



Ordinary Meeting of the Council

MINUTES

Date:	Tuesday, 28 November 2017
Time:	7:00pm
Location:	Council Chamber, Civic Centre 699 Doncaster Road, Doncaster

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**MANNINGHAM CITY COUNCIL
MINUTES OF THE ORDINARY MEETING OF THE COUNCIL
HELD ON 28 NOVEMBER 2017 AT 7:00PM
IN COUNCIL CHAMBER, CIVIC CENTRE
699 DONCASTER ROAD, DONCASTER**

The meeting commenced at 7:00pm.

PRESENT:

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

OFFICERS PRESENT:

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

**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 or requests for leave of absence.

3 PRIOR NOTIFICATION OF CONFLICT OF INTEREST

The Chairperson asked if there were any written disclosures of 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 MIKE ZAFIROPOULOS

That the Minutes of Ordinary Meeting of the Council held on 31 October 2017 and the Special Meeting of the Council held on 9 November 2017 be confirmed.

CARRIED

5 VERBAL QUESTIONS FROM THE PUBLIC

There were no Verbal Questions from the Public.

6 PRESENTATIONS

There were no Presentations.

7 PETITIONS

7.1 The Westfield Development Plans and Sovereign Point Court Doncaster (Koonung Ward)

COUNCIL RESOLUTION

MOVED: CR DOT HAYNES
SECONDED: CR MIKE ZAFIROPOULOS

That the Petition with 58 signatories objecting to the amended plans for the Westfield extension relating to the exit from Sovereign Point Court be received and referred through to the appropriate Officer for consideration.





CARRIED

8 ADMISSION OF URGENT BUSINESS

There were no items of Urgent Business.

9 PLANNING PERMIT APPLICATIONS

9.1 Planning Permit Application No. PL16/026928 - 19, 21 and 23 Bayley Grove, Doncaster - Construction of a four-storey apartment building comprising twenty-nine (29) dwellings with associated basement car parking and reduction of two (2) visitor car parking spaces pursuant to Clause 52.06 Car Parking of the Manningham Planning Scheme

File Number:	IN17/578
Responsible Director:	Director Planning and Environment
Applicant:	Bellfield Planning Consultants Pty Ltd
Planning Controls:	General Residential Zone, Schedule 2 and Design and Development Overlay, Schedule 8
Ward:	Koonung
Attachments:	1 Advertised/Decision Plans   2 Legislative Requirements  

EXECUTIVE SUMMARY

Purpose

1. This report provides Council with an assessment of Planning Permit application submitted for land at 19, 21 and 25 Bayley Grove, Doncaster. The application is being reported to Council given that it is a Major Application (more than 15 dwellings).

Proposal

2. The application seeks approval for the construction of a four (4) storey apartment building, inclusive of one level that is partially excavated into the site. A reduction of two (2) visitor car parking spaces (of the required 5), pursuant to Clause 52.06 Car Parking of the Manningham Planning Scheme.

Key issues in considering the application

3. The key issues for Council in considering the proposal relate to:
 - (a) Policy (consistency with state and local planning policy), particularly the building height and appropriateness of the fourth storey in the context of the Design and Development Overlay (DDO8-2), which allows three-storey development;
 - (b) Compliance with built form and urban design policies;
 - (c) Parking, access and traffic parking;
 - (d) Appropriateness of reducing the visitor carparking requirement from five spaces to three (reduction of two spaces);
 - (e) Compliance with Clause 55 (Rescode) including the amenity impacts of the development on the adjoining and nearby properties; and
 - (f) Objector concerns (as detailed below).

Objector concerns

4. Fourteen (14) objections have been received for the application, raising the following relevant planning issues:
 - (a) Neighbourhood character (apartment, bulk and density not suitable for the quiet neighbourhood);
 - (b) Overdevelopment (apartments should be only be on the main roads);
 - (c) Off-site amenity impacts (overall height, building bulk, setbacks, front setback, overlooking, overshadowing, site coverage and garden area);
 - (d) Car Parking, Traffic, Car Stackers and Flooding of Basement;
 - (e) Reduction of the Visitor Car Parking (will impact carparking availability and traffic);
 - (f) Rubbish Removal (traffic and noise); and
 - (g) Noise Pollution (air conditioners, car stackers and use of communal rooms/areas).

Assessment

5. The merits of this proposal must be considered against State Planning Policy, Council's policy for residential areas at Clause 21.05 Residential, Schedule 8 to the Design and Development Overlay (DDO8-2), Clause 55 (ResCode) and Clause 52.06 (Car parking).
6. These provisions recognise that there will be a substantial level of change in dwelling yields and built form outcomes in the area, and provides guidance in relation to how this can occur in a controlled, planned and consistent approach across the municipality and in manner that minimises off-site amenity impacts.
7. The proposal is generally consistent with the provisions of the Manningham Planning Scheme, in particular with the exception of policy relating to the number of storeys that the proposal deviates from.
8. The proposal is of a large scale than other developments that have been constructed or approved within this section of Bayley Grove. However, the site is a consolidation of 3 residential lots and above 1800sqm in area.
9. The location of the site with a northern abuttal to Lawford Reserve and within close proximity to Doncaster Road, Westfield Shopping Centre and within Sub-precinct A of the DDO8, along with the slope away from the sensitive southern and western boundaries, enables the development to provide recessive built form that generally modulated to reduce perceptions of visual bulk.
10. This proposal is considered to be suitably responsive to the preferred character of the area and the built form outcomes sought under the Design and Development Overlay, Schedule 8 – Sub-precinct A, subject to conditions.
11. In relation to the proposed visitor carparking waiver, the location of the site within the dead-end street is considered to create a higher amenity and sensitivity to this location and neighbourhood. This sensitivity together with the limited and reduced availability of carparking within proximity of the site, by virtue of the streets end (rather than a through road or additional nearby roads) are all considered to warrant full compliance with the visitor car parking requirement.

12. The development is considered to be a high quality architectural design response, is attractive in appearance and appropriately designed to respond to the slope. The proposal generally provides a lower and graduated form to the sensitive sides (particularly to the west and south) and suitable boundary setbacks allow for landscaping to mature to screen and soften the built form and will help to reduce visual and amenity impacts. Subject to conditions, it also achieves an acceptable balance in the consideration of the amenity of nearby properties and its attention to the internal amenity of future occupants.

Conclusion

13. The report concludes that the proposal subject to conditions, generally complies with the state and local planning policy, including design objectives of the DDO8-2 and the relevant objectives of Clause 55 (Two or More Dwellings on a Lot and Residential Buildings), of the Manningham Planning Scheme.
14. Subject to conditions relating to increased setbacks and reduced heights at the upper level, the proposal is considered to achieve acceptable amenity outcomes for surrounding and nearby properties, good outcomes for the internal amenity of future occupants and a contemporary and visually interesting architectural contribution and design detail.
15. Given the sensitivity of the location of the site, together with the limited and reduced availability of carparking within its proximity, the proposed waiver of two visitor car spaces is not considered to be justified and will not be supported in this instance.
16. It is recommended that a Notice of Decision to Grant a Planning Permit be issued.

1. COUNCIL RESOLUTION

MOVED: CR PAUL MCLEISH
SECONDED: CR SOPHY GALBALLY

That Council:

- A. Having considered all objections a NOTICE OF DECISION TO GRANT A PERMIT be issued in relation to Planning Application PL16/026928 at 19-23 Bayley Grove, Doncaster for the construction of a four-storey apartment building comprising twenty-nine (29) dwellings with associated basement car parking, pursuant to Clause 52.06 Car Parking of the Manningham Planning Scheme, subject to the following conditions:**

Amended Plans

- 1. Before the development starts, two copies of amended plans drawn to scale and dimensioned, must be submitted to and approved by the Responsible Authority. When approved the plans will then form part of the permit. The plans must be generally in accordance with the decision plans prepared by Point Architects, Revision B dated 10 May 2016 (received 26 July 2017), but modified to show:**

Visitor Car Parking

- 1.1 A minimum of 5 car spaces allocated for visitors as required by Clause 52.06 of the Manningham Planning Scheme, without reducing resident car parking. Visitor car parking is not to be provided in vehicle stackers.

Height

- 1.2 Sufficient plan notations and dimensions to the satisfaction of the Responsible Authority to demonstrate the building is located with the 11 metres building height above natural ground level in accordance with the Design and Development Overlay – Schedule 8.

Setbacks

- 1.3 Sufficient plan notations and dimensions to the satisfaction of the Responsible Authority to demonstrate that the setbacks / wall heights accord with Standard B17 of Clause 55.04-1 of the Manningham Planning Scheme.

Screening

- 1.4 The location and height of all balcony screening indicated on the plans (as shown and specified on the elevations). The screens on the west facing balconies are to be 1.8m high to the satisfaction of the Responsible Authority.

Design Detail

- 1.5 The green rendered edge of the roof top garden (north-western corner) modified to blend with the other colours and materials of the proposal, such as timber vertical cladding;
- 1.6 The location of the plant equipment on the roof to be away from the sides of the building and where necessary, be screened to minimise any visual and amenity impacts on the street and adjoining properties, to the satisfaction of the Responsible Authority;

Stormwater

- 1.7 An indicative location of the stormwater detention system or systems which must be located away from canopy trees and landscaped areas;

Tree retention

- 1.8 Retention of Tree 1, 23 and 25 of the Arboricultural Report (prepared by Kylie May for John Patrick Pty Ltd and dated June 2017) and the details of the specific investigation, protection and construction recommendations, methods and measures for each of these trees noted on the plans;

- 1.9 Retention of Tree 21 of the Arboricultural Report (prepared by Kylie May for John Patrick Pty Ltd and dated June 2017) and the details of the specific investigation, protection and construction recommendations, methods and measures for this tree noted on the plans, including a notation that subsequent to the outcome of the root investigation, where necessary the development northern setbacks may need to be modified to retain this tree; and
- 1.10 All trees to be removed or retained numbered as per the Arboricultural Report (prepared by Kylie May for John Patrick Pty Ltd and dated June 2017);
- 1.11 Any other changes as required by conditions of this permit, including the Sustainability Management Plan.

Pedestrian Footpath

- 1.12 The extension of the existing pedestrian footpath across the sites full frontage and connecting with the recently constructed sealed path in Lawford Reserve to the satisfaction of the Responsible Authority.

Site Services

- 1.13 Details of how site service will be screened/finished, so as to reasonably integrate into the overall development, including the design of cabinets where necessary.

Endorsed Plans

2. The development as shown on the approved plans must not be altered without the written consent of the Responsible Authority.

Construction Management Plan

3. Before the development starts, two copies of a Construction Management Plan (CMP) must be submitted to 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 Construction Management Plan 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.

Council's Works Code of Practice (June 2016) and Construction Management Plan Guideline (June 2016) are available on Council's website or by contracting the Statutory Planning Unit on 9840 9470.

4. The owner must use appropriate site management practices to prevent the transfer of mud, dust, sand or slurry from the site into drains or onto nearby roads. In the event that a road or drain is affected, the owner must upon direction of the Responsible Authority take the necessary steps to clean the affected portion of road or drain to the satisfaction of the Responsible Authority.
5. The extent and depth of cut and fill must not exceed that shown on the plans endorsed under Condition 1 of this permit without the written consent of the Responsible Authority.

Sustainability Management Plan

6. Before the development starts, two copies of an amended Sustainability Management Plan must be generally in accordance with the Sustainable Management Plan prepared by Point Architects and dated 16 June 2017, and must show:
 - 6.1 A Built Environment Sustainability Scorecard (BESS) report to replace the STEPS report provided. The BESS Report must meet the minimum 50% overall BESS score and achieve/surpass the score minimums in Energy, Water, IEQ (50%) and Stormwater (100%) categories in BESS;
 - 6.2 The Energy Thermal Performance Rating – Residential, to commit to achieving at least a 10% improvement on NCC minimum requirements (e.g. 6.6-stars average);
 - 6.3 Further information that Energy Internal Lighting maximum power density (w/m²) will be 20% more efficient than minimum standards. The use of fluorescent lamps is discouraged as they contain toxic mercury, which complicates their disposal;
 - 6.4 Battle axe windows should be at least 1.2m wide and no deeper than 1.5m from the window to the leading corner as per the Better Apartments Design Standards. If/where the layout cannot be changed, provide daylight modelling that proves all the battle-axe bedrooms meet SDAPP Daylight requirements;
 - 6.5 Revised STORM calculations to meet a minimum 100% score. Include notes on the plans to indicate correct size and location of rainwater tanks and connection to toilets as proposed.

Waste Management Plan

7. Before the development starts, a Waste Management Plan must be submitted and approved to the satisfaction of the Responsible Authority. When approved, the plan will form part of the permit. The plan must be generally in accordance with the submitted draft Waste Management Plans (WMP) prepared by Leigh Design (dated 15 June

2017). 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.

Management Plan Compliance

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

Landscape Plan

9. Before the development starts, two copies of a landscaping plan prepared by a landscape architect or person of approved competence must be submitted to the Responsible Authority for approval. The plan must be generally in accordance with the plan approved under Condition 1 of this Permit and the Landscape Plan prepared by Memla and dated 25 October 2016, and must show:

- 9.1 Species, locations, approximate height and spread of proposed planting and the retention of existing trees and shrubs, where appropriate or as directed by any other condition of this Permit;
- 9.2 Details of soil preparation and mulch depth for garden beds and surface preparation for grassed areas;
- 9.3 Fixed edge strips for separation between planting and permeable surface treatment areas;
- 9.4 A sectional detail of the canopy tree planting method which includes support staking and the use of durable ties;
- 9.5 Planting within 2 metres along the frontage from the edge of the driveway(s) and 2.5 metres along the driveway(s) from the frontage to be no greater than 0.9 metres in height at maturity.

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

Landscape Bond

10. Before consideration of the Condition 1 Plans, 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.

Street Tree Removal / Replacement

11. Existing tree within the proposed crossover is to be removed and replaced with another tree at the owners cost by Council. Applicant is to contact Council's Park's Department on 9846 0515.

Stormwater – On-site detention (OSD)

12. 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:

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

12.2 Storage must be designed for a 1 in 10 year storm.

Construction Plan (OSD / Footpath)

13. Before the development starts, a construction plan for the pedestrian footpath extension shown on the approved plan and the OSD system required by Condition 12 of this permit must be submitted to and approved by the Responsible Authority. The system must be maintained by the Owner thereafter in accordance with the approved construction plan to the satisfaction of the Responsible Authority.

Drainage

14. Stormwater must not be discharged from the subject land other than by means of drainage to the legal point of discharge. The drainage system within the development must be designed and constructed to the requirements and satisfaction of the relevant Building Surveyor. A connection to Council maintained assets must not be constructed unless a Miscellaneous Works Permit is first obtained from the Responsible Authority.
15. The whole of the land, including landscaped and paved areas must be graded and drained to the satisfaction of the Responsible Authority, to prevent ponding and to minimise overland flows onto adjoining properties.

Car Parking

16. Before the occupation of the approved dwellings, the visitor car spaces must be signposted to the satisfaction of the Responsible Authority.
17. The visitor car parking space must be clearly marked and must not be used for any other purpose to the satisfaction of the Responsible Authority.

Vehicle Crossovers

18. Prior to the construction of the vehicle crossover, the applicant is to obtain a 'Vehicle Crossing Permit'. Please contact Council's Engineering and Technical Services Department on 9846 0533.
19. Before the occupation of the dwellings approved under this planning permit, all redundant vehicle crossovers must be removed and the footpath, nature strip and kerbing reinstated to the satisfaction of the Responsible Authority.

Fencing

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

Retaining Walls

21. All retaining walls must be constructed and finished in a professional manner to ensure a neat presentation and longevity to the satisfaction of the Responsible Authority.

Completion

22. Before the occupation of the approved dwellings, landscaped areas must be fully planted and mulched or grassed generally in accordance with the approved plan and to the satisfaction of the Responsible Authority.
23. Privacy screens and obscure glazing as required in accordance with the approved plans must be installed prior to occupation of the building to the satisfaction of the Responsible Authority and maintained thereafter to the satisfaction of the Responsible Authority. The use of obscure film fixed to transparent windows is not considered to be 'obscure glazing' or an appropriate response to screen overlooking.
24. Driveway gradients and transitions as shown on the plan approved under Condition 1 of this permit must be generally achieved through the driveway construction process to the satisfaction of the Responsible Authority.
25. All services, including water, electricity, gas, sewerage and telephone, must be installed underground and located, to the satisfaction of the Responsible Authority.
26. All upper level service pipes must be concealed and screened respectively, to the satisfaction of the Responsible Authority.
27. Any clothes-drying rack or line system located on a balcony or terrace must be lower than the balustrade of the balcony or terrace and must not be visible from off the site, to the satisfaction of the Responsible Authority.

28. Letterboxes must be designed and located to satisfy the requirements of Australia Post, to the satisfaction of the Responsible Authority.
29. Any reverse cycle air-conditioning unit erected on the walls, roofs or balconies of the approved dwellings must be located, so as not to adversely affect the amenity of the area by way of appearance/visual prominence, to the satisfaction of the Responsible Authority.
30. Unless depicted on a Roof Plan approved under Condition 1 of this permit, no roof plant (includes air conditioning units, basement exhaust ducts, solar panels or hot water systems), which is visible to immediate neighbours or from the street, may be placed on the roof of the approved building, without details in the form of an amending plan being submitted to and approved by the Responsible Authority.
31. A centralised TV antenna must be installed and connections made to each dwelling, to the satisfaction of the Responsible Authority. No individual dish antennae may be installed on the overall building, to the satisfaction of the Responsible Authority.
32. All external services and metering, including fire services, gas, water and electricity services, must be located in discrete manner and where possible screened and/or integrated in the overall design to compliment the building to the satisfaction of the Responsible Authority.

Maintenance

33. Buildings, paved areas, drainage and landscaping must be maintained to the satisfaction of the Responsible Authority.

Permit Expiry

34. This permit will expire if one of the following circumstances applies:
 - 34.1 The development is not started within two (2) years of the date of this permit; and
 - 34.2 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

1. BACKGROUND

- 1.1 Following pre-application provided in June 2016, the application was received on 5 December 2016.
- 1.2 The application was discussed at the Sustainable Design Taskforce Meeting on 19 January 2017.

- 1.3 Following the submission of further information, the application was advertised in September 2017.
- 1.4 The statutory time for considering a planning application is 60 days, which lapsed on 28 October 2017.
- 1.5 The land titles for the three lots are not affected by any covenants or restrictions.

2. THE SITE AND SURROUNDS

- 2.1 The site is located on the western side of Bayley Grove, approximately 200 metres north of its intersection with Doncaster Road.
- 2.2 The site has a frontage width of 63 metres, a depth of 39.6 metres, a rear width of 48.25 metres and an irregularly angled frontage to Lawford Reserve of 42.28 metres. The total area of the site is 2203 square metres.
- 2.3 The site presently consists of three lots and accommodates three single-storey brick dwellings, each with a single width vehicle crossing to Bayley Grove. These dwellings will be demolished.
- 2.4 The topography falls from the south-east corner (front) to the north-west corner (rear) by approximately 6.0 metres over the distance of approximately 60m.
- 2.5 There are no easements affecting the site.

Site Abuttals

- 2.6 The site directly abuts four residential properties to the west and south and Lawson Reserve to the north. The surrounding development is described as follows:

Direction	Address	Description
North	Lawford Reserve	Lawford Reserve is an open space reserve with entries from local residential streets at Lawford Street, to the east of the site, Angus Grove to the west of the site and the Tullamore residential subdivision currently under construction further west of the site.
South	2/1 Angus Grove	A single storey brick unit/dwelling with a tiled hipped roof form and vehicle access along the common northern boundary with the subject site. The dwelling is setback 3.18 metres from the common boundary. Two medium canopy trees are located within proximity of the site, located within the north-eastern and north-western corners of the property.
	2/3 Angus Grove	A single storey brick unit, which is the rear unit, facing Angus Grove, with a tiled hipped roof form. The dwelling is setback 3.95 metres at the closest point from the common boundary. There is no significant vegetation within proximity of the site.
West	16 Arnold Grove	A single storey brick dwelling with an undercroft garage, which responds to the slope of the site, with a pitched roof form. The dwelling is setback 13 metres at the closest point from the common boundary. There is no significant vegetation within proximity of the site.

	3/18 Arnold Grove	The two-storey dwelling at the rear of a three-dwelling development. The dwelling is setback 3.1 metres from the common boundary, with secluded private open space provided within this setback.
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- 2.7 The character of the broader area is in transition. While single detached brick dwellings are still common on many properties, a number of lots within Bayley Grove and surrounds have been developed with multiple dwellings over the past decades.
- 2.8 There are town house and unit developments in Bayley Grove, Angus Grove, Arnold Grove and Firth Street. There are also higher density attached townhouse developments in Bayley Grove and approved in Arnold Grove (13 Arnold Grove). Apartment style developments are increasing along nearby Doncaster Road (200 metres south of the site).
- 2.9 A Planning Permit (PL16/026178) has been issued in April 2017 for 'Construction of six dwellings (one, three-storey and five, two-storey dwelling)' at 24 Bayley Grove, opposite the site. A Planning Application (PL17/027589) is currently being considered for 'Construction of five dwellings (four, three-storey dwellings and one, two-storey dwelling) with associated semi-basement car parking' also opposite the site, at 24 Bayley Grove.
- 2.10 Bayley Grove is a local street with parking restriction that allow resident parking on the east side and two-hour parking on the west side. Doncaster Road is less than 200 metres to the south.
- 2.11 The site is well located to a range of services, with Westfield Doncaster Activity Centre including bus interchange located within a 500 metre walk to the east, Lawford Reserve adjacent to the site and the Tullamore Residential Development with parks and walking tracks, less than 100m to the west of the site.

3. THE PROPOSAL

- 3.1 It is proposed to demolish the existing dwellings and remove most vegetation on the site (no planning permit required) and construct a four-storey building providing twenty-nine dwellings and sub-basement car parking.

Submitted Plans and Documents

- 3.2 The proposal is outlined on the plans prepared by Point Architects, Revision B dated 10 May 2016 (received by Council on 26 July 2017). Refer to attachment 1.
- 3.3 The following reports and plans were submitted with the application:
- Town Planning Report (prepared by Kim Belfield Planning Consultants and dated 17 November 2016);
 - Updated response to RFI and issues raised within RFI (prepared by Kim Belfield Planning Consultants and dated August 2017);
 - Traffic Impact Assessment (prepared by TTM and dated 10 July 2017);
 - Waste Management Plan (prepared by Leigh Design and dated 15 June 2017);

- Sustainable Management Plan (prepared by Point Architects and dated 16 June 2017);
- Arboricultural Report (prepared by Kylie May for John Patrick Pty Ltd and dated June 2017);
- Landscape Plan (prepared by Memla and dated 25 October 2016).

3.4 A summary of the development is provided as follows:

Land Size:	2,203m ²	Maximum Building Height:	11 metres indicated however appears to be 12.35m at the highest point
Site Coverage:	59.7%	Minimum setback to southern boundary	Lower Ground – N/A Ground Level – 3.5m First Floor – 3.5m Second floor – 3.5m
Permeability:	37.5%	Minimum setback to northern boundary	Lower Ground – 5.4m Ground Level – 5.4m First Floor – 5.4m Second floor – 5.4m
Number of Dwellings:	29	Minimum setback to western boundary	Lower Ground – 3.7m Ground Level – 3.7m First Floor – 3.7m Second floor – 7.25m
• 2 bedroom apartments:	25	Minimum setback to eastern (front) boundary	Lower Ground – 4.5m Ground Level – 4.5m First Floor – 4.5m Second floor – 4.5m
• 3 bedroom apartments:	4	Resident spaces:	33
• Storage cages:	32	Visitor spaces:	3 (2 short of required)
Density:	One dwelling per 75.9m ²	Bike spaces:	13

3.5 The proposed building has four levels comprising a ground floor and two levels above, and a lower ground floor on the northern side of the site adjacent to Lawford Reserve where the land falls away.

3.6 The ground floor level contains the building's entry for pedestrians and vehicles, four (4) dwellings (Apartment 5 to 8) and car parking. The dwellings are located on the northern side of the building with windows and balconies capturing views over Lawford Reserve.

3.7 The car parking is partially excavated in the south-east corner of the land and is accessed via a new vehicle crossing and driveway located centrally along the Bayley Grove frontage. The car park includes thirty-three (33) car parking spaces within multi vehicle stackers and three (3) at-grade visitor car spaces. This level also includes storage for each apartment and bicycle storage, as well as a waste room.

- 3.8 The lower ground level incorporates four (4) dwellings (Apartment 1 to 4). These are located on the northern side of the building and each dwelling has at-grade open space with access to Lawford Reserve.
- 3.9 The first floor level provides for eleven (11) dwellings (Apartment 9 to 19). These are located on either side of a central courtyard, and have balconies facing north (to Lawford Reserve), east (the Bayley Grove) or west.
- 3.10 The second floor level offers a similar layout to the first floor, but with ten (10) dwellings (Apartment 20 to 29).
- 3.11 A lift provides access to each floor.
- 3.12 The proposed building features a modern architectural design detail, incorporating a flat roof, some curvilinear balconies and parapets and modified façade treatments and setbacks. The facades utilise a range of contemporary building materials, finishes and colours, making use of different cladding finishes and screening materials.
- 3.13 Obscure glass windows, highlight windows and visual screens using obscure glass, glass bricks and vertical timber are proposed to satisfy screening requirements.
- 3.14 Roof top gardens are also proposed to the south-west corner at the first floor and the north-west at the second floor. These include providing planter with vegetation that will cascade over the building's façade.
- 3.15 A number of existing trees are proposed to be retained within the site. These are to be supplemented by additional planting within the setbacks.
- 3.16 The Arboricultural Report (prepared by Kylie May for John Patrick Pty Ltd and dated June 2017, identified two trees of high retention value (Tree 1 and Tree 23), two trees of medium retention value (Tree 3 and Tree 25) and the rest of low retention value.
- 3.17 Of the high significance trees the proposal includes retention of Tree 1 but, not Tree 23 and of the medium significance trees the proposal includes retention of Tree 25, but not Tree 3.
- 3.18 The Arboricultural Report also identifies the impact of the proposal on Tree 21 outside the site in Lawford Reserve (24% of TPZ) and Tree 8 (street tree significantly affected by the crossover).
- 3.19 The Arboricultural Report identifies that Tree 1, 23, 25, 3 and 21 could all be retained with specified investigation, protection and construction methods and measures.

4. LEGISLATIVE REQUIREMENTS

- 4.1 Refer to Attachment 1 (Planning & Environment Act 1987, Manningham Planning Scheme, other relevant legislation policy).
- 4.2 A permit is required under the following clauses of the Manningham Planning Scheme:

- Clause 32.08-6 (**General Residential Zone**), a permit is required to construct two or more dwellings on a lot.
- Clause 43.02-2 (**Design and Development Overlay**), a permit is required to construct or carry out works.
- Clause 52.06 (**Car Parking**), a permit is required to reduce the required visitor carparking requirement.

5. REFERRALS

External

5.1 There are no external determining or recommending referral authorities.

Internal

5.2 The application was referred to a number of service units within Council. The following table summarises the responses:

Service Unit	Comments
Engineering & Technical Services Unit – Accessways	<ul style="list-style-type: none"> • The driveway(s) is at least 3m wide and complies with Design Standard 1: Accessways of Clause 52.06-9 and are satisfactory. • The internal radius of the driveway at the change of direction allows sufficient room for vehicles to turn and exit the site in a forward direction and complies with Design Standard 1: Accessways of Clause 52.06-9 and is satisfactory. • A minimum 2.1m of headroom clearance beneath overhead obstructions is provided which complies with Design Standard 1: Accessways of Clause 52.06-9 and is satisfactory. • Mechanical car parking is satisfactorily designed in accordance with Design Standard 4 of Clause 52.06-9. • Accessway sightlines at the site's frontage comply with Design Standard 1 of Clause 52.06-9 and are satisfactory. • Driveway gradients comply with Design Standard 3: Gradients of Clause 52.06-9 and are satisfactory.
Engineering & Technical Services Unit – Footpath and Crossovers	<ul style="list-style-type: none"> • The vehicle crossover(s) are satisfactorily located. • Redundant crossovers are to be removed and the nature strip, kerb and footpath in front of the site reinstated (Condition 18 and 19). • Existing tree within the proposed crossover is to be removed and replaced with another tree at the owners cost by Council. Applicant is to contact Council's Park's Department on 9846 0515 (Condition 11).
Engineering & Technical Services Unit – Construction Management	<ul style="list-style-type: none"> • A Construction Management Plan is required (Condition 3).

Service Unit	Comments
Engineering & Technical Services Unit – Drainage	<ul style="list-style-type: none"> • A point of discharge is available for the site. • An on-site storm water detention system is required. (Condition 12).
Engineering & Technical Services Unit – Parking Provisions and Traffic Impacts	<p>Objection to proposal:</p> <ul style="list-style-type: none"> • The number of car parking spaces is not provided in accordance with Clause 52.06-5. A reduction in the number of on-site car parking spaces required under the planning scheme is not appropriate in the context of the development and the surrounding street network. The findings of the Traffic Report prepared by TTM Consulting Pty Ltd is not supported. (Condition 1.1). • Parking has been an issue in Bayley Grove and the surrounding streets, due to customers of the commercial properties in Firth Street and residents using the reserve parking in Bayley Grove. • Additional pressure for the on-street parking at the location, by having visitors for the proposed development parking in the street is not considered acceptable.
Engineering & Technical Services Unit – Waste Management	<ul style="list-style-type: none"> • Council agrees with the applicant's report that a private waste collection contractor will be required to undertake waste collection from the development, and from within the property basement. No private waste contractor bins can be left outside the property boundary for any reason. • This should be reinforced through a standard Waste Management Plan condition. (Condition 7).
City Strategy – Urban Design	<ul style="list-style-type: none"> • The building is articulated with recessed elements and stepping and the material palette proposed provides visual interest • The building visually presents as three levels or less to the most sensitive interfaces • The proposed crossover will require the removal of an existing street tree. This tree will need to be replaced (Condition 11) • The roof top garden on the north-western corner of the development will be highlighted with the chosen material finish. We would recommend that a darker and less visually dominant material be applied to this building element, such as vertical timber cladding (Condition 1.5) • The planned retention of existing trees on the site will assist in softening the appearance of the development • The sections of fencing along the Lawford Reserve interface are highly permeable and that direct access into the reserve is provided for some of the units. Both of these aspects of the development are positive and will assist with passive surveillance and activating this edge of the reserve. • The orientation of the building and private open space areas maximises opportunity for access to sunlight

Service Unit	Comments
City Strategy – Open Space	<ul style="list-style-type: none"> • The integration with the park is high quality. Paving and landscaping needs to end at the property boundary as shown on the plans.. • The TPZ of the large tree in the park requires protection (Condition 1.9). • A footpath is currently absent at north end of Bayley Grove (and the road surface is incomplete with no kerb and channel). The applicant should contribute to these works (Condition 1.12).

6. CONSULTATION / NOTIFICATION

- 6.1 Notice of the application was given on 16 August 2017, by sending letters to the owners and occupiers of nearby properties and displaying three (3) large sign on the frontage of the site in accordance with the Act.
- 6.2 To date, fourteen (14) objections were received, from residents of the following properties:
- 1/18, 3, 3/18, 19 Arnold Gove, Doncaster;
 - 18, 20, 22 Bayley Grove, Doncaster;
 - 1/1, 2, 1/3, 2/3, 4/4, 5 Angus Grove, Doncaster;
 - An additional multi-signatory objections was received from 3/18 Arnold Grove, Doncaster.
- 6.3 The following is a summary of the grounds upon which the above properties have objected to the proposal:
- Neighbourhood character (the property is away from a main road in a street that displays a local and quiet character);
 - The form of the building constitutes overdevelopment;
 - Off-site amenity impacts resulting from height, building bulk, setbacks, front setback, site coverage and minimal garden area;
 - Reduction of the Visitor Car Parking (inadequate visitor parking and existing on-street parking issues);
 - Poor car parking arrangement with vehicle stackers in inadequate.
 - Flooding of Basement;
 - Rubbish Removal (traffic and noise);
 - Noise Pollution (air conditioners and car stackers); and
 - Use of communal rooms/areas.
- 6.4 A response to the grounds of objection are included in the assessment from sections 8.21 to 8.32 of this report.

7. ASSESSMENT

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

7.2 The assessment is made under the following headings:

- State and Local Planning Policy Frameworks (SPPF and LPPF);
- Design and built form;
- Car parking, access and traffic;
- On-Site and Off-Site Amenity Impacts (Clause 55 – Rescode);
- Objector concerns / issues; and
- Other matters.

State and Local Planning Policy Frameworks (SPPF and LPPF)

7.3 Key objectives of the SPPF and LPPF seek to intensify activity centres and land around them as a focus for high-quality development and encourage increased activity and density as a way to achieve broader urban consolidation objectives.

7.4 The use of the subject land for the purpose of an apartment building comprising of twenty-nine (29) two and three bedroom dwellings, provides a range of dwelling sizes and is appropriate within the zoning of the land and the strategic context of the site. There is local policy support for an increase in residential density within and close to activity centres (through Clause 21.05 and DDO8) and the activation of street frontages to increase the vibrancy of the area.

7.5 A higher density apartment development on this site is generally consistent with the broad objectives of Council's planning policy outlined at Clause 21.05 of the Manningham Planning Scheme. The policy encourages urban consolidation in this specific location due to its capacity to support change given the site's main road location and proximity to services, such as public transport. The policy anticipates a substantial level of change from the existing character of primarily single dwellings and dual occupancies which has occurred in the past.

7.6 The proposed development indicates compliance with the maximum 11 metre building height requirement outlined in the DDO8-2 for lots over 1800sqm. While the development is in excess of the three storeys (the indicated number of storey preference in the DDO8), it is so due to the fall of the land with the additional level occurring excavated into the site and facing parkland. The site is considered to appropriately accommodate the proposed partially four storey development generally in the submitted form, due to a number of mitigating circumstances, as follows:

- The moderate slope of the land from the south-east corner down to the north-west corner allows the development to be designed to step with the slope, presenting as between two and three stories to the southern residential interface and three stories to the western residential interface.

- The development proposes generous setbacks allowing canopy tree screening planting to the residential interfaces (south and west). This includes lower level setbacks of 4m to the west and 3.5m to the south;
 - The only portion of four storey built form presents to the north elevation of the site which is away from the sensitive residential properties. It faces Lawford Reserve and Bayley Grove where there is the retention of significant and prominent vegetation (two large Eucalypts in particular);
 - The location of the site at the end of a road with non-sensitive abutments to the north and east, being a park (Lawford Reserve) and the front streetscape;
 - The design detail and architectural detailing of the proposal is of a high standard, with a high level of articulation and visual interest, to reduce the experience of visual bulk. Further, landscaping should cascade over the façade from appropriately positioned roof top garden areas, which in themselves serve to reduce mass at key vantage points;
 - The location of the site within proximity of the Doncaster Hill Activity Centre Zone which is located 25 metres to the south-east of the site, and the Tullamore Residential Subdivision is less than 100m to the west of the site (which is within the Residential Growth Zone); and
 - That the site is not nearby or adjoining any areas of differing policy, such as where a lower density is anticipated.
- 7.7 The proposal therefore broadly reflects the preferred character of the area and the built form outcomes sought under Clause 21.05 and the Design and Development Overlay, Schedule 8 – Sub-precinct A.
- 7.8 While there is a strategic imperative for Council to encourage urban consolidation where an opportunity exists, this is not in isolation and other relevant policies (requiring new design to be appropriate for the physical and social context) are still relevant. The proposed development and its response to the streetscape and elements (including supporting high quality urban design, on and off-site amenity of future occupants and neighbours, energy efficiency and a positive contribution to neighbourhood character) will be assessed in the following sections of this report.

Design and Built Form

- 7.9 Council has, through its policy statements throughout the Planning Scheme, and in particular by its adoption of the DDO8 over part of this neighbourhood, created a planning mechanism that has, and will in time alter the existing neighbourhood character within these locations proximate to Activity Centres, along Main Roads within adjoining side streets.
- 7.10 Council's planning preference is for higher density, three storey, apartment style development in this Sub-precinct (A). While the proposal is partially four storey, the maximum height limit of 11 metres is indicated to be met. This higher density housing thereby provides for the "preferred neighbourhood character" which is guided by the design elements contained within the DDO8, in conjunction with an assessment against Clause 21.05 and Clause 55 – Rescode. The resultant built form is contemplated to have a more intense and less suburban outcome.

7.11 The DDO8 provides a range of design objectives and specific form, car parking and access, landscaping and fencing policies that further refine the high level policies of the LPPF, establishing the preferred neighbourhood character outcomes for Residential Precinct 2 and providing specific guidance for the anticipated increases in density. An assessment against the requirements of the DDO8-2 (Sub-Precinct A) is provided below:

Design Element	Met/Not Met
<p>Maximum building height</p> <ul style="list-style-type: none"> 11 metres provided the condition regarding minimum land size is met (1800sqm). 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>Met subject to conditions</p> <p>The slope of the land affords the development a maximum building height requirement of 11 metres.</p> <p>The proposal indicates that the 11 metres height limit is met, however on closer assessment of the plans, there are natural ground levels which suggest the building is slightly above 11m in height.</p> <p>A condition will require all floor to ceiling heights in the building to be within the 11m height limit. This would allow encroachments above the height limit for structural components such as parapets, noting that where the 11m may be exceeded the wall height/setback ratios in the planning scheme are exceeded. (Condition 1.2).</p>
<p>Street setback</p> <ul style="list-style-type: none"> Minimum front street setback is the distance specified in Clause 55.03-1 or 6 metres, whichever is the lesser. <p>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.</p>	<p>Met</p> <p>The ground and upper floor walls of the building have a minimum street setback of 4.5m.</p> <p>The minimum allowable front setback is derived from the front setback of the only adjoining property facing Bayley Grove (2/1 Angus Drove) which has a front setback of 4.43m. Given this setback, the proposed 4.5m setback meets the Standard of Clause 55. 03-1.</p> <p>Balconies and other design features do not encroach into the proposed 4.5m setback and the frontage is afforded ample space and width for landscaping to meet the policy as no courtyards are proposed within the frontage.</p>
<p>Form</p> <ul style="list-style-type: none"> Ensure that the site area covered by buildings does not exceed 60 percent. 	<p>Met</p> <p>The building has a site coverage of 59.7%.</p>

Design Element	Met/Not Met
<ul style="list-style-type: none"> Provide visual interest through articulation, glazing and variation in materials and textures. 	<p>Met</p> <p>The building incorporates articulation, a design detail and a range of materials and colours and materials to provide visual interest.</p> <p>The curved design detail of the northern and western elevations provides a high level of visual interest and articulation.</p> <p>The provision of roof top gardens to the west at the first floor and the north-west at the second floor also provide visual interest, articulation and screening/softening of the development.</p> <p>The materials and colours are considered to offer a contemporary offering to compliment the modern design however, the use of rendered walls, timber features and glass is considered to also blend with the colours and materials found in the area.</p> <p>I</p>
<ul style="list-style-type: none"> Minimise buildings on boundaries to create spacing between developments. 	<p>Met</p> <p>No part of the building is constructed on the boundaries. The building is set back 4.0m from the rear (western) boundary, 3.5m from the southern boundary and 2.0m (at the closest point) from the northern boundary (to Lawford Reserve).</p>
<ul style="list-style-type: none"> Where appropriate ensure that buildings are stepped down at the rear of sites to provide a transition to the scale of the adjoining residential area. 	<p>Met</p> <p>This is not a site that backs onto a residential area where incremental change is proposed. All surround land is within a substantial change precinct.</p> <p>That said, the building is stepped down at the rear of the site through staggered setbacks from ground to first floors, where a general 4.0 metre setback is provided at the ground floor and the first floor is proposed over staggered setbacks from 3.7m to 5.8m, 7.4m and 13m (north to south). The second floor then has increased setbacks of 7.2m to 13m (and it is noted that the 13m setbacks are provided to the northern and southern ends of this level).</p> <p>This stepping, along with the curved design detail to the balconies and the provision of two roof top gardens to the rear interface, provides a transition and visual interest to the adjoining</p>

Design Element	Met/Not Met
	residential properties to the rear. It is however noted that the top level west and north facing roof forms could be reduced to provide an increased transition to the upper level and meet height and setback Objectives (as discussed within other areas of this assessment).
<ul style="list-style-type: none"> Where appropriate, ensure that buildings are designed to step with the slope of the land. 	<p>Met</p> <p>The building responds to the slope of the land through stepping and split levelling of all levels to respond to the steep slope.</p> <p>This stepping reduces the elevation of the building above the natural ground level and the associated visual impact, providing a suitable transition to the adjoining residential properties.</p>
<ul style="list-style-type: none"> Avoid reliance on below ground light courts for any habitable rooms. 	<p>Met</p> <p>The building does not rely on below ground light courts for any habitable rooms. It is noted that Apartment 4's main habitable room and courtyard/terrace area is approximately 75mm below the natural ground level in this location. The north and east facing solar access to this apartment is suitable.</p>
<ul style="list-style-type: none"> Ensure the upper level of a two storey building provides adequate articulation to reduce the appearance of visual bulk and minimise continuous sheer wall presentation. 	<p>Met</p> <p>The two and three storey form of the southern elevation, provides a 4.0m at ground level and a staggered 3.5-4.1m setback at first floor and second floor (top level).</p> <p>The lower wall heights at the eastern end of the 16.3m long southern elevation, have 3.5m setbacks and the higher three level wall heights at the western end of the southern elevation have 4.1m setbacks.</p> <p>This elevation is provided with visual interest and articulation through a high level of differing fenestration, feature timber cladding to external walls and vertical parapets to each level of roof form in a concrete finish, which breaks up the height and verticality of the built form. At either end of the 16.3m long building, feature screening in timber vertical screenings and glass bricks adds visual interest. It is however noted that the top levels will be required to be further stepped in to meet Standard B17 side setback requirements (as discussed within the Rescode area of this Assessment), which will further increase the articulation to this façade.</p>

Design Element	Met/Not Met
<ul style="list-style-type: none"> Ensure that the upper level of a three storey building does not exceed 75% of the lower levels, unless it can be demonstrated that there is sufficient architectural interest to reduce the appearance of visual bulk and minimise continuous sheer wall presentation. 	<p>Met</p> <p>The top level of the building covers is approximately 72.2% of the ground floor level.</p> <p>It is noted that the lower level is only located at the northern end of the building, introduced to take advantage of the slope.</p> <p>Visually the first and second level (top level) are graduated and stepped back from the surrounding properties (particularly the sensitive residential interface to the west) and provides visual interest and architectural details to reduce visual bulk.</p> <p>The frontage only presents as a two level building to Bayley Grove at the southern end and the separated portion of the building at the northern end proposes a three level sheer feature wall, as a prominent design feature to the foyer and pedestrian building entry.</p> <p>Overall, the building is well articulated and provides visual interest.</p>
<ul style="list-style-type: none"> Integrate porticos and other design features with the overall design of the building and not include imposing design features such as double storey porticos. 	<p>Met</p> <p>There are no porticos proposed. The three level sheer feature wall proposed as a prominent design feature to the north-east of the foyer and pedestrian building entry is not considered to be imposing as it is cleverly designed and located building feature, its height is broken by its curved nature, the top level parapet roof form which continues around, the fountain feature in front and the inclusion of the building name signage.</p> <p>Design detail and features, are considered to be well integrated into the overall design of the building.</p>
<ul style="list-style-type: none"> Be designed and sited to address slope constraints, including minimising views of basement projections and/or minimising the height of finished floor levels and providing appropriate retaining wall presentation. 	<p>Met</p> <p>The development has been designed to address slope constraints by proposing the stepped and split levels across the site. The slope of the site from the front down to the back west and north-west corner does not enable the car parking level to be below ground. The car parking level subsequently protrudes above natural ground level.</p>

Design Element	Met/Not Met
	<p>The projection of this level is effectively screened to the frontage by the prominence of the two levels of apartments with balcony's above and the generous landscaping proposed within the 4.5m front setback, which includes 4 canopy trees and high level shrub plantings at differing heights.</p> <p>The projection of this level is also effectively screened to the west and south, by 3.5-4.0m setbacks, which enables generous spacing for retention of a large mature and significant canopy tree in the south-west corner and the provision of medium canopy trees to be planted and have space to mature, to screen and soften the building.</p> <p>It is also noted that the roof top garden to the south-west corner of the ground level also softens the projection to these interfaces, by providing a second level of elevated visible screening planting.</p>
<ul style="list-style-type: none"> Be designed to minimise overlooking and avoid the excessive application of screen devices. 	<p>Met</p> <p>Where necessary, the proposal includes differing screening methods including highlight windows, obscure glass, timber vertical visual screens, obscure glazed screens, glass brick screens and partial planter box with lower visual screens, which provides a range of outlooks, increases the visual interest of the built form and improves internal amenity to future occupants.</p>
<ul style="list-style-type: none"> Ensure design solutions respect the principle of equitable access at the main entry of any building for people of all mobilities. 	<p>Met</p> <p>The footpath to the building entry is appropriately graded to allow for equitable access by people of all mobilities.</p>
<ul style="list-style-type: none"> Ensure that projections of basement car parking above natural ground level do not result in excessive building height as viewed by neighbouring properties. 	<p>Met</p> <p>The development does not incorporate 'basement car parking' as it is located at ground level. It is noted that the car parking level is suitably screened as discussed in assessments above.</p>
<ul style="list-style-type: none"> Ensure basement or undercroft car parks are not visually obtrusive when viewed from the front of the site. 	<p>Met</p> <p>The development does not incorporate basement car parking, but parking at grade on the ground level. The car parking is appropriately screened and hidden as there are no garages facing the street and it is suitably screened by landscaping.</p>

Design Element	Met/Not Met
<ul style="list-style-type: none"> Integrate car parking requirements into the design of buildings and landform by encouraging the use of undercroft or basement parking and minimise the use of open car park and half basement parking. 	<p>Met Car parking is integrated into the design of the ground floor level and suitably screened, as discussed in assessments above.</p>
<ul style="list-style-type: none"> Ensure the setback of the basement or undercroft car park is consistent with the front building setback and is setback a minimum of 4.0m from the rear boundary to enable effective landscaping to be established. 	<p>Met The ground floor rear setback is predominantly 4.0m and modifies from 3.7-5.8m at the north-west corner, allowing spacing for effective landscaping of medium to large canopy trees to be retained and established as shown on the proposed landscape plans.</p>
<ul style="list-style-type: none"> Ensure that building walls, including basements, are sited a sufficient distance from site boundaries to enable the planting of effective screen planting, including canopy trees, in larger spaces. 	<p>Met The development provides appropriate wall setbacks to side and rear boundaries to allow for generous canopy and screen planting that soften the appearance of the built form, as proposed on the landscape plans.</p> <p>The setbacks to the residential interfaces are 3.5m to the south and 4m to the west.</p>
<ul style="list-style-type: none"> Ensure that service equipment, building services, lift over-runs and roof-mounted equipment, including screening devices is integrated into the built form or otherwise screened to minimise the aesthetic impacts on the streetscape and avoids unreasonable amenity impacts on surrounding properties and open spaces. 	<p>Met The lift overrun is located centrally to the site, is setback over 15m from the closest western boundary and will therefore not be visible.</p> <p>The solar panels are also located centrally, over 10m from the closest western boundary and appear to be flat to the roof form.</p> <p>Standard conditions (Condition 1.6) will require the location of the plant equipment on the roof to be away from the sides of the building and where necessary, be screened to minimise any visual and amenity impacts on the street and adjoining properties.</p>
<p>Car Parking and Access</p> <ul style="list-style-type: none"> Include only one vehicular crossover, wherever possible, to maximise availability of on street parking and to minimise disruption to pedestrian movement. Where possible, retain existing crossovers to avoid the removal of street tree(s). Driveways must be setback a minimum of 1.5m from any street tree, except in cases where a larger tree requires an increased setback. 	<p>Met The three existing 3.0m wide crossovers will be removed and one 5.5m wide crossover is proposed to the eastern frontage.</p> <p>One street tree is proposed to be removed, the removal cannot be easily avoided given the electricity pole to the south and the slope of the site, a redesign to retain the tree would significantly impact the design. The street tree is not of particular significance and can be removed and replaced (Conditions11).</p>

Design Element	Met/Not Met
<ul style="list-style-type: none"> Ensure that when the basement car park extends beyond the built form of the ground level of the building in the front and rear setback, any visible extension is utilised for paved open space or is appropriately screened, as is necessary. 	Not applicable
<ul style="list-style-type: none"> Ensure that where garages are located in the street elevation, they are set back a minimum of 1.0m from the front setback of the dwelling. 	Not applicable
<ul style="list-style-type: none"> Ensure that access gradients of basement car parks are designed appropriately to provide for safe and convenient access for vehicles and servicing requirements. 	Met Council's Traffic Engineering have advised that the proposed accessway and gradients are acceptable.
<p>Landscaping</p> <ul style="list-style-type: none"> On sites where a three storey development is proposed include at least 3 canopy trees within the front setback, which have a spreading crown and are capable of growing to a height of 8.0m or more at maturity. 	Met The Landscape Plan provides for 6 canopy trees within the Bayley Grove frontage.
<ul style="list-style-type: none"> Provide opportunities for planting alongside boundaries in areas that assist in breaking up the length of continuous built form and/or soften the appearance of the built form. 	Met The Landscape Plan proposes retention and canopy tree plantings along boundaries to assist in softening and screening built form from adjoining and nearby properties.
<p>Fencing</p> <ul style="list-style-type: none"> A front fence must be at least 50 per cent transparent. On sites that front Doncaster, Tram, Elgar, Manningham, Thompsons, Blackburn and Mitcham Roads, a fence must: <ul style="list-style-type: none"> not exceed a maximum height of 1.8m be setback a minimum of 1.0m from the front title boundary and a continuous landscaping treatment within the 1.0m setback must be provided. 	Met There is no front fence to Bayley Grove however it is noted the fencing fronting Lawford Reserve responds to the policy. The fencing is to secure and provide some separation to the ground floor courtyards, is setback by 2.2m from the boundary, will be 1.2m above natural ground level and is a feature picket fence, in timber and with some transparency. It is also noted that this fence continues around the south-eastern corner of the building but is setback more than 3.0m from the Bayley Road frontage. The fencing, while not front fencing, is also therefore considered to respect the policy and preferred character of the area.

- 8.1 Whilst some subtle modifications are required via condition, there are no significant outstanding issues associated with the build form outcome being proposed when considered in light of Council's preferred neighbourhood character under Clause 52.05 of DDO8-1 that seek substantial change from the existing character of the area.

Car parking and traffic

- 8.2 Prior to a new use commencing or a new building being occupied, Clause 52.06-2 of the Scheme requires that the number of car parking spaces outlined at Clause 52.06-5 be provided on the land or as approved under Clause 52.06-3, to the satisfaction of the Responsible Authority.
- 8.3 This clause requires resident car parking at a rate of one space for each dwelling with one or two bedrooms and two spaces for each dwelling with three or more bedrooms. Visitor car parking is required at a rate of one car parking space for every five dwellings.
- 8.4 The proposal requires the provision of 33 car parking spaces for residents and 5 car parking space for visitors. The proposal complies with this minimum requirement for resident's car spaces. These are provided in vehicle stackers which are designed to accommodate medium to large sized cars and be entirely independent of other cars within the stackers. The minimum number of visitor car spaces is not met, as only 3 spaces are proposed:
- 8.5 An assessment against the car parking design standards at Clause 52.06-9 of the Scheme is provided in conjunction with the assessment provided by Council's Engineering and Technical Services Traffic Engineers in the table below:

Design Standard	Met/Not Met
1 – Accessways	<p>Met</p> <p>The 5.5 metre width crossover and driveway meet the minimum width and headroom clearance requirements.</p> <p>All car parking spaces have been designed for all vehicles to exit the site in a forward direction.</p> <p>Adequate visibility splays are provided at the frontage.</p>
2 – Car Parking Spaces	<p>Met</p> <p>All car parking spaces meet the minimum dimensions and requirements.</p>
3 – Gradients	<p>Met</p> <p>The driveway has a maximum grade of 1:4, which complies with the standard. The driveway gradients have been assessed as compliant with the standard.</p>
4 – Mechanical Parking	<p>Met</p> <p>The proposed car parking arrangement is to rely entirely on car stackers for all resident's car spaces. This is considered appropriate given the proposed stackers allow full independence from each other and would provide access to a high proportion of car sizes, being able to accommodate medium to large sized cars.</p> <p>The mechanical parking proposed meets requirements.</p>

Design Standard	Met/Not Met
5 – Urban Design	Met The driveway entry will not dominate the streetscape as landscape areas are provided on both sides.
6 – Safety	Met There are no apparent safety issues with the driveway or separate pedestrian entry. Internal access is provided from the secured car parking level to the foyer and apartment entries.
7 – Landscaping	Met Landscaping is suitably provided to soften the appearance of the accessway.

Visitor Car Parking

- 8.6 The submitted Traffic Management Plan prepared by TTM Consulting (10 July 2017) purports to justify the proposed waiver/reduction of the two additional visitor car spaces sought.
- 8.7 Along with the advice provided by Councils Traffic Engineers (Engineering and Technical Services Unit) Council Planning Officers also conclude that the location of the site within the dead-end street is considered to create a higher amenity and sensitivity to this location and neighbourhood. This sensitivity together with the limited and reduced availability of carparking within proximity of the site, by virtue of the streets end (rather than a through road or additional nearby roads) are all considered to warrant full compliance with the visitor car parking requirement. The proposed waiver of two visitor car spaces is not considered to be justified and will not be supported.
- 8.8 A condition (**Condition 1.1**) will require the basement design be modified to provide 5 visitor car parking spaces. This should be achievable in the current design through efficiencies generated through modifying the waste room and surrounding space in the south-western corner of the basement (although ultimately it is up to the applicant to determine the amount of change).
- 8.9 Council's Engineering and Technical Services Unit raises no concern in relation to the expected traffic generated by the proposed development. The proximity of the subject site to public transport along Doncaster Road is expected to encourage a greater variety of transportation methods, as opposed to sole reliance on vehicles.
- 8.10 It is not anticipated that the volume of traffic that is likely to be generated by the development will have a material impact on the capacity and operation of Bayley Grove or the surrounding road network and intersections.

Clause 52.34 Bicycle Facilities

- 8.11 Clause 52.34 Bicycle Facilities applies to dwelling developments of four storeys or more. The policy requires a rate of 1 to 5 for residents and 1 to 10 for visitors. The proposal therefore attracts a requirement of 5 resident's bike spaces and 2 visitor bike spaces (total of 7 bike spaces).

- 8.12 The development proposes thirteen (13) bicycle spaces within a secured bicycle storage room within the carparking level and adjacent to the foyer, significantly exceeding the requirement.

On-Site and Off-Site Amenity Impacts (Clause 55 - Rescode)

- 8.13 Clause 55 Two or More Dwellings on a Lot and Residential Buildings applies to an application to construct two or more dwellings on a lot, establishing the planning controls for on-site and off-site amenity through the application of objectives and standards.
- 8.14 Clause 55 specifies that a development must meet all of the objectives and should meet all of the standards of this clause. The standards contain *requirements to meet the objectives* and compliance with these requirements is widely accepted as satisfying the relevant objective
- 8.15 An assessment against the objectives and standards of Clause 55 is provided in the table below:

Objective	Objective Met/Not Met
<p>55.02-1 – Neighbourhood Character</p> <ul style="list-style-type: none"> To ensure that the design respects the existing neighbourhood character or contributes to a preferred neighbourhood character. To ensure that development responds to the features of the site and the surrounding area. 	<p>Considered Met</p> <p>As outlined in the assessment of the proposal against the policy requirements of the Schedule 8 to the Design and Development Overlay (DDO8), it is considered that subject to some conditions, the proposed development generally responds to the preferred neighbourhood character, and respects the natural features of the site and its surrounds.</p>
<p>55.02-2 – Residential Policy</p> <ul style="list-style-type: none"> To ensure that residential development is provided in accordance with any policy for housing in the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies. To support medium densities in areas where development can take advantage of public transport and community infrastructure and services. 	<p>Met</p> <p>The application was accompanied by a written statement that has demonstrated how the development is consistent with State, Local and Council policy.</p>
<p>55.02-3 – Dwelling Diversity</p> <ul style="list-style-type: none"> To encourage a range of dwelling sizes and types in developments of ten or more dwellings. 	<p>Met</p> <p>The proposal comprises 29 dwellings and is considered to provide a suitable mix of apartment sizes, being 25 two bedroom apartments and 4 three bedroom apartments. It is also noted that the apartments differ in layout, size and particularly in private open spaces courtyards and balconies.</p>

Objective	Objective Met/Not Met
<p>55.02-4 – Infrastructure</p> <ul style="list-style-type: none"> To ensure development is provided with appropriate utility services and infrastructure. To ensure development does not unreasonably overload the capacity of utility services and infrastructure. 	<p>Met subject to condition</p> <p>The site has access to all services. The applicant will be required to provide an on-site stormwater detention system to alleviate pressure on the drainage system (Condition 12).</p>
<p>55.02-5 – Integration With Street</p> <ul style="list-style-type: none"> To integrate the layout of development with the street. 	<p>Met</p> <p>The vehicle and pedestrian entry to the development are both clearly evident and indicated by the crossover for the vehicle entry and architectural design and features indentifying the pedestrian entry and foyer to the site frontage to Bayley Grove.</p>
<p>55.03-1 – Street Setback</p> <ul style="list-style-type: none"> To ensure that the setbacks of buildings from a street respect the existing or preferred neighbourhood character and make efficient use of the site. 	<p>Met</p> <p>Refer to the DDO8 assessment – The front setback requirement is met.</p>
<p>55.03-2 – Building Height</p> <ul style="list-style-type: none"> To ensure that the height of buildings respects the existing or preferred neighbourhood character. 	<p>Met - by conditions</p> <p>Refer to the DDO8 assessment. (Condition 1.2)</p>
<p>55.03-3 – Site Coverage</p> <ul style="list-style-type: none"> To ensure that the site coverage respects the existing or preferred neighbourhood character and responds to the features of the site. 	<p>Met</p> <p>The proposed site coverage is 59.7%, which does not exceed the 60% requirement in the standard.</p>
<p>55.03-4 – Permeability</p> <ul style="list-style-type: none"> To reduce the impact of increased stormwater run-off on the drainage system. To facilitate on-site stormwater infiltration. 	<p>Met</p> <p>The proposal has 37.5% of site area as pervious surface, which complies with the standard requirement of 20%.</p>
<p>55.03-5 – Energy Efficiency</p> <ul style="list-style-type: none"> To achieve and protect energy efficient dwellings. To ensure the orientation and layout of development reduce fossil fuel energy use and make appropriate use of daylight and solar energy. 	<p>Met</p> <p>The living rooms and private open space areas are oriented to the north where practicable and otherwise to the east and west, to maximise exposure to sunlight.</p>

Objective	Objective Met/Not Met
<p>55.03-6 – Open Space</p> <ul style="list-style-type: none"> To integrate the layout of development with any public and communal open space provided in or adjacent to the development. 	<p>Met</p> <p>The development has orientated many of the main living rooms, courtyards and balconies towards the reserve to the north. Lower level courtyards are also proposed to have low level fencing with a suitable level of transparency to the reserve.</p>
<p>55.03-7 – Safety</p> <ul style="list-style-type: none"> To ensure the layout of development provides for the safety and security of residents and property. 	<p>Met</p> <p>All dwelling entrances are accessible from the internal foyer and the secured basement. The north facing apartments at lower level, which adjoin the park have gates and transparent fencing to secure their private open spaces/courtyards from the reserve.</p>
<p>55.03-8 – Landscaping</p> <ul style="list-style-type: none"> To encourage development that respects the landscape character of the neighbourhood. To encourage development that maintains and enhances habitat for plants and animals in locations of habitat importance. To provide appropriate landscaping. To encourage the retention of mature vegetation on the site. 	<p>Met subject to conditions</p> <p>Generous landscaping of canopy trees and/or screening trees can be accommodated within the 3.5 and 4.0 metre setbacks to the adjoining residential properties to the south and west.</p> <p>The development has proposed to retain four trees on site, including two significant trees. One to the south-west corner and one in the north-west corner and adjoining the reserve.</p> <p>Of the high significance trees (identified by the Arboricultural Report prepared by Kylie May for John Patrick Pty Ltd and dated June 2017), the proposal includes retention two of the four most significant trees.</p> <p>Tree 1 and 25 are retained, conditions will require specified investigation, protection and construction methods and measures as specified by the Arboricultural Report, will be followed (Condition 1.8).</p> <p>Tree 3 is not considered suitable to attempt to retain within the limited frontage of the development and is only medium significance.</p> <p>Tree 23 however is of high significance and is a Eucalypt. Conditions will require it is retained, as per the specified investigation, protection and construction methods and measures as specified by the Arboricultural Report.</p> <p>Given the assessed impact on a significant Eucalypt (Tree 21) within Lawford Reserve, conditions will require that the specified investigation, protection and construction</p>

Objective	Objective Met/Not Met
	<p>methods and measures as specified by the Arboricultural Report, will be followed and where necessary the proposed northern setbacks modified at ground level (Condition 1.9).</p> <p>New medium to large canopy trees are proposed within the front setback and the southern and western interfaces to provide screening and softening of the built form. Small canopy trees and shrubs are proposed to the northern elevation, adjoining Lawford Reserve</p> <p>The development is not expected to have any impact on any other vegetation within adjoining properties due to the building setbacks.</p> <p>The landscaping proposed on the Landscape Plan prepared by Memla and dated 25 October 2016, is considered to exceed the objectives and requirements of the DDO8 and responds to the landscape and neighbourhood character.</p> <p>A landscaping plan will be required by a permit condition (Condition 6) to provide three canopy trees within the front setback, at least three canopy trees within the rear setback and screen planting along the southern boundary.</p> <p>A permit condition will require an indicative location of the stormwater detention system on the site plan to be located outside of easements and canopy tree landscape areas (Condition 1.7).</p> <p>A landscape maintenance bond of \$10,000 will be required by a permit condition (Condition 10).</p>
<p>55.03-9 – Access</p> <ul style="list-style-type: none"> To ensure the number and design of vehicle crossovers respects the neighbourhood character. 	<p>Met</p> <p>The three existing 3.0m wide vehicle crossovers are proposed to be removed and one 5.5m wide crossover is provided to service the development. To enable the new crossover, one street tree is proposed to be removed. Conditions will require its replacement and maintenance (Condition 1.10).</p>
<p>55.03-10 – Parking Location</p> <ul style="list-style-type: none"> To provide convenient parking for resident and visitor vehicles. 	<p>Met</p> <p>Parking is provided for all dwellings within the secured basement and has direct access internally to the foyer to access all apartments.</p>

Objective	Objective Met/Not Met
<p>55.04-1 – Side And Rear Setbacks</p> <ul style="list-style-type: none"> To ensure that the height and setback of a building from a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings. 	<p>Met subject to conditions</p> <p>The proposal indicates that the height and setback ratios comply on the southern and western residential interfaces, however on closer assessment of the plans, there are natural ground levels which suggest the building height is slightly higher than outlined, and due to this Officers are not assured the requirements of the Standard are met.</p> <p>The non compliance would be associated with the top level only on the west and southern elevations, and in most instances is associated with the curvature of the building or balconies. These aspects could easily be rectified with subtle changes in design.</p> <p>A condition will require conformation of the building heights and setbacks, noting the condition to require all internal floor to ceiling heights within the 11m maximum building height. (Conditions 1.3).</p>
<p>55.04-2 – Walls On Boundaries</p> <ul style="list-style-type: none"> To ensure that the location, length and height of a wall on a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings. 	<p>Not applicable</p> <p>There are no walls proposed to be constructed on boundaries.</p>
<p>55.04-3 – Daylight To Existing Windows</p> <ul style="list-style-type: none"> To allow adequate daylight into existing habitable room windows. 	<p>Met</p> <p>Existing habitable room windows are provided with sufficient light court areas that exceeds the standard. The development is set back sufficiently from existing habitable room windows as required by the standard.</p>
<p>55.04-4 – North Facing Windows</p> <ul style="list-style-type: none"> To allow adequate solar access to existing north-facing habitable room windows. 	<p>Not applicable</p> <p>There are no north facing windows within 3m of the site boundary that require protection under this control.</p>
<p>55.04-5 – Overshadowing Open Space</p> <ul style="list-style-type: none"> To ensure buildings do not significantly overshadow existing secluded private open space. 	<p>Met</p> <p>To the west, the submitted shadow diagrams for the September equinox control period demonstrate that additional shade will only be cast beyond the existing fence shadow between 9am and shortly after in the morning</p>

Objective	Objective Met/Not Met
	<p>(by 10am the shadow is well within the existing property), ensuring these properties are free of shade from the development for the 5hours over the control period. Further, one property has an interface with Lawford Reserve (3/18 Arnold Grove), and the other has a tradition large backyard which remains shade free (16 Arnold Grove).</p> <p>To the south, the submitted shadow diagrams for the September equinox control period demonstrate that additional shade will extend beyond the existing fence shade for the control period. It appears more prominent in the morning, than the afternoon. An assessment has to be made in relation to the impact of this shade on each neighbour.</p> <p>The property at 2/1 Angus Grove has a carport on its northern side and shading of this structure is not important. Secluded open space is located to the rear of the carport, along the rear western boundary and in the front setback where there is a high front fence along Bayley Grove. No shade is cast from the proposed building over the front setback, or the rear western setback and for this reason the additional shading that is cast over the area to the rear of the carport in not considered to be fatal to the application. The current boundary fence which includes a lattice section above the fence would shade most of this area anyway.</p> <p>The property at 2/3 Angus Grove has an area of open space between 4m and 5m. It is shaded in the morning by the proposed building, but the shade reduces through the afternoon to virtually zero by 3pm.</p> <p>The shade diagrams do not take into account an existing garage wall on the boundary to the north of the site or a large deciduous tree to the west that has a canopy spread over yard. The applicant has also noted that <i>'the extensive landscaping required to be planted on the south side of the development will have a significant impact as well</i> .</p> <p>As per the decision guidelines of the control, the existing shadow cast to these areas is relevant and it is agreed that removal of the</p>

Objective	Objective Met/Not Met
	<p>existing garage and higher fence adjacent to this space would reduce the existing shadows cast. Further, the location of these properties within the Sub-Precinct A of the DDO8 where higher densities are encouraged, the shadows are not considered to be unreasonable. The dwelling will retain areas of backyard that do receive sun through the day, all be it less area.</p>
<p>55.04-6 – Overlooking</p> <ul style="list-style-type: none"> To limit views into existing secluded private open space and habitable room windows. 	<p>Met subject to condition</p> <p>The plans demonstrate that there will be no overlooking into residential properties on the western and southern elevations from any habitable room windows due to the provision of highlight windows or obscure glazing to 1.7 metres above finished floor level and fixed obscure screens (to 1.7 metres above finished floor level) to some balconies.</p> <p>The west roof top garden will obscure views to the west by an alternative screening arrangement which couples a planter box with a lower visual screen (1.5m high), to enable views out towards the west skyline, but not down to the adjoining properties. Roof Garden Balcony Detail on Point Architects Plan - Drawing 09 Revision B details this screening.</p> <p>There are no overlooking concerns to the east which is the Bayley Grove frontage, or to the north, which is the Lawford Reserve.</p> <p>Conditions will require that the plans note the height of the balcony screening on the west facing balconies and the roof top garden, to correspond with the proposed elevations (Condition 1.4).</p>
<p>55.04-7 – Internal Views</p> <ul style="list-style-type: none"> To limit views into the secluded private open space and habitable room windows of dwellings and residential buildings within a development. 	<p>Met</p> <p>The balconies of each dwelling have been designed to prevent internal overlooking with 1.7m high privacy screen, which generally provide a reasonable degree of separation between dwellings.</p>
<p>55.04-8 – Noise Impacts</p> <ul style="list-style-type: none"> To contain noise sources in developments that may affect existing dwellings. To protect residents from external noise. 	<p>Met</p> <p>There are no unusual noise sources that may affect existing dwellings or future residents within the development.</p>

Objective	Objective Met/Not Met
<p>55.05-1 – Accessibility</p> <ul style="list-style-type: none"> To encourage the consideration of the needs of people with limited mobility in the design of developments. 	<p>Met</p> <p>The development allows barrier-free access for people with limited mobility to the front entry foyer of the building and lift access to all apartments, which are on one level. In addition, to enable access for people of limited mobility from the set of stairs/split level between the basement and ground floor foyer, a small lift is also provided here.</p>
<p>55.05-2 – Dwelling Entry</p> <ul style="list-style-type: none"> To provide each dwelling or residential building with its own sense of identity. 	<p>Met</p> <p>The dwellings all derive pedestrian access from the main pedestrian entry and foyer into the path adjacent to the southern boundary of the site. The pedestrian entry is well identified by architectural design and features.</p>
<p>55.05-3 – Daylight To New Windows</p> <ul style="list-style-type: none"> To allow adequate daylight into new habitable room windows. 	<p>Met</p> <p>All habitable rooms will have external windows to ensure they have adequate solar access. The windows have adequate light court areas. There are no habitable rooms that rely on borrowed light, open to a light well or rely on below ground light courts.</p>
<p>55.05-4 – Private Open Space</p> <ul style="list-style-type: none"> To provide adequate private open space for the reasonable recreation and service needs of residents. 	<p>Met</p> <p>Each dwelling is provided with secluded private open space in the form of a ground level courtyard/terrace or a balcony. The areas of the spaces range from 14 to 45 square metres, with minimum dimensions also ranging from 1.07 to 5.0 metres.</p> <p>Each balcony exceeds the minimum area and dimension standards of 8 square metres with a minimum dimension of 1.6m and convenient access from a living room.</p> <p>In addition, a 130sqm communal roof top garden area is provided on the second floor with views orientated towards the reserve to the north. The roof top garden is partially covered and predominantly open to the sky and includes a barbeque area and sink and rooftop planting around the periphery.</p> <p>It is considered that the private open spaces offer a range of options and are sufficient in area for the recreation and service needs of residents.</p>

Objective	Objective Met/Not Met
<p>55.05-5 – Solar Access To Open Space</p> <ul style="list-style-type: none"> To allow solar access into the secluded private open space of new dwellings and residential buildings. 	<p>Met</p> <p>All balconies and the ground floor courtyards have a northern aspect, where practicable or east and west orientation and provide a reasonable level of solar access.</p>
<p>55.05-6 – Storage</p> <ul style="list-style-type: none"> To provide adequate storage facilities for each dwelling. 	<p>Met</p> <p>A large secured storage room is provided with access from the carparking level and the foyer with 28 cages. Another secured storage room is located with access from the lower level foyer with 4 storage cages. Therefore a total of 32 storage cages are proposed for the development of 29 dwellings. Each storage case is proposed to be 6 cubic metres.</p>
<p>55.06-1 – Design Detail</p> <ul style="list-style-type: none"> To encourage design detail that respects the existing or preferred neighbourhood character. 	<p>Met</p> <p>As discussed under the DDO8 Assessment, the dwellings are articulated and incorporate various materials and finishes to reduce the sense of visual bulk.</p>
<p>55.06-2 – Front Fence</p> <ul style="list-style-type: none"> To encourage front fence design that respects the existing or preferred neighbourhood character. 	<p>Met</p> <p>There is no front fencing proposed to Bayley Grove however fencing internal to the site has been discussed within the DDO8 assessment.</p>
<p>55.06-3 – Common Property</p> <ul style="list-style-type: none"> To ensure that communal open space, car parking, access areas and site facilities are practical, attractive and easily maintained. To avoid future management difficulties in areas of common ownership. 	<p>Met</p> <p>The vehicle accessway, pedestrian entry way and surrounding common property landscape areas are practically and attractively designed.</p> <p>There are no apparent difficulties associated with the future management of these areas.</p>
<p>55.06-4 – Site Services</p> <ul style="list-style-type: none"> To ensure that site services can be installed and easily maintained. To ensure that site facilities are accessible, adequate and attractive. 	<p>Met</p> <p>Appropriate site services are provided. The letterboxes are adjacent to the site frontage, and the pedestrian entry way, with a paved area to the footpath providing convenient access for Australia Post and residents.</p> <p>Fire boosters, metres and services appear to all be located within the eastern side of the basement/parking level. Standard conditions will require that all services are designed to be appropriately screened to compliment and blend with the built form and design detail to the satisfaction of the Responsible Authority (Condition 1.13).</p>

Objector issues / concernsNeighbourhood character (not on a main road)

- 8.16 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 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.
- 8.17 The apartment development typology proposed generates different living standards to detached dwellings and may potentially impact the residential amenity of neighbouring or nearby properties.
- 8.18 It is evident that the proposed development achieves a high level of compliance with respect to the DDO8 controls. The building proposed has a high level of articulation, modified setbacks and facades, a varied materials palette and an array of interesting architectural features which add visual interest and soften the built form. Subject to conditions the building is sufficiently setback from boundaries, allowing for generous landscaping to be established and adequate physical articulation and modulation to soften the built form and mitigate visual bulk concerns.

Overdevelopment

- 8.19 Subject to some minor changes required by condition, the proposal meets the requirements of Clause 55 in respect to site coverage, setbacks, permeability, 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.

Off-site amenity impacts – Design, overall height, building bulk, setbacks, front setback, site coverage and garden area

- 8.20 Whilst the building partially contains four storeys where the DDO8 supports three storey apartment style developments, importantly, the maximum height of the development will be conditioned to comply with the 11 metre maximum allowable height. The four levels are proposed to be visible predominantly to the north of the site, by virtue of the steep slope towards the north, which enables the lower/partially undercroft level to be provided to the northern end of the building, adjoining Lawford Reserve.
- 8.21 The building visually presents as three levels or less to the most sensitive interfaces, being the residential interfaces to the west and south. Conditions will further require the southern elevation and the upper floor roof structures to the western and northern elevations, to be reduced in setback and/or height, to provide an improved transition and articulation of the built form and ensure compliance with setback objectives and requirements. The built form is therefore considered to be supported by policy

- 8.22 Along with conditional changes discussed in the Assessment Sections, the proposed articulation, stepped and split level design, selection of building materials and proposed setbacks, results in a particularly interesting built form and are generally considered to be sufficient to address visual bulk concerns.
- 8.23 As discussed in the Assessment Sections, generous and appropriate opportunities for landscaping to be provided around all boundaries, to assist in softening the appearance of the development. The Site Coverage and Garden Area requirements are also met.

Overlooking

- 8.24 As discussed in the Clause 55 assessment above, there will be no overlooking into residential properties on the western and southern elevations from any habitable room windows due to the provision of highlight windows or obscure glazing to 1.7 metres above finished floor level and fixed obscure screens (to 1.7 metres above finished floor level) to some balconies and roof top garden arrangements, which enable views out towards the west skyline, but not down to the adjoining properties (as per Roof Garden Balcony Detail on Point Architects Plan - Drawing 09 Revision B).
- 8.25 Conditions will require that the plans note the height of the balcony screening on the west facing balconies and the roof top garden, to correspond with the proposed elevations.

Overshadowing

- 8.26 The overshadowing is assessed in detail within the Rescode Assessment table.
- 8.27 The SPOS at 16 Arnold Grove is minimally impacted.
- 8.28 The SPOS of 3/18 Arnold Grove will not be experience any additional shadows from the development after approximately 10:30am. Given there is also SPOS to the north, the impacts to the SPOS are not considered to be significant. It is further noted that some reductions to the building height and western boundary setbacks at upper levels (as discussed within this Assessment), will further reduce these shadow impacts.
- 8.29 As per the decision guidelines of the Overshadowing Objective, the existing shadow cast to these two areas of SPOS to the south is relevant and it is agreed that removal of the existing garage and higher fence on the subject site and on the common southern boundary, adjacent to this space, would reduce the existing shadows cast beyond what the Shadow Diagrams depict. Given that the setbacks of the upper levels will be required to be further setback (as discussed previously within this Assessment), which will further reduce the shadows cast to these SPOS's, given the existing shadows cast to these spaces and given the location of these properties within the Sub-Precinct A of the DDO8, where higher densities are encouraged, the shadows are not considered to be unreasonable and the Objective is considered to be met.

Car Parking, Traffic, Car Stackers and Flooding of Basement

- 8.30 The development provides the minimum number of car parking spaces for the residents, as required by Clause 52.06 of the Manningham Planning Scheme.

- 8.31 Council's Engineering and Technical Services Unit has assessed the application and has raised no concerns regarding the impact of the proposal on the surrounding traffic network. The increased traffic movement associated with the development can be readily accommodated in the surrounding street network.
- 8.32 The proposal for car stackers to provide all residential car parking has been assessed to be a suitable outcome given the entirely independent nature of the stackers and that the car stackers meet the specific Mechanical Parking Requirements of Design Standard 4 of Clause 52.06 (Car Parking).
- 8.33 Council's Engineering and Technical Services Unit have not raised any concerns for flooding to the lower levels and standard conditions would require appropriate drainage to be designed to meet Council Engineering and Drainage requirements.

Reduction of the Visitor Car Parking (inadequate visitor parking and existing on-street parking issues)

- 8.34 The proposed reduction of the visitor car parking requirement from the required five spaces, to three (reduction of two spaces) has been assessed and will not be supported. Conditions will require that the car parking level is modified to provide the required visitor car parking requirement as required by Clause 52.06 of the Manningham Planning Scheme, without reducing any other car parking for residents, without providing visitor spaces within car stackers and to the satisfaction of the Responsible Authority.

Rubbish Removal (traffic and noise)

- 8.35 Councils Waste unit within Council's Engineering and Technical Services Unit have assessed the proposal for waste to be removed by a private contractor completely within the basement. Given the private waste contractor truck will be required to collect and empty waste into the truck completely within the basement, the traffic and noise generated to be considered to be less than the existing arrangement for three dwellings to have their waste collected kerbside (impacting traffic and creating external noise).

Noise Pollution (air conditioners, car stackers and use of communal rooms/areas)

- 8.36 The car parking level is an enclosed room and the car stackers are not considered to generate an unacceptable level of noise within the residential setting.
- 8.37 The air conditioners are proposed to be located on the balconies and generally setback from the edge of the balcony. Given the air conditioners will be spread out on balconies the closest air conditioners will be to the western boundary and setbacks range from 7.5 to 12 metres. Air conditioning units are a standard residential service for all types of dwellings and are not considered to create excessive noise from this development proposal.
- 8.38 There is no longer a prayer room for this development proposal.
- 8.39 The roof top garden area will be used similarly to any entertaining space for differing types of residential developments.

Other matters

8.40 The following recent amendments to the Manningham Planning Scheme have been made to applicable planning provisions:

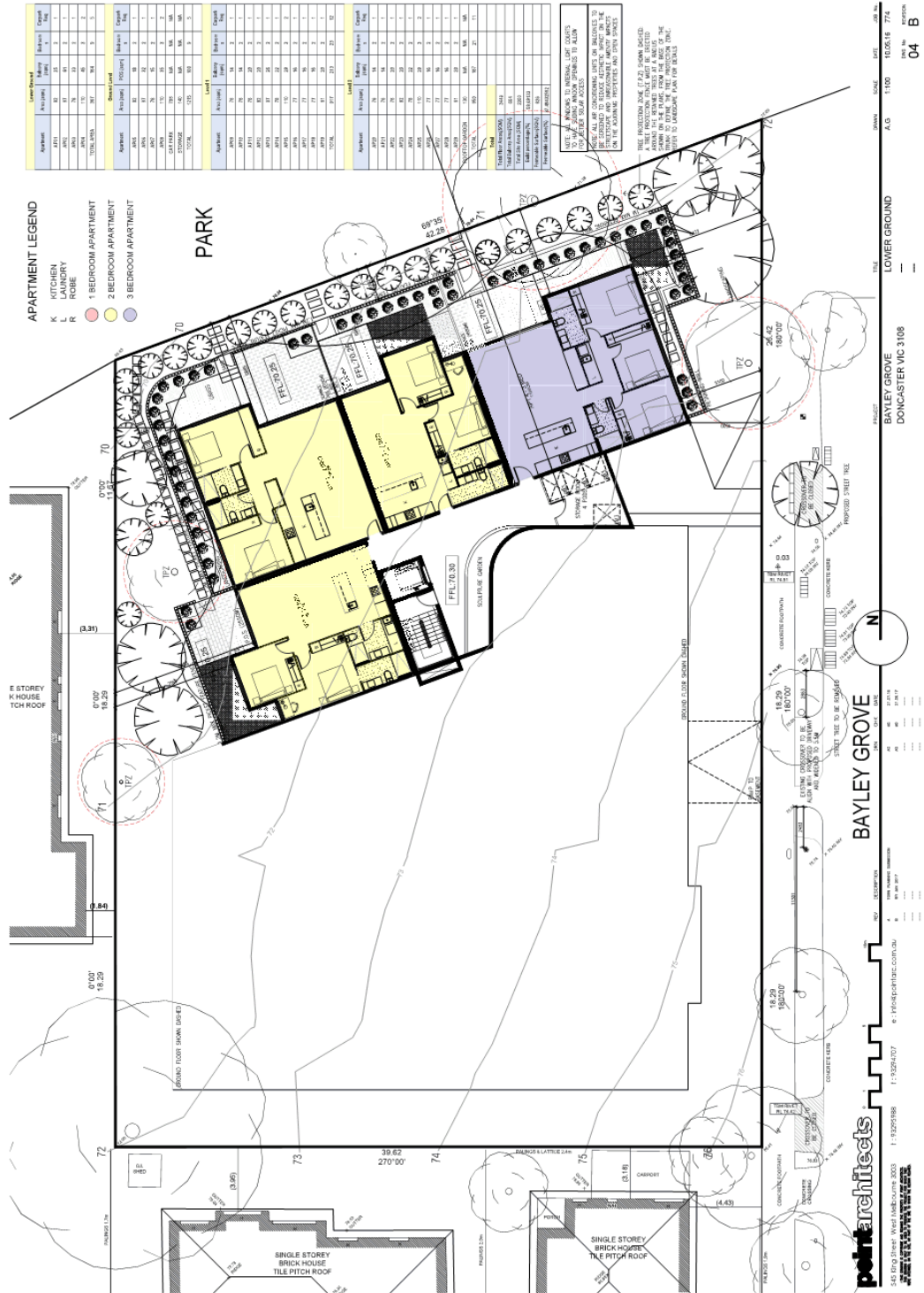
- On 27 March 2017, Amendment VC110 introduced a revised maximum building height of 11 metres with a maximum of three storeys as well as a new garden area requirement to the General Residential Zone at Clause 32.08. The application meets the transitional provisions of Clause 32.08-14; and
- On 25 May 2017, Amendment VC133 introduced administrative corrections, including the renumbering of the design standards for car parking from Clause 52.06-8 to Clause 52.06-9. These changes were policy neutral.

CONCLUSION

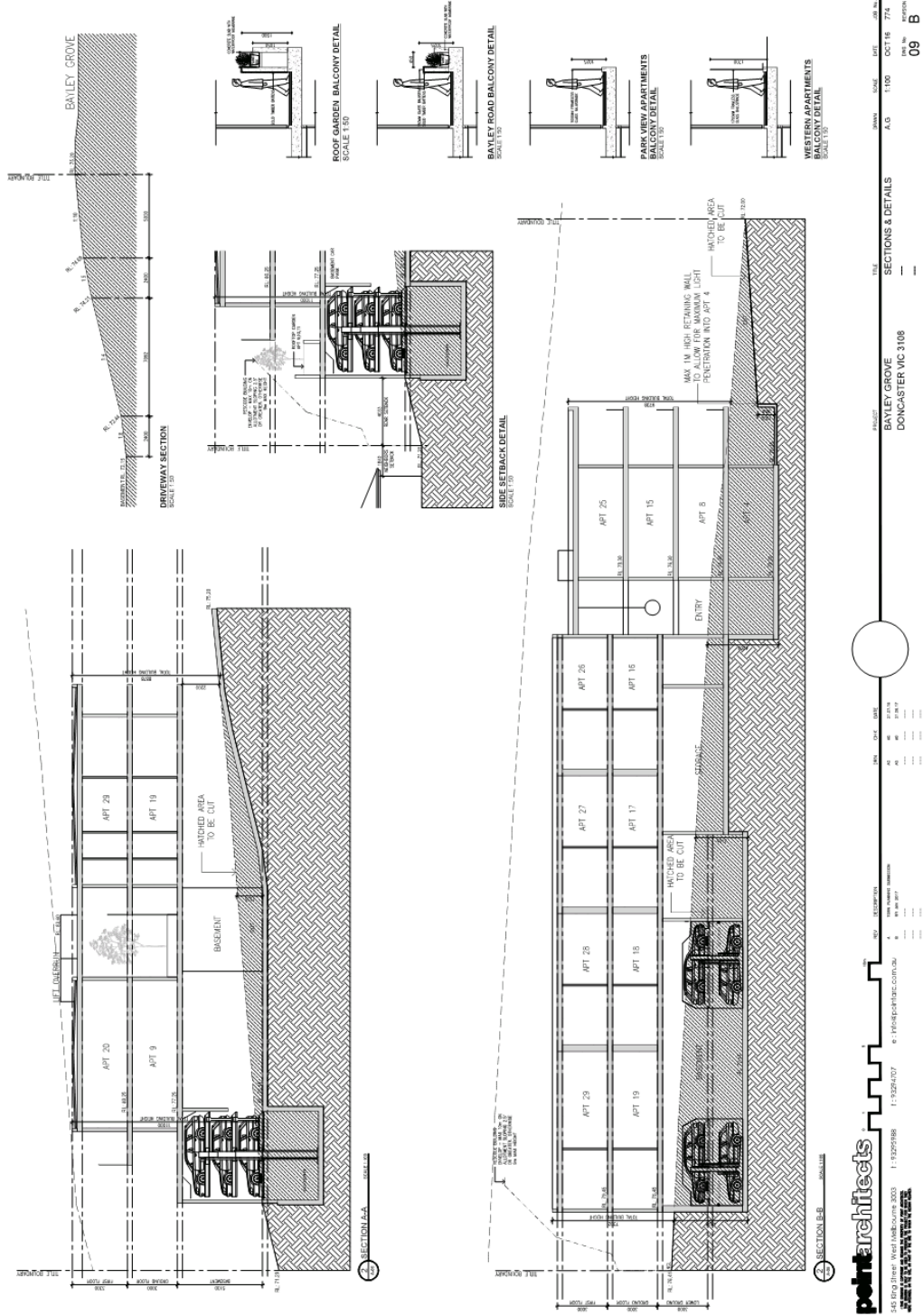
8.41 It is recommended that the application be supported, subject to conditions.

9. DECLARATION OF CONFLICT OF INTEREST

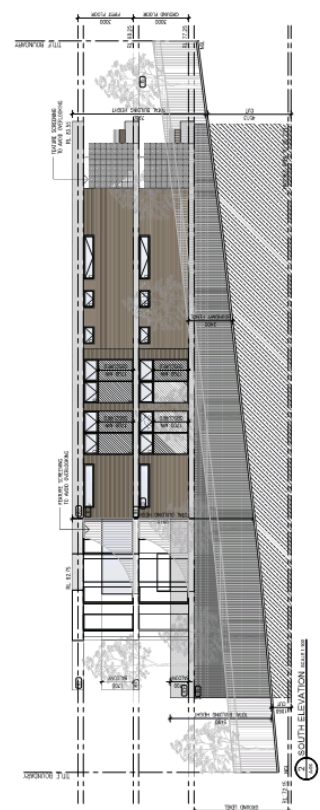
9.1 No officers involved in the preparation of this report have any direct or indirect conflict of interest in this matter.







- ELEVATION LEGEND:**
- 01 BRICKWORK
 - 02 BRICKWORK WITH CONCRETE FINISH
 - 03 BRICKWORK WITH CONCRETE FINISH
 - 04 BRICKWORK WITH CONCRETE FINISH
 - 05 BRICKWORK WITH CONCRETE FINISH
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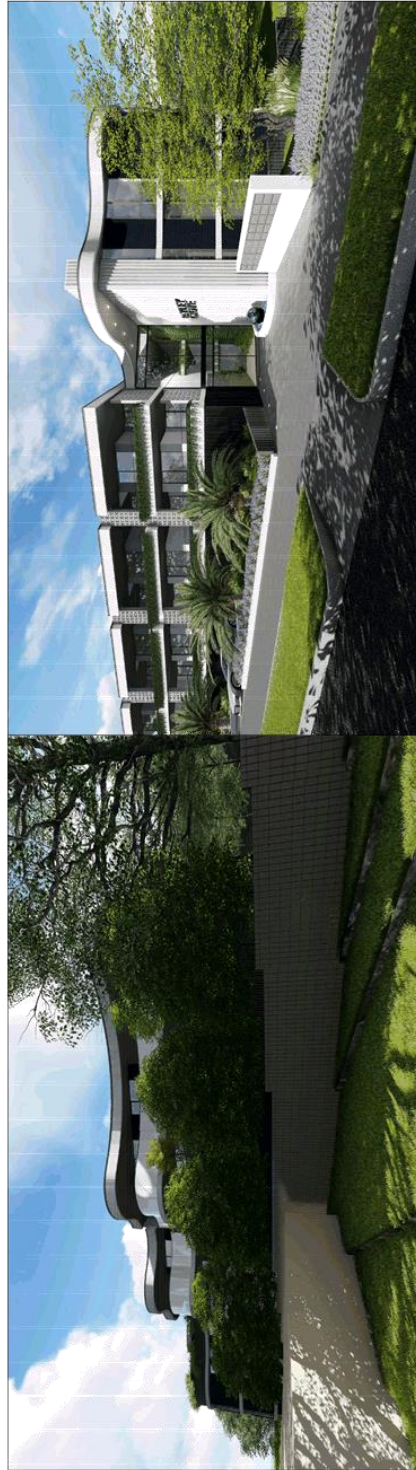
point architects
 240 King Street West Melbourne 3003
 t: 93291988 e: info@pointarch.com.au

PROJECT: BAYLEY GROVE DONCASTER VIC 3108
 TITLE: ELEVATIONS 2D
 SHEET: 11 B
 DATE: OCT 16 2017
 SCALE: A3
 DRAWN BY: [Name]



Ⓢ SOUTHERN ELEVATION

Ⓢ EASTERN ELEVATION



Ⓢ SOUTHWEST ELEVATION

Ⓢ ENTRY STATEMENT

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 540 King Street West Melbourne 3003 | 1 93291988 | 1 93294707 | e 1185@pointac.com.au
 www.pointac.com.au

PROJECT: BAYLEY CROVE DONCASTER VIC 3108
 TITLE: ELEVATIONS 3D
 SHEET: 16 B
 DATE: OCT 16 2017
 DRAWN BY: A.S.
 CHECKED BY: J.S.
 SCALE: 1:100

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 and which have not been withdrawn;*
- *Any decision and comments of a referral authority which it has received;*
- *Any significant effects which the responsible authority considers the use or development may have on the environment or which the responsible authority considers the environment may have on the use or development; and*
- *Any significant social effects and economic effects which the responsible authority considers the use or development may have.*

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:

- State Planning Policy Framework
- Local Planning Policy Framework
- Clause 32.08 General Residential Zone, Schedule 2
- Clause 43.02 Design and Development Overlay, Schedule 8
- 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 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 encourage development that respects the neighbourhood character of the area.*
- *To implement neighbourhood character policy and adopted neighbourhood character guidelines.*
- *To provide a diversity of housing types and moderate 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 and construct front fence within 3 metres of a street if the fence is associated with 2 more dwellings on a lot or a residential building and exceeds the maximum height specified in Clause 55.06-2.

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 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 support two storey townhouse style dwellings with a higher yield within sub-precinct B and sub-precinct A, where the minimum land size cannot be achieved.*
- *To ensure new development is well articulated and upper storey elements are not unduly bulky or visually intrusive, taking into account the preferred neighbourhood character.*
- *To encourage spacing between developments to minimise a continuous building line when viewed from a street.*
- *To ensure the design and siting of dwellings have regard to the future development opportunities and future amenity of adjoining properties.*
- *To ensure developments of two or more storeys are sufficiently stepped down at the perimeter of the Main Road sub-precinct to provide an appropriate and attractive interface to sub-precinct A or B, or other adjoining zone.*
- *Higher developments on the perimeter of sub-precinct A must be designed so that the height and form are sufficiently stepped down, so that the scale and form complement the interface of sub-precinct B or other adjoining zone.*
- *To ensure overlooking into adjoining properties is minimised.*
- *To ensure the design of carports and garages complement the design of the building.*
- *To ensure the design of basement and undercroft car parks complement the design of the building, eliminates unsightly projections of basement walls above natural ground level and are sited to allow for effective screen planting.*
- *To create a boulevard effect along Doncaster Road and Manningham Road by planting trees within the front setback that are consistent with the street trees.*
- *To encourage landscaping around buildings to enhance separation between buildings and soften built form.*

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.
- A permit cannot be granted to vary the condition regarding the minimum land size and configuration specified in Table 2 to this Schedule.
- A permit cannot be granted to vary the Maximum Building Height specified in Table 2 to this Schedule. This does not apply to:
 - The rebuilding of a lawful building or works which have been damaged or destroyed.
 - A building which exceeds the specified building height for which a valid building permit was in effect prior of the introduction of this provision.
- 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 2

Sub-Precinct	Maximum Building Height	Condition regarding minimum land size	Street setback
DDO8-2 (Sub-precinct A)	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 one dwelling on a lot: <ul style="list-style-type: none"> • Minimum front street setback is the distance specified in Clause 54.03-1 or 6 metres, whichever is the lesser • Minimum side street setback is the distance specified in Clause 54.03-1 For two or more dwellings on a lot or a residential building: <ul style="list-style-type: none"> • Minimum front street setback is the distance specified in Clause 55.03-1 or 6 metres, whichever is the lesser • Minimum side street setback is the

distance specified in Clause 55.03- 1
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State Planning Policy Framework

The relevant sections of the state 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 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 three sub-precincts within Precinct 2 consist of:

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

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

Sub-precinct A (DDO8-2) is an area where two storey units (9 metres) and three storey (11 metres) 'apartment style' developments are encouraged. Three storey, contemporary developments should only occur on land with a minimum area of 1800m². Where the land comprises more than one lot, the lots must be consecutive lots which are side by side and have a shared frontage. The area of 1800m² must all be in the same sub-precinct. In this

sub-precinct, if a lot has an area less than 1800m², a townhouse style development proposal only will be considered, but development should be a maximum of two storeys. All development in Sub-precinct A should have a maximum site coverage of 60 percent. Higher developments on the perimeter of sub-precinct A should be designed so that the height and form are sufficiently stepped down, so that the scale and form complement the interface of sub-precinct B, or other adjoining zone.

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

The site is located within **Sub-Precinct – A**.

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 21.05-2 Housing

The relevant objectives of this policy are:

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

The strategies to achieve these objectives include:

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

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.*

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
- 1 visitor space to every 5 dwellings for developments of 5 or more dwellings

Clause 52.06-8 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 development of two or more dwellings on a lot must meet the requirements of this clause. An assessment against this clause is provided in Appendix 1 of this report.

General Provisions





Clause 65 Decision Guidelines

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

- *The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*

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

9.2 Planning Application PL17/027190 20-23 Airdrie Court, Templestowe Lower for the construction of sixteen, two-storey dwellings.

File Number:	IN17/598
Responsible Director:	Director Planning and Environment
Applicant:	Airdrie Blossom Pty Ltd C/- Taouk Architects
Planning Controls:	General Residential Zone Schedule 1
Ward:	Heide
Attachments:	1 Advertised/Decision Plans  
	2 Legislative Requirements  

1. EXECUTIVE SUMMARY

Purpose

1. This report provides Council with an assessment of the planning permit application submitted for the land at 20-23 Airdrie Court, Templestowe and recommends approval of the submitted proposal. The application is being reported to Council given that it is a Major Application (more than 15 dwellings).

Proposal

- 1.1 The application seeks approval for the construction of sixteen, two-storey dwellings on the land. The land is approximately 3,885 square metres in area. The proposed dwellings have a maximum height of 7.99 metres, a site coverage of 46%, permeable area of 34.3%, and garden area of 35.3%.

Key issues in considering the application

2. The key issues for Council in considering the proposal relate to:
 - a) Consistency with state and local planning policy, in particular balancing urban consolidation objectives at Clause 16 with objectives for incremental change anticipated in Clauses 21.05 and 22.15 of the Manningham Planning Scheme;
 - b) The protection of the Yellow Gum tree;
 - c) Whether appropriate spacing is provided between dwellings to respect neighbourhood character and provide landscaping and;
 - d) Servicing issues such as waste and vehicle turning movements;
 - e) Issues with waste collection; and
 - f) Parking provision within the development.

Objector concerns

3. Thirteen (13) objections have been received in relation to the application, raising the following pertinent planning issues which are summarised as follows:
 - a) The yield and built form outcome represents an overdevelopment of the site;
 - b) Traffic, lack of on-street and off-street car parking, and pedestrian safety within Airdrie Court;
 - c) Design and built form (setbacks between each dwelling, opportunities for landscaping, lack of outdoor space);
 - d) The loss of existing vegetation on site;

- e) The lack of housing diversity provided in the mix of bedrooms to each dwelling;
- f) Noise and air pollution from vehicles entering and exiting the site;
- g) The narrowness of the existing Airdrie Court road reserve which results in issues regarding waste collection and on-street parking; and
- h) Flooding and run off issues arising from construction on the site.

Assessment

- 4. Development of this large infill site with detached and semi-detached dwellings is broadly consistent with the relevant objectives of state and local planning policies of the Manningham Planning Scheme (the Scheme), including the requirements of the General Residential Zone Schedule 1 (GRZ1), Clause 55 (Rescode) and Clause 52.06 (Car Parking).

Conclusion

- 5. The report concludes that while the proposal in its current form is a slight overdevelopment of the site, however the proposal could be modified via conditions to ensure planning policy and controls are met. Subject to conditions including requiring the deletion of Dwellings 6 and 16 and associated garage and fencing to facilitate the development, and the submission of various plans for Council approval.

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

COUNCIL RESOLUTION

MOVED: CR GEOFF GOUGH
SECONDED: CR PAUL MCLEISH

That Council:

Having considered all objections, issues a NOTICE OF DECISION TO GRANT A PERMIT in relation to Planning Application PL17/027190 at 20-23 Airdrie Court, Templestowe for the construction of fourteen, two-storey dwellings, subject to the following conditions:

- 1. **Before the development starts, two copies of amended plans (scale 1:100) and dimensioned, must be submitted to and approved by the Responsible Authority. When approved, the plans will then form part of the permit. The plans must be generally in accordance with the decision plans prepared by Taouk Architects TPA02-TPA04B Rev. B (received 27 October 2017), but modified to show the following:**
 - 1.1. **The deletion of Dwelling 6. This is to facilitate a reconfiguration of Dwellings 7 to 13 to introduce building separation along the continuous row, increase first floor separation and increase landscaping opportunity throughout this portion of the site to the satisfaction of the Responsible Authority. As a minimum, a 2m gap is to be introduced between Dwelling 9 and 10 and dedicated to landscaping, a 1m gap is to be introduced between Dwelling 12 and Dwelling 13, and Dwelling 13 is to be relocated 1m southwest.**

An additional 1m is also to be provided between Dwelling 2 and 3 and dedicated to landscaping through the reconfiguration of Dwelling 5. The intention of this condition is not that the dwelling become larger.

- 1.2. The deletion of Dwelling 16, unless it can be demonstrated that it can be redesigned to provide a reasonable portion of open space that is unencumbered by the retention of the Yellow Box tree to the satisfaction of the Responsible Authority, and that the visitor parking can be constructed with no excavation or impact to the tree.

Should it be retained, the minimum setback of the building footprint from the tree must be increase by 2m, and the dwelling must be provided a principal open space area that is integrated into the design of the dwelling layout such as a deck that is also unencumbered by the retention of the Yellow Box. The meaning of unencumbered includes no impact on the tree's protection zones or impact from the trees canopy spread.

It may be necessary to modify the design of Dwelling 15 also to achieve this condition.

- 1.3. The relocation of the pedestrian path, seating and bicycle storage away from the protection zone and canopy spread of the Yellow Box tree (Tree 1 in the Arboricultural Report prepared by Carney & Stone dated October 2017).
- 1.4. Dwelling 1 redesigned so that the pedestrian entry and porch is reoriented to be visible to Airdrie Court, the first floor is setback a minimum 1m from the ground level on the southeast façade, and provision for larger windows is made to this elevation.
- 1.5. Dwellings 15 and 16 redesigned to show at least 2 metre separation between the garages, with highlight windows on the back wall; and larger windows to living rooms oriented to the public open space area adjoining the land.
- 1.6. The retaining wall proposed along Airdrie Court within the secluded private open space of Dwelling's 2, 3 and 4 setback a minimum of 1m from the property boundary to retain existing vegetation in Airdrie Court on the development side of the existing guard rail.
- 1.7. The retention of Tree 13 (as outlined in the Arboricultural Report prepared by Carney & Stone dated October 2017) from the boundary of the application site and Airdrie Court (a semi mature Yellow Box tree).
- 1.8. The relocation of storage and washing line facilities in Dwelling 15 and Dwelling 16 (should it be retained) so that unsightly service areas are not visible from Ruffey Creek Linear Path.

- 1.9. Levels of the finished surface levels of each secluded private open space area, and the location of external stairs required to navigate the decks within the secluded private open space areas where relevant.
- 1.10. Any design changes required and a schedule listing the minimum sustainability features, as described in an amended Sustainability Management Plan required by Condition 8;
- 1.11. A Garden Area plan showing 'Garden Area' as defined in Clause 72 of the Manningham Planning Scheme, demonstrating compliance with Clause 32.08-4 of the General Residential Zone, to the satisfaction of the Responsible Authority.

Access, Parking and Service

- 1.12. The width of the passing bay increased to 6.1 metres wide, within 7 metres of the front boundary.
- 1.13. Details regarding the construction of the visitor car parking in a manner that will not be detrimental to the retention to the Yellow Box tree (Tree 1). Preferably, 1 visitor car parking space is to be relocated to the end of the driveway within the general area of Dwelling's 6 garage (removed through Condition 1.1).
- 1.14. The location of bin storage for each dwellings, as well as the provision of a temporary bin storage area as a collection point for collection days (if required under the approved waste management plan).
- 1.15. Details of how communal meters and bin storage areas will be screened/finished, so as to reasonably integrate into the overall development scheme. These fixtures must be located outside of the Tree Protection Zone of the Yellow Box tree (Tree 1).
- 1.16. Communal lighting within common areas of the site including the driveway and communal open space area. Lighting within the communal open space area must be located outside of the Tree Protection Zone of the Yellow Box tree (Tree 1).

Materials

- 1.17. A separate sheet with a full schedule of materials and finishes with colour samples of all external walls, roofs, fascias, window frames, paving, fencing, privacy screens and retaining walls. This is to include retaining walls constructed of a durable material such as stone or blockwork, and finished in a colour which complements the overall colour scheme.
- 1.18. The schedule must utilise softer, warmer colour finishes to each dwelling (i.e. browns, warm greys, dark-stained timber finishes) to the satisfaction of the Responsible Authority.

Earthworks

- 1.19. A Geotechnical Engineers Report, prepared by a suitably qualified professional providing additional details regarding the proposed filling of the site, with recommendations to ensure that the filling in place will support the proposed dwellings and roads in accordance with the recommendation of the Geotechnical Engineer's Report.

Endorsed Plans

2. The development as shown on the approved plans must not be altered without the prior written consent of the Responsible Authority.

Completion

3. Before the occupation of the approved dwellings, landscaped areas must be fully planted and mulched or grassed generally in accordance with the approved plan and to the satisfaction of the Responsible Authority.
4. Privacy screens and obscure glazing as required in accordance with the approved plans must be installed prior to occupation of the building to the satisfaction of the Responsible Authority and maintained thereafter to the satisfaction of the Responsible Authority. The use of obscure film fixed to transparent windows is not considered to be 'obscure glazing' or an appropriate response to screen overlooking.

Landscape Plan

5. Before the development starts, a landscaping plan prepared by a landscape architect or person of approved competence must be submitted to the Responsible Authority for approval. Such plan must be generally in accordance with the plan approved under Condition 1 of this permit, and must show:
 - 5.1. Species, locations, approximate height and spread of proposed planting and the retention of existing trees and shrubs, where appropriate or as directed by any other condition of this Permit;
 - 5.2. Details of soil preparation and mulch depth for garden beds and surface preparation for grassed areas;
 - 5.3. Fixed edge strips for separation between grassed and garden areas and/or to contain mulch on batters;
 - 5.4. A sectional detail of the canopy tree planting method which includes support staking and the use of durable ties;
 - 5.5. A minimum of one (1) canopy tree, capable of reaching a minimum mature height of 8 metres, within the front setback of the site. The tree must be a minimum height of 1.5 metres at the time of planting;

- 5.6. A minimum of one (1) canopy tree, within the private open space of each dwelling, to be a minimum height of 1.5 metres at the time of planting;
- 5.7. Screen planting along the north eastern, south western and north western boundaries, to be a minimum height of 0.5 metres at the time of planting;
- 5.8. Screen planting along the street side of the brush fencing and associated retaining walls to the rear of Dwellings 2-5, to be a minimum height of 1 m at the time of planting, capable of growing to a height of at least 2 metres at maturity;
- 5.9. Planting within 2 metres along the frontage from the edge of the driveway and 2.5 metres along the driveway from the frontage to be no greater than 0.9 metres in height at maturity.
- 5.10. Planting within the Communal Garden area and along the existing cyclone fencing adjacent to the public open space area (Ruffey Creek Linear Park) should not exceed a height of 1.2 metres at maturity.

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

Landscape Bond

6. 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.

Construction Management Plan

7. Before the development starts, two copies of a Construction Management Plan (CMP) must be submitted to and approved by the Responsible Authority. When approved, the CMP will form part of the permit. The Construction Management Plan must be prepared using Council's CMP Template to address the following elements referenced in Council's Construction Management Plan Guidelines:
 - 7.1. Element A1: Public Safety, Amenity and Site Security;
 - 7.2. Element A2: Operating Hours, Noise and Vibration Controls;
 - 7.3. Element A3: Air Quality and Dust Management;
 - 7.4. Stormwater and Sediment Control and Tree Protection;
 - 7.5. Element A5: Waste Minimisation and Litter Prevention; and

7.6. Element A6: Traffic and Parking Management.

Council's CMP Template forms part of the Guidelines. When approved the plan will form part of the permit.

Sustainability Management Plan

8. Prior to the endorsement of plans under Condition 1 of this Permit, of a Sustainability Management Plan (SMP) must be submitted to and approved by the Responsible Authority. The Plan must include the initiatives in the BESS assessment submitted with the application (received February 2017) and account for any design changes required by Condition 1 of this permit, and address the following:

- 8.1. **Energy 1.2:** A commitment to achieving a 10% improvement on Section J requirements of the National Construction Code (NCC). (e.g. 6.6-stars average for dwellings). A Preliminary NatHERS assessment of sample units is required (FirstRate, Accurate or BERS Pro) or provide information on how energy efficiency requirements for the whole development will be achieved;
- 8.2. **External Shading:** The design proposes many exposed NE and NW facing glazing. Operable external shading should be provided to them. This could be in the form of external operable louvers, sliding shutters, Venetian or roller blinds;
- 8.3. **Stormwater:** An amended stormwater strategy that does not rely on the use of a proprietary product (i.e. a generic infiltration pit or raingarden to be maintained in perpetuity, regardless of the availability of product types);
- 8.4. **Water 1.1:** A commitment to providing dishwashers and washing machines as part of the base building if they are to be included within the BESS assessment. If this is not the case, then BESS needs to be amended to default/unrated.
- 8.5. **Demonstration that development meets minimum 50% overall score and minimums in Energy (50%), Water (50%), IEQ (50%) and Stormwater (100%) categories in BESS to demonstrate best practice. In areas falling short of the aforementioned targets adjustments will need to be made to demonstrate that the project meets the BESS minimums.**

Waste Management Plan

9. 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 draft Waste Management Plans (WMP) prepared by Leigh Design (dated 3 May 2017) The Waste Management Plan must include the following information:

- 9.1. The Waste Management Plan amended to reflect the total number of dwelling and the provision of waste bins and waste storage areas.
- 9.2. Swept path diagrams demonstrating how the waste collection vehicle is able to enter and exit the site in a forward direction to undertake waste collection entirely within the development.
- 9.3. Amended plans to show the bin collection points for all the units.
- 9.4. No private waste contractor bins may be left outside the development boundary or left unattended at any time on any street frontage for any reason.

Management Plan Compliance

10. Management Plans approved under Conditions 8, 9 and 10 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.
11. Prior to the occupation of the dwellings, written confirmation from a qualified person or company, must be submitted to the Responsible Authority to confirm that the sustainable design features/initiatives specified in the Sustainability Management Plan approved under Condition 8 of this permit have been implemented in accordance with the approved plans.

Tree Protection

12. The owner must ensure that contractors/tradespersons who install services or work near the vegetation to be retained on the land and adjoining properties are made aware of the need to preserve the vegetation and to minimise impacts through appropriate work practice.
13. Before the development (including demolition) starts, a tree protection fence must be erected around the existing Yellow Box tree (Tree 1 in the Arboricultural Report prepared by Carney and Stone dated October 2017) at a radius of 8.28 metres from the base of the trunk to define a "tree protection zone". The fence must be constructed of (chain mesh or similar) to the satisfaction of the responsible authority. The tree protection fence must remain in place until construction is completed. In addition the following conditions apply:
 - 13.1. The ground surface of the tree protection zone must be covered by a 100mm deep layer of mulch before the development starts and be watered regularly to the satisfaction of the responsible authority.
 - 13.2. No vehicular or pedestrian access, trenching or soil excavation is to occur within the tree protection zone without the written consent of the responsible authority.

13.3. No storage or dumping of tools, equipment or waste is to occur within the tree protection zone.

13.4. Any pruning that is required to be done to the canopy or root system of any tree to be retained (including Trees 1 & 13) is to be done by a qualified arborist to Australian Standard - Pruning of Amenity Trees AS4373-1996.

Drainage

14. Before the development is completed, the owner must construct outfall drainage works between the site and the existing pits to the north east within Ruffey Creek Linear Park in accordance with an engineering construction plan approved by the Responsible Authority. Before the works start:

14.1. A supervision fee equal to 2.5% of the cost of construction of the drainage works must be paid to the Responsible Authority;

14.2. A plan-checking fee equal to 0.75% of the cost of construction of the drainage works must be paid to the Responsible Authority;

14.3. A maintenance deposit equal to 5% of the cost of construction of the drainage works must be lodged with the Responsible Authority and retained thereafter for a minimum of three months; and

14.4. A schedule of costs for the construction of drainage works must be submitted to the Responsible Authority. (if applicable)

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

15.1. Be designed for a 1 in 5 year storm; and

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

16. Before the development starts, a construction plan for the system required by Condition 15 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.

17. The 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.

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

Site Services

19. All services, including water, electricity, gas, sewerage and telephone, must be installed underground and located to the satisfaction of the Responsible Authority.
20. All upper level service pipes (excluding stormwater downpipes) must be concealed and screened respectively, to the satisfaction of the Responsible Authority.
21. Any PVC pipes serving rainwater tanks which are positioned against building walls must be painted to match the colour of roofline guttering, to the satisfaction of the Responsible Authority.
22. Buildings, paved areas, drainage and landscaping must be maintained, to the satisfaction of the Responsible Authority.
23. Letterboxes must be designed and located to satisfy the requirements of Australia Post, to the satisfaction of the Responsible Authority.

Driveway and Car parking

24. The visitor car parking space must be clearly marked, kept available at all times and maintained, to the satisfaction of the Responsible Authority.
25. Visitor parking spaces must not be used for any other purpose, to the satisfaction of the Responsible Authority.

Fencing/retaining walls

26. In the event of damage to an existing boundary fence (as a result of construction activity), the owner of the development site must promptly repair or replace the affected fencing to the satisfaction of the Responsible Authority. New fencing must be erected in accordance with the approved plans.
27. All retaining walls must be constructed and finished in a professional manner to ensure a neat presentation and longevity, to the satisfaction of the Responsible Authority.

Site Management

28. The owner must use appropriate site management practices to prevent the transfer of mud, dust, sand, slurry, litter, concrete or other construction waste from the site into drains or onto nearby roads. In the event that a road or drain is affected, the owner must upon direction of the Responsible Authority take the necessary steps to clean the affected portion of road or drain, to the satisfaction of the Responsible Authority.

Communal Lighting

- 29. Driveway/entry path lighting must be provided and connected to reticulated mains electricity and be operated by a time switch or a daylight sensor, to the satisfaction of the Responsible Authority.**

Maintenance

- 30. Buildings, paved areas, drainage and landscaping must be maintained to the satisfaction of the Responsible Authority.**

Permit Expiry

- 31. This permit will expire if one of the following circumstances applies:**

- 31.1. The development is not started within two (2) years of the date of this permit; and**
- 31.2. 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 subject land (20-23 Airdrie Court) is a large lot created through the subdivision of part of St Kevin's Primary School on Herlihys Road, Templestowe. The land was subdivided into twelve (12) lots upon approval (Planning Permit PL09/020125) on 20 January 2010. This resulted in the extension of Airdrie Court to service nine (9) new residential lots, and two large lots capable of further development. Six dwellings are currently under construction on the other large lot at the end of the Court.
- 2.2 An Application for a Planning Permit for the construction of seventeen, two-storey dwellings and waiver of associated car parking space requirement was received by Council on 17 March 2017.
- 2.3 The proposal was presented to the Sustainable Design Taskforce meeting on 27 April 2017.
- 2.4 The application was advertised in July 2017 which received objections, resulting in a Consultation Meeting which occurred on 20 September 2017.
- 2.5 Upon consideration of the issues discussed in the Consultation Meeting, the permit applicant sought to amend the application under Section 57A of the *Planning and Environment Act 1987*, submitted on 27 October 2017. The amendments included the removal of one dwelling (Dwelling 17) which faced Airdrie Court, and in its place retention of the existing Yellow Gum tree, provision of three (3) visitor car parking spaces and a communal garden. A number of other changes have been made to the design of dwellings, including removing

the pedestrian access for Dwellings 2-4 direct from Airdrie Court, and reorienting these dwellings to face the internal driveway with backyards facing the street.

- 2.6 The amended plans were re-advertised to objectors and adjoining land in private ownership in October 2017, no new objections have been made.
- 2.7 The Certificate of Title is not affected by a restrictive covenant, however, includes a Section 173 Agreement (AJ042380B) with the following restrictions pertinent to the subject land (Lot 2):
 - a) Any fencing structure within the front setback area must be either a solid fence with a maximum height of 1.2 m or be at least 50% transparent with a maximum height of 1.5 metres;
 - b) There must be no buildings and works within the Tree Protection Zones of trees to be retained;
 - c) Landscaping strips, a minimum of one metre wide, must be provided along driveways.
- 2.8 The proposed development would comply with two of these requirements by retaining the existing Yellow Box tree in the north east corner of the site, and provision of at least 1 metre wide landscape strips along the driveways within the site.
- 2.9 Proposed brush fencing along Airdrie Court to screen the backyards of Dwellings 2-4 is 1.7 m high, and therefore consent is sought to vary this restriction of the Section 173 Agreement.

3. THE SITE AND SURROUNDS

The Site

- 3.1 The subject land is situated on the western side of Airdrie Court in Templestowe, known as Lot 2 on PS640387B Vol. 11273 Fol. 844, is vacant. The land is approximately 3885 square metres in area and irregular in shape with a general north-east to south-west orientation.
- 3.2 The site contains one mature Yellow Box Tree (*Eucalyptus melliodora*) approximately 14 metres high in the north eastern corner of the land, and existing vegetation (including young and semi-mature Yellow Box trees) at the top of the embankment adjacent to the south eastern boundary, and also within the Council's road reserve.
- 3.3 The site is generally level except for embankments located on the eastern and southern title boundaries, rising up at least 3.8 metres to Airdrie Court, and to the tennis courts associated with St Kevin's Primary School.
- 3.4 The footpath on the northern/western side of Airdrie Court ceases at the existing double width vehicle crossover to the subject land. Beyond this is a safety barrier and vegetation beside the road.
- 3.5 The site is bound by 2 m high timber paling fencing on the north western and south western boundaries, with black cyclone fencing on the north eastern boundary.

The Surrounds

- 3.6 Land to the north comprises of public open space (Ruffey Creek Linear Park) including a bio retention basin adjacent to the subject land. The basin forms part of the water sensitive urban design measures required for the subdivision of St Kevin's Primary School grounds, which created the subject land and the extension of Airdrie Court. Three single storey dwellings are located further north of the reserve (25-28 Airdrie Court).
- 3.7 Land to the west comprises of the football oval and school grounds of St Kevin's Primary School (26-44 Herlihys Road), and the Templestowe Pioneers aged care home (16-24 Herlihys Road).
- 3.8 Land to the east, and the opposite side of Airdrie Court, comprises of detached single and double storey dwellings (5-13 Airdrie Court). The dwellings are of contemporary architectural styles, finished in a variety of materials (face brick, render, timber cladding and stone) with hipped and flat roof forms.
- 3.9 Land to the south comprises of tennis courts associated with St Kevin's Tennis Club.

4. THE PROPOSAL

- 4.1 The proposal is for the development of the land for the construction of sixteen, two-storey dwellings in a semi-detached or detached arrangement either side of a common driveway through the centre of the site, with a landscaped centre and secluded private open space around the perimeter of the site.
- 4.2 The development would comprise of twelve, four bedroom dwellings and four, three bedroom dwellings each with a double garage (accessed from an internal driveway).
- 4.3 The development is self-contained, the only modification to Airdrie Court being the existing vehicle crossover widened to 5 metres and relocated 2 metres to the north.
- 4.4 Dwellings 2, 3, 4, 5 & 6 would be partially constructed into the embankment, with fill to be located adjacent to the boundary to Airdrie Court raising the level of the land to the upper floor level. Consequently, these dwellings will either appear as single storey in scale when viewed from Airdrie Court.
- 4.5 These dwellings have a reverse living arrangement with secluded private open space provided adjacent to Airdrie Court and screened by 1.7 m high brush fencing.
- 4.6 Three visitor car parking spaces, and four bicycle racks would be provided within a communal garden in the north east corner of the land at the entry to the development. The Yellow Box Tree is being retained in this area as well.
- 4.7 The proposed dwellings have a maximum height of 7.99 metres, a site coverage of 46%, permeable area of 34.3%, and garden area of 35.3%.
- 4.8 A private contractor would provide waste collection services, and waste would be collected within the development.

Submitted Plans and Documents

- 4.9 The proposed development is outlined on plans prepared by Taouk Architects, dated October 2017, TPA02- TPA07 Rev. B.
- 4.10 In addition, the following reports were submitted to support the application:
- Planning Report prepared by *Taouk Architects*, dated March 2017;
 - Arboricultural Report prepared by *Carney & Stone Arboricultural Consultants* dated October 2017;
 - Waste Management Plan prepared by *Leigh Design*, dated 3 May 2017;
 - Traffic Impact Assessment Report prepared by *TTM Consulting (Vic) Pty Ltd*, dated 2 June 2017;
 - Sustainability Management Report prepared by *Frater Consulting Services*, dated 30 May 2017; and
 - An approved Cultural Heritage Management Plan prepared by Jaclyn Ward of *Australian Cultural Heritage Management* (approved on 30 December 2008 when the subdivision first took place).

5. LEGISLATIVE REQUIREMENTS

- 5.1 Refer to Attachment 2 (Planning & Environment Act 1987, Manningham Planning Scheme).
- 5.2 A permit is required pursuant to Clause 32.08-6 of the Manningham Planning Scheme, to construct two or more dwellings on a lot in the **General Residential Zone**.
- 5.3 The application was amended in October 2017, and therefore the Mandatory Garden Area requirements introduced into the Manningham Planning Scheme in Amendment VC110 (on 27 March 2017) at Clause 32.08-4 of the General Residential Zone apply. This requires development to provide for at least 35% (for lots over 650 m²) of 'Garden Area' at ground level as defined in Clause 72 of the Scheme (i.e. excluding driveways, car parking, roofed areas and spaces less than 1m wide). The plans indicate that the requirement is met, this will be confirmed through a permit condition (**Condition 1.11**).
- 5.4 The subject land is within an Area of Aboriginal Cultural Heritage Sensitivity and therefore Council must consider whether a Cultural Heritage Management Plan (CHMP) is required under the *Aboriginal Heritage Act 2006*. In this instance, the site has been subject to *significant ground disturbance* having been a former quarry. It was then filled in part for a sports oval for the school, and more recently as part of the subdivision works. The presence of the embankment is an indication of this history. A CHMP is not required where significant ground disturbance has occurred.
- 5.5 It is noted a CHMP was prepared for the original subdivision as the subdivision included land that had not been quarried. The CHMP (prepared by Jaclyn Ward of *Australian Cultural Heritage Management*) anticipates 'high density' development on the site and outlined "...no Aboriginal archaeological sites were

present and that areas of potential archaeological sensitivity had suffered significant prior ground disturbance. Intensive farming, gold mining, the construction of a primary school and quarrying have all severely impacted the activity area. It is therefore highly unlikely that any Aboriginal archaeological material has survived in situ within the activity area..."

6. REFERRALS

External

6.1 There are no external determining or recommending referral authorities.

Internal

6.2 The application was referred to a number of service units within Council. The following table summarises the responses:

Service Unit	Comments
<p>Engineering and Technical Services Unit (Accessways, Parking, Drainage) (memorandum updated 8 November 2017)</p>	<ul style="list-style-type: none"> • The Engineering and Technical Services Unit provided updated comments on 8 November 2017 as follows: <ul style="list-style-type: none"> <u>Accessways and Parking</u> ○ The driveway width, driveway gradients, headroom clearances, resident and visitor car parking provision, pedestrian sightlines and dimension of car spaces, comply with the Design Standards of Clause 52.06-9 of the Manningham Planning Scheme and are satisfactory (except Dwelling 6); ○ The width of the passing bay provided within the development would be 5 metres x 7 metres. A condition is required to increase the width of the passing bay to at least 6.1 metres in order to comply with Design Standard 1 (Accessways) of Clause 52.06-9. (Condition 1.12). ○ Vehicle swept path diagrams for a Standard B85 vehicle must be depicted on the Site/Ground Floor Plan to demonstrate that vehicles from all car parking spaces can manoeuvre and exit the site in a forward direction. Dwelling 6's garage space needs to show that the vehicles can exit in only three manoeuvres to comply with Design Standard 1: Accessways of Clause 52.06-9 Car Parking of the Manningham Planning Scheme. The current manoeuvres are too tight for garage 6. ○ The proposed vehicle crossover is satisfactorily located.

Service Unit	Comments
	<ul style="list-style-type: none"> ○ A 'Vehicle Crossing Permit' is required prior to the construction of the vehicle crossover. <p><u>Flooding</u></p> <ul style="list-style-type: none"> ○ The site was located within flood prone land identified by Council's localised flooding maps (slated for inclusion in Planning Scheme Amendment C109 as Special Building Overlay Schedule 2 – since abandoned). However, the site has been filled and thus the flooding requirements have been met (as per email from Stormy Water Solutions dated 17 March 2017). <p><u>Drainage</u></p> <ul style="list-style-type: none"> ○ There is no point of discharge available for the site. An outfall drainage system is required. (Condition 14). ○ An on-site storm water detention system is required. (Condition 15) <p><u>Other</u></p> <ul style="list-style-type: none"> ○ Site Management measures need to be undertaken. (Condition 28) ○ A Construction Management Plan is required. (Condition 7) ○ Geotechnical Engineers Report to ensure that the filling in place will support the proposed dwellings and roads in accordance with the recommendation of the Geotechnical Engineer's Report. (Condition 1.19)
<p>Engineering and Technical Services Unit (Waste Management) (memorandum updated 8 November 2017)</p>	<ul style="list-style-type: none"> • A review was undertaken of the draft Plans (prepared by Taouk Architects), TPA-02, Rev B, dated October 2017, the draft Traffic Management Report (prepared by TTM Consulting Pty Ltd), drawing number 943801-7, dated 30 May 2017, as well as the draft Waste Management Plans (prepared by Leigh Design), dated 3 May 2017 for the proposed 16 unit development. ○ A private waste collection contractor will be required to undertake waste collection from the development and that collections will need to occur from within the property boundary.

Service Unit	Comments
	<ul style="list-style-type: none"> ○ The draft Waste Management Plan does not match the draft Plans. The Waste Management Plan refers to development of 17 units however the draft Plans only show 16 units. ○ The draft Traffic Management Report does not show swept path diagrams for a waste collection truck. ○ The developer must show that a waste collection vehicle is able to enter and exit the development in a forward direction. ○ The draft Plans show the garage of unit 5 & 6 aligned however the draft Traffic Management report shows unit 5 as set back. ○ Recommended permit conditions relating to Waste Management requirements are as follows: <ol style="list-style-type: none"> 1. The developer is required to amend the engineering plans to show the bin collection points for all the units (Condition 9.3). 2. The developer is required to update the Waste Management Plan to reflect the total number of units and the provision of waste bins (Condition 9.1). 3. The developer is required to provide swept path diagrams showing a waste collection vehicle is able to enter and exit the site in a forward direction to undertake waste collection within the development (Condition 9.2). 4. Before the development starts, a Waste Management Plan must be submitted and approved to the satisfaction of the Responsible Authority. When approved, the plan will form part of the permit. The plan must be generally in accordance with the submitted draft Waste Management Plans (WMP) prepared by Leigh Design (dated 3 May 2017). The developer must ensure that the private waste contractor can access the private waste bins and no private waste contractor bins can be left outside the development boundary or left unattended at any time on any street frontage for any reason (Condition 9.4).

Service Unit	Comments
<p>City Strategy – Sustainability (memorandum dated 30 July 2017)</p>	<ul style="list-style-type: none"> • The application responds appropriately to Council's current expectations for Environmentally Sustainable Design (ESD) outline in the new policy at Clause 22.12 of the Manningham Planning Scheme. Some alterations to the SMP and application drawings need to be undertaken before the application can be deemed to meet Council's ESD standards. Items to be addressed are outlined below under issues arising. <p style="margin-left: 40px;"><u>Water 1.1 Water Efficient Fixtures</u></p> <ul style="list-style-type: none"> ○ The developer needs to commit to providing dishwashers and washing machines as part of the base building if they are to be included within the BESS assessment. If this is not the case then amend them to default/unrated in BESS. (Condition 8.4). <p style="margin-left: 40px;"><u>Energy 1.2 Thermal Performance Rating - Residential</u></p> <ul style="list-style-type: none"> ○ The SMP includes commitment to an average NatHERS rating of 6 stars average. This is the minimum requirement under the National Construction Code (NCC). For a development of this size we expect the dwellings to achieve at least a 10% improvement on NCC minimum requirements (e.g. 6.6-stars average). Provide a preliminary NatHERS assessment of sample units (including Firstrate, Accurate and BERS Pro) or provide information on how energy efficiency requirements will be achieved. (Condition 8.1). <p style="margin-left: 40px;"><u>Stormwater</u></p> <ul style="list-style-type: none"> ○ The strategy includes the installation of Enviss Sentinel pits for stormwater treatment. The use of a proprietary product is problematic as it would require product specific maintenance, whereas a generic infiltration pit or raingarden could be maintained in perpetuity, regardless of the availability of product types. Furthermore, information provided does not contain sufficient independent verification in relation to the stormwater quality outcomes from the use of these pits. Therefore it is not possible to conclude that the pits would result in the stormwater quality objectives required. Amend stormwater strategy to comply. (Condition 8.3).

Service Unit	Comments
	<p data-bbox="715 255 943 291"><u>External Shading</u></p> <ul style="list-style-type: none"> <li data-bbox="722 327 1382 528">○ The design proposes many exposed NE and NW facing glazing. Operable external shading should be provided to them. This could be in the form of external operable louvers, sliding shutters, Venetian or roller blinds. (Condition 8.2). <li data-bbox="722 564 1382 898">○ Given a number of the BESS categories need to be updated it is important to note that the project still needs to meet the minimum 50% overall score and minimums in Energy (50%), Water (50%), IEQ (50%) and Stormwater (100%) categories in BESS. In areas falling short of the aforementioned targets adjustments will need to be made to demonstrate that the project meets the BESS minimums. (Condition 8.5).
<p data-bbox="277 898 528 1003">Urban Design (memorandum 14 November 2017)</p>	<ul style="list-style-type: none"> <li data-bbox="644 898 1302 969">• Council's urban designer provided the following comments/recommendations: <ul style="list-style-type: none"> <li data-bbox="722 1005 1394 1245">○ The path, bicycle storage area, fencing and private open space shown on the frontage of Unit 16 will jeopardise the health of the large (existing) tree at the eastern end of the development site. These site elements need to be reconfigured to allow more space for the tree (Condition 1.3). <li data-bbox="722 1281 1394 1547">○ A physical break in the east-west row of townhouses should be incorporated to provide some visual relief along this long elevation and additional opportunity for landscaping and softening of the development, and (c) a possible additional pedestrian connection into the development from Airdrie Court. (Condition 1.1) <li data-bbox="722 1583 1394 1883">○ Deletion of Unit 6, which has been 'squeezed' into the development. Constructing this dwelling will require extensive earthworks and large retaining walls. The deletion of Unit 6 will provide more generous spacing around this development, and will allow for a visual link from the internal driveway to the neighbouring property and tree canopy to the west (Condition 1.1). <li data-bbox="722 1919 1382 2018">○ The materials and finished schedule incorporates a significant amount of black and white render and aluminium cladding. The

Service Unit	Comments
	finishes in this location should utilise softer, warmer colours (browns, warm greys, dark-stained timber finishes). (Condition 1.18)
Open Space (memorandum 14 November 2017)	<ul style="list-style-type: none"> • Council's Open Space Planner provided the following comments/recommendations: <ul style="list-style-type: none"> ○ The configuration of the proposed private open space for unit 16, the public open space adjacent, visitor parking and permeable paving areas impose unnecessarily impose on the root zone of the tree, and potentially also its canopy, jeopardising its long term viability. Deletion or redesign of unit 16 should be considered to ensure its private open space is not entirely overshadowed by existing tree (Condition 1.2). ○ Communal open space and visitor parking spaces should be reconfigured, and landscaping should enable view between the street and adjacent pedestrian path. Planting to 1.2m maximum height will improve surveillance and perceptions of safety (Condition 5.9). ○ Retention of the transparent cyclone wire boundary treatment is welcomed, however landscaping (not shown) will need to ensure transparency is not screened out by planting. Clean trunked canopy trees and low shrubs are appropriate (Condition 5.9). ○ Garages (to Dwellings 15 & 16) would be better located internally rather than offering blank walls to the reserve. The design should provide living spaces with windows overlooking reserves (Condition 1.5).

7. CONSULTATION / NOTIFICATION

7.1 Notice of the application was given on 3 July 2017, by sending letters to the owners and occupiers of surrounding properties within Airdrie Court and displaying one (1) sign on the site in accordance with the Act.

7.2 Thirteen (13) objections were received from the following properties:

- 3, 4, 5, 8, 10, 12, 13, 25, 27, 28 Airdrie Court, Templestowe Lower.
- 24 Colonsay Street, Templestowe Lower (x 3).

7.3 The grounds of objection (not listed in any particular order) are summarised as:

- a) The yield and built form outcome represents an overdevelopment of the site;
 - b) Traffic, lack of on-street and off-street car parking, and pedestrian safety within Airdrie Court;
 - c) Design and built form (setbacks between each dwelling, opportunities for landscaping, lack of outdoor space);
 - d) The loss of existing vegetation on site;
 - e) The lack of housing diversity provided in the mix of bedrooms to each dwelling;
 - f) Noise and air pollution from vehicles entering and exiting the site;
 - g) The narrowness of the existing Airdrie Court road reserve which results in issues regarding waste collection and on-street parking;
 - h) Flooding and run off issues arising from construction on the site;
- 7.4 The amended application was re-advertised on 20 October 2017, by sending letters to the owners and occupiers of surrounding properties within Airdrie Court and to objectors, and displaying one (1) sign on the site in accordance with the Act.
- 7.5 To date, no additional objections have been made, and no objections have been withdrawn.
- 7.6 A response to the grounds of objection are included in the assessment from sections 8.65 to 8.73 of this report.

8. ASSESSMENT

- 8.1 The proposal has been assessed against the relevant state and local planning policies, the zone, and the relevant particular provisions and general provisions of the Manningham Planning Scheme.
- 8.2 The assessment is made under the following headings:
- State and Local Planning Policy Frameworks (SPPF and LPPF);
 - Design and built form (Clause 52.15 – Dwellings in a General Residential Zone, Schedule 1);
 - Car parking, access and traffic (Clause 52.06 assessment);
 - On-site and Off-Site Amenity Impacts (Clause 55 assessment)
 - Objector concerns; and
 - Other matters.

State and Local Planning Policy Frameworks (SPPF and LPPF)

- 8.3 Key objectives of the SPPF and LPPF seek to increase the supply of housing in existing urban areas by facilitating increased housing yield in appropriate locations, including under-utilised urban land. This is encouraged in Clause 16 (Housing) and Clause 21.05-2 (Residential) policies within the Manningham Planning Scheme. The latter policy includes an objective to accommodate Manningham's projected population growth through urban consolidation, in infill developments and Key Redevelopment Sites.
- 8.4 The following characteristics of the site are beneficial in relation to the development of the site for urban consolidation:
- The site is serviced by existing infrastructure subject to construction of new outfall drainage.
 - The land is located approximately 18.5 kilometres from Melbourne's Central Business District.
 - The site is just over 500 metres walking distance from the Templestowe Neighbourhood Activity Centre, which provides a full range of services to the community including shopping and bus transport.
 - The site is adjacent to public open space (Ruffey Creek Linear Park), and a Primary School (St Kevin's), and within proximity to Templestowe College and an aged care home (Templestowe Pioneers).
- 8.5 While there is a strategic imperative for Council to encourage urban consolidation where an opportunity exists, this is not in isolation and other relevant policies requiring new design to be appropriate for the physical and planning context are still relevant. The proposed development must respond to neighbourhood character, the streetscape, provide high quality urban design and amenity, be energy efficient and protect off-site amenity for neighbours.
- 8.6 The subject land is within Precinct 1 of Clause 21.05, which pertains to Residential Areas Removed from Activity Centres and Main Roads. One of the objectives for this area is to promote *an incremental level of change, where future development 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.*
- 8.7 The construction of dwellings surrounded by open space, and accessed via a landscaped internal driveway could broadly achieve this. However, detail is in the design, and Council must consider Local Policy at Clause 22.15 (Dwellings in the General Residential Zone Schedule 1) and Clause 55 Objectives in determining whether this development is appropriate.
- 8.8 Through the assessment it becomes clear that there are areas of concern where built form is considered to dominate, and insufficient regard has been given to landscaping. The built form outcome is one that sits uneasily in the local policy context to encourage a less intense urban form.
- 8.9 Dwelling No. 6 illustrates poor design, being squeezed at the end of the internal driveway, but it also prevents appropriate spacing between dwellings throughout the main east-west axis through the site. The second area of concern is the

relationship between Dwelling 16 and the Yellow Box tree being retained in the communal open space area. The tree remains compromised under the present design.

- 8.10 The layout of the proposed development could achieve both goals of a) urban consolidation and b) an incremental level of change, subject to conditions to ensure that the increase in housing density does not appear as an *intense urban form* that dominates the broad landscaped appeal of residing in Manningham and the local area.

Concern with Dwelling 6

- 8.11 Dwelling 6 displays a poor sense of address and provides poor amenity for future occupants. The dwelling is squeezed behind Dwelling 7 with only the front door and bedroom window visible on the approach at end of long driveway. The dwelling does not have an attached garage that is easily convenient for occupants, and significant open space areas incorporate the embankment which will not support landscaping or be easily maintained. Vehicles will have difficulties exiting the garage, as the space behind the garage is less than 5.7m.
- 8.12 Further, noise and lights from the entry porch and vehicles reversing (from the dwelling's garage) will negatively impact a bedroom window in Dwelling 7. This window is only separated from the above activities by a 550mm wide landscape strip in front of the window.
- 8.13 A much wider implication of the inclusion of this dwelling is crowding of built form. This will be viewed in the immediate context of the dwelling where there is little opportunity for landscaping at the end of the driveway and adjacent to Dwelling 5, Dwelling 6, Dwelling 7 and Dwelling 8. This leaves the driveway environs dominated by harsh hardstand areas.
- 8.14 Further, adjacent dwellings are crowded together. Dwelling's 6 to 13 (eight dwellings in total) are attached at ground level, thus providing no opportunities for landscaping to break up and soften this row of housing (80m in length along the driveway). Minimal separation is provided at first floor. The row is shielded from views in part from public realm by Dwelling's 1 to 5, although these dwellings are also provided minimal separation, with the only gaps at ground level comprising service areas that will not accommodate landscaping.
- 8.15 To truly respect the local character and achieve consistency with policy that requires landscaped outcomes on development sites, a spine of landscaping should be provided perpendicular to the driveway mid-way along the driveway length, separating the row into two. This will provide significant improvement in views to the site from Airdrie Court and the primary school to the rear. **(Condition 1.1)**.
- 8.16 A further indication that the built form and dwelling yield is slightly excessive is evident at the northeast end of the row where Dwelling 13 has its entry porch immediately onto the driveway and opposite reversing movements from Dwelling 16. An additional meter of setback and landscaping within this area will significantly improve safety and the visual appearance of the wider development on entry from Airdrie Court.

8.17 A condition will require the removal of Dwelling 6, enabling Dwelling 7 to 13 to be shuffled along the driveway with spacing introduced between various dwellings at key vantage points to provide for a better landscaping response. Condition will also require landscaping be introduced between Dwellings 2 and 3 on the opposite side of the driveway. **(Condition 1.1)**

- 8.18 The condition should allow increased landscaping be provided along the length of the driveway to soften the environs and improve internal amenity, and potentially provide a visitor parking away from the Yellow Box tree.

Concern with Dwelling 16 and Communal Open Space

- 8.19 The siting of Dwelling 16 poses a number of issues as the dwelling is not oriented to the street, has minimal separation from proposed dwellings and title boundaries, and would encroach within the Tree Protection Zone and tree canopy of an existing Yellow Box Tree (Tree 1) to be retained, with resulting poor internal amenity by constant shading of the secluded private open space area and adjoining living area (if the tree is not lopped).

- 8.20 The accompanying Arboricultural Report states that incursion into the Tree Protection Zone would not exceed 10 percent, and requires no excavation of natural ground except for 5.56 m² of the north east corner of the dwelling. It also recommends all underground services be located outside of the TPZ, with hand digging where required. Fence posts must avoid roots as much as possible with roots cut by hand. Paving within the TPZ of Tree 1 must be laid on existing ground level using porous compounds (no excavation). The Arboricultural Report does not provide advice on the extent of tree pruning during construction, and post construction.

- 8.21 The retention of the Yellow Box tree (Tree 1) is significant from a local policy standpoint, and given that this tree was specified for retention in the Section 173 Agreement registered on the Certificate of Title. The placement of a double storey dwelling, backyard and paved surfaces within the canopy dripline of the tree is unacceptable given that extensive lopping and incursions into the TPZ and canopy would be required, which does not acknowledge the contribution of the tree in the streetscape, and as a feature that will integrate the development into the surrounding landscape.

- 8.22 Much like Dwelling 6, Dwelling 16 also demonstrates the intensity of built form, which in this case would be visible from the street and public open space due to the minimal separation from Dwellings 13 & 15. There are also safety implications arising from the limited separation due to the limited width of the accessway servicing three dwellings, with porches directly adjacent to vehicle turning movements with no separation between vehicles and pedestrians.

- 8.23 Finally, the siting of the dwelling would result in a poor presentation to Ruffey Creek Linear Park, with minimal setbacks and service yards oriented to the park with no opportunities for landscaping within the setback. This could be addressed by permit conditions to redesign Dwellings 15 & 16 **(Conditions 1.5 and 5.9)**.

- 8.24 Issues with the Common Area relate to the impact to the Yellow Box tree (Tree 1), which is compromised by encroachments into the Tree Protection Zone (TPZ) of this tree with walkways, visitor parking, seating and bicycle storage. The paving and facilities need to be relocated from the TPZ as much as practicable in order to provide the tree with as many opportunities to survive and thrive in the

long term. There is little justification for the placement of paths, bicycle storage and furniture within the TPZ given the ample space provided in the Communal Garden.

- 8.25 A condition will require the plans to show a bin collection point, however this must be located outside of the Tree Protection Zone of the Yellow Box tree (Tree 1). **(Condition 1.15)**
- 8.26 A condition will require the removal of Dwelling 16, unless it can be demonstrated that it can be redesigned to provide a reasonable portion of open space that is unencumbered by the retention of the Yellow Box tree to the satisfaction of the Responsible Authority, and that the visitor parking can be constructed with no excavation or impact to the tree. Should it be retained, the minimum setback of the building footprint from the tree must be increase by 2m, and the dwelling must be provided a principal open space area that is integrated into the design of the dwelling layout such as a deck that is also unencumbered by the retention of the Yellow Box. The meaning of unencumbered includes no impact on the tree’s protection zones or impact from the trees canopy spread. It may be necessary to modify the design of Dwelling 15 also to achieve this condition. **(Conditions 1.2 & 1.3).**
- 8.27 The permit conditions would assist in offsetting the increase in housing density overall by increasing spacing and landscaping opportunities, integrating the development into the landscape, instead of appearing as an intense urban form.

Design, Built Form and Landscaping

8.28 The consideration of these issues at a micro level are driven through consideration of policy at Clause 22.15 – Dwellings in a General Residential Zone, Schedule 1 is as follows:

Design Element	Level of Compliance
<p>Siting</p> <ul style="list-style-type: none"> • The rear setback should be of sufficient width to allow for the retention or planting of canopy trees and to allow for recreational opportunities. • 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 for a garage. 	<p>Complies – subject to conditions</p> <ul style="list-style-type: none"> • The site does not have a traditional rear setback. Broadly though, the arrangement of dwellings on the site with back yards facing the perimeter of the site provides scope for boundary setbacks and landscaping opportunities. <p>There are some instances where opportunities are limited, such as along the embankment and the interface with Ruffey Creek Linear Path, however these can be improved with conditions, most noticeably the removal of Dwelling 6, the preservation of existing planting along Airdrie Court and through removing unsightly sheds and service areas in the dwelling setbacks form the adjacent walking track (Conditions 1.1, 1.5 and 1.8).</p> <ul style="list-style-type: none"> • No walls on boundaries are proposed. • The built form of Dwellings 2-5 fronting Airdrie Court would not appear particularly bulky given the single storey scale presenting to the

	<p>street, behind 1.7 m high brush fencing. The upper level of these dwellings would be separated in the order of 2.6 m to 5.98 m, which exceeds the ground floor separation between dwellings on the other side of Airdrie Court (approximately 1 m to 1.5 m). A condition will seek to strengthen landscaping opportunities between these dwellings through the removal of Dwelling 6 (Condition 1.1).</p> <p>The majority of the development would be located behind these dwellings and would not be obtrusive in the streetscape. The orientation and layout of Dwellings 13-16, would be clearly separated from adjoining dwellings within view of the street, taking advantage of the internal driveway.</p>
<p>Form</p> <ul style="list-style-type: none"> • 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). • Promote building materials that reflect the prevailing materials of the surrounding residential area. • Discourage imposing design features such as double storey porticos. Porticos and other design features need to integrate with the overall design of the building. 	<p>Complies – subject to conditions.</p> <ul style="list-style-type: none"> • The upper level of each dwelling would not exceed 75% of the proportion of the ground floor area (excluding verandahs and balconies). • That said, concern is expressed with Dwelling 1 as it presents sheer wall to Airdrie Court which is exacerbated by the limited street setback (4 m), and the lack of effective stepping of the first floor level back from the ground floor level (4 m to 4.34 m). Conditions are required to ensure that the upper level is setback an additional metre back from the south eastern boundary of the land. (Condition 1.4) • Building materials would be generally consistent with the prevailing neighbourhood character given the contemporary architectural styles of dwellings facing the site. Proposed building materials include: face brick (Austral Bricks in Graphite or similar, and recycled red bricks), concrete render and multiboard ‘Exres’ cladding (finished in Dulux ‘White on White’), aluminum cladding (Alucobond ‘Solid Black’) and part timber cladding or Knotwood (Spotted Gum ‘natural finish’). • The development would include hipped & flat roof forms. Ground floor levels would be covered by flat metal roofs, and the first floor levels would have hipped roofs of dark concrete tiles in Horizon ‘Sambuca’. This would be consistent with the prevailing mix of flat and hipped roof forms in the street. • No double storey porticos are proposed.
<p>Car Parking and Access</p> <ul style="list-style-type: none"> • Ensure that where garages are located 	<p>Complies –</p> <ul style="list-style-type: none"> • The garages to dwellings within view of Airdrie

<p>in the street elevation, they are set back a greater distance than the front wall of the building.</p> <ul style="list-style-type: none"> • 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. • 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. 	<p>Court would be setback 1 m from the front wall of the dwelling (Dwellings 13-16).</p> <ul style="list-style-type: none"> • One crossover is proposed off Airdrie Court. The existing vehicle crossover would be modified, the width increased to 5 metres and relocated further to the north in the order of 2 metres. • The proposed crossover would be setback at least 1.5 m from the existing street tree. • A landscape strip of at least 1 m width would be provided either side of the driveway in accordance with this policy and the requirements of the Section 173 Agreement. That said, porches encroach within the landscape setback in some instances and where this occurs and is visible from the public realm, conditions will require change (Condition 1.1, 1.4).
<p><u>Landscaping</u></p> <ul style="list-style-type: none"> • Ensure that the front and rear setbacks are characterised by pervious surfaces to enable the provision or retention of canopy trees. • 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 8.0 metres or more at maturity. 	<p>Complies – subject to conditions.</p> <ul style="list-style-type: none"> • Comment has been made previously in relation to the rear of the site accommodating landscaping. Generally the design is appropriate in this regard. <p>The secluded private open space areas of each dwelling would include a canopy tree (except Dwelling 16, which would be adjacent to an existing Yellow Box tree).</p> <ul style="list-style-type: none"> • The frontage of the site requires greater analysis. The removal of Dwelling 17 from the amended plans and its replacement with communal garden area around the Yellow Box tree is a big improvement to the original concept and will improve the development's interface with Airdrie Court significantly. <p>Conditions are required to ensure the retention of the Yellow Box tree in the long term, given its significance is recognised in the Section 173 Agreement. This would result in the removal of built form and open space (and associated fencing) of Dwelling 16, and relocation of bicycle racks, pedestrian paths, and any communal waste collection area outside of the Tree Protection Zone of the tree.</p> <p>The placement of a double storey dwelling, backyard and paved surfaces within the canopy dripline of the tree is unacceptable given that extensive lopping and incursions into the TPZ and canopy would be required. The construction of a dwelling within the TPZ</p>

	<p>of the tree also has adverse outcomes for the internal amenity of Dwelling 16, which would have secluded private open space and living areas being in constant shade, which is also not acceptable. (Conditions 1.2)</p> <ul style="list-style-type: none"> The other major change in the amended plans is also positive with respect to the development’s interface to Airdrie Court as it enables the existing safety barrier along the roadway and vegetation behind it to be retained. This includes a second semi mature Yellow Box tree (Tree 13) and some other native revegetation. This helps shield the development from public realm views. Conditions will ensure the view to vegetation is strengthened (Condition 1.7).
<p>Fencing</p> <ul style="list-style-type: none"> Ensure that the front fence is at least 50% transparent. Encourage fences that adjoin public open spaces to be no higher than 1.8 metres and to be at least 50% transparent, where appropriate. 	<p>Complies – subject to conditions.</p> <ul style="list-style-type: none"> A front fence within the traditional understanding of a front fence is not proposed. However, Dwellings 2-5 require a 1.7 m high brush fence along the interface of Airdrie Court to provide seclusion of each dwelling’s open space area. <p>The visual impact of this is considered minimal due to the retention of the safety barrier along the road and existing vegetation between the barrier and the property boundary. A condition will require a retaining wall on the far side of the fence be off-set 1m from the boundary to help protect this vegetation.</p> <p>A brush fence is a reasonable attractive addition that will blend in with the existing vegetation.</p> <p>There will be some removal of vegetation from the embankment when it is filled. A permit condition to provide additional understorey planting on the external side of the brush fencing would offset the loss of understorey plants to be removed. This would enhance the landscape buffer provided by existing street trees. (Condition 5.8)</p> <ul style="list-style-type: none"> The subject land adjoins public open space, existing 2 m high cyclone fencing would be retained on the shared boundary. This outcome is appropriate according to Council’s Parks and Recreation Team.

Car Parking and Traffic

8.29 Prior to a new use commencing or a new building being occupied, Clause 52.06-2 (Car Parking) requires that the number of car parking spaces outlined at Clause

52.06-6 to be provided on the land or as approved under Clause 52.06-5 to the satisfaction of the Responsible Authority.

- 8.30 This clause requires resident car parking to be provided at a rate of 1 space for each dwelling with one or two bedrooms, and 2 spaces for each dwelling with three or more bedrooms. Visitor car parking is also prescribed at a rate of 1 car parking space for every five dwellings.
- 8.31 The development would comprise of sixteen (16) dwellings (four, 3 bedroom dwellings; twelve, 4 bedroom dwellings). Therefore, the proposal requires the provision of thirty-two (32) car parking spaces for residents and three (3) car parking spaces for visitors. The proposed parking provision complies with the residential requirements and is satisfactory.
- 8.32 An assessment against the car parking design standards in Clause 52.06-9 of the Scheme is provided in the table below:

Design Standard	
1 – Accessways	<p>Met – subject to conditions</p> <p>The accessway servicing the development meets the minimum width requirements and has been designed to allow vehicles to exit in a forward direction onto Airdrie Court. The only garage where multiple movements are likely to be required is Dwelling 6, as all other garages have a clear 6m of reversing space behind them.</p> <p>The passing bay dimensions fall marginally short of the requirement for a 6.1 metre by 7 metre long area (noting that the requirement was changed the application was lodged through Amendment VC132 on 19 September 2017). Council's Engineering and Technical Service Unit requires a permit condition to widen the passing bay to at least 6.1 metres which is achievable. (Condition 1.12)</p>
2 – Car Parking Spaces	<p>Met – subject to conditions</p> <p>Car parking space dimensions and aisle widths are provided in accordance with the requirements, noting the turning area behind the garage of Dwelling 6 is tight and requires multiple movements to exit in a forwards direction.</p>
3 – Gradients	<p>Met</p> <p>Gradients of the internal driveway achieve the required transitions and transition lengths.</p>
4 – Mechanical Parking	<p>Not applicable</p> <p>No mechanical parking proposed.</p>
5 – Urban Design	<p>Met</p> <p>The vehicle crossing and accessway are not dominant features in the streetscape, particularly in context of the width of the frontage and landscaping treatments. Garages to dwellings are not oriented to Airdrie Court, and therefore not visible from the street.</p>

6 – Safety	<p>Met - subject to conditions</p> <p>The internal driveways provide access to all of the dwellings. This is typical and shouldn't be a problem within a closed housing estate although consideration should be given to bollard style lighting (Condition 1.16)</p>
7 – Landscaping	<p>Met - subject to conditions</p> <p>Landscaping is provided to soften the appearance of the accessway in accordance with local policy at Clause 22.15, and in accordance with the Section 173 Agreement. A condition has been included requiring a Landscaping Plan be submitted for approval. (Condition 5).</p>

- 8.33 The proposed waste management regime is problematic. The submitted report, prepared for the initial application indicates that waste collection shall be carried out by rear-lift vehicles (nom. 6.4 m long, 2.1 m high and 6.4 tonnes gross vehicle mass) from within the subject site. This is a good outcome as it limits impact on Airdrie Court and other residence. Further, the report suggests waste collection would occur in accordance with relevant local laws and noise regulation guidelines.
- 8.34 However, the report states that bin storage would be located within the double garage of each unit. This however would encroach within the required parking spaces (5.5 m wide by 6 m long) and is not practical or a desirable storage area. Parking spaces for residents should remain clear of bins for vehicles to occupy the space.
- 8.35 The amended plans indicate alternative bin storage areas via a note, including the rear open space areas of some dwellings, within service areas or adjacent to the shared driveway. The report indicates that the private waste collection would collect bins outside each dwelling's garage. The collection point in front of garages is not favoured as this space is reserved for vehicle movements associated with adjacent garages etc.
- 8.36 More detail is necessary in relation to bin storage and collection. Ideally, each dwelling should be provided with a screened area with good accessibility from the dwelling for storage, with secondary access through the garage to allow residents opportunities to move the bins to a collection point.
- 8.37 It is likely that the collection vehicle will need to turn where the driveway splits (just past Dwelling 1); and then collect waste from a temporary waste holding area whilst parked in the passing bay (the 6.1m wide crossover). This arrangement is typical and would be satisfactory. The waste collection vehicle would only occupy this space for a couple of minutes per week. However, the arrangement needs to be properly detailed and the temporary bin storage should be located away from the existing Yellow Box tree and appropriately screened.

On-site and Off-Site Amenity Impacts

- 8.38 Clause 55 Two or More Dwellings on a Lot and Residential Buildings applies to an application to construct two or more dwellings on a lot, establishing the planning controls for on-site and off-site amenity through the application of objectives and standards.

8.39 Clause 55 specifies that a development must meet all of the objectives and should meet all of the standards of this clause. The standards contain requirements to meet the objectives and compliance with these requirements is widely accepted as satisfying the relevant objective.

8.40 An assessment against the objectives and standards of Clause 55 is provided in the table below:

OBJECTIVE	OBJECTIVE MET/NOT MET
55.02 Neighbourhood Character and Infrastructure	
<p>55.02-1 – Neighbourhood Character</p> <ul style="list-style-type: none"> To ensure that the design respects the existing neighbourhood character or contributes to a preferred neighbourhood character. To ensure that development responds to the features of the site and the surrounding area. 	<p>Considered Met</p> <p>As outlined in the assessment of the proposal against the policy requirements of the Clause 22.15 – Dwellings in a General Residential Zone, Schedule 1, it is considered that subject to some conditions, the proposed development generally responds to the preferred neighbourhood character, and respects the natural features of the site and its surrounds.</p>
<p>55.02-2 – Residential Policy</p> <ul style="list-style-type: none"> To ensure that residential development is provided in accordance with any policy for housing in the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies. To support medium densities in areas where development can take advantage of public transport and community infrastructure and services. 	<p>Met – subject to conditions</p> <p>The application was accompanied by a written statement that has demonstrated how the development is consistent with State, Local and Council policy.</p>
<p>55.02-3 – Dwelling Diversity</p> <ul style="list-style-type: none"> To encourage a range of dwelling sizes and types in developments of ten or more dwellings. 	<p>Met</p> <p>The proposal comprises 16 dwellings with a mix of three and four bedrooms providing a suitable mix of dwelling sizes. It is also noted that the dwellings differ in layout and size.</p>
<p>55.02-4 – Infrastructure</p> <ul style="list-style-type: none"> To ensure development is provided with appropriate utility services and infrastructure. To ensure development does not unreasonably overload the capacity of utility services and infrastructure. 	<p>Met – subject to conditions</p> <p>The site has access to gas, water and power services. The applicant will be required to construct an outfall drain and provide an on-site stormwater detention system to alleviate pressure on the drainage system. (Condition 14)</p> <p>There are no service supply issues in the subject neighbourhood.</p>
<p>55.02-5 – Integration With Street</p> <ul style="list-style-type: none"> To integrate the layout of development with the street. 	<p>Met – subject to conditions</p> <p>The proposed development comprises of dwellings that are oriented to internal driveways, with Dwellings 1-4 showing rear elevations to</p>

OBJECTIVE	OBJECTIVE MET/NOT MET
	<p>Airdrie Court. A variation is supported for Dwellings 2-4 which have secluded private open space facing the street, with 1.7 m high brush fencing, given the constraints of the road safety barrier on Airdrie Court, existing vegetation behind the barrier and the lack of footpaths in this area.</p> <p>The entry and porch of Dwelling 1 should be reoriented to face Airdrie Court given the proposed street setback (4 metres), and proximity to the entrance to the internal driveway. Permit conditions would require a porch entrance to be reoriented to the south eastern elevation, with highlight windows to be replaced with larger windows to address the street. (Condition 1.4)</p>
55.03 Site Layout and Building Massing	
<p>55.03-1 – Street Setback</p> <ul style="list-style-type: none"> To ensure that the setbacks of buildings from a street respect the existing or preferred neighbourhood character and make efficient use of the site. <i>There is no existing building on either of the abutting allotments facing the same street, and the site is not on a corner: 6 metres for streets in a Road Zone, Category 1, and 4 metres for other streets.</i> 	<p>Met</p> <p>The required front setback of 4 metres is met.</p>
<p>55.03-2 – Building Height</p> <ul style="list-style-type: none"> To ensure that the height of buildings respects the existing or preferred neighbourhood character. According to Schedule 1 of the General Residential Zone 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. 	<p>Met</p> <p>The proposed maximum building height (at 8m) is less than the maximum building height of 9m.</p>
<p>55.03-3 – Site Coverage</p> <ul style="list-style-type: none"> To ensure that the site coverage respects the existing or preferred neighbourhood character and responds to the features of the site. 	<p>Met</p> <p>The proposed site coverage of buildings is 46%. The proposed site coverage would be compliant with the 60% maximum figure required by Standard B8.</p>
<p>55.03-4 – Permeability</p> <ul style="list-style-type: none"> To reduce the impact of increased stormwater run-off on the drainage system. To facilitate on-site stormwater infiltration. 	<p>Met</p> <p>The proposed area of pervious surface is 34.3% which exceeds the 20% minimum figure required by Standard B9.</p>
<p>55.03-5 – Energy Efficiency</p>	<p>Met</p> <p>The development will not have any adverse</p>

OBJECTIVE	OBJECTIVE MET/NOT MET
<ul style="list-style-type: none"> To achieve and protect energy efficient dwellings. To ensure the orientation and layout of development reduce fossil fuel energy use and make appropriate use of daylight and solar energy. 	<p>impacts on the energy efficiency of any adjoining dwelling, given that the site does not adjoin any residential lots.</p> <p>The secluded private open space areas and living areas would generally be oriented to the north of the dwellings. There are some exceptions such as Dwellings 2-4, although these dwellings are provided some north facing windows to supplement the main southern outlook.</p>
<p>55.03-6 – Open Space</p> <ul style="list-style-type: none"> To integrate the layout of development with any public and communal open space provided in or adjacent to the development. Standard B11: If any public or communal open space is provided on site, it should: <ul style="list-style-type: none"> - Be substantially fronted by dwellings, where appropriate - Provide outlook for as many dwellings as practicable. - Be designed to protect any natural features on the site. - Be accessible and useable. 	<p>Met – subject to conditions</p> <p>The objective of this provision is to integrate the layout of development with any public and communal open space provided in or adjacent to the development. The development provides a poor outlook and interface to Ruffey Creek Linear Park. Dwellings 15 & 16 would back onto the park with service yards and sheds, with minimal setbacks of 1 metre to 1.7 metres from the shared boundary.</p> <p>The dwellings would provide poor address to the park, as most of the attached form at ground floor level would comprise of two double garages with blank walls, and no opportunities to provide landscaping along the boundary to transition from open space to built form. This could be addressed by permit conditions to redesign Dwellings 15 and 16. (Condition 1.5, 5.9)</p>
<p>55.03-7 – Safety</p> <ul style="list-style-type: none"> To ensure the layout of development provides for the safety and security of residents and property. 	<p>Met – subject to conditions</p> <p>The porches to each unit are reasonably visible from the internal accessway, and the proposed layout would prevent use of the site as a public thoroughfare. However, there are safety issues in relation to the conflict with pedestrians and vehicles due to the width of the driveway and close proximity of porches to areas used by vehicles to reverse and manoeuvre within the site. These will be resolved through Conditions (Conditions 1.1, 1.4)</p> <p>There is a lack of communal lighting within the common areas which is of concern given that the accessways exceed 30 metres in length and include no pedestrian separation from vehicles. Conditions will require lighting bollards within the communal driveway and communal open space areas. (Condition 1.16)</p> <p>Safety issues are also of concern in relation to the proposed waste collection service (given the size of the vehicle, the narrow widths and tight</p>

OBJECTIVE	OBJECTIVE MET/NOT MET
	turning circles provided within the site). This can be overcome through amending the Waste Management Plan (Condition 9) .
<p>55.03-8 – Landscaping</p> <ul style="list-style-type: none"> To encourage development that respects the landscape character of the neighbourhood. To encourage development that maintains and enhances habitat for plants and animals in locations of habitat importance. To provide appropriate landscaping. To encourage the retention of mature vegetation on the site. 	<p>Met – subject to conditions</p> <p>A landscape plan will be required as a condition for approval to ensure the objective and standard of Clause 55.03-8 are met through the installation of fresh planting throughout, and retention of the mature Yellow Box Tree in the north east corner of the land (subject to conditions), and retention of existing vegetation upon the deletion of Dwellings 6. (Condition 5)</p>
<p>55.03-9 – Access</p> <ul style="list-style-type: none"> To ensure the number and design of vehicle crossovers respects the neighbourhood character. 	<p>Met</p> <p>The development would utilise one existing vehicle crossover (modified).</p> <p>The width of the accessway would be significantly less than the frontage.</p>
<p>55.03-10 – Parking Location</p> <ul style="list-style-type: none"> To provide convenient parking for resident and visitor vehicles. To protect residents from vehicular noise within developments. 	<p>Met – subject to conditions</p> <p>The proposed garages would be adjacent to each dwelling, with visitor parking toward the northern end of the lot adjacent to communal open space. This would comply with objectives to provide convenient parking for resident and visitor vehicles.</p> <p>Standard B15 requires an assessment of the proximity of habitable room windows to shared accessways in order to protect residents from vehicular noise within developments. Most of the dwellings would have habitable room windows set back at least 1.5 m from the internal drive, with landscaping in front. This would comply with the Standard.</p> <p>It is noted that Dwelling 1’s sitting room would be setback 1 m from the shared driveway. This is acceptable because the window has a sill heights of 1.4 m high and would comply with the requirements of Standard B15.</p> <p>Dwelling 15’s kitchen would be setback 1.2 m from the shared driveway, but with a sill height approximately 1.2 m high. The adjoining accessway is shared with Dwelling 14 and therefore this window is appropriate.</p> <p>Concern have been expressed in relation to a bedroom window in Dwelling 7. The close relationship between the window and driveway (and adjacent porch) supports the condition to</p>

OBJECTIVE	OBJECTIVE MET/NOT MET
	delete Dwelling 6. (Condition 1.1)
55.04 Amenity Impacts	
<p>55.04-1 – Side And Rear Setbacks</p> <ul style="list-style-type: none"> To ensure that the height and setback of a building from a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings. 	<p>Met</p> <p>Compliance with this requirement is achieved as there is no residential interface.</p> <p>Irrespective, the proposed building setbacks achieve compliance with the requirements except the first floor level of Dwelling 14, which would be setback 1.6 metres from the north west boundary. The required setback is at least 1.89 metres for a wall 6.57 m high, and therefore a variation of 300 mm is sought. A variation is supported given the minor discrepancy, and as the upper level would be adjacent to St Kevin's Primary School oval and would not pose any amenity impacts as a result.</p>
<p>55.04-2 – Walls On Boundaries</p> <ul style="list-style-type: none"> To ensure that the location, length and height of a wall on a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings. 	<p>Not Applicable</p> <p>No walls on boundaries are proposed.</p>
<p>55.04-3 – Daylight To Existing Windows</p> <ul style="list-style-type: none"> To allow adequate daylight into existing habitable room windows. 	<p>Not Applicable</p> <p>The subject site abuts a school oval, tennis courts and a park, and therefore the nearest existing habitable room windows are over 9 metres distance from the site.</p>
<p>55.04-4 – North Facing Windows</p> <ul style="list-style-type: none"> To allow adequate solar access to existing north-facing habitable room windows. 	<p>Not Applicable</p> <p>There are no 'north facing' habitable room windows within 3 metres of a shared boundary.</p>
<p>55.04-5 – Overshadowing Open Space</p> <ul style="list-style-type: none"> To ensure buildings do not significantly overshadow existing secluded private open space. 	<p>Not Applicable</p> <p>The site does not overshadow any secluded private open space of existing dwellings.</p>
<p>55.04-6 – Overlooking</p> <ul style="list-style-type: none"> To limit views into existing secluded private open space and habitable room windows. Standard B22 does not apply to a new habitable room window, balcony, terrace, deck or patio which faces a property boundary where there is a visual barrier at least 1.8 metres high and the floor level of the habitable room, balcony, terrace, deck or patio is less 	<p>Not Applicable</p> <p>The subject site abuts a school oval, tennis courts and a park, and therefore the nearest existing habitable room windows are over 9 metres distance from the site.</p>

OBJECTIVE	OBJECTIVE MET/NOT MET
than 800 mm above ground level at the boundary.	
55.04-7 – Internal Views <ul style="list-style-type: none"> To limit views into the secluded private open space and habitable room windows of dwellings and residential buildings within a development. 	Met <p>Each secluded private open space area would be separated by a 1.8 m high timber paling fence.</p> <p>There would be no overlooking of habitable room windows and secluded private open space within the development, due to the distance between each habitable room window at first floor level.</p>
55.04-8 – Noise Impacts <ul style="list-style-type: none"> To contain noise sources in developments that may affect existing dwellings. To protect residents from external noise. 	Met <p>There are no unusual noise sources that may affect the dwellings.</p>
55.05 Onsite Amenity and Facilities	
55.05-1 – Accessibility <ul style="list-style-type: none"> To encourage the consideration of the needs of people with limited mobility in the design of developments. 	Met <p>This objective is non-prescriptive and is interpreted as requiring general consideration of pedestrian access to dwellings in respect of persons who may otherwise not deal with steep slopes or excessive numbers of stairs without assistance.</p> <p>Standard B25 recommends that the ground floor dwelling entries be accessible or be capable of being made accessible to persons of limited mobility (the elderly would be the most common category of people who experience limited mobility). This is a highly subjective requirement as some persons with limited mobility may be able to negotiate steps simply with the use of a handrail, while others are incapable of walking up more than a few steps.</p> <p>In this case, it is noted that front entries have been designed with one low step from the porch.</p>
55.05-2 – Dwelling Entry <ul style="list-style-type: none"> To provide each dwelling or residential building with its own sense of identity. 	Met <p>Each dwelling would be provided with a front porch which provides a transitional space to the entry door. The entries are well defined and visible from either the street or a driveway.</p>
55.05-3 – Daylight To New Windows <ul style="list-style-type: none"> To allow adequate daylight into new habitable room windows. 	Met <p>All habitable room windows of the proposed dwellings face onto an outdoor space (clear to the sky) with minimum area of 3 m² and a minimum dimension of 1.0m, in accordance with Standard B27.</p>

OBJECTIVE	OBJECTIVE MET/NOT MET
<p>55.05-4 – Private Open Space</p> <ul style="list-style-type: none"> To provide adequate private open space for the reasonable recreation and service needs of residents. Schedule 1 to the General Residential Zone indicates that the ground floor, private open space of new dwellings should have an area of 55 square metres, with one part of the private open space to consist of secluded private open space at the side or rear of the dwelling with a minimum area of 40 square metres, a minimum dimension of 5 metres and convenient access from a living room. 	<p>Met</p> <p>Each garden would be at least 5 m wide and 40 m² in size at ground floor level, accessed from a living room.</p>
<p>55.05-5 – Solar Access To Open Space</p> <ul style="list-style-type: none"> To allow solar access into the secluded private open space of new dwellings and residential buildings. 	<p>Met – subject to conditions</p> <p>Dwellings 1 to 15 achieve the requirements for solar access to open space.</p> <p>Dwelling 16 would receive limited solar access to the secluded private open space area being on the south-eastern side of the dwelling (double storey) and compromised by the canopy of Yellow Box tree casting the area in shade. Permit conditions will require improvements to the setback of this dwelling from the tree including secluded private open space the is no longer compromised. (Conditions 1.2)</p>
<p>55.05-6 – Storage</p> <ul style="list-style-type: none"> To provide adequate storage facilities for each dwelling. 	<p>Met – subject to conditions</p> <p>Each dwelling would be provided with 6 m³ storage. The sheds to Dwellings 15 & 16 would be located along the shared boundary with Ruffey Creek Linear Park. This is not an attractive interface, and therefore conditions will require 6 m³ storage space to be incorporated in an alternative position. (Condition 1.8)</p>
<p>55.06 Detailed Design</p>	
<p>55.06-1 – Design Detail</p> <ul style="list-style-type: none"> To encourage design detail that respects the existing or preferred neighbourhood character. 	<p>Met</p> <p>The dwellings would be constructed of face brick with render, and part cladding at first floor level, and hipped and flat roof forms which would be generally consistent with the prevailing neighbourhood character.</p> <p>The design can be described as contemporary conservative.</p>
<p>55.06-2 – Front Fence</p>	<p>Met</p> <p>No front fence is proposed.</p> <p>Brush fencing (1.7 m high) would be constructed</p>

OBJECTIVE	OBJECTIVE MET/NOT MET
	to the rear yards of Dwellings 2-5.
<p>55.06-3 – Common Property</p> <ul style="list-style-type: none"> To ensure that communal open space, car parking, access areas and site facilities are practical, attractive and easily maintained. To avoid future management difficulties in areas of common ownership. 	<p>Met</p> <p>Common Property is proposed in the driveway and Communal Garden Area.</p>
<p>55.06-4 – Site Services</p> <ul style="list-style-type: none"> To ensure that site services can be installed and easily maintained. To ensure that site facilities are accessible, adequate and attractive. 	<p>Met – subject to conditions</p> <p>Mail delivery facilities are easily accessible from pathways. Each dwelling would have individual gas meters, however limited details are provided with regard to the design and appearance of mailboxes and water and power meters. No communal bin store and bin wash area is provided, which is unacceptable for a development of this scale, reliant on private waste collection services. Conditions will be required to provide these details, and to ensure that site services (including any communal bin store and wash areas) are appropriately designed and screened to the satisfaction of the Responsible Authority. (Condition 10)</p>

Objector Concerns

8.41 Overdevelopment

As outlined above, the proposed development will require modification by permit condition in order to be acceptable having regard to the policy objectives of the Manningham Planning Scheme. Inadequate setbacks, narrow internal separation between dwellings and significant encroachment into the significant native tree lend themselves to arriving at this conclusion. For that reason, as explained earlier in this report, permit conditions will require the deletion of Dwellings 6 from the development site, and deletion or significant modification of Dwelling 16. The reduction in built form will increase the permeable area of the development that can be landscaped, decrease site coverage and improve setbacks to the north-eastern and southern boundaries. **(Condition 1)**

8.42 Traffic, lack of on-street and off-street car parking, and pedestrian safety

Subject to the modifications to be required by permit condition previously listed in this report and as identified by Council's Engineers, the proposal is considered acceptable having regard to traffic, car parking and pedestrian safety concerns. The proposal provides the necessary number of car parking spaces required to be provided on-site pursuant to Clause 52.06 Car Parking of the Manningham Planning Scheme. Consequently, impacts caused by a potential increase in demand for off-site car parking cannot be considered in assessment of this application.

8.43 Design and built form (setbacks between each dwelling, opportunities for landscaping, lack of outdoor space), including loss of existing vegetation on site

The design response has been assessed to be an acceptable one having regard to building heights, architectural style and open space provision to each dwelling, and provision of communal space to the north east of the site. As already noted, a series of permit conditions will require the reduction of built form through the deletion and modification of two dwellings in order to achieve greater separation between dwellings within the site. This significant modification will provide an improved built form response as well as enhance internal amenity for future users. The increased permeable areas will offer additional space in which better landscaping opportunities can occur and will ensure the Yellow Box tree protection zone will be respected.

8.44 Lack of housing diversity

Clause 55.02-3 calls for a range of dwelling sizes and types. The proposal currently seeks permission for 16 either 3 or 4 bedroom dwellings with double car garages. While in this regard there is a lack of diversity, it is noted that the proposal embodies dwellings which have some variation in terms of layout and ground floor habitable space provision. Three dwellings, for example, are proposed to have a reverse living arrangement with ground level bedrooms and upper level, open planned areas encompassing balcony. Several dwellings have ground floor amenities, including bathroom facilities, and some include at least one bedroom at the entry level. On balance, having regard to the site's physical location being removed from public transport and services, the more traditional family sized dwelling with the 3 or 4 bedrooms dwellings is considered acceptable. There is an opportunity to provide for two bedroom dwellings through modifications of Dwelling 1 and Dwelling 16 (should it be redesigned and not removed).

Off-site amenity impacts (including overlooking the school and tennis courts, noise and air pollution, safety, loss of property values, waste collection, flooding and run off issues)

8.45 Overlooking

Objectors have raised concerns with the potential for overlooking nearby communities facilities. As there is no planning protection offered to such facilities, it is not considered appropriate to make any modifications to screen or limit views which have an outlook to these spaces.

8.46 Noise and air pollution

As a planning permit is not required to use land for more than one dwelling, residential noise and air quality are not matters that can be considered.

8.47 Loss of Property Values

The impact on property prices is not a consideration of the planning permit application process. The Victorian Civil and Administrative Tribunal and its predecessors have generally found subjective claims that a proposal will reduce property values are difficult, if not impossible to gauge and of no assistance to the determination of a planning permit application. It is considered the impacts of a

proposal are best assessed through an assessment of the amenity implications rather than any impacts upon property values, as provided under Section 8 of this report.

8.48 **Waste Collection**

It is noted that the development will be serviced by a private waste contractor. Council shares the objectors' concerns with regard to access by a private waste contractor to individuals' bins. Conditions will require a safer and more practical method of collection through requirements to provide communal bin storage **(Condition 9)**.

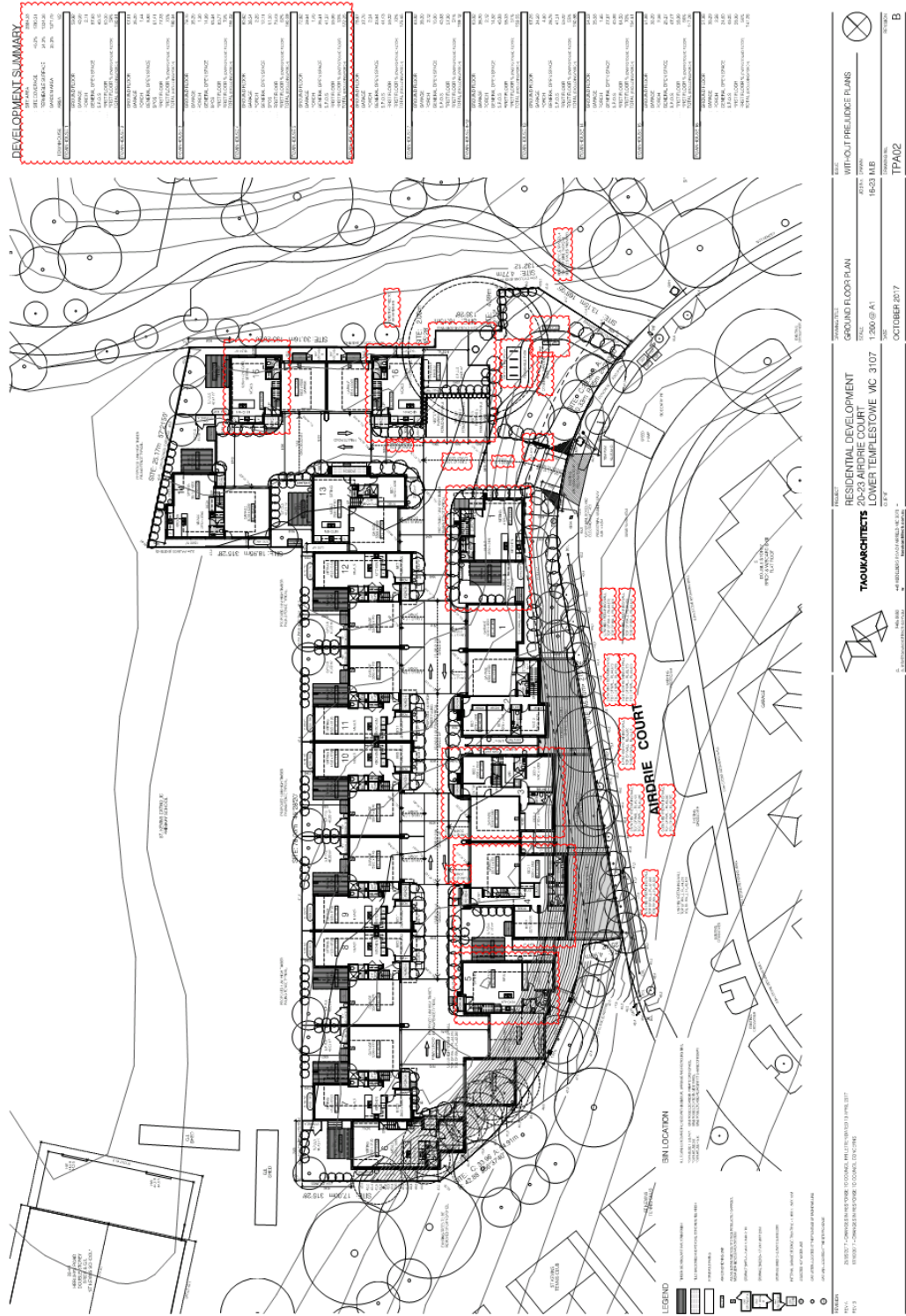
8.49 **Flooding and Run Off Issues**

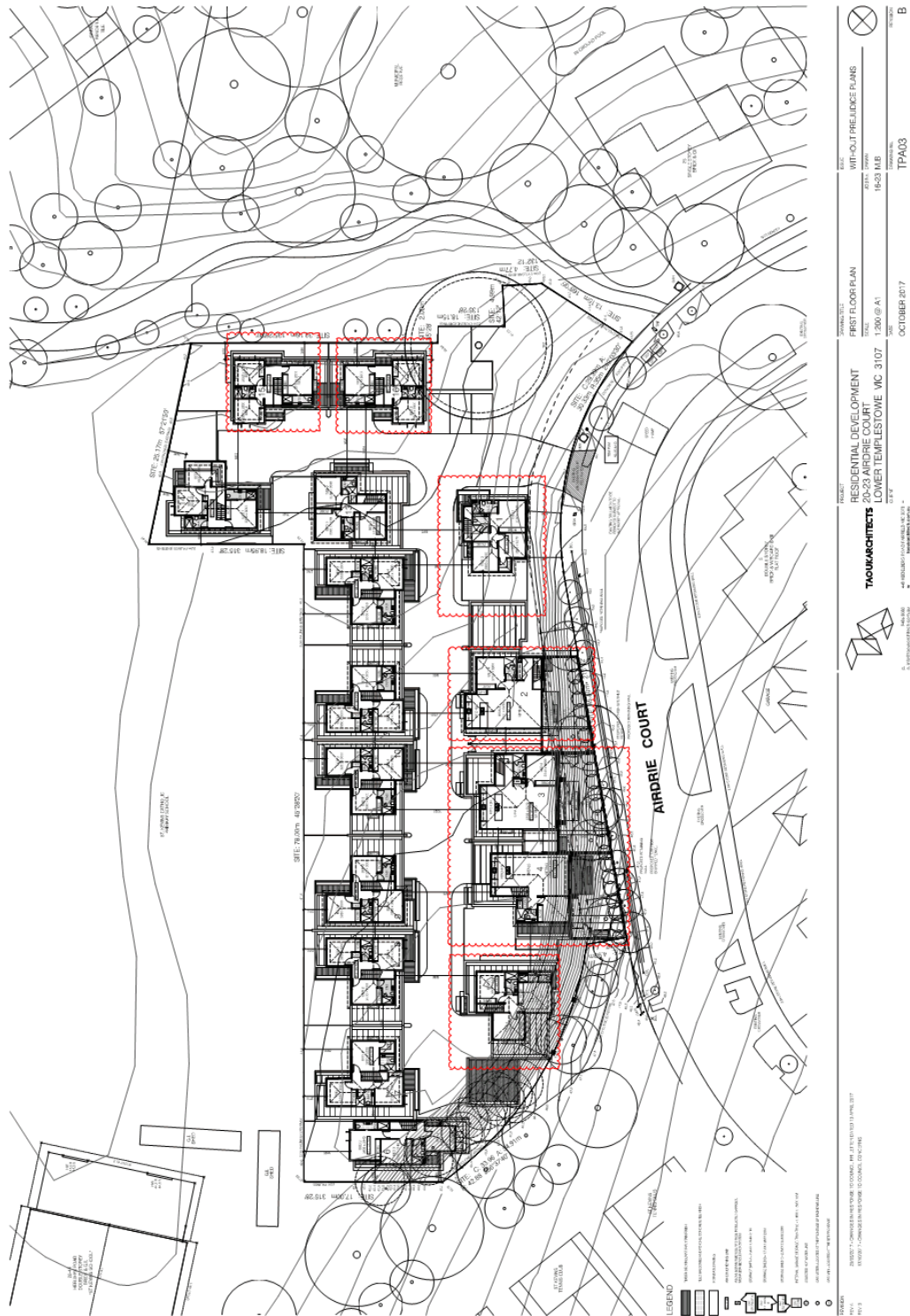
Approval of the proposal is subject to the provision of an on-site stormwater detention system to manage issues of internal run-off and manage any potential flooding.

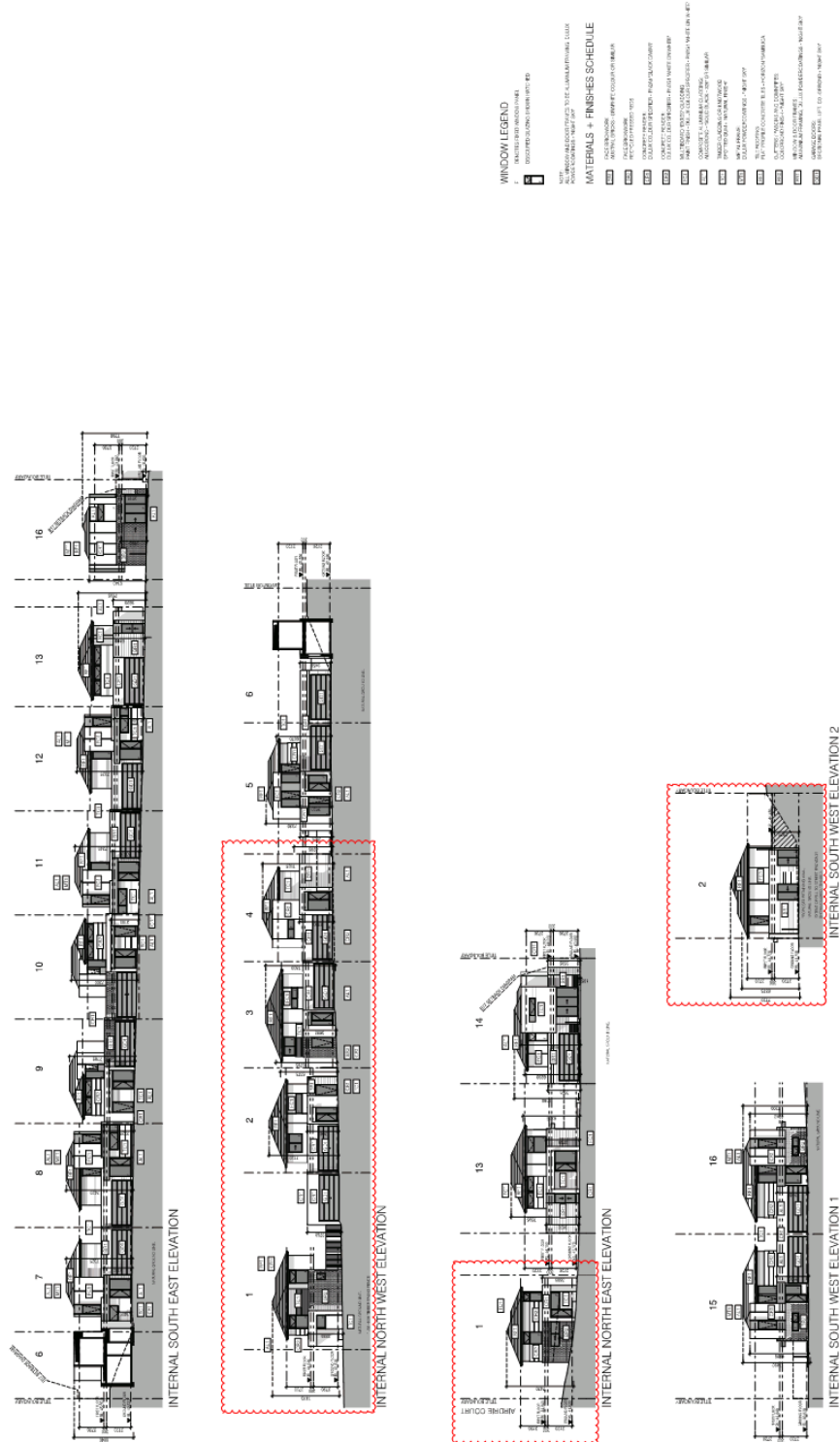
A Construction Management Plan will be required to manage construction phase issues. **(Condition 7)**.

9. **DECLARATION OF CONFLICT OF INTEREST**

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







WINDOW LEGEND

- SINGLE GLASS WINDOW
- DOUBLE GLASS WINDOW
- WINDOW WITH ALUMINUM FINISH
- WINDOW WITH ANTI-CORROSION PAINT
- WINDOW WITH ANTI-CORROSION PAINT AND ANTI-UV PAINT
- WINDOW WITH ANTI-CORROSION PAINT AND ANTI-UV PAINT AND ANTI-GLARE PAINT
- WINDOW WITH ANTI-CORROSION PAINT AND ANTI-UV PAINT AND ANTI-GLARE PAINT AND ANTI-REFLECTIVE PAINT
- WINDOW WITH ANTI-CORROSION PAINT AND ANTI-UV PAINT AND ANTI-GLARE PAINT AND ANTI-REFLECTIVE PAINT AND ANTI-STATIC PAINT
- WINDOW WITH ANTI-CORROSION PAINT AND ANTI-UV PAINT AND ANTI-GLARE PAINT AND ANTI-REFLECTIVE PAINT AND ANTI-STATIC PAINT AND ANTI-CORROSION PAINT
- WINDOW WITH ANTI-CORROSION PAINT AND ANTI-UV PAINT AND ANTI-GLARE PAINT AND ANTI-REFLECTIVE PAINT AND ANTI-STATIC PAINT AND ANTI-CORROSION PAINT AND ANTI-STATIC PAINT

MATERIALS + FINISHES SCHEDULE

- 001 CONCRETE
- 002 BRICK
- 003 RENDER
- 004 ANTI-CORROSION PAINT
- 005 ANTI-UV PAINT
- 006 ANTI-GLARE PAINT
- 007 ANTI-REFLECTIVE PAINT
- 008 ANTI-STATIC PAINT
- 009 ANTI-CORROSION PAINT AND ANTI-UV PAINT
- 010 ANTI-CORROSION PAINT AND ANTI-UV PAINT AND ANTI-GLARE PAINT
- 011 ANTI-CORROSION PAINT AND ANTI-UV PAINT AND ANTI-GLARE PAINT AND ANTI-REFLECTIVE PAINT
- 012 ANTI-CORROSION PAINT AND ANTI-UV PAINT AND ANTI-GLARE PAINT AND ANTI-REFLECTIVE PAINT AND ANTI-STATIC PAINT
- 013 ANTI-CORROSION PAINT AND ANTI-UV PAINT AND ANTI-GLARE PAINT AND ANTI-REFLECTIVE PAINT AND ANTI-STATIC PAINT AND ANTI-CORROSION PAINT
- 014 ANTI-CORROSION PAINT AND ANTI-UV PAINT AND ANTI-GLARE PAINT AND ANTI-REFLECTIVE PAINT AND ANTI-STATIC PAINT AND ANTI-CORROSION PAINT AND ANTI-STATIC PAINT

PROJECT	RESIDENTIAL DEVELOPMENT 20-23 AIRDRE COURT LOWER TEMPLESTONE VIC 3107 CITY OF
ARCHITECT	TAQUARCHITECTS 447 COLLIER STREET MELBOURNE VIC 3008 PH: 03 9412 1234 WWW.TAQUARCHITECTS.COM.AU
DATE	15/10/2017
SCALE	1:300 (IF A)
DATE	16/03/16
PROJECT	INTERNAL ELEVATIONS
DATE	13/06/17
DATE	OCTOBER 2017
PROJECT	TPA00B
SCALE	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:

- State Planning Policy Framework
- Local Planning Policy Framework
- Clause 32.08 General Residential Zone, Schedule 1
- 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 1

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 encourage development that respects the neighbourhood character of the area.*
- *To encourage a diversity of housing types and housing growth particularly in locations offering good access to services and transport.*
- *To allow educational, recreational, religious, community and a limited range of other nonresidential 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.

State Planning Policy Framework

The relevant sections of the state 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 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.

Clause 21.05-2 Housing

The relevant objectives of this policy are:

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

The strategies to achieve these objectives include:

- *Ensure that the provision of housing stock responds to the needs of the municipality's population.*
- *Promote the consolidation of lots to provide for a diversity of housing types and design options.*

- *Ensure higher density residential development occurs around the prescribed activity centres and along main roads identified as Precinct 2 on the Residential Framework Plan 1 and Map 1 to this clause.*
- *Encourage development to be designed to respond to the needs of people with limited mobility, which may for example, incorporate lifts into three storey developments.*

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.*

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

The overarching objective of this policy is that development should achieve best practice in environmentally sustainable development from the design stage through to construction and operation. In the context of this policy, best practice is defined as a combination of commercially proven techniques, methodologies and systems, appropriate to the scale of development and site specific opportunities and constraints, which are demonstrated and locally available and have already led to optimum ESD outcomes. Best practice in the built environment encompasses the full life of the build. It is a policy to encourage innovative technology, design and processes in all development, which positively influence the sustainability of buildings.

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 objectives of this policy are:

- *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.*

It is policy that each application should have regard to the siting and form of the dwellings, car parking and access, landscaping and fencing. This area is slated for incremental change.

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*
- *1 visitor space to every 5 dwellings for developments of 5 or more dwellings*

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

Clause 55 Two more dwellings on a lot and residential buildings

The development of two or more dwellings on a lot must meet the requirements of this clause. An assessment against this clause is provided in this report.

General Provisions

Clause 65 Decision Guidelines

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


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

5.3 OTHER RELEVANT LEGISLATION AND POLICY

The following are relevant documents referenced in the Scheme that are particularly applicable to this application:

10 PLANNING & ENVIRONMENT

10.1 Amendment C122 Manningham Planning Scheme - Planning Control Update - Request for Authorisation

File Number: IN17/636
Responsible Director: Director Planning and Environment
Attachments: 1 Attachment 1 - C122 Amendment Documents [↓](#) 

EXECUTIVE SUMMARY

The purpose of this report is to consider the preparation and exhibition of an amendment to the Manningham Planning Scheme to correct some anomalies within the planning scheme that have occurred as a result of administrative mapping errors or as a result of overlays and/or zoning no longer being appropriate.

The Amendment also proposes to correct duplication errors in two schedules to the Design and Development Overlay and to remove the Heritage Overlay (HO48) from the Manningham City Council civic building site following a review of the Statement of Significance for the site.

The report seeks Council's support to request the Minister for Planning to authorise Council to prepare Amendment C122 to the Manningham Planning Scheme.

1. COUNCIL RESOLUTION

MOVED: CR PAUL MCLEISH
SECONDED: CR MICHELLE KLEINERT

That Council:

- A. Seeks authorisation of the Minister for Planning under section 8A of the *Planning and Environment Act 1987* to prepare an amendment to the Manningham Planning Scheme (Amendment C122) to correct a number of anomalies associated with the application of the zones and overlays across Council owned and other sites across Manningham, to correct formatting issues at Clause 43.02 of the Manningham Planning Scheme and to delete the Heritage Overlay (HO48) from the municipal offices at 699 Doncaster Road, Doncaster, generally in accordance with Attachment 1 to this report.**
- B. Subject to authorisation by the Minister for Planning, exhibits Amendment C122 to the Manningham Planning Scheme for one month.**

CARRIED

2. BACKGROUND

- 2.1 Amendment C122 is required to correct a number of administrative mapping anomalies that have been identified regarding the application of zones and overlays across various sites in Manningham, including a number of Council owned properties.

- 2.2 The majority of the Council owned properties are affected by a Public Acquisition Overlay (PAO) applied for the purpose of creating/extending parks or roads. As these parcels of land have now been acquired by a statutory authority (Council or Melbourne Water), it is proposed to remove the PAO as it is no longer required. There are ten properties affected by the removal of the PAO.
- 2.3 There are a further thirteen properties that require rezoning and/or overlay changes in order for them to be consistent with the intentions of the Planning Scheme. Several of these errors and anomalies have arisen from relatively recent amendments to the planning scheme where land has inadvertently been included in an incorrect zone. Other corrections relate to land in private ownership which appears to have been inadvertently incorporated within a public land zone when the new format Manningham Planning Scheme was approved in June 2000.
- 2.4 In addition, a minor duplication error has been identified within Schedule 4 to the Design and Development Overlay (DDO4) – Templestowe Environmental Residential Area and Schedule 5 to the Design and Development Overlay (DDO5) – Donvale / Doncaster Pine Tree Theme Area. It is proposed that the duplicated line be deleted from each schedule as part of this amendment.
- 2.5 The Amendment also proposes to remove the Heritage Overlay that currently applies to the Manningham Civic Centre at 699 Doncaster Road, Doncaster. (HO48). The Statement of Significance for the site was recently reviewed by heritage consultants Lovell Chen, who have identified a number of historical inaccuracies in the original assessment and on the basis of a further assessment have concluded that the building is not of sufficient significance at a local level to warrant inclusion in the Heritage Overlay.

3. DISCUSSION / ISSUE

- 3.1 The following section details the changes proposed as part of the Amendment:

Public Acquisition Overlay

- 3.2 Ten properties currently affected by the PAO have now been acquired by either Council or Melbourne Water and are/will be used for open space or road reservation purposes. Given that these parcels have now been acquired by the relevant statutory authority, the PAO is now considered to be redundant.
- 3.3 1/49 Walker Street, Doncaster (PAO7): This property comprises part of the Doncaster Hill Activity Centre and was purchased by Manningham City Council in early 2017 for the purpose of creating a road reservation.
- 3.4 2 Briar Court, Doncaster (PAO7): This property also forms part of the Doncaster Hill Activity Centre and was purchased by Council in 2011 for the purpose of creating a road reservation.
- 3.5 9 Koolkuna Avenue, Doncaster (PAO1): This property was purchased by Council in 2014, with the intention of enlarging the existing Carawatha reserve.

- 3.6 2A, 6A and 10A St Georges Avenue and 211A Williamsons Road, Templestowe Lower: These parcels were acquired by Council for the purpose of creating a continuous recreation trail between the Doncaster Hill Activity Centre and the Main Yarra Trail. As these parcels are now owned by Council, the PAO1 applying to this land is no longer required.
- 3.7 42A and 42 James Street, Templestowe (PAO1): These parcels are owned by Melbourne Water and Manningham City Council respectively and make up part of the *Ruffey Creek Linear Park*, with the intention of creating a continuous recreation trail between Doncaster Hill and the Main Yarra Trail.
- 3.8 23 McIntyres Road, Park Orchards (PAO1): This parcel is part of the Mullum Mullum Creek Linear Park and has been purchased by Council. As part of this amendment, another portion of this property is proposed to be rezoned to better categorise its use, as detailed in the next section.

Zoning and Overlays

- 3.9 136-140 Andersons Creek Road, Doncaster East: This parcel is currently in a General Residential Zone Schedule 3 (GRZ3) and is affected by Schedule 9 to the Design Development Overlay 9 (DDO9) – Residential Areas within the Pines Activity Centre. The subject land is currently developed with a gymnasium. Surrounding land to the south and east of the site is predominantly developed with single detached dwellings. Land to the north and north-west of the site forms part of The Pines Activity Centre and is in a Residential Growth Zone Schedule 2 – Residential Areas Along Main Roads (RGZ2) and is also affected by DDO9. The DDO9 was applied to the area forming part of The Pines Activity centre as part of Amendment C92 which was approved on 24 May 2012.
- 3.10 As part of the introduction of the reformed residential zones into the Manningham Planning Scheme (Amendment C105 approved 19 June 2014), all land affected by the former Residential 1 Zone (R1Z) in conjunction with the DDO9 was directly translated into the Residential Growth Zone Schedule 2 (RGZ2). It appears that the subject site was incorrectly included in the GRZ3 as part of the approval of Amendment C105.
- 3.11 The objectives of the existing zoning are inconsistent with the intent of the *Pines Activity Centre Structure Plan 2011* and the Design Objectives of the DDO9. It is considered that a rezoning to Residential Growth Zone – Schedule 2 (RGZ2) would allow for development that is consistent with the location and intended outcomes of the structure plan and the overlay.
- 3.12 10A and 12-16 Montgomery Street, Doncaster East: These parcels are currently located in a General Residential Zone – Schedule 2 (GRZ2) and are also affected by a Design and Development Overlay – Schedule 13 (DDO13 - Residential Areas Surrounding Prominent Intersections and/or Interfacing Commercial Areas. Some of the schedule objectives include:
- *To increase residential densities and provide a range of housing types around activity centres; and*
 - *To support four storey, 'apartment style', developments on larger lots where ResCode standards can be met and which are located at prominent intersections and/or which interface commercial areas.*

- 3.13 Recent changes to the GRZ (VC110) have resulted in conflict between the preferred outcomes for these parcels and the amended zoning controls. The current GRZ2 that applies to the aforementioned properties is inconsistent with the DDO13 and it is considered appropriate to apply a Residential Growth Zone Schedule 3 (RGZ3) as the objectives are consistent with the preferred outcomes for the development of the land to encourage higher density development.
- 3.14 169 -173 Bulleen Road, Bulleen: This privately held land parcel is zoned Urban Flood Zone (UFZ) and is used for sporting purposes. The adjacent land is zoned Public Park Recreation Zone (PPRZ) and is also used for sport and recreation purposes. The anomaly exists in the western corner and along the south-western boundary of the site where the PPRZ intrudes into the private land. The amendment is required to correct this anomaly by changing the zoning of the subject site from PPRZ to an UFZ.
- 3.15 17 and 19 Aminga Avenue, Donvale. As part of the introduction of the reformed residential zones into the Manningham Planning Scheme (Amendment C105 approved 19 June 2014), all land affected by the former Residential 3 Zone (R3Z) was directly translated into General Residential Schedule 1 (GRZ1). The subject sites were previously zoned R3Z. It appears, however, that they were incorrectly included in the NRZ1, as part of the approval of C105, rather than the General Residential Zone Schedule 1 (GRZ1).
- 3.16 144 Manningham Road, Bulleen: This parcel is zoned part Residential Growth Zone Schedule 2 (RGZ2) and part Road Zone 1 (RDZ1). The anomaly exists where the RDZ1 intrudes into the privately held parcel. This amendment seeks to delete the road zone from the subject site and apply RGZ2 and DDO8 to ensure consistency with existing provisions applying to the remainder of the site.
- 3.17 757 Doncaster Road, Doncaster: This land is zoned Mixed Use Zone (MUZ) and is located between land in a Commercial 1 Zone (C1Z) and a Residential Growth Zone (RGZ2). The parcel is currently undeveloped and serves as an informal carpark. A previous amendment (C106) removed the DDO8 overlay from the parcel and inadvertently removed the DDO1 also applying to the site. This amendment proposes to apply the DDO1 (Doncaster Road Strategy Area) over the subject site in order to facilitate its development in line with the desired character for the Doncaster Road area. It is also noted the adjacent laneway is in a General Residential Zone GRZ2. The amendment also proposes to rezone this section of land to MUZ to correct this anomaly.
- 3.18 Intersection of Doncaster Road and Heritage Boulevard Doncaster: This land, which is a declared arterial road under VicRoads control, has been modified recently in order to accommodate the signalised entry to the Tullamore estate which is currently under development. As the dimensions of the intersection have changed, VicRoads has requested that the RDZ1 and DDO1 be adjusted to include the changes made and bring the expanded road under its management.
- 3.19 2/12 Brackenbury Street, Warrandyte: This land is currently zoned Public Use Schedule 5 (PUZ5) and is used as a cemetery. Dividing the two parcels is a disused road zoned Neighbourhood Residential Zone Schedule 1 (NRZ1), and marked as 'Blair Street'. This zoning is inconsistent with its current use as part of the cemetery and is proposed to be rezoned to a PUZ5. The Design and Development Overlay Schedule 3 (DDO3) is also proposed to be removed from this land.

- 3.20 23 McIntyres Road, Park Orchards: This land comprises part of the Mullum Mullum Linear Creek Trail and was recently acquired by Manningham City Council. The land is currently zoned Rural Conservation Zone Schedule 3 (RCZ3) and is proposed to be rezoned to a Public Conservation and Resource Zone (PCRZ) in line with its use as a linear park. The Amendment also proposes to remove the Public Acquisition Overlay 1 (PAO1) from the north part of 23 McIntyres Road, Park Orchards.

Removal of Heritage Overlay

- 3.21 699 Doncaster Road, Doncaster: This site serves as the Council's administration and function centre. Built in the mid 1960s, the building on the site has been renovated and added to several times.
- 3.22 The building was identified as being of State significance in the *Heritage Study* (Context P/L, Peterson R, Stafford B 1991). The Statement of Significance identified the building as being. '*Of State significance as the most complex and arguably the finest expression of a Miesian pavilion in the state.*' Two significant trees on the site were also identified as being of significance in the *Manningham Heritage Garden and Significant Tree Study* (John Patrick Pty Ltd 2006), although these have since been removed as part of the development of MC² in approximately 2010.
- 3.23 Heritage consultants, Lovell Chen, were recently engaged to undertake a review of the Statement of Significance for the municipal offices. In its initial assessment Lovell Chen questions the veracity of the original citation within the Manningham Heritage Study (1991). It noted that the citation provided little to substantiate the assertion of its significance. Notably, it included little comparative analysis and made no attempt to place the work within the Blocks' oeuvre or to place their work within the local architectural context. The citation also made no distinction between original and later fabric in its physical assessment of the building and contained a small number of errors and omissions in relation to the history and development of the building.
- 3.24 A more detailed assessment of the municipal offices has been completed by Lovell Chen who have noted that, among other things, '*In terms of its form, neither the original building as it existed in 1964 nor the building assessed in 2006 (sic) could reasonably be described as a Miesian pavilion...*' The assessment goes on to state that '*On the basis of the above, it is evident that the building does not meet the threshold of State significance.*'
- 3.25 Further discussion is provided on whether the building is of sufficient significance at a local level to warrant inclusion in the Heritage Overlay and notes, '*...its public face derives from works undertaken in the 1990s by, architects, Perrott Lyon Matheson. It provides no useful insights into the work of Mies van der Rohe or his influence on local architecture practice. It is an amalgam of architectural interventions...the building does not present as a well-resolved or coherent whole. On this basis, the building is not considered to be of sufficient aesthetic or architectural significance to warrant a HO.*'
- 3.26 Having regard to this assessment it is proposed that the Heritage Overlay (HO48) be removed from this site as part of this amendment.

Duplication error

- 3.27 Schedules 4 and 5 to the Design and Development Overlay: An error occurs under 1.0 Design objectives where the line 'To ensure *that development does not protrude above the prevailing height of the tree canopy*' is repeated. This Amendment seeks to remove the duplicated objective.

4. COUNCIL PLAN / STRATEGY

- 4.1 It is considered that the proposed amendment is in general alignment 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.

5. IMPACTS AND IMPLICATIONS***Community impact***

- 5.1 Individual owners of affected properties or anyone else materially affected will be notified of the proposed amendment.
- 5.2 The Amendment will provide greater certainty and clarity within the Planning Scheme by removing errors and redundant overlays, as well as supporting development within defined areas in line with Council plans and strategies.

6. IMPLEMENTATION***Finance/ Resource Implications***

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

Communication and Engagement**Consultation**

- 6.2 As part of the planning scheme amendment process, any persons deemed to be affected by the amendment will be given notice of the amendment and an opportunity to make a submission. The amendment will be placed on public exhibition for one month.
- 6.3 As the majority of changes to private properties seek to correct mapping errors, a number of which were inadvertently included in the wrong zone/overlay when amendments were finalised (e.g. through Amendment C105 which was intended to be a policy neutral amendment to introduce the reformed residential zones into the Manningham Planning Scheme), it is proposed to only notify the affected owner, or in some cases the adjacent property owners.
- 6.4 Given that the amendment relates to the removal of a Heritage Overlay and affects the historical Warrandyte Cemetery, it is also proposed to notify the Doncaster and Templestowe and Warrandyte Historical Societies.

Communication strategy

- 6.5 Subject to the authorisation of the Minister for Planning, the proposed amendment would be placed on public exhibition which will include:
- advertisement in the local newspaper and Government Gazette;
 - direct notification of adjoining and nearby properties (where necessary);
 - direct notification to the Doncaster and Templestowe Historical Society and Warrandyte Historical Society; and
 - notices to relevant statutory authorities and prescribed Ministers.

Timelines

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

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.

Planning and Environment Act 1987

MANNINGHAM PLANNING SCHEME

AMENDMENT C122

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 Manningham City Council.

Land affected by the amendment

The amendment applies to the following sites:

- 1/49 Walker Street, Doncaster;
- 2 Briar Court, Doncaster;
- 9 Koolkuna Avenue, Doncaster;
- 2A, 6A and 10A St Georges Avenue and 211A Williamsons Road, Templestowe Lower;
- 42A and 42 James Street, Templestowe;
- 136 Andersons Creek Road, Doncaster East;
- 10A and 12 - 16 Montgomery Street, Doncaster East;
- 169 -173 Bulleen Road, Bulleen;
- 17 and 19 Amiga Avenue, Donvale;
- 144 Manningham Road, Bulleen;
- 757 Doncaster Road, Doncaster;
- Intersection of Doncaster Road and Heritage Boulevard Doncaster;
- 2-12 Brackenbury Street, Warrandyte;
- 23 McIntyres Road, Park Orchards;
- 699 Doncaster Road, Doncaster;
- Land affected by Schedule 4 to the Design and Development Overlay (DDO4) – Templestowe Environmental Residential Area; and
- Land affected by Schedule 5 to the Design and Development Overlay (DDO5) – Donvale / Doncaster East Pine Tree Theme Area.

A mapping reference table is attached at Attachment 1 to this Explanatory Report

What the amendment does

The amendment is generally policy neutral and proposes to amend the Manningham Planning Scheme to correct a number of administrative mapping anomalies associated with the application of the zones and overlays across various sites in Manningham. A number of these corrections relate to the removal of a Public Acquisition Overlay (PAO) from land where the site has been acquired by a statutory authority, the correction of zoning anomalies, and correction of a duplication errors overlay provisions. The amendment also proposes that removal of Heritage Overlay (HO48) from the Municipal Offices at 699 Doncaster Road, Doncaster following a review of the Statement of Significance for the site.

In particular the amendment proposes to:

- Amend Map 7PAO to remove the Public Acquisition Overlay 7 (PAO7) from 1/49 Walker Street, Doncaster.
- Amend Map 7PAO to remove Public Acquisition Overlay 7 (PAO7) from 2 Briar Court, Doncaster.
- Amend Map 7PAO to remove Public Acquisition Overlay 1 (PAO1) from 9 Koolkuna Avenue, Doncaster.
- Amend Map 2PAO to remove Public Acquisition Overlay 1 (PAO1) from 10A, 6A and 2A St Georges Avenue, and 211A Williamsons Road, Templestowe Lower.
- Amend Map 2PAO to remove Public Acquisition Overlay 1 (PAO1) from 42A and 42 James Street, Templestowe.
- Amend Map 3 to rezone land at 136-140 Andersons Creek Road, Doncaster East from a General Residential Zone Schedule 3 (GRZ3) to a Residential Growth Zone Schedule 2 (RGZ2).
- Amend Map 8 to rezone land at 10A and 12-16 Montgomery Street, Doncaster East from a General Residential Zone – Schedule 2 (GRZ2) to a Residential Growth Zone Schedule 3 (RGZ3).
- Amend Map 6 to rezone part of the land at 169 - 173 Bulleen Road, Bulleen from a Public Park and Recreation Zone (PPRZ) to an Urban Flood Zone (UFZ).
- Amend Map 8 to rezone land at 17 and 19 Amiga Avenue, Donvale from a Neighbourhood Residential Zone Schedule 1 (NRZ1) to a General Residential Zone Schedule 1 (GRZ1).
- Amend Map 8 to rezone part of the land at 144 Manningham Road, Bulleen from a Road Zone Category 1 (RDZ1) to a Residential Growth Zone Schedule 2 (RGZ2). In addition, amend Map 8DDO to apply Schedule 8 (DDO8-1) to the entire site.
- Amend Map 7 to rezone part of the laneway adjoining land at 757 Doncaster Road, Doncaster from a General Residential Zone Schedule 2 (GRZ2) to a Mixed Use Zone (MUZ).
- Amend Map 7DDO to apply Schedule 1 to the Design and Development Overlay (DDO1) to the land at 757 Doncaster Road, Doncaster.
- Amend Map 7 to rezone part of the road reserve at the intersection of Doncaster Road and Heritage Boulevard, Doncaster from a Residential Growth Zone Schedule 1 (RGZ1) to a Road Zone Category 1 (RDZ1). In addition, amend Map 7DDO to apply DDO1 to that section of land to be rezoned Road Zone Category 1 (RDZ1).
- Amend Map 9 to rezone part of a disused road forming part of 2-12 Brakenbury Street, Warrandyte from Neighbourhood Residential Zone Schedule 1 (NRZ1) to Public Use Schedule 5 (PUZ5). In addition, amend map 9DDO to remove DDO3 from applying to the disused road.
- Amend Map 8 to rezone part of the land at 23 McIntyres Road, Park Orchards from Rural Conservation Zone Schedule 3 (RCZ3) to Public Conservation and Resource Zone (PCRZ).
- Amend Map 8PAO to remove the Public Acquisition Overlay schedule 1 (PAO1) from the north part of 23 McIntyres Road, Park Orchards.
- Amend Map 7HO to remove the Heritage Overlay (HO48) from 699 Doncaster Road, Doncaster. It also amends the schedule to Clause 43.01 Heritage Overlay to delete reference to heritage place HO48.
- Amend Schedule 4 to Clause 43.02 Design and Development Overlay to remove a duplicated objective.

- Amend Schedule 5 to Clause 43.02 Design and Development Overlay to remove a duplicated objective.

Why is the amendment required?

The amendment is required to correct a number of errors and anomalies that have been identified for various sites within the municipality associated with the zones and overlays currently applying to the land. Several of these errors have arisen from relatively recent amendments to the planning scheme where land has inadvertently been included in an incorrect zone, whilst other corrections relate to land in private ownership which appear to have been incorrectly incorporated within a public land use zone when the new format Manningham Planning Scheme was approved in June 2000.

This amendment also proposes to remove the Public Acquisition Overlay (PAO) from a number of properties that have been acquired by Council or by Melbourne Water over a number of years and which are now redundant. The amendment is also required to remove the Heritage Overlay from the municipal offices following a review of the Statement of Significance. A minor change is also proposed to Schedules 4 and 5 of the Design and Development Overlay to remove the duplication of one of the objectives.

The following changes are proposed as part of the Amendment:

Removal of Public Acquisition Overlays

1/49 Walker Street, Doncaster - This property comprises part of the Doncaster Hill Activity Centre and is owned by Manningham City Council. The property at 1/49 Walker Street has been purchased by Council for road purposes. As the properties have now been acquired by Manningham City Council, application of the PAO is now considered to be redundant.

2 Briar Court, Doncaster - This property also forms part of the Doncaster Hill Activity Centre and was purchased by Council in 2011 for the purpose of creating a road reservation. As the property is now owned by Manningham Council the PAO7 applying to this property is now redundant.

9 Koolkuna Avenue, Doncaster - This property was purchased by Council in 2014 for the purpose of enlarging the existing Carawatha Reserve. As the property is now owned by Council the PAO1 applying to this property is now redundant.

2A, 6A and 10A St Georges Avenue and 211A Williamsons Road, Templestowe Lower - These parcels were acquired by Council for the purpose of creating a continuous recreation trail between the Doncaster Hill Activity Centre and the Main Yarra trail. As these parcels are now owned by Council the PAO1 applying to this land is now redundant.

42A and 42 James Street, Templestowe. 42 James Street is owned by the City of Manningham and 42A James Street is owned by Melbourne Water. These properties form part of the Ruffey Creek Linear Park with 42A James Street comprising the creek bank. As the land is now owned by both Manningham City Council and Melbourne Water, application of the PAO is now considered to be redundant.

23 McIntyres Road, Park Orchards. This parcel is Part of the Mullum Mullum Creek Linear Park and has been purchased by Council. As part of this Amendment another portion of this property is proposed to be rezoned to better categorise its use, this is detailed in the next section.

Zoning Anomalies

136-140 Andersons Creek Road, Doncaster East - This parcel is currently in a General Residential Zone Schedule 3 (GRZ3) and is affected by Schedule 9 to the Design Development Overlay 9 (DDO9) – Residential Areas within the Pines Activity Centre. The objectives of the existing zoning are inconsistent with the intent of the *Pines Activity Centre Structure Plan 2011* and the Design Objectives of the overlay. It is considered that a rezoning to Residential Growth Zone – Schedule 2 (RGZ2) would allow for development that is consistent with the location and intended outcomes of the structure plan and the overlay.

10A and 12-16 Montgomery Street, Doncaster East - These parcels are currently located in a General Residential Zone – Schedule 2 (GRZ2) and are also affected by a Design and Development Overlay – Schedule 13 (DDO13 - Residential Areas Surrounding Prominent Intersections And/or Interfacing Commercial Areas. Some of the schedule objectives include:

- To increase residential densities and provide a range of housing types around activity centres; and
- To support four storey, 'apartment style', developments on larger lots where ResCode standards can be met and which are located at prominent intersections and/or which interface commercial areas.

Recent changes to the GRZ (VC110) resulted in conflict between the preferred outcomes for these parcels and the amended zoning controls. The current GRZ2 applying to the aforementioned properties is inconsistent with the DDO13 and it is considered appropriate to apply a Residential Growth Zone Schedule 3 (RGZ3) as the objectives are consistent with the preferred outcomes for the development of the land to encourage higher density development.

169 -173 Bulleen Road, Bulleen - This privately held land parcel is zoned Urban Flood Zone (UFZ) and is used for sporting purposes. The adjacent land is zoned Public Park Recreation Zone (PPRZ) which is also used for sport and recreation purposes. The anomaly exists in the western corner and along the south-western boundary of the site where the PPRZ intrudes into the private land. The amendment is required to correct this anomaly by rezoning the subject site from a PPRZ to an UFZ.

17 and 19 Amiga Avenue, Donvale - These two land parcels are currently zoned Neighbourhood Residential Zone Schedule 1 (NRZ1). Adjacent to land to the north and east is also in a NRZ1 and is affected by DDO5. As part of the introduction of the reformed residential zones (Amendment C105) these two parcels were inadvertently included in the NRZ1 rather than the General Residential Zone Schedule 1 (GRZ1).

144 Manningham Road, Bulleen - This parcel is zoned part Residential Growth Zone Schedule 2 (RGZ2) and part Road Zone 1 (RDZ1). The anomaly exists where the RDZ1 intrudes into the privately held parcel. This Amendment seeks to delete the road zone from the subject site and apply RGZ2 and DDO8 to ensure consistency with existing provisions applying to the remainder of the site.

757 Doncaster Road, Doncaster - This land is zoned Mixed Use Zone (MUZ) and is located between land in a Commercial 1 Zone (C1Z) and a Residential Growth Zone (RGZ2). The parcel is currently undeveloped and currently serves as an informal carpark. A previous amendment (C106) removed the DDO8 overlay from the parcel and inadvertently removed the DDO1 also applying to the site. This amendment proposes to apply the DDO1 (Doncaster Road Strategy Area) over the subject site in order to facilitate its development in line with the desired character for the Doncaster Road area. It is also noted the adjacent laneway is in a General Residential Zone GRZ2. The amendment also proposes to rezone this section of land to MUZ to correct this anomaly.

Intersection of Doncaster Road and Heritage Boulevard Doncaster – This land which is a declared arterial road under VicRoads control has been modified recently in order to accommodate the signalised entry to the Tullamore estate which is currently under development. As the dimensions of the intersection have changed, VicRoads has requested that the RDZ1 and DDO1 be adjusted to include the changes made and bring the expanded road under their management.

2-12 Brackenbury Street, Warrandyte - This land is currently zoned Public Use Schedule 5 (PUZ5) which is used as a cemetery. Dividing the 2 parcels is a disused road zoned Neighbourhood Residential Zone Schedule 1 (NRZ1), and marked as 'Blair Street'. This zoning is inconsistent with its current use as part of the cemetery and is proposed to be rezoned to a PUZ5. The Design and Development Overlay Schedule 3 (DDO3) is also proposed to be removed from this land.

23 McIntyres Road, Park Orchards - This land comprises part of the Mullum Mullum Linear Creek Trail and was recently acquired by Manningham City Council. The land is currently zoned Rural Conservation Zone Schedule 3 (RCZ3) and is proposed to be rezoned to a Public Conservation and Resource Zone (PCRZ) in line with its use as a linear park. The Amendment also proposes to remove the Public Acquisition Overlay 1 (PAO1) from the north part of 23 McIntyres Road, Park Orchards.

Removal of Heritage Overlay

699 Doncaster Road, Doncaster - This site serves as the Council's administration and function centre. Built in the mid 1960's it has been renovated and added to several times. A review of the heritage statement of significance for the site, identified a number of historical inaccuracies in the original assessment. As a result of these historical inaccuracies, it has been determined that the building does not meet the threshold of 'State significance'. Furthermore that the building is not of sufficient significance at a local level to warrant a Heritage Overlay.

Duplication error in Manningham Planning Scheme

Schedules 4 and 5 to the Design and Development Overlay - The error occurs under 1.0 Design objectives where the line 'To ensure that development does not protrude above the prevailing height of the tree canopy' is repeated twice. This Amendment seeks to remove the duplicated objective.

How does the amendment implement the objectives of planning in Victoria?

The amendment corrects a number of minor zoning and overlay anomalies ensuring the planning scheme provisions are correctly applied and implements the objectives of planning in Victoria as identified in Section 4 of the *Planning and Environmental Act 1987* as follows:

- To provide for the fair, orderly, economic and sustainable use and development of land;
- To secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria;
- To protect public utilities and other assets and enable the orderly provision and coordination of public utilities and other facilities for the benefit of the community; 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 are generally administrative in nature and are not likely to have any adverse environmental effects. The amendment is expected to have positive social and economic implications as it seeks to ensure that the overall zoning and application of overlays are consistently and appropriately applied.

It will provide greater clarity for land owners and enable the land to be developed in an appropriate manner.

Does the amendment address relevant bushfire risk?

The amendment and proposed changes are not likely to result in any increase to the risk of life, property, community infrastructure and the natural environment from bushfire.

The preparation of a separate fire assessment was not considered necessary since the majority of subject areas are in built up areas zoned Residential Growth Zone and General Residential Zone and are not located within a Bushfire Management Overlay (BMO) or a Bushfire Prone Area (BPA). While there are small linear parks following creeks and rivers, these are highly unlikely to be developed for any other purpose apart from conservation and recreation.

The relevant fire considerations in the construction of each dwelling will be a matter to be considered by the relevant building surveyor at the time of each individual owner's application for a building permit.

Does the amendment comply with the requirements of any Minister's Direction applicable to the amendment?

The amendment is consistent with the Ministerial Direction on the Form and Content of Planning Schemes under section 7 (5) of the *Planning and Environment Act 1987*.

The amendment is consistent with the Ministerial Direction No. 9: Metropolitan Strategy, with particular regard to:

- Direction 2.2.3 'Support new housing in activity centres and other places that offer good access to jobs, services and public transport';
- Direction 4.1 'Create more great public places across Melbourne';
- Direction 4.3 'Achieve and promote design excellence';
- Direction 4.5 'Plan for Melbourne's green wedges and peri-urban areas';
- Direction 5.1 'Create a city of 20-minute neighbourhoods'; and
- Direction 5.4 'Deliver local parks and green neighbourhoods in collaboration with communities'.

The amendment is consistent with the Ministerial Direction No. 11 – Strategic Assessment of Amendments.

How does the amendment support or implement the State Planning Policy Framework and any adopted State policy?

The amendment is consistent with the State Planning Policy Framework with particular regard to its objectives for Settlement (Clause 11), Environment and Landscape Values (Clause 12), Built Environment and Heritage (Clause 15), Housing (Clause 16) and Infrastructure (Clause 19).

How does the amendment support or implement the Local Planning Policy Framework, and specifically the Municipal Strategic Statement?

The amendment corrects a number of zoning and overlay anomalies that have been identified. The amendment does not alter the intent or implication of the Local Planning Policy Framework. The amendment will ensure that the clear policy direction is provided for the use and development of the affected lots by correcting how the overall zoning and overlay boundaries are applied.

Does the amendment make proper use of the Victoria Planning Provisions?

The amendment makes proper use of the Victorian Planning Provisions.

How does the amendment address the views of any relevant agency?

The amendment is being placed on public exhibition and will be accordingly be referred to relevant agencies for consideration.

Does the amendment address relevant requirements of the Transport Integration Act 2010?

The amendment is not expected to have any adverse implications on the transport system.

Resource and administrative costs

- **What impact will the new planning provisions have on the resource and administrative costs of the responsible authority?**

The amendment is unlikely to have any adverse implications on the resource and administrative costs of Council.

Where you may inspect this Amendment

The amendment is available for public inspection, free of charge, during office hours at the following places:

- Manningham City Council, 699 Doncaster Road, Doncaster;
- The Manningham website at www.yoursaymanningham.com.au/amendmentC122; and,
- At The Pines, Doncaster, Bulleen and Warrandyte branch 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.

Submissions

Any person who may be affected by the amendment may make a submission to the planning authority. Submissions about the amendment must be received by [insert submissions due date].

A submission must be sent to:

Vivien Williamson
Manager City Strategy
Manningham City Council
P O Box 1
DONCASTER VIC 3108

Or Online at www.yoursaymanningham.com.au/amendment-C122

Panel hearing dates

In accordance with clause 4(2) of Ministerial Direction No.15 the following panel hearing dates have been set for this amendment:

- directions hearing: [insert directions hearing date]
- panel hearing: [insert panel hearing date]]

ATTACHMENT 1 - Mapping reference table

Location	Land /Area Affected	Mapping Reference
Doncaster	1/49 Walker Street	Manningham C122 013d-paoMap07
Doncaster	2 Briar Court	Manningham C122 011d-paoMap07
Doncaster	9 Koolkuna Avenue	Manningham C122 012d-paoMap07
Templestowe Lower	2A, 6A and 10A St Georges Road and 211A Williamsons Road	Manningham C122 016d-paoMap02
Templestowe	42A and 42 James Street,	Manningham C122 015d-paoMap02
Doncaster East	136-140 Andersons Creek Road	Manningham C122 005znMap03
Doncaster East	10A and 12-16 Montgomery Street	Manningham C122 006znMap08
Bulleen	169-173 Bulleen Road	Manningham C122 007znMap06
Donvale	17 and 19 Amiga Avenue	Manningham C122 008znMap08
Bulleen	144 Manningham Road	Manningham C122 003znMap01 Manningham C122 001ddoMap01
Doncaster	757 Doncaster Road	Manningham C122 017ddoMap07 Manningham C122 009znMap07
Doncaster	Corner Doncaster Rd and Heritage Bvd	Manningham C122 007znMap07
Warrantyte	2-12 Brackenbury Street	Manningham C122 004znMap09
Park Orchards	23 McIntyres Road	Manningham C122 014d-paoMap08 Manningham C122 010znMap08
Doncaster	699 Doncaster Road	Manningham C122 018d-hoMap07

*Planning and Environment Act 1987***MANNINGHAM PLANNING SCHEME****AMENDMENT C122****INSTRUCTION SHEET**

The planning authority for this amendment is Manningham City Council

The Manningham Planning Scheme is amended as follows:

Planning Scheme Maps

The Planning Scheme Maps are amended by a total of 19 attached map sheets.

Zoning Maps

1. Amend Planning Scheme Map No's. 1, 3, 6, 7, 8 and 9 in the manner shown on the 9 attached maps marked "Manningham Planning Scheme, Amendment C122".

Overlay Maps

2. Amend Planning Scheme Map No's. 2PAO, 7PAO, 8PAO in the manner shown on the 6 attached maps marked "Manningham Planning Scheme, Amendment C122".
3. Amend Planning Scheme Map No. 7HO in the manner shown on the 1 attached map marked "Manningham Planning Scheme, Amendment C122".
4. Amend Planning Scheme Map No's. 1DDO, 7DDO in the manner shown on the 3 attached map marked "Manningham Planning Scheme, Amendment C122".

Planning Scheme Ordinance

The Planning Scheme Ordinance is amended as follows:

5. In Overlays – Clause 43.01, replace the Schedule with a new Schedule in the form of the attached document.
6. In Overlays – Clause 43.02, replace Schedule 4 with a new Schedule 4 in the form of the attached document
7. In Overlays – Clause 43.02, replace Schedule 5 with a new Schedule 5 in the form of the attached document

End of document

MANNINGHAM PLANNING SCHEME

21/02/2013
C54
Proposed C122

SCHEDULE 4 TO [CLAUSE 43.02](#) THE DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as DDO4.

TEMPLESTOWE ENVIRONMENTAL RESIDENTIAL AREA

1.0

Design objectives

21/02/2013
C54 Proposed
C122

To maintain and enhance the special bushland and low-density character of the Templestowe environmental residential area.

To ensure that development responds to the area's environmental characteristics, including topography, soils and vegetation, and is sympathetic to the existing built form and style.

To maintain the vegetation dominated vistas and bushland character.

To protect and enhance the pattern of vegetation, landscape quality and ecosystems.

To ensure that development recognises the existing infrastructure capacities and does not generate demand for extensive upgrades of infrastructure, including the standard of roads and drainage.

To maintain consistency, where present, of current front setbacks.

To ensure that development does not protrude above the prevailing height of the tree canopy.

To retain the predominance of single detached housing and discourage other forms of development.

To minimise earthworks.

To retain backyards and perimeter areas of the sites as an opportunity for planting canopy trees.

~~To ensure that development does not protrude above the prevailing height of the tree canopy.~~

To ensure that land retains areas of pervious surfaces and a low site coverage to enable the retention and establishment of vegetation, particularly that which is indigenous to the area.

To reinforce the open streetscape character by having no, or low fencing allowing the continuity of landscape and views to front gardens.

2.0

Buildings and works

21/02/2013
C54

Permit requirement

A permit is required to construct or carry out works for an outdoor domestic swimming pool or spa and associated mechanical and safety equipment associated with a dwelling.

A permit is required to construct a front fence.

Dwellings

Each lot must not be developed with more than one dwelling. A permit cannot be granted to vary this requirement.

MANNINGHAM PLANNING SCHEME

A permit is not required to construct a dwelling or construct or carry out works associated with a dwelling or a domestic swimming pool or spa and associated mechanical and safety equipment provided the following conditions are met:

Siting

- The dwelling is setback equal to or further from the frontage than any part of a building on an adjoining lot with frontage to the same road.
- The dwelling is set back at least 1.8 metres from the side boundary if the dwelling is not higher than 3.6 metres or at least 100 millimetres for every 300 millimetres or part that the building exceeds 3.6 metres.
- The dwelling is setback at least 5 metres from the rear boundary, to enable the provision of canopy trees within the setback zone so that an appropriate landscaped transitional edge can be created.
- The site coverage of the dwelling does not exceed 35 percent when combined with the area of any existing buildings on the land.
- At least 50 percent of the site is a garden, lawn or other pervious surface. It must not contain a building, domestic swimming pool or spa and associated mechanical and safety equipment or other impervious surface.

Form

- The dwelling has an overall height no greater than 8 metres above the natural surface level of the ground directly below that part.
- The floor area of any second storey element of a dwelling (including balconies) does not exceed 75 percent of the ground floor area (including verandahs and balconies).
- Porticos and other design features are to be integrated with the overall design of the building and not include imposing design features such as double storey porticos.
- The external colour scheme and materials of the dwelling are non-reflective and are in muted tones.

Car Parking and access

- Ensure that where garages and carports are located in the street elevation, they are setback a minimum of 1.0 metre from the front setback of a dwelling.
- Include only one vehicular crossover, except in circumstances where it is a corner site, or where the frontage exceeds 18 metres.

Earthworks

- The works (excluding the actual cavity of the domestic swimming pool or spa) do not exceed 1 metre in height or depth above or below natural ground level.
- The import or export of excavated material to or from the land does not exceed 50 cubic metres.
- The area of the works does not exceed 100 square metres.
- No works are carried out over an easement.

Fences

A permit is not required to construct a front fence provided:

MANNINGHAM PLANNING SCHEME

- the fence is a maximum height of 1.2 metres; and
- the fence is at least 50 percent transparent.

3.021/02/2013
C54**Subdivision**

Each lot must be at least 650 square metres.

This requirement does not apply to the subdivision of land containing more than one dwelling as at the approval date of this scheme or for which a planning permit for more than one dwelling has been issued prior to the approval date.

A permit cannot be granted to subdivide land which is not in accordance with any of these requirements.

4.0--/120--
C--
Proposed
C122Advertising signs

None specified.

5.0--/120--
C--
Proposed
C122Decision guidelines

None specified.

MANNINGHAM PLANNING SCHEME

21/02/2013
C64 Proposed
C122

SCHEDULE 5 TO [CLAUSE 43.02](#) ~~THE~~ DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as DDO5

DONVALE/DONCASTER EAST PINE TREE THEME AREA

1.0

Design objectives

21/02/2013
C64 Proposed
C122

To maintain and enhance the special pine-tree and low-density character of the Donvale/Doncaster East pine tree theme area.

To ensure that development responds to the area's characteristics, including topography and vegetation, and is sympathetic to the existing built form and style.

To protect and enhance the pattern of vegetation and landscape quality.

To ensure that development recognises the existing infrastructure capacities and does not generate demand for extensive upgrades of infrastructure, including the standard of roads and drainage.

To maintain consistency, where present, of current front setbacks.

To ensure that development does not protrude above the prevailing height of the tree canopy.

To retain the predominance of single detached housing and discourage other forms of development.

To minimise earthworks.

To retain backyards and perimeter areas of the sites as an opportunity for planting canopy trees.

~~To ensure that development does not protrude above the prevailing height of the tree canopy.~~

To ensure that land retains areas of pervious surfaces and a low site coverage to enable the retention and establishment of vegetation, particularly pine and cypress trees.

To reinforce the open streetscape character by having no, or low fencing allowing the continuity of landscape and views to front gardens.

2.0

Buildings and works

21/02/2013
C64

Permit requirement

A permit is required to construct or carry out works for an outdoor domestic swimming pool or spa and associated mechanical and safety equipment associated with a dwelling.

A permit is required to construct a front fence.

Dwellings

Each lot must not be developed with more than one dwelling. A permit cannot be granted to vary this requirement.

MANNINGHAM PLANNING SCHEME

A permit is not required to construct a dwelling or construct or carry out works associated with a dwelling or a domestic swimming pool or spa and associated mechanical and safety equipment provided the following conditions are met:

Siting

- The dwelling is setback equal to or further from the frontage than any part of a building on an adjoining lot with frontage to the same road.
- The dwelling is set back at least 1.8 metres from the side boundary if the dwelling is not higher than 3.6 metres or at least 100 millimetres for every 300 millimetres or part that the building exceeds 3.6 metres.
- The dwelling is setback at least 5 metres from the rear boundary, to enable the provision of canopy trees within the setback zone so that an appropriate landscaped transitional edge can be created.
- The site coverage of the dwelling does not exceed 25 percent when combined with the area of any existing buildings on the land.
- At least 50 percent of the site is a garden, lawn or other pervious surface. It must not contain a building, domestic swimming pool or spa and associated mechanical and safety equipment or other impervious surface.

Form

- The dwelling has an overall height no greater than 8 metres above the natural surface level of the ground directly below that part.
- The floor area of any second storey element of a dwelling (including balconies) does not exceed 75 percent of the ground floor area (including verandahs and balconies).
- Porticos and other design features are to be integrated with the overall design of the building and not include imposing design features such as double storey porticos.
- Any outbuilding has an area less than 50 square metres.
- The external colour scheme and materials of the dwelling are non-reflective and are in muted tones.

Car Parking and access

- Ensure that where garages and carports are located in the street elevation, they are setback a minimum of 1.0 metre from the front setback of a dwelling.
- Include only one vehicular crossover, except in circumstances where it is a corner site, or where the frontage exceeds 18 metres.

Fences

A permit is not required to construct a front fence provided:

- the fence is a maximum height of 1.2 metres; and
- the fence is at least 50 percent transparent.

3.0

19/01/2006
VC37

Subdivision

Unless the averaging option is applied, each lot must be at least 2,000 square metres.

MANNINGHAM PLANNING SCHEME

Averaging option

A permit may be granted to create lots of less than 2,000 square metres provided:

- The average area of all lots shown on the plan of subdivision is at least 2,000 square metres.
- Each lot is at least 1,500 square metres.
- No lot is more than 2,500 square metres.
- It can be demonstrated that a better environmental outcome will be achieved through the use of the averaging option than would have been achieved through the use of the 2,000 square metre minimum lot size.
- An overall development plan is prepared to the satisfaction of the responsible authority showing building envelopes, access, common property and subdivision details.
- The land does not contain a lot on a plan of subdivision approved by the Registrar of Titles created under an averaging option.
- The lot size and location of dwellings on abutting properties is considered.
- The use of space for access roads and driveways is minimised to maintain the unique character of the area and preserve as much vegetation as possible.
- The lots are connected to a reticulated sewerage system.
- An agreement under section 173 of the Act is entered into which prohibits the further subdivision of lots created under this averaging option.

A permit cannot be granted to subdivide land which is not in accordance with the 2,000 square metre minimum lot size or averaging option requirements.

4.0 Advertising signs

--/20--
C
Proposed
d C122

None specified.

5.0 Decision guidelines

--/20--
C
Proposed
G122

None specified.

MANNINGHAM PLANNING SCHEME

EXTRACT FROM HERITAGE OVERLAY.

SCHEDULE TO CLAUSE 43.01 HERITAGE OVERLAY

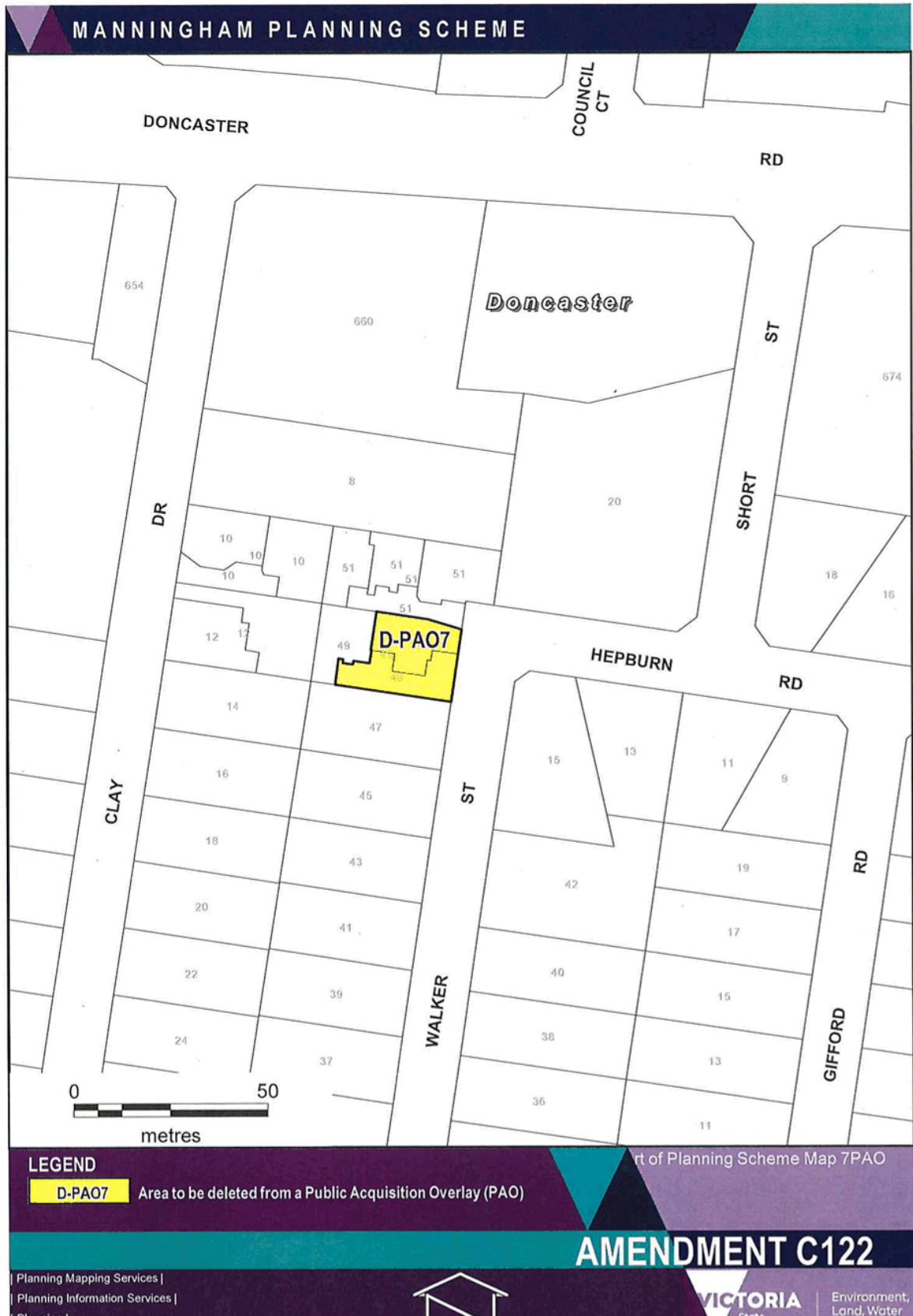
15/06/2017
C407 Proposed
122

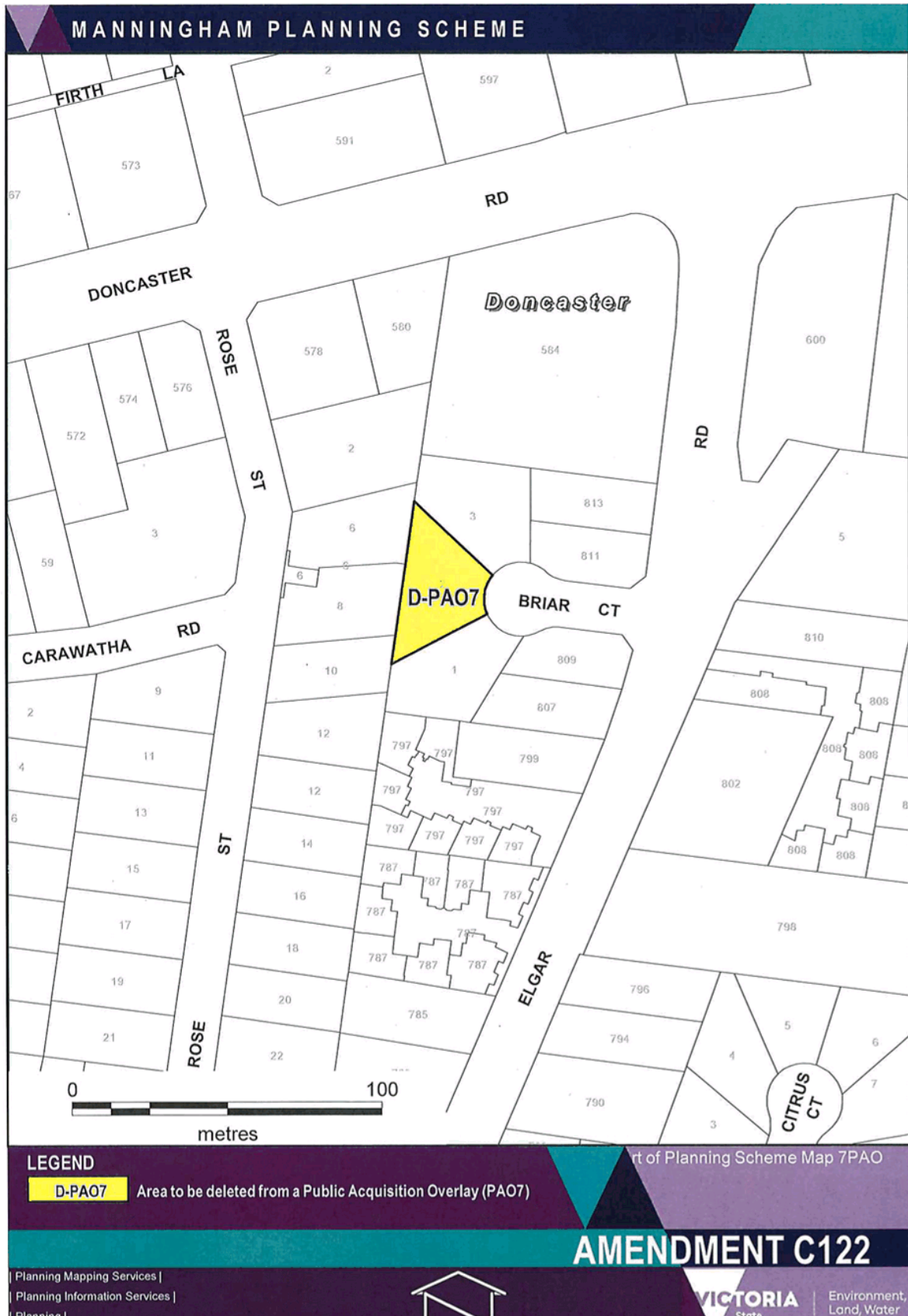
The requirements of this overlay apply to both the heritage place and its associated land.

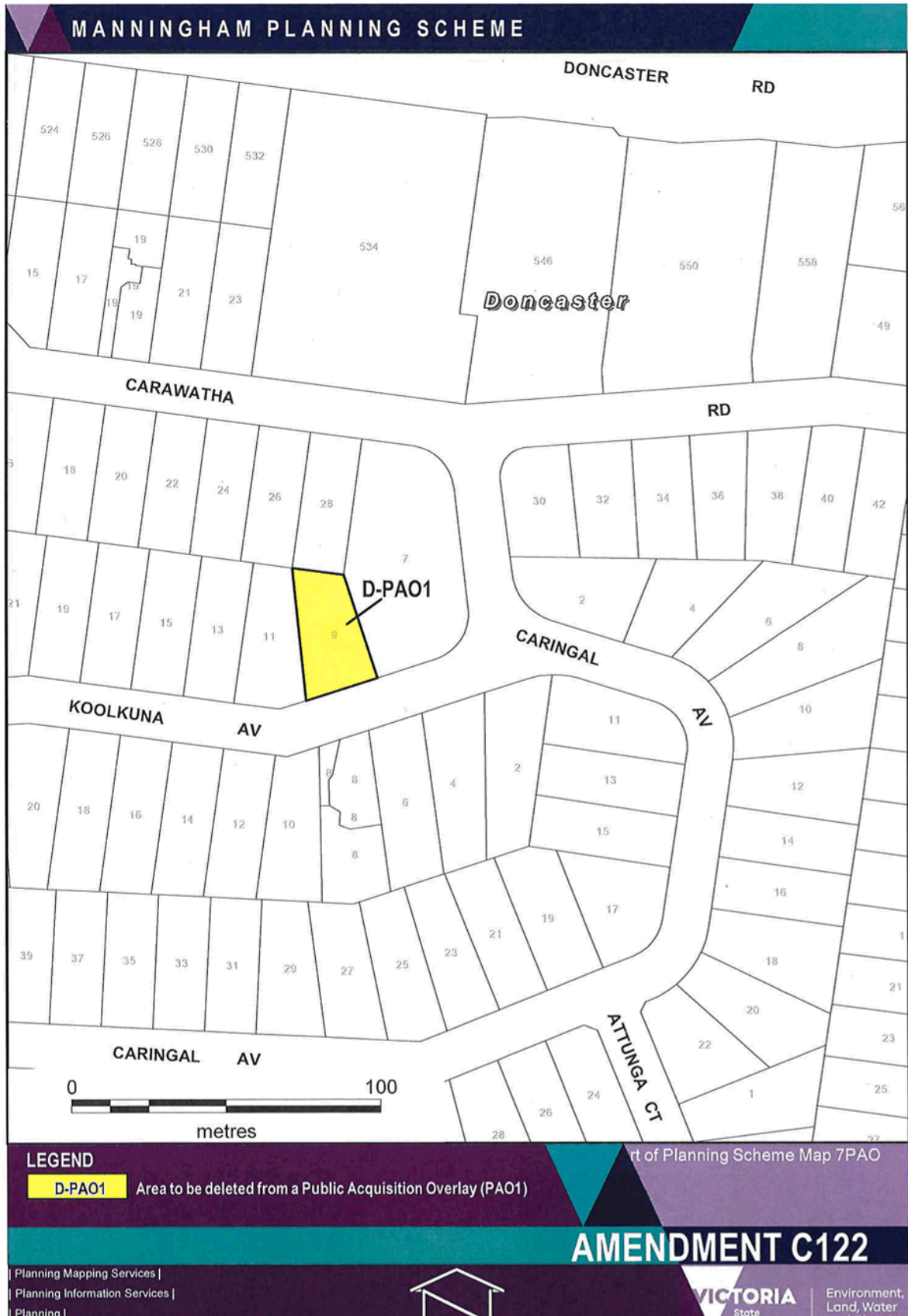
PS Map Ref	Heritage Place	External Paint Controls Apply?	Internal Alteration Controls Apply?	Tree Controls Apply?	Outbuildings or fences which are not exempt under Clause 43.01-3	Included on the Victorian Heritage Register under the Heritage Act 1995?	Prohibited uses may be permitted?	Name of Incorporated Plan under Clause 43.01-2	Aboriginal heritage place?
HO1	Archaeological sites - Alexander Road, Warrandyte	No	No	Yes	No	No	No	-	Yes
HO2	"Nijja" - Alexander Road, Warrandyte	No	No	Yes	Yes - garage	No	No	-	No
HO3	House "Glenfern" - 10 Amberley Court, Bulleen	No	No	Yes	No	No	No	-	No
HO4	Templestowe Primary School No. 1395 (former) - 1-9 Anderson Street, Templestowe	Yes	No	No	No	No	No	-	No
HO5	Templestowe Memorial Hall - 11-13 Anderson Street, Templestowe	Yes	Yes	Yes	No	No	No	-	No
HO6	East Doncaster Hall - Andersons Creek Road, Doncaster East	Yes	No	Yes	No	No	No	-	No
HO7	Milgate Park Estate - Andersons Creek Road, Doncaster East	No	No	Yes	No	No	No	-	No
HO8	Coolibah - 13 Arunga Drive, Wonga Park	No	No	Yes	Yes - outbuildings, windmill/bore	No	No	-	No
HO203	Menlo - 17-25 Atkinson Street, Templestowe	-	-	-	-	Yes - Ref. No. H2294	Yes	-	No

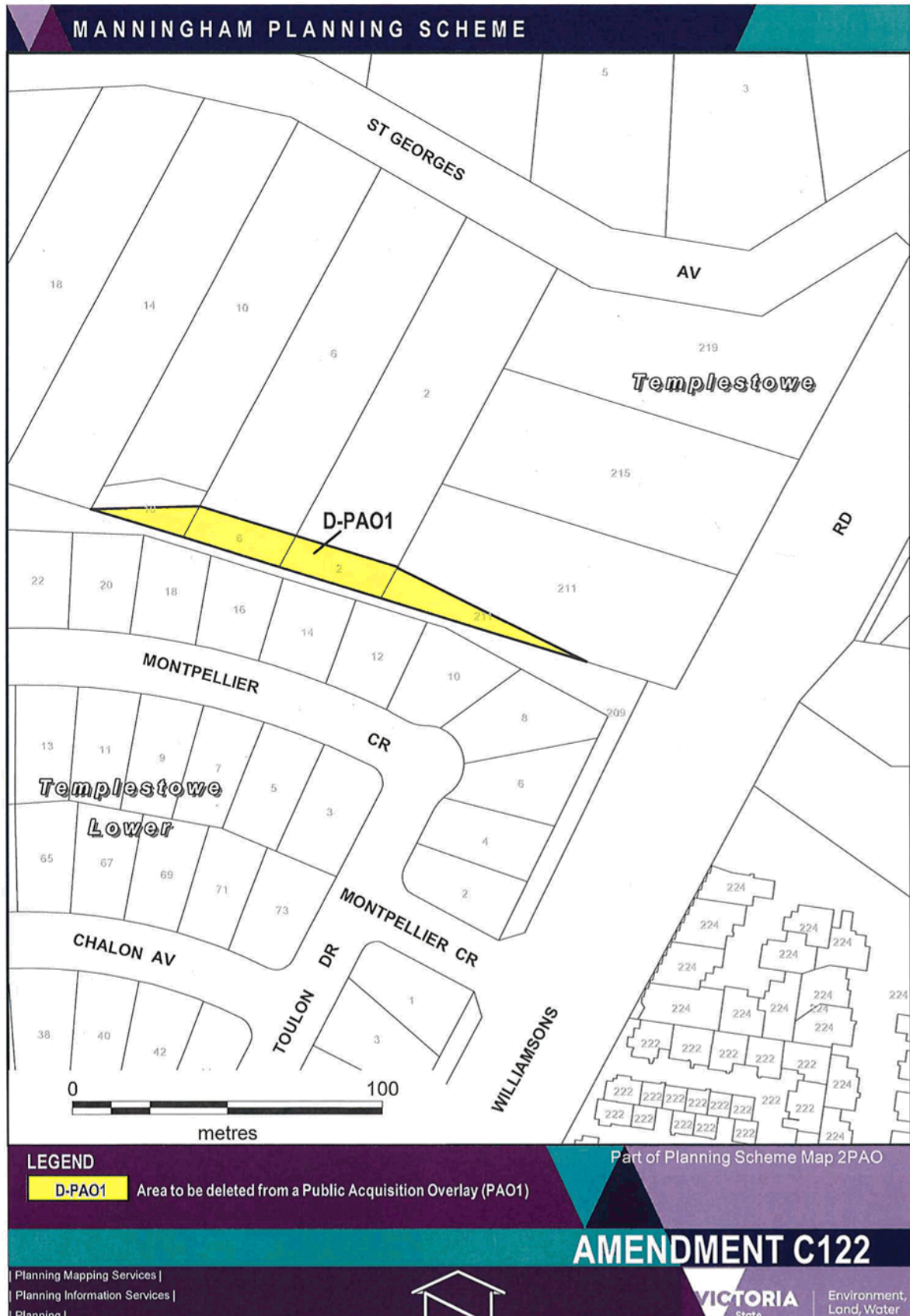
MANNINGHAM PLANNING SCHEME

PS Map Ref	Heritage Place	External Paint Controls Apply?	Internal Alteration Controls Apply?	Tree Controls Apply?	Outbuildings or fences which are not exempt under Clause 43.01-3	Included on the Victorian Heritage Register under the Heritage Act 1995?	Prohibited uses may be permitted?	Name of Incorporated Plan under Clause 43.01-2	Aboriginal heritage place?
HO48	City of Manningham Municipal Offices—699 Doncaster Road, Doncaster	No	No	Yes	Yes—artworks, fountain	No	No	-	No
HO215	House – 724 Doncaster Road, Doncaster	Yes	No	No	No	No	No	-	No
HO49	House - 783 Doncaster Road, Doncaster	Yes	No	No	Yes - timber outbuilding	No	No	-	No
HO50	"Plassey" - 891-893 Doncaster Road, Doncaster East	Yes	No	No	Yes - basework of conservatory	No	No	-	No
HO51	Inge & Grahame King House - 18 Drysdale Road, Warrandyte	-	-	-	-	Yes - Ref. No. H1313	Yes	-	No
HO52	Wonga Park Primary School No. 3241, Residence & Algerian Oak - 41 Dudley Rd, Wonga Park	No	No	Yes	No	No	No	-	No
HO53	Red Box tree - 4 Dudley Road, Wonga Park	No	No	Yes	No	No	No	-	No
HO55	Allen Property - 42 Dudley Road, Wonga Park	No	No	Yes	No	No	No	-	No
HO56	House – 61A (59) Dudley Road, Wonga Park	No	No	No	No	No	No	-	No
HO57	House - 9 Dundas Court, East Doncaster	No	Yes	No	No	No	No	-	No
HO58	Tiffany Heights - 9-11 Edgar Avenue, Wonga Park	No	No	Yes	No	No	No	-	No
HO216	House – 29 Edwin Road, Templestowe	No	No	No	No	No	No	-	No

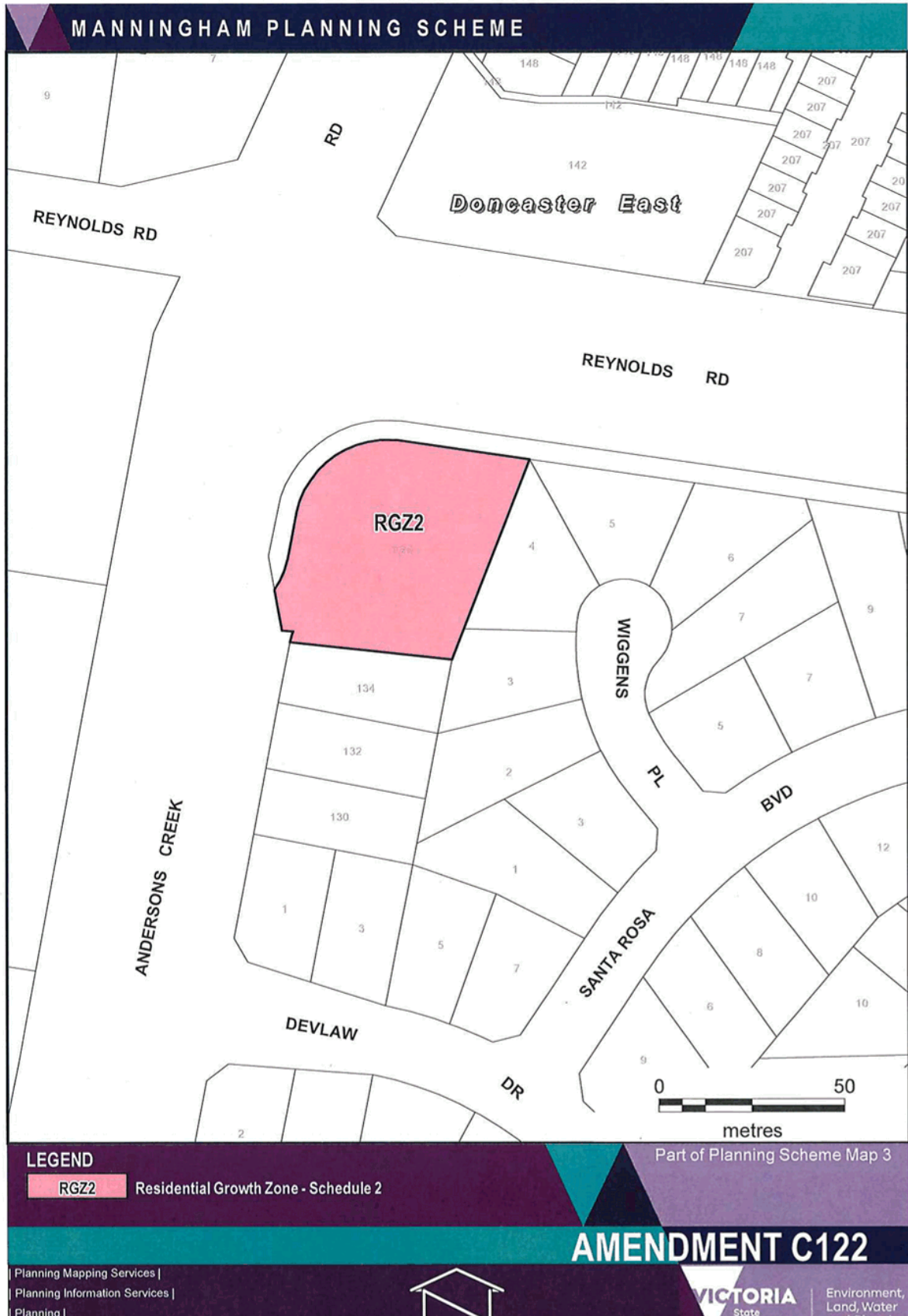


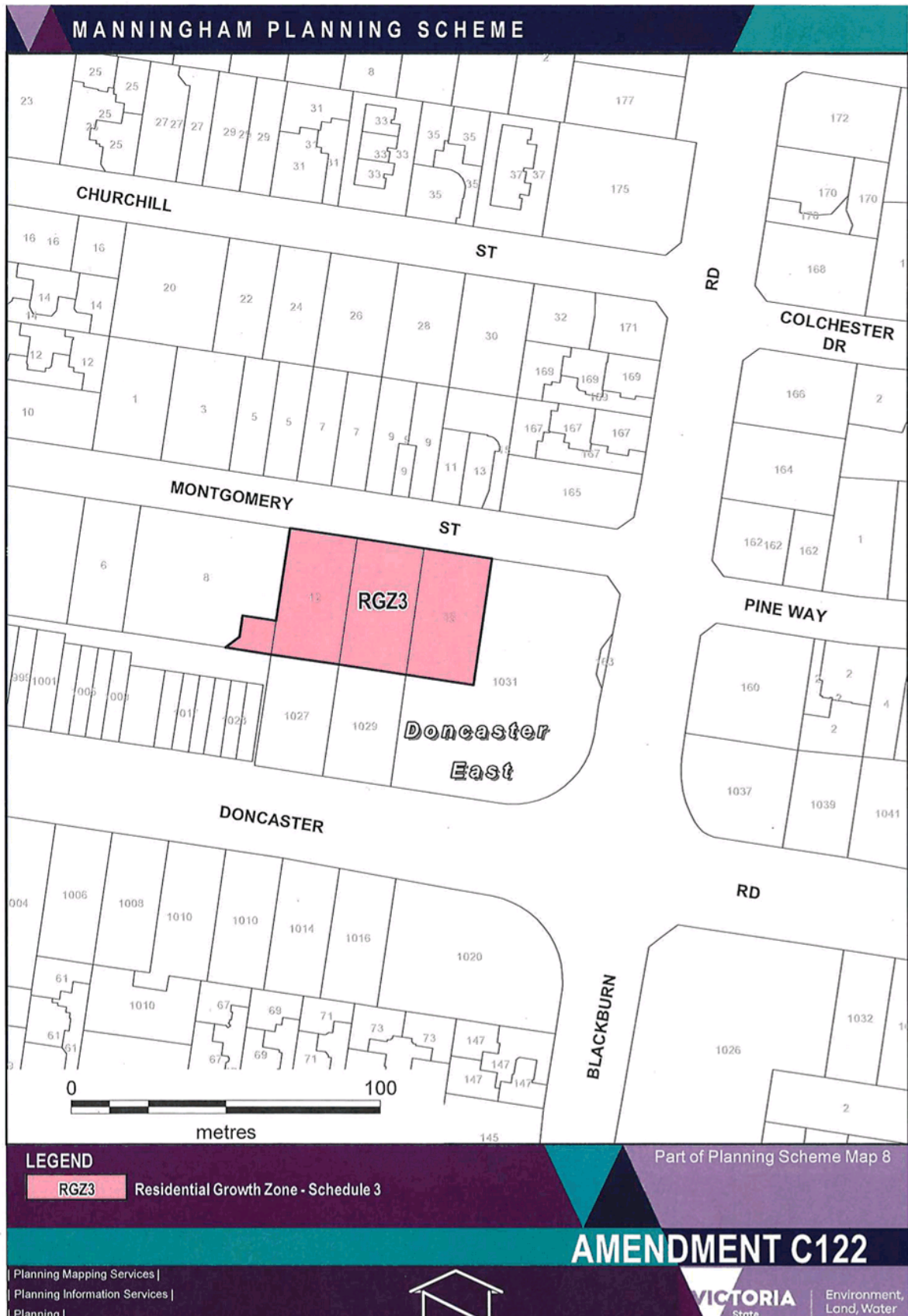






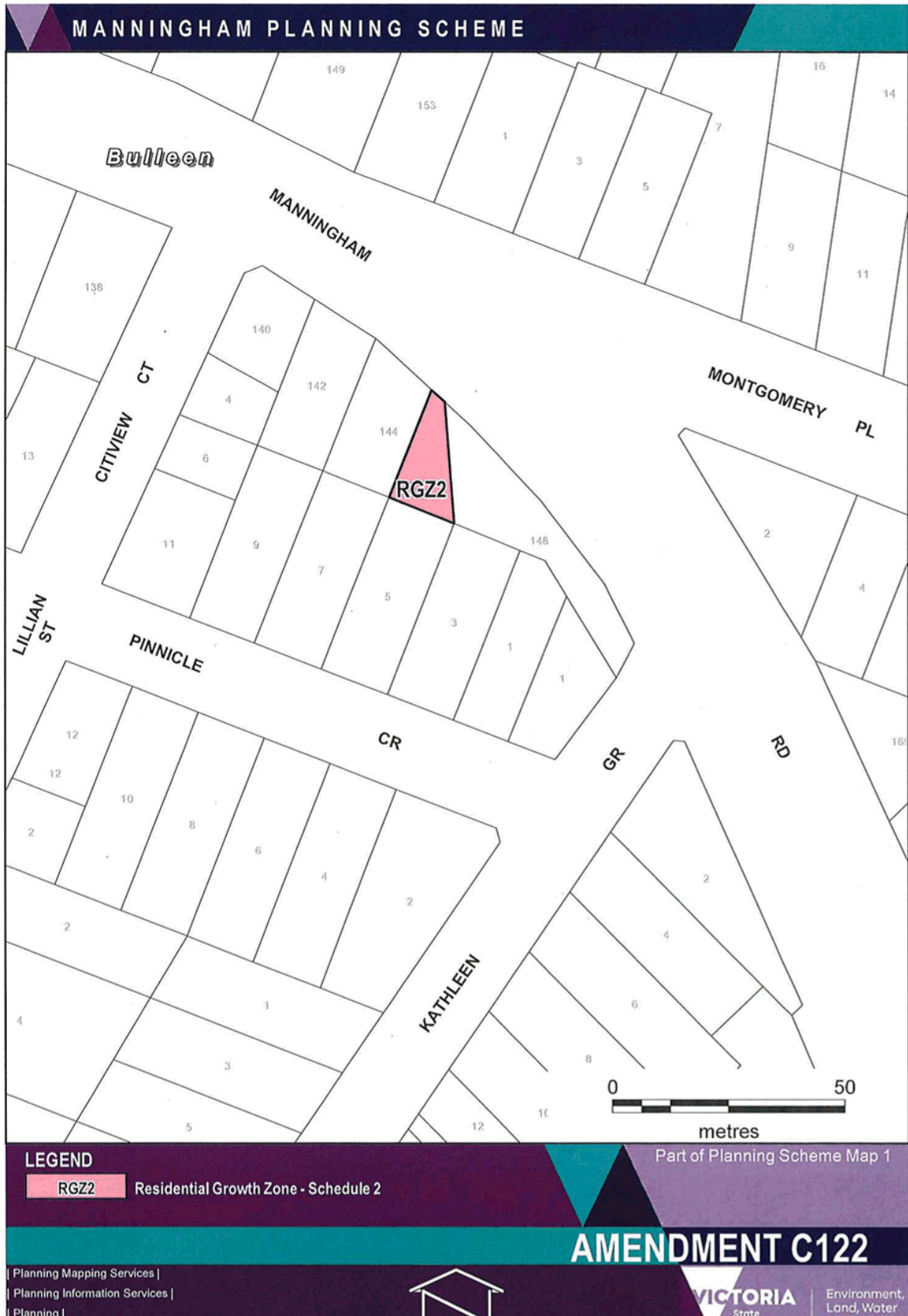


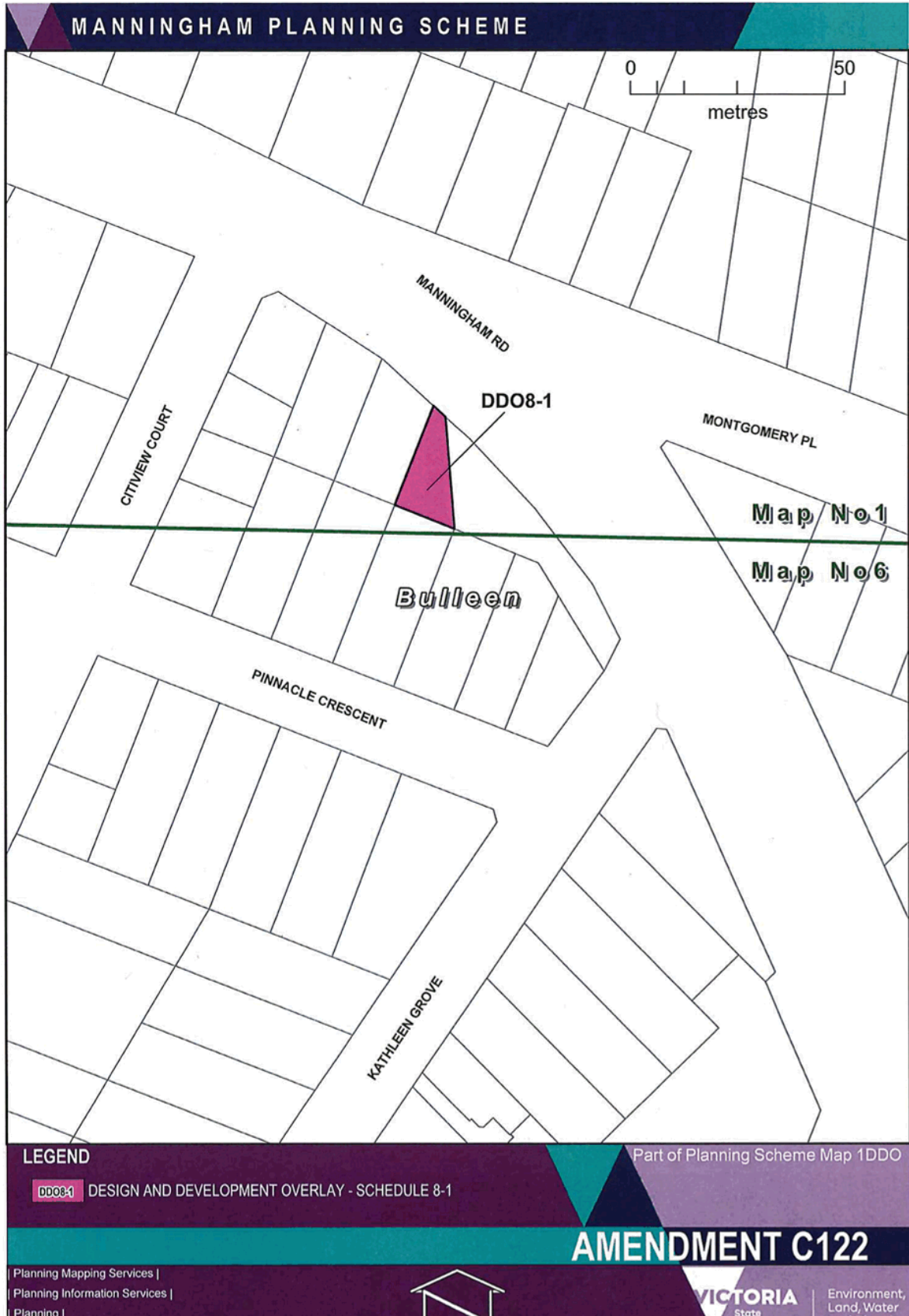






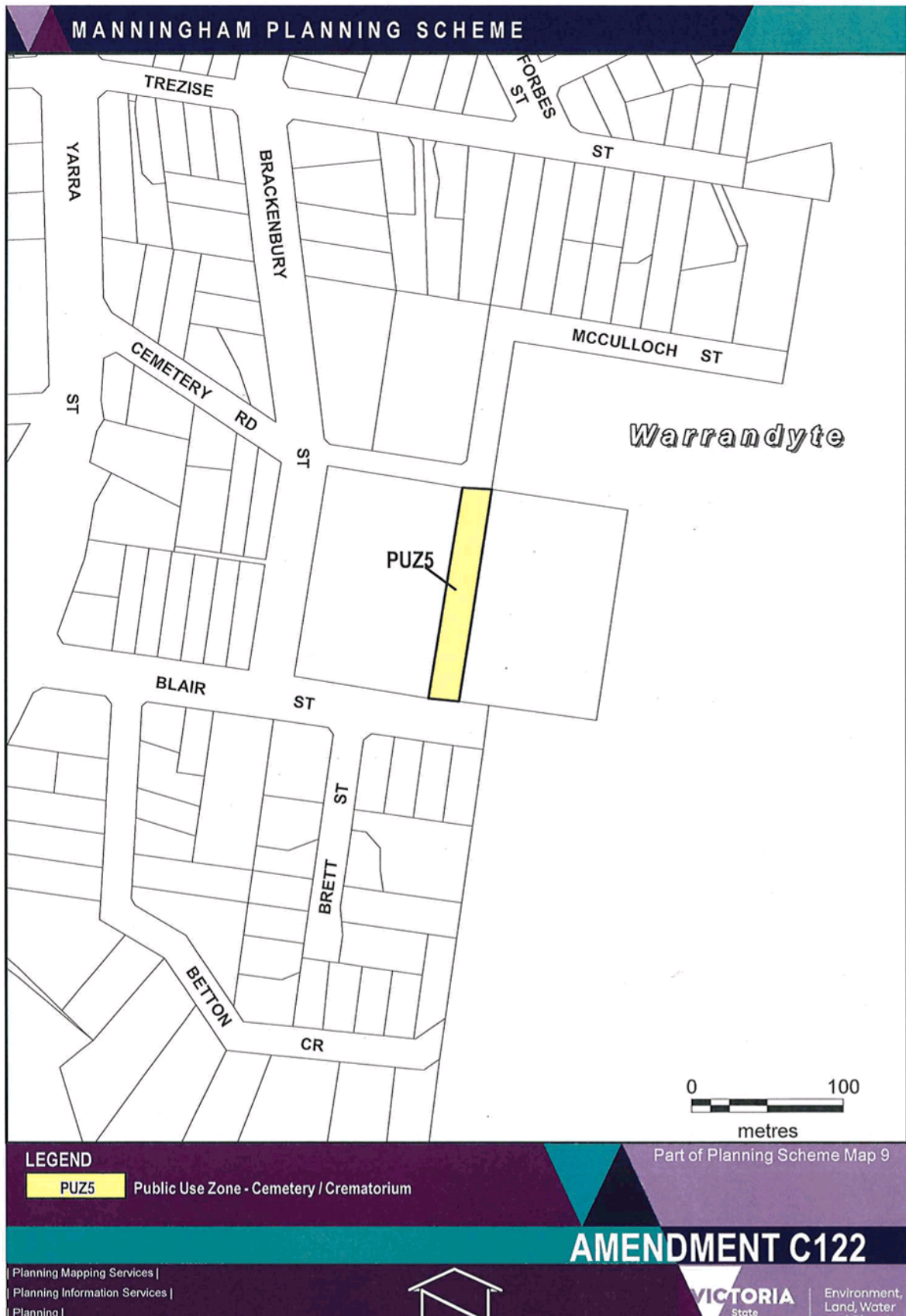


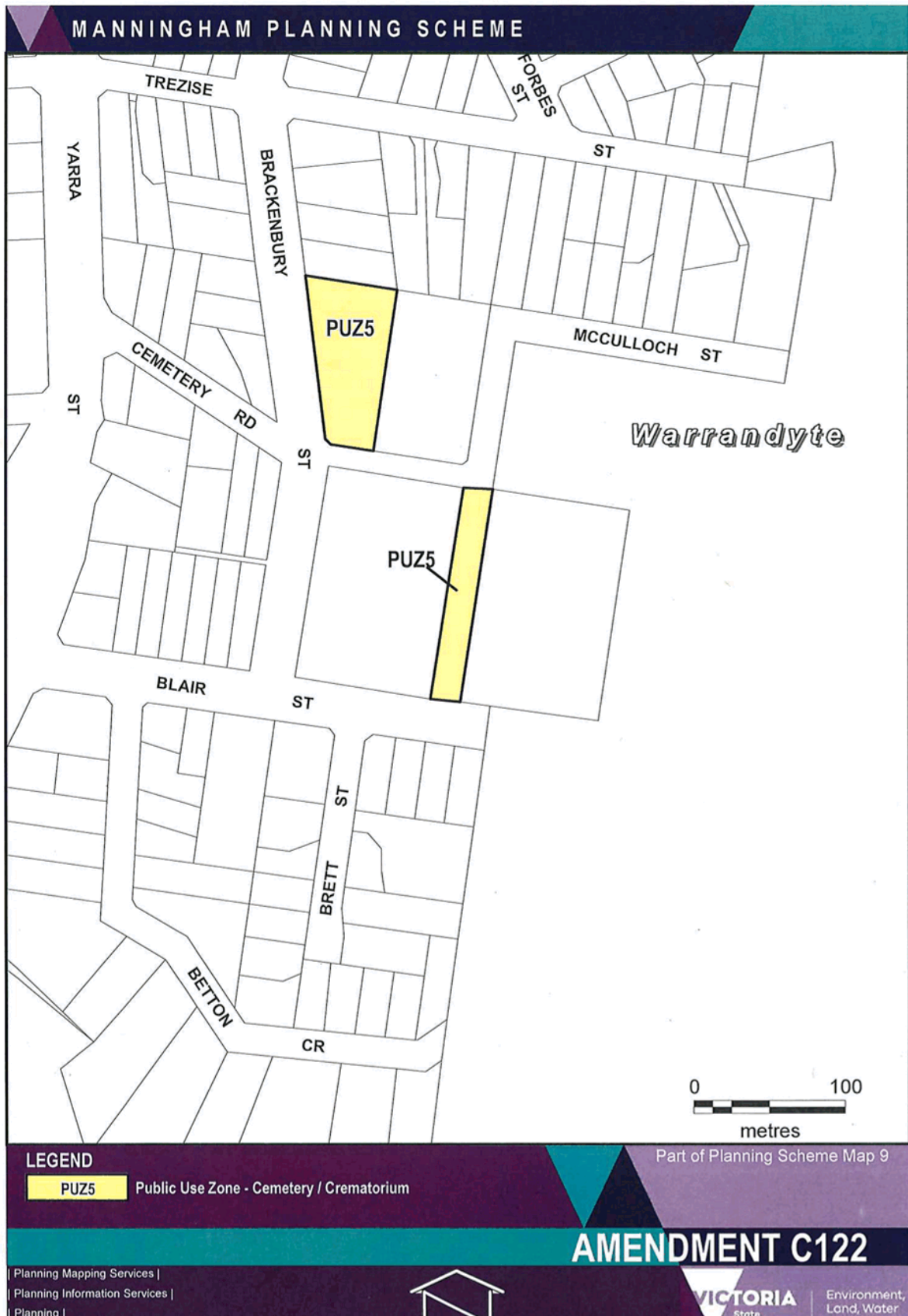


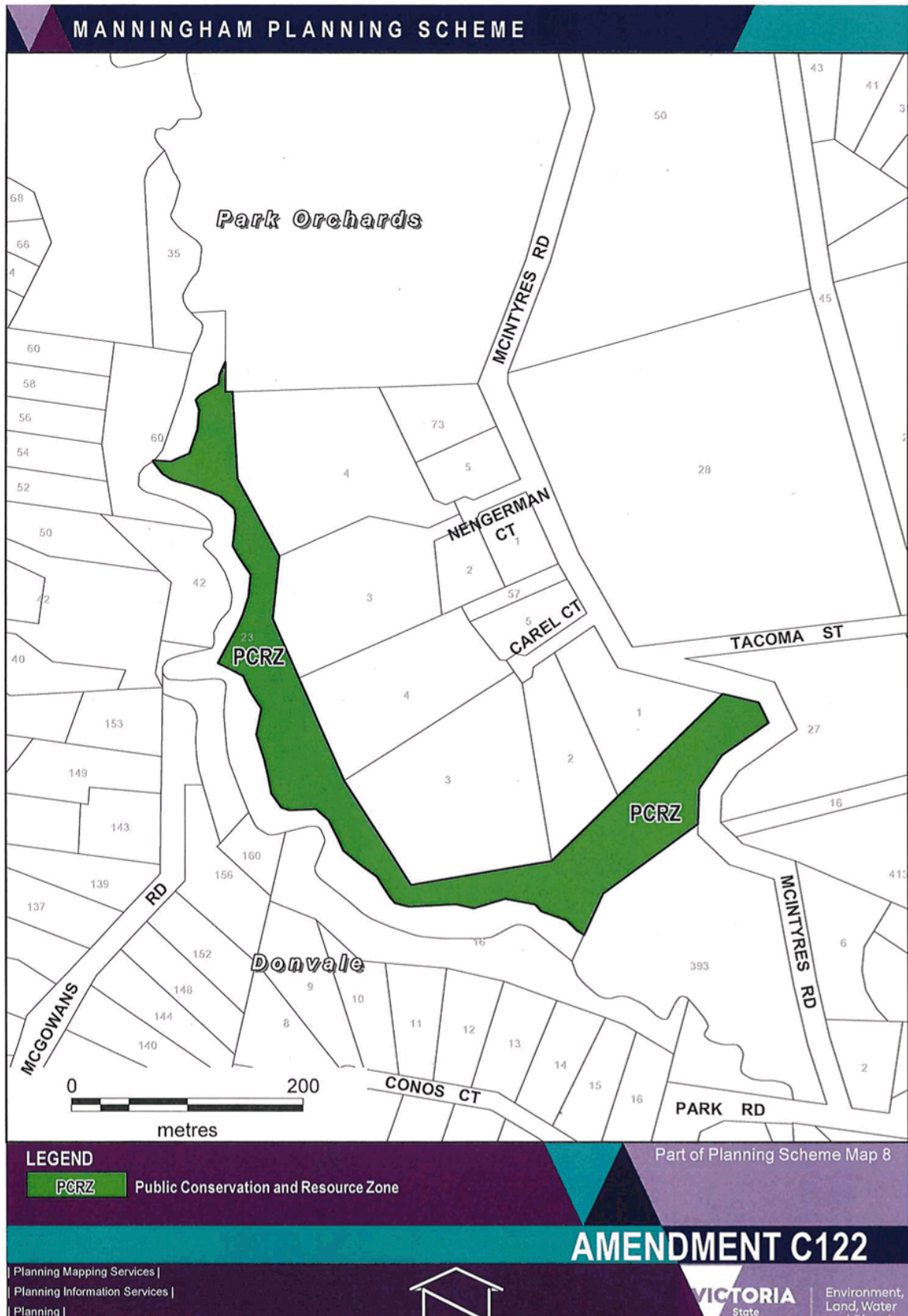


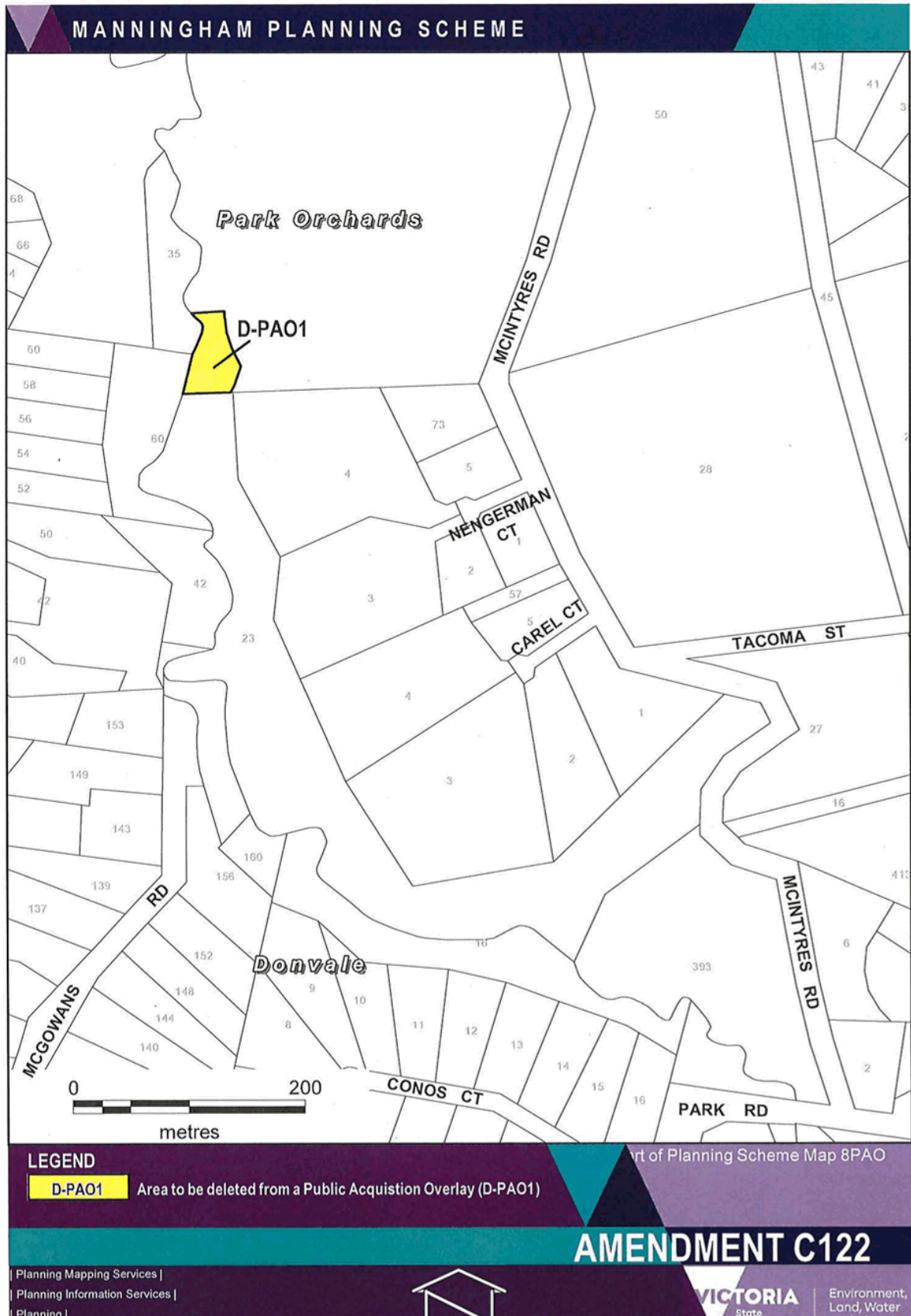


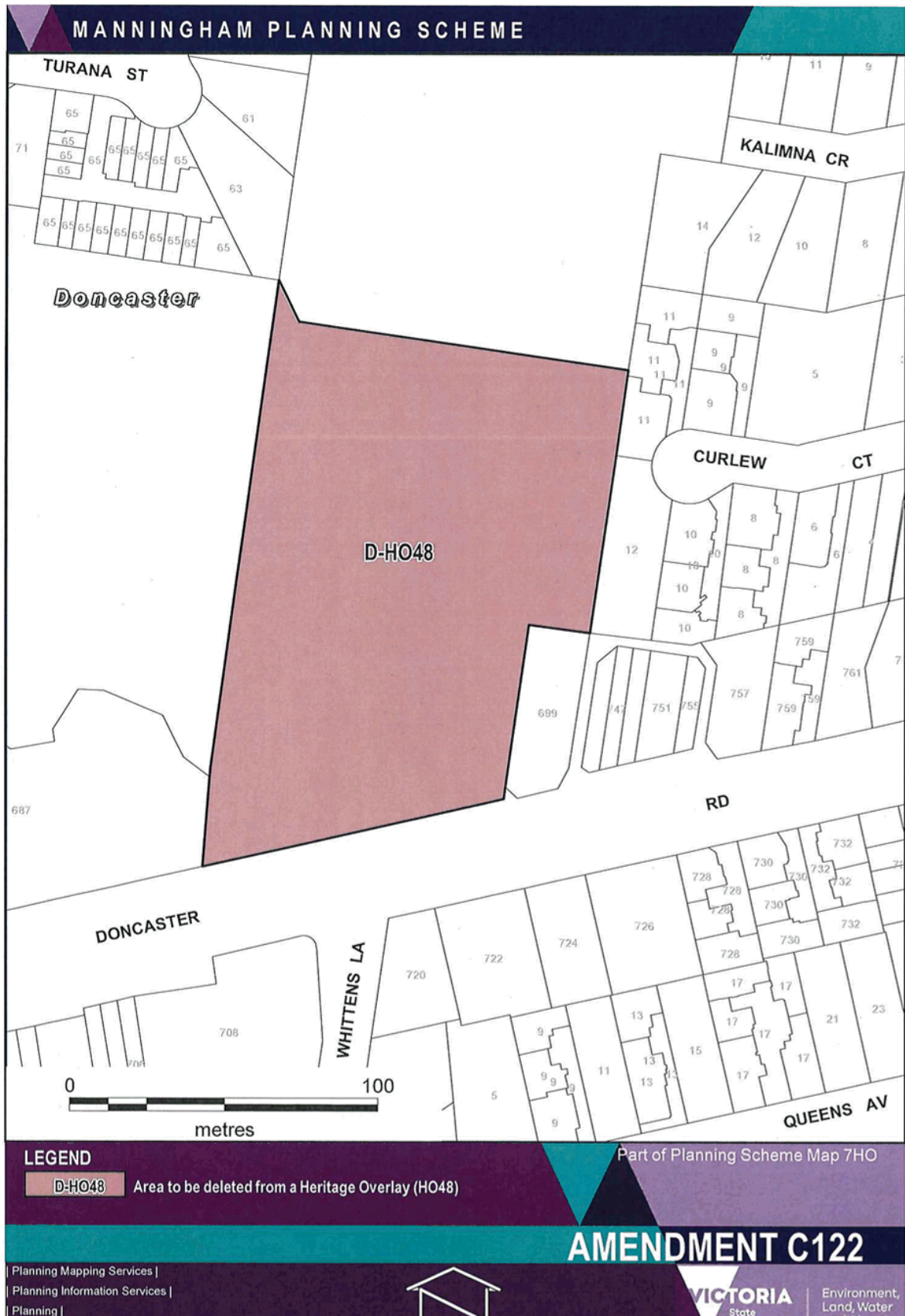




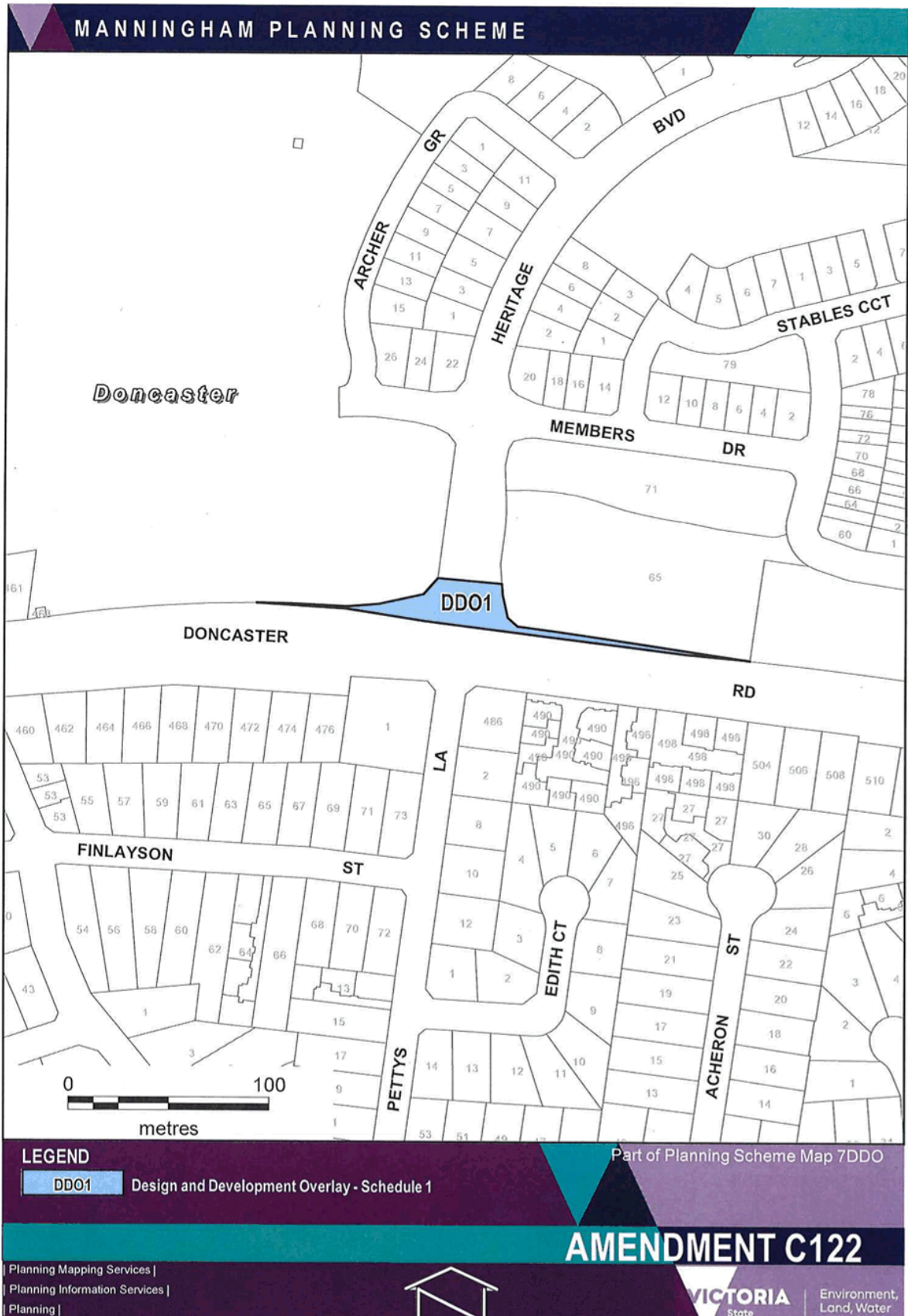














10.2 Victoria Planning Provisions Reform - Council Submission

File Number: IN17/627
Responsible Director: Director Planning and Environment
Attachments: 1 [Victoria Planning Provisions Reform - Draft Response](#) 


EXECUTIVE SUMMARY

The purpose of this report is to update Councillors on a discussion paper that has been prepared by the Department of Environment, Land, Water and Planning DELWP), entitled Reforming the Victoria Planning Provisions, and for Councillors to consider a submission prepared by Council officers.

The discussion paper was released on 16 October with feedback sought on the proposals included in the paper, initially by 24 November, but now by 1 December.

The Victoria Planning Provisions (VPP) are the framework and templates on which all Victorian planning schemes are based. They apply to all provisions within planning schemes, including the State Planning Policy Framework, the Local Planning Policy Framework, zones, overlays, particular provisions and general provisions.

The purpose of the discussion paper is to seek comment on proposed changes to the structure and operation of the VPP, as well as proposed changes to specific VPP provisions. The five key proposals included in the discussion paper focus on simplifying and improving the operation of the VPP and laying the foundations for further transformation initiatives:

- 1. A simpler VPP structure with VicSmart assessment built in*
- 2. An integrated planning policy framework*
- 3. Assessment pathways for simpler proposals*
- 4. Smarter planning scheme drafting*
- 5. Improvements to specific provisions*

The Council submission (Attachment 1) responds to the proposals in the discussion paper, as well as to specific questions posed in relation to each proposal.

In general, reforming and modernising the VPP is considered appropriate and indeed long overdue, and will increase the efficiency and effectiveness of Victorian planning schemes. More specifically, changes that will remove redundant provisions, remove duplications, and update the terms and definitions, are considered appropriate as they will make it clearer and easier to assess planning permit applications.

Some specific issues identified in the submission, that will ensure that the VPP are relevant and usable in the City of Manningham context include:

- The importance of clarifying and simplifying the green wedge provisions;*
- The importance of clarifying and simplifying flood management provisions;*

- *The need to clarify the relationship between the VPP and the current Planning Scheme review process; and*
- *The need to address the resourcing issues that will be associated with the proposed changes.*

1. COUNCIL RESOLUTION

MOVED: CR ANNA CHEN
SECONDED: CR MIKE ZAFIROPOULOS

That Council:

- A. Endorses the attached submission (Attachment 1) as Manningham City Council's submission to *Reforming the Victoria Planning Provisions – A discussion paper***
- B. Authorises Council officers to forward the submission to the Department of Environment, Land, Water and Planning.**

CARRIED

2. BACKGROUND

- 2.1 The Department of Environment, Land, Water and Planning (DELWP) has prepared the document '*Reforming the Victoria Planning Provisions – A discussion paper*' (the discussion paper) and is seeking comments from councils and from the Victorian community.
- 2.2 Consultation for the discussion paper began on Monday 16th October 2017, and initially was to conclude on Friday 24th November 2017, but has recently been extended to Friday 1 December 2017.
- 2.3 The Victoria Planning Provisions (VPP) are the framework and templates on which all Victorian planning schemes are based. It applies to all provisions within planning schemes, including the State Planning Policy Framework, the Local Planning Policy Framework, zones, overlays, particular provisions and general provisions.
- 2.4 The changes proposed in the discussion paper represent the first substantial changes to the VPP structure since it was introduced in 1997.
- 2.5 The VPP reform, as detailed in the discussion paper, seek to:
- restructure the VPP and redraft some provisions to reflect the principles of a modern planning scheme;
 - widen the opportunity to use the VicSmart assessment pathway for simple applications;
 - align the State Planning Policy Framework and Local Planning Policy Framework into an integrated policy framework;
 - improve the clarity and usability of the VPP;

- review and rationalise planning permit triggers;
 - review and increase permit exemptions where it can be demonstrated that uses are in accordance with the purpose of the zones;
 - respond to previous advisory committee reviews and new state government policy;
 - remove superfluous provisions, including duplicated and outdated clauses;
 - clarify common points of contention or confusion; and
 - update document titles and agency and ministerial references.
- 2.6 The discussion paper includes five proposals, each with sub-proposals. The proposals include:
- Proposal 1: A simpler VPP Structure with VicSmart assessment built in
 - Proposal 2: An integrated planning policy framework
 - Proposal 3: Assessment pathways for simple proposals
 - Proposal 4: Smarter planning scheme drafting
 - Proposal 5: Improve specific provisions
- 2.7 Following the closing of the period for submissions, DELWP will review the consultation responses and prioritise actions in December 2017 and January 2018.
- 2.8 DELWP has advised that it is anticipated that new VPP content will be drafted in the first half of 2018, and that changes will be gazetted into all Victorian planning schemes in mid-2018.

3. DISCUSSION / ISSUE

- 3.1 Other than minor changes that have been made to the VPP, there have not been any significant structural changes since it was introduced in 1997.
- 3.2 Since this time, planning schemes have grown in size and complexity. The discussion paper notes that this “not only affects their efficiency and effectiveness, it also acts as a barrier to long-term change and the benefits that technology can deliver through more responsive and accessible planning services.”
- 3.3 A short summary and discussion of each of the proposals is provided below:
- **Proposal 1: A simpler VPP Structure with VicSmart assessment built in** – the main component of this proposal is to relocate the VicSmart streamlined assessment pathways from Clause 90 of the VPP to the particular provisions at Clause 50. This is considered to be an appropriate revision as it will increase the visibility of the VicSmart, and increase usage of the streamlined assessment pathways.

- **Proposal 2: An integrated planning policy framework** – this proposal seeks to integrate the State Planning Policy Framework (SPPF) and the Local Planning Policy Framework (LPPF) into a Planning Policy Framework (PPF). The PPF will include three levels of policy including State, regional and local. Council will still have the ability to determine regional and local planning policy content. This proposal will be beneficial as it will allow Council officers, when assessing planning permit applications, to review the State, regional and local planning policy direction in one clause, rather than assessing multiple clauses.
 - **Proposal 3: Assessment pathways for simple proposals** – in this proposal, code-based assessments are proposed. These assessments are only proposed where uses have a low amenity risk and are completely in accordance with the purpose of the zones and overlays. The code-based assessments are intended to expedite planning permits being issued where a particular class of development meets all identified conditions. Code-based assessments are a streamlined and efficient assessment approach, and is considered positive as it will result in minor and low risk applications being assessed, and planning permits issued in short timeframes.
 - **Proposal 4: Smarter planning scheme drafting** – this proposal identifies that a new VPP user manual and a dedicated DELWP business unit will be created to assist local councils with the transition to the new VPP, as well as to provide ongoing support in the drafting of future planning scheme provisions. The VPP user manual and dedicated business unit are essential for the successful transition to new VPP content. Further to this, it is noted in the submission that consistent and long-term funding and resourcing is critical to the success of all of the proposed reforms.
 - **Proposal 5: Improve specific provisions** – this proposal details specific changes in the SPPF, LPPF, zones, overlays, particular provisions, general provisions and definitions. Most of the specific changes are supported and will result in benefits including reducing planning permit application requirements, introducing additional and appropriate planning permit exemptions, and faster processing times.
- 3.4 Reforming and modernising the VPP is considered appropriate, as it will increase the efficiency and effectiveness of Victorian planning schemes.
- 3.5 More specifically, changes that will remove redundant provisions, remove duplications, and update the terms and definitions, are considered appropriate as the changes will make it clearer and easier to assess planning permit applications.
- 3.6 While each of the proposals above are broadly supported, the submission details that Manningham would not support:
- Removal of the need for a permit for a dwelling extension or associated outbuilding. Manningham receives many applications for extensions and outbuildings in its rural zones, many of which are excessively large or inappropriately sited and designed for rural areas,

- Providing an exemption from car parking requirements in selected zones (commercial, industrial and mixed use zones) for existing buildings where floor area is not increased (such as change of use applications). In many instances, changing a Section 1 use to another Section 1 use may still increase demand and need for car parking and car parking assessments in these situations are still considered necessary.

3.7 Specific changes and additions have also been suggested in the submission, to ensure that the VPP are relevant and usable in the City of Manningham context.

4. COUNCIL PLAN / STRATEGY

4.1 The submission to the discussion paper is supported by the following goals of the Council Plan 2017-2021:

- Goal 2.1 – *Inviting places and spaces*, which seeks to ensure that planning decisions are timely and appropriate.
- Goal 5.2 – *A Council that values citizens in all that we do*, which seeks to support residents and business to manage their Council activity online (including, but not limited to, planning).

4.2 Within one year of the Council Plan being approved, Council is required to review its Planning Scheme under s12B of the *Planning & Environment Act 1987*. Given the Council Plan was approved on 28 June 2017, the planning scheme review will be required by 28 June 2018. The structure and operation of the VPP are likely to have implications on Council's planning scheme review process, and conversely, the planning scheme review may have implications on the proposed VPP. The implications of Council's planning scheme review has been detailed in the submission to the discussion paper.

5. IMPACTS AND IMPLICATIONS

5.1 DELWP has advised that it is anticipated that new VPP content will be drafted in the first half of 2018. During this time, it will be important to ensure that any new content and the transition to the new VPP satisfactorily reflects Manningham's strategic direction with respect to regional, social, economic, and environmental policy.

6. IMPLEMENTATION

Finance / Resource Implications

6.1 The submission to the discussion paper has been prepared using existing resources in the City Strategy Unit.

6.2 There will be implications for resourcing in the City Strategy Unit during the preparation of new content and the transition to the new VPP. Council officers will need to work closely with DELWP officers and/ or the new DELWP business unit, to ensure that any changes are drafted appropriately. The submission to the discussion paper identifies this issue, and notes that resourcing support will be required throughout this period.

Communication and Engagement

- 6.3 The discussion paper was released on 16 October. Engagement and feedback is primarily being sought through the DELWP website, and is open to all Victorian Councils as well as from the general community.

Timelines

- 6.4 It is anticipated that VPP changes will be gazetted into all Victorian planning schemes by mid-2018.

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.

Attachment 1

VICTORIA PLANNING PROVISIONS REFORM

MANNINGHAM CITY COUNCIL RESPONSE

NOVEMBER 2017



VICTORIA PLANNING PROVISIONS REFORM RESPONSE

Manningham City Council (Council) is pleased to provide this submission on *Reforming the Victoria Planning Provisions*.

It is understood that the reform is being undertaken to address issues that have been identified with the Victoria Planning Provisions (VPP), including complexity, duplication, delays and uncertainty.

GENERAL COMMENTS

Council is broadly supportive of a reform to the VPP and also supportive of the five proposals identified:

- Proposal 1 – A simpler VPP structure with VicSmart assessment built in
- Proposal 2 – An integrated planning policy framework
- Proposal 3 – Assessment pathways for simple proposals
- Proposal 4 – Smarter planning scheme drafting
- Proposal 5 – Improve specific provisions

In addition, Council is also supportive of the principles identified that constitute a modern planning scheme, being:

- Digital first – the VPP should be accessed through better digital interfaces;
- User focused – the approval process should be more easily understandable;
- Consistent – the structure and format, and way that the VPPs are written, should be consistent across Victoria;
- Proportional – assessment pathways should be proportionate to the risk and size of the application;
- Land use focused – overlapping and conflicting provisions should be avoided to ensure there is a clear focus for land uses; and
- Policy and outcome focused – the VPPs should have a clear policy basis that can achieve good planning outcomes and strategic clarity.

In particular, Council welcomes changes that will remove redundant provisions, remove duplications, update the terms and definitions, and make it clearer and easier to assess planning permit applications.

Importantly, many Councils across Victoria, including Manningham, are in the process of undertaking a review of their respective planning schemes. The Department of Environment, Land, Water and Planning (DELWP) needs to be aware that any changes to the structure and operation of the Victoria Planning Provisions are likely to have implications on a Council's response or list of recommendations outlined as part of the planning scheme review process. Likewise, recommendations of a planning scheme review may have implications on the proposed reforms outlined *Reforming the Victoria Planning Provisions Discussion Paper (2017)*.

It is recommended that all Councils are given an opportunity to 'road test' any proposed changes to the Victoria Planning Provisions to evaluate their strengths and weaknesses.

SPECIFIC COMMENTS AND/OR CHANGES

Proposal 1 – A simpler VPP structure with VicSmart assessment built in

- The restructure of the particular provisions is supported, however it is important that the intent and direction of the existing particular provisions are not lost, including but not limited to, ResCode (Clauses 54-56) and Apartment Developments (Clause 58).
- Incorporating Clause 57 into the existing VPP zones is supported, however the requirements need to be rationalised to provide greater clarity and minimise inconsistencies. It is noted that presently there is a conflict between the Table of Uses section in Clause 57 and the Rural Conservation Zone (Clause 35.06) as it relates to restaurant.
- The inclusion of interface provisions is welcomed. It is often difficult for planners to ensure that relevant legislation (other than the *Planning & Environment Act 1987*) is appropriately considered when assessing planning permit applications, particularly when there is no obvious VPP, such as an overlay, to ensure that the legislation is to be considered. An example of this is the *Aboriginal Heritage Act 2006*, which may affect some development applications. Without an overlay, planners rely on internal GIS mapping to determine if the requirements of the *Aboriginal Heritage Act 2006* are applicable. This is an unreliable process.
- Consideration should, however, be given to using a different title to 'Interface provisions' as interface can also refer to the relationship between built form and this may lead to confusion.
- The relocation of VicSmart requirements into the particular provisions is considered appropriate and it is agreed that this will emphasise simple assessment pathways.
- The consolidation of all administrative provisions into the general provisions section is also supported.
- While the intent of VicSmart is acknowledged, the current structure is not easily understandable. With its relocation to the particular provisions, the structure of the content should be reviewed to ensure it is easier to understand.
- Also with respect to VicSmart, it is not clear why references will only be made to VicSmart in the particular provisions and overlay schedules, and not in other provisions such as zone schedules.
- An online assessment of whether an application meets VicSmart requirements would simplify and streamline assessment processes.
- It is agreed that a realistic work program and timeframe would be required to draft, translate and test the new restructured provisions.

What other changes to the VPP structure do you think should be considered?

- To assist with usability and transparency, it is also recommended that information relating to mandatory conditions and exemptions in the zones, overlays and particular provisions, could be relocated into a 'one stop shop' provision elsewhere in the VPPs. While this may not be achievable as part of this process, due to pre-determined timeframes, this would be an improvement to the VPP in the future. As an example, if this were to occur, it would allow planners to assess a large number of exemptions and requirements in one place. This would likely be suited to the general provisions, and the clause could then be referenced in the zones, overlays and particular provisions. A similar style of improvement is detailed on page 52 of Appendix 2, whereby the Table of exemptions in environmental and landscape overlays is proposed to be relocated to Clause 62.02-3.

- Clause 61 currently relates to the administration of each Victorian planning scheme. The content of the clause is considered to be more suitable 'up front', i.e. before Clause 10.

Proposal 2 – An integrated planning policy framework

- In general, the integration of the State Planning Policy Framework (SPPF) and the Local Planning Policy Framework (LPPF) into a Planning Policy Framework (PPF) is supported, particularly if it removes outdated provisions and policy content.
 - Council previously commented on a proposed PPF to the State Planning Policy Framework Advisory Committee in May 2014. In that submission, Council noted its concern with regard to the 'regional' layer of policy, in that it would affect the PPFs workability and could potentially undermine the role and effectiveness of local policy. This is still of concern for Council. rationale for the concern was as follows:
 - The role and responsibility of regional policy was not clear;
 - The *Planning and Environment Act 1987* clearly identifies that, in the event of conflict, the State provisions must prevail over local provisions. It is not clear how that would work, or indeed whether a hierarchy could or should apply in relation to all the different types of regional policies proposed; and
 - Irrelevant regional policies may be applied to some councils.
- In relation to the above, it is important that the role, responsibility and weight of regional policy is clear and supported in relevant legislation.
- Local government has, in the past, led the way in relation to policy development. For example the recently gazetted Environmentally Sustainable Development Policy was developed by a number of councils in order to address a clear policy gap. If in the future, policies are proposed to be introduced at either a regional or local level, and where there is no State policy, it is not clear how that would work in the proposed hierarchy. A further example of this is food security, which is not currently addressed by State planning policies.
 - It is imperative that the content of Manningham's local planning policies and, more specifically, the 'place-based' local planning policies such as the Bulleen Gateway Policy, are included in the new PPF format.
 - As long as the local planning policies are redistributed appropriately into the PPF, the simplification of the Municipal Strategic Statement (MSS) into municipal context and vision is supported.
 - Local planning policies may not easily fit under an existing theme, but may still be relevant and important. In these instances, it may warrant miscellaneous policies being included at the end of the PPF, as long as councils can demonstrate why it's appropriate and essential that they be included.
 - The clause numbering of the three levels of policy will need to be considered carefully to ensure that the hierarchy of policy is clear.
 - The proposed composition of a PPF policy is supported, however it is important that reference documents are also included within this composition.
 - Setting new rules and guidelines for writing policy will ensure a consistent format and terminology, and will remove contradictory and duplications provisions, and are therefore supported.

- While it is acknowledged that the intent is to create a framework that is easier to understand, it is important to note that multiple themes will still need to be reviewed when assessing planning permit applications. As an example, with respect to an application in the Green Wedge, in addition to being considered under the proposed Clause 11.04-4 *Green wedges*, it would also need to be considered against a number of other clauses in the PPF such as Clause 12.01 *Biodiversity*, Clause 12.05 *Significant environments and landscapes* and Clause 14.01 *Agriculture*. While this may be obvious, it is important to acknowledge that many applications will be assessed against multiple themes and may not be as streamlined as anticipated.
- The suitability of the proposed Clause 15.01-3 *Design for rural areas* sitting under Clause 15.01 *Urban environment* is questioned.

Are there any themes that should be added to the proposed PPF thematic framework — shown in Appendix 1 — to ensure that it covers all required policies?

- Council has reviewed its local planning policies to determine how they would fit within the PPF. Three current local planning policies are not easily transferrable to the proposed PPF format. These include:
 - Clause 22.17 *Eastern Golf Course Key Redevelopment Site Policy* – this policy may no longer be required given the progress of development on the site.
 - Clause 22.18 *Gaming* – this issue is not adequately addressed in the proposed PPF.
 - Clause 22.19 *Outbuildings In The Low Density Residential Zone* – this may be suitable under Clause 15.01 *Urban environment*.
- Of the above themes, it is considered that community health/ gaming is lacking from the proposed PPF. In addition, food security should also be included.

What else could be done to make planning policy easier to apply and understand?

- No responses are provided in relation to this question.

What will be needed to support transition to a new PPF format?

- The resource implications associated with transitioning to a PPF will be considerable for Council. It is understood that the amendment to introduce the proposed PPF changes will be finalised by mid-2018. The relevant work plan for the 2017-2017 financial year has already been determined and, as such, it will be challenging for Council to draft and transition the provisions without additional funding and resourcing.
- If support is provided from DELWP to assist with preparing the new PPF format, it is essential that Council is the determining organisation about the retention, transition and location of content

Proposal 3 – Assessment pathways for simple proposals

- VicSmart and code-based assessments are supported in instances where there is a low risk and the uses are completely in accordance with the purpose and objectives of the zone and overlays.
- It is assumed that VicSmart and code-based assessments will be structured differently, and both contained within the particular provisions.

- While the merits of code-based assessments are apparent, there are still some challenges that Council officers will encounter when assessing these applications. For example, planning permit applications under a code-based assessment may still need to be referred to internal Council departments for technical advice. By the time the application is lodged and registered, it is unlikely that Council officers would be able to issue a planning permit within 10 days. Council recommends a more realistic timeframe of 15 business days to assess planning permit applications under a code-based assessment.
- Further to this, the application requirements under a code-based assessment need to be very clear and detailed. If insufficient information is provided with a code-based assessment request, this request cannot be considered within the required timeframe.
- In relation to a secondary dwelling or 'granny flat' being included in code-based assessments, careful consideration needs to be given to the conditions for this to be assessed. As proposed in the Discussion Paper, secondary dwelling or granny flat standards could apply to residentially zoned land. This could therefore apply to the Low Density Residential Zone, which is located in Manningham's Green Wedge. In these instances, it is important that Council continues to have the ability to assess the design and siting of secondary dwellings and granny flats.
- Under the *Discussion* on page 26, it is noted that a code-based assessment would always result in a permit subject to standard conditions, provided that the code requirements are shown to be met. Code-based assessments being structured in this manner is considered appropriate.

What other matters do you think are suitable for code-based assessment?

- Certain classes of applications that are currently located under the VicSmart assessment pathway may be suitable for a code-based assessment, including advertising signs, minor vegetation removal and fencing.

Proposal 4 – Smarter planning scheme drafting

- A new VPP user manual and a dedicated business unit dedicated to VPP and planning scheme amendment drafting is supported. As noted earlier, consistent and long-term funding and resourcing is critical to the success of all of the proposed reforms, including Proposals 4.1, 4.2 and 4.3.
- One of the principles of the VPP reform is related to 'digital first'. Hyperlinking terms, definitions and positions in the nesting diagrams, should be investigated to improve usability.
- Ideally, at a later time when online tools are more advanced, it would be advantageous to have an online system where a land use and/ or development could be entered in relation to a specific property and the relevant requirements were automatically generated. Although this may be unrealistic in the foreseeable future, it is an action that should be investigated and worked towards.
- Council acknowledges that reference documents in the Manningham Planning Scheme need to be reviewed and, subject to their current or ongoing relevance, further rationalised. This will form part of Council's Planning Scheme Review that is currently underway.

- The following business rules, as articulated on page 32 in the Discussion Paper, are considered appropriate for inclusion in the VPP user manual:
 - Permit triggers are clearly and objectively expressed.
 - Provisions are clearly and consistently applied.
 - Local provisions are clearly and consistently drafted and structured.
 - Performance standards are clearly articulated.
 - The structure and drafting of provisions are optimised for processing and access via digital platforms.
- As a result of this reform, it is noted that the suite of Planning Practice Notes will also have to be updated and should also be integrated into the PSIMS online amendment system.

What are the key matters you think a VPP user manual should include?

- Guidance should be included on the relationship between objectives, strategies and decision guidelines. Statutory planners, at different times, provide a different level of consideration and weight to objectives, strategies and decision guidelines when assessing planning permit applications. Direction on the relationship between these assessment guidelines would improve consistency and decision-making.
- Greater consideration and consistency is still needed when using and applying the terms 'should' and 'must'.

What planning documents or information do you think should be included in a Victorian planning library?

- The nominated documents to be included in a Victorian planning library are supported, including incorporated documents, approved development plans, background/ reference documents, historic planning documents and heritage citations.

Are there other ways the drafting and consistency of planning scheme provisions could be improved?

- In order to make provisions more easily understandable, it is important that one idea or requirement is included per dot point and that clear and simple language is used.
- It is important that information contained within provisions is themed and grouped appropriately. As an example, decision guidelines should be in a logical sequence and grouped according to a theme. For example, decision guidelines relating to amenity should always be grouped together and decision guidelines relating to access should always be grouped together.
- To minimise confusion and ensure that requirements are clear, all nominated land uses in the VPPs should have associated car parking rates.
- The current structure of zones, overlays and particular provisions provides information about when planning permits are required for use, development and subdivision. The structure could be improved to be less 'technical' and easier to interpret. In any provision that provides a planning permit trigger, an easy to understand question and answer format would improve readability and usability. In these provisions, clearly stating questions such as 'When is a planning permit required' and 'Why is a planning permit required' would make the requirements more obvious.
- The following ideas are provided to improve the usability of the General Residential Zone (GRZ):

- Under Clause 32.08-5, the first dot point should read ‘A lot of less than 300 square metres, or’
- Under Schedule 1 to the GRZ (Clause 1), where it is questioned if a permit is required to construct one dwelling on a lot of between 300 square metres and 500 square metres, the options available for responding to this should be ‘Yes’ or ‘No’. Specifying an area (e.g. 500 square metres) as a response to this question creates confusion.

The above dot points are provided as examples and all provisions should be improved where minor anomalies have been identified.

Proposal 5 – Improve specific provisions

- As acknowledged in the Discussion Paper, reforming the VPPs will require significant effort from both DELWP and councils.
- It is acknowledged that there are benefits associated with improving specific provisions, such as reducing planning permit requirements, introducing more exemptions, and faster processing times.
- It is essential that good planning outcomes are not compromised by the VPP reforms. Careful drafting of the provisions is therefore needed to ensure that a planning framework is created that is appropriate for the City of Manningham.
- Improving the definitions and terminology is necessary and the inclusion of outbuildings and cafes is supported. Inclusion of the term ‘Hairdresser’ and ‘Bar’ would also be of benefit.
- With respect to terms and definitions, further clarity should be provided to assist with categorising a land use. For example, there is often confusion about whether a land use is a restaurant, café or food and drinks premise. To assist with clarity, specifying what is not included in these uses in Clause, which could be either ‘exclusions’ or ‘exemptions’, may increase the understanding of the terms and definitions.
- With respect to licensed premises and related VPP changes, Council reserves the right to provide further comments on any content and conditions that are drafted for code-based assessments for small cafes/restaurants and for a modified Clause 52.27.

Any specific comments in relation to Appendix 2?

- Page 47 – Renaming the industrial zones from being numerical to being descriptive is supported.
- Further to this, the similar abbreviations for the Residential Growth Zone (RGZ) and the GRZ still cause confusion amongst our community. Consideration should be given to alternative abbreviations.
- Page 47 – The Activity Centre Zone (ACZ) and associated schedule are important tools within the Manningham Planning Scheme. Not only do the tools provide targeted guidance for Doncaster Hill and its precincts, but the tools also provide a clear message to our community about the role and status of Doncaster Hill. The ACZ also has a direct relationship with *Plan Melbourne 2017-2050*, as activity centres are identified and promoted as places for growth and development. To this end, it is important that the ACZ be retained.
- Page 49 – In relation to Clause 35 (all rural zones), removing the need for a building and works permit for a dwelling extension or associated outbuilding (by removing the floor area

restriction) is not supported. Council receives many applications for extensions and outbuildings in its rural zones, many of which are excessively large and inappropriately designed and sited for the rural areas. In addition, there is concern that without a permit requirement, a dwelling extension or outbuilding could be used as a second dwelling (which is not permissible under the rural zones). A dwelling is defined as including a kitchen sink, food preparation facilities, a bath or shower, and a closet pan and wash basin, and this could easily be accommodated within a dwelling extension or an outbuilding. It is important that Council continues to have the ability to assess these applications.

- Pages 50 – A review of the role and function of Urban Floodway zone and the suitability of replacing the zone with a flood overlay is generally supported provided it provides greater clarity and reduces duplicate controls.
- Page 53 – Under Heritage Overlay, modification c), new permit exemptions are proposed for minor buildings and works. This could be problematic if the elements that are identified as significant in the associated heritage citation are now categorised as permit exempt. An option that should be considered is only exempting minor buildings and works where they are not recognised as significant in the associated heritage citation.
- Page 55 – Under Special Building Overlay, modification f), VicSmart should be considered for applications where finished floor level conditions have been met.
- Page 57 – In relation to Clause 52.06, providing an exemption from car parking requirements in selected zones (commercial zones, Mixed Use Zone, and industrial zones) for existing buildings where floor area is not increased (such as change of use applications) is not supported. In many instances, changing a Section 1 use to another Section 1 use may still increase the demand and need for car parking. Car parking assessments in these situations are still considered necessary.
- Page 62 – Ensuring that Clause 57 *Metropolitan Green Wedge Land* is more transparent and integrated appropriately is encouraged and supported. However, it is important that requirements are integrated into all zones that affect Green Wedge land. For example, any provisions would also need to be reflected in the Rural Conservation Zone.
- Page 68 – It is acknowledged that online access should be improved and will be more desirable in the future, however, it is likely that hard copy documents will still be required by some community members. In relation to planning schemes, a copy must be available in accordance with s42 of the *Planning & Environment Act 1987*. As online preferences change over time, direction and/ or legislative changes may be required if hard-copy planning schemes are no longer required to be made available.
- Page 68 – Any drafting of a standard s173 agreement template should be carefully undertaken. Further, Council would like to review any draft standard agreement and provide comments to provide an understanding of the implications from a local government perspective.
- Page 68 – Potentially including a provision in local schedules that requires the preparation of s173 agreements is an important element that should be retained. Section 173 agreements can guarantee certain outcomes for councils, and if written appropriately, do not preclude planning permits being granted prior to a s173 agreement being executed.

CONCLUSION

Council appreciates the opportunity to provide feedback on this important matter and strongly supports a reform to the VPP that will improve planning permit application processes, will make the planning system more efficient and streamlined and will provide greater certainty and usability for planners and the community alike.

The comments and changes included within this submission are intended to further improve the VPPs and ensure that the VPPs are relevant and usable in our local government context.

10.3 Trial Solar Savers Special Charge Scheme Declaration

File Number: IN17/623
Responsible Director: Director Planning and Environment
Attachments: 1 Rateable Properties to be Included in the Solar Savers Special Charge Scheme (confidential)

EXECUTIVE SUMMARY

The purpose of this report is to seek Council endorsement to declare a Special Charge Scheme under section 163 of the Local Government Act 1989 for the purpose of defraying expenses relating to the provision of solar energy systems on nine residential properties participating in the Solar Savers program.

Solar Savers aims to help low income households overcome the upfront cost barrier to installing solar, reduce their 'cost of living' pressures and to better adapt to climate changes, such as increased heatwaves.

At its 26 September 2017 meeting, Council resolved to commence the statutory process to declare the Solar Savers Special Charge Scheme. Written notification was sent to the participating households and advertised in the Manningham Leader and a period of over 28 days was provided for any submissions and objections to the scheme. No submissions or objections have been received.

As part of Solar Savers, Council is partnering with 21 other Victorian Councils, Greenhouse Alliances, the Municipal Association of Victoria (MAV) and the Victorian Government to make solar energy more accessible to low income households. Solar Savers has been run successfully by Darebin City Council over the last three years where it is facilitating solar installations for about 480 households.

Funded by a Victorian Government grant, the Eastern Alliance for Greenhouse Action (EAGA) and Maroondah Council have employed personnel to manage Solar Savers on behalf of Manningham and the other partner Councils.

The nine residential property owners in Manningham have signed a Householder Agreement to voluntarily participate in the proposed Special Charge Scheme. The total cost of the nine solar systems is almost \$31,000 and it is proposed that Council pay this upfront. The property owners will then use the resulting electricity bill savings to repay Council through the Special Charge over a ten year period, commencing on 1 July 2018.

1. COUNCIL RESOLUTION

MOVED: CR SOPHY GALBALLY
SECONDED: CR PAULA PICCININI

That Council:

- A. Having considered all submissions received and taken account of all objections lodged and complied with the requirements of sections 163A, 163B and 223 of the *Local Government Act 1989 (Act)*, hereby declares a Special Charge under section 163 of the Act for the purposes of defraying**

expenses to be incurred by Council relating to the provision of solar energy systems on nine residential properties participating in the Solar Savers program with the following particulars:

- 1 The Special Charge be declared in relation to the properties listed in Attachment 1 in the amount specified in Attachment 1 as applying to each property and this Attachment forms part of this declaration.
 - 2 The criterion which is the basis of the declaration of the Special Charge is the ownership of the properties listed in Attachment 1.
 - 3 The period for which the Special Charge is declared and will remain in force is a period of 10 years commencing 1 July 2018 and ending 30 June 2028.
 - 4 The Special Charge is calculated by reference to the unique cost of the solar energy system being installed at each property, in respect of which a Householder Agreement has been executed for each property.
 - 5 Council will incur a total cost of \$30,615.60 to provide solar energy systems on the nine residential properties and the total amount to be levied for the Special Charge will be \$30,615.60.
 - 6 The Special Charge will be levied by way of a Notice of Levy being sent annually to the people who are liable to pay the Special Charge, which will require that the Special Charge be paid in the following manner:
 - 6.1 By one annual payment to be paid in full by the date fixed by Council in that Notice, which will be a date not less than 30 days after the date of the issue of the Notice; or
 - 6.2 By four instalments to be paid by the dates which are fixed by Council in the Notice.
- B. In declaring the Special Charge, is performing functions and exercising powers relating to the peace, order and good government of the municipal district of Manningham including advocating and promoting initiatives which are in the best interests of the community.
- C. Considers that there will be a special benefit to the people required to pay the Special Charge that is over and above, or greater than, the benefit that is available to people who are not subject to the Special Charge, in that the properties in the Special Charge scheme will have the benefit of a solar energy system being installed.
- D. Considers and formerly determines, for the purposes of section 163(2)(a), (2A) and (2B) of the Act, that the estimated proportion of the total benefits of the Special Charge to which the performance of the function or exercise of the power relates (including all special benefits and community benefits) that will accrue as special benefits to the people who are liable to pay the Special Charge is 100%. This is on the basis that, in the opinion of Council, the provision of the solar energy systems and other associated services and activities to which the Special Charge relates, only benefits those properties included in the scheme.

- E. Directs that written notice be given of the Council decision to declare and levy the Special Charge to all owners and occupiers of the properties included in the Special Charge scheme and that the notice will include the reasons for the decision, which include:**
- 1 There is no objection to the scheme and it is otherwise considered that there is a broad level of support for the Special Charge from all property owners and occupiers.**
 - 2 Council considers that it is acting in accordance with the functions and powers conferred on it under the Act, having regard to its role, purposes and objectives under the Act, particularly in relation to its functions of advocating and promoting initiatives which are in the best interests of the community.**
 - 3 All people who are required to pay the Special Charge and the properties respectively owned or occupied by them will receive a special benefit of a solar energy system being installed at the property.**
- F. Permits a property owner to withdraw from the Special Charge scheme if the property owner has given written notice of their desire to withdraw from the scheme before Council's contractor has commenced installation of the solar system at the relevant property and before Council has incurred any expenditure in relation to that installation.**

CARRIED

2. BACKGROUND

- 2.1 As part of Solar Savers, Council is partnering with 21 other Victorian Councils, Greenhouse Alliances, the Municipal Association of Victoria (MAV) and the Victorian Government to make solar energy more accessible to low income households. Solar Savers has been run successfully by Darebin City Council over the last three years where it is facilitating solar installations for about 480 households.
- 2.2 Funded by a \$760,000 Victorian Government grant, the Eastern Alliance for Greenhouse Action (EAGA) and Maroondah Council have employed personnel to manage Solar Savers on behalf of Manningham and the other partner Councils.
- 2.3 Manningham Council is running a trial Solar Savers program to support nine low income households to install two kilowatt solar photovoltaic systems on their homes with no upfront costs for the household. Council will initially fund the solar installations and then, with the resulting electricity bill savings, households will repay Council through a proposed Special Charge Scheme over ten years at 0% interest.
- 2.4 Through an open tender process led by MAV Procurement, EnviroGroup was appointed to provide quotes and supply and install the solar systems. The total cost of the nine solar systems is about \$31,000. The nine residential property owners have signed a Householder Agreement agreeing to participate in the proposed scheme with special charge payments based on the quoted solar system installation cost at their property.

- 2.5 At its 26 September 2017 meeting, Council resolved to commence the statutory process under the *Local Government Act 1989* to declare a Special Charge Scheme (Scheme) for the nine households participating the Solar Savers program.
- 2.6 Following that resolution of Council:
- On 27 September 2017, a letter was sent to the nine participating households advising of them Council's intention to declare the Solar Savers Scheme and providing an opportunity to lodge a submission and/or objection to the Scheme;
 - On 2 October 2017, a Notice of Intention to Declare the Scheme was advertised in the *Manningham Leader* – a copy of this notice was also sent to the nine participating households; and
 - From 2 October to 6 November 2017, over 28 days were allowed for submissions and objections to the Scheme.
- 2.7 The 26 September 2017 resolution also stated that Council note that:
- *The Scheme will commence on 1 July 2018 and operate over a ten year time period; and*
 - *A further report will be submitted to the 28 November 2017 Council Meeting to formerly decide whether to declare the special charge, taking into account any submissions or objections.*
- 2.8 No submissions or objections to the Scheme have been received in relation to the Special Charge Scheme. None of the nine households have requested to withdraw from the Solar Savers Scheme.

3. DISCUSSION / ISSUE

- 3.1 This report recommends that Council declare a Special Charge Scheme for the Solar Savers program.
- 3.2 Council has complied with the relevant statutory process under the *Local Government Act 1989* and has followed the Council *Special Rates and Charges Contributory Project Policy*. No submissions or objections to the Scheme have been made.
- 3.3 A list of the nine properties to be included in the proposed Scheme, including the annual amount payable per property, is included as Attachment 1. The proposed special charge for each property is based on the unique costs of solar system installation for that particular property.
- 3.4 Pending approval of the Scheme, the nine solar installations will proceed shortly thereafter. The total upfront cost of the installations will be \$30,615.60 which would be funded by Council.
- 3.5 If a property owner no longer wishes to participate in the Solar Savers Scheme, this report's recommendation includes an opportunity for the owner to withdraw from the Scheme prior to solar system being installed at their property.
- 3.6 The Scheme is proposed to commence on 1 July 2018 and end on 30 June 2028.

4. COUNCIL PLAN / STRATEGY

- 4.1 Facilitating solar system installations for low income households is in line with the Council Plan and other policies.
- 4.2 Under the 'Resilient Environment' theme in the *Council Plan 2017-2021*, there is a goal to 'reduce our environmental impact and adapt to climate change'.
- 4.3 Consistent with this goal, Council has a *Climate 2020* plan and *Carbon Abatement Plan* that seek to reduce energy use and greenhouse gas emissions.
- 4.4 Council has also committed to increase the resilience of those vulnerable to climate change impacts and increasing energy costs through its *Securing the Future Adaptation Plan 2012*, *Resilience Framework for Emergency Management 2017* and *Healthy City Plan 2013-2017*.

5. IMPACTS AND IMPLICATIONS

- 5.1 Solar Savers aims to help low income households overcome the upfront cost barrier to installing solar, reduce their 'cost of living' pressures and to better adapt to climate changes such as increased heatwaves.
- 5.2 Every effort has been made to make sure solar is suitable for the participating households such that there will be enough electricity bills savings to cover repayments to Council and to have further savings for the household. It is estimated that the participating households will save about \$100 above their rate repayments in electricity bill savings over the first year based on current electricity prices. After ten years, when rate repayments cease, households will save about \$400 to \$500 per year.
- 5.3 Solar Savers is being undertaken in 21 other municipalities and is supported by the Northern Alliance of Greenhouse Action (of which Council is a member), EAGA, MAV and Victorian Government funding. Across all the participating Councils, Solar Savers aims to install several hundred household solar systems.
- 5.4 Manningham's nine household Solar Savers program is a trial. If Solar Savers is successfully delivered with an acceptable administrative burden, consideration could be given to possibly larger rounds of the Solar Savers in the future.

6. IMPLEMENTATION

Finance / Resource Implications

- 6.1 The total cost of the nine solar systems is \$30,615.60 which will be funded from Council's 2017/18 Environment budget allocation. Through the Scheme, Council would receive \$3,061.56 worth of repayments annually and a total of \$30,615.60 over the ten year period of the Scheme.
- 6.2 The Special Charge would be applied to the property, not the owner of the property. If the property is sold, any remaining liability is registered as a Section 32 encumbrance on the property and has a higher priority than a mortgage, making it relatively secure for Council.

- 6.3 Funded by the Victorian Government grant, the EAGA/Maroondah personnel exist as shared service resource to implement Solar Savers in partnership with the partnered Victorian Councils including Manningham. The Solar Savers personnel will continue to liaise with households, coordinate installation of the solar systems, provide post-installation advice and report to Councils and the Victorian Government.
- 6.4 The resource implications for Manningham Council will include administration of the Special Charge repayments.

Communication and Engagement

- 6.5 The nine households have signed Householder Agreements to voluntarily participate in Solar Savers. Further communications are described under Timelines below.

Timelines

- 6.6 The following key milestones will apply for the implementation of the Solar Savers program in Manningham:
- 28 November 2017 – Council meeting to decide whether to declare the Solar Savers Special Charge Scheme.
 - 29 November 2017 – Letter to the nine participating households to inform them of Council's decision to declare and levy the Special Charge.
 - The nine solar installations would proceed shortly thereafter.
 - The Scheme would commence on 1 July 2018 and end on 30 June 2028.

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.

11 ASSETS & ENGINEERING

11.1 North East Link Community Survey Response

File Number: IN17/637
Responsible Director: Director Assets and Engineering
Attachments: Nil

EXECUTIVE SUMMARY

At its meeting on 26 September 2017, Council resolved to 'Support the North East Link (missing link) proposal in principle' and advocate to NELA (North East Link Authority) that, regardless of which route option is selected, the proposal be guided by a number of key principles. Council also resolved to seek further information and detail from NELA on the proposed routes and that it did not support the Option A route alignment through Bulleen 'due to the adverse environmental, residential and traffic impacts'.

At this same meeting, Council also resolved to 'survey the Manningham community to gauge their views on the proposed corridor options'. The outcome of this feedback received from the community forms the basis of this report.

Of the 52,333 households surveyed, 20% responded to the survey. The survey results indicate that the Manningham community have no clear route preference amongst Options A, B and C.

1. COUNCIL RESOLUTION

MOVED: CR PAULA PICCININI
SECONDED: CR SOPHY GALBALLY

That Council:

- A. Note the responses received from the Manningham Community Survey.**
- B. Provide a copy of the survey results to the North East Link Authority.**

MOTION TO SUSPEND STANDING ORDERS

MOVED: CR PAUL MCLEISH
SECONDED: CR GEOFF GOUGH

That Standing Orders be suspended to allow speakers to be taken out of order.

CARRIED

Standing orders were suspended at 7.39pm

MOTION TO RESUME STANDING ORDERS

MOVED: CR DOT HAYNES
SECONDED: CR MIKE ZAFIROPOULOS

That Standing Orders be resumed.

CARRIED

Standing orders resumed at 7.59pm

THE SUBSTANTIVE MOTION WAS PUT AND CARRIED

2. BACKGROUND

2.1 The State Government is currently undertaking a feasibility study with a view to completing the missing freeway link in the north-east region of Melbourne, referred to as the North East Link (NEL). Route options A, B and C would link the Ring Road in Greensborough with either the Eastern Freeway in Bulleen or East Link in Ringwood.

2.2 In early August 2017, the Victorian State Government and NELA announced four (4) potential corridor options for the NEL. Three of the four proposed corridor options pass through the City of Manningham, as follows:

- Option (A) along the Bulleen Road corridor (Bulleen); and
- Options (B and C) along the Mullum Mullum Creek corridor (Donvale, Park Orchards, Warrandyte and Templestowe).

Option D considers an alignment in the far-east of Melbourne along the Healesville Freeway reservation (not within Manningham).

All options identify a mix of tunnel, elevated and at-grade roads.

2.3 Manningham City Council hosted a community forum to better inform the Manningham community regarding the NEL project on Monday 25 September 2017.

2.4 At its meeting on 26 September 2017, Council resolved to 'Support the North East Link (missing link) proposal in principle' and advocate to the NELA that, regardless of which option is selected, the proposal be guided by a number of key principles. Further information and detail would also be sought from the NELA on the proposed routes. In addition, Council resolved that it did not support the Option A alignment through Bulleen 'due to the potential adverse environmental, residential and traffic impacts'.

2.5 At this same meeting, Council resolved to 'undertake a survey of the Manningham community to gauge their views on the proposed corridor options'. The outcome of the feedback received from the community forms the basis of this report.

- 2.6 A Council submission responding to the exhibited NELA documentation was forwarded to NELA on 28 September 2017.
- 2.7 An information sheet, maps and a survey form seeking the views of the Manningham community was distributed to 52,333 households on 20 October 2017. Residents could complete the survey either online or by returning the completed survey in the reply paid envelope provided.
- 2.8 Residents were requested to provide their feedback by 5pm Friday 17 November 2017.
- 2.9 A summary of the survey results is provided below:
- A total of 52,333 households were surveyed.
 - Of these, 10,546 responses (20%) were received.
 - The results of the survey indicate that there is no clear route preference, with the following results for the preferred route, based on the percentage of respondents supporting each option. It is noted that Option A, B and C had residents equally distributed throughout the municipality.
 - o Route Option A – 35%
 - o Route Option B – 27%
 - o Route Option C – 27%
 - o Route Option D – 7%
 - The top three benefits noted for the North East Link project were:
 - o Reduced traffic volumes – 31%
 - o Improved vehicle travel times – 31%
 - o Improved Public Transport outcomes – 15%
 - The top three concerns raised in relation to the North East Link project were:
 - o Protect local amenity – 16%
 - o Environmental impacts to parklands – 17%
 - o Environmental and visual impacts from traffic / noise pollution – 16%
 - o Potential for new tolls on existing roads – 15%

3. DISCUSSION / ISSUE

- 3.1 Council has been privy to the same information on the project that is available to the wider community via NELA's website.

- 3.2 Council to date has not received any specific detailed information relating to the project, particularly, the exact alignment of each corridor, the impacts of each corridor on residential or other specific properties (including any potential land acquisition), or the design of the proposed interchanges, roadway, tunnel or ancillary roads or other infrastructure for any of the four proposed corridor options. This is expected at this preliminary stage of the project.

4. COUNCIL PLAN / STRATEGY

- 4.1 The North East Link proposal (along with the inclusion of other ancillary road, public transport, cycling and pedestrian projects) has the potential to generally support Goal 2.3 of Council's Plan (2017-2021) to provide for 'well connected, safe and accessible travel'. Objectives seeking to improve the transport network, access and connectivity are also supported by Council's 'Integrated Transport Strategy 2009'.

5. IMPACTS AND IMPLICATIONS

- 5.1 The North East Link proposal has the potential in the medium term to relieve traffic congestion along the main north-south traffic corridor of Fitzsimons Lane and provide an alternative Yarra River crossing in the region.
- 5.2 However, large infrastructure projects such as a new freeway, also have the potential to physically divide and sever communities and neighbourhoods.
- 5.3 Although the primary purpose of the proposal is to provide a new link, it is considered that the inclusion of other ancillary road, public transport, walking or cycling projects has the potential to improve access and mobility, health and wellbeing and improve local connections in a sustainable manner.

6. IMPLEMENTATION

- 6.1 Communication and Engagement

Feedback from the survey will allow Manningham Council to identify key benefits and concerns for residents. This will help inform future submissions to the NELA.



- 6.2 Timelines

NELA is expected to announce a preferred route option by late December 2017. Once a preferred route option has been selected, a detailed design and business case will be developed and provided to the State Government for consideration. It is expected that a decision on the final alignment of the North East Link will be determined prior to the upcoming State election in November 2018.

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.

11.2 Police Loan Vehicle

File Number:	IN17/642
Responsible Director:	Director Assets and Engineering
Attachments:	1 Memorandum of Understanding ↓  2 Loan Agreement ↓  3 Victoria Police Letter and Report 2014-2017 (confidential)

EXECUTIVE SUMMARY

Council and Victoria Police entered into a Memorandum of Understanding (MoU) and Vehicle Loan Agreement in 2014 for the provision and loan of a Council vehicle to Victoria Police in exchange for expanded police services within the Manningham Police Service Area. A copy of the Memorandum of Understanding and Vehicle Loan Agreement are provided as Attachments 1 and 2, which detail the use of the vehicle and the activities involved in the Council and Victoria Police partnership.

The Memorandum of Understanding and Vehicle Loan Agreement is due to expire on 12 December 2017, and Council has received a request from Victoria Police to extend the arrangements for a further one year. In accordance with the conditions of the Agreement, Victoria Police has also submitted a 3 yearly performance report in relation to the use and value of the loan vehicle and is provided as Attachment 3.

At the time the MoU was signed, Council's Vehicle and Usage Policy stipulated replacement of the vehicle after 3 years or 100,000km, whichever came first. Council's Vehicle and Plant Usage Policy was recently reviewed and updated and now stipulates vehicle replacement as deemed optimal by the Fleet Coordinator, which is generally after 4 years or 120,000km. In view of the new Policy, the current low mileage of the loan vehicle (52,201kms) and taking into account the demonstrated benefit for residents of Manningham from the additional resource provided by Council in relation to increased police presence and reduced response times within Manningham, it is considered reasonable to accept the request by Victoria Police to extend the MoU by 12 months to align the replacement of the loan vehicle with Council's current Vehicle and Usage Policy.

It is recommended that a report be presented to Council prior to December 2018, to seek Council's position on the ongoing partnership agreement with Victoria Police and provision of a replacement loan vehicle at that time.

1. COUNCIL RESOLUTION

MOVED: CR ANNA CHEN
SECONDED: CR MICHELLE KLEINERT

That:

- A. Council endorse the extension of the Memorandum of Understanding and Vehicle Loan Agreement for a further one year period, to expire on 12 December 2018;**

- B. Council notify Victoria Police in writing of Council's resolution to extend the current Memorandum of Understanding and Vehicle Loan Agreement for a further one year period;**
- C. A report be presented to Council prior to the expiry of the updated Memorandum of Understanding and Vehicle Loan Agreement in November 2018, to review Council's position on whether to continue the partnership with Victoria Police and provide a replacement loan vehicle at that time.**

CARRIED

2. BACKGROUND

Council at its meeting on 29 July 2014, endorsed the Memorandum of Understanding (Attachment 1), to provide a Council loan vehicle to Victoria Police, in exchange for expanded police services within the Manningham Police Service Area, for a three year period commencing on 1 September 2014, as part of a partnership arrangement between Council and Victoria Police. This arrangement has been in place since 1992.

A Loan Agreement, provided as Attachment 2, specifically detailing the terms and conditions of use of the loan vehicle was also prepared to formalise the partnership agreement.

The current Memorandum of Understanding and Loan Agreement are due to expire on 12 December 2017.

In view of the imminent expiry of the current Agreements, Council has received a request from the Local Area Commander – Manningham Service Area, for Victoria Police, to potentially extend the partnership arrangements for a further one year. The letter from Victoria Police includes a 3 yearly performance report in relation to the use and value of this loan vehicle and is provided as Attachment 3.

3. DISCUSSION / ISSUE

The current vehicle provided by Manningham Council is a Ford Territory TX RWD, with police pack, which has been fitted out to conform to the standards of a police covert vehicle. The vehicle enables Doncaster Police to deliver an enhanced response to the Manningham community and to provide a greater police presence in response to crime, traffic, public order and Emergency Management issues.

In accordance with the conditions of the vehicle loan arrangement as outlined in the Memorandum of Understanding, the expanded police services and agreed performance measures and activities include the following:

- Increased police patrols within the Manningham Police Service Area, to provide greater police presence, to specifically address current control strategies relating to property damage, residential burglaries, thefts of and theft from motor vehicles, assaults and youth issues.
- Police officer participation in the Manningham Municipal Emergency Management Planning Committee, including active engagement in joint planning, training and exercise activities.

- Participation of the Police Youth Resource Officer in approved initiatives and associated committee meetings.
- Participation of police officers in various Council committees and associated activities and events, including the following:
 - Manningham Youth Providers network.
 - Manningham Mental Health Working Group.
 - Manningham Family Violence Working Group.
 - Carols by Candlelight.
 - Others by agreement.
- Police officer support and participation in community safety events, including Community Safety Month, road safety initiatives and provision of safety/security advice for related Council activities and community events.
- Police officer involvement and follow up with residents to address local traffic issues, such as concerns about speeding and undesirable behaviour.
- Police officer involvement with traffic management around schools.
- Police officer involvement with residents, businesses and community groups to address issues relating to general security and safety awareness.
- Facilitate the 'Manningham Liquor Accord' including conduct of meetings and forums relating to the sale of liquor within the municipality.
- Facilitate the issue and return of the L2P program vehicle for Authorised Drivers with a valid booking, and provide a secure place within the Doncaster Police Station grounds to store the vehicle between use by Authorised Drivers.

Based on the key statistics provided in the 3 yearly performance report (Attachment 3), in relation to the use and value of the loan vehicle, officers consider that Victoria Police request to extend the partnership agreement a further one year to December 2018, on the same terms and conditions outlined in the current Memorandum of Understanding and Loan Agreement, is reasonable.

4. IMPACTS AND IMPLICATIONS

The partnership between Council and Victoria Police has resulted in enhanced coordination and cooperation between the two parties to the benefit of the Manningham community.

Manningham remains one of the safest Local Government Areas in the Metropolitan area.

5. IMPLEMENTATION

5.1 Finance / Resource Implications

Under the terms of the current MoU, Council incurs costs for the supply, depreciation and registration of the vehicle. Victoria Police incur all other costs, including regular servicing and maintenance, repairs and insurance.

The cost to Council to extend the current arrangements for one further year is \$9,076.

5.2 Timelines

It is proposed to extend the partnership arrangements to provide a loan vehicle in exchange for the expanded police services within Manningham for a further one year to expire in December 2018.

It is further proposed to present a report to Council prior to the expiry of the extended MoU agreement in November 2018, to review Council's position on whether to continue the partnership with Victoria Police and provide a replacement loan vehicle for a further four year term at that time.

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.

MEMORANDUM OF UNDERSTANDING VEHICLE LOAN AGREEMENT (PARTNERSHIP ARRANGEMENT)

Dated the ~~TWELFTH~~ day of ~~September~~, ^{DECEMBER} 2014.

Between:

The State of Victoria for and on behalf
of the Victoria Police Force
("Victoria Police")

and

Manningham City Council
("Council")

AIM

The aim of the Memorandum of Understanding (MOU) is to develop a partnership arrangement between Council and Victoria Police relating to the provision and loan of a Council vehicle to Victoria Police for expanded police services and other activities within the Manningham Police Service Area.

PRINCIPLES

- The council has agreed to lend without fee or financial reward to Victoria Police a Police Pack Ford Territory TX RWD Wagon, Registration Number (to be confirmed) ^{1DI 9NN} ("the loan vehicle") for use as an unmarked vehicle for general police purposes within the Manningham Police Service Area in accordance with the terms and conditions outlined in this MOU agreement.
- In return Victoria Police has agreed to release a marked Police vehicle for expanded police services that includes agreed performance measures and activities relating to road and community safety within the Manningham Police Service Area.

CONDITIONS OF LOAN (PARTNERSHIP ARRANGEMENT)

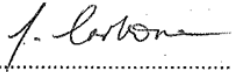
1. The Council shall provide to Victoria Police the loan vehicle for use as an unmarked vehicle for general purposes in the Manningham Police Service Area for a period of 3 years from the date of this MOU agreement, or on the loan vehicle reaching 100,000 kilometres ("the loan period"), whichever comes first.
2. In consideration of the Council supplying the loan vehicle, Victoria Police shall release a marked Police vehicle to provide an enhanced police presence in response to issues that arise in Manningham to address issues affecting road and community safety strategies and programs as part of an ongoing partnership arrangement.

3. The expanded Police services and agreed performance measures and activities include, but are not limited to, the following.
 - Increased mobile Police patrols within the Manningham Police Service Area to enhance Police presence to specifically address current control strategies relating to property damage, residential burglaries, theft of and theft from motor vehicles, assaults and youth issues.
 - Police Officer support of and participation in the Manningham Community Safety Advisory Committee.
 - Police Officer participation in the Manningham Municipal Emergency Management Planning Committee, including active engagement in joint planning, training and exercising activities.
 - Participation of Police Youth Resource Officer in approved initiatives and associated committee meetings.
 - Participation of Police Officers in "Fit To Drive" sessions and "Community Safety Surveys" as requested.
 - Participation of Police Officers in various Council committees and associated activities and events, including but not limited to the following.
 - Manningham Youth Providers network.
 - Manningham Mental Health Working Group.
 - Manningham Family Violence Working Group.
 - Carols by Candlelight.
 - Others by agreement.
 - Police Officer support and participation in community safety events including Community Safety Month, road safety initiatives and provision of safety / security advice for related Council activities and community events.
 - Police Officer involvement and follow up with residents to address local traffic issues such as concerns about speeding and undesirable behaviour.
 - Police Officer involvement with traffic management around schools.
 - Police Officer involvement and follow up with residents, businesses and community groups to address issues relating to general security and safety awareness.
 - Support of Councils management and response activities in relation to illegal brothels within Manningham.
 - Facilitate the "Manningham Liquor Accord", including conduct of meetings and forums relating to the sale of liquor within the Municipality.
 - Facilitate the issue and return of the L2P program vehicle for Authorised Drivers with a valid booking and provide a secure place within the Doncaster Police Station grounds to securely store the vehicle when not signed out by an Authorised Driver.
4. Victoria Police shall provide to Council on an annual basis, advice on their performance and details of their expanded services as outlined in Clause 3 including the following statistics relating to the use of the loan vehicle.

- The total kilometres travelled.
 - The total number of patrol shifts in which the vehicle has been used.
 - Crime reports and statistics including the number, locality and type of crimes.
 - Traffic infringement numbers and accident data within the municipality.
5. Notwithstanding anything in this agreement to the contrary the Council or Victoria Police may at any time terminate this agreement by giving one months notice in writing to either party.
 6. At the end of the term of this agreement as provided in Clause 1 or upon the sooner determination of this agreement by either party, Victoria Police shall return the loan vehicle to Council in a clean and road worthy condition subject to the normal wear and tear associated with driving the vehicle.
 7. The Council shall register and pay the cost of renewing the registration of the loan vehicle.
 8. The Council undertakes to deliver the loan vehicle to the Victoria Police in a road worthy condition.
 9. Council acknowledges and agrees that Victoria Police may, subject to written agreement by Council, modify the loan vehicle.
 10. Council acknowledges and agrees that the loan vehicle may at times be garaged at private residences.
 11. Victoria Police shall undertake to regularly service, maintain and repair the loan vehicle during the term of this agreement and shall be responsible for all costs associated with the service, maintenance and repair of the vehicle.
 12. Victoria Police shall comprehensively insure the loan vehicle for the full value of the vehicle and shall renew such comprehensive insurance on the vehicle and pay all premiums in relation to such insurance.
 13. Victoria Police agrees to bear the cost of a road worthy certificate for the loan vehicle should a road worthy certificate be required.
 14. Victoria Police shall promptly allow the Council to inspect the loan vehicle upon receiving a written request from the Council for an inspection of the vehicle.
 15. Victoria Police hereby releases and forever discharges the Council and its servants and agents from all causes of action, suits, proceedings, costs, claims and other demands in respect of death, personal injury loss or damage sustained by Victoria Police or its servants or agents whilst using, maintaining or repairing the loan vehicle.
 16. Victoria Police indemnifies the Council and its servants and agents against all causes of action, suits, proceedings, costs, claims and other demands which may be brought, made against or incurred by Victoria Police in respect of death, personal injury loss or damage sustained by anybody or person or property damage, save and except as set out in Clause 8, by reason of any act sufferance or omission on the part of Victoria Police its servants or agents whilst repairing, maintaining, servicing or using the loan vehicle.

Signed:

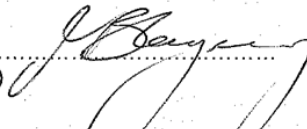
For and on behalf of Manningham City Council



.....
Joe Carbone
Chief Executive Officer

For and on behalf of the State of Victoria
through the agency of Victoria Police

(Signature)



.....
Jack Brayney APM
Assistant Commissioner
Eastern Region.....

(Name)

(Rank)

LOAN AGREEMENT

DATED this TWELFTH day of DECEMBER, 2014.

BETWEEN

The State of Victoria acting through Victoria Police
of 979 Doncaster Road, Doncaster East 3109
(Victoria Police)

AND

Manningham City Council
of 699 Doncaster Road, Doncaster 3108
(Council)

RECITALS:

- A. Victoria Police has requested the Council to lend to it without fee or other reward one Police Pack Ford Territory TX RWD Wagon, Registration Number 1DI 9NN, (the Loan Vehicle) for use by members of Victoria Police for the period from the 12TH day of DECEMBER, 2014 to the 11TH day of DECEMBER, 2017, or on the loan vehicle reaching 100,000 kilometres, whichever occurs first (the Loan Period).
- B. The Council has agreed to lend the Loan Vehicle to Victoria Police on the terms and conditions hereinafter provided in the Memorandum of Understanding between the parties (**Attachment 1**).
- 1. Extension of Loan Period**
- 1.1. Victoria Police and the Council may, by agreement in writing, extend the Loan Period on the same terms and conditions as set out in this Agreement or as may be otherwise mutually agreed.
- 1.2. Victoria Police shall return the Loan Vehicle to the Council at, or at any time prior to, the expiry of the Loan Period.

2. Registration

- 2.1. The Council acknowledges and agrees that it shall maintain registration of the Loan Vehicle during the Loan Period.

3. Victoria Police's Acknowledgement

- 3.1. Victoria Police acknowledges and agrees that it will:
- a. take all due and proper care of;
 - b. arrange appropriate insurance for; and
 - c. repair or make good any loss or damage caused to the Loan Vehicle in the possession, custody or control of Victoria Police during the Loan Period.
- Victoria Police further agrees to discharge its responsibilities as set out in the MOU dated 12/12/2014.

4. Confidentiality

- 4.1. The Council agrees and undertakes:
- a. to keep the terms of this Agreement secret and confidential;
 - b. not to disclose, divulge or cause to be disclosed or divulged the details of any or all of the Loan Vehicle to any person, body or business other than those involved with the arrangements under this Agreement; and
 - c. not to disclose or divulge or cause to be disclosed or divulged any information that identifies or is likely to identify a member of Victoria Police to any person, body or business not involved with the arrangements under this Agreement.

5. Variation

- 5.1. Any term or condition of this Agreement may be varied, discharged or released by written agreement between the parties.

6. Termination

6.1. This Agreement may be terminated at any time by mutual agreement or by either party giving one month's written notice to the other party.

7. Governing Law

7.1. This Agreement is governed by and is to be construed in accordance with the laws of Victoria.

8. Relationship of Parties

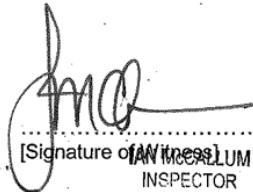
8.1. This Agreement is not intended to create a partnership, joint venture or agency relationship between the parties.

9. Entire Understanding

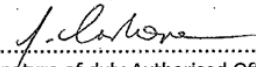
9.1. This Agreement constitutes the entire understanding between the parties as to the subject matter.

SIGNED for and on behalf of the **State of Victoria** by its duly authorized officer in the presence of:

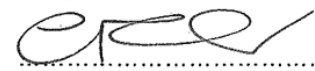

.....
[Signature of Authorized Officer]
Jack Blayney APM
Assistant Commissioner
Eastern Region
.....
[Print Name of duly Authorised Officer]


.....
[Signature of Witness]
IAN LUM
INSPECTOR
STAFF OFFICER TO
EASTERN REGION COMMANDER
.....
[Print Name of Witness]

Executed by Manningham City Council
by being signed by its duly authorised officer in the presence of:


.....
[Signature of duly Authorised Officer]

JOE CARBONE
.....
[Print Name of duly Authorised Officer]


.....
[Signature of Witness]

COURTNEY POWER
.....
[Print Name of Witness]

12 COMMUNITY PROGRAMS


There are no Community Programs reports.

13 SHARED SERVICES

There are no Shared Services reports.

14 CHIEF EXECUTIVE OFFICER

14.1 Manningham Quarterly Report, Quarter 1, 2017/18

File Number: IN17/638
Responsible Director: Executive Manager People and Governance
Attachments: 1 [Manningham Quarterly Report, June - September 2017](#) 

EXECUTIVE SUMMARY

The Quarterly Report outlines key organisational indicators and many of the reporting requirements under the Local Government Performance Reporting Framework (LGPRF). The report enables greater transparency to monitor and track key aspects of council's performance for continuous improvement purposes.

1. COUNCIL RESOLUTION

MOVED: CR PAULA PICCININI
SECONDED: CR GEOFF GOUGH

That Council note the Manningham Quarterly Report for June – September 2017.

CARRIED

2. BACKGROUND

2.1 This report has been developed to promote transparency and to meet the legislative requirements under the Local Government Act and the Local Government Performance Reporting Framework (LGPRF).

3. DISCUSSION / ISSUE

- 3.1 The report is produced quarterly (September, December, March, June).
- 3.2 The report includes results for the 2016/17 LGPRF indicators. This data is reported annually in the Annual Report and on the State Government managed *Know Your Council* website.
- 3.3 *Know Your Council* was established in 2014/15 to deliver greater transparency and comparison on Council performance across the State. It features annual data from every Council in key areas of service performance, financial performance and sustainability capacity. The Minister for Local Government is yet to confirm the release date for 2016/17 data, but it is expected to be released shortly.

4. REPORT SUMMARY

Capital Works

- 4.1 As at 30 September Council is tracking satisfactorily, with 18.6% completion of the overall program. There are a number of variances resulting from the carry forward from the last financial year. Out of the 77 projects on the program, 5 projects are delayed including Thompsons Road, Yarra Street Pride of Place (streetscape), Mullum Mullum Linear Creek Stage 1 / Currawong (shade sail replacement), Magiq upgrade (data management project) and Yarra Road asphalt resurfacing.

Finance

- 4.2 Council is in a sound financial position and is committed to remain focussed on being a financially sustainable Council. During the first three months of the financial year Council's operating surplus (income less expenses) was 1.1% or \$0.8 million ahead of budget.

Activity Report

- 4.3 Overall, Council performed well in LGPRF indicators for 2016/17. Council is aware of the areas for improvements in consultation and statutory planning and has been proactive over the last 12 months in deploying increased resources to improve performance in both areas.
- 4.4 Statutory Planning has continued to increase timeliness in comparison to this time last year with decisions made within 60 days (up to 64.5% from 28.2%) and median time taken to decide planning applications down 62 days.

5. COUNCIL PLAN / STRATEGY

- 5.1 Eleven out of the 14 Major Initiatives in the Strategic Resource Plan for 2017/18 are on schedule with the reminder 3 projects expected to catch up in Quarter 2.
- 5.2 A communications plan for relevant data results will be prepared.

6. DECLARATIONS OF CONFLICT OF INTEREST

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



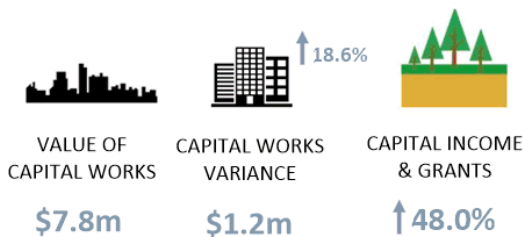
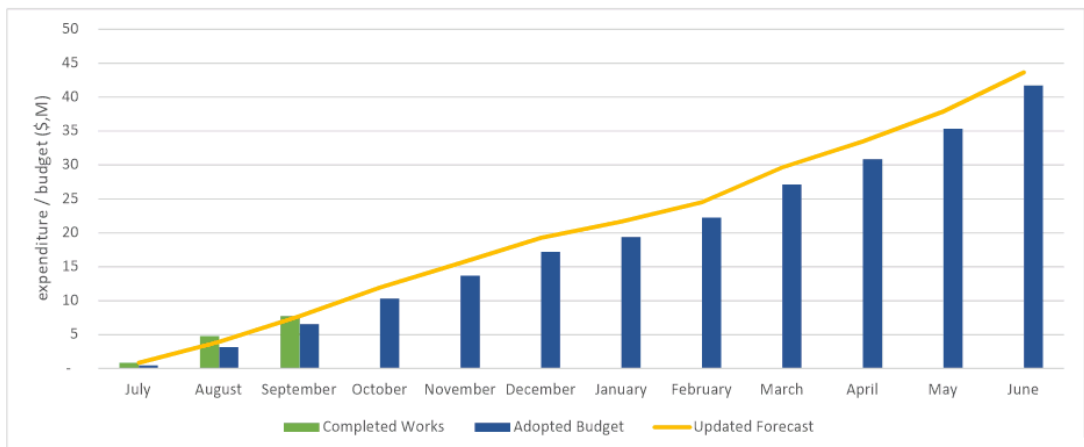
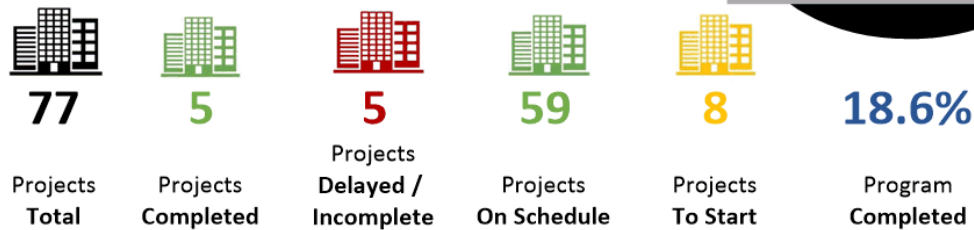
Manningham

Quarterly Report 2017/18

Quarter 1: July - September 2017

1. Capital Works

\$41.7m	Adopted Budget
\$1.9m	Extra Funds
\$43.7m	Updated Forecast



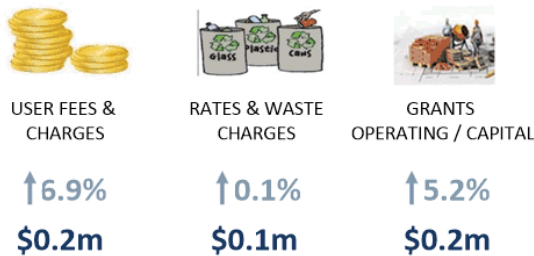
Spotlight

- Satisfactory progress has been made on implementation of the Capital Works Program. Delayed projects are Thompsons Road, Yarra Street Pride of Place (streetscape), Mullum Mullum Linear Creek Stage 1 / Currawong (shade sail replacement) and Yarra Road asphalt resurfacing.
- \$1.2m ahead of adopted budget expenditure as the carried forward works are completed, and on par with forecast outcome.
- 48% variance in capital income reflects income being received in advance and additional unbudgeted grants and income for works to be undertaken this financial year.

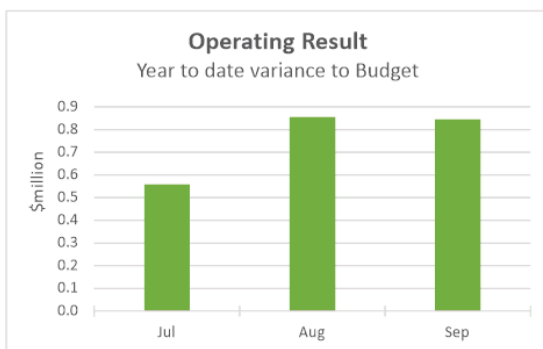
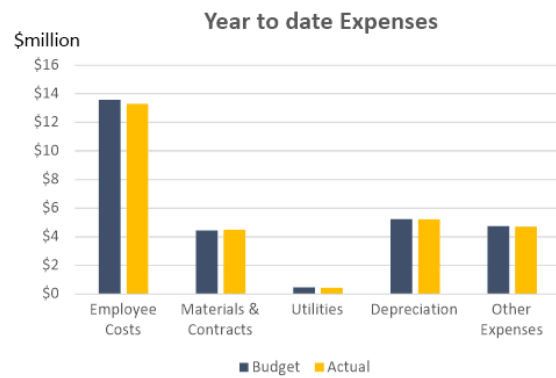
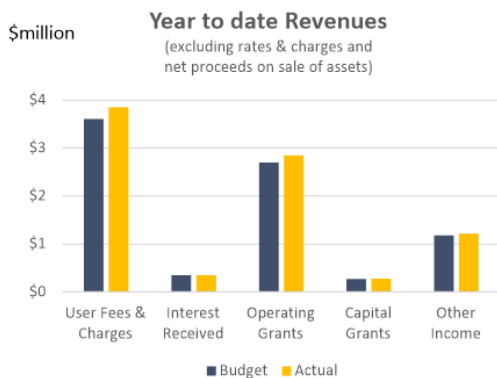
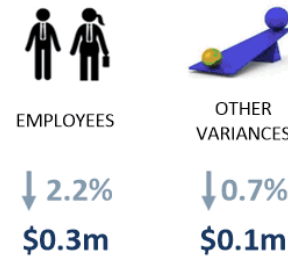
2. Finance

	Revenue	Expenses	Surplus
Budgeted	\$103.8m	\$28.5m	\$75.3m
Actual	\$104.3m	\$28.2m	\$76.1m

Revenue Variation



Expenses Variation



Spotlight

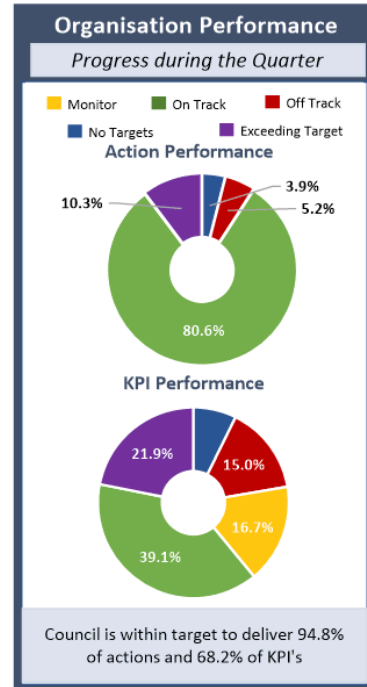
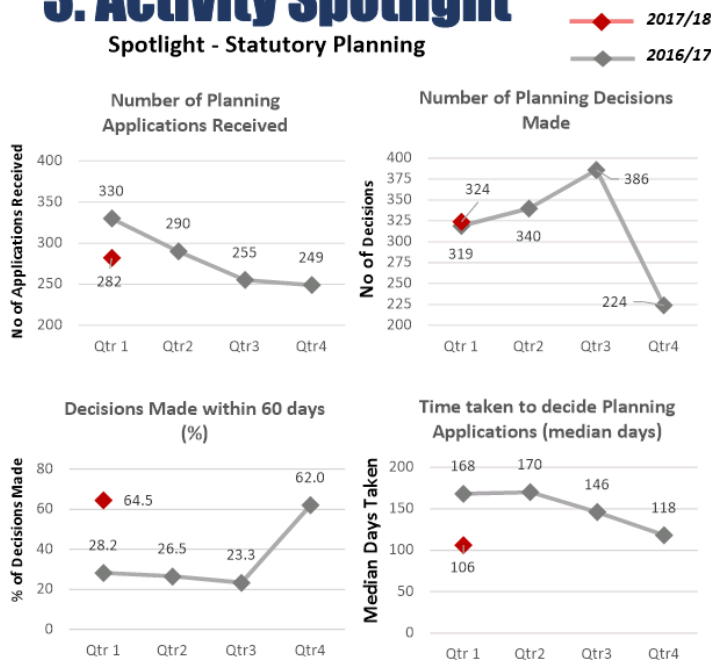
During the first three months of the financial year Council's operating surplus (income less expenses) was 1.1% or \$0.8 million ahead of budget.

Revenues are \$0.5 million higher than anticipated and expenses \$0.3 million lower than budget. This represents a sound start for the 2017/18 budget year.

A formal review of all year-end forecasts will be undertaken during the December 2017 quarter.

3. Activity Spotlight

Spotlight - Statutory Planning



Local Government Performance Reporting Framework (LGPRF)

One view of Council performance is captured by the LGPRF indicators. The indicators cover service performance including timeliness, service standards and public health and safety across a number of Council services. The results are collated annually by the State Government on the *Know Your Council* website for state-wide comparison.

In 2016/17, Manningham Council performed well in LGPRF indicators in Animal Management, Food Safety, Governance and Waste. There were mixed results in Maternal Child Health, Roads and Libraries.

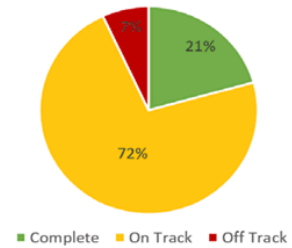
Strongest progress was in Aquatic Facilities, with utilisation and costs recovering following the Aquarena development. Areas for improvement are Consultation and Statutory Planning. Additional resources have been allocated to these areas to drive stronger performance.

Statutory Planning figures show improvement with the median time taken to decide applications falling from 118 to 106 days (which compared to 94 days for 'like' metropolitan Councils). Applications completed within 60 days has improved to 64% ('like' Councils at 55%). Council is striving to reduce the processing times further through introducing a range of on-line functions.

Major Initiatives to deliver on the new 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.

For Quarter 1, 2018, eleven Major Initiatives are on schedule, and the Healthy City Strategy action plan has been delivered ahead of time. The three delayed projects are the Road Improvement Program (due to issues with the contractor), upgrade to Council drainage and construction of Bolin Bolin Integrated Water Management Facility. All projects are being closely monitored to ensure successful completion.



4. Major Initiatives

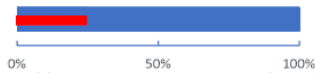
HEALTHY COMMUNITY

1.1 A healthy, resilient and safe community

1.2 A connected and inclusive community



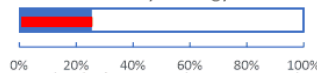
Healthy City Strategy 2017 - 2021



Healthy City Strategy 2017-2021 adopted on 27 June 2017. Action Plan has been developed in consultation with key partners and the Healthy City Advisory Committee.



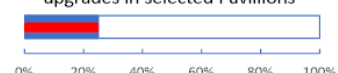
2017 – 2021 Access, Equity and Diversity Strategy



The draft Strategy has a proposed framework with key focus areas including human rights, workplace leadership, equitable opportunity, and valuing diversity.



Deliver female friendly facility upgrades in selected Pavillions



Tender for upgrades now closed. Works to be completed in Schramms and Doncaster Reserves this year.

LIVEABLE PLACES AND SPACES

2.1 Inviting places and spaces

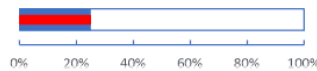
2.2 Enhanced parks, open space and streetscapes

2.3 Well connected, safe and accessible travel

2.4 Well utilised and maintained community infrastructure



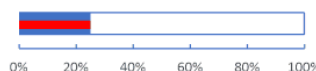
Ensure local planning is responsive to community need



Review of existing Planning Scheme has commenced through review of amendments, community feedback and VCAT decisions to inform new planning scheme and key priorities.



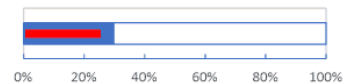
Implementation of Parks Improvement Program



Works undertaken include: Main Yarra Trail extension along Taroona Avenue. Design of Lawford Reserve playspace, picnic and skate/basketball area).



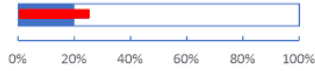
A new Integrated Transport Strategy for the region



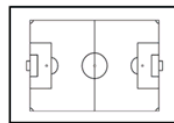
Consultants brief is being developed to put out for tender in November.



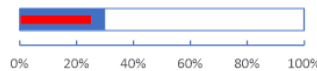
Roads Improvement Program



Construction of King Street (Stage 1) and consultation for Jumping Creek Road is continuing. Shared trail alignment is due to be finalised next month.

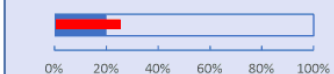


Mullum Mullum Stadium



The EOJ process for Mullum Mullum Stadium has commenced and closes on Friday 13 October.

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%


RESILIENT ENVIRONMENT

3.1 Protect and enhance our environment and biodiversity

3.2 Reduce our environmental impact and adapt to climate change




Environmental education and awareness




0% 20% 40% 60% 80% 100%

20 Nature Walks, Environment Seminars & Field Trips, Home Harvest and Spring Outdoors (in partnership with Banyule and Nillumbik Councils) events have been held for the community.




Upgrading Council drainage infrastructure

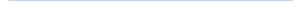


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Marcus Road Drainage Improvement design nearing completion. Concept development for Ringwood Warrandyte Road easement drain nearing completion.



Bolin Bolin Billabong Water Facility

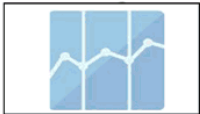


0% 20% 40% 60% 80% 100%


Project delays due to unforeseen site conditions, the supply of a suitable clay liner for the storage basins, wet weather and commissioning of the power supply to the various sites. The project is set to be commissioned by early December 2017.

VIBRANT AND PROSPEROUS ECONOMY

4.1 Grow our local business, tourism and economy



Grow the visitor economy, visitor destinations and events



0% 20% 40% 60% 80% 100%

Tapping into Tourism' workshop delivered in partnership with Destination Melbourne. Informing businesses on how to attract more visitors and on the value of tourism. Working with local shopping centre contacts for the development of Christmas events.


About Manningham Business

- 30+ local retail centres, 9 neighbourhood activity centres, 1 major activity centre and 1 principal activity centre
- 13,000 local business in Manningham
- As the largest sector, retail employs nearly 5,000 people and generates over \$530 million to the local economy each year;
- Home based business account for 80 % of all businesses in Manningham

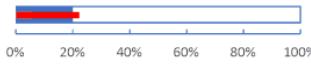
WELL GOVERNED COUNCIL

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

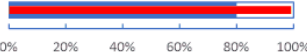


0% 20% 40% 60% 80% 100%

Review of 10 Year Long Term Financial Plan has commenced. Consultation of the Plan will be undertaken alongside the 2018/19 Annual Budget.



Making it easy for citizens to interact with us



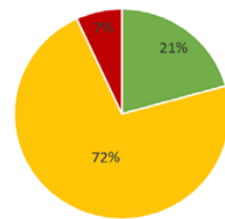
0% 20% 40% 60% 80% 100%

Phase 1 : Implementation of Contact Centre is complete with the opening in August 2017. Recruitment and capacity building of customer service staff has seen performance improvements. Phase 2 is being scoped to further increase 'First Contact Resolution'.

5. CEO Key Performance Indicators

The CEO Key Performance Indicators include a number of Major Initiatives (progress detailed above) and organisational performance indicators.

For Quarter 1, 93% of measures are either on track or complete.



■ Complete ■ On Track ■ Off Track

Key Performance Indicator (KPI)	Performance Measures	Status
Through our Citizen Connect program, we will make it easy for citizens to interact with us, find out information, request a service, provide feedback or report an issue	1. Implementation (Phase 1) Centralised Contact Centre by August 2017 ● 2. Customer Relationship Management by June 2018 ● ■ First Call Resolution (measured by increased % of enquiries handled by the Customer Service team - compared to switchboard model 2016/17) Target = 60% FCR by end 2017/18 (compared to below 30% in 2016/17) ■ Reduced abandoned call rate (calls to main number and service units) Target = 5% abandoned calls by end 2017/18 (compared to more than 20% abandoned calls 2016/17) ■ Customer Experience Improvement Plan by December 2017	
Plan for the health and wellbeing of the municipality	3. Adoption of Healthy City Strategy Action Plan 2017 – 2021 by 30 September 2017 ● ■ Action Plan developed in partnership with key stakeholders ■ Community Safety Month initiatives by November 2017 4. Deliver two initiatives on priority social issues, aligned to the Council Plan, by 30 June 2018 ● 5. Prepare a Year 1 progress report by 30 June 2018 which demonstrates on schedule delivery of the plan. ●	
Ensure Council’s communications channels are fit-for purpose for Manningham’s diverse CALD community	6. Review of channels undertaken, formulate actions and implement by 31 December 2017 ●	
Adoption and implementation of access, equity and diversity strategy across the municipality	7. Adoption of the 2017 - 2021 Access, Equity and Diversity Strategy/ Action Plan (Inclusive Manningham Strategy) by 30 June 2018 ● ■ Action Plan developed with key stakeholders by June 2018 ■ Plan and commence implementation of a new initiative encouraging social and economic inclusion by June 2018	
Communication and Engagement that encourages participation in decision making	8. A range of initiatives to achieve at least a 5% increase in the satisfaction rate, from 54% in 2016/17, with Council communication and engagement by 30 June 2018 ●	
Operational efficiency targets	9. Coordinate delivery of 2017/18 savings target of \$2.1 million by 30 June 2018 through improved efficiency, whilst maintaining service levels. ●	
Capital Works programme phasing and delivery	10. Percentage of capital works budget carried forward 5% or less from adopted budget ●	
Present detailed options paper for property portfolio development - including financial modelling, high level planning implications and site development option plans	11. Paper presented to an SBS by October 2017. <i>This item is being presented to Council on 5 December 2017.</i> ●	

CEO Key Performance Indicators cont.

● Complete ● On Track ● Off Track

Key Performance Indicator (KPI)	Measures	
Prepare a 10 Year Long Term Financial Plan incorporating key strategies to address the long term sustainability of Council	12. Completion of Financial Plan by 30 June 2018	●
Implementation of Parks Improvement Program	13. Implementation of Parks Improvement Program works: <ul style="list-style-type: none"> ■ Schramms Cottage Complex Masterplan by December 2017 ■ Rieschecks Reserve (work on the ground) by 30 June 2018 ■ Dorney Reserve (Recreation Centre) by September 2018 ■ Lawford Reserve Management Plan (Stage 2) by June 2018 	●
Deliver a new Integrated Transport Strategy for private and public transport in the region	14. Plan developed and commenced implementation of priorities by 31 December 2018	●
Improve connectivity through Road Improvement Program including upgrade of Council Link Roads	15. Staged works completed as programmed: <ul style="list-style-type: none"> ■ King Street by 31 December 2019 ■ Stage 1 Jumping Creek Road by 30 June 2021 	●
Assist in addressing growing demand in indoor sports through completion of Mullum Mullum Stadium	16. Construction completed by 30 April 2018. Operation and use arrangements in place by 30 June 2018	●
Grow the visitor economy and create opportunities for visitor destinations and events within Manningham	17. Implementation of Greater Melbourne Destination Management and Visitor Plan by 30 June 2018	●
Ensure local planning is responsive to community need and aligned with local planning laws	18. Review of Manningham Planning Scheme by 30 June 2018	●
Manage and maintain Bolin Bolin Billabong Facility to supply harvested stormwater for sports ground irrigation	19. Bolin Bolin Facility construction completed by 30 October 2017. <i>The project has been delayed due to a number of unforeseen site conditions, the supply of a suitable clay liner for the storage basins, wet weather and commissioning of the power supply to the various sites. The project is set to be commissioned by early December 2017.</i> 20. Maximise Council's waste resource recovery rate to ensure that there is a reduction in landfill compared to 2016/17	● ●
Demonstrate leadership in sustainable and innovative environmental practices	21. Improve energy and carbon efficiency in Council owned and managed buildings to achieve reduced greenhouse emissions by 20% from 2009 levels by 2020. 22. By completing installation of 6,000 energy efficient LED street lights by 31 December 2017	● ●
Strengthen Governance framework to ensure robust processes in support of Council decision making	23. Draft Meeting Local Law reviewed and reported to SBS by October prior to consultation phase. Final law in place by 13 December 2017	●
Facilitate organisational renaissance in support of being the 'Best Council in Victoria' through launching and embedding values program and structural change as required	24. Values program launched by September 2017 25. Conduct a pulse survey by June 2018 with an increase in staff engagement from 2016/17 26. Review opportunity for a 360 type assessment process by 20 June 2018 – report to be presented to Councillors 27. Define what the "Best Council" looks like by 30 June 2018 – report to Councillors	● ● ● ●
Records Management modernisation	28. Public Records Office of Victoria (PROV) Percentage compliance at 68% by June 2018	●
Statutory Planning Permit processed within 60 days	29. 10% increase from 2016/17 baseline by June 2018	●

14.2 Council Meeting Schedule for 2018

File Number: IN17/507
Responsible Director: Executive Manager People and Governance
Attachments: Nil

EXECUTIVE SUMMARY

Under Council's Meeting Procedure Law 2015, Council is required to fix its meeting schedule for 2018.

Presently, Ordinary Council meetings are held on Tuesdays (generally the last of each month) at 7:00pm, on a monthly cycle, in the Council Chamber at the Civic Centre. It is proposed to change the monthly meeting cycle to allow for better alignment between Councillor briefings and Council meetings in 2018.

The recommended meeting schedule is based on moving meetings to the fourth Tuesday of each month, excepting where circumstances suggest some other arrangement would be more appropriate.

1. COUNCIL RESOLUTION

MOVED: CR MICHELLE KLEINERT
SECONDED: CR DOT HAYNES

That the:

- A. Ordinary meeting of the Council for 2018 be held on the fourth Tuesday of the month (except as otherwise provided in this report) at 7:00pm in the Council Chamber at the Civic Centre on the following dates:**
- 30 January 2018;
 - 27 February 2018;
 - 27 March 2018;
 - 24 April 2018;
 - 22 May 2018;
 - 26 June 2018;
 - 24 July 2018;
 - 28 August 2018;
 - 25 September 2018;
 - 23 October 2018;
 - 27 November 2018; and
 - 11 December 2018.
- B. Annual meeting of the Council be held on Thursday, 8 November 2018, at 7:00pm.**

C. Chief Executive Officer be authorised to undertake all statutory requirements to call the scheduled meetings of Council.

CARRIED

2. BACKGROUND

- 2.1 Council's Meeting Procedure Law 2015 provides that the date, time and place for all Ordinary Council meetings be fixed by Council from time to time.
- 2.2 The proposed meeting arrangements for 2018 provide for Ordinary Council meetings to be held on the fourth Tuesday of each month at 7:00pm unless otherwise provided in this report. Meetings will be held in the Council Chamber at the Civic Centre.
- 2.3 Additional meetings may be scheduled throughout the year as required and the proposed dates may be amended if necessary.
- 2.4 In preparing the meeting schedule, consideration has been given to scheduled public holidays and confirmed local government conferences for 2018.

3. DISCUSSION / ISSUE

- 3.1 This is an administrative report to enable Council to set the meeting dates for the 2018 calendar year. Previously, Council meetings have been held on the last Tuesday of the month. The proposed meeting schedule recommends moving Council meetings to the fourth Tuesday of each month.
- 3.2 The primary rationale for this change is to strengthen the alignment between Council and Strategic Briefing meetings timetable. Briefing sessions are held on the first and second Tuesdays of each month, with the strategic session being held in week one and the operational session in week two. The change will:
 - enable agendas to be prepared and distributed to Councillors and the community for all meetings a week in advance of the meeting;
 - quicker transition of issues between meetings; and
 - improved timeframes for the preparation of reports that need to flow through to a Council meeting from Strategic Briefing meetings.
- 3.3 In addition to the above, feedback has been received that the current arrangement causes some confusion in that you need to know which months have 5 Tuesdays to establish the actual dates of meetings, rather than simply being the fourth week. To move to the fourth Tuesday removes this confusion and does not have any adverse impact on the operations of Council.
- 3.4 The only two variations to the proposed fourth Tuesday meeting dates in 2018 are:
 - the January Council meeting which is proposed for the fifth Tuesday so that it is held at the conclusion of the holiday period and after Australia Day; and

- the December Council meeting which is traditionally held earlier in the month prior to the holiday season.

4. COUNCIL PLAN / STRATEGY

The fixing of meeting times, dates and places is a statutory requirement and is part of Council's good governance obligations.

5. IMPACTS AND IMPLICATIONS

Council meetings provide interested people within the community an opportunity to participate in local democracy. Participation provides for greater understanding of Council decision making processes and promotes open, transparent and accountable government.

6. IMPLEMENTATION

6.1 Finance / Resource Implications

There are no finance/resource issues associated with this report.

6.2 Communication and Engagement

The meeting schedule will be published in the local newspaper and placed on Council's website.


6.3 Timelines

The meeting schedule takes effect at the commencement of 2018.

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.

14.3 Appointment of Authorised Officer - Planning and Environment Act 1987

File Number: IN17/643
Responsible Director: Chief Executive Officer
Attachments: 1 Instrument of Authorisation Thevasagayam [↓](#) 

EXECUTIVE SUMMARY

In accordance with the Planning and Environment Act 1987(the Act), Council is required to authorise employees for the purpose of enforcing the provisions of the Act and it is proposed to appoint one newly appointed Statutory Planning staff member as an Authorised Officer pursuant to Section 147(4) of the Act.

1. COUNCIL RESOLUTION

MOVED: CR MICHELLE KLEINERT
SECONDED: CR PAULA PICCININI

That in the exercise of the powers conferred by Section 224 of the Local Government Act 1989 and the other legislation referred to in the attached Instrument of Appointment and Authorisation, Council resolves:

- A. Sujendran Thevasagayam, Planning Enquiries Officer, Statutory Planning Unit be appointed as an Authorised Officer pursuant to the Planning and Environment Act 1987 and authorised as set out in the Instrument of Appointment and Authorisation shown at Attachment 1;**
- B. The Instrument will come into force immediately upon the Common Seal of Council being affixed to the Instrument and will remain in force until Council determines to vary or revoke the Instrument or the employee ceases their employment with Council; and**
- C. The Common Seal of the Council be affixed to the Instrument.**

CARRIED

2. BACKGROUND

- 2.1 The Act regulates enforcement of the Act and is reliant on authorised officers acting on behalf of the Responsible Authority which is Council.
- 2.2 The Act, unlike the Local Government Act 1989, does not permit appointments to be made by the Chief Executive Officer and therefore in order for the officer to legally undertake the duties of their position under the Act, it is necessary for Council to make the appointments by formal resolution.
- 2.3 The Instrument of Appointment and Authorisation, shown as Attachment 1, is based on advice from Maddocks Lawyers and empowers the relevant staff member to exercise those powers granted in the Instrument.

- 2.4 The appointment will come into force immediately upon its execution under the Seal of Council will remain in force until varied or revoked by Council or the Officer ceases employment with Council.
- 2.5 In addition to the appointment under the Act, Council pursuant to Section 224 of the Local Government Act 1989, may appoint any person other than a Councillor to be an authorised officer for the purposes of the administration and enforcement of most other Acts, Regulations or Local Laws which relate to the functions and powers of the Council. This broader Instrument of Appointment and Authorisation has already been carried out, in respect to the designated Officer, under the delegated authority of the Chief Executive Officer as the first part of a dual appointment process.
- 2.6 The appointment form will be recorded in the Authorised Officers Register that is required to be kept by Council and is available for public inspection.

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.

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

In this instrument "officer" means -

Sujendran Thevasagayam, Planning Enquiries Officer

By this instrument of appointment and authorisation Manningham City Council -

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

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

This instrument is authorised by a resolution of the Manningham City Council on 28 November 2017.



The Common Seal of)
Manningham City Council)
was hereunto affixed)
in the presence of:)

Mayor

Chief Executive Officer

Date:

14.4 Record of Assembly of Councillors - November 2017

File Number:	IN17/204
Responsible Director:	Senior Governance Advisor
Attachments:	1 Strategic Briefing Session - 14 November 2017 ↓ 
	2 Strategic Briefing Session - 21 November 2017 ↓ 

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.

1. COUNCIL RESOLUTION

MOVED: CR ANNA CHEN
SECONDED: CR DOT HAYNES

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 – 14 November 2017**
- **Strategic Briefing Session – 21 November 2017**

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' or '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 the Assembly for the item in which he or she has an interest.

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 – 14 November 2017
- Strategic Briefing Session – 21 November 2017

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: 14 November 2017
Venue: Council Chamber, Civic Office, 699 Doncaster Rd, Doncaster
Starting Time: 6.30pm

1. **Councillors Present:**
Councillor Michelle Kleinert (Mayor)
Councillor Mike Zafiroopoulos (Deputy Mayor)
Councillor Anna Chen
Councillor Andrew Conlon
Councillor Sophy Galbally
Councillor Geoff Gough
Councillor Dot Haynes
Councillor Paul McLeish
Councillor Paula Piccinini

Apologies from Councillors:
Nil

Executive Officers Present:
Warwick Winn, Chief Executive Officer
Philip Lee, Director Shared Services
Leigh Harrison, Director Assets and Engineering
Jill Colson, Executive Manager People & Governance

Other Officers in Attendance:
Rodney McKail, External Governance Consultant
Andrew McMaster, Corporate Counsel
Joseph Linnestad, Manager Citizen Connect
Fiona Park, Manager Transformation

2. **Disclosure of Conflicts of Interest**
No disclosures of conflict of interest were made.
3. **Items Considered**
- 3.1 Identification of Confidential or Sensitive Issues
 - 4.1 Communications and Media Report
 - 5.1 Forward Agenda
 - 6.1 Citizens Connect Community Research and Transformation Update
 - 6.2 Special Rates and Charges Schemes
 - 6.3 Meeting Procedure
 - 6.4 Open Data Policy
 - 6.5 CEO Update

The meeting ended at approximately 10.15pm

Record of an Assembly of Councillors

Manningham City Council

Strategic Briefing Session

Meeting Date: 21 November 2017
Venue: Council Chamber, Civic Office, 699 Doncaster Rd, Doncaster
Starting Time: 6.30pm

1. Councillors Present:

Councillor Andrew Conlon (Mayor)
Councillor Michelle Kleinert (Deputy Mayor) by phone
Councillor Anna Chen
Councillor Sophy Galbally
Councillor Geoff Gough
Councillor Paul McLeish
Councillor Paula Piccinini
Councillor Mike Zafirooulos

Apologies from Councillors:

Councillor Dot Haynes

Executive Officers Present:

Warwick Winn, Chief Executive Officer
Teresa Dominik, Director Planning & Environment
Leigh Harrison, Director Assets and Engineering
Jill Colson, Executive Manager People & Governance

Other Officers in Attendance:

Carrie Bruce, Senior Governance Advisor
Natasha Swan, Manager Health and Local Laws
Vivien Williamson, Manager City Strategy
Juanita Haisman, Manager Communications

2. Disclosure of Conflicts of Interest

No disclosures of conflict of interest were made.

3. Items Considered

- 3.1 Identification of Confidential or Sensitive Issues
- 4.1 Actions Arising
- 5.1 Forward Agenda
- 6.1 Parking Permit Policy Review 2017
- 6.2 Tree Protection in Manningham
- 6.3 North East Link – Community Survey Response
- 6.4 Community Request – Confidential
- 6.5 Parking Waivers
- 6.6 Redundant Infrastructure
- 6.7 Trial Solar Savers Special Charge Scheme Declaration
- 6.8 Victoria Planning Provisions Reform – Council Submission
- 6.9 Amendment C122 Planning Control Update
- 6.10 Mullum Mullum Stadium – Confidential
- 6.11 Police Loan Vehicle
- 6.12 Manningham Quarterly Report – Quarter 1 2018
- 6.13 2018 Council Meeting Schedule

The meeting ended at approximately 10.00pm

14.5 Documents for Sealing - 28 November 2017

File Number: IN17/198
Responsible Director: Senior Governance Advisor
Attachments: Nil

EXECUTIVE SUMMARY

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

1. COUNCIL RESOLUTION

MOVED: CR PAULA PICCININI
SECONDED: CR SOPHY GALBALLY

That the following documents be signed and sealed:

**Community Services Lease
Council and Deep Creek Child Care Centre Inc.
Part 510 – 518 Blackburn Road, Doncaster East**

**Consent Agreement to Build Over an Easement
Agreement under Section 173 of the Planning and Environment Act 1987
Council and J Feng
2 Vicki Court, Doncaster East**

**Consent Agreement to Build Over an Easement
Agreement under Section 173 of the Planning and Environment Act 1987
Council and D J Lania
19 Rose Avenue, Bulleen**

**Consent Agreement to Build Over an Easement
Agreement under Section 173 of the Planning and Environment Act 1987
Council and A J Gregorio
21 Hampshire Road, Doncaster East**

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.

15 URGENT BUSINESS

There are no items for Urgent Business.

16 WRITTEN QUESTIONS FROM THE PUBLIC

16.1 K. Perkins, Doncaster

- Q1 As a concerned resident I, like other neighbours, spent almost 2 hours studying the plans and reading the details for 19-23 Bayley Grove. I compiled, after much thought, my objections. We then attended the meeting with the Council and Developer only to be confronted by different plans which no one had seen. We were denied the opportunity to study these and review objections. Does Council consider this to be best practice? For residents it seems quite a shady practice.

The CEO responded that the question will be taken on notice and a response will be provided in writing.

17 COUNCILLORS' QUESTION TIME

There were no Questions from the Councillors.

18 CONFIDENTIAL REPORTS

COUNCIL RESOLUTION

MOVED: CR MIKE ZAFIROPOULOS
SECONDED: CR ANNA CHEN

That the Council close the meeting to the public pursuant to section 89(2)(d) and (f) of the Local Government Act 1987, to consider item 18.1 which relates to contractual matters and legal advice.

CARRIED

The Meeting was closed to the public at 8:20pm to consider the following report and was re-opened at 8:24pm.

18.1 Mullum Mullum Stadium - Solar Power Installation

This information has been designated in writing as confidential information by the Chief Executive Officer pursuant to S77(2)(c) of the Local Government Act 1989. The relevant grounds applying are S89(2)(d) and (f) of the Act concerning contractual matters and legal advice.

The meeting concluded at 8:25pm

Chairperson
CONFIRMED THIS 12 DECEMBER 2017