

Planning and Environment Act 1987

Panel Report

Manningham Planning Scheme Amendment C102

Planning Permit Application PL15/025196

Doncaster East Village – Montgomery Street sub-precinct

18 March 2016

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Panel Report pursuant to Section 25 of the Act

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A handwritten signature in black ink, appearing to read "Gaye McKenzie". The signature is written in a cursive, flowing style.

Gaye McKenzie, Chair

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List of Abbreviations

DDO	Design and Development Overlay
GRZ	General Residential Zone
LPPF	Local Planning Policy Framework
MSS	Municipal Strategic Statement
PDA	Project Delivery Agreement
PUZ6	Public Use Zone 6 - Local Government
SPPF	State Planning Policy Framework

Overview

Amendment Summary

The Amendment	Manningham Planning Scheme Amendment C102 Planning Application No: PL/15/025196
Common Name	Doncaster East Village – Montgomery Street sub-precinct– Montgomery Street sub-precinct
Subject Site	6 – 16 Montgomery Street, Doncaster East
Planning Authority	City of Manningham
Authorisation	23 July 2015
Exhibition	20 August – 1 October 2015
Submissions	Three submissions were received opposing the Amendment and Planning Permit Application

Panel Process

The Panel	Gaye McKenzie
Directions Hearing	Manningham Civic Centre, 18 December 2015
Panel Hearing	Manningham Civic Centre, 15 February 2016
Site Inspections	Unaccompanied on 18 December 2015 and 15 February 2016
Appearances	Ms Susan Ross, Strategic Planner and Mr Sibash Nanoo, Co-ordinator Engineering Services City of Manningham
Date of this Report	18 March 2016

Executive Summary

Amendment C102 (the Amendment) includes the major part of 6 Montgomery Street in the Public Use Zone 6 - Local Government (PUZ6) and 8 Montgomery Street in the General Residential 2 Zone (GRZ2). The Amendment deletes Schedule 8 and Schedule 8-2 of the Design and Development Overlay that currently apply to 6, 10, 12, 14 and 16 Montgomery Street. Schedule 13 of the Design and Development Overlay (DDO13) will be applied to 6 (in part), 8, 10, 12, 14 and 16 Montgomery Street. The Amendment also amends Clause 21.05 – Residential to acknowledge the introduction of DDO13.

The Amendment is accompanied by Planning Permit Application PL15/025196 made under section 96A of the *Planning and Environment Act 1987* (the Act) to re-subdivide 6, 8 and 10 Montgomery Street, Doncaster East, to create two new lots at 6 (part of) Montgomery Street and 6 (part of), 8 and 10 Montgomery Street). It also creates a road reserve in favour of Manningham City Council in the south east corner of 10 Montgomery Street.

The Amendment and Planning Permit Application were exhibited for six weeks and two information sessions were held for traders and residents to explain the proposal and respond to questions. The owner of one commercial property attended these sessions. Three opposing submissions were received.

The submitters believe that there is inadequate existing parking provided at the Doncaster East Village Centre (the Centre) and the loss of existing spaces, with the sale of 8 and 10 Montgomery Street, will exacerbate this situation. It is considered that 8 Montgomery Street should be retained by Council and developed for parking. One submitter stated, as an alternative, the size of the new lot created at 8 to 10 Montgomery Street should be reduced to accommodate 15 to 20 spaces, to reduce the parking problem at the Centre.

The Panel has considered the written submissions made to Council together with the submission presented by Council at the Hearing. As stated in this Report, the sale of Council land is not a relevant matter to the Panel in considering the Amendment and Planning Permit Application. This will be the subject of a separate process.

The Panel believes the proposed zones are appropriate for the land. With 6 Montgomery Street, the PUZ6 will reflect its existing and ongoing use as a public car park. If Council does not intend to occupy 8 Montgomery Street then retaining the PUZ6 will result in its use not conforming to the purpose of the Zone. This is not appropriate if the Council sells the land. The Panel believes the GRZ2 is suitable for this land in matching the zoning of adjacent land.

There was no submission specific to the new DDO13 and based on the provisions of the adopted Structure Plan for the Centre, the Panel supports its application over 8 to 16 Montgomery Street.

The Panel believes the proposal to re-subdivide 6, 8 and 10 Montgomery Street is appropriate. The Panel is satisfied that the dimensions of the new lot at 6 Montgomery Street will support the proposed car park layout. Consolidating part of 6 Montgomery Street with 8 and 10 will create a lot capable of being developed for a use permitted by the GRZ2 and intended by the adopted Structure Plan.

Based on the reasons set out in this Report, the Panel recommends that:

Manningham Planning Scheme Amendment C102 be adopted as exhibited subject to the following changes:

1. **Amend Clause 21.05-1, as it relates to Schedule 13 to the Design and Development Overlay (DDO13), to read:**
 - **Design and Development Overlay Schedule 13 applies to part of Precinct 2 being residential areas surrounding prominent intersections and /or interfacing commercial areas where increased residential densities, including up to four storey ‘apartment style’ developments (13.5 metres) on larger lots preferably with a minimum area of 1,800sqm, will be considered. All developments should have a maximum site coverage of 60 per cent.**
2. **Amend Clause 21.05-2 – Zones and Overlays, with dot point 5 to read:**
 - **Applying the Residential Growth Zone, the General Residential Zone, Design and Development Overlay – Schedule 9 and Design and Development Overlay - Schedule 8 and Design and Development Overlay - Schedule 13 to residential areas close to activity centres and interfacing commercial areas and along main roads. These areas form part of Precinct 2 on the Residential Framework Plan 1 and Map 1 to this clause to identify the location and direct the design of higher density residential development.**
3. **Planning Application PL15/025196 to re-subdivide 6, 8 and 10 Montgomery Street to create two lots, be approved in accordance with the conditions on the draft Planning Permit prepared for the land.**

1 Introduction

1.1 Land affected by the Amendment and Planning Permit Application

(i) The Amendment

The Amendment applies to land at 6 to 16 Montgomery Street, Doncaster East as shown in Figure 1 below.



Figure 1 Land affected by the Amendment

(ii) Amendment Description

The Amendment proposes to:

- Rezone the majority of 6 Montgomery Street from General Residential Zone 2 (GRZ2) to Public Use Zone 6 – Local Government (PUZ6).
- Rezone 8 Montgomery Street from Public Use Zone 6 to General Residential Zone – Schedule 2.
- Delete Design and Development Overlay Schedule 8 (DDO8) and DDO8-2 from 6 Montgomery Street and 10 to 16 Montgomery Street.
- Apply Design and Development Overlay Schedule 8 (DDO13) over the eastern (residential) part of 6 Montgomery Street and 8 to 16 Montgomery Street.
- Amend Clause 21.05 – Residential; to reflect the introduction of DDO13 – *Residential Areas Interfacing Commercial Areas to Precinct 2: Residential Areas Surrounding Activity Centres and Along Main Roads*.

(iii) Planning Permit Application PL15/025196

The Amendment was accompanied by Planning Permit Application No PL15/025196 made under Section 96A (1) of the *Planning and Environment Act 1987* (the Act). This application proposes the re-subdivision of 6, 8 and 10 Montgomery Street to create two new lots. The new lot created at 6 Montgomery Street will have a frontage of 18.1 metres, a depth of 41.15 metres and an area of 746 square metres. This lot will be retained by Council as a public car park accommodating 30 car spaces with a central access drive. The other lot (Lot 2) includes the eastern part of 6 and all of 8 and 10 Montgomery Street. This lot will have a frontage of 48.75 metres, a depth of 41.15 metres and an area of 2,002 square metres. A road easement (R1) in favour of the Council applies over the south east corner of the site. This reserve will provide for the turning movements of vehicle using the adjoining lane, which terminates at the eastern boundary of 10 Montgomery Street. A draft permit for the re-subdivision was prepared by Council and accompanies the Amendment.

The approval of the subdivision will facilitate the sale of 8 and 10 (Lot 2) Montgomery Street.

1.2 Background to the proposal**1.2.1 Manningham Activity Centre Strategy 2005**

The Doncaster East Village Activity Centre (the Centre) is identified as a Neighbourhood Activity Centre in the Manningham Activity Centre Strategy.

1.2.2 The Doncaster East Village Structure Plan

The Doncaster East Village Structure Plan (the Structure Plan) was prepared by Council to provide a framework for the integrated development of the Centre and the adjoining Devon Plaza over the next 15 to 20 years. This Plan was adopted by Council in November 2011, and amended in July 2012.

Precinct 1 of the Plan includes land bounded by Doncaster Road, Blackburn Road, Montgomery Street and Churchill Street. Land affected by the Amendment is in Sub-Precinct 1C and comprises:

- 2 Montgomery Street – a small park with an area of approximately 900sqm. The park is encroached on slightly by the adjoining Pre-school.
- 4 Montgomery Street – occupied by the Doncaster East Pre-school.
- 6 Montgomery Street – public car park with poor line-marking for 29 spaces.
- 8 Montgomery Street – a building formerly occupied by Doncare and currently leased by Council to the Doncaster City Church. The building has a floor area of around 350sqm and there are 19 car spaces located at the rear of the site for the use of occupants of the building. The lease of this property is currently on a monthly basis.
- 10 Montgomery Street – car parking for 12 spaces with poor line-marking.
- 12, 14 and 16 Montgomery Street – privately owned lots each containing a single dwelling.

The land at 2 to 10 Montgomery Street is Council owned and has a total area of approximately 4,600 square metres. The Structure Plan identifies these parcels as a 'Council owned re-development site'.

1.3 Post exhibition changes to the Amendment

Following exhibition of the Amendment and receipt of submissions, minor anomalies to the wording of Clause 21.05 were identified and on 24 November 2015, Council resolved to make minor changes to correct these. These are set out in Chapter 6 of this Report.

1.4 Traffic and Parking Surveys at the Centre

As directed by the Panel, Council undertook a parking and traffic survey at the Centre and these were included as an attachment to its submission to the Panel. The following is a summary of these surveys.

1.4.1 Existing parking conditions

Currently the car parks at 6 and 10 Montgomery Street are unrestricted and the Council survey confirmed there is a low turnover of vehicles in these car parks during the day. These car parks and the unrestricted parking in Churchill Street (to the east) was at, or close to, capacity between 9.00am and 3.00pm. This accords with submitters' claims that they are used by persons employed in the centre and possibly by commuters who then travel by bus to the Melbourne CBD.

The survey showed there was spare capacity during the day in the short term parking areas on the south side of Montgomery Street and the north side of Doncaster Road.

The north side of Montgomery Street is restricted to vehicles with parking permits which also exempt them from the parking restrictions on the south side of this street.

An overall average of 51 per cent of parking spaces are used in the Precinct,.

1.4.2 Traffic Survey

Montgomery Street is used by local residents, off-street car park users, the tenant of 8 Montgomery Street and by those dropping off and picking up children at the child care centre at the western end of the street. The traffic volume is considered to be within acceptable limits for this type of residential street. There are two speed management devices in the street (speed humps), reducing the speed of traffic to below the regulatory limit of 50 kph.

1.5 Issues dealt with in this report

The Panel considered the three written submissions, as well as submissions presented to it by Council at the Hearing. In addressing the issues raised in the written submissions, the Panel has been assisted by the information provided to it, as well as its observations when inspecting the subject land and the locality.

Issues raised by submitters relate to public car parking, specifically the loss of 12 off-street spaces at 10 Montgomery Street when the new lot created at 8 to 10 Montgomery Street is sold by Council as a residential development site. The submitters believe more long-term parking is needed at the Centre to accommodate employee vehicles.

This report deals with the issues under the following headings:

- Planning Context
- Zoning of land and Overlay Schedule

- Planning permit application
- Future use of Council land
- Post exhibition changes to Clause 21.05

2 Planning Context

Council provided a response to the Strategic Assessment Guidelines as part of the Explanatory Report.

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

2.1 Policy framework

(i) State Planning Policy Framework (SPPF)

Council submitted that the Amendment is supported by the following clauses in the SPPF:

- Clause 11 – as it takes advantage of the existing settlement pattern and will assist in the supply of diverse housing options in an established urban area. The design standards and amenity will be governed by the DDO to be applied over the land.
- Clause 15 – as future development will be encouraged to be of a contemporary design with an articulated built form that incorporates a range of visually interesting building materials and façade treatments.
- Clause 16 – as it will assist in increasing housing densities, providing greater diversity of housing within a local neighbourhood activity centre that has good access to services and transport. The EOI process for the sale of Council land at 6 to 10 Montgomery Street will require the provision of affordable housing as part of any residential proposal.

(ii) Local Planning Policy Framework (LPPF)

Council submitted that the Amendment is consistent with the LPPF, including the Municipal Strategic Statement (MSS). It stated that rezonings such as the one proposed by the Amendment support the role of an existing activity centre by facilitating more diverse and affordable housing options.

The MSS recognises that activity centres are integral to the local economy and local employment generation and are an important focal point for community life and interaction. In particular, the Amendment supports the LPPF as follows:

Clause 21.05 – Residential – recognises that managing change and growth in the residential areas of Manningham is a key issue, and infill development and development of key strategic redevelopment sites, that consolidate the roles of established urban areas, is encouraged. Land affected by the Amendment falls into Precinct 2 – *Residential Areas Surrounding Activity Centres and Along Main Roads of Clause 25.05-1 – ‘Built form and neighbourhood character’*

- Clause 21.09 Activity Centres and Commercial Areas identifies Manningham’s network of Activity Centres as a key challenge in ensuring that existing centres remain vibrant, viable and sustainable into the future. The Doncaster East Village is a neighbourhood centre and Clause 21.09-4 – Neighbourhood Activity Centres sets out the key issues, objectives and strategies in seeking to

ensure they remain viable and can evolve to meet the future needs of the community.

It is considered that further residential development in the Centre will increase activation and integration between residents of the area. Additional residents in the Village will increase the viability of the activity centre through increased expenditure.

(iii) Other planning strategies or policies used in formulating the Amendment

Doncaster East Village Structure Plan (2012)

The adopted Structure Plan for the Doncaster East Village Centre includes the following strategies relevant to the Montgomery Street sub-precinct and the Amendment:

- Maximise opportunities for residential development on Council owned land in the Activity Centre, including affordable, accessible housing.
- Provide an open space plaza that assists in integrating uses across the Centre
- Improve car parking and access, with particular regard to the lane at the rear of the existing shops on the north side of Doncaster Road.

Rezoning land on the south side of Montgomery Street will better reflect the strategic intent of the adopted Structure Plan for the Centre.

Residential Strategy (2012)

In accordance with the Council's Residential Strategy, the MSS notes the need for a greater mix of housing in the form of medium and higher density residential developments and that higher density housing will be encouraged in close proximity to activity centres.

The Amendment reflects the direction of the Strategy by encouraging higher density residential development in the Montgomery Street sub-precinct.

2.2 Planning scheme provisions

(i) Zones

The Amendment rezones land at 6 (in part) and 8 Montgomery Street.

(ii) Overlays

The Amendment deletes DDO8 and DDO8-2 from 6, 10, 12, 14 and 16 Montgomery Street and applies DDO13 to 6 (in part), 8, 10, 12, 14 and 16 Montgomery Street.

2.3 Ministerial Directions and Practice Notes

(i) Ministerial Directions

Council submitted that the Amendment meets the relevant requirements of the following Ministerial Directions:

PPN9 - Metropolitan Strategy

The Amendment is consistent with Directions 2.1 and 2.2 of this Strategy. The subject sites are on the northern edge of the Doncaster East Village Activity Centre and in close proximity

to a major arterial road, in Doncaster Road, which includes public transport by way of a bus route. The approval of the Amendment and subsequent sale of Council land in Montgomery Street will facilitate residential development that will increase diversity of housing opportunities near services and public transport.

The Amendment is consistent with Directions 4.1 and 4.2 of this Strategy to create 20-minute neighbourhoods that support safe communities and healthy lifestyles. The Amendment will facilitate additional residential development in a neighbourhood activity centre. DDO13 has been drafted to ensure the overall design and amenity of the site and the immediate vicinity is improved, which in turn will encourage increased activity in the area.

PPN11 - Strategic Assessment Guidelines

The Amendment is consistent with Ministerial Direction 11 (Strategic Assessment Guidelines).

The Form and Content of Planning Schemes (s7(5))

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

(ii) Planning Practice Notes

Planning Practice Note PPN02 – Public Land Zones

The Amendment applies the Public Use Zone 6 to land that is intended to be retained as a public car park.

Planning Practice Note PPN78 – Applying the Residential Zones

The Amendment applies GR22 to 8 Montgomery Street which is surplus to Council needs and which it wishes to sell, in association with the part of 6 and 10 Montgomery Street. This land is currently located between two GR22 sites in 6 and 10 Montgomery Street and if it is sold for residential use, the GR22 is the most appropriate zone for the land.

2.4 Discussion

The Panel concludes that the Amendment is supported by, and implements, the relevant sections of the State and Local Planning Policy Framework.

The Panel concludes that the Amendment is well founded and is strategically justified subject to addressing the more specific issues raised in submissions and discussed in the following chapters.

3 Zoning of land and the Overlay Schedule

3.1 The Issue

The issue relates to a key strategy of the Structure Plan which identifies Council owned land on the south side of Montgomery Street as a strategic redevelopment site for residential use. Submitters opposed Council land at 6 and 8 Montgomery Street being rezoned to PUZ6 and GRZ2 respectively, to reflect both their existing and proposed future use.

3.2 Submissions

The Centre is identified as a Neighbourhood Activity Centre under the Strategic Overall Framework Plan at Clause 21.04 and the Activity Centres and Commercial Areas Framework Plan 5 at Clause 21.09 of the Manningham Planning Scheme.

Part A of the Council submission set out the background material that led to the preparation of this Amendment, which will see two Council properties rezoned. The Amendment will also see the deletion of existing schedules DDO8 and DDO8-2 from 6 and 10 to 16 Montgomery Street and the application of a new schedule DDO13, over 8 to 16 Montgomery Street.

This submission referred to the Structure Plan, adopted by Council in 2011 and amended in 2012, which provides the strategic framework for the integrated development of the Centre and the adjoining Devon Plaza for the next 15 to 20 years. As amended, the Structure Plan allows development up to a height of 13.5 metres on land at and adjoining the Centre, in the Montgomery Street sub-precinct.

The submission outlines that in 2009 there were discussions with Places Victoria to identify potential residential development opportunities in the municipality. It was during these discussions that Council identified the need to cater for specific housing markets where demand was higher than supply, in particular by the young and downsizing home owners. As a result of these discussions, Council identified its land at 2 to 10 Montgomery Street as a potential strategic redevelopment site. This land is identified as 'an opportunity for the consolidation and redevelopment for apartments with community facilities and public parking' in the Structure Plan.

A Project Delivery Agreement (PDA) between Council and Places Victoria at this time led to targeted consultation of the proposal to redevelop 2 to 10 Montgomery Street to provide for a diversity of housing, car parking for traders, replacement of the existing pre-school and an open space plaza. The exhibited concept plan included 13 car spaces, however based on feedback from traders and the pre-school, Council determined that a total of 28 spaces should be provided as a component of any development proposal. Council committed to investigate car parking restrictions in the local area as part of the long-term parking management strategy.

In 2014, the PDA was terminated through mutual agreement after it was decided that, despite the best efforts of both parties, the outcomes of the PDA could not be delivered. Council still believed the sub-precinct had redevelopment potential, with further options to be considered.

Council submitted that the rezoning of 6 Montgomery Street (in part) and 8 Montgomery Street and the application of DDO13 over 8 to 16 Montgomery Street is in accordance with the adopted Structure Plan. Providing 30 car spaces at 6 Montgomery Street will result in two more spaces than the original 2012 development concept for 2 to 10 Montgomery Street.

Council believes that, based on its parking survey and knowledge of the Centre, the net loss of 11 public car spaces will not have an adverse effect. It added that, if required, restrictions could be applied to parking at 6 Montgomery Street. However, it did not believe this was necessary at this time.

Opposition to the Amendment is based on Council's intention to sell 8 and 10 Montgomery Street for residential use, which will result in the loss of car parking at the Centre.

Submissions referred to the present use of the unrestricted car spaces at the Centre by employees of businesses in the Centre. There was also reference to their use by people who park their vehicles in these car parks and then commute by bus to the Melbourne CBD.

The submitters believe that more parking is required for traders, staff and customers at the Centre and this should be provided at 8 Montgomery Street.

The written submissions did not address the deletion of DDO8 and DDO8-2 or the application of DDO13 to land in the GRZ2.

Part A of Council's submission sets out the reasons for deleting the existing DDO schedules and applying DDO13 to land in GRZ2.

DDO13 will permit development up to 13.5 metres (four storeys) in height and while it also incorporates the requirements of the previous Schedules, some of the policy statements have been reworded to reflect the context of the land's location at the periphery of the Centre. DDO13 has been drafted to enable it to be applied to other future sites where increased heights may be appropriate.

3.3 Discussion

3.3.1 Proposed Zones

The matter for the Panel to consider is the appropriateness of partially rezoning 6 Montgomery Street to PUZ6 and rezoning 8 Montgomery Street to GRZ2. These zones have been selected to reflect the existing and future occupancies on these sites.

It was Council's submission that 6 and 10 Montgomery Street were purchased for use as public parking, however this is not reflected by the Purpose in the parent clause of GRZ2 which includes:

To provide diversity of housing types and moderate housing growth in locations offering good access to services and transport;

To allow educational, religious, community and other non-residential uses to service local community needs in appropriate locations.

The zoning of 10 Montgomery Street is not affected by the Amendment however the existing DDO8 and 8-2 that currently applies over this land will be replaced by DDO13.

The inclusion of 8 Montgomery Street in PUZ6 was appropriate at the time it was occupied by Council as a community purpose. The relocation of that use and the lease of the site for occupation as a Church however means this is no longer the case. Also, the Panel was advised that Council does not intend re-occupying the site. This means that the use of the land is no longer consistent with the Zone purpose which is:

To recognise public land use for public utility and community services and facilities; and

To provide for associated uses that are consistent with the intent of the public land reservation or purpose.

On the other hand, retaining 6 Montgomery Street as a public car park and rezoning it to PUZ6 will align it with the purpose of that Zone.

Based on their written submissions, it is clear the submitters want 8 and 10 Montgomery Street retained for use as public car parking. One of the submitters stated that a multi-deck car park should be built on the Council land and leased to a private operator who could charge modest parking fees. This submitter objected to not being able to obtain any parking permits for his business as an owner/occupier of a commercial property in the area.

Although the submitters believe that additional parking is required at the Centre, particularly in satisfying the demand for long-term employee parking, no empirical evidence was provided to support their assertions.

The Council intends to reconstruct the car park at 6 Montgomery Street which will contain 30 unrestricted spaces. Based on its surveys, Council believes this will be adequate to meet the needs of the Centre. Council agreed that restrictions could be applied or permits issued to traders if commuter parking became an issue.

Councils do not have a statutory obligation to provide off-street parking at activity centres, however doing so can enhance their viability. Often these car parks are established as 'separate rate schemes' which the traders contribute to. The Panel was advised that the car parks at this Centre, and more generally in the municipality, are not established under these schemes. During its inspections of the Centre, the Panel noted the car parking provided in association with the offices on the south side of Doncaster Road and at the Devon Plaza Centre. It also noted there is parking provided in the rear setbacks of a number of the shops on the north side of the Centre.

If Council intended providing parking at 8 Montgomery Street, then the PUZ6 should be retained on that property. It would also need to be applied to 10 Montgomery Street, if it was to be retained as a Council car park. This is clearly not the intention of Council, which identified this land as part of a strategic residential development site in its 2011 Structure Plan prepared for the Centre. The Amendment is a step towards seeing this plan realised.

Having regard to the parking generally provided by Council, on private land and at kerbside at this Centre, and in the absence of evidence to the contrary, the Panel accepts Council's submission that a net loss of 11 spaces public spaces at 10 Montgomery Street will not have an adverse effect on the Centre.

While the Panel does not believe the sale of 8 Montgomery Street is prevented by its existing zoning, it is appropriate that this is done, if it is not going to be occupied by a council use and is to be sold. The rezoning of the land prior to its sale will enhance its attractiveness to prospective buyers.

Council's intentions for its land is not a matter for the Panel to comment on. This decision was made, following consultation with the community, in identifying it, as part of a larger strategic redevelopment site, in the adopted Structure Plan for the Centre.

The Panel's task is to consider the appropriateness of the zones proposed to part of 6 and to 8 Montgomery Street. Leaving aside any future plans the Council has for this land, the Panel believes the application of PUZ6 to 6 Montgomery Street and GRZ2 to 8 Montgomery Street are appropriate. In the case of 6 Montgomery Street the PUZ6 will reflect the existing and on-going use of that land as a public car park. GRZ2 applies is the appropriate zone for 8 Montgomery Street because it applies to the adjoining land.

3.3.2 Design and Development Overlay Schedules

The written submissions did not address the removal of the existing DDO8 and DDO8-2 or the application of DDO13 to the GRZ2 on the south side of Montgomery Street.

The Panel supports DDO13 as drafted to include allowing a height of 13.5 metres (four storeys) on larger residential properties on the south side of Montgomery Street.

3.4 Conclusions

The Panel supports rezoning part of 6 Montgomery Street from GRZ2 to PUZ6 to reflect its ongoing use as a public car park. Based on Council not intending to occupy 8 Montgomery Street in the future, the Panel believes it is appropriate to rezone it to reflect its current and intended use. The GRZ2 is considered the appropriate zone given its application to adjacent land.

The future sale of this land and the adjoining land at 10 Montgomery Street will be the subject of a separate process.

The Panel supports the deletion of DDO8 and DDO8-2 from 6 and 10 to 16 Montgomery Street and the adoption of DDO13, as exhibited, over 8, 10, 12, 14 and 16 Montgomery Street.

4 Planning permit application

4.1 The issue

The issue for the submitters relates to the approval of the application to re-subdivide 6, 8 and 10 Montgomery Street, to facilitate the sale of 8 to 10 Montgomery Street for residential use and development.

4.2 Submissions

Submitters' opposition to the re-subdivision of 6, 8 and 10 Montgomery Street is based on the planned sale of the newly created lot at 8 to 10 Montgomery Street for residential use and development. If this sale proceeds, and existing car parking on these sites is removed, they believe long-term parking could spill into neighbouring streets, to the detriment of residents.

There were no objections from nearby residents to the application to re-subdivide the Council land.

The submitters did not address the conditions proposed for inclusion on the permit drafted for the land.

One of the submitters suggested that in the event the subdivision proceeds, the development lot should be reduced, with Council retaining a strip of land along the north side of the lane to accommodate 15 to 20 angle car spaces. It was considered these spaces were required to contribute to the parking problem in the area.

Council did not support reducing Lot 2 (8 to 10 Montgomery Street) of the subdivision to accommodate parking along its southern boundary. It believed the lot created needs to be a minimum of 1,800 square metres to accommodate a higher density residential development. It also believed the suggested location of these car space would compromise the 'traffic function, safety and vehicular access in the laneway'.

4.3 Discussion and conclusions

The re-subdivision of 6, 8 and 10 Montgomery Street will not, of itself, remove any existing public car spaces. This will only occur if lot 2 (8 to 10 Montgomery Street) on the Plan of Subdivision is sold and redeveloped.

The Panel is satisfied that the dimensions of the new lot 1 created at 6 Montgomery Street will accommodate 30 spaces (including a disabled space), as shown on the plan prepared by Council.

The Panel notes the creation of a road easement in the south east corner of 8 and 10 Montgomery Street to allow vehicles servicing the shops on the south side of the laneway to manoeuvre and exit in a forward direction to Montgomery Street.

The suggestion that the new lot at 8 to 10 Montgomery Street should be reduced, to provide 15 to 20 angle parking spaces along the north side of the laneway is not supported by the Panel. The laneway between the commercial properties and the Council land varies in width and it is currently used to access parking at the rear of shop premises. This laneway

terminates at the eastern end of 10 Montgomery Street and therefore vehicles reversing from spaces on that land would have to manoeuvre in the laneway to be able to exit through 6 Montgomery Street in a forward direction. The Panel agrees with Council that vehicles reversing from these spaces could conflict with vehicles, including delivery vehicles, reversing into the laneway from the adjoining commercial sites.

Whether removing long-term spaces will impact parking demand in adjoining residential streets is unknown at this time. The Panel noted that parking on the north side of Montgomery Street is restricted to vehicles with permits which are also exempt from parking restrictions on its south side. Parking restrictions could be applied to other streets if there was a future demonstrated need.

The Panel supports the approval of Application PL/15/025196 to re-subdivide 6, 8 and 10 Montgomery Street, in accordance with the conditions set out on the draft planning permit.

4.4 Recommendation

The Panel recommends:

Planning Application PL15/025196 to re-subdivide 6, 8 and 10 Montgomery Street to create two lots, be approved in accordance with the conditions on the draft Planning Permit prepared for the land.

5 Future use of Council land

5.1 The issue

Submitters opposed the Amendment because they believed the sale of 8 and 10 Montgomery Street for higher density residential development would exacerbate existing traffic and parking issues. Submitters also had an issue with how proceeds from the sale of Council property would be used.

5.2 Submissions

Submitters believed that a higher density residential development on 8 and 10 Montgomery Street would exacerbate existing car parking and traffic problems and affect the amenity of the adjacent residential area. The Panel has noted that there are no submissions from adjacent residents to the Amendment or Planning Permit Application. Based on Council surveys traffic, in this street did not appear to be an issue.

There was also criticism of the Council 'agenda' in acting as 'a property developer' in selling its land, which was considered to be not in the best interest of the community.

Council advised the Panel that it had resolved to commit funds from the sale of 8 and 10 Montgomery Street to upgrade public spaces in the Montgomery Street Precinct as identified in the Structure Plan and to upgrade the existing laneway and provide pedestrian links to Montgomery Street. It will also re-construct and line mark the car park at 6 Montgomery Street to accommodate a total of 30 spaces, including a disabled space.

5.3 Discussion and conclusions

Future residential development at 8 to 10 Montgomery Street, as referred to in Council's submission to the Panel, will require a planning permit application which will include public notification of any proposal. In considering an application, the provision of parking for occupants and visitors, vehicle access and amenity factors will be considered by Council. Any objections will also be considered in determining the outcome of any application. There is no proposal for any such development as part of this Amendment and therefore the Panel is not able to comment on any potential effects it may have on the locality.

What Council does with the sale proceeds of its land is not relevant to the Panel's consideration of the Amendment or subdivision application. It does however note that Council has resolved to use proceeds from the sale to carry out improvements to the Precinct including the reconstruction of the laneway at the rear of the shops and the car park at 6 Montgomery Street, which will include landscaping. The Panel believes that these works will improve the general amenity of the Precinct and benefit the occupants of adjoining shop premises in particular.

6 Post exhibition changes to Clause 21.05

6.1 Submissions

At the Hearing Council referred the Panel to minor anomalies that it had identified during exhibition that it resolved to address, at its meeting of 24 November 2015.

The changes relate to Clause 21.05-1 - *Built form and neighbouring character* and Clause 21.05-2 – *Housing – Zones and Overlays*.

Under Clause 21.05-1 both DDO8 and DDO9 refer to the building heights in storeys as well as in metres. The exhibited DDO13 does not reference height in metres. Council resolved to add reference to the height of 13.5 metres to make it consistent with other DDO schedules.

Under Clause 21.05-2 there is no reference to the introduction of DDO13 to Precinct 2: *Residential Areas surrounding Activity Centres and Along Main Roads*. Council resolved to include this reference in this Clause.

6.2 Discussion and conclusion

The Panel believes that these minor changes are appropriate and will not change the intent of the exhibited Amendment.

6.3 Recommendations

The Panel recommends as follows:

1. **Amend Clause 21.05-1, as it relates to Schedule 13 to the Design and Development Overlay (DDO13), to read:**
 - **Design and Development Overlay Schedule 13 applies to part of Precinct 2 being residential areas surrounding prominent intersections and /or interfacing commercial areas where increased residential densities, including up to four storey ‘apartment style’ developments (13.5 metres) on larger lots preferably with a minimum area of 1,800sqm, will be considered. All developments should have a maximum site coverage of 60 per cent.**
2. **Amend Clause 21.05-2 – Zones and Overlays, with dot point 5 to read:**
 - **Applying the Residential Growth Zone, the General Residential Zone, Design and Development Overlay – Schedule 9 and Design and Development Overlay - Schedule 8 and Design and Development Overlay - Schedule 13 to residential areas close to activity centres and interfacing commercial areas and along main roads. These areas form part of Precinct 2 on the Residential Framework Plan 1 and Map 1 to this clause to identify the location and direct the design of higher density residential development.**

Appendix A Submitters to the Amendment

No.	Submitter
1	Philip Webb
2	Donna Mackaway
3	Andrew Bell

Appendix B Document list

No.	Date	Description	Presented by
1		Council Submission (Part B) and Appendices	Council
2		Aerial Maps of subject area	Council

Planning and Environment Act 1987

MANNINGHAM PLANNING SCHEME

AMENDMENT C102

PLANNING PERMIT APPLICATION NO. PL15/025196

EXPLANATORY REPORT

Who is the planning authority?

This amendment has been prepared by the Manningham City Council, who is the planning authority for this amendment.

Land affected by the amendment

The amendment applies to land at 6 – 16 Montgomery Street, Doncaster East. Council owns the land at No. 6 – 10 Montgomery Street, Doncaster East. The land at 12 – 16 Montgomery Street, Doncaster East is in private ownership.

What the amendment does

The amendment proposes to rezone part of the subject land from a General Residential Zone 2 (GRZ2) to a Public Use Zone 6 (PUZ2) and; part of the subject land from a Public Use Zone 6 (PUZ2) to a General Residential Zone 2 (GRZ2). The amendment also proposes to apply a Design and Development Overlay (Schedule 13) across the majority of the subject sites.

More specifically, the amendment proposes to:

- Rezone (part) 6 Montgomery Street, Doncaster East from the General Residential Zone 2 to a Public Use Zone 6, and amend Planning Scheme Map 8 accordingly.
- Rezone 8 Montgomery Street, Doncaster East from a Public Use Zone 6 to a General Residential Zone 2, and amend Planning Scheme Map 8 accordingly;
- Delete Design and Development Overlay Schedule 8 (DDO8 and DDO8-2) from 6, 10, 12, 14 and 16 Montgomery Street, Doncaster East, and amend Planning Scheme Map 8DDO accordingly;
- Apply a new Design and Development Overlay (DDO13) to the land at 6 (part) – 16 Montgomery Street, Doncaster East to manage built form outcomes including maximum building height and front setbacks, and amend Planning Scheme Map 8DDO accordingly ;
- Amend the MSS at Clause 21.05 Residential to reflect the introduction of DDO13 - *Residential Areas Interfacing Commercial Areas in Precinct 2: Residential Areas Surrounding Activity Centres and Along Main Roads.*

What the planning permit application is for

The proposed amendment is accompanied by an application for a planning permit under Section 96A(1) of the *Planning and Environment Act 1987* (the Act) which states that:

“a person who requests a planning authority to prepare an amendment to the planning scheme may also apply to the planning authority for a permit for any purpose for which the planning scheme as amended by the proposed amendment would require a permit to be obtained.”

The application for a planning permit proposes to resubdivide the land at 6 – 10 Montgomery Street to create a lot for sale by Council for residential redevelopment.

A requirement of the *Planning and Environment Act 1987* was that the proposed permit is exhibited along with the amendment and permit application.

Strategic assessment of the amendment

Why is the amendment required?

The amendment is required in order to facilitate the sale and redevelopment of Council owned land at (part) 6 – 10 Montgomery Street, Doncaster East, and 12 – 16 Montgomery Street, Doncaster East for residential development and the provision of public carparking.

Council owns five parcels of land at 2-10 Montgomery Street, Doncaster East, which have a total area of approximately 4,600sqm. The subject land forms part of the Doncaster East Village Activity Centre and is commonly referred to as the '*Montgomery Street sub-precinct*'.

The land owned by Council in the sub-precinct comprises:

- 2 Montgomery Street – a small park with an area of approximately 900sqm. The park is encroached on slightly by the adjoining Pre-school.
- 4 Montgomery Street – occupied by Doncaster East Pre-school.
- 6 Montgomery Street – public carpark with no formal line-marking.
- 8 Montgomery Street – a building formerly occupied by Doncare and currently leased by Doncaster City Church. The building has a floor area of around 350sqm and 17 car spaces. The property is leased until December 2015.
- 10 Montgomery Street – carparking providing for about 13 spaces with no formal line-marking.

The Council-owned land in Montgomery Street is currently in two zones in the Manningham Planning Scheme. Land at 2, 4 and 8 Montgomery Street is within a Public Use Zone (PUZ6) whilst land at 6 and 10 Montgomery Street is within a General Residential Zone Schedule 2 (GRZ2) in conjunction with a Design and Development Overlay – Schedule 8 (DDO8-2), which encourages apartment style development of up to 11 metres in height on lots with a minimum area of 1,800sqm. The privately owned land at 12 – 16 Montgomery Street is currently zoned General Residential 2 (GRZ2) and is also included in the area covered by DDO8-2.

At its meeting in November 2011, Council endorsed the *Doncaster East Village Structure Plan (2011, updated July 2012)*. Amongst other things, the Plan confirmed the identification of the subject land (2 – 16 Montgomery Street) as a strategic redevelopment site. It also included actions to finalise a masterplan for the '*Montgomery Street sub-precinct*' and to investigate a partnership with Places Victoria to develop the Council owned land, to provide for a diversity of housing, a pre-school replacement, carparking spaces for traders and an open space plaza. Whilst the agreement between Places Victoria and Council for a joint venture has now been terminated, it is considered that there is still the potential for the redevelopment of the '*Montgomery Street sub-precinct*' generally in line with the original vision and objectives.

The *Doncaster East Village Structure Plan (November 2011, updated July 2012)* identifies the '*Montgomery Street sub-precinct*' (incorporating land at 2-16 Montgomery Street) as a key strategic redevelopment site which provides the greatest opportunity in the short term for redevelopment of currently underutilised land. The Structure Plan seeks the following outcomes for the '*Montgomery Street sub-precinct*':

- Maximise opportunities for residential development on Council owned land in the Activity Centre that includes affordable, accessible housing.
- Provide an open space plaza with an area at least equal to that, which currently exists, that assists to integrate uses across the Centre.

- Improve the car parking and access arrangements within the sub-precinct, having particular regard to the lane behind the existing shops.

The vision for the Council-owned land at 2-10 Montgomery Street is “to deliver a high density residential development that caters for under-represented markets in Manningham” and the stated aim was “to achieve a healthy, active and functional residential development that integrates with the existing Doncaster East Village shopping centre within a medium density activity precinct”. It is proposed that the development would act as a demonstration project to showcase high quality urban design and best practice in sustainability and affordability.

It is considered that, the agreed vision and objectives for the Council owned land in the ‘Montgomery Street sub-precinct’ can be achieved through:

- Retention of the existing open space at its current location at 2 Montgomery Street, with a future upgrade;
- Retention of the existing preschool in its current location at 4 Montgomery Street;
- Retention of the majority of 6 Montgomery Street in Council ownership and for public car parking (28 carspaces); and
- Creation of a development site of approximately 2000sqm (which includes the sites at 8-10 Montgomery Street and the eastern portion of 6 Montgomery Street) to be sold for medium density residential development through an Expression of Interest (EOI) process.

The proposed rezoning will reflect the proposed future of the land and assist in facilitating the proposed sale and redevelopment of the land. More specifically, it is proposed to:

- rezone the majority of the land at 6 Montgomery Street, (excluding a narrow portion along its eastern boundary which is proposed to be included in the land for sale) from General Residential Zone 2 (GRZ2) to the Public Use Zone 6 (PUZ6) to reflect its ongoing use as a public car park; and
- rezone 8 Montgomery Street to General Residential Zone (GRZ2) to facilitate the use and development of the site for residential purposes.

It is also proposed to amend the Manningham Planning Scheme to introduce a new Design and Development Overlay (DDO13) to the Council owned land proposed to be sold (part of 6 and 8-10 Montgomery Street), as well as to adjoining 12-16 Montgomery Street, which is the remaining land incorporated within the ‘Montgomery Street sub-precinct’ identified in the *Doncaster East Village Structure Plan*. The new Design and Development Overlay would replace the existing DDO8-2 and would encourage apartment style development of up to a mandatory maximum building height of 13.5 metres, which is consistent with the heights recommended as part of the *Doncaster East Village Structure Plan*. (An amendment to Clause 21.05 Residential – Precinct 2 of the MSS is subsequently required to reflect the introduction of the DDO13) as part of Precinct 2: *Residential Areas Surrounding Activity Centres and Along Main Roads*.

Justification for increasing the heights in the ‘Montgomery Street sub-precinct’ to 13.5m is based on the *Doncaster East Village Structure Plan (November 2011, updated July 2012)*. Action 4.2.5 recommended investigating sites at prominent intersections and sites which have an interface to the commercial centre. As an outcome of that action, a number of sites were identified as being suitable for increased densities through consideration of increased heights from 11 metres to 13.5 metres (4 storeys).

To this end, at its meeting on 31 July 2012, Council endorsed the results of the assessment which supported increasing heights for the sites investigated (or part thereof) within the Doncaster East Village Activity Centre, which included the sites at 2 – 16 Montgomery Street. The Structure Plan was updated in July 2012 to reflect the adopted heights.

It has also been necessary to apply for a planning permit for the resubdivision of land to enable the sale of a consolidated lot. As the resubdivision will be subject to statutory notification, a combined planning scheme amendment to rezone the land and the planning permit to resubdivide the land under section 96(A) of the *Planning and Environment Act (1987)* has been undertaken.

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

Section 4 of the Act contains a number of key objectives for planning in Victoria, which among other things aims:

- *to provide for the fair, orderly, economic and sustainable use and development of land; and*
- *to secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria.*

The proposed amendment is generally consistent with these objectives in that it:

- Facilitates the more sustainable use of the land through the consolidation and more efficient utilisation of the subject land located on the periphery of the existing shopping centre.
- Provides the opportunity for the use and development of the land for residential development within the Doncaster East Activity Centre, including some provision of affordable housing and an upgraded public carpark.

How does the amendment address any environmental, social and economic effects?

It is expected that the proposed amendment will result in development that would have positive social, environmental and economic outcomes. The rezoning would support the objectives and implements key aspects of the *Doncaster East Village Structure Plan* by providing new housing opportunities for underrepresented markets, including some provision of affordable housing, and an upgraded public carpark.

The broader sub precinct is also expected to be improved with an upgraded open space/plaza and pre-school facility which would benefit the broader community.

Does the amendment address relevant bushfire risk?

The amendment is not expected to result in an increase in bushfire risk to life or property. The sites are not affected by the Bushfire Management Overlay or within a Bushfire Prone Area.

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

The amendment has been prepared in accordance with *Ministerial Direction on the form and Content of Planning Schemes* under section 7(5) of the Act. All planning schemes must have regard to section 12(2)(a) of the *Planning and Environment Act 1987*, being Ministerial Directions.

In addition to its consistency with Ministerial Direction No. 11 *Strategic Assessment of Amendments*, the amendment also complies with Ministerial Direction No. 9 – *Metropolitan Strategy*.

Outcome No. 2 – Housing Choice and Affordability

Direction 2.1 – Understand and plan for expected housing needs.

Direction 2.2 – Reduce the cost of living by increasing housing supply near services and public transport.

The subject sites are located on the northern edge of the Doncaster East Activity Centre and in close proximity to Doncaster Road, being a major arterial road, and are well serviced by public transport (buses).

The proposed rezoning will facilitate residential development which will provide for a diversity of housing opportunities and provision of public carparking which will benefit the broader community.

Outcome No. 4 – Liveable Communities and Neighbourhoods

Direction 4.1 - *Create a city of 20-minute neighbourhoods.*

Direction 4.2 - *Create neighbourhoods that support safe communities and healthy lifestyles.*

The physical environment affects people's ability to participate in community activities, access services and facilities, and undertake their daily lives. It also affects their sense of community and security. Urban design, including the design of buildings, streets and neighbourhoods, can foster or discourage interaction and participation in civic life.

The amendment, in particular the proposed Design and Development Overlay (DDO13), is framed to minimise the impact on adjacent residential properties by stepping any development down to the north.

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

The amendment is consistent with relevant State planning policies, including those relating to metropolitan development, settlement, carparking and public transport access to development, design and built form. The amendment will assist in the supply of diverse and more affordable housing options within an established urban area, close to the activity centre and public transport and provide housing options for families wishing to downsize or for new households.

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

The amendment is consistent with the Local Planning Policy Framework (LPPF), including the Municipal Strategic Statement (MSS). The proposed rezoning will support the role of an existing activity centre by facilitating more diverse and affordable housing options.

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

The amendment uses the most appropriate VPP tools to ensure that the land can be used and developed in a way which best supports the objectives of the Manningham Planning Scheme and desired planning outcomes for the sites.

The rezoning facilitates the consideration of the use and development of the site for residential development and the provision of public carparking.

Application of the General Residential Zone 2 (GRZ2) will help ensure that any future development of the sites has appropriate regard to the provision of residential dwellings, whilst application of the DDO13 enables a mandatory maximum building height and a non mandatory front setback to be specified for the sites, which is required to provide greater certainty for decision makers, adjacent residents and the broader community. The rezoning of the site at No. 6 Montgomery Street will also provide greater certainty to traders and residents regarding the future use of the land as a public carpark.

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

The amendment and associated planning permit application (PL15/025196) have been placed on exhibition and referred to the relevant agencies for their consideration.

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

The amendment will have a positive impact on the transport system as it provides the opportunity to develop new housing within the Doncaster East Activity Centre – a location well serviced by public transport and major roads which are within walking distance of the subject land.

Resource and administrative costs

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

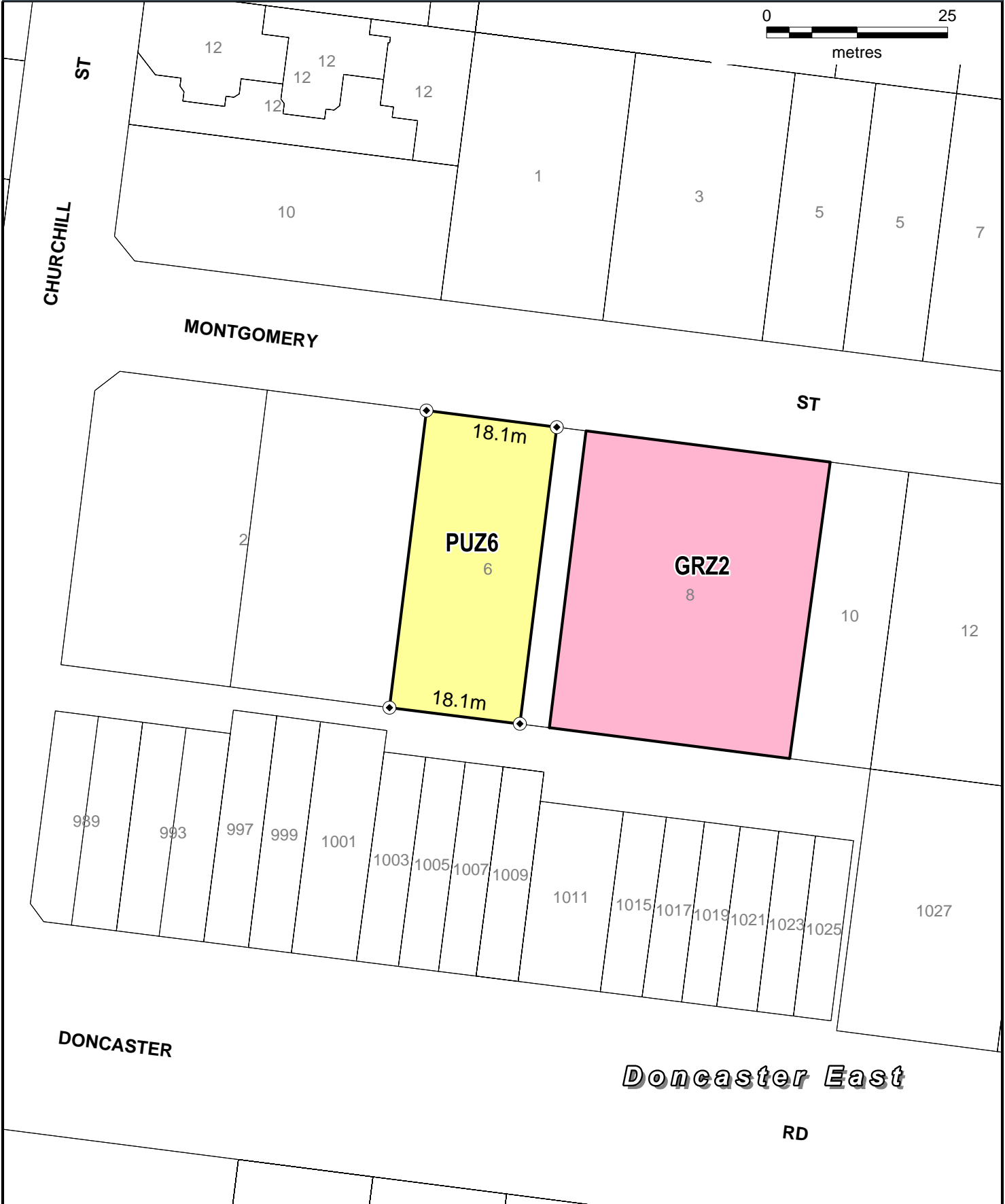
It is expected that the new planning provisions will have a neutral impact on the resources and administrative costs of the responsible authority compared to the current controls that apply to the subject sites and will provide greater clarity for the built form outcomes being sought in the Doncaster East Village Structure Plan. The responsible authority will be required to process a planning permit application for the use and development of the subject land.

Where you may inspect this Amendment

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

- Manningham City Council, 699 Doncaster Road, Doncaster;
- At the Doncaster and The Pines branch libraries
- The Manningham website at www.yoursaymanningham.com.au

The amendment and application can also be inspected free of charge at the Department of Environment, Water, Land and Planning website at www.dtpli.vic.gov.au/publicinspection

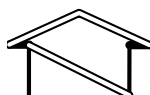


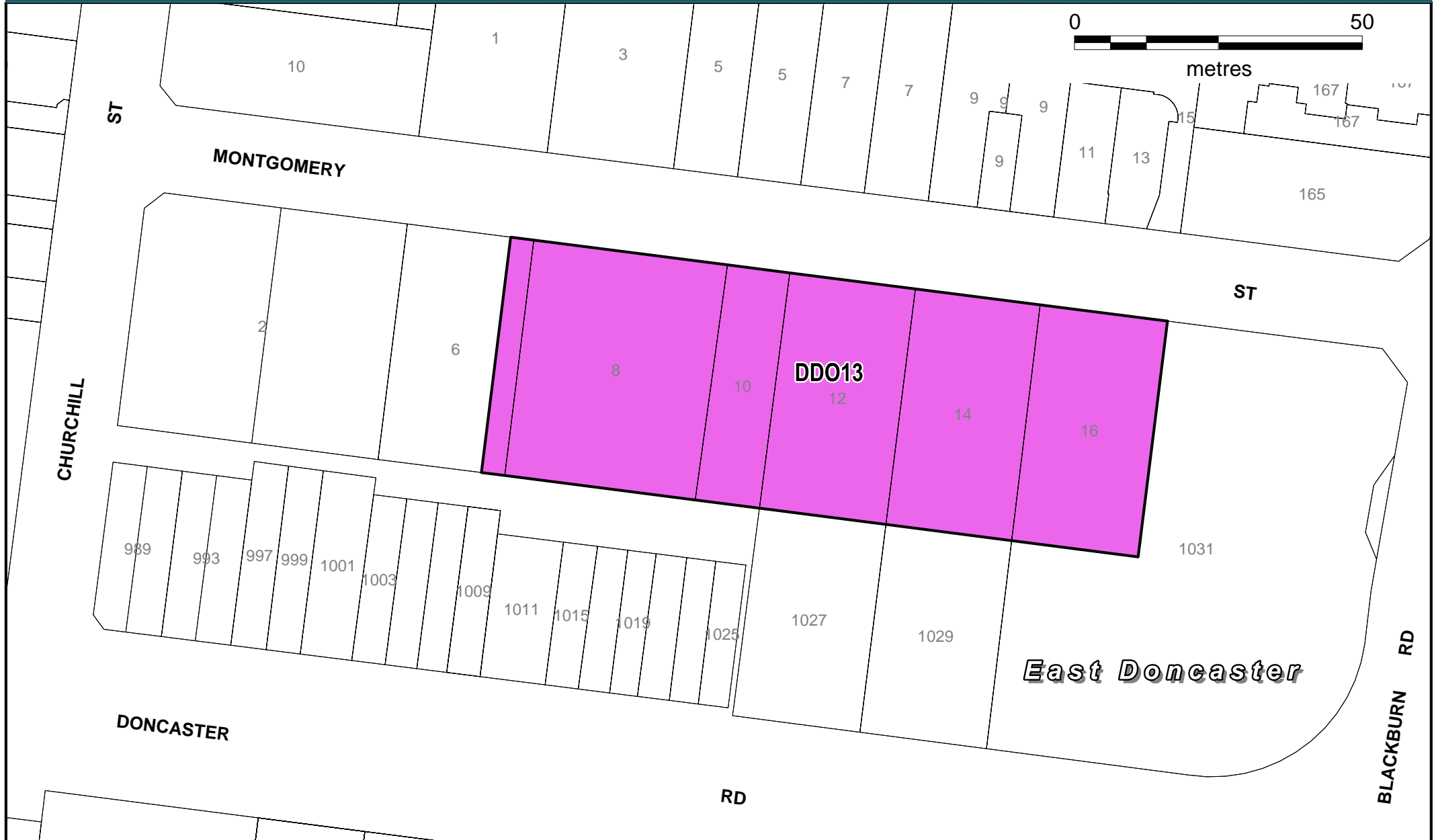
LEGEND

Part of Planning Scheme Map 8

- GRZ2 General Residential Zone - Schedule 2
- PUZ6 Public Use Zone - Local Government

AMENDMENT C102





LEGEND

DDO13 Design and Development Overlay (DDO13)

Part of Planning Scheme Map 8DDO

AMENDMENT C102





LEGEND

D-DDO8 Area to be deleted from a Design and Development Overlay (DDO8 & DDO8-2)

Part of Planning Scheme Map 8DDO

AMENDMENT C102



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SCHEDULE 13 TO THE DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as **DDO13**.

RESIDENTIAL AREAS SURROUNDING PROMINENT INTERSECTIONS AND/OR INTERFACING COMMERCIAL AREAS

1.0 Design objectives

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To increase residential densities and provide a range of housing types around activity centres.

To encourage development that is contemporary in design that includes an articulated built form and incorporates a range of visually interesting building materials and facade treatments.

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.

To ensure new development is well articulated and upper storey elements are not unduly bulky or visually intrusive when viewed from the public realm.

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 overlooking into adjoining properties is minimised.

To provide built form and landscape outcomes that provide for an appropriate transition to surrounding development.

To encourage landscaping around buildings to enhance separation between buildings and soften built form.

To ensure development is designed and sited to maximise opportunities for public surveillance of the public realm and provide safe, accessible environments by integrating to adjoining or nearby commercial areas.

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 ensure the design of basement and undercroft car parking complement the design of the building, minimises unsightly projections of basement walls above natural ground level and are sited to provide effective screen planting

To ensure that on-site car parking is designed and located having regard to local traffic conditions.

2.0 Buildings and works

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Building height

The maximum height of a building and works must not exceed 13.5m.

A permit cannot be granted to vary this requirement.

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.

Form

Development must:

- Ensure that the site area covered by buildings does not exceed 60 percent.

- Preferably be on a lot with a minimum area of 1800sqm and comply with the setback requirements in ResCode Clause 55.04-1.
- Be set back 6m from the front boundary, unless a reduced setback provides transition to adjacent buildings or is located at the prominent intersection of two main roads. For the purposes of this Schedule, balconies, terraces, and verandahs may encroach within the front setback by a maximum of 2.0m, but must not extend along the width of the building.
- Provide visual interest through articulation, glazing and variation in materials and textures.
- Minimise buildings on side and rear boundaries to create spacing between developments.
- Where appropriate, ensure that buildings are stepped down to provide a transition to the scale of the adjacent residential development.
- Where appropriate, ensure that buildings are designed to step with the slope of the land.
- 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.
- Avoid reliance on below ground light courts for any habitable rooms.
- Ensure that the upper level of a four 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.
- Integrate porticos and other design features within the overall design of the building and not include imposing design features such as double storey porticos.
- Be designed to minimise overlooking and avoid the excessive application of screen devices.
- Ensure design solutions respect the principle of equitable access at the main entry of any building for people of all mobilities.
- Ensure basement, basement entries and/or undercroft car parks are not visually obtrusive when viewed from the public realm.
- Integrate car parking requirements into the design of buildings.
- 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, where adjacent to a dwelling in a General Residential Zone 1, to enable effective landscaping to be established.
- 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.
- 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.
- Ensure that where development incorporates non-residential uses, that transparent glazed windows or doors are provided along ground floor frontages onto a street.

Car parking and access

Development must:

- 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.

- 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.
- 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.
- Ensure that access gradients of basement carparks are designed appropriately to provide for safe and convenient access for vehicles and servicing requirements.

Landscaping

Development must:

- Include canopy tree/s within the front setback, which have a spreading crown, and is capable of growing to a height of 8.0m or more at maturity.
- Provide opportunities for planting along side and rear boundaries in areas that assist in breaking up the length of continuous built form and/or soften the appearance of the built form.

Fencing

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:

- not exceed a maximum height of 1.8m;
- be set back a minimum of 1.0m from the front title boundary;

and a continuous landscaping treatment within the 1.0m setback must be provided.

3.0 Subdivision

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A permit is not required to subdivide land under this control.

4.0 Decision guidelines

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Before deciding on an application, the responsible authority must consider:

- Whether the design objectives and design requirements of this schedule have been satisfied.

21.05 RESIDENTIAL23/07/2015
C106**21.05-1 Overview**23/07/2015
C106
Proposed
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This section applies to all land zoned Neighbourhood Residential, General Residential, Residential Growth, Mixed Use and Activity Centre Zone located west of the Mullum Mullum Creek and the township of Warrandyte and parts of Wonga Park. These areas are shown on Residential Framework Plan 1.

Housing

Managing change and growth in the residential areas of Manningham is a key issue facing Council. Infill residential development and redevelopment of key strategic sites that consolidates the role of established urban areas and reduces developmental pressure in the areas with environmental values will be encouraged.

Whilst couples with children are the predominant household structure in Manningham, the key emerging trend is the smaller household type. The continuing ability of our residential areas to accommodate the changing lifestyles and housing needs of current and future populations is becoming an increasingly important issue. Whilst single detached dwellings will continue to represent the largest proportion of Manningham's housing stock, there will be a need for a greater mix of housing in the form of medium and higher density residential developments. Higher density housing will be encouraged in close proximity to activity centres and along major roads and transport routes.

The *Manningham Residential Strategy* (2012) and the *Manningham Residential Character Guidelines* (2012) are key policy documents that seek to direct and manage the level of change in a manner that will best serve the interests of the municipality in terms of housing needs, built form and environmental outcomes. These documents encourage a range of housing types that meet the changing needs of the community and promote high design standards.

Key Redevelopment sites offer urban consolidation opportunities in well serviced areas and localities. The Eastern Golf course site is an identified Key Redevelopment Site in Manningham.

Subdivision

Effective subdivision design should respond to site opportunities and constraints. There are limited opportunities for large scale subdivision in Manningham. A key issue for Council is inappropriate infill subdivision of smaller lots.

Built form and neighbourhood character

Residential developments must be well designed, site responsive and not adversely impact on neighbours, the surrounding environment, streetscape and existing or preferred neighbourhood character.

It is intended to retain the existing bushland character of the Warrandyte township and Wonga Park area.

The key strategic directions for future residential development are illustrated in Map 1 - Residential Character Precincts, in this Clause.

Four precincts have been identified:

Precinct 1: Residential Areas Removed from Activity Centres and Main Roads

Precinct 2: Residential Areas Surrounding Activity Centres and Along Main Roads

Precinct 3: Residential Areas with Predominant Landscape Features

Precinct 4: Post 1975 Residential Areas.

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.

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.

Precinct 2 – Residential Areas Surrounding Activity Centres and along Main Roads

This precinct applies to the areas surrounding activity centres and the areas along Main Roads.

These activity centres include: Bulleen Plaza, Tunstall Square, Macedon Square, Jackson Court, Donburn, Devon Plaza, Templestowe Village, The Pines and Doncaster Hill.

The Doncaster Hill Activity Centre is regarded as the prime location for redevelopment for residential, commercial and community uses in the municipality.

The Pines Activity Centre is also regarded as a key Activity Centre within the municipality and provides a range of retail, commercial, community facilities and residential development opportunities.

The main roads identified in this precinct are Doncaster, Tram and Elgar Roads, Manningham and part of Thompsons, Blackburn and Mitcham Roads. These areas are developed with a range of commercial and residential uses.

Whilst landscaping exists along the main roads, there are opportunities to introduce better landscaping standards to improve the appearance of the main roads in the municipality.

A substantial level of change is anticipated in Precinct 2 with these areas being a focus for higher density developments.

Schedule 8 to the Design and Development Overlay (DDO8)

The majority of Precinct 2 is affected by Schedule 8 to the Design and Development Overlay (DDO8) consisting of 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. These sub-precincts are:

Sub-precinct – Main Road (shown on Manningham Planning Scheme maps as 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 (shown on Manningham Planning Scheme maps as 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 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 be all in the same sub-precinct. In this sub-precinct, if a lot has an area less than 1,800m², 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 (shown on Manningham Planning Scheme maps as 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.

Schedule 9 to the Design and Development Overlay (DDO9)

The area around The Pines Activity Centre (shown on Manningham Planning Scheme maps as DDO9) is an area where development ranging in height from 11 metres to 16 metres is encouraged in designated areas, as identified in *The Pines Activity Centre Structure Plan (2011)*.

Schedule 13 to the Design and Development Overlay (DDO13)

DDO13 applies to part of Precinct 2 being residential areas surrounding prominent intersections and/or interfacing commercial areas where increased residential densities, including up to four storey ‘apartment style’ developments (13.5 metres) on larger lots preferably with a minimum area of 1800sqm, will be considered. All development should have a maximum site coverage of 60 per cent.

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.

Precinct 3 – Residential areas with Predominant Landscape Features

This precinct includes two separate areas including Wembley Gardens in Donvale and a part of Templestowe. The built form and characteristics of these areas is varied. The common feature is the vegetation, particularly the presence of large trees. The presence of the native and exotic vegetation in Templestowe and in Wembley Gardens gives these areas a distinctive environmental feel. Templestowe is in close proximity to the Yarra River. Development is required to be designed and sited to protect existing visual corridors that exist along the Yarra River and nearby parkland. The absence of front fences creates a sense of openness and reinforces the environmental character of the area.

In this precinct only minimal change is anticipated. Due to the importance of retaining and enhancing the existing vegetation, this precinct will encourage a low residential density in order to retain the existing native and / or exotic vegetation.

Dwellings need to provide generous front, side and rear setbacks to ensure spacing between dwellings when viewed from the street and to provide opportunities to conserve and enhance the existing pattern of vegetation and the existing landscape qualities of the precinct.

Buildings are to be designed to have regard to the natural landscape and topographic features of the site. On sites with a slope, methods to minimise height of floor level above natural ground level would be encouraged. Building height, design and materials should be designed to enable the dwelling to integrate with the surrounding area.

The prevailing character of low front fences, retaining walls, or the absence of front fences is also promoted.

Precinct 4 – Post 1975 residential areas

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

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

In this precinct there is minimal unit development.

An incremental level of change is anticipated in this precinct.

Other Residential Areas

It is intended to retain and enhance the existing bushland character of the Warrandyte Township and the Hillcrest area, Donvale. Whilst these areas are excluded from the Residential Character Precincts, like Precinct 3 the common feature of these areas is the vegetation, particularly the presence of large trees. These areas predominantly contain native vegetation which gives these areas a distinctive environmental feel.

Within these areas only minimal change is anticipated. Due to the importance of retaining and enhancing the existing vegetation, a low residential density is encouraged in order to retain the existing native vegetation. The absence of front fences creates a sense of openness and reinforces the environmental character of these areas.

Generous front, side and rear setbacks should be provided to dwellings to ensure spacing between dwellings when viewed from the street and to provide opportunities to conserve and enhance the existing pattern of vegetation and the existing landscape qualities of these areas.

Buildings are to be designed to have regard to the natural landscape and topographic features of the site. On sites with a slope, methods to minimise height of floor level above natural ground level would be encouraged. Building height, design and materials should be designed to enable the dwelling to integrate with the surrounding area.

Environmental and landscape issues

A key challenge for Council is to achieve a balance between protecting environmental and landscape characteristics and accommodating changing housing needs. The provision of new housing is directed by strategies that protect and enhance landscape character, neighbourhood character and environmental values.

Because of the fragmented patchwork of native vegetation in Manningham, a substantial proportion of wildlife movements occur across residential areas characterised by scattered trees. These movements, and hence the landscape of these residential areas, are important to the maintenance of wildlife in Manningham.

Along habitat corridors and within treed residential areas, maintenance of native tree cover (and particularly the locally indigenous species) is the most important requirement for facilitating wildlife movements. These movements are important for the survival of both the wildlife and many indigenous plants that rely on wildlife for pollination, seed dispersal or pest control.

Some residential areas are within or adjacent to Core and Buffer Conservation areas. Proposals to subdivide or develop land will need to avoid, minimise and offset native vegetation removal and impacts.

Any proposals to subdivide or develop land will also need to have regard to constraints such as steep slopes and land prone to landslip, wildfire and flooding.

Economic development issues

Council encourages home-occupations as an important means of achieving economic development and providing opportunities that enable residents to work from home. Benefits to the business owner include reduced travel time and flexible hours, and support for micro start up businesses. The needs of these businesses should be addressed while ensuring that residential amenity is not adversely affected.

Non-residential uses and commercial developments which do not have a community service role are discouraged from locating in residential areas. Commercial development remote from activity centres is also discouraged in order to protect the amenity of residential areas, the viability of activity centres and to ensure the safe and efficient functioning of the road network.

21.05-2

23/07/2015
C106

Housing

Key issues

- Accommodating population growth as outlined in *Melbourne 2030 Planning for Sustainable Growth* (2002).
- Providing a diversity of appropriate housing to meet changing lifestyles and housing needs.
- Need for urban consolidation to address housing growth.
- Potential impact of new development on the surrounding area.

Objectives

- 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 ensure that areas removed from activity centres and main roads as well as areas with predominant environmental or landscape features are protected from higher density development.
- 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.

Strategies

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.
- Allow housing development that respects existing neighbourhood character and supports incremental level of change in areas removed from activity centres and main roads identified as Precinct 1 on the Residential Framework Plan 1 and Map 1 to this clause.
- Maintain a low housing density in areas with predominate landscape features identified as Precinct 3 on the Residential Framework Plan 1 and Map 1 to this clause.
- Support an incremental level of change that respects existing neighbourhood character in residential areas developed post 1975 identified as Precinct 4 on the Residential Framework Plan 1 and Map 1 to this clause.
- Maintain a low housing density in areas with environmental values identified on the Residential Framework Plan 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.
- Investigate the most appropriate suite of planning controls to achieve the desired outcomes for Key Redevelopment Sites.

Implementation

These strategies will be implemented by:

Zones and overlays

- Applying the Neighbourhood Residential Zone.
- Applying the General Residential Zone.
- Applying the Residential Growth Zone.
- Applying a Design and Development Overlay.
- Applying the Residential Growth Zone, the General Residential Zone, Design and Development Overlay – Schedule 9 and Design and Development Overlay 8 [and Design and Development Overlay 13](#) to residential areas close to activity centres and [interfacing commercial areas and](#) along main roads. These areas form part of Precinct 2 on the Residential Framework Plan 1 and Map 1 to this clause) to identify the location and direct the design of higher density residential development.
- Applying the General Residential Zone to residential areas removed from activity centres and main roads (identified as Precinct 1 on the Residential Framework Plan 1 and Map 1 to this clause) to ensure new development respects neighbourhood character and provides for an incremental level of change.
- Applying the Neighbourhood Residential Zone and the Significant Landscape Overlay or Environmental Significance Overlay and the Design and Development Overlay to

residential areas with predominate landscape features (identified as Precinct 3 on the Residential Framework Plan 1 and Map 1 to this clause) to ensure that the density, design and siting of residential development is appropriate to its landscape and the low housing density character of the area.

- Applying the General Residential Zone to residential areas developed since 1975 (identified as Precinct 4 on the Residential Framework Plan 1 and Map 1 to this clause) to provide opportunity for new development that respects neighbourhood character and for an incremental level of change.
- Applying the Neighbourhood Residential Zone and the Environmental Significance Overlay and the Design and Development Overlay to areas of environmental significance to ensure that the density, design and siting of residential development is appropriate to its environment and the low housing density character of the area.

Policy and exercise of discretion

- Implementing the Manningham Residential Strategy (2012).
- Implementing the *Doncaster Hill Strategy* (2002).
- Implementing The Pines Activity Centre Structure Plan (2011).
- Implementing the Manningham (Biosites) Sites of Biological Significance Review (2004).
- Implementing the Wildlife Movement and Habitat Needs in Manningham (2009).
- Implementing the Locally Threatened Plants in Manningham (2010).
- Implementing the Manningham Monterey Pine and Cypress Trees Assessment (2003).
- Using Local Policy to guide the location, design and management of accommodation premises (*Accommodation premises policy, Clause 22.04*).
- Using Local Policy to ensure that people with limited mobility have the same level of access to buildings, services and facilities as any other person (*Access for disabled people policy, Clause 22.09*).
- Using local policy to conserve native vegetation (*Native vegetation policy, Clause 22.02*).
- Using Clause 22.15, *Dwellings in the General Residential Zone, Schedule 1*, to ensure new development in residential areas removed from activity centres and main roads (identified as Precinct 1 on the Residential Framework Plan 1 and Map 1 to this clause) respects neighbourhood character and provides for an incremental level of change.
- Promote the provision of ramps and wide entrances to optimise accessibility within and around the home.
- Promote higher density residential development in locations close to activity centres and public transport (identified on the Residential Framework Plan 1 and Map 1 to this Clause).
- Using Clause 22.17 *Eastern Golf Course Key Redevelopment Site Policy*, to provide the strategic policy framework to guide the future redevelopment of the Eastern Golf Course Site.
- Implementing the City of Doncaster and Templestowe Heritage Study, (1991).
- Implementing the Manningham Heritage Garden & Significant Tree Study – Stage 2, (2006).
- Having regard to Meredith Gould Architects Pty Ltd (February 2011) *Eastern Golf Course Conservation Analysis and Policy*, Melbourne, Victoria.

Further strategic work

Other actions

- Identifying key development sites and encouraging residential development that responds to site constraints, demographic trends and the surrounding pattern of development.

21.05-3

13/02/2014
C96

Subdivision

Key issues

- Site responsive subdivision.
- Inappropriate infill subdivision.

Objectives

- Ensure subdivision responds positively to site features and constraints, integrates well with the neighbourhood, provides a functional environment and achieves energy efficient and environmentally sensitive layouts.
- To ensure the upgrading or provision of appropriate infrastructure and open space as part of subdivision proposals.
- To ensure that infill subdivision addresses future development impacts on adjoining properties and the neighbourhood.
- To ensure that subdivision adopts environmentally sustainable design principles.

Strategies

Strategies to achieve these objectives include:

- Encourage subdivision layouts that consider neighbouring uses and developments.
- Ensure that subdivision layouts adequately provide for the safety and security of residents and property.
- Ensure that subdivision and associated works in wildfire areas are appropriately sited, designed and managed to address wildfire risk.
- Ensure that subdivision and associated works avoid, minimise and offset native vegetation removal and impacts.
- Promote the consolidation of lots to increase design options.
- Ensure subdivisions are designed to provide adequate vehicle, pedestrian and bicycle links.
- Ensure that open space and infrastructure contributions are adequate.
- Require three-dimensional building envelopes for infill subdivision.
- Ensure subdivision design and layout considers lot orientation, size and location of building envelopes and integrated water management to achieve ecologically sustainable development outcomes.

Implementation

These strategies will be implemented by:

Zones and overlays

- Applying a Development Plan Overlay.
- Applying a Design and Development Overlay.
- Applying the Wildfire Management Overlay.
- Applying an Environmental Significance Overlay.

Policy and exercise of discretion

- Implementing the Manningham (Biosites) Sites of Biological Significance Review (2004).
- Implementing the Wildlife Movement and Habitat Needs in Manningham (2009).
- Implementing the Locally Threatened Plants in Manningham (2010).
- Using local policy to conserve native vegetation (*Native vegetation policy, Clause 22.02*).
- Implementing the Manningham Monterey Pine and Cypress Trees Assessment (2003).
- Using Local Policy to guide subdivision design that is responsive to the environmental and visual characteristics of the streetscape (*Battle axe blocks policy, Clause 22.11*).
- Using Local Policy to guide the protection of environmental and landscape values in identified Wildfire areas and identification and addressing of risks from wildfire (*Environmental and landscape significance protection in identified wildfire areas policy, Clause 22.14*).

Further strategic work

- Preparing a Local Planning Policy to direct subdivision within existing residential areas.
- Investigating the preparation of a development contributions plan for the municipality for areas outside the Doncaster Hill Activity Centre.

Other actions

21.05-4

19/06/2014
C105

Built form and neighbourhood character

Key issues

- Scale and form of residential development and its impact on neighbourhood character.
- Improving residential design standards.

Objectives

- 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.

Strategies

Strategies to achieve these objectives 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.

Implementation

These strategies will be implemented by:

Zones and overlays

- Applying the Mixed Use Zone.
- Applying the Activity Centre Zone.
- Applying a Vegetation Protection Overlay, Significant Landscape Overlay, Environmental Significance Overlay and/or Heritage Overlay where appropriate.
- Applying the General Residential Zone to residential areas developed since 1975 to provide opportunity for new development that respects neighbourhood character and for an incremental level of change.
- Applying the General Residential Zone to areas removed from activity centres and main roads to ensure new development respects neighbourhood character and provides for an incremental level of change.
- Applying the Neighbourhood Residential Zone to residential areas with predominant landscape features or lower housing densities to ensure that the density, design and siting of residential development is appropriate to its environment and the low housing density character of the area.
- Applying the Design and Development Overlay to ensure that the design and siting of residential development is appropriate.

Policy and exercise of discretion

- Implementing the Manningham Residential Character Guidelines (2012).
- Using Clause 22.01, *Design and development policy*, and Clause 22.15, *Dwellings in the General Residential Zone, Schedule 1*, to ensure that development is responsive to the scale and preferred character of the local neighbourhood.

Further strategic work

- Preparing residential design guidelines for the Warrandyte township.
- Reviewing the location of, and the preferred use and built form of, identified gateway sites.
- Preparing a Local Planning Policy to guide the future use and development of identified gateway sites, if appropriate.

Other actions

- Taking into account the views of Council's Sustainable Design Taskforce on major development applications.
- Requiring applicants for significant proposals to engage in a collaborative design process including pre-application meetings with relevant Council staff.

21.05-5

19/06/2014
C105

Environmental and landscape issues

Key issues

- Impact of land use and development on biodiversity.
- Protection and enhancement of environmental values and significant landscapes.
- Design and construction of development in areas with topographical constraints and areas of environmental significance, landscape character and wildfire risk.

Objectives

- To ensure that land is developed in a way that is compatible with, and protects and enhances the character of the area, its landscape qualities, pattern of vegetation and environmental values.
- To ensure that the environmental significance, visual and landscape character of residential areas with environmental and/or landscape values, including the Warrandyte township, parts of Templestowe, Wonga Park, the Hillcrest area and Donvale/Doncaster East are maintained and enhanced.
- To ensure that development avoids, minimises and offsets native vegetation removal, protects habitat corridors and threatened species of flora and fauna.

Strategies

Strategies to achieve these objectives include:

- Require a site analysis plan of the site and surrounds showing the existing topographic and visual features and how a proposal responds to environmental and landscape features for all relevant planning proposals.
- Retain the predominance of single dwellings on allotments and discourage other forms of inappropriate residential development in areas of environmental significance.
- Ensure that development in areas with recognised environmental and landscape values are designed to minimise the impact on vegetation and protect landscape character and heritage values.

- Require that buildings and works minimise visual impact by locating away from ridgelines and exposed slopes, incorporating screening treatments and non-obtrusive materials and colours.
- Encourage development on sloping sites to adopt suitable design techniques that minimise earthworks and building bulk.
- Ensure that development in areas of environmental significance avoids, minimises and offsets the removal of and impacts on native vegetation.
- Avoid development, including vegetation removal, on land with slopes of greater than 20%.
- Ensure that buildings are set back appropriate distances from property boundaries to provide for landscaping and the inclusion of canopy trees.
- Ensure that development does not protrude above the prevailing height of the tree canopy in environmental residential areas.
- Ensure that existing trees are retained where appropriate and that replacement trees complement the character of the area.
- Ensure that buildings and/or works in wildfire areas are appropriately sited, designed and managed to address wildfire risk.
- Encourage development that meets higher construction standards and/or utilises alternative treatments to address wildfire risk in preference to vegetation removal.
- Encourage the longevity of older exotic species with landscape character or heritage values.
- Discourage inappropriate development and landscaping on sites adjacent to State Parks and other conservation reserves.

Implementation

These strategies will be implemented by:

Zones and overlays

- Applying the Neighbourhood Residential Zone.
- Applying a Design and Development Overlay to the Warrandyte township, parts of Templestowe and parts of Donvale and Doncaster East.
- Applying an Environmental Significance Overlay and/or Significant Landscape Overlay.
- Applying a Vegetation Protection Overlay.
- Applying the Wildfire Management Overlay.

Policy and exercise of discretion

- Implementing the Manningham Residential Character Guidelines (2012).
- Implementing the *Manningham Heritage Garden & Significant Tree Study – Stage 2* (April 2006) which identifies vegetation of significance to be protected and maintained.
- Implementing the Manningham (Biosites) Sites of Biological Significance Review (2004).
- Implementing the Wildlife Movement and Habitat Needs in Manningham (2009).

- Implementing the Locally Threatened Plants in Manningham (2010).
- Using local policy to conserve native vegetation (*Native vegetation policy, Clause 22.02*).
- Implementing the Manningham Monterey Pine and Cypress Trees Assessment (2003).
- Using Local Policy to guide the protection of environmental and landscape values in identified Wildfire Areas (*Environmental and landscape significance protection in identified wildfire areas policy, Clause 22.14*).

Further strategic work

- Implementing the Roadside Environmental Management Strategy (2004).
- Review the *Roadside Environmental Management Strategy* (2004) with regard to the CFA Roadside Management Guidelines.
- Investigate the use of a local law or planning scheme control to protect significant trees in residential areas that do not have appropriate overlay controls.
- Identify areas for strategic revegetation to enhance habitat corridors and habitat connectivity.

Other actions

- Continuing to control and remove introduced pest plants and pest animals on a priority basis, with emphasis on the provisions under the *Catchment and Land Protection Act 1994* and direction from the Catchment Management Authority.

21.05-6

02/10/2008
C52

Economic development issues

Key issues

- Impact of discretionary uses on residential amenity.
- Impact of non-residential and commercial uses located outside of activity centres on the viability of activity centres
- Linear commercial development outside activity centres.

Objectives

- To encourage uses with a community service role to locate in close proximity to activity centres or other community based facilities.
- To ensure that business activities do not compromise the residential amenity and character of the neighbourhood.
- To ensure that the range of uses within mixed use developments are compatible.
- To locate commercial uses such as restaurants within activity centres.
- To discourage the rezoning of land for commercial uses outside activity centres.

Strategies

Strategies to achieve these objectives include:

- Ensure that the establishment of uses with a community service role do not compromise the amenity of the neighbourhood.
- Ensure that commercial uses are located within activity centres wherever possible.
- Ensure that in considering planning permit applications for home occupations, adequate provision is made for on-site car parking and loading areas and that these are adequately screened from the street and adjoining land.
- Limit the impact of advertising signs on visual amenity.
- Ensure that the range of uses within a mixed use development does not adversely impact on each of the respective uses.

Implementation

These strategies will be implemented by:

Policy and exercise of discretion

- Implementing the *Home-Based Business Strategy* (1996) that encourages the establishment of appropriate businesses that do not compromise residential amenity.
- Implementing the Manningham City Council 2003-2006 Economic Development Strategy (2003).
- Using Local Policy to ensure that non-residential and commercial uses do not affect the amenity of the area. (Design and development policy, Clause 22.01, Accommodation premises policy, Clause 22.04, Non-residential uses in residential areas policy, Clause 22.05 and Eating and entertainment policy, Clause 22.06).
- Using Local Policy to ensure that advertising signs do not impact on visual amenity (*Outdoor advertising signs policy, Clause 22.07*).

Zones and overlays

Further strategic work

Other actions

- Promoting and distributing Manningham's *Home-based Business Information Kit* (2005).

21.05-7

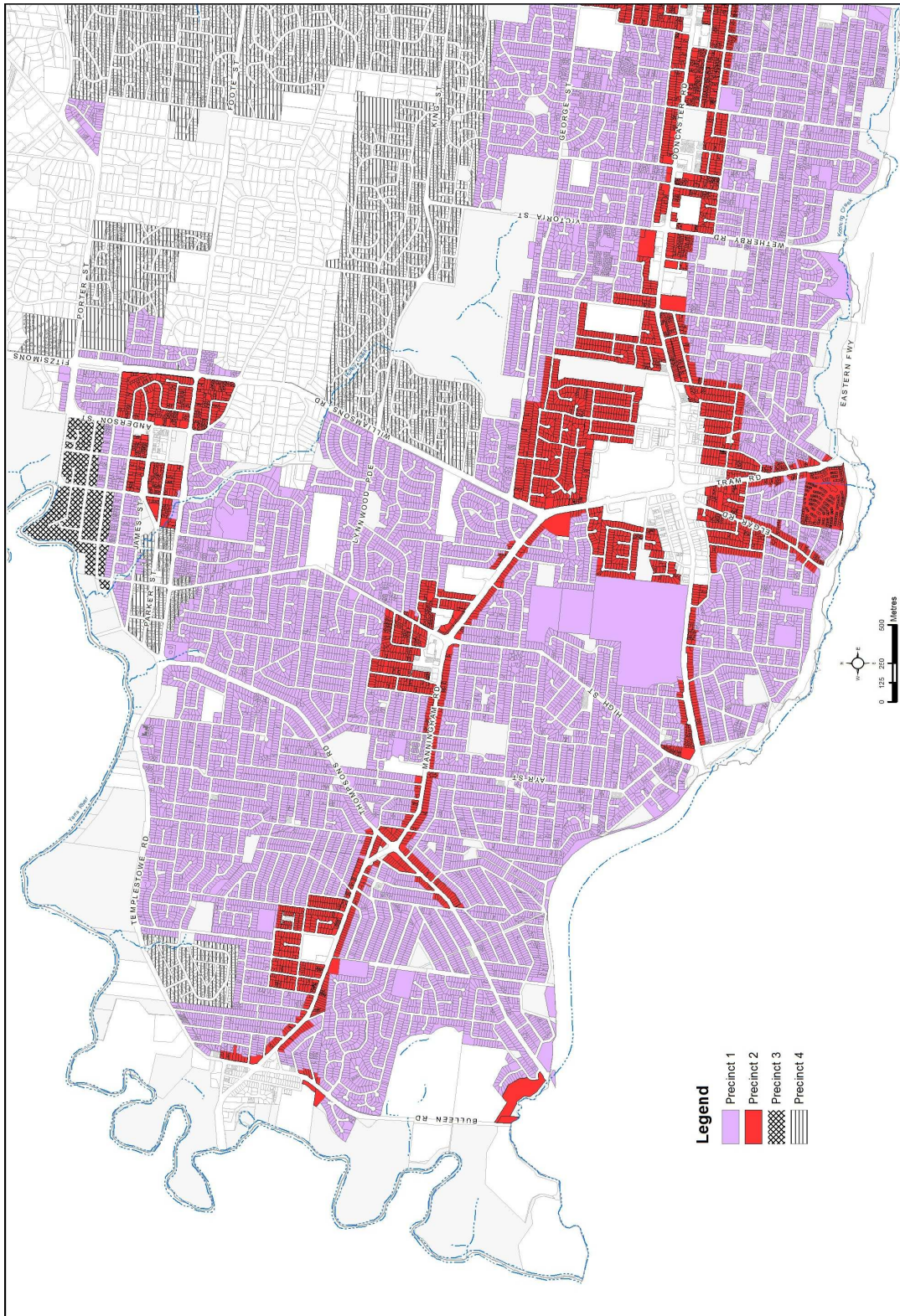
Reference documents

23/07/2015
C106

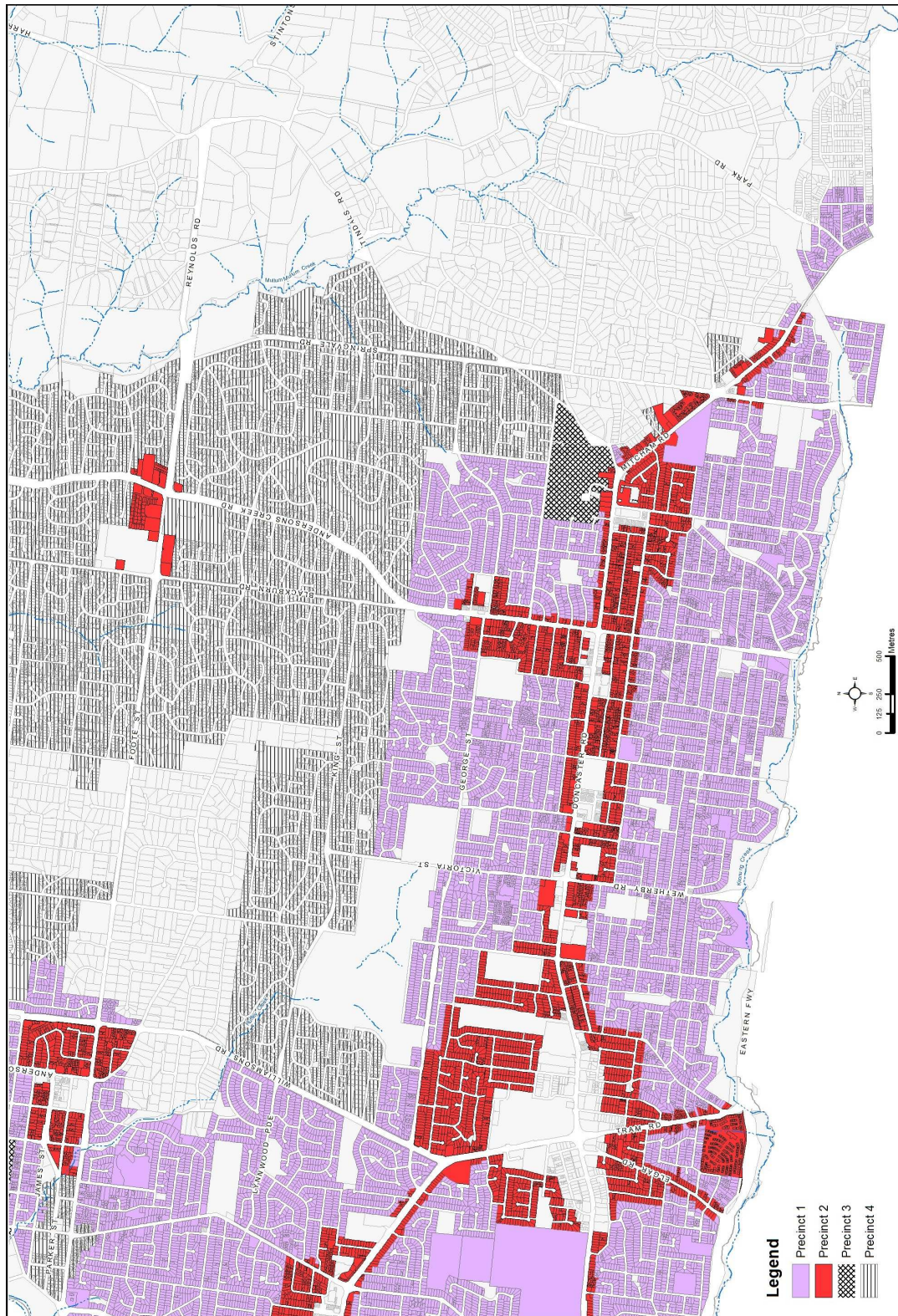
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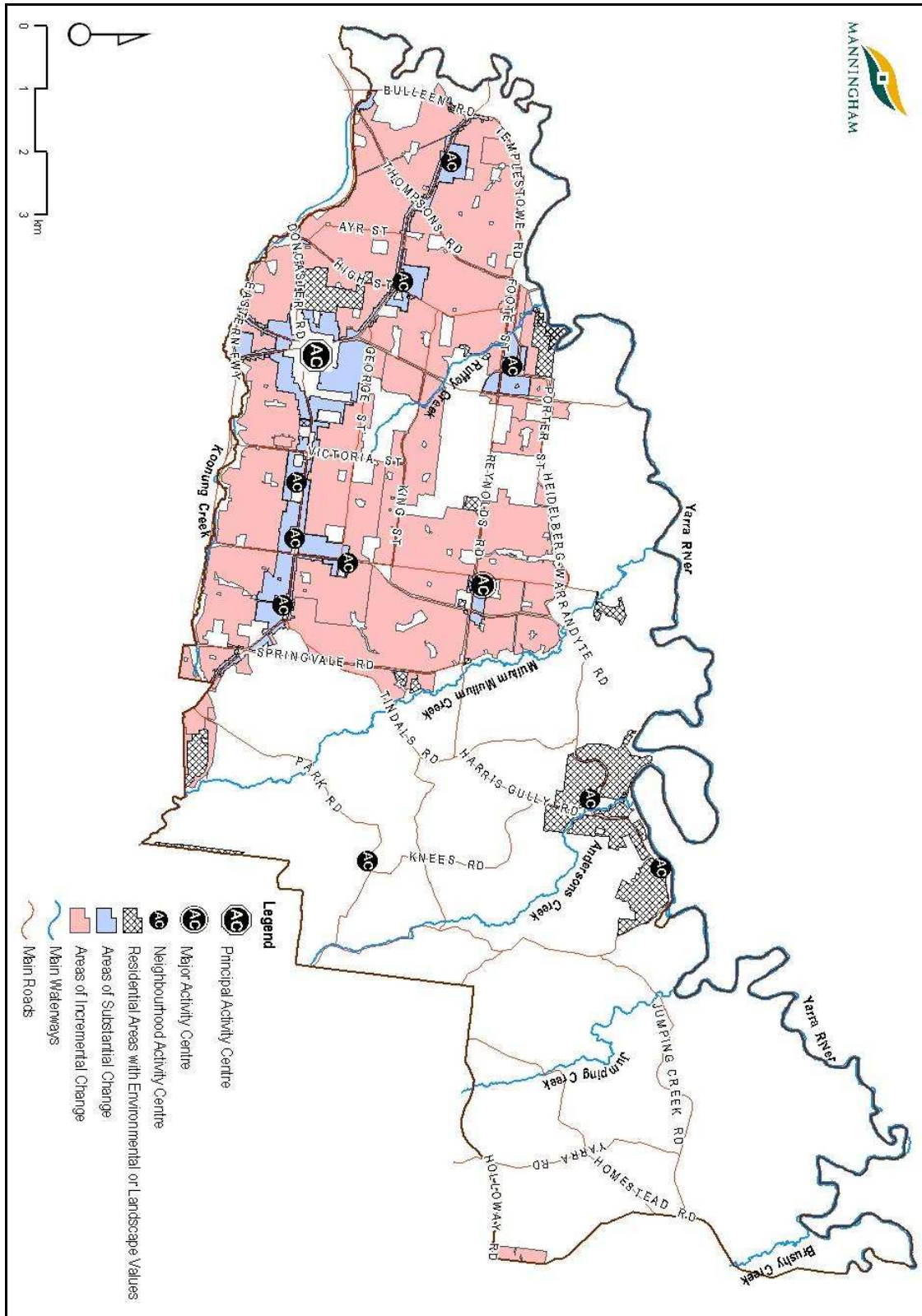
Map 1 (Part 1) – Residential Character Precincts



Map 1 (Part 2) – Residential Character Precincts



Residential Framework Plan 1



Planning and Environment Act 1987

MANNINGHAM PLANNING SCHEME

AMENDMENT C102

INSTRUCTION SHEET

The planning authority for this amendment is the Manningham City Council.

The Manningham Planning Scheme is amended as follows:

Planning Scheme Maps

The Planning Scheme Maps are amended by a total of 3 attached map sheets.

Zoning Maps

1. Amend Planning Scheme Map No 8 in the manner shown on the attached map marked "Manningham Planning Scheme, Amendment C102".

Overlay Maps

2. Amend Planning Scheme Map No 8DDO in the manner shown on the attached maps marked "Manningham Planning Scheme, Amendment C102".

Planning Scheme Ordinance

The Planning Scheme Ordinance is amended as follows:

3. In Local Planning Policy Framework – replace Clause 21.5 with a new Clause 21.5 in the form of the attached document.
4. In Overlays – Clause 43.02, insert a new Schedule 13 in the form of the attached document.

End of document

PLANNING PERMIT

GRANTED UNDER DIVISION 5 OF PART 4 OF
THE PLANNING AND ENVIRONMENT ACT 1987

Permit No.: PL15/025196

Planning Scheme: Manningham Planning Scheme

Responsible Authority: Manningham City Council

ADDRESS OF THE LAND:

6 Montgomery Street DONCASTER EAST VIC Lot 1 TP 654402S Vol 9092 Fol 840
3109

8 Montgomery Street DONCASTER EAST VIC Lot 1 PS 071528 Vol 8625 Fol 654
3109

10 Montgomery Street DONCASTER EAST VIC Lot 8 PS 083909 Vol 10283 Fol 768
3109

THE PERMIT ALLOWS: 2 lot re-subdivision
of land and creation of Road Reserve R1 for
Manningham City Council.

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

Amended Plans

1. Before the Certification of the Plan of Subdivision, amended plans must be submitted to and approved by the Responsible Authority. When approved, the plans will then form part of the permit. The plans must be drawn to scale with dimensions and a copy must be provided. The plans must be generally in accordance with the plan of subdivision PS727685K Version 1 (Ref. No. 7543) prepared by Lawlor and Loy Pty Ltd but modified to show:
 - 1.1 The easement E-1, E-2 and E-3 for drainage to be shown in favour of Manningham City Council;
 - 1.2 A 2.0 metre wide easement for drainage, to be shown in favour of Manningham City Council, along the western boundary of Lot 2.

Endorsed Plans

2. The layout of the subdivision as shown on the approved plan must not be altered or modified without the prior written consent of the Responsible Authority.

Service Utilities

3. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage sewerage facilities, electricity, and gas services to each lot shown on the approved plan in accordance with that authority's requirements and relevant legislation at the time.

Date Issued:

**Date Permit comes into
operation:**

(or if no date is specified, the permit
comes into operation on the same day as
the amendment to which the permit
applies comes into operation)

**Signature for the Responsible
Authority**

4. All existing and proposed easements and sites for existing or required utility services and roads on the land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created.
5. The plan of subdivision submitted for certification under the Subdivision Act 1988 must be referred to the relevant authority in accordance with Section 8 of that Act.

Telecommunications Conditions 6-7

6. The owner of the land must enter into an agreement with:
 - 6.1 A telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and
 - 6.2 A suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.
7. Before the issue of a Statement of Compliance for any stage of the subdivision under the Subdivision Act 1988, the owner of the land must provide written confirmation from:
 - 7.1 A telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time; and
 - 7.2 A suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

Car parking

8. Prior to the issue of a Statement of Compliance, the parking bays in Lot 1 shall be modified and re-linemarked in accordance with plans approved by and to the satisfaction of the Responsible Authority to accommodate 29 car parking bays and one disabled car parking bay.

Vehicle Access

9. Prior to the issue of a Statement of Compliance, the existing raised pavement within Montgomery Street directly abutting Lot 1 is to be modified/relocated to facilitate access to and from the car park to the satisfaction of the Responsible Authority.

Permit Expiry

11. Unless the subdivision approved by this permit is commenced within two (2) years of the date of this permit, and completed within five (5) years from certification of the plan, then this permit will lapse. The Responsible Authority may extend the commencement period 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*.

Date Issued:	Date Permit comes into operation: (or if no date is specified, the permit comes into operation on the same day as the amendment to which the permit applies comes into operation)	Signature for the Responsible Authority
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Permit Notes:

- The commencement of a subdivision is regarded by Section 68(3A) of the Planning and Environment Act 1987 as the certification of a plan under Section 6 of the Subdivision Act 1988. Completion is regarded as registration of the subdivision.
- Under Section 69 of the Planning and Environment Act 1987 the owner or occupier of the land may apply to extend a permit either:
 - before it expires; or
 - within 6 months of the expiry if the permit has not been acted on; or
 - within 12 months of the expiry of the permit if the development was started lawfully before the permit expired.

(If the permit has been amended, include the following table indicating the date and nature of amendments included in the amended permit)

Date of amendment	Brief description of amendment

Date Issued:	Date Permit comes into operation: (or if no date is specified, the permit comes into operation on the same day as the amendment to which the permit applies comes into operation)	Signature for the Responsible Authority

IMPORTANT INFORMATION ABOUT THIS PERMIT

WHAT HAS BEEN DECIDED?

The Responsible Authority has issued a permit. The permit was granted by the Minister administering the **Planning and Environment Act 1987** under section 96I of that Act.

WHEN DOES THE PERMIT BEGIN?

The permit operates from a day specified in the permit being a day on or after the day on which the amendment to which the permit applies comes into operation.

WHEN DOES A PERMIT EXPIRE?

1. A permit for the development of land expires if -
 - * the development or any stage of it does not start within the time specified in the permit; or
 - * the development requires the certification of a plan of subdivision or consolidation under the **Subdivision Act 1988** and the plan is not certified within two years of the issue of a permit, unless the permit contains a different provision; or
 - * the development or any stage is not completed within the time specified in the permit, or, if no time is specified, within two years after the issue of the permit or in the case of a subdivision or consolidation within 5 years of the certification of the plan of subdivision or consolidation under the **Subdivision Act 1988**.
2. A permit for the use of land expires if -
 - * the use does not start within the time specified in the permit, or if no time is specified, within two years after the issue of the permit; or
 - * the use is discontinued for a period of two years.
3. A permit for the development and use of land expires if -
 - * the development or any stage of it does not start within the time specified in the permit; or
 - * the development or any stage of it is not completed within the time specified in the permit, or, if no time is specified, within two years after the issue of the permit; or
 - the use does not start within the time specified in the permit, or, if no time is specified, within two years after the completion of the development; or
 - the use is discontinued for a period of two years.
4. If a permit for the use of land or the development and use of land or relating to any of the circumstances mentioned in section 6A(2) of the **Planning and Environment Act 1987**, or to any combination of use, development or any of those circumstances requires the certification of a plan under the **Subdivision Act 1988**, unless the permit contains a different provision-
 - * the use or development of any stage is to be taken to have started when the plan is certified; and
 - * the permit expires if the plan is not certified within two years of the issue of the permit.
5. The expiry of a permit does not affect the validity of anything done under that permit before the expiry.

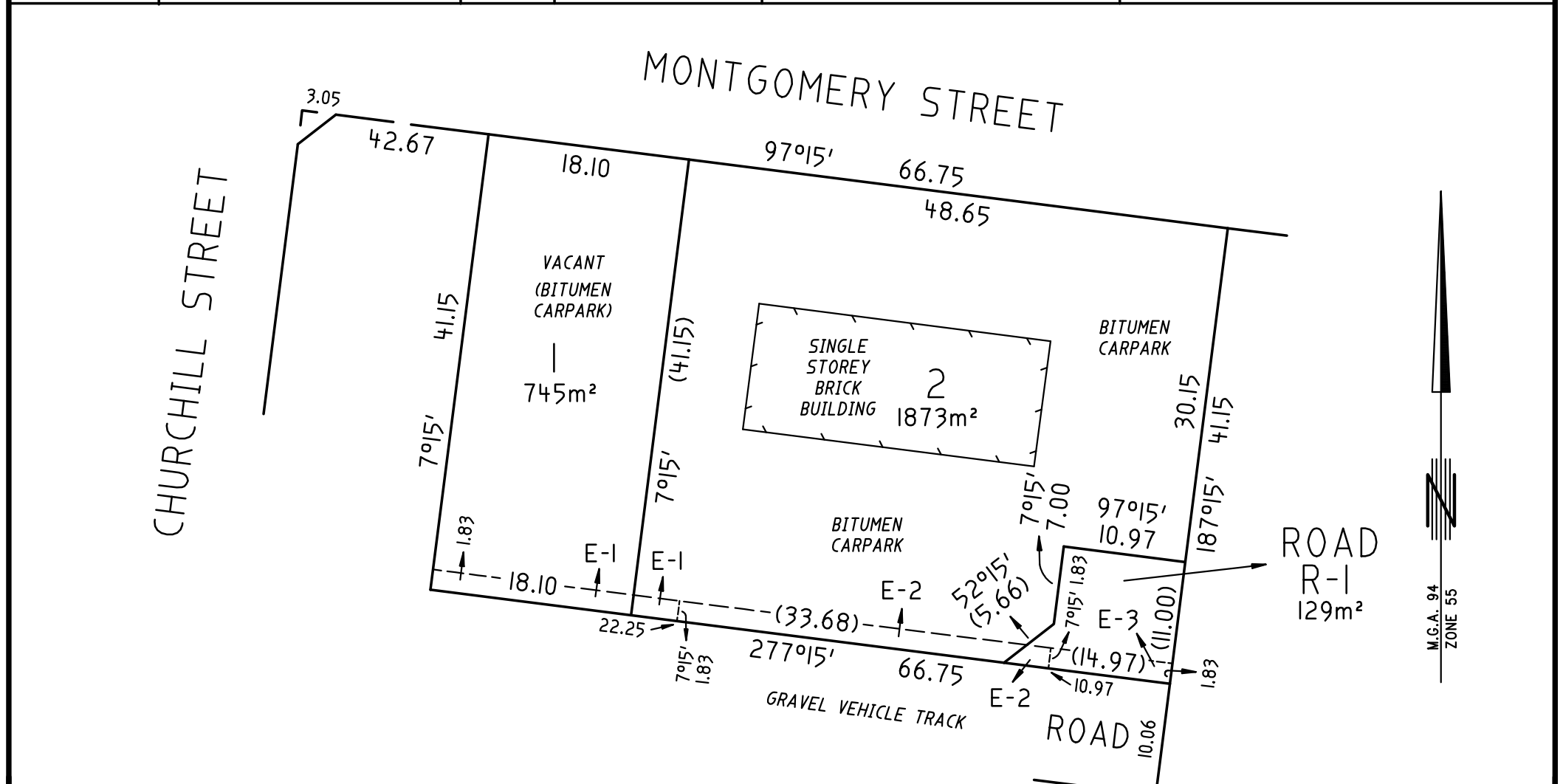
WHAT ABOUT APPEALS?

- * Any person affected may apply for a review of -
 - a decision of the responsible authority refusing to extend the time within which any development or use is to be started or any development completed; or.
 - a decision of the responsible authority refusing to extend the time within which a plan under the **Subdivision Act 1988** is to be certified, in the case of a permit relating to any of the circumstances mentioned in section 6A(2) of the **Planning and Environment Act 1987**; or.
 - the failure of the responsible authority to extend the time within one month after the request for extension is made.
 - * An application for review is lodged with the Victorian Civil and Administrative Tribunal.
 - * An application for review must be made on an Application for Review form which can be obtained from the Victorian Civil and Administrative Tribunal, and be accompanied by the applicable fee.
 - * An application for review must state the grounds upon which it is based.
 - * An application for review must also be served on the Responsible Authority.
 - * Details about applications for review and the fees payable can be obtained from Victorian Civil and Administrative Tribunal.
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PLAN OF SUBDIVISION UNDER SECTION 35(8) OF THE SUBDIVISION ACT 1988	EDITION 1	PS 727685K
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<p>LOCATION OF LAND</p> <p>PARISH: BULLEEN</p> <p>TOWNSHIP: _____</p> <p>SECTION: 6</p> <p>CROWN ALLOTMENT: C (PART)</p> <p>TITLE REFERENCES: C/T VOL.9092 FOL.840 VOL.8625 FOL.654 VOL.10283 FOL.768</p> <p>LAST PLAN REFERENCE: LOT 1, TP.654402 LOT 1, LP.71528 LOT 8, LP.83909</p> <p>POSTAL ADDRESS: 6, 8 & 10 MONTGOMERY STREET, DONCASTER EAST 3109</p> <p>MGA CO-ORDINATES: E: 338 020 ZONE: 55 (of approx. centre of plan) N: 5 816 080 GDA 94</p>	<p>MANNINGHAM CITY COUNCIL</p>
<p>VESTING OF ROADS AND/OR RESERVES</p>	
<p>IDENTIFIER</p>	<p>COUNCIL/BODY/PERSON</p>
<p>R-1</p>	<p>MANNINGHAM CITY COUNCIL</p>

EASEMENT INFORMATION					NOTATIONS
<p>LEGEND A - Appurtenant Easement E - Encumbering Easement R - Encumbering Easement (Road)</p>					<p>DEPTH LIMITATION DOES NOT APPLY THIS IS NOT A STAGED SUBDIVISION PLANNING PERMIT No. THIS PLAN IS BASED ON SURVEY CONNECTION SHOWN TO CHURCHILL STREET IS NOT TO SCALE BEARINGS SHOWN ARE ON M.G.A.94 DATUM SUBTRACT 7°08' FOR TITLE THIS SURVEY HAS BEEN CONNECTED TO PERMANENT MARK No.103 IN PROCLAIMED SURVEY AREA No.</p>
Easement Reference	Purpose	Width (Metres)	Origin	Land Benefited/In Favour Of	
E-1, E-2, E-3	DRAINAGE & SEWERAGE	1.83	LP.17694	LOTS ON LP.17694	
E-2, E-3	SEWERAGE	1.83	THIS PLAN	YARRA VALLEY WATER	
E-2, E-3	DRAINAGE & SEWERAGE	1.83	LP.71528	LOTS ON LP.71528	
E-3	DRAINAGE & SEWERAGE	1.83	LP.83909	LOTS ON LP.83909	



<p>SCALE 1:500</p> <p>5 0 5 10 15 20</p> <p>LENGTHS ARE IN METRES</p>	<p>REF: 7543</p> <p>VERSION: 1</p> <p>LICENSED SURVEYOR . . . MICHAEL JOHN LOY</p> <p style="text-align: center;">DIGITALLY SIGNED</p>	<p>ORIGINAL SHEET SIZE: A3</p>	<p>SHEET 1 OF 1</p>
<p>LAWLOR AND LOY PTY. LTD. SURVEYORS, PROPERTY MANAGEMENT & TOWN PLANNING CONSULTANTS SUITE 2, 122 PARA ROAD MONTMORENCY 3094 P.O. BOX 242 GREENSBOROUGH 3088 PH:9435 2422 FAX:9432 1256 EMAIL: lawloy@netspace.net.au</p>			

**PROPOSED REZONING AND SALE OF LAND 6-10 MONTGOMERY STREET, DONCASTER EAST
PROPOSED TIMELINE**

