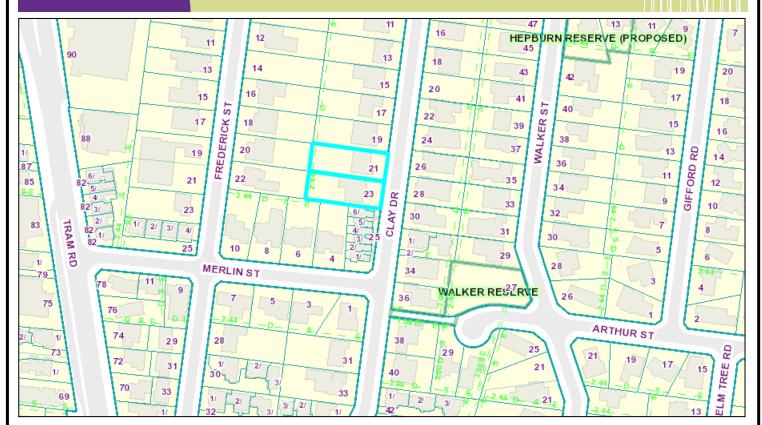
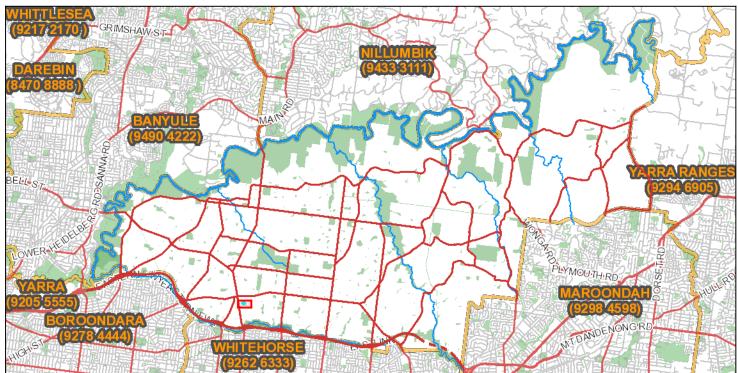


## Maps of Manningham





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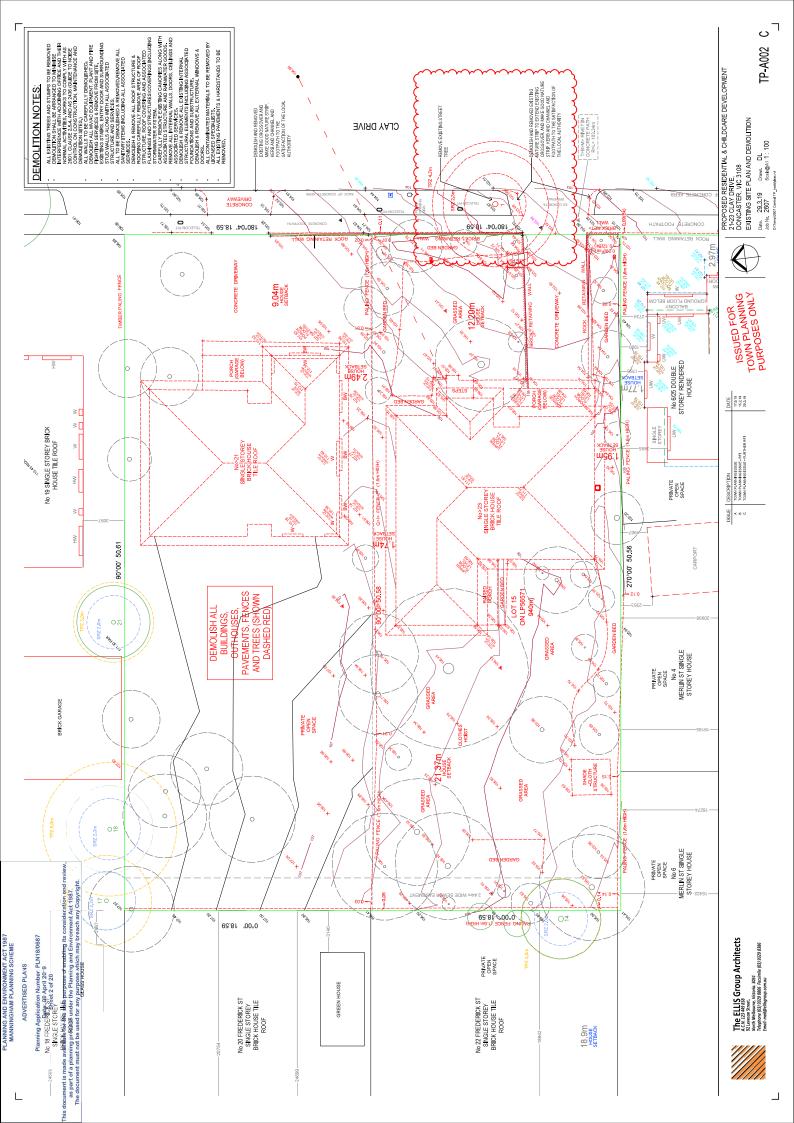
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Whilst all care has been taken in the preparation of this cadastral base map, Manningham and the State of Victoria accepts no responsibility for the accuracy of any information shown. Users should rely on their own enquiries in order to validate information shown on this map. This information is for Demonstration only.

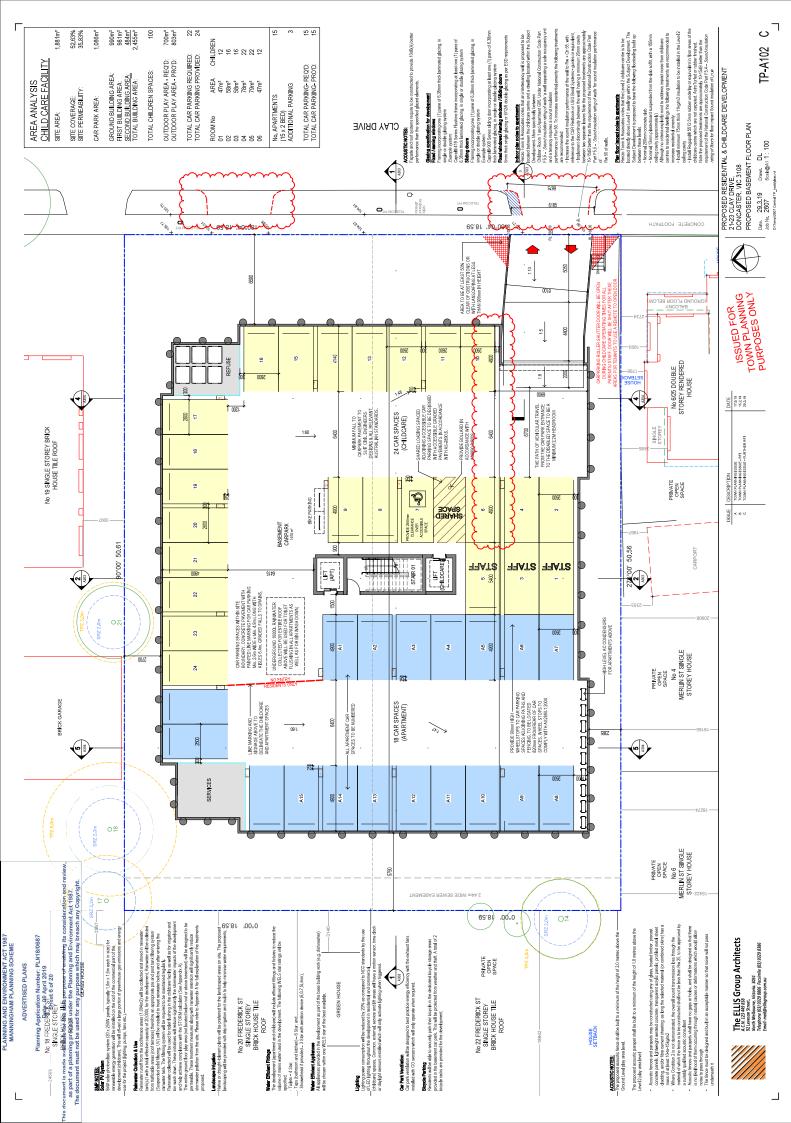




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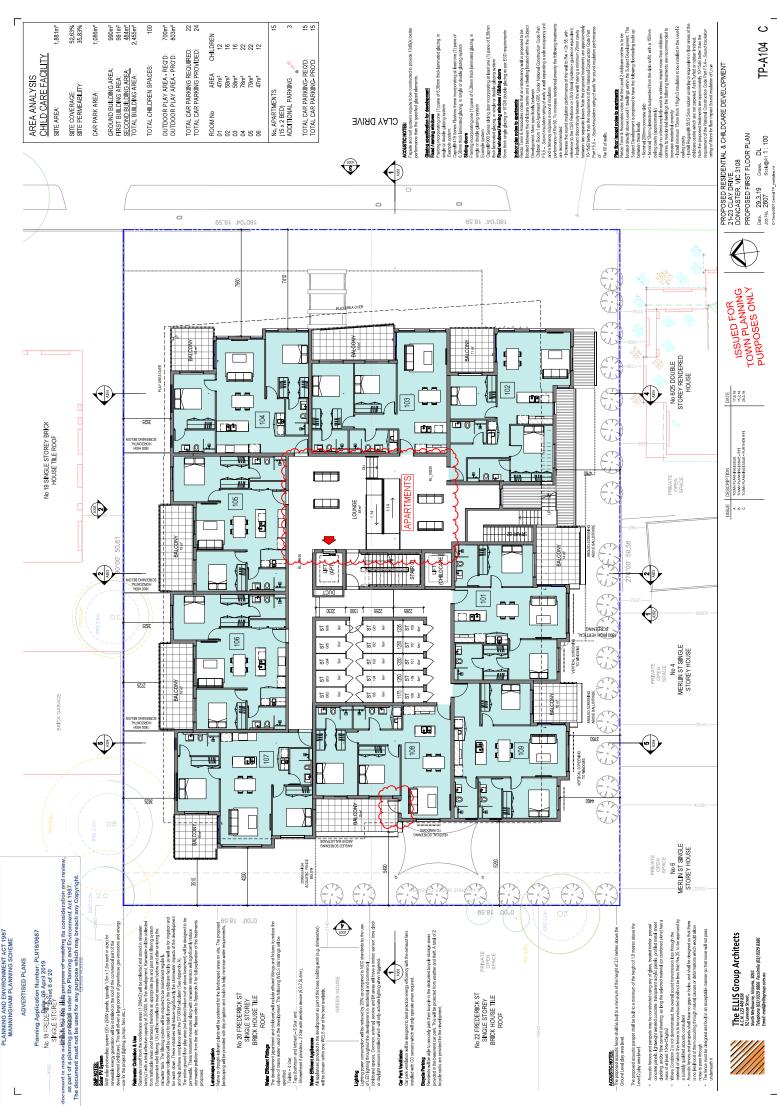




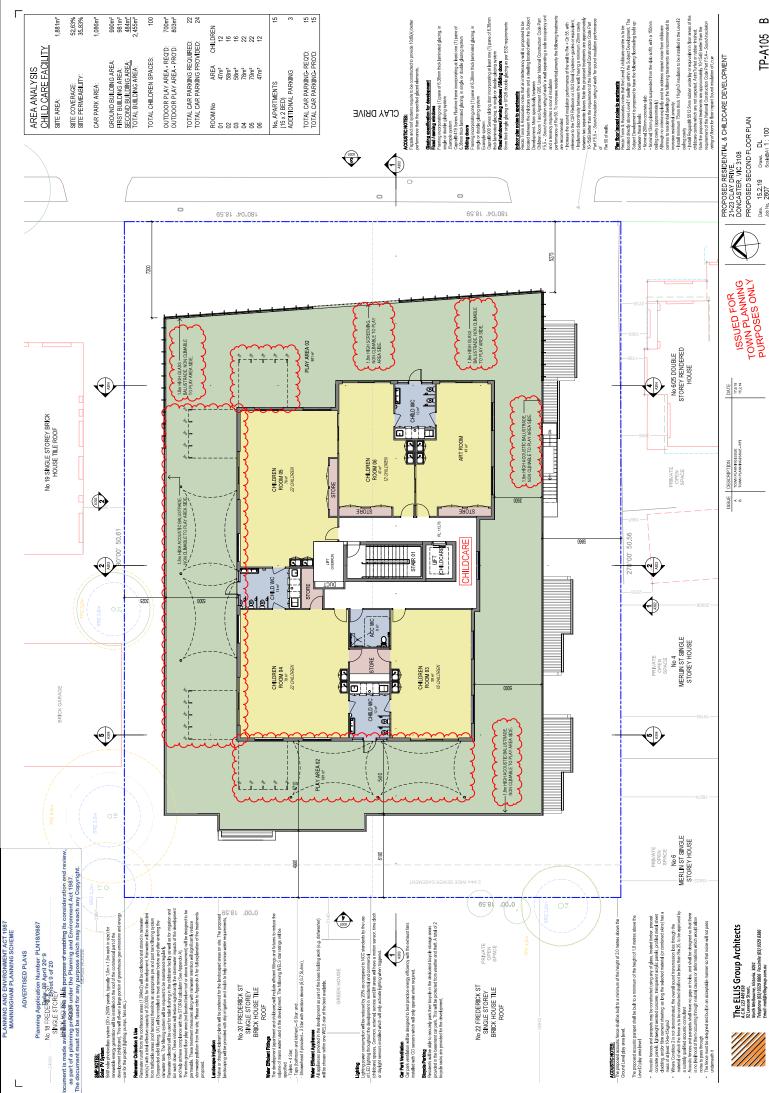




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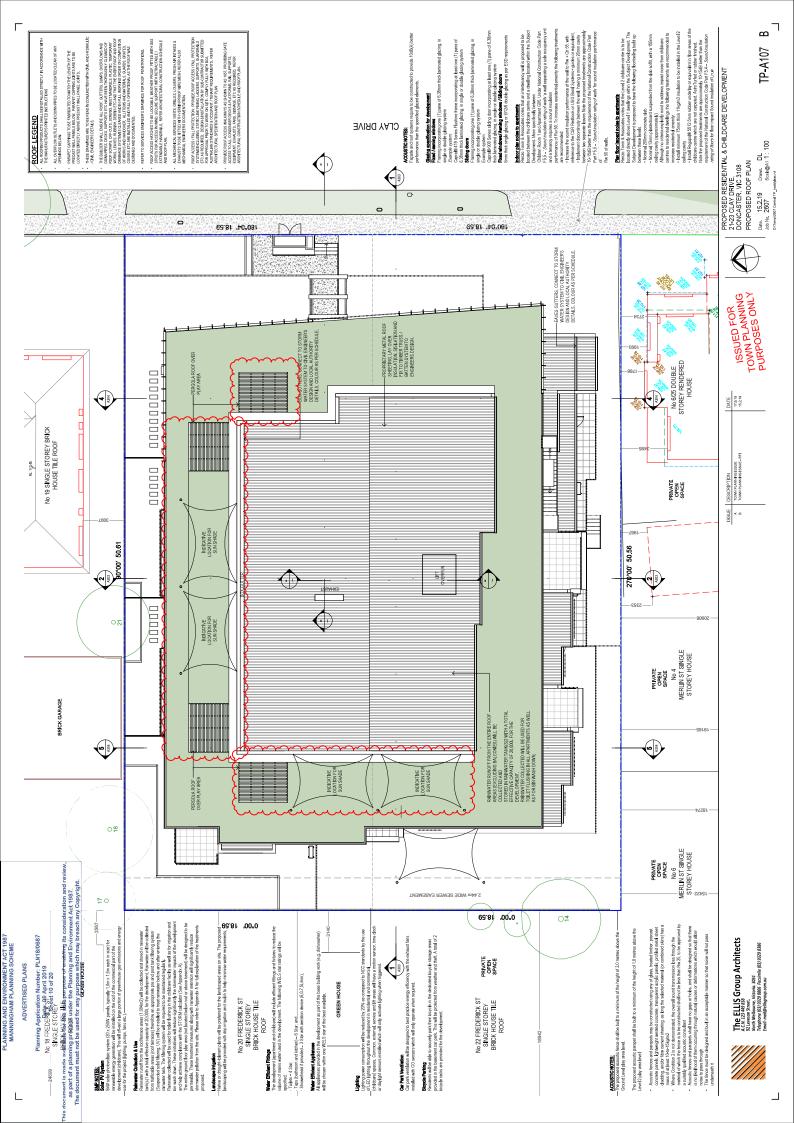
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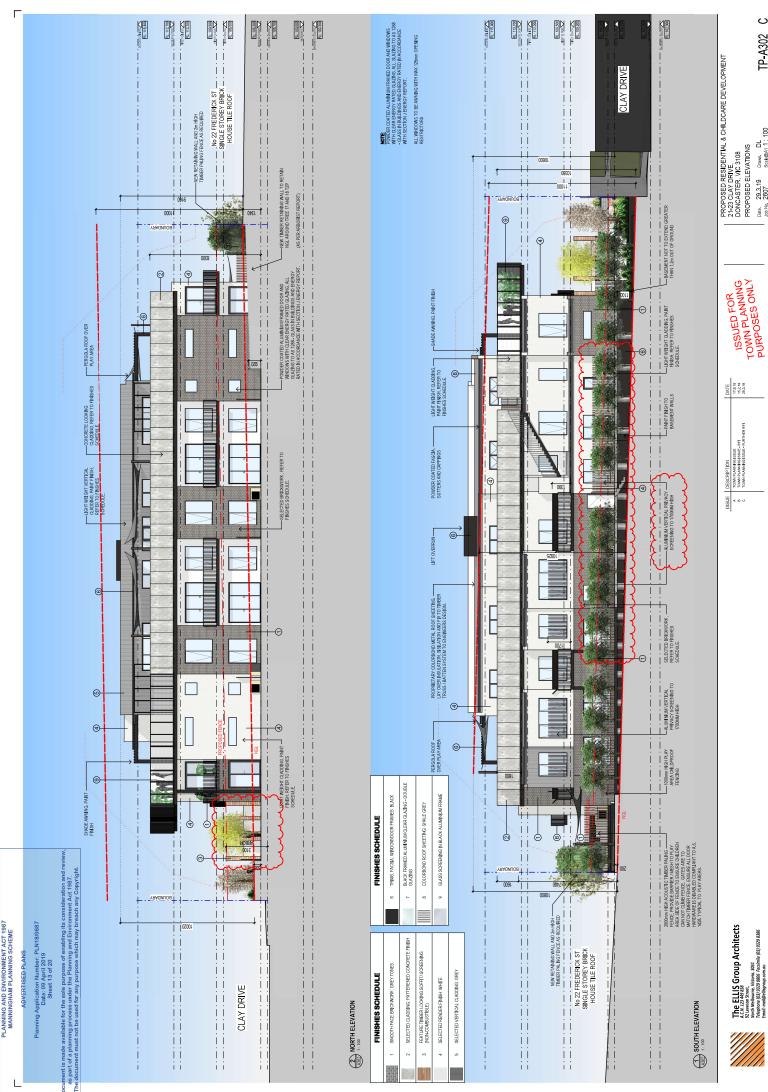
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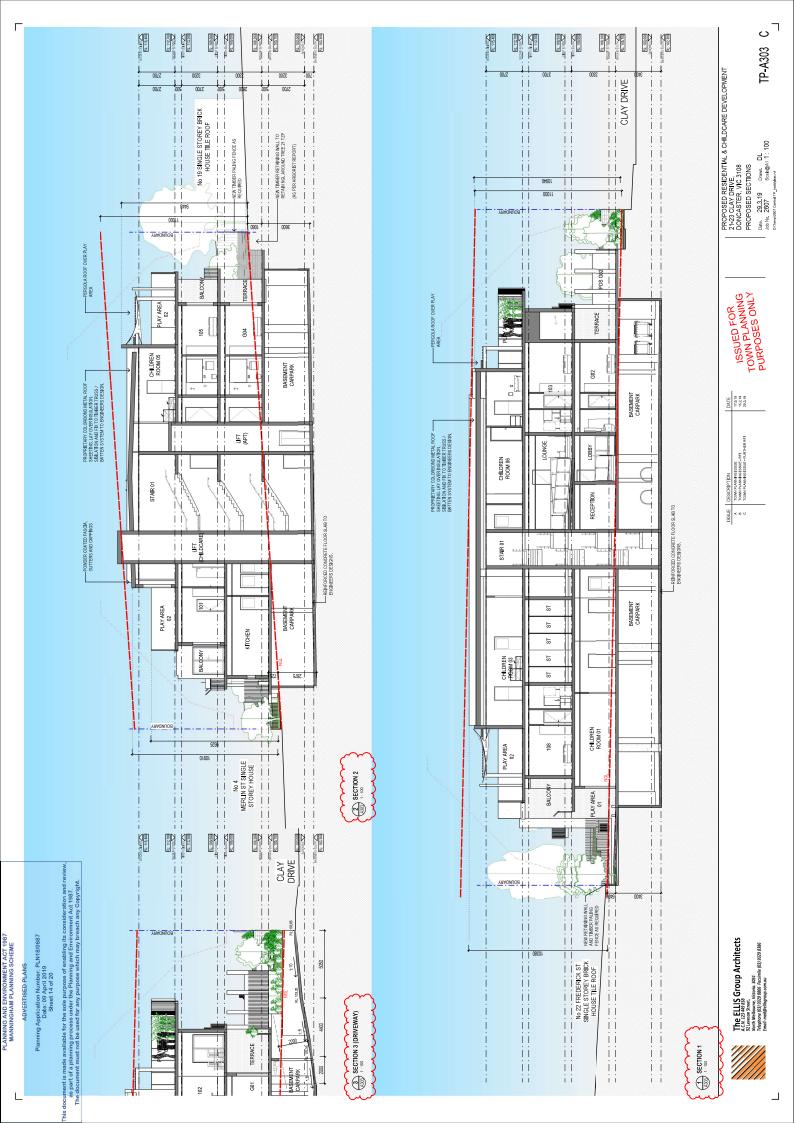


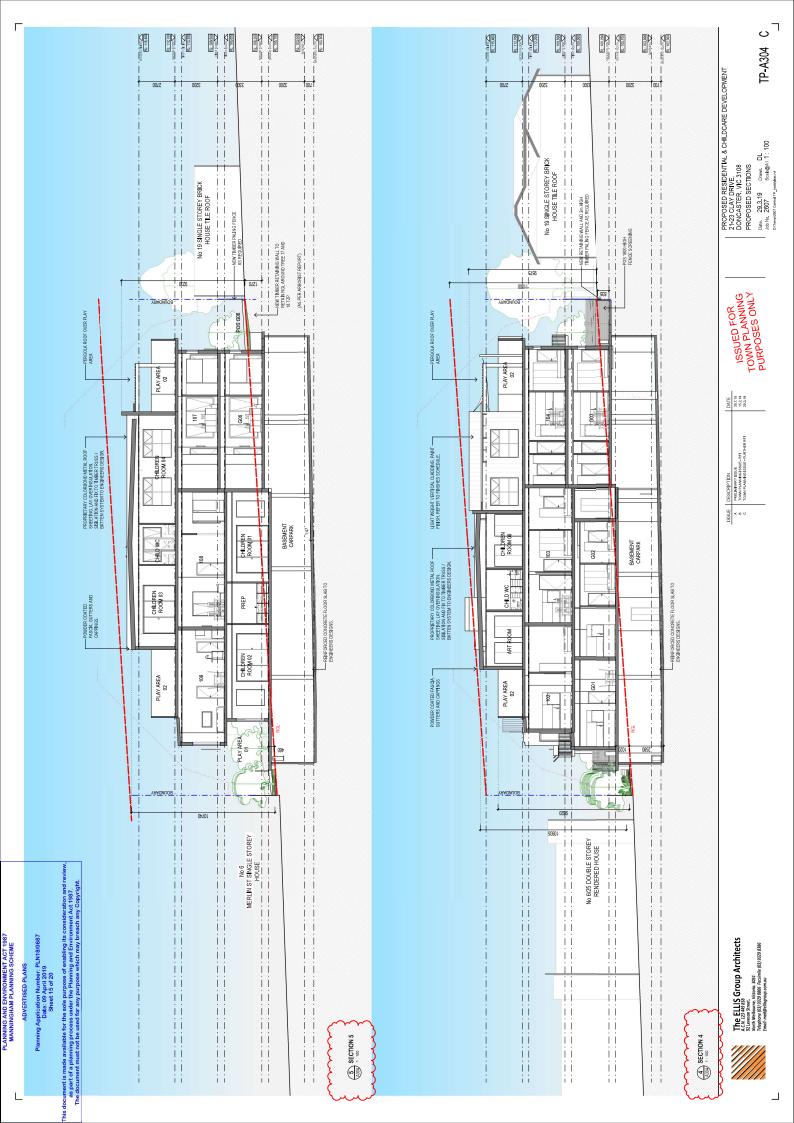




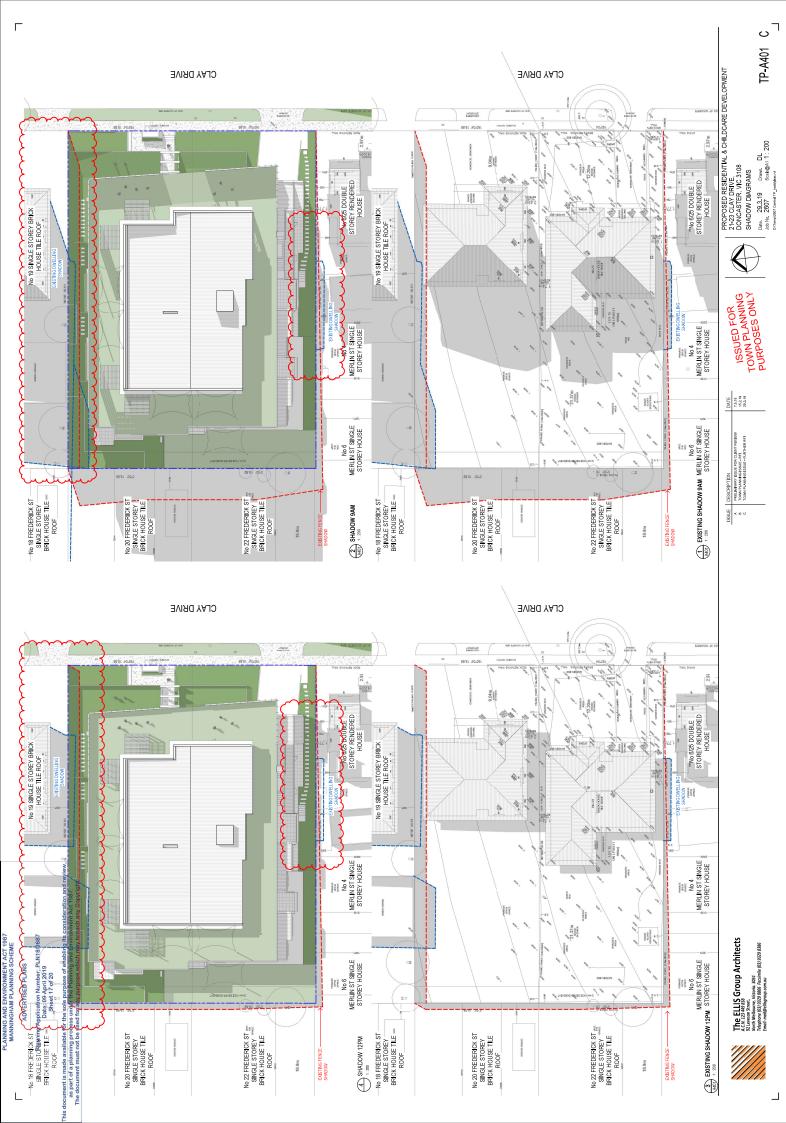


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PLANNING AND ENVIRONMENT ACT 1987 MANNINGHAM PLANNING SCHEME

ADVERTISED PLANS

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Planning Application Number: PLN18/0687 Date: 09 April 2019 Sheet 18 of 20

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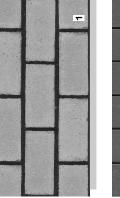
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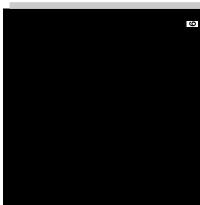
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Streets of Street.
Worth Medium. Victoria, 2001
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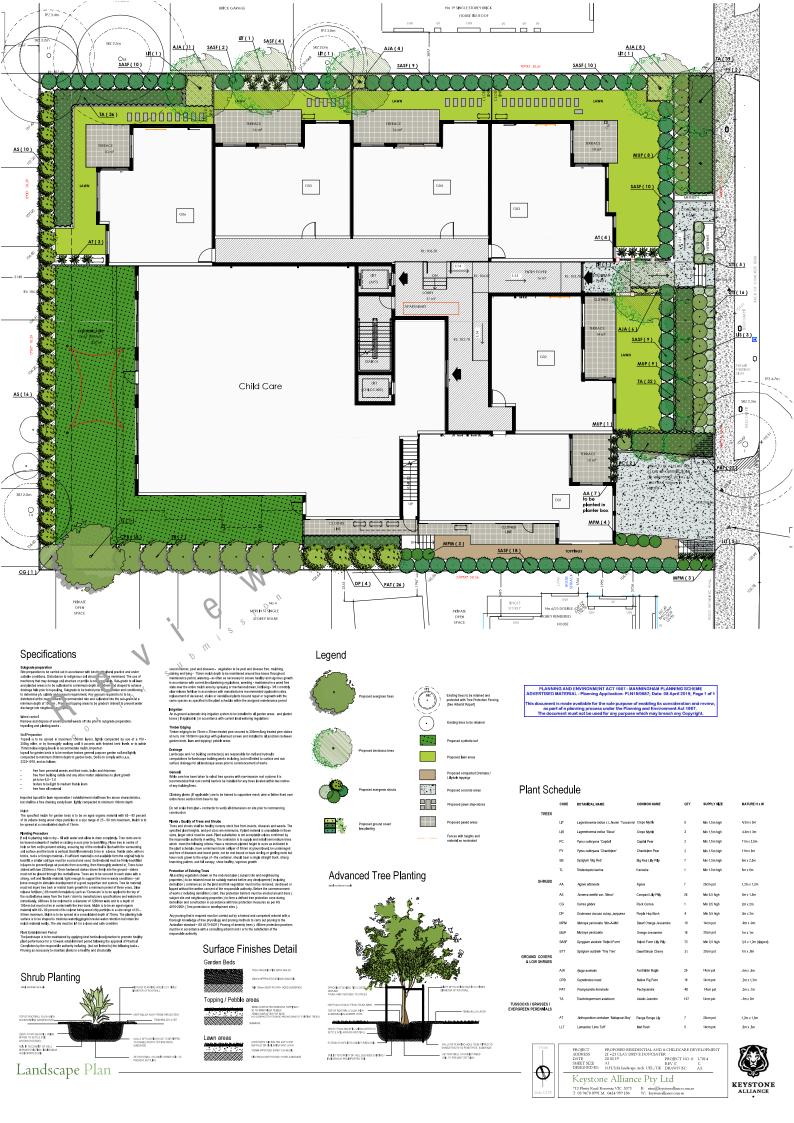
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#### 5. LEGISLATIVE REQUIREMENTS

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

The *Planning and Environment Act 1987* is the relevant legislation governing planning in Victoria. The Act identifies subordinate legislation in the form of Planning Schemes to guide future land use and development.

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

- The relevant planning scheme;
- The objectives of planning in Victoria;
- All objections and other submissions which it has received;
- Any decision and comments of a referral authority which it has received; and
- Any significant effects which the responsible authority considers the use or development may have on the environment or which the responsible authority considers the environment may have on the use or development.

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

#### 5.2 MANNINGHAM PLANNING SCHEME

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

- Planning Policy Framework
- Local Planning Policy Framework
- Clause 32.08 General Residential Zone, Schedule 2
- Clause 43.02 Development 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

#### Zones

#### Clause 32.08 General Residential Zone, Schedule 2

The purpose of the Activity Centre Zone is:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To encourage development that respects the neighbourhood character of the area.
- To encourage a diversity of housing types and housing growth particularly 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 permit is required to for the use and development of the land for a child care center and for construction two or more dwellings on a lot.

A residential development of five or less storeys must meet the requirements of Clause 55

An application to construct or extend a dwelling or residential building on a lot greater than 650sqm must provide minimum 35% of the lot as garden area.

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

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

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

- the building height must not exceed 11 metres; and
- the building must contain no more than 3 storeys at any point.

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

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

#### **Overlays**

#### Clause 43.02 Schedule 8 to 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 subprecinct and in sub-precinct A, where the minimum land size can be achieved.
- To ensure new development is well articulated and upper storey elements are not unduly bulky or visually intrusive, taking into account the preferred neighbourhood character.
- To encourage spacing between developments to minimise a continuous building line when viewed from a street.
- To ensure the design and siting of dwellings have regard to the future development opportunities and future amenity of adjoining properties.
- To ensure developments of two or more storeys are sufficiently stepped down at the perimeter of the Main Road sub-precinct to provide an appropriate and attractive interface to sub-precinct A or B, or other adjoining zone.
- To ensure overlooking into adjoining properties is minimised.
- To ensure the design of carports and garages complement the design of the building.
- To ensure the design of basement and undercroft car parks complement the design of the building, eliminates unsightly projections of basement walls above natural ground level and are sited to allow for effective screen planting.
- To encourage landscaping around buildings to enhance separation between buildings and soften built form.

#### Permit Requirement

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

#### **Building Height & Setbacks**

 Any building or works must comply with the requirements set out in Table 1 and 2 of this Schedule.

- For the purposes of this Schedule, the Maximum Building Height does not include building services, lift over-runs and roof mounted equipment, including screening devices.
- For the purposes of this Schedule, balconies, terraces, and verandahs may encroach within the Street Setback by a maximum of 2.0m, but must not extend along the width of the building.

Table 1

Sub-Precinct	Maximum Building Height	Condition regarding minimum land size	Street setback
DDO8-2 (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 two or more dwellings on a lot or a residential building:  • 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

#### **Planning Policy Framework**

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

Clause 15.01-1 (Urban Design) seeks to create urban environments that are safe, healthy, functional and enjoyable and that contribute to a sense of place and cultural identity.

Strategies towards achieving this are identified as follows:

- Require development to respond to its context in terms of character, cultural identity, natural features, surrounding landscape and climate.
- Ensure development contributes to community and cultural life by improving the quality of living and working environments, facilitating accessibility and providing for inclusiveness.
- Ensure the interface between the private and public realm protects and enhances personal safety.
- Ensure development supports public realm amenity and safe access to walking and cycling environments and public transport.
- Ensure that the design and location of publicly accessible private spaces, including car parking areas, forecourts and walkways, is of a high standard, creates a safe environment for users and enables easy and efficient use.
- Ensure that development provides landscaping that supports the amenity, attractiveness and safety of the public realm.
- Ensure that development, including signs, minimises detrimental impacts on amenity, on the natural and built environment and on the safety and efficiency of roads.
- Promote good urban design along and abutting transport corridors.

Clause 15.01-2 (Building Design) policy objective is:

• To achieve building design outcomes that contribute positively to the local context and enhance the public realm.

The strategies to achieve this requires a comprehensive site analysis prior to the design process, requires developments to respond to strategic and cultural context of its locations, minimise detrimental impact on neighbouring properties and encourages landscaping that enhances the built form and create safe attractive spaces.

Clause 15.01-4 (Healthy Neighbourhoods) policy objective is:

• To achieve neighbourhoods that foster healthy and active living and community wellbeing.

Strategies to achieve the objective include designing neighbourhoods that foster community interaction and making it easy for people of all ages to live healthy lifestyles by providing connected, safe and attractive walking and cycling networks, conveniently locating public spaces for active recreation, providing accessibly located public transport stops and streets with direct, safe and convenient access to destinations.

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

• To recognise, support and protect neighbourhood character, cultural identity and sense place.

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

- Ensure development responds to cultural identity and contributes to existing or preferred neighbourhood character.
- Ensure development responds to its context and reinforces a sense of place and the valued features and characteristics of the local environment and place by emphasising the:
  - Pattern of local urban structure and subdivision
  - Underlying natural landscape character and significant vegetation.
  - Heritage values and built form that reflect community identity.

Clause 15.02-1 Sustainable Development: Energy and resource efficiency The policy objective is:

• To encourage land use and development that is energy and resources efficient, supports a cooler environment and minimises greenhouse gas emissions.

The clause has the following strategies:

- Improve the energy, water and waste performance of buildings and subdivisions through environmentally sustainable development.
- Promote consolidation of urban development and integration of land use and transport.
   Improve efficiency in energy use through greater use of renewable energy technologies and other energy efficiency upgrades.
- Support low energy forms of transport such as walking and cycling.
- Reduce the urban heat island effect by greening urban areas, buildings, transport corridors and open spaces with vegetation.
- Encourage retention of existing vegetation and planting of new vegetation as part of development and subdivision proposals.

Clause 16.01-1 Residential development: Integrated housing The policy objective is:

To promote a housing market that meets community needs.

The clause has the following strategies:

- Increase the supply of housing in existing urban areas by facilitating increased housing vield in appropriate locations, including under-utilised urban land.
- Ensure that an appropriate quantity, quality and type of housing is provided, including aged care facilities and other housing suitable for older people, supported accommodation for people with disability, rooming houses, student accommodation and social housing.
- Ensure housing developments are integrated with infrastructure and services, whether they are located in existing suburbs, growth areas or regional towns.
- Facilitate the delivery of high quality social housing.

Clause 16.01-2 Residential development: Location of residential development The policy objective is:

• To locate new housing in designated locations that offer good access to jobs, services and transport.

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

- Increase the proportion of new housing in designated locations within established urban areas and reduce the share of new dwellings in greenfield and dispersed development areas.
- Encourage higher density housing development on sites that are well located in relation to jobs, services and public transport.
- Ensure an adequate supply of redevelopment opportunities within established urban areas to reduce the pressure for fringe development.
- Facilitate residential development that is cost effective in infrastructure provision and use, energy efficient, water efficient and encourages public transport use.
- Identify opportunities for increased residential densities to help consolidate urban areas.

#### Clause 16.01-3 Housing diversity

The policy objective is:

• To provide for a range of housing types to meet diverse needs.

The several strategies to achieve this objective include the following:

- Ensure housing stock matches changing demand by widening housing choice.
- Facilitate diverse housing that offers choice and meets changing household needs through:
  - o A mix of housing types.
  - Adaptable internal dwelling design.
  - Universal design.
- Encourage the development of well-designed medium-density housing that:
  - o Respects the neighbourhood character.
  - o Improves housing choice.
  - o Makes better use of existing infrastructure.
  - o Improves energy efficiency of housing.
- Support opportunities for a range of income groups to choose housing in well-serviced locations.
- Ensure planning for growth areas provides for a mix of housing types through a variety of lot sizes, including higher housing densities in and around activity centres.

#### Clause 16.01-4 Housing affordability

The policy objective is:

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

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

The policy objective is:

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

Clause 18.02-1 Movement networks: Sustainable personal transport The policy objective is:

To promote the use of sustainable personal transport.

Clause 19.02-2 Community Infrastructure: Education Facilities The policy objective is:

• To assist the integration of education and early childhood facilities with local and regional communities.

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

- Consider demographic trends, existing and future demand requirements and the integration of facilities into communities in planning for the location of education and early childhood facilities.
- Locate childcare, kindergarten and primary school facilities to maximise access by public transport and safe walking and cycling routes.
- Ensure childcare, kindergarten and primary school facilities provide safe vehicular dropoff zones.
- Locate secondary school and tertiary education facilities in designated education precincts and areas that are highly accessible to public transport.
- Locate tertiary education facilities within or adjacent to activity centres.
- Ensure streets and accessways adjoining education and early childhood facilities are designed to encourage safe bicycle and pedestrian access.
- Develop libraries as community based learning centres.

#### **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 site is located within **Sub-Precinct A**.

Sub-Precinct A is an area where three storey (11m), contemporary 'apartment style' developments are supported on land with a minimum area of 1,800sqm. All development in sub-precinct 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.

#### Development in Precinct 2 should:

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

#### Clause 21.10 Ecologically Sustainable Development

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

#### **Local Planning Policy**

#### Clause 22.05 Non-Residential Uses in Residential Areas

This policy applies to non-residential uses in a Residential Growth Zone, General Residential Zone, Neighbourhood Residential Zone and Low Density Residential Zone. It aims to balance the need for residents to access services in residential locations while ensuring that residential amenity is not adversely affected by way of high levels of on-site activity, traffic generation, noise emission, odour, light and visual disorder. It requires discretionary non-residential uses in General Residential Zone to be responsive to the existing or preferred character.

#### 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 in minimised.

#### Clause 22.09 Access for disabled people

This policy also applies to all land in Manningham. It seeks to ensure that people with a disability have the same level of access to buildings, services and facilities as any other person. The policy requires the needs of people with a disability to be taken into account in the design of all proposed developments.

#### Clause 22.12 Environmentally Sustainable Development

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

#### **Particular Provisions**

#### Clause 52.06 Car Parking

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

- 1 space for 1 and 2 bedroom dwellings.
- 0.22 space to each child.

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

#### Clause 55 Two or more dwellings on a lot and Residential Buildings

A development:

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

A zone or a schedule to a zone, or a schedule to an overlay may specify a requirement different from a requirement of a standard set out in Clause 55.

#### **General Provisions**

#### Clause 65 Decision Guidelines

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

- The Municipal Planning Strategy and the Planning Policy Framework.
- The purpose of the zone, overlay or other provision.
- Any matter required to be considered in the zone, overlay or other provision.
- The orderly planning of the area.
- The effect on the amenity of the area.
- Whether the proposed development is designed to maintain or improve the quality of stormwater within and exiting the site.
- The degree of flood, erosion or fire hazard associated with the location of the land and the use, development or management of the land so as to minimise any such hazard.