unit – Waste	<ul style="list-style-type: none"> <li>No objection subject to a requirement for the approval of the waste management plan.</li> </ul>
Infrastructure Services Unit – Easements	<ul style="list-style-type: none"> <li>No objection subject to build over easement approval being granted.</li> </ul>
Infrastructure Services Unit – Flooding	<ul style="list-style-type: none"> <li>The site is not subject to inundation.</li> </ul>
Integrated Planning Unit – Sustainability	<ul style="list-style-type: none"> <li>No objection subject to plan notations indicating indoor clothes drying rails within laundries, and for each dwelling's private open space area to be provided with an external tap and floor waste.</li> </ul>

**7. CONSULTATION / NOTIFICATION**

7.1 Notice of the application was given over a three-week period which concluded on 19 December 2018, by sending letters to nearby properties and displaying a sign to each lot frontage.



7.2 The addresses of the 11 objectors and the 65 signatories in the multi-signatory objection are shown by the indicators on the map below.



7.3 The main grounds of objection can be summarised into the following categories:

- Overdevelopment, density and neighbourhood character;
- Design and built form (building height, number of storeys, site coverage and visual bulk);
- Traffic and car parking (congestion, lack of off-street and on-street car parking, vehicle access and pedestrian safety);
- Off-site amenity impacts (overshadowing, daylight to existing windows, privacy and overlooking, noise and interruption to communication services);
- Loss of property value; and
- Construction impacts.

7.4 A response to the grounds of objection are included in the assessment section of this report.

## 8. ASSESSMENT

8.1 The proposal has been assessed against the relevant state and local planning policies, the zone and overlay and the relevant particular provisions and general provisions of the Scheme.

8.2 The following assessment is made under the following headings:

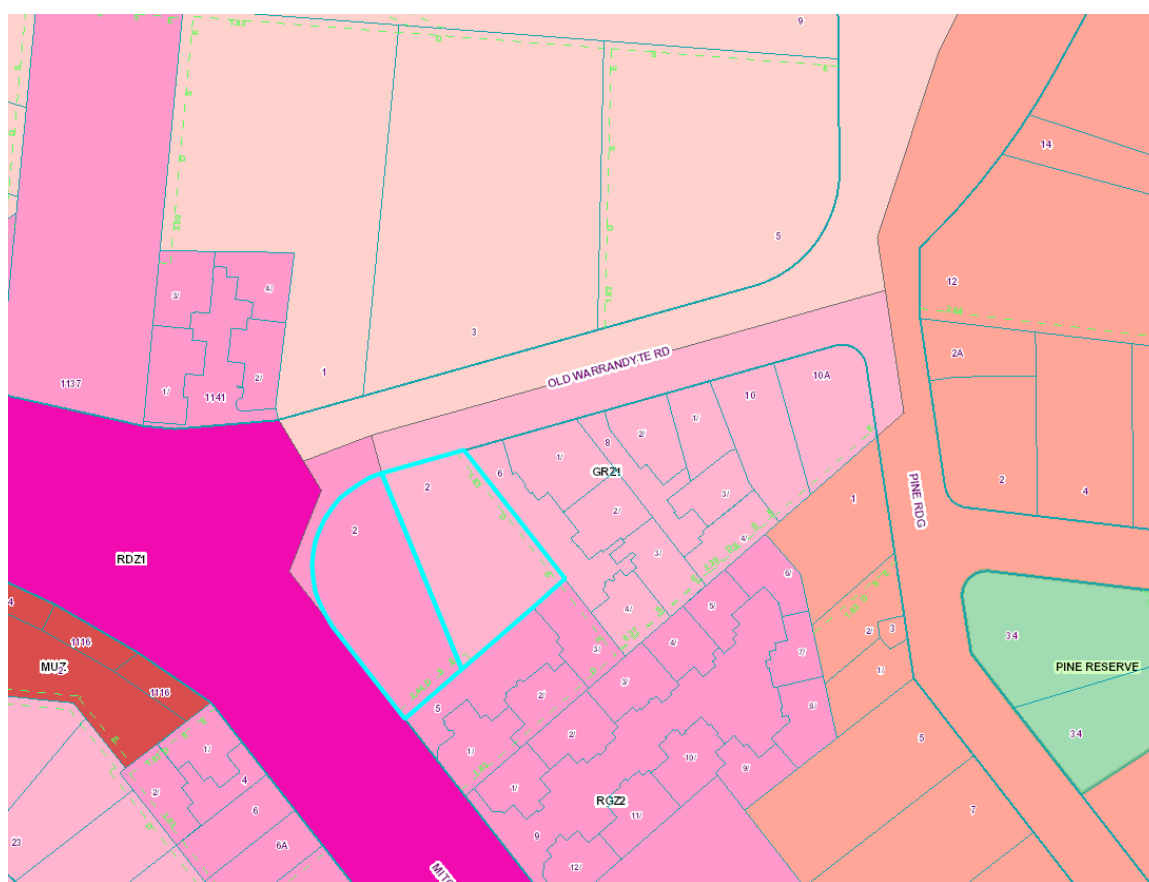
- Planning Policy Frameworks;
- Design and built form;
- Apartment developments;

- Car parking, access, traffic, Land Adjacent to a Road Zone Category 1 and bicycle facilities; and
- Objector concerns.

### Planning Policy Frameworks

- 8.3 At both the SPPF and LPPF levels, policy emphasises the need for a mix of developments that are well designed with a focus on high density residential development in established activity centres, along main roads and on strategic redevelopment sites. Whilst the subject site is not specifically identified as a strategic redevelopment site within the MSS, it substantially meets key criteria as a strategic redevelopment site primarily through its location and proximity to a Neighbourhood Activity Centre with good access to public transport and existing services.
- 8.4 The site falls within two different zones, the RGZ2 on the western lot and GRZ1 on the eastern lot.
- 8.5 Clause 21.05 (Residential) identifies that the western lot that fronts Mitcham Road is within Precinct 2 – areas adjoining main roads and activity centres, where a substantial level of change is anticipated. The key direction for this precinct is to encourage higher density accommodation in close proximity to activity centres and along major roads and transport routes.
- 8.6 The DDO8 further differentiates land within Precinct 2 into three sub-precincts. This lot is identified within the Main Road sub-precinct, which encourages three-storey apartment style developments on land with a minimum area of 1,800m<sup>2</sup>. To achieve the preferred character of Precinct 2, the DDO8 provides design objectives, which direct outcomes including form, car parking and access, landscaping and fencing.
- 8.7 The development of the western lot with apartments is appropriate within the zoning of the land and the strategic context of the site. There is policy support for an increase in residential density along main roads and to activate street frontages to increase the vibrancy of the area.
- 8.8 Policy states that these higher developments on the perimeter of the Main Road sub-precinct should be designed so that the height and form are sufficiently stepped down in scale and form to complement the interface of the other adjoining zone.
- 8.9 The purpose of the RGZ includes the provision of housing at increased densities in buildings up to an including four storey buildings, to encourage a diversity of housing types and a scale of development that provides a transition between areas of more intensive use and development and other residential areas.
- 8.10 Clause 21.05 identifies that the eastern lot that fronts Old Warrandyte Road is within Precinct 1 – areas removed from activity centres and main roads, where an incremental level of change is anticipated. Development is encouraged to reinforce existing front and rear setbacks and site coverage to provide opportunities for landscaping and retain areas of open space.
- 8.11 To achieve the preferred character of Precinct 1, Clause 22.15 (Dwellings in the General Residential Zone, Schedule 1) provides design objectives, which direct outcomes including siting, form, car parking and access, landscaping and fencing.

- 8.12 The development of the eastern lot with apartments is not anticipated by policy. However, it is not a prohibited use or development typology, provided all mandatory requirements of the GRZ are met. The purpose of the GRZ is to encourage development that respects the neighbourhood character of the area and encourages a diversity of housing types and housing growth.
- 8.13 Through the adoption of the GRZ1 along this section of Old Warrandyte Road, extending north-east to the intersection with Pine Ridge, Council has created a planning mechanism that has established a preferred neighbourhood character. The eastern lot within the subject site remains the only undeveloped property in this pocket of the GRZ1. It is necessary to assess the application to determine if it adequately responds to the policy framework that seeks only an incremental level of change, and with the benefit of the preferred character having been established along this section of Old Warrandyte Road, determine whether it achieves acceptable off-site amenity impacts.



### Design and built form

- 8.14 For the western lot, the RGZ at Clause 32.07-9 specifies that the maximum building height should not exceed 13.5m. This requirement may be exceeded by up to 1m if the slope of the natural ground level, measured at any cross section of the site of the building wider than 8m, is greater than 2.5 degrees. These are not mandatory requirements and can be varied with a planning permit. There is no limit on the number of storeys. Schedule 2 to the RGZ does not specify any further or varied requirements.

- 8.15 The submitted plans demonstrate that the site has a slope greater than 2.5 degrees, which establishes that the maximum allowable building height is 14.5m. The development has a maximum building height of 13.8m, which complies with the RGZ requirements.
- 8.16 At Clause 32.07-10, the RGZ specifies that buildings constructed on a lot that abuts land which is in a GRZ must meet the requirements of Clauses 55.03-5, 55.04-1, 55.04-2, 55.04-3, 55.04-5 and 55.04-6 along that boundary. This provision is not applicable in this case as the adjoining land in the GRZ is in fact in the same ownership, with the eastern lot forming part of the subject site.
- 8.17 The RGZ at Clause 32.07-5 and the GRZ at Clause 32.08-6 stipulate that an apartment development of five or more storeys, excluding a basement, must meet the requirements of Clause 58. This assessment will follow the complete assessment of the DDO8 and the GRZ.
- 8.18 The following assessment is made as related to the western lot against the requirements of the DDO8:

Design Element	Met/Not Met
<b>DDO8-1 (Main Road Sub-Precinct)</b>	
<ul style="list-style-type: none"> <li>• 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</li> </ul>	<p><b>Considered Met</b></p> <p>The western lot has an area of less than 1,800m<sup>2</sup> within the Main Road sub-precinct. While the total area of both lots is greater than 1,800m<sup>2</sup>, the minimum lot size must be calculated for lots within the same zone and sub-precinct. This requirement is not met. However, a permit may be granted to vary the minimum land size requirement.</p> <p>Given that the depth of lots within the RGZ2 on properties to the south-east of the site is equal to or greater than the combined depth of 2-4 Old Warrandyte Road, a larger development on this site will correspond with the pattern of future development within the area, which is considered an acceptable outcome.</p>
<ul style="list-style-type: none"> <li>• 11 metres provided the condition regarding minimum land size is met.</li> </ul> <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>	<p><b>Considered Met</b></p> <p>It has been established that the minimum land size condition has not been met.</p> <p>The plans establish that the site does have a slope of at least 2.5 degrees at a cross section wider than 8m within the building footprint. The site therefore has a maximum building height requirement of 10m. This requirement is not met. However, a permit may be granted to vary the preferred maximum building height requirement.</p>

Design Element	Met/Not Met
	<p>The building has a maximum height of 13.8m, which exceeds the specified height by 3.8m. It has been established that the development does meet the requirements of the RGZ2, being less than 14.5m.</p> <p>The purpose of providing discretion in building height within the Main Road sub-precinct is to allow flexibility to achieve design excellence. This might be through providing a 'pop-up' level to provide visual interest to an otherwise flat roof form, or a design feature at a 'gateway' site. The discretion is only provided to this sub-precinct because main road streetscapes are typically less fragmented environments compared to local streets and therefore can absorb some additional height.</p> <p>The portion of built form above a height of 10 metres is limited to the Level 4 component and part of Level 3. Level 4 is skewed towards the intersection of Mitcham and Old Warrandyte Roads, and is intended to present to these streets with greater presence, given the site is on a prominent corner. Level 4 occupies 338m<sup>2</sup>, or 31% of the Level 3 footprint (excluding balconies). Level 4 is setback 12.23m from the south-eastern boundary to minimise its impacts to the adjoining property.</p> <p>Level 3 does exceed 10m in height, with the south-eastern wall reaching 10.38m in height towards the front of the site, with setbacks between 5.7m and 6.55m from the south-eastern boundary.</p> <p>Overall, it is considered that the height of the building is acceptable and will not have unreasonable impacts on the streetscape or adjoining properties.</p>
<ul style="list-style-type: none"> <li>Minimum front street setback is the distance specified in Clause 55.03-1 or 6 metres, whichever is the lesser.</li> </ul>	<p><b>Met</b></p> <p>The ground and upper floor walls of the building all exceed the minimum street setback of 6m.</p> <p>The DDO8 allows balconies and terraces to encroach within the street setback by a maximum of 2m, but they must not extend along the width of the building.</p>

Design Element	Met/Not Met
	The majority of the balconies comply with the 6m setback, with the exception of a portion of Level 2, Apartment 208 balcony. This is a negligible encroachment, which meets the maximum 2m encroachment allowance.
<b>Form</b>	
<ul style="list-style-type: none"> <li>Ensure that the site area covered by buildings does not exceed 60 percent.</li> </ul>	<p><b>Met</b> The building has a site coverage of 59%.</p>
<ul style="list-style-type: none"> <li>Provide visual interest through articulation, glazing and variation in materials and textures.</li> </ul>	<p><b>Met</b> The building incorporates a mixture of colours and materials to provide visual interest. Articulation is also provided by the stepping of walls, the depth and varied materials of balconies, glazing, fascias and the curvilinear form of the building.</p>
<ul style="list-style-type: none"> <li>Minimise buildings on boundaries to create spacing between developments.</li> </ul>	<p><b>Met</b> No part of the building is constructed on any of the boundaries. The minimum side or rear building setback is 2.5 metres from the south-eastern boundary. The provision of spacing can accommodate appropriate landscaping and courtyards. This is considered to be a good outcome for adjoining properties and the streetscape.</p>
<ul style="list-style-type: none"> <li>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.</li> </ul>	<p><b>Met</b> The building is stepped down at the rear of the site to the north-east through the implementation of staggered setbacks from Level 2 to Level 3, the Level 2 parapet, incorporation of balconies, framing elements and varied building materials.</p> <p>Minimum Level 2 wall setbacks along the north-eastern elevation are 4.38m and 5.4m, which increase at Level 3 to 5.68m and 8.17m, respectively.</p> <p>Level 4 is setback a minimum 25.36m from the north-eastern boundary.</p> <p>The upper levels of the building are demonstrated to provide graduated setbacks to the rear boundary, which allows the building to be stepped down and provide a transition to the two-storey scale of the adjoining properties to the rear.</p>
<ul style="list-style-type: none"> <li>Where appropriate, ensure that buildings are designed to step with the slope of the land.</li> </ul>	<p><b>Met</b> Some excavation is proposed towards the Mitcham Road frontage with the ground floor level benched to keep the overall height of the building as low as possible. This reduces</p>

Design Element	Met/Not Met
	the elevation of the building above the natural ground level and the associated visual impact, providing a suitable transition to the adjoining residential properties within the incremental change area to the rear.
<ul style="list-style-type: none"> <li>Avoid reliance on below ground light courts for any habitable rooms.</li> </ul>	<p><b>Met</b> The building does not rely on below ground light courts for any habitable rooms.</p>
<ul style="list-style-type: none"> <li>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.</li> </ul>	<p><b>Not applicable</b></p>
<ul style="list-style-type: none"> <li>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.</li> </ul>	<p><b>Considered Met</b> Level 4 covers 31% of Level 3. Level 3 covers 88% of Level 2, which does not meet the 75% requirement.</p> <p>Level 3 is well graduated from the lower levels to reduce its prominence and visual bulk. This includes increased setbacks to Level 2, which in addition to the minimum setbacks previously stated, include minimum Level 2 setbacks along the south-eastern elevation of between 2.5m and 4.76m, which increase at Level 3 to 5.7m and 7.55m, respectively.</p> <p>Architectural interest is achieved by incorporating curvilinear balconies and the use of varied materials.</p> <p>Overall, the building is well articulated and provides appropriate visual interest.</p>
<ul style="list-style-type: none"> <li>Integrate porticos and other design features with the overall design of the building and not include imposing design features such as double storey porticos.</li> </ul>	<p><b>Met</b> There are no porticos or imposing design elements proposed. Design features are well-integrated into the overall design of the building.</p>
<ul style="list-style-type: none"> <li>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.</li> </ul>	<p><b>Met</b> The development incorporates excavation to the ground floor level to the Mitcham Road frontage.</p> <p>The projection of the basement above natural ground level is limited to part of the south-eastern interface to the RGZ2 at 5 Mitcham Road.</p>

Design Element	Met/Not Met
	<p>Critically, the projection of any basement area is avoided along the north-eastern interface to the adjoining GRZ1 at 6 Old Warrandyte Road.</p>
<ul style="list-style-type: none"> <li>Be designed to minimise overlooking and avoid the excessive application of screen devices.</li> </ul>	<p><b>Met</b></p> <p>The combination of ample building/balcony setbacks, their placement and the separation provided to adjoining dwellings by virtue of common property driveways located adjacent to the common boundaries ensures that no measures are required to limit overlooking.</p>
<ul style="list-style-type: none"> <li>Ensure design solutions respect the principle of equitable access at the main entry of any building for people of all mobilities.</li> </ul>	<p><b>Met</b></p> <p>The grade difference between the footpath and the building entry limits the ability to provide direct access to the building entry with a ramp. A switchback ramp is therefore utilised parallel to the frontage, adjacent to the main stepped access point.</p> <p>A lift provides access between the basement car park and entry to each apartment.</p>
<ul style="list-style-type: none"> <li>Ensure that projections of basement car parking above natural ground level do not result in excessive building height as viewed by neighbouring properties.</li> </ul>	<p><b>Met</b></p> <p>The basement projects above natural ground level on the south-eastern elevation. The projection is not considered to be excessive and will not result in unreasonable visual impacts.</p> <p>While this does result in the building height exceeding 10m in height at this location, the setback required for the 7.3m high wall associated with Level 2 is 2.39m. The provided 2.5m setback exceeds this requirement. Level 3 is then setback to a minimum 5.7m, which provides a high level of graduation in the building height.</p>
<ul style="list-style-type: none"> <li>Ensure basement or undercroft car parks are not visually obtrusive when viewed from the front of the site.</li> </ul>	<p><b>Met</b></p> <p>The development has been designed to provide dwellings along the south-western curtilage of the ground floor car park level to Mitcham Road.</p> <p>The ground level car park level is partly visible along the north-western façade to Old Warrandyte Road. It has been concealed through the use of high quality materials to complement the main building façade, and will be further obscured by landscaping across substantial setbacks, increasing from 6m to 10m.</p>



Design Element	Met/Not Met
<ul style="list-style-type: none"> <li>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.</li> </ul>	<p><b>Met</b></p> <p>All car parking spaces are provided within the two car park levels. The integration of the upper level car park has been described above.</p>
<ul style="list-style-type: none"> <li>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.</li> </ul>	<p><b>Met</b></p> <p>The basement is consistent with the front building setback of 6m and is set back a minimum of 3.65m from the rear boundary. While less than 4m, this setback is ample as it relates only to the eastern corner of the basement, as measured from the outside edge of concrete piles, and is located below hardstand terrace areas. It therefore provides adequate room for effective landscaping to be established.</p>
<ul style="list-style-type: none"> <li>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.</li> </ul>	<p><b>Met</b></p> <p>The development provides appropriate wall setbacks to side and rear boundaries to allow for screen planting that soften the appearance of the built form.</p>
<ul style="list-style-type: none"> <li>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.</li> </ul>	<p><b>Met subject to conditions</b></p> <p>A permit condition will require the location of plant equipment on the roof away from the sides of the building and be screened to minimise any visual and amenity impacts on the street and adjoining properties. A permit condition will also require any service equipment to be screened to avoid unreasonable amenity impacts.</p>
<p><b>Car Parking and Access</b></p>	
<ul style="list-style-type: none"> <li>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.</li> </ul>	<p><b>Not applicable</b></p> <p>No vehicular crossover is proposed along the Mitcham Road frontage.</p>

Design Element	Met/Not Met
<ul style="list-style-type: none"> <li>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.</li> </ul>	<b>Not applicable</b>
<ul style="list-style-type: none"> <li>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.</li> </ul>	<b>Not applicable</b>
<ul style="list-style-type: none"> <li>Ensure that access gradients of basement carparks are designed appropriately to provide for safe and convenient access for vehicles and servicing requirements.</li> </ul>	<b>Met</b> A 1:10 driveway grade is provided for the first 5m of the double-width driveway from the site frontage. A central traffic island is provided within the driveway to separate oncoming vehicles.
<b>Landscaping</b>	
<ul style="list-style-type: none"> <li>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.</li> </ul>	<b>Met</b> The site frontages can each easily accommodate at least 3 canopy trees.
<ul style="list-style-type: none"> <li>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.</li> </ul>	<b>Met</b> The site will allow the planting of significant vegetation, including appropriate tree species within the side and rear setbacks, which assist to soften the appearance of the built form.
<b>Fencing</b>	
<ul style="list-style-type: none"> <li>A front fence must be at least 50 per cent transparent.</li> <li>On sites that front Doncaster, Tram, Elgar, Manningham, Thompsons, Blackburn and Mitcham Roads, a fence must: <ul style="list-style-type: none"> <li>not exceed a maximum height of 1.8m</li> <li>be setback a minimum of 1.0m from the front title boundary</li> </ul> </li> </ul> <p>and a continuous landscaping treatment within the 1.0m setback must be provided.</p>	<b>Met</b> A front fence is proposed within the Mitcham Road site frontage. The fence setback varies across the frontage; being on the boundary for the first 6m from the south-eastern boundary, and setback up to 2m from the frontage.  The fence is to be constructed of various materials to complement the development, including brick, render and metal pickets with adequate spacing.  The varied setbacks provide ample opportunity to provide a connection between the development and a continuous landscaping treatment.

- 8.19 For the eastern lot, Schedule 1 to the GRZ specifies that the maximum building height must not exceed 9 metres. This requirement may be exceeded by up to 1m if the slope of the natural ground level, measured at any cross section of the site of the building wider than 8m, is greater than 2.5 degrees. The GRZ at Clause 32.08-10 also specifies that the building must contain no more than 3 storeys at any point (excluding a basement). These requirements are mandatory and cannot be varied with a planning permit.
- 8.20 The submitted plans demonstrate that the site has a slope greater than 2.5 degrees, which establishes that the maximum allowable building height is 10m. The building has a maximum building height of 10m comprising three storeys on the eastern lot, which complies with the GRZ requirements.
- 8.21 At Clause 32.08-4, the eastern lot is also required to meet a minimum mandatory garden area requirement of 35%. The proposal demonstrates compliance with this requirement for the eastern lot, with the provision of 35% garden area.

Clause 22.15 Dwellings in the General Residential Zone, Schedule 1 assessment

Requirement	Met/Not Met
<b>Siting</b>	
<ul style="list-style-type: none"> <li>Ensure that the rear setback is of a sufficient width to allow for the retention or planting of canopy trees and to allow for recreational opportunities.</li> </ul>	<p><b>Met</b> Rear setbacks are minimum dimensions of between 4.38m and 5.4m. Deeper setbacks are provided through the middle of the north-eastern elevation, providing a suitable balance of recreational and landscaping opportunities.</p>
<ul style="list-style-type: none"> <li>Minimise buildings on boundaries to create spacing between dwellings to reinforce the pattern of the street. If any adjoining property has no existing boundary walls, the total length of walls should be limited to that generally required for the provision of a garage.</li> </ul>	<p><b>Met</b> There are no buildings on boundaries.</p>
<b>Form</b>	
<ul style="list-style-type: none"> <li>Encourage upper levels to be stepped in from the ground floor to avoid sheer walls and achieve articulation and visual interest. Preferably, upper levels should not exceed 75% of the ground floor area (excluding verandahs and balconies).</li> </ul>	<p><b>Considered Met</b> Levels 1 and 2 provide no setback variation to external walls, and instead use other elements to create articulation. This includes the projection of curvilinear balconies at Level 2 and through the use of banding to the upper part of Level 1 and Level 2 walls in the northern corner of the site. In addition, a deep recess is provided with a strong glazed element. These features create a high level of articulation and visual interest.</p>
<ul style="list-style-type: none"> <li>Promote building materials that reflect the prevailing materials of the surrounding residential area.</li> </ul>	<p><b>Met</b> The development utilises prevailing materials from the surrounding area, predominantly brickwork and render. Render is used to the majority of the balcony balustrades and also to the Level 4 façade.</p>

Requirement	Met/Not Met
<ul style="list-style-type: none"> <li>Ensure porticos and other design features integrate with the overall design of the building and not include imposing design features such as double storey porticos.</li> </ul>	<p><b>Met</b> There are no porticos or imposing design elements proposed. Design features are well-integrated into the overall design of the building.</p>
<b>Car Parking and Access</b>	
<ul style="list-style-type: none"> <li>Ensure garages are set back a greater distance than the front wall of the building.</li> </ul>	<p><b>Not applicable</b></p>
<ul style="list-style-type: none"> <li>Design developments with a maximum of two vehicle crossovers. Where possible retain existing vehicle crossovers to minimise the removal of street tree(s). Driveways should be generally setback a minimum of 1.5m from any street tree, except in cases where a larger tree requires an increased setback.</li> </ul>	<p><b>Met</b> One vehicular crossover is proposed along the Old Warrandyte Road frontage, which will require an existing crossover to be modified.</p> <p>The crossover is located outside the 3.3m tree protection zone radius of the nearest street tree, on the western side. In addition, a minimum 1m offset has been provided from a light pole on the eastern side of the crossover.</p>
<ul style="list-style-type: none"> <li>Incorporate a landscape strip on either side of a driveway capable of supporting a variety of shrubs and small trees, with preferably a minimum width of 0.5 metres adjacent to the fence-line and a one metre width adjacent to the dwelling.</li> </ul>	<p><b>Met</b> Landscaping will be provided on both sides of the driveway.</p>
<b>Landscaping</b>	
<ul style="list-style-type: none"> <li>Ensure the provision of pervious surfaces in the front and rear setbacks to enable the provision or retention of canopy trees.</li> </ul>	<p><b>Met</b> There is suitable opportunity for tree planting within front and rear setbacks.</p>
<ul style="list-style-type: none"> <li>Require the private open space area and the front setback of dwellings to have a minimum of one canopy tree with a spreading crown, capable of growing to a height of 8.0m or more at maturity.</li> </ul>	<p><b>Met</b> Adequate setbacks and open space areas have been provided within the development to ensure that canopy trees can be planted throughout the development.</p>
<b>Front Fence</b>	
<ul style="list-style-type: none"> <li>Ensure that the front fence is at least 50 per cent transparent.</li> </ul>	<p><b>Not applicable</b> No front fencing is proposed to the Old Warrandyte Road frontage.</p>
<ul style="list-style-type: none"> <li>Encourage fences that adjoin public open spaces to be no higher than 1.8 metres and are at least 50 per cent transparent, where appropriate.</li> </ul>	<p><b>Not applicable</b></p>

### Apartment Developments

8.22 Pursuant to Clause 58 (Apartment Developments), a development must meet all of the objectives of this clause and should meet all of the standards.

8.23 An assessment against the objectives of Clause 58 is provided in the table below:

Objective	Objective Met/Not Met
<p><b>58.02-1 – Urban context</b></p> <ul style="list-style-type: none"> <li>To ensure that the design responds to the existing urban context or contributes to the preferred future development of the area.</li> <li>To ensure that development responds to the features of the site and the surrounding area.</li> </ul>	<p><b>Met</b></p> <p>The proposed apartment development positively responds to the existing urban context or the preferred future development of the area. The development appropriately scales and transitions to the north-east.</p>
<p><b>58.02-2 – Residential policy</b></p> <ul style="list-style-type: none"> <li>To ensure that residential development is provided in accordance with any policy for housing in the Municipal Planning Strategy and the Planning Policy Framework.</li> <li>To support higher density residential development where development can take advantage of public and community infrastructure and services.</li> </ul>	<p><b>Met</b></p> <p>The application was accompanied by a written statement demonstrating how the development is in accordance with Municipal Planning Strategy and the Planning Policy Framework.</p> <p>The site can easily accommodate higher density residential development to take advantage of public and community infrastructure and services.</p>
<p><b>58.02-3 – Dwelling diversity</b></p> <ul style="list-style-type: none"> <li>To encourage a range of dwelling sizes and types in developments of ten or more dwellings.</li> </ul>	<p><b>Met</b></p> <p>The proposal includes two and three bedroom dwellings with a range of floor areas to provide dwelling diversity.</p>
<p><b>58.02-4 – Infrastructure</b></p> <ul style="list-style-type: none"> <li>To ensure development is provided with appropriate utility services and infrastructure.</li> <li>To ensure development does not unreasonably overload the capacity of utility services and infrastructure.</li> </ul>	<p><b>Met</b></p> <p>The site has access to all services.</p>
<p><b>58.02-5 – Integration with the street</b></p> <ul style="list-style-type: none"> <li>To integrate the layout of development with the street.</li> </ul>	<p><b>Met</b></p> <p>The pedestrian entry is well-located on Mitcham Road as it is adjacent to existing pedestrian footpath infrastructure.</p>
<p><b>58.03-1 – Energy efficiency</b></p> <ul style="list-style-type: none"> <li>To achieve and protect energy efficient dwellings and buildings.</li> <li>To ensure the orientation and layout of development reduce fossil fuel energy use and make appropriate use of daylight and solar energy.</li> <li>To ensure dwellings achieve adequate thermal efficiency.</li> </ul>	<p><b>Met</b></p> <p>Given the orientation of the site, the proposal makes a reasonable attempt to limit the energy efficiency impacts to southern apartments.</p>

Objective	Objective Met/Not Met
<p><b>58.03-2 – Communal open space</b></p> <ul style="list-style-type: none"> <li>To ensure that communal open space is accessible, practical, attractive, easily maintained and integrated with the layout of the development.</li> </ul>	<p><b>Not applicable</b></p> <p>The development comprises less than 40 apartments.</p>
<p><b>58.03-3 – Solar access to communal outdoor open space</b></p> <ul style="list-style-type: none"> <li>To allow solar access into communal outdoor open space.</li> </ul>	<p><b>Not applicable</b></p> <p>As above.</p>
<p><b>58.03-4 – Safety</b></p> <ul style="list-style-type: none"> <li>To ensure the layout of development provides for the safety and security of residents and property.</li> </ul>	<p><b>Met</b></p> <p>The pedestrian and car park entry point provides a safe and secure entrance to the building for future occupants.</p>
<p><b>58.03-5 – Landscaping</b></p> <ul style="list-style-type: none"> <li>To encourage development that respects the landscape character of the neighbourhood.</li> <li>To encourage development that maintains and enhances habitat for plants and animals in locations of habitat importance.</li> <li>To provide appropriate landscaping.</li> <li>To encourage the retention of mature vegetation on the site.</li> <li>To promote climate responsive landscape design and water management in developments that support thermal comfort and reduces the urban heat island effect.</li> </ul>	<p><b>Met</b></p> <p>Landscaping opportunities are varied across the site, due to the provision of generous setbacks and the siting of the front fence to Mitcham Road.</p> <p>Ample deep soil is provided for canopy tree and screen planting areas.</p>
<p><b>58.03-6 – Access</b></p> <ul style="list-style-type: none"> <li>To ensure the number and design of vehicle crossovers respects the urban context.</li> </ul>	<p><b>Met</b></p> <p>One 6.4m wide vehicle crossover is proposed for the development to Old Warrandyte Road.</p>
<p><b>58.03-7 – Parking location</b></p> <ul style="list-style-type: none"> <li>To provide convenient parking for resident and visitor vehicles.</li> <li>To protect residents from vehicle noise within developments.</li> </ul>	<p><b>Met</b></p> <p>The centrally located lift shaft provides equitable access for residents from all car parking spaces within the car parking levels.</p> <p>Residents are generally protected from vehicle noise within the development.</p>
<p><b>58.03-8 – Integrated water and stormwater management</b></p> <ul style="list-style-type: none"> <li>To encourage the use of alternative water sources such as rainwater, stormwater and recycled water.</li> <li>To facilitate stormwater collection, utilisation and infiltration within the development.</li> </ul>	<p><b>Met</b></p> <p>A 20,000 litre rainwater tank is located under the basement.</p> <p>The submitted Sustainability Management Plan demonstrates a STORM rating of 100%.</p>

Objective	Objective Met/Not Met
<ul style="list-style-type: none"> <li>To encourage development that reduces the impact of stormwater run-off on the drainage system and filters sediment and waste from stormwater prior to discharge from the site.</li> </ul>	<p>The applicant is required to provide an on-site stormwater detention system to alleviate pressure on the drainage system.</p>
<p><b>58.04-1 – Building setback</b></p> <ul style="list-style-type: none"> <li>To ensure the setback of a building from a boundary appropriately responds to the existing urban context or contributes to the preferred future development of the area.</li> <li>To allow adequate daylight into dwellings.</li> <li>To limit views into habitable room windows and private open space of new and existing dwellings.</li> <li>To provide a reasonable outlook from new dwellings.</li> <li>To ensure the building setbacks provide appropriate internal amenity to meet the needs of residents.</li> </ul>	<p><b>Considered Met</b></p> <p>Side and rear setbacks appropriately respond to the existing urban context of the adjoining properties to the north-east and the preferred future development anticipated to the south-east.</p> <p>The setbacks are considered reasonable as they provide a suitable level of separation to the adjoining residential properties. This reduces off-site amenity impacts, despite the immediate interface being common property driveways, and provides ample opportunity for screen planting.</p> <p>The existing context of adjoining properties consisting of common property driveways adjacent to common boundaries requires few screening measures as there are no habitable room windows or private open space areas within 9m of proposed habitable room windows or balconies.</p>
<p><b>58.04-2 – Internal views</b></p> <ul style="list-style-type: none"> <li>To limit views into the private open space and habitable room windows of dwellings within a development.</li> </ul>	<p><b>Met subject to condition</b></p> <p>It is unclear how internal views are limited between balconies. A condition will require the limiting of internal views to be demonstrated on the plan.</p>
<p><b>58.04-3 – Noise impacts</b></p> <ul style="list-style-type: none"> <li>To contain noise sources in developments that may affect existing dwellings.</li> <li>To protect residents from external and internal noise sources.</li> </ul>	<p><b>Met</b></p> <p>There are no unusual noise sources within the development that may affect existing dwellings.</p> <p>The submitted acoustic report demonstrates that residents are protected from external noise sources, including traffic noise.</p>
<p><b>58.05-1 – Accessibility</b></p> <ul style="list-style-type: none"> <li>To ensure the design of dwellings meets the needs of people with limited mobility.</li> </ul>	<p><b>Met</b></p> <p>More than 50% of the dwellings meet the accessibility requirements for door opening widths, entrance paths and access to an adaptable bathroom.</p>

<p><b>58.05-2 – Building entry and circulation</b></p> <ul style="list-style-type: none"> <li>• To provide each dwelling and building with its own sense of identity.</li> <li>• To ensure the internal layout of buildings provide for the safe, functional and efficient movement of residents.</li> <li>• To ensure internal communal areas provide adequate access to daylight and natural ventilation.</li> </ul>	<p><b>Met</b></p> <p>The building entrance is well covered and easily identifiable.</p> <p>The lifts and stairwell are well located to provide equitable access.</p>
<p><b>58.05-3 – Private open space</b></p> <ul style="list-style-type: none"> <li>• To provide adequate private open space for the reasonable recreation and service needs of residents.</li> </ul>	<p><b>Considered Met</b></p> <p>All balconies meet the minimum dimension and open space requirements.</p> <p>At ground level within the eastern lot, the modified requirements of Schedule 1 to the GRZ for larger private open space areas do not apply as Clause 55 is not the applicable assessment criteria. However, it is noted that four of the five ground floor apartments within this lot have at least 40m<sup>2</sup> of secluded private open space with minimum dimensions of 5m. Apartment 108 is the only exception, which has a minimum dimension of 4.38m with an area of approximately 35m<sup>2</sup>. This is considered to be a highly usable area, which when combined with the separate balcony, provides adequate open space.</p>
<p><b>58.05-4 – Storage</b></p> <ul style="list-style-type: none"> <li>• To provide adequate storage facilities for each dwelling.</li> </ul>	<p><b>Met subject to condition</b></p> <p>Each apartment will be provided with a minimum 6m<sup>3</sup> of storage within the basement, with the exception of Apartment 101, which has a storage area with a volume of 4.38m<sup>3</sup>. All other apartments are provided with at least 6.99m<sup>3</sup>. A condition will require that each apartment is provided with at least 6m<sup>3</sup> of external storage.</p> <p>The storage areas are located within the basement levels and are allocated to specific apartments, however the car parking spaces are unallocated. Therefore, a condition will require the car parking spaces to be allocated, rationalised based on the location of allocated external storage areas, where possible.</p>



<p><b>58.06-1 – Common property</b></p> <ul style="list-style-type: none"> <li>To ensure that communal open space, car parking, access areas and site facilities are practical, attractive and easily maintained.</li> <li>To avoid future management difficulties in areas of common ownership.</li> </ul>	<p><b>Met</b></p> <p>The communal car parking areas, paths, landscape areas, internal lobby and corridors are practically designed. There are no apparent difficulties associated with the future management of these areas.</p>
<p><b>58.06-2 – Site Services</b></p> <ul style="list-style-type: none"> <li>To ensure that site services can be installed and easily maintained.</li> <li>To ensure that site facilities are accessible, adequate and attractive.</li> </ul>	<p><b>Met</b></p> <p>Appropriate site services are provided and appropriately located.</p> <p>Utility cabinets are integrated to complement the design of the development, including height, design, materials and finishes.</p>
<p><b>58.06-3 – Waste and recycling</b></p> <ul style="list-style-type: none"> <li>To ensure dwellings are designed to encourage waste recycling.</li> <li>To ensure that waste and recycling facilities are accessible, adequate and attractive.</li> <li>To ensure that waste and recycling facilities are designed and managed to minimise impacts on residential amenity, health and the public realm.</li> </ul>	<p><b>Met</b></p> <p>The submitted waste management plan details that waste will be appropriately managed and collected on site.</p>
<p><b>58.07-1 – Functional layout</b></p> <ul style="list-style-type: none"> <li>To ensure dwellings provide functional areas that meet the needs of residents.</li> </ul>	<p><b>Met</b></p> <p>All bedrooms and living areas meet the minimum dimensions and areas required.</p>
<p><b>58.07-2 – Room depth</b></p> <ul style="list-style-type: none"> <li>To allow adequate daylight into single aspect habitable rooms.</li> </ul>	<p><b>Met</b></p> <p>All apartments meet the maximum room depth and provide appropriate floor to ceiling heights.</p>
<p><b>58.07-3 – Windows</b></p> <ul style="list-style-type: none"> <li>To allow adequate daylight into new habitable room windows.</li> </ul>	<p><b>Met</b></p> <p>All habitable room windows are provided with at least one window in an external wall of the building.</p>
<p><b>58.07-4 – Natural ventilation</b></p> <ul style="list-style-type: none"> <li>To encourage natural ventilation of dwellings.</li> <li>To allow occupants to effectively manage natural ventilation of dwellings.</li> </ul>	<p><b>Met</b></p> <p>At least 40% of dwellings should provide effective cross ventilation.</p>

#### Car parking, access and traffic

8.24 The 35 apartments comprise eight, two-bedroom dwellings and 27, three-bedroom dwellings. The Scheme requires that each two-bedroom dwelling is provided one vehicle space and that each three-bedroom dwelling is provided with two vehicle spaces. As the site is located within the Principal Public Transport Network buffer area, no visitor car parking spaces are required by the Scheme.

- 8.25 The development therefore generates a car parking requirement of 62 car parking spaces. The 70 car parking spaces proposed exceeds this requirement by eight car parking spaces.
- 8.26 An assessment against the car parking design standards at Clause 52.06-9 is provided in the table below:

Design Standard	Assessment
1 – Accessways	<ul style="list-style-type: none"> <li>The accessway to the basement car park meets the minimum width and height clearance requirements.</li> <li>A minimum 6.1m by 7m passing area is provided within the site frontage.</li> <li>All vehicles are able to exit the site in a forwards direction.</li> <li>An adequate visibility splay area is provided along the exit lane.</li> <li>Within the car parking levels, a 4 metre internal radius is provided at changes of direction.</li> </ul>
2 – Car Parking Spaces	<ul style="list-style-type: none"> <li>Car parking spaces are provided in accordance with the dimensions and clearance areas required.</li> </ul>
3 – Gradients	<ul style="list-style-type: none"> <li>Driveway gradients have been assessed as compliant with the standard.</li> </ul>
4 – Mechanical Parking	<ul style="list-style-type: none"> <li>No mechanical parking is proposed.</li> </ul>
5 – Urban Design	<ul style="list-style-type: none"> <li>The entrance to the basement is offset from the eastern title boundary by 5.8m, which will enable the establishment of vegetation to soften the appearance of the 6.4m wide vehicle accessway to Old Warrandyte Road.</li> </ul>
6 – Safety	<ul style="list-style-type: none"> <li>Access to the residential car parking areas is secured by a security gate.</li> <li>Pedestrian access from the site frontage is clearly separated from the roadway as it is located on the Mitcham Road frontage.</li> </ul>
7 – Landscaping	<ul style="list-style-type: none"> <li>Landscaping is well-placed along the driveway.</li> </ul>

- 8.27 The submitted traffic impact assessment conservatively estimates that the proposed development could generate up to 245 vehicle trips per day, including approximately 25 vehicle movements per AM peak hour and 25 vehicle movements per PM peak hour. Approximately 80% of AM peak trips are anticipated to be vehicles leaving the site, while 60% of PM peak trips are anticipated to be vehicles returning to the site. It concludes that the volume of traffic generated by the development can be comfortably accommodated by the nearby road network.

- 8.28 Council's Infrastructure Services Unit has not raised concern in relation to the expected volume of traffic generated by the proposed development as assessed in the submitted traffic report, subject to the requirement for a traffic island that prevents right turn movements into and out of the site. The number of vehicle movements is not anticipated to have a discernible impact on the surrounding road network once distributed to the arterial road network, due to the number of routes available for drivers to use.

#### Land Adjacent to a Road Zone Category 1

- 8.29 A permit is required under Clause 52.29 of the Manningham Planning Scheme as the proposal involves the removal of the existing redundant crossover to Mitcham Road, which is zoned Road Zone Category 1.
- 8.30 VicRoads has provided conditional consent to the proposal, therefore the removal of the redundant crossover to Mitcham Road is considered appropriate.

#### Bicycle Facilities

- 8.31 This clause applies to developments for a residential building of four or more storeys. For this proposal, 7 resident bicycle spaces and 4 visitor spaces are required. The proposal provides 14 bicycle spaces, which exceeds the requirements of the Scheme. 10 spaces are conveniently located opposite the basement ramp within the ground level basement and 4 visitor spaces are provided adjacent to the pedestrian entry, within the Mitcham Road frontage. Dedicated showers or change room facilities are not required for a residential development.

#### **Objector concerns**

- 8.32 A response to the grounds of objection is provided in the paragraphs below:

#### Overdevelopment, density and neighbourhood character

- 8.33 The proposal satisfies the requirements of planning policy in respect to site coverage, setbacks, building height, form, scale, car parking, and open space provision and therefore the proposal is not considered to be an overdevelopment of the site. State Government Policy, as well as Council Policy supports increased densities in areas with good access to public transport and other services, which consolidates the role of established urban areas and reduces developmental pressure in the areas with environmental values will be encouraged.
- 8.34 The proposal has been assessed against the preferred neighbourhood character anticipated by planning policy at Clause 21.05 of the Manningham Planning Scheme. The policy outlines that a substantial level of change is anticipated for land affected by the RGZ and a departure from the existing neighbourhood character is therefore inevitable. This, however, does not imply that impacts generated by the preferred neighbourhood character can unreasonably impact adjoining private properties. This is particularly pertinent having regard to the site's concurrent GRZ1 zoning and the abutting properties also affected by the GRZ1.
- 8.35 Objectors have raised concerns that the apartment development proposed generates different living standards to detached dwellings and may potentially impact the residential amenity of neighbouring or nearby properties.

- 8.36 It is evident that the proposed development achieves a high level of compliance with respect to the DDO8 and Clause 22.15 provisions. The building is provided with articulated facades, varied materials and colours palette and an array of interesting architectural elements that add visual interest. The building is sufficiently setback from boundaries, allowing for landscaping to be established and adequate articulation and modulation to break up and mitigate visual bulk concerns.

#### Design and built form

- 8.37 The development meets the maximum building heights prescribed by the zones, including the mandatory 10m height within the eastern part of the land affected by the GRZ1 and the 14.5m height within the western part of the land affected by the RGZ2.
- 8.38 The proposal exceeds the preferred building height and the anticipated number of storeys for the western part of site affected by Design and Development Overlay, Schedule 8 (DDO8). The proposal meets the preferred maximum three storey requirement within the eastern part of the land. It is considered that the development presents a scale and form that responds to the preferred neighbourhood character and provides an adequate transition and stepping down to the scale and form of the adjoining properties within the GRZ1.
- 8.39 The level of articulation, stepped design of upper levels, selection of building materials and proposed setbacks are considered to be sufficient to address visual bulk concerns.

#### Traffic and car parking

- 8.40 The potential traffic impacts, including the location of the vehicle access point to Old Warrandyte Road, have been assessed by the permit applicant's traffic consultant and Council's Infrastructure Services Unit who both conclude that, on considering the proposal in the context of the traffic and the surrounding street network, the proposal can be accommodated on the adjacent road network without creating adverse traffic safety or capacity problems.
- 8.41 The number of car parking spaces provided is satisfactorily contained on site. The proposal provides residential parking that exceeds the statutory car parking requirements, with a surplus of 8 car parking spaces. These spaces are required to be set aside for residential car parking purposes only, and be available free of charge.

#### Off-site amenity impacts

- 8.42 The extent of shadows cast into the adjoining properties to the south-east is not considered unreasonable, with the shadows cast predominantly overshadowing the common property driveway. Overshadowing of secluded private open space is negligible. The separation between the development and adjoining dwellings is sufficient to enable adequate daylight into existing habitable room windows.
- 8.43 Potential overlooking to the adjoining properties to the north-east and south-east has been assessed. Given the separation between the development and adjoining dwellings, the development has adequately avoided direct views into habitable room windows and private open space areas of adjoining properties.

- 8.44 The consideration of noise can only relate to the construction of the development. The residential use of the dwellings does not require a planning permit and is not a planning matter. Residential noise associated with a development is considered normal and reasonable in an urban setting. Any future issues of amenity, if they arise, should be pursued as a civil matter.

Loss of property value

- 8.45 Any possible impact to the value of the objector's property is considered a subjective claim and is not a ground which can be considered in the planning assessment of this application.

Construction impacts

- 8.46 A detailed construction management plan is required as a condition of permit, which sets out matters relating to hours of construction, dust, dirt and mud control and the location of parking and site facilities for construction workers. The management plan would be enforced, where necessary, by Council's Planning Compliance team.

**9. CONCLUSION**

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

**10. DECLARATION OF CONFLICT OF INTEREST**

- 10.1 No officers involved in the preparation of this report have any direct or indirect conflict of interest in this matter.

### DRAWING SCHEDULE

ARCHITECTURAL	
TP-01	SCHEDULES
TP-02	SITE AERIAL PHOTO
TP-03	SITE PHOTOS
TP-04	SITE ANALYSIS
TP-05	DESIGN RESPONSE
TP-06	DESIGN RESPONSE
TP-07	DESIGN RESPONSE
TP-08	DESIGN RESPONSE
TP-09	PROPOSED/EXISTING STREETScape ELEVATION - OLD WARRANDYTE ROAD
TP-10	PROPOSED/EXISTING STREETScape ELEVATION - MITCHAM ROAD
TP-11	BASEMENT 1
TP-12	GROUND FLOOR PLAN
TP-13	LEVEL 1 FLOOR PLAN
TP-14	LEVEL 2 FLOOR PLAN
TP-15	LEVEL 3 FLOOR PLAN
TP-16	LEVEL 4 FLOOR PLAN
TP-17	ROOF PLAN
TP-18	NORTH WEST / NORTH EAST ELEVATIONS
TP-19	SOUTH WEST / SOUTH EAST ELEVATIONS
TP-20	NORTH WEST / NORTH EAST ELEVATIONS -WALL HEIGHTS
TP-21	SOUTH WEST / SOUTH EAST ELEVATIONS -WALL HEIGHTS
TP-22	SECTION A & B
TP-23	SECTION C D & E
TP-25	MATERIAL SELECTION
TP-25	BADS GROUND FLOOR
TP-26	BADS LEVEL 1
TP-27	BADS LEVEL 2
TP-28	BADS LEVEL 3
TP-29	BADS LEVEL 4
TP-30	SHADOW DIAGRAM - 9am 22nd SEPTEMBER
TP-31	SHADOW DIAGRAM - 12pm 22nd SEPTEMBER
TP-32	SHADOW DIAGRAM - 3pm 22nd SEPTEMBER
TP-33	GARDEN AREA CALCULATION
LANDSCAPE	
LC2209	LANDSCAPE CONCEPT PLAN - memLa PTY LTD
SURVEY	
18002FL-A	FEATURE AND LEVEL SURVEY - LAND DIMENSIONS

PLANNING AND ENVIRONMENT ACT 1987  
 MANNINGHAM PLANNING SCHEME  
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 Sheet 2 of 34  
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### DEVELOPMENT SUMMARY

APARTMENT	GROUND	LEVEL 1	LEVEL 2	LEVEL 3	LEVEL 4	%	TOTAL
2 BED - 2 BATH	-	4	4	-	-	24.24	8
3 BED - 2 BATH	2	7	7	6	2	63.63	24
3 BED - 3 BATH	1	-	-	2	-	12.12	3
<b>TOTAL</b>	<b>3</b>	<b>11</b>	<b>11</b>	<b>8</b>	<b>-</b>	<b>100.00</b>	<b>35</b>

<b>TOTAL OF DEVELOPMENT</b>	<b>35</b>
-----------------------------	-----------

APARTMENT CARPARKING	BASEMENT 1	GROUND	TOTAL
CAR SPACES	46	24	70

Minimum carspace allocation 2 carspaces per 3 bed apartment and 1 carspace per 2 bed apartment

BICYCLE PARKING	GROUND	TOTAL
RESIDENT SPACES	10	10
VISITOR SPACES	4	4
<b>TOTAL</b>	<b>14</b>	<b>14</b>

<b>TOTAL OF DEVELOPMENT</b>	<b>7</b>
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FLOOR AREA SUMMARY	CARPARK	COMMON	RESIDENTIAL	GFA	POS	TOTAL
BASEMENT 1	1491 m <sup>2</sup>	-	-	1491 m <sup>2</sup>	-	1491 m <sup>2</sup>
GROUND	984 m <sup>2</sup>	69 m <sup>2</sup>	360 m <sup>2</sup>	1413 m <sup>2</sup>	243 m <sup>2</sup>	1656 m <sup>2</sup>
LEVEL 1	-	135 m <sup>2</sup>	1109 m <sup>2</sup>	1244 m <sup>2</sup>	557 m <sup>2</sup>	1801 m <sup>2</sup>
LEVEL 2	-	135 m <sup>2</sup>	1108 m <sup>2</sup>	1243 m <sup>2</sup>	228 m <sup>2</sup>	1471 m <sup>2</sup>
LEVEL 3	-	108 m <sup>2</sup>	985 m <sup>2</sup>	1093 m <sup>2</sup>	289 m <sup>2</sup>	1382 m <sup>2</sup>
LEVEL 4	-	36 m <sup>2</sup>	302 m <sup>2</sup>	338 m <sup>2</sup>	167 m <sup>2</sup>	505 m <sup>2</sup>
<b>TOTAL</b>	<b>2475 m<sup>2</sup></b>	<b>483 m<sup>2</sup></b>	<b>3864 m<sup>2</sup></b>	<b>6822 m<sup>2</sup></b>	<b>1484 m<sup>2</sup></b>	<b>8306 m<sup>2</sup></b>

SITE COVERAGE	PERCENTAGE	TOTAL
SITE AREA	100%	2546m <sup>2</sup>
BUILDING SITE COVERAGE	59.0%	1503m <sup>2</sup>
PERMIABLE AREA	30.8%	785m <sup>2</sup>
GARDEN AREA (4 OLD WARRANDYTE ROAD SITE AREA 1262 m <sup>2</sup> )	35%	445m <sup>2</sup>

1	18002 FL-A	18002 FL-A	18002 FL-A
2	18002 FL-A	18002 FL-A	18002 FL-A
3	18002 FL-A	18002 FL-A	18002 FL-A

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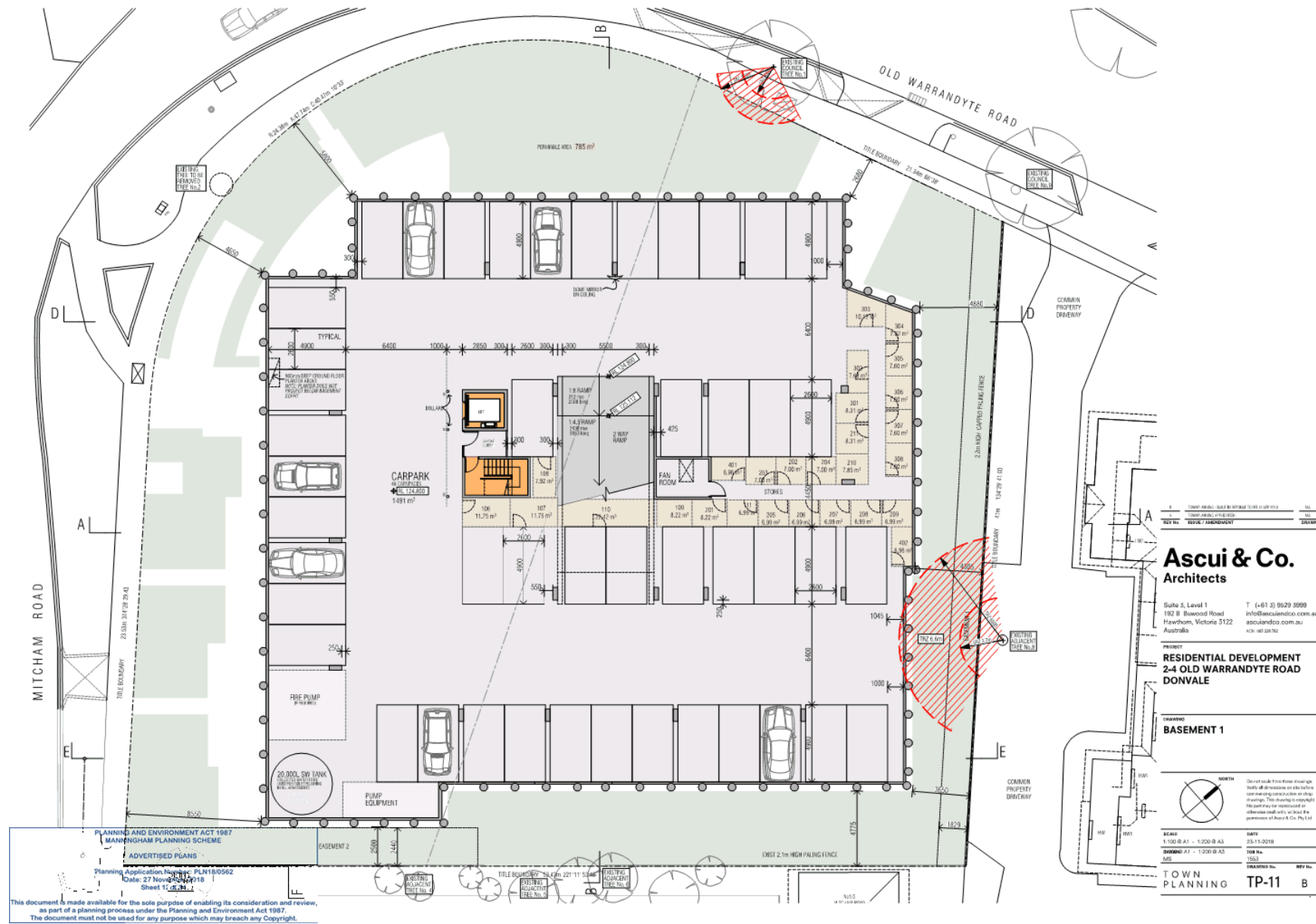
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PROJECT  
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**2-4 OLD WARRANDYTE ROAD**  
**DONVALE**

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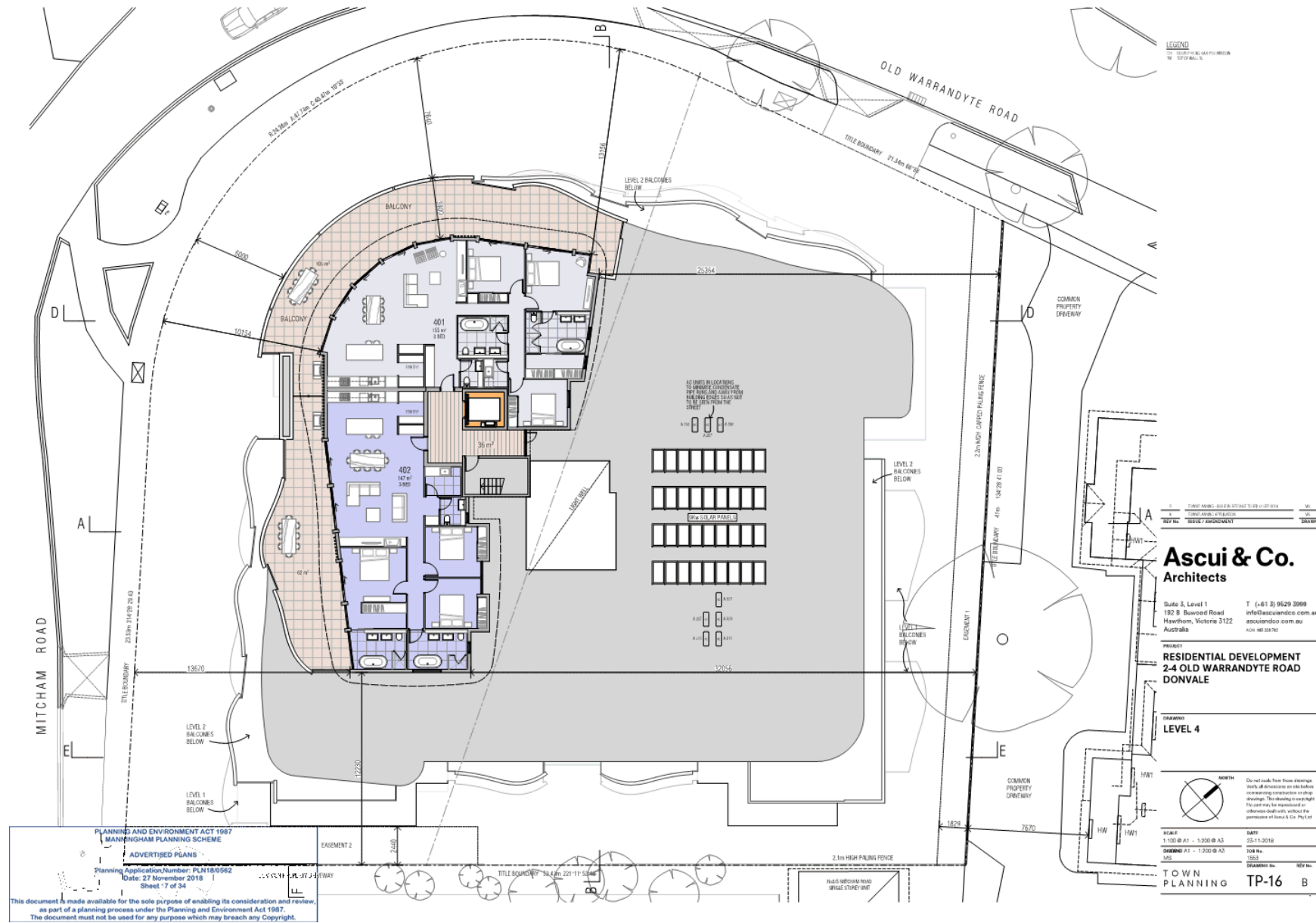
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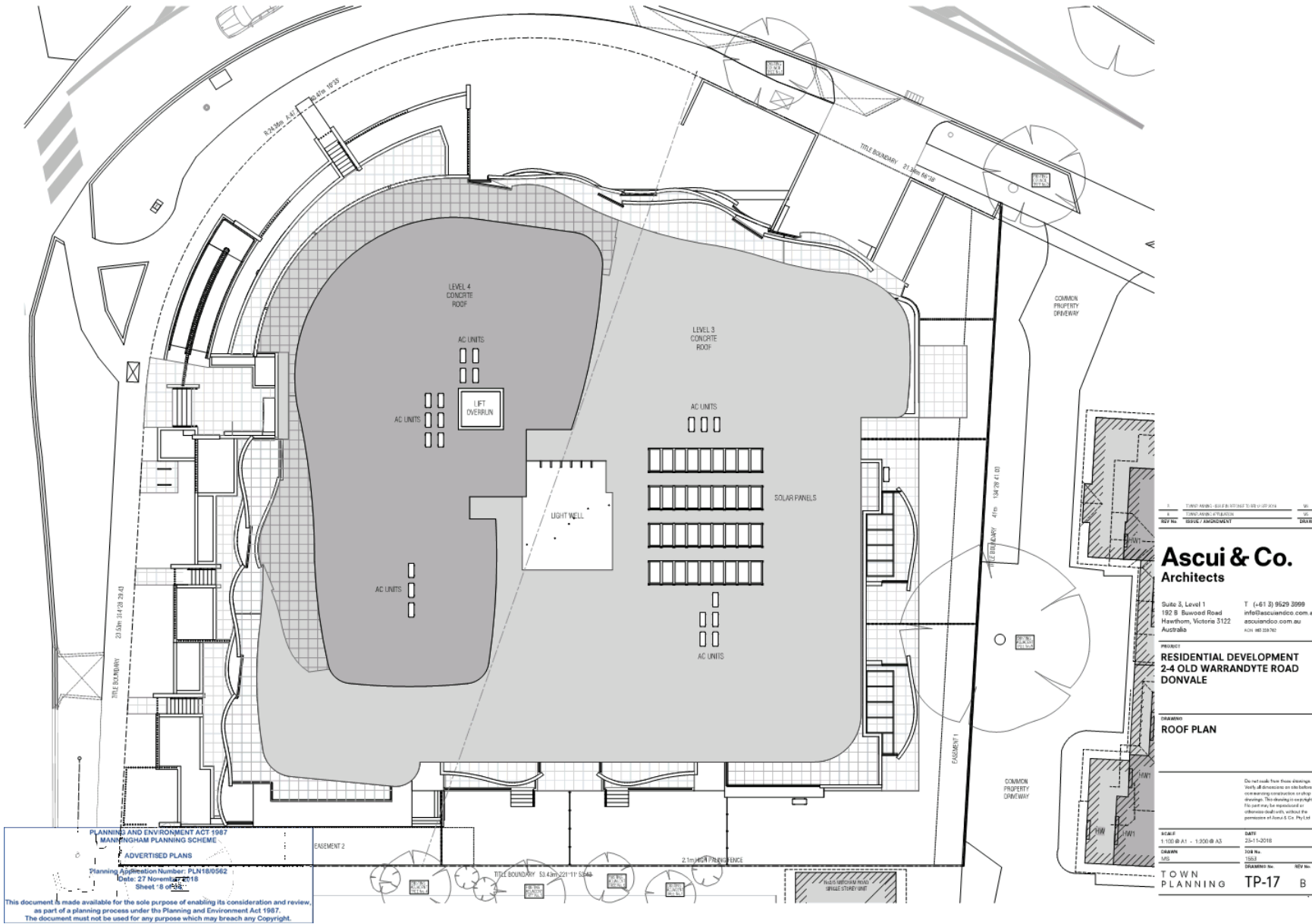
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NORTH WEST ELEVATION



NORTH EAST ELEVATION

PLANNING AND ENVIRONMENT ACT 1987  
 MANNINGHAM PLANNING SCHEME  
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PROJECT  
**RESIDENTIAL DEVELOPMENT  
 2-4 OLD WARRANDYTE ROAD  
 DONVALE**

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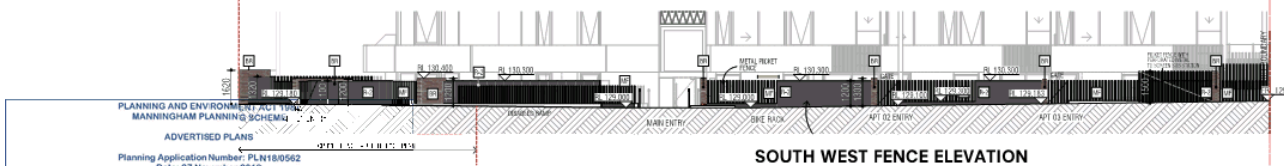
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**SOUTH EAST ELEVATION**



**SOUTH WEST ELEVATION**



**SOUTH WEST FENCE ELEVATION**

PLANNING AND ENVIRONMENT PART 118  
MANNINGHAM PLANNING SCHEME 4  
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DONVALE**

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NORTH WEST ELEVATION



NORTH EAST ELEVATION

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 HEIGHTS**

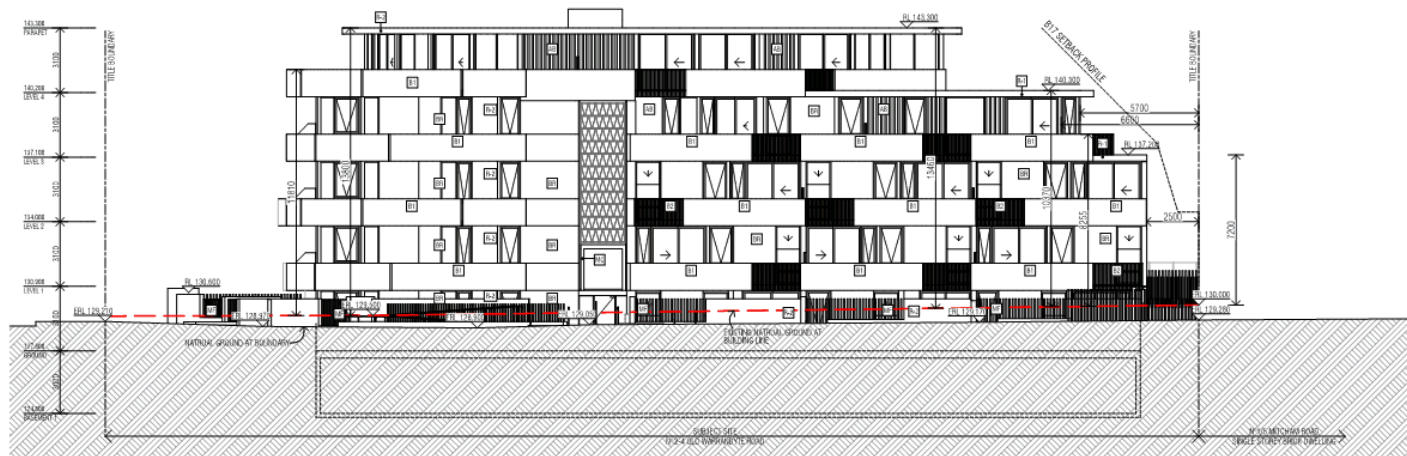
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SOUTH EAST ELEVATION



SOUTH WEST ELEVATION

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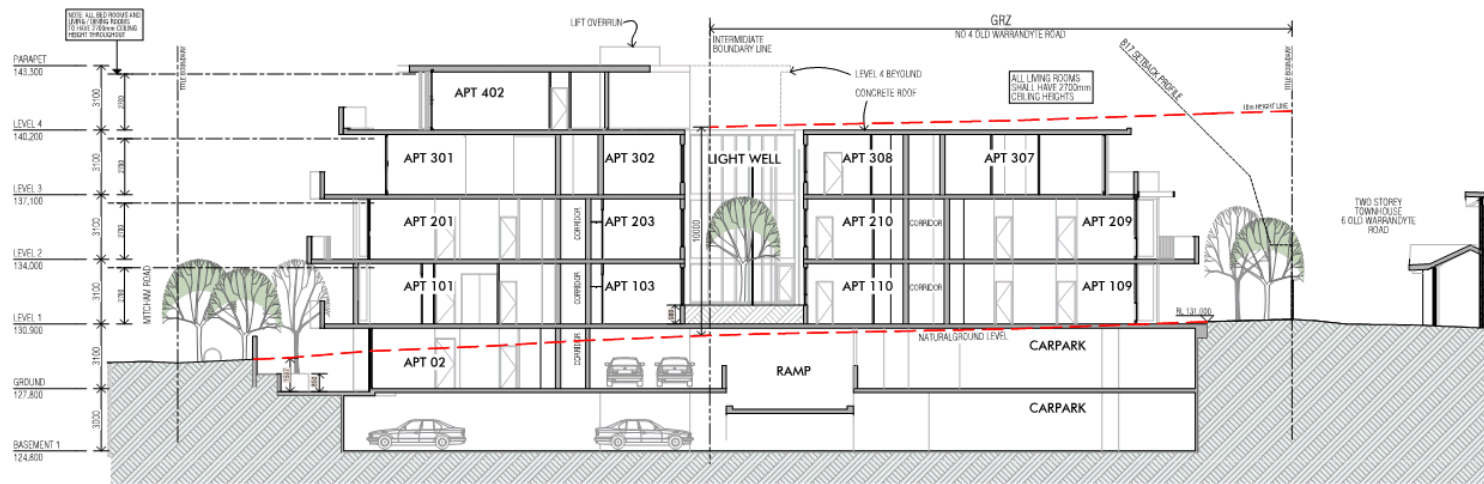
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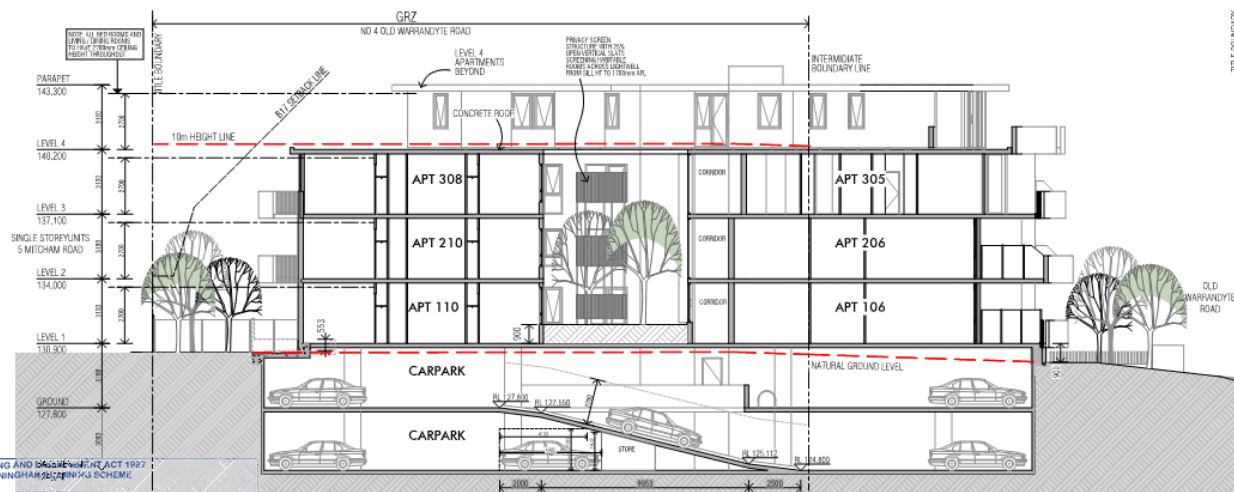
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SECTION A



SECTION B

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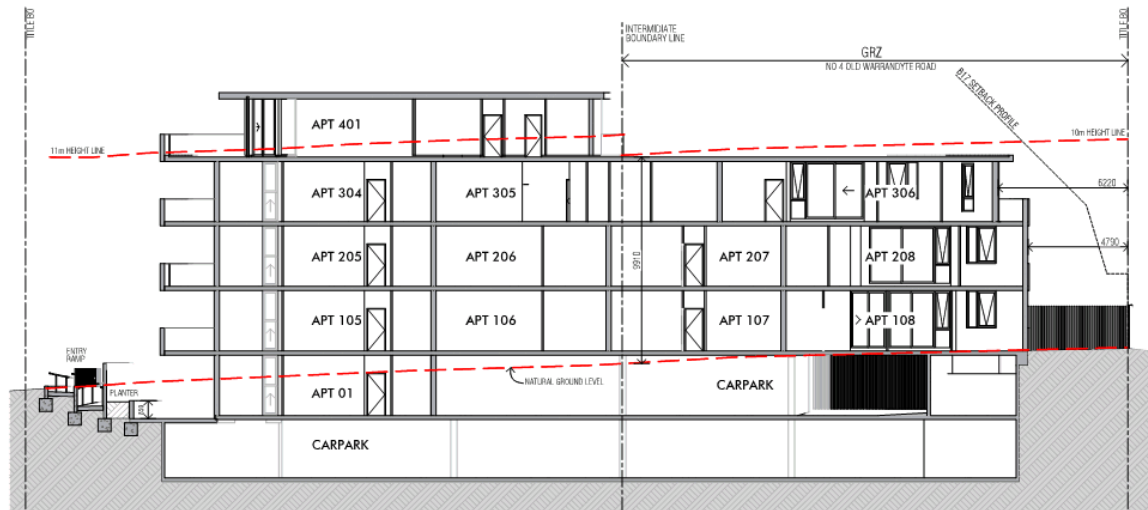
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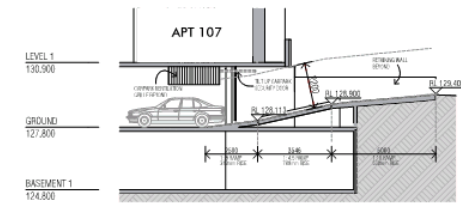
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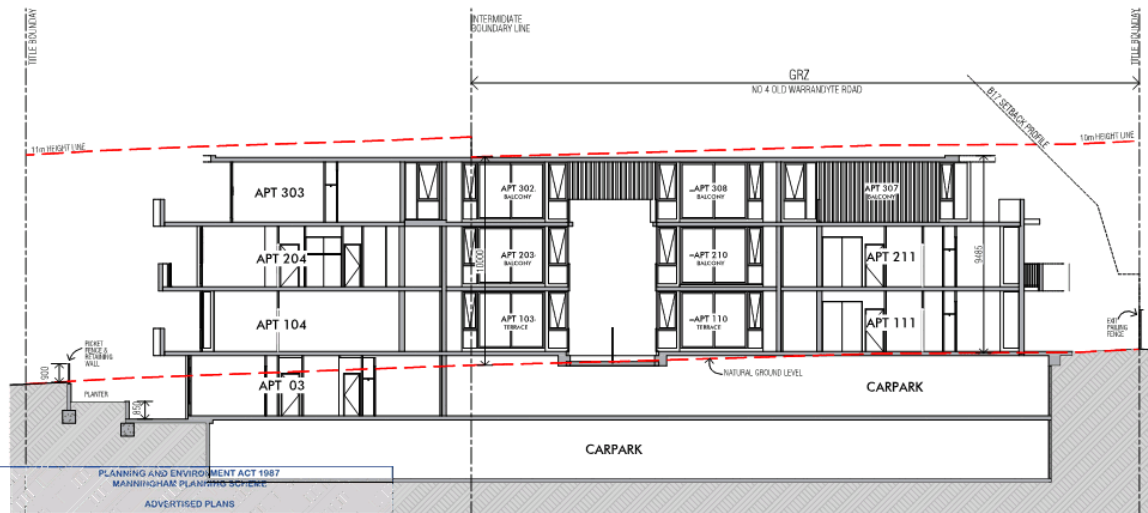
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SECTION D



SECTION C



SECTION E

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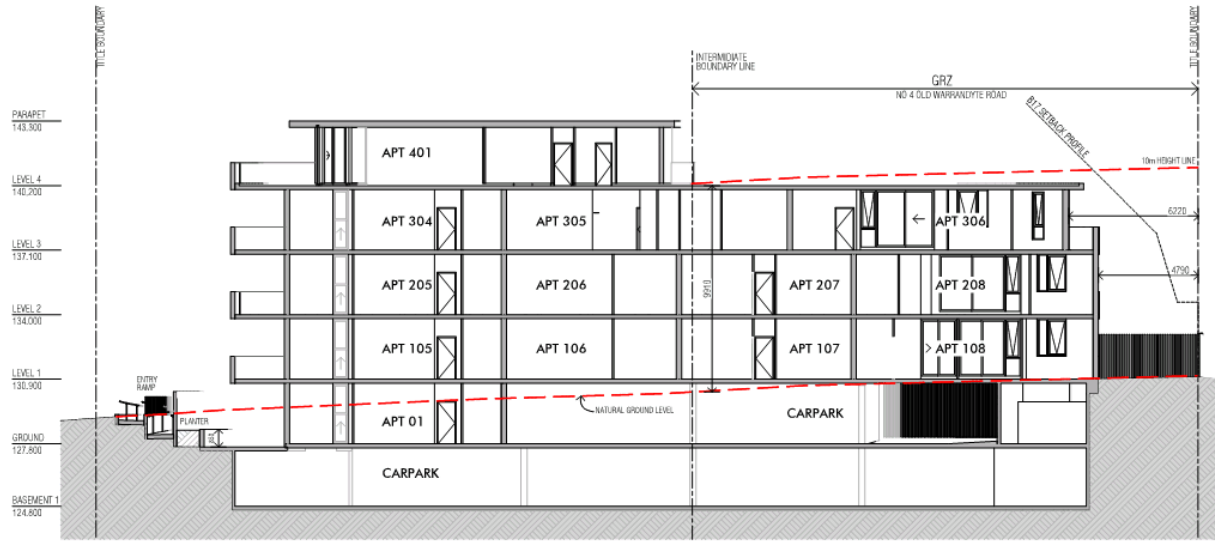
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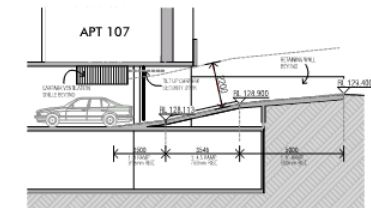
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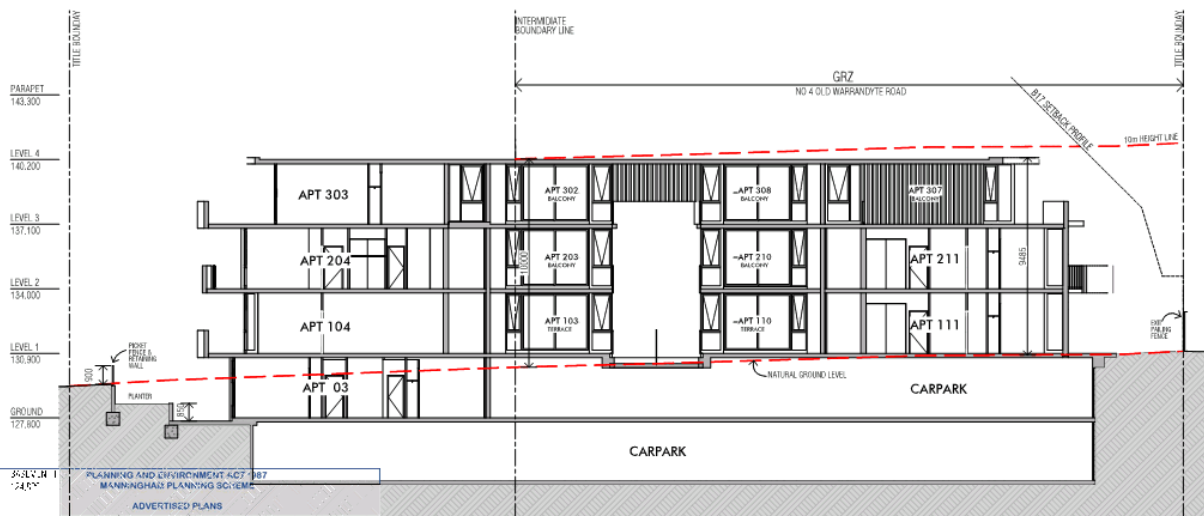
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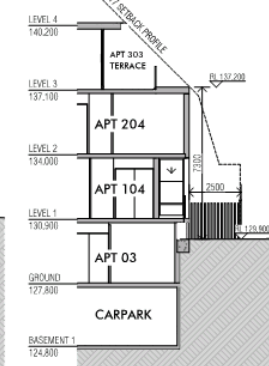
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SECTION C



SECTION E



SECTION F

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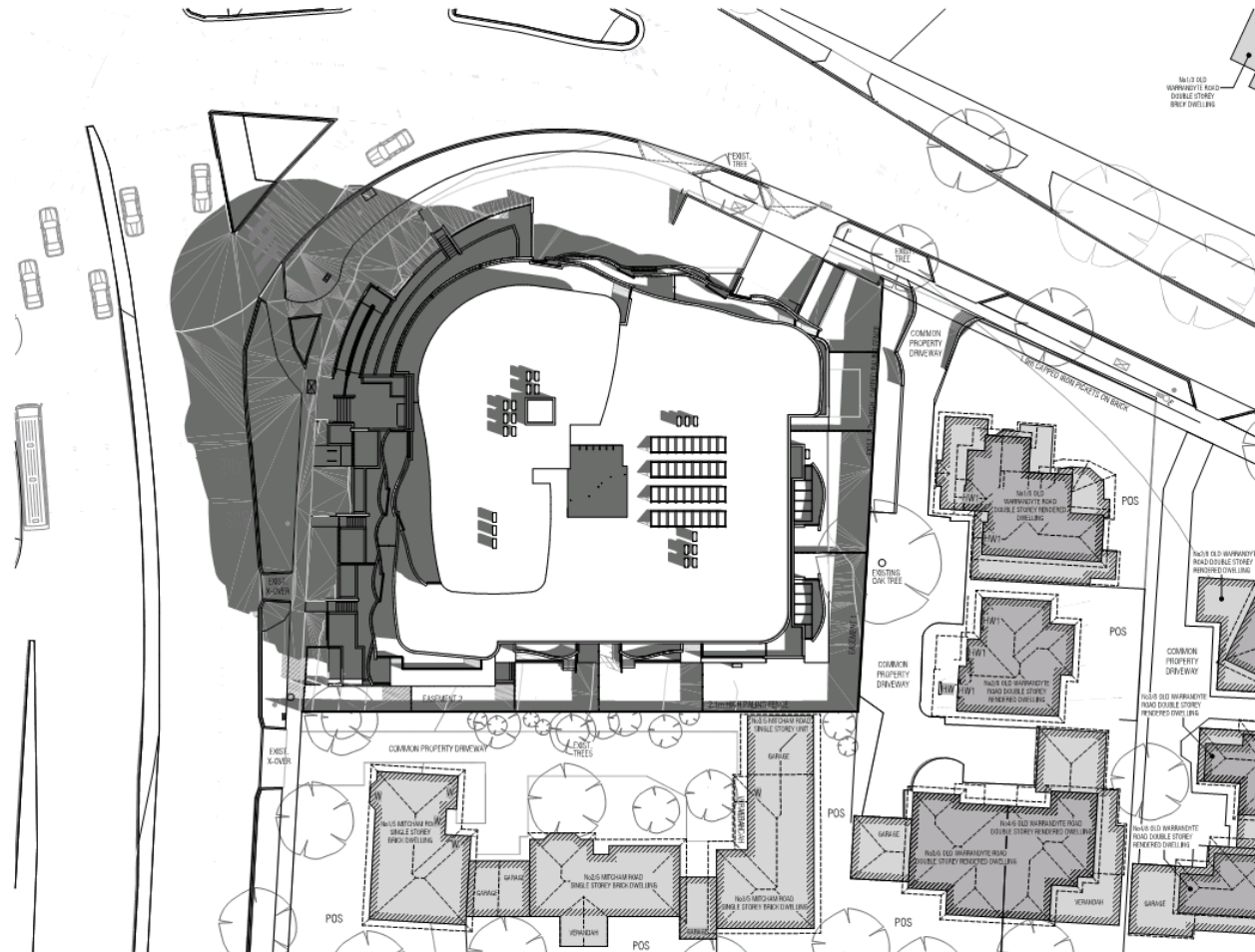
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PROJECT  
**RESIDENTIAL DEVELOPMENT  
2-4 OLD WARRANDYTE ROAD  
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REV NO	ISSUE / APPROVEMENT	DATE

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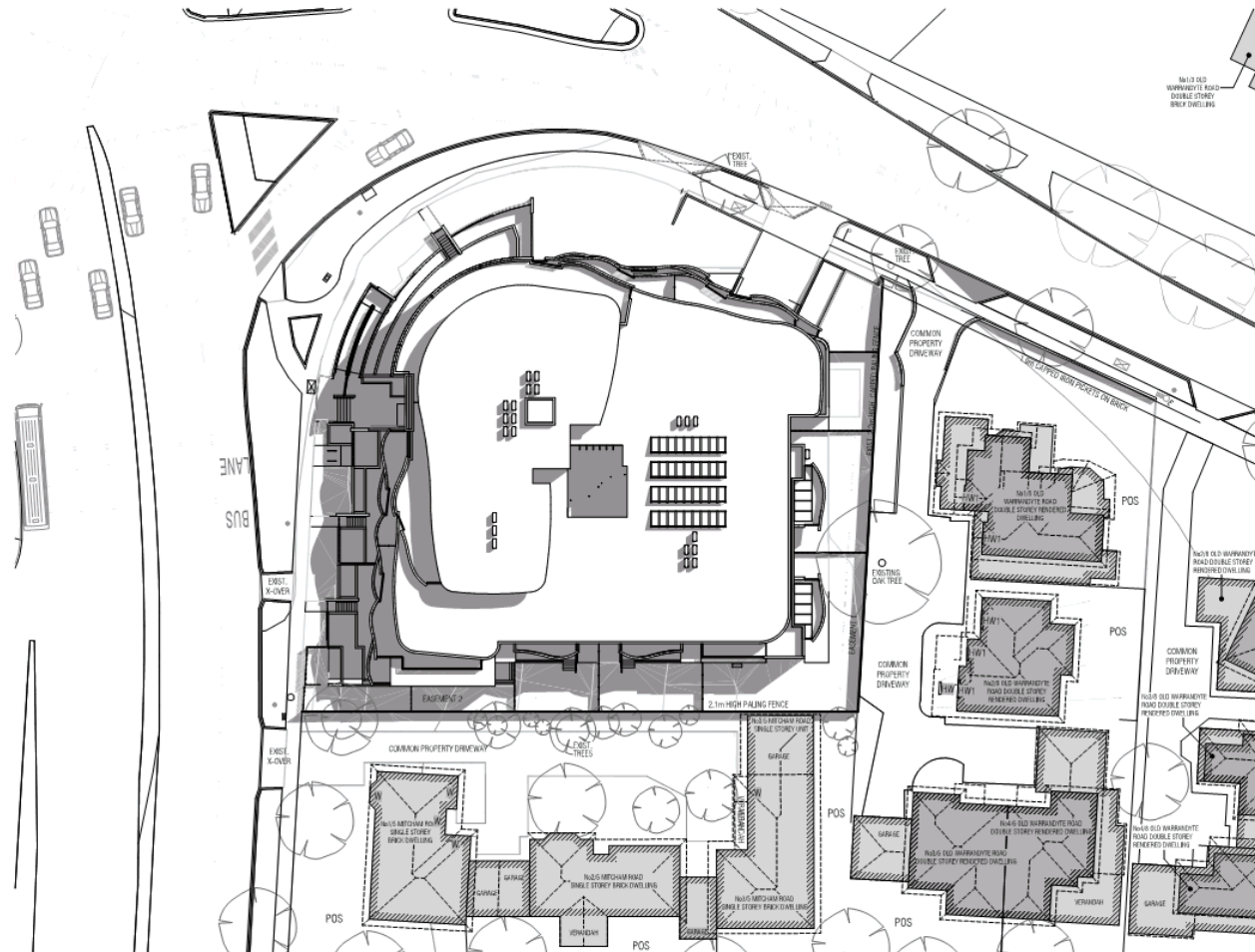
PROJECT  
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 2-4 OLD WARRANDYTE ROAD  
 DONVALE**

DRAWN  
**9am SHADOWS**



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SCALE	DATE
1:100 @ A1 - 1:200 @ A3	25-11-2018
DRAWN	JOB NO.
MS	1008
	DRAWING NO.
	REV NO.
TOWN PLANNING	TP-30 B



PLANNING AND ENVIRONMENT ACT 1987  
 MANNINGHAM PLANNING SCHEME  
 ADVERTISED PLANS  
 Planning Application Number: PLN16/0562  
 Date: 27 November 2018  
 Sheet 32 of 34

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1	STAMP NUMBER - SEE B-107362 TO B-107374	VS
2	STAMP NUMBER OF REVISION	VS
REV NO	ISSUE / APPROVEMENT	DATE

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PROJECT  
**RESIDENTIAL DEVELOPMENT  
 2-4 OLD WARRANDYTE ROAD  
 DONVALE**

DRAWN  
**12pm SHADOWS**



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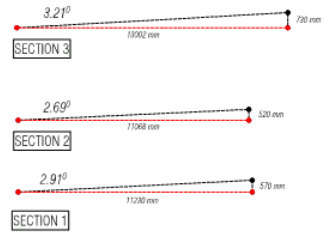
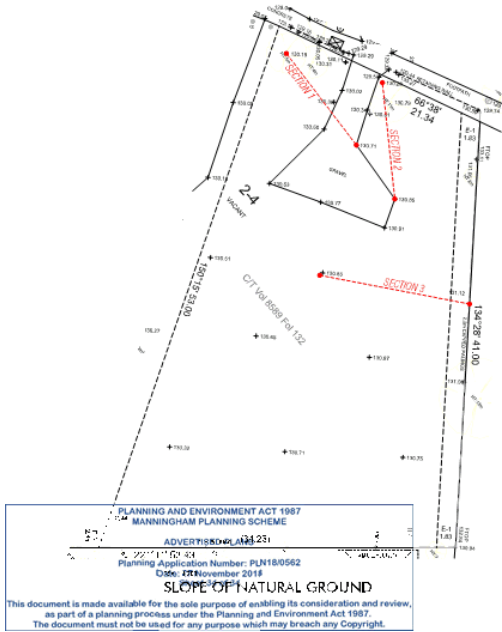
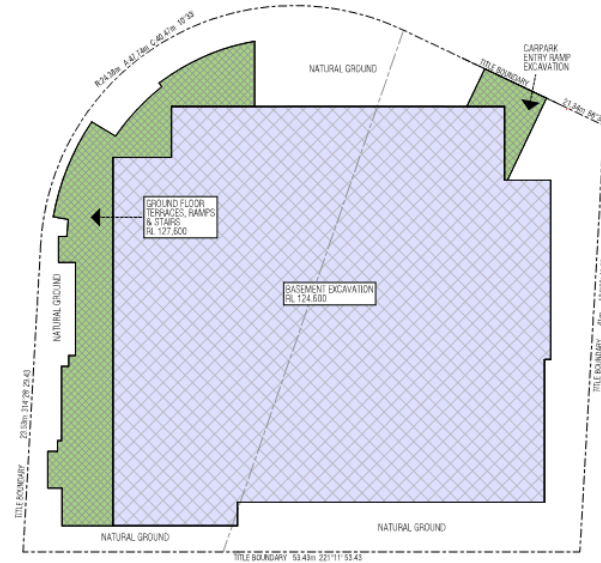
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DRAWN	JOB NO.
MS	1033
	DRAWING No. - REV No.
TOWN PLANNING	TP-31 B





GRZ SITE AREA  
 4 OLD WARRANDYTE ROAD 1262 m<sup>2</sup>  
 35% GRZ 445 m<sup>2</sup>

AREA ① 390 m<sup>2</sup>  
 AREA ② 55 m<sup>2</sup>  
 TOTAL GARDEN AREA 445 m<sup>2</sup>



1	CONTRACT NUMBER: 100-0-0-000002-10-00-000000	DATE
2	CONTRACT AREA: 100-0-0-000002-10-00-000000	DATE
REV NO	ISSUE / APPROVAL	DATE

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PROJECT  
**RESIDENTIAL DEVELOPMENT  
 2-4 OLD WARRANDYTE ROAD  
 DONVALE**

**DRAWING  
 GARDEN AREA CALCULATION**



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TOWN PLANNING	TP-33 B





## 5. LEGISLATIVE REQUIREMENTS

### 5.1 PLANNING AND ENVIRONMENT ACT 1987 (THE ACT)

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.

Section 60 of The *Planning and Environment Act*, requires the Responsible Authority to consider the following before deciding on an application:

- *The relevant planning scheme;*
- *The objectives of planning in Victoria;*
- *All objections and other submissions which it has received;*
- *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.*

Section 61(4) of the Act makes specific reference to covenants. Under Section 61(4) of the *Planning & Environment Act 1987* the Responsible Authority must not issue a planning permit that would result in a breach of a registered restrictive covenant.

### 5.2 MANNINGHAM PLANNING SCHEME

**Clauses of the Manningham Planning Scheme the Responsible Authority must consider:**

- Planning Policy Framework
- Local Planning Policy Framework
- Clause 32.07 Residential Growth Zone, Schedule 2
- Clause 32.08 General Residential Zone, Schedule 1
- Clause 43.02 Design and Development Overlay, Schedule 8
- Clause 52.06 Car Parking
- Clause 52.29 Land Adjacent to a Road Zone, Category 1, or a Public Acquisition Overlay for a Category 1 Road
- Clause 52.34 Bicycle Facilities
- Clause 58 Apartment Developments
- Clause 65 Decision Guidelines

#### Zones

##### Clause 32.07 Residential Growth Zone, Schedule 2

The purpose of the General Residential Zone is:

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To provide housing at increased densities in buildings up to and including four storey buildings.*
- *To encourage a diversity of housing types in locations offering good access to services and transport including activity centres and town centres.*
- *To encourage a scale of development that provides a transition between areas of more intensive use and development and other residential areas.*
- *To ensure residential development achieves design objectives specified in a schedule to this zone.*

- *To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.*

A Planning Permit is required to construct two or more dwellings on a lot.

An apartment development of five or more storeys, excluding a basement, must meet the requirements of Clause 58.

A building must not be constructed for use as a dwelling or a residential building that exceeds the maximum building height specified in a schedule to this zone.

Schedule 2 to the Residential Growth Zone does not specify a maximum building height requirement for a dwelling or residential building.

If no maximum building height is specified in a schedule to this zone, the building height should not exceed 13.5 metres.

A building may exceed the maximum building height by up to 1 metre if the slope of the natural ground level, measured at any cross section of the site of the building wider than 8 metres, is greater than 2.5 degrees.

Any buildings or works constructed on a lot that abuts land which is in a General Residential Zone, Neighbourhood Residential Zone, or Township Zone must meet the requirements of Clauses 55.03-5, 55.04-1, 55.04-2, 55.04-3, 55.04-5 and 55.04-6 along that boundary.

#### Clause 32.08 General Residential Zone, Schedule 1

The purpose of the General Residential Zone is:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To encourage development that respects the neighbourhood character of the area.*
- *To encourage a diversity of housing types and housing growth in locations offering good access to services and transport.*
- *To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.*

A Planning Permit is required to construct two or more dwellings on a lot.

An apartment development of five or more storeys, excluding a basement, must meet the requirements of Clause 58.

An application to construct or extend a dwelling or residential building on a lot must provide a minimum garden area of 35% for lots above 650 square metres.

This does not apply to an application to alter or extend an existing building that did not comply with the minimum garden area requirement of Clause 32.08-4 on the approval date of Amendment VC110.

A building must not be constructed for use as a dwelling or a residential building that:

- *exceeds the maximum building height specified in a schedule to this zone; or*
- *contains more than the maximum number of storeys specified in a schedule to this zone.*

If no maximum building height or maximum number of storeys is specified in a schedule to this zone:

- *the building height must not exceed 11 metres; and*

- *the building must contain no more than 3 storeys at any point.*

Schedule 1 to the General Residential Zone does specify a maximum building height requirement for a dwelling or residential building. A building used as a dwelling or residential building must not exceed a height of 9 metres, unless the slope of the natural ground level at any cross section wider than 8 metres of the site of the building is 2.5 degrees or more, in which case the maximum building height must not exceed 10 metres.

A basement is not a storey for the purposes of calculating the number of storeys contained in a building.

### Overlays

#### Clause 43.02 Schedule 8 to the Design and Development Overlay

The design objectives are as follows:

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

#### Permit Requirement

- *A permit is required to construct or carry out works.*
- *A permit is required to construct or extend a front fence within 3 metres of a street, if the fence is associated with 2 or more dwellings on a lot or a residential building.*

#### Building Height & Setbacks

- Any building or works must comply with the requirements set out in Table 1 and 2 of this Schedule.
- For the purposes of this Schedule, the Maximum Building Height does not include building services, lift over-runs and roof mounted equipment, including screening devices.
- For the purposes of this Schedule, balconies, terraces, and verandahs may encroach within the Street Setback by a maximum of 2.0m, but must not extend along the width of the building.

Table 1

Sub-Precinct	Maximum Building Height	Condition regarding minimum land size	Street setback
DDO8-1 (Main Road) Sub-precinct	11 metres provided the condition regarding minimum land size is met. If the condition is not met, the maximum height is 9 metres, unless the slope of the natural ground level at any cross section wider than eight metres of the site of the building is 2.5 degrees or more, in which case the maximum height must not exceed 10 metres.	1,800 square metres must be all in the same sub-precinct. Where the land comprises more than one lot, the lots must be consecutive lots which are side by side and have a shared frontage	For two or more dwellings on a lot or a residential building: <ul style="list-style-type: none"> <li>• Minimum front street setback is the distance specified in Clause 55.03-1 or 6 metres, whichever is the lesser</li> <li>• Minimum side street setback is the distance specified in Clause 55.03-1</li> </ul>

**Planning Policy Framework**

The relevant sections of the state planning policy framework are as follows:

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.*

Clause 15.01-2 (Urban Design Principle) policy objective is:

- *To achieve architectural and urban design outcomes that contribute positively to local urban character and enhance the public realm while minimising detrimental impact on neighbouring properties.*

The strategy to achieve this is to apply the listed strategies to development proposals for non-residential development or residential development not covered by Clause 54, Clause 55 or Clause 56.

Responsible Authorities are also required to have regard to the State's *Design Guidelines for Higher Density Housing*, which is referenced at Clause 15.01 of the Scheme.

The strategies include the application of design principles to the proposed development relating to context, public realm, safety, pedestrian spaces, energy and resource efficiency, architectural quality and landscape quality.

Clause 15.01-4 (Design for Safety) policy objective is:

- To *improve* community safety and encourage neighbourhood design that makes people feel safe.

The policy 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.

Clause 15.01-5 (Cultural Identity and Neighbourhood Character) policy objective is:

- To recognise and protect cultural identity, neighbourhood character and sense of place.

The clause includes several strategies to achieve this objective, including to:

- *Ensure development responds and contributes to existing sense of place and cultural identity.*
- *Ensure development recognises distinctive urban forms and layout and their relationship to landscape and vegetation.*
- *Ensure development responds to its context and reinforces special characteristics of local environment and place by emphasising:*
  - *The underlying natural landscape character.*
  - *The heritage values and built form that reflect community identity.*
  - *The values, needs and aspirations of the community.*

Clause 15.02-1 Sustainable development: Energy and resource efficiency

The policy objective is:

- *To encourage land use and development that is consistent with the efficient use of energy and the minimisation of greenhouse gas emissions.*

The clause has the following strategies:

- *Ensure that buildings and subdivision design improves efficiency in energy use.*
- *Promote consolidation of urban development and integration of land use and transport.*
- *Improve efficiency in energy use through greater use of renewable energy.*
- *Support low energy forms of transport such as walking and cycling.*

Clause 16.01-1 Residential development: Integrated housing

The policy objective is:

- To *promote* a housing market that meets community needs.

The clause has the following strategies:

- *Increase the supply of housing in existing urban areas by facilitating increased housing yield in appropriate locations, including under-utilised urban land.*
- *Ensure that the planning system supports the appropriate quantity, quality and type of housing, including the provision of aged care facilities.*
- *Ensure housing developments are integrated with infrastructure and services, whether they are located in existing suburbs, growth areas or regional towns.*
- *Encourage housing that is both water efficient and energy efficient.*

## Clause 16.01-2 Residential development: Location of residential development

The policy objective is:

- *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.*

The clause includes several strategies to achieve this objective, they include:

- *Increase the proportion of housing in Metropolitan Melbourne to be developed within the established urban area, particularly at activity centres, employment corridors and at other strategic sites, and reduce the share of new dwellings in greenfield and dispersed development areas.*
- *Encourage higher density housing development on sites that are well located in relation to activity centres, employment corridors and public transport.*
- *Ensure an adequate supply of redevelopment opportunities within the established urban area to reduce the pressure for fringe development.*
- *Facilitate residential development that is cost-effective in infrastructure provision and use, energy efficient, incorporates water efficient design principles and encourages public transport use.*
- *Identify opportunities for increased residential densities to help consolidate urban areas.*

## Clause 16.01-4 Housing diversity

The policy objective is:

- *To provide for a range of housing types to meet increasingly diverse needs.*

## Clause 18.01-1 integrated Transport: Land use and transport planning

The policy objective is:

- *To create a safe and sustainable transport system by integrating land-use and transport.*

## Clause 18.02-1 Movement networks: Sustainable personal transport

The policy objective is:

- *To promote the use of sustainable personal transport.*

## Clause 18.02-2 Cycling

The policy objective is:

- *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.

## Clause 18.02-4 Management of the road system

The policy objective is:

- *To manage the road system to achieve integration, choice and balance by developing and efficient and safe network and making the most of existing infrastructure.*

## Clause 18.02-5 Car parking

The policy objective is:

- *To ensure an adequate supply of car parking that is appropriately designed and located.*

The policy is relevant to the proposal because the application seeks a reduction in the standard car parking requirement of the Scheme. The objective is to ensure an adequate supply of car parking that is appropriately designed and located. It is also required to allocate or require land to be set aside for car parking subject to the existing and potential modes of

access including public transport, the demand for off-street car parking, road capacity and the potential for demand management of car parking. Proposals are also encouraged to facilitate the use of public transport.

#### **Local Planning Policy Framework (LPPF)**

##### **Municipal Strategic Statement**

###### Clause 21.03 Key Influences

This clause identifies that future housing need and residential amenity are critical land-use issues that will challenge Manningham's future growth and sustainable development. 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.

This increasing pressure for re-development raises issues about how these changes affect the character and amenity of our local neighbourhoods. In meeting future housing needs, the challenge is to provide for residential re-development in appropriate locations, to reduce pressure for development in more sensitive areas, and in a manner that respects the residential character and amenity valued by existing residents.

###### Clause 21.05 Residential

This policy 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.

##### **Part of the site is within Precinct 1 - Residential Areas Removed from Activity Centres and Main Roads**

This precinct applies to the areas that are removed from activity centres (shopping centres) and main roads.

An incremental level of change is anticipated in Precinct 1. The future development vision is to encourage development that reinforces existing front and rear setbacks and site coverage to provide opportunities for landscaping and retain areas of open space. Accordingly, this precinct will encourage a less intense urban form.

Whilst the design of future dwellings may vary from the existing built form, dwellings in this area will need to provide increased open space for the planting or retention of trees and associated landscaping. The prevailing character of low front fences, retaining walls or the absence of front fences will also be encouraged.

##### **Part of the site is within Precinct 2 – Residential Areas Surrounding Activity Centres and Along Main Roads.**

A substantial level of change is anticipated in Precinct 2. Whilst this area will be a focus for higher density developments, there are three sub-precincts which each stipulate different height, scale and built form outcomes to provide a transition between each sub-precinct and adjoining properties, primarily in Precinct 1 – Residential Areas Removed from Activity Centres and Main Roads.

The site is located within the **Main Road Sub-Precinct**.

Development in Precinct 2 should:



- *Provide for contemporary architecture*
- *Achieve high design standards*
- *Provide visual interest and make a positive contribution to the streetscape*
- *Provide a graduated building line from side and rear boundaries*
- *Minimise adverse amenity impacts on adjoining properties*
- *Use varied and durable building materials*
- *Incorporate a landscape treatment that enhances the overall appearance of the development.*
- *Integrate car parking requirements into the design of buildings and landform.*

#### Clause 21.10 Ecologically Sustainable Development

This policy highlights Council's commitment to ESD and outlines a number of ESD principles to which regard must be given. These include building energy management, water sensitive design, external environmental amenity, waste management, quality of public and private realm and transport.

#### **Local Planning Policy**

#### Clause 22.08 Safety through urban design

This policy 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.

#### Clause 22.09 Access for disabled people

This policy 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.

#### Clause 22.12 Environmentally Sustainable Development

This policy applies throughout the City of Manningham to residential and non-residential development that requires a planning permit in accordance with the thresholds in Table 1 of this Policy (except for land affected by the Activity Centre Zone (Schedule 1) that applies to Doncaster Hill). The policy contains an overarching objective that development should achieve best practice in environmentally sustainable development from the design stage through to construction and operation.

#### Clause 22.15 Dwellings in the General Residential Zone, Schedule 1

This policy applies to an application to construct or extend one dwelling on a lot less than 500 square metres and the construction and extension of two or more dwellings on a lot, a dwelling on common property and a residential building on land in the General Residential Zone, Schedule 1.

This policy implements the objectives for the 'Residential Areas Removed from Activity Centres and Main Roads' identified in Clause 21.05 Residential which seek to ensure that residential development contributes to a preferred neighbourhood character and provides for an incremental level of change.

The design objectives are as follows:

- *To reinforce the existing garden character of the area by ensuring open space allows for the retention and planting of canopy trees.*
- *To ensure that the natural landscape and topography are identified as principal elements of neighbourhood character.*

- *To reinforce the open streetscape character by having no, or low fencing to allow views to the front gardens.*
- *To encourage a lesser intensity of development which provides a range of single and double storey dwellings and provides for a diversity of housing types for the community.*
- *To ensure that new development is well articulated and that two storey elements are not unduly bulky or visually intrusive.*
- *To encourage roof styles that reflect those in the existing streetscape.*
- *To encourage spacing between dwellings to reinforce the pattern of development of the street.*

#### **Particular Provisions**

##### Clause 52.06 Car Parking

Pursuant to Clause 52.06-5, car parking is required to be provided at the following rates:

- *1 space for 1 and 2 bedroom dwellings.*
- *2 spaces for 3 or more bedroom dwellings.*

No residential visitor car parking spaces are required for any part of the land identified as being within the Principal Public Transport Network Area.

Clause 52.06-9 outlines various design standards for parking areas that should be achieved.

##### Clause 52.29 Land Adjacent to a Road Zone, Category 1, or a Public Acquisition Overlay for a Category 1 Road

The purpose of this clause is:

- *To ensure appropriate access to identified roads.*
- *To ensure appropriate subdivision of land adjacent to identified roads.*

A permit is required to create or alter access to a road in a Road Zone, Category 1.

##### Clause 52.34 Bicycle Facilities

Pursuant to Clause 52.34-3, the following number of bicycle spaces are required in development of four or more storeys:

- *1 space for every 5 dwellings for residents.*
- *1 space for every 10 dwellings for visitors.*

##### Clause 58 Apartment Developments

A development:

- Must meet all of the objectives of this clause
- Should meet all of the standards of this clause.

If a zone or a schedule to a zone, or a schedule to an overlay specifies a requirement different from a requirement of a standard set out in Clause 58 (excluding Clause 58.04-1), the requirement in Clause 58 applies.

#### **General Provisions**

##### Clause 65 Decision Guidelines

This clause outlines that before deciding on an application, the responsible authority must consider, as appropriate:

- *The Municipal Planning Strategy and the Planning Policy Framework.*
- *The purpose of the zone, overlay or other provision.*
- *Any matter required to be considered in the zone, overlay or other provision.*
- *The orderly planning of the area.*

- *The effect on the amenity of the area.*
- *Whether the proposed development is designed to maintain or improve the quality of stormwater within and exiting the site.*
- *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.*

## 9.2 Planning Application PLN18/0448 at 39 Greenridge Avenue, Templestowe for the construction of a three-storey building comprising 13 apartments

File Number:	IN19/78
Responsible Director:	Director City Planning and Community
Applicant:	Draeh Planning
Planning Controls:	General Residential Zone, Schedule 3; Special Building Overlay
Ward:	Heide
Attachments:	1 Decision Plans <a href="#">↓</a> 2 Legislative Requirements <a href="#">↓</a>

### EXECUTIVE SUMMARY

#### Purpose

1. This report provides Council with an assessment of the planning permit application submitted for land at 39 Greenridge Avenue, Templestowe and recommends refusal of the submitted proposal. The application is being reported to Council given as it is a Major Application (with a development cost of more than \$5 million).

#### Proposal

2. The proposal is for buildings and works associated with the construction of a three-storey apartment building comprising 13 dwellings, with at-grade car parking. The proposal incorporates the reuse of a former aged care facility. The existing building is predominantly single-storey, with a small first floor footprint.
3. The reuse of the building for this proposal necessitates a significant increase in the first floor footprint and the addition of a new second floor.
4. The land has a total area of 3,091m<sup>2</sup>. The building has an overall site coverage of 47% and a site permeability of 38%. The building has a maximum height of 10.495m. A total of 24 car spaces and 18 bicycle spaces are provided.

#### Advertising

5. Notice of the application was given over a three week period which concluded on 12 December 2018.
6. To date, five objections have been received. The objections include issues relating to neighbourhood character, design and built form (building height, number of storeys and street presentation), traffic and car parking (distance from public transport, lack of off-street and on-street car parking and sustainable transport), off-site amenity impacts (overshadowing, privacy and overlooking and noise) and construction impacts.

**Assessment**

7. The development of the land with a three-storey apartment building is inconsistent with the relevant objectives of state and local planning policies of the Manningham Planning Scheme, including the requirements of the Clause 21.05 (Residential) and the purpose of the General Residential Zone, Schedule 3. A development of this scale, intensity and typology is not supported by local planning policy, does not respect the existing neighbourhood character and does not constitute an incremental level of change.
8. The proposal does comply with some requirements of Clause 55 (two or more dwellings on a lot or residential buildings) relating to site coverage and permeability and provides adequate car parking access with a surplus of car parking spaces.
9. However, it fails to meet key objectives relating to building height, street setback, side and rear setbacks and design detail, which contribute to a development that does not respect the existing neighbourhood character. Inadequate deep soil area, an over-reliance on screen planting and a lack of capacity for canopy tree planting serve to exacerbate visual bulk concerns. The proposal also fails to provide adequate internal amenity, as it relates to daylight to new windows, room depth, solar access to open space and internal views.

**Conclusion**

10. This report concludes that the proposal does not comply with the relevant planning policy in the Scheme and should not be supported.
11. It is recommended that Council resolve to not support the application and as an appeal has been lodged by VCAT for "failure to determine" by the permit applicant, VCAT, the permit applicant and objectors be notified accordingly of this decision.

**COUNCIL RESOLUTION**

**MOVED: CR GEOFF GOUGH**  
**SECONDED: CR MICHELLE KLEINERT**

**That Council:**

- A. Resolve to not support Planning Application PLN18/0448 at 39 Greenridge Avenue, Templestowe for the construction of a three-storey apartment building comprising 13 apartments and act in accordance with the provisions of Section 84(1 & 2) of the Planning & Environment Act 1987 (an application may be determined after an appeal has been lodged but the Responsible Authority must not issue the decision).**
- B. That the Victorian Civil and Administrative Tribunal and all objectors be advised that the application has been considered by Council where it was resolved to not support the application on the following grounds:-**

1. The proposal does not respect the existing neighbourhood character or constitute an appropriate incremental level of change, which is contrary to Clause 21.05 (Residential), the purpose of the General Residential Zone and the objectives of Clauses 55.02-1 (Neighbourhood Character) and 55.02-2 (Residential Policy) of the Manningham Planning Scheme.
2. The proposal will result in unreasonable streetscape and off-site amenity impacts to adjoining properties through unsympathetic built form, scale, excessive bulk and massing, verticality and lack of articulation, which is contrary to the objectives of Clauses 55.02-1 (Neighbourhood Character), 55.03-1 (Street Setback), 55.03-2 (Building Height), 55.04-1 (Side And Rear Setbacks) and 55.06-1 (Design Detail) of the Manningham Planning Scheme.
3. The proposal does not provide adequate canopy tree planting and landscaping opportunities throughout the site due to the siting of the building, decks, hard stand areas and retaining walls, which is contrary to the objectives of Clauses 55.03-8 (Landscaping) and 55.07-4 (Deep soil areas and canopy trees) of the Manningham Planning Scheme.
4. The proposal will result in unreasonable on-site amenity impacts to future residents due to poor solar access to habitable room windows and open space, as well as internal views, which is contrary to the objectives of Clauses 55.04-7 (Internal Views), 55.05-3 (Daylight To New Windows), 55.05-5 (Solar Access To Open Space) and 55.07-14 (Windows) of the Manningham Planning Scheme.
5. The proposal may result in unreasonable off-site amenity impacts due to inadequate overlooking treatments to adjoining properties to the north and north-west, which is contrary to Clause 55.04-6 (Overlooking) of the Manningham Planning Scheme.

**CARRIED**

## **2. BACKGROUND**

- 2.1 A pre-application request was submitted to Council on 11 May 2018. Officers raised significant concerns with the proposal, identifying it would be unlikely to be supported as the proposal did not meet fundamental policy objectives.
- 2.2 The application was submitted to Council on 5 July 2018.
- 2.3 A request for further information was sent on 1 August 2018. The letter also raised a number of concerns with the proposal including those contained in the grounds of refusal.
- 2.4 All requested further information was received by Council on 9 November 2018. Included with the further information was an increased development cost estimate of greater than \$5 million.

- 2.5 Notice of the application was given over a minimum three-week period which concluded on 12 December 2018.
- 2.6 The statutory time to enable an application to be lodged by the applicant at VCAT for Council's failure to determine the application within 60 days concluded on 10 February 2019.
- 2.7 An application has been lodged against Council's failure to determine the application within the prescribed time under Section 79 of the *Planning and Environment Act 1987*.
- 2.8 The land title is not affected by any covenants or restrictions.

### 3. THE SITE AND SURROUNDS

#### The Site

- 3.1 The site is situated on the northern side of Greenridge Avenue, Templestowe, approximately 365m by road from the intersection with King Street.
- 3.2 The site is triangular in shape, with dimensions of approximately 102m along the southern boundary frontage, 54.6m along the eastern side boundary, with rear boundary dimensions of 44.6m to the north and 51.4m to the north-west. The site area is 3,091m<sup>2</sup>.
- 3.3 The topography of the site is undulating. The lowest point of the site is at the western corner, however the site has a similar low point centrally at the location of an existing building. The frontage rises to the east, with the highest point in the location of the existing crossover. Existing retaining walls surround much of the existing building, which is benched into the site. The car park is set 2m lower than the crossover on a sloping surface.
- 3.4 The site is encumbered by multiple easements, including a 25m wide transmission easement. Through the middle of the transmission easement is a drainage and sewerage easement, and on the western side of the transmission easement is an additional 2m wide drainage easement adjacent to the site frontage.
- 3.5 An existing building is located on the western part of the site. It is predominantly a single-storey building, with a small first floor footprint. The building is a former aged care facility constructed of brick with flat roofing.
- 3.6 The building consists of a 798m<sup>2</sup> ground floor area containing 26 rooms and associated amenities and facilities, with a central unroofed courtyard. The entry to the building faces east onto the existing car park. The first floor incorporates two self-contained apartments within a smaller 180m<sup>2</sup> footprint. Also located on the eastern side of the building is a small 169m<sup>2</sup> basement, which comprises storage, laundry facilities and services.
- 3.7 An open air car park incorporating 17 car spaces is located on the eastern side of the property, within the transmission easement. The car park is accessed from a 6.2m wide crossover located at the eastern end of the site frontage. A pedestrian path extends from the site frontage to the driveway.

- 3.8 Side and rear fencing consists of timber palings, varying from 1.65m to 2m in height. The site frontage is fenced with approximately 1.8m high vertical timber slats. An electrical substation is located within the site frontage on the western side of the driveway. A 10m high *Eucalyptus mannifera* 'Brittle Gum' is located 4m west of the existing crossover within the road reserve. Other features within the road reserve include three additional street trees, light poles, sewer pits, side entry pits and two brick paved car parking bays.

### The Surrounds

- 3.9 The site has direct abutments with six properties, as follows:

Direction	Address	Description
North-west	12 Mossdale Court	A 735m <sup>2</sup> property developed with a two-storey brick dwelling with a hipped tile roof. The dwelling is setback 7.7m from its Mossdale Court frontage and 4m from the common boundary separated by private open space and some landscaping providing a buffer along the boundary. Several habitable room windows face the subject site.
	44 Beecroft Crescent	A 919m <sup>2</sup> property developed with a two-storey brick dwelling with a hipped tile roof. The dwelling features a first floor roofed balcony across the entire façade, setback a minimum 5.9m from the common boundary, separated by a swimming pool and paved area, with a landscape buffer along the boundary. The dwelling contains numerous habitable room windows facing the subject site, with a minimum setback of 7.2m.
North	46 Beecroft Crescent	A 1,047m <sup>2</sup> property developed with a three-storey attic-style brick dwelling with a steep hipped tile roof. The dwelling presents to the subject site as a two storey dwelling, with the attic style windows facing east-west. The dwelling is setback 8.7m from the common boundary separated by private open space, with a landscape buffer along the boundary. Several habitable room windows face the subject site. This private open space area extends to the east, whereby a substantial 40m setback is present between this dwelling and the adjoining dwelling at 48 Beecroft Crescent.
	48 Beecroft Crescent	An 866m <sup>2</sup> property developed with a two-storey brick dwelling with a hipped tile roof. The dwelling is setback 17.7m from the common boundary separated by a swimming pool and paved area, with a landscape buffer along the boundary.
East	39B Greenridge Avenue	A 612m <sup>2</sup> property developed with a two-storey brick and render dwelling with a hipped tile roof. The ground floor is setback 11.8m and the first floor is setback 12.4m from the common boundary, separated by a common property area, with private open space at the rear of the site. The dwelling contains numerous habitable room windows facing the subject site.



	39A Greenridge Avenue	A 277m <sup>2</sup> property developed with a single storey brick dwelling with a hipped tile roof. The dwelling is setback 7.6m from its Greenridge Avenue frontage, and 11.6m from the common boundary, separated by common property incorporating a driveway and a wide landscape strip along the boundary. The dwelling contains several habitable room windows facing the subject site.
Adjoining lots are subject to the same height controls as the subject site.		

- 3.10 The broader area contains a high proportion of two-storey detached dwellings, with several examples of multi-unit developments, including on the southern side of Greenridge Avenue and Mossdale Court. The predominant typology of multi-unit development in the immediate area is two dwellings on a lot, with a two-storey form, generally attached in a side-by-side formation.
- 3.11 Lot sizes in the area are highly variable, highlighted by the above instances of immediately adjacent properties. This irregularity is due to the curvilinear road network and varying subdivision pattern, including the prevalence of cul-de-sacs. Subdivided properties in the immediate area generally have lot sizes greater than 300m<sup>2</sup>. The exception to these characteristics is the subject site itself, being the largest property in the wider area.
- 3.12 Greenridge Avenue is a 5m wide local street serving two-way traffic in an east-west direction. The road terminates at the western end of the subject site with a hammerhead turning bay. Beyond this point, a separate roadway is provided in the form of Mossdale Court to the west. Kerbside parking is not permitted along this section of Greenridge Avenue due to the narrow road width. Dedicated brick paved parking bays are provided within the road reserve on both sides of the road. This narrow section of road currently serves 13 properties, including the subject site. To the east, within 25m of the eastern end of the subject site, Greenridge Avenue opens up to a 10m wide roadway.
- 3.13 The site is serviced by bus routes operating along King Street, with the furthest bus stop being on Victoria Street, approximately 630m by road. The site is within 2.5km of Jackson Court Shopping Centre and 3.2km of Stockland The Pines Shopping Centre by road. The site is also serviced by Mossdale Court Reserve within 130m walking distance, and Ruffey Lake Park within 900m walking distance. Other community and local facilities include a childcare centre within 300m walking distance, Serpells Primary School and St Charles Borromeo Primary School located approximately 1.5km by road, and Doncaster and East Doncaster Secondary Schools located within 2.5km by road.

#### 4. THE PROPOSAL

- 4.1 The proposal is outlined on the plans prepared by Axiom Architects, Job No. GNR\_18, Revisions B dated 8 November 2018 and a concept landscape plan prepared by Hamilton Landscape Architects Pty Ltd, Job No. 18-019, Revision B (undated). Refer to Attachment 1.
- 4.2 The following reports were provided in support of the application:
- Town Planning report prepared by Draeh Planning dated November 2018;
  - Traffic Impact Assessment prepared by O'Brien Traffic dated 31 October 2018;

- Waste Management Plan prepared by Leigh Design dated 28 June 2018;
- Sustainable Management Plan prepared by GIW Environmental Solutions, Revision D dated 26 October 2018;
- Green Travel Plan prepared by GIW Environmental Solutions, Revision B dated 28 June 2018; and
- Arboricultural Assessment prepared by Jarrad Miller Arboriculture, Reference No. 18102TEM, Version 1 dated 28 June 2018 and Version 2 dated 1 November 2018.

**Development summary**

4.3 A summary of the development is provided as follows:

Land Size:	3,091m <sup>2</sup>	Minimum wall setback to Greenridge Ave	Ground: 5.125m First: 7.62m Second: 7.624m
Site Coverage:	47%	Minimum wall setback to eastern boundary	Ground: 26.5m First: 26.5m Second: 26.5m
Permeability:	38%	Minimum wall setback to northern boundary	Ground: 2.5m First: 2.5m Second: 3.8m
Maximum Building Height:	10.495m	Minimum wall setback to north-eastern boundary	Ground: 2.712m First: 2.716m Second: 3.914m
Number of Dwellings:	13 dwellings		
• 2 Beds:	• 8		
• 3 Beds:	• 4		
• 4 Beds:	• 1		
Dwelling Density:	One per 237.8m <sup>2</sup>		
Car parking	Required:	Provided:	
• Total:	• 18 spaces	• 24 spaces	
• 2 Beds:	• 8	• 12	
• 3 Beds:	• 8	• 8	
• 4 Beds:	• 2	• 2	
• Visitors:	• N/A	• 2	
• Surplus:	• N/A	• 6	

**Design layout**

4.4 The existing basement footprint is retained and comprises external storage for each apartment, 13 bicycle spaces and a bicycle repair station and tool shed. The existing ground floor footprint remains largely the same, with changes including straightening of former curvilinear walls, the conversion of a room on the north-western side to the Dwelling 4 to an alfresco area and the modification of the central courtyard to an internal passage with smaller garden beds. Building setbacks remain the same, with the exception of covered alfresco areas that project into the Greenridge Avenue frontage by 2.5m. Ground floor level comprises five dwellings, the main entry and lift lobby in its original location, the provision of five bicycle spaces and the expansion of the existing car park on the eastern side of the property. A 28m<sup>2</sup> communal garden is provided between the building and the car park.

- 4.5 The first floor footprint has been significantly increased to the south (Greenridge Avenue) and to the north and north-west. This includes the partial cantilevering of the building over the north-western ground floor footprint. A visual break is provided on the eastern car park side, in the form of a void over the building entry below. A central internal passage is provided above the courtyard. This first floor level comprises four dwellings. A balcony is provided on the northern and north-western sides, with consistent row of balconies provided to the front façade.
- 4.6 The second floor is an additional level over the existing building. The footprint provides increased setbacks from the ground floor below to the northern and north-western sides. The visual break on the car park side is maintained as per the level below. A central internal passage is provided above the courtyard. This second floor level also comprises four dwellings. Balconies are positioned similarly to the first floor level, with the front setback being consistent with the first floor setback.

### **Pedestrian and vehicular access and layout**

- 4.7 Pedestrian access will be from a well-defined lobby on the eastern side of the building, with the option of stairs or a ramp. A path with a 1:42 gradient leads from the site frontage directly to the building entry.
- 4.8 The existing vehicle crossover will be relocated to the west. The 6.5m wide crossover leads to an expanded car park with two rows of vehicle parking. Each row is covered by a carport structure. The car park provides 24 vehicle spaces. A bin storage area and a waste vehicle parking bay is located towards the front of the site. A 17,000 litre underground water tank is located under car spaces in the western car parking bay.

### **Landscaping**

- 4.9 No existing trees are to be retained. Proposed landscaping includes an abundance of screen planting along all boundaries and the provision of several tree varieties, predominantly located within the front setback. Limited tree planting is proposed within the rear setback.

### **Design Detail**

- 4.10 The proposed building is of a Georgian architectural style with contemporary elements. Materials include the application of brick to ground floor walls and render to first and second floor walls. A tiled, hipped roof is applied above the second floor. Lower floor roofs are flat and concealed by parapet walls.
- 4.11 Verticality is expressed through the building's sheer form and the consistent use of balcony columns, infilled with clear glazed balustrades. Horizontal form is expressed through predominantly unbroken balcony treatment as well as the use of decorative mouldings that wrap around the building at the top of parapets.
- 4.12 Fencing in the streetscape borrows from the existing fencing design with vertical timber panels and the inclusion of brick piers with decorative moulded capping.

## **5. LEGISLATIVE REQUIREMENTS**

- 5.1 Refer to Attachment 2.

- 5.2 A permit is required under the following Clauses of the Manningham Planning Scheme:
- Clause 32.08-6 (General Residential Zone – GRZ), to construct two or more dwellings on a lot.
  - Clause 44.05 (Special Building Overlay – SBO), to construct a building or to construct or carry out works, including a fence.

## 6. REFERRALS

### External

- 6.1 Pursuant to Clause 44.05-6 (SBO), the application must be referred to the relevant floodplain management authority. The application was referred to Melbourne Water Corporation as a determining referral authority.
- 6.2 Melbourne Water have no objection subject to conditions requiring that the decision plans, including the roofed car park not be altered, and specifying that the main entry ramp be constructed to the finished surface levels shown.
- 6.3 Given the proposal involves the construction of a building or the construction or carrying out of works on land within 60 metres of a major electricity transmission line (220 Kilovolts or more) or an electricity transmission easement, the application has been referred to AusNet Services as a determining referral authority.
- 6.4 AusNet Services have no objection subject to conditions requiring that no part of the building (including eaves) be permitted within the easement, with the exception of the carport structures, which must be open-sided and not exceed 3m in height. The western carport cannot be relocated east. A future electric car charging station is not permitted within the easement. Natural surface levels on the easement must not be altered by stockpiling or landscaping, and a maximum 3m height limitation is placed on the use of the car park by vehicles as well as all trees and shrubs at maturity within the easement.

### Internal

- 6.5 The application was referred to a number of Service Units within Council. The following table summarises the responses:

Service Unit	Comments
Infrastructure Services Unit – Drainage	<ul style="list-style-type: none"> <li>• No objection subject to conditions for the provision of onsite storm water detention.</li> </ul>
Infrastructure Services Unit – Vehicle Crossing	<ul style="list-style-type: none"> <li>• No objection subject to conditions requiring the removal of the redundant crossover.</li> </ul>
Infrastructure Services Unit – Access and Driveway	<ul style="list-style-type: none"> <li>• No objection subject to conditions requiring maintenance of adequate sight lines from the exit lane.</li> </ul>

Service Unit	Comments
Infrastructure Services Unit – Traffic and Car Parking	<ul style="list-style-type: none"> <li>No objection as the number of car parking spaces provided is satisfactory and there are no traffic issues in the context of the traffic and the surrounding street network.</li> </ul>
Infrastructure Services Unit – Car Parking Layout	<ul style="list-style-type: none"> <li>No objection.</li> </ul>
Infrastructure Services Unit – Construction Management	<ul style="list-style-type: none"> <li>No objection subject to a requirement for the provision of a construction management plan.</li> </ul>
Infrastructure Services Unit – Waste	<ul style="list-style-type: none"> <li>No objection subject to conditions for on-site private waste collection and for the provision of an approved waste management plan.</li> </ul>
Infrastructure Services Unit – Easements	<ul style="list-style-type: none"> <li>No objection as approval is not required for buildings or works within Council easements.</li> </ul>
Infrastructure Services Unit – Flooding	<ul style="list-style-type: none"> <li>The site is not subject to inundation from Council's drainage systems. Approval is required to be obtained from Melbourne Water.</li> </ul>
Integrated Planning Unit – Sustainability	<ul style="list-style-type: none"> <li>No objection subject to a requirement for the provision of an approved sustainability management plan.</li> <li>No objection subject to a requirement for the provision of an approved green travel plan, including provision for a charging point for electric vehicles.</li> <li>The provision of these management plans meets the requirements of Clause 22.12 (Environmentally Sustainable Development) of the Scheme.</li> </ul>

## 7. CONSULTATION / NOTIFICATION

7.1 Notice of the application was given over a three-week period which concluded on 12 December 2018, by sending letters to nearby properties and displaying a sign on the frontage.

7.2 Five objections have been received from the properties identified below:



7.3 The main grounds of the objection can be summarised into the following categories:

- Neighbourhood character;
- Design and built form (building height, number of storeys and street presentation);
- Traffic and car parking (distance from public transport, lack of off-street and on-street car parking and sustainable transport);
- Off-site amenity impacts (overshadowing, privacy and overlooking and noise);
- Construction impacts (traffic).

7.4 A response to the grounds of objection are included in the assessment section of this report.

## 8. ASSESSMENT

### Planning Policy Frameworks

8.1 At both the SPPF and LPPF levels, policy emphasises the need for a mix of developments that are well designed with a focus on high density residential development in established activity centres, along main roads and on strategic redevelopment sites. However, in areas which are removed from activity centres and main roads, a lower intensity of development is encouraged.

- 8.2 Clause 21.05 (Residential) identifies that the property is within Precinct 4 – Post 1975 residential areas. This precinct includes areas that have been predominantly developed since 1975, with a substantial amount of development occurring between late 1980s and the 1990s. Although some of the housing built in the 1970s is single storey, housing built in the 1980s and 1990s is predominantly double storey and in some instances three storeys.
- 8.3 It is recognised that in this precinct there is minimal unit development. The key direction for this precinct is for an incremental level of change that respects the existing neighbourhood character.
- 8.4 The General Residential Zone (GRZ) emphasises this key direction in its purpose, to encourage development that respects the neighbourhood character of the area as well as encourage a diversity of housing types and housing growth particularly in locations offering good access to services and transport.
- 8.5 The site is removed from activity centres and main roads. There are limited services and facilities available along the nearest main roads, which emphasises that a lower intensity of development should be sought on this site.
- 8.6 The existing building is predominantly single-storey, with a small first floor footprint. The development of a three-storey apartment building is not anticipated by policy. The assessment of an apartment building is typically reserved for areas where policy contemplates this development typology, including near activity centres and along main roads. In those instances, a rigorous assessment is enabled through clear planning policy direction and through the implementation of deliberate zones and overlays.
- 8.7 Through the implementation of the GRZ3 within the wider area, the vision for future growth is one that respects neighbourhood character existing neighbourhood character must be respected. The proposal does not respond to the policy framework that seeks only an incremental level of change, however it remains necessary to determine if it achieves acceptable off-site amenity impacts.

### **Zone**

- 8.8 The GRZ does not prohibit the use or development of a three-storey apartment building. All mandatory requirements of the GRZ must be met.
- 8.9 The GRZ specifies that the maximum building height must not exceed 11m and must contain no more than 3 storeys at any point (excluding a basement). The building has a maximum height of 10.495m comprising three storeys, which complies with the GRZ requirements.
- 8.10 It is established that the garden area requirement of Clause 32.08-4 does not apply to this application to alter or extend an existing building as the building did not comply with the minimum garden area requirement prior to the approval date of Amendment VC110 on 27 March 2017.

### **Two or more dwellings on a lot and residential buildings**

- 8.11 Pursuant to Clause 55, all sub-clauses must be assessed, except Clause 55.03-5, Clause 55.03-6, Clause 55.04-8, Clause 55.05-1, Clause 55.05-2 and Clause 55.05-6.

8.12 A development must meet all of the objectives of this clause and should meet all of the standards.

8.13 An assessment against the relevant objectives of Clause 55 is provided in the table below:

Objective	Objective Met/Not Met
<p><b>55.02-1 – Neighbourhood Character</b></p> <ul style="list-style-type: none"> <li>To ensure that the design respects the existing neighbourhood character or contributes to a preferred neighbourhood character.</li> <li>To ensure that development responds to the features of the site and the surrounding area.</li> </ul>	<p><b>Not Met</b></p> <p>The development does not respect the existing neighbourhood character by virtue of its three-storey form and associated scale, bulk and massing, which emphasise the verticality of the design.</p> <p>The three-storey apartment building does not respect the pattern of development in the neighbourhood, which predominantly consists of detached dwellings. The Georgian architectural style is not representative of predominant architectural styles of the area.</p>
<p><b>55.02-2 – Residential Policy</b></p> <ul style="list-style-type: none"> <li>To ensure that residential development is provided in accordance with any policy for housing in the Municipal Planning Strategy and the Planning Policy Framework.</li> <li>To support medium densities in areas where development can take advantage of public transport and community infrastructure and services.</li> </ul>	<p><b>Not Met</b></p> <p>While the application was accompanied by a written statement demonstrating how the applicant believes the proposal is consistent with planning policy, the above assessment establishes that the proposal is not in accordance with the residential policies of Clause 21.05.</p> <p>The proposal does not constitute a medium density development in the context of the pattern of development in the neighbourhood and planning policy, which seeks an incremental level of change that respects the existing neighbourhood character.</p>
<p><b>55.02-3 – Dwelling Diversity</b></p> <ul style="list-style-type: none"> <li>To encourage a range of dwelling sizes and types in developments of ten or more dwellings.</li> </ul>	<p><b>Met</b></p> <p>The proposal includes a mix of two, three and four bedroom dwellings with a range of floor areas and variations in study types to provide diversity.</p>
<p><b>55.02-4 – Infrastructure</b></p> <ul style="list-style-type: none"> <li>To ensure development is provided with appropriate utility services and infrastructure.</li> <li>To ensure development does not unreasonably overload the capacity of utility services and infrastructure.</li> </ul>	<p><b>Met</b></p> <p>The site has access to all services. Should a permit issue, the applicant would be required to provide an on-site stormwater detention system to alleviate pressure on the drainage system.</p>



Objective	Objective Met/Not Met
<p><b>55.02-5 – Integration With Street</b></p> <ul style="list-style-type: none"> <li>To integrate the layout of development with the street.</li> </ul>	<p><b>Met</b></p> <p>While the pedestrian entry is not directly oriented to the street, it logically uses the existing building entry. This is clearly discernable from a direct path and a recessed pedestrian gate at the site frontage to integrate the development with the street.</p>
<p><b>55.03-1 – Street Setback</b></p> <ul style="list-style-type: none"> <li>To ensure that the setbacks of buildings from a street respect the existing or preferred neighbourhood character and make efficient use of the site.</li> </ul>	<p><b>Not Met</b></p> <p>The required setback is the average of the two adjoining properties, which are considered to face the same street, equating to a requirement of 7.719m.</p> <p>Taken more literally, as the adjoining property to the west at 12 Mosssdale Court does not actually face the <i>same</i> street, the setback requirement would be derived from the adjoining property to the east, at 7.767m.</p> <p>In either case, the building falls marginally short of these requirements, with a 7.6m setback to the front wall. This is considered acceptable as it is a negligible shortfall that relates only to the ground floor front wall.</p> <p>The main issue is actually the encroachment of the ground floor alfrescos and the presentation of the first and second floor balconies.</p> <p>Standard B6 specifies allowable encroachments for eaves, as well as porches, pergolas and verandahs with a height of less than 3.6m, which must not encroach more than 2.5m.</p> <p>The ground floor roofed alfresco areas project forward of the front wall of the building by 2.5m, with a setback of 5.125m from the site frontage. This continuous encroachment across the building façade does not constitute an allowable encroachment under the standard.</p> <p>While the first and second floor balconies provide negligibly non-compliant setbacks of 7.635m. These elements form a curtain forward of the front wall of the building, and present with an unacceptable visual impact when viewed from the street.</p>

Objective	Objective Met/Not Met
	<p>The combination of the breadth of the projection forward of the building, and the extent of bulk, massing and verticality presented by the curtain is not acceptable. While this does serve to conceal the otherwise sheer first and second floor front walls, more appropriate design approaches could have been used other than the curtain design.</p> <p>The integration of the existing building into the proposal appears to present this challenge, and while siting the alfrescos and balconies forward of the building does attempt to make efficient use of the site, it comes at the detriment of respecting the existing neighbourhood character.</p>
<p><b>55.03-2 – Building Height</b></p> <ul style="list-style-type: none"> <li>To ensure that the height of buildings respects the existing or preferred neighbourhood character.</li> </ul>	<p><b>Not Met</b></p> <p>The building has a maximum height of 10.495m, which is within the maximum 11m requirement specified by the GRZ, which meets Standard B7.</p> <p>However, the height of the building does not respect the existing neighbourhood character.</p> <p>The scale, bulk and massing of the building, including a lack of articulation to break up the breadth of the building, contribute to a height that is unsympathetic to the existing neighbourhood character. The building presents with an unacceptable visual impact when viewed from the street and from adjoining properties.</p>
<p><b>55.03-3 – Site Coverage</b></p> <ul style="list-style-type: none"> <li>To ensure that the site coverage respects the existing or preferred neighbourhood character and responds to the features of the site.</li> </ul>	<p><b>Met</b></p> <p>The proposed site coverage is 47%, which is well below the 60% requirement in Standard B8, due to a high proportion of the site being set aside for car parking within the transmission easement.</p>
<p><b>55.03-4 – Permeability and stormwater management</b></p> <ul style="list-style-type: none"> <li>To reduce the impact of increased stormwater run-off on the drainage system.</li> <li>To facilitate on-site stormwater infiltration.</li> <li>To encourage stormwater management that maximises the retention and reuse of stormwater.</li> </ul>	<p><b>Met</b></p> <p>The proposal has 38% of site area as pervious surface, which exceeds the 20% requirement in Standard B9.</p>

Objective	Objective Met/Not Met
<p><b>55.03-7 – Safety</b></p> <ul style="list-style-type: none"> <li>To ensure the layout of development provides for the safety and security of residents and property.</li> </ul>	<p><b>Met</b></p> <p>The building entrance faces the pedestrian pathway, which is clearly visible from the street frontage, with access limited by a gate at the site frontage.</p> <p>Good visibility and surveillance is provided to the car park from the street.</p>
<p><b>55.03-8 – Landscaping</b></p> <ul style="list-style-type: none"> <li>To encourage development that respects the landscape character of the neighbourhood.</li> <li>To encourage development that maintains and enhances habitat for plants and animals in locations of habitat importance.</li> <li>To provide appropriate landscaping.</li> <li>To encourage the retention of mature vegetation on the site.</li> </ul>	<p><b>Not Met</b></p> <p>The siting of the building, its associated alfresco and deck areas and the location of site services limit the capacity for canopy tree planting.</p> <p>The submitted concept landscape plan relies heavily on narrow sections of screen planting alongside property boundaries and de-emphasises tree planting. Screen planting will provide little visual relief from the scale and massing of the three-storey building.</p> <p>The above constraints also do not allow for the growth of canopy trees and simultaneous structural protection of the building.</p> <p>No landscaping is provided to buffer the east-facing ground floor habitable room windows of Dwellings 1 and 5 from the pedestrian path, resulting in poor internal amenity to these exposed bedrooms.</p> <p>Other aspects of the proposed landscaping are acceptable, including the communal productive garden and the location of landscaping adjacent to the car park.</p>
<p><b>55.03-9 – Access</b></p> <ul style="list-style-type: none"> <li>To ensure the number and design of vehicle crossovers respects the neighbourhood character.</li> </ul>	<p><b>Met</b></p> <p>The provision of one new double-width crossover to replace the existing crossover is appropriate and does not reduce existing on-street car parking. The new crossover location does not pose any implications on existing street trees.</p>
<p><b>55.03-10 – Parking Location</b></p> <ul style="list-style-type: none"> <li>To provide convenient parking for resident and visitor vehicles.</li> </ul>	<p><b>Met</b></p> <p>Parking is provided for all dwellings, with capacity for two visitors, by allocated car spaces within the at-grade car park. The proximity of the car spaces to the building entry provides reasonably convenient access, and the car park is secured by a gate at the site frontage.</p>

Objective	Objective Met/Not Met
<p><b>55.04-1 – Side And Rear Setbacks</b></p> <ul style="list-style-type: none"> <li>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.</li> </ul>	<p><b>Not Met</b></p> <p>The building setbacks specified earlier in the report have been reviewed and found to meet Standard B17.</p> <p>However, there is a lack of articulation provided, particularly at first floor level on the northern elevation. This façade presents as a continuous wall, setback 2.716m, with a 25m length, with an additional 7.2m long section of 1.7m high obscure glazing along the same alignment. This is unsympathetic to the existing neighbourhood character and may unreasonably impact on the amenity of existing dwellings to the north.</p>
<p><b>55.04-2 – Walls On Boundaries</b></p> <ul style="list-style-type: none"> <li>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.</li> </ul>	<p><b>Not applicable</b></p> <p>There are no walls proposed to be constructed on boundaries.</p>
<p><b>55.04-3 – Daylight To Existing Windows</b></p> <ul style="list-style-type: none"> <li>To allow adequate daylight into existing habitable room windows.</li> </ul>	<p><b>Met</b></p> <p>Existing habitable room windows are provided with sufficient light court areas that comply with the standard. The development is set back sufficiently from existing habitable room windows as required by the standard.</p>
<p><b>55.04-4 – North Facing Windows</b></p> <ul style="list-style-type: none"> <li>To allow adequate solar access to existing north-facing habitable room windows.</li> </ul>	<p><b>Not applicable</b></p> <p>There are no north-facing habitable room windows of an existing dwelling located within 3m of a boundary on an abutting lot.</p>
<p><b>55.04-5 – Overshadowing Open Space</b></p> <ul style="list-style-type: none"> <li>To ensure buildings do not significantly overshadow existing secluded private open space.</li> </ul>	<p><b>Met</b></p> <p>The submitted shadow diagrams for the September equinox demonstrate that shadows cast by the building do not fall onto any adjoining properties.</p>
<p><b>55.04-6 – Overlooking</b></p> <ul style="list-style-type: none"> <li>To limit views into existing secluded private open space and habitable room windows.</li> </ul>	<p><b>Not Met</b></p> <p>There appears to be overlooking from the north-west facing first floor bedroom 3 and 4 windows of Dwelling 9. While the north-western fence height in this location is more akin to a ground floor scenario, it is unclear whether the fence satisfactorily limits overlooking into the secluded private open space area of 44 Beecroft Crescent.</p> <p>It is also unclear whether overlooking is satisfactorily limited from the western side of the second floor Dwelling 12 deck, into the secluded private open space area of 12 Mossdale Court.</p>

Objective	Objective Met/Not Met
	<p>Overlooking is demonstrated as compliant from the second floor Dwelling 13 balcony (and by extension, the kitchen), utilising the existing northern boundary fence as a screening device.</p> <p>The plans demonstrate that there will be no unreasonable overlooking to the east due to the extensive 26.5m setback, given that overlooking is calculated on the basis of a 9m horizontal distance.</p> <p>It should be noted that OG glazing should be clearly defined on the plans.</p>
<p><b>55.04-7 – Internal Views</b></p> <ul style="list-style-type: none"> <li>To limit views into the secluded private open space and habitable room windows of dwellings and residential buildings within a development.</li> </ul>	<p><b>Not Met</b></p> <p>The balconies of each dwelling have been designed to prevent internal views and generally provide a reasonable degree of separation between dwellings.</p> <p>However, it is unclear how internal views are limited across the central courtyard at ground and first floor levels. Specifically, between habitable room windows and the central internal passageway, between Dwellings 2, 4 and 5 at ground floor and between Dwellings 7 and 9 at first floor. Internal views may also be possible between floor levels.</p>
<p><b>55.05-3 – Daylight To New Windows</b></p> <ul style="list-style-type: none"> <li>To allow adequate daylight into new habitable room windows.</li> </ul>	<p><b>Not Met</b></p> <p><u>External facing windows</u> Dwellings 3, 4 and part of Dwelling 5 have subterranean habitable room windows on the northern side.</p> <p>The setback to the boundary from these windows is between 2.712m and 3.076m, however the affected windows of Dwellings 3 and 4 are located between 1.4 and 1.7m from an existing retaining wall, which is proposed to be retained. In some instances, this retaining wall height exceeds the ceiling level of the affected habitable rooms, reaching a height of between 2.7m and 3.6m. When combined with the height of the boundary fence, ground floor habitable room windows are faced with a barrier between 4.4m and 5.2m high at the boundary.</p>

Objective	Objective Met/Not Met
	<p>The amount of daylight that can therefore be provided to these dwellings is very poor. All affected rooms associated with Dwellings 3 and 4 are single aspect. Dwelling 4 is the worst case. Contributing further to this poor amenity, is a 3.7m long roofed alfresco that is closed on three sides, providing poor amenity to the alfresco and the living room window within the alfresco. Dwellings 3 and 4 are afforded poor internal amenity due to poor outlook and limited daylight to habitable room windows.</p> <p><u>Internal facing (courtyard) windows</u>                      The central courtyard serves as the only aspect to several bedrooms, including to Dwellings 2, 4 and 5 at ground floor, and Dwelling 9 at first floor. The level of daylight afforded to these habitable rooms is further diminished by the 1.5m wide internal passageway in the centre of the courtyard, which extends three storeys high, limiting light to the courtyard.</p> <p>Being at ground level, Dwelling 4 is one of the worst affected dwellings, which further contributes to its poor internal amenity overall, as all of its habitable rooms are poorly served by daylight.</p> <p>There are two instances of multi-aspect living rooms also facing the courtyard, being Dwellings 7 and 9 at first floor, which are not of concern given the central courtyard provides a secondary light source.</p> <p>Despite the second floor dwellings being the closest source to central courtyard light at the top level, no habitable room windows, single or multi-aspect, rely on this interface.</p> <p>It is therefore established that the habitable rooms that are most reliant on light from the central courtyard are ground floor bedrooms (in addition to the Dwelling 9 first floor bedroom), non-reliant multi-aspect habitable rooms are located at first floor, and inexplicably, there are no reliant habitable rooms at second floor. Having regard to access to daylight, the internal layout of dwellings is therefore very poorly conceived.</p>

Objective	Objective Met/Not Met
	All other habitable rooms will have adequately located and setback external windows to ensure they achieve adequate solar access.
<p><b>55.05-4 – Private Open Space</b></p> <ul style="list-style-type: none"> <li>To provide adequate private open space for the reasonable recreation and service needs of residents.</li> </ul>	<p><b>Considered Met</b></p> <p>Each dwelling at ground floor is provided with a total minimum area of 40m<sup>2</sup>, comprising a minimum area of 25m<sup>2</sup> with minimum dimensions of 3m as secluded private open space, with the exception of Dwelling 4.</p> <p>Excluding the inaccessible part of the site behind the retaining wall along the northern boundary, the Dwelling 4 secluded private open space falls marginally short of the area requirement, with 24m<sup>2</sup>. This is considered negligible and provides sufficient area for the recreation and service needs of residents.</p> <p>The balcony requirements of this clause for first and second floor levels do not apply to apartment developments. This will instead be assessed at Clause 55.07-9.</p>
<p><b>55.05-5 – Solar Access To Open Space</b></p> <ul style="list-style-type: none"> <li>To allow solar access into the secluded private open space of new dwellings and residential buildings.</li> </ul>	<p><b>Not Met</b></p> <p><u>Ground Floor solar access</u></p> <p>The secluded private open space areas of Dwellings 1 and 2 are located on the south-western side of the building. Solar access to these secluded private open space areas is limited by the balconies at first and second floors. The usability of these recreation spaces are further limited by an approximate 1m wide row of shrubs proposed along the front boundary, rendering that area of the secluded private open space inaccessible. It appears that solar access to Dwellings 1 and 2 is therefore non-compliant.</p> <p>Dwelling 4's secluded private open space area is inhibited by a 5.2m high fence (combined with the retaining wall). Standard B29 requires a 6.68m setback from the fence. A 6.5m setback is provided to the rear of the alfresco. Not only is the required setback not achieved, but this open space is further inhibited by the roofed alfresco itself, which is setback 2.712m from the boundary. This secluded private open space area is therefore considered to provide poor usability and amenity based on the low level of sunlight it will receive.</p>

Objective	Objective Met/Not Met
	<p>The level of solar access provided to the north-facing secluded private open space areas of Dwellings 3 and 5 are considered acceptable. Despite the 5.1m high fence (combined with the retaining wall) and the projection of the alfresco roof into the secluded private open space area of Dwelling 5, the substantial setback to the north-eastern wall of the building should provide this area of secluded private open space with sufficient solar access.</p> <p><u>First and Second Floor solar access</u> Dwellings 6 and 7 on the first floor and Dwellings 10 and 11 on the second floor all incorporate south-west facing roofed balconies. Despite Dwellings 7 and 11 also having a northern aspect, the fact that these areas are roofed and are setback only 1.4m from an adjacent dwelling wall to the north, they are provided with limited solar access. The level of solar access provided to each of these dwellings is considered inadequate.</p> <p>The remaining first and second floor Dwellings 8, 9, 12 and 13 should each achieve an acceptable level of direct northern solar access.</p>
<p><b>55.06-1 – Design Detail</b></p> <ul style="list-style-type: none"> <li>To encourage design detail that respects the existing or preferred neighbourhood character.</li> </ul>	<p><b>Not Met</b></p> <p>The building presents with a scale, bulk and massing that does not respect the existing neighbourhood character.</p> <p>There are very few examples of Georgian architecture in the immediate area. Therefore, this architectural style is not considered to be representative of the existing neighbourhood character. However, this does not necessarily preclude this architectural style from being adopted provided that the effect this detailing has on the visual bulk of the building is acceptable in the neighbourhood setting.</p> <p>Design detailing on the northern and eastern façades facing the street comes in multiple forms. The repetitive use of balcony columns emphasise the building’s verticality on the southern elevation. Sheer walls are provided to the first and second floors on the eastern elevation.</p>



Objective	Objective Met/Not Met
	<p>Horizontal form is expressed with decorative mouldings that wrap around the building at the top of parapets, which attempt to articulate the continuous rendered balconies along the southern façade. The decorative mouldings also attempt to provide a visual break from sheer first and second floor walls on the eastern facade.</p> <p>While the incorporation of face brick to the ground floor reflects the prevailing materials in the neighbourhood, the adoption of Georgian architectural style and the incorporation of associated materials, finishes and detailing appear to only serve to emphasise concerns relating to building bulk and massing due to the scale of the development, which is demonstrated to be out of character with the area.</p> <p>The design of the roof does little to alleviate concerns regarding bulk and massing, particularly due to the lack of eaves that are associated with this architectural style.</p> <p>Window and door proportions are acceptable.</p> <p>The effect that the design detail has on the visual bulk of the building is not acceptable in this neighbourhood setting.</p>
<p><b>55.06-2 – Front Fence</b></p> <ul style="list-style-type: none"> <li>To encourage front fence design that respects the existing or preferred neighbourhood character.</li> </ul>	<p><b>Met</b></p> <p>The proposed front fence borrows from the existing fence design, simplifying its intricate vertical elements, and complementing the ground floor external walls by utilising brick piers.</p> <p>The 2m high fence exceeds the 1.5m height anticipated in this area, however may look out of place at a height of 1.5m due to the scale of the proposed building. Given the existing fencing is approximately 1.8m, a 2m high fence with a high level of visual permeability will be acceptable when combined with appropriate landscaping.</p> <p>The fence therefore respects the existing character of the area.</p>

Objective	Objective Met/Not Met
<p><b>55.06-3 – Common Property</b></p> <ul style="list-style-type: none"> <li>To ensure that communal open space, car parking, access areas and site facilities are practical, attractive and easily maintained.</li> <li>To avoid future management difficulties in areas of common ownership.</li> </ul>	<p><b>Met</b></p> <p>The driveway, pathway and landscape areas are practically designed. There are no apparent difficulties associated with the future management of these areas.</p>
<p><b>55.06-4 – Site Services</b></p> <ul style="list-style-type: none"> <li>To ensure that site services can be installed and easily maintained.</li> <li>To ensure that site facilities are accessible, adequate and attractive.</li> </ul>	<p><b>Met</b></p> <p>Appropriate site services are provided. The letterboxes are perpendicular to the site frontage, adjacent to the pedestrian gate. Fire services and an electricity meter box are reasonably well integrated into the proposed front fence design.</p>
<p><b>55.07-1 – Energy Efficiency</b></p> <ul style="list-style-type: none"> <li>To achieve and protect energy efficient dwellings and buildings.</li> <li>To ensure the orientation and layout of development reduce fossil fuel energy use and make appropriate use of daylight and solar energy.</li> <li>To ensure dwellings achieve adequate thermal efficiency.</li> </ul>	<p><b>Met</b></p> <p>Given the orientation of the site, the proposal makes a reasonable attempt to limit the energy efficiency impacts to southern apartments. All southern apartments incorporate eastern or western interfaces.</p> <p>The submitted Sustainability Management Plan demonstrates a 6.7 Star average rating. The average cooling load across the development is 21 MJ/sqm, which meets the NatHERS maximum cooling load for the Melbourne climate zone.</p>
<p><b>55.07-2 – Communal open space</b></p> <ul style="list-style-type: none"> <li>To ensure that communal open space is accessible, practical, attractive, easily maintained and integrated with the layout of the development.</li> </ul>	<p><b>Not applicable</b></p> <p>The development comprises less than 40 dwellings, and is therefore not required to provide any communal open space.</p> <p>The development does, however provide a north-facing communal garden, easily accessible from the end of the pedestrian path.</p>
<p><b>55.07-3 – Solar access to communal outdoor open space</b></p> <ul style="list-style-type: none"> <li>To allow solar access into communal outdoor open space.</li> </ul>	<p><b>Not applicable</b></p> <p>As above.</p>
<p><b>55.07-4 – Deep soil areas and canopy trees</b></p> <ul style="list-style-type: none"> <li>To promote climate responsive landscape design and water management in developments to support thermal comfort and reduce the urban heat island effect.</li> </ul>	<p><b>Not Met</b></p> <p>There are inadequate deep soil areas throughout the site. Only two locations comprise the minimum 6m dimensions, with a total area of 100m<sup>2</sup>, which falls substantially short of the required 15% of the site area (equating to 463.65m<sup>2</sup>). As previously assessed, inadequate landscape areas are provided to support canopy tree planting.</p>

Objective	Objective Met/Not Met
<p><b>55.07-5 – Integrated water and stormwater management</b></p> <ul style="list-style-type: none"> <li>To encourage the use of alternative water sources such as rainwater, stormwater and recycled water.</li> <li>To facilitate stormwater collection, utilisation and infiltration within the development.</li> <li>To encourage development that reduces the impact of stormwater run-off on the drainage system and filters sediment and waste from stormwater prior to discharge from the site.</li> </ul>	<p><b>Met</b></p> <p>A 17,000 litre rainwater tank is located beneath a section of the car park.</p> <p>An 8m<sup>2</sup> rain garden is also proposed to collect rainwater from the car park canopy and car park surface for treatment prior to discharge into the stormwater system.</p> <p>The submitted Sustainability Management Plan demonstrates a STORM rating of 100%. If a permit were to issue, the applicant would be required to provide an on-site stormwater detention system to alleviate pressure on the drainage system.</p>
<p><b>55.07-6 – Noise impacts</b></p> <ul style="list-style-type: none"> <li>To contain noise sources in developments that may affect existing dwellings.</li> <li>To protect residents from external and internal noise sources.</li> </ul>	<p><b>Met</b></p> <p>There are no unusual noise sources within the development that may affect existing dwellings.</p> <p>The site's location within a residential street ensures residents are protected from external sources, such as excessive traffic noise.</p>
<p><b>55.07-7 – Accessibility</b></p> <ul style="list-style-type: none"> <li>To ensure the design of dwellings meets the needs of people with limited mobility.</li> </ul>	<p><b>Met</b></p> <p>At least 50% of the dwellings meet the accessibility requirements for door opening widths, entrance paths and access to an adaptable bathroom.</p>
<p><b>55.07-8 – Building entry and circulation</b></p> <ul style="list-style-type: none"> <li>To provide each dwelling and building with its own sense of identity.</li> <li>To ensure the internal layout of buildings provide for the safe, function and efficient movement of residents.</li> <li>To ensure internal communal areas provide adequate access to daylight and natural ventilation.</li> </ul>	<p><b>Met</b></p> <p>The building entry does not directly face the street, however its position on the eastern façade is highly visible from the street, particularly as it is accentuated by the direct pedestrian path.</p> <p>The building entrance is well covered by the canopy above.</p> <p>The lift and stairs are well located within an open and spacious lobby.</p>
<p><b>55.07-9 – Private open space above ground floor</b></p> <ul style="list-style-type: none"> <li>To provide adequate private open space for the reasonable recreation and service needs of residents.</li> </ul>	<p><b>Met</b></p> <p>All upper floor balconies meet the minimum balcony area and dimension requirements, with most balconies substantially exceeding the requirements.</p>

Objective	Objective Met/Not Met
<p><b>55.07-10 – Storage</b></p> <ul style="list-style-type: none"> <li>To provide adequate storage facilities for each dwelling.</li> </ul>	<p><b>Met</b></p> <p>Each dwelling is provided with a minimum of 14m<sup>3</sup> of secure storage within the basement, exceeding the minimum 6m<sup>3</sup> requirement. Storage within the dwellings meet the minimum storage volumes.</p>
<p><b>55.07-11 – Waste and recycling</b></p> <ul style="list-style-type: none"> <li>To ensure dwellings are designed to encourage waste recycling.</li> <li>To ensure that waste and recycling facilities are accessible, adequate and attractive.</li> <li>To ensure that waste and recycling facilities are designed and managed to minimise impacts on residential amenity, health and the public realm.</li> </ul>	<p><b>Met</b></p> <p>The submitted waste management plan details that garbage, recycling and garden waste will be appropriately managed and collected on site.</p>
<p><b>55.07-12 – Functional layout</b></p> <ul style="list-style-type: none"> <li>To ensure dwellings provide functional areas that meet the needs of residents.</li> </ul>	<p><b>Met</b></p> <p>All bedrooms and living areas exceed the minimum dimensions and areas required.</p>
<p><b>55.07-13 – Room depth</b></p> <ul style="list-style-type: none"> <li>To allow adequate daylight into single aspect habitable rooms.</li> </ul>	<p><b>Not Met</b></p> <p>For the reasons mentioned in the Daylight to New Windows assessment, Dwelling 4 living rooms are not provided with reasonable daylight access. Dwelling 4 is heavily constrained by its single aspect to the high and proximate retaining wall and fence. The attempt to provide a secondary aspect to a living room window is impeded by its location under a covered alfresco, which itself is already constrained by the aforementioned retaining wall and fence.</p> <p>A higher and acceptable level of amenity is provided to all remaining ground floor living areas, as well as first and second floor living areas, which are all external facing, have a shallow depth and generally provide more than one aspect.</p>
<p><b>55.07-14 – Windows</b></p> <ul style="list-style-type: none"> <li>To allow adequate daylight into new habitable room windows.</li> </ul>	<p><b>Not Met</b></p> <p>All habitable room windows are provided with at least one window in an external wall of the building.</p> <p>However, the internal amenity of several habitable room windows is compromised by poor daylight access (Dwelling 2, bedrooms 2 and 3; Dwelling 3, bedroom 2; and Dwelling 4, bedroom 2), or a combination of poor daylight and southern orientation (Dwelling 4, master bedroom; and Dwelling 5, bedroom 2).</p>

Objective	Objective Met/Not Met
<p><b>55.07-15 – Natural ventilation</b>  <b>To encourage natural ventilation of dwellings.</b></p> <ul style="list-style-type: none"> <li>To allow occupants to effectively manage natural ventilation of dwellings.</li> </ul>	<p><b>Met</b>            At least 40% of dwellings should achieve effective cross ventilation.</p>

#### Car parking, access and traffic

- 8.14 The 13 apartments comprise eight, two-bedroom dwellings and five dwellings with three or more bedrooms. The Scheme requires that each two-bedroom dwelling is provided with one vehicle space and that each dwelling with three or more is provided with two vehicle spaces. As the site is located within the Principal Public Transport Network buffer area, no visitor car parking spaces are required by the Scheme.
- 8.15 The development generates a car parking requirement of 18 car parking spaces. The 24 car parking spaces proposed exceeds this requirement by six car parking spaces. However, the plans show that some two-bedroom dwellings are allocated an extra car parking space, resulting in a surplus of two car spaces. These surplus car parking spaces have been allocated to visitors.
- 8.16 An assessment against the car parking design standards at Clause 52.06-9 is provided in the table below:

Design Standard	Assessment
1 – Accessways	<ul style="list-style-type: none"> <li>A minimum 6.1m by 7m passing area is provided within the site frontage.</li> <li>All vehicles are able to exit the site in a forwards direction.</li> <li>An adequate visibility splay area is provided along the exit lane.</li> <li>A minimum 6.4m accessway width is provided between the two car parking bays.</li> </ul>
2 – Car Parking Spaces	<ul style="list-style-type: none"> <li>Car parking spaces are provided in accordance with the dimensions and clearance areas required.</li> </ul>
3 – Gradients	<ul style="list-style-type: none"> <li>Driveway gradients have been assessed as compliant with the standard.</li> </ul>
4 – Mechanical Parking	<ul style="list-style-type: none"> <li>No mechanical parking is proposed.</li> </ul>
5 – Urban Design	<ul style="list-style-type: none"> <li>Landscaping can be established around the car park, including within the front setback to soften the appearance of hardstand areas.</li> </ul>
6 – Safety	<ul style="list-style-type: none"> <li>Access to the car park is secured by a security gate.</li> <li>Pedestrian access from the site frontage is clearly separated from the roadway.</li> </ul>
7 – Landscaping	<ul style="list-style-type: none"> <li>Landscaping can be placed along the driveway and around the perimeter of the car park.</li> </ul>

- 8.17 The submitted traffic impact assessment estimates that the proposed development could generate up to 86 vehicle trips per day, including approximately 9 vehicle movements per AM peak hour and 9 vehicle movements per PM peak hour. It concludes that the volume of traffic generated by the development can be comfortably accommodated by the nearby road network.
- 8.18 Council's Infrastructure Services Unit has not raised concern in relation to the expected volume of traffic generated by the proposed development as assessed in the submitted traffic report. The number of vehicle movements is not anticipated to have a discernible impact on the surrounding road network once distributed to the nearby arterial road network.

#### Bicycle Facilities

- 8.19 This clause only applies to developments for a residential building of four or more storeys. Therefore, this proposal for a three-storey development is not required to provide bicycle facilities.
- 8.20 However, a Green Travel Plan was required to be prepared pursuant to Clause 22.12 (Environmentally Sustainable Development) of the Scheme. The plan requires the provision of 13 resident bicycle spaces, a repair and maintenance station, and the provision of 5 visitor bicycle spaces. All of these requirements have been met.

#### **Objector concerns**

- 8.21 A response to the grounds of objection is provided in the paragraphs below:

#### Neighbourhood character

- 8.22 The development does not respect the existing neighbourhood character by virtue of its three-storey form and associated scale, bulk and massing, which emphasise the verticality of the building.
- 8.23 The building does not respect the pattern of development in the neighbourhood, predominantly consisting of detached dwellings. The proposal also does not respond to the policy framework that seeks only an incremental level of change.
- 8.24 These issues warrant refusal of the application.

#### Design and built form

- 8.25 The development is within the maximum 11m building height prescribed by the zone, however the height and scale of the building does not respect the existing neighbourhood character.
- 8.26 The sheer form, scale, bulk and massing of the building is unsympathetic to the existing neighbourhood character. The limited articulation provided by design detail elements are not considered to be sufficient to address visual bulk concerns.
- 8.27 These issues warrant refusal of the application.

Traffic, car parking and sustainable transport

- 8.28 The potential traffic impacts have been assessed in the submitted traffic report and Council's Engineering Services Unit who both concluded that, on considering the proposal in the context of the surrounding street network, the proposal can be accommodated within the road network without creating any adverse traffic safety or capacity problems.
- 8.29 The number of on-site car parking spaces provided exceeds the requirement for a residential development of this capacity, including the provision for two visitor spaces. Therefore, it is not anticipated that there will be any adverse impacts on parking within the street.
- 8.30 The residential precinct the site is located within is an area removed from activity centres and main roads, therefore it is also further removed from public transport services. A development of this scale and intensity is not considered acceptable in this location.

Off-site amenity impacts

- 8.31 The development will not cause unreasonable overshadowing to adjoining properties during the September equinox control period. Overshadowing during winter months cannot be considered under the Scheme.
- 8.32 Potential overlooking to the adjoining properties has been assessed. It is unclear whether the overlooking requirements have been fully met, as it relates to the properties to the north. This will therefore form a ground of refusal.
- 8.33 The development has adequately avoided direct views into habitable room windows and secluded private open space areas of adjoining properties to the east due to the substantial level of separation provided.
- 8.34 It is not considered that the development will introduce unreasonable noise impacts.

Construction impacts

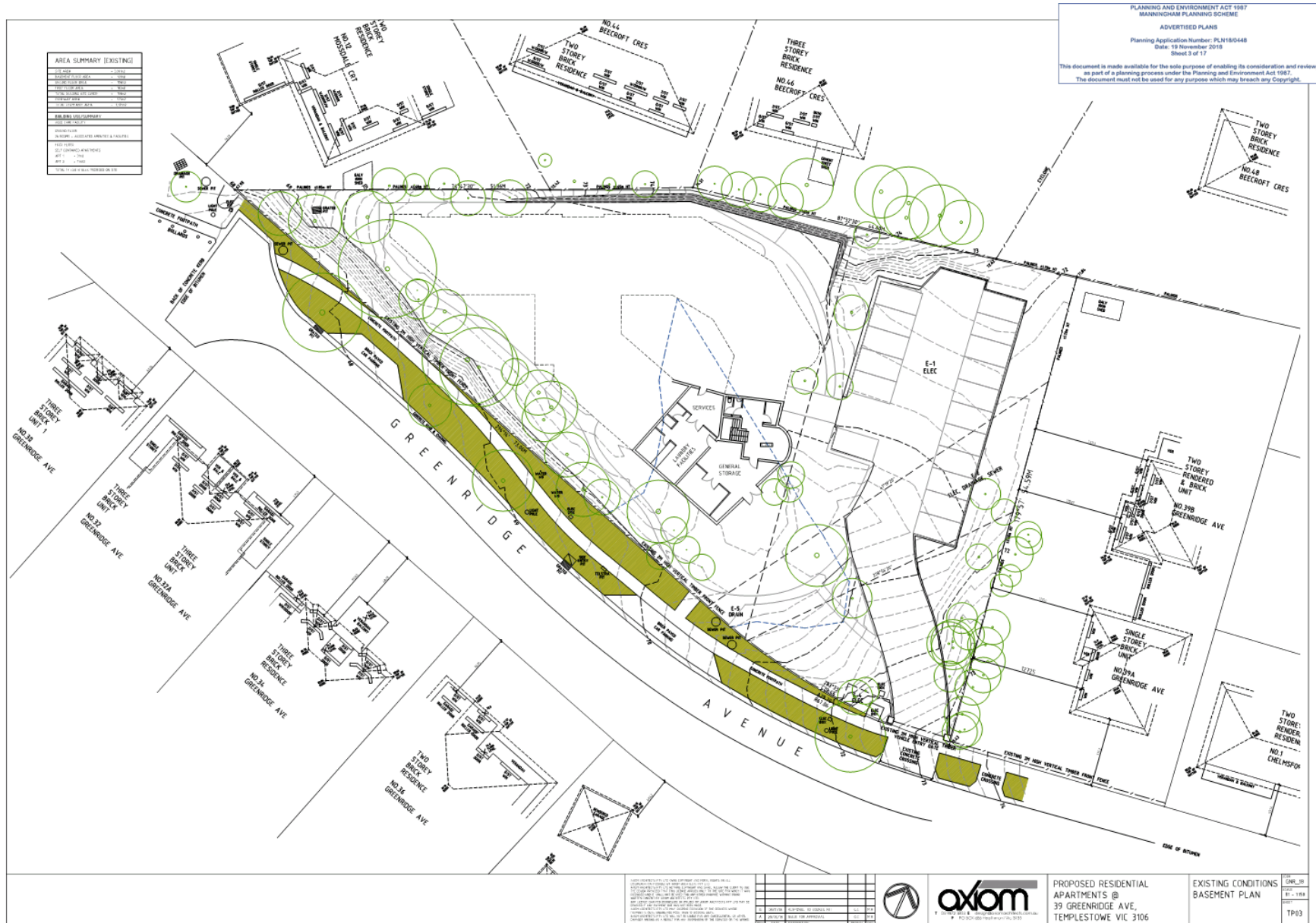
- 8.35 Should a permit issue, a detailed construction management plan would be required to be provided, which sets out matters relating to hours of construction, traffic control and safety measures, dust, dirt and mud control and the location of parking and site facilities for construction workers. The management plan would be enforced, where necessary, by Council's Planning Compliance team.

**9. CONCLUSION**

- 9.1 That Council resolve not to support this application and act in accordance with the provisions of Section 84(1) and (2) of the *Planning and Environment Act 1987*.

**10. DECLARATION OF CONFLICT OF INTEREST**

- 10.1 No officers involved in the preparation of this report have any direct or indirect conflict of interest in this matter.

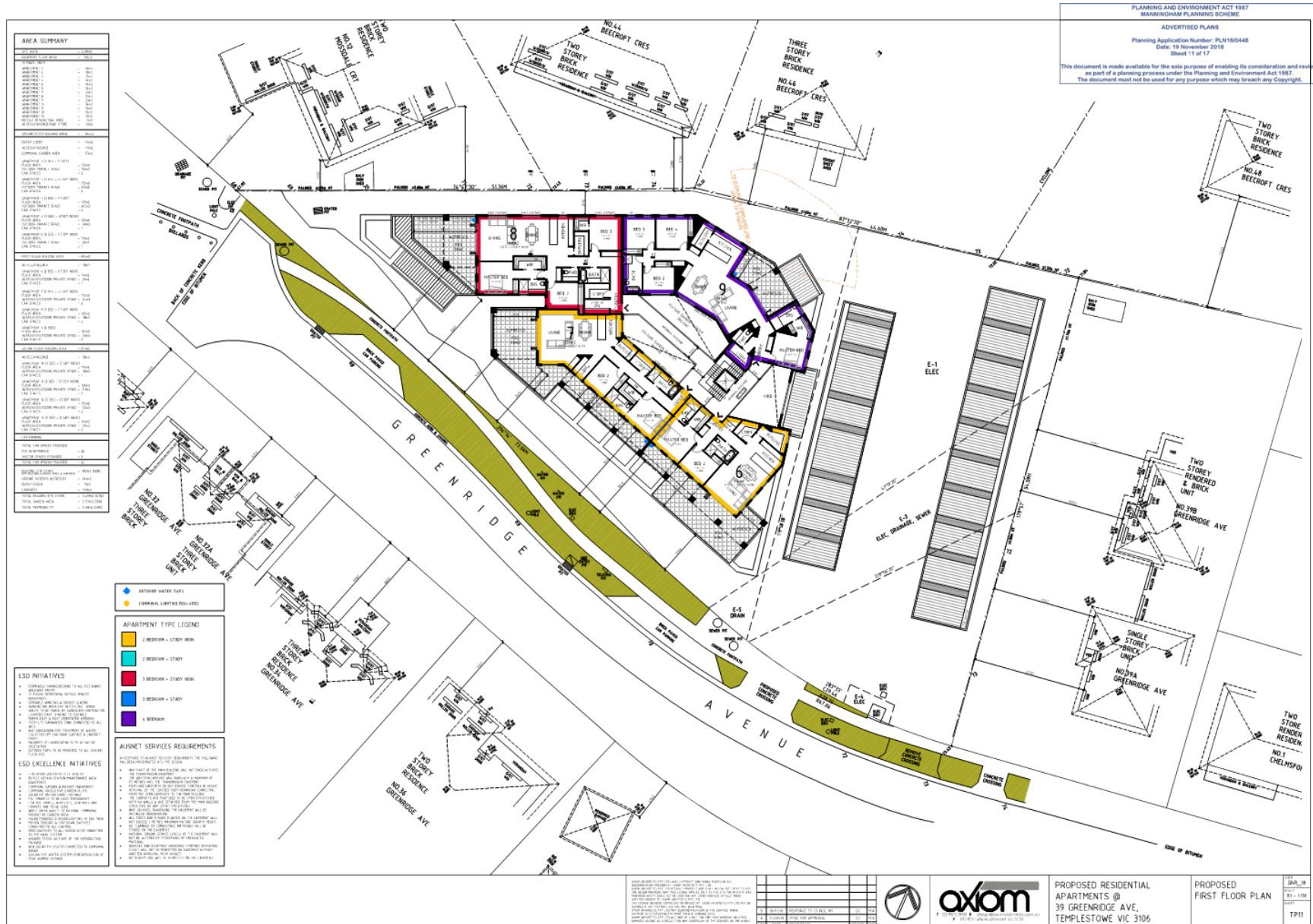




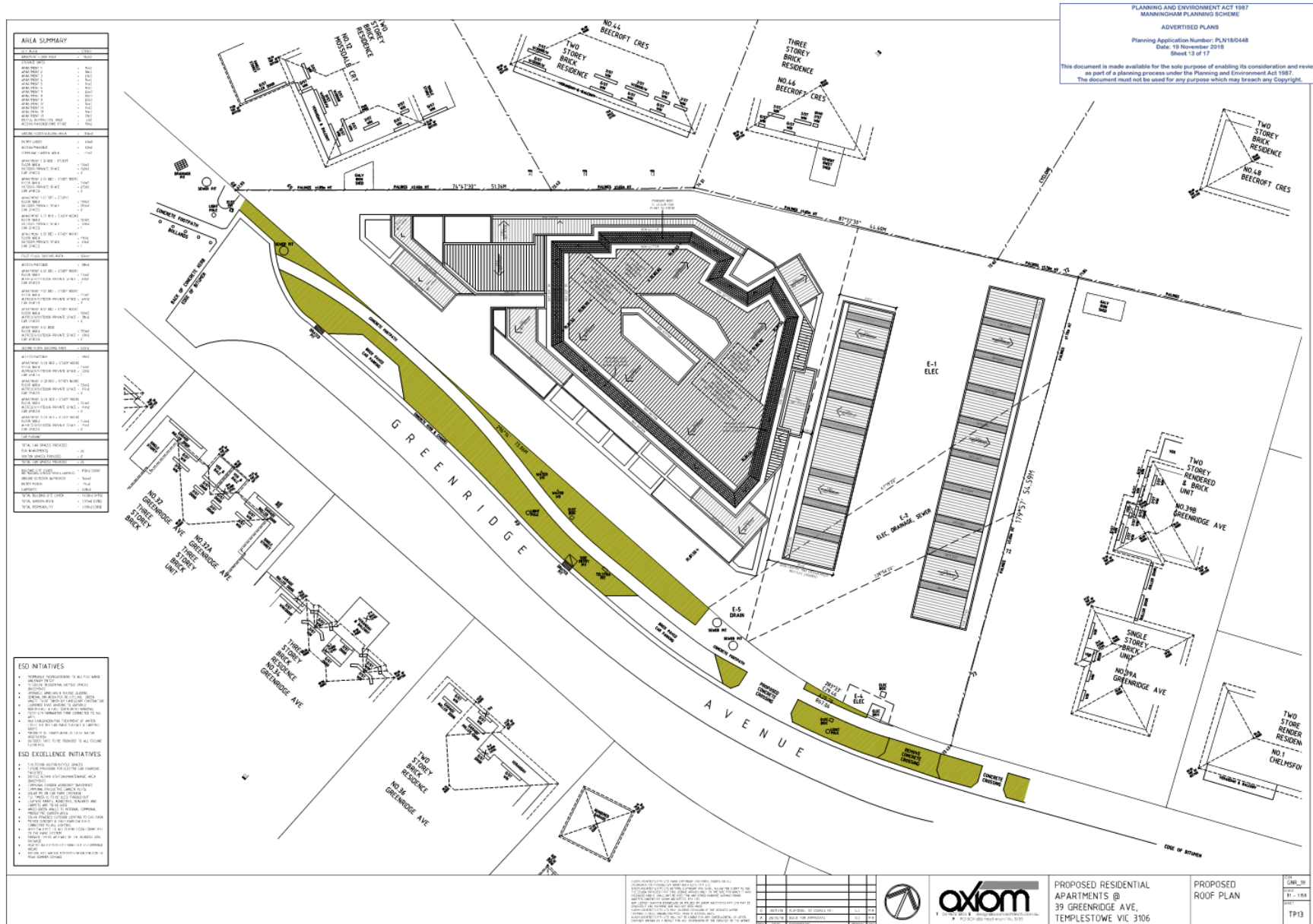














PLANNING AND ENVIRONMENT ACT 1987  
MANNINGHAM PLANNING SCHEME  
ADVERTISED PLANS  
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11. This drawing shows the proposed layout of the building and the location of the proposed units. It is intended to provide a general overview of the proposed development.

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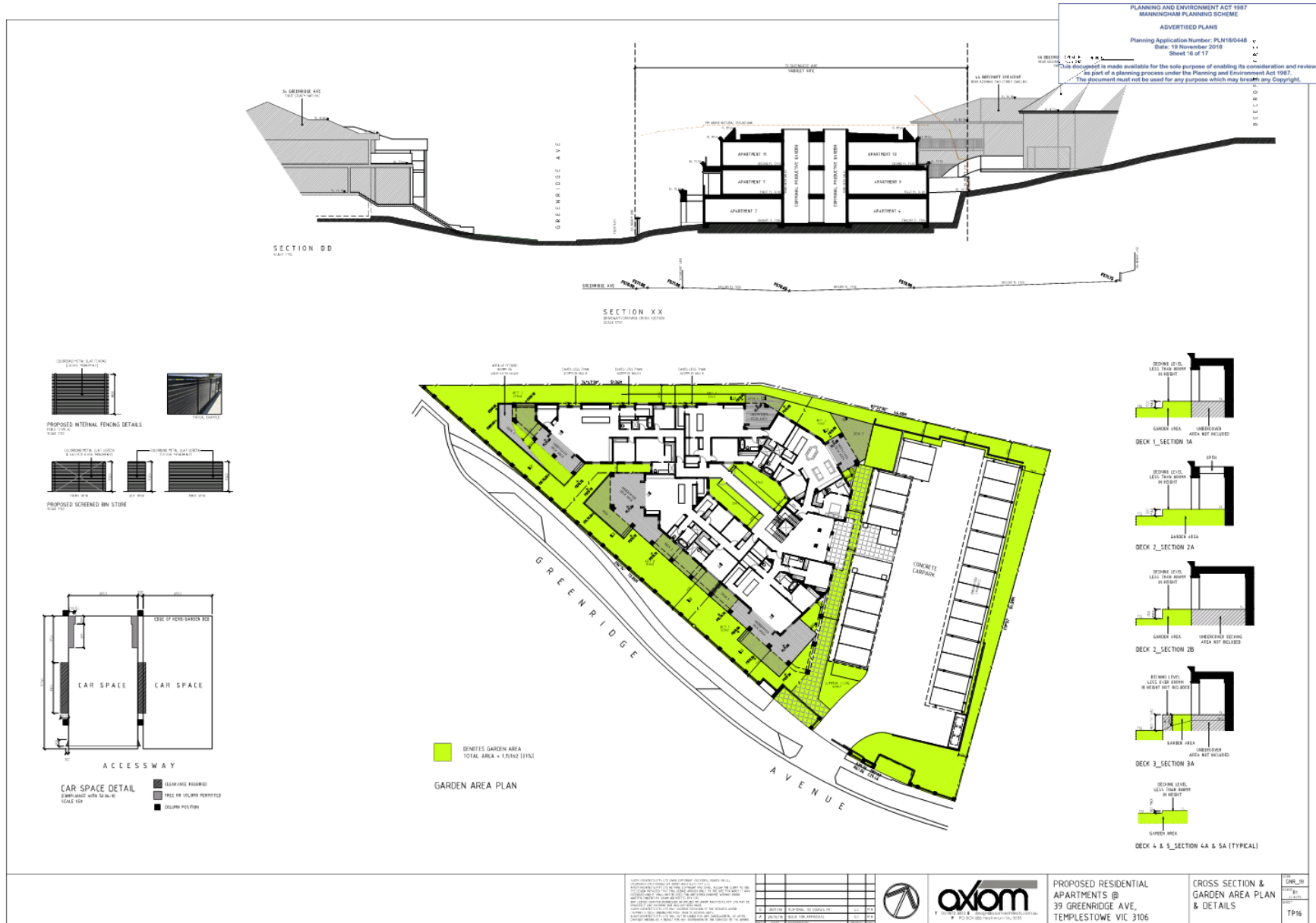
13. This drawing shows the proposed layout of the building and the location of the proposed units. It is intended to provide a general overview of the proposed development.

<small>DATE</small>	<small>DESCRIPTION</small>	<small>BY</small>	<small>CHECKED</small>	<small>APPROVED</small>

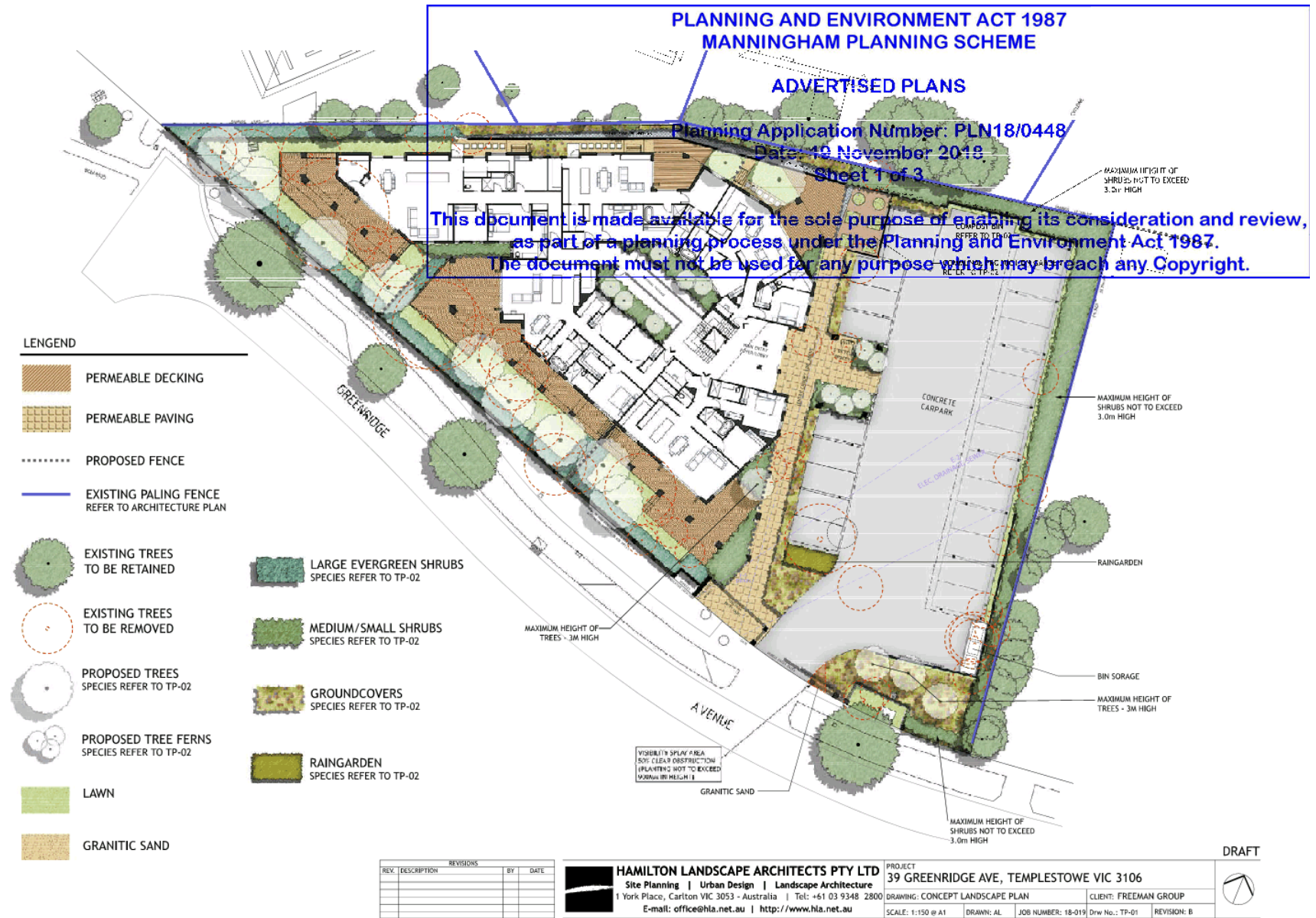
PROPOSED RESIDENTIAL APARTMENTS @  
39 GREENRIDGE AVE,  
TEMPLESTOWE VIC 3106

<small>APARTMENT TYPES/DETAILS</small>	<small>UNIT 10</small>









## 5. LEGISLATIVE REQUIREMENTS

### 5.1 PLANNING AND ENVIRONMENT ACT 1987 (THE ACT)

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.

Section 60 of The *Planning and Environment Act*, requires the Responsible Authority to consider the following before deciding on an application:

- *The relevant planning scheme;*
- *The objectives of planning in Victoria;*
- *All objections and other submissions which it has received;*
- *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.*

Section 61(4) of the Act makes specific reference to covenants. Under Section 61(4) of the *Planning & Environment Act 1987* the Responsible Authority must not issue a planning permit that would result in a breach of a registered restrictive covenant.

### 5.2 MANNINGHAM PLANNING SCHEME

**Clauses of the Manningham Planning Scheme the Responsible Authority must consider:**

- Planning Policy Framework
- Local Planning Policy Framework
- Clause 32.08 General Residential Zone, Schedule 3
- Clause 44.05 Special Building Overlay
- Clause 52.06 Car Parking
- Clause 55 Two or more dwellings on a lot and residential buildings
- Clause 65 Decision Guidelines

#### Zone

##### Clause 32.08 General Residential Zone, Schedule 3

The purpose of the General Residential Zone is:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To encourage development that respects the neighbourhood character of the area.*
- *To encourage a diversity of housing types and housing growth in locations offering good access to services and transport.*
- *To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.*

A Planning Permit is required to construct two or more dwellings on a lot within this zone.

An assessment for buildings and works for two or more dwellings is required under the provisions of Clause 55 of the Manningham Planning Scheme.

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.

## Overlay

### Clause 44.05 Special Building Overlay

The purpose of the Special Building Overlay is:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To identify land in urban areas liable to inundation by overland flows from the urban drainage system as determined by, or in consultation with, the flood plain management authority.*
- *To ensure that development maintains the free passage and temporary storage of floodwaters, minimises flood damage, is compatible with the flood hazard and local drainage conditions and will not cause any significant rise in flood level or flow velocity.*
- *To protect water quality in accordance with the provisions of relevant State Environment Protection Policies, particularly in accordance with Clauses 33 and 35 of the State Environment Protection Policy (Waters of Victoria).*

A permit is required to construct a building or to construct or carry out works, including a fence.

An application under this overlay is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act.

An application must be referred to the relevant floodplain management authority under Section 55 of the Act unless in the opinion of the responsible authority, the proposal satisfies requirements or conditions previously agreed to in writing between the responsible authority and the floodplain management authority.

## Planning Policy Framework

The relevant sections of the planning policy framework are as follows:

### Clause 15.01-1 Urban design

The objective of this policy is:

- *To create urban environments that are safe, functional and provide good quality environments with a sense of place and cultural identity.*

### Clause 15.01-2 Urban design principles

The objective of this policy is:

- *To achieve architectural and urban design outcomes that contribute positively to local urban character and enhance the public realm while minimising detrimental impact on neighbouring properties.*

### Clause 15.01-4 Design for safety

The objective of this policy is:

- *To improve community safety and encourage neighbourhood design that makes people feel safe.*

### Policy guidelines

Planning must consider as relevant:

- *Safer Design Guidelines for Victoria (Crime Prevention Victoria and Department of Sustainability and Environment, 2005).*

Clause 15.01-5 Cultural identity and neighbourhood character

The objective of this policy is:

- *To recognise and protect cultural identity, neighbourhood character and sense of place.*

Clause 15.02-1 Energy and resource efficiency

The objective of this policy is:

- *To encourage land use and development that is consistent with the efficient use of energy and the minimisation of greenhouse gas emissions.*

Clause 16.01-1 Integrated housing

The objective of this policy is:

- *To promote a housing market that meets community needs.*

Clause 16.01-2 Location of residential development

The objective of this policy is:

- *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.*

Clause 16.01-4 Housing diversity

The objective of this policy is:

- *To provide for a range of housing types to meet increasingly diverse needs.*

Clause 16.01-5 Housing affordability

The objective of this policy is:

- *To deliver more affordable housing closer to jobs, transport and services.*

**Local Planning Policy Framework (LPPF)****Municipal Strategic Statement**Clause 21.03 Key Influences

This clause identifies that future housing need and residential amenity are critical land-use issues that will challenge Manningham's future growth and sustainable development. 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.

This increasing pressure for re-development raises issues about how these changes affect the character and amenity of our local neighbourhoods. In meeting future housing needs, the challenge is to provide for residential re-development in appropriate locations, to reduce pressure for development in more sensitive areas, and in a manner that respects the residential character and amenity valued by existing residents.

Clause 21.05 Residential

This policy 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.

**The site is within Precinct 4 – Post 1975 residential areas.**

This precinct includes areas that have been predominately developed since 1975 with a substantial amount of development occurring between late 1980s and the 1990s.

Although some of the housing built in the 1970s is single storey, housing built in the 1980s and 1990s is predominantly double storey and in some instances three storeys.

In this precinct there is minimal unit development.

An incremental level of change is anticipated in this precinct.

#### Clause 21.05-4 Built form and neighbourhood character

The objective of this policy is:

- *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.*

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.*

#### Clause 21.10 Ecologically Sustainable Development

This policy highlights Council's commitment to ESD and outlines a number of ESD principles to which regard must be given. These include building energy management, water sensitive design, external environmental amenity, waste management, quality of public and private realm and transport.

### **Local Planning Policy**

#### Clause 22.08 Safety through urban design

This policy 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.

#### Clause 22.09 Access for disabled people

This policy 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**

#### Clause 52.06 Car Parking

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.*

Clause 52.06-9 outlines various design standards for parking areas that should be achieved.

Clause 52.34 Bicycle Facilities

No bicycle spaces are required to be provided as the development is less than 4 storeys.

Clause 55 Two more dwellings on a lot and residential buildings

The provision of this clause apply to an application to construct two or more dwellings on a lot

The applicable clauses for the provisions of this clause apply to an application to construct or extend an apartment development include all of Clause 55 except Clause 55.03-5, Clause 55.03-6, Clause 55.04-8, Clause 55.05-1, Clause 55.05-2 and Clause 55.05-6.

A development:

- Must meet all of the objectives of this clause that apply to the application.
- Should meet all of the standards of this clause that apply to the application.

For all of the provisions of Clause 55 other than Clause 55.07 (Apartment developments), if a zone or a schedule to a zone specifies a requirement of a standard different from a requirement set out in this clause, the requirement in the zone or a schedule to the zone applies.

The requirements of a standard set out in Clause 55.07 (Apartment developments) apply to the exclusion of any different requirement specified in a zone, a schedule to a zone, or a schedule to an overlay.

**General Provisions**

Clause 65 Decision Guidelines

This clause outlines that before deciding on an application, the responsible authority must consider, as appropriate:

- *The Municipal Planning Strategy and the Planning Policy Framework.*
- *The purpose of the zone, overlay or other provision.*
- *Any matter required to be considered in the zone, overlay or other provision.*
- *The orderly planning of the area.*
- *The effect on the amenity of the area.*
- *Whether the proposed development is designed to maintain or improve the quality of stormwater within and exiting the site.*
- *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.*



### 9.3 Planning Application PLN18/0772 at Westfield Doncaster 619 Doncaster Road, Doncaster, for buildings and works for alterations and additions to the existing shopping centre

File Number:	IN19/95
Responsible Director:	Director City Planning and Community
Applicant:	Contour Consultants Australia Pty Ltd
Planning Controls:	Activity Centre Zone, Schedule 1; Incorporated Plan Overlay, Schedule 1; Development Contributions Plan Overlay, Schedule 1; Parking Overlay, Schedule 1
Ward:	Koonung
Attachments:	1 <a href="#">Decision Plans</a> ↓ 2 <a href="#">Legislative Requirements</a> ↓

#### EXECUTIVE SUMMARY

##### Purpose

1. This report provides Council with an assessment of the planning permit application submitted for land at Westfield Doncaster, 619 Doncaster Road, Doncaster. The report recommends approval of the submitted proposal, subject to amendments that will be addressed by way of permit conditions. The application is being reported to Council as it is a Major Application (with a development cost of more than \$5 million).

##### Proposal

2. It is proposed to upgrade the existing Level 4 dining precinct and outdoor area of Westfield Doncaster, in the south-western corner of the site that faces the intersection of Doncaster and Williamsons Roads.
3. The purpose of the upgrade is to enhance the diversity of dining options, improve internal amenity for customers, enhance indoor and outdoor landscaping, improve the arrival experience to the centre from the adjacent car park and create a new entry from street level by providing a lift.

##### Advertising

4. Pursuant to Clause 43.03-2 (Incorporated Plan Overlay), an application under any provision of this planning scheme which is generally in accordance with the incorporated plan is exempt from the notice requirements of the *Planning and Environment Act 1987*.

##### Key issues in considering the application

5. The key issues for Council in considering the proposal relate to:
  - Planning Policy Frameworks;
  - Design and built form;
  - Car parking.

**Assessment**

6. The proposal aligns with policy at Clauses 21.09 (Activity Centres and Commercial Areas), 22.06 (Eating and Entertainment Premises Policy) and the Activity Centre Zone primarily by improving pedestrian connections with the Level 4 dining precinct within Westfield Doncaster and the intersection of Doncaster and Williamsons Roads.
7. Whilst a reduction of 22 car parking spaces is required to facilitate the redevelopment and improve the interface of the dining precinct with the car park, which equates to the additional demand of 119 spaces, the existing car parking surplus of 871 spaces will be reduced to a surplus of 730 car spaces.

**Conclusion**

8. The proposal aligns with the vision for Westfield Doncaster, by activating the Doncaster and Williamsons Road frontage, reinvigorating the existing dining precinct and establishing a stronger pedestrian link from the intersection. The existing interface with the car park at Level 4 will also improve the pedestrian arrival experience, including through the enhancement of indoor and outdoor landscaped areas.
9. It is recommended that the application be supported, subject to conditions.

**COUNCIL RESOLUTION**

**MOVED: CR MIKE ZAFIROPOULOS**  
**SECONDED: CR DOT HAYNES**

**That Council:**

- A. Issue a Planning Permit in relation to Planning Application PLN18/0772 at Westfield Doncaster 619 Doncaster Road, Doncaster for buildings and works for alterations and additions to the existing shopping centre, subject to the following conditions –**
  - 1. Before the use and development starts, amended plans drawn to scale and dimensioned, must be submitted to the satisfaction of and approved by the Responsible Authority. When approved the plans will then form part of the permit. The plans must be generally in accordance with the decision plans (prepared by Scentre Group, Project No. D3121, Revision B dated 12 December 2018), but modified to show the following:**
    - 1.1 Dimensions of the Level 2 upgraded pathways adjacent to the lift, including delineation of the landscape area along the existing screening;**
    - 1.2 Details of the materials and finish of the Level 2 upgraded pathways adjacent to the lift, in accordance with the Doncaster Hill Strategy;**
    - 1.3 Dimensions and materials of the lift and lift well;**

- 1.4 Dimensions and maximum height of the Level 2 awning;
- 1.5 Dimensions and maximum height of the Level 4 additions.

#### **Endorsed Plans**

2. The development, including the location of buildings, services, engineering works, fences and landscaping as shown on the approved plans must not be altered without the written consent of the Responsible Authority.

#### **Construction Management Plan**

3. Not less than two months before the development starts, a Construction Management Plan (CMP) must be submitted via email and approved by the Responsible Authority. When approved the plan will form part of the permit. The Construction Management Plan is to be prepared in accordance with the template within Council's CMP Guidelines. The CMP must address:

- 3.1 Element A1: Public Safety, Amenity and Site Security;
- 3.2 Element A2: Operating Hours, Noise and Vibration Controls;
- 3.3 Element A3: Air Quality and Dust Management;
- 3.4 Element A4: Stormwater and Sediment Control and Tree Protection (also as per the specific requirements of this permit);
- 3.5 Element A5: Waste Minimisation and Litter Prevention; and
- 3.6 Element A6: Traffic and Parking Management to ensure that the traffic conditions and amenity of the area will not be adversely affected, including (but not limited to) the parking of trade persons' vehicles.

Council's Works Code of Practice and Construction Management Plan Guideline are available on Council's website.

#### **Management Plan Compliance**

4. The Management Plan approved under Condition 3 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.

#### **Stormwater**

5. 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. A connection to Council maintained assets must not be constructed unless a Miscellaneous Works Permit is first obtained from the Responsible Authority.

**Drainage**

6. Landscaped and paved areas associated with this approved development must be graded and drained so as to prevent ponding to the satisfaction of the Responsible Authority.

**Landscape Plan**

7. Before the development starts, an amended landscaping plan must be submitted to the Responsible Authority for approval. The plan must be generally in accordance with the approved site layout plan and the concept landscape plan decision plan prepared by Scentre Group, Project No. D3121, Revision A dated 14 November 2018, but modified to show:
  - 7.1 Species, locations, quantities, approximate height and spread of proposed planting, including adjacent to the Level 2 lift entrance;
  - 7.2 Details of soil preparation and mulch depth for garden beds;
  - 7.3 Sectional details of shrub planting method and the canopy tree planting method which includes support staking and the use of durable ties;
  - 7.4 A detailed materials and finishes schedule of all hardstand areas, including Doncaster Hill boulevard treatment at Level 2; and
  - 7.5 All canopy trees and screen planting to be at least 1.5 metres in height at the time of planting.

**Landscape Bond**

8. Before the release of the approved plan for the development, 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.

**Completion and Maintenance**

9. Buildings, paved areas, drainage, fencing/walls, car parking areas, line-marking, painted directional signage, lighting and landscaped areas associated with the approved development must be maintained to the satisfaction of the Responsible Authority.
10. Once the permitted development has commenced it must be continued and completed to the satisfaction of the Responsible Authority.

11. The landscaping as shown on the approved landscaping plan must be maintained by replacing any dead, diseased, dying or damaged plants as soon as practicable and not using the areas set aside for landscaping for any other purpose, to the satisfaction of the Responsible Authority.

#### **Car parking**

12. The areas set aside for the parking of vehicles, together with the aisles and access lanes as delineated on the endorsed plans must:
  - 12.1 Be completed and line-marked to the satisfaction of the Responsible Authority prior to the commencement of the development hereby permitted;
  - 12.2 Be used for no other purpose and maintained at all times to the satisfaction of the Responsible Authority; and
  - 12.3 Be drained and sealed with an all-weather seal coat where appropriate.
13. The pick-up, drop-off and general car parking areas must be clearly lined marked and signed and must not be used for any other purpose, to the satisfaction of the Responsible Authority.

#### **Development Contribution**

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

#### **Permit Expiry**

15. This permit will expire if one of the following circumstances applies:
  - 15.1 The development is not started within two (2) years of the date of this permit; and
  - 15.2 The development is not completed within four (4) years of the date of this permit.

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

**CARRIED**

## 2. BACKGROUND

- 2.1 The application was submitted to Council on 27 November 2018.
- 2.2 A request for further information was sent on 3 December 2018.
- 2.3 All requested further information was received by Council on 30 January 2019.
- 2.4 Pursuant to Clause 43.03-2 (Incorporated Plan Overlay), an application under any provision of this planning scheme which is generally in accordance with the incorporated plan is exempt from the notice requirements of the *Planning and Environment Act 1987*.
- 2.5 The statutory time for considering a planning application is 60 days, which would lapse on 31 March 2019.
- 2.6 The land is subject to the following Covenants as listed on title for Lot 1 on Plan of Subdivision 626413J: C604297, C616676, D044405, D190291, D221208, D522117, D606377 and D647724.
- 2.7 The Covenants state:
- “...that they will not erect or cause to be erected on the said land any dwelling or dwellings unless such dwellings are enclosed by walls of brick or brick veneer...”
- 2.8 As the proposal does not relate to a dwelling, the Covenants will not be breached.
- 2.9 The land is not affected by a Section 173 Agreement.
- 2.10 The following relevant planning permits have recently been issued on the site:

Planning Permit	Description
PL13/023936	Approved the construction of a five level car park with modifications to the existing vehicle and pedestrian access to the centre. This application increased the total car parking capacity by 570 spaces.
PL13/023914	Approved the conversion of Shop 2006 (previously 'Mothercare' shop) into a 292 seat food and drink premises (TGI Fridays restaurant), reduction in car parking requirements to zero and use of the premises to sell and consume liquor. This application approved the reduction of car parking of 105 spaces (reducing the surplus to 23 spaces).
PL12/022681	Approved the development of the land as a food a drink premises (TGIF restaurant), reduction in car parking requirements and use of the premises to sell and consume liquor. This Permit was later cancelled on 29 July 2014 by VCAT via consent order from both Westfield and Council Officers following PL13/023914 (see above) as TGI Fridays chose to locate elsewhere.

Planning Permit	Description
PL11/022269	Approved the replacement of the existing restaurant (TGI Fridays) with a new shop floor area (Zara). As the floor area was slightly less, this application deemed the shop to be 3 spaces in credit compared to the existing restaurant use (increasing the surplus to 128 spaces).
PL10/021191	Approved the conversion of level 9 of the office tower to an office use. This incorporated 10 car spaces of the surplus spaces (reducing the surplus to 125 spaces).
PL08/019277	Approved two car wash facilities that incorporated 46 car spaces of the surplus spaces (reducing the surplus to 135 spaces).
PL03/015005	Approved a major redevelopment of the shopping centre (to increase it to approx 120,000sqm of gross leasable floor area (GLFA)). This planning approval required the provision of 4,590 car spaces. This equates to a rate of approximately 3.8 spaces per 100sqm GLFA. The plans endorsed under this permit and constructed show 4,771 spaces, a rate of 4 space per 100sqm of GLFA and a 181 space 'surplus' above what was required.

### 3. THE SITE AND SURROUNDS

- 3.1 Westfield Doncaster shopping centre is located on the north-east corner of Doncaster Road and Williamsons Road. It is a major regional shopping centre with more than 120,000 square metres of retail floor space, including a range of shops, department stores, supermarkets, food and drink premises and cinemas with associated car parking (currently 5,338 spaces) and a bus interchange located on the Williamsons Road frontage. The shopping centre underwent a major expansion in 2008 and continues to evolve via minor internal alterations. Most recently, a five level car park has been constructed on the eastern (rear) side of the shopping centre, extending between Grosvenor Street to the north and Goodson Street to the south.
- 3.2 Vehicle access to the centre is via two signalised intersections on both Doncaster Road and Williamsons Road, and via a single entry only from Goodson Street in the east of the site.

### 4. THE PROPOSAL

- 4.1 The proposal is outlined on the plans and concept landscape plans prepared by Scentre Group, Project No. D3121, Revision B dated 12 December 2018. Refer to Attachment 1.
- 4.2 The following reports were provided in support of the application:
- Town Planning report prepared by Contour Consultants dated 16 November 2018;
  - Traffic impact assessment letter prepared by GTA Consultants dated 16 November 2018.
- 4.3 The scope of works is indicated by the yellow ring in the aerial photograph below.



- 4.4 It is proposed to upgrade the Level 4 dining precinct of Westfield Doncaster, in the south-western corner of the site that faces the intersection of Doncaster and Williamsons Roads. The Level 4 dining precinct is adjacent to the Village Cinemas complex and contains a number of restaurant tenancies that operate beyond regular retail hours.
- 4.5 Currently, pedestrian access to the dining precinct is either from within the centre via the retail area below, or through the adjacent rooftop car park.
- 4.6 The purpose of the upgrade to the dining precinct and outdoor area is to enhance the diversity of dining options, improve internal amenity for customers, enhance indoor and outdoor landscaping, improve the arrival experience to the centre from the adjacent car park and create a new entry from street level through the provision of a lift.
- 4.7 External works include:
- Alterations and reconfigurations to the Level 4 rooftop car park, resulting in a net reduction of 22 car parking spaces. The new layout incorporates a one-way drop-off/pick-up zone;
  - Increase in floor area of the Level 4 dining area and number of seats from 1,494 seats to 1,826 seats and the relocation of the external walls to the north and east, including the installation of new glazing and entrance doors;
  - Installation of a new children's outdoor play area adjacent to the car park;



- New landscaping works including paving, planter boxes and new trees adjacent to the car park;
- The projection of the Level 4 dining area beyond the existing footprint in three locations to the south-west (facing the Doncaster and Williamsons Road intersection), which will be behind the existing glazing line that remains unchanged;
- Providing direct pedestrian access from the ground level of the intersection of Doncaster and Williamsons Roads, via a lift in the location of the existing curved glass façade below the prominent 'Westfield' sign. The lift will be behind the existing glazing line that remains unchanged;
- Installation of a new awning at ground level over the new lift entrance for pedestrian weather protection. This would include a modification to the existing pedestrian paving opposite the slip lane in the roadway;
- Installation of new skylights over the dining precinct.

4.8 It is also proposed to introduce internally illuminated business identification and wayfinding signage at the intersection of Doncaster and Williamsons Road. This application seeks to identify the location of these signs for information purposes only. A separate future application will be required for the approval of these signs, including the submission of detailed plans. Similarly, a future planning permit amendment will be made to update the existing approved liquor licensing layout.

## 5. LEGISLATIVE REQUIREMENTS

5.1 Refer to Attachment 2.

5.2 A permit is required under the following Clauses of the Manningham Planning Scheme:

- Clause 37.08-2 (Activity Centre Zone, Schedule 1), to construct a building and or carry out works.

## 6. REFERRALS

6.1 There are no applicable external authorities or relevant internal departments that required referral.

## 7. CONSULTATION / NOTIFICATION

7.1 Pursuant to Clause 43.03-2 (Incorporated Plan Overlay), an application under any provision of this planning scheme which is generally in accordance with the incorporated plan is exempt from the notice requirements of the *Planning and Environment Act 1987*.

## 8. ASSESSMENT

8.1 The proposal has been assessed against the relevant state and local planning policies, the zone and overlay and the relevant particular provisions and general provisions of the Scheme.

8.2 The following assessment is made under the headings:

- Planning Policy Frameworks;
- Design and built form;
- Car parking.

### 1. Planning Policy Frameworks

8.3 Key objectives of the PPF and LPPF seek to intensify activity centres as a focus for high-quality development and encourage increased activity. Activity centre planning seeks 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.

8.4 Clause 21.09 (Activity Centres and Commercial Areas) identifies Westfield Doncaster as being in Precinct 4 of the Activity Centre, with the following vision:

“As the Principal retail and entertainment focus of the Doncaster Hill Activity Centre it is envisaged that Westfield Shoppingtown will be better integrated into Doncaster Hill Activity Centre and the surrounding community. Future developments of Westfield Shoppingtown should be consistent with the vision of Doncaster Hill Activity Centre by incorporating activated street frontages and external spaces, a greater mix of uses, pedestrian accessibility, an accessible and prominent public transport interchange and improved engagement with the main intersection.”

8.5 Under the ACZ1, the subject site is identified as being located in Precinct 4A. The relevant objectives for Precinct 4A (Clause 5.4-2) are:

- *Encourage an enhanced pedestrian environment within the precinct.*
- *To maintain and improve the positive engagement of the precinct with the main intersection of Doncaster Road and Williamsons Road.*
- *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 Roads intersection at the western end of the precinct.*

8.6 Clause 22.06 (Eating and Entertainment Premises Policy) supports the location of eating and entertainment premises within existing activity centres. The relevant objectives of this policy are:

- *To ensure that eating and entertainment premises are appropriately located having regard to:*
  - *Intensity (no. of seats/patrons) and hours of operation of the proposed activity.*
  - *Location of access points.*
  - *Adequate provision of car parking.*
  - *Traffic generated being appropriate to the street and locality and not adversely affecting traffic flow or road safety.*
- *To ensure adequate access is provided for people with limited mobility.*
- *To ensure that the location of the use is appropriate to the role and function of the road network and that adequate provision is made for on-site car parking.*

- *To ensure that land used for vehicle access and parking is properly designed, constructed and drained.*
- 8.7 The proposal aligns with the vision of Clause 21.09, the objectives of Clause 22.06 and the objectives of Precinct 4A by activating and improving the engagement with the Doncaster and Williamsons Roads intersection, enhancing the pedestrian environment and by doing so creating a stronger link to the eating and entertainment premises.
- 8.8 The proposal also aligns with the vision of Clause 21.09 for the intersection of Doncaster, Williamsons and Tram Roads, to have greatly increased pedestrian safety and amenity, connecting all precincts abutting these roads.
- 8.9 Being located within an existing major regional shopping centre, the proposal for the expansion and improvement of the existing dining precinct responds to Clause 22.06 by being appropriately located having regard to its intensity, hours of operation, improved location of access points and provision of adequate car parking and existing traffic management conditions. The incorporation of a lift significantly improves accessibility to the dining precinct from the ground level of the major intersection of Doncaster and Williamsons Roads.

## **2. Design and built form**

- 8.10 The ACZ1 does not set any mandatory or preferred maximum/minimum building heights or setbacks for buildings within Precinct 4A. The proposal does not increase the existing building height or decrease any setbacks of the existing glazing to the south-west – Doncaster/Williamsons Rd interface.
- 8.11 The changes to the building that can be viewed from this intersection relate to the projection of three sections on the south-western side of the Level 4 dining precinct and the incorporation of a lift well. All of these elements are to be constructed in an area that is currently a void, between the existing usable floor space and a glazed wall. These works will be concealed behind the existing glazed wall that remains unchanged. Therefore, these changes will not result in any significant change in the appearance of the façade of the centre.
- 8.12 The inclusion of a lift at Level 2, at the corner of Doncaster and Williamsons Roads establishes a strong pedestrian link from the dining precinct within Westfield Doncaster to all other precincts within Doncaster Hill. It is viewed as a major contributing factor to achieving the vision for the centre in the context of Doncaster Hill.
- 8.13 To cater for the needs of pedestrians utilising the new lift at the intersection, a new awning will be installed over the lift entrance for weather protection. To enable efficient pedestrian way-finding and provide direct pedestrian access to the lift, modifications will be required to the road reserve in the form of a new path.
- 8.14 There are several changes to the northern and eastern interfaces of the dining precinct with the car park on Level 4. These changes also facilitate an improved pedestrian arrival experience, including additional landscape areas, awnings and a children's play area, together with new entry doors.
- 8.15 All other changes are internal and relate to the reconfiguration of the dining area to improve the use of the space.

**3. Car parking**

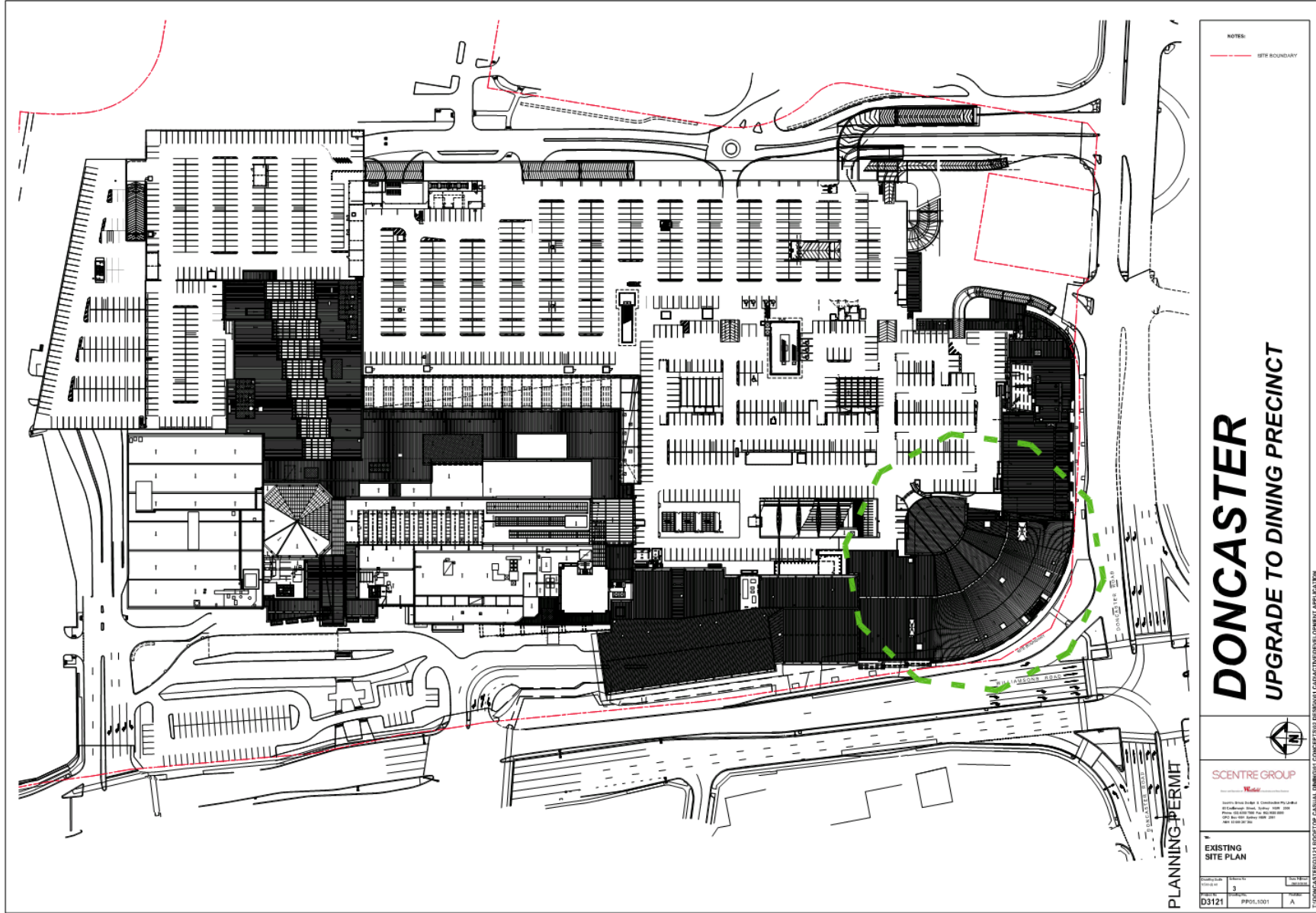
- 8.16 The proposal includes a 332 seat increase within the dining precinct from 1,494 to 1,826 seats. This is calculated at a car parking rate of 0.36 spaces per seat associated with a restaurant, generating the requirement for an additional 119 car parking spaces. The external modifications to the car park result in a decrease of 22 car parking spaces from 5,338 to 5,316 spaces across the centre.
- 8.17 Overall, this results in the existing centre-wide car parking ratio decreasing from 4.32 spaces per 100m<sup>2</sup> to 4.28 spaces per 100m<sup>2</sup>.
- 8.18 The proposal will result in a net loss of 141 car parking spaces, whereby the current surplus of 871 car parking spaces will be reduced to a surplus of 730 spaces.
- 8.19 A sound rationalisation is provided in the submitted car parking demand assessment, which contends that the peak demand for the dining area would be in the evening, when the centre and the surrounding road network is off peak. Therefore, the number of spaces available in the centre can reasonably cater for the car parking demand associated with the upgraded facilities and expanded dining area.

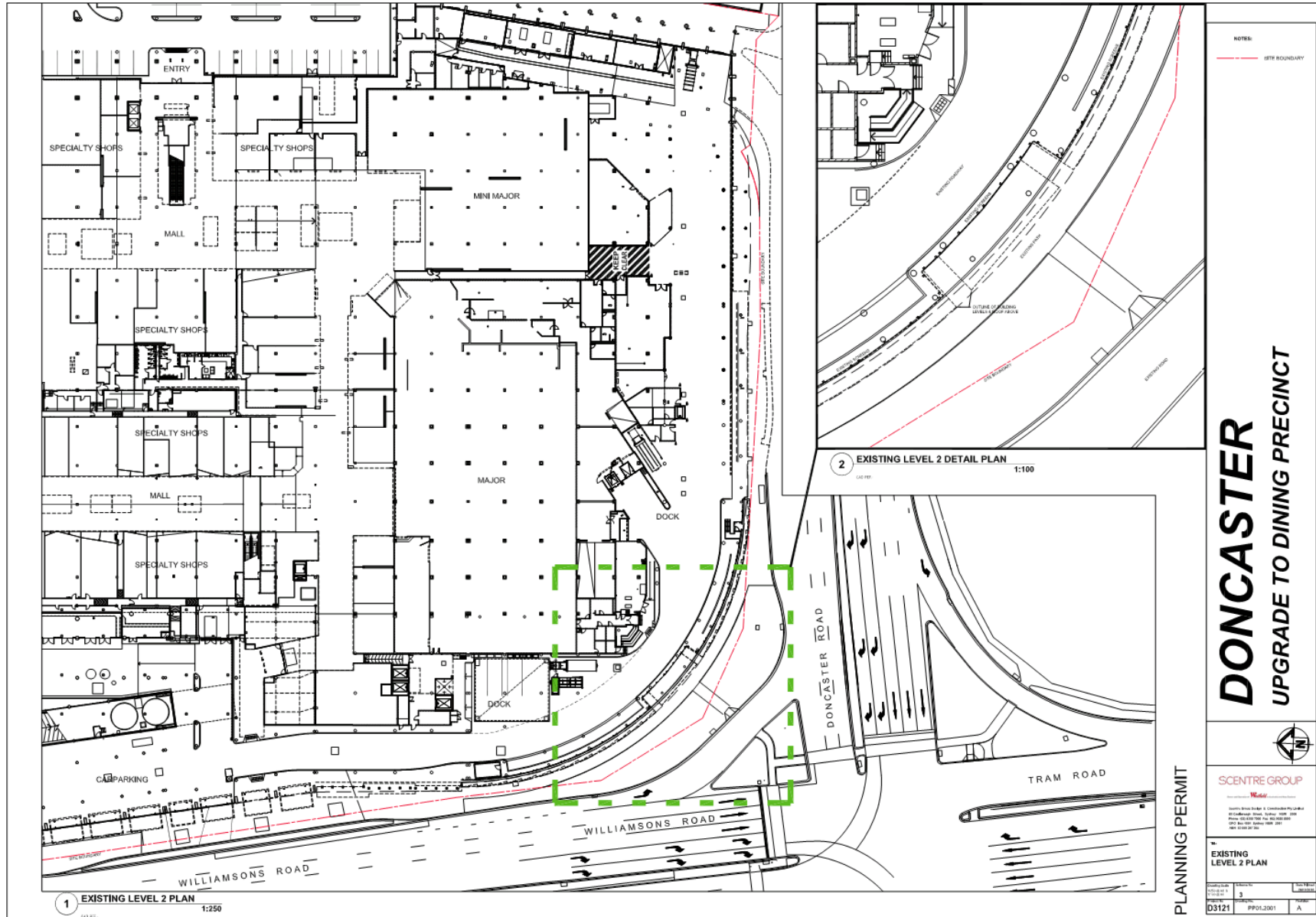
**9. CONCLUSION**

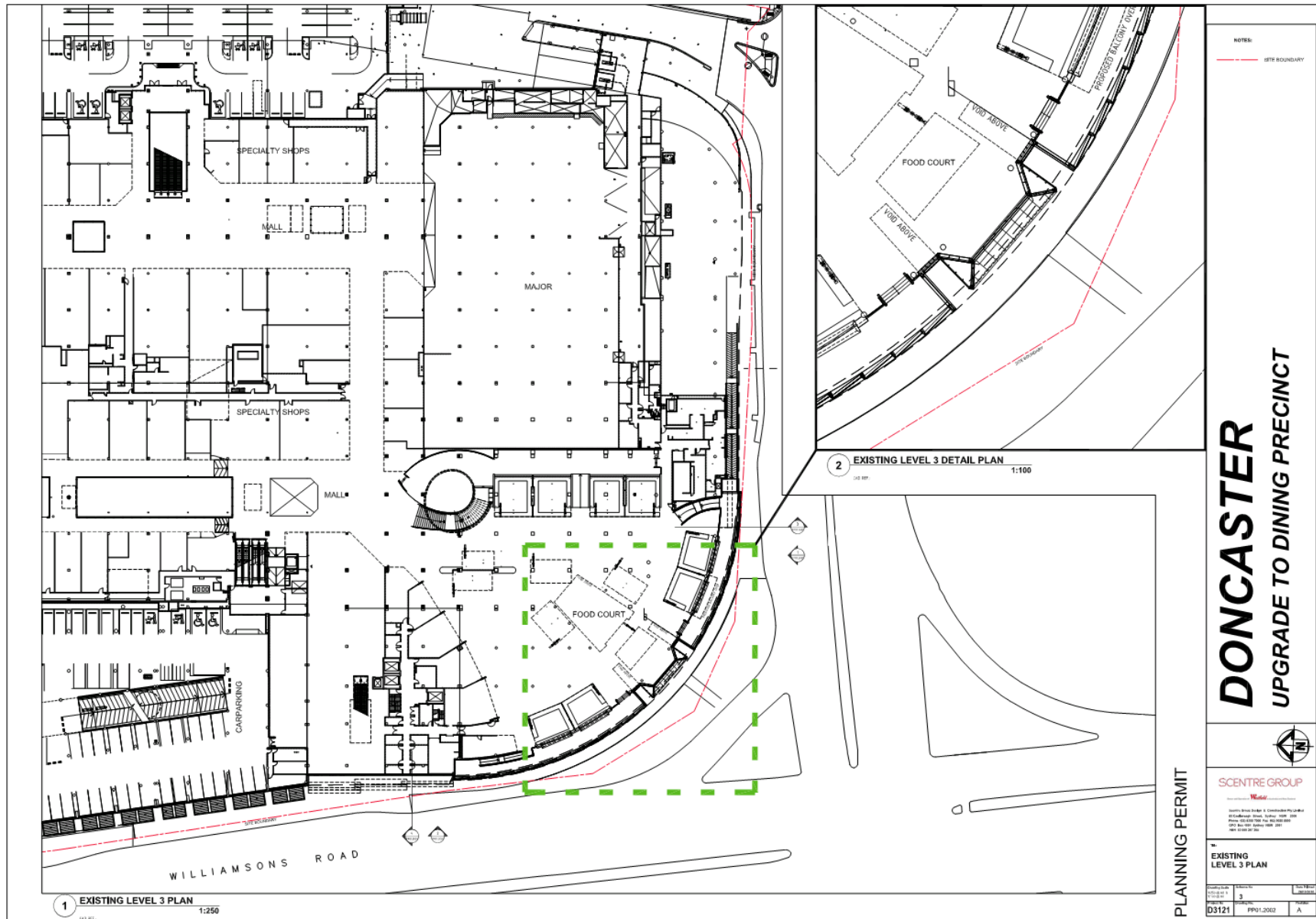
- 9.1 It is recommended that the application be supported, subject to conditions.

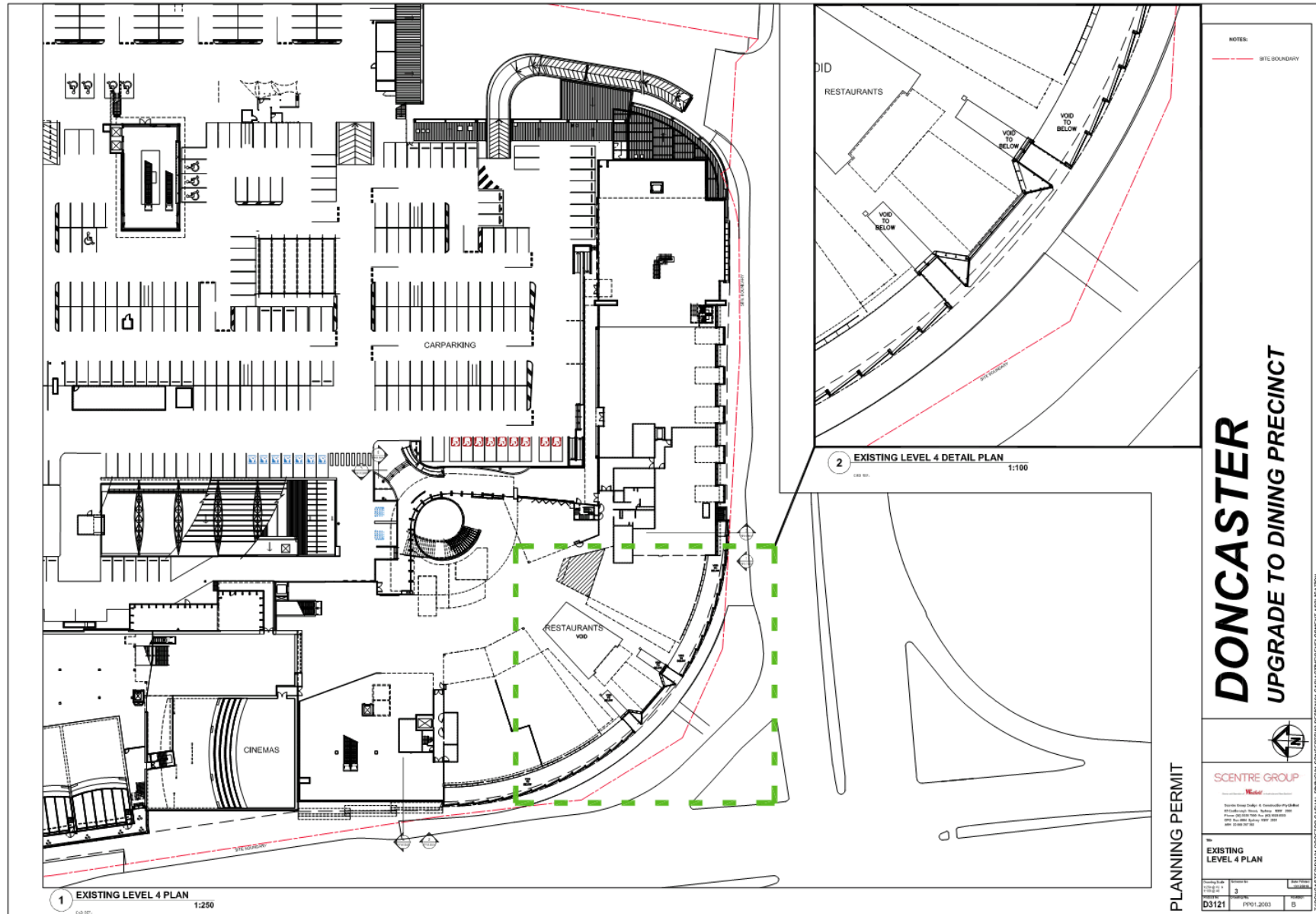
**10. DECLARATION OF CONFLICT OF INTEREST**

- 10.1 No officers involved in the preparation of this report have any direct or indirect conflict of interest in this matter.



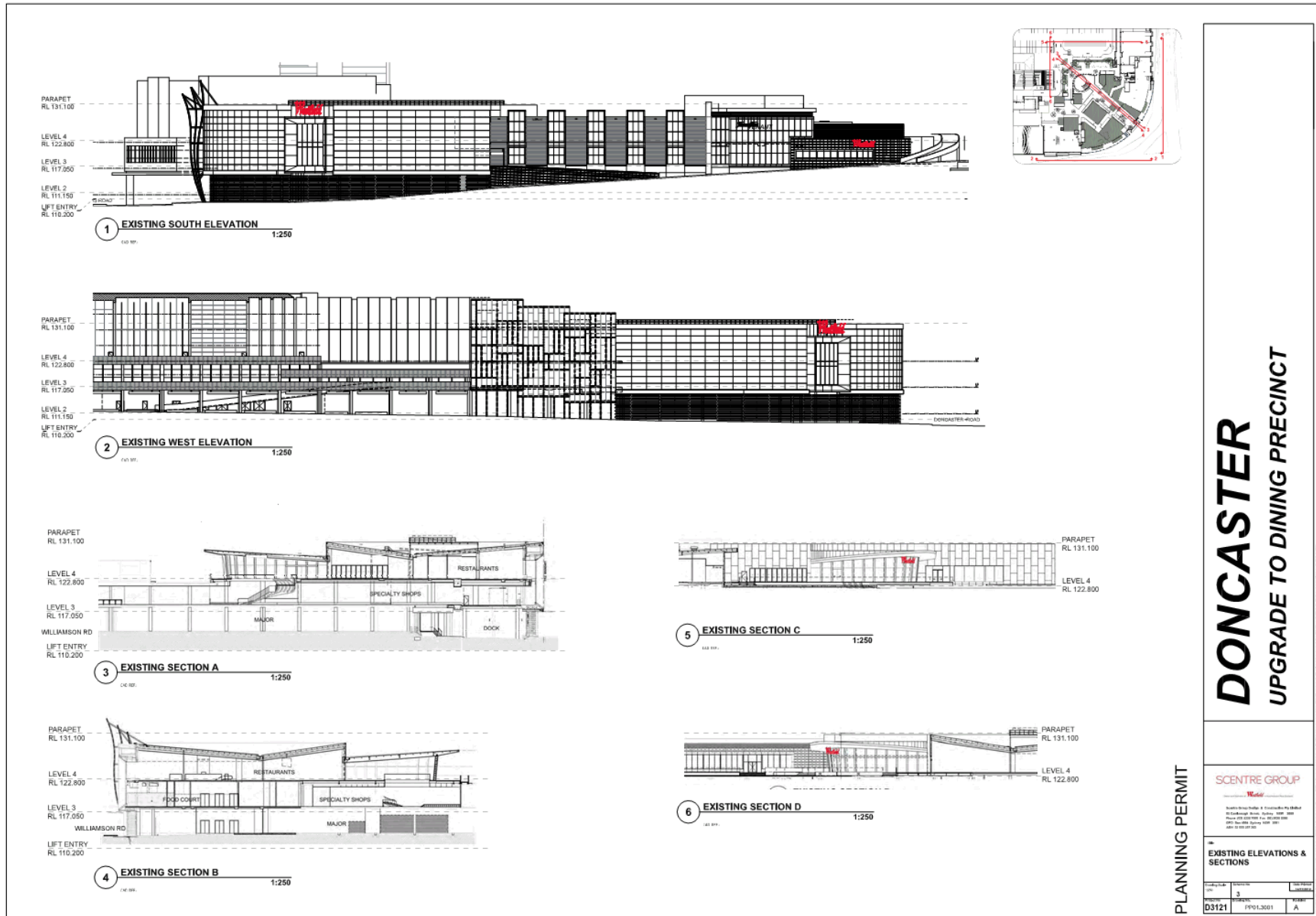








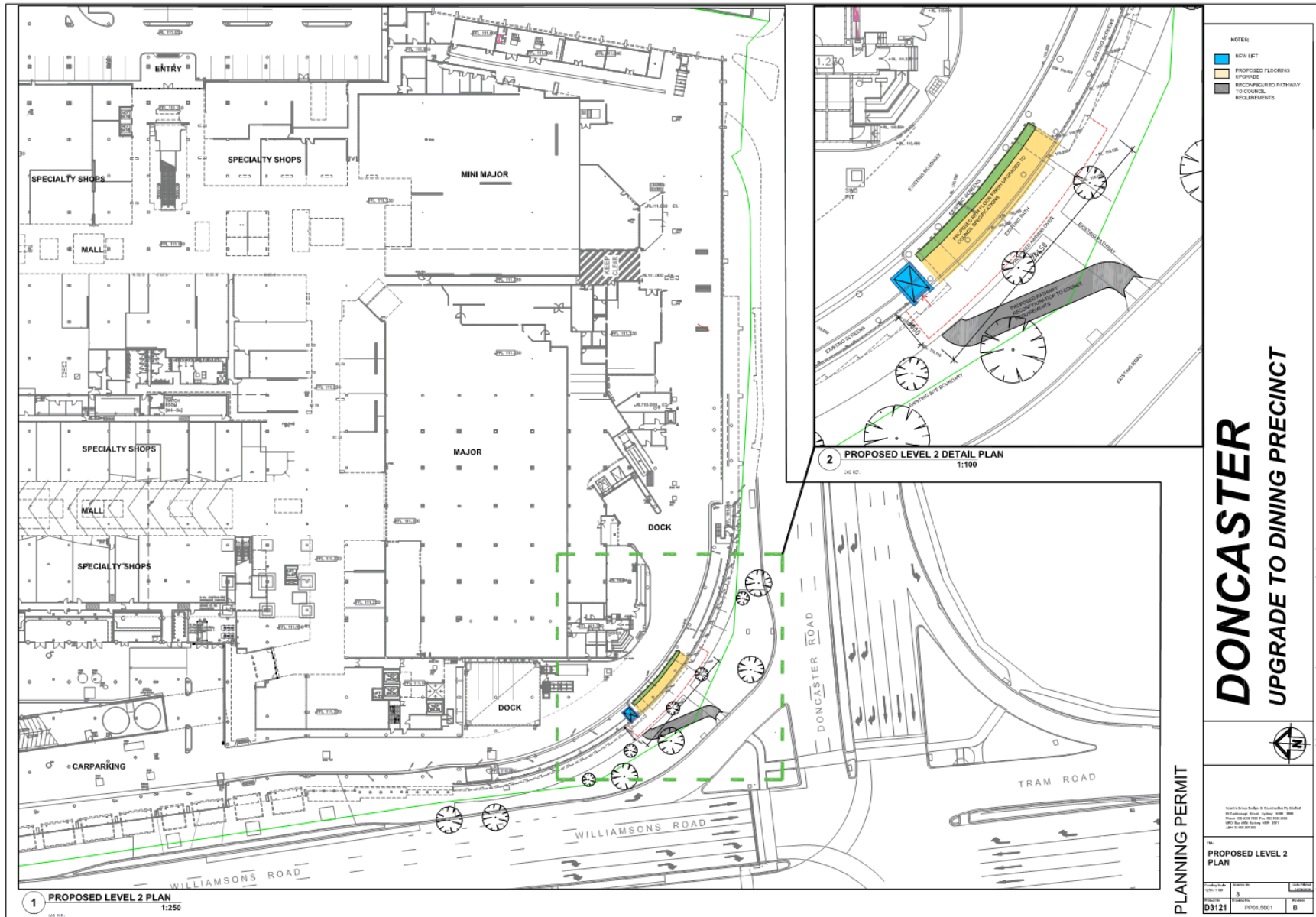


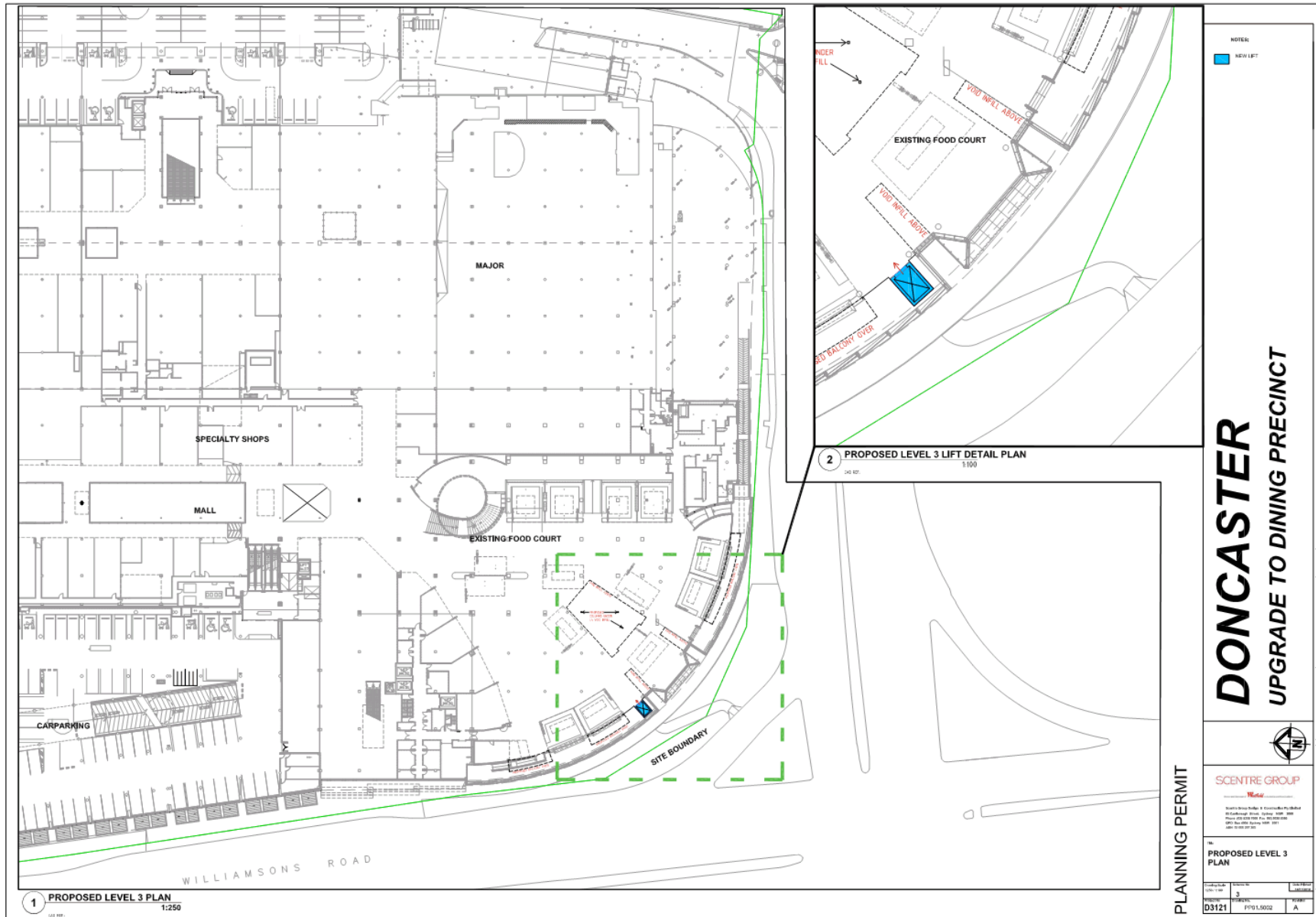


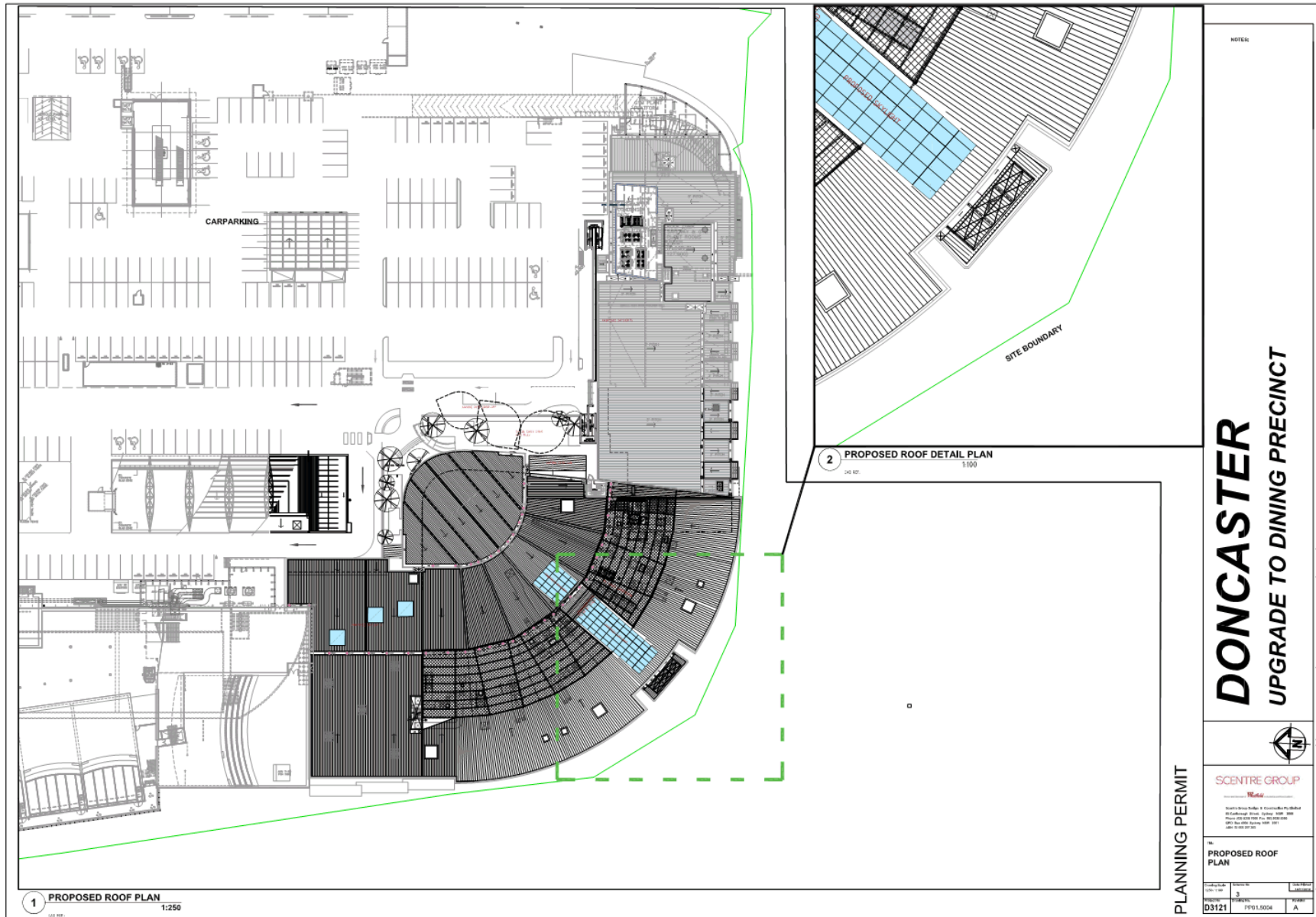
**DONCASTER**  
**UPGRADE TO DINING PRECINCT**

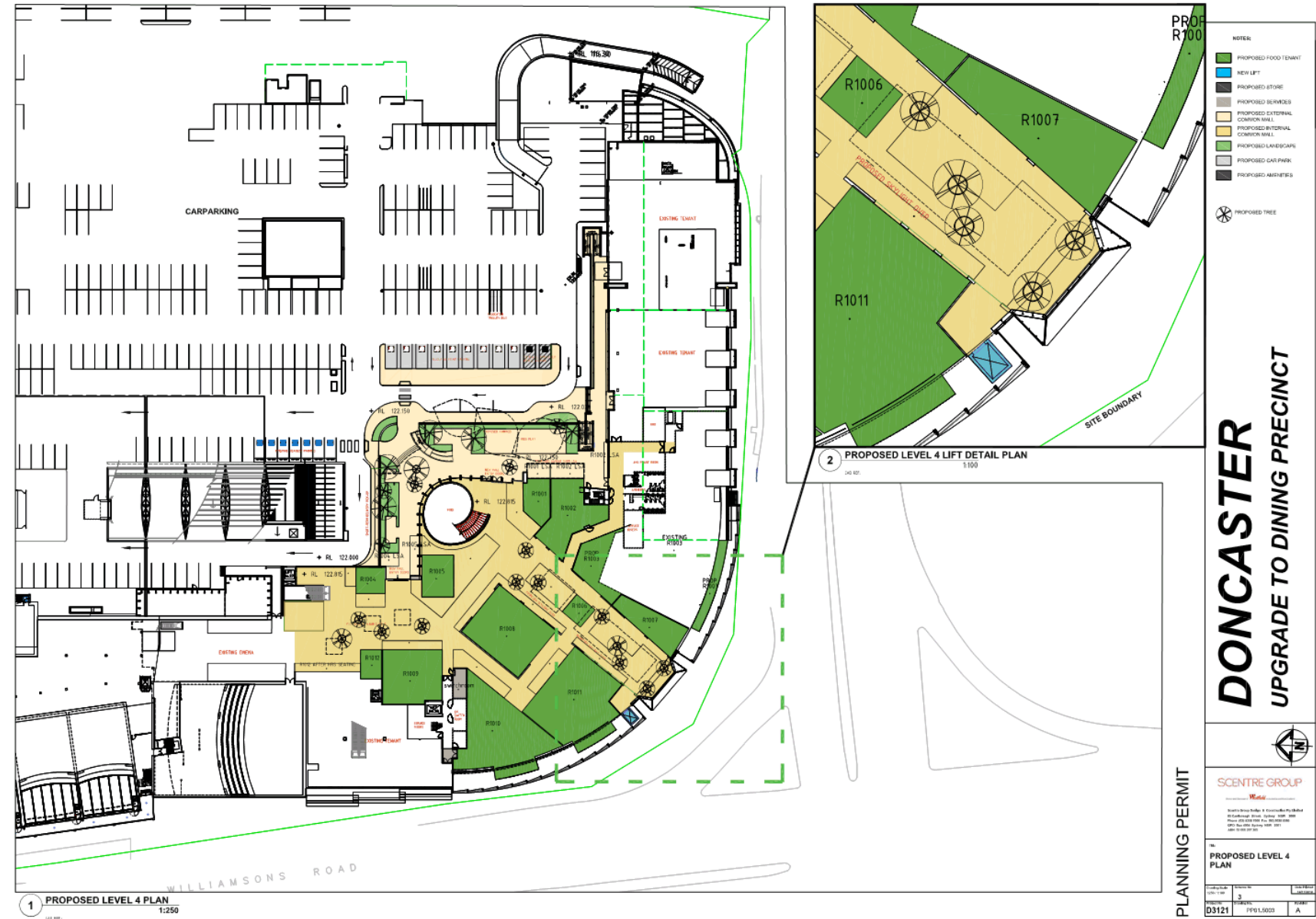
PLANNING PERMIT

<b>SCENTRE GROUP</b>	
<small>Scentre Group (Aust) Pty Ltd 100-110 South Street, Melbourne, VIC 3000 Phone: 03 9247 1000 Fax: 03 9247 1001 www.scentre.com.au</small>	
IN EXISTING ELEVATIONS & SECTIONS	
Project No:	3
Permit No:	D3121
Scale:	P/01_3001
Sheet:	A





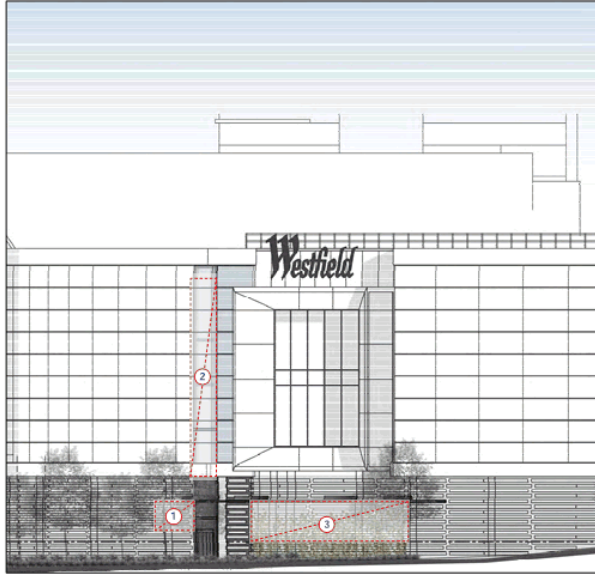




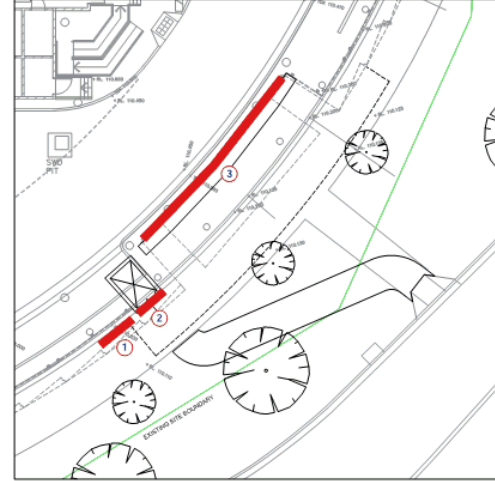








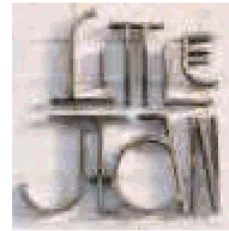
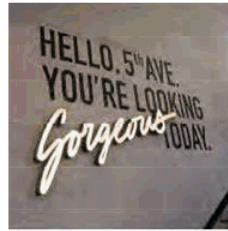
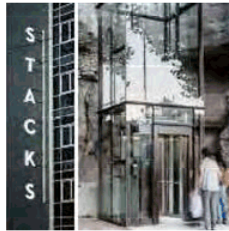
1 PROPOSED SOUTH ELEVATION DETAIL  
1:100



SIGNAGE ZONE SCHEDULE - EXTERNAL FAÇADE

#	DESCRIPTION	TYPE	WIDTH (m)	HEIGHT (m)	AREA (m <sup>2</sup> )	TYPE
1	PRECINCT SIGNAGE ZONE	ON WALL	6	2	12	30 ILLUMINATED
2	BISHOP'S PRECINCT SIGNAGE ZONE	OVER GLASS LIFT	3	13	39	BESPOKE ILLUMINATED
3	TENANT SIGNAGE ZONE	ON EXISTING BATTERS	14	3	42	30 ILLUMINATED

2 PROPOSED LEVEL 2 PLAN DETAIL  
1:100



SIGNAGE DETAILS

Consent to build  
All applications for consent to build must be accompanied by the following information:  
- A site plan showing the location of the proposed building and any other structures on the site.  
- A site plan showing the location of the proposed signage zones.  
- A site plan showing the location of the proposed signage zones and any other structures on the site.  
- A site plan showing the location of the proposed signage zones and any other structures on the site.  
- A site plan showing the location of the proposed signage zones and any other structures on the site.

**DONCASTER**  
UPGRADE TO DINING PRECINCT

PLANNING PERMIT

SCENTRE GROUP  
 10000 DONCASTER ROAD  
 DONCASTER VIC 3108  
 PH: 03 9469 1000  
 WWW.SCENTRE.COM.AU

SIGNAGE DETAILS

Project No: 3  
 Permit No: D3121  
 Date: 18/02/2019

## 5. LEGISLATIVE REQUIREMENTS

### 5.1 PLANNING AND ENVIRONMENT ACT 1987 (THE ACT)

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.

Section 60 of The *Planning and Environment Act*, requires the Responsible Authority to consider the following before deciding on an application:

- *The relevant planning scheme;*
- *The objectives of planning in Victoria;*
- *All objections and other submissions which it has received;*
- *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.*

Section 61(4) of the Act makes specific reference to covenants. Under Section 61(4) of the *Planning & Environment Act 1987* the Responsible Authority must not issue a planning permit that would result in a breach of a registered restrictive covenant.

### 5.2 MANNINGHAM PLANNING SCHEME

Clauses of the Manningham Planning Scheme the Responsible Authority must consider:

- Planning Policy Framework
- Local Planning Policy Framework
- Clause 37.08 Activity Centre Zone, Schedule 1
- Clause 43.03 Incorporated Plan Overlay, Schedule 1
- Clause 45.06 Development Contributions Plan Overlay, Schedule 1
- Clause 45.09 Parking Overlay, Schedule 1
- Clause 52.06 Car Parking
- Clause 65 Decision Guidelines

#### Zones

##### Clause 37.08 Activity Centre Zone, Schedule 1

The purpose of the Activity Centre 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 encourage a mixture of uses and the intensive development of the activity centre:*
  - *As a focus for business, shopping, working, housing, leisure, transport and community facilities.*
  - *To support sustainable urban outcomes that maximise the use of infrastructure and public transport.*
- *To deliver a diversity of housing at higher densities to make optimum use of the facilities and services.*
- *To create through good urban design an attractive, pleasant, walkable, safe and stimulating environment.*
- *To facilitate use and development of land in accordance with the Development Framework for the activity centre.*

A permit is required to construct a building or construct or carry out works unless the schedule to this zone specifies otherwise.

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

*Land use and development objectives to be achieved*

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

*Land use*

- *To provide for a vibrant range of mixed uses that support the strategic role of the Doncaster Hill Principal Activity Centre.*
- *To provide for a high level of activity that attracts people, provides a focal point for the community, creates an attractive and safe urban environment, increasing opportunities for social interaction.*
- *To ensure mixed use development comprises flexible floor spaces for a range of uses.*
- *To substantially increase the provision, intensity and diversity of housing (especially affordable housing), that allows for all sectors of the community to live in the centre.*
- *To provide for high-density residential development on individual sites in conjunction with a diversity of other uses including a mix of retail, commercial, social, community and entertainment uses.*
- *To encourage commercial and small-scale retail uses at the lower level of buildings, with high-density style residential development on upper levels.*

*Built form*

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

*Environmental sustainability*

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

*Public realm*

- *To encourage active street frontages and pedestrian generating activities to be located along main roads.*

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

#### Open space and landscaping

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

#### Transport and access

- To achieve development of circulation networks that focus on providing strong linkages within the Doncaster Hill Principal Activity Centre, and enhance public transport, pedestrian and bicycle users' amenity.
- To provide for well-defined vehicular, bicycle and pedestrian access both within and external to all precincts, with strong pedestrian crossing points to be established between the north and south sides of Doncaster Road.
- To encourage the integration of car parking areas into buildings and the unique sloping landform, including providing under-croft and basement as opposed to open-lot parking.

Under the ACZ1, the subject site is located in **Precinct 4A**. The objectives for Precinct 4A (Clause 5.4-2) are as follows:

- Encourage an enhanced pedestrian environment within the precinct.
- To maintain and improve the positive engagement of the precinct with the main intersection of Doncaster Road and Williamsons Road.
- 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 Roads intersection at the western end of the precinct.

There are no maximum height or setback requirements specified in Table 5.4-3.

#### Overlays

##### Clause 43.03 Incorporated Plan Overlay

A permit must not be granted to use or subdivide land, construct a building or construct or carry out works until an incorporated plan has been incorporated into this scheme.

A permit granted must:

- Be generally in accordance with the incorporated plan, unless a schedule to this overlay specifies otherwise.
- Include any conditions or requirements specified in a schedule to this overlay.

##### Clause 45.06 Development Contributions Plan Overlay

A permit must not be granted to subdivide land, construct a building or construct or carry out works until a development contributions plan has been incorporated into this scheme.

*This does not apply to the construction of a building, the construction or carrying out of works or a subdivision specifically excluded by a schedule to this overlay.*

*A permit granted must:*

- Be consistent with the provisions of the relevant development contributions plan.*
- Include any conditions required to give effect to any contributions or levies imposed, conditions or requirements set out in the relevant schedule to this overlay.*

#### Clause 45.09 Parking Overlay

*This overlay operates in conjunction with Clause 52.06. A schedule to this overlay may:*

- Vary the requirements of Clause 52.06 as allowed by this overlay.*
- Specify additional requirements to the requirements of Clause 52.06 as allowed by this overlay.*
- Specify requirements for the provision of a financial contribution as a way of meeting the car parking requirements of Clause 52.06 or this overlay.*

### **Planning Policy Framework**

The relevant sections of the state planning policy framework are as follows:

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.

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.

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.*

Clause 15.01-2 (Urban Design Principle) policy objective is:

- To achieve architectural and urban design outcomes that contribute positively to local urban character and enhance the public realm while minimising detrimental impact on neighbouring properties.*

The strategy to achieve this is to apply the listed strategies to development proposals for non-residential development or residential development not covered by Clause 54, Clause 55 or Clause 56.

Responsible Authorities are also required to have regard to the State's *Design Guidelines for Higher Density Housing*, which is referenced at Clause 15.01 of the Scheme.

The strategies include the application of design principles to the proposed development relating to context, public realm, safety, pedestrian spaces, energy and resource efficiency, architectural quality and landscape quality.

Clause 15.01-4 (Design for Safety) policy objective is:

- To *improve* community safety and encourage neighbourhood design that makes people feel safe.

The policy 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.

Clause 15.01-5 (Cultural Identity and Neighbourhood Character) policy objective is:

- To recognise and protect cultural identity, neighbourhood character and sense of place.

The clause includes several strategies to achieve this objective, including to:

- *Ensure development responds and contributes to existing sense of place and cultural identity.*
- *Ensure development recognises distinctive urban forms and layout and their relationship to landscape and vegetation.*
- *Ensure development responds to its context and reinforces special characteristics of local environment and place by emphasising:*
  - *The underlying natural landscape character.*
  - *The heritage values and built form that reflect community identity.*
  - *The values, needs and aspirations of the community.*

Clause 15.02-1 Sustainable development: Energy and resource efficiency

The policy objective is:

- *To encourage land use and development that is consistent with the efficient use of energy and the minimisation of greenhouse gas emissions.*

The clause has the following strategies:

- *Ensure that buildings and subdivision design improves efficiency in energy use.*
- *Promote consolidation of urban development and integration of land use and transport.*
- *Improve efficiency in energy use through greater use of renewable energy.*
- *Support low energy forms of transport such as walking and cycling.*

Clause 18.01-1 Integrated Transport: Land use and transport planning

The policy objective is:

- *To create a safe and sustainable transport system by integrating land-use and transport.*

Clause 18.02-1 Movement networks: Sustainable personal transport

The policy objective is:

- *To promote the use of sustainable personal transport.*

Clause 18.02-2 Cycling

The policy objective is:

- *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.

Clause 18.02-4 Management of the road system

The policy objective is:

- *To manage the road system to achieve integration, choice and balance by developing and efficient and safe network and making the most of existing infrastructure.*

Clause 18.02-5 Car parking

The policy objective is:

- *To ensure an adequate supply of car parking that is appropriately designed and located.*

The policy is relevant to the proposal because the application seeks a reduction in the standard car parking requirement of the Scheme. The objective is to ensure an adequate supply of car parking that is appropriately designed and located. It is also required to allocate or require land to be set aside for car parking subject to the existing and potential modes of access including public transport, the demand for off-street car parking, road capacity and the potential for demand management of car parking. Proposals are also encouraged to facilitate the use of public transport.

### **Local Planning Policy Framework (LPPF)**

#### **Municipal Strategic Statement**

##### Clause 21.03 Key Influences

This clause identifies that future housing need and residential amenity are critical land-use issues that will challenge Manningham's future growth and sustainable development. 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.

This increasing pressure for re-development raises issues about how these changes affect the character and amenity of our local neighbourhoods. In meeting future housing needs, the challenge is to provide for residential re-development in appropriate locations, to reduce pressure for development in more sensitive areas, and in a manner that respects the residential character and amenity valued by existing residents.

##### Clause 21.09 Activity Centre and Commercial Areas

This policy outlines that *principal, major and identified neighbourhood activity centres will be the focus of increased residential growth and development.* In particular, Doncaster Hill Principal Activity Centre will:

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

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

- *To implement the objectives of Melbourne 2030 in respect of Principal Activity Centres as a focus for retail, social, commercial, entertainment, civic and residential uses.*
- *To integrate ecologically sustainable development principles and techniques into every facet of the design, construction and operation/occupancy stages of new development*

*to raise the aspirations of all users, appropriate for a city looking towards a long-term, responsible and sustainable future.*

- *To ensure that built form outcomes demonstrate the use of contemporary architecture combined with innovative urban design and building techniques that incorporate ecologically sustainable design principles.*
- *To emphasise the existing dramatic landform of Doncaster Hill through built form that steps down the hill.*
- *To encourage high density, high rise residential development.*
- *To provide a greater diversity of dwelling types.*
- *To alleviate pressure for more intense residential development in established urban areas.*
- *To reduce travel demand and change travel behaviour.*
- *To promote the development of sustainable transport options.*
- *To meet the future infrastructure requirements of Doncaster Hill in a comprehensive, timely and equitable way.*
- *To develop an integrated mixed-use precinct for Doncaster Hill Activity Centre which provides for an appropriate mix of uses and functions on a location specific level, including the provision of:*
  - *mixed uses within buildings, particularly along boulevard locations*
  - *small scale retail opportunities at ground floor level in conjunction with other mixed use developments*
  - *additional commercial/office floor space*
  - *flexible floor spaces within buildings to ensure life cycle adaptability.*

Within Doncaster Hill Principal Activity Centre there are various precincts delineated in accordance with their topographic orientation and aspect on Doncaster Hill, their relationship to main roads, and their present and future uses.

#### **Local Planning Policy**

##### Clause 22.06 Eating and Entertainment Premises Policy

Policy supports the location of eating and entertainment premises within existing activity centres. The relevant objectives of this policy are:

- *To ensure that eating and entertainment premises are appropriately located having regard to:*
  - *Intensity (no. of seats/patrons) and hours of operation of the proposed activity.*
  - *Location of access points.*
  - *Adequate provision of car parking.*
  - *Traffic generated being appropriate to the street and locality and not adversely affecting traffic flow or road safety.*
- *To ensure adequate access is provided for people with limited mobility.*
- *To ensure that the location of the use is appropriate to the role and function of the road network and that adequate provision is made for on-site car parking.*
- *To ensure that land used for vehicle access and parking is properly designed, constructed and drained.*

##### Clause 22.08 Safety through urban design

This policy 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.

##### Clause 22.09 Access for disabled people



This policy 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.

Clause 22.12 Environmentally Sustainable Development

This policy applies throughout the City of Manningham to residential and non-residential development that requires a planning permit in accordance with the thresholds in Table 1 of this Policy (except for land affected by the Activity Centre Zone (Schedule 1) that applies to Doncaster Hill). The policy contains an overarching objective that development should achieve best practice in environmentally sustainable development from the design stage through to construction and operation.

**Particular Provisions**

Clause 52.06 Car Parking

Pursuant to Clause 52.06-5, car parking is required to be provided at the following rate:

- *0.36 spaces to each seat available to the public for a restaurant.*

Clause 52.06-9 outlines various design standards for parking areas that should be achieved.

**General Provisions**

Clause 65 Decision Guidelines

This clause outlines that before deciding on an application, the responsible authority must consider, as appropriate:

- *The Municipal Planning Strategy and the Planning Policy Framework.*
- *The purpose of the zone, overlay or other provision.*
- *Any matter required to be considered in the zone, overlay or other provision.*
- *The orderly planning of the area.*
- *The effect on the amenity of the area.*
- *Whether the proposed development is designed to maintain or improve the quality of stormwater within and exiting the site.*

## 10 CITY PLANNING & COMMUNITY

### 10.1 Amendment C117 Manningham Planning Scheme - Rural Areas Non Residential Uses - Consideration of Panel Report

File Number:	IN19/96
Responsible Director:	Director City Planning and Community
Attachments:	1 Amendment C117 Panel Report <a href="#">↓</a> 2 Letter to Minister Green Wedge March 2017 <a href="#">↓</a> 3 Amended documents for adoption <a href="#">↓</a> 4 Rural Areas Land Uses Position Paper <a href="#">↓</a>

#### EXECUTIVE SUMMARY

*The purpose of this report is for Council to consider the report of the Independent Panel which considered submissions relating to proposed Planning Scheme Amendment C117 to the Manningham Planning Scheme, and to make a decision whether or not to adopt the amendment in the manner recommended by the Panel.*

*The Panel Report was received by Council on 19 December 2018 and released to the public on 8 January 2019. A copy of the report is at **Attachment 1**.*

*Amendment C117, as exhibited, proposed three related changes to the planning scheme:*

- Change the Municipal Strategic Statement to give greater support to tourism in the Rural Conservation Zone (RCZ);*
- Extend the application of the existing local policy relating to outbuildings to include the RCZ; and*
- Introduce a new local policy to provide more guidance for non-residential applications in the RCZ.*

*The amendment was exhibited for eight weeks from 15 February to 16 April 2018. A total of 29 submissions were received in response to the proposed amendment.*

*On 18 July 2018, Council requested the appointment of an Independent Panel to consider all submissions received. A Panel Hearing was conducted on 10 – 12 October 2018. The report of the Independent Panel recommends that Amendment C117 to the Manningham Planning Scheme be adopted in part with changes including the abandonment of the proposed changes in Clause 21.07 (Green Wedge and Yarra River Corridor) of the Municipal Strategic Statement (MSS).*

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

*It is recommended that Council agree with the Panel's recommendations with the exception of its recommendation to abandon the changes to the MSS at Clause 21.07.*

**COUNCIL RESOLUTION**

**MOVED:** CR PAUL MCLEISH  
**SECONDED:** CR SOPHY GALBALLY

**That Council:**

- A. Note the content of the Panel Report for Amendment C117 to the Manningham Planning Scheme.**
- B. Pursuant to section 29 of the *Planning and Environment Act 1987*, adopts Amendment C117 as recommended by the Panel, with the exception of the Panel Recommendation No. 1 (which recommends abandoning exhibited changes to clause 21.07) and endorse the amended clause 21.07, generally in accordance with Attachment 3 with the following additional amendment:  
  
under Economic development issues at clause 21.07-1 paragraph 3, replace “The focus will be to promote appropriate business activities...” with  
  
“The focus will be to protect and support the viability of existing agricultural activities and promote other appropriate business activities...”.**
- C. Pursuant to section 29 of the *Planning and Environment Act 1987*, adopts the *Rural Areas Land Uses Position Paper, 2017*, as a reference document with changes in accordance with Attachment 4.**
- D. Submits the adopted Amendment C117 to the Minister for Planning for approval in accordance with section 31 of the *Planning and Environment Act 1987*.**
- E. Notifies all submitters of Council’s decision.**

**PROCEDURAL MOTION**

**MOVED:** CR GEOFF GOUGH  
**SECONDED:** CR MIKE ZAFIROPOULOS

That Councillor Paul McLeish be permitted an extension of time to speak in accordance with clause 44.6 of the Manningham City Council Meeting Procedure Law 2017.

CARRIED

**THE SUBSTANTIVE MOTION WAS PUT AND CARRIED**

## 1. BACKGROUND

- 1.1 Proposed Amendment C117 applies to all land within the Rural Conservation Zone (RCZ).

The amendment proposes to:

- Amend the Municipal Strategic Statement (Clause 21.07) to improve guidance for the types of land uses and developments that are appropriate in Manningham's rural areas;
- Include the *Rural Areas Land Uses Position Paper (2017)* as a Reference Document in Clause 21.16;
- Expand the scope of existing policy clause 22.19 (Outbuildings in the Low Density Residential Zone) to apply to the Rural Conservation Zone areas and to address specific built form issues that have been identified; and
- Introduce new local policy clause 22.20 (Non Residential Uses in the Rural Conservation Zone) to provide specific guidance to non-residential planning applications within the Rural Conservation Zone.

- 1.2 Council considered 29 submissions received to Amendment C117 on 26 June 2018 and resolved as follows:

*"That Council:*

- A. Notes all submissions received in response to Amendment C117;*
- B. Requests that the Minister for Planning appoint an Independent Panel under part 8 of the Planning and Environment Act 1987, to consider all submissions received in response to Amendment C117;*
- C. Refers all submissions to the Independent Panel for consideration;*
- D. Endorses the recommended response to issues raised in submissions outlined in the Council report and Attachment 3, as the basis for Council's submission to the Independent Planning Panel;*
- E. Writes to all submitters, informing them of Council's decision to refer all submissions to a Panel, whereby they will be given the opportunity to be heard on the matter.*
- F. Endorses the criteria for prohibited uses in Chapter 9 of the Rural Areas Land Uses Position Paper (2017) and includes these as an update to the Green Wedge Action Plan 2020"*

- 1.3 A single person Panel was appointed by the Minister for Planning. The Panel hearing was held at the Manningham Civic Centre and Panel's Victoria over 3 days on the 10 to the 12 October 2018. Council was represented by Holding Redlich lawyers.

- 1.4 Eleven submitters requested to be heard by the Panel.

## 2. DISCUSSION / ISSUE

- 2.1 The Panel Report was received on 19 December 2018. The report was released to the public on 8 January 2019 and is **Attachment 1** to this report.
- 2.2 The Panel has concluded that the broader policy position to support more tourism in the green wedge (expressed in the changes to the MSS at clause 21.07) is contrary to sound planning and runs counter to the purposes of the RCZ.
- 2.3 In terms of the matters before the Panel, the Panel concludes:
- Changes to clause 21.07 to promote tourism are not well founded and should not proceed.
  - Changes to extend the Outbuildings policy at clause 21.19 to the RCZ as well as the LDRZ are reasonable subject to the whole policy being reviewed with the translation of the LPPF into the new format PPF.
  - The new policy at clause 22.20 may provide useful guidance to applicants and decision makers, subject to some changes to the policy language used.
- 2.4 Based on the reasons set out in its report, the Panel makes the following recommendations in relation to the Amendment:
1. *Abandon changes to Clause 21.07 related to tourism development in the green wedge.*
  2. *Change the first dot point of Clause 22.19 under the heading 'Policy' to read:*
    - i. *In the Low Density Residential Zone outbuildings should be used for purposes ancillary to the domestic use of the dwelling or the residential activities on the property and sited in close proximity to a dwelling.*
  3. *Adopt the version of Clause 22.20 presented in Appendix E.*
- 2.5 The Panel recommendations are discussed in more detail below.

### **Panel Recommendation 1: Abandon changes to Clause 21.07 (MSS)**

- 2.6 As mentioned, the Panel has recommended that the proposed changes to the MSS (at Clause 21.07) that make reference to tourism uses as an economic development issue in the green wedge be abandoned.
- 2.7 The exhibited changes to the MSS were aimed at providing overarching guidance around the types of land use and development appropriate for the area;
- 2.8 In particular, the proposed changes to the MSS acknowledge:
- that traditional agriculture uses are declining but should be retained and encouraged;

- that tourism offerings should be increased where land use conflicts can be minimised and any adverse amenity and environmental impacts are appropriately considered.
- 2.9 The proposed changes to the MSS also include a strategy to cluster tourism opportunities to enhance strategic position.
- 2.10 Council submitted that the Council's Green Wedge Action Plan (GWAP) and the Manningham Economic Development Strategy (MEDS) informed the preparation of the Amendment.
- 2.11 In coming to a conclusion not to support the proposed changes to clause 21.07, the Panel noted that the Council had adopted broad policy positions and progressed action to free up tourism development in the green wedge that included:
- Writing to the Minister for planning for a review of prohibited uses in the RCZ (March 2017).
  - Adopting criteria for the support of rezoning of land in the green wedge.

These assertions will be discussed later on in the report.

- 2.12 The issue debated by the Panel, is whether the increased emphasis on tourism within the green wedge in the MSS is justified.
- 2.13 In presenting its argument against the proposed changes at clause 21.07, the Panel puts forward a number of concerns with the strategic direction and policy basis including the following:

Issue: *The decline in agriculture*

- 2.14 The Panel states that a basis for Council's support of tourism is a purported decrease in agriculture in the green wedge.
- 2.15 The Panel makes the comment that a decline in agricultural employment in the green wedge may have implications for the local economy and employment but there is no obvious reason why these jobs, if they were declining, need to be replaced by tourism jobs.
- 2.16 The Panel concludes, therefore, that a decline in agricultural employment in the green wedge does not imply a need to replace those jobs within the green wedge.

*Officer's response*

- 2.17 The Panel seems to infer that Council wishes to see agricultural employment (which is in decline) replaced with tourism jobs in the green wedge. In response, it is argued that these two employment types are mutually exclusive. The decline in agriculture indicates that agriculture is no longer a viable industry in the green wedge. This trend, however, does not preclude agriculture uses from continuing alongside tourism type uses. The reference to agriculture in the MSS, therefore, is to acknowledge that viability is an issue due in part to increased land value, and impact from other external factors.

- 2.18 Alongside this, there is evidence that tourism is a growing industry in the RCZ (of which the Green Wedge is included). There has been increased demand on Council to assess non-residential uses related to tourism. This indicates a need to have robust policy within the MSS for Council to assess these applications.
- 2.19 Clause 21.07 provides Council and applicants with clear direction on how to assess planning applications within the context of the RCZ. The proposed clause is about clarifying the non-residential uses in the RCZ, and providing direction for the future based on trend data and evidence.

Issue: Consistency with the Green Wedge Action Plan 2020 (GWAP) and the Manningham Economic Development Strategy 2011-2030 (MEDS)

- 2.20 Concerns were expressed by submitters that the Amendment did not comply with the strategies and actions of the GWAP and the MEDS.
- 2.21 The Panel agreed with Council that the Amendment is broadly consistent with the GWAP and MEDS but that there is a broader issue as to whether more tourism in the RCZ is supported by policy.

*Officer's response*

- 2.22 The Panel's position is not entirely clear. The Amendment is based on the policy directions included in the GWAP and MEDS. The consistency between the Amendment and these policy documents is not in question. Therefore, appropriate tourism in the RCZ is supported by policies. The purpose of the Amendment is to introduce planning policy into the planning scheme to further support tourism use and development in the green wedge in line with the GAWP and MEDS.

Issue: Is more tourism in the RCZ a good idea?

- 2.23 The issue for the Panel here, is whether more tourism in the RCZ is supported by policy.
- 2.24 The Panel acknowledges that the Amendment does not change the land use activities currently allowed within the zone provisions. It states, however, that what is at issue here are the proposed changes to the MSS at Clause 21.07.
- 2.25 The Panel states that while limited tourism is already supported in the green wedge, that Council clearly supports more tourism than the zone envisages. This is evident from the letter Council wrote to the Minister in March 2017 and the criteria proposed in the Position Paper which in the Panel's view supports site specific amendments.
- 2.26 The Panel concludes:
- The policy at clause 21.07 would encourage economic development at the expense of green wedge values.
  - The policy would exacerbate the tension between policy and zone controls.
  - Council's vision for tourism goes beyond the scale of activity permitted under current controls.

*Officer's response*

- 2.27 Council wrote to the Minister for Planning in March 2017 – **Attachment 2**. In this letter the Council raised concerns that the current planning restrictions that apply to Metropolitan Green Wedges, frequently do not support a proactive approach to promoting tourism and other economic opportunities for Councils.
- 2.28 In particular, the Council raised concerns that the RCZ provides limited autonomy for the operation of tourism and other related uses due to the overriding restrictions contained within Clause 57 (Green Wedge Land), now Clause 51.02 (Metropolitan Green Wedge Land: Core Planning Provisions).
- 2.29 The letter also attached an Advocacy Paper seeking State level direction to provide clearer guidance to address limitations that threaten the long term future and viability of ongoing uses and opportunities in the green wedge.
- 2.30 It is considered that the primary intent of this letter was to highlight the existing ambiguity that exists between the application of the RCZ provisions and the provisions contained in the green wedge Clause at 51.02 and that this tension requires resolution at a State level.
- 2.31 In addition the 'criteria for rezoning' included in the exhibited '*Rural Areas Land Uses Position Paper (2017)*' were never meant to be read as Council unconditionally supporting rezonings in the green wedge. The role of these criteria was rather, to provide some guidance for the consideration of rezoning requests if and when they are presented to Council. In any event, Council resolved to remove these criteria from the Position Paper at its meeting on 26 June 2018, due to confusion between these criteria and the proposed policy at clause 22.20 (Non Residential Land Uses in the Rural Conservation Zone).
- 2.32 There is often tension between policies and zoning provisions in the planning scheme. Having an overarching strategic framework to guide the interpretation of often competing policy and zone objectives is imperative if a balanced outcome is to be achieved. The Panel's argument that the proposed policy at clause 21.07 will exacerbate the tension between policy and zone controls is not supported. The intent of the policy is to provide a strategic 'umbrella' or policy position on tourism uses in the green wedge from which the orderly application of the proposed policy at clause 22.20 for non-residential uses in the green wedge can occur. The proposed changes to the MSS are intended to assist in resolving the inherent tension between the policy and zone controls, not exacerbate it.
- 2.33 The Panel's argument that Council's vision for tourism goes beyond the scale of activity permitted under current controls is also unfounded. Council is not seeking to change the zoning controls that apply to the green wedge. In fact, when Council considered the findings of the *Rural Areas Discretionary Uses Land Use Strategy* it endorsed the RCZ as the preferred zone for the area. This zone, however, permits a range of non-residential (including tourism uses) in the green wedge that Council is obligated to consider.
- 2.34 The proposed Non-Residential Uses policy in the RCZ (Clause 22.20) is a case in point. This policy proposes rigorous standards that must be addressed by any application for non-residential use and development in the green wedge. The Amendment recognises that there will be increased pressure on the green wedge by non-residential uses (including tourism activities) in the future and that Council needs to be equipped to respond to these applications in an orderly manner.



It is also recognised that these kinds of uses will have the ability to enhance the sustainability of the Green Wedge in the long term.

- 2.35 In the case of Olivigna, VCAT has recently handed down its decision with respect to *P1625 2017 Brumby Road Investments Pty. Ltd. V Manningham CC*, where Council's refusal of an application to construct a hotel in conjunction with the Olivigna development was upheld by VCAT. In its report, VCAT made a number of in principle comments about why the proposed use and development was considered inappropriate for the area. These use and development principles are reflected in the proposed policy provisions in Clause 22.20, recommended for adoption.
- 2.36 In other words, the proposed policies included in Clause 22.20 would support the VCAT decision to refuse the application as submitted.

Issue: *Ringwood-Warrandyte tourism cluster*

- 2.37 The strategy proposed at clause 21.07 and in the 'Position Paper' to promote a tourism cluster along the Ringwood-Warrandyte Road was questioned by submitters.
- 2.38 The Panel concludes that it is unclear what this strategy means as it talks about clustering 'tourism development opportunities' as opposed to tourism development and that there is no clear planning justification for supporting tourism clusters.

*Officer's response*

- 2.39 Reference to the clustering of tourism activities along the Ringwood-Warrandyte Road was intended to describe an existing grouping of tourism uses along the Ringwood Warrandyte Road and was not intended to infer that a tourism precinct is recognised under the Scheme.
- 2.40 This concept was included in the Position Paper but was resolved to be removed from the paper by Council at its meeting on 26 June 2018.
- 2.41 In addition, the exhibited MSS clause 21.07 proposes a strategy to: '*cluster tourism development opportunities to enhance strategic position*'.
- 2.42 The Panel's recommendation in respect to the removal of this strategy is supported in the context of Council adopting the proposed Clause 21.07, with changes.

Issue: *Bushfire Clause 134.02 – Bushfire in the PPF*

- 2.43 Concerns were expressed by submitters that the Amendment did not acknowledge Clause 13.02 (Bushfire) of the PPF which was recently introduced with regard to bushfire management and may increase the risk to life from bushfires.
- 2.44 The Panel concluded that to the extent that the Amendment encourages more tourism development in the green wedge it potentially encourages more development in areas with a high fire rating. The Panel concluded, therefore, that the policy changes are potentially contrary to Clause 13.02 (Bushfire) in the PPF.

*Officer's response*

- 2.45 The Amendment does not result in an introduction or intensification of a development that will have a BAL12.5 rating under AS3959-2009 therefore, the assessment of bushfire on proposed uses will be made under the Bushfire Management Overlay (BMO), which applies to the majority of land in the RCZ.
- 2.46 Amendment C117 was referred to the Country Fire Authority (CFA) for comment, and a late submission was received. The submission stated that the CFA has concerns that the Amendment's promotion of tourism and business opportunities within the Green Wedge and particularly the 'clustering of tourism development' will have significant implications on the risk to life from bushfires.
- 2.47 Given that the majority of the land zoned RCZ is covered by the BMO, proposals for non-residential uses within the Green Wedge/RCZ areas must be referred to the CFA for comment, as required under the provision of the overlay. The reason that bushfire risk is not explicitly mentioned in clause 22.20 is that overlap with other provisions within the scheme is discouraged and these matters are responded to in the BMO.
- 2.48 Given that the provisions of clause 13.02 of the PPF were introduced following the consideration of the Amendment by Council for authorisation, it is considered prudent to amend the Explanatory Report to make reference to this clause.

*Officer's response to Panel recommendation 1*

- 2.49 For the reasons above, it is recommended that Council not support the Panel's recommendation to abandon changes to Clause 21.07 related to tourism development in the green wedge.
- 2.50 In particular, it is considered imperative that Council adopt a broad policy position in the MSS to guide the siting and development of non-residential uses (including tourism uses) in the green wedge. This inclusion will imply that non-residential uses will be considered if they respect and enhance the environmental values of the green wedge. This position also gives an overarching framework to the administering and application of the proposed local policy at clause 22.20.
- 2.51 It is recommend that Council adopt Clause 21.07 (**Attachment 3**) with a number of changes, including:
- Replace paragraph 2 under 'Economic development issues' with the following paragraph:  
*"There are a number of tourism assets within Manningham's Green Wedge, which attract visitors both locally and across Victoria. Non-residential land uses (including tourism uses) are encouraged where land uses do not adversely impact on the amenity and environmental values of the area."*  
The insertion of the word '*non-residential*' aligns this MSS policy with the policy at clause 22.20.
  - Remove the following strategy from Clause 21.07-6:  
*"Cluster tourism development opportunities to enhance strategic position"*

- Insert a strategy that appeared in the exhibited clause 22.20 into the MSS as an objective at clause 21.07-6. This was suggested by the Panel in its comments that the strategy was better placed in the MSS as it dealt with broader strategic issues. The strategy is as follows;

*“ To encourage uses that contribute to the economic or tourism development and employment within Manningham in appropriate locations”.*

**Panel recommendation 2: Adopt the exhibited Outbuildings policy at Clause 22.19 with a minor change**

2.52 The Panel has recommended that the exhibited Outbuildings policy at Clause 22.19 be adopted with the following changes:

- Change the first dot point of Clause 22.19 under the heading ‘Policy’ to include the words *In the Low Density Residential Zone* at the beginning of the provision, and to change the word shall to *should* following *outbuilding*. The recommended provision reads:

*In the Low Density Residential Zone outbuildings should be used for purposes ancillary to the domestic use of the dwelling or the residential activities on the property and sited in close proximity to a dwelling.*

2.53 The exhibited Amendment proposes that the existing policy at Clause 22.19 (Outbuildings in the Low Density Residential Zone) be expanded to address specific built form issues associated with Outbuildings in the RCZ.

2.54 The Panel concludes that the proposed changes should be supported subject to an amendment to the first dot point of Clause 22.19.

2.55 Dot point one of the proposed current policy reads:

*“Outbuildings shall be used for purposes ancillary to the domestic use of the dwelling or the residential activities conducted on the property and sited in close proximity to a dwelling.”*

2.56 The panel questioned whether this policy should automatically apply to the RCZ where agricultural uses may take place. The panel further questioned why this is needed in the LDRZ – if the use of the outbuildings are not ancillary to the dwelling (or otherwise a permitted use) than a permit for the use is required. The definition of a dwelling includes an outbuilding.

2.57 The inclusion of the words “In the Low Density Residential Zone” at the beginning of the proposed policy would make clear the policy intent and this is considered appropriate. In the LDRZ, the use of the land for a dwelling does not require a permit, however a permit is required for a dwelling in the RCZ.

*Officer’s response to Panel recommendation 2:*

2.58 It is recommended that Council support the Panel’s recommendation and adopt the exhibited policy at Clause 22.19 (**Attachment 3**) with Panel’s recommended changes.

**Panel recommendation 3: Adopt the version of Clause 22.20 (Non-Residential Uses in the RCZ) as presented in the Panel Report**

- 2.59 The Panel has acknowledged that the policy changes (under proposed clause 22.20) seek to give applicants clearer information about what information is required to support their application and to ensure that planners assessing an application, will apply a more consistent approach to assessing applications. The Panel further added concerns that some of the policy may duplicate other provisions and requirements of the scheme, and recommended drafting improvement to the clause.
- 2.60 The Panel concludes that there is a need for Clause 22.20 and that the content of the clause appears reasonable.
- 2.61 In agreeing with the intent of the policy, the Panel recommends that a number of drafting changes be made to the policy including:
- Deletion of a number of the Objectives as these objectives are adequately covered by other clauses in the scheme;
  - Deletion of a number of policies that are duplicated in the purposes of the RCZ and the policy itself.
  - Deletion of the Decision Guidelines – Clause 22.20-5 (Decision guidelines)
- 2.62 The proposed decision guideline considered by the Panel reads:
- In assessing an application for the use and development of an outbuilding, the Responsible Authority will consider the extent to which the application for non-residential land uses meets the objectives and direction of this policy.*
- 2.63 The Panel has recommended that it be deleted because under clause 22.19 (Outbuildings in the Low Density Residential Zone and the Rural Conservation Zone), there is a similarly worded decision guideline relating to outbuildings. The decision guidelines of both clauses were always intended to be specifically tailored to the clause. Clause 22.19 relates to outbuildings and clause 22.20 to non-residential uses.
- 2.64 The decision guideline proposed under clause 22.20 relates to *an outbuilding* which is erroneous as clause 22.20 relates to non-residential uses. The following amended decision guideline replaces the word *outbuilding* with *non-residential use* and is considered appropriate:
- In assessing an application for the use and development of a non-residential use, the Responsible Authority will consider the extent to which the application for non-residential land uses meets the objectives and direction of this policy.*
- 2.65 Council was made aware of this matter in the report presented to the 26 June 2017 Council meeting that considered submissions to Amendment C117.
- 2.66 The Panel has also reworded a number of the policies to include reference to the word 'should'. It is considered, however, appropriate to replace all of the references to 'should' in the policy with 'must' to strengthen the policy requirements.

*Officer's response to Panel's recommendation 3:*

2.67 It is recommended that Council supports the Panel's recommendation in relation to Clause 22.20 including the recommended drafting changes and adopt the policy at Clause 22.20 as recommended by the Panel, with the added inclusion of the Decision Guideline and the replacement of the word 'should' with 'must' as discussed above (**Attachment 3**).

#### **Adoption of the *Rural Areas Land Uses Position Paper, 2017* as amended**

2.68 As mentioned in paragraph 2.31, Council previously resolved (at its meeting on 26 June 2018), to delete from the *Rural Land Uses Position Paper (2017)* criteria relating to rezoning possibilities in the Green Wedge and references to a tourism cluster. The deletion of these criteria would remove the assumption inferred by some submitters that the unconditional support for rezoning proposals would be forthcoming following the gazettal of this amendment.

2.69 The Position Paper is considered an important strategic document in the justification and support of Amendment C117 and it is appropriate to include this as a Reference Document under Clause 21.16 (Key references) of the Scheme. Council has resolved to delete the following content from the paper:

- Delete recommendation dot point 5 in the Executive Summary (*page 1*), which describes a broad framework for rezoning;
- Delete Summary dot point 5 under chapter 6C. Tourism (*page 10*), which identifies a tourism cluster on the Warrandyte Road, and suggests the concentration of tourism uses around this cluster;
- Delete the latter part of the second paragraph under chapter 6D. Commercial Activity (*page 11*), which mentions the setting out of a decision making framework for rezoning;
- Delete chapter 9 Major Proposals and Temporary Events in the Green Wedge (*pages 15 – 18*) in its entirety. Chapter 9 lists uses including cellar doors, event and function spaces and day spa and indulgence product, as uses that could be considered as a *Major Proposal*. A decision making framework provides broad guidance for assessment listing safety and bushfire risk mitigation, amenity, environmental and landscape values, location and proximity, infrastructure, design and access and traffic movement as matters for consideration. For temporary events, a separate list of considerations is provided.
- Delete the final dot point under findings and the final dot point under the paper proposes sections of chapter 10 Conclusion (*page 18*). In the findings, mechanisms to accommodate further discretionary or currently prohibited land uses to enhance the economic and tourism development on the Green Wedge are specified. Similarly, in the '*paper proposes*' section, the final dot point suggests that there may be circumstances where currently prohibited proposals could be rezoned.

2.70 The Panel is largely silent on the role and content of the Position Paper with the exception of the criteria in Chapter 9 which it views as being supportive of rezoning proposals in the green wedge.

2.71 It is recommended that the Position Paper with sections removed as discussed above and shown in **Attachment 4** be adopted by Council.

### **3. COUNCIL PLAN / STRATEGY**

3.1 The proposed amendment generally aligns with the Council's 4 year plan. In particular the themes of Liveable Places and Spaces, Resilient Environment, Vibrant and Prosperous Economy, and Well Governed Council are considered pertinent.

### **4. IMPACTS AND IMPLICATIONS**

#### ***Community impact***

4.1 Individual owners of affected properties or anyone else materially affected were notified about the proposed amendment.

4.2 The Amendment will provide greater certainty and clarity within the Planning Scheme by providing a clear decision making framework for non-residential uses and development within the Green Wedge.

### **5. IMPLEMENTATION**

#### ***Finance/ Resource Implications***

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

#### ***Timelines***

5.2 Following consideration of the Panel Report by Council, the next step is to request the Minister for Planning to approve the Amendment in accordance with section 31 of the *Planning and Environment Act 1987*.

### **6. DECLARATIONS OF CONFLICT OF INTEREST**

No officers involved in the preparation of this report have any direct or indirect conflict of interest in this matter.

*Planning and Environment Act 1987*

Panel Report

Manningham Planning Scheme Amendment C117  
Rural Areas Discretionary Land Uses

19 December 2018



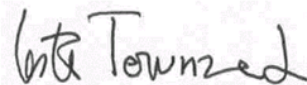
*Planning and Environment Act 1987*

Panel Report pursuant to section 25 of the Act

Manningham Planning Scheme Amendment C117

Rural Areas Discretionary Land Uses

19 December 2018



Lester Townsend, Chair



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## List of Abbreviations

BAL	Bushfire Attack Level
BMO	Bushfire Management Overlay
CFA	Country Fire Authority
DELWP	Department of Environment, Land, Water and Planning
EPA	Environment Protection Authority
ESO	Environmental Significance Overlay
GWAP	Green Wedge Action Plan
LDRZ	Low Density Residential Zone
LPPF	Local Planning Policy Framework
MEDS	Manningham Economic Development Strategy
MSS	Municipal Strategic Statement
PPF	Planning Policy Framework
RADLUS	<i>Rural Areas Discretionary Land Uses Strategy, December 2016</i>
RCZ	Rural Conservation Zone
REMPAN	A regional economic analysis tool
SPPF	State Planning Policy Framework
UGB	Urban Growth Boundary
VCAT	Victorian Civil and Administrative Tribunal
VFR	visiting friends and relatives
VPP	Victoria Planning Provisions

## Overview

Amendment summary	
<b>The Amendment</b>	Manningham Planning Scheme Amendment C117
<b>Common name</b>	Rural Areas Discretionary Land Uses
<b>Brief description</b>	<p>This Amendment proposes three related changes to the planning scheme:</p> <ul style="list-style-type: none"> <li>- change the Municipal Strategic Statement to give greater support to tourism in the Rural Conservation Zone (RCZ)</li> <li>- extend the application of the existing local policy relating to outbuildings to include the RCZ</li> <li>- introduce a new local policy to provide more guidance for non-residential applications in the RCZ.</li> </ul>
<b>Subject land</b>	Land within Manningham outside of the Urban Growth Boundary
<b>Planning Authority</b>	Manningham City Council
<b>Authorisation</b>	3 January 2018
<b>Exhibition</b>	15 February to 16 April 2018
<b>Submissions</b>	Number of Submissions: 27 Submitters are listed in Appendix A

Panel process	
<b>The Panel</b>	Lester Townsend
<b>Directions Hearing</b>	Doncaster, 4 September 2018
<b>Panel Hearing</b>	Doncaster, 10 to 12 October 2018
<b>Site inspections</b>	Accompanied, 27 November 2018
<b>Appearances</b>	See Appendix B
<b>Citation</b>	Manningham PSA C117 [2018] PPV
<b>Date of this Report</b>	19 December 2018

## Executive summary

This Amendment proposes three related but potentially independent changes to the planning scheme:

- change the Municipal Strategic Statement (MSS) at Clause 21.07 to give greater support to tourism in the Rural Conservation Zone (RCZ).
- extend the application of the existing local policy at Clause 22.19 relating to outbuildings and built form from the Low Density Residential Zone to also include the RCZ
- introduce a new local policy at Clause 22.20 to provide more guidance for non-residential land use applications in the RCZ, covering design, location and scale of new buildings.

The critical issues with the Amendment are submitters concerns about the broader policy positions of Council. Council has adopted broad policy positions and progressed action to free up tourism development in the green wedge. This has included:

- writing to the Minister for Planning for a review of prohibited uses in the Rural Conservation Zone (RCZ)
- adopting criteria for the support of rezoning of land in the green wedge.

Many submitters are passionate about the green wedge, for example:

*Manningham's green wedge is remarkable in its biodiversity and for the rare plants it plays host to. The Yarra River environment completes its uniqueness as a location of exceptionally high worth. The River is also home to many indigenous species – birds, bugs, animals, plants, fungi, mosses etc. This is a wonderful asset to the community. It requires protection.*

Some submitters were concerned that the values of the green wedge are being devalued relative to the desire for private gain. The submitters raised the fundamentally question: is 'economic or tourist development' appropriate in a Rural Conservation Zone of such value?

As one submitter stated:

*You can't have it both ways. Plunking down more and more developments in sensitive bushland, with the words "sustainable, environmentally sensitive" tacked on – expecting the environment [to] still be there, [unchanged]. That in itself is an unrealistic, unsustainable idea. It's a fantasy.*

The Panel has concluded that the broader policy position to support more tourism in the green wedge is contrary to sound planning and runs counter to the purposes of the RCZ. However, many of the issues with this broader policy position are beyond the scope of this Panel.

In terms of the matters before the Panel, the Panel concludes:

- Changes to Clause 21.07 to promote tourism and are not well-founded and should not proceed.
- Changes to extend the Outbuilding policy to apply to the RCZ as well as the LDRZ are reasonable subject to the whole policy being reviewed with the translation of the LPPF on to the new PPF format.

- The new policy at 22.20 may provide useful guidance to applicants and decision makers, but the language of the policy needs improvement.

**(i) Recommendations**

Based on the reasons set out in this Report, the Panel recommends that Manningham Planning Scheme Amendment C117 be adopted as exhibited subject to the following changes:

1. **Abandon changes to Clause 21.07 related to tourism development in the green wedge.**
2. **Change the first dot point of Clause 22.19 under the heading 'Policy' to read:**
  - **In the Low Density Residential Zone outbuildings ~~shall~~ should be used for purposes ancillary to the domestic use of the dwelling or the residential activities conducted on the property and sited in close proximity to a dwelling.**
3. **Adopt the version of Clause 22.20 presented in Appendix E.**

# 1 Introduction

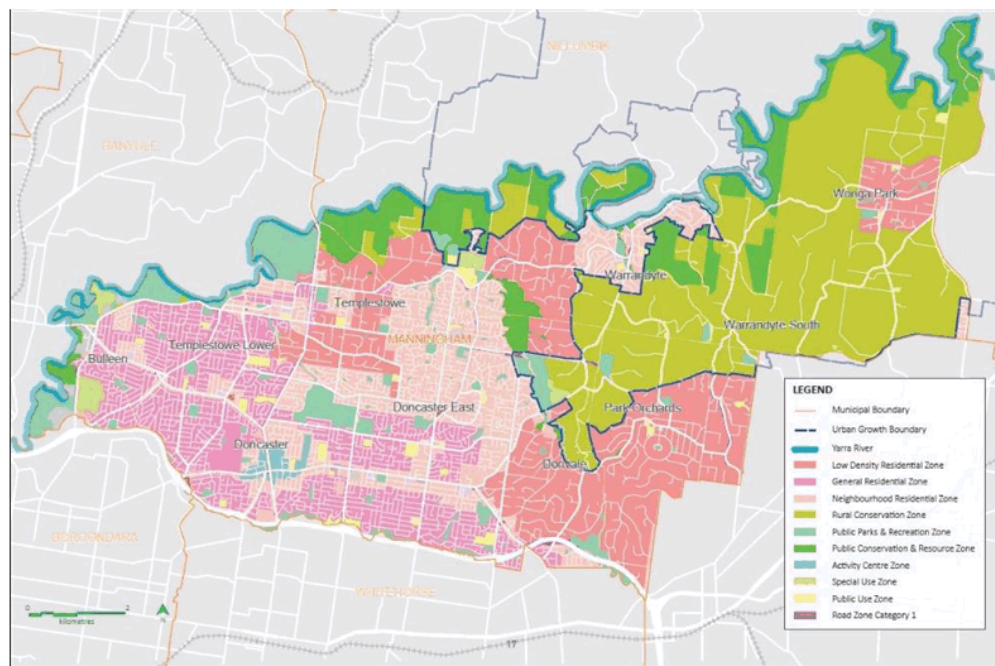
## 1.1 Amendment description

The Amendment proposes to:

- change the Municipal Strategic Statement (MSS) at Clause 21.07 to provide overarching guidance around the types of land use and development appropriate for the Manningham green wedge, being the land outside of the Urban Growth Boundary (UGB)
- extend the application of the existing local policy at Clause 22.19 relating to outbuildings and built form from the Low Density Residential Zone to also include the RCZ
- introduce a new local policy at Clause 22.20 to provide more guidance for non-residential land use applications in the RCZ, covering design, location and scale of new buildings.

Figure 1 shows the location of the Urban Growth Boundary and the existing zones.

**Figure 1: Urban Growth Boundary and existing Zones**



Source: Council Part A submission

## 1.2 Background to the Amendment

Council's *Green Wedge Action Plan (GWAP)* and the *Manningham Economic Development Strategy (MEDS)* set out a strategic planning framework with specific objectives and actions to protect environmental values and stimulate sustainable growth within the green wedge.

The *Manningham Planning Scheme Review 2014* identified specific actions in relation to the RCZ, including the need to investigate the need for, and if appropriate, develop a policy to guide discretionary the land use in the RCZ.

In 2016, Council consultants Planisphere undertook the review of the statutory controls applying to Manningham's rural areas: *Rural Areas Discretionary Land Uses Strategy December 2016* (RADLUS).

RADLUS recommended changes to the statutory framework for land use and development within Manningham's rural areas. Not all of the information in the RADLUS Strategy is relevant to the Amendment.

Council considered that information specifically relating to the Amendment could be more simply distilled into a Position Paper which was exhibited with the Amendment.

### **1.3 Procedural issues**

#### **(i) Role of reference documents**

Council submitted that the Amendment includes:

*Giving some statutory planning weight to the Position Paper by including this document as a reference document in the planning scheme.*

'Reference documents' will become 'background documents' following translation of the LPPF to the PPF. This will make their status clearer. A background document may explain why particular requirements are in the scheme, substantiate a specific issue or provide background to specific decision guidelines in local planning policies or schedules. It would not be expected to directly guide decision making, and should not have any 'statutory weight'.

#### **(ii) Status of RADLUS**

Concerns were expressed that RADLUS was not released with the Amendment documents.

Council submitted<sup>1</sup> that the RADLUS was technical advice to Council in relation to its consideration of the review of rural areas in Manningham and was withheld from public exhibition for privacy reasons to protect individual's sensitive information. In particular, the background report included interviews with businesses in the green wedge and it was considered that this information may have some commercial sensitivity and should not be released to the public.

Council explained that the key recommendations and findings from the background report, were distilled into the Position Paper that forms part of the Amendment documentation. Some submitters saw the Position Paper as a 'political document' rather than documentation of an evidence-based approach to planning.

A Freedom of Information request was received by Council on 2 March 2018. The request primarily sought release of RADLUS and the *Issues and Opportunities Paper* which informed

<sup>1</sup> Council Part B submission para 76

the strategy and identified the range of factors that contributed to the existing land use tensions in the green wedge.

The documents, with redactions, were released to the submitter. These documents were uploaded to the *YourSayManningham* Council web page, along with the other background documents, as requested in the Panel's Direction letter of 12 September 2018.

The Strategy has not been endorsed by Council. It has been used as background research material only.

**(iii) Taken by surprise**

Council submitted<sup>2</sup> that it was taken by surprise with the expert witness report by Mr James Livingston, Planner, filed and served on behalf of Joy Dahl and Warrandyte Community Association. Those parties did not foreshadow at the Directions Hearing that they would be calling expert evidence, and did not give prior notice of their intention to call an expert, this despite these parties being represented by a planning barrister.

Council advised that had it known that these parties would be calling evidence, the Council would have called strategic planning evidence in reply to the matters raised by Mr Livingston.

Mr Livingston was cross examined in detail by Council and Council did not seek an opportunity to call its own planning witness. Council submitted:

*The Council relies upon the panel as an expert panel to form its own independent view as to the criticisms raised by Mr Livingston.*

**(iv) Response to VC148**

Since the preparation and exhibition of the Amendment, reforms to the Victoria Planning Provisions as part of Amendment VC148, came into effect on 31 July 2018. Council submitted that at the time of preparation and exhibition, the Amendment was consistent with the relevant Practice Notes.

The *Practitioner's Guide to Victorian Planning Schemes* (Version 1.1 October 2018) states:

*While planning schemes are in transition to an integrated PPF, any change to an existing Municipal Strategic Statement or Local Planning Policy Framework should follow the advice in PPN 04 Writing a Municipal Strategic Statement and PPN 08 Writing a Local Planning Policy.*

The Panel will consider the Amendment under the current structure of the LPPF recognising that translation of the LPPF into the PPF will take place as a separate process in the future.

**(v) Accompanied inspection**

At the accompanied inspection Mr Gedye refused access to his land for Mr Loftus-Hills. The Panel explained that unless all parties could participate in the inspection the Panel would not enter Mr Gedye's land and left it to Mr Gedye to decide what he wanted to do. The

<sup>2</sup> Council Part B submission para 131 onwards



inspection continued without an inspection from within Mr Gedye's land. His land was viewable from public park land.

#### **1.4 Summary of issues raised in submissions**

##### **(i) Strategic issues**

A number of submissions objected to the Amendment on the basis that it would undermine the values of the green wedge, in particular, it would:

- erode the objectives of the RCZ – which submitters supported
- result in tourism development being allowed to the detriment of the very values that underpin the purpose of the green wedge
- not achieve a balance between the expansion of business and commercial activity with the protection of the natural environment.

Concerns were also expressed that:

- existing and new agricultural businesses should be proactively supported
- the policy in Clause 22.20 was too open for interpretation.

Some submissions were opposed to the changes to the policy on outbuildings and expressed concerns that applying the outbuildings policy to the RCZ and the LDRZ is misleading as the purposes of the two zones are completely different.

##### **(ii) Submissions raising issues not dealt with in this report**

A number of issues were raised that are not addressed in detail in this Report.

##### **Property values**

Concerns were expressed that the Amendment would result in speculative land developments and changing property valuations. The Amendment is not proposing the rezoning of land.

Council submitted:<sup>3</sup>

*Any changes to the planning controls in a planning scheme will inevitably lead to the consideration of property speculation by landowners or developers. This has always happened.*

The Panel takes the long-accepted view that changes in property values, of themselves (and by implication property speculation) are not matters for planning consideration.

##### **Impacts the rights of landowners**

A number of submissions claimed that the Amendment goes too far in restricting the rights of landowners in the green wedge and is overly restrictive.

Council contended that the Amendment does not change any of the permit triggers for land use and development in the green wedge. If a use or development already requires a planning permit, then the Amendment will provide greater certainty to applicants and the

<sup>3</sup> Council Part B submission para 120.

community about what Council expects in terms of the siting, design and impacts of any proposed development.

The Panel agrees that the Amendment will not add further restrictions to what a land owner can do on their land.

#### **9011 Pound Bend Road, Warrandyte**

The owner of 9011 Pound Bend Road supported the Amendment in principle but submitted that the Amendment should “*go further*” to identify alleged inconsistencies between the RCZ and the Metropolitan green wedge provisions.

It is not within the scope of this Panel to recommend that this Amendment “*go further*”.

#### **The Position Paper**

A number of submission sought changes to the Position Paper: some seeking greater support for tourism development some less support. For the reasons set out in Chapter 3 the Panel does not support changes to the MSS. Even if the Panel did support changes to the MSS it is not clear that it is a panel’s role to make recommendations about the redrafting of background documents to an Amendment, save for identifying the potential for confusion if the Amendment is approved with provisions inconsistent with a background document.

### **1.5 Issues dealt with in this Report**

The Panel considered all written submissions made in response to the exhibition of the Amendment, observations from site visits, and submissions, evidence and other material presented to it during the Hearing.

The Panel has reviewed a large volume of material. The Panel has had to be selective in referring to the more relevant or determinative material in the Report. All submissions and materials have been considered by the Panel in reaching its conclusions, regardless of whether they are specifically mentioned in the Report.

This Report deals with the issues under the following headings:

- Strategic changes – Clause 21.07
  - What is the policy basis of these changes?
  - Concerns with policy basis
  - Concerns about the strategic direction
  - The role of Warrandyte
  - Consistency with the balance of the planning schemes
- Outbuildings policy – Clause 22.19
- Discretionary Non-residential uses policy – Clause 22.20
  - The need for Clause 22.20
  - The role of Clause 22.20
  - Content issues
  - Drafting issues.

## 2 Planning context

Council provided a response to the Strategic Assessment Guidelines as part of the Explanatory Report. Mr Lotus-Hills submitted an alternative assessment against Planning Practice Note 46. The Panel has been assisted by both Council's and Mr Loftus-Hill's response.

The Panel has reviewed the policy context of the Amendment and has made an appraisal of the relevant zone and overlay controls and other relevant planning strategies.

### 2.1 Policy framework

#### (i) State Policy Framework

##### Clause 11.01-1R2 Settlement

The objective for green wedges in Clause 11.01-1R2 is:

*To protect the green wedges of Metropolitan Melbourne from inappropriate development.*

Related planning strategies include:

*Promote and encourage the key features and related values of each green wedge area.*

*Support development in the green wedge that provides for environmental, economic and social benefits.*

*Support existing and potential agribusiness activities, forestry, food production and tourism.*

*Protect areas of environmental, landscape and scenic value such as biodiversity assets.*

##### Clause 14.01-1R Protection of agricultural land – Metropolitan Melbourne

The strategy of this clause is to protect agricultural land in Metropolitan Melbourne's green wedges and peri-urban areas to avoid the permanent loss of agricultural land in those locations.

##### Clause 14.01-2S Sustainable agricultural land use

The objective of this clause is to encourage sustainable agricultural land use with related planning strategies including:

*Encourage diversification and value-adding of agriculture through effective agricultural production and processing, rural industry and farm-related retailing.*

##### Clause 17.04-1S Facilitating tourism

The objective of this clause is to encourage tourism development to maximise the economic, social and cultural benefits of developing the state as a competitive domestic and international tourist destination. With related planning strategies including:

*Promote tourism facilities that preserve, are compatible with and build on the assets and qualities of surrounding activities and attractions.*

*Create innovative tourism experiences.*

**(ii) Plan Melbourne 2017-2050**

*Plan Melbourne*, the State's current Metropolitan Planning Strategy, continues to deliver green wedge planning outcomes under the planning framework established through previous metropolitan strategy, *Melbourne 2030*. *Plan Melbourne* states that green wedge management plans must be in place to support achievement of desired green wedge outcomes'.

Direction 4.5 of *Plan Melbourne* is considered most relevant in terms of the reinforcement for green wedge planning. It details the need to plan for Melbourne's green wedges and peri-urban areas:

*Direction 4.5 Plan for Melbourne's green wedges and peri-urban areas*

*As Melbourne grows, planning for Melbourne's green wedges and peri-urban areas is required to:*

- *protect biodiversity assets, including national and state parks, Ramsar wetlands and coastal areas*
- *support existing and potential agribusiness activities, forestry, food production and tourism*
- *protect major state infrastructure and resource assets, including water supply dams and water catchments and waste management and recycling facilities*
- *support renewable energy sources such as wind and solar farms*
- *protect extractive industries*
- *provide a recreational resource, which contributes to public health outcomes for all Victorians.*

*Plan Melbourne* continues with the following supporting text:

*These valued features, assets and industries should be prioritised before other land uses. Future growth in the green wedges and peri-urban areas will be managed to protect productive land, strategic economic resources, heritage and biodiversity assets, while accommodating additional housing and employment in established towns in the outer peri-urban areas that have the capacity for growth. Many towns in green wedges have limited growth potential.*

**(iii) Local Planning Policy Framework (LPPF)**

Council submitted that there are a number of policies, objectives and strategies which are relevant to the Amendment. The LPPF outlines objectives and strategies to protect green wedge land from subdivision and more intensive urban development. Relevant policies include:

- Green Wedge and Yarra River Corridor (Clause 21.07) – the Amendment proposes changes to this clause to change guidance around what types of land use and developments are appropriate in Manningham’s rural areas.
- Ecologically Sustainable Development (Clause 21.10)
- Open Space and Tourism (Clause 21.13) – Council supports tourism initiatives that maintain and enhance a valuable and sustainable tourism industry and which complement adjoining land uses.
- Community Health and Wellbeing (Clause 21.14)
- Native Vegetation Policy (Clause 22.02) which includes the objectives:
  - *To protect, conserve and where possible enhance the biodiversity values of the municipality.*
  - *To protect, conserve and enhance habitat corridors and habitat connectivity.*
  - *To protect and conserve species of indigenous flora and/or fauna which are considered threatened within Manningham.*
  - *To minimise, mitigate and manage threatening processes and negative impacts upon indigenous flora and fauna.*
- Cultural Heritage Policy (Clause 22.03)
- Residential Accommodation (Clause 22.04)
- Non-Residential Uses in Residential Areas Policy (Clause 22.05)
- Environmental and Landscape Significance Protection in Identified Wildfire Areas (Clause 22.14) which includes the objective:
  - *To retain vegetation and to preserve the recognised environmental and landscape significance of the municipality while also promoting development that is safe from the risk of wildfire.*

Council submitted that the LPPF recognises the lack of viable agricultural land within the green wedge and promotes strategies to encourage environmentally sensitive development and design. This is also reflected in the actions and objectives of the GWAP and the MEDS.

## 2.2 Planning scheme provisions

### (i) Zones

The RCZ applies to the majority of land within the Manningham green wedge. The purpose of the RCZ is to protect land for its environmental and conservation values.

The purpose of the RCZ is:

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To conserve the values specified in a schedule to this zone.*
- *To protect and enhance the natural environment and natural processes for their historic, archaeological and scientific interest, landscape, faunal habitat and cultural values.*
- *To protect and enhance natural resources and the biodiversity of the area.*

- To encourage development and use of land which is consistent with sustainable land management and land capability practices and which takes into account the conservation values and environmental sensitivity of the locality.
- To provide for agricultural use consistent with the conservation of environmental and landscape values of the area.
- To conserve and enhance the cultural significance and character of open rural and scenic non-urban landscapes.

There are five schedules to the existing RCZ in Manningham, applying to different areas of the green wedge as described in Table 1 and illustrated in Figure 2.

**Table 1: Existing Rural Conservation Zone Schedules**






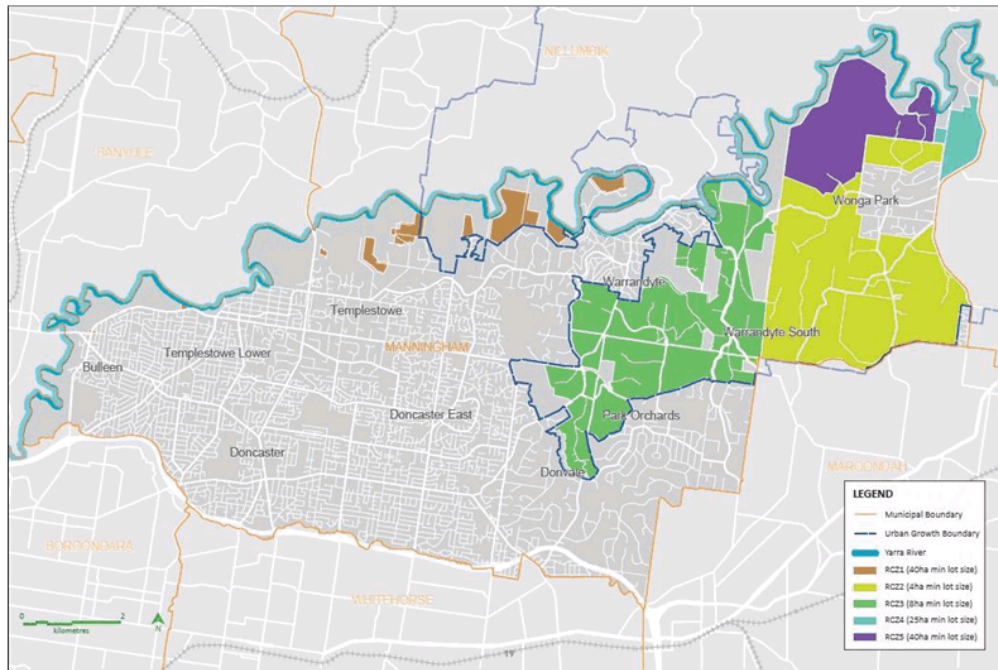
RCZ Schedule As shown on Figure 2	Application	Minimum lot size	Primary purpose
<b>RCZ1</b> 	Applies to various sites within the Yarra River environs in Warrandyte, Templestowe and Bulleen.	40 ha	To ensure the use and development of land is compatible with adjoining and nearby land in the Public Park and Recreation Zone and Public Conservation and Resource Zone. To protect the environmental and landscape values of the Yarra River corridor.
<b>RCZ2</b> 	Applies to the area surrounding the Wonga Park township including parts of Wonga Park and Warrandyte South.	4 ha	To protect and enhance the existing character, landscape quality, view lines and other natural environmental characteristics of the area. To retain native vegetation as wildlife habitat and as a corridor for wildlife movement.
<b>RCZ3</b> 	Applies to green wedge areas within Warrandyte and Warrandyte South.	8 ha	
<b>RCZ4</b> 	Applies to a comparatively smaller portion of Wonga Park.	25 ha	
<b>RCZ5</b> 	Applies to the area north of the Wonga Park township. Sits closely to the Yarra River environs.	40 ha	

Figure 2: Rural Conservation Zone schedules



**(ii) Overlays**

Several overlays that apply within the RCZ. The Environmental Significance Overlay Schedules 1 (ESO1) and 2 (ESO2) and the Bushfire Management Overlay (BMO) cover the majority of the green wedge. There are also several large heritage sites scattered throughout the RCZ.

**(iii) Other provisions – metropolitan green wedge land**

Clause 51.02, applies to all metropolitan green wedge land in Melbourne outside of the UGB. The purpose Clause 51.02 is:

*To protect metropolitan green wedge land from uses and development that would diminish its agricultural, environmental, cultural heritage, conservation, landscape, natural resource or recreational values.*

*To protect productive agricultural land from incompatible uses and development.*

*To ensure that the scale of use is compatible with the non-urban character of metropolitan green wedge land.*

*To encourage the location of urban activities in urban areas.*

*To provide transitional arrangements for permit applications made to the responsible authority before 19 May 2004.*

*To provide deeming provisions for metropolitan green wedge land.*

Clause 51.02 provides an additional layer of control to any zoning or overlay provision. Land uses that are listed in Clause 51.02 are prohibited, unless they comply with an associated condition listed in the table at Clause 51.02-2.

Many tourism related uses listed in Clause 51.02 are prohibited unless they are 'in conjunction with' Agriculture, Natural systems, Outdoor recreation facility, Rural Industry or Winery.

Clause 64.02 says:

*If a provision of this scheme provides that a use of land must be used 'in conjunction with' another use of the land:*

- *there must be an essential association between the two uses, and*
- *the use must have a genuine, close and continuing functional relationship in its operation with the other use.*

In other words: the two uses do not have to be co-dependent but the association must be more than co-existence.



### 3 Strategic changes – Clause 21.07

#### 3.1 What is the issue

The issue is whether the increase emphasis on tourism within the green wedge in the MSS is justified.

#### 3.2 What the Amendment does

The Amendment proposes a number of changes<sup>4</sup> to Clause 21.07 to encourage tourism in the green wedge. These changes include:

##### **21.07 GREEN WEDGE AND YARRA RIVER CORRIDOR**

###### **Overview**

...

*These areas are primarily rural residential in character and include some agricultural enterprises, hobby farms, [tourism related activities](#) and environmentally significant properties. A key challenge for Council is to balance competing interests between use of land for rural living, biodiversity protection, agricultural pursuits and [economic development activities](#).*

###### **Economic development issues**

*[Traditional, agricultural land uses have been declining over recent years and now occupy only a small proportion of the total land area of the green wedge. It is noted that much of the land within these areas is not high quality agricultural land. Existing agricultural businesses and their ongoing viability should be retained and encouraged.](#)*

*[There are a number of key tourism assets within Manningham's green wedge, which attract visitors both locally and across Victoria. Tourism offerings should be increased where land use conflicts can be minimised and any adverse amenity and environmental impacts are appropriately considered.](#)*

*[Balancing the expansion of business and commercial activity with the protection of the natural environment is a key strategic challenge. Commercial activity should complement and enhance the landscape and visual character and environmental significance of these areas.](#)*

*The focus will be to ~~protect and support the viability of existing agricultural activities and promote other~~ appropriate business activities, which use best practice sustainable land management techniques and provide benefits to the local economy.*

<sup>4</sup> The Panel has prepared its own version of the track changes, as the exhibited version did not seem to be completely accurate and had marked as deletions some words that are not in the current scheme. The markings show: [added text](#), ~~deleted text~~, [text moved from here](#), [text moved to here](#).

Council encourages home occupations as an important means of achieving economic development and providing opportunities that enable residents to work at home. The needs of home occupations be addressed while ensuring that local amenity and environmental and landscape values are not adversely affected.

#### 21.07-6 Economic development issues

##### Objectives

- To encourage sustainable business and tourism opportunities that complement the scenic, landscape and environmental qualities of the area and enhance the environmental significance and ecological function of the green wedge.
- To ensure that commercial activities have minimal impact on residential and environmental amenity and environmental significance and ecological function of the green wedge. ~~further development does not impact on existing productive agricultural land and activities.~~
- To support the retention of agricultural uses and their ongoing commercial viability.
- ~~To ensure residential and environmental amenity is not affected by business activities.~~
- ~~To encourage sustainable business opportunities which complement the scenic, landscape and environmental qualities of the area.~~

##### Strategies

Strategies to achieve these objectives include:

- Increase local employment opportunities.
- Support the establishment of a mix of appropriate, sustainable, non-intensive agricultural uses in the Yarra River Corridor and green wedge areas.
- Encourage business opportunities including nature based tourism in the Yarra River corridor and green wedge areas, which complement the remnant bushland and rural living environment.
- Cluster tourism development opportunities to enhance strategic position.
- Ensure that home occupations have minimal impact on the amenity of the surrounding area, ~~including noise.~~

The proposed Clause 22.20 contains two strategies that (if they were appropriate) would be better placed in the MSS because they deal with broader strategic issues and not the assessment of a particular permit application. These strategies are:

*Uses are encouraged that enhance and promote sustainable land use practices and enhance the environmental values of the Rural Conservation Zone.*

*Uses that contribute to the economic or tourism development and employment opportunities within Manningham are encouraged in appropriate locations.*

### 3.3 What is the policy basis of these changes

Council submitted that a number of strategic documents informed the preparation of the Amendment. It submitted that Council’s *Green Wedge Action Plan (GWAP)* and the *Manningham Economic Development Strategy (MEDS)* set out a strategic planning framework with specific objectives and actions to protect environmental values and stimulate sustainable growth within the green wedge.

#### **Manningham Economic Development Strategy (2011–2030) (updated February 2018)**

The MEDS sets out an economic vision for the municipality that will:

*Support diverse and well located businesses that excel through sustainable practice, technological advancement and support of healthy and accessible communities resulting in the long-term generation of an attractive place to invest, personally and professionally.*

The MEDS highlights the strengths of Manningham in the industry, employment and sustainable transport sector and reinforces Council’s role in supporting and facilitating the economic development of the municipality. Five strategic directions are outlined in the MEDS which may have both direct and indirect influences on the operation of particular land uses within the RCZ. The five strategic directions are:

- Attracting and retaining business
- Developing leading and local businesses
- Enhancing Manningham tourism
- Activating and improving activity centres
- Integrating economic development.

A number of actions are directly relevant to the Amendment. Table 2 lists some of these.

**Table 2: Extract of actions for the Manningham Economic Development Strategy**

	<b>Attracting and retaining businesses</b>
<b>Objective 2</b>	<b>Support the retention and increased supply of physical space for commercial, agricultural and industrial business.</b>
Action 9	Advocate for planning scheme amendments that address sensitive land use within the green wedge to support diverse businesses.
	<b>Enhancing Manningham tourism</b>
<b>Objective 2</b>	<b>Fostering business excellence</b>
Action 9	Advocate for the removal of barriers to sustainable tourism development.
Action 13	Review planning controls in the green wedge to increase support for sustainable and resilient businesses.
<b>Objective 4</b>	<b>Planning for tourism infrastructure and programming</b>
Action 33	Undertake an investigation of barriers to the tourism industry.
Action 34	Advocate for state government review of tourism related investment that can be supported in the Farming Zone, Rural Conservation Zone and Green Wedge Zone.

### Manningham Green Wedge Action Plan 2020

The GWAP provides a strategic framework for the management of Manningham's green wedge to 2020. The GWAP reviews the issues, opportunities and recommendations arising from the *Green Wedge Strategy 2004* and outlines a set of revised targets, monitoring mechanisms and review processes to facilitate a clear management direction. The strategic framework identified in the GWAP builds upon the issues outlined in the *Green Wedge Strategy*, broadly encompassing planning, governance, environmental and urban growth challenges. The framework identifies the vision for the green wedge as *"a living place to be valued, cared for and enjoyed by all"*.

The framework outlines four key objectives:

- To promote and support environmental care and stewardship.
- To facilitate living and working sustainably.
- To ensure sustainable built form and infrastructure.
- To provide supportive planning policy and governance.

Relevant actions from the GWAP are shown in Table 3.

**Table 3: Extract of Green Wedge Action Plan**

<b>Land use controls</b>		
P1	State Government Advocacy	Advocate to State government to ensure support of Council decisions in regard to 'prohibited' and inappropriate development in the Rural Conservation Zone in Manningham.
P2	Planning Controls Review	Review Planning controls to ensure; landholders right to farm, to provide agricultural businesses with a transition out of current farming practices to allow other land uses and opportunities; to determine the limits and ability of the planning scheme and local law to set standards for sustainable land management, specifically in relation to animal stocking rates and grazing of native vegetation and that restrict agricultural practices, economic development and tourism opportunities.
P4	Planning Scheme Amendment C54	Continue to progress the implementation of Planning Scheme Amendment C54 which aims to reduce red tape for developments, simplify planning scheme controls and improve protection of environmental and landscape assess in Manningham on public and private land.
P5	Development Guide for Areas of Environmental and Landscape Significance	Finalise and distribute user-friendly 'Development Guide for Areas of Environmental and Landscape significance' to ensure support for planning scheme controls.
<b>Partnerships with neighbours and state agencies</b>		
P11	Farming Advocacy	Advocate to the State Government to assist farmers with sustainable farming and right to farm issues in the green wedge.

**Council capacity building**

P19	Green Office Green Organisation Program	Explore opportunities to educate or train staff about green wedge issues through the successful 'Manningham GOGO program'.
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**Resilient communities**

S1	Residential Strategy	Ensure the Manningham Residential Strategy Review provides opportunities to 'age in place' within the green wedge community, with improved sustainable housing diversity and urban design to allow community members to remain living in the community of their choice as they age.
S2	Community Planning and Development	Ensure all community planning and development in the green wedge provides for adequate access to community services and facilities for all residents. Ensure that implementation of key community plans have a focus in the green wedge and consider the specific constraints and opportunities of the area.

**Working sustainably – business**

L6	Business Community support	Identify the niche markets and business opportunities with the most economic potential for development in the green wedge including: ecotourism, health tourism, bed and breakfast accommodation, home based businesses, locally grown produce and farmers markets.
L7	Green Wedge Local Activity Centres	Continue to support implementation of the actions identified in the Manningham Local Activity Centres Plan July 2007 for Wonga Park businesses at Jumping Creek Road, Launderers Avenue, Yarra Road and the General Store at Ringwood–Warrandyte Road, Warrandyte South.
L9	Sustain viable agricultural and rural businesses	Investigate how council can help sustain existing agricultural businesses in the green wedge and support other economically viable opportunities for this land including a review of the RCZ and local planning policy provisions, with consideration of global uses such as peak oil, food miles and food security.

**Tourism**

L11	Manningham Tourism Strategic Plan	Continue to implement the Manningham Tourism Strategic Plan including assisting Petty's Orchard to develop their tourism potential promoting interpretive environmental walks, promoting selected bicycle/walking paths, linking a variety of tourist destinations and activities, and identifying niche markets with the most economic potential for development in the Manningham Green Wedge.
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### 3.4 Concerns with policy basis

#### (i) Relationship to the planning scheme review

##### The issue

It was submitted that the Amendment should be considered as part of the planning scheme review, not in isolation.

##### Evidence and submissions

Council submitted<sup>5</sup> that specific actions relating to the review of the RCZ were raised as part of the 2014 planning scheme review and the Amendment seeks to implement some of the key findings of that review.

A recent planning scheme review has also been undertaken and endorsed by Council on 28 August 2018. The Amendment is noted as a strategic project in progress under the review.

##### Discussion and conclusion

The Panel is obliged to consider the Amendment before it. The issues addressed in the Amendment are capable of being considered without the need to review the whole planning scheme.

The Panel concludes:

- The Amendment can be considered ahead of the planning scheme review.

#### (ii) Purpose of the Rural Zones Review

##### The issue

A number of submitters stated that the motivation for the review of land uses in rural areas was not clear.

##### Evidence and submissions

Council submitted that an action in the 2014 review of the planning scheme identified the need to review the RCZ having regard to:

- the need for a policy to guide land use in the green wedge
- investigation of alternative green wedge zones to provide improved opportunities for the protection and enhancement of the green wedge
- the need for advocacy relating to changes for prohibited uses in the zone.

Council submitted that the Amendment seeks to implement a number of the key actions arising from the 2014 review of the planning scheme, a key aspect of which is to provide greater guidance for planning permit applications for non-residential land uses currently permitted within the RCZ.

##### Discussion and conclusion

An issue with the justification for the Amendment is that it, at time the justification, seems to rest on the fact it simply provides greater guidance around uses for which a permit can

<sup>5</sup> Council Part B submission para 122

already be obtained, but at other times seeks to change policies which guide which uses ought to be supported.

The Panel concludes:

- The review of rural zones seems to be aimed at two distinctly different (though not necessarily mutually exclusive) aims:
  - to provide greater guidance for planning permit applications
  - to support more tourism development in the RCZ.

### (iii) The decline in agriculture

#### The issue

A basis for the support of tourism is a purported decrease in agriculture in the green wedge. A number of submitters questioned whether agriculture was in fact in decline in the green wedge.

#### Evidence and submissions

Mr Livingston gave evidence<sup>6</sup> that 'claims' that agricultural land uses of been in decline and tourism assets attract visitors, have not been adequately supported.

Council submitted:<sup>7</sup>

- The Planisphere *Issues and Opportunities Paper: Rural Areas Discretionary Uses Strategy*, May 2016, at page 36 describes the decline of productive agricultural land as an issue.
- Analysis undertaken by Urban Enterprises which forms appendix D to that document. The Urban Enterprise report (pg. 32 onwards) details the business uses for the green wedge and highlights the potential for tourism and also mentions changes from large commercial agriculture to *"boutique in nature and provide additional services such as a boutique winery, cidery or distillery with functions and events space or restaurant"* and that *"commercial agriculture is not considered to be a viable use for the green wedge without off-farm income"*.
- The MEDS at part C identifies the Council policy to enhance Manningham tourism, that tourism generates more than \$230 million to Manningham's Gross Regional Product and more than 1,300 jobs. Work needs to be undertaken to increase the tourism offering through innovative planning and education regarding drivers for increased visitor numbers.
- Data from REMPLAN – a regional economic analysis tool relied on by Council and used to underpin the Urban Enterprise analysis undertaken for RADLUS and the GWAP and MEDS adopted documents shows:
  - a decline in agriculture across Manningham and also in the green wedge area between 2013 and 2018. It also shows a breakdown in the types of agriculture that are in decline, in particular grape growing and vegetable growing.
  - an increase in tourism output and employment between 2015 and 2017:

<sup>6</sup> Expert Witness Statement [23]

<sup>7</sup> Council Part B submission para 154 onwards

The Warrandyte Community Association made submissions that the Council not “give up on agriculture.”<sup>8</sup> It submitted that there tends to be a focus on is the commercial viability of agriculture.

#### **Discussion and conclusion**

There was detailed discussion at the Hearing about the REMPLAN data and what it meant.

Whether agricultural uses are in decline in the green wedge may have implications for the local economy and employment, but there is no obvious reason why these jobs, if they were declining, need to be replaced by tourism jobs.

There no case made the decline in agricultural employment in the green wedge affected the viability or value of the green wedge itself. The issue is not one of managing the green wedge to preserve its identified values; rather it is an issue about maintaining a certain number of jobs in Manningham.

The Panel can accept that agricultural employment has declined in recent years, without accepting that this somehow means that jobs need to be preserved in the green wedge. Certainly, access to employment is important, but there was no evidence that without the tourism jobs in the green wedge there would be adverse employment outcomes for Manningham residents.

The Panel concludes:

- A decline in agricultural employment in the green wedge may have broader economic development issues for Manningham but it does not imply a need to replace those jobs within the green wedge.

### **3.5 Concerns about the strategic direction**

#### **(i) Consistency with the GWAP and MEDS**

##### **The issue**

Concerns were expressed that the Amendment did not comply with the strategies and actions of the GWAP and the MEDS.

##### **Evidence and submissions**

Council submitted that, both the GWAP and the MEDS advocate for the development of tourism opportunities and seek to foster business opportunities within the green wedge that protect the environmental values of the area.

##### **Discussion and conclusion**

The Panel agrees with Council that the Amendment is broadly consistent with the GWAP insofar as the GWAP recognises the potential for tourism development in the green wedge.

Both the GWAP and the MEDS advocate for the development of tourism opportunities and seek to foster business opportunities within the green wedge. With regard to agriculture, both documents recognise the role of farming practices as a non-dominant land use and

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<sup>8</sup> Document 15, page 6 and page 10.



promote the transition into sustainable business opportunities. While the exact delivery and extent of these business opportunities are not specifically outlined in the GWAP, they broadly include farm gate sales, ecotourism opportunities and home businesses.

The critical issue seems to be the scale and nature of the tourism projects that are envisaged. It is not clear from the GWAP what type of tourism activity is proposed. In particular:

- would the changes give more policy support to the type of development recently refused by VCAT?
- is the policy consistent with the RCZ?
- can any significant operating be accommodated?

The Panel concludes:

- The proposed policy changes are consistent with GWAP and MEDS, but there is a broader issue as to whether more tourism in the RCZ is supported by policy.

**(ii) Is more tourism in the green wedge a good idea?**

**The issue**

The issue is whether more tourism in the RCZ is supported by policy.

**Evidence and submissions**

A number of submissions were concerned that the focus of the Amendment was too pro-development and would erode the essence of the green wedge. A concern was that the Amendment is not focused on improving environmental outcomes.

As Ms Dahl submitted:

*The green wedge is there to provide a balance of city and country and has always been a major attraction for Melbourne. [The Amendment] is constructed because of pressure from owner/developers intent on change under the guise of tourism and increased economic benefits which will inevitably undermine the long-term natural and non-urban uses of land of the green wedge.*

*Once centred on conservation, protection of fauna, flora and landscape and other environment issues and enjoyed the support of local members and councillors, now the green wedge language is switching to that of economic advantage and tourism development.*

The Warrandyte Community Association submitted that the Amendment as proposed:

*... will result in planning policy that will see future economic and tourism opportunities being allowed that are to the detriment of the very values that underpin the purpose of the green wedge, namely the conservation of natural environment and the character of the open rural and scenic non-urban landscapes.*

Council submitted that the Amendment recognises that there will be increased pressure on the green wedge by non-residential uses (including tourism activities) in the future and that

Council needs to be equipped to respond to these applications in an orderly manner. Council claimed<sup>9</sup> that these kinds of uses will have the ability to enhance the sustainability of the green wedge in the long term.

Council submitted that there is a clear strategic framework for the acknowledgment that tourism uses have a role to play in the green wedge. This role is identified in the *Planning and Environment Act 1987*, the PPF, the LPPF including the MSS, the GWAP and the MEDS.

In particular, the Amendment is giving effect to the recommendations and actions from the GWAP and the MEDS, both of which have been adopted by Council.

Council submitted:<sup>10</sup>

*What the changes do is to change the policy emphasis to acknowledge the decline in agriculture and greater policy support for tourism uses. That policy shift is clear and unambiguous in the proposed clauses.*

#### Discussion and conclusion

The Panel acknowledges that the Amendment does not change the land use activities currently allowed within the zone provisions. Clause 22.19 and 22.20 seek to provide greater guidance in relation to outbuildings and discretionary non-residential uses within the RCZ. These issues are discussed in the following chapters. What is at issue here are the changes to the policy at 21.07.

A change in policy would clearly open the way to more intensive tourism development in the green wedge. In *Brumbys Road Investments Pty Ltd v Manningham CC* [2018] VCAT 449, VCAT considered a proposal for a Residential hotel and Winery. It found that the agricultural activities (vineyard, fruit orchard and citrus grove) to be uncontroversial and appropriate on a largely cleared site in the RCZ. The issue was the tourism component of the proposal.

VCAT observed:

*71 The RCZ broadly seeks to achieve outcomes which protect and enhance natural characteristics and resources, encourage development that is responsive to the natural environment, and the enhancement of the open rural landscape. The RCZ does not specifically have a tourism related purpose. We are aware that the Green Wedge Zone has purposes that refer to tourism opportunities*

...

*160 The scheme includes policy that seeks to protect and enhance the attributes of the natural environment in locations such as this. It also includes policy that encourages tourism opportunities. It includes the following objectives:*

- *To encourage accommodation that enhances regional and local tourism without causing detriment to scenic, landscape and environmental resources.*

<sup>9</sup> Council Part B submission para 48

<sup>10</sup> Council Part B submission para 137

- To minimise any adverse impacts of tourism activities on local communities, surrounding land uses and natural resources.
- To ensure tourism development does not impact on the amenity of the area.
- To improve the quality, capacity and accessibility to key tourism assets.

161 The scheme does not include any Green Wedge Zone land (which actively encourages tourism uses) in its green wedge areas. The RCZ is the zone that has been applied to those areas.

162 We find that there is tension in the scheme between providing for tourism uses and protecting the green wedge areas. We characterise the proposal as a 'tourism use' for policy purposes. Where the scheme encourages tourism uses, there must be some acknowledgment that land in the RCZ might be expected to accommodate some of these types of uses. **We find that having policy that actively seeks tourism opportunities, must be given some level of weight in determining whether the proposed use in principle, is an acceptable one. Tourism policy within the scheme does not distinguish between urban and rural areas, rather, takes a broad-brush approach.** (Emphasis added)

163 What is proposed here are uses that we find are compatible with the zoning of the land and the relevant policy within the scheme. However, what we do find unacceptable, is the scale of the proposed uses and the reasons for this, we have set out earlier.

Stronger support for tourism uses in the green wedge would inevitably tip the balance more in favour of such uses and this would necessarily be at the expense of other policy outcomes. If this were not the case, then the policy would do nothing.

The proposed policy changes essentially look at the green wedge as an economic development opportunity, and while there is acknowledgment of green wedge values it would tip the balance towards more development.

Two purposes of the RCZ deal with economic activity:

- To encourage development and use of land which is consistent with sustainable land management and land capability practices and which takes into account the conservation values and environmental sensitivity of the locality.
- To provide for agricultural use consistent with the conservation of environmental and landscape values of the area.

The Panel agrees with submissions that land which falls within the RCZ is in an area where the planning scheme seeks to protect and enhance the existing character, landscape quality, view lines and other natural environmental characteristics in an equitable and sustainable manner.

The Panel thinks that the economic development opportunities supported by the policy would inevitably be at odds with the four of the purposes of the RCZ which are clearly aimed at conservation:

- To conserve the values specified in a schedule to this zone.

- *To protect and enhance the natural environment and natural processes for their historic, archaeological and scientific interest, landscape, faunal habitat and cultural values.*
- *To protect and enhance natural resources and the biodiversity of the area.*
- *To conserve and enhance the cultural significance and character of open rural and scenic non-urban landscapes.*

The Panel notes that Council wrote to the Planning Minister in March 2017, stating that the current planning restrictions that apply to the green wedge frequently do not support a proactive approach to promoting tourism and other economic opportunities for councils. In particular, the letter stated that the existing RCZ provides limited autonomy for the operation of tourism and other related uses due to the overriding restrictions contained within the RCZ. Clearly Council's view of what is appropriate in areas in the RCZ is different to the what the drafters of the zone had in mind when they drafted provisions to encourage use and development that:

- is consistent with sustainable land management and land capability practices
- takes into account the conservation values and environmental sensitivity of the locality.

While limited tourism is supported in the green wedge, Council clearly supports more tourism than the zone envisages. This is evident from the letter it wrote to the Minister and Chapter 9 of the Position Paper (which Council proposes to delete, but not necessarily resile from) which provides criteria for site specific amendments.

The Panel concludes:

- The policy would encourage economic development at the expense of green wedge values.
- The policy would exacerbate the tension between policy and zone controls.
- Council's vision for tourism goes beyond the scale of activity permitted under current controls.

### **(iii) Ringwood–Warrandyte Road tourism cluster**

#### **The issue**

The strategy to promote a tourism cluster along Ringwood–Warrandyte Road as referred to in the Position Paper was questioned by many submitters.

#### **Evidence and submissions**

A number of submitters questioned whether there was in fact a tourism cluster of any functional significance, as well as questioning whether it ought to be extended or intensified.

The Position Paper makes reference in Chapter 9 to the clustering of tourism activities along the Ringwood–Warrandyte Road. Council submitted that the wording used describes an existing grouping of tourism uses along the Ringwood–Warrandyte Road and was not intended to infer that a tourism precinct is recognised under the planning scheme.

Council acknowledged that the reference in the Chapter 9 criteria to the Ringwood–Warrandyte Road area was perhaps too specific and that it would have been preferable to have made a more general statement indicating that a suitable location for tourism uses

may be within proximity to the Warrandyte township to allow opportunities for co-location with existing tourism business and that the existing road network must be capable of supporting the traffic volumes generated from the proposed use, are more appropriate.

#### **Discussion and conclusion**

The Panel agrees with submitters that the reference to a tourism cluster along Ringwood–Warrandyte Road was ill-conceived. Council now proposes to take this reference out of the Position Paper but leave the strategy in the MSS to:

*Cluster tourism development opportunities to enhance strategic position.*

It is not clear to the Panel what this strategy means:

- It talks about clustering ‘tourism development opportunities’ as opposed to tourism development. It is not clear whether there is a deliberate distinction being drawn between opportunities and actual developments and if so why.
- It is not clear whether ‘strategic position’ is a reference to a spatial position or some broader concept of a marketing position.

In terms for how such a strategy might play out in practice, it would seem to require an identification of where the clusters were to be supported. There was no map proposed in the planning scheme identifying potential clusters. The Panel notes that there is a map in the planning identifying tourism assets at Clause 21.13 but this was not discussed by Council at the Hearing.

At best (or worst) the strategy could be read to mean that greater support will be given to tourism developments that are located near other tourism developments. Often in planning issues of the cumulative impacts of clusters of uses are considered. It is not clear that the potential environment impacts of clustering uses and opposed to dispersing them has been assessed.

The Panel concludes:

- There is no clear planning justification for supporting tourism clusters.

#### **(iv) Enables de facto rezoning**

##### **The issue**

A number of submitters expressed concern that the Amendment would result in a de facto rezoning without the level of scrutiny required.

##### **Evidence and submissions**

The Position Paper in Chapter 9 included ‘criteria’ for Council support of prohibited uses. Council submitted<sup>11</sup> this may have led to some confusion by submitters as to the intent of the Amendment. Council now proposes to remove the criteria in Chapter 9 from the Position Paper.

Council advised that these criteria are likely to be endorsed by the Council as guidelines and will sit outside the planning scheme.

<sup>11</sup> Council Part B submission para 87

Council submitted<sup>12</sup> that the Amendment does not alter the current zone or overlay provisions currently applying to land in the green wedge. In fact, the Position Paper confirms that Council is committed to the retention of the RCZ and that no new zones or changes to existing zones are proposed in the Amendment.

Council now proposes to remove Chapter 9 from the Position Paper altogether.

#### **Discussion and conclusion**

Council submitted that it is committed to the retention of the RCZ. As noted above, Council wrote to the Planning Minister stating that the RCZ provides limited autonomy for the operation of tourism and other related uses due to the overriding restrictions contained within the RCZ. Council may be committed to retention of the RCZ, but clearly not in its current form.

The Panel concludes:

- The Amendment does not change planning provisions and is not a de facto rezoning, but Council does seek changes to the zones and did put forward a policy position to guide site specific rezoning.

### **3.6 The role of Warrandyte**

Concerns were expressed by several submitters that the Amendment did not acknowledge the heritage and tourism value of Warrandyte.

Council submitted<sup>13</sup> that the Amendment applies to all land zoned RCZ, and therefore does not apply to the Warrandyte Township. Heritage Overlay HO191 applies to only part of the Warrandyte township, none of which is included in the RCZ.

The Panel broadly agrees with submitters that the key tourism asset of the green wedge is probably Warrandyte and that, on the face of it, the township is a superior location for economic development. However, these issues are beyond the scope of the Amendment, except to the extent they call into question the relative merit of promoting tourism in the RCZ.

### **3.7 Consistency with the balance of the planning scheme**

#### **(i) Impact on Clause 51.02**

Some submitters thought that the Amendment needed to go further to address the limitations of Clause 51.02 and recognise that a wider range of tourism uses are appropriate in the green wedge. Other submitter though that it went too far and appeared to provide a formalised pathway for circumventing the RCZ and Clause 51.02 controls.

Clause 51.02 forms part of the Victoria Planning Provisions and is fixed content. Any amendment to Clause 51.02 would need to be undertaken at the state level and is not able to be changed by individual Councils.

<sup>12</sup> Council Part B submission para 100

<sup>13</sup> Council Part B submission para 128

Council submitted that the Amendment does not attempt to override any State controls, instead it is intended to complement them by providing assessment criteria for non-residential uses. Council must demonstrate to the satisfaction of the State Government that any proposed planning scheme amendment will not contravene or be inconsistent with any of the State Government's fixed planning controls.

Mr Livingston outlined, at [15] to [29], alleged inconsistency between Clauses 21.07 and 22.20 and Clause 51.02. The basis for Mr Livingston's opinion as to inconsistency is that Clause 51.02 contains agricultural objectives.

Any proposed use or development will still need to meet the threshold requirements of the RCZ and Clause 51.02. To the extent the RCZ and Clause 51.02 specify requirements for a particular use (such as the in conjunction with agriculture condition), there is nothing in Clauses 21.07 nor 22.20 which overrides the zone or Clause 51.02 conditions, and nor could there be.

**(ii) Bushfire Clause 13.02 – Bushfire in PPF**

Concerns were expressed by the CFA and other submitters that the Amendment did not acknowledge Clause 13.02 of the PPF which was recently introduced with regard to bushfire management and may increase the risk to life from bushfires.

Council submitted that the Amendment does not result in an introduction or intensification of a development that will have a BAL12.5 rating under AS3959-2009 therefore, the assessment of bushfire impacts for proposed uses will be undertaken under the BMO that applies to the majority of land within the RCZ.

The Amendment was referred to the Country Fire Authority (CFA) for comment, and a late submission was received. The CFA has concerns that the Amendment's promotion of tourism and business opportunities within the green wedge and particularly the 'clustering of tourism development' will have significant implications on the risk to life from bushfires.

Council submitted that given that the majority of the land zoned RCZ is covered by the Bushfire Management Overlay(BMO), proposals for non-residential uses within the RCZ areas will be referred to the CFA for comment, as required under the provision of the overlay.

The Amendment does not allow any additional issues that are currently permitted under the RCZ and that it maintains the status quo with regard to permissible uses.

13.02-1S sets out the strategy:

*Not approving any strategic planning document, local planning policy, or planning scheme amendment that will result in the introduction or intensification of development in an area that has, or will on completion have, more than a BAL-12.5 rating under AS 3959-2009 Construction of Buildings in Bushfire-prone Areas (Standards Australia, 2009).*

To the extent that the Amendment encourages more tourism development in the Manningham green wedge it potentially encourages more development in areas with more than a BAL-12.5 rating. Not all of the green wedge area is treed and there may well be some

areas with a BAL rating of less than BAL-12.5, however the basic premise of intensifying tourism development in the RCZ would seem to be contrary to Clause 13.02.

The Panel concludes:

- The policy changes are potentially contrary to Clause 13.02 Bushfire in the PPF.

**(iii) Relationship Clause 21.13**

Clause 21.13 has extensive tourism policy, and it curious that the Amendment did not directly address the text of this clause and that this clause was not given more prominence in the Hearing.

Council only makes the briefest of mention of Clause 21.13 in its submissions:

- *Open Space and Tourism (Clause 21.13) – Council supports tourism initiatives that maintain and enhance a valuable and sustainable tourism industry and which complement adjoining land uses.*

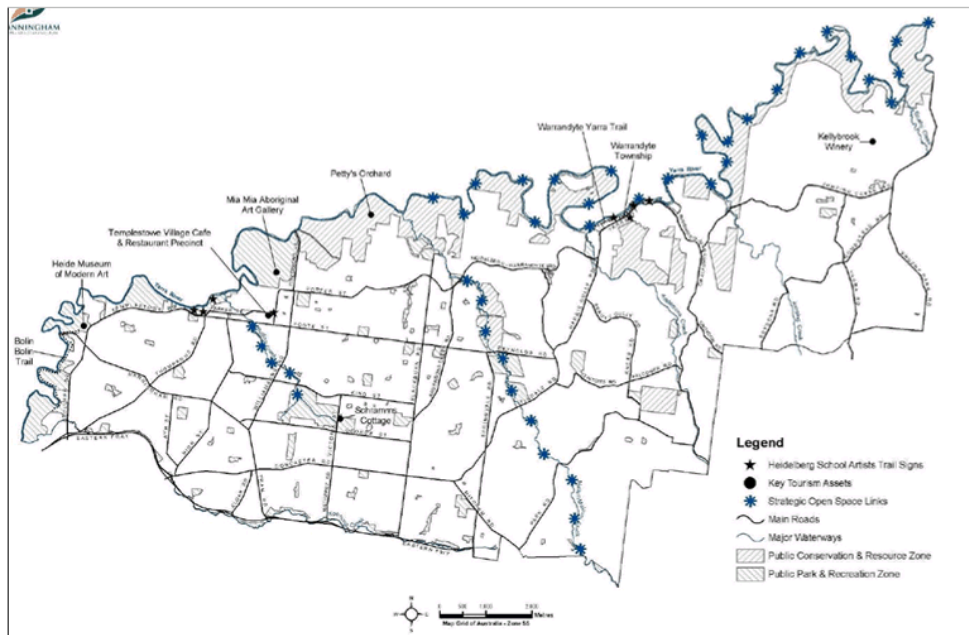
It is not clear to the Panel why the Amendment ignores the current provisions around tourism in the planning scheme, and why these provisions were not more fulsomely addressed at the Hearing.

The clause includes a plan that identifies (among other things) ‘Key Tourism Assets’.

The Panel concludes:

- The Amendment leaves Clause 21.13 unchanged creating potential confusion in the planning scheme.

**Figure 3: Plan at Clause 21.13 of the MSS**





### 3.8 Overall conclusion and recommendation

Having considered the submissions opposed to the greater emphasis on tourism in the green wedge the Panel concludes that the proposed policy changes are not well-founded because:

- A decline in agricultural employment in the green wedge may have broader economic development issues for Manningham but it does not imply a need to replace those jobs within the green wedge.
- The policy would encourage economic development at the expense of green wedge values.
- The policy would exacerbate the tension between policy and zone controls.
- Council's vision for tourism goes beyond the scale of activity permitted under current controls.
- There is no clear planning justification for supporting tourism clusters.
- The policy changes are potentially contrary to Clause 13.02 Bushfire in the PPF.
- The changes leave Clauses 21.13 unchanged creating potential confusion in the planning scheme.

The Amendment does not change planning provisions and is not a de facto rezoning, but Council does seek changes to the zones and did put forward a policy position to guide site specific rezoning.

The Panel recommends:

**Abandon changes to Clause 21.07 related to tourism development in the green wedge.**

## 4 Outbuildings policy – Clause 22.19

### (i) The issue

It is proposed to apply the existing policy at Clause 22.19 which applies to outbuildings in the LDRZ to also apply in the RCZ and make a number of minor changes.

It was submitted that:

- the RCZ should have its own outbuildings policy as the issues are different to the LDRZ
- the policy is confused as the triggers for outbuildings in the RCZ and the LDRZ are different
- the policy should be amended to address a number of wording issues that are too restrictive or do not provide clear direction.

### (ii) Evidence and submissions

The Position Paper recommends that Clause 22.19 (Outbuildings in the Low Density Residential Zone local policy) be expanded to address specific built form issues associated with outbuildings in the RCZ.

Clause 22.19 was introduced into the planning scheme through Amendment C110, approved in 2015, and not subject to a review by a Panel. The policy reflects the recommendations of the *Manningham City Council Development Guide: Outbuildings in the Low Density Residential Zone, October 2015*.

Concerns were expressed by several submitters that extending the outbuilding policy the RCZ was not warranted. John Gedye submitted:

*I feel as though council is trying to further restrict what we can and cannot do with our land by including our zone 'Rural Conservation Zone' in the Manningham Planning Scheme policy where there are further limitations on size, scale and location [of outbuildings]. By implementing these restrictions in the scheme Council is giving themselves even more power to say NO to a land owner and their right for a shed and or the location of a shed.*

Council submitted that the issues relating to the development of outbuildings relate predominantly to the siting, design, dominance, use and access to the proposed outbuilding, and the potential for removal of vegetation and earthworks. It said that these issues affect properties within the LDRZ and the RCZ alike and therefore one policy is adequate.

Council submitted that the preparation of this policy is in response to a number of issues that have been identified in the assessment of previous non-residential use and outbuilding planning applications.

Council said that the Permit triggers for outbuildings in the LDRZ and RCZ are also directly informed by the overlay controls that apply, such as the ESO and the SLO. Sites that have environmental significance will have a more onerous permit trigger requirement.

**(iii) Discussion**

The Panel notes that while Council claimed that the policy is “*performance-based in its acknowledgment that sites have different physical characteristics and constraints and require a merit-based assessment*”, the policy is in fact a mix of performance-based control and prescriptive controls which, while probably justified, are not performance-based.

The Panel also notes that the policy does not follow current DELWP drafting advice suffering similar short comings to the proposed Clause 22.20 discussed in the next Chapter.

The Amendment will not change requirements for a permit to build a shed or the decision Guidelines in Clause 35.06-6 covering general issues, rural issues, environmental issues, dwelling issues, and design and siting issues.

The current Policy includes:

*Outbuildings shall be used for purposes ancillary to the domestic use of the dwelling or the residential activities conducted on the property and sited in close proximity to a dwelling.*

It is not clear to the Panel that this is automatically applicable to the RCZ where agricultural uses may take place. It is also not clear why this is needed in the LDRZ – if the use of the outbuildings are not ancillary to the dwelling (or otherwise a permitted use) then surely a permit for the use is required.

The Panel accepts that issues with outbuildings in the LDRZ and the RCZ appear to be similar and that a separate policy is not required.

The Panel has a number of reservations about Clause 22.19, but has not received convincing submissions that the proposed changes to Clause 21.19 to update the policy and extend it to the RCZ are inappropriate. The Panel’s reservations apply to the existing policy which is already part of the planning scheme, and which is not subject to this amendment process.

The drafting of Clause 22.19 will be reviewed as part of the translation of the LPPF to the PPF.

**(iv) Conclusion and recommendation**

The Panel concludes:

- The translation of the LPPF to the PPF can refine the drafting of the Clause 21.19 policy and review the overall need for the policy in both the Low Density Residential Zone and the Rural Conservation Zone given the application overlays in the scheme.

The Panel recommends:

**Change the first dot point of Clause 22.19 under the heading ‘Policy’ to read**

- **In the Low Density Residential Zone outbuildings ~~shall~~ should be used for purposes ancillary to the domestic use of the dwelling or the residential activities conducted on the property and sited in close proximity to a dwelling.**

## 5 Discretionary non-residential uses policy – Clause 22.20

### 5.1 The need for Clause 22.20

#### (i) The issue

Some submitters said there was no need for the Clause 22.20 policy.

#### (ii) Evidence and submissions

Council submitted that it is required to consider planning applications when they are received and there is currently no local policy to assist Council to respond to such applications.

Mr Livingston agreed there is a place for a policy at Clause 22 that deals with non-residential use and development in the green wedge.

#### (iii) Discussion and conclusion

Clause 22.20 does not change the land uses currently allowed within the zone provisions, but rather seeks to provide greater guidance in relation to discretionary non-residential uses within the RCZ. More specifically the policy changes seek to give applicants clearer information about what information is required to support their application and to ensure that planners assessing an application, will apply a more consistent approach to assessing applications.

The Panel accepts that there may be policy gap, but is concerned that some of the policy may duplicate other provisions and requirements in the scheme.

The Panels notes that recent changes the VPP to create the PPF are aimed at reducing policy incontinuity and overlap and believes that the translation of the LPPF into the PPF would be the most appropriate way to deal with any duplication on a scheme-wide basis.

The Panel concludes:

- There is a need for the Clause 22.20, but this need can be reviewed as part of the translation of the LPPF to the PPF.

### 5.2 The role of Clause 22.20

Mr Livingston said that an applicant, which he later clarified in cross examination as potentially meaning an applicant represented by a town planner, might be confused by the proposed controls.

Council that there is simply no proper basis for Mr Livingston to say that an applicant might be confused by the policy. Mr Livingston was asked in cross examination as to why it was that he said a town planner would feel the potential applicant might have a chance of getting a permit. Mr Livingston's response was that the approach to town planning is to "*look at the local policy first, then to look at the parent control*", by which he meant the zone and Clause 51.02.

Council submitted<sup>14</sup> that Clause 22.20 in relation to non-residential land uses in the RCZ is policy neutral on any objective reading in relation to tourism and agricultural land uses: the policy simply puts in place an additional layer of control that provides decision making guidance around amenity impacts in circumstances where none presently exists in the scheme.

The Panel generally agrees with Council that Clause 22.20 is policy neutral in relation to tourism and agricultural land uses: with the exception of the following policy statement:

*Uses that contribute to the economic or tourism development and employment opportunities within Manningham are encouraged in appropriate locations.*

The Panel concludes:

- There is nothing inherently confusing about having a local policy dealing with how discretionary uses are to be assessed.
- Clause 22.20 is generally policy neutral in relation to encouraging certain land uses and where it is not it can easily be edited to achieve policy neutrality.

### 5.3 Content issues

#### (i) Is the guidance appropriate

There were compelling submissions opposing further tourism development in the green wedge (see Chapter 3) and submissions opposing Clause 22.20 tended to draw on the same arguments mounted against changes to the policies in the MSS.

The Panel sees these as distinct issues. The planning scheme allows for a range of uses in the RCZ. Part of this confusion might lie in the inclusion of a strategy in Clause 22.20 supporting more tourism development. This guidance would belong in the MSS if it were appropriate (the Panel has concluded is not).

The Panel has reviewed the proposed policy in the light of concerns about development raised in submissions, and at relevant VCAT hearings.

The Panel has concluded that:

- in the main, the content of Clause 22.20 appears reasonable.

#### (ii) Clause 22.20 – Indigenous vegetation, habitat corridors and footpath widening

Concerns were expressed that the Amendment did not consider fauna or habitat.

It was submitted that the proposed policy at Clause 22.20 needs to reference indigenous and remnant vegetation, habitat corridors and the impact of footpath widening on habitats.

Council proposed that the policy at Clause 22.20 be amended to make specific reference to the protection of indigenous and remnant vegetation, habitat corridors and removal of road side vegetation.

<sup>14</sup> Council Part C submission para 26C

In respect to fauna and habitat, Clause 22.20 includes policy relating to environmental protection, through the appropriate location of buildings and works and the minimisation of vegetation loss to facilitate developments. It is noted the Environmental Significance Overlay applies to the RCZ and makes provisions for fauna protection, where appropriate. Council submitted that the provisions in the Scheme to protect fauna and flora are adequate and no further provisions are necessary under the Amendment.

The Panel accepts that there is no need to duplicate control related to flora and fauna in Clause 22.20.

**(iii) Bushfire**

The CFA submitted that the Amendment should give mention to:

- the overall bushfire risk in the proposed clauses
- access and egress options
- number of tourists that can be projected
- fire safety planning and preparation for home businesses.

The Panel notes that bushfire is covered elsewhere in the scheme and it is not appropriate to repeat those policies in Clause 22.20.

## 5.4 Drafting issues

**(i) The issue**

It was submitted that the policy in Clause 22.20 is too open for interpretation, for example the design and siting criteria are not strong enough.

**(ii) Evidence and submissions**

Council submitted<sup>15</sup> that the wording of the Amendment documents was very well drafted.

The Panel notes that Council proposed significant changes in its part A version of the control at least indicating it had concerns with the exhibited version. The Panel has used this version as the basis of its recommendations.

Council submitted that a number of the Part A proposed changes to Clause 22.20 result from submissions requesting greater clarity in the wording of the policy and strength of the policies proposed. Submissions 8, 10, 11A, 12, 14, 19, 21, 22, 27 and 28 specifically make reference to this.

Council submitted that policy by its very nature is often open to arguments about its proper interpretation. What Council said it endeavoured to do is to write performance-based policy that delivers clear strategic objectives and outcomes.

Mr Livingston made a number of criticisms of the way in which the proposed clauses have been drafted and recommended abandonment. Council submitted that a panel should not recommend that an amendment be abandoned – as called for by Mr Livingston – because of the wording used in the amendment documentation. Council said that a panel should work

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<sup>15</sup> 135

with the documentation that it has to clarify and redraft relevant clauses if it sees those clauses as problematic.

**(iii) Discussion and conclusion**

The Panel does not find Clause 22.20 follows published DELWP guidelines on drafting planning schemes including material in:

- the Ministerial Direction on *The Form and Content of Planning Schemes*, which includes a requirement to draft in plain English
- *Using Victoria's planning system, Chapter 9 – Plain English*, which provides specific guidance on drafting for planning schemes as well as more general plain English advice
- relevant Planning Practice Notes.

The Panel accepts that considerable experience in drafting is required to be across all published drafting advice, but the Part A version does not follow some of the more fundamental and easily accessed advice such as:

- use 'should' in place of 'shall'
- draft using parallel grammatical structures
- avoid replicating issues dealt with in other parts of the scheme.

The Panel has concluded that:

- there is a need for Clause 22.20
- the content of Clause 22.20 appears reasonable.

The Panel's review of the policy identifies the following room for improvement in drafting:

- remove text dealing with strategic issues rather than specific applications
- remove text that duplicates the purpose of the RCZ
- remove text that lack specificity by relying on things being 'appropriate' when it is not clear precisely which areas or outcomes are 'appropriate'
- do not introduce additional objectives that are covered by other clauses in the scheme
- use simple words
- use the active voice
- use consistent forms of expression
- use parallel grammatical structures
- use 'should' in place of 'shall'.

The Panel has prepared a track changed and annotated version of its preferred version of Clause 22.20 at Appendix D and a clean version at Appendix E.

**5.5 Recommendation**

The Panel recommends

**Adopt the version of Clause 22.20 presented in Appendix E**

## Appendix A Submitters to the Amendment

No.	Submitter
1	Ms Lynda Hamilton
2	Mr John Boyle
3	Ms Pamela Abell
4	Anderson Creek Catchment Area Landcare Group
5	Jamie Day c/- Terrain Consulting Group
6	Mr John Hanson
7	Mr Graeme Jameson
8	Mr Daniel Epstein
9	Mr Marc Hofmann
10	Ms Pamela Dry
11	Mr Jeremy Loftus-Hills
12	Mr Allan and Mrs Pam Stark
13	Ms Katherine Wain
14	Ms Victoria Wain
15	Mr Robert Wain
16	Allendale Boarding Kennels & Cattery
17	Ms Michelle March
18	Mr Barry Aumann
19	Valerie Polley
20	Beverley Hanson
21	Joy Dahl
22	Warrandyte Community Association
23	Pamela Hipwell
24	John Gedye
25	Alison Paterson
26	CFA North East Region
27	Brumbys Road Investments c/- Tract Consultants Pty Ltd
28	Christine Andell
29	Warran Glen Pty Ltd and 5 Design Pty Ltd c/- Best Hooper Lawyers



## Appendix B Parties to the Panel Hearing

Submitter	Represented by
Manningham City Council	Dr Joseph Monaghan of Holding Redlich instructed by Susan Ross and Matthew Lynch of Manningham City Council
Jamie Day	Gabriella Sesta of Terrain Consulting
Brumbys Road Investments	Katie Murphy of Tract
John and Jade Gedye	
Michelle March	
Valerie Polley	
Andersons Creek Landcare (previously known as Andersons Creek Catchment Area Landcare Group)	Robyn Gillespie
Christine Andell	
Warran Glen Pty Ltd and 5 Design Pty Ltd	Edward Mahony of Best Hooper Lawyers
Joy Dahl	Daniel Epstein of Counsel
Warrantyte Community Association	Don Macrae, Terry Trovey, and Alan Thatcher. Calling evidence from Mr James Livingston in planning.
Jeremy Loftus-Hills	

## Appendix C Document list

No.	Date	Description	Provided by
1A	10 October 2018	Council Part A submission	Council
1B	10 October 2018	Council Part B submission	Council
2	10 October 2018	Livingston evidence	Council
3	10 October 2018	REMPAN data	Council
4	10 October 2018	Submission for Jamie Day	Gabrielle Sesta
5	10 October 2018	Submission for Brumby Road Investments	Kate Murphy
6	10 October 2018	Aerial photo	Kate Murphy
7	10 October 2018	Submission	Valerie Polley
8	10 October 2018	Submission	Christine Andell
9	10 October 2018	Submission	Robyn Gillespie
10	11 October 2018	Submission: Warran Glen Pty Ltd and 5 Design Pty Ltd	Edward Mahony
11	11 October 2018	Submission	Joy Dahl
12	11 October 2018	Submission	Daniel Epstein
13	11 October 2018	Clause 72.08	Council
14	11 October 2018	Planning Practice Note 13: Incorporated and reference documents	Council
15	11 October 2018	Submission	Warrandyte Community Association
16	11 October 2018	Letter of support from PORA (Park Orchards Ratepayers Association)	Warrandyte Community Association
17	11 October 2018	Guide to applying for a building envelope modification. City of Busselton	Warrandyte Community Association
18	12 October 2018	Submission	Jeremy Loftus-Hills
19	12 October 2018	Transcript of Council meeting	Jeremy Loftus-Hills
20	12 October 2018	Map	Jeremy Loftus-Hills
21	12 October 2018	Council closing submission	Council
22	12 October 2018	Brumbys Road Investment VCAT decision	Council

## Appendix D Panel preferred version of Clause 22.20

~~Council added Council deleted~~ changes present in it Part A submission.

~~Panel added Panel deleted~~

### 22.20 NON-RESIDENTIAL LAND USES IN THE RURAL CONSERVATION ZONE

This policy applies to ~~all~~ non-residential ~~land uses~~ and developments in the Rural Conservation Zone.

#### 22.20-1 Policy basis

This policy builds on the Municipal Strategic Statement (MSS) objectives in Clause 21.03 Key Influences and Clause 21.07 Green Wedge and Yarra River Corridor, which recognise that Manningham's Green Wedge areas that are predominantly within the Rural Conservation Zone, are a unique asset that ~~must should~~ be protected from ~~land inappropriate~~ uses that are incompatible with ~~its strong the~~ environmental ~~and landscape values and ecological significance that have been identified.~~

The ~~environmental and~~ landscape ~~and environmental~~ qualities of the Green Wedge are significant features of Manningham, with just over one-third (37.5%) of the municipality supporting remnant indigenous vegetation.

Opportunities exist to support ~~non-residential uses, including sustainable~~ commercial and tourism related ~~land~~ uses that enhance and reinforce the environmental and biodiversity values of the ~~Green Wedge Rural Conservations Zone~~, and minimise the removal of native vegetation and other landscape impacts.

Non-residential uses ~~in the Green Wedge~~ need to ~~be~~ responsive to ~~the~~ environmental and landscape values. They have the potential to adversely impact on the landscape and environmental qualities of the area through increased levels of on-site activity, traffic generation, the emission of noise and light, visual clutter and the removal of native vegetation.

#### 22.20-2 Objectives

The objectives of this policy are:

- To protect ~~and enhance the environmental and landscape the~~ values of the Rural Conservation Zone.
- ~~To support non-residential land uses that avoid environmental degradation and enhance the environmental significance and ecological function of the Rural Conservation Zone.~~
- ~~To avoid and minimise the removal of vegetation.~~
- ~~To ensure that development including new buildings, access, earthworks and alterations to existing buildings, do not detract from the landscape and scenic values of the Rural Conservation Zone.~~
- ~~To ensure the provision of appropriate access is appropriately provided to any proposed non-residential use.~~
- ~~To ensure that proposals do not adversely impact on existing land uses within the Rural Conservation Zone.~~

- ~~To ensure that a high standard of landscaping is achieved.~~

Comment  
It does not seem helpful to introduce additional objectives into the planning scheme that are covered by other Clauses in the scheme.

**22.20-3 Policy**

It is policy that non-residential discretionary uses within the Rural Conservation Zone are assessed against the following criteria, as appropriate, ~~to ensure and considerations:~~

**General**

- ~~The overall cumulative impact of land uses on the natural environment, surrounding land uses and other sensitive interfaces is minimised.~~
- ~~Uses are encouraged that enhance and promote sustainable land use practices and enhance the environmental values of the Rural Conservation Zone.~~

This seems to be a strategic issue, not something relevant to a specific application. It also seems to duplicate the purpose of the RCZ.

- ~~Existing native vegetation both on site and adjacent sites is not detrimentally affected by non-residential uses.~~
- ~~The design, scale and intensity of the land use, including the number of persons working or visiting the site and the proposed hours of operation, is not detrimental to the environmental values and amenity of the Rural Conservation Zone.~~

This is covered in the RCZ

- ~~Uses that contribute to the economic or tourism development and employment opportunities within Manningham are encouraged in appropriate locations.~~

This seems to be a strategic issue, not something relevant to a specific application. It also seems to duplicate the purpose of the RCZ. It is not clear precisely which areas are 'appropriate'

- ~~Adequate provision should be made for waste collection and disposal is made.~~
- ~~Access to utility services (including gas, electricity, potable water and reticulated sewerage) should be is available to the site.~~
- ~~Access to utility services (including gas, electricity and water, reticulated sewerage), is available.~~
- Where reticulated sewerage is not available, ~~then~~ an adequate effluent disposal system ~~must shall should~~ be provided.
- ~~Infrastructure upgrades may be required at the discretion of the Responsible Authority, in order to facilitate the proposed non-residential land use or expansion.~~

**Environment**

- ~~The cumulative potential risks and environmental impacts, including clearing of native vegetation, waste disposal/sewer capacity, increased access requirements, siting and proposed earthworks or environmental degradation, should must not detract from the environmental significance of the area.~~

This is covered in the RCZ

- ~~Removal of vegetation is minimised.~~
- ~~Developments shall should provide for the protection of existing habitat corridors.~~
- ~~Any proposal protects the existing environmental character and ecological function of the Rural Conservation Zone, including the provision of Development should replacement canopy trees, or native vegetation and other indigenous species removed as part of the development.~~

Indigenous vegetation is a subset of native vegetation. Other elements are covered in the RCZ.

- ~~New development is responsive should respond~~ to the character and cultural heritage of the Rural Conservation Zone areas and integrates into the surrounding landscape.
- ~~Buildings and works, including Earthworks generated by the land use and development must should~~ not detrimentally impact on waterways and drainage lines, habitat and wildlife corridors and, natural systems and landscapes.
- Infrastructure such as drainage, reticulated sewerage and utilities should be located to minimise earthworks and vegetation removal.

#### Traffic, ~~access and car parking and access~~

- ~~Non-residential uses are to be located along sealed roads that are capable of carrying forecast traffic volumes.~~
- ~~Any expected increase in traffic should not adversely affect the amenity or environmental sensitivity of the surrounding area.~~
- ~~The location of proposed accessways and vehicle entry points on the site should minimise removal of native vegetation from road reserves.~~
- ~~Avoid widening of Roads that provide access to the site should not be widened if this that will result in the loss of significant roadside vegetation.~~
- Landscaping and vegetation abutting road reserves should create a continuous landscape corridor ~~and retain the landscape values of the Rural Conservation Zone areas.~~
- ~~The capacity of the land and the surrounding area to accommodate increased pedestrian/vehicular flows must be demonstrated.~~
- ~~Car parking areas should be located at the side or rear of a property to minimise the visual intrusion on the natural landscape.~~
- ~~Car parks, accessways and set down areas should provide for safe and efficient traffic movement.~~
- ~~The road network should have has sufficient capacity to carry the additional volumes of traffic generated by the proposal, including at peak times.~~
- ~~The standard of roads used to provide access, having regard for the composition and expected volumes of traffic generated by the proposal, are satisfactory, and whether upgrading works are required to road surfaces, to widen roads, improve sightlines, intersections, and associated drainage, or the like.~~

The need for this information is implied by other policy statements

- ~~Only one vehicle entry point is should be provided to minimise the number of entry points providing access into the road network,~~ limit the disruption of pedestrian movements, and minimise earthworks.
- Where practicable, the existing entry point should be retained to provide access.
- Car parking areas and accessways should be sealed and drained.
- Car parking areas and accessways should be designed for vehicles to exit the site in a forward direction, including waste collection, tourism and commercial vehicles.
- Vehicle and pedestrian movements, within the site and road network, ~~are should be~~ safe and convenient.
- Car parking areas and accessways ~~are should be~~ located to minimise visual impacts within the public realm and adjoining and nearby privately owned properties.

#### Design ~~&and~~ siting

- ~~The location, scale and siting of new development should be subordinate to the existing scale and height of development and landscape character, and should minimise earthworks.~~
- Development should be setback sufficient distances from boundaries to prevent detrimental impacts on neighbouring properties by way of building bulk and scale to enable appropriate landscape treatment to be provided.
- Buildings should be encouraged to be located wholly below the alignment of ridgelines to ensure silhouetting against the skyline does not occur and to allow buildings to blend into the natural landscape with the elevated ridgeline providing the appropriate backdrop.
- Numbers of buildings are limited and buildings are co-located, to reduce the scattered visual impact of buildings on the landscape.
- ~~Developments shall should be subordinate in the landscape, but complement the scale, height and siting of existing developments.~~
- ~~Developments shall should have a site responsive design, respond to the site's aspect, topography, soils, waterways, vegetation and view lines.~~
- Buildings should not break a horizon line to prevent silhouetting against the skyline.
- ~~Cut and fill associated with developments should be minimised by 'stepping' the finished levels of the development with the site's slope to minimise the depths and heights of cut and fill.~~
- Retaining walls should not exceed a height of 1.0 metre, and batter slopes ~~should be~~ no steeper than gradient 1:3.
- ~~The bulk and massing of buildings shall should be minimised by-:~~
  - ~~Using articulated building designs, and~~
  - ~~Minimising~~ sheer walls exceeding two storeys in height.
- ~~Developments shall should:~~
  - ~~Use~~ materials and finishes that blend in with the natural environment.
  - ~~Avoid B~~ bright or contrasting colours ~~are not supported~~ in areas that are clearly visible from surrounding properties or roads.
  - ~~Avoid R~~ reflective materials ~~are not supported~~.

- ~~Developments, including accessways and car parking areas, should be designed to avoid the removal, destruction or lopping of native or remnant vegetation. , or, minimise impacts from~~ If the removal, destruction, or lopping of native or remnant vegetation that cannot be avoided impacts should be minimised.
- Developments, including accessways and car parking areas, should be set back a sufficient distance to from the site's boundaries to allow existing vegetation to be retained and generous landscaping to be planted.

#### **Amenity and Landscaping**

- Uses ~~shall should~~ should not adversely affect ~~sensitive residential interfaces or~~ the amenity of nearby residents by way of noise, odour, loss of privacy, traffic, car parking, lighting, signage, location of storage or disturbance associated with hours of operation, frequency of events and expected numbers of visitors.
- ~~Amenity impacts on adjoining land should be minimised through sufficient setbacks and retention of vegetation, as well as appropriate boundary treatments such as fencing, landscaping, additional vegetation and design treatments.~~

This is too general and is covered by other Clause in the policy.

- ~~Development should deliver a respectful interface with adjoining properties is provided by:~~
  - Providing appropriate noise attenuation measures that inhibit the transmission of noise from buildings, car parking areas and external plant equipment, including exhaust fans and air conditioning units.
  - Maintaining the privacy of adjoining residential properties through the sensitive siting and design of car parking areas, windows, doors, services areas, outdoor and storage areas and the use of appropriate techniques including the treatment of windows, screening, and landscaping techniques.
  - Designing and siting lighting (including security lighting) to minimise light spoil to adjoining properties.
- ~~Minimise visual intrusion through the conservation, enhancement and introduction of vegetation buffers.~~
- Adequate ~~Waste disposal and storage facilities should be, appropriately located on site to minimise the potential for noise, visual appearance, lighting and odour impacts.~~
- Developments, including accessways and car parking areas shall should be landscaped using native and indigenous species, and avoid exotic species.
- ~~Appropriate noise attenuation measures are provided that inhibit the transmission of noise from buildings, car parking areas and external plant equipment including exhaust fans and air conditioning units.~~
- ~~The design, scale, external colour and finishes of non-residential buildings should respect the landscape character of the area, by avoiding the use of reflective building materials such as zincalume whilst encouraging use of muted tones on external surfaces in areas that are clearly visible from surrounding properties or roads.~~

#### **22.20-4 Application Requirements**

In addition to the zone requirements, the following information is to be provided with an application to the satisfaction of the responsible authority as appropriate:

- A written statement with details about the proposed use including, but not limited to:
  - The number of staff, hours of operation, attendees, and number of car spaces provided.
  - Information regarding how the use will serve the needs of the local residential community.
  - A traffic and parking demand impact assessment.
- A site context assessment, outlining how the ~~proposal~~~~proposed development~~ will respond to all the following:
  - ~~The location of the existing or proposed building;~~

Repeated below

- Existing land uses and buildings on the site and adjoining properties;
- ~~Demonstration of the impact on Any existing~~ effluent disposal ~~and location of or~~ septic systems;
- Topography, ~~existing vegetation and details~~ing of any proposed earthworks; ~~and~~
- Vehicle access and entry points on the site;
- ~~Protection of Existing vegetation~~ trees on the site ~~and giving a~~ justification for removal of vegetation;
- ~~Any other matters explaining the proposal and how it addresses the policy.~~

#### 22.20-5 Decision guidelines

~~In assessing an application for the use and development of an outbuilding, the Responsible Authority will consider the extent to which the application for non-residential land uses meets the objectives and directions of this policy.~~

This is covered in Clause 21.19.

#### 22.20-6 Policy references

*Manningham Economic Development Strategy 2011-2030*

*Green Wedge Action Plan 2020*

*Manningham Rural Areas Land Uses Position Paper (2017)*



## Appendix E Panel preferred version of Clause 22.20 – Clean copy

### 22.20 NON-RESIDENTIAL LAND USES IN THE RURAL CONSERVATION ZONE

This policy applies to non-residential uses and developments in the Rural Conservation Zone.

#### 22.20-1 Policy basis

This policy builds on the Municipal Strategic Statement (MSS) objectives in Clause 21.03 Key Influences and Clause 21.07 Green Wedge and Yarra River Corridor, which recognise that Manningham's green wedge areas that are predominantly within the Rural Conservation Zone, are a unique asset that should be protected from inappropriate uses that are incompatible with the environmental and landscape values that have been identified.

The environmental and landscape qualities of the green wedge are significant features of Manningham, with just over one-third (37.5 per cent) of the municipality supporting remnant indigenous vegetation.

Opportunities exist to support non-residential uses, including commercial and tourism related uses that enhance and reinforce the environmental and biodiversity values of the Rural Conservation Zone, and minimise the removal of native vegetation and other landscape impacts.

Non-residential uses need to respond to environmental and landscape values. They have the potential to adversely impact on the landscape and environmental qualities of the area through increased levels of on-site activity, traffic generation, the emission of noise and light, visual clutter and the removal of native vegetation.

#### 22.20-2 Objectives

The objective of this policy is:

- To protect the values of the Rural Conservation Zone.

#### 22.20-3 Policy

It is policy that non-residential discretionary uses within the Rural Conservation Zone are assessed against the following criteria, as appropriate.

##### General

- Adequate provision should be made for waste collection and disposal
- Utility services (including gas, electricity, potable water and reticulated sewerage) should be available to the site.
- Where reticulated sewerage is not available, an adequate effluent disposal system should be provided.

##### Environment

- Development should protect habitat corridors.

- Development should replace canopy trees, or native vegetation removed as part of the development.
- Development should respond to the character and cultural heritage of the Rural Conservation Zone areas and integrate into the surrounding landscape.
- Buildings and works, including earthworks should not detrimentally impact waterways and drainage lines, habitat and wildlife corridors and, natural systems and landscapes.
- Infrastructure such as drainage, reticulated sewerage and utilities should be located to minimise earthworks and vegetation removal.

#### **Traffic, access and car parking**

- Roads that provide access to the site should not be widened if this will result in the loss of significant roadside vegetation.
- Landscaping and vegetation abutting road reserves should create a continuous landscape corridor.
- The road network should have sufficient capacity to carry the additional volumes of traffic generated by the proposal, including at peak times.
- Only one vehicle entry point should be provided to limit the disruption of pedestrian movements and minimise earthworks.
- Where practicable, the existing entry point should be retained to provide access.
- Car parking areas and accessways should be sealed and drained.
- Car parking areas and accessways should be designed for vehicles to exit the site in a forward direction, including waste collection, tourism and commercial vehicles.
- Vehicle and pedestrian movements, within the site and road network, should be safe and convenient.
- Car parking areas and accessways should be located to minimise visual impacts within the public realm and adjoining and nearby privately owned properties.

#### **Design and siting**

- Development should be subordinate in the landscape.
- Development should respond to the site's aspect, topography, soils, waterways, vegetation and view lines.
- Buildings should not break a horizon line to prevent silhouetting against the skyline.
- Cut and fill should be minimised by 'stepping' the finished levels of the development with the site's slope.
- Retaining walls should not exceed a height of 1.0 metre, and batter slopes should be no steeper than gradient 1:3.
- The bulk and massing of buildings should be minimised by:
  - Using articulated building designs.
  - Minimising sheer walls exceeding two storeys in height.
- Development should:
  - Use materials and finishes that blend in with the natural environment.
  - Avoid bright or contrasting colours in areas that are clearly visible from surrounding

- properties or roads.
  - Avoid reflective materials.
- Development, including accessways and car parking areas, should avoid the removal, destruction or lopping of native vegetation. If the removal, destruction, or lopping of native or remnant vegetation cannot be avoided impacts should be minimised.
- Development, including accessways and car parking areas, should be set back a sufficient distance from the site's boundaries to allow existing vegetation to be retained and generous landscaping to be planted.

#### **Amenity and landscaping**

- Uses should not adversely affect the amenity of nearby residents by way of noise, odour, loss of privacy, traffic, car parking, lighting, signage, location of storage or disturbance associated with hours of operation, frequency of events and expected numbers of visitors.
- Development should deliver a respectful interface with adjoining properties by:
  - Providing appropriate noise attenuation measures that inhibit the transmission of noise from buildings, car parking areas and external plant equipment, including exhaust fans and air-conditioning units.
  - Maintaining the privacy of adjoining residential properties through the sensitive siting and design of car parking areas, windows, doors, services areas, outdoor and storage areas and the use of appropriate techniques including the treatment of windows, screening, and landscaping techniques.
  - Designing and siting lighting (including security lighting) to minimise light spill to adjoining properties.
- Waste disposal and storage facilities should be located to minimise the potential for noise, visual appearance, lighting and odour impacts.
- Development, including accessways and parking areas should be landscaped using native and indigenous species, and avoid exotic species.

#### **22.20-4 Application Requirements**

In addition to the zone requirements, the following information is to be provided with an application to the satisfaction of the responsible authority as appropriate:

- A written statement with details about the proposed use including, but not limited to:
  - The number of staff, hours of operation, attendees, and number of car spaces provided.
  - Information regarding how the use will serve the needs of the local residential community.
  - A traffic and parking demand impact assessment.
- A site context assessment, outlining how the proposed development will respond to all the following:
  - Existing land uses and buildings on the site and adjoining properties.
  - Any existing effluent disposal or septic systems.
  - Topography, detailing any proposed earthworks.
  - Vehicle access and entry points on the site.
  - Existing vegetation and trees on the site, giving a justification for removal of any vegetation.

**22.20-5 Decision guidelines**

**22.20-6 Policy references**

*Manningham Economic Development Strategy 2011-2030*

*Green Wedge Action Plan 2020*

**Manningham City Council**

699 Doncaster Road, Doncaster Victoria 3108 PO Box 1, Doncaster Victoria 3108  
p 03 9840 9333 f 03 9848 3110 e [manningham@manningham.vic.gov.au](mailto:manningham@manningham.vic.gov.au)

Enquiries to: Teresa Dominik  
Telephone: 9840 9279  
TRIM Ref No. D17/15213

28 March 2017



Hon Richard Wynne MP  
Minister for Planning  
C/- [planning.amendments@delwp.vic.gov.au](mailto:planning.amendments@delwp.vic.gov.au)

Dear Minister

**Promotion of Tourism and Other related Economic Opportunities in Melbourne's Green Wedge**

The current planning restrictions that apply to Metropolitan Green Wedges, frequently do not support a proactive approach to promoting tourism and other economic opportunities for Councils. This results in Councils devising their own, isolated strategies.

While changes to the RCZ in 2013 increased the scope and the flexibility of the zone to accommodate a wider range of uses, Clause 57 with its 'in conjunction' condition still applies to all land outside the Urban Growth Boundary (UGB). The existing RCZ provides limited autonomy for the operation of tourism and other related uses due to the overriding restrictions contained within Clause 57.

An aspect of this issue was raised with you in a letter dated 31 August 2016 (provided for your reference).

I wish to advise that we are still awaiting a formal response in relation to this matter. It would be appreciated if you could provide a response in relation to this matter at your earliest convenience.

Also attached is an Advocacy Paper seeking State level direction to provide clear guidance and support to address limitations that threaten the long term future and viability of ongoing or new opportunities. It requests an approach that brings together planning, economic and environmental perspectives, and instruments that provide a coordinated approach to resolving current issues and support opportunities. A response to this is also requested.

If you have any further queries, please contact Teresa Dominik, Director Planning and Environment via email at [teresa.dominik@manningham.vic.gov.au](mailto:teresa.dominik@manningham.vic.gov.au) or on 9840 9279.

Yours sincerely



JILL COLSON  
Acting Chief Executive Officer

Att: 2

## Manningham City Council

699 Doncaster Road, Doncaster Victoria 3108 PO Box 1, Doncaster Victoria 3108

p 03 9840 9333 f 03 9848 3110 e [manningham@manningham.vic.gov.au](mailto:manningham@manningham.vic.gov.au)

Enquiries to: Lydia Winstanley

Telephone: 9840 9133

TRIM Ref No. D16/59408



COPY

31 August 2016

Hon Richard Wynne MP  
Minister for Planning  
c/o [planning.amendments@delwp.vic.gov.au](mailto:planning.amendments@delwp.vic.gov.au)

Dear Minister

**Request to amend Clause 57 of the Victoria Planning Provisions (VPP)**

I am writing to request your consideration to amend Particular Provisions Clause 57 – *Metropolitan Green Wedge Land* in relation to the permitted number of patrons on site at restaurants and function centres, for temporary uses.

The Table to Clause 57.01-1 of the VPP currently includes the following condition for Function Centres and Restaurants:

<b>Function centre</b>	<p>Must be used in conjunction with Agriculture, Natural systems, Outdoor recreation facility, Rural industry or Winery.</p> <p>No more than 150 patrons may be present at any time. If used in conjunction with Restaurant, the total number of patrons present at any time must not exceed 150.</p>
------------------------	---

The current conditions do not provide any flexibility for Council as the responsible authority to provide consent to allow lawfully established function centres and restaurants to have more than the permitted numbers of patrons on site, beyond the number specified in the conditions in the Table to Clause 57.01-1 of the VPP, even for temporary events.

These current limitations have resulted in Council needing to seek alternative venue arrangements for a community fundraising event to support the Country Fire Authority (CFA), at a location outside the municipality. Council formally considered this matter at its meeting on 28 June 2016 and resolved unanimously, as follows:

*That Council requests the Minister for Planning to amend Clause 57 of the Victoria Planning Provisions to allow lawfully established function centres and restaurants, to have more than the permitted numbers of patrons on site for up to three community events per calendar year, subject to the consent of the responsible authority.*

It is considered that these changes will not only benefit the City of Manningham but other municipalities that contain Green Wedge land, in being provided the opportunity to consider exceeding the permitted number of patrons at community events on a temporary basis, as permitted by other provisions within Manningham Planning Schemes.

If you have any queries, please contact, Lydia Winstanley from Economic and Environmental Planning, via email at [lydia.winstanley@manningham.vic.gov.au](mailto:lydia.winstanley@manningham.vic.gov.au) or on 9840 9133.

Yours sincerely

VIVIEN WILLIAMSON

Manager

Economic and Environmental Planning

ABN 61 498 471 081

## Melbourne's Green Wedge Advocacy



### Promotion of tourism and other related economic opportunities

Located within close proximity to metropolitan Melbourne, Manningham's rural areas (zoned Rural Conservation Zone (RCZ)) are becoming an increasingly popular destination for tourists, visitors and local residents. Land uses within the Manningham Green Wedge comprise a range of commercial, lifestyle and rural residential activities. While agricultural land uses are declining, there are opportunities to promote sustainable land practices that are compatible with the special environmental characteristics and ecological values of the Green Wedge.

Council's Green Wedge and Economic Development Strategies identify that tourism uses are considered appropriate within Manningham's Rural Areas but that they need to be moderated due to rural living and environmental risks. Both Strategies support opportunities to increase the tourism offerings and visitor economy within the Green Wedge.

In common with other Metropolitan Green Wedge areas, the current planning restrictions are often not supportive of a proactive approach to unlocking opportunities, leaving Councils to find local approaches. Furthermore, environmental objectives are often at odds with economic imperatives and the type of support required by businesses is not readily available.

While changes to the RCZ in 2013 increased the scope and the flexibility of the zone to accommodate a wider range of uses, Clause 57 with its 'in conjunction' condition still applies to all land outside the Urban Growth Boundary (UGB). The existing RCZ provides limited autonomy for the operation of tourism and other related uses due to the overriding restrictions contained within Clause 57.

State level direction is required to provide clear guidance and support to address limitations that threaten the long term future and viability of ongoing or new opportunities. This will require an approach that brings together planning, economic and environmental perspectives, and instruments that provide a coordinate approach to resolving current issues and support opportunities.

#### **Economic**

Provide a clear vision for securing the long term viability of the Green Wedge in a manner that provides for an appropriate diversity of activity. This would include identifying support packages for the retention and ongoing enhancement of commercial properties and identify how uses such as ecotourism, native nurseries, "farming biodiversity, food security etc can be viably achieved.

#### **Environment**

Provide clear strategic direction, and practical approaches and instruments to identify and manage the impacts on environmental and landscape values. These need to be provided in the context of supportive planning and assessment instruments that give confidence that environmental objectives can continue to be met in a sustainable manner into the future. For example this could include direct support for projects that provide "green infrastructure", enhance biodiversity objectives and minimize bushfire risk.

#### **Planning**

Review current constraints with the intent of providing changes to current controls that both assist supporting economic and tourism opportunities, and providing clear guidance to assess environmental and landscape impacts. For example, this could include providing the ability to work with current non conforming uses (including agriculture and tourist based enterprises) to provide for their retention and ongoing enhancement. Addressing restrictions contained within Clause 57 in a manner that supports environmental and economic objectives in a balanced way would also greatly assist.

*Planning and Environment Act 1987*

## **MANNINGHAM PLANNING SCHEME**

### **AMENDMENT C117**

#### **EXPLANATORY REPORT**

##### **Who is the planning authority?**

This amendment has been prepared by the Manningham City Council, which is the planning authority for this amendment.

The Amendment has been made at the request of the Manningham City Council.

##### **Land affected by the Amendment**

The Amendment applies to all land within the Rural Conservation Zone (RCZ).

A map delineating the area affected is attached at Attachment 1 to this Explanatory Report.

##### **What the amendment does**

The Amendment proposes to:

- Amend the Municipal Strategic Statement at Clause 21.07 to improve guidance around what types of land use and developments are appropriate in Manningham's rural areas;
- Include the Rural Areas Land Uses Position Paper (2017) as a reference document in Clause 21.16;
- Expand the scope of the existing policy at Clause 22.19 (Outbuildings in the Low Density Residential Zone) to apply to the Rural Conservation Zone areas and to address specific built form issues that have been identified; and,
- Introduce a new local policy (Clause 22.20 - Non Residential Uses in the Rural Conservation Zone) to provide more specific guidance to non-residential planning applications within the Rural Conservation Zone.

##### **Strategic assessment of the Amendment**

##### **Why is the Amendment required?**

Council has recently undertaken a review of land uses within Manningham's rural areas (known as the Green Wedge). The review of land uses in the rural areas has been undertaken in the context of the *Green Wedge Action Plan (GWAP) 2020* and the *Manningham Economic Development Strategy (MEDS) 2011-2030*, and comprises land zoned Rural Conservation (RCZ), both within and outside the Urban Growth Boundary (refer to Attachment A).

The landscape and environmental qualities of the Green Wedge are significant features of Manningham, with just over one third (37.5%) of the municipality supporting remnant indigenous vegetation. This indigenous vegetation is predominantly contained on private land and is located to the east of the Mullum Mullum Creek within the Green Wedge. In addition to this, a range of parks and reserves (including Warrandyte State Park) provide opportunities for active and passive recreation, and contribute to the landscape character of the area.

In addition to this, Manningham is well positioned to strengthen its economic, business and tourism development due to a number of locational drivers, such as its proximity to metropolitan Melbourne, proximity to the Yarra Valley, proximity to visitor markets, its rural setting and character, its access to/from major roads, and its linkages with rural functions.

In undertaking this review, the following key issues affecting Manningham's rural areas were identified:



- There is development pressure for residential additions and dwelling extensions throughout the Green Wedge;
- The intensification of land uses, such as home occupation, is resulting in undesirable outbuildings, storage sheds, and removal of vegetation;
- The removal of trees and native vegetation is resulting in degradation of the land;
- There are ongoing amenity impacts and land use conflicts, for example horse riding schools near residential property boundaries;
- There is an ongoing bushfire risk;
- Limitations within current planning framework which restrict some tourism opportunities, such as accommodation;
- Decline of agricultural land uses and limited availability of viable agricultural land.

Opportunities therefore exist to:

- Promote and support existing agricultural land uses and practices;
- Support existing businesses in achieving sustainable and well managed land use outcomes;
- Promote tourism based land use opportunities such as nature based eco-tourism;
- Cluster tourism development opportunities to enhance strategic position; and,
- Encourage sustainable home businesses which are sensitive to the environmental and landscape values of Manningham's Green Wedge.

In response to the issues and opportunities that have been identified and the review of land uses, Council has resolved to first and foremost to retain the Rural Conservation Zone, the primary purpose of which is to 'protect and enhance environmental and natural values'.

Having regard to both the strategic intent and direction of the GWAP and the MEDS and the identified issues and opportunities, this amendment is required to revise the local planning policy framework to improve guidance and assessment of non-residential uses and outbuildings in the Rural Conservation Zone. This amendment is also required to ensure that non-residential uses have proper regard to the environmental and landscape values of the Rural Conservation Zone.

#### **How does the Amendment implement the objectives of planning in Victoria?**

Section 4 of the Act contains a number of key objectives for planning in Victoria, which among other things aims:

- *To provide for the fair, orderly, economic and sustainable use and development of land;*
- *To provide for the protection of natural and man-made resources and the maintenance of ecological processes and genetic diversity;*
- *To secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria; and*
- *To balance the present and future interests of all Victorians.*

#### **How does the Amendment address any environmental, social and economic effects?**

The proposed changes to the local policy provisions are intended to provide a balanced outcome taking into account environmental, social and economic considerations.

##### Environmental Effects:

The Amendment considers the environmental impact of discretionary non-residential uses and development by encouraging such use and development to be responsive to the existing or preferred character, amenity and environmental landscape values of their rural location.

##### Social and Economic Benefits:

The Amendment addresses social and economic impacts by recognising the need to provide business, tourism and employment opportunities in appropriate locations in the rural areas, while balancing these opportunities with the retention and preservation of environmental and landscape features.

**Does the Amendment address relevant bushfire risk?**

The Amendment is not likely to result in any increase to the risk to life as a priority, property, community infrastructure and the natural environment from bushfire. The Amendment does not alter the areas affected by the Bushfire Management Overlay.

**Does the Amendment comply with the requirements of any Minister's Direction applicable to the amendment?**

The amendment has been prepared in accordance with Ministerial Direction on *The Form and Content of Planning Schemes* under section 7(5) of the Act. All planning schemes must have regard to section 12(2)(a) of the *Planning and Environment Act 1987*, being Ministerial Directions.

The Amendment also complies with Ministerial Direction No. 9 – *Metropolitan Planning Strategy* and Ministerial Direction No. 11 *Strategic Assessment of Amendments*.

**How does the Amendment support or implement the Planning Policy Framework and any adopted State policy?**

The Amendment is consistent with and supports the following elements of the Planning Policy Framework:

- Clause 11.01-1R – Green wedges – Metropolitan Melbourne.

*To protect Green Wedges of Metropolitan Melbourne from inappropriate development*

*Prescribes strategies to support appropriate development in Green Wedges that provides for economic and social benefits, support existing and potential agribusiness activities, forestry, food production and tourism.*

- Clause 11.01-1R – Settlement – Metropolitan Melbourne.

*Prescribes a strategy to maintain a permanent urban growth boundary around Melbourne to create a more consolidated, sustainable city and protect the values of non-urban land.*

- Clause 12.05-2S – Landscapes.

*Prescribes strategies to improve the landscape qualities, open space linkages and environmental performance in significant landscapes and open spaces, including green wedges, conservation areas and non-urban areas.*

- Clause 13 – Environmental Risks and Amenity.

*Anticipates the occurrence of a range of environmental risks such as soil degradation, noise, air quality, land use compatibility, flooding, bushfire and climate change.*

*In instances where a specific response is required, the PPF requires planning policy to consider other relevant authorities such as the Country Fire Authority (CFA) or the Environment Protection Authority (EPA).*

*In particular, clause 13.02-1S requires that planning scheme amendments properly assess bushfire risk and include appropriate bushfire protection measures.*

- Clause 14.01-1R – Protection of Agricultural Land – Metropolitan Melbourne.

*Protects agricultural land in Metropolitan Melbourne's Green Wedges and per-urban areas to avoid the permanent loss of agricultural land in those locations.*

- Clause 15 – Built Environment and Heritage.

*All new land uses and development must respond appropriately to its context in which it is located.*

*Sets out the policy objectives and principles to ensure that new development considers the landscape, built form, cultural heritage, architectural and aesthetic values in which it is located*

*and to encourage land use and development that is energy and resource efficient.*

*Requires that places of Aboriginal cultural heritage significance are protected from inappropriate uses or developments.*

- Clause 17.04-1S – Facilitating Tourism.

*Seeks to encourage tourism development to maximise the economic, social and cultural benefits of development the state as a competitive domestic and international tourism destination.*

*Encourage the development of well-designed, sited tourism developments that have access to suitable transport, are compatible with surrounding activities and attractions, are innovative and supports growth in tourism.*

- Clause 18 – Transport.

*Sets out transport objectives to ensure that planning promotes an integrated transport system that promotes sustainability, equality and strategic management.*

- Clause 19.01-2R – Renewable Energy – Metropolitan Melbourne

*Facilitates the uptake of renewable energy technologies on a site and neighbourhood level during the master planning of new communities and in green wedge and peri-urban areas.*

#### **How does the Amendment support or implement the Local Planning Policy Framework, and specifically the Municipal Strategic Statement?**

The Amendment supports the objectives of the LPPF by providing further guidance in the exercise of discretion for considering proposals for non-residential uses in rural areas and outbuildings in the Rural Conservation Zone. In particular, the changes will implement the following MSS and policy objectives:

- Municipal Strategic Statement (MSS) objectives at Clause 21.07-4 – Built form and landscape character, which seeks to minimise the impact of built form on native vegetation, indigenous vegetation, landscape quality, and view lines, and minimise the extent of earthworks.
- Municipal Strategic Statement (MSS) objectives at Clause 21.07-5 – Environmental issues, which seeks 'to ensure that land use, development and land management practices protect and enhance biodiversity, soil, water and air quality, native flora and fauna and the character of these areas'.
- Municipal Strategic Statement (MSS) objectives at Clause 21.07-6 – Economic development issues, which seeks to encourage sustainable business opportunities which complement the qualities of the area, and do not adversely affect productive agricultural land and residential and environmental amenity.
- Municipal Strategic Statement (MSS) objectives at Clause 21.07-6 – Economic development issues, also identifies the need to investigate options for alternative sustainable business opportunities, as well as the need to review the appropriateness of the Rural Conservation Zone applying to green wedge land and the Yarra River corridor.
- Municipal Strategic Statement (MSS) objectives at Clause 21.10-8 – Urban Ecology, which seeks 'to protect and enhance environmental values and significant landscapes'.
- Municipal Strategic Statement (MSS) objectives at Clause 21.13-3 – Tourism, which seeks to encourage tourism opportunities while minimising any adverse impacts on local communities, surrounding land uses and natural resources.
- Clause 22.02 *Native Vegetation Policy*, which seeks 'to protect, conserve and where possible enhance the biodiversity values of the municipality'.
- Clause 22.14 *Environmental and Landscape Significance Protection in Identified Wildfire Areas Policy*, which seeks 'to retain vegetation and to preserve the recognised environmental and landscape significance of the municipality while also promoting development that is safe from the risk of wildfire'.
- Clause 22.19 *Outbuildings in the Low Density Residential Zone*, seeks 'to protect, conserve and

where possible enhance the biodiversity values of the municipality'. Given this is also relevant to green wedge land, guidance with respect to outbuildings in the Rural Conservation Zone is also recommended.

**Does the Amendment make proper use of the Victoria Planning Provisions?**

The amendment has been prepared in accordance with State Government Practice Notes – *Writing a Local Planning Policy* and *Strategic Assessment Guidelines: for preparing and evaluating planning scheme amendments*.

In particular the Amendment makes proper use of the Victoria Planning Provisions as:

- Local planning policies are appropriate tools to guide decision making in relation to a specific discretion; and
- The Municipal Strategic Statement includes broad strategic support for the local policy position.

**How does the Amendment address the views of any relevant agency?**

The views of relevant agencies and other servicing authorities will be sought during the exhibition period.

**Does the Amendment address relevant requirements of the Transport Integration Act 2010?**

The proposed Amendment is not likely to have a significant impact on the transport system or the objectives under Part 2, Division 2 of the Transport Integration Act 2010.

**Resource and administrative costs**

- **What impact will the new planning provisions have on the resource and administrative costs of the responsible authority?**

It is not anticipated that the Amendment will have a significant impact on the resource and administrative costs of the responsible authority. It is considered that by addressing the statutory and policy gaps, the amendment will provide clearer guidance with regards to the assessment of planning permits for non residential uses in rural areas, and outbuildings in the Rural Conservation Zone.

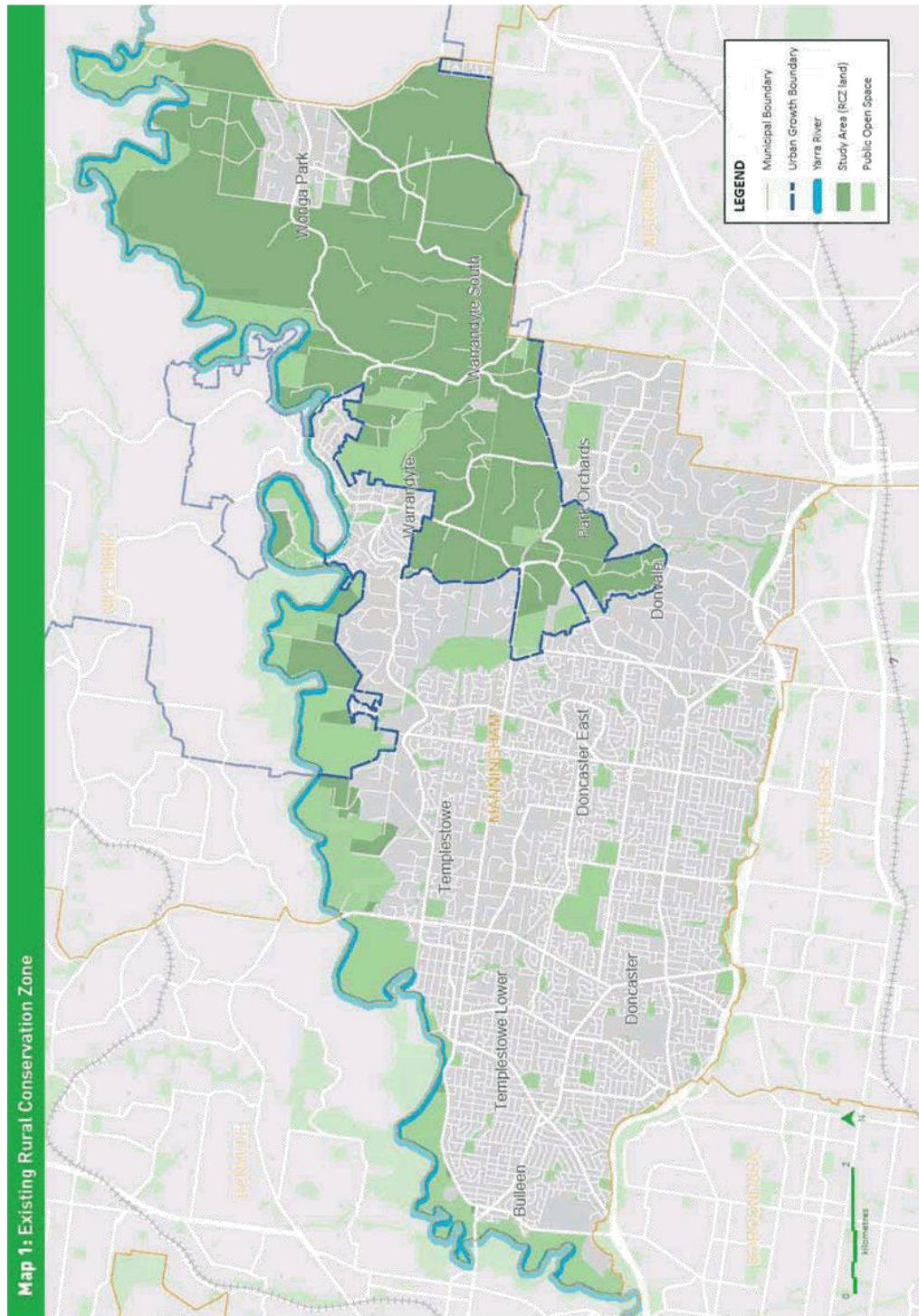
**Where you may inspect this Amendment**

The Amendment is available for public inspection, free of charge, during office hours at the following places:

- During office hours, at the office of the planning authority, Manningham City Council, 699 Doncaster Road, Doncaster
- Online at [www.yoursaymanningham.com.au/-C117](http://www.yoursaymanningham.com.au/-C117)
- At the Doncaster, The Pines, Bulleen, Warrandyte and Box Hill libraries.

The Amendment can also be inspected free of charge at the Department of Environment, Land, Water and Planning website at [www.delwp.vic.gov.au/public-inspection](http://www.delwp.vic.gov.au/public-inspection)

ATTACHMENT 1 – Study Area (RCZ Land)



*Planning and Environment Act 1987* MANNINGHAM PLANNING SCHEME

AMENDMENT C117

INSTRUCTION SHEET

The planning authority for this amendment is the City of Manningham. The Manningham Planning Scheme is amended as follows:

**Planning Scheme Ordinance**

The Planning Scheme Ordinance is amended as follows:

1. In Local Planning Policy Framework – replace Clause 21.07 with a new Clause 21.07 in the form of the attached document.
2. In Local Planning Policy Framework – replace Clause 21.16 with a new Clause 21.16 in the form of the attached document.
3. In Local Planning Policy Framework – replace Clause 22.19 with a new Clause 22.19 in the form of the attached document.
4. In Local Planning Policy Framework - insert a new Clause 22.20 in the form of the attached document.

End of document

## MANNINGHAM PLANNING SCHEME

**21.07 GREEN WEDGE AND YARRA RIVER CORRIDOR**

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**21.07-1 Overview**

21/02/2013  
C54  
[Proposed C117](#)

This section applies to land shown on the Green Wedge and Yarra River Corridor Framework Plan 3 which includes all land outside the Urban Growth Boundary (UGB) and public and privately owned land within the Yarra River corridor. The State Government introduced the UGB around the edge of Melbourne in October 2002. All land in Manningham located outside the UGB became part of a green wedge.

Manningham's Green Wedge largely includes land within the Rural Conservation Zone and the Wonga Park township, which is included within the Low Density Residential Zone. The Yarra River corridor includes public and privately owned land located within the UGB and which is identified as having high environmental and landscape values.

These areas are primarily rural residential in character and include some agricultural enterprises, hobby farms, [tourism related activities](#) and environmentally significant properties. A key challenge for Council is to balance competing interests between use of land for rural living, biodiversity protection, agricultural pursuits and [economic development activities](#).

**Housing**

There are few opportunities for additional housing development within the green wedge and the Yarra River corridor area. The provision of housing in these areas is directed by strategies that protect and enhance landscape character and environmental values. Development will need to have regard to issues of native vegetation, topography, landslip, [wildfire/bushfire](#), flooding, and cultural, environmental and landscape values and available physical and community infrastructure.

The rural qualities and remnant bushland provide a setting and lifestyle quality which is very attractive to residents and potential home owners.

**Subdivision**

The current planning controls significantly limit scope for further subdivision of the green wedge and Yarra River corridor areas. Any proposal to subdivide land will need to consider land capability and constraints, adjoining land uses, environmental and landscape values and physical and community infrastructure.

**Built form and landscape character**

These areas have an attractive, undulating topography. The slopes and extensive vegetation cover contribute to the landscape and environmental qualities. Development should protect and enhance the natural environment, including the Yarra River and other waterways, topography, open space, habitat and fauna links within the green wedge and Yarra River corridor.

**Environmental issues**

Large parts of Manningham's Green Wedge and Yarra River corridor have significant biological values. They contain the majority of Manningham's Sites of Biological Significance (Biosites) and supporting buffer habitat. The sites are identified as being of National, State or Regional significance. The habitat defined by the biosites and associated buffer habitat constitutes the most important areas of remnant indigenous vegetation within the municipality.

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Planning controls seek to protect important remnant vegetation providing habitat for fauna, preserving biodiversity and providing lifestyle choices, whilst creating a desirable destination for residents, visitors and recreational users. The bushland and rural character is under threat from vegetation clearance for development, agriculture, pest plant and animal invasion, overgrazing, soil erosion, changes in hydrology and burning regimes, mismanagement and climate change.

The challenge for the municipality is to provide for sustainable land use and development in these areas while achieving a Net Gain of native vegetation. Biodiversity protection and enhancement will be facilitated by having regard to land capability and environmental management while also protecting the character, landscape and other natural and environmental characteristics.

### Economic development issues

~~Traditional, broadacre agricultural land uses have been declining over recent years and , with now occupying only a small proportion of the total land area of the Green Wedge. It is noted that much of the land within these areas is not high quality agricultural land. Existing agricultural businesses and their ongoing viability should be retained and encouraged.~~

~~There are a number of key tourism assets within Manningham's Green Wedge, which attract visitors both locally and across Victoria. Non-residential land uses (including tourism uses) Tourism offerings should be encouraged increased where land uses do not -conflicts can be minimised and any adversely impact on the -amenity and environmental values of the area. impacts are appropriately considered.~~

~~Balancing the expansion of business and commercial activity with the protection of the natural environment is a key strategic challenge.~~ Commercial activity should complement and enhance the landscape and visual character and environmental significance of these areas. The focus will be to ~~protect and support the viability of existing agricultural activities and~~ promote other appropriate business activities, which use best practice sustainable land management techniques and provide benefits to the local economy.

Council encourages home occupations as an important means of achieving economic development and providing opportunities that enable residents to work at home. The needs of home occupations should be addressed while ensuring that local amenity and environmental and landscape values are not adversely affected.

21.07-2  
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### Housing

#### Key issues

- Limited opportunity for additional housing development.
- Housing development, which does not have regard to land capability, ~~wildfire~~bushfire risk, environmental and landscape values.
- Inappropriate location of infrastructure and services.
- Impact of housing on biodiversity.

#### Objectives

- To ensure that housing development in the green wedge and Yarra River corridor responds appropriately to land capability, ~~wildfire~~bushfire risk, environmental, landscape and, cultural values, adjoining land uses and physical and community infrastructure.



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- To ensure that siting and design of housing development and associated infrastructure and services minimises the extent of earthworks and avoids, minimises and offsets vegetation removal and impacts.

**Strategies**

Strategies to achieve these objectives include:

- Prepare and implement a Land Management Plan for all development applications as appropriate.
- Maintain existing patterns of development and the character of the green wedge and Yarra River corridor areas.
- Ensure that the scale of development is appropriate to the capability of the land to retain effluent on site.
- Avoid, minimise and offset native vegetation removal and impacts.
- Ensure that the siting and design of housing development and associated infrastructure and services minimises the extent of earthworks and responds to site constraints including slope, waterways and [wildfirebushfire](#) risk.

**Implementation**

These strategies will be implemented by:

**Zones and overlays**

- Applying the Rural Conservation Zone.
- Applying the Low Density Residential Zone to the Wonga Park township.
- Applying the [WildfireBushfire](#) Management Overlay.
- Applying the Environmental Significance Overlay.
- Applying the Erosion Management Overlay.
- Applying the Land Subject to Inundation Overlay.

**Policy and exercise of discretion**

- Implementing the *Manningham Green Wedge Strategy* (2004).
- Implementing the *Development Guide for Areas of Environmental and Landscape Significance* (2011).
- Implementing the *Manningham (Biosites) Sites of Biological Significance Review* (2004).
- Implementing the *Wildlife Movement and Habitat Needs in Manningham* (2009).
- Implementing the *Locally Threatened Plants in Manningham* (2010).
- Using local policy to conserve native vegetation (*Native vegetation policy, Clause 22.02*).

**Further strategic work**

- Reviewing the appropriate zoning of land currently zoned Rural Conservation Zone within the Urban Growth Boundary.

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**Other actions**

- Implementing the *Domestic Wastewater Management Plan (2002)*.

21.07-3

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C54**Subdivision****Key issues**

- Loss of productive agricultural land.
- Pressure for subdivision of the green wedge.
- Impact on environmental and landscape values from subdivision.
- Loss of biodiversity
- Poor land capability for development.
- Lack of physical and community infrastructure.
- Creation of environmental hazards such as flooding, landslip and **wildfirebushfire** risk,

**Objectives**

- To discourage fragmentation of land within the green wedge and Yarra River corridor.
- To discourage subdivision where it will result in the loss of productive agricultural land.
- To ensure that any application for subdivision responds appropriately to land capability, **wildfirebushfire** risk, landscape, cultural and environmental values, adjoining land uses and physical and community infrastructure.
- To ensure that any application for subdivision avoids, minimises and offsets the removal of and impacts upon native vegetation.
- To ensure that adequate provision is made for appropriate physical infrastructure and services.
- To ensure that subdivision adopts ecologically sustainable design principles.

**Strategies**

Strategies to achieve these objectives include:

- Prepare and implement a Land Management Plan for all applications for subdivision.
- Encourage landowners of new subdivisions to identify building envelopes to limit the impacts of development, with consideration to environmental, cultural and landscape qualities, **wildfirebushfire** risk, topography, watercourses, lot size/design and servicing constraints.
- Ensure that subdivision design and layout responds appropriately to topography and vegetation cover and is consistent with Net Gain objectives and principles to avoid, minimise and offset native vegetation removal and impacts.
- Avoid the creation of new lots with a slope greater than 20%.
- Ensure subdivision design and layout considers lot orientation, size and location of building and effluent envelopes and integrated water management to achieve ecologically sustainable design outcomes.
- Ensure that subdivision, buildings and/or works in **wildfirebushfire** areas are appropriately sited, designed and managed to address **wildfirebushfire** risk.

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**Implementation**

These strategies will be implemented by:

**Zones and overlays**

- Applying the Rural Conservation Zone.
- Applying the Low Density Residential Zone to the Wonga Park township.
- Applying the [WildfireBushfire](#) Management Overlay.
- Applying the Environmental Significance Overlay.
- Applying the Erosion Management Overlay.
- Applying the Land Subject to Inundation Overlay.

**Policy and exercise of discretion**

- Implementing the *Manningham Green Wedge Strategy* (2004)
- Implementing the *Development Guide for Areas of Environmental and Landscape Significance* (2011).
- Implementing the *Manningham (Biosites) Sites of Biological Significance Review* (2004).
- Implementing the *Wildlife Movement and Habitat Needs in Manningham* (2009).
- Implementing the *Locally Threatened Plants in Manningham* (2010).
- Using local policy to conserve native vegetation (*Native vegetation policy, Clause 22.02*).
- Using Local Policy to guide subdivision incorporating irregular battle axe type allotments (*Battle axe blocks policy, Clause 22.11*).
- Using Local Policy to guide the protection of environmental and landscape values in identified [WildfireBushfire](#) Areas (*Environmental and landscape significance protection in identified [wildfirebushfire](#) areas policy, Clause 22.14*).
- [Implementing the Manningham Green Wedge Infrastructure – Site Responsive Design Guide \(2013\)](#)

**Further strategic work****Other actions**

- Implementing the *Domestic Wastewater Management Plan* (2002).

**21.07-4 Built form and landscape character**

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**Key issues**

- Design and construction of development in areas with topographical constraints, [wildfirebushfire](#) risk, landscape character, visual and environmental significance.
- Impact of vegetation removal [and earthworks](#) on landscape character.
- Loss of scenic values of the Yarra River corridor.

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**Objectives**

- ~~To encourage building form that responds appropriately to the landscape and minimises risk. To encourage built form that responds appropriately and sympathetically to landscape character, topographical constraints and risks to life and property.~~
- To encourage retention of native vegetation.
- To minimise the extent of earthworks and to preserve and enhance natural drainage lines.
- To encourage the planting of indigenous vegetation.
- To protect and enhance landscape [character and quality](#), view lines and vistas.

**Strategies**

Strategies to achieve these objectives include:

- Avoid the construction of buildings on ridgelines.
- Design and site buildings to minimise visual impact.
- Encourage the siting and design of buildings and works, selection of materials and landscaping to minimise ~~wildfirebushfire~~ risk.
- Encourage development that meets higher construction standards and/or utilises alternative treatments to address ~~wildfirebushfire~~ risk in preference to vegetation removal.
- Ensure building design is site responsive.
- Avoid development on land with slopes greater than 20%.
- Ensure that the siting and design of development including landscaping, minimises impacts on adjacent State Parks and other conservation reserves

**Implementation**

These strategies will be implemented by:

**Zones and overlays**

- Applying an Environmental Significance Overlay.
- Applying the ~~WildfireBushfire~~ Management Overlay.
- Applying the Erosion Management Overlay.
- Applying the Land Subject to Inundation Overlay.

**Policy and exercise of discretion**

- Implementing the *Manningham Green Wedge Strategy* (2004).
- [Implementing the \*Manningham Green Wedge Action Plan 2020 \(2011\)\*](#)
- [Implementing the \*Manningham Green Wedge Infrastructure – Site Responsive Design Guide \(2013\)\*](#)
- Implementing the *Development Guide for Areas of Environmental and Landscape Significance* (2011).

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- Implementing the Manningham Heritage Garden & Significant Tree Study – Stage 2 (April 2006) which identified vegetation of significance to be protected and maintained.
- Using Local Policy to guide the protection of environmental and landscape values in identified ~~Wildfire~~Bushfire Areas (*Environmental and landscape significance protection in identified ~~wildfire~~bushfire areas policy, Clause 22.14*).
- Using Local Policy to guide the siting and location of outbuildings in the Rural Conservation Zone (*Outbuildings in the Low Density Residential Zone and the Rural Conservation Zone Clause 22.19*).
- Using Local Policy to guide non-residential land uses and development the Rural Conservation Zone (*Non-Residential Land Uses in the Rural Conservation Zone, Clause 22.20*).

**Further strategic work**

- Investigate the need for a Local Planning Policy to address built form and earthworks.

**Other actions****21.07-5**21/02/2013  
C54  
Proposed  
C117**Environmental issues****Key issues**

- Loss of biodiversity.
- Loss and fragmentation of habitat for fauna and flora.
- Impacts upon threatened species.
- Impact of land use and development on biodiversity.
- Degradation of waterways, aquatic and riparian habitats.
- Invasion and spread of pest plants and pest animals.

**Objectives**

- To conserve and enhance the significant environmental qualities of the green wedge and Yarra River corridor.
- To ensure that land use, development and land management practices protect and enhance biodiversity, soil, water and air quality, native flora and fauna and the character of these areas.
- To achieve developments which are site responsive and which complement the topography and environmental qualities of an area.
- To improve the habitat, vegetation, soil, water and visual qualities alongside streamside environments.

**Strategies**

Strategies to achieve these objectives include:

- Require the preparation of a site analysis plan of the site and surrounds for all development and subdivision proposals showing the opportunities and constraints, and how a proposal appropriately responds to this analysis.

## MANNINGHAM PLANNING SCHEME

- Prepare and implement Land Management Plans that enhance the land's environmental values.
- Protect and enhance native vegetation, including roadside vegetation as wildlife habitat and as corridors for flora and fauna.
- Protect and enhance wetland, stream and waterway environments to conserve soils, ensure water quality, avoid sedimentation and retention of native vegetation as wildlife habitat and as a corridor for wildlife movement.
- Require land use and development proposals to demonstrate compliance with Net gain objectives and principles to avoid, minimise and offset removal of and impacts upon native vegetation.
- Promote the re-vegetation of cleared areas or gaps in habitat corridors with indigenous species.
- Ensure that subdivision, buildings and/or works in [wildfirebushfire](#) areas are appropriately sited, designed and managed to address [wildfirebushfire](#) risk.
- Encourage development that meets higher construction standards and/or utilises alternative treatments to address [wildfirebushfire](#) risk in preference to vegetation removal.
- Require proposals to be supported by the outcomes of a proper land capability assessment.
- Ensure that sediment run-off is contained on site using best practice techniques during the use and development of any land.
- Require development and landscaping to protect and enhance habitat corridors.

**Implementation**

These strategies will be implemented by:

**Zones and overlays**

- Applying an Environmental Significance Overlay.
- Applying the Erosion Management Overlay.
- Applying the [WildfireBushfire](#) Management Overlay.
- Applying the Land Subject to Inundation Overlay

**Policy and exercise of discretion**

- Implementing the *Manningham Green Wedge Strategy* (2004).
- [Implementing the Manningham Green Wedge Action Plan 2020 \(2011\)](#)
- Implementing the *Manningham Biosites: Sites of (Biological) Significance Review* (2004).
- Implementing the *Development Guide for Areas of Environmental and Landscape Significance* (2011).
- Implementing the *Wildlife Movement and Habitat Needs in Manningham* (2009).
- Implementing the *Locally Threatened Plants in Manningham* (2010).
- Implementing the *Roadside Environmental Management Strategy* (2004).
- Using local policy to conserve native vegetation (*Native vegetation policy, Clause 22.02*).

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- Using Local Policy to guide land use and development in areas of known or potential archaeological significance (*Cultural heritage policy, Clause 22.03*).
- Using Local Policy to guide the protection of environmental and landscape values in identified [WildfireBushfire](#) Areas (*Environmental and landscape significance protection in identified [wildfirebushfire](#) areas policy, Clause 22.14*).
- [Using Local Policy to guide the siting and location of outbuildings in the Rural Conservation Zone \(Outbuildings in the Low Density Residential Zone and the Rural Conservation Zone, Clause 22.19\)](#).
- [Using Local Policy to guide non-residential land uses and development in the Rural Conservation Zone \(Non-Residential Land Uses in the Rural Conservation Zone, Clause 22.20\)](#).

**Further strategic work**

- Identifying and mapping additional sites of identified [wildfirebushfire](#) risk and including the sites in the [WildfireBushfire](#) Management Overlay.
- Identifying the location of weed species to assist in developing appropriate management techniques.
- Investigating the potential for the establishment and enhancement of fauna habitat and linking corridors between sites of environmental significance.
- Investigating the areas where the Council order in relation to prohibition of dogs and cats should be applied.

**Other actions**

- Continuing to control and remove introduced pest plants and animals on a priority basis with special emphasis on the provisions made under the *Catchment and Land Protection Act 1994* and direction from the Catchment Management Authority.
- Continue to support private landowners in conserving biodiversity through Council's Biodiversity Incentive Programs.
- Developing an environmental checklist for new buildings to ensure that environmentally sound materials are used where possible.
- Implementing the *Domestic Wastewater Management Plan (2003)*.
- Implementing the *Horse Riding Strategy (2001)* with respect to best practice pasture management, horse trail management and environmental education for riders and identify implementation opportunities through the planning scheme.

**21.07-6**

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**Economic development issues****Key issues**

- The restrictions of the Rural Conservation Zone on opportunities for potential business activities.
- Environmental and amenity impacts of agricultural and commercial businesses.
- Attracting sustainable businesses.
- Threat to viability of existing agricultural and commercial businesses

**Objectives**

## MANNINGHAM PLANNING SCHEME

- ~~To encourage sustainable land use and business and tourism opportunities that complement the scenic, landscape and environmental qualities of the area and enhances the environmental significance, values and ecological function of the Rural Conservation Zone. Green Wedge.~~
- To ensure ~~that commercial activities have no detrimental minimal impact on residential and environmental amenity and environmental significance and ecological function of the Rural Conservation Zone. Green Wedge further development does not impact on existing productive agricultural land and activities.~~
- To support the retention of agricultural uses and their ongoing commercial viability.
- ~~To ensure residential and environmental amenity is not affected by business activities.~~
- ~~To encourage sustainable business opportunities which complement the scenic, landscape and environmental qualities of the area.~~
- To encourage uses that contribute to the economic or tourism development and employment opportunities within Manningham in appropriate locations.
- 

**Strategies**

Strategies to achieve these objectives include:

- Increase local employment opportunities.
- Support the establishment of a mix of appropriate, sustainable, non-intensive agricultural uses in the Yarra River Corridor and green wedge areas.
- Encourage business opportunities including nature based tourism in the Yarra River corridor and green wedge areas, which complement the remnant bushland and rural living environment.
- ~~Cluster tourism development opportunities to enhance strategic position.~~
- Ensure that home occupations have minimal impact on the amenity of the surrounding area ~~area, including noise.~~
- 

**Implementation**

These strategies will be implemented by:

**Policy and exercise of discretion**

- Implementing the *Home-Based Business Strategy* (1996) that encourages the establishment of appropriate businesses that do not compromise residential amenity.
- Implementing the *Manningham Green Wedge Strategy* (2004)
- Implementing the *Manningham Green Wedge Action Plan 2020 (2011)*
- Implementing the *Development Guide for Areas of Environmental and Landscape Significance (2011)*
- Implementing the *Manningham City Council 2003-2006 Economic Development Strategy* (2003).

**Zones and overlays**



## MANNINGHAM PLANNING SCHEME

**Further strategic work**

- Investigating options for alternative 'sustainable' business opportunities.
- ~~Reviewing the appropriateness and implications of the Rural Conservation Zone applying to green wedge land and the Yarra River corridor area.~~

**Other actions**

- Promoting and distributing Manningham's *Home-based Business Kit* (2005).
- Ensuring the benefits of the Bush Gain and Local Environment Assistance Fund Programs are available to businesses.
- Implementing the *Manningham Land Capability Study* (2004).

**21.07-7**21/02/2013  
C54**Reference documents**

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## MANNINGHAM PLANNING SCHEME

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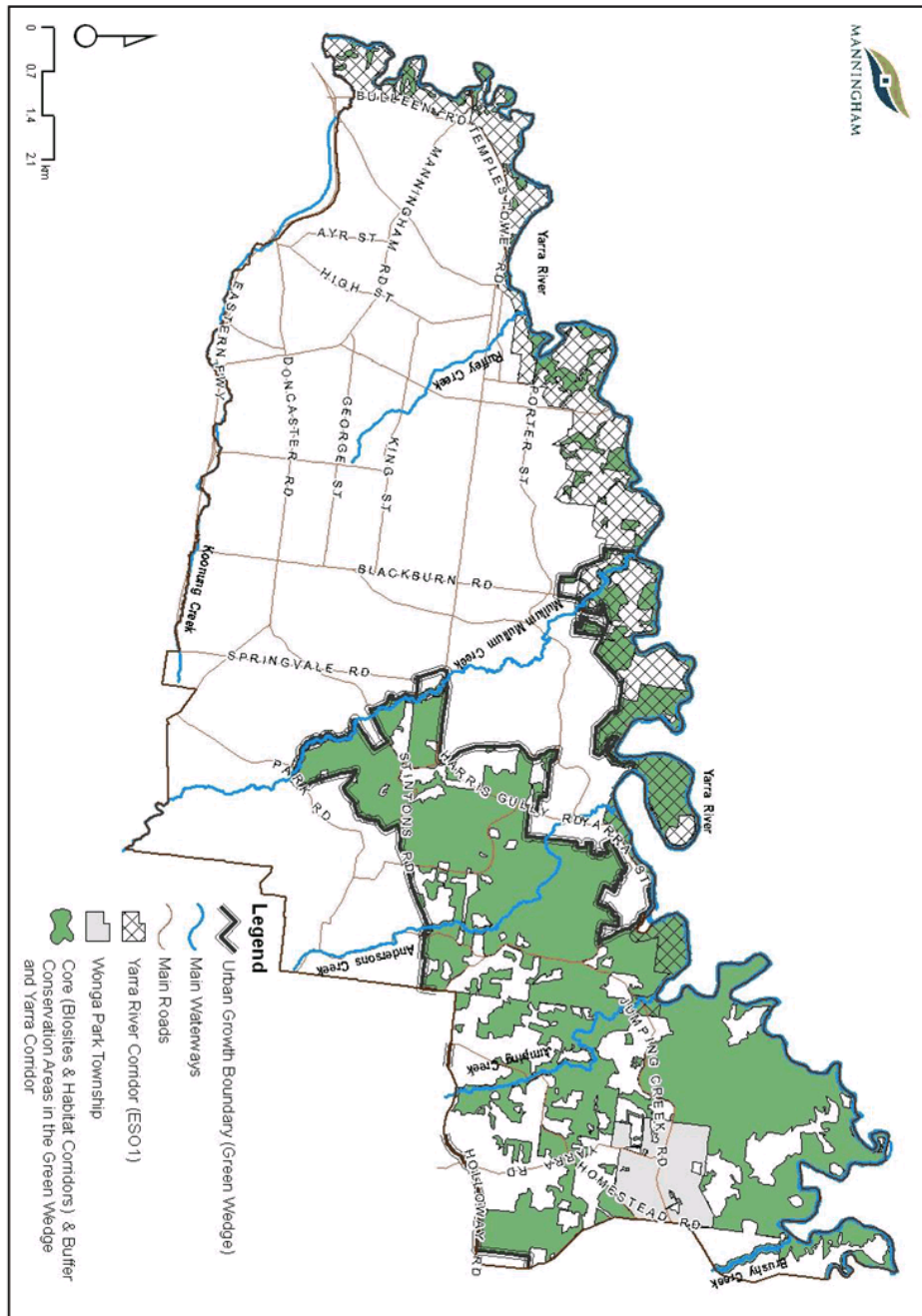
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MANNINGHAM PLANNING SCHEME

GREEN WEDGE AND YARRA RIVER CORRIDOR FRAMEWORK PLAN 3



## MANNINGHAM PLANNING SCHEME

## 21.16

19/04/2018  
C123  
Proposed  
C117

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## MANNINGHAM PLANNING SCHEME

## 22.19 OUTBUILDINGS IN THE LOW DENSITY RESIDENTIAL ZONE AND THE RURAL CONSERVATION ZONE

03/03/2016  
C110  
Proposed  
C117

This policy applies to all land within the Low Density Residential Zone and the Rural Conservation Zone.

### 22.19-1 Policy basis

03/03/2016  
C110  
Proposed  
C117

This policy builds on the Municipal Strategic Statement (MSS) objectives in clause 21.06 and 21.07 to ensure that new outbuildings are designed and sited to reinforce and be respectful of the landscape and environmental characteristics of a site and its surroundings in the Low Density Residential Zone and the Rural Conservation Zones. Manningham's Green Wedge areas are predominantly zoned Rural Conservation Zone.

Manningham's Low Density Residential Zone and Rural Conservation Zone are ~~is~~ characterised by undulating form with prominent ridgelines, dissected by creeks and drainage lines, and contains vegetation of landscape and environmental significance. In particular, Manningham's Rural Conservation Zone contains the majority of the municipalities Sites of Biological Significance (Biosites) and supporting buffer habitat.

Areas within the zone offer a unique lifestyle choice for people looking for a more spacious and attractive environmental and landscape setting and there is a need to ensure that outbuildings do not negatively impact on the character of the area.

### 22.19-2 Objectives

03/03/2016  
C110  
Proposed  
C117

The objectives of this policy are:

- To ensure that land is developed in a way that is compatible with the use and character of the area, its landscape qualities, pattern of vegetation and environmental values.
- To minimise the extent of earthworks and to preserve and enhance natural drainage lines.
- To ensure the retention of existing vegetation, where appropriate, and that the design of outbuildings and any replacement landscaping complements the landscape and scenic value and character of the area.
- To protect and enhance landscape quality, viewlines and vistas.
- To ensure that the size, design and siting of outbuildings is acceptable, having regard to the character of the low density residential character of the area.

### 22.19-3 Policy

03/03/2016  
C110  
Proposed  
C117

It is policy that:

- In the Low Density Residential Zone ~~o~~Outbuildings ~~shall~~ should be used for purposes ancillary to the domestic use of the dwelling or the residential activities conducted on the property and are sited in close proximity to a dwelling.
- Numbers of outbuildings are minimised ~~limited and that buildings are co-located~~; to reduce the scattered visual impact of buildings on the landscape.
- Outbuildings to use existing access ways provided for the dwelling unless it can be demonstrated that a second access way to the outbuilding avoids or minimises earthworks and vegetation removal. ~~On a corner site, outbuildings are discouraged from fronting onto a different street frontage from the dwelling.~~

## MANNINGHAM PLANNING SCHEME

- Outbuildings other than a carport are not to be located within the primary street frontage.
- ~~Outb~~Buildings ~~should be encouraged~~ to be located ~~wholly~~ below the alignment of ridgelines to ensure silhouetting against the skyline does not occur and to allow buildings to blend into the natural landscape with the elevated ridgeline providing the appropriate backdrop.
- The siting of outbuildings on hill-tops/ridgelines ~~is discouraged~~ and will only be considered when it can be demonstrated that a building will be sited and designed so that it will be adequately screened from other properties and roads so as to not be prominent in the landscape.
- Outbuildings should not be located ~~over on top of any~~ easements, without prior approval from Council or the relevant authority responsible that benefits from the easement.
- Outbuildings are sited to reinforce and be respectful of the landscape and environmental characteristics of the site and its surroundings.
- The amenity of adjoining and surrounding properties is protected by ensuring that outbuildings are set back or developed appropriately to minimise visual bulk.
- The removal of native vegetation ~~and earthworks~~ is minimised by ensuring that the outbuilding ~~and associated access~~ is appropriately sited.
- The environmental impacts from clearing of native vegetation, increased access requirements, siting, proposed earthworks or environmental degradation associated with an outbuilding, do not detract from the environmental significance of the area.
- The design, scale, external colour and finishes of outbuildings respects the character of the area, by addressing the following:
  - The use of reflective building materials such as zincalume is ~~not supported discouraged where a building would be clearly visible from surrounding properties or roads~~; and
  - The use of muted tones on external surfaces is ~~supported, encouraged, while the use of bright or contrasting colours is discouraged in areas that are clearly visible from surrounding properties or road.~~
- Appropriate mature screen planting is utilised to reduce the visual impact of the outbuilding from the adjoining and surrounding properties and from the road.
- ~~The building be used for the storage of goods or vehicles that the property owner can demonstrate they own.~~
- ~~Shipping containers are not converted for the purpose of an outbuilding.~~
- Development of outbuildings that have a greater floor space or height than the existing dwelling, is ~~not supported discouraged~~.

**22.19-4**

03/03/2016  
C110  
Proposed  
C117

**Application Requirements**

An application for an outbuilding in a Low Density Residential Zone and the Rural Conservation Zone must be accompanied by the following information, as appropriate:

- A site analysis of the site and surrounding area including:
  - The location of the existing or proposed dwelling and associated outbuilding(s);
  - Existing land uses and buildings and works on the site and adjoining properties;
  - Demonstration of the impact on effluent disposal and location of septic systems;



## MANNINGHAM PLANNING SCHEME

- Topography, existing vegetation and details of any proposed earthworks;
- [A floor plan to demonstrate how the outbuilding is to be used](#); and
- Any other matters explaining the proposal and how it addresses this policy.

**22.19-5 Decision guidelines**

03/03/2016  
C110  
Proposed  
C117

In assessing an application for the use and development of an outbuilding, the Responsible Authority will consider:

- The extent to which the application for an outbuilding meets the objectives and directions of this policy and the objectives and requirements of the Low Density Residential Zone, [the Rural Conservation Zone](#) and any other relevant State and Local planning provisions.

**22.19-6 Policy references**

03/03/2016  
C110  
Proposed  
C117

*Manningham City Council Development Guide: Outbuildings in the Low Density Residential Zone, October 2015.*

[Manningham Rural Areas Discretionary Land Uses Position Paper \(2017\).](#)

## MANNINGHAM PLANNING SCHEME

**22.20 NON RESIDENTIAL LAND USES IN THE RURAL CONSERVATION ZONE**11--  
Proposed C117

This policy applies to non-residential uses and developments in the Rural Conservation Zone.

**22.20-1 Policy basis**12017  
Proposed C117

This policy builds on the Municipal Strategic Statement (MSS) objectives in Clause 21.03 Key Influences and Clause 21.07 Green Wedge and Yarra River Corridor, which recognise that Manningham's green wedge areas that are predominantly within the Rural Conservation Zone, are a unique asset that must be protected from inappropriate uses that are incompatible with the environmental and landscape values that have been identified.

The environmental and landscape qualities of the green wedge are significant features of Manningham, with just over one-third (37.5 per cent) of the municipality supporting remnant indigenous vegetation.

Opportunities exist to support non-residential uses, including commercial and tourism related uses that enhance and reinforce the environmental and biodiversity values of the Rural Conservations Zone, and minimise the removal of native vegetation and other landscape impacts.

Non-residential uses need to respond to environmental and landscape values. They have the potential to adversely impact on the landscape and environmental qualities of the area through increased levels of on-site activity, traffic generation, the emission of noise and light, visual clutter and the removal of native vegetation.

**22.20-2 Objectives**11--  
Proposed C117

The objective of this policy is:

- To protect the values of the Rural Conservation Zone.

**22.20-3 Policy**11--  
Proposed C117

It is policy that non-residential discretionary uses within the Rural Conservation Zone are assessed against the following criteria, as appropriate.

**General**

- Adequate provision must be made for waste collection and disposal
- Utility services (including gas, electricity, potable water and reticulated sewerage) must be available to the site.
- Where reticulated sewerage is not available, an adequate effluent disposal system must be provided.

**Environment**

- Development must protect habitat corridors.

## MANNINGHAM PLANNING SCHEME

- Development must replace canopy trees, or native vegetation removed as part of the development.
- Development must respond to the character and cultural heritage of the Rural Conservation Zone areas and integrate into the surrounding landscape.
- Buildings and works, including earthworks must not detrimentally impact waterways and drainage lines, habitat and wildlife corridors and, natural systems and landscapes.
- Infrastructure such as drainage, reticulated sewerage and utilities must be located to minimise earthworks and vegetation removal.

**Traffic, carparking and access**

- Roads that provide access to the site must not be widened if this will result in the loss of significant roadside vegetation.
- Landscaping and vegetation abutting road reserves must create a continuous landscape corridor.
- The road network must have sufficient capacity to carry the additional volumes of traffic generated by the proposal, including at peak times.
- Only one vehicle entry point must be provided to limit the disruption of pedestrian movements and minimise earthworks.
- Where practicable, the existing entry point must be retained to provide access.
- Car parking areas and accessways must be sealed and drained.
- Car parking areas and accessways must be designed for vehicles to exit the site in a forward direction, including waste collection, tourism and commercial vehicles.
- Vehicle and pedestrian movements, within the site and road network, must be safe and convenient.
- Car parking areas and accessways must be located to minimise visual impacts within the public realm and adjoining and nearby privately owned properties.

**Design and siting**

- Development must be subordinate in the landscape.
- Development must respond to the site's aspect, topography, soils, waterways, vegetation and view lines.
- Buildings must not break a horizon line to prevent silhouetting against the skyline.
- Cut and fill must be minimised by 'stepping' the finished levels of the development with the site's slope.
- Retaining walls must not exceed a height of 1.0 metre, and batter slopes should be no steeper than gradient 1:3.
- The bulk and massing of buildings must be minimized by:
  - Using articulated building designs.
  - Minimising sheer walls exceeding two storeys in height.
- Development must:
  - Use materials and finishes that blend in with the natural environment.
  - Avoid bright or contrasting colours in areas that are clearly visible from surrounding properties or roads.
  - Avoid reflective materials.

## MANNINGHAM PLANNING SCHEME

- Development, including accessways and car parking areas, must avoid the removal, destruction or lopping of native vegetation. If the removal, destruction, or lopping of native or remnant vegetation cannot be avoided impacts must be minimised.
- Development, including accessways and car parking areas, must be set back a sufficient distance from the site's boundaries to allow existing vegetation to be retained and generous landscaping to be planted.

**Amenity and landscaping**

- Uses must not adversely affect the amenity of nearby residents by way of noise, odour, loss of privacy, traffic, car parking, lighting, signage, location of storage or disturbance associated with hours of operation, frequency of events and expected numbers of visitors.
- Development must deliver a respectful interface with adjoining properties by:
  - Providing appropriate noise attenuation measures that inhibit the transmission of noise from buildings, car parking areas and external plant equipment, including exhaust fans and air- conditioning units.
  - Maintaining the privacy of adjoining residential properties through the sensitive siting and design of car parking areas, windows, doors, services areas, outdoor and storage areas and the use of appropriate techniques including the treatment of windows, screening, and landscaping techniques.
  - Designing and siting lighting (including security lighting) to minimise light spoil to adjoining properties.
- Waste disposal and storage facilities must be located to minimise the potential for noise, visual appearance, lighting and odour impacts.
- Development, including accessways and parking areas must be landscaped using native and indigenous species, and avoid exotic species.

**22.20-4 Application Requirements**

11-  
Proposed C117

In addition to the zone requirements, the following information is to be provided with an application to the satisfaction of the responsible authority as appropriate:

- A written statement with details about the proposed use including, but not limited to:
  - The number of staff, hours of operation, attendees, and number of car spaces provided.
  - Information regarding how the use will serve the needs of the local residential community.
  - A traffic and parking demand impact assessment.
- A site context assessment, outlining how the proposed development will respond to all the following:
  - Existing land uses and buildings on the site and adjoining properties.
  - Any existing effluent disposal or septic systems.
  - Topography, detailing any proposed earthworks.
  - Vehicle access and entry points on the site.
  - Existing vegetation and trees on the site, giving a justification for removal of any vegetation.

**22.20-5 Decision guidelines**

11-  
Proposed C117

In assessing an application for the use and development of a non-residential use, the Responsible Authority will consider the extent to which the application for non- residential land uses meets the objectives and direction of this policy.

MANNINGHAM PLANNING SCHEME

**22.20-6 Policy references**

11-  
Proposed C117

*Manningham Economic Development Strategy 2011-2030. Green*

*Wedge Action Plan 2020.*

*Manningham Rural Areas Discretionary Land Uses Position Paper (20*



MANNINGHAM CITY COUNCIL

# RURAL AREAS LAND USES POSITION PAPER



NOVEMBER 2017

## 1. EXECUTIVE SUMMARY

This paper reviews the appropriateness of the municipality's rural zones, having regard to green wedge and economic development objectives, noting that it is important to balance economic and social benefits with the enhancement and protection of the natural environment.

A number of recommendations are outlined to improve the statutory framework for land use and development within Manningham's rural areas, informed by the following key Council strategic documents:

- Planning Scheme Review 2014 (Recommendations R1 & R25)
- Green Wedge Action Plan (Actions L9, P1 & P2)
- Manningham Economic Development Strategy (Action C-13)

In particular, this paper draws on research undertaken, and conclusions made, by Planisphere Pty Ltd (now Ethos Urban Pty Ltd) and Urban Enterprise Pty Ltd. This background research and conclusions have not been specifically referenced within this document, as private information in relation to businesses is included within that work.

More specifically, this paper:

- Provides information in relation to the study area and the municipal profile.
- Summarises the strategic policy framework that underpins this research and these recommendations. This includes a review of the *Green Wedge Action Plan 2020 (GWAP)* and the *Manningham Economic Development Strategy 2011-2030 (MEDS)*, and any potential conflict between the two.
- Identifies the existing statutory framework that applies to the rural areas.
- Reviews significant land use themes within the rural areas, and provides observations and conclusions to inform changes to the statutory framework.
- Considers the most appropriate zone for the rural areas, having regard to the strategic direction contained within the GWAP and the MEDS.
- Provides a suite of recommendations in relation to the above, including:
  - Retaining the Rural Conservation Zone (RCZ) as the predominant zone in Manningham's Green Wedge.
  - Amending the MSS to provide further strategic direction of appropriate land use applications.
  - Inserting a new Local Planning Policy in Clause 22 to guide non-residential uses in the Green Wedge.
  - Expanding the Scope of Clause 22.19 to apply to outbuildings in the Green Wedge.
  - ~~Providing a framework for Council to consider whether, in instances where there may be a land use proposal that has strategic merit but is currently prohibited by the RCZ or Clause 57, site specific rezoning, exclusions within Clause 57 or site specific controls within Clause 52.03.~~

## 2. STUDY AREA

The study area comprises all land within the City of Manningham included in the Rural Conservation (RCZ) under the Manningham Planning Scheme. It includes land both within and outside Melbourne's Urban Growth Boundary (UGB), as shown in **Map 1**. These areas are identified as Manningham's rural areas.

Those rural areas within the UGB are located adjacent to, or in close proximity of the Yarra River, generally integrated into public open space areas. Those rural areas outside the UGB are commonly described as being part of the Manningham 'Green Wedge' located in the eastern part of the municipality, and are the focus of this paper.

The Green Wedge also includes a number of townships and suburbs, including parts of Warrandyte, Warrandyte South, Park Orchards, Wonga Park, Templestowe and Donvale. Manningham's rural areas comprise approximately 27% of the total land area of the municipality, and include approximately 1,050 properties.

## 3. MUNICIPAL PROFILE

Manningham provides a gateway between established metropolitan and peri-urban municipalities. The iconic Yarra Valley region to the east of Manningham provides an abundance of quality wineries and cellar doors, farm gate, dining, golf, accommodation and nature based attractions and experiences.

The Yarra River corridor along Manningham's northern boundary is popular for nature based, recreational and tourism activities. It includes major tourism attractions, such as the Heide Museum of Modern Art, as well as other tourism attractions, including Banksia Park, Westerfolds Park and Petty's Orchard. Yarra Street in

Warrandyte is a hub of commercial activity adjacent to the Yarra River.

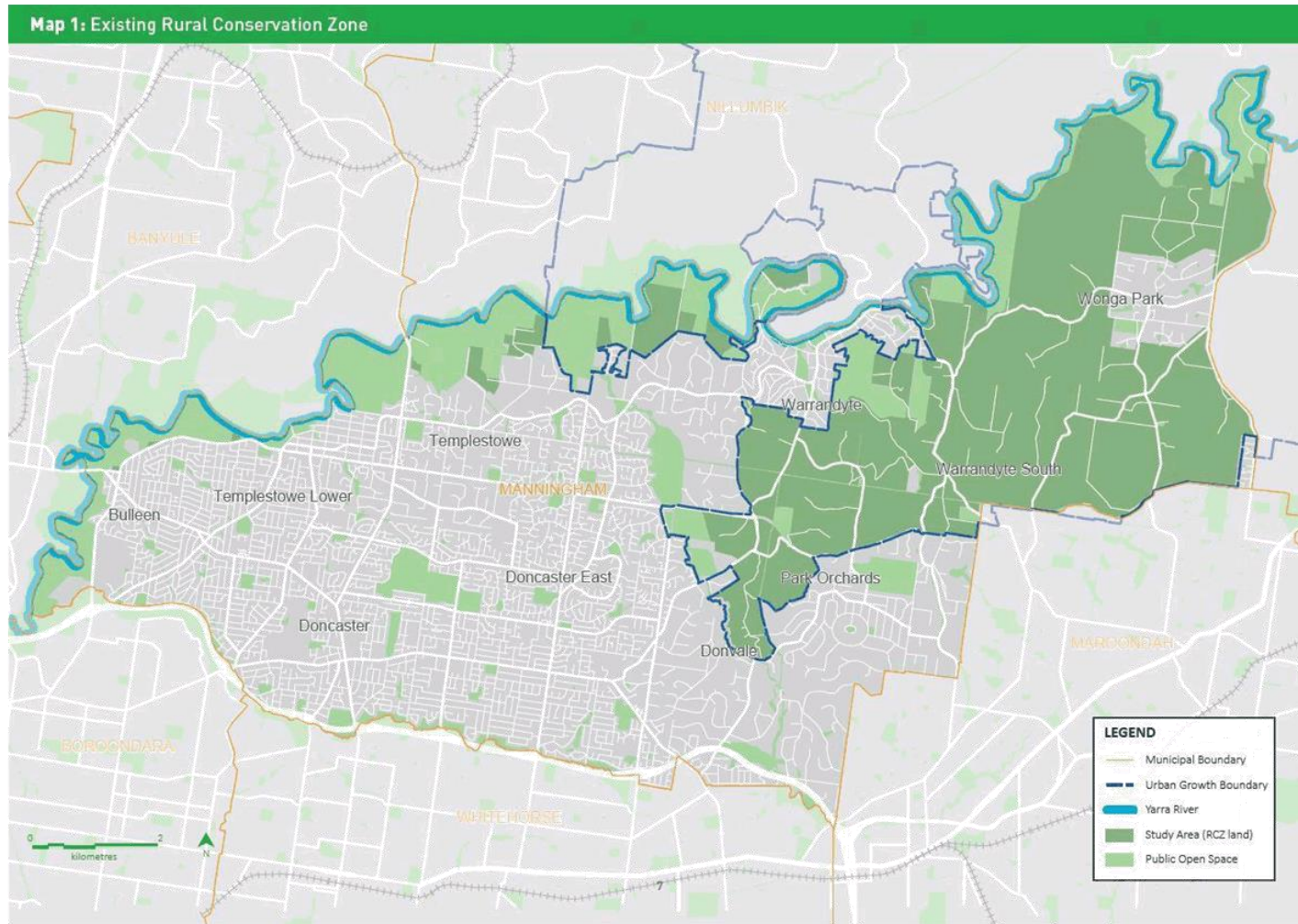
The landscape and environmental qualities of the Green Wedge are significant features of Manningham, with just over one third (37.5%) of the municipality supporting remnant indigenous vegetation. This indigenous vegetation is predominantly contained on private land and is located to the east of the Mullum Mullum Creek within the Green Wedge. In addition to this, a range of parks and reserves (including Warrandyte State Park) provide opportunities for active and passive recreation, and contribute to the landscape character of the area.

Commercial agricultural land uses now occupy only a small proportion of the total land area of the Green Wedge. A limited number of agricultural and related businesses remain in operation. These businesses include viticulture, wineries, a berry farm, orchards, beef cattle grazing and horse breeding.

There are a number of key tourism assets within Manningham's Green Wedge, which attract visitors both locally and from across Victoria. The natural environment and close proximity to Melbourne's CBD, provide a strong foundation for tourism. Tourist trails such as the Heidelberg School Artists Trail and Main Yarra Trail serve as popular activities. Tourism-related businesses operating within the Green Wedge include wineries, cafés, restaurants, vineyards, orchards, bed and breakfasts and horse riding schools.

Within the Green Wedge there is also a diverse range of rural residential and rural lifestyle lots. Residential development in the Green Wedge is often set among sensitive environmental areas, many of which display distinctive visual and landscape qualities, and as such, residential development has a number of associated environmental impacts and hazards.





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#### 4. STRATEGIC POLICY FRAMEWORK

The recommendations of this paper are strategically informed by the following documents:

##### a. Green Wedge Action Plan 2020

The GWAP provides a strategic framework for the management of the Manningham Green Wedge to 2020. The Plan reviews the issues, opportunities and recommendations arising from the *Green Wedge Strategy 2004* (GWS) and outlines a set of revised targets, monitoring mechanisms and review processes to facilitate a clear management direction.

The strategic framework identified in the GWAP builds upon the issues outlined in the GWS, broadly encompassing planning, governance, environmental and urban growth challenges.

The framework identifies the vision for the Green Wedge as 'a living place to be valued, cared for and enjoyed by all'. The framework also outlines four key objectives as follows:

- To promote and support environmental care and stewardship.
- To facilitate living and working sustainably.
- To ensure sustainable built form and infrastructure.
- To provide supportive planning policy and governance.

Implementation objectives and further actions are outlined to ensure that these objectives are satisfied and addressed in future planning priorities.

##### b. Manningham Economic Development Strategy 2011-2030

The MEDS sets out an economic vision for the municipality that will:

*Support diverse and well located businesses that excel through sustainable practice, technological advancement and support of healthy and accessible communities resulting in the long term generation of an attractive place to invest, personally and professionally.*

The MEDS highlights the strengths of Manningham in the industry, employment and sustainable transport sector and reinforces Council's role in supporting and facilitating the economic development of the municipality.

Five strategic directions are outlined in the MEDS which may have both direct and indirect influences on the operation of particular land uses within the RCZ. The five strategic directions are:

- Attracting and retaining business
- Developing leading local businesses
- Enhancing Manningham tourism
- Activating and improving activity centres
- Integrating economic development.

### c. State Planning Policy

The State Planning Policy Framework (SPPF) sets overarching objectives and strategies to ensure that planning supports balanced strategic approaches. The following SPPF provisions are relevant to this paper:

- Clause 11.06-1 Jobs and investment
- Clause 11.06-7 Green wedges
- Clause 12.01-1 Protection of biodiversity
- Clause 12.01-2 Native vegetation management
- Clause 12.04-1 Environmentally sensitive areas
- Clause 12.04-2 Landscapes
- Clause 14.01-1 Protection of agricultural land
- Clause 14.01-2 Sustainable agricultural land use
- Clause 17.01-1 Business
- Clause 17.03-1 Facilitating tourism
- Clause 18.02-5 Car parking
- Clause 19.03-5 Waste and resource recovery

### d. Local Planning Policies

The Local Planning Policy Framework (LPPF) consists of the Municipal Strategic Statement and Local Policies. It sets out the planning imperatives to support orderly planning, growth and development in Manningham.

There are a number of policies, objectives and strategies which are relevant to this Strategy. The LPPF outlines objectives and strategies to protect Green Wedge Land from subdivision and more intensive urban development. Relevant policies include:

- Green Wedge and Yarra River Corridor (Clause 21.07)
- Ecologically Sustainable Development (Clause 21.10)

- Open Space and Tourism (Clause 21.13)
- Community Health and Wellbeing (Clause 21.14)
- Native Vegetation Policy (Clause 22.02)
- Cultural Heritage Policy (Clause 22.03)
- Residential Accommodation (Clause 22.04)
- Non-Residential Uses in Residential Areas Policy (Clause 22.05)
- Environmental and Landscape Significance Protection in Identified Wildfire Areas (Clause 22.14)
- Outbuildings in The Low Density Residential Zone (Clause 22.19)

The LPPF recognises the lack of viable agricultural land within the Green Wedge and promotes strategies to encourage environmentally sensitive development and design. This is also reflected in the actions and objectives of the GWAP and the MEDS.

### e. Summary

Upon review of Council's *Green Wedge Action Plan 2020* and the *Manningham Economic Development Strategy*, it is apparent that the strategies are generally consistent.

While there are minor policy tensions between balancing the protection of environmental values with economic development opportunities, principally the documents align.

## 5. EXISTING STATUTORY FRAMEWORK

The following information describes the existing statutory framework, as it has relevance to the discussions later in this paper.

### a. Rural Conservation Zone

The RCZ applies to the majority of land within the Manningham Green Wedge. The purpose of the RCZ is to protect land for its environmental and conservation values.

The minimum lot size under this zone ranges from 4ha to 40ha.

### b. Overlays

There are six overlays that apply within the study area. These include the:

- Environmental Significance Overlay Schedule 2
- Significant Landscape Schedule 2
- Design and Development Overlay Schedule 2
- Erosion Management Overlay
- Heritage Overlay
- Land Subject to Inundation Overlay
- Bushfire Management Overlay
- Public Acquisition Overlay
- Vegetation Protection Overlay

### c. Clause 57

The Core Planning Provisions (CPPs) contained in all Victorian Planning Schemes include Clause 57, which applies to all Metropolitan Green Wedge Land in Melbourne located outside of the UGB.

The purpose of Clause 57 (Metropolitan Green Wedge Land) is:

- To protect metropolitan Green Wedge land from uses and development that would diminish its agricultural, environmental, cultural heritage, conservation, landscape, natural resource or recreational values.
- To protect productive agricultural land from incompatible uses and development.
- To ensure that the scale of use is compatible with the non-urban character of metropolitan Green Wedge land.
- To encourage the location of urban activities in urban areas.
- To provide transitional arrangements for permit applications made to the responsible authority before 19 May 2004.
- To provide deeming provisions for metropolitan Green Wedge land.

Clause 57 provides an additional layer of control to any zoning or overlay provision. Land uses that are listed in Clause 57 are prohibited, unless they comply with an associated condition listed in the table at Clause 57.01-1.

**d. The 'In Conjunction' Test**

Many tourism-related uses listed in Clause 57 are prohibited unless they are 'in conjunction with' Agriculture, Natural systems, Outdoor recreation facility, Rural industry or Winery.

In 2006, Amendment VC43 introduced a definition of 'in conjunction with', which states that:

*There must be an essential association between the two uses;  
and*

*The use must have a genuine, close and continuing functional  
relationship in its operation with the other use.*

Further to this, the two uses do not have to be co-dependent but the association must be more than co-existence.

## 6. LAND USE THEMES

The following observations and conclusions are provided in relation to land use themes, which are relevant to Manningham's Green Wedge. These observations and conclusions inform the recommended changes to the statutory framework.

### a. Agriculture

#### Issues

- Decline of productive agricultural land
- Environmental limitations on availability of viable agricultural land
- Overgrazing of land
- Agricultural land is expensive for the return
- Urban encroachment may affect agricultural operations
- Conflict between 'right to farm' practices adjoining rural living and low density residential land
- Impact of wildlife on farming activities, e.g. fruit bats, kangaroos, lorikeets, etc.
- Policy anomalies that restrict sustainable business opportunities
- Amenity impacts associated with horse riding schools and agistment
- Land use impacts on sites of biological significance

#### Opportunities

- Support and promote existing agricultural land uses to retain commercial viability
- Support opportunities for agricultural businesses to explore off farm income avenues

- Improve water and land management practices to ensure the ongoing and sustainable agricultural viability of the area.

#### Summary

It is important to support the viability of agricultural productivity where possible, however it is also necessary to ensure that existing and future policy accurately reflects the Manningham's context.

- Broad acre farming practices are declining and no longer a dominant land use activity within the Green Wedge.
- Large scale commercial agriculture is no longer viable due to a range of land use constraints that restrict the productivity.
- There is an inability to achieve the necessary scale to ensure agricultural business viability and commercial sustainability.
- Concern about environmental degradation and amenity conflicts with sensitive land uses are likely to preclude the expansion or intensification of agricultural activity.
- Policy tensions exist in balancing economic growth within green wedge areas while protecting inherent environmental values.
- The in conjunction test has limited relevance within the Manningham context.

## b. Rural Living

### Issues

- Large variations in the size of RCZ lots
- Residential additions and extensions and associated environmental impacts
- Operation of existing non-conforming issues
- Land use restrictions on tourist accommodation
- Expansion of home occupation businesses
- Lack of understanding of planning process by residents (existing and future)
- Ongoing bushfire risk
- Removal of significant trees and vegetation
- Significant earthworks that disrupt natural systems

### Opportunities

- Manage the development, design and siting of residential dwellings
- Increase awareness of environmental impacts of large buildings in sensitive areas
- Promote the viability of home based business
- Protect the environmental values and enhance landscape assets that attract residents and visitors to Manningham

### Summary

As Manningham becomes a popular location to live and work, land values will continue to rise. It will become increasingly important to ensure that residential development is respectful and not intrusive within the environmental values and characteristics of the Green Wedge.

- Rural living within the Manningham Green Wedge must continue to be carefully managed to minimise adverse impacts on landscape and environmental values.
- Pressure for new residential development and extensions to existing dwellings will increase as Manningham becomes more populated and land values rise.
- Growth pressure from surrounding townships will also increase and this must be carefully managed through the planning policy framework.
- Existing strategic policy could be expanded to address some of the design and siting issues associated with dwellings and outbuildings.

### c. Tourism

#### Issues

- Existing zoning provisions restrict tourism opportunities
- Complex layers of planning policy within the Manningham Planning Scheme which conflict with Council's strategic vision.
- Lack of definition around 'in conjunction' uses
- Ancillary uses not being well defined
- Access constraints/traffic management

#### Opportunities

- Promote tourism based land use opportunities
- Increase the supply of tourism opportunities in Manningham and promote nature based ecotourism
- Cluster tourism development opportunities to enhance strategic position

#### Summary

The role of tourism within the Green Wedge and more broadly within Manningham's rural areas is vital in supporting the economic development and growth objectives identified in Council policy.

- Tourism is a growing sector and the Manningham Green Wedge plays an important role in accommodating municipal and regional level tourism opportunities.
- Opportunities to increase tourism offerings must be carefully managed to ensure that they promote sustainable business models that are consistent with the environmental values of the Green Wedge and consider existing land constraints.
- Clause 57 restricts the types of tourism related land uses which may operate due to the requirement that they must be 'in conjunction with' agriculture, or other non-urban land uses.
- There are existing mechanisms through the Planning and Environment Act 1987 to amend the Manningham Planning Scheme in order to facilitate the orderly development of tourism land uses through either site specific exclusions or site specific rezoning as an alternative to the RCZ.
- ~~There is a strong existing tourism cluster around the Ringwood-Warrandyte Road between Warrandyte and Warrandyte South. Opportunities exist to concentrate tourism land uses around this cluster.~~



#### d. Commercial Activity

##### Issues

- Zoning (RCZ) and overlay provisions inhibit development opportunities in the Green Wedge
- Lack of commercial activity does not allow for economic development or future growth

##### Opportunities

- Encourage businesses that are compatible with the sensitive environmental values of the Green Wedge area
- Identify appropriate land uses which may operate within the Green Wedge that contribute to sustainable practices

##### Summary

The key considerations for commercial activities within the Green Wedge are as follows:

- Analysis of building permits data shows that there has been limited commercial development activity within the RCZ in recent years.
- Three permits were issued relating to a tourism use. These were located within the business cluster along Ringwood-Warrandyte Rd.
- The lack of activity suggests that the current planning provisions may be too restrictive, potentially hindering appropriate tourism and commercial uses from establishing in the rural areas of Manningham.

#### e. Summary

These land use themes demonstrate that existing agricultural uses should be supported, and potentially some business and tourism opportunities can be considered, as long as they are compatible with, and do not detrimentally impact, the environmental values of the Green Wedge area.

In response to these themes, this paper makes recommendations to refine the policy framework to ensure any new use or development considers the context in which it occurs, ~~and sets out a decision-making framework to assist Council in determining, on a variety of scales, whether particular land use proposals are appropriate within the context of Manningham.~~

## 7. ZONING BACKGROUND AND DISCUSSION

One of the key objectives of the Rural Areas Land Uses Position Paper is to consider the most appropriate zone for Manningham's rural areas, having regard to the strategic policy framework discussed earlier in this paper. A discussion in relation to zones is provided below.

- Changes to the RCZ in 2013 increased the scope and the flexibility of the zone to accommodate a wider range of uses, including accommodation.
- Clause 57 however still applies to many discretionary uses permitted by the RCZ.
- The 'in conjunction' condition still applies to all land outside the UGB, pursuant to Clause 57. This condition is contrary to the provisions of the existing RCZ, which has removed this requirement.
- The association between two 'in conjunction' uses can be broad, and does not necessarily have to be co-dependent.
- The option to remove the 'in conjunction' requirements is available in certain instances, for example via site specific exclusions or rezoning. These options would need to be exercised cautiously to ensure that future land use and development was consistent with the environmental values and constraints of the land.
- Refinements to the Municipal Strategic Statement and the introduction of a Local Policy could improve the effectiveness of the current planning framework by clarifying how the 'in conjunction' test should be interpreted.

## 8. RECOMMENDATIONS

There are statutory restrictions within the Planning Scheme that limit the types of tourism activities and associated commercial land uses which may be compatible in Manningham's rural areas, particularly in the Green Wedge.

The following recommendations are made to assist Council in facilitating better strategic planning outcomes. Each of these recommendations is discussed in further detail on the following pages.

1. Retain the RCZ
2. Amend the MSS at Clause 21.07 Green Wedge and Yarra River Corridor
3. Expand the scope of Clause 22.19 Outbuildings In The Low Density Residential Zone
4. Insert a new Local Planning Policy at Clause 22 Non-residential Land Uses in the Green Wedge

### a. Retain the RCZ

There are opportunities to enhance the tourism and commercial activity within Manningham's rural areas, particularly the Green Wedge. Changes to the rural zones in 2013 increased the flexibility of permitted uses within the RCZ. However, given that the Green Wedge falls outside the UGB, it is subject to the provisions of Clause 57 which restricts or prohibits a range of discretionary tourism-related land uses unless they occur 'in conjunction' with Agriculture, Natural systems, Outdoor recreation facility, Rural industry or Winery.

The primary purpose of the Rural Conservation Zone is to 'protect and enhance the natural environment and natural processes for their historic, archaeological and scientific interest, landscape,

fauna habitat and cultural values’.

In other metropolitan municipalities, the Green Wedge Zone (GWZ) or the Green Wedge A Zone (GWAZ) apply to green wedge areas. The primary purpose of those zones is to ‘provide for the use of land for agriculture’. Although they allow for a slightly increased number of discretionary land uses, the replacement of the RCZ with the GWZ or GWAZ is not recommended as neither zone adequately reflects the existing land use conditions in Manningham. In addition the provisions of Clause 57 would still apply. As Clause 57 is a state-wide provision there is no scope for Manningham to independently override its controls through local policy. This would be also undesirable as it would likely open up the potential for speculative development proposals that would conflict with the fundamental objectives of the Green Wedge.

Although there are statutory restrictions imposed by Clause 57, the RCZ remains the most appropriate zone to apply to Manningham’s rural areas due to its emphasis on the protection of environmental values. Opportunities exist to allow for site specific proposals that are appropriate within the context of the RCZ. Furthermore, issues arising from ‘in conjunction’ requirement pursuant to Clause 57 can be addressed through further refinements and additions to the LPPF.

It therefore is recommended that the RCZ remains.

#### **b. Amend the MSS**

It is recommended that refinements to the Green Wedge and Yarra River Corridor policy (Clause 21.07) are made to improve the guidance around what types of land use and developments are appropriate in Manningham’s rural areas. This could include:

- Providing direction to ensure that land uses within the Green Wedge are designed, constructed and operated to consider the amenity of nearby dwellings, consider traffic and car parking access, and regard to the built form and overall site layout.
- Reinforcing the need for land uses to have regard to vegetation protection, fire hazards and utility infrastructure access.
- Removing references to productive agricultural land practices as this is no longer relevant in the context of Manningham, particularly in the Green Wedge.
- Promoting sustainable land use practices, consistent with objectives identified in the GWAP and MEDS such as eco-tourism, integration of environmental awareness through biophilia (humans seeking a connection with nature) and ecologically sustainable design.
- Including this Paper as a reference document.

This further strategic direction will assist in providing policy support for existing and future land use applications consistent with the RCZ and Clause 57.

**c. Introduce a new Local Planning Policy**

A new local planning policy is recommended at Clause 22.20 Non-residential Land Uses in the Green Wedge, to provide more specific guidance to non-residential applications.

This policy guidance will assist Council in managing discretionary land use outcomes within the rural areas whilst also guiding larger-scale proposals.

The following policy objectives should apply:

- To ensure the orderly planning of the Manningham Green Wedge to give effect to Council's vision for the area.
- To protect and enhance the environmental values of the Green Wedge, including avoiding the removal of significant vegetation.
- To ensure that new development, including buildings, driveways, earthworks and alterations to existing buildings, do not detract from the landscape and scenic values of Green Wedge areas.
- To discourage the intrusion of uses that detract from the character of the Green Wedge.
- To ensure that new proposals do not adversely impact on existing land uses within the Green Wedge.
- To encourage sustainable land use practices that enhance the environmental significance and ecological function of the Green Wedge.

**d. Expand the scope of Clause 22.19**

It is recommended that Clause 22.19 Outbuildings in the Low Density Residential Zone be expanded to address specific built form issues identified in this paper.

Clause 22.19 was introduced into the Manningham Planning Scheme via Amendment C110 on 3 March 2016. It reflects the recommendations of Manningham City Council Development Guide: Outbuildings in the Low Density Residential Zone, October 2015, which is included as a Reference Document to the Planning Scheme through this clause.

The assessment undertaken as part of this paper has identified similar built form issues associated with outbuildings throughout Manningham's Green Wedge as to those addressed by Clause 22.19 in the Low Density Residential Zone. As such, an expansion of the scope of the existing Clause 22.19 to also include Green Wedge areas would create a more holistic policy framework to address built form related issues.

The objectives and policies contained within this Clause would address the issues identified in this Paper with regard to building siting, layout, environmental constraints and access.

## 9. MAJOR PROPOSALS AND TEMPORARY EVENTS IN THE GREEN WEDGE

Based on this review of the rural areas, it is important that Council provides further guidance for major proposals and temporary events, to assist in determining the appropriateness of land use and development proposals within Manningham's rural areas.

### a. Major Proposals

In some instances, a major proposal may be presented to Council for consideration that may have strategic merit however cannot be considered through a planning permit application due to the current planning provisions that apply to the land. In certain circumstances, Council may choose to consider a request to amend the Manningham Planning Scheme that would allow these major proposals to occur.

Based on analysis undertaken as part of this paper, examples of land uses which may be considered appropriate in Manningham's rural areas, however are currently prohibited/restricted by Clause 57 could include:

- Cellar doors
- Boutique breweries, cideries and distilleries
- Farm gate and produce stores
- Dining experiences (non-compliant with requirements by Clause 57)
- Event and function spaces
- Accommodation (non-compliant with requirements by Clause 57)
- Arts experiences
- Day spa and indulgence product.
- Leisure and recreation.

### Decision Making Framework

To trigger the consideration of these options, any proposal would need to demonstrate a high level of consistency with the local planning policy framework for Manningham. Specifically, these options should only be considered where it can be demonstrated that the proposal:

- Achieves a high level of compliance with State and Local Planning Policies.
- Is consistent with the purpose of the Rural Conservation Zone.
- Is consistent with the purpose and requirements of all applicable overlay/s and/or particular provisions.
- Satisfies the decision guidelines of Clause 65.
- Is consistent with the objectives and key strategic directions outlined in the GWAP (as relevant) and the MEDS.
- Will significantly contribute to the social, cultural, environmental and economic development of Manningham
- Is currently prohibited or restricted by Clause 57.

### Additional considerations

All land use proposals will be considered on a case-by-case basis. Although they may demonstrate a high level of compliance with State and local policy, they must also address the following matters for Council's consideration:

#### 1. Safety and bushfire risk mitigation

- All proposals should demonstrate the prioritisation of safety and bushfire mitigation. This includes any proposed clearing of vegetation, emergency access points, and internal road network.

- ~~Bushfire risk should be minimised through site responsive approaches that consider any existing development on the land, the scale and intensity of the proposed land use, the topography and any other associated hazards.~~

## 2. Amenity

- ~~Amenity impacts of the adjoining land should be minimised through appropriate boundary treatments, such as fencing, landscaping, vegetation, and design treatments.~~
- ~~The cumulative amenity impacts of the proposed land use and development should be considered with regard to noise, waste disposal, effluent disposal/sewer capacity, increased access requirements, siting and environmental degradation.~~

## 3. Environmental and Landscape Values

- ~~The proposal must demonstrate that it protects the existing environmental character and ecological function of the Green Wedge. This includes the provision of canopy trees, native vegetation and other indigenous species.~~
- ~~The proposal must demonstrate compliance with AS4970-2009 *Protection of Trees on Development Sites*, including the protection of tree root zones and soil.~~
- ~~The proposal must be responsive to the character and cultural heritage of the Green Wedge and integrate into the surrounding landscape.~~
- ~~If vegetation (and specifically native vegetation) is proposed for removal, destruction or lopping on the site, a report must be prepared by a suitably qualified professional to justify the removal of the vegetation.~~

## 4. Location and Proximity

- ~~The proposal must be within close proximity to the Warrandyte township, Warrandyte South or along the Warrandyte–Ringwood Road, to ensure that any new tourism and business opportunities are co-located with existing tourism and business developments.~~
- ~~Tourism related uses should be located along sealed roads that are capable of carrying forecast traffic volumes and are designated public transport routes, such as arterial or connector roads.~~

## 5. Infrastructure Provision

- ~~Any upgrades required to roads to facilitate a proposed land use or expansion should not require removal of native vegetation from road reserves, etc.~~
- ~~Existing infrastructure, such as drainage, reticulated sewerage and utilities should be existing, or can be easily supplied to the site without requirement for significant amounts of earthworks or vegetation removal.~~

## 6. Design

- ~~Site specific controls, will require an overall master plan showing all stages of development/ future development potential.~~
- ~~The design of buildings should be in accordance with existing Council design guidelines, including but not limited to, the Landscape Plan Guidelines.~~

### 7. Access and traffic movement

- Minimise the use of 'urban character' traffic treatments, including but not limited to, kerbs and channels, and traffic control devices.
- Integration of landscaping and vegetation into road reserves, where applicable, to soften edges and retain the landscape values of the Green Wedge.
- The prioritisation of safety and consideration of bushfire risk including access into and around the site and any clearing of native vegetation.

#### Information to be provided

Applications for major proposals must provide information that demonstrate how the proposed use and development will positively contribute to Manningham, as well as proposed measures to address and mitigate any issues or amenity impacts that may arise. In order to achieve this, Council may require that amendment requests should include (where relevant):

- Economic Impact Assessment, detailing the positive economic impact of the proposal for Manningham,
- Social Impact Assessment that demonstrates how the proposal will achieve net community benefit,
- Environmental Impact Assessment and Biodiversity Statement, detailing how environmental values will be retained and enhanced,
- Amenity Impact Assessment, detailing how amenity impacts on surrounding properties will be minimised,
- Cultural Heritage Study, showing areas of cultural or heritage sensitivity and ongoing management regimes that may be required, and
- Traffic Management Plan, detailing traffic movements and access management for the subject site.

### b. Temporary Events

Temporary events (other than single one-off events) are subject to regular planning permit application processes. Conditions on permits issued may specify how regularly events can occur, how many people may be accommodated on site during special events, and other special conditions such as car parking and traffic management, temporary buildings and structures.

Temporary but semi-regular events may result in some amenity impacts and inconvenience within the surrounding locality. The acceptability of these external effects will depend on their nature, the frequency of the event, and the weighing up of broader community and economic benefits.

The following considerations should be addressed in a report submitted with any application for a temporary event:

- The suitability and capacity of the land to host such event.
- The risk of the event to the land and any existing environmental features.
- The scale and type of event, including the number of people.
- The proposed hours of operation of the event and the frequency of events on the site over the calendar year.
- Access restrictions as a result of the event including any alteration to traffic movements, provision of appropriate car parking and emergency vehicle access.
- The impact of any required infrastructure associated with the event.
- The presence of food and/or alcohol.
- The proposed management of potential amenity impacts on adjoining neighbours and properties, including traffic, waste and noise impacts.
- Emergency management procedures proposed (including in the event of a bushfire).

- ~~• For large events, public health, waste management, noise, traffic and environmental management plans must be provided.~~
- ~~• The positive community and economic contributions associated with the event.~~

## 10. CONCLUSION

This paper has found:

- Council's *Green Wedge Action Plan 2020* and the *Manningham Economic Development Strategy* are generally consistent. While there are minor policy tensions between balancing the protection of environmental values with economic development opportunities, principally the documents align.
- There is a variety of land uses currently occurring within the Green Wedge, including business/commercial and rural residential. While there are some farming practices and associated secondary uses, agricultural activity is not the dominant land use within Manningham's rural areas.
- Opportunities exist to enhance Manningham's tourism offerings. Future tourism-related uses must be carefully moderated to ensure that the special environmental and ecological values are enhanced and protected.
- The Rural Conservation Zone is the most appropriate zone to apply to Manningham's rural areas, as its primary purpose is to protect and enhance environmental and natural values.
- Clause 57 seeks to protect productive agricultural land and is not always applicable or compatible with existing or proposed land use scenarios within Manningham.
- Further refinements and additions to existing local policy will assist Council in managing land use applications within the scope of the existing statutory framework.
- ~~• Mechanisms exist to accommodate further discretionary or currently prohibited land uses that may enhance the economic and tourism development of the Green Wedge, while also~~

~~respecting and enhancing the environmental values of the Green Wedge.~~

This paper proposes that:

- The Rural Conservation Zone continue to apply to Manningham's rural areas.
- The Manningham Planning Scheme be amended to:
  - Amend the MSS to provide further strategic direction of appropriate land use applications;
  - Insert a new local planning policy in Clause 22 (Non-residential Uses in the Green Wedge) to provide greater and improved guidance; and
  - Expand the Scope of Clause 22.19 (Outbuildings in the Low Density Residential Zone) to apply to outbuildings in the Green Wedge.
- ~~• In instances where there may be a land use proposal that has strategic merit, but is currently prohibited by the RCZ or Clause 57, options for site specific rezoning, exclusions within Clause 57 or site specific controls within Clause 52.03 may be appropriate.~~



## 10.2 Yarra River Corridor Concept Plan - Manningham

File Number: IN19/112  
Responsible Director: Director City Planning and Community  
Attachments: 1 Yarra River Corridor Concept Plan and Maps February 2019 [↓](#)

### EXECUTIVE SUMMARY

*Council at its meeting on 26 June 2018 endorsed the North East Link – Preliminary Issues and Opportunities report including the recommendations contained within the report.*

*Taking into account the various recommendations and concept proposals identified in that report, officers have prepared a Yarra River Corridor Concept Plan. (Attachment 1) The Concept Plan illustrates these opportunities as they exist along the corridor in Bulleen and Templestowe Lower. These opportunities are presented as concepts only with further assessment required to determine ultimate designs and land uses. The Concept Plan is intended to be used to support Council's advocacy and inform the community on the broader impacts resulting from the North East Link proposal.*

*The Department of Environment, Land, Water and Planning (DELWP) has provided in-principle support of the concepts contained in the Concept Plan, as it aligns with the draft objectives of the State Governments' strategies including the Yarra River – Bulleen Land Use Framework and the Yarra River Action Plan 2017.*

### COUNCIL RESOLUTION

**MOVED: CR GEOFF GOUGH**  
**SECONDED: CR MICHELLE KLEINERT**

**That Council:**

- A. endorse the Yarra River Corridor Concept Plan with the following amendment:**
- An additional shared path bridge be included across the Yarra River in the vicinity of Bulleen Park to connect to the Main Yarra Trail in Ivanhoe East and additional riverside trail network along the Yarra River at Bulleen Park as shown on the amended draft Yarra River Corridor Concept Plan as circulated.**
- B. make the amended Yarra River Concept Plan publicly available.**

**CARRIED**

## 2. BACKGROUND

- 2.1 Council at its meeting on 26 June 2018 endorsed the North East Link – Preliminary Issues and Opportunities report including the recommendations contained within the report.
- 2.2 The report outlined Council's current identified issues and opportunities in relation to the proposed North East Link Project (NELP), including opportunities to advocate for suitable solutions to the proposed impacts to open space and recreational facilities. The comprehensive list of recommendations and opportunities was sent to both the North East Link Authority, the Minister for Public Transport, the Department of Environment, Land, Water and Planning (DELWP) and other relevant government departments for consideration in their ongoing planning, design and technical assessment of the project, and its impact to Manningham. This report is a public document available on Council's website.
- 2.3 In November 2018, Boroondara Council endorsed their own plan for Bulleen Park, which includes a proposal to extend the Freeway Golf Course into Bulleen Park. This will impact on the land currently used by the Yarra Bowman archery club and Doncaster Aeromodellers club. The Boroondara proposal does not provide alternative options for these two clubs.
- 2.4 Manningham Council does not support the Bulleen Park proposal as presented by Boroondara Council. However, Council officers will continue to liaise with all stakeholders to achieve the best solution for the Manningham community.

### Yarra River Action Plan (State Government)

- 2.5 In February 2017, the Victorian government released the *Yarra River Action Plan*. It contains 30 actions to ensure the long-term protection of the Yarra River and its parklands. Action 21 of the Yarra River Action Plan 2017 requires the Department of Environment, Land, Water and Planning (DELWP) to prepare a land use framework plan for the Yarra River – Bulleen Precinct between the Eastern Freeway in Kew/Ivanhoe and Banyule Flats in Viewbank/Templestowe Lower. This is the same corridor which will be affected by the NELP.
- 2.6 The Concept Plan has been developed to align Council's objectives and with DELWP's preliminary land use framework plan.

### Manningham Active for Life Recreation Strategy 2010

- 2.7 Manningham Council developed its first Recreation Strategy in 2010. The Strategy identified the vision for a healthy, more active community and outlined four key objectives, 12 key priority areas and an action plan for the short to medium term. The implementation of the initial action plan from 2010 – 2018 is now complete and a review of the strategy is underway.
- 2.8 The review to date has highlighted gaps in the provision of organised sport facilities and recommends further work be undertaken to assess opportunities to fulfil these requirements.
- 2.9 The review will examine the full provision of recreational facilities given that 70% of the population achieves their physical activity through informal recreation activities, such as walking, riding, running/jogging, swimming, at the gym or in fitness classes and not through organised sports such as soccer or AFL.

### 3. DISCUSSION / ISSUE

- 3.1 Taking into account the various recommendations identified in the *North East Link – Preliminary Issues and Opportunities* report, officers have prepared the *Yarra River Corridor Concept Plan* (Concept Plan) to illustrate future opportunities along this corridor.
- 3.2 The Concept Plan has been developed in response to the proposed impacts of the NELP, however not all concept proposals will be the responsibility of NELP to deliver. Consultation will be required with various government departments such as DELWP, Melbourne Water, VicRoads, Parks Victoria and others.
- 3.3 The Concept Plan shows the preferred provision of sporting and recreational facilities to offset the loss of the existing football oval in Bulleen Park. It also seeks to identify longer term sporting facility requirements to address the demand for more facilities. The Concept Plan also illustrates other opportunities such as:
- Walking and cycling paths, riverside trails and river bridges,
  - Public transport and access opportunities and improvements
  - Promotion of sites of cultural and regional significance
  - Redevelopment of the Bulleen employment precinct
  - Road upgrades.
- 3.4 The proposals contained within the Concept Plan are presented as concepts only. Further planning, assessment and approvals will be required to address matters relating to flooding, land contamination, planning / development constraints, environmental impacts, cultural heritage and access. Officers will continue to work with NELP and other stakeholders throughout the planning and design stage of the project.

#### **Bulleen Park**

- 3.5 Bulleen Park will be significantly impacted by NELP with the tunnel portal necessitating the removal of the front oval along the Bulleen Road frontage currently occupied by the Yarra Valley Junior Football League. The project will also result in changes to the vehicle access to the Park and Veneto Club. New access arrangements are still to be finalised.
- 3.6 Given the loss and relocation options of this oval, there may be potential to relocate the two soccer pitches from their current site at Bulleen Park to a new facility at the Bulleen Golf Driving Range at 35-59 Templestowe Road. This relocation is as a result of the direct impact of the NELP to Bulleen Park.
- 3.7 Part of Bulleen Park is a former landfill site and as such, the earth below is potentially contaminated. This may impact on future facility construction and costs.

**Bulleen Golf Driving Range (35-59 Templestowe Road), Bulleen**

- 3.8 This site is privately owned and in the future will be acquired by the State Government (through the Public Acquisition Overlay that currently applies to the site). The Concept Plan proposes that this site be redeveloped to relocate the two displaced soccer pitches from Bulleen Park.
- 3.9 The site presents an opportunity to provide 2 full size soccer pitches, a pavilion and associated parking on the site, which would provide a dedicated facility for any displaced soccer clubs.
- 3.10 Council officers are recommending that NELP (State Government) acquire and fund the construction of the soccer pitches and all ancillary work.
- 3.11 The guiding authorities on the process will be DEWLP and NELP.

**Former Bulleen Drive-In Site (49 Greenaway Street, Bulleen)**

- 3.12 This site is privately owned and was the former Bulleen Drive-In Site. It is currently earmarked for acquisition by NELP to facilitate the construction of the link.
- 3.13 Once construction of the NELP is complete, an opportunity exists for the site to provide for the growing demand for soccer facilities via the provision of 2 full size soccer pitches, pavilion and associated car parking.
- 3.14 The guiding authorities on the process will be DEWLP and NELP
- 3.15 The ultimate decision maker on the impacts and future use of this site will be NELP.

**HM Clause Pacific (177 Templestowe Road, Templestowe)**

- 3.16 The site at 177 Templestowe Road is Crown land zoned for public park and recreation and is currently leased by the HM Clause Pacific on a recently renewed 15 year lease agreement.
- 3.17 There is a growing demand for sporting facilities including AFL, cricket, netball, soccer and baseball.
- 3.18 Given this growing demand, and the need to provide for active recreation (outside of organised sports), there is opportunity to provide for a mixed sports and open space precinct on the Crown land at 177 Templestowe Road in the longer term.
- 3.19 A number of stakeholders are required to achieve this outcome, including DELWP, Melbourne Water and Manningham Council.

**Bulleen / Banksia Industrial/ Employment Precinct**

- 3.20 Construction works associated with the Manningham Road Interchange will necessitate the need for NELP to acquire a large portion of the Bulleen / Banksia Industrial Precinct.
- 3.21 Once the interchange construction is complete in 2027, this area of land may be available for future development.

- 3.22 The Concept Plan proposes that the use of this land is returned to an employment precinct. Council will work with all necessary stakeholders to realise this potential, including DEWLP, DJPR, NELP, Banyule Council and the broader community.

### **Pedestrian and Cycling**

- 3.23 The NELP has indicated that they have included the provision of a shared user (pedestrian and cyclist) bridge across the Yarra River at Banksia Park
- 3.24 The provision of this shared user facility is a key action of both the Manningham and Banyule City Council's Bicycle Strategies and will provide a key missing link for Manningham residents to the Heidelberg Activity Centre, train station and LaTrobe National Employment and Innovation Cluster( NEIC).
- 3.25 Both Councils have also highlighted the need for an additional walking / cycling river crossing mid-way between Banksia Park and Finns Reserve, at Birrarung Park.
- 3.26 An additional bridge crossing point will enable the creation of a walking/ cycling circuit and connections into the Banyule Flats / Plenty River trail to the north of Birrarung Park and along the south side of the Yarra River within Manningham Council.
- 3.27 A number of stakeholders are required to achieve to this outcome, including DELWP, Manningham and Banyule Councils, Melbourne Water and DoT.

### **Yarra Valley Country Club (9-15 Templestowe Road, Bulleen)**

- 3.28 The Yarra Valley Country Club is a privately owned land located at 9-15 Templestowe Road.
- 3.29 The owners have lodged a planning permit to redevelop the site, and are currently working with DEWLP on a possible planning scheme amendment process to facilitate a large residential development.
- 3.30 There are no recommendations from Council officers or DELWP officers to consider this parcel of land for the use of sporting facilities at this stage, but may present another opportunity once the strategic planning for this site is finalised.

### **Yarra River Action Plan**

- 3.31 As noted in the Section 2 of this report, DELWP has commenced preparation on the framework plan for the *Yarra River – Bulleen Precinct*.
- 3.32 Discussions with DELWP officers indicate that Council's proposed Concept Plan aligns with the objectives of their *Yarra River – Bulleen Precinct* land use framework.
- 3.33 As such, DELWP has provided in-principle support of Council's draft Concept Plan shown in Attachment 1 of this report.

**4. COUNCIL PLAN / STRATEGY**

- 4.1 The Concept Plan will support Council's major initiatives for a 'Healthy Community' and 'Liveable Places and Spaces'.
- 4.2 It also identifies opportunities to locate future recreational facilities to meet growing demand, as identified by the review of the Manningham Active for Life Recreation Strategy (2010)

**5. IMPLEMENTATION**

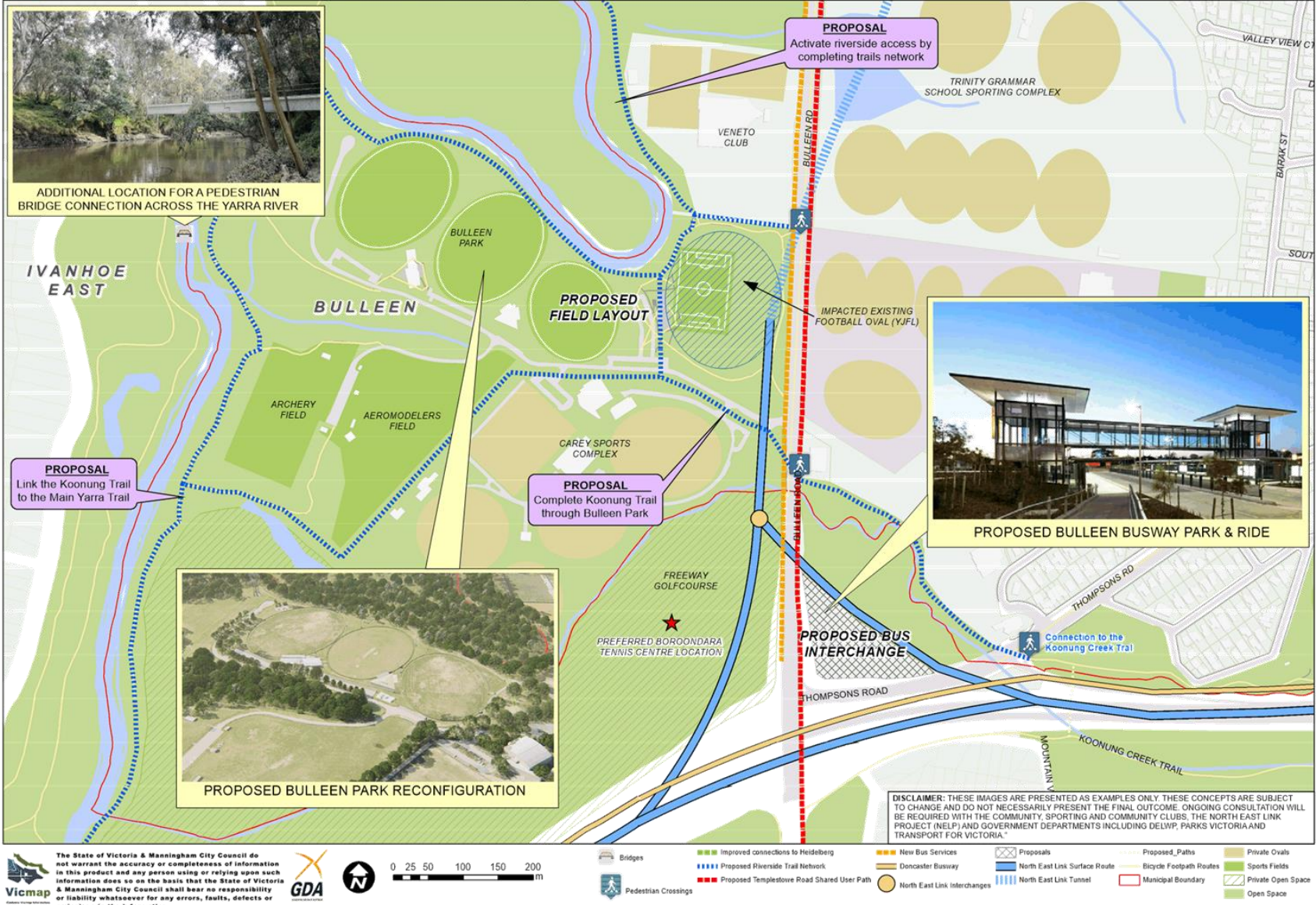
- 5.1 It is proposed to utilise the Concept Plan for advocacy purposes to various stakeholders including NELP, DELWP, Transport for Victoria and other State Government departments.
- 5.2 It is proposed to make the Concept Plan available for public information on council's website for the benefit of the wider community.

**6. DECLARATIONS OF CONFLICT OF INTEREST**

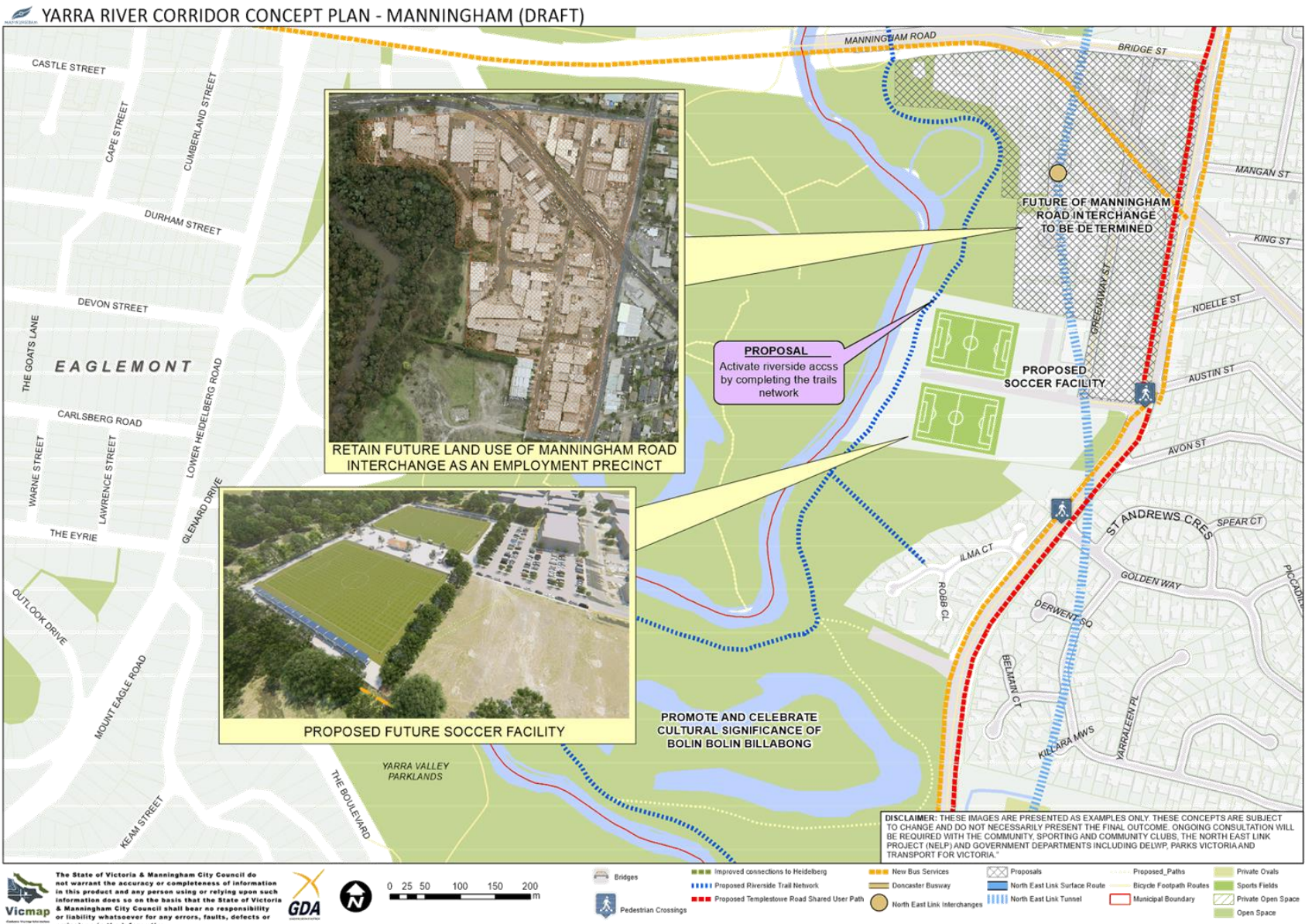
No officers involved in the preparation of this report have any direct or indirect conflict of interest in this matter.



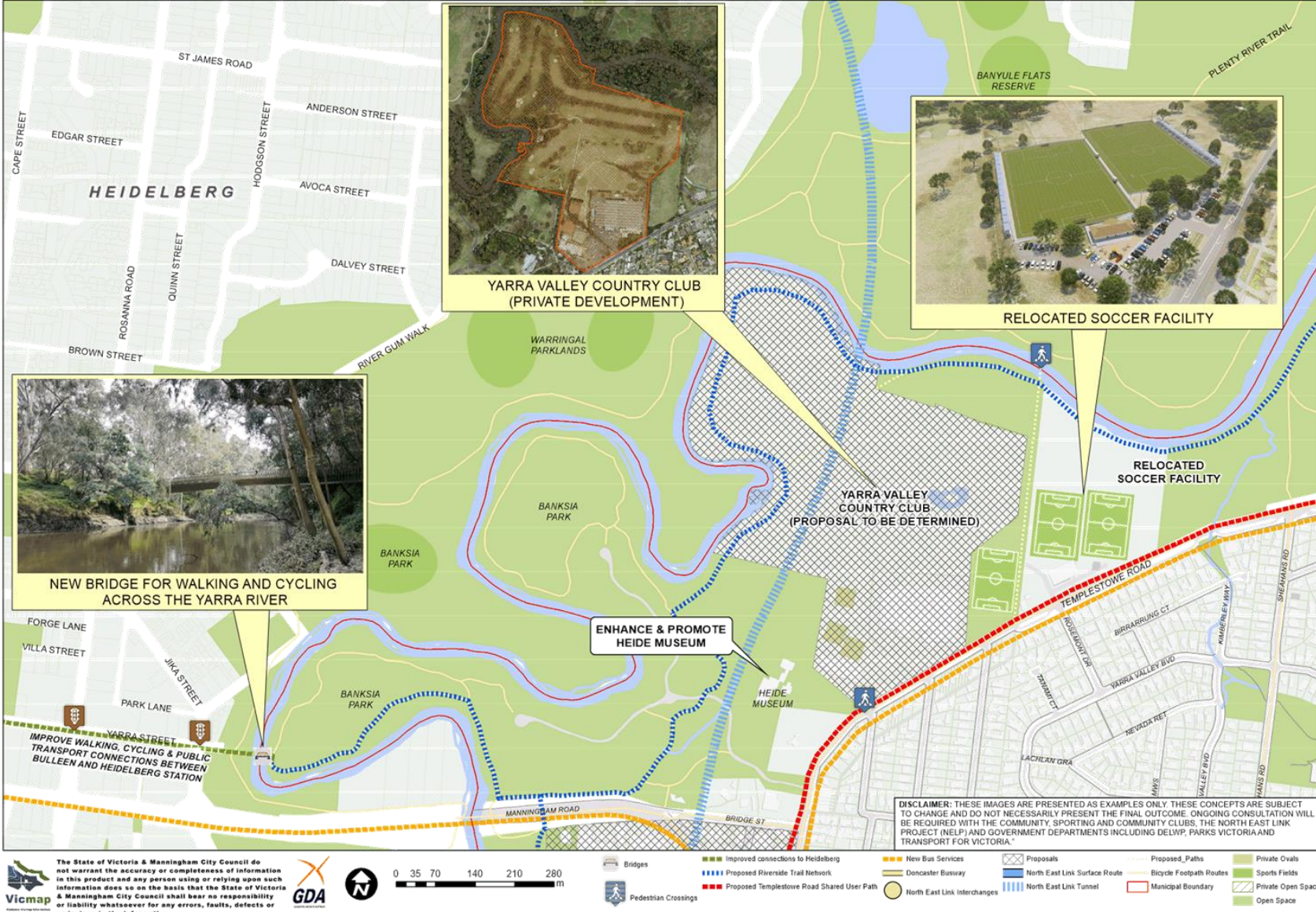
YARRA RIVER CORRIDOR CONCEPT PLAN - MANNINGHAM (DRAFT)







YARRA RIVER CORRIDOR CONCEPT PLAN - MANNINGHAM (DRAFT)



YARRA RIVER CORRIDOR CONCEPT PLAN - MANNINGHAM (DRAFT)



## 11 CITY SERVICES

### 11.1 2018-2019 Capital Works Program - End of December Status Report

File Number:	IN19/109
Responsible Director:	Director City Services
Attachments:	1 Capital Works Status Report (Council) - December 2018 2 <a href="#">↓</a> Traffic Light Program - December 2018 <a href="#">↓</a>

#### EXECUTIVE SUMMARY

*This attached Capital Works Status Report, for the period ending 31 December 2018, is provided for review and consideration.*

*To the end of December, expenditure is running at 14.5% ahead of the year to date (YTD) adopted budget and 1.5% below the YTD forecast amount (MYR budget), which includes \$3.77 million of YTD additional works.*

*The majority of projects are progressing satisfactorily and are meeting the specified timelines. Eleven (11) projects have been completed out of a total of 79 projects, Fifty-eight (58) are currently in progress, ten (10) are yet to commence, but are expected to be completed, and two (2) projects will not be completed due to scoping, consultation and approval delays. It is proposed, that rather than carry forward unspent funds, that the funds be transferred to other current year and additional projects, and then reallocated back in 2019/20 by adjustments to other project budgets and cash flows (Refer Table F in the attached Status report).*

*A number of part funding transfers are proposed on several projects, and these will not impact on the overall delivery of the programmed works, but will enable these projects to be delivered more effectively, to enable additional progress and effective utilisation of capital funds is made under the program (Refer Table F).*

*It can be concluded that the end of December position, with respect to the 2018/2019 Capital Works Program, reveals that reasonable progress has been made to date in regard to the implementation of the Capital Works Program.*

*A revised MYR budget amount of \$39.426 million is currently stated that will be achieved from an increase in grants and income of \$0.936 million, additional carry forwards from 2017/18 of \$1.247 million, and from the allocation of surplus funds from the 2017/18 capital and operating budget of \$1.486 million. A separate report was presented to Council on 4 December 2018, as a part of the 2018/19 MYR, regarding the adoption of a revised Capital Works Program.*

#### COUNCIL RESOLUTION

**MOVED: CR GEOFF GOUGH**  
**SECONDED: CR DOT HAYNES**

**That Council:**

**A. Receive and note the attached Capital Works Program Status Report for the**

period ending 31 December 2018.

- B. Note and approve the transfer of \$1.878 million, as indicated in the Status Report (Refer Table F), to enable additional progress and ensure effective utilisation of capital funds is made under the program.**
- C. Note and approve the transfer of \$1.000 million from the Domeney Reserve Pavilion Upgrade, and \$0.300 million from the Waldau Precinct Master Plan projects, is to be restored in 2019/20 by adjustments to other project budgets and cash flows, as indicated in the attached Status Report.**
- D. Note that the revised annual capital budget amount of \$39.426 million will be achieved from an increase in grants and income of \$0.936 million, plus additional carry forwards / budget adjustments of \$2.833 million that was not part of the 2018/19 adopted budget, which was endorsed by Council on 4 December 2018, as a part of the 2018/19 Mid-Year Budget Review.**

**CARRIED**

## **2. BACKGROUND**

- 2.1 Reporting on the status of the 2018/2019 Capital Works Program is carried out on a quarterly basis to Council as a part of the CEO's Quarterly Performance Report. A detailed report is also presented to Council at the mid-year budget review (MYR budget) and end-of-year (EoY) on the overall performance of implementation of the Capital Works Program, including commentary on the progress of budgeted and carry forward projects and variations.
- 2.2 A financial chart of performance, with trend graphs and milestone program ('traffic light'), is presented in the attached Status Report as indicators of performance, which have been previously endorsed by Council as the agreed set of monitoring tools for status reporting.
- 2.3 A year end expenditure of \$39.426 million (MYR budget) is currently forecast against the adopted budget of \$35.657 million. The net difference between the EoY forecast and adopted budget being an increase in grants and income of \$0.936 million, plus additional carry forwards / budget adjustments of \$2.833 million that were not part of the adopted budget.
- 2.4 The value of works completed at end of December is \$11.426 million, which is \$0.595 million (1.5 %) below the YTD MYR budget and YTD forecast amount of \$12.021 million.
- 2.5 Whilst in financial terms the completed works is shown as an unfavourable variance against the YTD budget, this is largely due to work on those projects that were carried forward from 2017/18, plus additional new projects that were not part of the 2018/19 adopted budget. However, the completed works are below the YTD forecast and can be attributed to a number of project delivery variations on several projects, which are lagging from a project expenditure prospective, but are anticipated to be completed.

- 2.6 Income received in relation to capital projects is below YTD budget income, with a variance of 20%, which can be attributed to delays in receiving a number of grants and contributions.
- 2.7 The 'traffic light' program of performance against key milestones is included with the attached Status Report (Attachment C). To the end of December, the majority of projects are progressing satisfactorily and are meeting the specified timelines. Eleven (11) projects have been completed out of a total of 79 projects, Fifty-eight (58) are currently in progress, ten (10) are yet to commence, but are expected to be completed. Two (2) projects will not be completed due to scoping, consultation and approval delays.
- 2.8 The following explanations are provided on the performance of some projects where specific issues have been identified (in some cases projects have been flagged on the "traffic light" program and include comments 'Marginal delay', and it is anticipated, that whilst these projects are experiencing some minor delays, they are expected to be completed):

Waldau Precinct Master Plan (Line 4) - Scoping, consultation and approval delays encountered in the finalisation of the Master Plan and Business Case, which has impacted on the delivery and completion of the project. Rather than carry forward the unspent funds, it is proposed that the funds be transferred to other priority projects, to enable continued progress and effective utilisation of funds is made under the current program, and that the transferred amount be restored to the Waldau Precinct project in 2019/20 (Refer Table F in the attached status report).

Domeney Reserve Pavilion Upgrade (Line 28) - Scoping, consultation and approval delays encountered in the finalisation of the Business Case, which has impacted on the delivery and completion of the project. Rather than carry forward any unspent funds resulting from the project not being completed this financial year, it is proposed that the funds be transferred to other priority projects, to enable continued progress and effective utilisation of funds is made under the current program, and that the transferred amount be restored to the Domeney Reserve project in 2019/20 (Refer Table F).

### **3. DISCUSSION / ISSUE**

- 3.1 It is proposed that the attached Capital Works Program Status Report for the period ending 31 December 2018 be noted.
- 3.2 The MYR budget provides an opportunity to update EoY forecasts for material changes to the adopted annual budget, to identify budget shortfalls, and reallocate budget surpluses to priority projects and services. A separate report was presented to Council on 4 December 2018, as a part of the 2018/19 MYR, regarding the adoption of a revised Capital Works Program.

### **4. IMPLEMENTATION**

- 4.1 Finance / Resource Implications
- 4.1.1 An improved 2018/19 surplus together with an increased uncommitted cash balance brought forward from 2017/18 will enable a number of current year and additional projects to be delivered in order to address

contractual requirements, meet asset and service needs, and enhance customer and business processes.

4.1.2 A number of part funding transfers are also proposed on a number of projects, and these will not impact on the overall delivery of the programmed works, but will enable these projects to be delivered more effectively, to enable additional progress and effective utilisation of funds is made under the Capital Works Program.

4.1.3 Whilst works under the capital program are being implemented as planned and within budget, a number of new and ongoing projects are currently unfunded, and it is proposed that these projects will be funded from future capital savings to be identified under the current program.

## **5. DECLARATIONS OF CONFLICT OF INTEREST**

No officers involved in the preparation of this report have any direct or indirect conflict of interest in this matter.



**Amelia Crescent  
Drainage Improvements**

**2018/2019 Capital Works Program  
Status Report - End of December**



**Capital Works Program 2018/2019 - Status Report  
Reporting Period - End of December**

This Status report covers the period ending 31 December 2018. Variances are reported against the year-to-date (YTD) adopted budget, mid-year review (MYR) budget, and adjusted forecast outcome. The value of works completed at end of December is \$11.426 million.

- ✘ YTD Completed Works \$1.45 million unfavourable to the YTD Adopted Budget <sup>1</sup>
- ✔ YTD Completed Works \$0.59 million favourable to the YTD MYR Budget <sup>1</sup>
- ✘ YTD Completed Works \$0.59 million favourable to the YTD Forecast <sup>1</sup>

Legend ✔ - Favourable against YTD Target, ✘ - Unfavourable against YTD Target

<sup>1</sup> This represents the financial outcome after accruing for works completed.

**Financial Performances**

Attachment A and B to this summary report provides a chart of financial performance for both Capital Works Expenditure and Income to end of December. The following table provides a snapshot of the performance in regard to the implementation of the Capital Works Program.

	End of Year Forecast Budget (YTD)								
	Adopted Budget \$'000	YTD Adopted Budget \$'000	MYR Budget \$'000	EoY Forecast \$'000	YTD Forecast \$'000	YTD Actual \$'000	YTD Variance \$'000	YTD Variance %	Fav / Unfav
<b>A. Compared to Adopted Budget</b>									
Budget YTD Outcome	35,657	9,980				11,426	(1,447)	-14.5%	U
<b>B. Compared to Mid Year Review Budget</b>									
MYR Budget YTD Outcome			39,426		12,021	11,426	595	1.5%	F
<b>C. Compared to Forecast Outcome</b>									
Budgeted works	34,152		34,152	34,152	10,494	10,041	453		
Budgeted carry forwards	1,505		1,505	1,505	-	-	-		
Additional carry forwards from 2017/18 (Table D)			1,347	1,347	693	717	(24)		
<b>New Works</b>									
Grants and Income received in advance (Table B)			550	550	75	65	10		
Additional grants & income (Table C)			386	386	190	190	-		
Budget adjustments (Table D)			1,486	1,486	569	413	156		
Forecast YTD Outcome	35,657		39,426	39,426	12,021	11,426	595	1.5%	F
<b>D Income (Table A)</b>									
Budget including plant sales	2,218	1,251	2,218	2,218	0	1,001	250		
Grants & Income received in advance			550	550	-	-	-		
Additional grants & income			386	386					
Forecast YTD Outcome	2,218	1,251	3,154	3,154	0	1,001	250	20.0%	U

Legend: F - Favourable U - Unfavourable

At the end of December, 32% of the total adopted budget has been delivered (on ground value). Compared to the MYR budget and end-of-year (EoY) forecast, 29% of the total program allocation has been completed.

Of the \$11.426 million of works completed at the end of December, the value of budgeted works completed, including the budgeted carry forward projects, is \$10.041 million. The completed value of the additional carry forward projects from 2017/18 is \$0.717 million. The value of new post budget adoption projects at end of December is \$0.668 million.

### Program Status and YTD Profile

A year end expenditure of \$39.426 million is currently forecast against the adopted budget total of \$35.657 million. The net difference being an increase in grants and income of \$0.936 million, plus carry forwards/budget adjustments of \$2.833 million that were not part of the 2018/19 adopted budget.

The value of works completed at end of December is \$11.426 million, which is \$0.595 million (1.5 %) below the YTD MYR budget and YTD forecast amount of \$12.021 million. However, against the YTD adopted budget, there is an unfavourable variance of \$1.447 million (14.5%), which can be attributed to a number of ongoing projects that were incomplete as at 30 June 2018 and carried forward to the 2018/19 financial year, or new projects that were not part of the adopted program. Many of the ongoing projects are currently committed under a formal procurement arrangement, and are either well advanced, or at practical completion.

It can be concluded that reasonable progress has been made in regard to the implementation of the Capital Works Program in terms of overall performance.

### Milestone Performance

The 'traffic light' program of performance against key milestones is included as **Attachment C**.

To end of December, the majority of projects are progressing satisfactorily and meeting the specified timelines. Some minor delays have been encountered on a few projects (amber), but are anticipated to be completed. On the whole, Progress against milestones is considered satisfactory.

However, the Waldau Precinct Masterplan and Domeney Reserve Pavilion Upgrade projects will not be completed due to scoping, consultation and approval delays. It is proposed that, rather than carry forward any unspent funds, the funds be transferred to other priority projects, to enable continued progress and effective utilisation of funds is made under the current program (Refer Table F).

A number of other part funding transfers have also been made on several projects, and these will not impact on the overall delivery of the programmed works, but will enable these projects to be delivered more effectively to address contractual requirements and/or to meet asset or service needs (refer Table F).

### Income

Capital Income received is below YTD budget income at end of December with a variance of 20.0%. The variance can be attributed to delays in receiving a number of grants and contributions. The following table provides a summary of income to be received in 2018/19, towards the implementation of the projects listed:

Table A - Capital Works Income										
	Adopted Annual Budget \$'000	Asset Sales \$'000	Income Received in Advance \$'000	Income Adjustments \$'000	YTD Budget \$'000	YTD Actual \$'000	YTD Var \$'000	YTD Var %	Income ytd to be received \$'000	Comments
Plant Replacement Program		650			285	195	-90	0%	455	Plant Sales (Trade-ins). Dictated by Market Rates.
Road Safety Improvements Council Link & Collector Roads - • Yarra Street near Mitchell Ave • Yarra Street South of Trezise Street • Knees Road South of Falconer Road	71		36		59	36	-23	0%	35	Grants Commission. To be received in two installments. \$30K received in advance.
Road Management Strategy Upgrades Council Link Roads - • King Street Stages 1, 2A and 2B • Colman Road Speed Humps • Tram / Merlin Service Alterations • High Street South of Winters Way • Heidelberg-Warrandyte Road to Deep Creek Road • Hepburn Road Extension • Porter Street (Templemore to Green Gully Reserve)	502		425		83	50	-33	0%	827	Roads to Recovery \$740K. Grants Commission \$100K. To be received in two installments. \$425K received in advance.
Bicycle Strategy Implementation - • Serpells Road (Sarah to Cipora) • Eastlink Trail at Park Road • Taroon Avenue	346		180		290	180	-110	0%	166	Grants Commission. To be received in two installments. \$180K received in advance.
Traffic Control Devices Link Roads - • Old Warrandyte and Tortice Dve Kerb Return • Wetherby / Dunoon Traffic Island	66		34		55	34	-21	0%	32	Grants Commission. To be received in two installments. \$34K received in advance.
Traffic Control Devices Local Roads - • Wallace Avenue / Springvale Road	39		20		32	20	-12	0%	19	Grants Commission. To be received in two installments. \$20K received in advance.
Traffic Management LTM Implementation - • Cantala Drive and Clancys lane • Braeside and Studley Road • Leeds / Beverley Pedestrian Improvements	132		66		110	66	-44	0%	66	Grants Commission. To be received in two installments. \$66K received in advance.
Bus Bay Construction • 52 Thompsons Road	53		27		44	27	-17	0%	26	Grants Commission. To be received in two installments. \$27K received in advance.
Mullum Mullum Creek Linear Park Stage 3	0			65	0	0	0	0%		Balance of \$65K SRV grant
Female Friendly Toilet Upgrades (Bulleen Park, Anderson Park and Mullum Mullum Reserve)	209		209		209	209	0	0%	0	State grant received in advance
Domeney Reserve Pavilion Upgrade	84		84		84	84	0	0%	0	MRA managed funds
Tennis Court Strategy Implementation (Upgrade and Refurbishment of Tennis Court Surfaces)	66			70	0	0	0	0%	136	\$66K Tennis Club contribution and \$70K MRA managed funds.
Colman Park Pavilion Extension	0				0	0	0	0%	125	Club and other 3rd party contributions
Manningham SES Building Extension	0			75	0	0	0	0%	0	Balance of \$62K State grant and \$13K SES contribution
Park Orchards BMX	0			10	0	0	0	0%	10	Balance of \$10K SRV grant
Sportsground Refurbishment Program (Colman and Warrandyte irrigation upgrades)	0			76	0	0	0	0%	76	Club contributions
Warrandyte Tennis Pavilion Decking	0			40	0	0	0	0%	40	Club contribution
Finns Reserve Public Toilet Facilities	0		100	100	0	100	100	100%	0	State Grant received in advance
<b>Total (including Plant Sales)</b>	<b>1,568</b>	<b>650</b>	<b>1,181</b>	<b>436</b>	<b>1,251</b>	<b>1001</b>	<b>250</b>	<b>20.0%</b>	<b>2,013</b>	

### Year End Position 2018/19

An EoY forecast total of \$39.426 million is currently stated with the following variances and adjustments:

Summary of Variances	\$'000
Grants and Income Received in Advance (Table B)	550
Additional Grants and Income (Table C)	386
Budget Adjustments (Table D)	1,486
Additional Carry Forwards from 2017/18 (2018/19 MYR) (Table E)	1,347
Proposed Transfers (Table F)	1,878
Savings (end of December)	Nil

### Grants and Income Received in Advance

The following is a list of grants and income received in advance in 2017/18 that was not included in the 2018/19 Capital Budget, to be adjusted at the MYR:

Table B - Grants and Income Received in Advance	\$'000
<ul style="list-style-type: none"> <li>Finns Reserve (Wombat Bend - Public Toilet Facilities) (Department of Health &amp; Human Services grant)</li> </ul>	100
<ul style="list-style-type: none"> <li>Road Management Strategy Upgrades - King Street (Roads to Recovery income)</li> </ul>	375
<ul style="list-style-type: none"> <li>SES Building Extension (State contribution - \$62K and SES Unit contribution - \$13K)</li> </ul>	75
<b>Total</b>	<b>550</b>

### Additional Grants and Income

The following is a list of additional grants and income that was not included in the 2018/19 Capital Budget, to be adjusted at the MYR:

Table C - Additional Grants and Income	\$'000
<ul style="list-style-type: none"> <li>Colman Park Pavilion Extension (Bendigo Bank - \$75K and AFL - \$50K)</li> </ul>	125
<ul style="list-style-type: none"> <li>Mullum Mullum Linear Park Stage 3 (Balance of SRV grant)</li> </ul>	65
<ul style="list-style-type: none"> <li>Park Orchards BMX Floodlights (Balance of SRV grant)</li> </ul>	10
<ul style="list-style-type: none"> <li>Tennis Club Strategy (MRA managed funds)</li> </ul>	70
<ul style="list-style-type: none"> <li>Warrandyte Tennis Pavilion Decking (Club contribution)</li> </ul>	40
<ul style="list-style-type: none"> <li>Sportsground Refurbishment (club contributions)</li> </ul>	76
<b>Total</b>	<b>386</b>

**Budget Adjustments (2018/19 MYR)**

The following is a list of budget adjustments that have been made under the current program, to be funded from surplus capital and operating funds from 2017/18 and adjusted at the MYR:

<b>Table D - Budget Adjustments</b>	<b>\$'000</b>
• Doncaster War Memorial - (Access improvements and beautification)	150
• Doncaster and Districts Netball Association - (Change Room and Toilet Upgrade)	250
• Online Digitisation - (Statutory Planning approvals and compliance software enhancements)	262
• Civic Office Air Conditioning Chiller Replacement	160
• Workplace Health & Safety Management Solution	166
• Contract Management System (Concept planning and approvals 2018/19. Implementation in 2019/20)	43
• Chris 21 Upgrade	118
• Magiq Upgrade and Enhancements	158
• Enterprise Project Management System	112
• Event Management System	67
<b>Total</b>	<b>1,486</b>

**Carry Forwards (2018/19 MYR)**

The following is a list of additional carry forwards from 2017/18 that were not included in the 2018/19 Capital Budget, to be adjusted at the MYR:

<b>Table E - Additional Carry Forwards</b>	<b>\$'000</b>
• Asset Management System	6
• Chris 21 Upgrade	38
• Magiq Upgrade and Enhancements	7
• Event Management System	159
• Fleet Management Solution	133
• Contact Centre Phase 2	14
• Schramms Cottage Additional Structure	50
• Manningham SES Extension	25
• Pettys Reserve Sorting Development	15
• Park Orchards BMX Floodlights	90
• Plant Replacement Program	400
• Lawford Reserve Development	181
• Mullum Mullum Linear Park Stage 3	40
• Colman Park Pavilion Upgrade	85
• AMS Buildings - Neighbourhood Safer Places	50
• Enterprise Application Interface (Middleware)	54
<b>Total</b>	<b>1,347</b>

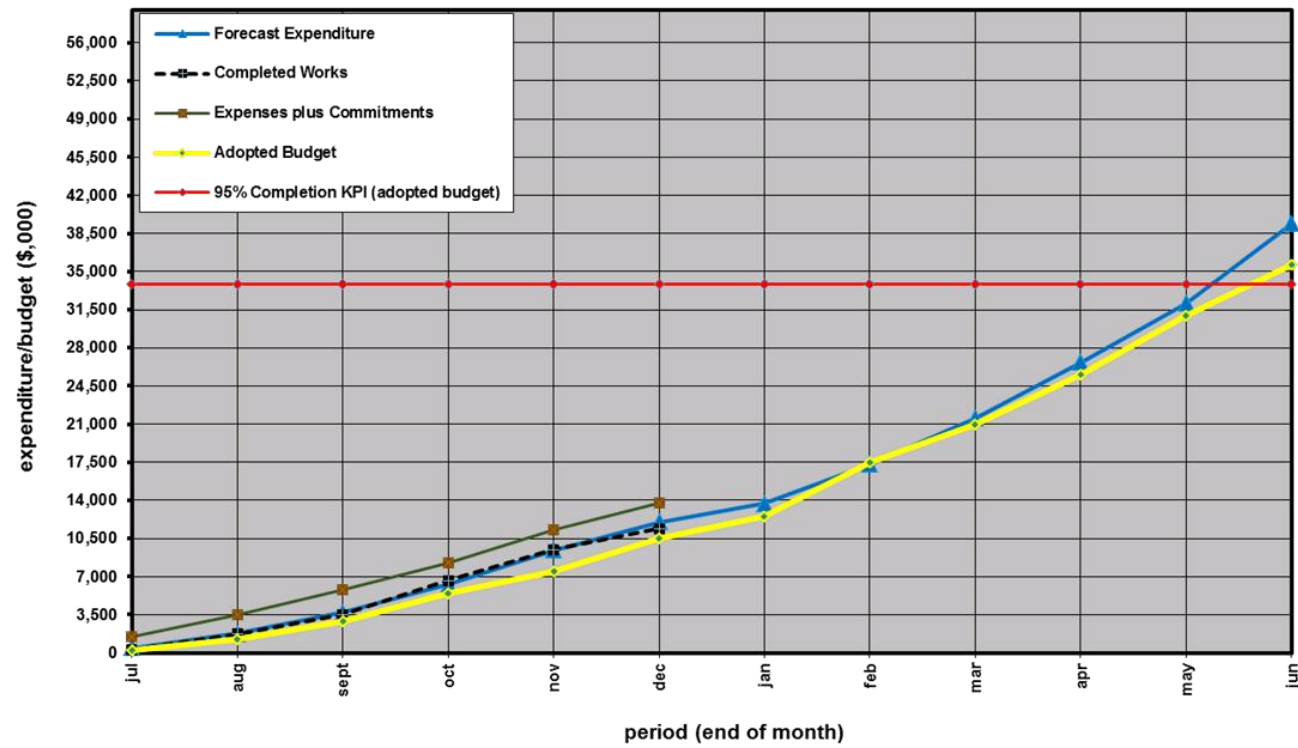
### Proposed Transfers

The proposed transfer of funds is required on the following project to address asset and service needs, and will enable additional progress and effective utilisation of funds to be made under the Capital Works Program.

Table F - Proposed Transfers	\$'000	Comments
• Fleet Management Solution	31	Transfer of \$31K from Plant Replacement Program (Line 52)
• Depot Accommodation (Meeting rooms)	80	Transfer of \$75K from AMS Buildings (Miscellaneous Building Refurbishment - Line 46)
• Park Orchards BMX Floodlights	90	Transfer of \$90K from AMS Passive & Open Space (Floodlighting - Line 48)
• Currawong Bush Park Toilet Upgrade	50	Transfer of \$50K from AMS Buildings (Bulleen Pavilion - Line 46).
• Aquarena Waterslide Refurbishment	200	Transfer of \$200K from AMS Buildings (Bulleen Pavilion and Highball Facilities - Line 46).
• Mullum Mullum Linear Park Stage 3	42	Transfer of \$42K from Mullum Mullum Linear Park Stage 1 (Line 20).
• Road Safety Improvements - Collector & Link Roads (Yarra Street near Mitchell Ave Pedestrian Refuge)	65	Transfer of \$65K from Bicycle Strategy (Line 14)
• Traffic Management LATM Construction (Cantala Drive / Clancys Lane Splitter Island)	20	Transfer of \$20K from Bicycle Strategy (Line 14)
• Sportsground Refurbishment (Irrigation works at Colman and Warrandyte Reserves)	76	Transfer of \$76K from Domeney Reserve Pavilion Upgrade (Line 28). <b>Note: the transferred amount is to be restored to Domeney Reserve in 2019/20 from the Sportsground Refurbishment budget</b>
• Female friendly Toilet Upgrades	200	Transfer of \$200K from Domeney Reserve Pavilion Upgrade (Line 28). <b>Note: the transferred amount is to be restored to Domeney Reserve in 2019/20 from the Female Friendly Toilet Upgrades budget</b>
• AMS Roads & Reserves (\$500K Road Reseals and \$50K kerb & Channel)	550	Transfer of \$550K from Domeney Reserve Pavilion Upgrade (Line 28). <b>Note: the transferred amount is to be restored to Domeney Reserve in 2019/20 from the AMS Road Reseals budget</b>
• AMS Roads & Reserves (Footpaths)	124	Transfer of \$124K from Domeney Reserve Pavilion Upgrade (Line 28). <b>Note: the transferred amount is to be restored to Domeney Reserve in 2019/20 from the AMS Footpaths budget</b>
• Contract Management System (Concept planning and approvals 2018/19. Implementation in 2019/20)	50	Transfer of \$50K from Domeney Reserve Pavilion Upgrade (Line 28). <b>Note: the transferred amount is to be restored to Domeney Reserve in 2019/20 from the Contract Management System budget</b>
• Road Management Strategy Upgrades (King Street Stage 2B)	300	Transfer of \$300K from Waldau Precinct Master Plan (Line 4). <b>Note: the transferred amount is to be restored to Waldau Precinct Master Plan in 2019/20 from the Road Management Upgrades budget</b>
<b>Total</b>	<b>1,878</b>	

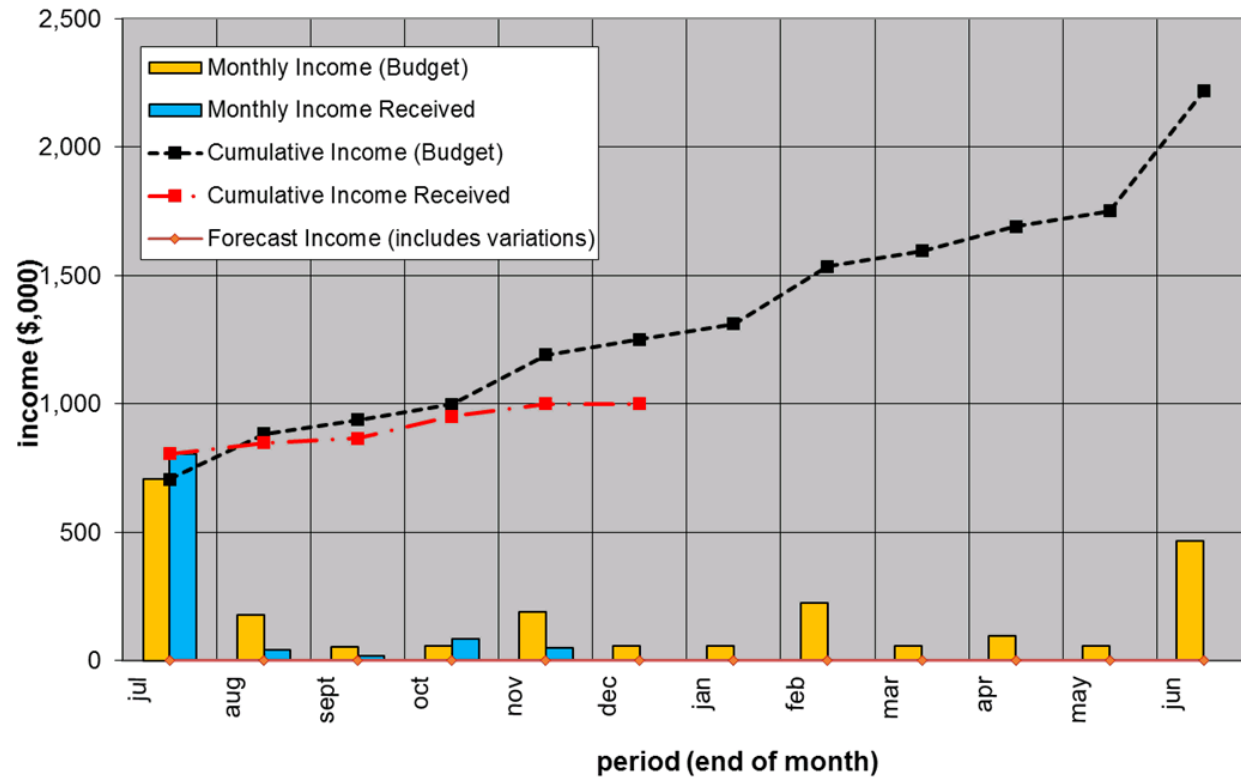
### Capital Expenditure

Attachment A



# Capital Works Income

Attachment B







CAPITAL WORKS PROGRAM 2018/2019

TRAFFIC LIGHT PROGRAM

Attachment C

Line No.	Bus Case No.	DESCRIPTION OF WORKS	LEDGER AC No.	PROJECT ADV.	MANAGER RESPONSIBLE PROJECT	MANAGER	Adopted Budget 2018/19 \$ '000's	Sub Projects	Forecast Budget 2018/19 \$ '000's	YTD Shortfalls 2018/19 \$ '000's	Initiate		Analyse				Generate & Implement New				Comments
											Concept Start	Concept End	Planning / Approvals Start	Planning / Approvals End	Design / Specify Start	Design / Specify End	Tender / Procure Start	Tender / Procure End	Construct / Implement Start	Construct / Implement End	
		Porter Street (Templemore Drive to Green Gully Reserve) Road Construction	C6293		D Young			0				SEP	OCT	OCT	NOV						Works deferred. Funds reallocated to King Street Stage 2B
		Heidelberg Warandye Road to Deep Creek Road - Footpath	C6295		D Young	N Kew		50													Practical Completion
		Trindals (rectification works)	C6228		D Young	I Petrovski		0													Funding TBC
9	50	Traffic Control Devices Council Link (Arterial)			S Prakash			87	87												
		Old Warandye & Tortoise Drive Kerb Return reconstruction	C6295		D Young	A Helou		37			NOV	DEC	DEC	JAN	JAN	FEB	FEB	MAR	MAY	MAY	
		Werberby / Dunoon Traffic Island	C6298		D Young	A Helou		30			DEC	DEC	DEC	JAN	JAN	JAN	FEB	MAR	MAY	MAY	
10	51	Road Management Strategy - Traffic & Road Use			S Prakash			233	233												
		McLachlan Street Road Extension	C6297		D Young	I Petrovski		53			OCT	OCT	NOV	NOV	DEC	DEC	FEB	MAR	APR	MAY	
		38 James Street - Embankment Stabilisation	C6298		D Young	I Petrovski		40			SEP	SEP	OCT	OCT	OCT	NOV	NOV	DEC	FEB	MAR	
		King Street / Church Road Channelisation	C6299		D Young	M Saleem / A Alagaratham		140							OCT	NOV	NOV	DEC	MAR	MAY	
11	53	Traffic Control Devices Local Roads			S Prakash			38	38												
		Wallace at Springvale	C6294		D Young	T Saif															Practical completion November
12	53	Traffic Management LATM Construction			S Prakash			133	133												
		Braeside / Studley Intersection Realignment	C6297		D Young	T Saif		50			OCT	NOV	NOV	DEC	DEC	JAN	FEB	MAR	MAY	JUN	
		Cartala Drive / Clancy's Lane Splitter	C6298		D Young	A Mangan		40							NOV	NOV	DEC	JAN	MAR	MAR	
		Leeds / Beverley Pedestrian Improvements (Splitter Island Replacement)	C6297		D Young	A Alagaratham		83			OCT	OCT	NOV	NOV	NOV	NOV	DEC	JAN	MAR	APR	
13	314	Street Lighting Replacement Program (Low Energy Lighting)	C2600		S Prakash	S Nantoo		40	40												
14	54	Bicycle Strategy Implementation			S Prakash			739	654												
		On-Road Routes / Linemarking and signage	C24101		D Young	Cadets		21			SEP	OCT	OCT	NOV	NOV	DEC	FEB	MAR	MAY	JUN	
		Serpents Road (Sarah to Cipra)	C24102		D Young	N. Kew / M Saleem		435								NOV	DEC	FEB	JUN		
		Taronsa Avenue Shared Path	C24103		D Young	A Mangan		183							AUG	JAN	DEC	FEB	APR	JUN	
		Eastlink Trail at Park Road - Pram Ramps and Path Realignment	C24104		D Young	T Saif		15			OCT	NOV	NOV	NOV			DEC	JAN	MAR	MAR	
15	118	Bus Bay Construction			S Prakash			54	54												
		52 Thompsons Road Bulken Bus Shelter	C27102		D Young	M Saleem					JAN	JAN	FEB	FEB	FEB	MAR	MAR	APR	JUN	JUN	
<b>Drainage</b>																					
16	52	Miscellaneous Drainage Improvements	C6072		S Prakash	P Alvarez	P Alvarez	280	280		SEP	OCT	NOV	DEC	DEC	JAN	JAN	MAR	MAR	JUN	
17	52	Drainage Strategy			S Prakash			4,288	4,288												
		Bolin Bolin Billabong	C28011		D Young	R Woodlock		410													Marginal delay. Works to be completed by January
		Melbourne Hill Road Drainage Scheme (C.P & D)	C6020		D Young	J Bodnar		825				NOV	JAN	FEB	JUN						Marginal delay. Planning to commence in December
		9 Montgomery	C6283		D Young	T Saif		50			SEP	SEP	OCT	OCT	NOV	NOV	DEC	JAN	FEB	MAR	Project to commence in November and be completed by April
		Marcus Road	C6282		D Young	J Bodnar		300													Marginal delay. Works to be completed by November
		Wates Court	C6287		D Young	A Mangan		194								AUG	SEP	JAN	MAR		Marginal delay. Tender to be completed by October
		311 Ringwood Warandye Road	C6288		D Young	J Bodnar		389													Marginal delay. Works to be completed by January
		9 Jewels Crescent	C6289		D Young	T Saif		241													Marginal delay. Works to be completed by January
		22 Grand Avenue	C6270		D Young	J Bodnar		133													Practical Completion
		1A Pinnacle Crescent	C6271		D Young	P Alvarez		31													Marginal delay. Works to be completed by January
		13 Hadley Court	C6272		D Young	R Woodlock		120									AUG	OCT	NOV	DEC	Marginal delay. Works to be completed by January
		Easton Road	C6273		D Young	D Woisk		200			OCT	OCT	NOV	NOV	NOV	DEC	FEB	MAR	APR	JUN	
		414 Lincoln Drive	C6290		D Young	J Bodnar		80			OCT	NOV	NOV	DEC	DEC	JAN					
		Oban Road Culvert	C6022		D Young	A Alagaratham		410								SEP	OCT	NOV	DEC	FEB	JUN
		5 Strand Drainage Improvement	C6301		D Young	A Helou		50			OCT	NOV	NOV	DEC	DEC	JAN	FEB	MAR	MAY	JUN	
		11-32 Toppings Road Wonga Park Pipe Lining	C6302		D Young	J Bodnar		390								SEP	OCT				JAN
		9 Valencia Terrace Drainage Improvement (Design only)	C6303		D Young	J Bodnar		26			SEP	OCT	OCT	NOV	DEC	FEB					Marginal delay. Planning to commence in November
		South Valley Road Catchment Drainage Improvements	C6296		D Young	J Bodnar		352								OCT	NOV	NOV	DEC	JAN	MAR
		Princely Terrace / McDonald Avenue Drainage Improvement	C6305		D Young	A Mangan		240									SEP	OCT	JAN	MAR	
		Drainage Program Development	C24020		D Young	R Woodlock		50								OCT	MAR				Marginal delay. Planning to commence in November
<b>Neighbourhood Activity Centres</b>																					
18	272A	Neighbourhood Activity Centres			A Kourambas			372	372												
		Tunstall Square Stage 4B	C20090		S Robinson	I Petrovski		332			OCT	NOV	NOV	DEC	DEC	JAN	FEB	MAR	APR	JUN	
		Masden Square	C24085		S Robinson	J Papadopoulos		40					JAN	MAR							Planning only to commence in March and completed by June
<b>Linear Parks</b>																					
19	248	Green Gully Linear Park			A Kourambas			150	150												
		Rizzo Drive area path upgrades	C20082		S Robinson	A Khawass		33													Practical completion
		Jenkins Park path & landscape upgrade	C20083		S Robinson	A Khawass		55			AUG	SEP	SEP	SEP	OCT	NOV	DEC	DEC	FEB	MAY	
		Okwell Court area path & landscape upgrades	C20084		S Robinson	A Khawass		37			AUG	SEP	SEP	SEP	OCT	NOV	DEC	DEC	FEB	APR	
		Signage	C20085		S Robinson	J Papadopoulos		25								SEP	NOV	DEC	DEC	FEB	MAY
20	337	Mullum Mullum Linear Park Stage 1 / Carwong			A Kourambas			210	168												
		Path upgrades	C20080		S Robinson	A Khawass		145			JUL	AUG	AUG	AUG	SEP	SEP	OCT	NOV	MAR		
		Signage	C20081		J Papadopoulos			35								SEP	NOV	DEC	DEC	FEB	MAY
		Minor landscape & infrastructure upgrades	C20048		J Papadopoulos	L Dragoneiti		30								AUG	OCT	NOV	DEC	FEB	APR
<b>Open Space</b>																					
21	331	Miscellaneous Open Space Projects	C6137		A Kourambas	S Robinson	A Bunbury	27	27							AUG	DEC	SEP	APR	OCT	JUN
22	409	Open Space Development Program (Prev Land Purchases Open Space)			A Kourambas			300	300												
		Gainsborough Reserve	C24071		S Robinson																Internal resource issues. Works to commence in January
		Anthony Reserve	C24072		S Robinson						SEP	OCT	OCT	OCT	NOV	DEC	DEC	DEC	FEB	MAY	Internal resource issues. Concept planning to commence in November
		Ironbark Reserve	C24073		J Papadopoulos						AUG	SEP	SEP	SEP	OCT	NOV	DEC	DEC	FEB	MAY	Internal resource issues. Concept planning to be completed by November
23	112	Ruffey Lake Park Development			A Kourambas			100	100												
		Ruffey Lake Park Upgrade	C20095		S Robinson	A Bunbury										OCT	OCT	NOV	DEC	DEC	FEB
24	341	Koonung Creek Park Development			A Kourambas			48	48												Internal resource issues. Planning to commence in November

CAPITAL WORKS PROGRAM 2018/2019

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Attachment C

Line No.	Bus Case No.	DESCRIPTION OF WORKS	LEDGER AC No.	PROJECT ADV.	MANAGER RESPONSIBLE PROJECT	MANAGER	Adopted Budget 2018/19 \$ '000's	Sub Projects	Forecast Budget 2018/19 \$ '000's	YTD Shortfalls 2018/19 \$ '000's	Initiate		Analyse				Generate & Implement New				Comments			
											Concept		Planning / Approvals		Design / Specify		Tender / Procure		Construct / Implement					
											Start	End	Start	End	Start	End	Start	End	Start	End				
		Boronia Grove paths & landscape improvements	C24206		S Robinson	J Davis					SEP	SEP	SEP	SEP	OCT	NOV	DEC	DEC	FEB	MAY	Internal resource issues. Concept planning to be completed in November			
25	333	Implementation of Concept Plans		A Kourambas			40	40																
		Parks Alive Initiatives	C24205		J Cerejo									AUG	OCT	OCT	MAR	OCT	JUN		Marginal delay. Design to be completed in November and implementation in March.			
Community Services																								
26	100	Public Art Program	C06109		L Robson	M McEvoy	10	10											SEP	JUN				
Parks & Recreation																								
27	375	Colman Park Pavilion Extension	C25024		H Napier	Z Anver	S Bink	150	350										JUL	DEC	Practical completion			
28	368	Domeneys Reserve Pavilion Upgrade	C51154		H Napier	Z Anver	D Young	1,132	132		JUL	DEC	JAN	MAR	APR	JUN					Project will not be completed due to scoping, consultation and approval delays. It is proposed that the unspent funds be transferred to other priority projects, to enable continued progress and effective utilisation of funds in made under the current program, and the transferred amounts restored to these projects in 2019/20. Details TBC. Works to be undertaken in 2018/19 include the replacement of the dance floor, security access, and concept planning and design for pavilion upgrade. Transfer of \$200K Female Friendly Toilets, \$75K to Sportsground Refurbishment, \$500K to AMS Road Reseal, \$174K to AMS Footpaths, and \$50K to Contract man't System. Transferred amounts to be restored in 2019/20.			
29	453	Female Friendly Toilets	C52087		H Napier	Z Anver	N Belvedere	480	800										OCT	DEC	FEB	Transfer of \$200K from Domeneys Reserve, to be restored in 2019/20		
30	423	Lawford Reserve Development Plan		A Kourambas			366	576													\$181K carry forward from 17/18			
		Playspace & Picnic Facilities	C51158		S Robinson	D Young		230						JUL	AUG	SEP	SEP	OCT	MAR		Marginal delay. Tender to commence in November			
		Multi-use Plaza	C51156		S Robinson	S Robinson		150											JUL	AUG		Practical completion		
		Public toilet	C51159		S Robinson	D Young		100			AUG	SEP	SEP	OCT	NOV	DEC	FEB	MAR	MAY					
		Landscape improvements	C51160		S Robinson	S Robinson		92			AUG	SEP	SEP	SEP	OCT	NOV	DEC	DEC	FEB	JUN		Internal resource issues. Concept to be completed by November		
31	235	Vincelaneous General Leisure	C30021		H Napier	H Napier	Z Anver	150	150										JUL	JUN				
32	334	Petty's Reserve Spring Development - Stage 2	C51008		H Napier	Z Anver	D Young	100	116					JUL	JUN						Design only			
33	38	Playspaces Development Program		A Kourambas			732	732																
		Tasker Reserve	C24120		S Robinson	J Papadopoulos		100			AUG	OCT	NOV	NOV	DEC	DEC	JAN	MAR	APR	JUN				
		Karina Gully (Stage 1)	C24121		S Robinson	S Robinson		70			AUG	OCT	NOV	NOV	DEC	DEC	JAN	MAR	APR	JUN				
		Parks Alive park upgrades (Jocelyn, Ronald, Kerry Anne & Fernka)	C24122		S Robinson	J Papadopoulos		210			SEP	OCT	NOV	NOV	DEC	DEC	JAN	MAR	APR	JUN				
		Thoa Reserve	C24123		S Robinson	J Papadopoulos		70														Internal resource issues. Project will not proceed, to be substituted with another project. Details TBC		
		MNCLP (Springwood PlaySpace Stage 1)	C24124		S Robinson	J Papadopoulos		70												NOV	APR	Internal resource issues		
		Wynnum Reserve	C24125		S Robinson	S Robinson		50												NOV	APR	Internal resource issues		
		Ranleigh Reserve	C24126		S Robinson	S Robinson		50												NOV	APR	Internal resource issues		
		Grant Olson Reserve	C24127		S Robinson	S Robinson		35			JUL	JUL	JUL	JUL	JUL	JUL	SEP	SEP	OCT	DEC		Practical Completion September		
		Mulanee Reserve	C24150		S Robinson	S Robinson		15			JUL	JUL	JUL	JUL	JUL	JUL	SEP	SEP	OCT	DEC		Marginal delay. Works to be completed in January		
		General facility & landscape upgrades	C87017		S Robinson	S Robinson		62												JUL	DEC	SEP	JUN	
34	54	Sportsground Refurbishment/Drainage Program	C26012		H Napier	P Brabender	P Brabender	133	285											JUL	JUN	\$70K additional funding. \$70K transferred from Domeneys Pavilion, to be restored in 2019/20.		
35	224	Tennis Club Strategy		H Napier			188	258														\$70K additional income WRA funds		
		Doncaster 8 & 12	C25045		L Shaw	D Young													AUG	SEP	OCT	DEC	Marginal delay. Tender to be completed in November and construction to commence in February	
		Curawong	C25047		L Shaw	D Young														AUG	NOV	JAN	FEB	Additional \$70K WRA managed funds TBC. BC required.
36	462	Tullamore Interface Park Upgrade		A Kourambas	S Robinson	S Robinson	35	35																
		Shulley Reserve shared path	C51161												SEP	SEP	OCT	NOV	FEB	MAR		Internal resource issues. Tender to commence in December		
Municipal Offices																								
37	170	Furniture & Equipment	C6001		T Lawson	T Lawson	T Lawson	66	66												JUL	JUN		
IT Strategy Initiatives																								
38	138A	IT Strategy Initiatives - Other		D Belchambers	D Belchambers	L Nhan	260	260																
		Exchange Upgrade	C97090		F Pak	F Pak	M Skilton													JUL	SEP	Vendor availability delays. Practical completion November		
		Operational and Security Monitoring (SPLINK / Nessus) (Phase 2))	C97075		D Belchambers	D Belchambers	O Baldston													DEC	JAN			
		Charwell Change Module Implementation	C97073		D Belchambers	D Belchambers	O Baldston														FEB	JUN		
		Additional Desktop hardware	C97071		D Belchambers	D Belchambers	O Baldston														JUL	JUN		
ESD Initiatives																								
39	130B	Computer Infrastructure Replacement - (Servers)	C97147		D Belchambers	D Belchambers	L Nhan	66	66											NOV	APR			
40	130C	Other Computer Infrastructure	C20005		D Belchambers	D Belchambers	L Nhan	66	66											NOV	APR			
41	273	GIS/ GPS Initiatives		D Belchambers	D Belchambers		180	180																
		Dial Before You Dig Automated Response	C27040			N Christie					OCT		NOV		JAN					FEB	MAR	APR	Marginal delay	
		3D Aerial mapping of 2008 high density growth corridors	C27043			N Christie														NOV	APR			
		Public Access Weave (PAS)	C27044			N Christie															FEB	MAR	APR	
42	447	Customer Relationship Management		F Pak	F Pak		1,617	1,617																
		Customer Relationship Management Phase 1	C26537		P Robinson																JUL	FEB		
		Customer Relationship Management Phase 2	C26538		P Robinson						FEB	MAR	MAR		JUN						APR	JUN	2 year project	
43	EPN15	Enterprise Application Interface (iMS/Shareware)	C97150		D Belchambers	F Pak	M Skilton	365	439											JUL	JAN	\$54K carry forward from 17/18		
44	445	Information Architecture & Analytics (Data Warehouse)	C97151		D Belchambers	F Pak	D Pennan	538	538		JUL	SEP	OCT		MAR					APR	JUN	2 year project		
45	EPN15	Smart Cities - Smarter flows in Activity Centres	C97155		D Belchambers	D Belchambers	New Resource	200	200		JUL	SEP	OCT		NOV	DEC	JAN	FEB	JUN		2 year project. Resourcing TBC			
ASSET MANAGEMENT STRATEGY (AMS)																								
46	1	AMS Buildings																						
		Aquarea	C24602		H Napier	J Wilson	S Bink	300	300												JUL	JUN		
		Beverley Hills Pre School	C25701		J Smith	D Young	N Belvedere	180	140													DEC	JAN	
		Bulleen Park Pavilion (ON HOLD)	C25720		H Napier	Z Anver		200	0														ON HOLD pending outcomes of North East Link proposal. \$150K transferred to Aquarea Waterslide (Line 70) and \$50K to Curawong Toilet Upgrade (Line 66)	

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Line No.	Bus Case No.	DESCRIPTION OF WORKS	LEADER A/C No.	PROJECT ADV.	MANAGER RESPONSIBLE PROJECT	MANAGER	Adopted Budget 2018/19 \$'000's	Sub Projects	Forecast Budget 2018/19 \$'000's	YTD Shortfalls 2018/19 \$'000's	Initiate		Analyse				Generate & Implement New				Comments		
											Concept		Planning/ Approvals		Design/ Specify		Tender/ Procure		Construct / Implement				
											Start	End	Start	End	Start	End	Start	End	Start	End			
		Deep Creek Childcare Centre	C25702	J Smith	G Pascoe	N Belvedere	150		140														
		Dorchester Park Pre School	C25703	J Smith	G Pascoe	D Young	150		150														
		Highball Facilities	C25705	H Napier	J Wilson	S Bink	225		187														\$50K transferred to Aquacare waterhole (Line 70)
		Miscellaneous Building Refurbishment Works	C27034	G Pascoe	G Pascoe	G Pascoe	291		211														\$50K transferred to Dept Accommodation (Line 71)
		Mullum Mullum Boats	C25730	H Napier	J Wilson	S Bink	358		358				JUL	DEC	FEB	MAR	APR	JUN					ON HOLD pending further discussions with club on scoping requirements
		Municipal Offices	C25843	G Pascoe	G Pascoe	G Pascoe	50		50														
		MC2	C20211	G Brewer	G Brewer	G Pascoe	50		50														
		Neighbourhood Safer Places (NSP's) / Emergency Man's Initiatives	C83015	H Napier	H Napier		50		100				JUL	FEB									
		Old Shire Hall	C25709	L Robb	G Pascoe	G Pascoe	50		50														
		Park Avenue Pavilion	C82017	H Napier	D Young	G Pascoe	38		38														
		Park Orchards Community House	C25728	J Smith	G Pascoe	G Pascoe	120		60														
		Lower Templestowe Community Centre	C28555	J Smith	G Pascoe	N Belvedere	0		60														
		Playhouse Theatre	C25704	L Robb	G Pascoe	G Pascoe	100		100														
		Ruffey Lake Park Toilets (Church Road)	C25708	G Pascoe	G Pascoe	N Belvedere	100		100														
		Safety Improvements	C25602	G Pascoe	G Pascoe	P Farmer	25		25														
		Scouts & Girl Guide Halls	C20016	H Napier	G Pascoe	W Beames	50		50														
		Warandyte Reserve Tennis Pavilion (Decking)	C25732	H Napier	L Shaw	S Bink	40		80														
		Wilsons Road Pavilion	C87053	H Napier	D Young	D Young	80		80														
47	1	AMS Road & Reserve		D Ljivcic					80														
		Arterial Road Pavements (Link & Collectors)	C25531	J Davis	J Davis	J Davis	714		714		JUL	AUG	AUG	SEP	SEP	SEP							
		Bridges/Coverts - Roads & Reserves	C23533	J Davis	J Davis	J Davis	125		125		JUL	AUG	AUG	OCT	OCT	OCT	OCT	OCT					
		Carparks	C25540	J Davis	J Davis		86		86		JUL	AUG	AUG	AUG	AUG	AUG							
		Concrete ROW's	C28912	J Davis	J Davis		30		30														
		Pavement Design	C25550	J Davis	J Davis		25		25		JUL	SEP	SEP	SEP	SEP		OCT	NOV	DEC	FEB			
		Footpaths - Parks	C25633	J Davis	J Davis		170		170		JUL	AUG	AUG	AUG	AUG								
		Footpaths - Roads	C23918	J Davis	J Davis		950		724														
		Kerb & Channel	C25534	J Davis	J Davis		125		125														
		Open Space Road Pavements	C23516	J Davis	J Davis		50		50		JUL	AUG	AUG	AUG	AUG								
		Pram Crossings	C28511	J Davis	J Davis		50		50														
		Road Furniture/Signs/Bins/Seats	C24504	J O'Brien	J O'Brien		120		120														
		Road Restoration	C23915	J Davis	J Davis		600		600		JUL	AUG	AUG	SEP	SEP	SEP							
		Road Retaining Wall Structures	C28910	J O'Brien	J O'Brien		10		10														
		Road Surfacing (Reseals)	C23814	J Davis	J Davis		3,613		4,113		JUL	JUL	JUL	AUG									
		Road Renewal - Kerb & Channel	C25581	J Davis	J Davis		320		320		JUL	JUL	JUL	AUG									
		Underground/Open Drainage	C23917	J O'Brien	J O'Brien		285		285														
		Shopping Centre Enhancements	C25532	H Napier	A Graydon	A Graydon	150		150				JUL	SEP									
48	1	AMS Passive & Open Space		H Napier																			
		Cricknet Nets / Coaches Boxes / Goalposts	C82019	H Napier	H Napier		40		40														
		Fencing	C23521	H Napier	H Napier		151		151														
		Floodlighting (Warandyte Netball / Wonga Park #2 / Schramms #1)	C20081	H Napier	H Napier		180		90				JUL	DEC									
		Landscape Areas	C23520	H Napier	H Napier		40		40														
		Outdoor Basketball & Netball Facilities (Warandyte and Wonga Park)	C28022	H Napier	A Helou		65		65														
		Sporting Reserves	C20076	H Napier	H Napier		103		103														
		Water Services	C25536	H Napier	H Napier		100		100														
		Streetscapes	C97056	H Napier	H Napier		200		200														
		Play Spaces	C97059	H Napier	H Napier		50		50														
		Signage	C97057	A Kourambas	S Robinson		50		50					SEP	NOV	DEC	DEC	FEB	MAY				
49	1	AMS Leisure & Community																					
		Play Spaces Children Facilities	C23339	L Robson	J Smith	J Smith	51		51														
50	1	AMS Art Collection Conservation	C85101	L Robson	M McEvoy	M McEvoy	10		10														
51	1	AMS Project Van Admin	C28520	R Bramham	R Bramham	R Bramham	126		126														
		Plant Replacement																					
52	5	Plant Replacement Program	C95008	D Ljivcic	D Todeschini	D Todeschini	2,290		2,659														
		TOTAL CAPITAL WORKS					35,657		36,635														
		Ongoing / New Projects																					
53	352	Manningham SES / Civic Building Extension	C87054	L Harrison	D Young	N Belvedere	0		100	70													
		Practical completion December. Additional funds required for Training Room and Kitchen, to be funded from future savings identified under the current program																					
54	284	Mullum Mullum Creek Linear Park Stage 3	C27028	A Kourambas	S Robinson	S Bink	0		141	103													
		Practical Completion. Transfer of \$42K from Mullum Mullum Stage																					
55	452	Park Orchards BMX - Floodlights	C82094	H Napier	Z Anwer	S Bink	0		190		JUL	OCT	NOV	NOV	NOV	NOV	NOV	NOV	DEC	MAR			
		ON HOLD pending further discussions with club on scoping requirements. Transfer of \$50K from AMS Passive & Open Space - Floodlighting (Line 48)																					
56	EPMS	Finns Reserve Changing Places Facility	C24128	A Kourambas	S Peters	D Young	0		100	50						NOV	DEC	FEB	MAR				
		Additional \$50K contribution required from Council to complete works, to be funded from future savings identified under the current program																					
57	348	Asset Management System	C26027	R Bramham	F Park	F Park	0		6								JUL	SEP					
		Practical Completion																					
58	443	Contact Centre - Phase 2	C25538	F Park	F Park	J Kantaros	0		14									JUL	SEP				
		Practical Completion																					
59	450	Network Switch and Telephony Upgrade	C26028	F Park	F Park	P Robinson	0		0	119									JUL	JUL			
		Practical Completion																					
60	442	MADQ Upgrade & Enhancements	C24092	F Park	F Park	P Robinson	0		165										JUL	OCT			
		Vendor delays. Implementation in April																					

CAPITAL WORKS PROGRAM 2018/2019

TRAFFIC LIGHT PROGRAM

Attachment C

Line No.	Bus Case No.	DESCRIPTION OF WORKS	LEDDER AC No.	PROJECT ADV.	MANAGER RESPONSIBLE PROJECT	MANAGER	Adopted Budget 2018/19 \$ '000's	Sub Projects \$ '000's	Forecast Budget 2018/19 \$ '000's	YTD Shortfalls 2018/19 \$ '000's	Initiate		Analyse				Generate & Implement New				Comments	
											Concept		Planning / Approvals		Design / Specify		Tender / Procure		Construct / Implement			
											Start	End	Start	End	Start	End	Start	End	Start	End		
81	445	Chivs 21 upgrade	C97149	F Park	F Park	D Penman	0	156													Scope change. Implementation in June	
82	384	Enterprise Project Management Solution	C24086	F Park / R Bramham	F Park	R Boddington	0	112														Practical Completion. System implemented. Ongoing staff training and reporting requirements to be finalised.
83	EPMS	Event Management System	C97148	F Park	F Park	M Li	0	228														Vendor delays. Implementation in February
84	EPMS	Event Management Solution	C21802	F Park	F Park	J Kantaros	0	184														Vendor quality issues and new roll out strategy. Implementation in March
85	EPMS	Online Services City Approvals and Compliance	C97192	F Park	F Park	J Kantaros	0	262														To be funded from 2017/18 capital works surplus - \$202K
86	EPMS	Curawong Toilet Upgrade	C25724	G Jack	D Young	N Belvedere	0	50														Insurance Claim. Transfer of \$50K from AMS buildings (Line 45)
87	EPMS	Doncaster RSL War Memorial Access and Beautification	C22100	A Kouambas	S Robinson	S Robinson	0	150	120													Marginal delay. Works to be completed February. To be funded from 2017/18 capital works surplus - \$150K. Changes to scope. Additional funds required, to be funded from future savings identified under the current program and from grant.
88	EPMS	MTLC Netball Toilet Upgrade (Templestowe) and Pavilion Redevelopment (concept planning)	C25721	H Napier	J Wilson		0	250														To be funded from 2017/18 capital works surplus - \$250K. BC required and timelines TBC.
89	NEW	Chiller at Civic Centre	C27045	G Jack	G Pascoe	G Pascoe	0	160														Practical completion. To be funded from 2017/18 capital works surplus - \$150K.
90	NEW	Aquanna Waterslide	C24522	H Napier	J Wilson	S Brink	0	200														BC required. Timelines TBC. Transfer of \$200K from AMS buildings (Line 45)
71	EPMS	Depot Accommodation	C97070	G Jack	D Young	N Belvedere	0	80														Transfer of \$80K from AMS Buildings (Line 45). Additional funds required due to increase in scope of works. Works to be completed by March
72	EPMS	Workplace Health & Safety Management Solution	C97160	F Park	F Park	New Resource	0	166														To be funded from 2017/18 capital works surplus - \$166K. Timelines TBC.
73	EPMS	Wiltons Reserve Development	C51045	A Kouambas	S Robinson	A Mangan	0	0	30													Funding and Timelines TBC.
74	428	Donvale Reserve Management Plan (Water Main Upgrade)	C51005	H Napier	Z Anver	S Brink	0	0	80													Practical Completion. To be funded from future savings to be identified under the current program
75	EPMS	Boronia Grove Sporting Pavilion Redevelopment (concept planning)	C26220	H Napier	Z Anver	J Woods	0	0	30													Transfer of \$30K from AMS Buildings (Line 45). Additional funds required due to increase in scope of works. Works to be completed by March
76	EPMS	Deep Creek Reserve Sporting Pavilion Redevelopment (concept planning)	C26735	H Napier	Z Anver	J Woods	0	0	30													Timelines TBC. To be funded from future savings to be identified under the current program
77	EPMS	Contract Management System (Planning and Design Year 1)	C24095	T Lawson	F Park	New Resource	0	93														Additional items to address CH&S requirements. To be funded from future savings to be identified under the current program
78	430	Mullum Mullum Highball Facility	C24082	H Napier	S Brink		0	0	51													To be funded from future savings to be identified under the current program
79	NEW	Adjani Centre Roof Refurbishment / Replacement	C27902		G Pascoe	G Pascoe	0	0	50													To be funded from future savings to be identified under the current program
<b>Total Adopted Program Value / Forecast Amount</b>							<b>35,657</b>		<b>39,424</b>	<b>733</b>												

Unfunded Projects/Shortfalls

MYR Adjustments

**12 SHARED SERVICES**

There were no Shared Services report.

## 13 CHIEF EXECUTIVE OFFICER

### 13.1 Manningham Quarterly Report, Q2 (October - December) 2018

File Number: IN19/106  
Responsible Director: Chief Executive Officer  
Attachments: 1 Manningham Quarterly Report Q2 (October - December) 2018 [↓](#)

#### EXECUTIVE SUMMARY

*The Manningham Quarterly Report outlines key organisational indicators and many of the reporting requirements under the Local Government Performance Reporting Framework (LGPRF). The report also enables greater transparency to monitor and track key aspects of Council's performance for continuous improvement purposes.*

#### COUNCIL RESOLUTION

**MOVED: CR MICHELLE KLEINERT**  
**SECONDED: CR DOT HAYNES**

**That Council note the Quarterly Report for 1 October – 31 December 2018.**

**CARRIED**

## 2. BACKGROUND

This report has been developed on a quarterly basis to promote transparency, good practice and to meet reporting requirements under the Local Government Act (1989), and Planning and Reporting Regulations (2008). The report includes capital works, finance, corporate planning and councillor expenses.

## 3. DISCUSSION / ISSUE

### 3.1 Capital Works

- Satisfactory progress has been made on the implementation of the Program. The Domeney Reserve Pavilion Upgrade and Waldau Precinct projects will not be completed this financial year due to scoping, consultation and approval delays.
- \$1.45m ahead of adopted budget expenditure, but below the forecast due to a number of projects, which are lagging from a project expenditure prospective, but are expected to be completed.
- 20% variance in capital income reflects delays in receiving grants and income for works to be undertaken this financial year

**3.2 Finance**

- As at the end of December the operating surplus (income less expenses) is \$0.2m or 0.3% below target. This is not considered material and Council is on track to achieve the annual forecasts contained in the 2018-19 Mid-Year Budget Review.
- The variance primarily relates to non-cash item (depreciation) following annual revaluation of buildings at the end of 2017/18 resulted in an unfavourable variance of \$0.4m.
- The current year end forecasts will be reviewed in February 2019 as part of the 2019/20 Budget process.

**3.3 Statutory Planning**

- All Statutory Planning indicators remained stable for the quarter.

**3.4 Major Initiatives to deliver for the Council Plan 2017-2021**

- 14 Major Initiatives have been identified across the Council Plan themes of Community, Places and Spaces, Environment, Economy and Well Governed. These will be delivered across the four years. New measures have been identified for 2018/19.
- For Quarter 2, all Major Initiatives are on schedule for completion.

**3.5 Councillor Expenses**

- Minor adjustments have been made to the annual allowances of Cr Conlon and Cr Piccinini to reflect the change of Mayor on 8 November 2018.

**3.6 Chief Executive Key Performance Indicators**

- Key Performance Indicators for the new CEO, Andrew Day, will be added to the Quarterly Report once finalised.

**4. DECLARATIONS OF CONFLICT OF INTEREST**

No Officers involved in the preparation of this report have any direct or indirect conflict of interest in this matter.










# Manningham

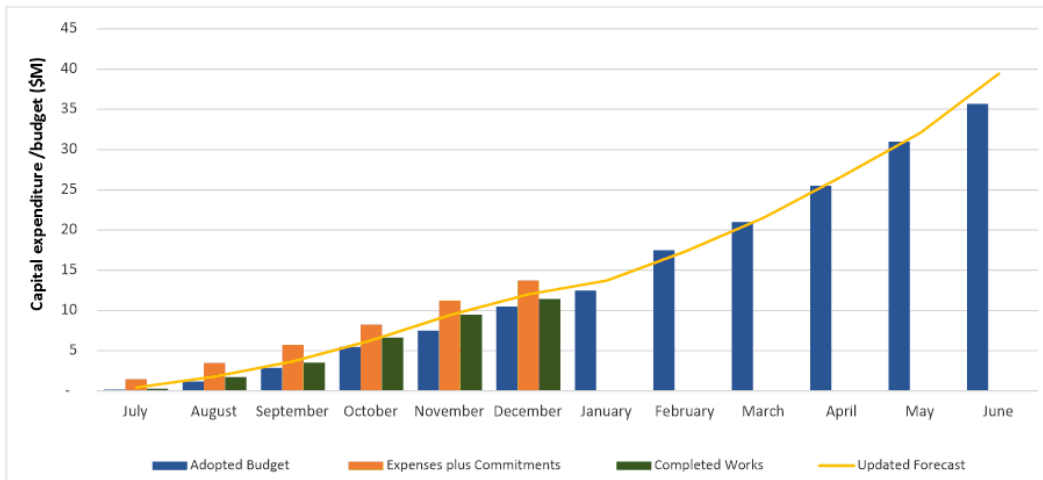
## Quarterly Report 2018/19




### Quarter 2: October - December 2018

## 1. Capital Works

\$35.66	Adopted Budget
\$3.77	Extra Funds
<b>\$39.43</b>	<b>Updated Forecast</b>

 <b>79</b>	 <b>11</b>	 <b>28</b>	 <b>30</b>	 <b>10</b>	<b>32.0%</b>
Projects Total	Projects Completed	Projects Delayed / Incomplete	Projects On Schedule	Projects To Start	Program Completed



		
VALUE OF CAPITAL WORKS	CAPITAL WORKS VARIANCE	CAPITAL INCOME & GRANTS
<b>\$11.43 m</b>	<b>\$1.45 m</b> ↑14.5%	<b>↓20.0%</b>

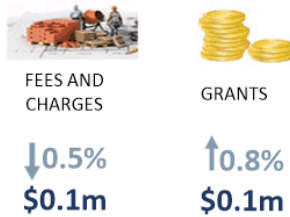
### Spotlight

- Satisfactory progress has been made on the implementation of the Capital Works Program. The Domeney Reserve Pavilion Upgrade and Waldau Precinct projects will not be completed this financial year due to scoping, consultation and approval delays.
- \$1.45m ahead of adopted budget expenditure, but below forecast due to a number of projects, which are lagging from a project expenditure prospective, but are expected to be completed.
- 20% variance in capital income reflects delays in receiving grants and income for works to be undertaken this financial year

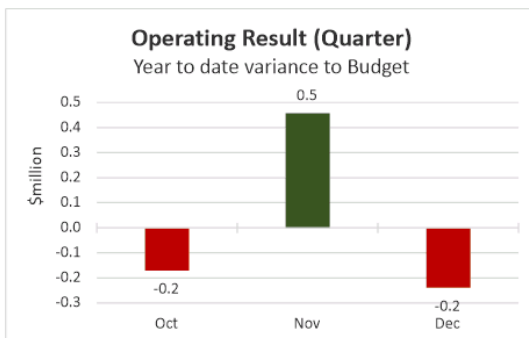
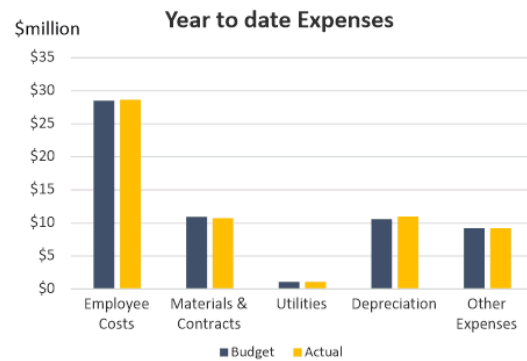
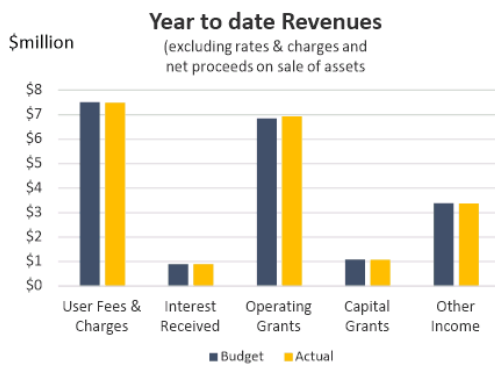
## 2. Finance

	Revenue	Expenses	Surplus
Budgeted	\$125.5m	\$64.0m	\$61.5m
Actual	\$125.6m	\$64.3m	\$61.3m

### Revenue Variation



### Expenses Variation

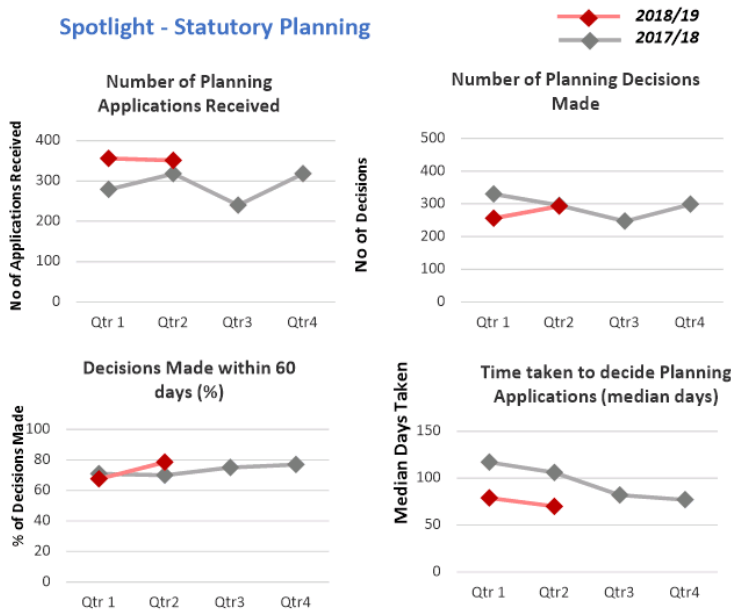


#### Spotlight

- As at the end of December the operating surplus (income less expenses) is \$0.2 million or 0.3% below target. This is not considered material and Council is on track to achieve the annual forecasts contained in the 2018-19 Mid-Year Budget Review.
- The variance primarily relates to non-cash item (depreciation) following annual revaluation of buildings at the end of 2017/18 resulted in an unfavourable variance of \$0.4 million.
- The current year end forecasts will be reviewed in February 2019 as part of the 2019/20 Budget process.

# 3. Corporate Performance

## Spotlight - Statutory Planning

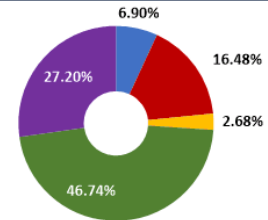


## Organisation Performance

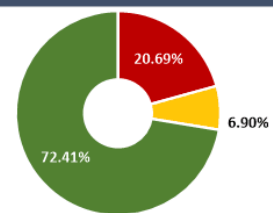
### Progress during the Quarter



### Action Performance



### KPI Performance



Council is within target to deliver 83.5% of actions and 79.3% of KPI's

### Council Plan 2017-2021

The Manningham Council Plan has five themes: Healthy Community, Liveable Places and Spaces, Resilient Environment, Prosperous and Vibrant Economy and Well Governed Council. Goals for each theme were developed in consultation with the Community, Councillors and Council staff. Progress on these goals is made through actions and initiatives each year. Major Initiatives are significant pieces of work in delivering on the Council Plan.

### Progress on Major Initiatives

Each Major Initiative is delivered over the four years of the Council Plan with a new stage or milestone to work towards created when one is completed (usually at the end of each financial year). For most initiatives we aim for 25% progress each quarter to build to 100% completion across the 4 quarters of the year. In Quarter 2, all major initiatives are on track for successful delivery.

Details on the Major Initiatives and Initiatives, as well as a full report on the achievements for the year, can be found in the 2017/18 Manningham Annual Report on our website at [manningham.vic.gov.au](http://manningham.vic.gov.au).

# 4. Major Initiatives

**Progress Key**  
█ Actual  
█ Target

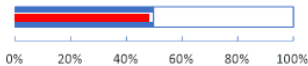
## HEALTHY COMMUNITY

### 1.1 A healthy, resilient and safe community

### 1.2 A connected and inclusive community



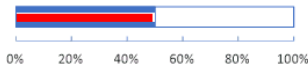
Healthy City Strategy  
2017-2021



Successful program continues: parenting sessions on Careers Expo and The Importance of Childhood and Play. Up to 100 Year 5/6 local students from Manningham and Maroondah participated in 'whip it like a pro' Bike-It interschools bike skills challenge.



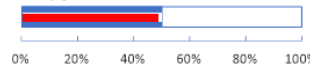
Access, Equity and Diversity



Partnering on projects to prevent family violence in faith settings and build the capacity of four sporting clubs to be more inclusive. Delivered training regarding disabled women and domestic violence. Supported 16 Days of Activism against gender-based violence.



Deliver female friendly facility upgrades in selected Pavilions



Upgrades on budget and time. Facilities at Wonga Park Reserve Pavilion #2 and Anderson Park have been completed. Deep Creek Reserve, Donvale Reserve Pavilion #2, Park Reserve, Templestowe Reserve and Stintons Reserves are to be completed before May.

## LIVEABLE PLACES AND SPACES

### 2.1 Inviting places and spaces

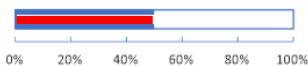
### 2.2 Enhanced parks, open space and streetscapes

### 2.3 Well connected, safe and accessible travel

### 2.4 Well utilised and maintained community infrastructure



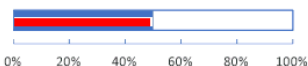
Ensure local planning is responsive to community need



Amendment VC148 was gazetted on 31 July 2018. The Manningham Planning Scheme is being translated into the new format (as a pilot). Amendment C117 aims to introduce a local policy to provide guidance for assessing planning applications in the Green Wedge.



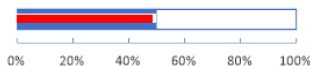
Implementation of Parks Improvement Program



Preparation for Lawford Reserve Management Plan Stage 3 tender (toilets, paths, playground and picnic area), Petty's Reserve design and Waldau Precinct Master Plan consultation. Planning for completion of Main Yarra River Trail to Warrandyte.



Roads Improvement Program



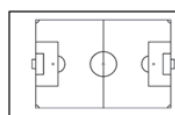
King St: Stages 1 and 2A working on minor defect repair/rectification. Stage 2B footpaths in construction and drainage ready to commence. Jumping Creek Rd: Stage 1 finalising planning permit and property acquisitions well advanced. Utilities alterations to be complete this financial year. Stages 3 and 4 in design phase.



Integrated Transport



The new 2018 - 2020 Transport Action Plan focuses on advocating for improvements to the current bus network, a Doncaster Bus Rapid Transit (BRT) system, the Suburban Rail Loop proposal to extend through the City, as well as other transport considerations.



Mullum Mullum Stadium



Working continues with Manningham YMCA to increase utilisation of new multi-sport stadium. Achieving 54% use of stadium (up 6% from last quarter) with 68% peak use, 40% off-peak use.



Environmental education and awareness



40 Spring Outdoors, Nature Walks, Environment Seminars, Smarter Living and Waterwatch community events held for 2018/19. Mayor and Councillors joined over 400 students from 18 schools at the Lead to Sustain conference at Currawong Bush Park.

# Major Initiatives cont.

**Progress Key**  
█ Actual  
█ Target

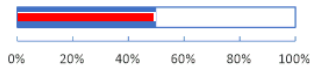
## RESILIENT ENVIRONMENT

**3.1 Protect and enhance our environment and biodiversity**

**3.2 Reduce our environmental impact and adapt to climate change**



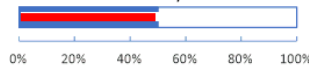
Upgrade Council Drainage



Design for Melbourne Hill Road remains on schedule for mid-2019. Marcus Road Easement Drain and Granard Avenue rain water detention system has been completed. Ringwood Warrandyte Road Easement Drain construction to be completed in January 2019.



Bolin Bolin Billabong Water Facility



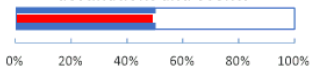
Working on Blue-Green Algae Management Plan. Updated water balance model prepared and additional planting to be arranged around Golf Course lake. Finalising defect rectification and award of contract for system maintenance and operations for 12 months.

## VIBRANT AND PROSPEROUS ECONOMY

**4.1 Grow our local business, tourism and economy**



Grow the visitor economy, destinations and events



A Tourism Priorities Plan has been developed to support local tourism. Council has identified short term actions and is also working on tourism promotion materials focussing on friends and relatives visiting Manningham.

**Key: Monitoring Progress**

Target █  
 Actual █

*\*Target is usually 25% cumulative across the project timeframe  
 In the example above, the project is 20% actual with a target of 25%*

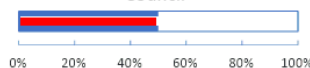
## WELL GOVERNED COUNCIL

**5.1 A financially sustainable Council that manages resources effectively and efficiently**

**5.2 A Council that values citizens in all that we do**



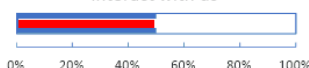
Long Term Sustainability of Council



Draft timetable under development and working with key stakeholder to ascertain major financial changes since the 2018/19 10-year financial plan was adopted. Mid-year review completed and preparation for Councillor Planning Workshop underway.



Making it easier for citizens to interact with us



First Contact Resolution reached a high of 75% in December (72% for Q2). CRM Phase 1 delayed until April due to technical issues, vendor resourcing and timeliness. Customer research planned for February 2019 will inform our processes and practices.

## 5. Councillor Expenses

An allocation of \$12,455 for each Councillor and \$15,000 for the Mayor is budgeted annually to reimburse Councillors for expenses incurred while carrying out their roles.

Significant demands are placed on Councillors in carrying out their civic and statutory roles attending community meetings and events, capacity building and advocacy meetings in pursuit of the best outcomes for the municipality. The Mayor has a slightly higher allowance as they are required to carry out additional civic and ceremonial duties.

The Councillor Allowance and Support Policy guides the reimbursement of Councillor expenses. This budget is all inclusive and covers conferences and training, travel, child minding and information and communications technology expenses. As part of Council's commitment to remaining accountable and transparent, these expenses will be presented to the community each quarter.

Categories include: Travel, Car Mileage, Childcare, Information and Communication Technology, Conferences and Training (including professional development, workshops), General Office Expenses (including meeting incidentals), Formal Attendances (including community events and functions) and Other (publications).

Quarter 2, October - December 2018											
Councillor	Travel	Car Mileage	Childcare	Information Communication Technology	Conferences & Training	General Office Expenses	Formal Attendances	Other	Total Qtr	Year to Date	Annual Allowance (Financial Year)
Cr A Chen	\$267	\$0	\$0	\$0	\$0	\$0	\$40	\$106	\$413	\$933	\$12,455
Cr A Conlon	\$205	\$0	\$0	\$0	\$0	\$143	\$360	\$391	\$1,100	\$2,358	\$13,360*
Cr S Galbally	\$932	\$0	\$0	\$145	\$0	\$0	\$0	\$0	\$1,077	\$7,872	\$12,455
Cr G Gough	\$11	\$0	\$0	\$0	\$0	\$0	\$80	\$0	\$91	\$1,115	\$12,455
Cr D Haynes	\$623	\$1,283	\$0	\$314	\$450	\$10	\$634	\$5	\$3,318	\$4,669	\$12,455
Cr M Kleinert	\$569	\$1,229	\$0	\$273	\$450	\$98	\$54	\$45	\$2,718	\$3,356	\$12,455
Cr P McLeish	\$0	\$0	\$0	\$0	\$0	\$0	\$80	\$0	\$80	\$437	\$12,455
Cr P Piccinini	\$0	\$167	\$0	\$0	\$450	\$62	\$32	\$0	\$711	\$1,395	\$14,095*
Cr M Zafiroopoulos	\$0	\$1,839	\$0	\$273	\$90	\$0	\$60	\$20	\$2,282	\$6,831	\$12,455

\* Minor adjustments to the allowances of Cr Piccinini and Cr Conlon reflect the change in Mayor from Cr Conlon to Cr Piccinini on 8 November 2018.

## 13.2 Record of Assembly of Councillors

File Number:	IN19/102
Responsible Director:	Acting Group Manager Legal, Governance and Risk
Attachments:	1 Strategic Briefing Session - 22 January 2019 <a href="#">↓</a>
	2 Sustainable Design Taskforce - 31 January 2019 <a href="#">↓</a>
	3 Municipal Emergency Management Planning Committee - 1 February 2019 <a href="#">↓</a>
	4 Municipal Fire Management Planning Committee - 1 February 2019 <a href="#">↓</a>
	5 Strategic Briefing Session - 5 February 2019 <a href="#">↓</a>
	6 Senior Citizens Reference Group - 13 February 2019 <a href="#">↓</a>

### EXECUTIVE 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 an ordinary meeting of Council and those records are to be incorporated into the minutes of the Council Meeting.*

### COUNCIL RESOLUTION

**MOVED: CR SOPHY GALBALLY**  
**SECONDED: CR ANDREW CONLON**

**That Council note the Records of Assemblies for the following meetings and that the records be incorporated into the minutes of this Council Meeting:**

- **Strategic Briefing Session – 22 January 2019**
- **Sustainable Design Taskforce – 31 January 2019**
- **Municipal Emergency Management Planning Committee – 1 February 2019**
- **Municipal Fire Management Planning Committee – 1 February 2019**
- **Strategic Briefing Session – 5 February 2019**
- **Senior Citizens Reference Group – 13 February 2019**

**CARRIED**

## 2. BACKGROUND

2.1 An Assembly of Councillors is defined in the Local Government Act 1989 as a meeting of an advisory committee of the Council, if at least one Councillor is present, or a planned or scheduled meeting of at least half of the Councillors and one member of the Council staff which considers matters that are intended or likely to be:-

- 2.1.1 The subject of a decision of the Council; or
- 2.1.2 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.
- 2.2 An advisory committee can be any committee or group appointed by council and does not necessarily have to have the term 'advisory committee' in its title.
- 2.3 Written records of Assemblies are to include the names of all Councillors and members of Council staff attending, a list of matters considered, any conflict of interest disclosures made by a Councillor and whether a Councillor who has disclosed a conflict of interest leaves

### **3. DISCUSSION / ISSUE**

- 3.1 The Assembly records are submitted to Council, in accordance with the requirements of Section 80A of the Local Government Act 1989. The details of each of the following Assemblies are attached to this report.
- Strategic Briefing Session – 22 January 2019
  - Sustainable Design Taskforce – 31 January 2019
  - Municipal Emergency Management Planning Committee – 1 February 2019
  - Municipal Fire Management Planning Committee – 1 February 2019
  - Strategic Briefing Session – 5 February 2019
  - Senior Citizens Reference Group – 13 February 2019

### **4. DECLARATIONS OF CONFLICT OF INTEREST**

No Officers involved in the preparation of this report have any direct or indirect conflict of interest in this matter.



Record of an Assembly of Councillors

Manningham City Council

## **Strategic Briefing Session**

**Meeting Date:** 22 January 2019  
**Venue:** Council Chamber, Civic Office, 699 Doncaster Rd, Doncaster  
**Starting Time:** 6.34pm

1. **Councillors Present:**  
Councillor Paula Piccinini (Mayor)  
Councillor Anna Chen (Deputy Mayor)  
Councillor Andrew Conlon  
Councillor Sophy Galbally  
Councillor Geoff Gough  
Councillor Dot Haynes  
Councillor Michelle Kleinert  
Councillor Zafiroopoulos

**Apologies from Councillors:**  
Councillor Paul McLeish

**Executive Officers Present:**  
Andrew Day, Chief Executive Officer  
Leigh Harrison, Director City Services  
Philip Lee, Director Shared Services  
Lee Robson, Acting Director City Planning & Community

**Other Officers in Attendance:**  
Andrew McMaster, Acting Group Manager Legal, Governance and Risk  
Carrie Bruce, Senior Governance Advisor  
Helen Napier, Manager City Amenity  
Heather Callahan, Coordinator Recreation  
Frank Vassilacos, Coordinator Integrated Transport  
Liz Lambropoulos, Team Leader Integrated Transport  
Marc Milinkovic, 3D Spatial Data Officer  
Matt Slavin, Manager Integrated Planning

2. **Disclosure of Conflicts of Interest**  
No disclosures of conflict of interest were made.
3. **Items Considered**  
3.1 Recreation Strategy Update  
3.2 Yarra River Concept Plan  
3.3 Healthy City Advisory Committee – Appointment of New Member

The meeting ended at 8:00pm  
\*\*\*\*\*

**Sustainable Design Taskforce**

**Meeting Date:** 31 January 2019  
**Venue:** Heide Room Civic Office, 699 Doncaster Road Doncaster  
**Starting Time:** 8.00am

**Attendance & Apologies****Councillors in Attendance**

Cr Paula Piccinini – Heide Ward  
Cr Anna Chen – Koonung Ward  
Cr Dot Haynes – Koonung Ward  
Cr Paul McLeish – Mullum Mullum Ward

**Officers in Attendance**

Niall Sheehy – Group Manager Approvals and Compliance  
Fiona Troise – Manager Statutory Planning  
Greg Whitehouse – Coordinator Statutory Planning  
Jan Marzic – Approvals Engineer  
Subash Nanoo – Coordinator Traffic and Development

**Apologies**

Nil

**Disclosure of Conflict of Interest**

No disclosures were made.

**Items Considered:**

1. 454-456 Doncaster Road Doncaster

**Finishing Time:** 9:10am

Record of an Assembly of Councillors

Manningham City Council

## **Manningham Emergency Management Planning Committee (MEMPC)**

**Meeting Date:** Friday 1 February 2019  
**Venue:** Council Chamber, Civic Office, 699 Doncaster Rd, Doncaster  
**Starting Time:** 10am

**1. Councillors Present:**  
Councillor Andrew Conlon

**Officers Present:**

Leigh Harrison - Director Assets and Engineering  
Helen Napier – Manager City Amenity  
Garth Stewart – Coordinator Emergency Management  
Amber Thorgersen – Emergency Management Officer  
John O'Brien – Coordinator Assets and Environment  
Scott Morone – Team Leader Local Laws  
Dean Graham – Emergency Management Engagement Officer  
Matt Slavin – Manager Integrated Planning (MRM)  
Justin Hanrahan – Manager Economic and Community Wellbeing (MRM)  
Ellen Brown – Team Leader Environmental Health

**2. Disclosure of Conflicts of Interest**  
No disclosures were made.

**3. Items Considered**

1. Confirmation of Previous Minutes
2. Actions Arising
3. Correspondence
4. General Business
  - Contacts List
  - Council's Emergency Management Team
  - Grants and Projects
  - EM Legislation
  - MEMP Audit
  - CERA
  - Community Engagement
  - Training and Exercising
  - Items without Notice
5. Sub Committee Reports
  - Municipal Fire Management Planning Sub Committee
  - Response and Recovery Sub Committee
  - Community Resilience Sub Committee
6. State and Federal Issues
7. Agency Reports

**Finishing time**

The meeting ended at 12pm

\*\*\*\*\*

Record of an Assembly of Councillors

Manningham City Council

## **Manningham Fire Management Planning Committee** **(MFMPC)**

**Meeting Date:** Friday 1 February 2019  
**Venue:** Council Chamber, Civic Office, 699 Doncaster Rd, Doncaster  
**Starting Time:** 8am

**1. Councillors Present:**  
Councillor Andrew Conlon

**Officers Present:**

Helen Napier, Manager City Amenity  
Garth Stewart, Coordinator Emergency Management  
Amber Thorgersen, Emergency Management Officer  
Scott Morone, Team Leader Local Laws  
Dean Graham, Emergency Management Engagement Officer  
Andrew Graydon, Coordinator Parks  
Samantha Bradley, Senior Environmental Planner

**2. Disclosure of Conflicts of Interest**  
No disclosures were made.

**3. Items Considered**

1. Welcome and Introductions
2. Confirmation of Previous Minutes
3. Business arising from previous meetings
4. Correspondence
  - Outgoing
  - Incoming
5. Presentation Sandi Bowles – DELWP – Metropolitan Strategic Bushfire Management Plan
6. VFRR Update
7. Municipal Signage Replacement
8. Fire Mitigation Meeting
9. Manningham Emergency Aware Program
10. General Business
  - Update on Vacant land Inspection Program
  - Update on recent Warrandyte/Wonga Park Precinct Committee Meeting
  - Regional Fire Management Planning Committee Meeting

**Finishing time**

The meeting ended at 10am

\*\*\*\*\*

Record of an Assembly of Councillors

Manningham City Council

## **Strategic Briefing Session**

**Meeting Date:** 5 February 2019  
**Venue:** Council Chamber, Civic Office, 699 Doncaster Rd, Doncaster  
**Starting Time:** 6.34pm

**1. Councillors Present:**

Councillor Paula Piccinini (Mayor)  
Councillor Anna Chen (Deputy Mayor)  
Councillor Andrew Conlon  
Councillor Sophy Galbally  
Councillor Geoff Gough  
Councillor Dot Haynes  
Councillor Paul McLeish  
Councillor Zafiroopoulos

**Apologies from Councillors:**

Councillor Michelle Kleinert

**Executive Officers Present:**

Andrew Day, Chief Executive Officer  
Leigh Harrison, Director City Services  
Philip Lee, Director Shared Services  
Angelo Kourambas, Director City Planning & Community

**Other Officers in Attendance:**

Andrew McMaster, Acting Group Manager Legal, Governance and Risk  
Carrie Bruce, Senior Governance Advisor  
Kym McClean, Governance Support Officer  
Matt Slavin, Manager Integrated Planning  
Susan Ross, Senior Strategic Planner  
Ben Harnwell, Coordinator Business and Events  
Helen Napier, Manager City Amenity  
Heather Callahan, Coordinator Recreation  
Liz Lambropoulos, Team Leader Integrated Transport

**2. Disclosure of Conflicts of Interest**

No disclosures of conflict of interest were made.

**3. Items Considered**

- 3.1 Amendment C117 Manningham Planning Scheme
- 3.2 North East Link Project Update
- 3.3 Application for Review P2044/2018 of Planning Application PL17/027801 for 14 & 16 Clay Drive, Doncaster
- 3.4 Advanced Waste Processing – Confidential

The meeting ended at 9:20pm

\*\*\*\*\*

Record of an Assembly of Councillors

Manningham City Council

## **Senior Citizens Reference Group**

**Meeting Date:** Wednesday 13 February 2019  
**Venue:** Function Room 3, Civic Office, 699 Doncaster Rd, Doncaster  
**Starting Time:** 9.30am to 11.00am

1. **Councillors Present:**  
Councillor Dot Haynes – Koonung Ward

**Officers Present:**  
Keri Kennealy, Manager, Aged and Disability Support Services  
Catherine Walker, Coordinator Social Support, Aged and Disability Support Services

2. **Disclosure of Conflicts of Interest**  
There were no conflicts of interest noted.

3. **Items Considered**

1. Acknowledgement – Chinese Seniors Citizens Club of Manningham, Community Organisation of the year, Menzie award
2. Update - Progress of Manningham Positive Ageing Alliance Group
3. Manningham draft Parking permit Policy
4. North East Link Project - Briefing
5. Free Carers Dementia Conference

**Finishing time**  
The meeting ended at 11.05am

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**13.3 Documents for Sealing**

File Number: IN19/101  
Responsible Director: Chief Executive Officer  
Attachments: Nil

**EXECUTIVE SUMMARY**

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

**COUNCIL RESOLUTION**

**MOVED: CR DOT HAYNES**  
**SECONDED: CR ANDREW CONLON**

**That the following documents be signed and sealed:**

**Consent to Build over an Easement  
Agreement under Section 173 of the Planning and Environment Act 1987  
Council and Choice Housing Pty Ltd  
23 Hanke Road, Doncaster**

**Consent to Build over an Easement  
Agreement under Section 173 of the Planning and Environment Act 1987  
Council and D R Tainsh and H L Tainsh  
7 Illawong Drive, Donvale**

**Consent to Build over an Easement  
Agreement under Section 173 of the Planning and Environment Act 1987  
Council and Shine City Pty Ltd  
222 High Street, Templestowe Lower**

**Consent to Build over an Easement  
Agreement under Section 173 of the Planning and Environment Act 1987  
Council and A L Meng  
18 Hanke Road, Doncaster**

**Deed of Renewal and Variation of Lease  
Council and Doncaster Tennis Club Inc.  
Part 802-804 Doncaster Road, Doncaster**

**Consent to Build over an Easement  
Agreement under Section 173 of the Planning and Environment Act 1987  
Council and W J Weng and B B Ren  
19 Boyd Street, Doncaster**

**CARRIED**

**2. BACKGROUND**

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.

**3. DECLARATIONS OF CONFLICT OF INTEREST**

No officers involved in the preparation of this report have any direct or indirect conflict of interest in this matter.



## 14 URGENT BUSINESS

There were no items of Urgent Business.

## 15 COUNCILLORS' QUESTION TIME

### 15.1 Councillor Chen – Streetscapes in Manningham

Councillor Chen asked a question regarding Manningham's streetscapes, using Doncaster Hill as an example, and asked if Council is going to wait until this area is fully developed and then consider the streetscape or can something happen sooner?

*The Director of City Planning and Community, Mr Angelo Kourambas responded that Council is about to embark on a review of the Doncaster Hill Strategy and Council's Street Tree Policy and advised that this matter would be considered as part of this process.*

Councillor Haynes sought clarification about how Council currently manages the streetscape as often trees are removed and replaced for a variety of reasons.

*Mr Kourambas advised that Council responds to changes in the streetscape on a daily basis however, this review would provide Council with the opportunity to take a strategic long term approach to managing its streetscape.*

Councillor Galbally sought clarification as to whether Councillor Chen's question related to more structured planning to put more greenery in Doncaster Hill and Council's higher density areas.

*Councillor Chen responded that there is currently inconsistent planting and design on Manningham's main roads and median strips and advised that her question was designed to find out if Council had any plans to improve this.*

Councillor Gough advised that Manningham currently has a streetscape plan and that some of this strategic planning has already been undertaken.

### 15.2 Councillor Conlon - Traffic Improvements to Springvale Road

Cr Conlon asked what can be done to improve traffic along Old Warrandyte Road in Donvale and can Council put pressure on Vicroads to fix up Springvale Road?

*The Mayor, Councillor Piccinini advised that she would take the question on notice.*

## 16 CONFIDENTIAL REPORTS

**COUNCIL RESOLUTION**

**MOVED: CR ANNA CHEN**  
**SECONDED: CR DOT HAYNES**

**That Council declare the information contained in Item 16.1 - Draft Community Facilities Access and Concession Policy is no longer confidential information and the report be considered in the open meeting of Council.**

**CARRIED**

## 16.1 Draft Community Facilities Access and Concession Policy

File Number: IN19/110  
Responsible Director: Director City Services  
Attachments: 1 [Draft Community Facilities Access and Concession Policy](#)  
[↓](#)

### EXECUTIVE SUMMARY

*This report is seeking Council endorsement of the policy review work that has been undertaken for community and sporting facilities' concessional pricing and usage.*

*The aim of this work is to introduce a more integrated, equitable and streamlined approach to cost recovery from community and sporting facilities. This is intended to result in a consistent and transparent approach to the future use and pricing of community facilities (excluding sporting grounds/open space allocations and contract managed facilities, such as Aquarena and indoor stadiums).*

*A key focus of the review is to identify and recover reasonable charges as a partial contribution towards the actual costs of operating and maintaining community infrastructure, balanced against affordability and social benefit considerations.*

*This report proposes the adoption in-principle of the draft Community Facilities Access and Concession Policy for the purposes of community consultation.*

*Refer Attachment 1 for the Draft Community Facilities Access and Concession Policy.*

### COUNCIL RESOLUTION

**MOVED: CR DOT HAYNES**  
**SECONDED: CR SOPHY GALBALLY**

**That Council:**

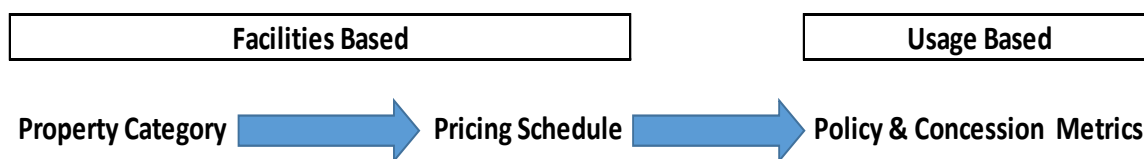
- A. note the review of the draft Community Facilities Access and Concession Policy;**
- B. endorse public exhibition of the draft Community Facilities Access and Concession Policy for the purpose of community consultation; and**
- C. receive a further report following the public exhibition period.**

**CARRIED**

## 2. BACKGROUND

- 2.1 Staff have completed an extensive review of the usage of Council's community and sporting indoor facilities (excluding the Stadiums and Aquarena), from a usage and occupancy perspective to a cost of service viewpoint.

- 2.2 For the purposes of information the review, a comprehensive list of facilities was developed, which encompassed occupancy levels and updated maintenance costs for all community facilities. In addition, true costs (including depreciation), as well as gross market rental values, were evaluated.
- 2.3 The draft Community Facilities Access and Concession Policy provides an overview of the type of usage for each group of facilities, along with proposed concession levels for any future charging regimes that may be applied to partially address sustainable cost recovery. These concession rates are not intended to apply to the current charging levels (i.e. the status quo).
- 2.4 It is anticipated that a future pricing schedule would be based on specified categories for the facilities, with each categorisation based, in turn, on usage/occupancy multiplied by the cost per square metre for maintenance to determine the base pricing parameters. The policy would then be applied, which shows the nominated concession rate. It is noted in the policy that fee levels are determined by Council each year during consideration of the annual budget.
- 2.5 The suggested category clusters by type are:
- 2.5.1 MC<sup>2</sup>
  - 2.5.2 Commercial Leases (Community Based) – e.g. Opportunity Shop / Warrandyte Diary
  - 2.5.3 Community Hubs and Community Learning Institutions (Registered Training Organisations) – e.g. Pines / Ajani / Park Orchards / Early Intervention Services
  - 2.5.4 Community Centres / Neighbourhood Houses
  - 2.5.5 Preschools / Kindergartens / Child Care Centres
  - 2.5.6 Historical Society – e.g. Arts Society / Post Office Museum
  - 2.5.7 Special Interest Groups – e.g. RSL / Schramms Cottage
  - 2.5.8 Sports pavilions – Level 1 sports, including football/cricket/soccer
  - 2.5.9 Sports pavilions – Level 2 sports, including: football/cricket/soccer/ bowls/hockey/BMX/baseball
  - 2.5.10 Sports pavilions – Level 2 scouts/dog activity centre
  - 2.5.11 Sports pavilions – Level 2 tennis clubs
  - 2.5.12 Sports pavilions – Level 3 sports, including football/cricket/soccer/ pony clubs
- 2.6 The review methodology has included the following key steps in the process of determining the applicable fee categories and concessions:

**Review Methodology - Steps in Process**

- 2.7 In circumstances where a club is wholly responsible for the upkeep of a facility, future fees would be adjusted accordingly, to reflect this.

**3. ISSUES AND PROPOSALS**

- 3.1 There is a lack of equity between relative fees paid at present for the use Council facilities, and a lack of consistency amongst lease and licence agreements. In addition, there is a significant cost leakage occurring across community facilities, when considered on a cost recovery basis, and a reasonable level of contribution from user groups needs to be considered, especially in the face of increasing financial pressures for local government under a rate capping environment.

**Concession Policy**

- 3.2 The work behind the policy has looked at what full cost recovery (excluding depreciation) might equate to, and then this has been tempered with a social benefit and an ability-to-pay adjustment, in order to determine relative concession, or discount, levels
- 3.3 Based on the methodology of this review, and the key principles for determining a level of concession that may be offered to the user groups, a range of concessions are proposed, as outlined within the policy.
- 3.4 The level of concession reflects the key principles outlined within the policy, including the social benefit that each user group provides to the community.
- 3.5 Reference is made to Attachment 1: Draft Community Facilities Access and Concession Policy for the details of the principles being proposed for each type of facility user, and the recommended levels of concession. The relevant concession level applies to each individual user group for the full term of their tenancy.

**Communication and Engagement Plan**

- 3.6 Council will undertake focus groups to provide an opportunity for user groups to provide feedback to Council. Given the large number of groups involved, individual sessions are not being proposed.
- 3.7 Consultation will focus on the draft policy principles and the appropriateness of the proposed categories for concession.

**4. TIMELINE**

- 4.1 A Communication and Engagement Plan has been developed for the formal implementation by Council of the policy, and the timelines for consultation will influence when the final report is referred back to Council to consider the adoption of the Policy.
- 4.2 Process:
  - 4.2.1 Inform stakeholders and the community about the new draft policy.
  - 4.2.2 March 2019: Focus groups introducing a proposed policy change and the reasons behind it (key messages).
  - 4.2.3 March/April 2019: Consult with key stakeholders. Month of April to answer questions.
  - 4.2.4 June/July 2019: Council to receive a further report following community consultation.

**5. IMPACTS AND IMPLICATIONS**

- 5.1 Implementing the draft policy and guidelines is intended to streamline operational issues related to the hiring and leasing of community facilities.
- 5.2 Subject to future considerations of fee levels, the policy will provide a framework for adopting a more equitable, transparent and sustainable fee-for-use structure.

**6. IMPLEMENTATION STRATEGY**

- 6.1 A Communication and Engagement Plan has been developed to outline the proposed policy changes with key stakeholders and affected community groups.
- 6.2 The plan will address all issues in a consistent manner, and ensure that Council officers and community understand the draft Policy and Guidelines.

**7. DECLARATIONS OF CONFLICT OF INTEREST**

No officers involved in the preparation of this report have any direct or indirect conflict of interest in this matter.



## Policy Register

### **Community Facilities Access and Pricing Policy**

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**Draft - not approved**

Policy Classification	- TBA
Policy No.	- D18/354730
Policy Status	- Draft
Responsible Service Unit	- Property
Authorised by	- TBA
Date Adopted	- TBA
Next Review Date	- TBA

*This policy is part of a suite of policies adopted by Council or the Executive Management Team (EMT).*

*New or replacement policies can be created and developed within Service Units but can only be added to Council's Policy Register by Governance Services following the approval of the policy by Council or the EMT.*



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Draft not approved





## PURPOSE

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The purpose of this policy is to ensure a consistent and transparent approach for the use of Council's community facilities by community groups and other organisations.

This policy will provide guidance on what terms and conditions are offered by Council, including concession levels for groups using these facilities.

This policy is based on principles to ensure Council assets are utilised equitably. It recognises that financial contributions received through rental or hire income support Council's operations to meet the expectations of our community.

Community organisations that offer activities which support Council's objectives for a healthy and livable city will be eligible for concessions for Council's facilities. The levels of concession and their rationale are outlined within the policy to ensure a consistent approach.

The policy will ensure that Council complies with relevant Victorian legislation:

- **The Local Government Act 1989:** This includes restrictions on the maximum length of leases and provisions requiring leases to be advertised in certain circumstances, including leases of 10 years or more duration and leases for properties with market rental value of more than \$50,000 per year.
- **Retail Leases Act 2003:** Captures leases of premises that are used wholly or predominantly for retail provision of goods or services, including not for profit organisations.

## POLICY STATEMENT

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This policy outlines the conditions for leasing, licencing and hire of community facilities in a fair, transparent and consistent way. It indicates the level of fee applicable to each tenant or hirer, and the rationale for this as well as discounts that are offered by Council to support community benefit and enhanced wellbeing.

Council Plan actions relating to this policy include:

- Healthy Community:
  - 1.1 A healthy, resilient and safe community.
  - 1.2 A connected and inclusive community.
- Liveable Places and Spaces:
  - 2.4 Well utilised and maintained community infrastructure.



- Well Governed Council:
  - 5.1 A financially sustainable Council that manages resources effectively and efficiently.
  - 5.2 A Council that values citizens in all that we do.

## SCOPE OF POLICY

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This policy applies to community buildings that are leased, licenced or hired such as:

- Community halls and venues;
- Tenancies at MC<sup>2</sup>;
- Kindergartens;
- Neighbourhood Houses;
- Scout and Guide Halls;
- Sports pavilions;
- Senior Citizens Centres;
- Other Council owned buildings used for community or cultural purposes.

The types of agreements offered by Council include:

- Lease – exclusive occupancy;
- Licence – non-exclusive occupancy;
- Seasonal licence – non-exclusive occupation during a sporting season;
- Regular hire agreement – annual agreement for sessional use of a community facility of more than 10 occasions per annum;
- Casual use of facilities – one-off use of a community facility - not a regular booking.

This policy does not include:

- Facilities covered by pre-existing agreements such as sporting stadiums and contracted pools/recreation centres (see relevant Guidelines);
- Seasonal sporting ground allocations;
- Council property being exclusively occupied for a Council operated service
- Residential tenancies.

This policy does not determine fee amounts. The concession amounts referred to in this policy represent a revised approach to ensuring equitable concessions and are therefore intended to replace any historic or inconsistent arrangements. The policy will apply to future fees that may be applied to improve equity and assist with cost recovery, which will be determined by Council and adopted annually as part of the budget process.

## POLICY AND PRINCIPLES

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When negotiating a new lease or licence or renewing a previous agreement, the following principles should be considered regarding the terms of the agreement.



## **1. Pricing for Leases, Licences and Hire Agreements**

Pricing levels have been developed to take into account:

- **Equity:** Consistency across user groups and facilities.
- **Affordability:** The ability of the tenant or hirer to raise funds, receive financial support and to pay.
- **Community Benefit:** Access will be supported for groups that actively deliver Council's priorities for health and wellbeing.
- **Fair Cost Sharing:** All users groups are expected to pay an amount for use of Council facilities. User pays principles apply, and Council seeks recovery of a defined proportion of costs incurred when using Council facilities, or market rental where applicable.
- **Property:** Exclusive occupancy or shared use of a space.

## **2. Fees Categories**

It is policy that concessions for the use of Council community facilities will be applied consistently in accordance with the category of user as outlined below:

### **Category A – full fee paying**

- Commercial businesses;
- Commercial occupancy that requires a retail lease in accordance with Retail Leases Act;
- Private and family functions;
- Facilities that provide catering and catered functions at commercial rates;
- Activities organised by political parties, candidates or Members of Parliament;
- Government departments and statutory agencies;
- Privately owned kindergartens, child care centres or pre-schools;
- User groups who are covered by separate agreements e.g. stadiums where these venues are hired on an hourly rate or equivalent;
- MC<sup>2</sup> tenancies -full cost recovery of outgoings will be sought from tenants of MC<sup>2</sup> (plus a nominal rent).

### **Category B – 25% discount**

This category applies to community not for profit organisations with paid staff who receive either State or Federal funds to support their operations, and exist for community benefit. These groups may have the ability to charge a fee for their services, or may raise revenue through commercial type activities. Other users include junior and senior sporting groups who hold a liquor licence and/or can raise revenue through third party arrangements. Usage is likely to be on an exclusive basis.



- Social welfare organisations;
- Education and community learning institutions – schools, early intervention services, U3A, Neighbourhood Houses that are also Registered Training Organisations (RTOs);
- Sporting Associations where an administrator is employed;
- Sporting or community organisations that raise revenue through service of alcohol;
- Sporting or community organisations that raise revenue through hire to third parties including tennis clubs/tennis coaches;
- Any group that allows their premises to be used for the operation of a commercial business (this would take precedence over groups that would otherwise fit into category C or D);
- Any local organisation where a program fee applies (other than a gold coin donation).

#### **Category C – 50% discount**

Local groups for community benefit who generally do not receive significant operational funding from State or Federal sources but raise funds from other sources such as membership fees. These groups are run by volunteers and may serve underprivileged, disadvantaged or charitable purposes, or be a 'grass roots' recreational club or a provider of community education. These occupants may be reliant on Council funding or fundraising, and will generally have limited capacity to generate a significant amount of additional income/revenue.

- Local sporting clubs;
- Local Service clubs – e.g. Rotary, Lions, Probus;
- Playgroups;
- Community based/ not for profit kindergartens;
- Neighbourhood houses or Learning Centres that do not operate as RTOs;
- Non-profit community groups e.g. Neighbourhood Watch;
- Senior Citizens groups for usage that falls outside of the guidelines for senior's usage of community venues.

#### **Category D – 75% discount**

The concession offered recognises the voluntary nature of community services or 'grass roots' groups where there is very limited ability to raise funds.

- Scouts, Guides and similar organisations such as FOMDAC.

#### **Category E – full concession 100% discount**

Discounts under this category are very occasional. All user groups are expected to make a financial contribution to the use of facilities, as outlined in this policy.



A full discount may apply for one-off occasions where there is considerable community benefit for a charitable or benevolent activity and very limited capacity to pay or charge entry fees.

- e.g. One-off fundraising events for a local emergency relief effort.

The concession is also extended to special interest groups which includes Heritage groups and RSL.

#### Decision Guidelines

- **Any application** for concession by a group that does not strictly meet the description of the categories outlined above will be matched with the 'best fit' for the categories and that relevant concession amount applied. Where the provisions of several categories apply to a user group, the provisions of the highest category/lowest discount will apply.
- **Other Facilities:** Facilities that do not fit within the categories outlined above such as storage sheds or unique community infrastructure will have a fee set out in the annual Fees and Charges schedule adopted with Council's budget annually.
- **Review:** All concessional amounts must be reviewed when agreements are renewed or every two years.
- **Organisational Status:** Council Officers may ask to see evidence of an organisation's status to determine the appropriate concession level as outlined under this policy e.g. annual report, proof of incorporation.
- **Guidelines:** This policy is supported by operational guidelines (e.g. Community Facilities, Senior Citizens, and Sporting Groups) that outline the level of service provided by Council, the specific terms and conditions of usage and other detailed arrangements for different usage groups.
- **Behaviour and Care of Facilities:** In making facilities available, Council has an expectation that organisations will respect the facilities and will occupy them appropriately and in accordance with the intent and terms of this policy. Council reserves the right to decline to hire, lease or licence a facility to a specific user where there is a reasonable concern about ability to pay (or where rental payments are in arrears), or concern about the wellbeing of the community or the Council facility itself as a result of the use of the Council facility.

#### Pricing Schedule

The Pricing Schedule for casual and regular use of community facilities is approved by Council and published each year as set out in Council's Annual Budget.



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Pricing amounts for use of Council buildings will be based on a rate per square metre taking into account the maintenance costs and outgoings for each building type. This supports the principle of equity, providing a consistent basis for charging for use of facilities.

The Pricing Schedule will show all relevant Council community facilities and the relevant category of asset. Each category groups similar facilities and applies a consistent methodology for rental fees across the category. The concessions outlined in this policy then apply to each user:

e.g. Pricing Schedule fee minus concession (as determined by this policy) equals annual fee amount.

Rents for facilities under lease or licence will be reviewed annually with the amount payable to be increased by a fixed percentage each year unless otherwise advised.

The Pricing Schedule and Guidelines for use should be read in conjunction with this policy, namely:

- Community Facilities Guidelines;
- Senior Citizens Centres Guidelines.

### **Hardship**

Where groups experience difficulty in making payment for facilities and have communicated this with Council, a payment schedule may be agreed to pay the balance in instalments. Hardship will not trigger a waiver of fees and all users are expected to pay the charges as agreed. Hardship provisions must be agreed between the group and Council, and only initiated as a final step in clearing debt. If payments remain in arrears, future usage may be denied.

### **Financial Contributions from User Groups**

Where a user group has made a substantial financial contribution towards the capital cost of a building or an upgrade, this will be considered on a case by case basis and noted in the facility lease. Rental charges therefore may not be payable for the lease period in recognition of this contribution however maintenance costs and outgoings will still be required to be covered.

## **RESPONSIBILITY**

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Management of the policy: Property Services.

Management of the application of the policy to groups:

- Leased and licenced premises, non-sporting: Property Services;
- Leased and licenced premises, sporting: Recreation Services;
- Regular and casual hirers of Community halls and venues: Community Venues.



## DEFINITIONS

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**Casual hire:** one-off hire of a community facility. Hire fees will be adjusted using the categories from A to E as outlined in this policy.

**Community facilities:** Buildings and spaces for services, activities and action by community-based service providers, groups and individuals to meet the social, cultural, leisure, community wellbeing and developmental needs of the Manningham community and its visitors.

**Council:** Means Manningham City Council, and includes its employees, agents or licensees.

**Fixed percentage increase:** A measure used as a basis for rental increases where Council has not provided other direction.

**Lease:** is an agreement where the Council grants the tenant exclusive occupancy of a defined area as set out in the lease, which includes the whole or part of a building or land.

**Licence:** is an agreement where the Council grants the licensee the non-exclusive right to occupy a defined area as set out in the licence document which includes part or whole of a building or land.

**Regular hirer:** is a group or individual who uses community facilities on a sessional basis over the course of a term or year.

**Seasonal agreement** is an agreement where the Council grants the licensee the non-exclusive right to occupy a defined area of a building as set out in the seasonal agreement for a sporting season with defined end and start dates.

**Subletting** means the payment for use of a leased or licenced facility by a third party, operating with permission from Council as land owner.

**Tenant** means the occupier of a facility under a lease agreement.

## RELATED POLICIES

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- Community Facility Infrastructure Funding and Contribution Policy (including the Sport Organisation Contribution Agreement –), Council's Sports Policies;
- Generation 2030, Council Plan, Healthy City Strategy, Strategic Resource Plan, 10 Year Financial Plan;
- Public Open Space Strategy 2014, 'Active for Life' Recreation Strategy 2010, Green Wedge Strategy, Urban and Park Design Guidelines 2010, Council's Outdoor Signage Policy, Manningham Planning Scheme, Manningham Local



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- Laws, Activity Centre Strategies / Plans, Bushland Management Strategy 2012, Council Management Plans for Reserves;
- Risk Management Framework, High Fire Risk Policy and Working on High Fire Risk Days;
  - Council lease, licence or usage agreements.

## **GUIDELINES**

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Community Facilities Guidelines  
Senior Citizens Centres guidelines

## **RELATED LEGISLATION**

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- Australian Standards, Safety Regulations
- Building Code of Australia
- Charter of Human Rights and Responsibilities Act 2006
- Children's Services Act 1996 and Children's Services Regulations 1998
- Disability Discrimination Act
- Environment protection ( Residential Noise) regulations ( 1997)
- Filming Approval Act 2014
- Health Act
- Health Act, Building Code of Australia and Building Regulations 1994
- Local Government (General) Regulations 2004
- Local Government Act 1989 (Victoria)
- Occupational Health and Safety Act 2004
- Retail tenancies Act 2003
- Trade Practice Act

## **SUPPORTING RESEARCH AND ANALYSIS**

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Council has a number of policies and associated documents, which have been reviewed to inform this policy. The relevant documents are:

- Leased Community Facilities Pricing Policy, 2009
- Community Facilities Access & Allocation Policy, 2012
- Community Venues Pricing Policy (venues and hall hire)
- Community Facilities For Hire Concession Policy





**Policy Register**  
**Community Facilities Access and Concession Policy**

- Conditions of Hire and Hire Prices
- Seasonal Sports Pricing Policy, 2008
- Seasonal Allocation of Sporting Facilities, Condition of Use

**DOCUMENT HISTORY**

<b>Policy Title:</b>	
<b>Responsible Officer:</b>	
<b>Resp. Officer Position:</b>	
<b>Next Review Date:</b>	
<b>To be Included on Website?</b>	

Last Updated	Meeting Type – Council or EMT	Meeting Date	Item No.

The meeting concluded at 9.10pm.

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Chairperson  
CONFIRMED THIS 26 MARCH 2019