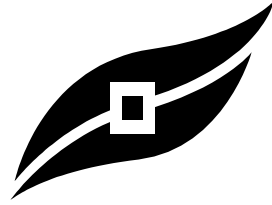


# MINUTES



**MANNINGHAM**  
BALANCE OF CITY AND COUNTRY

## Ordinary Meeting of the Council

**MEETING DETAILS:**

MEETING NO: 15  
MEETING DATE: 13 December 2016  
TIME: 7:00 PM  
LOCATION: Council Chamber, Civic Centre  
699 Doncaster Road, Doncaster

# MINUTES

**PLEASE NOTE**

This is the abridged version of the Council Agenda. The images / attachments have been removed in order to reduce the size of the document for ease of access purposes.

The full Council Agenda is available on the Council's website and a hardcopy is also available for inspection at the Civic Centre.

It should be noted that as a consequence of the removal of the attachments the page numbering in this abridged version has been affected.

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**MANNINGHAM CITY COUNCIL**  
**MINUTES OF THE ORDINARY COUNCIL MEETING**  
**HELD AT COUNCIL CHAMBER, CIVIC CENTRE**  
**ON**  
**13 DECEMBER 2016**

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The meeting commenced at 7:00 PM.

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

Officers Present: Chief Executive Officer, Mr Warwick Winn  
Acting Director Assets & Engineering, Mr Roger Woodlock  
Director Community Programs, Mr Chris Potter  
Director Planning & Environment, Ms Teresa Dominik  
Director Shared Services, Mr Philip Lee  
Executive Manager People & Governance – Ms Jill Colson

**1. OPENING PRAYER & STATEMENTS OF ACKNOWLEDGEMENT**

The Mayor read the Opening Prayer & Statements of Acknowledgement.

**2. APOLOGIES FOR ABSENCE AND GRANTING OF LEAVE OF ABSENCE**

There were no apologies for this meeting.

**3. PRIOR NOTIFICATION OF CONFLICTS OF INTEREST**

The Chairman invited Councillors to disclose any conflict of interest in any item listed on the Council Agenda.

There were no notifications of Conflict of Interest.

**4. CONFIRMATION OF MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON 15 NOVEMBER 2016**

**MOVED: ZAFIROPOULOS**  
**SECONDED: CHEN**

**That the Minutes of the Ordinary Meeting of Council held on 15 November 2016 be confirmed.**

**CARRIED**

**5. PUBLIC QUESTIONS (VERBAL)**

There were no questions from the public.

**6. PRESENTATIONS**

**6.1 Acknowledgement – James William Whiticker**

The Mayor addressed Council on the recent passing of James William Whiticker a long term resident of Doncaster, Citizen of the Year 1985 and his many community service activities including Chairman of the Advisory Committee on the Ageing for the City of Doncaster/Templestowe, Task Force Chairman for the Nursing Home proposal and long term Board Member for what is now MannaCare.

**7. PETITIONS**

**7.1 Review of Parking Restrictions at the Shopping Strip in Village Avenue, Doncaster (Koonung Ward)**

**MOVED: ZAFIROPOULOS**  
**SECONDED: HAYNES**

**That the petition received from 248 business owners from Village Avenue, Doncaster seeking a review of the parking restrictions in Village Avenue and the introduction of a two hour parking zone, be received and referred to the appropriate Officer for consideration.**

**CARRIED**

**7.2 Sound Protection Between Williamsons Road and Brentvale Court, Doncaster (Heide Ward)**

**MOVED: PICCININI**  
**SECONDED: GOUGH**

**That the petition received from 9 residents of Brentvale Court in Doncaster requesting Council to improve the sound protection of that section of Williamsons Road from King Street to No.222 Williamsons Road by increasing the density of the vegetation strip or by putting up a high wooden sound barrier, be received and referred to the appropriate Officer for consideration.**

**CARRIED**

**8. ADMISSION OF URGENT BUSINESS**

There were no items of Urgent Business.

\* \* \* \* \*

## 9. PLANNING PERMIT APPLICATIONS

### 9.1 Planning Application PL16/026081 at 52-54 Manningham Road for sixteen three-storey and four-storey dwellings and alteration of access to a road in a Road Zone, Category 1

Responsible Director: Director Planning & Environment

File No. PL16/026081

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

**Land:** 52-54 Manningham Road BULLEEN  
**Zone** Residential Growth Zone, Schedule 2  
**Applicant:** Premier Projects  
**Ward:** Heide  
**Melway Reference:** 32F7  
**Time to consider:** 13 October 2016

#### SUMMARY

*The proposal is for the development of approximately 2090 square metres with 3 and 4-storey attached dwellings on land known as 52 and 54 Manningham Road, Bulleen. The development proposes 16 dwellings consisting of 4 four bedroom dwellings, 4 two bedroom dwellings and 8 three bedroom dwellings. The dwellings will essentially be two blocks of eight dwellings each. A total of 30 car parking spaces are provided on-site in the form of garages for each dwelling.*

*The application was advertised and 3 objections were received. Grounds of objection relate to the design response and neighbourhood character, the built form and scale of buildings, traffic concerns, and off-site amenity impacts including overlooking, overshadowing and the visual impact of the buildings.*

*This report concludes that the proposal generally complies with the Manningham Planning Scheme, including Clause 55 (Rescode) and the requirements of Schedule 8 to the Design and Development Overlay (Residential Areas adjacent to Activity Centres and along Main Roads). These planning controls recognise that there will be a substantial level of change in dwelling yields and built form at the subject site.*

*Officers have given particular consideration to the form, height and scale of the dwellings as the proposal includes a maximum four-storey built form with a maximum height of 12.368 metres above natural ground level. This height exceeds the preferred maximum height and policy intent outlined in the Design and Development Overlay Schedule 8, which encourages a maximum height of 11 metres and built form outcomes up to three-storeys in height on the subject site. The assessment has successfully demonstrated that the height is appropriate in the site context and due to the 4 storey height being limited to the front part of the site, with the height transitioning down to a three a storey form to the south at the rear. It is also considered the height and mass of the built form is acceptable on this main road location. The design response includes reasonable setbacks from the remaining site boundaries to allow for perimeter landscaping. This will assist in*



*softening and screening the building from adjoining residents and limiting any unreasonable visual bulk and off-site amenity impacts.*

*The design proposes a site coverage of 59.85% and pervious site coverage of 22%. The proposal provides ground level setbacks consistent with 60% maximum site coverage and the development is suitably softened by adequate amounts of landscaping. The proposal provides a density of one dwelling per 130.6 square metres.*

*Overall, this is a compliant development and approval (subject to conditions on any permit issued) is recommended.*

## 1 BACKGROUND

- 1.1 The site comprises two (2) residential lots that have a total site area of approximately 2090 square metres. The subject site is irregular in shape with a street frontage to Manningham Road (northern boundary) of 30.48 metres, an eastern boundary of 65.5 metres, a western boundary of 65.97 metres and a southern boundary of 33.9 metres.
- 1.2 The lot at 52 Manningham Road is developed with a single-storey brick dwelling with a pitched tiled roof. The dwelling is setback approximately 7.8 metres from Manningham Road, save that a carport encroaches into this and is setback approximately 5.9 metres from the frontage. The frontage is fenced by a low height brick fence. Vehicle access is provided via a crossover and driveway adjacent the east boundary.
- 1.3 The lot at 54 Manningham Road is developed with a single-storey rendered brick dwelling with a flat roof. The dwelling is setback approximately 28 metres from Manningham Road. The Manningham Road frontage is fenced with a brick fence of approximately 1.5m height. Vehicle access is provided via a crossover and driveway adjacent the west boundary.
- 1.4 The subject site has a moderate slope down from east to west of up to 2.44 metres at a gradient of approximately 1 in 12 to 1 in 15.
- 1.5 Both lots have a 1.83 metre wide drainage and sewerage easement running along the southern rear boundary. There are no covenants or Section 173 Agreements registered against either title. The proposed development will not breach any restrictions registered to title.

### Surrounds

- 1.6 The subject site has direct abuttal with 3 properties. These properties and other surrounding development are described as follows:

Direction	Address	Description
North (front)	Manningham Road	To the front of the subject site is Manningham Road, which is a 6 lane main road with a central median strip.
South (rear)	31 Summit Drive	31 Summit Drive is developed with a single dwelling. The dwelling is a multi storey rendered dwelling with a tiled, hipped roof. The dwelling is

Direction	Address	Description
		setback approximately 18 metres from the shared boundary with the subject site, except that there is a shed/pergola located near the rear boundary. An area of secluded private open space is located at the rear of the dwelling
East	56 Manningham Road	To the east of the subject site the land at 50 Manningham Road is developed with a single dwelling. The dwelling is a single storey brick dwelling with a tiled hipped roof. The dwelling is setback approximately 6.4 metres from the frontage and has a garage approximately 0.5 metres from the boundary with the subject site. The frontage is fenced with a solid brick fence approximately 1.5m high. Vehicle access is via a crossover and driveway adjacent the shared boundary with the subject site.
West	48-50 Manningham Road	This site is occupied by 5 dwellings, all on their own titles, with a common property driveway area. The dwellings are all double storey brick dwellings with tiled hip and gable roofs. The shared driveway abuts the shared boundary with the subject site. The frontage is fenced with a timber picket and solid brick fence of approximately 1.8m height.

- 1.7 Land to the southwest of the subject site is occupied by a grassed reserve known as the Yarraleen Walkway.
- 1.8 Manningham Road is a major arterial road and has three (3) lanes of traffic travelling in east and westerly directions, and a raised median strip. Bus services are available along Manningham Road.
- 1.9 Bulleen Plaza Shopping Centre is located approximately 260 metres to the east of the subject site. St. Clements Primary School is located

approximately 220 metres to the southeast and Morris Williams Reserve is located approximately 480 metres to the southeast of the subject site.

- 1.10 Nearby housing is generally single-dwellings on a lot with a mix of single and double-storey built forms. Housing stock is generally constructed in brick with evidence of both flat and hipped roof forms. Garages are generally built at the side of dwellings or incorporated into the design of the dwellings with single driveway access. Some nearby lots have also been developed with multiple dwellings. There are some newer apartment building type forms along Manningham Road that are similar to the proposed development, such as 181-183 Manningham Road and 194-196 Manningham.

## **2 PROPOSAL**

- 2.1 It is proposed to demolish the existing buildings (no planning permit required), and construct 16 new dwellings. The dwellings will be 'joined up' over a central ground level driveway and will present as an 'apartment style' façade to the street.
- 2.2 The dwellings will be a mix of 3 and 4 storey forms.
- 2.3 The development will provide 16 dwellings, including 6 two-bedroom dwellings, and 10 dwellings with 3 or more bedrooms. The dwellings vary in floor area between 155 and 215 square metres.
- 2.4 The submitted plans show a building site coverage of 1,251 square metres (59.85%).
- 2.5 The proposal provides a density of one dwelling per 130.6 square metres.
- 2.6 The pervious site coverage is 454 square metres (22%).
- 2.7 The buildings have a maximum height of 12.368 metres above natural ground level.
- 2.8 The dwellings will essentially be 2 blocks of eight dwellings. Each block will have four dwellings on the eastern side and four dwellings on the western side, and when viewed from the street, be joined to each other in the middle of the site with an open driveway in the central section of the ground level.
- 2.9 A central void will be provided within each building. This void will provide a light and air court for some rooms that face internal to the site and that would not otherwise have an external window. In the front building, the void will serve dwellings 3, 4, 5 and 6. In the rear building the void will service dwellings 11, 12, 13 and 14.
- 2.10 The buildings will utilise a mix of rendered columns and beams to provide articulation and modulation to the facades, and will include timber screening devices and battens and frosted glass to screen windows. The building palette will be a mixture of light and dark greys, whites and off-whites, black powder coated window surrounds and stained timber battens. The roof will be a flat roof form.
- 2.11 The pedestrian entry to the buildings will be via pathways on the east and west. The east pathway will provide access to Dwellings 1, 3, 5, 7, 9, 11, 13, and 15. The western pathway will provide access to Dwellings 2, 4, 6, 8, 10, 12, 14 and 16.
- 2.12 Vehicle access is provided via a new 7.0 metre wide crossover located centrally within the frontage. A double width (7.0m) wide driveway runs along

the centre of the site providing access to all garages. In the centre of the site, 2 visitor car parking spaces are provided, along with a bin storage area. A further 2 visitor parking spaces are provide at the rear of the site.

- 2.13 No existing trees on site are proposed to be retained. The areas around the building will be landscaped and the concept landscape plan shows canopy tree and other planting within the setbacks.
- 2.14 New 1.8 metre high paling fences will be provided along all side and rear boundaries.
- 2.15 No front fence is shown on plans.
- 2.16 The development will require a site cut and a retaining wall offset approximately 1 metre from the eastern boundary. The cut and wall will have a height of approximately 2 metres. The maximum depth of cut for the retaining wall will be in the order of approximately 2 metres
- 2.17 The buildings have the following minimum setbacks to site boundaries:
- 2.17.1 Manningham Road (north) boundary:  
Ground level – 6.0 metres to façade,  
Level 1 – 6.0 metres to façade,  
Level 2 – 6.0 metres to façade,  
Level 3 – 7.7 metres to façade, 6.0 metres to terrace edge
- 2.17.2 East boundary:  
Ground level – Between 1 and 3.5 metres to façade,  
Level 1 – 2.52 metres to façade,  
Level 2 – 4.0 metres to façade,  
Level 3 – 7.0 metres to façade
- 2.17.3 Western boundary:  
Ground level – Between 1 and 3.5 metres to façade  
Level 1 – 2.52 metres,  
Level 2 – 4.0 metres to façade,  
Level 3 – 7.0 metres to façade,
- 2.17.4 Southern boundary:  
Ground level – 3.43 metres to façade,  
Level 1 – 3.59 metres to façade,  
Level 2 – 5.2 metres to façade,  
Level 3 – Not present on rear building
- 2.18 Documentation submitted with the application includes an arboricultural report, sustainability management plan, traffic and car parking analysis,

noise assessment and waste management plan. Information from these documents is referenced where necessary in this report.

### **Planning History**

- 2.19 Council Officers provided the Applicant with pre-application advice following a meeting in December 2015.
- 2.20 The application for planning permit was lodged to Council on 15 March 2016. A request for further information was sent to the applicant on 11 April 2016. The further information request included preliminary concerns, which largely related to the mass and scale of the building form as set out in the pre-application stage. The application was presented to the Sustainable Design Taskforce on 28 April 2016, prior to the further information being received. The full complement of further information was submitted to Council on 12 August 2016.
- 2.21 The further information included marked changes to the design of the proposal, including a reduction in building height from 4 storeys down to 3 storeys to the rear of the site and the addition of a break in the building form in the middle of the site.
- 2.22 The *Planning and Environment Act (1987)* requires that applications for planning permits are put to public notice (advertising). The application was advertised on 2 September 2016 as "Construction of 16 three storey dwellings and alteration of access to a road in a road zone category 1". Due to an error in this description, the application was re-advertised on 18 October 2016 as "Construction of 16 three storey and four storey dwellings and alteration of access to a road in a road zone category 1".

## **3 PRIORITY/TIMING**

- 3.1 The statutory time for considering a planning application is 60 days. Allowing for the time taken to advertise the application, the statutory time lapsed on 13 October 2016

## **4 POLICY IMPLICATIONS**

- 4.1 The *Planning and Environment Act 1987* (the Act) is the relevant legislation governing planning in Victoria. The Act identifies subordinate legislation in the form of Planning Schemes to guide future land use and development.
- 4.2 Section 60 of the Act outlines what matters a Responsible Authority must consider in the determination of an application. The Responsible Authority is required to consider:
  - 4.2.1 the relevant planning scheme; and
  - 4.2.2 the objectives of planning in Victoria; and
  - 4.2.3 all objections and other submissions which it has received and which have not been withdrawn; and
  - 4.2.4 any decision and comments of a referral authority which it has received; and
  - 4.2.5 any significant effects which the responsible authority considers the use or development may have on the environment or which the responsible authority considers the environment may have on the use or development.

- 4.3 Section 61(4) of the Act makes specific reference to covenants. This is not relevant to this application as the lots are not burdened by a covenant.

## **5 MANNINGHAM PLANNING SCHEME**

- 5.1 The subject site is located in the Residential Growth Zone Schedule 2 (RGZ2) under the provisions of the Manningham Planning Scheme (the Scheme). Adjacent land fronting Manningham Road is also included in the Residential Growth Zone Schedule 2.
- 5.2 Land to the south is located within the General Residential Zone Schedule 1 (GRZ1).
- 5.3 A planning permit is required to construct two or more dwellings on a lot in the Residential Growth Zone under Clause 32.07-4 of the Scheme.
- 5.4 The purpose of the Residential Growth Zone relates primarily to providing housing at increased densities, encourage a diversity of housing types and encouraging a scale of development that provides a transition between areas of more intensive use and development and areas of restricted housing growth.
- 5.5 Assessment is required under the provisions of Clause 55 (Res Code) of the Scheme.
- 5.6 The purpose of Clause 55 is generally to provide well designed and sustainable medium-density housing which offers a good living environment and life-style choice for occupants, while at the same time, maintaining the amenity and character of the locality, with particular emphasis on the amenity of adjoining residents.
- 5.7 The subject site is also included in the Design and Development Overlay Schedule 8 (DDO8) under the provisions of the Scheme.
- 5.8 The Design Objectives of the DDO8 are:
- To increase residential densities and provide a range of housing types around activity centres and along main roads.
  - To encourage development that is contemporary in design that includes an articulated built form and incorporates a range of visually interesting building materials and façade treatments.
  - To support three storey, 'apartment style', developments within the Main Road sub precinct and in sub-precinct A, where the minimum land size can be achieved.
  - To support two storey townhouse style dwellings with a higher yield within sub precinct B and sub-precinct A, where the minimum land size cannot be achieved.
  - To ensure new development is well articulated and upper storey elements are not unduly bulky or visually intrusive, taking into account the preferred neighbourhood character.
  - To encourage spacing between developments to minimise a continuous building line when viewed from a street.
  - To ensure the design and siting of dwellings have regard to the future development opportunities and future amenity of adjoining properties.

- To ensure developments of two or more storeys are sufficiently stepped down at the perimeter of the Main Road sub-precinct to provide an appropriate and attractive interface to sub-precinct A or B, or other adjoining zone.
  - Higher developments on the perimeter of sub-precinct A must be designed so that the height and form are sufficiently stepped down, so that the scale and form complement the interface of sub-precinct B or other adjoining zone.
  - To ensure overlooking into adjoining properties is minimised.
  - To ensure the design of carports and garages complement the design of the building.
  - To ensure the design of basement and undercroft car parks complement the design of the building, eliminates unsightly projections of basement walls above natural ground level and are sited to allow for effective screen planting.
  - To create a boulevard effect along Doncaster Road and Manningham Road by planting trees within the front setback that are consistent with the street trees.
  - To encourage landscaping around buildings to enhance separation between buildings and soften built form.
- 5.9 Planning permission is required for buildings and works which must comply with the requirements set out in Table 1 and 2 of the Schedule. A planning permit cannot be granted to vary certain requirements of Table 2 (land size and height).
- 5.10 There is a range of policy requirements outlined in this control under the headings of building height and setbacks, form, car parking and access, landscaping and fencing.
- 5.11 The subject site is located within **Sub-Precinct Main Road DDO8-1**. In this precinct Table 1 applies.
- 5.12 Pursuant to Table 1 the maximum allowable building height for land less than 1,800 square metres in size is 9 metres or 11 metres for land of greater than 1,800 square metres. The height is not mandatory, and a permit can be granted to allowing a higher building.

#### **State Planning Policy Framework**

- 5.13 Clause 15.01-1 (Urban Design) seeks to create urban environments that are safe, functional and provide good quality environments with a sense of place and cultural identity. Strategies towards achieving this are identified as follows:
- Promote good urban design to make the environment more liveable and attractive.
  - Ensure new development or redevelopment contributes to community and cultural life by improving safety, diversity and choice, the quality of living and working environments, accessibility and inclusiveness and environmental sustainability.

- Require development to respond to its context in terms of urban character, cultural heritage, natural features, surrounding landscape and climate.
  - Ensure transport corridors integrate land use planning, urban design and transport planning and are developed and managed with particular attention to urban design aspects.
  - Encourage retention of existing vegetation or revegetation as part of subdivision and development proposals.
- 5.14 Clause 15.01-4 (Design for Safety) seeks to improve community safety and encourage neighbourhood design that makes people feel safe. The strategy identified to achieve this objective is to ensure the design of buildings, public spaces and the mix of activities contribute to safety and perceptions of safety.
- 5.15 Clause 15.01-5 (Cultural Identity and Neighbourhood Character) seeks to recognise and protect cultural identity, neighbourhood character and sense of place. The clause emphasises the importance of neighbourhood character and the identity of neighbourhoods and their sense of place. Strategies towards achieving this are identified as follows:
- Ensure development responds and contributes to existing sense of place and cultural identity.
  - Ensure development recognises distinctive urban forms and layout and their relationship to landscape and vegetation.
  - Ensure development responds to its context and reinforces special characteristics of local environment and place.
- 5.16 Clause 15.02-1 (Energy and Resource Efficiency) seeks to encourage land use and development that is consistent with the efficient use of energy and the minimisation of greenhouse gas emissions.
- 5.17 Clause 16.01-1 (Integrated Housing) seeks to promote a housing market that meets community needs. Strategies towards achieving this are identified as follows:
- Increase the supply of housing in existing urban areas by facilitating increased housing yield in appropriate locations.
  - *Ensure housing developments are integrated with infrastructure and services, whether they are located in existing suburbs, growth areas or regional towns.*
- 5.18 Clause 16.01-2 (Location of Residential Development) seeks to locate new housing in or close to activity centres and employment corridors and at other strategic redevelopment sites that offer good access to services and transport. Strategies towards achieving this are identified as follows:
- Increase the proportion of housing in Metropolitan Melbourne to be developed within the established urban area, particularly at activity centres, employment corridors and at other strategic sites, and reduce the share of new dwellings in greenfield and dispersed development areas.



- In Metropolitan Melbourne, locate more intense housing development in and around Activity centres, in areas close to train stations and on large redevelopment sites.
  - Encourage higher density housing development on sites that are well located in relation to activity centres, employment corridors and public transport.
  - Facilitate residential development that is cost-effective in infrastructure provision and use, energy efficient, incorporates water efficient design principles and encourages public transport use.
- 5.19 Clause 16.01-4 (Housing Diversity) seeks to provide for a range of housing types to meet increasingly diverse needs. Strategies towards achieving this are identified as follows:
- Ensure housing stock matches changing demand by widening housing choice, particularly in the middle and outer suburbs.
  - Encourage the development of well-designed medium-density housing which:
    - Respects the neighbourhood character.
    - Improves housing choice.
    - Makes better use of existing infrastructure.
    - Improves energy efficiency of housing.
  - Support opportunities for a wide range of income groups to choose housing in well serviced locations.
- 5.20 Clause 16.01-5 (Housing affordability) seeks to deliver more affordable housing closer to jobs, transport and services.

#### **Municipal Strategic Statement (Clause 21)**

- 5.21 Clause 21.03 (Key Influences) identifies that future housing need and residential amenity are critical land-use issues. The MSS acknowledges that there is a general trend towards smaller household size as a result of an aging population and smaller family structure which will lead to an imbalance between the housing needs of the population and the actual housing stock that is available.
- 5.22 This increasing pressure for re-development raises issues about how these changes affect the character and amenity of our local neighbourhoods. In meeting future housing needs, the challenge is to provide for residential redevelopment in appropriate locations, to reduce pressure for development in more sensitive areas, and in a manner that respects the residential character and amenity valued by existing residents.
- 5.23 Clause 21.05 (Residential) outlines the division of Manningham into four Residential Character Precincts. The precincts seek to channel increased housing densities around activity centres and main roads where facilities and services are available. In areas which are removed from these facilities a lower intensity of development is encouraged. A low residential density is also encouraged in areas that have identified environmental or landscape features.

- 5.24 The site is within "Precinct 2 –Residential Areas Surrounding Activity Centres and Along Main Roads".
- 5.25 This area is aimed at providing a focus for higher density development and a substantial level of change is anticipated. Future development in this precinct is encouraged to:
- Provide for contemporary architecture and achieve high design standards
  - Provide visual interest and make a positive contribution to the streetscape
  - Provide a graduated building line from side and rear boundaries
  - Minimise adverse amenity impacts on adjoining properties
  - Use varied and durable building materials
  - Incorporate a landscape treatment that enhances the overall appearance of the development.
- 5.26 Within this precinct, there are three sub-precincts which each stipulate different height, scale and built form outcomes to provide a transition between each sub-precinct and adjoining properties, primarily those in Precinct 1 – Residential Areas Removed from Activity Centres and Main Roads.
- 5.27 The three sub-precincts within Precinct 2 consist of:
- **Sub-precinct – Main Road (DDO8-1)** is an area where three storey (11 metres) 'apartment style' developments are encouraged on land with a minimum area of 1,800m<sup>2</sup>. Where the land comprises more than one lot, the lots must be consecutive lots which are side by side same sub-precinct. All development in the Main Road sub-precinct should have a maximum site coverage of 60 percent.  
  
Higher developments on the perimeter of the Main Road sub-precinct should be designed so that the height and form are sufficiently stepped down, so that the scale and form complement the interface of sub-precinct A or B, or other adjoining zone.
  - **Sub-precinct A (DDO8-2)** is an area where two storey units (9 metres) and three storey (11 metres) 'apartment style' developments are encouraged.  
  
Three-storey, contemporary developments should only occur on land with a minimum area of 1800m<sup>2</sup>. 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 1800m<sup>2</sup> must all be in the same sub-precinct. In this sub-precinct, if a lot has an area less than 1800m<sup>2</sup>, a townhouse style development proposal only will be considered, but development should be a maximum of two storeys. All development in Sub-precinct A should have a maximum site coverage of 60 percent.

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

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

5.28 The subject site and the adjacent properties facing Manningham Road are located within **Sub-Precinct – Main Road (DDO8-1)**.

5.29 Clause 21.05-2 Housing contains the following objectives:

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

5.30 The strategies to achieve these objectives include:

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

5.31 Clause 21.05-4 (Built form and neighbourhood character) seeks to ensure that residential development enhances the existing or preferred neighbourhood character of the residential character precincts as shown on Map 1 to this Clause.

5.32 The strategies to achieve this objective include:

- Require residential development to be designed and landscaped to make a positive contribution to the streetscape and the character of the local area.
  - Ensure that where development is constructed on steeply sloping sites that any development is encouraged to adopt suitable architectural techniques that minimise earthworks and building bulk.
  - Ensure that development is designed to provide a high level of internal amenity for residents.
  - Require residential development to include stepped heights, articulation and sufficient setbacks to avoid detrimental impacts to the area's character and amenity.
- 5.33 Clause 21.10 (Ecologically Sustainable Development) highlights Council's commitment to ESD and outlines a number of ESD principles to which regard must be given. These are:
- Building energy management
  - Water sensitive design
  - External environmental amenity
  - Waste management
  - Quality of public and private realm
  - Transport

#### **Local Planning Policy**

- 5.34 Clause 22.08 (Safety through urban design) is relevant to this application and seeks to provide and maintain a safer physical environment for those who live in, work in or visit the City of Manningham. The policy seeks attractive, vibrant and walkable public spaces where crime, graffiti and vandalism is minimised.
- 5.35 Clause 22.09 (Access for disabled people) is relevant to this applicant and seeks to ensure that people with a disability have the same level of access to buildings, services and facilities as any other person.

#### **Particular Provisions**

- 5.36 Clause 52.06 (Car Parking) is relevant to this application. Pursuant to Clause 52.06-5, car parking is required to be provided at the following rate:
- 1 space for 1 and 2 bedroom dwellings
  - 2 spaces for 3 or more bedroom dwellings
  - 1 visitor space to every 5 dwellings for developments of 5 or more dwellings (rounded down)
- 5.37 Clause 52.06-7 outlines several design standards for parking areas that should be achieved unless with the approval of the Responsible Authority.
- 5.38 Clause 52.29 (Land Adjacent to a Road Zone Category 1) seeks to ensure appropriate access to identified roads. A permit is required to create or alter access to a road in a Road Zone, Category 1. All applications must be referred to VicRoads for comment.

- 5.39 Clause 55 (Res Code) applies to all applications for two or more dwellings on a lot. Consideration of this clause is outlined in the Assessment section of this report.
- 5.40 Clause 65 (Decision Guidelines) outlines that before deciding on an application, the responsible authority must consider, as appropriate:
- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
  - The purpose of the zone, overlay or other provision.
  - The orderly planning of the area.
  - The effect on the amenity of the area.

## 6 ASSESSMENT

- 6.1 The proposed development of the subject site with 16 dwellings is consistent with the broad objectives of Council's planning policy outlined at Clause 21.05 of the Scheme. The policy encourages urban consolidation in this specific location due to its capacity to support change given that the subject site is located on a main road and located near the Bulleen Plaza Activity Centre. The policy anticipates a substantial level of change from the existing single dwelling and dual occupancy pattern of development that is evident in the area and has occurred in the past.
- 6.2 The consolidation of lots with a combined area of approximately 2,090 square metres allows for increased development potential, as the larger area allows increased setbacks to compensate for its larger scale in comparison to traditional medium density housing. The site is greater in area than the 1,800 square metre desired land size under the provisions of the DDO8 control to support an 11 metre high building, and the control and policy allows discretion to be applied in granting a higher building.
- 6.3 An assessment of the proposal will be made based on the following planning controls:
- Design and Development Overlay, Schedule 8
  - Clause 52.06 Car Parking and Clause 52.29 Land adjacent to a Road Zone, Category 1, or a Public Acquisition Overlay for a Category 1 road
  - Clause 55 Res Code (Two of more dwellings on a lot and residential buildings)
  - General Matters
- 6.4 In the tables below, Officers have used the term 'Met' where an objective and performance standard or policy requirement is achieved, 'Considered met' where the objective is met, but the performance standard or policy requirement is not achieved, and 'Met subject to conditions' where either the objective or the performance standard or policy requirement has not been met and modifications are required.

### **Design and Development Overlay**

6.5 Clause 43.02 (Design and Development Overlay Schedule 8) of the Scheme has the following decision guidelines against which a general assessment is provided:

Design Element	Level of Compliance
<p><b><u>Building Height and Setbacks</u></b>                      DDO8-1 (Main Road Sub-precinct):</p> <ul style="list-style-type: none"> <li>The minimum lot size is 1800 square metres, which must be all the same sub-precinct. Where the land comprises more than one lot, the lots must be consecutive lots which are side by side and have a shared frontage</li> <li>The building has a maximum height of 11 metres provided the condition regarding minimum lot size is met. If the condition is not met, the maximum height is 9 metres, unless the slope of the natural ground level at any cross section wider than eight metres of the building is 2.5 degrees or more, in which case the maximum height must not exceed 10 metres.</li> </ul>	<p><b>Considered Met</b></p> <p>The subject site has an area of 2,090 square metres that is entirely within the Main Road Sub-Precinct. Table 1 sets out that an 11 metre maximum building height is applicable.</p> <p>The 11m height is not mandatory however and policy states that a permit can be granted to allowing a higher building.</p> <p>The proposed development has a maximum height of 12.368 metres, shown on the plans, which exceeds the 11 metre maximum height by 1.368 metres.</p> <p>The purpose of providing discretion in building height on the Main Road Sub-Precinct is to allow flexibility to achieve design excellence. This might be through providing a ‘pop-up’ level to provide visual interest to an otherwise uninspiring roof form, or a design feature on a ‘gateway’ site. The discretion is only provided to the sub-precinct because main road streetscapes typically contain a greater mix and more robust building forms (for example higher solid fencing, larger commercial buildings) compared to local streets and therefore can absorb some additional height.</p> <p>In this instance, the additional built form constructed above the 11 metre maximum building height, is the uppermost floor of the dwellings in the north-western section (Dwellings 2, 4, 6, 8). This floor is setback from side boundaries at least 7.0 metres, and the front boundary at least 7.7 metres to the building façade. The built form is recessed from the floors below and reduces back in toward the centre of the site.</p> <p>The site itself has a fall down from east to west, and the eastern side of the building has a height of less than 11 metres, as it has been cut down into the land. The additional height to the western side of the</p>

	<p>built form is largely due to the slope of the land down toward the west, and is to some extent difficult to avoid when a fourth floor is proposed.</p> <p>In this case, the limited amount of upper floor, the relatively deep setback of that floor to the neighbours, the presence of common property driveway to the neighbouring interface, the slope of the land, and the limited extent to which the building rises above the 11m height standard make it reasonable to allow for the additional 1.368 metres of height to Dwellings 2, 4, 6 and 8 to the western side of the site. This additional height will not provide a dominating or excessive height and is acceptable when viewed from the west and from the north (street).</p>
<ul style="list-style-type: none"> <li>Minimum front street setback is the distance specified in Clause 55.03-1 or 6 metres, whichever is the lesser.</li> </ul>	<p><b>Met</b></p> <p>The dwellings have a street setback to Manningham Road of 6 metres which meets the standard. The setback allows for a reasonable amount of landscaping to be provided in front of Dwellings 1 and 2.</p>
<p><b>Form</b></p> <ul style="list-style-type: none"> <li>Ensure that the site area covered by buildings does not exceed 60 percent.</li> </ul>	<p><b>Met</b></p> <p>The submitted plans show that the building has a site coverage of 59.85% which is less than the 60% allowed by the DDO8.</p> <p>The site coverage allows for an adequate amount of landscaping to be provided to the perimeter of the land, and there is also room for landscaping adjacent the visitor parking spaces between Dwellings 7 and 9 and adjacent the bin storage area between Dwellings 8 and 10.</p>
<ul style="list-style-type: none"> <li>Provide visual interest through articulation, glazing and variation in materials and textures.</li> </ul>	<p><b>Met</b></p> <p>The buildings are appropriately designed to provide visual interest. Each building includes a mix of materials and colours, and each building form is well articulated and modulated. Both vertical and horizontal framing members are 'picked out' in white to stand out from the bulk of the façade and give the building forms a modulated presentation. The buildings have varied setbacks at all levels, allowing for shadows to fall across different visual planes and accentuate and highlight recesses in</p>

	building form.
<ul style="list-style-type: none"> <li>Minimise buildings on boundaries to create spacing between developments.</li> </ul>	<p><b>Met</b></p> <p>There are no building elements on boundaries. Setbacks are at least 1.0 metres along the side boundary to provide spacing between the buildings and the adjoining properties. There is a 'gap' between the first group of dwellings and the second group of dwellings, allowing for some landscaping in the middle of the site.</p>
<ul style="list-style-type: none"> <li>Where appropriate ensure that buildings are stepped down at the rear of sites to provide a transition to the scale of the adjoining residential area.</li> </ul>	<p><b>Met</b></p> <p>In response to the preliminary concerns raised within the request for further information, the design was altered from its originally submitted form to provide for a reduced height at the rear of the site. The rear dwellings have a height of approximately 9.3 metres at the southwest corner. The uppermost floor of the rear building is setback between 5 and 7.8 metres from the rear boundary and the building height is acceptable.</p>
<ul style="list-style-type: none"> <li>Where appropriate, ensure that buildings are designed to step with the slope of the land.</li> </ul>	<p><b>Met</b></p> <p>As discussed above, the land has a fall from east to west. A retaining wall has been provided offset approximately 1 metre from the east boundary, and the building forms have been set down to accord with the height required for the finished surface level of the central driveway. This is an appropriate response. The built form steps back in from the west and south boundaries at upper floors to ensure the height of the building is not excessive on the lower parts of the land.</p>
<ul style="list-style-type: none"> <li>Avoid reliance on below ground light courts for any habitable rooms.</li> </ul>	<p><b>Met</b></p> <p>There is a site cut proposed and retaining walls to the east, but habitable rooms do not rely on below ground light courts. The sitting rooms for dwellings 15 and 16 have some limited access to light, but this is acceptable as these are secondary rooms not intended to be used as bedrooms or main living rooms.</p>
<ul style="list-style-type: none"> <li>Ensure the upper level of a two storey building provides adequate articulation to reduce the appearance of visual bulk and minimise</li> </ul>	<p><b>Not applicable</b></p>



continuous sheer wall presentation.	
<ul style="list-style-type: none"> <li>Ensure that the upper level of a three storey building does not exceed 75% of the lower levels, unless it can be demonstrated that there is sufficient architectural interest to reduce the appearance of visual bulk and minimise continuous sheer wall presentation.</li> </ul>	<p><b>Considered Met</b> The development proposes 4 storeys to the street (front) and three storeys to the rear. (residential interface).</p> <p>The 4<sup>th</sup> level of the front building has an area of approximately 300 square metres, whilst the floor below has an area of approximately 464 square metres. The upper floor is approximately 64% of the floor below.</p> <p>To the rear the 3<sup>rd</sup> (uppermost) level of the building has an area of approximately 372 square metres, whilst the floor below has an area of approximately 450 square metres. The upper floor is approximately 82% of the floor below. Whilst this slightly exceeds the desired 75%, it is considered the design and arrangement of the built form is acceptable to achieve the outcome sought by the control as the building form is highly articulated and modulated with deep recesses present to the east and west facades, and to the southeast and southwest corners of the building.</p>
<ul style="list-style-type: none"> <li>Integrate porticos and other design features with the overall design of the building and not include imposing design features such as double storey porticos.</li> </ul>	<p><b>Met</b> There are no porticos proposed. The overall design of the building is modulated with single height building forms present to each level.</p>
<ul style="list-style-type: none"> <li>Be designed and sited to address slope constraints, including minimising views of basement projections and/or minimising the height of finished floor levels and providing appropriate retaining wall presentation.</li> </ul>	<p><b>Met</b> As discussed above, there is a site cut near the east boundary and the building forms have been set down in line with the site cut.</p>
<ul style="list-style-type: none"> <li>Be designed to minimise overlooking and avoid the excessive application of screen devices.</li> </ul>	<p><b>Met</b> Screens are provided where upper level balconies may allow direct views into the habitable room windows or secluded private open spaces of the adjoining properties. There is no excessive application of screen devices. Overlooking impacts will be further discussed in the assessment against Standard B22 at Clause 55.04-6 of the Scheme.</p>
<ul style="list-style-type: none"> <li>Ensure design solutions respect the</li> </ul>	<p><b>Considered Met subject to condition</b></p>

<p>principle of equitable access at the main entry of any building for people of all mobilities.</p>	<p>The main entries of dwellings can generally be navigated by people of all mobilities. Whilst there are six steps to the eastern pedestrian pathway, the western pedestrian path and the central vehicle accessway are shown as at grade. The use of 6 steps to the eastern path, whilst not ideal is considered acceptable, subject to the security gate and any intercom system being located north of the steps to ensure that people of limited mobility can access the intercom and alert residents to their presence (<b>Condition 1.1</b>).</p>
<ul style="list-style-type: none"> <li>• Ensure that projections of basement car parking above natural ground level do not result in excessive building height as viewed by neighbouring properties.</li> </ul>	<p><b>Not applicable</b> The car parking is at ground level.</p>
<ul style="list-style-type: none"> <li>• Ensure basement or undercroft car parks are not visually obtrusive when viewed from the front of the site.</li> </ul>	<p><b>Met subject to condition</b> The garages and visitor spaces will not be visually obtrusive when viewed from Manningham Road. The entry to the central driveway is framed by the building form around and above and is appropriate in this streetscape.</p> <p>It is considered that a partly transparent mesh type security grille at the entrance to the covered driveway will further improve the streetscape presentation of the building as it provides screening to the driveway. This will be required by a permit condition (<b>Condition 1.2</b>).</p>
<ul style="list-style-type: none"> <li>• Integrate car parking requirements into the design of buildings and landform by encouraging the use of undercroft or basement parking and minimise the use of open car park and half basement parking.</li> </ul>	<p><b>Met</b> All car parking spaces are located behind the line of the front wall of the buildings and are all incorporated into the building forms.</p>
<ul style="list-style-type: none"> <li>• Ensure the setback of the basement or undercroft car park is consistent with the front building setback and is setback a minimum of 4.0m from the rear boundary to enable effective landscaping to be established.</li> </ul>	<p><b>Met</b> The garages and visitor parking spaces are all accessed off the central vehicle accessway. There is appropriate provision for landscaping within the front setback in front of dwellings 1 and 2 to soften the built form. Within the site, there is room for landscaping adjacent both areas of visitor parking.</p> <p>The garages of Dwellings 15 and 16 are set back at least 4 metres from the rear</p>

	(southern) boundary.
<ul style="list-style-type: none"> <li>Ensure that building walls, including basements, are sited a sufficient distance from site boundaries to enable the planting of effective screen planting, including canopy trees, in larger spaces.</li> </ul>	<p><b>Met subject to condition</b></p> <p>The building is set back sufficiently from the northern, eastern and southern boundaries to allow for canopy trees and effective screen planting. Whilst the setback to the east and west is generally only one metre to the edge of the pedestrian pathways, these 1m wide landscape strips will still allow sufficient room for some narrow shrubs that will grow up above the height of the fence to give some screening effect to the building forms. Additionally, there are relatively large areas in the frontage, in the middle 'gap' and at the rear of the site where canopy trees can be planted. A full landscape plan will be required as a condition of any approval (<b>Condition 8</b>).</p>
<ul style="list-style-type: none"> <li>Ensure that service equipment, building services, lift over-runs and roof-mounted equipment, including screening devices is integrated into the built form or otherwise screened to minimise the aesthetic impacts on the streetscape and avoids unreasonable amenity impacts on surrounding properties and open spaces.</li> </ul>	<p><b>Considered Met subject to condition</b></p> <p>The roof plan shows that the plant equipment (air conditioning, solar hot water) on the roof to each building is located generally centrally away from the sides of the building and is screened. This will appropriately limit any visual and amenity impacts on the street and adjoining properties. A standard condition requiring the location and screening of plant and equipment be to the satisfaction of the responsible authority will be included to ensure no unauthorised changes or additions are made to the plant and equipment shown (<b>Condition 28</b>).</p>
<p><b><u>Car Parking and Access</u></b></p> <ul style="list-style-type: none"> <li>Include only one vehicular crossover, wherever possible, to maximise availability of on street parking and to minimise disruption to pedestrian movement. Where possible, retain existing crossovers to avoid the removal of street tree(s). Driveways must be setback a minimum of 1.5m from any street tree, except in cases where a larger tree requires an increased setback.</li> </ul>	<p><b>Met</b></p> <p>One 7.0 metre wide crossover is proposed in the centre of the frontage. VicRoads support this and raise no objection to this arrangement.</p>
<ul style="list-style-type: none"> <li>Ensure that when the basement car park extends beyond the built form of the ground level of the building in the front and rear setback, any visible extension is utilised for paved open</li> </ul>	<p><b>Not applicable</b></p> <p>There is no basement.</p>

space or is appropriately screened, as is necessary.	
<ul style="list-style-type: none"> <li>Ensure that where garages are located in the street elevation, they are set back a minimum of 1.0m from the front setback of the dwelling.</li> </ul>	<p><b>Not applicable</b> There are no garages in the street elevation.</p>
<ul style="list-style-type: none"> <li>Ensure that access gradients of basement car parks are designed appropriately to provide for safe and convenient access for vehicles and servicing requirements.</li> </ul>	<p><b>Met</b> Access gradients to the central driveway have been designed to generally achieve the relevant design standard in Clause 52.06-8.</p>
<p><b>Landscaping</b></p> <ul style="list-style-type: none"> <li>On sites where a three storey development is proposed include at least 3 canopy trees within the front setback, which have a spreading crown and are capable of growing to a height of 8.0m or more at maturity.</li> <li>On sites where one or two storey development is proposed include at least 1 canopy tree within the front setback, which has a spreading crown, and is capable of growing to a height of 8.0m or more at maturity.</li> </ul>	<p><b>Met subject to condition</b> The plans show the site will allow the planting of numerous canopy trees within the north and south setbacks, and within the east and west setbacks at the central 'gap' between the building forms. This will be reinforced by a permit condition for a full landscaping plan to be submitted (<b>Condition 8</b>).</p>
<ul style="list-style-type: none"> <li>Provide opportunities for planting alongside boundaries in areas that assist in breaking up the length of continuous built form and/or soften the appearance of the built form.</li> </ul>	<p><b>Met subject to condition</b> The plans show the site will allow the planting of numerous canopy trees within the north and south setbacks, and within the east and west setbacks at the central 'gap' between the building forms.</p> <p>Landscaping strips are provided between the footpaths and the western and eastern boundaries to allow for sufficient screen planting that will assist in softening the appearance of the built form.</p> <p>This will be reinforced by a permit condition for a full landscaping plan to be submitted (<b>Condition 8</b>).</p>
<p><b>Fencing</b></p> <ul style="list-style-type: none"> <li>A front fence must be at least 50 per cent transparent.</li> <li>On sites that front Doncaster, Tram, Elgar, Manningham, Thompsons, Blackburn and Mitcham Roads, a fence must: <ul style="list-style-type: none"> <li>not exceed a maximum height of 1.8m</li> <li>be setback a minimum of 1.0m</li> </ul> </li> </ul>	<p><b>Not applicable</b> No front fence is proposed.</p>

from the front title boundary and a continuous landscaping treatment within the 1.0m setback must be provided.	
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- 6.6 Having regard to the above assessment against the requirements of Schedule 8 to the Design and Development Overlay, it is considered that the proposed design generally respects the preferred neighbourhood character and responds to the features of the site.

#### **Clause 52.06 Car Parking**

- 6.7 Clause 52.06 of the Scheme requires resident car parking at a rate of one space for each dwelling with one or two bedrooms and two spaces for each dwelling with three or more bedrooms.
- 6.8 Visitor car parking is required at a rate of one car parking space for every 5 dwellings.
- 6.9 For 6 two bedroom dwellings and 10 dwellings with 3 or more bedrooms, the proposal requires the provision of 26 resident car parking spaces and 3 visitor spaces under the requirements of Clause 52.06.
- 6.10 A total of 26 resident car parking spaces and 4 visitor spaces have been provided. This is an excess of the requirement by one (1) visitor car parking space.
- 6.11 The following table provides an assessment against the design standards at Clause 52.06-8 of the Scheme:

<b>Design Standard</b>	<b>Met / Not Met</b>
1 – Accessways	<b>Met</b> The accessway is supported by Council's Traffic Engineers who confirm that it meets the requirements for vehicle manoeuvrability and the minimum width and height clearance requirements.
2 – Car Parking Spaces	<b>Met</b> Car parking spaces are sufficient in size to meet the standard.  Whilst there are some instances where the aisle width is 6.35 metres, Council's Traffic Engineers confirm that spaces are of sufficient size and are accessible.  Clearance is provided adjacent to car parking spaces in line with the requirements of the standard.
3 – Gradients	<b>Met</b> The accessway ramp will generally achieve a 1 in 15 gradient, which meets the requirement.
4 – Mechanical Parking	<b>Not applicable</b> No car stacker systems are proposed.
5 – Urban Design	<b>Met</b> The vehicle crossing and accessway will not dominate the

	public domain. The central accessway is surrounded by the built form and has landscaping either side of the entry point.
6 – Safety	<b>Met</b> Access to the covered section of the central accessway will be restricted by a security grille as required by a permit condition ( <b>Condition 1.1</b> ).
7 – Landscaping	<b>Met</b> Ground level car parking is proposed. Landscaping is provided to either side of the entrance to soften the appearance of the accessway, and adjacent to visitor spaces within the site to screen views of car parking areas.

**Clause 52.29 Land Adjacent to a Road Zone (Category 1) or a Public Acquisition Overlay for a Category 1 Road**

- 6.12 The proposed development utilises one new 7.0 metre wide crossover to Manningham Road. The plans were reviewed by VicRoads and by Council's traffic engineers. Both VicRoads and Council's traffic engineers are satisfied that the proposed crossover and access/egress to Manningham Road is acceptable and does not pose any undue traffic safety concerns.

**Clause 55 (Res Code) – Two or more dwellings on a lot and residential buildings**

- 6.13 Clause 55 of the Scheme sets out a range of objectives which must be met. Each objective is supported by standards which should be met. If an alternative design solution to the relevant standard meets the objective, the alternative may be considered.
- 6.14 The following table sets out the level of compliance with the objectives of this clause:

OBJECTIVE	OBJECTIVE MET / NOT MET
<p><b>55.02-1 – Neighbourhood Character</b></p> <ul style="list-style-type: none"> <li>To ensure that the design respects the existing neighbourhood character or contributes to a preferred neighbourhood character.</li> <li>To ensure that development responds to the features of the site and the surrounding area.</li> </ul>	<p><b>Met</b></p> <p>Council, through its policy statements and the adoption of the Design and Development Overlay Schedule 8 (DDO8) over this neighbourhood, has created a planning mechanism that will over time alter the present neighbourhood character. Council's planning preference is for higher density, multi-unit developments, especially on larger lots.</p> <p>The resultant built form will have a more intense and less suburban character. This higher density housing theme therefore represents the "preferred neighbourhood character".</p> <p>Broadly, the development responds well to the preferred neighbourhood character outlined in the DDO8 control and supported by policy at</p>

OBJECTIVE	OBJECTIVE MET / NOT MET
	Clause 21.05-2. It offers a high quality and contemporary architectural response, which incorporates articulation, graduation of the upper levels and visual interest to reduce visual bulk.
<p><b>55.02-2 – Residential Policy</b></p> <ul style="list-style-type: none"> <li>To ensure that residential development is provided in accordance with any policy for housing in the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.</li> <li>To support medium densities in areas where development can take advantage of public transport and community infrastructure and services.</li> </ul>	<p><b>Met</b></p> <p>The application was accompanied by a written statement that has demonstrated how the development is consistent with state and Local policies.</p> <p>The site is located on a main road and in proximity to the Bulleen Plaza Activity Centre. The site has access to public transport along Manningham Road.</p>
<p><b>55.02-3 – Dwelling Diversity</b></p> <ul style="list-style-type: none"> <li>To encourage a range of dwelling sizes and types in developments of ten or more dwellings.</li> <li>At least one dwelling that contains a kitchen, bath or shower, and a toilet and wash basin at ground floor level.</li> </ul>	<p><b>Considered Met</b></p> <p>The design provides a mix of two, three and four bedroom dwellings. There is also variety in the overall apartment size, orientation and balconies / open space sizes. Whilst no dwellings have a kitchen, toilet and bathing facilities at ground level, it is recognized that the use of a central accessway and garages either side limits the ability of the design to provide other large amounts of useable floor space at ground floor level. It is considered this is acceptable in this instance.</p>
<p><b>55.02-4 – Infrastructure</b></p> <ul style="list-style-type: none"> <li>To ensure development is provided with appropriate utility services and infrastructure.</li> <li>To ensure development does not unreasonably overload the capacity of utility services and infrastructure.</li> </ul>	<p><b>Met subject to condition</b></p> <p>The site has access to all services. The applicant will be required to provide an on-site stormwater detention system to alleviate pressure on the drainage system (<b>Condition 11</b>).</p>
<p><b>55.02-5 – Integration With Street</b></p> <ul style="list-style-type: none"> <li>To integrate the layout of development with the street.</li> </ul>	<p><b>Met subject to condition</b></p> <p>The development is orientated towards Manningham Road and provided with adequate vehicle and pedestrian entries.</p> <p>The entries to dwellings are all located to the east or west of the buildings, however the frontage is sufficiently activated with balconies</p>

OBJECTIVE	OBJECTIVE MET / NOT MET
	and windows with a direct view to the street. A permit condition will require a pergola structure at the front section of each footpath to allow them to be clearly identified from the street ( <b>Condition 1.3</b> ).
<p><b>55.03-1 – Street Setback</b></p> <ul style="list-style-type: none"> <li>To ensure that the setbacks of buildings from a street respect the existing or preferred neighbourhood character and make efficient use of the site.</li> </ul>	<p><b>Met</b></p> <p>The façade of the building is setback 6 metres to Manningham Road, which meets the requirements of the Design and Development Overlay, Schedule 8.</p>
<p><b>55.03-2 – Building Height</b></p> <ul style="list-style-type: none"> <li>To ensure that the height of buildings respects the existing or preferred neighbourhood character.</li> </ul>	<p><b>Considered Met</b></p> <p>The Residential Growth Zone has a maximum building height of 14.5 metres, however the Design and development Overlay (Schedule 8) has a maximum building height of 11 metres. The building has a maximum height of 12.368 metres, which is 1.368 metres higher than the 11 metre maximum height recommended under DDO8.</p> <p>As discussed under the DDO8 assessment for maximum building height, the 1.368 metre encroachment to 12.368 metres in height in the submitted design, is considered acceptable in this instance.</p>
<p><b>55.03-3 – Site Coverage</b></p> <ul style="list-style-type: none"> <li>To ensure that the site coverage respects the existing or preferred neighbourhood character and responds to the features of the site.</li> </ul>	<p><b>Met</b></p> <p>The proposed site coverage is 59.85%, which is less than 60% recommended by the Clause 55 standard, and less than the 60% set out in the DDO8.</p>
<p><b>55.03-4 – Permeability</b></p> <ul style="list-style-type: none"> <li>To reduce the impact of increased stormwater run-off on the drainage system.</li> <li>To facilitate on-site stormwater infiltration.</li> </ul>	<p><b>Met</b></p> <p>The proposal has 22% of site area as a pervious surface, which exceeds the required minimum provision of 20%.</p>
<p><b>55.03-5 – Energy Efficiency</b></p> <ul style="list-style-type: none"> <li>To achieve and protect energy efficient dwellings.</li> <li>To ensure the orientation and layout of development reduce fossil fuel energy use and make appropriate use of daylight and solar energy.</li> </ul>	<p><b>Met subject to condition</b></p> <p>The design and the likely form of construction will assist in providing an energy-efficient building. In particular, the multi-storey construction will offer consolidated thermal mass with good insulation properties between floors, and between adjacent dwellings.</p> <p>The submitted Sustainability Management Plan (SMP) outlining ESD methods that will be</p>



OBJECTIVE	OBJECTIVE MET / NOT MET
	utilised through construction to achieve a sustainable building appears satisfactory to demonstrate the development will achieve a satisfactory response to energy efficiency. A condition will be included requiring the SMP is revised to ensure it accords with any changes to plans required by Condition 1 of the permit ( <b>Condition 4</b> ).
<p><b>55.03-6 – Open Space</b></p> <ul style="list-style-type: none"> <li>To integrate the layout of development with any public and communal open space provided in or adjacent to the development.</li> </ul>	<p><b>Not Applicable</b></p> <p>The design includes communal entry points visitor car parking and bin storage, but no communal open space or recreation facilities are provided. The design meets the standard with regard to the communal service areas.</p>
<p><b>55.03-7 – Safety</b></p> <ul style="list-style-type: none"> <li>To ensure the layout of development provides for the safety and security of residents and property.</li> </ul>	<p><b>Met – subject to conditions</b></p> <p>There are pedestrian paths either side of the building form leading to doors facing either east or west. The pedestrian paths are protected by security gates. These will need to be well lit and defined to enable pedestrians to use them (<b>Condition 1.4</b>).</p> <p>Additionally, the sitting rooms of Dwellings 15 and 16 could be extended to the boundaries to allow for the windows to those rooms to have a direct line of sight along the whole of the pedestrian paths and potentially provide additional surveillance. This will be required via permit condition (<b>Condition 1.5</b>).</p> <p>The central driveway will require lighting and this will also be required by condition. (<b>Condition 1.4</b>).</p>
<p><b>55.03-8 – Landscaping</b></p> <ul style="list-style-type: none"> <li>To encourage development that respects the landscape character of the neighbourhood.</li> <li>To encourage development that maintains and enhances habitat for plants and animals in locations of habitat importance.</li> <li>To provide appropriate landscaping.</li> <li>To encourage the retention of</li> </ul>	<p><b>Met subject to condition</b></p> <p>The trees within the site have been assessed in the submitted arboricultural report and cannot practically be retained or integrated into the design response given their location. Whilst this is unfortunate it is not unreasonable given the zoning of the land and fact that no tree controls apply to the site and therefore the trees can be removed without a planning permit at any time.</p> <p>The provision of landscaping has been considered under the DDO8 controls. A full landscaping plan will be required by a permit condition prior to the start of the development</p>

OBJECTIVE	OBJECTIVE MET / NOT MET
mature vegetation on the site.	<p><b>(Condition 8)</b>. Canopy trees will be required within the rear setback, the 'gaps' between the building forms and within the street frontage.</p> <p>The development is not expected to have any impact on vegetation near the application site due to the proposed setbacks of the building at ground level</p>
<p><b>55.03-9 – Access</b></p> <ul style="list-style-type: none"> <li>To ensure the number and design of vehicle crossovers respects the neighbourhood character.</li> </ul>	<p><b>Met</b></p> <p>Vehicle access to the development is acceptable and is supported by Council's Traffic Engineering Unit and VicRoads. The vehicle crossover is an appropriate design response.</p>
<p><b>55.03-10 – Parking Location</b></p> <ul style="list-style-type: none"> <li>To provide convenient parking for resident and visitor vehicles.</li> <li>To avoid parking and traffic difficulties in the development and the neighbourhood.</li> <li>To protect residents from vehicular noise within developments.</li> </ul>	<p><b>Met subject to condition</b></p> <p>All dwellings have secure garages. Visitor parking is appropriately located, however signage should be provided within the site to ensure visitors can easily locate the spaces. <b>(Condition 1.6)</b></p>
<p><b>55.04-1 – Side And Rear Setbacks</b></p> <ul style="list-style-type: none"> <li>To ensure that the height and setback of a building from a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings.</li> </ul>	<p><b>Met</b></p> <p>Submitted plans show an accurate cross-section and 'B17 profile line' demonstrating the setbacks of the building and compliance with the B17 setback requirements to the eastern, western and southern boundaries.</p>
<p><b>55.04-2 – Walls On Boundaries</b></p> <ul style="list-style-type: none"> <li>To ensure that the location, length and height of a wall on a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings.</li> </ul>	<p><b>Met subject to condition</b></p> <p>No walls on boundaries are proposed, however as discussed above, conditions will require the walls of dwellings 15 and 16 to be extended to the boundaries to provide for better surveillance of pedestrian paths. These walls will be new elements to the neighbouring properties to the east and west. This is considered reasonable, as the length of walls will be limited to one room (approx. 3.5m) each, and the location of the walls should not unduly impact on neighbours amenity.</p> <p>To the west, the dwelling at 5/48-50 Manningham Road has a relatively large rear yard of approximately 15 metres depth, and the</p>

OBJECTIVE	OBJECTIVE MET / NOT MET
	<p>wall will be located approximately 9 metres south of the rear of the garage to that dwelling.</p> <p>To the east at 56 Manningham Road, there is a large rear yard of approximately 21 metres depth behind the dwelling, and the wall will be locate toward the rear of the yard, and views to it will be obscured from the main dwelling by the garage on that lot. The walls on boundaries should easily comply with the standard, but to ensure this is the case, the conditions will require that the height of the walls be limited to 3.2 metre maximum height to meet the standard (<b>Condition 1.5</b>).</p>
<p><b>55.04-3 – Daylight To Existing Windows</b></p> <ul style="list-style-type: none"> <li>To allow adequate daylight into existing habitable room windows.</li> </ul>	<p><b>Met</b></p> <p>The proposed design complies with the standard and allows for adequate daylight to existing windows.</p>
<p><b>55.04-4 – North Facing Windows</b></p> <ul style="list-style-type: none"> <li>To allow adequate solar access to existing north-facing habitable room windows.</li> </ul>	<p><b>Not Applicable</b></p> <p>The existing north facing habitable room windows within the neighbouring properties will all receive daylight to meet the standard.</p>
<p><b>55.04-5 – Overshadowing Open Space</b></p> <ul style="list-style-type: none"> <li>To ensure buildings do not significantly overshadow existing secluded private open space.</li> </ul>	<p><b>Met</b></p> <p>Shadow diagrams demonstrate that shadows cast by the building will cover a portion of the secluded private open spaces within the adjoining properties. These shadows will not exceed the requirements prescribed under the standard.</p>
<p><b>55.04-6 – Overlooking</b></p> <ul style="list-style-type: none"> <li>To limit views into existing secluded private open space and habitable room windows.</li> </ul>	<p><b>Met subject to condition</b></p> <p>Overlooking (limiting views within a 9 metre radius from habitable rooms, secluded private open space areas and balconies) has been generally addressed in the design of the development.</p> <p>It is noted that windows to ensuites and bathrooms are not specifically denoted as obscured or frosted on the plans, but this will be required by conditions (<b>Condition 1.7</b>).</p> <p>The screening devices shown are denoted as japaned screening adjustable slats as per the BESS report. It is possible to have adjustable slats to screening devices and still meet the standard, however compliance with the</p>

OBJECTIVE	OBJECTIVE MET / NOT MET
	<p>standard should be achieved at all times and clearly denoted on the plans. A condition will be included requiring that any adjustable screening must at all times meet the requirements of standard B22 to be no more than 25% transparent to 1.7 metres above floor level (<b>Condition 1.8</b>).</p> <p><u>East front building. (Dwellings 1, 3, 5, 7)</u> At the uppermost floor, the east facing windows are all screened to a height of 1.7m above floor level, except that bedrooms 4 of Dwellings 3, 5 and 7 are shown with full height windows. These windows are all more than 9 metres from the neighbours windows, and look across the neighbours driveway. There is no need to screen these windows.</p> <p>At lower levels, windows are screened except that the balcony to Dwelling 5 has a balustrade of less than 1.7m in height, and is less than 9m from the boundary. Although this balcony has an outlook to the neighbour's driveway, there are possible views further into the rear open space, and it is considered reasonable to have the edge of the balcony screened to 1.7 m above floor level (<b>Condition 1.9</b>).</p> <p><u>East rear building. (Dwellings 9, 11, 13,15)</u> All windows are screened or obscured to comply with the standard.</p> <p><u>West front building. (Dwellings 2, 4, 6, 8)</u> At the uppermost floor, the west facing windows are all screened to a height of 1.7m above floor level, except that bedrooms 4 of Dwellings 4, 6 and 8 are shown with full height windows. These windows are all more than 9 metres from the neighbours' windows, and look across the common property driveway to the west. There is no need to screen these windows. At lower levels, windows are screened except that the balcony to Dwelling 6 has a balustrade of less than 1.7m in height, and is less than 9m from the boundary. This balcony has an outlook to the common property driveway to the west and there is no need to further screen this balcony.</p> <p><u>West rear building. (Dwellings 10, 12, 14, 16)</u> All windows are screened or obscured to</p>

OBJECTIVE	OBJECTIVE MET / NOT MET
	<p>comply with the standard.</p> <p><u>South. (Dwellings 15 and 16)</u> All windows are screened or obscured to comply with the standard</p>
<p><b>55.04-7 – Internal Views</b></p> <ul style="list-style-type: none"> <li>To limit views into the secluded private open space and habitable room windows of dwellings and residential buildings within a development.</li> </ul>	<p><b>Met</b></p> <p>Fences and screens are provided between balconies and terraces to limit direct views.</p>
<p><b>55.04-8 – Noise Impacts</b></p> <ul style="list-style-type: none"> <li>To contain noise sources in developments that may affect existing dwellings.</li> <li>To protect residents from external noise.</li> </ul>	<p><b>Met</b></p> <p>Air-conditioning units and solar hot water units have been shown on the roof plan, located centrally and shown as being screened.</p> <p>No details (relating to noise levels of these devices) have been submitted with the application, however ordinarily all residential noise for a development of this type would be subject to standard EPA requirements controlled through local laws.</p> <p>Overall, it is considered that there are no external noise sources that may unreasonably impact unreasonably on existing or future residents.</p>
<p><b>55.05-1 – Accessibility</b></p> <ul style="list-style-type: none"> <li>To encourage the consideration of the needs of people with limited mobility in the design of developments.</li> </ul>	<p><b>Met subject to condition</b></p> <p>The pedestrian entrance to the west is ramped and accessible to people of limited mobility. The central vehicle accessway is ramped and accessible to people of limited mobility.</p> <p>There are six steps provided to the eastern pedestrian path. This limits access to the eastern dwellings. The path could be ramped but it is not likely to achieve a 1 in 14 gradient prior to the door to Dwelling 1. As a compromise, the intercom and security could be moved northward so that they are north of the steps. Whilst this does not allow access to the dwellings, it allows people of limited mobility to use the intercom to alert residents of those dwellings to their presence at the site frontage. A condition will require this (<b>Condition 1.1</b>).</p>
<p><b>55.05-2 – Dwelling Entry</b></p> <ul style="list-style-type: none"> <li>To provide each dwelling or</li> </ul>	<p><b>Met</b></p> <p>Each dwelling entry is marked and legible along</p>

OBJECTIVE	OBJECTIVE MET / NOT MET
residential building with its own sense of identity.	each pedestrian pathway.
<b>55.05-3 – Daylight To New Windows</b> <ul style="list-style-type: none"> <li>To allow adequate daylight into new habitable room windows.</li> </ul>	<b>Met</b> While ground level windows may have a slightly reduced level of daylight afforded to them as a result of boundary fencing, screen planting and canopy trees, all dwellings will have a reasonable level of daylight overall.
<b>55.05-4 – Private Open Space</b> <ul style="list-style-type: none"> <li>To provide adequate private open space for the reasonable recreation and service needs of residents.</li> </ul>	<b>Met</b> Schedule 2 to the RGZ does not prescribe a minimum private open space area size.  Each dwelling will be provided with an area of private open space through terraces/balconies, and each dwelling has a terrace/balcony with an area of at least 8 square metres and a minimum dimension of 1.6 metres to meet the standard.
<b>55.05-5 – Solar Access To Open Space</b> <ul style="list-style-type: none"> <li>To allow solar access into the secluded private open space of new dwellings and residential buildings.</li> </ul>	<b>Considered Met</b> Dwellings 3, 5, 11 and 13, all have east-facing balconies that receive limited sunlight. Dwellings 4, 6, 12 and 14, all have east-facing balconies that receive limited sunlight. Whilst it is not ideal, in this case, there is limited scope for any design adjustments that would achieve greater sunlight penetration to the balconies. As described above, the building achieves some energy efficiencies through thermal mass of shared walls and balconies should retain some warmth during cooler months and will be well shaded during hotter months. This is considered to be an acceptable design response given the orientation of the lot.
<b>55.05-6 – Storage</b> <ul style="list-style-type: none"> <li>To provide adequate storage facilities for each dwelling.</li> </ul>	<b>Met</b> Plans show storage under stairs within each dwelling of 6 cubic metres at a minimum as per the standard.
<b>55.06-1 – Design Detail</b> <ul style="list-style-type: none"> <li>To encourage design detail that respects the existing or preferred neighbourhood character.</li> </ul>	<b>Met</b> The proposed architectural design is of a suitable standard that provides an appropriate level of design detailing and visual interest to the street and to neighbouring properties. The design includes varied colours and materials whilst providing a coherent style or theme. The building forms are reasonably articulated and modulated and include deep recesses that allow

OBJECTIVE	OBJECTIVE MET / NOT MET
	for different depth and shadow perceptions across the buildings.
<b>55.06-2 – Front Fence</b> <ul style="list-style-type: none"> <li>To encourage front fence design that respects the existing or preferred neighbourhood character.</li> </ul>	<b>Not applicable</b> No front fence is proposed.
<b>55.06-3 – Common Property</b> <ul style="list-style-type: none"> <li>To ensure that communal open space, car parking, access areas and site facilities are practical, attractive and easily maintained.</li> <li>To avoid future management difficulties in areas of common ownership.</li> </ul>	<b>Met</b> Assuming the dwellings are sold individually, communal areas such as the central driveway, visitor car parks, bin storage areas and the perimeter gardens will be maintained by an Owners' Corporation. There are no perceived difficulties associated with future management of these areas.
<b>55.06-4 – Site Services</b> <ul style="list-style-type: none"> <li>To ensure that site services can be installed and easily maintained.</li> <li>To ensure that site facilities are accessible, adequate and attractive.</li> </ul>	<b>Met subject to condition</b> Mailboxes are located within structures adjacent to each pedestrian pathway, which also house services. These are considered acceptable.  The plans show clotheslines on balconies. Permit conditions will require retractable clotheslines to be installed within all balconies and terraces and require that they are not visible from the street or adjoining properties ( <b>Conditions 1.10, 30</b> ).  Bin storage in the car park area is easily accessible by all residents and not visible from the public domain.  The submitted Waste Management Plan (WMP) confirms that all waste collection will be made by a private collector and is supported by Council's traffic engineering unit (waste services).

#### General Matters

- 6.15 In addition to the assessment above, the following general matters have been considered.

#### *Waste Management*

- 6.16 *Council's Waste Management Unit advises that a private collection will be required with collection to occur on-site.*
- 6.17 *The submitted Waste Management Plan prepared by The Urban Leaf recommends a private waste collection and demonstrates that a sufficient number of bins can be provided on site. The plan details that a 6.4 metre long 2.08 metre high wastewise mini mover collection vehicle can be utilised to collect waste. The development plans show that a 6.4 metre long vehicle*

*can turn around within the site. The development plans show a 2.4m floor to ceiling height for the driveway, and this will accommodate the proposed vehicle.*

*Sustainability*

- 6.18 *The submitted Sustainability Management plan includes information detailing that the dwellings will generally achieve a 6 star energy rating or above.*
- 6.19 *The documentation also includes a STORM assessment (Stormwater Treatment Objective- Relative Measure) assessment. STORM is a stormwater treatment assessment tool developed by Melbourne Water to determine the stormwater treatment impacts and requirements of developments.*
- 6.20 *The STORM report indicates the development achieved an acceptable stormwater score to meet the requirements of the tool.*

*Use of voids*

- 6.21 *Each building has a central void that serves to provide light and air to a number of dwelling rooms that would otherwise not have an external outlook from the dwelling. In the front building, the voids serve Dwellings 3, 4, 5 and 6. The kitchens of these dwellings look to the void. Kitchens are denoted as having obscure glass with restricted openable windows. The submitted sustainability documentation also denotes that kitchens will have exhaust fans. Whilst this is not ideal, it is allowable under the planning scheme and building regulations.*
- 6.22 *Living rooms also have secondary windows facing these spaces, and these windows are denoted as obscure glass restricted openable windows. This is acceptable as these are secondary windows and there are other main windows to living rooms. Each of these dwellings also has two bedrooms and a retreat area with windows facing these voids. Once again windows are denoted as obscure glass, restricted openable windows.*
- 6.23 *In all cases, only the retreat and one bedroom per dwelling relies on these windows facing the void as their main or only window, and this is considered acceptable, as the other bedroom in each case has an additional external facing window.*
- 6.24 *As mentioned above, whilst not best practice, the location of windows facing the voids technically meets the planning scheme requirements. Consideration has been given to making the windows non-openable to limit potential noise and odours. However, on balance, it was considered better to leave the windows as restricted opening, as this gives future residents options, and if they choose to leave windows closed they may avoid those potential noise and odour issues. It is also noted the submitted sustainability documentation denotes double glazed windows, and this will assist with noise attenuation and on-site amenity.*
- 6.25 *The design is similar in the rear building with the voids serving Dwellings 11, 12, 13 and 14, however there are no living room or retreat windows facing the voids. The kitchen treatments are identical to the front building, and are acceptable. At upper floor, second bedrooms are similar to the front building, however they have the additional benefit of not having an upper floor above and will receive more light and air. These rooms are considered acceptable.*



## 7 REFERRALS

### External referrals

- 7.1 VicRoads are a statutory referral authority given it is proposed to remove an existing access point to Manningham Road. (A road identified as a Road Zone Category 1).
- 7.2 VicRoads have advised that they have no objection and do not require any conditions on any permit issued.

### Internal referrals

- 7.3 The application was referred to a number of Service Units. The following table summarises their responses:

Service Unit	Comments
Engineering & Technical Services Unit (Drainage)	<ul style="list-style-type: none"> <li>Point of discharge (drainage) is available for the site.</li> <li>Provide an on-site stormwater detention system.</li> <li>All areas are to be drained to the point of discharge.</li> </ul>
Engineering & Technical Services Unit (Traffic)	<ul style="list-style-type: none"> <li>Adequate sight lines are available from internal driveway.</li> <li>The gradient of vehicle access accords with Design Standard 3 in Cl.52.06.</li> <li>There is at least 2.1m headroom beneath overhead obstructions.</li> <li>Garage / carport / parking space dimensions are appropriate having considered Design Standard 2 in Cl.52.06.</li> <li>There are no traffic issues having considered the proposal in the context of the traffic and the surrounding street network.</li> <li>New vehicle crossing is proposed for the development. This is adequately located and is to be constructed subject to standard conditions and a footnote requiring a "Vehicle Crossing Permit". Vic Roads Consent must be obtained.</li> </ul>
Engineering & Technical Services Unit (Waste Management)	<ul style="list-style-type: none"> <li>A private waste contractor to undertake waste collection from within the property boundary.</li> <li>The Waste Management Plan must detail how the collection contractors will enter and exit the site, access each bin, as well as include plans showing sufficient turning facilities, swept path diagrams, turning circles and relevant height clearances.</li> <li>It should be noted that drawing No. MEL/MAN1 sheet No. A1-001 shows a turning diagram of a vehicle accessing the ground floor, but does not detail the size and type of vehicle the turning diagram relates too. The developer is required to demonstrate that a private waste collection vehicle can collect waste from within the development, have the ability to perform a 3 point turn within the site as well as enter/exit in a forward direction.</li> </ul>

- 7.4 Recommendations will be addressed via permit conditions and footnotes where appropriate, on any permit issued (**Conditions 11-14, 16**).
- 7.5 The following is provided in response to recommendations that will not be reflected via permit conditions and footnotes, or where further clarification is required:

- 7.5.1 The submitted waste management plan details a “waste-wise mini mover” vehicle which has a length of 6.4m and a height of 2.08m. It is not considered necessary to require an altered waste management plan, as the development plans demonstrate that this vehicle can be accommodated to pick up refuse on site. As such, the submitted Waste Management Plan will be endorsed and form part of this planning permit.

## 8 NOTIFICATION

- 8.1 The application was advertised and 3 objections were received in total.
- 8.2 The application was advertised on 2 September 2016 as “Construction of 16 three storey dwellings and alteration of access to a road in a road zone category 1”. One objection was received from:

Address
31 Summit Drive, Bulleen

- 8.3 Due to an error in the description, the application was re-advertised on 18 October 2016 as “Construction of 16 three storey and four storey dwellings and alteration of access to a road in a road zone category 1”
- 8.4 The initial objector lodged an additional objection and 2 new objections were received from:

Address
56 Manningham Road, Bulleen
32 Hotham Street, Williamstown, owner of 2/50 Manningham Road, Bulleen.

### Grounds: (Officer assessment below)

- 8.5 Increase in cars on an already dangerous road. There have been accidents in this location previously.**

The application was referred to Council's Traffic engineers and VicRoads. Neither Council's Engineers nor VicRoads have any objection on traffic safety grounds. The proposal will likely generate an additional 64 to 128 vehicle movements per day, which is easily able to be accommodated on this main road.

- 8.6 Additional rubbish bins on or near the road will create dangerous situation when rubbish trucks need to stop.**

The submitted Waste management Plan confirms that a private waste collection will be required with collection to occur from within the site. This Waste Management Plan will be endorsed and will form part of the permit.

- 8.7 Loss of light to neighbours garden and subsequent loss of quality of life.**

The proposal has been assessed against the Clause 55 standards with regard to overshadowing and effect on sunlight penetration to neighbouring properties and is compliant with the Clause 55 requirements, as discussed in the assessment against Clause 55.04-5.

- 8.8 Loss of privacy from windows overlooking neighbours property.**

Overlooking has been appropriately addressed by the use of screening devices, obscure glazing and placement of windows. The development has been assessed against Clause 55 standards with regard to overlooking and is compliant with the Clause 55 requirements. As such any overlooking is limited and in accordance with the Scheme.

**8.9 Additional noise.**

The proposal is for a residential development in a residential zone. No abnormal noise is expected. The proposed plant and equipment will be generally located centrally.

**8.10 Overshadowing.**

The proposal has been assessed against the Clause 55 standards with regard to overshadowing and effect on sunlight penetration to neighbouring properties and is compliant with the Clause 55 requirements. As such overshadowing is within the levels accepted under the Scheme.

**8.11 Unacceptable density and overdevelopment.**

The subject site is in an area designated for residential growth. The site is located within the Residential Growth Zone, the purposes of which include: *"To provide housing at increased densities in buildings up to and including four storey buildings"*. There is no prescribed residential density and there are other sites in the area that have been successfully developed with more dwellings on smaller areas of land. The proposal complies with the planning scheme requirements with regard to building site coverage and hard surface coverage and on-site and off-site amenity and is not considered an overdevelopment.

**8.12 Visual impact of development is out of character with the area.**

The proposal is considered to be a well designed response that incorporates well articulated and modulated building forms with design detailing that provides visual interest. The proposed development meets the preferred character for the area as the policy framework encourages well designed contemporary building forms that provide for an increase in residential density.

**8.13 Building design bulk and materials are offensive to the neighbourhood.**

The buildings do not present as 'bulky' as they have utilized varied setbacks, modulated forms, deep recesses, recessed and reduced upper floors and design detailing that de-emphasizes any potential mass or building bulk. The buildings utilize a mix of materials and colours similar to other newer developments within the area and are not out of place.

**8.14 Development is out of scale and character with neighbourhood.**

The scale and height of the buildings is considered acceptable in the context of this main road environment and Council's preferred policy. As described in the assessment section of this report, the minor extension of 1.368 metre over the 11 metre height recommended in the Design and development Overlay (Schedule 8) is justified in this instance due to the slope of the land, the nature of the design of the buildings, the setbacks of upper floors and the articulated and modulated nature of the design.

**8.15 Loss of views.**

Whilst it is recognised that views may form part of residential amenity, there is no specific controls within the Manningham Planning Scheme that protects residents' rights to a view. It is not considered that the extent of views lost or the significance of the view would warrant refusal or modification of the application.

**8.16 The development is over the crest of a downhill and sweeping bend and will not be safe to traffic.**

The application was referred to VicRoads and council's traffic engineers. Both support the proposal and neither have raised any concerns with regard to traffic safety.

**9 CONCLUSION**

- 9.1 It is considered appropriate to support the application.
- 9.2 The proposed development, subject to some minor changes that will be required by way of permit conditions, is considered appropriate for the zone and the DDO8 provisions. The design is consistent with the preferred neighbourhood character, achieves a good level of internal amenity for future residents and will have a reasonable impact on the amenity of adjoining properties subject to minor changes to the southern interface that will be required by way of permit conditions.
- 9.3 The construction of a well designed and visually interesting development is consistent with the vision of the Scheme, in particular Clause 21.05 Residential, Schedule 8 to the Design and Development Overlay (DDO8) and Clause 55 (Res Code). It will allow an increase in housing density and diversity in a location that has good access to services.
- 9.4 The relevant referral authorities have been notified of this application for Planning Permit, and the conditions as required by the referral authority, and agreed to by Manningham City Council, have been included on the Notice of Decision to Grant a Planning Permit.

**RECOMMENDATION**

**That having considered all objections A NOTICE OF DECISION TO GRANT A PERMIT be issued in relation to Planning Application No.PL16/026081 for the construction of sixteen three-storey and four-storey dwellings and alteration of access to a road in a Road Zone, Category 1 at 52-54 Manningham Road Bulleen, in accordance with the endorsed plan and subject to the following conditions-**

1. **Before the development starts, two (2) copies of amended plans, drawn to a scale of 1:100 and dimensioned must be submitted to the satisfaction of the Responsible Authority. When approved by the Responsible Authority, the plans will be endorsed and will then form part of the permit. The plans must be generally in accordance with the decision plans (prepared by Premier Projects dated 3 August 2016), but modified to show the following:**
  - 1.1. **The security gate and intercom system on the eastern pathway located north of the steps on that pathway.**
  - 1.2. **A partly transparent security grille at the entrance of the covered section of the driveway.**

- 1.3. An open sided pergola at the front section of each pedestrian pathway to allow these paths to be clearly identified from the street;
- 1.4. Details of lighting to the shared driveway, visitor parking spaces and to the shared pedestrian paths to the satisfaction of the responsible authority.
- 1.5. The living rooms of Dwellings 15 and 16 extended to the side boundary to allow for windows to view northward along the respective pedestrian paths. The height of the walls on boundaries must be a maximum of no more than 3.2 metres to comply with standard B18 of Clause 55.04-2 of the Manningham Planning Scheme.
- 1.6. Plan notations that signage will be provided to identify the location of visitor parking.
- 1.7. Upper level west, east or south-facing bathroom and ensuite windows obscure glazed at least up to 1.7 metres above the finished floor level.
- 1.8. Plan notations to confirm that all adjustable japaned screen devices will be limited in adjustability so that they are no more than 25% transparent to 1.7m above the finished floor level to comply with standard B22.
- 1.9. The eastern edge of the balcony to Dwelling 5 screened to a height of 1.7 metres above finished floor level with such screening to be fixed screening with no more than 25% transparency.
- 1.10. Details of balustrade treatments and clotheslines to comply with Condition 30 of this permit.

#### Endorsed Plans

2. The layout of the site and the size of buildings and works shown on the approved plans must not be modified for any reason, without the prior written consent of the Responsible Authority.

#### Construction Management Plan

3. Before the development starts, two copies of a Construction Management Plan must be submitted to and approved by the Responsible Authority. When approved, the plan will form part of the permit. The plan must address, but not be limited to, the following:
  - 3.1. A liaison officer for contact by residents and the responsible authority in the event of relevant queries or problems experienced;
  - 3.2. Hours of construction;
  - 3.3. Delivery and unloading points and expected frequency;
  - 3.4. On-site facilities for vehicle washing;
  - 3.5. Parking facilities/locations for construction workers;
  - 3.6. Other measures to minimise the impact of construction vehicles arriving at and departing from the land;
  - 3.7. Methods to contain dust, dirt and mud within the site, and the method and frequency of clean up procedures;

- 3.8. The measures for prevention of the unintended movement of building waste and other hazardous materials and pollutants on or off the site, whether by air, water or other means;
- 3.9. An outline of requests to occupy public footpaths or roads, and anticipated disruptions to local services;
- 3.10. The measures to minimise the amount of waste construction materials;
- 3.11. The measures to minimise noise and other amenity impacts from mechanical equipment/construction activities, especially outside of daytime hours;
- 3.12. Details for footpath re-construction (including cross-sections and longitudinal section) and any works to Council assets and on Council land; and
- 3.13. Adequate environmental awareness training for all on-site contractors and sub-contractors.

#### **Sustainability Management Plan**

4. Before the development starts or the issue of a building permit for the development, whichever is the sooner, two copies of a Sustainability Management Plan (SMP), must be submitted to and approved by the Responsible Authority. When approved the plan will form part of the permit. The plan must be generally in accordance with the Sustainability Management Plan (BESS report) prepared by the Urban Leaf (Revision A, dated 13 July 2016), but amended to address any changes as required Condition 1 of this permit. The recommendations of the plan must be incorporated into the design and layout of the development and must be implemented to the satisfaction of the Responsible Authority before the occupation of any dwelling.

#### **Waste Management Plan**

5. Before the development starts or the issue of a building permit for the development, whichever is the sooner, two copies of a Waste Management Plan (WMP), must be submitted to and approved by the Responsible Authority. When approved the plan will form part of the permit. The plan must be generally in accordance with the Waste Management Plan prepared by The Urban Leaf (Revision A, dated 14 July 2016). Waste Management on the subject land must be carried out in accordance with this plan.

#### **Management Plans Compliance**

6. The Management Plans approved under this permit must be implemented and complied with at all times to the satisfaction of the Responsible Authority unless with the further written approval of the Responsible Authority.
7. Prior to the occupation of each building, written confirmation from the author of the approved Sustainability Management Plan, or a similarly qualified person or company, must be submitted to the Responsible Authority. The report must confirm that the sustainable design features/initiatives specified in the Sustainability Management Plan have been satisfactorily implemented in accordance with the approved plans.

**Landscaping**

8. **Before the development starts, a landscaping plan must be prepared by a landscape architect showing species, locations, approximate height and spread of proposed planting, and must be submitted to the Responsible Authority for approval. The plan must be generally in accordance with the concept landscaping plan prepared by Hansen Partnership (dated 7 September 2015), including the balcony planter box design and specifications, but amended to show:**
  - 8.1. **A minimum of two (2) canopy trees within the front setback of Dwelling 1, a minimum of two (2) canopy within the front setback of Dwelling 2, a minimum of two (2) canopy within the west setback adjacent the bin storage area, a minimum of two (2) canopy within the east setback adjacent the visitor parking area, a minimum of five (5) canopy trees within the southern setback. All canopy trees are to be a minimum height of 1.5 metres at the time of planting and capable of growing to a height of 8m at maturity.**
  - 8.2. **Screen planting along the eastern and western boundary to be a minimum height of 1.5 metres at the time of planting.**
  - 8.3. **Terrace and surface treatments areas that correspond to the development plans.**
  - 8.4. **Details of site and soil preparation, mulching and maintenance.**
  - 8.5. **Details of an automatic watering system built into the development for the vertical garden / green wall, to be managed by the owners corporation.**
9. **Before the release of the approved plan under Condition 1, a \$10,000 cash bond or bank guarantee must be lodged with the Responsible Authority to ensure the completion and maintenance of landscaped areas and such bond or bank guarantee will only be refunded or discharged after a period of 13 weeks from the completion of all works, provided the landscaped areas are being maintained to the satisfaction of the Responsible Authority.**
10. **Landscaping must be carried out in accordance with the endorsed Landscape Plan and maintained to the satisfaction of the Responsible Authority.**

**Drainage**

11. **The owner must provide on site stormwater detention storage or other suitable system (which may include but is not limited to the re-use of stormwater using rainwater tanks), to limit the Permissible Site Discharge (PSD) to that applicable to the site coverage of 35 percent of hard surface or the pre existing hard surface if it is greater than 35 percent. The PSD must meet the following requirements:**
  - 11.1. **Be designed for a 1 in 5 year storm; and**
  - 11.2. **Storage must be designed for 1 in 10 year storm.**
12. **Before the development starts, a construction plan for the system required by Condition No. 17 of this permit must be submitted to and approved by the Responsible Authority. The system must be maintained**

by the Owner thereafter in accordance with the approved construction plan to the satisfaction of the Responsible Authority.

13. Stormwater must not be discharged from the subject land other than by means of drainage to the legal point of discharge. The drainage system within the development must be designed and constructed to the requirements and satisfaction of the relevant Building Surveyor.
14. The whole of the subject land, including landscaped and paved areas, must be graded and drained to the satisfaction of the Responsible Authority, to prevent ponding and to minimise overland flows onto adjoining properties.
15. No works are to take place within any easement and all excavation work must be managed and supervised, so as to ensure that the area within any easement is not adversely impacted upon, to the satisfaction of the Responsible Authority.

#### **Access and Car Parking**

16. Before the occupation of the approved dwellings, the vehicular crossing must be constructed in accordance with the approved plans to the satisfaction of the Responsible Authority.
17. Before the occupation of the approved dwellings, redundant vehicle crossovers must be removed and the footpath, nature strip and kerbing reinstated to the satisfaction of the Responsible Authority.
18. Before the occupation of the approved dwellings, all visitor parking spaces must be line-marked, numbered and signposted to provide allocation to visitors to the satisfaction of the Responsible Authority.
19. Visitor parking spaces must be provided and visitor parking spaces must not be used for any other purpose to the satisfaction of the Responsible Authority.
20. The costs of all of road infrastructure reinstatements and rectification works associated with utility service provision and building works must be borne by the developer.
21. Any damaged road(s) and footpath(s) adjacent to the development site as a result of the development must be reinstated to the satisfaction of the Responsible Authority. All costs associated with these works must be borne by the permit holder.
22. A mesh-type security grille must be installed at the entry to the driveway, along with an intercom and an automatic opening system connected to each dwelling, so as to facilitate convenient access to the basement car park by visitors, to the satisfaction of the Responsible Authority.

#### **Completion**

23. Before the occupation of the approved dwellings, landscaped areas must be fully planted and mulched or grassed generally in accordance with the approved plan and to the satisfaction of the Responsible Authority.
24. Privacy screens and obscure glazing as required in accordance with the approved plans must be installed prior to occupation of the building to the satisfaction of the Responsible Authority and maintained thereafter to the satisfaction of the Responsible Authority. The use of obscure film



**fixed to transparent windows is not considered to be 'obscure glazing' or an appropriate response to screen overlooking.**

#### **Fencing**

- 25. In the event of damage to an existing boundary fence (as a result of construction activity), the owner of the development site must at their cost, promptly repair or replace the affected fencing to the satisfaction of the Responsible Authority.**
- 26. Before the occupation of the approved dwellings, all fencing must be in a good condition to the satisfaction of the Responsible Authority.**

#### **Site Services**

- 27. All upper level service pipes (excluding stormwater downpipes) must be concealed and screened respectively to the satisfaction of the Responsible Authority.**
- 28. All plant and equipment that is not installed within the buildings must otherwise be installed in the area of plant and equipment on the roof of the building, unless otherwise agreed in writing with the Responsible Authority.**
- 29. No air-conditioning units are to be installed on any balcony or façade so that they are visible from outside the site to the satisfaction of the Responsible Authority.**
- 30. The dwellings must have clothes lines or drying rack systems installed on balcony areas. Any clothes-drying rack or line system located on a balcony must be lower than the balustrade of the balcony and must not be visible from off the street to the satisfaction of the Responsible Authority.**
- 31. No individual dish antennas may be installed on balconies, terraces or walls to the satisfaction of the Responsible Authority.**
- 32. All services, including water, electricity, gas, sewerage and telephone, must be installed underground and located to the satisfaction of the Responsible Authority.**
- 33. Buildings, paved areas, drainage and landscaping must be maintained to the satisfaction of the Responsible Authority.**
- 34. Any security door/grille to the basement opening must maintain sufficient clearance when fully open to enable the convenient passage of rubbish collection vehicles which are required to enter the basement and such clearance must also be maintained in respect of sub-floor service installations throughout areas in which the rubbish truck is required to travel to the satisfaction of the Responsible Authority.**
- 35. If allowed by the relevant fire authority, external fire services must be enclosed in a neatly constructed, durable cabinet finished to complement the overall development, or in the event that enclosure is not allowed, associated installations must be located, finished and landscaped to minimise visual impacts from the public footpath in front of the site to the satisfaction of the Responsible Authority.**

**Lighting**

36. Communal lighting must be connected to reticulated mains electricity and be operated by a time switch, movement sensors or a daylight sensor to the satisfaction of the Responsible Authority.
37. Prior to the occupation of the dwellings, lighting capable of illuminating access to each car parking space, store, rubbish bin, recycling bin, pedestrian walkways, stairwells, lift, dwelling entrances and entry foyer must be provided. Lighting must be located, directed, shielded and of limited intensity so that no nuisance or loss of amenity is caused to any person within and beyond the site, to the satisfaction of the Responsible Authority.

**Noise**

38. All noise emanating from any mechanical plant must comply with the relevant State noise control legislation and in particular, any basement exhaust duct/unit must be positioned, so as to minimise noise impacts on residents of the subject building and adjacent properties to the satisfaction of the Responsible Authority.

**Brickwork / Retaining walls**

39. All brickwork on or immediately adjacent to the boundaries of the site which is visible from the adjoining property must be cleaned and finished to the satisfaction of the Responsible Authority.
40. All retaining walls must be constructed and finished in a professional manner to ensure a neat presentation and longevity to the satisfaction of the Responsible Authority

**Expiry**

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

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

**MOVED: GOUGH**  
**SECONDED: GALBALLY**

That the Recommendation be adopted.

**CARRIED**

“Refer Attachments”

\* \* \* \* \*

## 9.2 Planning Application PL15/025922 at 25-35 Park Road, Donvale for forty-five dwellings

Responsible Director: Director Planning & Environment

File No. PL15/025922

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

**Land:** 25-35 Park Road, Donvale  
**Zone** General Residential Schedule 3  
**Applicant:** Taouk Architects (Owner: Donvale Garden Estate Pty Ltd)  
**Ward:** Mullum Mullum  
**Melway Reference:** 48J5  
**Time to consider:** 16 September 2016

### SUMMARY

*It is proposed to construct forty-five, two-storey dwellings on a vacant parcel of land (area - 1.3729ha) which has frontage to Park Road, directly to the south of part of the Eastern Freeway Linear Reserve. Site works are required to remove some trees and to adjust levels. Part of the works involves the construction of a stormwater retarding basin at the north-western corner of the site. Other service alterations will be required due to the placement of a sewer.*

*The overall dwelling density is 1 dwelling per 305m<sup>2</sup>, however, this figure is influenced by the inclusion of the retarding basin over which no housing will occur. Twenty-five dwellings will have three bedrooms and the remaining twenty will have four bedrooms (plan index is incorrect).*

*Vehicular access is to be provided from the local street system and entails the construction of a new public road section between Wrendale Drive and Langford Crescent (both of these streets currently terminate at the site boundaries).*

*Apart from two dwellings, all other dwellings will be served by a private road in an elongated loop configuration which will connect with the new road section in two locations. It is anticipated by the applicant that the private road and the retarding basin will be under the control of a future Owners' Corporation.*

*Each dwelling will have its own or a bifurcated driveway connection. Apart from one dwelling which relies on a single garage with a tandem space, all other dwellings will have a double garage. There will be a total of ninety resident car spaces and five communal visitor spaces located off the private road. Driveways will allow twenty eight visitors' cars to be parked in front of garages, if residents have only one or two cars.*

*There is no separate footpath system provided for the private road, but a 1.2m wide strip will be colour differentiated to one side, so as to encourage pedestrians to walk within this strip. Pedestrian connections are provided to Park Road and the northern parkland.*

*The application was advertised and forty-six objections were received.*

*Grounds mainly relate to increased traffic movement through local streets (with an inherent reduction of safety/local amenity and traffic delays at main intersections), overdevelopment of the land at a density not in keeping with the neighbourhood character, traffic/noise/safety impacts of construction traffic. Many objectors indicated that all vehicular access should have been provided from Park Road.*

*Council's traffic engineer is of the opinion that local streets are capable of handling the level of additional traffic which would stem from the proposed road connection between Wrendale Drive and Langford Crescent (as a result of the proposed housing) and that there are no inherent traffic engineering issues with the connection. Moreover, the connection would improve accessibility for emergency services and rubbish collection to the neighbourhood.*

*From a planning perspective, it is considered that the application does not provide satisfactory placement of a range of dwellings in respect of the road system (public and private) and as a result, there would be adverse streetscape and landscaping impacts which would detract from the proposal's ability to respond appropriately to the existing neighbourhood character.*

*There are also various layout issues which result in poor internal amenity as a result of overlooking and shadowing of private open space.*

*A range of Objectives are not met in terms of the Clause 55 (ResCode) assessment required by the Manningham Planning Scheme and there are concerns regarding the proposed private road/footpath design.*

*This report recommends refusal of the application.*

## **1 BACKGROUND**

### **Site Description**

- 1.1 The irregularly shaped site consists of two lots with a total area of 13,728m<sup>2</sup>. The land is vacant and was sold by VicRoads in 2014, on the basis that it was surplus to the needs of this authority. The land has a 62.98m frontage to Park Road. The frontage is fenced with woven wire and there is no vehicular access to this road. An indented bus stop with long tapers extends across much of the frontage.
- 1.2 The northern boundary has a dimension of 172.0m and abuts part of the Eastern Freeway Linear Park which is owned by VicRoads. The western boundary has a dimension of 93.94m and is abutted by two residential properties and the end of Wrendale Drive. The southern boundary has a dimension of 172.05m and is abutted by seven residential properties and the northern end of Langford Crescent.
- 1.3 The subject land is mainly grassed and open. Filling and alteration of the drainage pattern has occurred over the land as a result of VicRoad's ownership. The current relief of the land is characterised by a general fall from east to the west, with a level difference of 3.0m along the southern boundary and a level difference of 6.57m along the northern boundary. There is also fall to the north of between 1.86m and 5.28m, with the larger amount being at the western end.
- 1.4 There are two shallow valleys which converge and then terminate in a wide drainage basin located at the north-western corner of the land. One of these valleys extends from the end of Langford Crescent, while the other is at the centre of the site in an east/west direction. Acting essentially as open drains,

these areas can be affected by soakage and stormwater flow, including flooding under extreme weather circumstances.

- 1.5 The low point is drained by a 900mm stormwater pipe which extends under the parkland to the north. The associated open culvert (invert level of 111.8m AHD) also picks up overland flow from part of the VicRoad's parkland reserve immediately to the north.
- 1.6 The central valley is partly characterised by a row of dead or senescent pine and cypress trees which are considered to have no retention value. There are also twelve small deciduous trees in two rows near the northern boundary. These form part of a formal pattern of parallel rows which is established on the open space to the north. There is also some limited vegetation along the southern boundary, mainly on either side of the Langford Crescent abuttal.
- 1.7 Paling fences are located along the residential abutments, while woven wire fencing is provided to the two "end of road" abutments, as well as the northern boundary.
- 1.8 The site is affected by three easements. There is a 1.83m wide drainage and sewerage easement along the entire southern boundary. This contains a sewer. The sewer branches across between Langford Crescent and Wrendale Drive, being contained in a 1.83m wide sewerage easement. A 55.0m long, 2.01m wide drainage easement also extends north from the end of Langford Crescent. There are no Council drains on the land.
- 1.9 The main constraints of the site are considered to be -
  - The topographical and drainage characteristics;
  - The likelihood of fill over the land;
  - The existing easements;
  - The lack of existing vehicular access to Park Road and the abuttal of an indented bus stop across the frontage;
  - The need to consider traffic noise impacts from the EastLink Freeway; and traffic on Park Road (bus stop adjacent); and
  - The nature of residential abutments.
- 1.10 In terms of positive attributes, the land is of generous area and can be modified through earthworks and a new drainage system subject to engineering approval. The abuttal of several road "ends" offers access options through the local street system and there are views and access opportunities in respect of the parkland and an associated cycle path system to the north. There are also some existing acoustic walls constructed close to the EastLink Freeway and where there are no walls, the freeway is set lower due to cutting. Bus services are also adjacent in Park Road.

### **Neighbourhood Description**

- 1.11 The site is within the north-eastern portion of a residential precinct which is broadly defined by the EastLink Freeway reserve to the north, Mitcham Road to the south-west and Park Road to the east.

- 1.12 This precinct shares similar housing characteristics to land on the eastern side of Park Road and is characterised by a curvilinear subdivisional layout which was commenced in the early 1960's. The initial subdivision terminated at Langford Crescent at the southern site boundary, with the subject land still being an orchard at this time.
- 1.13 The original housing is typical of this period with some evidence of newer house construction and several multi-unit developments, including a fourteen townhouse development at 163 Mitcham Road and a five dwelling development at 11 Langford Crescent. There is also a spread of two dwelling developments, being mainly located along Park Road.
- 1.14 Gardens are generally well established with a good presentation of canopy trees, many of which are native species. In the local streets, there is a range of frontage treatments, with some being open and others having low fences.
- 1.15 The subject land is not considered to be an "island site" and instead is interpreted as being an integral part of this housing precinct with the potential for relatively straightforward road connection to the local street system, as was originally envisaged through the primary subdivision.
- 1.16 The site has abuttals with a total of nine residential properties (west and south), all containing single dwellings which are generally elevated on the side which faces the site. All are provided with paling fences to the common boundary. These vary in height and are generally in good condition.
- 1.17 Surrounding development is described as follows:

Direction	Address	Description
North	Eastern Freeway Linear Reserve	<p>This is a public reserve which is suited to informal passive recreation.</p> <p>The open space near the site is grassed and formally treed in a pattern which recognises the orchard history of the area. The deciduous trees are still young and will develop to create an interesting character.</p> <p>There is a wide grassed batter down to the Eastern Freeway Trail (cycle/pedestrian link) and some elevated concrete sound attenuation walls beyond.</p>
South	23 Park Road, Donvale	<p>This lot has a side boundary common with the site. It contains an older, single storey, brick house with a hipped/tiled roof and a setback of 9.1m from Park Road. There is a carport on the northern side and a cement sheet garage to the rear. There is heavy shrub screening along part of the</p>

Direction	Address	Description
	1 Clements Avenue, Donvale	<p>common boundary, but several habitable room windows have views to the site (wall setback approx. 5.5m). The frontage is stepped 5.0m forward of the site's frontage.</p> <p>This lot has a rear boundary common with the site. It contains an older, single storey, brick house with a hipped/tiled roof. Several large habitable room windows and an elevated rear verandah offer views to the site (wall setback is approx. 19.0m).</p>
	3 Clements Avenue, Donvale	<p>This lot has a rear boundary common with the site. It contains an older, single storey, brick house with a hipped/tiled roof and a flat roofed double garage with an infill section to the back boundary. Several small habitable room windows face the site (wall setback approx. 17.0m).</p>
	5 Clements Avenue, Donvale	<p>This lot has a rear boundary common with the site. It contains a single storey, brick house with a hipped/tiled roof and a large rear verandah to one side. Some screening is provided by tall shrubs on the rear boundary, however, there are still views to the site from a large habitable room window and the verandah (wall setback approx. 19.0m).</p>
	7 Clements Avenue, Donvale	<p>This lot has a rear boundary common with the site. It contains an older, single storey, brick house with a hipped/tiled roof. The house is angled diagonally down the lot and presents a narrow end wall to the site. A large habitable room window in this wall is largely screened by an adjacent tree (corner setback approx. 12.5m). Dense screen planting is becoming established along the rear</p>

Direction	Address	Description
	<p data-bbox="563 416 831 477">9 Clements Avenue, Donvale</p> <p data-bbox="563 1093 807 1153">16 Langford Drive, Donvale</p>	<p data-bbox="927 264 1386 360">boundary. An in-ground swimming pool is within the north-eastern portion of the rear yard.</p> <p data-bbox="927 383 1386 1081">This lot has a rear boundary common with the site. The lot contains an older, split-levelled, timber house with a hipped/tiled roof. There is a carport under the high northern end and a verandah facing the site (wall setback approx. 10.0m). The property features some tall eucalypts, pines and other under-storey planting which provide quite good screening from the site. The house has a minimum side setback of approx. 4.0m to Langford Crescent, with no fence and some tree planting to the nature strip. Submitted plans do not show the side boundary line to Langford Crescent and incorrectly provide setback details to the road pavement.</p> <p data-bbox="927 1104 1386 1839">This wedge shaped lot has a side boundary common with the site. It contains a single storey, brick and "Shadowclad" dwelling with a low metal sheet roof over the older section. A new flat roofed extension has been added to the northern end since the applicant's survey plans were completed, so this is not shown on the submitted plans. The new section is high and quite close to the common boundary. Several habitable room windows offer views over the sloping side fence. A roofed outdoor space is to the rear. The house has a minimum front setback of 7.9m and is served by 2 crossovers, with the northernmost accessing a garage below the main floor level. There is no front fence.</p>
East	28-30 Park Road, Donvale	This property contains five brick dwellings served by a central driveway. The front two dwellings



Direction	Address	Description
	32 Park Road, Donvale	<p>are two-storey. A paling fence is provided to the frontage. There is a wide, grassed nature strip in front, with a bus stop.</p> <p>This lot contains a recently built, two-storey house which presents to Savaris Court. There is no vehicular access to Park Road and there is a paling fence to the frontage.</p>
West	18 Wrendale Drive, Donvale	<p>This triangular lot has a side boundary common with the site. It contains a painted, brick house with a metal sheet roof. The house is quite high on the eastern side and there is garage parking under the main floor. A series of large habitable room windows in the long eastern wall faces down the site, these being above the height of paling fence. A small front balcony and a rear covered entertaining area also offer views (approx. side setback 2.7m). The front setback to Wrendale Drive is 5.88m (to a corner). There is no front fence, but planting is provided. There is a crossover near the end of Wrendale Drive.</p>
	23 Wrendale Drive, Donvale	<p>This lot has a side boundary common with the site. It contains a single storey, brick house with a hipped/tiled roof and a flat roofed carport to the common boundary. There is an elevated side verandah and several windows and a door with views over the site. There is a minimum side setback of approx. 4.0m. Some screening is provided by trees. There is a crossover near the end of Wrendale Drive.</p>

- 1.18 Park Road is a Council link road with a single traffic lane in either direction. There is a constructed footpath and an open grassed area within the nature strip adjacent to the site (with electrical supply poles). The speed limit past the site is 60kph. No parking is possible adjacent or opposite the site due to

bus stops. The road does not appear to attract on-street parking in the vicinity of the site.

- 1.19 Wrendale Drive is a Council local street which connects with Mitcham Road (4 traffic lanes with a central median) at a wide “T” intersection. Cars can turn left or right here and sight lines are good in either direction. A “Keep Clear” zone is provided for the two lanes adjacent to the intersection. The central median is not wide enough for safe “propping”, so gaps in the two traffic flows must be synchronised in order to turn right from the intersection in a single movement.
- 1.20 Wrendale Drive has a trafficable width of approximately 7.3m and has constructed footpaths on either side. The road slopes down to the site boundary where there is a “T” turn around treatment. There is an “elbow” bend half way along the street. Unrestricted parallel parking is available along both sides of the street. There are only twenty-three dwellings with access to and from this street, so traffic flows are very light.
- 1.21 Langford Crescent is a Council local street, being served by Clements Avenue which is a short local street connecting with Park Road at a “T” intersection. Sight lines at this intersection are good. Both Clements Avenue and Langford Crescent have trafficable widths of approximately 7.3m. Unrestricted parallel parking is available along both sides of the street.
- 1.22 Langford Crescent extends to the north and south of the Clements Avenue intersection. The southern section is a cul de sac with a turning bowl at the end, while the northern section runs downhill to the site boundary, where it terminates without a turning space. There are only two residential properties abutting the northern section of this road. Grassed nature strips exist. Traffic flow in these streets is also very light, as there is no through traffic.
- 1.23 In terms of local zoning under the Manningham Planning Scheme, the site is zoned General Residential Zone Schedule 3. Land to the east and south of the site is zoned General Residential Zone Schedule 1. Land on the eastern side of Park Road is zoned General Residential Zone Schedule 3. Land to the north (Eastern Freeway Linear Reserve) is zoned Road Zone Category 1.
- 1.24 The site is well served by public bus transport on Park Road and Mitcham Road. Mitcham Station (rail) is also 1.7km away. A small strip of shops and a petrol station are located nearby, opposite the Park Road/Mitcham Road intersection. Another local activity centre is at the intersection of Springvale Road and Mitcham Road (medical centre opposite) being 1.2km by road from the site. Comprehensive shopping and service facilities are at Tunstall Square Activity Centre (Neighbourhood level) which is 2.17km by road from the site.
- 1.25 Donvale Reserve which includes sports ovals and tennis courts is 1.3km to the north-west, being adjacent to Mitcham Road. The Eastern Freeway Trail (cycle/pedestrian link) is close to the site and this route connects with the Koonung Trail and the East Link Trail. Cycle access to this path is available from Park Road.
- 1.26 Two primary schools are within 1.5km of the site.

#### **Planning History**

- 1.27 This is the first planning application received in respect of this land.

- 1.28 The application was first lodged with Council on 23 December 2015 and proposed forty-six dwellings. Without having proceeded to the public notification stage, the application was amended to provide for forty-five dwellings on 18 July 2016.
- 1.29 Following the public notification stage, a Consultation Meeting (applicant /objector) was held on 28 September 2016. The meeting was well attended by local residents who were strenuously opposed to the proposed road connections to local streets. Traffic/parking impacts to local streets were discussed, along with concerns regarding the impact of construction vehicles and the perceived overdevelopment of the land. Objectors also outlined concerns regarding the level of compatibility with the prevailing well treed and spacious neighbourhood character.
- 1.30 Objectors expressed concern that Park Road had not been utilised as a proper frontage, with sole vehicular access provided from this arterial road. The planning consultant for the applicant discussed the proposal in general and outlined what he saw as the benefit of applying for a multi-unit development, rather than a small lot subdivision. It was suggested that further work could be done on the proposal.
- 1.31 On 6 October 2016, the applicant's planning consultant provided officers with a rudimentary sketch showing the deletion of the proposed road connection to local streets and an angled driveway at the south-eastern corner of the site (the entry of the indented bus bay) "punched through" a new gap in the proposed dwellings achieved through the deletion of Dwelling 16. There was a suggestion of some additional dwellings at the western end where the public road connection could be removed. A circle was also drawn in the middle of Park Road which was assumed to be a roundabout. The envisaged process to achieve this change was not indicated.
- 1.32 The officer response was to outline that the detailed assessment process had proceeded sufficiently to conclude that the application had inherent design and safety issues relating to the proposed private road. On this basis and considering the lack of any apparent design input from the applicant's traffic engineer, it was considered that there was little common ground for further discussion about access.
- 1.33 No further submissions were made to Council by the applicant.

## **2 PROPOSAL**

### **Overview**

- 2.1 The application was supported by plan documentation, including cut and fill details. No landscaping plan formed part of the final submission.
- 2.2 The following consultant's reports were also lodged-
- Planning report (Melbourne Planning Outcomes)
  - Traffic/Parking report (Traffix Group)
  - Storm Water Management Plan (Stormy Water Solutions)
  - Traffic Noise Report (AECOM Australia Pty Ltd)
  - Arboricultural Report (Carney & Stone).
- 2.3 Additional information (as a result of officer requests) was provided by the traffic consultant and the drainage consultant.

- 2.4 The proposal has been put forward as a multi-unit development for assessment under Clause 55 (ResCode) of the Manningham Planning Scheme. As with most multi-unit proposals, the subdivision of the land into lots is not proposed at this stage and would follow on from any planning approval which is issued for “construction of dwellings”.
- 2.5 A new public road connection is proposed in the form of an “elbow” between the ends of Wrendale Drive and Langford Crescent. A modified stormwater retarding basin in a more defined space is to be constructed in the north-western corner of the land. A new electrical sub-station in the form of an above-ground kiosk is proposed to the side of Dwelling 27 with service access via a driveway to the proposed road connection (near the current end of Wrendale Drive).
- 2.6 Forty-five, two-storey dwellings are proposed. Four dwellings will have their front entries presenting to the new road. All others will present to a private access road (loop configuration) which will be in common ownership. Apart from Dwelling 43 which has a single space garage, all dwellings will have a double space garage, with many offering driveway parking opportunities in front (discussed in the Parking Provision section of this report).
- 2.7 The dwellings will display contemporary architectural form and the majority will be attached to at least one other dwelling, with only Dwellings 26, 27, 36 and 37 being detached.
- 2.8 There will be twenty-five, three bedroom dwellings and twenty dwellings with four bedrooms. The larger dwellings have a bedroom on the ground floor. Ten dwellings will abut the southern boundary, four will abut the Park Road frontage and thirteen will abut the northern boundary.
- 2.9 Site coverage (buildings) is shown at 36.47%, while pervious land surface is shown at 36.24%. The proposed dwelling density is 1 dwelling per 305m<sup>2</sup> of total site area.
- 2.10 More specific details of the proposal are provided as follows-

**Earthworks/Drainage modifications**

- 2.11 Prior to building commencement, all vegetation will be removed from the site and bulk earthworks will be carried out to establish correct levels for the road connection, the private access road, the altered retarding basin and the footprints for the dwellings. Generally, filling will occur through the centre of the site and along the north/south valley. Cutting of between 200mm and 1.0m will occur along part of northern area, while cutting of 200mm will occur over the western half of the southern area.
- 2.12 Earthworks will also occur in relation to the proposed retarding basin in the north-western corner to modify batters and establish cut lines for a proposed retaining wall system. These works will provide for increased storage capacity within a more defined space.
- 2.13 Some new batters associated with the retarding basin will be at a slope of approximately 1:4 and there will be several retaining walls of up to 1.7m high. The walls will follow the line of the safety rail shown on the Site/Ground Floor Plan. The basin floor will have a wetland character consisting of water tolerant plantings in a shallow marsh zone (water depth of 400mm under normal conditions). It is indicated that the basin has been designed to handle a 1:100 year storm event by providing upper levels of approximately 155mAHD. The system will include a pollutant trap.

2.14 The drainage infrastructure associated with the new public road will handle some limited stormwater flow from the Wrendale Drive and larger volumes from Langford Crescent, as well as the stormwater from the proposed development. This water will discharge into the retarding basin via a new pipe. Outfall drainage will be via an existing pipe which runs to the north.

2.15 No security fencing is shown between the road/private access road and the retarding basin.

**Building description and height**

2.16 The proposed dwellings are typical of current multi-unit design trends and include a mix of “flat top”, skillion and hipped/tiled roofs. All dwellings have a covered front porch. Proposed external materials include a palette of face brick, render, timber and sheeted panels.

2.17 All garage doors are provided with highlight fenestration. Dwelling window design complements the proposed designs. Floor to ceiling heights are conventional.

2.18 The flat roofed dwellings are generally less than 7.0m in height (from finished ground level), while the dwellings with higher roofs will be generally less than 8.0m in height (from finished ground level). Along the southern interface with existing housing, no dwelling height will exceed 7.73m above the natural ground level (takes into account some filling under Dwelling 25).

2.19 At the Ground Floor, the front walls of the dwellings are setback a range of distances from the edge of the private access road , with some being generous (Dwelling 29 - 4.6m) and others being minimal (Dwelling 43 - 1.75m, Dwelling 8 - 2.0m). Porches are located in the “front yard” setback, with porches to Dwellings 15, 17, 20, 21 and 22 being complemented by roof projections across the main wall (supported at one end by a blade wall). These structures are setback a minimum of 1.6m from the private access road .

2.20 At the upper floor, the front walls are generally stepped back from the lower wall, thus offering a greater setback. The majority of upper setbacks to the private access road are greater than 3.5m, but several are not, with the upper floors of Dwellings 3 and 43 being only 2.04m and 1.7m at the closest points. This is due to reverse articulation whereby the upper floor projects out from the lower wall.

2.21 The majority of dwellings have some level of party wall attachment at the Ground Floor, while all upper floors are separated to varying degrees (not less than 2.0m and generally quite generous).

2.22 The applicant’s planning consultant has indicated that the front yards of the dwellings are to be in private ownership, thus requiring individual owners to maintain them. Each dwelling is provided with secluded private open space in the form of a rear/side yard, with some dwellings having a combination of such spaces. At least one of these “dual” yards will have direct access from a living room and is provided with a timber deck immediately adjacent. Externally accessible storage is provided through a combination of sheds (in yards), garage storage space and under-stair space.

2.23 External clotheslines and 2000 litre, free-standing water tanks are also proposed for each dwelling. No roof-top plant is depicted on the Roof Plan.

2.24 The Traffic Noise Report (AECOM Australia Pty Ltd) concluded that no sound attenuation features were required in respect of the dwellings as a

result of traffic noise from the EastLink Freeway and none were included in the design.

**Building setbacks (to boundaries and the new road)**

- 2.25 There are no “front setbacks” to existing roads, however, Dwellings 12-16 will back onto the Park Road frontage, with varied setbacks at both floor levels. At the ground floor setbacks range from 5.4m (scaled) to 1.0m-1.1m (also scaled). Walls are stepped and there is no prevailing minimum.
- 2.26 The upper levels of these dwellings also have varied setbacks, with Dwelling 13 in the north-eastern corner being the closest to Park Road and with a minimum setback of 2.2m (to a main wall).
- 2.27 Along the southern boundary, a consistent minimum setback of 3.0m is provided at the ground floor, with varying garage setbacks creating stepping. Upper floor walls on this side have minimum setbacks of between 3.58m and 4.4m, with the majority being at 3.7m. Dwelling 26 which will adjoin the elevated dwelling extension at 16 Langford Crescent will have an upper level setback of 4.0m.
- 2.28 Along the northern boundary, a ground floor minimum setback of 2.2m is provided for eleven of the twelve dwellings, but with much greater setback to the garage walls, thus creating stepping. Dwelling 12 at the eastern end has a minimum setback of 4.72m.
- 2.29 At the upper floor, minimum setbacks range from 2.76m to 5.65m.
- 2.30 To the western boundary, Dwellings 26 and 27 have ground floor setbacks ranging between 5.0m (scaled) and 8.17m, while upper floor setbacks are not less than 8.0m.
- 2.31 Dwellings 25, 26, 27 and 45 will present walls to the proposed road and as such will have a “street frontage”. The minimum setbacks of these dwellings vary due to the stepped wall lines and angled presentation of the dwellings.
- 2.32 The following minimum future street setbacks are shown-

Dwelling 25	3.0m to a corner	4.2m to a corner
Dwelling 26	8.15m to a corner	9.6m to a corner
Dwelling 27	4.17m to a corner	5.8m to a corner
Dwelling 44	2.9m to a corner	3.16m to a corner
Dwelling 45	2.73m to a corner	3.85m to a corner

**Vehicular access and circulation**

- 2.33 It is proposed that the development will be accessed via a new road connection between Wrendale Drive and Langford Crescent. This means that all traffic into and out of the development will ultimately access either Mitcham Road or Park Road via the local street system.
- 2.34 The proposed public road connection would be built to generally match the pavement and nature strip widths of the adjoining local streets. A pavement

width of 5.5m is nominated in the Traffix Group report. Footpaths (1.2m wide) are to be constructed on either side. Finished levels and gradients were not provided for the road. The proposed road would, however, be required to be constructed to Council specifications, if an approval is gained.

- 2.35 The proposed private access road will be generally 4.3m wide (bitumen surface) and will connect with the new road in two places, with the intersections being approximately 15.0m apart. The two associated openings will be 7.0m wide. The private access road narrows in two locations on the northern arm where two “bulges” are shown (in front of Dwellings 31-32 and Dwelling 35). The Traffic/Parking report refers to these as “narrowed sections” for speed control.
- 2.36 The private access road includes an integrated 1.2m wide trafficable footpath (concrete) on the “outside” edge and with no grade separation to the driveway pavement. This provides a combined trafficable width of 5.5m. No kerbs are shown on the submitted plan. Levels on the southern section of the driveway indicate road drainage towards the footpath side. It is not known where stormwater pits would be located.
- 2.37 The private access road is not shown with nature strips and what would eventually be the frontage of any future lots (in the event of subdivision of an approved development) will adjoin the trafficable pavement.
- 2.38 The private access road will be maintained by any future Owners’ Corporation (Council will have no responsibility). Council would be responsible for the maintenance of the public road connection.

#### **Road and driveway illumination**

- 2.39 Public street lighting in accordance with current Australian Standards would be required to the new road section. Such details would be specified within an engineering construction plan which would be required by a condition, in the event of an approval.
- 2.40 Illumination of the private access road is proposed through “bollard lights” which are taken to mean low level, post-type lights connected to mains electricity via an underground supply. The lights are shown along both sides of the private access road at wide intervals, being within the front yards of dwellings and adjacent to the circulation pavement.
- 2.41 The running and maintenance costs of the private access road lighting will be the responsibility of any future Owners’ Corporation.

#### **Pedestrian circulation**

- 2.42 The Ground Floor Plan shows footpaths within the nature strips on either side of the new road section. The extent, width and materials of such paths would be specified on an engineering construction plan required by a condition, in the event of an approval. As there are no concrete footpaths at the lower end of Langford Crescent, the paths would terminate at the site boundary. Connections would be required to the existing footpaths within Wrendale Drive.
- 2.43 The Ground Floor Plan shows a 1.2m wide concrete footpath to one side of the 4.3m wide private access road. The plan also shows this footpath zone “bulging out” in one location on the southern section (in front of Dwelling 21). Being part of the trafficable surface means that when two cars pass, one car will be driving on the footpath. The applicant’s traffic report indicates that this

is not considered to be unsafe for pedestrians, due to the low traffic volumes and the expected slow speeds of the traffic.

- 2.44 The plan provides two other pedestrian path connections. Located in a 3.0m wide corridor between Dwellings 5 and 6, one path would connect with parkland to the north. Another path within a 2.9m wide corridor between Dwellings 14 and 15 will provide access to Park Road. Security gates are proposed to both paths.
- 2.45 Being within what will be Common Property of a multi-unit development (in the event of an approval and subdivision), none of the pedestrian paths associated with the private access road would be public, so persons from outside of the development would have no legal right of passage through the site.

#### **Landscape Theme**

- 2.46 No landscape plan was submitted for the current proposal. In the event of an approval, a detailed plan would be required by way of condition.
- 2.47 Based on the theme of an earlier plan for the superseded forty-six dwelling development (LCD-002 received on 23 December 2015), it is expected that eucalypts would be planted along the new road, acacias would be planted in front of the retarding basin and ornamental exotic trees would line the private access road, being planted within grassed front yards. Rear yards would have some shrub planting and a native or exotic tree. Screen planting in rows is shown along the southern boundary.
- 2.48 Mixed screen tree planting is shown as a possibility along the Park Road nature strip in front of the site frontage (subject to Council approval).

#### **Parking Provision**

- 2.49 Apart from Dwelling 43 which has a single garage and a tandem parking space in front, all other dwellings are provided with a double garage. This provides a minimum of ninety resident parking spaces. In addition, at least twenty-eight driveways to garages are capable of accommodating a parked car without any overhang off the driveway.
- 2.50 There are five communal visitor spaces towards the eastern end of the private access road. Depending on what rules are adopted by any future Owners' Corporation, parking may also occur along the private access road (presumably on the side opposite to the trafficable footpath).
- 2.51 Some limited on-street parking would also be available along the straight section of the proposed public road.

#### **Traffic Generation**

- 2.52 The applicant's traffic report estimates that on the private access road, no section will accommodate more than 150 vehicle trips ends (VTE) per day. In terms of overall traffic generation, it is estimated that the likely traffic generation rate will be 6.5VTE per dwelling per day, resulting in a total of 293VTE per day. The peak hour rate is calculated to be 0.65VTE per dwelling which translates to a total of 29VTE.
- 2.53 The report concludes that as the traffic from the development will be fairly evenly distributed between several local roads, there will not be any unreasonable impacts on the road network or associated intersections.



- 2.54 The report did not examine delay times at the local street intersections with Park Road and Mitcham Road, but this aspect has been considered as part of the officer assessment.

#### **Rubbish Collection**

- 2.55 A Waste Management Plan was provided with the application. As the applicant was advised that Council contractors would not collect waste from the private access road, the plan proposes private rubbish collection for all dwellings not fronting the proposed road connection (total of 41). The four dwellings which front the proposed public road could utilise Council kerbside collection.
- 2.56 All residents will be responsible for moving their bins to and from the collection points which are generally shown within the front yard of dwellings. The private contractor is expected to use a full-size truck (8.8m long) with rear lifting and a two man crew.

### **3 PRIORITY/TIMING**

- 3.1 The statutory time for considering a planning application is 60 days. The statutory time lapsed on 16 September 2016.
- 3.2 No Application for Review against failure to grant a permit (within the prescribed period) has been lodged by the applicant.
- 3.3 The nature of this proposal, along with the complexities of the site have meant that consideration of the application has been over a longer period than normal. Issues which may not have been immediately apparent when the application was first lodged have been brought out through the detailed assessment process and officer discussion.

### **4 RELEVANT LEGISLATION**

- 4.1 The Planning and Environment Act 1987 is the relevant legislation governing planning in Victoria. The Act identifies subordinate legislation in the form of Planning Schemes to guide future land use and development.
- 4.2 Section 60 of the Act outlines what matters a Responsible Authority must consider in the determination of an application. The Responsible Authority is required to consider:
- the relevant planning scheme; and
  - the objectives of planning in Victoria; and
  - all objections and other submissions which it has received and which have not been withdrawn; and
  - any decision and comments of a referral authority which it has received; and
  - any significant effects which the responsible authority considers the use or development may have on the environment or which the responsible authority considers the environment may have on the use or development.
- 4.3 Section 61(4) of the Act makes specific reference to covenants, however, this is not relevant because none of the lots are burdened by a covenant.

- 4.4 Pursuant to Section 79 of the Planning and Environment Act 1987, an applicant for a permit may apply to VCAT for review of the failure of the responsible authority to grant a permit within the prescribed time.

## 5 MANNINGHAM PLANNING SCHEME

### State Planning Policy Framework

- 5.1 The following clauses are seen as the most relevant to the subject application
- 5.2 **Clause 13.03-1 Use of contaminated and potentially contaminated land** seeks to ensure that potentially contaminated land is suitable for its intended future use and development. Applicants must provide information as required.
- 5.3 **Clause 15.01-1 Urban Design** seeks to create urban environments that are safe, functional and provide good quality environments with a sense of place and cultural identity. Strategies towards achieving this are identified as follows:
- Promote good urban design to make the environment more liveable and attractive.
  - Ensure new development or redevelopment contributes to community and cultural life by improving safety, diversity and choice, the quality of living and working environments, accessibility and inclusiveness and environmental sustainability.
  - Require development to respond to its context in terms of urban character, cultural heritage, natural features, surrounding landscape and climate.
  - Ensure transport corridors integrate land use planning, urban design and transport planning and are developed and managed with particular attention to urban design aspects.
  - Encourage retention of existing vegetation or revegetation as part of subdivision and development proposals.
- 5.4 **Clause 15.01-4 Design for Safety** seeks to improve community safety and encourage neighbourhood design that makes people feel safe. The strategy identified to achieve this objective is to ensure the design of buildings, public spaces and the mix of activities contributes to safety and perceptions of safety.
- 5.5 **Clause 15.01-5 Cultural Identity and Neighbourhood Character** seeks to recognise and protect cultural identity, neighbourhood character and sense of place. Strategies towards achieving this are identified as follows:
- Ensure development responds and contributes to existing sense of place and cultural identity.
  - Ensure development recognises distinctive urban forms and layout and their relationship to landscape and vegetation.
  - Ensure development responds to its context and reinforces special characteristics of local environment and place.

- 5.6 **Clause 15.02-1 Energy and Resource Efficiency** seeks to encourage land use and development that is consistent with the efficient use of energy and the minimisation of greenhouse gas emissions.
- 5.7 **Clause 16.01-1 Integrated Housing** seeks to promote a housing market that meets community needs. Strategies towards achieving this are identified as follows:
- Increase the supply of housing in existing urban areas by facilitating increased housing yield in appropriate locations.
  - Ensure housing developments are integrated with infrastructure and services, whether they are located in existing suburbs, growth areas or regional towns.
- 5.8 **Clause 16.01-2 Location of Residential Development** seeks to locate new housing in or close to activity centres and employment corridors and at other strategic redevelopment sites that offer good access to services and transport. Strategies towards achieving this are identified as follows:
- Increase the proportion of housing in Metropolitan Melbourne to be developed within the established urban area, particularly at activity centres, employment corridors and at other strategic sites, and reduce the share of new dwellings in greenfield and dispersed development areas.
  - In Metropolitan Melbourne, locate more intense housing development in and around activity centres, in areas close to train stations and on large redevelopment sites.
  - Encourage higher density housing development on sites that are well located in relation to activity centres, employment corridors and public transport.
  - Facilitate residential development that is cost-effective in infrastructure provision and use, energy efficient, incorporates water efficient design principles and encourages public transport use.
- 5.9 **Clause 16.01-4 Housing Diversity** seeks to provide for a range of housing types to meet increasingly diverse needs. Strategies towards achieving this are identified as follows:
- Ensure housing stock matches changing demand by widening housing choice, particularly in the middle and outer suburbs.
  - Support opportunities for a wide range of income groups to choose housing in well serviced locations.
- 5.10 **Clause 16.01-5 Housing affordability** seeks to deliver more affordable housing closer to jobs, transport and services.
- 5.11 **Clause 18.02-5 Car parking** seeks to ensure an adequate supply of car parking that is appropriately designed and located.
- 5.12 **Clause 19.03-2 Water supply, sewerage and drainage** covers community service infrastructure and in particular calls for urban stormwater drainage systems to reduce peak flows, enhance flood protection and to reduce litter intrusion.

**Municipal Strategic Statement (Clause 21)**

- 5.13 **Clause 21.03 Key Influences** identifies that future housing need and residential amenity are critical land use issues. The MSS acknowledges that there is a general trend towards smaller household size as a result of an aging population and smaller family structure which will lead to an imbalance between the housing needs of the population and the actual housing stock that is available.
- 5.14 This increasing pressure for re-development raises issues about how these changes affect the character and amenity of local neighbourhoods. In meeting future housing needs, the challenge is to provide for residential redevelopment in appropriate locations, to reduce pressure for development in more sensitive areas, and in a manner that reasonably respects the residential character.
- 5.15 **Clause 21.05 Residential** applies to development in a General Residential Zone. This policy outlines the division of Manningham into four Residential Character Precincts. The precincts seek to channel increased housing densities around activity centres and main roads where facilities and services are available.
- 5.1 The site and land immediately to the east is not within an area covered by the precincts. However, land to the south of the site is within Precinct 1 – Residential Areas removed from Activity Centres and Main Roads. An “incremental level of change” is anticipated in this precinct, with a “less intensive urban form”.
- 5.2 **Clause 21.05-2 Housing** has the following relevant objectives:
- To accommodate Manningham’s projected population growth.
  - To ensure that housing choice, quality and diversity will be increased to better meet the needs of the local community and reflect demographic changes.
  - To ensure that higher density housing is located close to activity centres and along main roads in accordance with relevant strategies.
  - To promote affordable and accessible housing to enable residents with changing needs to stay within their local neighbourhood or the municipality.
  - To encourage development of key Redevelopment Sites to support a diverse residential community that offers a range of dwelling densities and lifestyle opportunities.
  - To encourage high quality and integrated environmentally sustainable development.
- 5.3 The strategies to achieve these objectives include:
- Encourage the provision of housing stock which 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.
  - Encourage and guide higher density residential development close to activity centres and along main roads identified as Precinct 2 on the Residential Framework Plan 1 and Map 1 to this clause.

- Encourage development to be designed to respond to the needs of people with limited mobility, which may for example, incorporate lifts into three storey developments.
  - 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.
  - Investigate the most appropriate suite of planning controls to achieve the desired outcomes for Key Redevelopment Sites.
- 5.4 **Clause 21.05-4 Built form and neighbourhood character** has the following objective:
- To encourage residential development that enhances the existing or preferred neighbourhood character of the residential character precincts as shown on Map 1 to this Clause.
- 5.5 The strategies to achieve this objective include:
- Require residential development to be designed and landscaped to make a positive contribution to the streetscape and the character of the local area.
  - Ensure that where development is constructed on steeply sloping sites that any development is encouraged to adopt suitable architectural techniques that minimise earthworks and building bulk.
  - Ensure that development is designed to provide a high level of internal amenity for residents.
  - Require residential development to include stepped heights, articulation and sufficient setbacks to avoid detrimental impacts to the area's character and amenity.
- 5.6 **Clause 21.10 Ecologically Sustainable Development** is relevant to this application. It outlines a number of objectives and strategies to address key areas of ecologically sustainable development under the following headings building energy management, water sensitive design, external environmental amenity, waste management, quality of private and public realm and transport.

#### **Clause 22 Local Planning Policies**

- 5.7 **Clause 22.08 Safety through urban design policy** includes the following objective:
- To provide and maintain a safer physical environment for those who live in, work in or visit the City of Manningham.
- 5.8 Key design matters (relevant to this application) are as follows-

#### Building design

- The location of building entrances and windows maximise opportunities for passive surveillance of streets and other public spaces.
- Buildings be orientated to maximise surveillance of entrances and exits from streets.
- Building design and layout avoid potential entrapment points, such as "blind" alcoves and "dead-ends".

Street layout/access and subdivision

- Streetscapes be attractive, and have clearly defined areas for pedestrian and vehicle movement by providing a nature strip, change in levels, different building materials and appropriate lighting.
- The streetscape should provide natural surveillance and visibility for pedestrians, drivers and occupants of adjacent buildings/properties.

Car parks

- The design, location and management of car parks promote public safety and maximise visibility and sightlines to eliminate hidden car spaces, blind corners and areas of potential entrapment.

5.9 **Clause 22.09 Access for disabled people policy** includes the following objectives:

- To facilitate the integration of people with a disability into the community.
- To ensure that people with a disability have the same level of access to buildings, services and facilities as any other person.

**Clause 32 Residential Zones**

5.10 The site, Park Road (adjacent to the site) and land immediately opposite on Park Road are within the General Residential Zone Schedule 3. Residential lots immediately abutting the site are, however, within the General Residential Zone Schedule 3. Parkland to the north of the site is within the Road Zone Category 1.

5.11 **Clause 32.08 General Residential Zone** contains the following purpose statement:

- To implement the State Planning Policy Framework and the Local Planning Policy
- Framework, including the Municipal Strategic Statement and local planning policies.
- To encourage development that respects the neighbourhood character of the area.
- To implement neighbourhood character policy and adopted neighbourhood character guidelines.
- To provide a diversity of housing types and moderate housing growth in locations offering good access to services and transport.
- To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.

5.12 A planning permit is required to construct two or more dwellings on a lot within this zone. Clause 55 (ResCode) is the assessment tool for buildings of up to four storeys in height.

5.13 Schedule 3 to Clause 32.08 General Residential Zone relates to "Post 1975 Residential Areas" and contains no special requirements in relation to Clause 55 standards.

- 5.14 **Clause 55 Two or more dwellings on a lot and residential buildings** applies to the overall development and sets out various Objectives which must be met. Various Standards are provided as a method of achieving the required Objective.

#### **Particular Provisions**

- 5.15 **Clause 52.06 Car parking** sets out parking rates and provides a decision making framework to vary such rates. The clause also sets out design standards for car spaces and vehicular access (including ramps). The required parking rate for a dwelling is as follows-
- One car space to each one or two bedroom dwelling, plus
  - Two car spaces to each three or more bedroom dwelling (with studies or studios that are separate rooms, counted as a bedrooms), plus
  - One car space for visitors to every five dwellings for developments of five or more dwellings.
- 5.16 This clause also sets out design standards for driveways and car park layout.
- 5.17 **Clause 52.34 Bicycle Facilities** does not apply, as no part of the development exceeds three storeys.

#### **General Provisions**

- 5.18 **Clause 65 (Decision Guidelines)** outlines that before deciding on an application, the responsible authority must consider, as appropriate:
- The matters set out in Section 60 of the Act.
  - The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
  - The purpose of the zone, overlay or other provision.
  - Any matter required to be considered in the zone, overlay or other provision.
  - The orderly planning of the area.
  - The effect on the amenity of the area.
  - The proximity of the land to any public land.
  - Factors likely to cause or contribute to land degradation, salinity or reduce water quality.
  - Whether the proposed development is designed to maintain or improve the quality of stormwater within and exiting the site.
  - The extent and character of native vegetation and the likelihood of its destruction.
  - Whether native vegetation is to be or can be protected, planted or allowed to regenerate.
  - The degree of flood, erosion or fire hazard associated with the location of the land and the use, development or management of the land so as to minimise any such hazard.

- 5.19 Clause 62 Uses, Buildings, Works, Subdivisions and Demolition Not Requiring a Permit** states that no planning permit is required for the use of land for a “Road” or associated works.
- 5.20** Proposed Amendment C109 is a planning scheme amendment which aims to utilise updated flood modelling by Council and Melbourne Water as a basis for applying flooding overlays to affected areas throughout Manningham.
- 5.21** As a result of the site’s drainage characteristics, much of this area is affected by a proposed Special Building Overlay Schedule 2, with some peripheral land at the upper end of the east/west depression being within proposed Special Building Overlay Schedule 3.
- 5.22** Proposed Special Building Overlay Schedule 2 would trigger the need for a planning permit for buildings and works, with consideration being given to establishing required floor levels for new dwellings.

## **6 PLANNING ASSESSMENT**

### **Overview**

- 6.1** The site is within a small, well defined housing precinct bounded by Park Road, Mitcham Road and the EastLink Freeway reservation and has full visual exposure to Park Road, both across the frontage and diagonally across VicRoad’s parkland (viewed from the north-east). It is considered that this precinct is suited to an incremental level of housing change. Taking into account the larger size of the original house lots and the age of associated housing, there is likely to be on-going redevelopment for multi-unit housing in this precinct.
- 6.2** In terms of development potential, the site can be modified through earthworks to offer excellent opportunities for dwelling construction, without any significant impacts to residential interfaces. The land is well served by bus transport, has public open space adjacent and is well connected via fully constructed local roads to the arterial road network, offering short driving times to Tunstall Square Neighbourhood Activity Centre or commercial and rail facilities in nearby Mitcham.
- 6.3** The site is therefore considered to be well suited to some form of multi-unit development. Whether this is achieved through a single development or through a series of smaller developments is not critical from a planning perspective. The opportunity to carry out a single development does, however, offer advantages in terms of simplifying infrastructure construction, managing construction activities (including truck access) and achieving architectural/landscaping continuity throughout.
- 6.4** Being such a large parcel of land means that a housing development over the entirety has the potential to generate its own sense of identity in terms of style and built form, especially as there are no planning impediments to a more contemporary style of housing.
- 6.5** However, with a proposed road connection to two abutting streets resulting in local traffic and pedestrians traffic movement through the development site (via the proposed public road reservation), dwellings which present to the proposed public road will be “read” as part of the wider streetscape, while



there will also be lengthy views presented along the southern arm of the private access road. On this basis, it is important that the development presents appropriately in a setting that complements the “feel” of the neighbourhood. This also applies to the proposed retarding basin, as this open area will be highly visible at the bend in the proposed road.

- 6.6 From a general planning perspective, it is considered that the proposed development does not “hit the mark” in terms of the spatial presentation of a range of dwellings to the proposed road, the private access road and to the Park Road frontage.
- 6.7 There are also shortcomings in respect of the arrangement of secluded private open space at the western end of the central housing rows and landscape presentation issues.
- 6.8 Concern also exists in respect of how pedestrian access is to be achieved throughout the main part of the development (private access road) and the fact that cars and pedestrians are expected to share the same space for relatively long distances in a residential environment where distractions and possibly unexpected pedestrian movement may occur from front entries and driveways. This arrangement was utilised in respect of an intensive housing development at Morello Circle, Doncaster East and the general impression of how it is functioning is not particularly favourable.
- 6.9 Had the current development been for the subdivision of land into lots, it would have been assessed under Standard C20 of Clause 56.06-7 Neighbourhood street network detail objective. This standard provides design criteria for different levels of streets and roads. “Access place” applies to minor streets with shared traffic and pedestrian use (but with pedestrian priority) and for such streets a 5.5m pavement width is required for car use and a 1.5m wide footpath is required to one side, not less than 1.0m from the kerb.
- 6.10 The proposal has not followed this design approach, but rather combined both aspects of vehicular and pedestrian movement into a single entity (for the private access road), in order to maximise land availability for housing development. In other words, in the interests of a higher dwelling density, a more “space saving” internal access system has been adopted. While this approach may be reasonable for a much smaller housing development or for short lanes, it is not considered appropriate for development of this scale and with such long, straight sections of roadway.
- 6.11 Having considered the resident/objector concerns regarding the proposed road connection into the local street system, it is concluded that there is no justifiable traffic engineering basis on which to oppose such connection. Although a frontage exists to Park Road, the applicant is under no obligation to utilise this for access and Council must consider the proposal as presented.
- 6.12 It is recognised that the proposed use of local streets for vehicular access will result in a reduction of the amenity levels that are currently enjoyed by residents of the abutting local streets, but not to the extent that the character of the local streets or the liveability of homes will be significantly changed. Allowing for the expected increase in traffic through local streets, the character of the streets will become more like neighbouring streets, where there are higher traffic volumes due to greater street length and hence dwelling numbers.

- 6.13 The following detailed assessment of the application is made in respect of the relevant sections of the Manningham Planning Scheme:

**Clause 52.06 Car Parking**

- 6.14 Prior to a new use commencing or a new building being occupied, Clause 52.06-2 requires that the number of car parking spaces outlined at Clause 52.06-6 to be provided on the land or as approved under Clause 52.06-3 to the satisfaction of the Responsible Authority.
- 6.15 This clause requires resident car parking at a rate of one space for each dwelling with one or two bedrooms and two spaces for each dwelling with three or more bedrooms. Visitor car parking is required at a rate of one car parking space for every five dwellings. What actually constitutes a “visitor space” is not defined by the Planning Scheme.
- 6.16 In terms of the required number of visitor car parking spaces (nine spaces), the proposal provides five communal spaces towards the eastern end of the private access road. It is estimated that safe public parking for at least four other cars would also be available along the proposed road connection at the western end of the site. In addition, many dwellings would be able to accommodate a visitor’s car in front of their double garage. Therefore, visitor parking requirements are considered to be satisfied.
- 6.17 The following table provides an assessment of the proposal against the seven (7) design standards at Clause 52.06-8:

Design Standard	Met/Not Met
1 - Accessways	<p><b>Met subject to a condition on any planning approval</b></p> <p>It is considered that this Design Standard relates primarily to driveways of the development which includes the private access road, but not the proposed new road connection which is built to a higher standard.</p> <p>The private access road has a width greater than 3.0m (the minimum width) and has appropriate radii. All driveways to garages have a minimum width of 3.0m. The driveways which abut the trafficable footpath are not provided with turning radii at the intersectional edges. The design appears to suggest that this is unnecessary due to the additional turning space provided by the trafficable footpath. This approach is not supported and would be required to be altered in the event of an approval.</p> <p>The required passing areas are provided where the private access road connects with the proposed public road. However, Council’s Traffic Engineer has some safety concerns about northbound cars turning right into these intersections. A method to slow southbound cars is required, so as to improve reaction times (relates to the bend in the road and sight distances).</p> <p>Suitable visibility splays for vehicles egressing driveways can be achieved and garage openings are of</p>

	compliant height.
2 - Car Parking Spaces	<p><b>Met subject to a condition on any planning approval</b></p> <p>The internal dimensions of the garages and the size of the communal visitor parking spaces are satisfactory. However, several garages appear not to provide a 6.0m clear length for parking due to storage allocation at the end. Any planning approval would rectify this through a permit condition.</p>
3 - Gradients	<p><b>Met</b></p> <p>Gradients of the private access road and all driveway gradients are compliant.</p> <p>In the event of an approval, a construction design plan would be required in respect of the private access road and the public road connection.</p>
4 - Mechanical Parking	<b>Not applicable.</b>
5 - Urban Design	<p><b>Met</b></p> <p>Parking, garage doors and accessways will not be visually dominating. Fenestration is provided to double garage doors and many garages are stepped back or have a different floor level in relation to the adjoining garage (where they abut).</p>
6 - Safety	<p><b>Met</b></p> <p>The five communal visitor car spaces will be safe to use and will be illuminated by the communal lighting system of the private access road.</p> <p>This clause does not specifically cover pedestrian safety along driveways and only refers to safety in parking areas. Overall, pedestrian safety within the development is, nonetheless, a matter which needs to be considered as part of the overall planning assessment and a shortcoming has been identified.</p> <p>This issue will be discussed in relation to Clause 55.03-7 Safety in the following section.</p>
7 - Landscaping	<p><b>Not Applicable</b></p> <p>This design standard relates mainly to open car parks where there is a need for landscaping and water sensitive urban design.</p> <p>In the event of an approval, the entire site would be subject to the approval of a detailed Landscaping Plan which would include planting adjacent to communal parking spaces (where practical).</p>

**Clause 55 Two or More Dwellings on a Lot**

- 6.18 This clause sets out a range of objectives which must be met. Each objective is supported by standards which should be met. If an alternative design solution to the relevant standard meets the objective, the alternative may be considered.
- 6.19 The following table sets out the level of compliance with the objectives of this clause:

<b>OBJECTIVE</b>	<b>OBJECTIVE MET/NOT MET</b>
<p><b>55.02-1 – Neighbourhood Character</b></p> <p>To ensure that the design respects the existing neighbourhood character or contributes to a preferred neighbourhood character.</p> <p>To ensure that development responds to the features of the site and the surrounding area.</p>	<p><b>Not Met</b></p> <p>It is considered that the proposal fails to adequately respond or contribute to the existing neighbourhood character. Overall, there are areas where dwellings are very cramped in relation to their road frontage. This arrangement will contrast with the predominant spatial theme of the local area and will not enable adequate landscaping responses to be developed, in order to soften the presentation of the two-storey built form, both internally and externally.</p> <p>The proposed retarding basin will not present well from a landscape perspective due to the use of high retaining walls and steep batters. A wider and more contoured design would create a better relationship with the adjoining houses (existing and proposed) and would then as a result, meld with the levels of the adjoining parkland in a more responsive manner.</p> <p>It is considered that a reduction in dwelling numbers is called for, so as to achieve a more spacious and landscape responsive private road/path system throughout, along with greater setbacks to road interfaces (proposed and existing).</p>
<p><b>55.02-2 – Residential Policy</b></p> <p>To ensure that residential development is provided in accordance with any policy for housing in the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.</p> <p>To support medium densities in areas where development</p>	<p><b>Not Met</b></p> <p>It is agreed that the site is suitable for medium density residential development due to its physical characteristics, location and the general availability of public transport, community infrastructure and services.</p> <p>The proposal is therefore considered to satisfy the primary strategic requirement for new housing within Clause 16.01-2. The site does not meet the criteria of a strategic redevelopment site under Clause 16.01-3, so there is no “open ticket” to a higher density development.</p> <p>In respect of Clause 16.01-4 Housing Diversity, the</p>

OBJECTIVE	OBJECTIVE MET/NOT MET
<p>can take advantage of public transport and community infrastructure and services.</p>	<p>proposal will offer a range of house sizes and designs, but no real variation in type. However, this is not unreasonable within the existing neighbourhood context.</p> <p>It is considered that the proposal is non-compliant in respect of some strategies outlined in Clause 15.01-1 Urban Design. In particular, there are a number of design/setout shortcomings which make the development not as liveable as it should be. There are also some design/layout aspects that do not represent good urban design or a suitable response to the context of the site as part of this Donvale neighbourhood.</p> <p>In respect of Clause 15.01-4 Design for safety, there are perceived safety issues in respect of pedestrian infrastructure.</p> <p>In respect of Clause 13.03-1 Use of contaminated and potentially contaminated land, the history of the land would suggest that there is no likelihood of the land being contaminated.</p> <p>In respect of Clause 19.03-2 Water supply, sewerage and drainage, it is considered that the provision of a correctly designed retarding basin on the land will eliminate the likelihood of any flooding to the proposed houses or the road connection.</p> <p>In terms of Local Planning Policy, it is considered that although the site is not within a defined residential character precinct, the overarching character theme for this land can reasonably be linked to the classification of land to the south, where an “incremental level of change” is anticipated.</p> <p>The proposal will increase housing choice in the neighbourhood by providing modern homes which will be primarily constructed along a private road.</p> <p>In terms of Clause 21.05-4 Built form and neighbourhood character, it is considered that several strategies linked to the objective are not satisfactorily met. These relate to the provision of high levels of internal amenity for residents and the need to provide suitable setbacks to avoid detrimental impacts to the area’s character and amenity.</p>
<p><b>55.02-3 – Dwelling Diversity</b></p> <p>To encourage a range of dwelling sizes and types in</p>	<p><b>Met</b></p> <p>There is some variation in dwelling size, with all dwellings containing either three or four bedrooms.</p>

OBJECTIVE	OBJECTIVE MET/NOT MET
<p>developments of ten or more dwellings.</p>	<p>There is also some variety in proposed floor plans.</p> <p>The dwelling type is aimed at the “family” market.</p> <p>In this location, there is no inherent planning concern with the fact that dwellings are all of the same type.</p>
<p><b>55.02-4 – Infrastructure</b></p> <p>To ensure development is provided with appropriate utility services and infrastructure.</p> <p>To ensure development does not unreasonably overload the capacity of utility services and infrastructure.</p>	<p><b>Not Met (first Objective)</b></p> <p>The site has access to all services.</p> <p>The proposed retarding basin will act as a stormwater detention system and so regulate the flow of stormwater from the land. Council’s engineers have determined that the proposed retarding basin is satisfactory in terms of its capacity and outfall characteristics. There are however, engineering and planning concerns about the proposed slope characteristics/wall construction. It is also considered that the on-going maintenance requirements should not be the responsibility of residents of the development.</p> <p>There is no evidence of service capacity issues in this location.</p> <p>While there are no related planning controls, the proposed placement of an electricity supply kiosk adjacent to the secluded private open space and a bedroom of Dwelling 27 is not considered to constitute a responsive or appropriate design approach.</p> <p>The relocation of the facility away from housing or the provision of greater separation is called for by the principles of general amenity.</p>
<p><b>55.02-5 – Integration With Street</b></p> <p>To integrate the layout of development with the street.</p>	<p><b>Met</b></p> <p>None of the proposed dwellings will face onto to an existing street, but five will present to a future street, being the public road connection. Consideration must therefore be given to this aspect.</p> <p>Four of the dwellings are provided with direct path access to the proposed public footpath, while Dwelling 45 relies on connection with its driveway.</p> <p>The orientation of Dwellings 25, 26, 27, 44 and 45 to this road connection is appropriate and will help to create an appropriate streetscape, especially as no fencing is proposed to the front yards.</p> <p>There are, however, setback concerns with some</p>

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	<p>of the dwellings presenting to proposed road connection, as well as dwellings which back onto the Park Road frontage. These concerns are discussed in Clause 55.03-1- Street setback.</p>
<p><b>55.03-1 – Street Setback</b></p> <p>To ensure that the setbacks of buildings from a street respect the existing or preferred neighbourhood character and make efficient use of the site.</p>	<p><b>Not Met</b></p> <p>Under normal circumstances where a proposed dwelling faces an existing street, the required minimum setback from the street is derived from the methods set out in Standard B6 of Clause 55.03-1. In this case, there is no existing street onto which dwellings front, only a proposed section of street (being the public road connection).</p> <p>While Park Road provides an existing street frontage, in the context of the development proposal, it has been represented as a “back boundary”, almost as though there were other lots to the east rather than a busy road.</p> <p>Comparison can be made to those dwellings in other subdivisions which present rear walls to Tree Reserves along arterial roads. However, in respect of the proposal, there is no treed buffer separating the residential boundary from the road reservation.</p> <p>The alignment of the Park Road frontage is also not consistent with the frontage of the dwelling to the south, being stepped 5.0m back from the front boundary of No. 23 Park Road.</p> <p>While it could be argued that the use of Standard B6 on this frontage to determine appropriate building setbacks is not the intended approach, the dwelling setbacks should, nonetheless, be responsive to any adjacent dwelling setback and ensure that proposed dwellings “sit well” in the streetscape and the wider neighbourhood context.</p> <p>In particular, the Park Road setbacks should allow for screen planting (a feature of the immediately abutting dwelling) and ensure that proposed dwellings do not “crowd” the frontage. This is important, as there will be considerable contrast between the nature of existing housing to the west, the proposed housing on the site and then the open parkland to the north. In addition, housing will be quite exposed to the street due to the open and wide nature strip and a lack of street trees in this location.</p> <p>Taking these aspects into consideration, it is considered that the setbacks which are provided to</p>

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	<p>Park Road will not meet the component of the Objective which relates to neighbourhood character. This aspect is more important than the “efficient use of the site” component.</p> <p>Determining what is an appropriate setback is a subjective matter, but a 4.0m minimum for the ground floor walls along the boundary is seen as reasonable, especially if some other wall sections are set further back. This would allow screen planting within the respective yards to develop and offer an acceptable level of building separation to the street.</p> <p>In addition, all upper floors should be stepped further back from the eastern ground floor walls so as to provide a graduated height change.</p> <p>Taking into account the setbacks that are proposed to Park Road (as little as 1.0m to Dwelling 13), it is considered that the proposed dwellings at this end of the site are not appropriately laid out and are not sufficiently respectful of neighbourhood character.</p> <p>As the proposed road connection links the development with the surrounding street network, a wider streetscape relationship is created between the five dwellings which are to present to the new road. There is also a more specific spatial relationship associated with Dwellings 25, 26 and 27 which adjoin existing dwellings in either Langford Crescent or Wrendale Drive.</p> <p>Consideration therefore needs to be given to the future street setbacks of Dwellings 25, 26, 27, 44 and 45.</p> <p>Dwelling 25 - Standard B6 recommends a 4.0m front setback for this dwelling, as the existing dwelling to the south (9 Clements Avenue) presents a side wall to what is proposed to be the common street. The proposal provides a minimum setback of 3.0m, with this distance increasing to 5.0m at the north-western corner. Given the presence of a solid blade wall projection to the side of the porch, and the form of the dwelling, it is considered that a 4.0m minimum setback is appropriate. On this basis, the dwelling is too close to the frontage.</p> <p>Dwelling 26 - This dwelling has a generous front setback of not less than 8.15m and so responds well to the setback of the adjacent dwelling at 16 Langford Crescent (minimum setback of 7.9m).</p>



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	<p>The recommended setback of Standard B6 is met.</p> <p>Dwelling 27 - This dwelling is effectively a “corner” property. Standard B6 recommends a 4.0m minimum front setback and this is achieved. There is also good transition between the larger setback of Dwelling 26 to the south, so the spatial relationship between dwellings will be “comfortable”. The northern side wall setback of this dwelling is also compliant and responds well to the minimum front setback of the existing dwelling at 18 Wrendale Drive.</p> <p>Dwelling 44 - The “Development Context” range of Standard B6 does not immediately fit the circumstances of Dwellings 44 and 45, but it is reasonable to conclude that a 4.0m setback is the “best fit” dimension. Dwelling 44 has a stepped front wall, with setbacks at corners of 2.9m and 3.0m. While it is recognised that walls are further back in part, it is nonetheless, considered that a 4.0m minimum should be applied to help maintain a more open streetscape presentation, especially given the two-storey built form.</p> <p>Dwelling 45 - This dwelling also has a stepped front wall due to the setback of the garage. The main wall has a corner which is only 2.735m from the frontage which is considered to be an inadequate setback distance.</p> <p>Although the private access road will effectively function as a street, it is considered that the Street Setback Objective does not apply to the remaining dwellings which face onto the private access road.</p> <p>There are, however, concerns that some of these dwellings are positioned too close to the driveway to ensure reasonable design/amenity/landscaping outcomes.</p> <p>This aspect is discussed in more detail within Clause 55.03-8 – Landscaping and Clause 55.06 Detailed Design.</p>
<p><b>55.03-2 – Building Height</b></p> <p>To ensure that the height of buildings respects the existing or preferred neighbourhood character.</p>	<p><b>Met</b></p> <p>Standard B7 requires that the maximum building height should not exceed the maximum height specified in the zone, schedule to the zone or an overlay that applies to the land. As there is no maximum height set by the zone provisions and no overlay, a maximum height of 9.0m (to Natural</p>

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	<p>Ground Level) applies, unless certain slope criteria occur, in which case, a 10.0m maximum applies. These heights are not mandatory limits.</p> <p>Given the slope characteristics of the site, the 10.0m maximum height dimension applies.</p> <p>Natural Ground Level (NGL) is not defined by the Planning Scheme and when a site has been modified through earthworks there can be different opinions about what constitutes “natural ground”.</p> <p>As there is to be deep filling of the central valley, the existing ground level will be in some areas well below the finished site level. Given that some central dwellings are to be constructed over this fill, the height measurement (as per the “building height” definition, is taken from the existing ground level. Despite this, the Standard is still met overall.</p> <p>In this regard, five dwellings are at or close to the 10.0m height due to deep filling below their envelope (Dwellings 1, 28, 30, 31 and 32).</p> <p>With two-storey built form throughout and no significant filling to the residential interfaces, the height of the dwellings is deemed to be satisfactory from a neighbourhood character perspective.</p>
<p><b>55.03-3 – Site Coverage</b></p> <p>To ensure that the site coverage respects the existing or preferred neighbourhood character and responds to the features of the site.</p>	<p><b>Met</b></p> <p>There is no maximum site coverage specified in the schedule to the General Residential Zone, so on this basis, Standard B8 recommends a maximum site coverage of 60%.</p> <p>The proposed site coverage is 36.47% which is quite low for a development of this nature. This figure is, however, influenced by the inclusion of the new road reserve and the retarding basin in the site area figure.</p> <p>If these areas are deducted from the site figure, the residue “core housing area” (located east of the new road and the proposed retarding basin) is approximately 10,850m<sup>2</sup>. Based on this figure, the forty-three dwellings within this area would have a site coverage of approximately 46.0%.</p> <p>In both cases, the standard is easily complied with and it is considered that the Objective is met.</p> <p>Despite compliance with recommended site coverage figure, this report concludes that a more responsive layout is called for through a reduction in dwelling numbers. This would most likely be</p>

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	associated with a lower overall site coverage figure.
<p><b>55.03-4 – Permeability</b></p> <p>To reduce the impact of increased stormwater run-off on the drainage system.</p> <p>To facilitate on-site stormwater infiltration.</p>	<p><b>Met</b></p> <p>The proposal has 36.24% of site area as a pervious surface which is greater than the 20% minimum amount recommended by the relevant Standard.</p> <p>Overall, there are considered to be adequate opportunities to absorb a percentage of rainwater into the ground.</p> <p>The proposed retarding basin will control the rate at which stormwater is discharged from the site.</p>
<p><b>55.03-5 – Energy Efficiency</b></p> <p>To achieve and protect energy efficient dwellings.</p> <p>To ensure the orientation and layout of development reduce fossil fuel energy use and make appropriate use of daylight and solar energy.</p>	<p><b>Met</b></p> <p>The proposed dwellings will be required to comply with State determined energy ratings at the Building Permit stage.</p> <p>It is considered that the two-storey buildings will be relatively efficient from a thermal mass perspective, particularly as concrete slab construction is proposed for the ground level.</p> <p>A high percentage of the dwellings will also have a living space with a northern window which is beneficial from a solar access perspective.</p> <p>Breeze paths through the dwellings are not excessive in length.</p> <p>The flat roof design of some dwellings would be particularly suited to the installation of solar panels for water heating and/or energy generation.</p>
<p><b>55.03-6 – Open Space</b></p> <p>To integrate the layout of development with any public and communal open space provided in or adjacent to the development.</p>	<p><b>Met subject to conditions on any planning approval</b></p> <p>The proposal provides an open area in the north-western corner of the site for use as a retarding basin. However, this area will not be used as recreational space or be landscaped, other than through the planting of grass and the installation of water tolerant planting to its base area.</p> <p>While there is no pressing need for Dwelling1 (located immediately adjacent to the retarding basin) to present to the space, it is considered that there will be a poor layout synergy with part of the dwelling being placed hard up to the basin edge.</p> <p>The overall layout recognises the opportunity to</p>

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	<p>connect the new housing with the public open space to the north (via a private walkway) and this is a positive feature which will increase future resident amenity.</p> <p>The Site Plan/Ground Floor does not nominate the type of fencing to be built along the northern boundary. While an open style of fencing would allow views of the parkland from ground level, it is likely that the majority of future residents would prefer a solid paling fence for security and privacy reasons.</p> <p>It would be appropriate from a drainage perspective to maintain wire boundary fencing adjacent to the retarding basin. Fencing details can be required through a permit condition in the event of an approval.</p> <p>As the private access road will be a private asset and security gates will be installed to the pedestrian lanes to the adjoining park and the Park Road frontage, there will be no thoroughfare across the site for existing residents living in adjacent streets.</p> <p>Currently, various large holes exist in the cyclone wire boundary fencing to the site, presumably to facilitate public access from local streets across the vacant land to the VicRoad’s park. Human nature being what it is would suggest that local residents may continue to “short cut” through the site to and from the park, most likely via the eastern edge of the retarding basin.</p> <p>As Council’s open space planner supports the concept of a public footpath connection between Wrendale Drive/Langford Crescent and the Eastern Freeway Linear Park, any planning approval for this land needs to be responsive to this issue.</p> <p>The proposal is not responsive in its current form, however, there is clear potential for a link to be achieved.</p> <p>This could be achieved by a planning condition requirement for a public pedestrian link (through the use of a Section 173 Agreement condition and the creation of a future easement of way at any subdivisional stage). A more spacious and gradually contoured retarding basin (with greater separation to any adjacent dwelling) would provide the opportunity for this option to be explored more fully.</p> <p>This lends weight to the conclusion that the</p>

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	retarding basin is too constrained in its area and form.
<p><b>55.03-7 – Safety</b></p> <p>To ensure the layout of development provides for the safety and security of residents and property.</p>	<p><b>Not Met</b></p> <p>This Objective is considered to be met in terms of “security of residents and property” in that yard spaces will be fenced and there will be gates to the proposed pedestrian lane connections.</p> <p>Residents of dwellings which back onto parkland may feel vulnerable to persons “coming over the back fence”, but this concern can be addressed by individual owners through the use of movement sensing flood lights to rear yards.</p> <p>In terms of safety, it is considered that there are two aspects to be considered. The first is the risk associated with the proposed retarding basin and the second is the risk associated with the proposed pedestrian circulation system of the private access road.</p> <p>In terms of the retarding basin, it is considered that as there will be some permanent water held in the basin and associated levels will vary (depending on the rainfall), the basin will represent the same sort of risk as could be linked to a swimming pool, dam or open drain. Given the proximity to proposed dwellings, there is a case for the provision of security fencing equal to that of a domestic swimming pool enclosure, along with secured gates for service access. This at least would discourage younger children from finding their way to the water (if they wandered). No such fencing is provided.</p> <p>The other matter relates to general safety for persons walking along the private access road. The applicant’s traffic consultant is satisfied with the shared pedestrian/vehicular arrangement and talks positively about the slow traffic speeds that can be expected.</p> <p>However, it must be remembered that there will be different age groups both walking and driving along the private access road and there is no guarantee that all drivers will drive slowly all of the time and that pedestrians and pets will stay on the path confines.</p> <p>With no kerb separation and no height difference between the path surface and the proper driveway surface, there would be no tactile indicator for drivers who may stray inadvertently onto the path section. With many distractions possible for drivers</p>

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	<p>moving though such a housing development, there is increased risk of a pedestrian related accident.</p> <p>Support for the proposed shared pedestrian path/driveway is therefore not given and it is considered that any pedestrian path associated with the private access road should be grade separated and setback from the trafficable surface. Advice from Council's traffic engineer supports this conclusion.</p> <p>Given the above, the Objective is not met by the proposal.</p>
<p><b>55.03-8 – Landscaping</b></p> <p>To encourage development that respects the landscape character of the neighbourhood.</p> <p>To encourage development that maintains and enhances habitat for plants and animals in locations of habitat importance.</p> <p>To provide appropriate landscaping.</p> <p>To encourage the retention of mature vegetation on the site.</p>	<p><b>Not Met</b></p> <p>As this site is not of habitat importance and the mature vegetation on the land is in quite poor condition, it is considered that only the first and third Objectives need to be considered.</p> <p>It is recognised that a development of this nature will require the clearing of the whole site to achieve the necessary surface level adjustments and to provide construction access during the building process. As a result, there will be dependence on fresh landscaping to achieve a long term planting theme.</p> <p>In the event of an approval, Council would have the ability to generally specify species and locations for primary garden elements, such as street trees, screen planting to boundaries and canopy trees with private spaces.</p> <p>With no proposed landscaping plan provided, Council is left with the question of whether there is sufficient open space (private or common) to provide a satisfactory landscaping theme.</p> <p>It is considered that the answer to this question is no, with the main shortcomings being with the ability to provide a satisfactory tree planting regime along the private access road. The main constraint is seen to be the complete lack of common nature strips and the cramped front yard setbacks of many dwellings which are located quite close to the private access road.</p> <p>Another area of concern is in relation to the eastern boundary, where dwellings are in part quite close to the Park Road frontage and with limited</p>

OBJECTIVE	OBJECTIVE MET/NOT MET
	<p>opportunities to provide a good overall balance between screen planting to soften built form and useable secluded private open space.</p> <p>Taking into account the prominent position of the proposed retarding basin and its likely visibility to the general public, it is considered that the sides of this space should be of sufficient width to provide a meaningful landscape treatment and that there should not be high exposed retaining walls built along the batters.</p> <p>For the above reasons, it is considered that two objectives are not met.</p>
<p><b>55.03-9 – Access</b></p> <p>To ensure the number and design of vehicle crossovers respects the neighbourhood character.</p>	<p><b>Met</b></p> <p>There will be only two dwelling crossovers constructed on the proposed public road section (being to Dwelling 26 and 27). These are well spaced and would be compatible with the pattern of crossovers in the local streets.</p>
<p><b>55.03-10 – Parking Location</b></p> <p>To provide convenient parking for resident and visitor vehicles.</p> <p>To avoid parking and traffic difficulties in the development and the neighbourhood.</p> <p>To protect residents from vehicular noise within developments.</p>	<p><b>Met</b></p> <p>As each garage is integrated into the respective dwelling design and has an internal door connection, resident parking is convenient. Many visitors will be able to park on the garage driveway of the dwelling they are visiting. Use can also be made of the communal parking spaces at the eastern end of the site.</p> <p>On-street parking for at least four cars would be available on the future public “Road” and there is potential for some limited parking along some sections of the private access road, on the side opposite to the trafficable footpath. Such parking could, however, impact on turning into and out of opposite driveways, so it would be appropriate for any Owners’ Corporation to mark the appropriate locations.</p> <p>The range of parking options throughout the development should ensure that under normal circumstances, there are no significant parking issues.</p> <p>There is not expected to be parking overspill into adjoining streets.</p> <p>Council’s traffic engineer has determined that the</p>

OBJECTIVE	OBJECTIVE MET/NOT MET
	<p>anticipated increase in traffic volumes through local streets serving the site are within normal limits and that there should be no unreasonable impacts.</p> <p>While it is recognised that the current “cul de sac” lifestyle characteristics will be lost, the reduction in general amenity associated with this aspect of the proposal is not considered to be of sufficient weight to warrant a specific ground for planning refusal.</p> <p>The movement of cars around the site is not likely to generate any adverse noise impacts on future residents. There is, however, likely to be occasional and short term noise impact from rubbish trucks, as they circulate (which is not unusual).</p>
<p><b>55.04-1 – Side And Rear Setbacks</b></p> <p>To ensure that the height and setback of a building from a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings.</p>	<p><b>Met</b></p> <p>As there is no minimum distance specified in the schedule to the zone, Standard B17 provides a method of determining the minimum recommended wall setbacks from the rear or side boundaries.</p> <p>It is considered that the Park Road boundary is neither a side or rear boundary and setbacks for dwellings which adjoin this boundary have been discussed in Clause 55.03-1 – Street setback.</p> <p>In respect of this application, there is compliance with the wall height/setback standard, with most wall setbacks to side boundaries being in excess of the minimum.</p> <p>Minimum ground floor setbacks along the southern boundary (adjoined by the back yards of existing houses) are not less than 3.0m, with all garage walls being stepped further back. This setout is considered to be acceptable, particularly as there are some gaps provided between pairs of dwellings. Upper level setbacks are not less than 3.58m and again this is considered to be reasonable for this form of development, especially as the related wall sections are not long.</p> <p>Along the northern boundary, it is considered that all ground floor setbacks are acceptable. Dwellings 1, 2, 9 and 10 have upper wall sections which are setback approximately 2.7m. This is considered to be satisfactory, given that the abuttal is to a large open space where there will be no sense of “cramping”.</p>



OBJECTIVE	OBJECTIVE MET/NOT MET
	<p>Along the western boundary, there are only two dwellings with abuttal. These are setback large distances compared with the minimum requirements. This is beneficial to future residents of these dwellings due to the visual/privacy impacts generated by the existing dwelling at 18 Wrendale Drive.</p>
<p><b>55.04-2 – Walls On Boundaries</b></p> <p>To ensure that the location, length and height of a wall on a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings.</p>	<p><b>Not applicable</b></p> <p>There are no building walls built to boundaries.</p>
<p><b>55.04-3 – Daylight To Existing Windows</b></p> <p>To allow adequate daylight into existing habitable room windows.</p>	<p><b>Met</b></p> <p>Standard B19 sets out certain minimum requirements for daylighting to habitable room windows of existing houses. The standard is easily met as there are no existing habitable room windows within close proximity to the site boundaries.</p>
<p><b>55.04-4 – North Facing Windows</b></p> <p>To allow adequate solar access to existing north-facing habitable room windows.</p>	<p><b>Met</b></p> <p>There are no existing north-facing habitable room windows in close proximity to the site and hence, there can be no adverse solar access impacts.</p>
<p><b>55.04-5 – Overshadowing Open Space</b></p> <p>To ensure buildings do not significantly overshadow existing secluded private open space.</p>	<p><b>Met</b></p> <p>As demonstrated by the submitted shadow diagrams, at the control period (September Equinox), there will not be any unreasonable overshadowing of adjoining properties to the south or west of the site.</p> <p>Existing back yards to the south of the site are quite spacious and only a small percentage of the areas will be affected by shadow. A swimming pool at 7 Clements Avenue will be partly shadowed at 9.00am. From this time on, the shadow will reduce to no impact before 12.00midday. This impact will not occur during the warmer months of the year, so</p>

OBJECTIVE	OBJECTIVE MET/NOT MET
	<p>there are no amenity concerns.</p> <p>On this basis, both Standard B21 and the Objective are met.</p>
<p><b>55.04-6 – Overlooking</b></p> <p>To limit views into existing secluded private open space and habitable room windows.</p>	<p><b>Met</b></p> <p>The design requirements of Standard B22 are complied with, with all upper level habitable room windows that face south towards existing residential properties being provided with external sight screens.</p> <p>One upper level, habitable room window of Dwelling 26 faces the eastern wall of the dwelling at 18 Wrendale Drive (where there are elevated habitable room windows). However, as the distance between opposite windows is greater than 9.0m, the relevant standard is met and there is no requirement for screening.</p>
<p><b>55.04-7 – Internal Views</b></p> <p>To limit views into the secluded private open space and habitable room windows of dwellings and residential buildings within a development.</p>	<p><b>Not Met</b></p> <p>Appropriate levels of internal privacy are provided in respect of habitable room windows and secluded private open space of dwellings located around the perimeter of the site.</p> <p>There is, however, a range of privacy issues apparent in respect of the central dwellings especially where dwellings back onto each other in close proximity. This impact is increased by the fact that many of the dwellings in the southern row have higher floor levels than the dwellings to the north, thus reducing the effectiveness of any intervening fence.</p> <p>There are however, instances of habitable room windows of opposite dwellings being located in close proximity and with no apparent screen between. Examples are Dwellings 31/41 and 32/40.</p> <p>There are also some instances where persons standing on a deck or at a habitable room window of one dwelling are likely to have views into the secluded private open space of an adjoining dwelling. For instance, there would be overlooking from the southern deck of Dwelling 29 to the rear yard of Dwelling 45. A similar problem would occur in relation to overlooking of the yard of Dwelling 32 from the meals room window of Dwelling 40.</p>

OBJECTIVE	OBJECTIVE MET/NOT MET
	<p>These issues could be rectified by installing sight screens above fencing and by moving some decks away from shared fencelines. Screening in the form of obscure glass could also be provided to habitable room windows where an issue existed.</p>
<p><b>55.04-8 – Noise Impacts</b></p> <p>To contain noise sources in developments that may affect existing dwellings.</p> <p>To protect residents from external noise.</p>	<p><b>Met</b></p> <p>Subject to conditions on any planning approval</p> <p>There is no anticipated noise source from the proposed housing which is likely to impact on the existing dwellings adjacent to the site. The construction of dwellings on this land is in fact likely to reduce noise transfer from traffic the EastLink Freeway to those residences to the south of the site.</p> <p>Council does not engage its own acoustic engineers to assess planning applications. In circumstances where it is deemed that a problem may exist, the applicant for a planning permit will be required to provide an acoustic assessment.</p> <p>Such a report, relating to the impacts of current and future traffic noise impacts from the EastLink Freeway was provided by the applicant. The submitted report indicates that -</p> <p><i>“Noise levels are predicted to comply with VicRoads criteria of 63dB(A) at the proposed lot locations within the development for both year 2027 and year 2043 scenarios. Predicted noise levels are based on a 3% increase in traffic flow per year from the existing 2015 traffic volumes. No noise mitigation has been recommended.”</i></p> <p>No assessment was made in respect of noise impacts from traffic using Park Road. A site inspection of the eastern boundary by the planning officer, indicated that there was general traffic noise transfer to the eastern end of the site.</p> <p>It is a reasonable assumption that noise from such bus movements would impact markedly on the four dwellings which are to back onto Park Road. On this basis, it would have been appropriate to provide acoustic rated glass to the habitable room windows and doors which present to the eastern boundary. There is no notation to this effect. An increased setback would also be beneficial.</p>

OBJECTIVE	OBJECTIVE MET/NOT MET
	In the event of planning approval, this could be required through a planning condition.
<p><b>55.05-1 – Accessibility</b></p> <p>To encourage the consideration of the needs of people with limited mobility in the design of developments.</p>	<p><b>Met</b></p> <p>The related standard clarifies that to meet this objective-</p> <p><i>“The dwelling entries of the ground floor of dwellings and residential buildings should be accessible or able to be easily made accessible to people with limited mobility.”</i></p> <p>All dwellings have front access doors that are either readily accessible or could be made accessible for persons with limited mobility. All front doors provide access to living space within the dwellings.</p>
<p><b>55.05-2 – Dwelling entry</b></p> <p>To provide each dwelling or residential building with its own sense of identity.</p>	<p><b>Not Met</b></p> <p>Each dwelling is provided with a sense of personal address and a level of shelter at the front entry.</p> <p>However, a number of dwellings (Dwellings 8 and 11 are examples) have their front entry paths located very close to the trafficable footpath, resulting in a cramped layout and a poor sense of entry.</p> <p>Other front entries are also shown facing directly onto rubbish bin collection points. These shortcomings are linked to the lack of continuity with front setbacks and the adoption of inadequate minimum distances.</p>
<p><b>55.05-3 – Daylight to new windows</b></p> <p>To allow adequate daylight into new habitable room windows.</p>	<p><b>Met</b></p> <p>Each external habitable room window within the proposed dwellings will receive an adequate level of daylight.</p>
<p><b>55.05-4 – Private open space</b></p> <p>To provide adequate private open space for the reasonable recreation and service needs of residents.</p>	<p><b>Not Met</b></p> <p>Standard B28 provides a range of open space options for multi-unit development. These include ground level private open space, balconies or a roof-top terrace. For ground level open space, an area of 40m<sup>2</sup> is required with one part being to the side or rear with a minimum area of 25m<sup>2</sup> and a minimum dimension of 3.0m. Convenient access from a living room is also required.</p>

OBJECTIVE	OBJECTIVE MET/NOT MET
	<p>Overall, the proposal achieves compliance with the Standard.</p> <p>In terms of layout, there is a clear deficiency with the arrangement of the rear yards of Dwellings 28, 29, 43, 44 and 45. In particular, Dwelling 45’s secluded private open space is adjoined by the secluded private open space of the other four dwellings, resulting in poor general amenity and “crowding”.</p> <p>This dwelling also is shown with a full height kitchen window opening onto the secluded private open space of Dwelling 44 (Ground floor plan and elevation). This is assumed to be an error.</p> <p>The poor arrangement of secluded private open space in respect of the abovementioned dwellings is considered to be a product of having one too many dwellings at the western end of the private access road. It is considered that Dwelling 45 should have been omitted to allow for an alternative floor plan for Dwelling 44 and a better open space arrangement for the remaining dwellings.</p> <p>Other factors relating to front setback support this conclusion.</p>
<p><b>55.05-5 – Solar access to open space</b></p> <p>To allow solar access into the secluded private open space of new dwellings and residential buildings.</p>	<p><b>Not Met</b></p> <p>Private open space should be located on the northern side of a dwelling if appropriate. The only standard relating to the Objective is based on a secluded private open dimension calculation linked to the height of any wall on the northern side of secluded private open space.</p> <p>Allowing for the fact that a range of dwellings have their secluded private open space on the northern side of the dwelling, the main consideration needs to concentrate on Dwellings 17 to 25 along the southern boundary and Dwellings 28 to 35 which have all or part of their open space to the south of the respective dwelling.</p> <p>In respect of the southern row of dwellings, it is apparent that the required standard is not met in respect of any of the yards to the south of the dwellings. With a typical wall height of approx. 7.0m (double storey walls), a setback to the southern edge of the open space of 8.3m is required to allow reasonable sunlight availability at the southern part of the open space. With a range</p>

OBJECTIVE	OBJECTIVE MET/NOT MET
	<p>of upper floor walls setback much closer to the southern boundary, the results are very poor for these spaces.</p> <p>To compensate for this, the design provides for separation between pairs of dwellings with alternative secluded private open space areas between. These areas contain the main decks/sitting areas for the respective dwellings and will receive sunlight during the middle of the day, as the sun moves across the sky. Whether this is an acceptable result is debatable. Overall, it is considered that a more balanced result should have been sought by increasing the setbacks of walls from the southern boundary.</p> <p>In respect of the other rows under consideration, wider spacing of pairs of dwellings (with open space between) provides for longer periods of northern sunlight to these spaces, while deeper rear yards also assist in allowing some sun into these spaces throughout the day. Dwellings 28 and 29, however, have reduced amenity due to the fact that the rear deck areas are in shade all day.</p>
<p><b>55.05-6 – Storage</b></p> <p>To provide adequate storage facilities for each dwelling.</p>	<p><b>Met</b></p> <p>The provision of externally accessible storage for each dwelling is made available in a range of ways and is considered to be acceptable. The provision of recessed internal stores to some garages means that the additional garden sheds to the relevant dwellings are smaller than usual.</p> <p>This is beneficial from an internal presentation perspective.</p>
<p><b>55.06-1 - Design Detail</b></p> <p>To encourage design detail that respects the existing or preferred neighbourhood character.</p>	<p><b>Not Met</b></p> <p>The following Decision Guidelines are required to be considered by Council-</p> <ul style="list-style-type: none"> <li>• Any relevant neighbourhood character objective, policy or statement set out in this scheme.</li> <li>• The design response.</li> <li>• The effect on the visual bulk of the building and whether this is acceptable in the neighbourhood setting.</li> <li>• Whether the design is innovative and of a high architectural standard.</li> </ul>

OBJECTIVE	OBJECTIVE MET/NOT MET
	<p>The proposed architectural presentation throughout the development offers a contemporary statement that responds positively to the existing neighbourhood character. The overall concept is well conceived and none of the proposed dwellings stand out as being too large or bulky.</p> <p>The selection of building materials and finishes has been developed to complement design elements and will work well in the local context. Window design is attractive and well proportioned.</p> <p>Efforts have been made to vary roofline treatments/styles and this is seen as a positive feature.</p> <p>While not being specifically listed in this section of Clause 55, it is considered that the spatial arrangement of dwellings within a housing development such as this, is an important matter for consideration and one which is clearly linked to appropriate design response.</p> <p>What needs to be recognised with this design, is that the length and generally straight alignment of the two arms of the private access road will create internal streetscapes, with the rows of abutting dwellings extending for over 110.0m. The proximity of dwellings to the central accessways and the nature of their entries and front yards play an important role in determining how persons interpret the space and what opportunities will exist to develop planting themes which can soften the overall impact of the housing rows.</p> <p>It can be difficult to gauge how built form relationships will work and comparisons with existing development can assist. Morello Circle in Doncaster East provides an example.</p> <p>In respect of the two-storey houses which have been constructed to the private road in this existing development, front walls are mainly setback approximately 4.0m from a central driveway (with no nature strips). Various front entry porticos extend into the front setbacks.</p> <p>While opinions may vary as to whether this existing development (located within The Pines Activity Centre) is too congested, it can, nonetheless, be concluded that general wall setbacks of any less than 4.0m would not have represented a suitable design response.</p> <p>The subject proposal provides a range of dwelling</p>

OBJECTIVE	OBJECTIVE MET/NOT MET
	<p>setbacks to the private access road, but only a relatively small number have setbacks which are at or greater than 4.0m. It is considered that a more consistent approach is called for, with an appropriate minimum being established.</p> <p>With some front walls being setback as little as 2.0m from the edge of the private access road and many prominent porch elements extending quite close to the driveway, it is considered that the proposed layout will be cramped in some areas and will not adequately respect the spatial and landscaping characteristics of the neighbourhood.</p>
<p><b>55.06-2 – Front Fences</b></p> <p>To encourage front fence design that respects the existing or preferred neighbourhood character.</p>	<p><b>Not Applicable</b></p> <p>Only four dwellings (Nos. 25, 26, 27 and 44) will have a front presentation to the future public road. None of these dwellings is proposed with a front fence.</p> <p>None of the other dwellings are proposed with fencing between the dwelling and the private access road.</p>
<p><b>55.06-3 – Common Property</b></p> <p>To ensure that communal open space, car parking, access areas and site facilities are practical, attractive and easily maintained.</p> <p>To avoid future management difficulties in areas of common ownership.</p>	<p><b>Met subject to conditions on any planning approval</b></p> <p>In the event of an approval and the future subdivision of the land to create individual lots for each dwelling, “communal open space” will consist of a sub-station envelope, the two walkways which provide access to Park Road /adjacent parkland and some pockets of unassigned open space along the private access road. The retarding basin is also proposed to be in common ownership.</p> <p>Costs such as public liability insurance, upkeep of the private access road/trafficable footpath, including drainage and lighting would be apportioned to the forty-three owners whose properties abut the private access road.</p> <p>In the event of an approval, a standard maintenance condition could be included in any permit.</p> <p>Unlike most multi-unit developments with a shared driveway system, the garden areas between the private access road and the walls of the dwellings (and driveway connections) are not proposed to be in common ownership. This situation removes all responsibility for the upkeep of these spaces from</p>



OBJECTIVE	OBJECTIVE MET/NOT MET
	<p>the Owners' Corporation.</p> <p>As a result, if individual owners decided to not maintain their garden or to "modify" it, then overall presentation could be significantly downgraded. Examples of this situation exist in Morello Circle, Doncaster East where some front yards are completely overgrown, landscaping lacks synergy and in one case, a sloping yard has been roughly "carpeted" with artificial grass.</p> <p>Planning enforcement is also more difficult, due to the fact that individual owners need to be dealt with. Given the above, and the fact that there are some expansive open space areas adjacent to some dwellings (Dwellings 25, 28, 33, 36 and 44 for instance), it is considered that any approved plan should be required to denote the private access road setbacks as "future common property".</p> <p>In this manner, the areas would be maintained by contractors working for the Owners' Corporation. In addition, lighting bollards (or street lights) and the required electricity supply conduits would then be located in general common property, rather than common property easements.</p> <p>The proposed public road connection would be required to be constructed and illuminated to Council's satisfaction, as ultimately Council would be responsible for the upkeep of the public road and its drainage/lighting.</p>
<p><b>55.06-4 – Site Services</b></p> <p>To ensure that site services can be installed and easily maintained.</p> <p>To ensure that site facilities are accessible, adequate and attractive.</p>	<p><b>Met subject to conditions on any planning approval</b></p> <p>There are no apparent difficulties in respect of the supply and future maintenance of services to the proposed dwellings.</p> <p>No details are provided in respect of fire services which would be assessed and made compliant as part of any building permit that may be issued.</p> <p>Lighting of the private access road is proposed via bollards lights which is considered to be a poor option for such a long accessway. Overhead lighting with appropriate levels of illumination and spacing is considered to be more appropriate.</p> <p>Dwellings abutting the proposed public road connection will be able to utilise Council waste</p>

OBJECTIVE	OBJECTIVE MET/NOT MET
	<p>collection. These dwellings will be provided with three rubbish bins.</p> <p>All other dwellings will be served by a private rubbish collection service. Under the proposed Waste Management Plan, these dwellings will have two bins for rubbish and recyclables. Green waste is to be collected by “the future landscape contractor”.</p> <p>Three dwellings (Nos.15, 38 and 44) have access constraints for rubbish bin movement, in that there is either no garage doorway access to the yard or no side gate. Several other dwellings have stairs from the yard to the garage door access which would make bin movement difficult for some residents. These issues could be addressed by permit conditions in the event of an approval.</p> <p>Mail deliveries would be to individual letterboxes located predominantly in front of the dwellings. From a design perspective, it would be beneficial if there was control over the letterbox design, with perhaps a range of standard options being put forward. This issue could be addressed by a permit condition, in the event of a permit being issued.</p> <p>Fixed clotheslines of an appropriate size are provided within secluded private open spaces.</p>

**7 CONSULTATION**

- 7.1 The application was advertised by erecting three signs (Park Road frontage and at the ends of Langford Crescent and Wrendale Drive). Letters were also sent to forty-two residential properties, as well as VicRoads/ConnectEast. Forty-six objections were received, with some households generating more than one objection.
- 7.2 An objection was also received from ConnectEast which is the concessionaire of EastLink, pursuant to a grant by the State (not a referral authority).
- 7.3 Details are as follows:

Affected Property
1 Langford Crescent, Donvale
2 Langford Crescent, Donvale
3 Langford Crescent, Donvale
5 Langford Crescent, Donvale
7 Langford Crescent, Donvale
10 Langford Crescent, Donvale

<b>Affected Property</b>
12 Langford Crescent, Donvale
15 Langford Crescent, Donvale
15A Langford Crescent, Donvale
16 Langford Crescent, Donvale
1 Wrendale Drive, Donvale
2 Wrendale Drive, Donvale
3 Wrendale Drive, Donvale
4 Wrendale Drive, Donvale
6 Wrendale Drive, Donvale
6A Wrendale Drive, Donvale
7 Wrendale Drive, Donvale
8 Wrendale Drive, Donvale
9 Wrendale Drive, Donvale
10 Wrendale Drive, Donvale
11 Wrendale Drive, Donvale
12 Wrendale Drive, Donvale
13 Wrendale Drive, Donvale
14 Wrendale Drive, Donvale
1/15 Wrendale Drive, Donvale
2/15 Wrendale Drive, Donvale
16 Wrendale Drive, Donvale
17 Wrendale Drive, Donvale
18 Wrendale Drive, Donvale
19 Wrendale Drive, Donvale
21 Wrendale Drive, Donvale
23 Wrendale Drive, Donvale
4 Clements Avenue, Donvale
7 Clements Avenue, Donvale
9 Clements Avenue, Donvale
21 Park Road, Donvale
Land to the north (objection from ConnectEast Pty Ltd)

**Grounds:**

**Neighbourhood Character/Design Aspects**

- The proposal is an overdevelopment.
- The dwelling density is too high and not in keeping with the predominant residential character of the neighbourhood.
- The general form of the development including lot size, site coverage, setbacks, open space provision, driveway width and parking location is not responsive to the character of the existing housing of the neighbourhood.

- Larger lots for each dwelling would be more compatible with the local residential character/fabric.
- Building designs are bulky and layout is “tightly packed”.
- Architectural style is repetitive may not complement the neighbourhood.
- None of the housing is “lower cost” to make it more affordable.
- No communal open space provided on-site and no playground for children.
- No provision for additional community services.
- Dwelling setbacks and height do not respect the local housing.
- Private access road is too narrow at 4.3m (excludes the integrated footpath).
- Insufficient landscaping opportunities to respond to the “leafy” character of Donvale.
- Private open space provision for the dwellings is limited and not suited to “family living” which characterises Donvale.
- Land to be occupied by Dwellings 26 and 27 should be public open space.
- The future Owners’ Corporation may not maintain the large retarding basin.

#### Response

- There is general agreement that the proposed layout is not sufficiently responsive to the neighbourhood character and that improvement is called for in respect of internal setbacks to any private road system and the Park Road frontage.
- Based on the type of houses that are proposed and taking into consideration the layout issues which have been identified, it is agreed that a reduction in dwelling numbers is called for.
- Site coverage, building height, private open space, parking and setback analysis is provided in the Clause 55 assessment. There is reasonable compliance with most Objectives, except mainly in relation to building setbacks from Park Road, the proposed road connection and the private access road and the layout of some proposed back yards.
- Building design is considered to be acceptable in the neighbourhood context and there are no “bulk” issues.
- There is no statutory requirement for play facilities and there is an opportunity to use adjacent parkland for passive recreation.
- The scale of the development does not generate a need for any community services.
- There is no recognised planning precedent requiring the developer to provide a “low cost” housing component for a development of this scale.
- The Clause 55 assessment recognises that additional landscaping opportunities are called for.

- Safety concerns have been identified in respect of the design of the proposed private access road.
- Council's engineers have indicated that improvements are required to the design of the proposed retarding basin and have provided appropriate design guidelines which require the removal of high retaining walls. It is also now considered that as the site constitutes only 25% of the total catchment area, it would be more appropriate for Council to own and maintain the area.

#### **Traffic impacts /Access design**

- All vehicular access should have been restricted to Park Road (which is the address of the subject land) – possible roundabout could be constructed here.
- Traffic generation figures provided in the applicants Traffic Report are out of date and are likely to be much higher during peak periods.
- Increased traffic flow/congestion in local streets which access this development will result in lower safety levels and make rubbish collection more difficult.
- Local streets which provide access are narrow and characterised by on-street parking resulting in dangerous limitations for increased traffic flow.
- Extraneous traffic enters Wrendale Drive already (looking for a shortcut).
- Wrendale Drive and Langford Crescent both have bends which increase traffic risk.
- On-street parking in Wrendale Drive makes it difficult to reverse out of driveways safely.
- Increased delays at the intersection of Wrendale Drive/Mitcham Road and the intersection of Clements Avenue/Park Road which are difficult to turn out of; especially at peak periods.
- Applicant's Traffic Report does not address impacts at the above intersections.
- Cars on Mitcham Road can use Wrendale Drive T intersection as part of U turn movement.
- Proposed "Road" connection will increase the incidence of "rat running" by extraneous traffic.
- Private access road does not have a carriageway width of 5.5m due to inclusion of the footpath.
- No local support for the proposed "Road" connection.
- Emergency vehicles may find that access is difficult.
- Traffic flow will be concentrated along Wrendale Drive, rather than Langford Crescent and Clements Avenue.
- Residents tend to walk along the road pavement in Langford Crescent and Clements Avenue due to a lack of constructed footpaths (additional traffic will be a danger).

#### Response

- There are many instances where properties with a particular street address, have vehicle access from an adjoining street to which they also have a frontage.
- At the pre-application stage, Council officers did not believe there was a need to reject the applicant's proposal to connect the site through the local street system. This view was based on the fact that such access was originally envisaged when the area was subdivided and there were perceived benefits in respect of street connectivity/rubbish collection.
- The applicant has had ample opportunity to seek specialist engineering/traffic advice regarding the possible construction of an alternative access arrangement and has decided to continue with the current proposal. On this basis, Council must assess the access arrangements based on advice from its traffic engineer.
- Council's traffic engineers have made an independent assessment of the likely traffic impacts on local streets (as a result of the proposed housing) and considers that the likely impacts are not onerous, with local streets having sufficient capacity to handle the traffic increases without adverse safety consequences. It is anticipated that the development will generate an additional 30 vehicle movements in the peak periods, which will be distributed across Wrendale Drive, Langford Crescent and Clements Avenue. The additional traffic generated is unlikely to significantly increase congestion in the local road network. Officers can inspect local streets and consult with residents if parking restrictions become warranted.
- Council's traffic engineers accept that the submitted traffic generation figures are appropriate for this type of housing.
- In respect of "potential rat running", motorists attempting to undertake a short cut from Mitcham Road to Park Road via the proposed new connection of Wrendale Drive and Langford Crescent will be required to give way to Park Road traffic. It is unlikely that this route would reduce travel time as a result.
- Motorists attempting to undertake a short cut from Park Road to Mitcham Road via the proposed new connection of Wrendale Drive and Langford Crescent would only undertake this manoeuvre to turn right into Mitcham Road. There are limited gap opportunities to turn right from Wrendale Drive into Mitcham Road and this option is not considered a favourable option.
- Officers can monitor concerns such as "rat running" and if warranted in future, traffic management measures could be considered. The proposed development is unlikely to alter existing driver behaviour of those not residing in abutting local streets.
- Council's traffic engineers have indicated that a rate of 6.5VTE (as applied) is consistent with the '*Guide to Traffic Generating Developments*' – Road and Traffic Authority, and is considered

to be appropriate for this development. A rate of 10.7VTE as suggested by objectors is considered to be too high.

- The proposed inclusion of a footpath within the trafficable width of the private road is not supported. The principles underpinning conventional subdivision design require a 5.5m wide carriageway, in addition to a 1.5m wide pedestrian path.
- The proposal will have no adverse impacts on public rubbish collection and would simplify this process by connecting two local streets.
- In the event of any pedestrian hazards being identified in local streets as a result of increased traffic and the lack of constructed footpaths, Council has the option of installing sealed footpaths as may be deemed necessary.

#### **Parking Provision/Local impacts**

- An inadequate amount of car parking is provided within the development site (Some families will have more than two cars).
- Five dedicated visitor spaces are insufficient for a development of this scale and Planning Scheme requires nine visitor spaces.
- Proposed private access road is too narrow to accommodate parallel parking.
- Local streets will be used for “overflow parking” and this will make it harder for rubbish collection.
- Parking restrictions may need to be introduced in local streets.
- Double garages appear to be smaller than normal and may not accommodate 2 cars, particularly with storage areas provided.
- Nearby residents of a Mitcham Road unit development sometimes park in Wrendale Drive.

#### Response

- The proposed parking provision is considered to satisfy the statutory parking requirements of the Manningham Planning Scheme.
- Options exist for visitor parking on driveways and along parts of the proposed circulation system and this parking will supplement the designated communal parking spaces.
- The majority of households (74.4%) in Manningham own 2 or less vehicles. In the event of a resident owning a 3<sup>rd</sup> vehicle they can accommodate this vehicle within their property in front of their garage. It is noted that in general, the number of households with 3 or more vehicles is steadily reducing within Manningham.
- There is no apparent reason as to why overflow parking would occur into local streets.
- Several garages appear not to provide a 6.0m clear length for parking due to storage allocation at the end. Any planning approval would rectify this situation through a permit condition.

- Any existing on-street parking in Wrendale Drive would be lawful and is not a matter for consideration in respect of this application.

**General Amenity**

- Increased noise from traffic and new households.
- Increased pollution in local streets.
- Loss of view from existing dwelling.
- Loss of safety for residents who currently live in a quiet “child friendly” cul de sac environment.
- Land was previously “earmarked” for public open space.
- Garbage bins may be stored in front of dwellings due to space constraints.
- Overlooking from windows and shadowing of yards.
- Too many people will be concentrated into a small area and there may be adverse social consequences.
- Bus services in Park Road are widely spaced.

**Response**

- Residential streets can generally carry volumes up to 2000 vehicles per day before residential amenity is adversely affected by traffic noise. It is recognised that there will be some noise increase in adjoining local streets as a result of the proposed development, but not at levels that would disrupt local suburban lifestyles.
- Any increased pollution from car fumes is not a valid planning concern.
- Whilst it is recognised that views may form part of residential amenity, there is no specific controls within the Manningham Planning Scheme that protects residents’ rights to a view. It is not considered that the extent of views lost or the significance of the view would warrant refusal or modification of the application.
- It is recognised that with increased traffic flow through local streets, there will be a reduction in the safety levels associated with cul de sac housing. This is an acceptable consequence, given the design and spare capacity of the local streets.
- The subject land is now in private ownership and is capable of being developed under the current land use zoning.
- In terms of bin storage, any approved plan would show the envisaged location for on-site rubbish bin storage. Such locations are required to be obscured from public view.
- Overlooking and shadowing is considered within the Clause 55 assessment and there are no unreasonable impacts.
- The social make-up of future residents is not a planning concern.



- The spacing of bus services is not a planning concern.

**Construction Impacts**

- If construction vehicles access the site through the local street network there will be significant safety and amenity impacts due to the nature of the roads.
- There will be significant amount of truck traffic generated to service building operations (likely to include articulated vehicles).
- Considerable construction noise and dust over a long period.
- Construction worker parking must occur on-site not in local streets.
- Possible disruption to services.

**Response**

- Construction activities associated with the development will be temporary. The Planning Permit will require the preparation of a Construction Management Plan (CMP) which will include consideration of access arrangements.
- It is agreed that there is potential for amenity and possibly safety impacts to occur in local streets serving the site during the construction of any major development project on the subject property.
- With heavy machinery, road making vehicles, cement trucks, dump trucks and semi-articulated vehicles being typically required to access the site over a long period of time, it would be desirable for truck access during the construction phase to be limited to a temporary access from Park Road. This may be required to be achieved over part of the adjacent VicRoad's parkland, if there are safety issues with the operation of the bus stop.
- If such temporary access was achieved, any approved development plan would need to provide for some degree of staging to ensure that the truck access remained available until the final part of the development was completed.
- If temporary access to Park Road could not be achieved for trucks and road making equipment, then all access would need to occur through local streets. This is possible due to the available street width, however, on-street parking management may be required if safety issues arose.
- Construction noise and dust nuisance are matters that can be regulated by a Construction Management Plan and relevant EPA controls.
- Construction worker parking is often difficult to control, but if required, temporary parking restrictions could be applied to affected sections of local streets.
- Local services are unlikely to be disrupted by construction activity.

**Drainage**

- Possible flooding due to natural drainage issues in the vicinity of the proposed retarding basin.
- Risk of flooding to existing houses may be increased.

Response

- Council's engineering assessment and design input on drainage matters would ensure that there would be no adverse drainage impacts, even in severe storm events.
- Any permit that issued could contain appropriate conditions regarding drainage and general infrastructure construction.

**Loss of Vegetation/Tree planting**

- A row of Pine trees will be lost from the centre of the site.
- Little scope for replacement canopy trees.

Response

- The trees in the centre of the site are either dead or senescent.
- Landscaping capacity is discussed in the Clause 55 assessment. It is agreed that more scope for canopy tree planting would benefit a development of this nature.

**Loss of property values**

- The nature of the development will reduce values of existing properties.

Response

- The Victorian Civil and Administrative Tribunal and its predecessors have generally found subjective claims that a proposal will reduce property values are difficult, if not impossible to gauge and of no assistance to the determination of a planning permit application. It is considered the impacts of a proposal are best assessed through an assessment of the amenity implications rather than any impacts upon property values. This report provides a detailed assessment of the amenity impact of this proposal.

**Other**

- Current owner has apparently no intention of building and is likely to sell land with any planning approval.

Response

- When a planning permit is issued, it relates to the land and not the ownership of the land. It is commonplace for land to be on-sold with a planning permit.

7.4 ConnectEast was made aware of the proposed application at the design stage and sent Council a detailed letter dated 17 December 2015. This letter was referred to in a later response to the public notification process. The following is a summary-

- Connect East is not a referral authority and there is no statutory requirement to include its recommended conditions in a permit that may issue.

- ConnectEast is required to maintain certain acoustic standards (relating to traffic noise) in respect of housing near the Freeway.
- ConnectEast is required to keep the option open for the construction of westerly oriented on and off ramps at Park Road.
- The applicant's Acoustic Report did not take into account altered noise impacts on the land, in the event of future ramp construction and did not include noise impacts from traffic on Park Road (a more detailed assessment technique should have been used).
- Appropriate planning conditions should be applied in respect of acoustic assessment and responses and in respect of construction activities and drainage (an attachment provides guidelines of circumstances where conditions could be applied and also sets out suggested conditions).
- The following noise attenuation conditions were provided-
  - "Where it is required to erect a noise barrier we note that any noise barriers to be erected on the EastLink lease area are required to have a design life of 40 years in order to comply with the requirements of the EastLink Concession Deed.
  - Where it is agreed that a noise wall is not required, and prior to the issue of a statement of compliance, the owner of the land shall enter into an agreement under Section 173 of the Planning and Environment Act 1987 with Council which covers the relevant noise requirements set out in the VicRoads Traffic Noise Reduction Policy."

#### Response

- In the event of a planning permit being issued, Council could include a requirement for a more comprehensive traffic noise assessment report, addressing all of the additional criteria identified by ConnectEast and also include conditions requiring compliance.
- Should the findings of the report indicate any non-compliance with the adopted noise impact criteria, then appropriate design elements could be incorporated into any final plan. Based on the current assessment, there is no real likelihood that the construction of acoustic walls would be a requirement.
- Other suggested site construction and management conditions could be included if they were considered relevant and were not covered by the standard conditions of approval applied by Council.

7.5 The application was also referred to a number of Service units. The following table summarises the responses:

Services Unit	Comments
Economic and Environmental Planning (Open space)	The area bounded by Mitcham Road, Park Road and Eastlink is a very isolated community, with no Council-owned open space within walking

Services Unit	Comments
	<p>distance.</p> <p>Pedestrian access between Wrendale Drive and Langford Crescent through to the Eastern Freeway Linear Park is critical.</p> <p>The proposed retarding basin looks like it needs work in order to be safe, maintainable and amenable. While it does not constitute open space, designing the drainage infrastructure to give the appearance open continued landscape provision will help to maintain the existing neighbourhood character, along with sightlines and physical access to the adjacent Eastlink land. The proposed development will result in a major change to the existing landscape character in this area, in terms of population density, built form and loss of perceived borrowed landscape: the design should make more effort to ameliorate this impact.</p> <p>Support is given to the creation of a pedestrian connection between Wrendale Drive and Langford Crescent.</p> <p>With no Eastlink works to the north (possible on-ramp to freeway) in the near future, it would be beneficial to future residents for the northern property boundary to consist of transparent fencing, affording residents views of the existing open space.</p>
<p>Engineering and Technical Services (Flooding and Drainage)</p>	<p>The comments below have been based on the Storm Water Management Plan report prepared by Stormy Water Solutions, Revision C, dated 30 June 2016.</p> <ul style="list-style-type: none"> <li>(a) The on-site detention functions of the proposed retarding basin/wetland facility appear to be satisfactory, subject to ConnectEast approval of the impacts of water ponding in a 100 year ARI storm event on the southern side of EastLink Freeway Linear Park site.</li> <li>(b) The design generally satisfies the requirements relating to Council's proposed Planning Amendment C109 relating to flood management.</li> <li>(c) The subject site comprises approximately 25% of the total catchment area and as such it is considered appropriate that the proposed retarding basin / wetland, Gross Pollutant Trap and associated infrastructure be owned and maintained by Council.</li> <li>(d) The ownership of the land the retarding basin and wetland encumber will need to be clarified.</li> </ul>

Services Unit	Comments
	<p>(e) The current design incorporates a number of retaining walls ranging in height from 0.7 to over 2.0 metres with associated fencing, which will place a burden on Council's future maintenance resources and ongoing maintenance costs. It is recommended to minimise the number and extent of retaining walls within the retarding basin, including the deletion of the eastern retaining wall.</p> <p>(f) To enable regular maintenance and ensure long term safe operation of the wetland / basin, it is required that a detailed design of the retarding basin / wetland based on the principles from Melbourne Water's guidelines, <i>'Constructed Wetlands Design Manual - Part A2'</i> and relevant publications, is prepared, providing for:</p> <ul style="list-style-type: none"> <li>• public safety;</li> <li>• ease of maintenance with respect to safe maintenance vehicle access to the wetland and assets, for clearing of debris, vegetation management, including grass cutting, de-silting of the wetland and clearance of blockages;</li> <li>• maintenance vehicle access turnaround area;</li> <li>• the open space to be largely mowable.</li> </ul> <p>(g) Pit 50 and endwall P49 are Connect East assets and modifications / improvements / connections to these assets will require Connect East approval.</p> <p>(h) An industrial vehicle crossover from the public road and a hardstand area is to be provided for a maintenance vehicle access to the CDS GPT system.</p> <p>(i) Some form of barrier, (bollards or the like), is to be provided around the perimeter of the retarding basin to prevent unauthorised vehicle entry.</p> <p>(j) A Geotechnical Report on the soil and groundwater conditions is to be prepared to inform the design of the retarding basin / wetland and associated infrastructure, including but not limited to the selection of the exfiltration rate.</p>
Engineering and Technical Services (Traffic/Infrastructure)	<p><b>Road Connection</b> - The road connection of Langford Crescent with Wrendale Drive is supported, as it will improve traffic circulation, emergency access and the serviceability of the local street network. It will also address the lack of a vehicle turning area at the northern end of Langford Crescent.</p> <p><b>Crash Analysis History (nearby intersections)</b> - One crash has been recorded at the intersection of</p>

Services Unit	Comments
	<p>Park Road and Clements Avenue in the last five years, involving a motorist not giving way to traffic on Park Road while attempting a right turn from Clements Avenue. No other crashes have been recorded in the local access streets surrounding the subject site during this period.</p> <p>Sight distance at both intersections meets appropriate standards and there is no reason to suggest that any additional traffic would adversely change the site conditions.</p> <p><b>Intersection Capacity Analysis</b> – No intersection capacity analysis has been provided for the development. The Traffic Impact Assessment report prepared by TraffixGroup states that <i>“not all site generated traffic will travel along any one road within the site and that all site generated traffic can easily be accommodated by the surrounding road network and intersections without any discernible impacts”</i>. Based on site observations of the Park Road/Clements Avenue and Wrendale Drive/Mitcham Road intersections, Council officers generally agree with the statement above. It is considered that during the AM peak period, the majority of traffic from the development will exit the site to utilise the Park Road/Mitcham Road signalised intersection via Clements Avenue. As such, an additional 24 vehicle movements in the AM peak period is likely to use Langford Crescent/Clements Avenue. The additional volume during the AM peak is not considered to be significant or adversely impact on residential amenity or the performance of the intersection, given that the local road network carries lower volumes when compared to other streets performing a similar function.</p> <p><b>Traffic Generation – See Table 1 at Section 6.6</b> A rate of 6.5vte is consistent with the <i>‘Guide to Traffic Generating Developments’</i> – Road and Traffic Authority, and is considered to be appropriate for this development.</p> <p>The traffic analysis indicates that the development will generate traffic in the order of 299 vehicle movements per day. The current residential properties in the local area generate in the order of 560 vehicles per day. The additional traffic generated in the local precinct (Langford Crescent, Clement Avenue and Wrendale Drive) as a result of the development would increase to 859 vehicles per day.</p> <p>Local residential streets which provide access to and from the site can carry up to 2000 vehicles per day. The total combined existing and proposed traffic</p>

Services Unit	Comments
	<p>volumes are well within this limit.</p> <p><b>Car Parking</b> Each dwelling, except one, is provided with a double garage in accordance with current Standards. Car parking requirements of the Planning Scheme for resident parking have generally been met. Egress from the proposed garages is acceptable;</p> <p>Vehicles from Units 12 and 13 will be required to reverse a short distance (11 metres) to enter the roadway, however, this is considered to be satisfactory;</p> <p>On-street parking along the public road will be prohibited at the road bend. Limited parking opportunities will be available for informal parking along the public road.</p> <p>The statutory requirement for visitor parking is nine (9) spaces, based on 1 visitor space for every 5 dwellings. The applicant has provided five (5) exclusive visitor spaces, a shortfall of four spaces. Parking opportunities are, however, available where the driveway length for the dwellings, between garage and footpath is sufficient. Parking is also available along the public road. The development meets the visitor parking requirements of the Planning Scheme in this regard.</p> <p><b>Pedestrian Access</b> The development provides a 1.2 metre wide footpath. It is understood that the trafficable pedestrian path is proposed to be differentiated via the use of a different pavement type. Table C1 of the Planning Scheme specifies a requirement of 1.5 metre wide footpath offset a minimum distance of 1m from the kerb.</p> <p>The proposed pedestrian path is incorporated as part of the trafficable lane and this arrangement is considered to be undesirable from a pedestrian safety perspective, as it does not provide physical separation between vehicles and pedestrians.</p> <p>The provision of pedestrian links to the parkland located north of the subject site, adjacent to the EastLink Freeway and to Park Road is supported, subject to extension of the proposed path to the existing path on Park Road. Also support the path being extended into the reserve to the north as well.</p> <p><b>Private Access Road – Grades/width</b> – The private road has a proposed width of 5.5 metres, which provides for 2 way traffic flow and incorporates a path 1.2 metres wide, effectively reducing the trafficable width to 4.3metres.</p>

Services Unit	Comments
	<p>The trafficable lanes, excluding the path, are less than the minimum width for two way traffic.</p> <p>There is no discernible separation between pedestrians and through traffic. The proposed design does not provide any protection for pedestrians from vehicles and compromises safety.</p> <p>No cross section details of the road have been provided, including details of the kerb (if any), road cross falls, footpath treatment and road drainage. The road narrowing shown in front of TH21, TH22, TH32 and TH35 will not achieve the 15kph target speed specified in the Planning Scheme.</p> <p>The access road grades throughout the development are acceptable.</p> <p>Sight distance for north-bound vehicles turning right at both access points into the development do not meet safe stopping distance requirements. Mitigation measures are required to address safety such as the introduction of traffic management devices on the public road to slow traffic prior to approaching the road bend.</p> <p>Path widths are to be maintained at intersections to accommodate all traffic movements.</p> <p>The plans do not show any features to demarcate and identify the access into the development as a private road.</p> <p><b>Street Lighting</b> - No details have been provided on the level of illumination from proposed bollard system. It is unclear whether the proposed light levels meet Australian Standards for pedestrian lighting. A street lighting design will be required to be provided, meeting Australian Standards.</p> <p>Within the road reservation proposed to be under Council control, overhead street lighting will be required.</p>
Engineering Operations (Waste)	<p>A Waste Management Plan is required to be approved as part of any planning permit conditions.</p> <p>Waste collection will be required to be mainly by private waste contractor, with dwellings fronting the roadway extension being served by Council collection.</p>
Engineering and Technical Services (Easements)	<p>There are existing drainage and sewer easements within the proposed development. The provision of easements within the development will require</p>



Services Unit	Comments
	<p>further consideration, following finalisation of servicing requirements for the development.</p> <p>Easements are to be created over the proposed Council drainage network and in favour of ConnectEast for any drainage assets under their jurisdiction.</p> <p>Yarra Valley Water to be consulted on the existing sewer easement within the subject site and requirements for additional easements.</p>

### 7.6 Table 1 Traffic Generation Analysis (Council)

Existing Residential Traffic generation					
	No. of residences	*Vehicle trip ends per vehicle property? per day (x 10)	Peak Hour (10%)	AM Peak 80% out/ 20% in	PM Peak 30% out/ 70% in
Wrendale Drive	23	230	23	18/5	7/16
Clements Avenue	9	90	9	7/2	3/6
Langford Crescent	24	240	24	19/5	7/17

Proposed Development					
	No. of residences	**Vehicle trip ends per vehicle property? per day (x 6.5)	Peak Hour (10%)	AM Peak 80% out/ 20% in	PM Peak 30% out/ 70% in
Internal road	46	299	30	24/6	9/21

\*Residences located in the surrounding local streets generate approximately **10 vehicle trips per dwelling per day**. Generally, 10 percent of trips will occur in the morning and evening peak traffic hours. The majority of traffic generated by the residential development during the morning peak period will be residents departing (80% out and 20% in) and the majority of traffic during the evening peak period will be residents returning (30% out, 70% in).

## 8 CONCLUSION

- 8.1 It is considered appropriate to refuse the application. While the proposal has a range of positive attributes, the overall design is not sufficiently cognisant of and responsive to the surrounding residential context, in a way that ensures compatibility with the existing neighbourhood character. There are also safety concerns with the proposed combination of pedestrian and traffic access arrangements along the private road and design/layout concerns with the general cramping of built form onto this access and the Park Road frontage.
- 8.2 It is considered that the shortcomings are largely to do with trying to achieve a particular dwelling yield. Based on the issues identified in this report, it is clear that a reduction in dwelling numbers is called for, along with a more responsive design approach to internal amenity and landscaping.

## RECOMMENDATION

**That having considered all objections, A REFUSAL TO GRANT A PERMIT be issued in relation to Planning Application No. PL15/025922 for the construction forty-five dwellings at Nos. 25-35 Park Road, Donvale, on the following grounds-**

- 1. The proposal does not adequately respect the existing neighbourhood character due to the following-**
  - 1.1. The inadequacy of building setbacks to the Park Road frontage, resulting in a cramped streetscape presentation and insufficient landscaping opportunities to ameliorate the bulk of two storey built form in this location;**
  - 1.2. The inadequacy of building setbacks to the eastern side of the proposed public road connection, resulting in a cramped and inappropriate streetscape presentation; and**
  - 1.3. A range of minimal building setbacks to the private road, resulting in a cramped and inappropriate internal streetscape presentation.**
- 2. The proposed development provides inadequate communal landscape opportunities (in particular for the development of canopy trees along the proposed private road) to assist with the softening of the overall built form, in response to the existing neighbourhood character.**
- 3. The proposed retarding basin is inappropriately designed in terms of its general landscape presentation to the proposed public road, public safety levels and ease of future maintenance.**
- 4. The combined vehicular access and pedestrian path system of the private road is considered to be inappropriate for a development of this scale and will result in poor internal safety levels for pedestrians.**
- 5. The lack of grade or nature strip separation between the combined vehicular access and pedestrian path system of the private road will encourage parallel parking on the footpath to the detriment of resident safety and amenity.**
- 6. The proximity of a range of dwelling entries to the private road pavement results in reduced safety levels and a poor sense of address for these dwellings.**
- 7. Inadequate design input has occurred to ensure reasonable privacy levels in respect of various secluded private open spaces and ground floor habitable room windows of dwellings which back onto each other within the central housing area defined by the private road.**
- 8. Dwelling 45 is provided with an unsatisfactory secluded private open space, in that the yard will be adjoined by four other areas of secluded private open space and with potential for overlooking from an adjacent deck of Dwelling 29 to the detriment of future amenity of the residents of Dwelling 45.**
- 9. The proximity of southern upper floor walls to the southern ground floor walls of various dwellings within the southern building row will result in excessive overshadowing of the southern yards, taking into account the minimum width of these spaces.**

10. The bollard lighting system for the private road is not suited to the proposed road lengths and is unlikely to provide an adequate level of illumination to ensure pedestrian safety at night.
11. The proposal does not provide for a public cycle/pedestrian connection between Wrendale Drive/Langford Crescent and the Eastern Freeway Linear Park, with its associated cycle/pedestrian path.
12. The proposal does not adequately respond to the State Planning Policy Framework in terms of Clause 15.01-1 Urban Design (liveability) and Clause 15.01-4 Design for safety (Pedestrian infrastructure).
13. Having regard to the above, the proposal does not meet Objectives contained in the following sections of Clause 55 Two or More Dwellings on a Lot of the Manningham Planning Scheme-
  - 13.1. Clause 55.02-1 Neighbourhood Character;
  - 13.2. Clause 55.02-2 Residential Policy
  - 13.3. Clause 55.02-4 Infrastructure;
  - 13.4. Clause 55.03-1 Street setback;
  - 13.5. Clause 55.03-7 Safety;
  - 13.6. Clause 55.03-8 Landscaping;
  - 13.7. Clause 55.04-7 Internal views;
  - 13.8. Clause 55.05-3 Dwelling entry;
  - 13.9. Clause 55.05-4 Private open space;
  - 13.10. Clause 55.05-5 Solar access to open space; and
  - 13.11. Clause 55.06-1 Design detail.

**MOVED: McLEISH**  
**SECONDED: CONLON**

That the Recommendation be adopted with the inclusion of:-

- A. The words “both pedestrians and cyclists” be added at the end of clause 4; and
- B. A new clause five to read “The proposed internal road network has an unnecessary safety and amenity impact upon the existing local road network. This could be addressed if the primary access for any proposed development was instead, accessed via Park Road.”

**CARRIED**

“Refer Attachments”

\* \* \* \* \*

## 10. PLANNING & ENVIRONMENT

### 10.1 Amendment C104 - Westfield Doncaster Draft Development Plan - Consideration of Submissions

Responsible Director: Director Planning & Environment

File No. T16/162

The ultimate destination for this report is: COUNCIL AGENDA

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

#### SUMMARY

*The purpose of this report is to consider and respond to submissions received to the concurrent exhibition of Amendment C104 to the Manningham Planning Scheme and a draft Development Plan for the future development of Westfield Doncaster.*

*Amendment C104 (**Amendment**) has been requested on behalf of Scentre Group (as owners and operators of Westfield Doncaster). The purpose of the Amendment is to seek changes to the Manningham Planning Scheme to facilitate future development at the Westfield Doncaster site (619 Doncaster Road, Doncaster).*

*The Amendment and draft Development Plan were exhibited for a six (6) week period between 21 July and 1 September 2016. A total of 52 submissions have been received, consisting of (44) submissions from or on behalf of residents, three (3) from statutory authorities, one (1) on behalf of a school, one (1) on behalf of Council's Access and Equity Advisory Committee, two (2) from commercial businesses and one (1) from the Proponent.*

*The key issues raised in submissions, at times with varying views on the matter, include:*

- *Traffic and transport impacts.*
- *Quality of public realm / landscaping.*
- *Provision of community facilities.*
- *Height of commercial tower – location/visual impact.*
- *Amenity impacts during and post construction – visual, noise and pollution.*
- *Matters raised by the Proponent in relation to ESD commitments and DCP obligations.*

*It is recommended that the Amendment and draft Development Plan be amended generally in accordance with the recommendations in Attachment 1 and that all submissions be referred to a combined Independent Panel / Advisory Committee.*

*The report and recommendations of the Independent Panel / Advisory Committee would then be considered by Council before it makes a decision as to whether to adopt the Amendment and submit it to the Minister for Planning for Approval.*

*If the Amendment is adopted by Council and approved by the Minister, Council will then consider the approval of the Development Plan.*

## 1 BACKGROUND

- 1.1 On 2 November 2015, Contour Consulting, on behalf of Scentre Group (as owner and operator of Westfield Doncaster), lodged a request to amend the Manningham Planning Scheme to change the planning controls that apply to Westfield Doncaster at 619 Doncaster Road to facilitate future development of the site.
- 1.2 At the same time as the Amendment was lodged with Council, a draft Development Plan and accompanying technical reports, were also submitted.
- 1.3 Whilst the last major expansion of the centre focussed on the redevelopment of the southern and central parts of the site, this proposed development will occur to the north, north-eastern and north-west of the site, linking in with the existing built form on the site.
- 1.4 Both the Amendment and draft Development Plan are designed to facilitate the following expansion and development of Westfield Doncaster:
  - An additional, approximately 43,000sqm of retail floor space and 18,000sqm of commercial office space generally to the north of the site;
  - A commercial 'gateway' building with a maximum height of ten to fourteen storeys above a 2 level podium in the northwest corner of the site;
  - An enhanced and expanded bus interchange;
  - Improved vehicular and pedestrian access to and within the centre;
  - Additional car parking providing for an overall retail rate of 4.17 spaces per 100sqm, as a whole of centre assessment and an overall commercial rate of 3.5 spaces per 100sqm throughout the centre; and
  - Improved public realm outcomes.
- 1.5 The Amendment, known as Amendment C104 to the Manningham Planning Scheme, proposes to:
  - Amend the content of the Municipal Strategic Statement at Clause 21.09 (Activity Centres and Commercial Areas);
  - Amend Schedule 1 to the Activity Centre Zone at Clause 37.08 (ACZ1), and in particular, the provisions relating to Precinct 4: Westfield Doncaster;
  - Delete Schedule 1 to the Incorporated Plan Overlay at Clause 43.03 (IPO1) and remove the overlay from the land at 619 Doncaster Road and 1 Grosvenor Street, Doncaster and associated mapping;
  - Introduce a new Schedule 4 to the Development Plan Overlay at Clause 43.04 (DPO4) and apply it to the land at 619 Doncaster Road, Doncaster and associated mapping. The DPO4 is not proposed to apply to 1 Grosvenor Street, Doncaster on the basis that this site is no longer in Scentre Group ownership and has been developed as a 10 storey residential apartment-style development;
  - Introduce the Road Closure Overlay (RXO) at Clause 45.04 into the Manningham Planning Scheme and associated new map 7RXO.

RXO is to be applied to the westernmost end of Westfield Drive where it intersects with Williamsons Road;

- Amend Schedule 1 to the Development Contributions Overlay (DCPO1) at Clause 45.06 to clarify the development contributions that would apply in relation to development of the site;
- Amend Schedule 1 to the Parking Overlay (PO1) at Clause 45.09 to specify retail (shop) and commercial (office) car parking rates specifically for the Westfield Doncaster site; and
- Amend the schedule to Clause 81.01 to remove reference to the Incorporated Document which forms the basis of the IPO1 titled *'Westfield Shoppingtown Doncaster Concept Plan, September 1996'*.

1.6 The draft Development Plan has been prepared to align with the provisions of DPO4 which specifies the requirements for a development plan. The requirements include the overriding requirement that a development must be generally in accordance with the Concept Plan that forms part of the proposed Development Plan Overlay Schedule 4.

1.7 The draft Development Plan is informed by the existing strategic context, including the zoning, overlay and policies that apply to the site, as well as the seven supporting technical reports.

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

*'To create a vibrant, world-class retail and commercial complex at the heart of the Doncaster Hill Activity Centre that offers a diverse mix of activity, transport and employment opportunities to improve and meet the needs of the growing residential and worker population. Westfield Doncaster will be distinctive in scale and form to signify the regional significance of the complex, and built form will reinforce the Doncaster Road and Williamsons Road boulevards and establish a defined gateway to Doncaster Hill. Pedestrians, cyclists and public transport users will be prioritised through improved public realm along key roads, a new entry forecourt, and an upgraded bus interchange.'*

*(Page 23, Westfield Doncaster Development Plan, 2016)*

1.9 The draft Development Plan is organised into four key sections:

1. Introduction – Outlines the purpose and general document structure.
2. Site Analysis – Summarises the strategic planning context that applies to the site and analyses existing conditions, including site uses; built form; access and movement; topography; landscaping and public realm; and infrastructure.
3. Development Plan – Outlines the strategies and plans for the future development of the Centre and includes vision; development principles; concept plan; built form and envelope plans; integrated transport plan; public realm and landscape; development criteria; ecologically sustainable development; social infrastructure; advertising signs; acoustic treatments and staging plan.
4. Economic Benefits – Summarises the economic benefits of the proposed Development.

- 1.10 The draft Development Plan includes several 'Envelope Plans' which specify the future built form envelope for the expansion of the centre. The envelope plans have regard to the site context, existing site conditions and identify building setbacks and heights.
- 1.11 The heights in the draft Development Plan are expressed as Reduced Levels (RL). An RL is an elevation of a point or mark related to a nominated datum.  
(Source: *Standards Australia - HB 50 – 2004 - Glossary of Building Terms*)
- 1.12 A copy of the exhibited Amendment documentation is included as Attachment 2. The accompanying draft Development Plan (and the various technical reports) are available for viewing separately at the municipal offices and at [www.yoursaymanningham.vic.gov.au/Amendment-C104](http://www.yoursaymanningham.vic.gov.au/Amendment-C104).
- 1.13 At its meeting on 31 May 2016, Council resolved to seek authorisation from the Minister for Planning to prepare and exhibit Amendment C104 to the Manningham Planning Scheme concurrently with the draft Development Plan, subject to a number of changes. The changes required by Council were made prior to the request for authorisation.
- 1.14 Authorisation to prepare and exhibit the Amendment was granted on 29 June 2016.
- 1.15 The six (6) week public exhibition period for the amendment and draft Development Plan was conducted between 21 July and 1 September 2016.
- 1.16 During the exhibition period, the community and other interested parties were given the opportunity to make a written submission or to lodge a submission on-line on the 'Your Say Manningham' website.

## 2 PROPOSAL/ISSUE

- 2.1 The purpose of this report is for Council to consider the submissions received to Amendment C104 to the Manningham Planning Scheme and the draft Development Plan and to resolve the next steps.
- 2.2 Section 23(1) of the *Planning and Environment Act 1987* outlines the options available to a Council when considering submissions to a planning scheme amendment. In this instance, more options are available because submissions have also been received to the proposed Development Plan.
- 2.3 The options available to Council are:
1. Change the Amendment as requested by submitters and adopt the Amendment; or
  2. Request an Independent Panel to consider submissions about the Amendment only; or
  3. Request a combined Independent Panel / Advisory Committee to consider submissions about both the Amendment and the draft Development Plan (recommended option); or
  4. Abandon Amendment C104. If this occurs there would be no trigger for the preparation of a Development Plan, and the draft Development Plan could not be further considered.
- 2.4 A total of 52 submissions have been received to both the Amendment and draft Development Plan, consisting of (44) submissions from or on behalf of residents, three (3) from Statutory Authorities, one (1) on behalf of a school,

- one (1) on behalf of Council's Access and Equity Advisory Committee, two (2) from commercial businesses and one (1) from the Proponent.
- 2.5 Given that the draft Development Plan was exhibited concurrently with Amendment C104, at times it was difficult to clearly distinguish between submissions received in relation to the Amendment itself, the draft Development Plan, or a combination of the two.
- 2.6 There is no legal requirement to exhibit a development plan which is proposed to be considered for approval under a Development Plan Overlay. However, it is common for a council to provide the community with an opportunity to consider a proposed development plan before it is considered by Council for approval.
- 2.7 From the total of the 52 submissions received, 31 were submitted via the website. Detailed submissions were received from VicRoads, Public Transport Victoria (PTV), Bunnings and from Scentre Group (as the proponent for the Amendment), as well as from Council's Access and Equity Advisory Committee.
- 2.8 Thirty four of the submitters (including the proponent) own property and/or reside within a 500m radius surrounding the Centre and 17 submitters own property and/or reside outside the 500m radius surrounding the Centre. One submitter did not provide an address. Refer to Attachment 3 for a map identifying the location of submitters.
- 2.9 As part of considering submissions, a letter was sent to PTV seeking further clarification on matters raised in its submission. A response was received from PTV and this has also been considered in the summary of submissions.
- 2.10 As part of considering submissions, officers also met with the proponent to seek/discuss its response to submissions.
- 2.11 The submissions are summarised in Attachment 1 and an officers' response and recommendation is provided in relation to each issue raised in the submissions.
- 2.12 The recommendations in response to the consideration of submissions include:
- Recommended changes to the Amendment documentation;
  - Recommended changes to the draft Development Plan; and
  - Other recommendations not specifically related to the Amendment or draft Development Plan.
- 2.13 The following section addresses the main issues raised by submitters and the officers' response to those submissions. The following analysis categorises submissions as
- submissions relating to the draft Development Plan; and
  - submissions relating to Amendment C104.

## **Traffic and Transport**

### Design and function of the new bus interchange



- 2.14 With the exception of two submitters, six (6) submitters, have expressed their support for improvements to the bus interchange and future demand for public transport to be accommodated.
- 2.15 In expressing their support for improvements to the bus interchange, PTV requested a review to the proposed layout in order to allow buses to be able to undertake a loop so as to circulate within the bus interchange.
- 2.16 In addition PTV also raised concerns relating to the operation of services within the surrounding road network.

*Officers' response:*

- 2.17 It is acknowledged that as the statutory authority that manages Victoria's bus services, it is the responsibility of PTV to provide guidance in relation to the design and function of the bus interchange and infrastructure requirements beyond the centre to support service delivery. However, officers consider that any suggested changes to the layout of the bus interchange which has been exhibited so as to achieve the internal 'loop' for buses must not reduce the number of allocated bus bays or compromise the allocation of space or amenity of the public realm/entry forecourt area. Provided that this principle is observed, then any changes can be considered on their merits.
- 2.18 While PTV raised the issue of the impact of the development on the operation of services within the surrounding road network, PTV is satisfied that matters relating to the operation of those services can be addressed as part of future planning permit applications.

Pedestrian accessibility

- 2.19 Nine (9) submitters have raised issues relating to the importance of providing adequate pedestrian access; the inadequate phasing of signals crossing multi-lane main roads to the centre; the inadequacies of the pedestrian desire entry points in the existing part of the centre; and safety concerns about access from the bus interchange to the east when the centre is closed.

*Officers' response:*

- 2.20 As part of the preparation of the draft Development Plan, Council officers advocated strongly for the provision of additional pedestrian points, at key desire lines to the Centre. Whilst the pedestrian improvements are generally associated with the expansion proposal as detailed in the draft Development Plan, it is acknowledged that a number of submissions are seeking further pedestrian access improvements to the existing part of the Centre, including access to and from the bus interchange from the east, outside of the Centre's operating times.
- 2.21 In addition to the pedestrian access network and facilities as identified in Figure 54 of the draft Development Plan, Council officers will also be seeking to advocate that VicRoads provide for improvements to the phasing of pedestrian crossings at key locations as well as implementing actions identified in the *Doncaster Hill Mode Shift Plan (2014)* and the *Behaviour Change Plan (2015)* to encourage a mode shift of 30% to sustainable transport modes within Doncaster Hill. This advocacy will supplement the DPO4 requirement that a Green Travel Plan/ Active Travel Plan be provided with any planning permit application. The purpose of such plans is generally to encourage a mode shift towards non-car based modes of travel.

Carparking and traffic movements in and around the Centre

- 2.22 Five (5) submitters have raised concern about the adequacy of the proposed carparking rates and the lack of provision of sufficient disabled parking spaces.
- 2.23 Seven (7) submitters raised general concerns about access into and out of the centre, particularly at peak times and the disjointed circulation within the centre carparks.
- 2.24 Some submitters were also concerned whether the proposed surrounding road infrastructure is able to respond appropriately to the growth in traffic volumes resulting from the centre expansion and adjoining developments.

*Officers' response:*

- 2.25 There is a recognised problem with the amount of car parking provided by the Centre at the moment and the way vehicles are able to circulate within the Centre once they enter. Consequently, the Amendment and draft Development Plan is based on the culmination of two years of work which was done in collaboration between the Proponent, VicRoads, PTV and Council. Traffic modelling reviewed both the projected car parking demands as well as the proposed mitigating measures that might assist in alleviating the impacts of the additional traffic expected as a result of the expanded centre and the anticipated full build-out of Doncaster Hill.
- 2.26 As part of addressing the current parking concerns, a number of changes are being proposed in addition to the increase in the retail car parking rate for the new development from the current (excluding the Stage 1 multi level car park) 3.87 to 4.17 spaces per 100sqm based on whole-of-centre assessment. Currently, the peak parking demand for the whole of centre car on a Saturday is approximately 88% occupancy. Difficulties in finding a car park can be partly attributed to the lack of connectivity between car parks. The proposed development will improve circulation between all existing and proposed car parking areas.
- 2.27 These two changes are expected to significantly improve the current experience in arriving to the centre and looking for a carparking space.

Westfield Drive

- 2.28 Nine (9) submitters have raised concerns about the proposed closure and reconfiguration of Westfield Drive, in association with the construction of the new main entry at the north-west part of the site, adjacent to Westfield Drive.

*Officers' response:*

- 2.29 The RXO is the key planning control which closes Westfield Drive. The re-location of the new main entry to the centre along Williamsons Road to the north-west corner of the site will result in a reconfiguration to Westfield Drive. The key changes involve:
- the closure of Westfield Drive at its intersection with Williamsons Road;
  - entry and exit from Westfield Drive, via the new proposed centre internal Northern Access Road;
  - a new left turn slip lane to the proposed Northern Access Road into the Centre;
  - signalised access into and out of Williamsons Road.

- 2.30 Officers have recommended that the draft Development Plan should be amended to require a section 173 agreement in a future planning permit for the new Westfield Drive access to incorporate unfettered access rights for the general public over the Northern Access Road.
- 2.31 The proposed closure of the western end of Westfield Drive to through traffic will result in converting the western end of Westfield Drive into a cul-de-sac. This will be designed to accommodate emergency and waste vehicle access turning requirements.
- 2.32 In response to submissions raising concerns about the impacts of the entry/exit point into Westfield Drive from the Northern Access Road, Scentre Group has indicated that it is currently reviewing the technical design of the intersection between Westfield Drive and the Northern Access Road to improve operational outcomes.
- 2.33 Council officers are supportive of improvements to the operational outcomes at this intersection and have recommended that the proponent investigates relocating the intersection and Northern Access Road slightly further to the south to provide a greater radius to the Northern Access Road and an increased distance to the linkage between Westfield Drive from the Northern Access Road.

#### Bourdeaux Street / Williamsons Road

- 2.34 Four (4) submitters raised concern about the impacts of the proposed changes to the relocation of the Westfield Doncaster accessway (the Northern Access Road) to the north-west corner of the site that will adversely impact on the ability to safely undertake a "U" turn to access St Gregory the Great Primary School.

#### *Officers' response:*

- 2.35 The proposed relocation of the Westfield Doncaster main accessway to the north-west corner of the site will result in the introduction of a signalised intersection which will impact on the current access arrangements to the service road, mainly for vehicle movements from the west.
- 2.36 The "U" turn facility located on the southbound carriageway of Williamsons Road will be relocated further south along Williamsons Road, which will enable an easier "turning circle" for motorists accessing the service road. Officers have recommended that a provision be made to allow the signalisation of the "U" turn movement from the Williamsons Road southbound carriageway into the service road, if and when, traffic volumes increase.

#### Sovereign Point Court / Williamsons Road

- 2.37 Four (4) submitters have expressed concern about the proposed changes to existing signals associated with the new bus interchange and other network changes that impact on their access into and out of Sovereign Point Court from Williamsons Road. In particular, residents have requested the installation of signals to provide safer access into and out of Sovereign Point Court.

#### *Officers' response:*

- 2.38 An investigation has been undertaken into the request to provide a right turn facility for southbound vehicles on Williamsons Road into Sovereign Point

Court, prior to the Shoppingtown Hotel signals. The findings identified that there was insufficient road reserve width and offset from adjacent signals to provide a right turn facility for southbound vehicles along Williamsons Road. It is proposed to retain the current left in / left out access arrangements for Sovereign Point Court at Williamsons Road.

- 2.39 Officers have recommended that the proponent investigate the feasibility for the provision of 'Keep Clear' linemarking on Williamsons Road at the Sovereign Point Court intersection in consultation with Council. This is to respond to concerns that the location of the new intersection signals on Williamsons Road at Westfield Drive will result in traffic queuing south along Williamsons Road, blocking access at Sovereign Point Court.

#### Frederick Street Signals

- 2.40 Seven (7) submitters have expressed concern about the proposed removal of the signals at the intersection of Frederick Street and Doncaster Road and the banning of right turns into and out of Frederick Street, Doncaster. In addition to the inconvenience of needing to undertake U-turns, concerns have also been expressed about access by emergency and waste vehicles and other delivery trucks. Concern has also been raised about any proposal to open the current road closure in Frederick Street.

#### *Officers' response:*

- 2.41 The removal of the Frederick Street intersection signals has been proposed to improve traffic flow and reduce congestion along the westbound carriageway of Doncaster Road between Williamsons Road and Tower Street.
- 2.42 Results from the traffic modelling which was reviewed and supported by VicRoads, indicate that the removal of the right turn movements for both the Frederick Street intersection and Westfield Doncaster exit point opposite, will result in some minor increases in "U" turn movements at the intersections east and west of Frederick Street. However, it is not considered that the removal of the right turn movements will adversely impact on safety or significantly reduce amenity for the local residents and commercial properties north of the Frederick Street closure.
- 2.43 The future status of the Frederick Street road closure is outside the scope of this process and any proposed changes would involve separate consultation with all affected parties.

#### **Urban Design**

##### Built form impacts

- 2.44 Eleven (11) submitters raised concern about the proposed size of the centre and setbacks from residential areas; height of the tower and amenity impacts resulting from overshadowing, overlooking, and loss of views. It was submitted that the tower should be located more centrally on site to provide a more 'balanced' built form outcome and that the height may set undesirable precedent for future developments.

#### *Officers' response:*

- 2.45 At a broader strategic level, the proposed expansion of the centre responds to a number of land use and development objectives to be achieved within the Doncaster Hill Activity Centre, as identified in the Activity Centre Zone –

Scheme – Schedule 1 (ACZ1), including the development of a unique gateway building, public realm area and maintaining an integrated public transport interchange.

- 2.46 It is submitted that with the exception of a couple of sites, including Westfield Doncaster, the majority of Doncaster Hill is affected by mandatory maximum building heights.
- 2.47 The proposed commercial tower located in the north-western corner of the site generally responds to the precinct requirements identified in the Activity Centre Zone – Scheme – Schedule 1 (ACZ1) which encourages the development of a gateway building as an entrance to Doncaster Hill:
- *‘Develop a unique gateway building abutting Williamsons Road in the north-west corner of the precinct.’*
- 2.48 Section 3.5 Built Form and Envelope Plans of the draft Development Plan outlines the *‘Design Rationale for Gateway Building’* to provide guidance regarding the future scale and form of the building. A future planning permit application will have to be generally in accordance with the approved Development Plan.
- 2.49 It must also be acknowledged that Section 3.5 Built Form and Envelope Plans of the draft Development Plan identifies *‘Envelope Plan Shadow Studies’* and demonstrates that there will be no unreasonable shadow impacts from the building envelope upon adjacent residential interfaces.

#### Noise and Amenity Impacts

- 2.50 Five (5) submitters have raised concern about the noise and amenity impacts during and after construction and have expressed concerns regarding the proposed acoustic treatments in relation to safety, being located ‘behind a wall’ and the proposed acoustic rating.

#### *Officers’ response:*

- 2.51 The Amendment and draft Development Plan were accompanied by an acoustic report that informed at the broad level the proposed acoustic treatments identified along the eastern and northern boundaries where the site adjoins residential areas. Acoustic treatments were based on the redevelopment potential of the surrounding areas, that allows a maximum building height limit of 11 metres on lots not less than 1,800m<sup>2</sup>, as set out in Schedule 8 to the Design and Development Overlay.
- 2.52 The DPO4 requires that any planning permit must include a Construction Management Plan (CMP). The CMP will address matters associated with the on-site construction and off-site amenity management measures.
- 2.53 The DPO4 also requires that each planning permit application be accompanied by an acoustic report detailing the proposed noise mitigation measures for the development. As a commercial development it will need to show compliance with State Environment Protection Policy on Noise limits.
- ‘An application for a planning permit to use or develop land should be accompanied by the following, as appropriate, to the satisfaction of the Responsible Authority: (amongst other reports)*

- *An Acoustic Report, detailing the proposed noise mitigation measures for the development.’*

- 2.54 It is considered prudent for the proponent to include the above Acoustic Report as part of information submitted to Council at the time of the planning permit application. While the application would not be formally advertised, it would be included on the planning register, which is a matter of public record and would allow any interested parties to view the application and Acoustic Report. It is important to note that whilst comments/objections in relation to this matter can be received for consideration by Council, there are no third party appeal rights to the Victorian Civil and Administrative Tribunal (VCAT).

#### Public Realm/landscaping

- 2.55 Three (3) submitters have expressed their disappointment in relation to the landscaping and community open space proposed, stating that only the minimal amount necessary is being provided to gain planning approval.

#### *Officers' response:*

- 2.56 Council officers acknowledge the importance of providing adequate public realm which also provides opportunities for functional and high quality formal and informal outdoor areas that cater to the needs of the patrons to the Centre. It is further acknowledged that there are a number of competing functions in the north-west corner of the site and extending further north along Williamsons Road, including the commercial tower, public realm / entry forecourt, bus interchange and shops and cafes.
- 2.57 Section 3.7 of the draft Development Plan outlines the objectives and key components of the public realm and landscaping. Works associated with the public realm and landscaping treatments and their specific details will be subject to future planning permit applications which must be generally in accordance with the approved Development Plan.
- 2.58 The proposed location of the public realm/entry forecourt is generally in accordance with the proposed location identified on the Strategic Framework Plan forming part of the Doncaster Hill Activity Centre Zone – Schedule 1 (ACZ1). It is noted that the Strategic Framework identified in ACZ1 is proposed to be modified to identify the 'switch' in the location between the public realm area and the bus interchange.
- 2.59 It is further noted that as part of considering the request to seek authorisation to exhibit the Amendment, Council sought changes to Section 3.7 of the draft Development Plan that was available for viewing with the amendment. This change included a new commitment to consider additional rooftop landscaping and/or green facades, aimed at reducing the urban heat island effect, whilst also promoting biodiversity.
- 2.60 In response to the PTV submission seeking modification of the bus interchange, Council officers have recommended that that any redesign must as a principle not compromise the allocation of space or amenity of the public realm/entry forecourt area.

#### **Infrastructure**

#### Community facilities

- 2.61 The submission lodged on behalf of Council's Access and Equity Advisory Committee has identified the benefit of co-locating allied health services at the Centre as part of a providing a 'one-stop shop', and to address current service gaps in the municipality. Submissions also recommended the

inclusion of a range of facilities to service the needs of patrons, as well as other detailed design recommendations aimed at improving access and equity for the community.

- 2.62 Two (2) submitters raised concern about whether 100sqm allocation for a community / youth space was sufficient to service needs of the community, given the scale of the proposed expansion.

*Officers' response:*

- 2.63 The purpose of the draft Development Plan is to set out the urban design vision, principles, strategies and development applicable for any future development at the Centre.
- 2.64 Whilst the matters raised in the submissions relate to more detailed matters associated with design and the provision of services and facilities, it is important to note that the DPO4 at section 2.0 Conditions and requirements for permits, states that:

*'An application for a planning permit to use or develop land should be accompanied by the following, as appropriate, to the satisfaction of the Responsible Authority: (amongst other reports)*

- *An Accessibility / Access and Equity Audit report.'*

- 2.65 The proposed DPO4 also reflects the commitment for the provision of a minimum of 100sqm for a community / youth space, which will be formalised through a section 173 agreement as a condition of future planning permits.
- 2.66 It is considered appropriate that in the context of a higher order activity centre, the Proponent establishes an advisory group. This may consist of representatives from Council to assist in guiding and informing the relevant planning permit applications, including matters relating to accessibility and the provision of facilities. Officers have recommended that this should be referenced in the draft Development Plan in Section 3.10 Community Infrastructure.

Ecologically Sustainable Design

- 2.67 The Proponent for the Amendment has objected to the changes resolved by Council at its meeting on 31 May 2016, to Section 3.9 Ecologically Sustainable Development of the draft Development Plan and the technical report.
- 2.68 One (1) submitter has supported use of green energy in making the proposal to expand the Centre more attractive to the community.

*Officers' response:*

- 2.69 As part of considering the request to seek authorisation to exhibit the amendment, Council sought changes to the draft Development Plan at Section 3.9 Ecologically Sustainable Development to be assured that an alternative formal certification (to Council's approval) would be provided in its place if the option of a 5-Star Green Star rating was not achievable.
- 2.70 The Green Star rating tool referred to in the Sustainability Commitments report (prepared by Cundall) is the Retail Centre v1 tool which is now referred to on the Green Building Council of Australia (GBCA) website as one of the legacy rating tools.

- 2.71 According to the GBCA: *'Legacy rating tools are previous versions of Green Star rating tools that have been superseded by the release of Green Star – Design & As Built. Registration under these rating tools closed in December 2015, new projects must register under the current versions of the Green Star rating tools.*
- 2.72 The correct Green Star rating tool which should apply to this project is the Design & As Built v1.1 tool and when the credits are translated to the superseded Retail Centre v1 rating tool, this still allows a 4-Star Green Star certified rating for the project to achieve Australian best practice to meet Council's minimum requirement.
- 2.73 The ability to certify an expansion to an existing building is possible provided the project scope and boundary is clearly defined up-front making a formal Green Star rating achievable.
- 2.74 Accordingly, officers have recommended changes to the Development Plan Overlay – Schedule 4 (DPO4), draft Development Plan and the Sustainability Commitments report.

#### **Development Contributions Plan – Schedule 1 (DPO1)**

- 2.75 Currently, pursuant to Section 4.0 of Schedule 1 to the Development Contributions Plan Overlay, an exemption applies to the Westfield Doncaster site in relation to the payment of development contributions.
- 2.76 Under the current Development Contribution Plan Overlay Schedule, development contributions are payable in respect of development including the construction of a building or the carry out of works. There is an existing exemption that provides for no payment of development contributions up to a leasable floor area of 135,000 square metres (comprising 90,000 for shop) provided that certain infrastructure specified in an existing planning permit was carried out.
- 2.77 The Amendment proposes to retain the exemption in its current form subject to updating the reference to the proposed Development Plan Overlay instead of the Incorporated Plan Overlay. The development facilitated by the Amendment and the draft Development Plan will exceed the floor space trigger set out in the exemption. Therefore, development contributions will be triggered and become payable. The total development contribution payable is estimated at about \$2.8 million in 2015.
- 2.78 As part of Amendment C104, a future planning permit application will now trigger the payment of a contribution pursuant to an amended Development Contributions Plan Overlay. This is on the basis that the current floor-space exemption will not be applicable.
- 2.79 The proponent has undertaken a preliminary feasibility and costing of a range of infrastructure works proposed to be undertaken as part of the expansion of the centre and has estimated that these works have a combined value that significantly exceeds the development contributions payable under the proposed DCPO1.
- 2.80 On that basis, the Proponent submits that the exemption provision is reasonable and seeks a change to DPO1 to ensure consistency with the previous exemption methodology in applying Development Contributions to the site.

*Officers' response:*



- 2.81 The drafting of the amended DCPO1 is in the same form as the existing DCPO1 except that it refers to the relevant DPO rather than the existing IPO. Scentre Group's submission states that the DCPO needs to be amended to ensure consistency with the previous (approved) exemption methodology in applying Development Contributions to the Westfield Centre.
- 2.82 Council officers do not consider that any further changes are required. The amended form of the DCPO1 only changed the exemption by updating the relevant planning control referenced in the exemption. Therefore, it is envisaged that development contributions (of about \$2.8m) will become payable when the proposed development proceeds. It is not proposed to modify the exemption to either -
- exempt the proposed development from liability to pay contributions, or
  - to change the planning permit referenced in the exemption so as to refer to the extent of development anticipated by the draft Development Plan,
- as, either of these changes would further delay payment of the development contribution under the Doncaster Hill Development Contribution Plan.
- 2.83 Any infrastructure works which are proposed to be undertaken in accordance with the Doncaster Hill Development Contributions Plan will be considered for a credit against the Scentre Group's development contributions liability.

#### **Changes sought to Development Plan Overlay – Schedule 4 (DPO4)**

- 2.84 Public Transport Victoria (PTV) has raised concerns that the number of reports relating to traffic and transport may result in the duplication of information submitted in support of planning permit applications.
- 2.85 PTV has also requested that the final paragraph under the heading 'Integrated Transport Plan' which requires Council to seek the views of certain government agencies should instead simply refer to 'Referral Authorities'.

#### *Officers' response:*

- 2.86 The DPO4 requires certain documents to form part of an approved Development Plan:
- An Integrated Transport Plan comprising a number of components; and
  - A Traffic and Transport Assessment Report. Comprising specified information.
- 2.87 Furthermore, the DPO4 requires any planning permit application (which must be generally in accordance with the approved Development Plan) to be accompanied by (as relevant)
- A transport Impact Assessment Report
  - An accessibility/Access and Equity Audit Report
  - A green Travel Plan
- 2.88 In response to concerns raised by PTV regarding duplication of information, (which is not accepted) it is noted that DPO4 provides discretion for the

applicant and Responsible Authority in relation to which documents should accompany a planning permit application. Accordingly, Council does not consider that there is any unnecessary duplication.

- 2.89 The suggested change to refer to 'Referral Authorities' rather than department names does not change the policy intent and therefore officers recommend that this change be made.

### **3 OPTIONS**

- 3.1 Section 23(1) of the *Planning and Environment Act 1987* outlines the options available to a Council when considering submissions to a planning scheme amendment. In this instance, more options are available because submissions have also been received to the draft Development Plan.
- 3.2 The options available to Council are:
1. Change the Amendment as requested by submitters and adopt the Amendment; or
  2. Refer the submissions to an Independent Panel to consider submissions about the Amendment; or
  3. Abandon the Amendment.
- 3.3 Option 1 is not available because of the varying views of submitters.
- 3.4 Option 3 is not recommended as a significant level of strategic work has been undertaken to ensure the Amendment provides the best basis for the further redevelopment of Westfield Doncaster.
- 3.5 Accordingly, Council Officers recommend that Council proceed with Option 2 on the basis that Council also has a draft Development Plan to consider. It is also recommended that when referring the submissions and requesting the appointment of an Independent Panel, the panel should be asked to also be appointed as an Advisory Committee so that it can also consider and make recommendations in relation to the draft Development Plan.

### **4 PRIORITY/TIMING**

- 4.1 Section 19(4)(b) of the *Planning and Environment Act 1987* identifies that any planning scheme amendment needs to be on exhibition for a minimum of 4 weeks. Amendment C104 and the draft Development Plan were on exhibition between 21 July to 1 September 2016, a total of six (6) weeks.
- 4.2 Section 4(3) of Ministerial Direction No. 15 requires the appointment of a Panel within 40 business days of the closing date of submissions. Based on the Council election caretaker period, Council sought and was granted an exemption from complying with the Ministerial Direction No. 15 requirements relating to this stage of the amendment process.
- 4.3 If Council adopts Option 2 and refers the submissions to an Independent Panel appointed also as an Advisory Committee, the Directions Hearing and combined Independent Panel / Advisory Committee Hearing dates have been pre-set for the following dates:
- Directions Hearing – in the week commencing 27 March 2017.
  - Panel Hearing/Advisory Committee – 26 April to 5 May 2017.

- 4.4 It should be noted that these dates have been changed from those identified in the exhibited Explanatory Report.
- 4.5 Scentre Group has also indicated that the progression of the amendment and draft Development Plan and subsequent redevelopment of the centre continues to be a high priority.

## 5 POLICY/PRECEDENT IMPLICATIONS

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

## 6 CUSTOMER/COMMUNITY IMPACT

- 6.1 The draft Development Plan has been submitted for Council's consideration at the same time as the request for Amendment C104, so that Council, the community and all key stakeholders can ascertain how the site is proposed to be developed in the context of DPO4.
- 6.2 The DPO4 exempts subsequent planning permit applications from advertising and third party appeal rights. This means that the Amendment process is the only opportunity for community members and other key stakeholders to make a submission in relation to the future plans for the subject site. This is why the draft Development Plan was exhibited with the Amendment documentation.
- 6.3 The '*Westfield Doncaster Economic Benefits Assessment, March 2016*', technical report informing the draft Development Plan forecasts the following economic benefits from a projected development cost of \$500 million;
- Approximately 2,040 direct construction jobs;
  - Almost 2,900 new full time and part time workers at the centre on completion of the expansion;
  - A further 5,500 indirect jobs from flow-on employment effects; and

- Contributing to improving the scale and quality of retailing serving the east/north region of Melbourne.

## 7 FINANCIAL RESOURCE IMPLICATIONS

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

## 8 SUSTAINABILITY

- 8.1 Amendment C104 and the draft Development Plan are considered to be consistent with social, economic and environmental sustainability objectives.
- 8.2 One of the underpinning Development Criteria identified in the Development Plan in Section 3.8 is a commitment to ensure that the proposed expansion of Westfield Doncaster will continue to recognise the importance of achieving a strong sustainable outcome for the proposed development and to support the Council's sustainability aspirations for Doncaster Hill, including achieving a 30% mode shift to more sustainable transport options and improvements to the bus service.
- 8.3 The draft Development Plan identifies the following specific community infrastructure outcomes:
- Additional services in the shopping centre, particularly allied, medical and dental services to complement the proposed office development; and
  - A community space of at least 100sqm to be located in close proximity.

## 9 REGIONAL/STRATEGIC IMPLICATIONS

- 9.1 Scentre Group has submitted that the last expansion in 2008 reflected a significant elevation of the centre's offer and role as one of Melbourne's leading shopping centres.
- 9.2 The Westfield Centre will perform an important role to underpin the profile and identity of Doncaster Hill as the centre continues to develop in the future.
- 9.3 At a broader strategic level, the proposed expansion of the centre responds to a number of land use and development objectives to be achieved within the Doncaster Hill Activity Centre, as stated in ACZ1:
- *To advance Doncaster Hill as a sustainable and vibrant mixed-use activity centre with a strong sense of place...*
  - *To develop the centre as a focus for contemporary high density residential development incorporating a mix of complementary, retail, social, commercial and entertainment uses.*
  - *To ensure the activity centre enhances the social, environmental, economic and cultural elements of the municipality and region, advancing Doncaster Hill as a destination in Melbourne's East.*
- 9.4 At a precinct level – 'Precinct 4: Westfield Doncaster', the expansion addresses and/or advances the following objectives:
- *To further improve existing active street frontages.*
  - *Encourage and enhance pedestrian environment within the precinct.*

- *To provide opportunities for a range of ..... commercial uses to develop within the precinct along with the existing retail development.*
  - *To create a number of significant externalised public urban spaces/plazas, which are well connected to the public transport interchange and boulevard along Doncaster Road.*
  - *To support and connect with the pedestrian link proposed for the Doncaster, Williamsons and Tram Road intersection at the western end of the precinct.*
- 9.5 The expansion will also address or advance the following Precinct guidelines:
- *Develop a unique gateway building abutting Williamsons Road in the north-west corner of the precinct.*
  - *Maintain and enhance an integrated public transport interchange to support both Westfield Doncaster and the greater Doncaster Hill area in a prominent and easily accessible location.*
  - *Establish strong pedestrian entries and linkages from Westfield Doncaster to all other precincts within Doncaster Hill.*
  - *Future building form is to maximise the north-east aspect and views, and vistas to the CBD.*
  - *External spaces should directly link to Williamsons Road....where appropriate.*

## **10 CONSULTATION**

- 10.1 The exhibition of Amendment C104 and draft Development Plan involved the following consultation processes:
- 10.2 Information about the Amendment, draft Development Plan, accompanying technical reports, Fact Sheet and 'Frequently Asked Questions' were made available at the municipal offices, local branch libraries and on the 'Your Say Manningham' website at [www.yoursaymanningham.vic.gov.au/Amendment-C104](http://www.yoursaymanningham.vic.gov.au/Amendment-C104);
- 10.3 Two general drop-in sessions, which were held at the municipal offices on Monday 1 August (2pm – 4pm) and Wednesday, 3 August 2016 (6pm – 8pm). A drop-in session was also held on Monday, 1 August (6pm – 8pm) at the municipal offices, specifically for Westfield Drive and Grosvenor Street residents. These sessions were attended by Council officers from various service units, and representatives of Scentre Group's consultant team;
- 10.4 Council officers also responded to telephone and counter enquiries from interested parties, both directly and indirectly notified about the amendment;
- A Public Notice in the Manningham Leader (local paper) on 18 July 2016;
  - A notice in the Government Gazette on 21 July 2016;
  - Direct notification of the amendment was sent to:
    - Prescribed Ministers;
    - Prescribed referral authorities;

- Approximately 2,500 property owners and occupiers within and to a distance of 100 metres around the Doncaster Hill Activity Centre. This is the boundary that has been used consistently for notification of amendments within the Doncaster Hill Activity Centre. This included specifically tailored letters to property owners on Westfield Drive to inform them of the proposed traffic access arrangements, including the road closure and signalised intersection of Westfield Drive; and
- other key stakeholders.

## **11 COMMUNICATIONS STRATEGY**

- 11.1 A Communications Strategy and Engagement Plan were prepared in relation to the exhibition of Amendment C104 and the draft Development Plan.
- 11.2 Each submitter will be notified of Council's resolution and of any subsequent key stage in the Amendment process.

## **12 CONCLUSION**

- 12.1 Amendment C104 to the Manningham Planning Scheme and the draft Development Plan is a culmination of two years work with the proponent, VicRoads, PTV and other key stakeholders.
- 12.2 Council exhibited Amendment C104 in accordance with the statutory process of the *Planning & Environment Act, 1987* and as a result, 52 submissions were received.
- 12.3 Council officers have now considered all submissions received and have provided responses and recommendations in Attachment 1. The recommendations are grouped into the following categories:
- Changes to Amendment C104 documentation;
  - Changes to the draft Development Plan, and;
  - Matters for consideration, that are outside the scope of the Amendment and draft Development Plan.
- 12.4 It is now considered appropriate to request the Minister for Planning to appoint an Independent Panel / Advisory Committee to consider the submissions received.

## **OFFICER'S RECOMMENDATION**

**That Council:**

- (A) Notes all submissions received in response to Amendment C104 to the Manningham Planning Scheme and the draft Development Plan;**
- (B) Requests the Minister for Planning to appoint an Independent Panel which is also appointed as an Advisory Committee, pursuant to sections 151, 153 and 155 of the *Planning and Environment Act 1987* to consider the submissions received in relation to Amendment C104 to the Manningham Planning Scheme and the draft Development Plan for Westfield Doncaster, located at 619 Doncaster Road, Doncaster;**

- (C) Refers the submissions, as set out in Attachment 1, to the combined Independent Panel and Advisory Committee for consideration.**
- (D) Endorses the recommendations set out in Attachment 1 for the purpose of informing Council's submission to the combined Independent Panel and Advisory Committee;**
- (E) Advises all submitters of Council's decision to refer all submissions to a combined Independent Panel and Advisory Committee, whereby they will be given an opportunity to be heard on the matter.**

**MOVED: CHEN**  
**SECONDED: McLEISH**

**That the Recommendation be adopted.**

**CARRIED**

"Refer Attachments"

Attachments

1. Summary of Submissions Table
2. Exhibited Amendment documentation
3. Map identifying submitters within 500 metre radius of Westfield Doncaster
4. Landscape Concept Plan for Westfield Drive Road Closure.

\* \* \* \* \*

## 10.2 Amendment C111 - 383 - 395 Manningham Road, Doncaster - Consideration of Panel Report and Adoption of Amendment

Responsible Director: Director Planning & Environment

File No.T16/226

The ultimate destination for this report is: COUNCIL AGENDA

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

### SUMMARY

*The purpose of this report is for Council to:*

- 1. Consider the report of the independent panel which considered submissions in relation to Amendment C111 to the Manningham Planning Scheme and Planning Permit Application PL15/025875; and*
- 2. Make a decision on whether or not to adopt the Amendment/Application as recommended by the Panel. A copy of the Panel Report is included as **Attachment 1**.*

*Amendment C111 and Planning Permit PL15/025875 relate to the proposed rezoning and subdivision of the front, vacant portion of the Council owned land at 385 – 395 Manningham Road, Doncaster (adjacent to Mannacare) for residential purposes. Under sections 27 and 96F of the Planning and Environment Act, (the Act) Council must consider the Panel’s report before deciding whether or not to adopt the Amendment (with or without changes), and before deciding whether or not to recommend the granting of a permit.*

*Under section 29 of the Act, it is recommended that Council adopts Amendment C111 as recommended by the Panel and shown in **Attachment 2** (adoption documents), and forwards to the Minister for Planning for approval in accordance with section 31 of the Act. Under section 96G of the Act it is also recommended that Council recommends to the Minister for Planning that planning permit PL15/025875 be granted.*

*If Council resolves to adopt Amendment C111 and recommends that planning permit PL15/025875 be granted, Council will then receive a further report regarding the future sale of the land.*

### 1 BACKGROUND

- 1.1 Amendment C111 applies to the front, vacant portion of the Council owned land at 385 – 395 Manningham Road, Doncaster, more particularly described as Lot 1 on LP 219314W on Certificate of Title Volume 10059 Folio 460. It is currently occupied by the former Manningham Centre Association’s (MCA), now referred to as Mannacare, Melaleuca Lodge, a low care residential hostel. A site context plan is included as **Attachment 3**.
- 1.2 The Amendment proposes to:
  - Rezone the site from a Public Use Zone – Health and Community (PUZ3) to the Residential Growth Zone; and



- Apply the Design and Development Overlay Schedule 8 – Sub-precinct 1 (DDO8-1) to the land.
- 1.3 The amendment is accompanied by an application for planning permit (PL15/025875) under section 96(A)(1) of the *Planning and Environment Act 1987* to subdivide Lot 1 219314W into two allotments. Lot 2 is proposed to have an area of approximately 2,440m<sup>2</sup>. A draft planning permit was prepared by Council for the subdivision of the subject land and was exhibited with the planning scheme amendment.
- 1.4 Council is seeking to rezone the front portion of 385 – 395 Manningham Road, Doncaster, in order to facilitate the future sale of that land for medium density housing.
- 1.5 The background to this amendment / planning permit application was previously reported to Council at its meetings on 23 June 2015 and 28 June 2016.
- 1.6 At its meeting on 23 June 2015 Council resolved as follows:
- That Council:
- (A) *Seeks authorisation from the Minister for Planning under section 8A(3) of the Planning and Environment Act 1987 to prepare Amendment C111 to the Manningham Planning Scheme to:*
- *Rezone part of Lot 1 LP 219314W (Volume 10059 Folio 460) as generally shown in Attachment 5 from Public Use Zone 3 (Health and Community) to the Residential Growth Zone (Schedule 2); and*
  - *Apply Design and Development Overlay Schedule 8– Sub-precinct 1 (DDO8-1) to the land.*
- (B) *When authorisation is received to give notice of Amendment C111 to the Manningham Planning Scheme and notice of the planning permit application being considered concurrently in accordance with section 96C of the Act, resolve to place Amendment C111 and the draft planning permit on public exhibition for a period of six weeks generally in accordance with Attachment 5.*
- (C) *Subject to a further report authorising the commencement of statutory proceedings under section 189 of the Local Government Act 1989, gives in principle support for the sale of part of Lot 1 on as generally shown in Attachment 3 for residential purposes, subject to an expression of interest process and the following principle for future development of the site:*
- *A preferred minimum 10% of the development to comprise affordable and/or disability housing’.*
- 1.7 Amendment C111 and proposed planning permit PL15/025875 were placed on public exhibition between 7 April to 20 May 2016.
- 1.8 On 1 April 2016, notice of the amendment and planning permit application was given to 35 parties. They included the adjoining Manningham Centre (now Mannacare), Ambulance Victoria, VicRoads, the Department of Health and Human Services and nearby land owners and occupiers in Palmerston Avenue and properties opposite the subject site in Manningham Road, Doncaster. Prescribed Ministers and statutory authorities outlined in the Act were also notified.

- 1.9 Notices were also placed in the Manningham Leader and the Government Gazette on 4 and 7 April 2016 respectively. An article was also included in the May edition of Manningham Matters and a notice was also erected on the subject site.
- 1.10 The Amendment documentation and the proposed planning permit, were placed on the *Your Say Manningham* portal on Council's website and were available for viewing at the Council offices and branch libraries. The Council website registered a total of 66 visits from persons who viewed the relevant documentation.
- 1.11 In addition to the required statutory process, a meeting was held with the Chief Executive Officer of the Manningham Centre on 4 April 2016 to explain the proposal and to respond to any questions.
- 1.12 During the exhibition period a total of six submissions were received. One conditional non-objection was received from VicRoads. Five objections were received from owners and occupiers.
- 1.13 The main issues raised by the objecting submissions relate to:
- The need to retain land for future health facilities;
  - Proposed sale of a Council owned asset;
  - Loss of views;
  - The need to retain land for public open space; and
  - Increased traffic and negative amenity impacts that any redevelopment of the site would have on adjoining properties.
- 1.14 VicRoads had no objection in principle to the proposed rezoning, provided that Condition 1 of the proposed planning permit PL15/025875 is amended to include the following:
1. *'Prior to the Certification of Plan of Subdivision, amended subdivision plan to the satisfaction of VicRoads must be submitted to the Responsible Authority for endorsement. Once endorsed, the plan will form part of the permit.*
  2. *The Plan must generally be in accordance with the plan of subdivision PS719948Y Version 3 prepared by Lawlor and Loy Pty Ltd but modified to:*
    - (a) *Show the ROAD RESERVE (R-1) proposed in the south-east corner deleted.*
    - (b) *The RESERVE No. 1 extended to the east for the entire frontage of Manningham Road.*
    - (c) *A restriction on Lot 2, created under Section 23 of the Subdivision Act 1988, prohibiting vehicular access to the Manningham Road service road'.*
- 1.15 At its meeting on 28 June 2016, Council considered all the submissions received and resolved not to make any changes to the amendment, but to amend Condition 1 of proposed planning permit PL15/025875 in accordance with VicRoads' request.
- 1.16 The Council resolution of 28 June 2016 stated:

*'That Council:*

- (A) *Notes all the submissions received in response to Amendment C111 to the Manningham Planning Scheme and Planning Permit Application PL15/025875;*
  - (B) *Requests that the Minister for Planning appoint an Independent Panel under Part 8 of the Planning and Environment Act 1987, to consider all submissions received in response to Amendment C111 to the Manningham Planning Scheme and Planning Permit Application PL15/025875;*
  - (C) *Endorses the officers' recommended responses to the issues raised by submitters as shown in Attachment 6 and endorses these responses as the basis for Council's submission to an Independent Panel;*
  - (D) *Endorses the recommended post exhibition change to the proposed Planning Permit PL/025875 in response to VicRoads submission in Council's submission to an independent panel generally in accordance with Attachment 7; and*
  - (E) *Writes to all submitters, informing them of Council's decision.*
- 1.17 A Directions Hearing was held on 2 August 2016. In accordance with the Panel's Direction outlined in a letter dated 9 August 2016, Council provided a written submission (Part A) prior to the Panel hearing that outlined the background to the Amendment.
- 1.18 Part B of Council's submission was presented at the Panel hearing on 6 September 2016 and addressed the key issues raised in the submissions. One submitter, Mr Doug McKenzie was also party to the Panel hearing.
- 1.19 Council received the panel report on 20 September 2016. Under section 26 of the Act Council has 28 days to publicly release the report. In accordance with this requirement the Panel report was released on 13 October 2016.

## **2 PROPOSAL/ISSUE**

- 2.1 Under sections 27 and 28 of the Act, Council must consider the Panel's report before deciding whether or not to adopt the Amendment, with or without changes, or to abandon all or part of the Amendment.
- 2.2 Under section 96F of the Act, Council must also consider the panel's report before deciding whether or not to recommend the granting of a permit.

### **Panel Recommendations**

- 2.3 The Panel considered all written submissions to the Amendment, and concluded that the Amendment C111 be adopted as exhibited.
- 2.4 The Panel also supported the approval of Planning Permit PL15/02587 in accordance with Council's post exhibition change in response to VicRoads submission and Council's drainage requirements as shown in **Attachment 4**.

## **3 PRIORITY/TIMING**

- 3.1 Ministerial Direction No. 15 sets out the timeframe for completing the various steps in the planning scheme amendment process.

- 3.2 The *Planning and Environment Act 1987* requires Council to release the Panel Report to the public within 28 days of its receipt. The Panel report was received on 20 September 2016 and was released on 13 October 2016.
- 3.3 Under Clause 6 of the Ministerial Direction, Council must make a decision on the Amendment within 40 business days of the date it receives the Panel's Report. This requirement could not be met given that Council was in caretaker mode between 21 September and 22 October 2016. Accordingly, a letter was sent to the Minister for Planning on 11 October 2016 seeking an exemption from this Direction.
- 3.4 Under Clause 7 of the Ministerial Direction, Council must submit an adopted amendment to the Minister within 10 business days of the date the amendment was adopted by Council.

#### **4 POLICY/PRECEDENT IMPLICATIONS**

- 4.1 Rezoning the subject land to a Residential Growth Zone (RGZ2) and Design and Development Overlay (DDO8-1) is consistent with the strategic direction of the *Manningham Residential Strategy (2012)* and key policy directions included in the Manningham Planning Scheme.
- 4.2 In accordance with the *Manningham Residential Strategy (2012)*, the Municipal Strategic Statement (MSS) identifies that there is a need for housing diversity across the municipality in the form of medium and higher density residential developments. More specifically, the MSS also encourages increased residential densities around activity centres and along specified main roads where public transport, facilities, services and employment opportunities are available.

#### **5 CUSTOMER/COMMUNITY IMPACT**

- 5.1 The proposed rezoning would allow for housing choice, particularly in an area that is well serviced by retail and community facilities, and public transport networks.
- 5.2 The community has had an opportunity to comment on the amendment and planning permit application, and make submissions during the exhibition process. Further opportunity for community input will occur as part of any subsequent planning application lodged to develop the newly created lot. Consultation with key stakeholders who have a direct interest in the development of the precinct, was included in the planning amendment process and will also include affected stakeholders during future planning permit application processes.

#### **6 FINANCIAL PLAN**

- 6.1 The value of the land will be assessed by the City Valuer on the basis of it having been rezoned to a suitable residential zoning for medium density residential development and considering recent development site sales in the vicinity.

#### **7 FINANCIAL RESOURCE IMPLICATIONS**

- 7.1 Planning scheme amendments are prepared and administered by the Economic and Environmental Planning (EEP) Unit. The EEP Unit will continue to meet the costs of the amendment process in accordance with the *Planning and Environment (Fees) Regulations 2000*.

**8 SUSTAINABILITY**

- 8.1 The proposed amendment would have positive social and environmental effects by providing residential opportunities at a range of dwelling densities on a strategic redevelopment site that has good access to Macedon Square Shopping Centre, medical facilities, community facilities and public transport. Ecologically sustainable design will be incorporated into the future development, particularly in the area of energy, passive solar design and integrated water management to minimise ongoing running costs.

**9 CONSULTATION**

- 9.1 The consultation process undertaken during the 6 week public exhibition was outlined in the Council report on 28 June 2016 that considered all submissions.
- 9.2 The Panel considered all written submissions made in respect of the proposed Amendment and Planning Application. All submitters were provided with an opportunity to be heard by the Panel.
- 9.3 All submitters were notified of the release of the Panel report on 13 October 2016.
- 9.4 A copy of the Panel Report was made available on the Council website, with a copy made available for viewing at the front counter of the municipal offices.

**10 COMMUNICATIONS STRATEGY**

- 10.1 All submitters will be informed about Council's decision following its consideration of the Panel report.

**11 CONCLUSION**

- 11.1 Council has received the Panel Report for Amendment C111 to the Manningham Planning Scheme and has released it to the public.
- 11.2 The Panel has recommended that the proposed Manningham Planning Scheme Amendment C111 be adopted as exhibited.
- 11.3 The Panel has also recommended that Planning Application PL15/025875 be approved to create two lots subject to the conditions in Attachment 3.
- 11.4 If Council resolves to adopt Amendment C111 and recommends that planning permit PL15/025875 be granted, Council will then receive a further report regarding the future sale of the land.

**OFFICER'S RECOMMENDATION**

That Council:

- (A) **Notes the Panel Report for Amendment C111 to the Manningham Planning Scheme;**
- (B) **Under section 29 of the *Planning and Environment Act 1987*, adopts Amendment C111 in the form set out in Attachment 2;**

- (C) Submits the adopted Amendment C111 to the Minister for Planning for approval in accordance with section 31 of the *Planning and Environment Act 1987*.
- (D) Under section 96G of the *Planning and Environment Act 1987* recommends to the Minister for Planning that a Planning Permit PL15/025875 as shown in Attachment 4, be granted;
- (E) Notifies all submitters of Council's decision;
- (F) Notes that a further report regarding the details of the sale of land will be presented to a future Council meeting.

MOVED: GOUGH  
SECONDED: HAYNES

That the Recommendation be adopted.

CARRIED

#### DIVISION

A Division having been demanded the Council divided as follows:

FOR (7): Councillors Gough, Haynes, McLeish, Piccinini, Conlon, Galbally and Kleinert

AGAINST (2): Councillors Zafiroopoulos and Chen

**THE MOTION WAS DECLARED CARRIED**

"Refer Attachments"

Attachment 1 – Panel Report Amendment C111

Attachment 2 – Adopted Amendment C111

Attachment 3 – Site Context Map

Attachment 4 – Planning Permit PL15/025875

\* \* \* \* \*

### **10.3 Warrandyte Activity Centre Special Rate Scheme 2017-2021 Declaration of Scheme**

Responsible Director: Director Planning & Environment

File No. T16/257

The ultimate destination for this report is: COUNCIL AGENDA

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

#### **SUMMARY**

*The purpose of this report is to seek endorsement of the completion of the statutory procedures to declare a Special Rate Scheme for the Warrandyte Activity Centre.*

*The previous Warrandyte Activity Centre Special Rate Scheme to fund marketing and business development initiatives in the Centre expired on 31 December 2015.*

*In response to a request from the Warrandyte Business Association for Council to renew the Warrandyte Activity Centre Special Rate Scheme for a further five years, at its meeting on 13 September 2016 Council resolved to give public notice of its intention to declare the special rate. The rate is proposed to apply to 81 properties deemed to receive special benefit from the Scheme, including 76 in the area of primary benefit and five in the area of secondary benefit. The rate would range from \$300 to \$3,000 per property having regard to the 2011 capital improved value of the property and its level of benefit.*

*In response to the notification of Council's intention to declare the special rate, 12 written responses have been received, five supporting (representing seven properties) the special rate and seven objections. A committee appointed under section 223 of the Local Government Act 1989 (LG Act) heard submissions from three submitters who wished to be heard and two additional attendees.*

*In response to a submission by the owner of land at 282 Yarra Street, Warrandyte, it is proposed that the Scheme be modified to identify that property as receiving secondary benefit, having regard to its location in a residential zone.*

*It is considered that the marketing and promotion of the centre as a whole will provide a special benefit to all of the retail, commercial and professional properties and businesses located in the area affected by the Special Rate Scheme and that the Scheme will be a positive local economic development initiative which will encourage and generate competitive commerce, retail and professional activities and employment in the Warrandyte Activity Centre.*

*It is recommended that Council declare the amended Special Rate Scheme.*

#### **1 BACKGROUND**

- 1.1 The Local Government Act 1989 (LG Act) enables Council to levy a Special Rate on properties within a defined area if it considers that the land in that area will receive a 'special benefit' from the expenditure of the funds raised in accordance with the functions of Council.

- 1.2 A Special Rate Scheme has operated in Warrandyte Activity Centre from 2011-2015. A similar Scheme also operates for Tunstall Square Activity Centre (since 2008).
- 1.3 The Special Rate Scheme for Warrandyte Activity Centre expired on 31 December 2015. That scheme raised a total of \$247,822 over its five year operation (\$49,564.40 per annum) and has funded the development and implementation of a business plan to target promotional initiatives, such as Christmas events and other seasonal marketing campaigns, refreshed branding for the centre, a new website featuring a directory of businesses within the centre (also produced in print), marketing materials and various marketing workshops. The Special Rate Scheme also funds the employment of a part-time marketing coordinator who implements most of the actions within the business plan for the centre.
- 1.4 In August 2015 Council received a written request from the Warrandyte Business Association for a new Special Rate Scheme for the Warrandyte Activity Centre. The request was based on majority trader support for the Scheme to continue, with 62% of traders signing an "in-principle support" form for the Scheme to continue. Eleven percent did not support the Scheme and 27% did not respond.
- 1.5 The special rate was proposed to apply to 81 properties deemed to receive benefit from it, including 76 in an area of primary benefit (rate of 0.0015 in the dollar) and five in an area of secondary benefit (rate of 0.00065 in the dollar). Two different rates are appropriate as it is considered that the special benefit will be less for those properties identified within the secondary benefit area within the Scheme as compared to those properties identified within the primary benefit area.
- 1.6 The Scheme would operate over a five year period, commencing on 1 January 2017 and ending on 31 December 2021. The Business Association has requested that the proposed Special Rate Scheme raise the same amount, where practicable, as the previous Scheme to fund activities as indicated in the Warrandyte Business Plan 2016-2021 (refer to **Attachment 2**). Utilising the CIV assessments from the previous Scheme, the annual levy total would be equal to \$49,722.50.
- 1.7 In order to raise \$49,722.50 per annum, the properties included in the Scheme would be levied a Special Rate of between \$300 and \$3,000 per annum.
- 1.8 Council considered the request of the Warrandyte Business Association at its Special Meeting on 13 September 2016, and it was resolved that Council:  
*(A) Notes the letter received from the Warrandyte Business Association (Business Association) requesting the reintroduction of a Special Rate Scheme for the Warrandyte Activity Centre (Attachment 1), and having considered all relevant matters, commences the statutory process under the Local Government Act 1989 (LG Act) to reintroduce by way of renewal a Special Rate Scheme to and for the properties within the Warrandyte Activity Centre (Yarra Street through to the Goldfields Plaza). Such Special Rate is to raise an amount of \$50,278.40 in each year of the Scheme and to commence on 1 January 2017 and end on 31 December 2021 (over the 5 year period of the Scheme the Special Rate will raise a total amount of \$251,392.00).*



*(B) Acting in accordance with sections 163(1A) and 163B(3) of the LG Act, directs that public notices be placed in "The Age" daily newspaper and the "Manningham Leader" newspaper of the intention of Council to declare the Special Rate at its special meeting to be held on 13 September 2016 in accordance with the Proposed Declaration of Special Rate (Attachment 2), such Special Rate to be for the purposes of defraying expenses to be incurred by Council in providing funds to the incorporated body known and operating as the Warrandyte Business Association. The funds are to be used by the Business Association, on an administrative basis only and subject always to the approval, direction and control of Council, for the purposes of contracted support, promotional, advertising, marketing, business development and other incidental expenses as approved by and agreed to from time to time between Council and the Business Association, all of which are associated with the encouragement of commerce, retail and professional activity and employment in the Warrandyte Activity Centre.*

*(C) Directs that, in accordance with section 163(1C) of the LG Act, the first statutory letter enclosing a copy of the public notice be sent to the owners and the occupiers of the properties referred to and set out in the listing of rateable properties set out in Schedule 2 of the Proposed Declaration of Special Rate, advising of the intention of Council to declare the Special Rate at its ordinary meeting to be held on 13 December 2016. The letter will also include other such relevant matters as the amount for which the property owner or the occupier (being a person who as a condition of a lease under which the person who occupies the property is required to pay the Special Rate) will be liable, the basis of the calculation and distribution of the Special Rate and notifying such persons that submissions and/or objections in writing in relation to the Proposed Declaration of Special Rate will be considered and/or taken into account by Council in accordance with sections 163A, 163B and 223 of the LG Act.*

*(D) Advises the Business Association of the matters specified in paragraphs (A), (B) and (C) of this resolution.*

*(E) Appoints and authorises the Mullum Mullum Ward Councillors to be the members of the Committee established by Council under section 223(1)(b)(i) of the LG Act to be known as the "Warrandyte Special Rate Submissions Committee" to hear any persons who in their written submissions under section 223 of the LG Act have requested that they be heard in support of their submissions.*

*(F) Authorises the Mullum Mullum Ward Councillors to elect a chair prior to the meeting.*

*(G) Notes it is anticipated that a further report will be submitted to December 2016 Council Meeting to consider submissions received.*

- 1.9 A public notice was published in 'The Age' and the 'Manningham Leader' newspapers on Friday 23 September 2016 and Monday 26 September 2016 respectively, advising of the proposed scheme and the submissions and objections process. The public notice advised of the submissions/objections deadline, being Friday 28 October 2016. A copy of the public notice is provided in **Attachment 4**. A copy of the public notice was also sent to the 81 affected property owners and the 81 affected tenants.

- 1.10 As a result of the statutory notification process, 12 written responses have been received. Of these, five submissions noted support for the proposed scheme including two relating to two other affected properties, totally seven submissions in support of the Scheme. Seven objections were received regarding the proposed Scheme.
- 1.11 Five persons were heard by the Committee on Monday 21 November 2016. A copy of the report of the proceedings of the Committee is provided in **Attachment 5**.
- 1.12 The Committee received and noted all submissions and/or objections received relating to the Warrandyte Activity Centre Special Rate Scheme Renewal 2017-2021.

## **2 PROPOSAL/ISSUE**

- 2.1 A decision must be made by Council in relation to declaration of the proposed Special Rate Scheme having regard to the submissions and objections received.
- 2.2 A summary of the submissions and the officer response is included as **Attachment 6**.
- 2.3 Those submitters in support consider that the Scheme helps to promote Warrandyte as a commercial destination and also state that they derive benefit from the opportunities for networking, capacity building, support and problem solving as well as collaborative project planning and promotion.
- 2.4 In summary, those who object to the Scheme have submitted that marketing and promotion is the responsibility of all business owners individually. Objections also relate to the long linear nature of the Warrandyte Activity Centre. Those who have objected to the Scheme do not agree that they receive benefit from the Scheme and consider the cost to be onerous, particularly as several of them are also required to pay body corporate fees.
- 2.5 The owner of the property known as 282 Yarra Street, Warrandyte has submitted that he will not receive special benefit from the proposed special rate, especially given the location of his property at one end of the Centre. It is considered that all properties proposed to be included in the Scheme will receive a special benefit from it due to the positive impact of promotion, marketing and centre management on economic activity. However, the characteristics of the property, being commercial activity on land zoned Neighbourhood Residential on the periphery of the Centre, are similar to four other properties which have been identified in the Scheme as receiving secondary benefit. Accordingly it is proposed that the special rate for 282 Yarra Street be modified to reflect the secondary benefit status of the property (from \$981 to \$425.10).
- 2.6 Following the consultation period, it has been recommended that an alteration to the proposed Scheme be made in relation to the property at 282 Yarra Street, Warrandyte. It is recommended that the levy for this property be altered to a secondary benefit property. This alteration will provide consistency across the Scheme with all secondary benefit properties being located within the Neighbourhood Residential Zone planning overlay. During the consultation period, the owner of this property made a submission in objection to the Scheme. With this recommended change, the annual total levy for the Scheme if declared will be \$49,722.50 (a reduction of \$555.90).

- 2.7 However in general, of all the submissions, it is considered that all of the retail, commercial and professional properties and businesses located in the area affected by the Special Rate Scheme will derive a benefit from the expenditure of the proceeds of the special rate.
- 2.8 Similarly, the apportionment of the rate across the centre, which is proposed to be commensurate with the previous Scheme, is considered reasonable and appropriate. It is considered that those properties within the primary area, as proposed to be derived in response to the submissions, will each receive the same benefit but that benefit will be greater than for those properties nominated as within the secondary area, also as proposed to be modified, to which a lesser rate is proposed to apply.

### **3 PRIORITY/TIMING**

- 3.1 Should the proposed Special Rate Scheme be declared, it will commence as of 1 January 2017 and the Business Association will be able to utilise the funds raised for the implementation of its business plan.
- 3.2 Following Council's decision, notice in writing will be given to all the owners and occupiers within the area of the Scheme and all persons who have lodged a submission and/or objection, regarding Council's decision.
- 3.3 Once the Scheme is approved, a prescribed notice is sent out to all those liable to pay and, under section 185 of the *Local Government Act 1989*, a person may apply to the Victorian Civil and Administrative Tribunal (VCAT) for review of a decision of a Council imposing a special rate on grounds including that they will not be provided with a special benefit or that the basis of distribution of the rate amongst those persons who are liable to pay it is unreasonable.

### **4 POLICY/PRECEDENT IMPLICATIONS**

- 4.1 The Manningham *Economic Development Strategy 2011-2030* advocates support for the retail sector, specifically the development and implementation of Special Rate and Charge Schemes for the purposes of marketing, promotion and business development.
- 4.2 The Manningham *Special Rates and Charges Contributory Projects Policy* sets out the procedures and directions for both infrastructure and promotional schemes authorised under the *Local Government Act 1989* as a guide for the fair and reasonable distribution of costs for those obtaining a special benefit.

### **5 BEST VALUE**

- 5.1 The Warrandyte Special Rate Scheme will equate to an annual budget of \$49,722.50 throughout 1 January 2017 - 31 December 2021.
- 5.2 Decision making with regard to spending of the Special Rate funds will be influenced by all members of the Business Association. Members of the Business Association are invited to regular monthly meetings where they have opportunities to vote and have input into the initiatives developed as part of delivery on the business plan for the centre. The Business Association will be communicating regularly with traders at the centre in regards to the business plan and its progress.

**6 CUSTOMER/COMMUNITY IMPACT**

- 6.1 Warrandyte Activity Centre is not a traditional strip shopping precinct and business centre as it operates across a wide geographic area in three distinct locations, Goldfields Plaza, Yarra Street (Village end) and Yarra Street (Bridge end). Through the Business Plan, an ongoing program of promotion and marketing initiatives can be developed and long term commitment, planning and resources are required to ensure continued work toward goals and objectives aimed at enhancing the economic activity and vibrancy of the area.
- 6.2 The purpose of the Scheme is to encourage and generate commerce, retail and professional activity and employment in Warrandyte Activity Centre through professional co-ordination assistance, promotions, advertising, marketing and other incidental purposes. These services will provide a 'special benefit' to the owners and the occupiers of the land and the commercial and business properties located in the Scheme area. Customers and community also value a well-functioning activated shopping precinct that can respond, serve and cater for all their needs.
- 6.3 Further, a Special Rate Scheme supports an active Business Association to work with businesses, Council and community to deliver a range of initiatives that focus on generating increased activity and vibrancy to the Warrandyte Activity Centre.

**7 COUNCIL PLAN/ MEASURE OF ACHIEVEMENT OF ACTION**

- 7.1 The renewal of the Special Rate Scheme at Warrandyte Activity Centre is in accordance with Council's overall vision and capacity to support a vibrant, desirable retail and commercial activity centre.
- 7.2 The Council Plan (2013-2017) supports sustainable, cohesive and well resourced communities with relevant services and facilities. Council seeks to ensure that all community members have access to vital services that meet their needs, and values our distinct local villages and activity centres, seeking to promote and support businesses and traders to build a resilient local economy. A key strategic indicator in the current Manningham Council Plan is participation in Special Rate and Charge Schemes for the purposes of marketing and promotion.

**8 FINANCIAL PLAN**

- 8.1 The Warrandyte Business Association has requested that the proposed Scheme raises \$49,722.50 per annum and \$248,612.50 over the 5 year period of the Scheme.
- 8.2 Property owners are legally liable to pay the Special Rate, however the liability can be passed on to tenants (traders/business operators) through individual leasing/tenancy agreements. It is a matter between the property owners and tenant to decide who is responsible to pay the Special Rate.
- 8.3 Council will require the Warrandyte Business Association to have a high level of financial and management accountability of the funds.
- 8.4 Financial requirements will include the submission of quarterly profit and loss statements, budgets, evidence of promotion as per the Centre's business

plan, an annual plan and budget and certified annual financial statements at the end of each financial year.

- 8.5 It will also be a requirement that the Warrandyte Business Association enters into a new funding agreement with Council, as a precondition to any funds from the proceeds of the Special Rate being paid to the Association.

## **9 FINANCIAL RESOURCE IMPLICATIONS**

- 9.1 Council's *Special Rates and Charges Contributory Project Policy*, August 2012, states in relation to Marketing and Promotion schemes that "Council will pay for the development and administration (including the consultation, preparation of apportionments, preparation of reports, collection and distribution of funds)."
- 9.2 The estimated cost of renewal of the Scheme is between \$15,000 and \$20,000 plus officer time. This includes gauging the level of support, advertisements, consultancy and administration.
- 9.3 The Scheme will then continue to be administered by Council which collects the rate and distributes the collected funds to the Business Association on a quarterly basis, based on quarterly progress reports of expenditure in accordance with the Association's business plan. The cost of administration of all of Council's special rates and charge schemes forms part of the operational budget for Council's Finance team and Economic Development team in particular.

## **10 SUSTAINABILITY**

- 10.1 Supporting the continuing viability of local shopping centres through promotion and marketing has a positive impact on community and social wellbeing. Raising the profile of Warrandyte Activity Centre will continue to support a successful shopping centre with quality traders, services, higher employment and prosperous businesses. Viable local centres also have environmental benefits by providing easier access to a range of goods and services for local residents.

## **11 REGIONAL/STRATEGIC IMPLICATIONS**

- 11.1 A study from Mainstreet Australia and Essential Economics (The Economic Value of Main Street, May 2011) indicated that there were in excess of 70 Special Rate and/or Charge Schemes (for the purposes of marketing and promotion) operating throughout Victoria. The study highlighted that management and marketing programs funded by Special Rates and Charges are playing an increasingly important role in supporting the viability and health of main streets in Victoria. There are schemes in nearly one third of Victorian Councils and approximately \$7.6 million is generated directly by Special Rates and Charges. Adoption of a Special Rate and Charge Scheme is identified as the current best practice financial model to sustain a long term marketing and management framework for main street precincts, shopping and town centres.
- 11.2 Several competing centres across the region and in Manningham currently operate under a Special Rate and Charge Scheme, such as Tunstall Square, which has a special charge scheme. The renewal of the Warrandyte Special Rate Scheme would facilitate the competitive positioning of a local centre

through marketing and promotion while demonstrating the continuation of Council supported growth in local economic strongholds.

## 12 CONSULTATION

- 12.1 Following the Council meeting of 13 September 2016, public notice of Council's intention to declare a Special Rate for the Warrandyte Activity Centre was given in newspapers chosen by Council and by separate notice to all owners and occupiers included in the proposed Special Rate Scheme.
- 12.2 The public notice advised persons of their right to make a written submission and/or an objection in relation to the proposed Special Rate Scheme, in accordance with sections 163A, 163B and 223 of the *Local Government Act 1989*. The notice also advised that all submissions and/or objections were to be received by Council by the close of business on Friday 28 October 2016.

## 13 COMMUNICATIONS STRATEGY

- 13.1 Following the Council meeting of 13 December 2016, all owners and occupiers included in the proposed Special Rate Scheme and all submitters will be notified of Council's decision and the reasons for it.

## 14 CONCLUSION

- 14.1 It is considered that the only persons to derive a 'special benefit' from the expenditure of the Special Rate proceeds are those persons who are liable or required to pay the Special Rate, whether they be the owners or the occupiers of the land and the commercial and business properties included in the Scheme area (in circumstances where there are no other special benefits or community benefits accruing from the Special Rate).
- 14.2 The proposed Warrandyte Activity Centre Special Rate Scheme is a positive local economic development initiative which will encourage and generate competitive commerce, retail and professional activity and employment in the Warrandyte Activity Centre.
- 14.3 Directly and indirectly, the viability of Warrandyte Activity Centre as a commercial, retail and professional area will be further enhanced through increased economic activity by:
- Continued collective marketing and promotion of the precinct as a whole, which will assist to create a greater awareness and profile of the area, including what it has to offer to the community and its customers.
  - All businesses benefitting from the continuation of a Business Association that coordinates the daily management of activities and drives the overall strategic direction with the support of Council.
  - Enhanced use, enjoyment and occupation of properties and overall business goodwill as Warrandyte Activity Centre will be considered a more desirable location to conduct business.

**OFFICER'S RECOMMENDATION**

That:

- A. Council having considered all submissions received and taken account of all objections lodged and complied with the requirements of sections 163A, 163B and 223 of the *Local Government Act 1989 (Act)* hereby declares a Special Rate under 163(1) of the Act (*Special Rate*) for the purposes of defraying expenses to be incurred by Council in providing funds to the incorporated body known and operating as the Warrandyte Business Association Incorporated, which funds, subject always to the approval and direction of Council, are to be used for the purposes of funding a Shopping Centre Coordinator, and promotional, advertising, marketing, business development and other incidental expenses as agreed to from time to time between Council and the business association, all of which are associated with the encouragement of commerce, employment and retail activity in the Warrandyte Activity Centre (*Scheme*).**
- B. The period for which the Special Rate is declared and will remain in force is a period of 5 years commencing 1 January 2017 and ending 31 December 2021.**
- C. The criteria which form the basis of the declaration of the Special Rate is the ownership of rateable land used, or reasonably capable of being used, for commercial, retail or professional purposes within the geographical area in which the properties described in paragraphs F and G of this declaration are included and, further, the classification of those properties as receiving a "primary" or a "secondary" benefit.**
- D. In declaring the Special Rate, Council is performing functions and exercising powers relating to the peace, order and good government of the municipal district of the City of Manningham, in particular the encouragement of commerce, retail activity and employment opportunities.**
- E. The total cost of the performance of the function and the exercise of the power by Council (in relation to activities associated with the encouragement of commerce, retail activity and employment opportunities in the area for which the Special Rate is declared) and also the total amount of the Special Rate to be levied by Council is \$49,722.50 in each year of the Scheme's operation being 1 January 2017 through to 31 December 2021.**
- F. The area for which the Special Rate is declared is all of the land referred to as the Warrandyte Activity Centre, as identified and shown on the plan at Attachment 1 and forming a part of this declaration.**
- G. The land in relation to which the Special Rate is declared is all that rateable land described in the listing of rateable properties set out in Attachment 2 and forming a part of this declaration.**
- H. The contributions to the Special Rate, based on relevant property classifications in relation to "primary" and "secondary" special benefit, will be declared and assessed in accordance with the details in the listing of rateable properties set out in Attachment 2 forming a part of this declaration.**

- I. Having regard to the preceding parts of this declaration, the Special Rate will be levied by way of a Notice of Levy being sent annually to the person who is liable to pay the Special Rate, which will require that the Special Rate is to be paid in the following manner:
- By one annual payment to be paid in full by the date fixed by Council in that Notice, which will be a date not less than 30 days after the date of issue of the Notice; or
  - By four instalments, to be paid by the dates which are fixed by Council in the Notice.
- J. Council considers that there will be a special benefit to the persons required to pay the Special Rate because there will be a benefit to those persons that is over and above or greater than the benefit that is available to persons who are not subject to the Special Rate, and directly and indirectly as a result of the expenditure proposed by the Special Rate the viability of the Warrandyte Activity Centre as a commercial and retail area, and the value and the use, occupation and enjoyment of the properties and the businesses included in the Special Rate Scheme area will be maintained or enhanced through increased economic activity.
- K. Council further considers and formally determines for the purposes of sections 163(2A) and (2B) of the Act that the estimated proportion of the total benefits of the Scheme to which the performance of the function or the exercise of the power relates (including all special benefits and community benefits) that will accrue as special benefits to all of the persons who are liable to pay the Special Rate is in a ratio of 1:1 (or 100%). This is on the basis that, in the opinion of Council, all of the services and activities to be provided from the expenditure of the Special Rate are marketing and promotion related and will accordingly only benefit those properties included in the Scheme that are used, or reasonably capable of being used, for retail, commercial or professional purposes.
- L. The Warrandyte Business Association be authorised to administer the proceeds of the Special Rate on the express condition that the Association enters into a funding agreement with Council for the period of the Special Rate Scheme.
- M. The responsible officers, for the purposes of paragraph L of this resolution, be authorised to prepare the funding agreement between Council and the Warrandyte Business Association by which administrative arrangements in relation to the Special Rate are confirmed, such agreement being a formal pre-condition to the payment by Council to the Association of any funds to be obtained from the Special Rate.
- N. Council authorise the affixing of the common seal to the funding agreement above.
- O. Notice be given to all owners and occupiers of properties included in the Scheme and all persons who have lodged a submission and/or an objection, in writing of the decision of Council to declare and levy the Special Rate commencing 1 January 2017, and the reasons for the decision.



- P. For the purposes of paragraph N, the reasons for the decision of Council to declare the Special Rate are that:**
- there is minimal objection to the Scheme and it is otherwise considered that there is a broad level of support for the proposed Special Rate from property owners and occupiers;
  - Council considers that it is acting in accordance with the functions and powers conferred on it under the *Local Government Act 1989*, having regard to its role, purposes and objectives under the Act, particularly in relation to the encouragement of commerce, retail activity and employment opportunities in and around the Special Rate area;
  - all persons who are liable or required to pay the Special Rate and the properties respectively owned or occupied by them will receive a special benefit in the form of an enhancement or maintenance in land values and/or a maintenance or enhancement in the occupation, use or enjoyment of the properties; and
  - the basis of distribution of the Special Rate amongst those persons who are liable or required to pay the Special Rate is considered to be fair and reasonable.
- Q. The Warrandyte Business Association be advised of the matters specified in paragraphs A, L and M of this resolution.**

**MOVED: CONLON  
SECONDED: GALBALLY**

**That the Recommendation be adopted.**

**CARRIED**

“Refer Attachments”

Attachment 1 – Special Rate Scheme Area  
Attachment 2 – Special Rate Scheme Properties and Amounts Payable  
Attachment 3 – Warrandyte Business Association Business Plan 2017-2021  
Attachment 4 – Notice of Intention to Declare  
Attachment 5 – Submissions Hearing Committee Meeting minutes  
Attachment 6 – Summary of Submissions and Officers Response

\* \* \* \* \*

## 11. ASSETS & ENGINEERING

### 11.1 King Street Stage 1 Special Charge Submissions Committee

Responsible Director: Director Assets and Engineering

File No. T16/172

The ultimate destination for this report is: COUNCIL AGENDA

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

#### SUMMARY

*Council previously resolved on 30 August 2016 to give public notice of its intention to declare a special charge at a future meeting, for the construction of various components of infrastructure works associated with the reconstruction of King Street Stage 1.*

*On 28 November 2016, public notice was given of Council's intention to declare a special charge for the construction of recoverable works in respect of the reconstruction of King Street Stage 1, with submissions closing on 30 January 2017.*

*It is recommended that Council appoint two councillors to a Committee of Council under Section 223 (1)(b)(i) of the Act, to be known as the King Street Stage 1 Special Charge Scheme (Submissions) Committee, to consider any written submissions, provide the opportunity for persons to be heard in support of their submissions and report back to Council on the submissions made.*

#### 1 BACKGROUND

- 1.1 In response to sustained community requests to construct King Street, Templestowe, between Blackburn Road and Victoria Street, the design plans for the reconstruction of this section of King Street have been prepared in consultation with the appointed King Street Reference Panel.
- 1.2 This section of King Street is located on the boundary between the Koonung and Heide Wards.
- 1.3 Under the provisions of Council's Contributory Projects Special Rates and Charges Policy and Section 163 of the Local Government Act 1989, property owner contributions are required to assist with the delivery of works which provide a special benefit to affected property owners.
- 1.4 The construction of the shared path along King Street will provide significant access improvements, improve bicycle safety for cyclists and enhance access to Doncaster Area Rapid Transport bus services. The formalization of the road to modern day standards will also improve safety and amenity for the benefitting property owners.
- 1.5 In the case of Link Roads, such as King Street, Council policy requires that owners contribute the full cost of street trees, landscaping works and individual vehicle crossings (except where crossings have previously been

constructed at the owner's expense). In addition, property owners are also required to contribute 25% of the cost of construction of any footpaths that are not designated as being part of Councils Principal Pedestrian Network. In the case of King Street Stage 1, officers also surveyed the property owners to determine any requirements for the construction of parking bays. The cost of construction of parking bays will similarly be recovered through the proposed special charge scheme. Council pays for the construction of all road pavement, kerb and drainage works.

- 1.6 For King Street Stage 1, between Blackburn Road and Wyena Way, the total project cost is estimated at \$2,260,281.72, of which \$81,815.11 is proposed to be recovered from thirty-three property owners by means of a special charge scheme. The basis of the proposed cost apportionment between the affected property owners is in keeping with recognised principles, and the King Street Reference Panel were consulted regarding the basis of the apportionment.
- 1.7 Should the scheme proceed, it will be recommended that contributing property owners be given the option of contributing by quarterly instalments over a period of ten years. Payments would be subject to the current rate at the time of scheme adoption plus 1%.
- 1.8 At its meeting of 30 August 2016, Council resolved in part, pursuant to Section 163(1A) of the Local Government Act 1989, to give public notice of its intention to declare a special charge at a future meeting, for the construction of various components of infrastructure works, associated with the reconstruction of King Street Stage 1. Given the timing of the recent local government elections, Council further resolved to establish the King Street Stage 1 (Submissions) Committee following the elections.
- 1.9 On 28 November 2016, public notice was given of Council's intention to declare a special charge for recoverable works in respect of the reconstruction of King Street Stage 1. Submissions under sections 163A and 223 of the Act can be made until 30 January 2017. Submitters also have the opportunity to make an oral presentation to a committee of Council, prior to Council considering the declaration and levy of the special charge.

## **2 PROPOSAL/ISSUE**

- 2.1 It is proposed that Council appoint two councillors to a Committee of Council under Section 223 (1)(b)(i) of the Act, to be known as the King Street Stage 1 Special Charge Scheme (Submissions) Committee, to consider any written submissions, provide the opportunity for persons to be heard in support of their submissions and report back to Council on the submissions made.

## **3 PRIORITY/TIMING**

- 3.1 It is proposed that the Submissions Committee meet to consider submissions at a meeting to be held late in February 2017.
- 3.2 Council is scheduled to consider whether to declare and levy a special charge in respect of King Street Stage 1 at its meeting of 28 March 2017.
- 3.3 Tenders for the construction of the first stage of King Street are to be called in December 2016, with a view to commencing works in February 2017.

**4 CONSULTATION**

- 4.1 Submissions received in respect of the notice of intention to declare a special charge will be assessed and considered in the first instance by the Submissions Committee and then by Council at its March 2017 meeting. At this meeting Council may resolve to proceed with the scheme without alteration, to abandon the scheme or to amend the scheme.
- 4.2 Should Council resolve to declare and levy the special charge, a second round of notices will be issued to the affected property owners. In this instance, if the affected owners are not satisfied with the special charge as proposed, they can make submissions to the Victorian Civil Administrative Tribunal (VCAT) for an independent review. Based on these submissions, VCAT has the options of supporting the special charge unamended, to recommend amendments to the special charge or the abandonment of the special charge.

**OFFICER'S RECOMMENDATION****That Council:**

1. **Appoint Councillor Gough and Councillor Haynes to a Committee of Council under Section 223 (1)(b)(i) of the Act, to be known as the King Street Stage 1 Special Charge Scheme (Submissions) Committee, nominate the Chairperson of the Committee as Councillor Gough, and nominate Councillor Piccinini and Councillor Chen as substitute committee members, if required.**
2. **Resolve that the purpose of the Committee is to:**
  - 2.1. **consider any written submissions received by Council within 28 days after the publication of the Public Notice;**
  - 2.2. **provide the opportunity for persons to be heard in support of their submissions in accordance with Section 223 of the Act; and**
  - 2.3. **report to the Council on the submissions made and make recommendations to the Council on the appropriateness of the proposed special charge or any amendments to the scheme.**

**MOVED: HAYNES**  
**SECONDED: CONLON**

**That the Recommendation be adopted.****CARRIED**

\* \* \* \* \*

## 11.2 Review of Manningham's Road Management Plan

Responsible Director: Director Assets and Engineering

File No. T16/214

The ultimate destination for this report is: COUNCIL AGENDA

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

### SUMMARY

*Manningham's Road Management Plan (RMP) requires a formal review to ensure that its content and supporting processes and standards are appropriate and current for compliance with the Road Management Act 2004 and Road Management (General) Regulations 2016.*

*Pursuant to the requirements of Road Management Act and Road Management Regulations, each municipal council (Road Authority) must complete a review of their RMP every 4 years during the same period that it is preparing its Council Plan under the Local Government Act 1989. The next review is due by 30 June 2017.*

*It is recommended that Council resolves to give notice of its intention to review Manningham's RMP and publishes a Notice in the Government Gazette and local newspaper, in accordance with Section 54 of the Road Management Act 2004 and Part 3 of the Road Management (General) Regulations 2016.*

### 1 BACKGROUND

- 1.1 Manningham Council is the nominated 'Coordinating Road Authority' for all local roads within the municipality, and is responsible for their care and management, as set out in Council's Register of Public Roads.
- 1.2 VicRoads is the designated 'Coordinating Road Authority' for Freeways and Declared Arterial Roads within the municipality, and is responsible for the inspection and maintenance of these roadways between outer kerbs in urban areas and fence lines in rural areas.
- 1.3 Council is generally responsible for all local components of the road network located on Arterial Roads, outside the areas of VicRoad's responsibility.
- 1.4 The Road Management Act was introduced by the State Government in 2004 following reforms of the road management system in Victoria. The purpose of the Road Management Act and supporting regulations is to improve the overall management of the road network, by making Road Authorities more accountable for the standards of roads across the state, in order to provide safe and efficient road networks. The legislation also recommends that all Road Authorities prepare a RMP that sets out the management system and relevant standards for the road management functions for which it is responsible.
- 1.5 Manningham's RMP was initially adopted by on 30 November 2004, and subsequent updates were adopted by Council on 2 June 2009 and 28 August 2012.

- 1.6 Manningham's RMP and supporting documents establish a management system for the local road network functions, which have been based on policy and operational objectives that recognise available resources in achieving the necessary 'levels of service' and 'performance targets' outlined in the plan.
- 1.7 In conducting a review of its RMP, a Road Authority must ensure that the standards in relation to, and the priorities to be given to, the inspection, maintenance and repair of the roads to which the plan applies, are appropriate and current.
- 1.8 Council, as the nominated Road Authority for all local roads within the municipality, is required to give notice of its intention to review its Road Management Plan by publishing a formal notice in the Government Gazette and local newspaper outlining the purpose and details of the proposed review.
- 1.9 A copy of the RMP is required to be made available for inspection by any person who may wish to make a submission to Council on the proposed review, not less than 28 days after the notice has been published.
- 1.10 Following consideration of any submissions and completion of the review, a further report will be presented to Council summarising the findings and conclusions of the review. A copy of the report must also be made available for public inspection, in accordance with the Road Management Act and supporting Regulations.

## **2 PROPOSAL/ISSUE**

- 2.1 It is proposed that Council gives notice of its intention to review its RMP, by placing a notice in the local newspaper and Government Gazette, in accordance with Section 54 of the Road Management Act 2004 and Part 3 of the Road Management (General) Regulations 2016.

## **3 PRIORITY/TIMING**

- 3.1 The Road Management Act and Road Management (General) Regulations state that a municipal council must conduct a review of its RMP every 4 years, during the same period that it is preparing its Council Plan under the Local Government Act 1989. The next review is due by 30 June 2017.

## **4 POLICY/PRECEDENT IMPLICATIONS**

- 4.1 All relevant policies and strategies will also be reviewed as a part of the review of Manningham's RMP, to ensure that the strategic objectives and overall standards and functions of Manningham's road network are appropriate.

## **5 BEST VALUE**

- 5.1 The review process will be carried out in accordance with Council's Best Value principles.

## **6 CUSTOMER/COMMUNITY IMPACT**

- 6.1 A significant outcome from the review will result in having a better understanding of the needs and expectations of the community, which will assist Council in improving its performance in the overall management of the road network and adequacy of service levels, where appropriate.

**7 CONSULTATION**

- 7.1 The community, and impacted Council officers, will be consulted as a part of a communications strategy, to inform and seek feedback on the RMP review process.

**8 COMMUNICATIONS STRATEGY**

- 8.1 The outcomes of the review process, including the extent of any changes and potential impacts on the community, will be reported to Council as a part of the adoption of updates to the RMP. A copy of the report summarising the outcomes and findings of the RMP review will also be made available for inspection by the community.

**9 CONCLUSION**

- 9.1 Manningham's RMP requires a formal review, to be completed by 30 June 2017.
- 9.2 The review process will ensure that the content of the plan and supporting processes and standards are appropriate and current, for compliance with the Road Management Act and supporting Regulations.
- 9.3 The process will also provide a better understanding of community needs and expectations, to assist Council in improving its performance in the overall management of the local road network.

**OFFICER'S RECOMMENDATION**

That Council:

- (A) **Receives and notes the report;**
- (B) **Resolves to give notice of its intention to review Manningham's Road Management Plan and publishes a Notice in the local newspaper and Government Gazette, in accordance with Section 54 of the Road Management Act 2004 and Road Management (General) Regulations 2016;**
- (C) **Make available a copy of Manningham's Road Management Plan for inspection at the Civic Centre during normal business hours; and**
- (D) **Will consider any submissions to the proposed review of the Road Management Plan after 28 days of a formal notice being published.**

**MOVED: CONLON**  
**SECONDED: McLEISH**

That the Recommendation be adopted.

**CARRIED**

\* \* \* \* \*

### 11.3 Doncaster RSL Water Bills

Responsible Director: Director Assets and Engineering

File No. T16/259

The ultimate destination for this report is: COUNCIL AGENDA

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

#### SUMMARY

*The Doncaster RSL has approached Council seeking dispensation from having to pay their recently advised, back dated water bill from Yarra Valley Water (YVW). Council has paid the outstanding YVW bill in full, and officers have sought reimbursement from the RSL for only the last twelve months of the bill.*

#### 1 BACKGROUND

- 1.1 Doncaster RSL has approached Council seeking dispensation from having to pay their recently advised, accumulated water bill.
- 1.2 On 22 July 2016, Council, as the owner of the premises, received a bill from Yarra Valley Water (YVW) for outstanding water charges for the Doncaster RSL. The charges related back to August 2011, and they amounted to \$4,197.63. This was the first occasion that the matter has been raised with Council.
- 1.3 On investigation, it was discovered that YVW had been incorrectly invoicing the Doncaster Cricket Club for the RSL meter, and the cricket club had not acted on them. The cricket/football pavilion has a separate meter.
- 1.4 Under the tenancy agreements for Council facilities, the tenant is responsible for paying the utility bills.
- 1.5 In line with how officers have dealt with similar situations with other tenant groups in the recent past, Council paid the YVW bill in full and then forwarded an invoice to the Doncaster RSL to recover only the last year of the outstanding charges, i.e. for the period of October 2015 to October 2016, in the amount of \$1,521.41. It is considered that this period is still reasonably current, whilst the prior years are more historical.
- 1.6 Officers have also sorted out the billing with YVW, so that the RSL facility will be recognised as the meter location from now on.
- 1.7 The RSL have also claimed that non-associated persons were using their tap illegally to wash cars on game days at the adjoining reserve, and that they should not be held accountable for this water usage. It is understood that measures have since been put in place to ensure that this practice does not continue.
- 1.8 Irrespective, officers took the view that only invoicing them for the last twelve months was a fair and reasonable compromise situation, given that the RSL have benefited from not paying any water bills since at least 2011. It is also consistent with how other similar situations have been dealt with in the recent past.



**2 PROPOSAL/ISSUE**

- 2.1 It is proposed that Council consider the RSL's request and determine its position on the matter by formal resolution.

**3 PRIORITY/TIMING**

- 3.1 By acceding to the Doncaster RSL's request, Council would not recover the \$1,521.41, as invoiced.

**4 CONCLUSION**

- 4.1 Officers have dealt with the particular circumstance by invoicing the Doncaster RSL for the last twelve months only and waiving the prior years, as per other similar incidences.
- 4.2 The RSL have subsequently approached Council to have the invoiced year also waived.
- 4.3 Future water billing will now be appropriately directed to the RSL

**OFFICER'S RECOMMENDATION**

**That Council determine its position in relation to this matter.**

**MOVED: HAYNES  
SECONDED: ZAFIROPOULOS**

**That Council not seek reimbursement for the water bill previously paid for the period October 2015 to October 2016.**

**CARRIED**

\* \* \* \* \*

## 11.4 Park Reserve Pavilion Extension - Variation of Lease

Responsible Director: Director Assets and Engineering

File No. T16/265

The ultimate destination for this report is: COUNCIL AGENDA

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

### SUMMARY

*Manningham Juventus Old Boys Social Club ('Tenant') currently rents from Council the sporting facilities at Park Reserve (17 Park Avenue, Doncaster) to host soccer training and competition.*

*The Tenant is currently negotiating a lease agreement with Council for exclusive use of the social facilities on site. In addition, due to the Tenant's increasing membership base, they wish to extend the size of the social facilities. The extension will cost approximately \$150,000 (GST exclusive). The Tenant has committed to fund the project in full and these funds were paid to Council in October 2016. The project will be carried out under Council's supervision.*

*The increased size of the social facilities will change the classification of the pavilion from Level 2 to Level 1, as determined by Council's Seasonal Sports Pricing Policy.*

*It is recommended that Council gives public notice of its intention to vary the existing tenancy agreement.*

### 1 BACKGROUND

- 1.1 The Tenant is currently negotiating a lease agreement with Council for the use of the social room at Park Reserve for a term of 3 years with an option of a further term of 3 years.
- 1.2 The Tenant utilises the facilities during the winter season for training and competition. In addition, the facilities are also used during the summer season for a state wide masters (i.e. over 35 years of age) soccer tournament.
- 1.3 It is anticipated that the use of the soccer pitch and change rooms on site, which are separate to the social facilities, will increase significantly in 2017 due to the impending installation of a synthetic soccer pitch. This will allow to program more hours of use onto the facility as a synthetic soccer pitch can tolerate higher levels of use compared to a turf pitch.

### 2 PROPOSAL/ISSUE

- 2.1 The Tenant approached Council in early 2016 with the intention of extending the size of the social facilities on site. The request came in direct response to the Tenant's increasing playing and social membership base and the subsequent strain being placed on the existing social facilities.
- 2.2 The Tenant has committed to funding the works in full. Council received the club's contribution (\$150,000) in October 2016.

- 2.3 The extension of the social facilities will change the classification of the pavilion from Level 2 to Level 1, as determined by Council's Seasonal Sports Pricing Policy. The Tenant will be charged a higher annual rental fee for use of the facility, but in turn will have the opportunity to sub-let the facility to other users, in line with all Level 1 pavilions across the municipality.
- 2.4 If Council is agreeable to the Tenant's continued occupation of the facility and the improvement works to be funded by the Tenant are to remain at the Premises at the end of the lease, Council must, before granting a variation of the lease, publish a notice and invite submissions on the proposal in accordance with sections 190 and 223 of the Local Government Act 1989 ('the Act').
- 2.5 It is proposed that Council authorises the commencement of the statutory provisions pursuant to sections 190 and 223 of the Act and at the completion of the public notice period and the consideration of submissions, if any, Council resolves whether or not to grant the variation of the lease.

### **3 PRIORITY/TIMING**

- 3.1 The proposed works are expected to be completed by February 2017. Is it necessary to undertake the lease variation process as soon as practicable to ensure that the Tenant can use the facility once construction works are complete.

### **4 POLICY/PRECEDENT IMPLICATIONS**

- 4.1 The term and the further term contained in the current lease between the parties accords with Council's Leased Community Facilities Pricing Policy.
- 4.2 The classification of pavilions and costs associated with each classification accord with Council's Seasonal Sports Pricing Policy.

### **5 CUSTOMER/COMMUNITY IMPACT**

- 5.1 The Tenant will be able to appropriately cater for their playing and social membership through the extension of the social facilities at Park Reserve.
- 5.2 The wider community will also benefit from the works as the extension will supplement the impending synthetic soccer pitch installation at Park Reserve, which will provide participation opportunities to a range of community groups, if authorised by the Tenant under their sub-letting arrangement with Council.

### **6 FINANCIAL RESOURCE IMPLICATIONS**

- 6.1 The Tenant will meet the cost of the extension which is estimated at approximately \$150,000 (GST exclusive). This cost covers project contingency and Council's project management fees.
- 6.2 Ongoing rent of the facility for the proposed lease will be reviewed in accordance with Council's Leased Community Facilities Pricing Policy.

### **7 CONSULTATION**

- 7.1 Officers from Council's Parks and Recreation have been liaising with the Tenant in relation to the works and associated costs, with the assistance of the Strategic Projects Unit.

**8 CONCLUSION**

- 8.1 It is recommended that Council agrees to the proposal and resolves to authorise the commencement of statutory procedures in accordance with section 190 and 223 of the Act.

**OFFICER'S RECOMMENDATION**

That Council:

1. Resolves to give public notice pursuant to sections 190 and 223 of the Local Government Act 1989 to vary the existing lease with Manningham Juventus Old Boys Social Club in respect to the premises known as Park Reserve (17 Park Avenue, Doncaster), noting that the facility improvements are to remain at the end of the lease without Manningham Juventus Old Boys Social Club being entitled to any compensation for such improvements;
2. Establishes a Committee of Council comprising the Mayor and the Heide Ward Councillors, to hear and consider any submissions received in accordance with section 223 of the Local Government Act 1989; and
3. Resolves that the Committee be disbanded upon considering and hearing any submissions and making a recommendation to Council, or in the event of no submissions being received, on the proposed lease agreement.

MOVED: PICCININI  
SECONDED: CONLON

That the Recommendation be adopted.

**CARRIED**

\* \* \* \* \*

## 12. COMMUNITY PROGRAMS

### 12.1 2017/2018 Community Grants Program Guidelines

Responsible Director: Director Community Programs

File No. T16/238

The ultimate destination for this report is: COUNCIL AGENDA

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

#### SUMMARY

*On 28 June 2016, Council endorsed the overall funding allocation of \$1,648,220 for the 2016/2017 Community Grants Program. This included an annual allocation of \$1,308,220 for Community Partnerships (funded in 2015/16 for up to 4 years and subject to Council's annual budget); and \$229,795 allocated for Community Development and Arts and Culture grant categories. \$110,000 is allocated to Small Grants twice a year (September and March). The September 2016 Small Grant round is currently being considered and will be reported to Council via the Council Hub.*

*The Report also endorsed a series of recommendations to achieve further improvement outcomes:*

- 'Note that officers will undertake an annual review of the Community Grant Program which will include consideration of continuous improvement opportunities and compatibility with the current guidelines.'*

*This Report summarises the outcomes of the review and proposes minor amendments to the Grants Program including streamlined administrative processes and improvements to the accessibility and monitoring of the Grants Program.*

*This Report seeks Council endorsement of the draft 2017/2018 Community Grant Guidelines (refer to Attachment A).*

*It is also recommended that Council note the review findings that demonstrate the Grants Program continues to meet the needs of the community.*

*This Report also notes that a further report will be provided to Council in relation to the funding arrangements and outcomes for the Eastern Community Legal Centre and Access Health and Community (formerly Manningham Community Health Service) Community Partnership Grant, as stated in the 23 June 2015 Council Meeting.*

## 1 BACKGROUND

### Community Grants Program

- 1.1 Council's Community Grants Program provides funding to eligible not-for-profit community groups and organisations to deliver activities that enrich and support the community that lives, works, and recreates in Manningham.

The program funds activities that achieve positive outcomes for the community and align with key Council plans and strategies.

1.2 The Community Grants Program incorporates the following four categories:

<b>Community Partnership (2015-2019)</b>	<i>Deliver specialist services and projects in line with Council's strategic directions</i>	<i>Greater than \$20,000</i>	<i>Up to four years (It should be noted that while funding is allocated annually through the budget process, this category is not included in the 2017/2018 Program as funding was awarded in 2015).</i>
<b>Community Development</b>	<i>Achieve community development outcomes that benefit and respond to the needs of Manningham's diverse community</i>	<i>\$3001 to \$20,000</i>	<i>Available once a year (February)</i>
<b>Arts and Culture</b>	<i>For projects that celebrate and enhance community life through access to local arts, culture and heritage</i>	<i>\$3001 to \$20,000</i>	<i>Available once a year (February)</i>
<b>Small Grants</b>	<i>One-off projects that support community strengthening activities and enhance the quality of life of Manningham residents</i>	<i>Up to \$3,000</i>	<i>Available twice a year; September and February</i>

### Review of the 2016/2017 Community Grants Program

- 1.3 Between July and October 2016, a review of Council's Community Grants Program was undertaken to inform potential improvements to the program and ensure best-practice grant management practices.
- 1.4 The review included consultation with a range of internal and external stakeholders including an online survey sent to current and past applicants and workshops conducted with officers across the organisation. All participants were asked to provide feedback on the Community Grants Program including content, processes and areas for improvement. More detailed findings of the consultation are outlined in Section 11 of this Report.
- 1.5 Analysis of the review findings:
- 1.5.1 Overall, 84.9 per cent of (no.98) respondents were 'very satisfied' or 'somewhat satisfied' with Council's Grant Program (which is consistent with last year's feedback). Almost all respondents felt that the Grant Program categories met their group or organisation's needs.
- 1.5.2 Broader promotion of the program was needed to access hard-to-reach and newly emerging community groups. Online was the most popular way that organisations accessed information about the Grants Program; however improvements were needed to ensure that information is quick and easy to obtain, helpful and up-to-date.
- 1.5.3 Grant Program acquittal and monitoring processes require strengthening and greater clarity around the role and

- responsibility of Council officers to monitor funded activities was needed.
- 1.5.4 Simplified language in all program related material (for example application questions) would have made the process easier for both applicants and assessors.
- 1.5.5 Community groups and organisations considered Council's training sessions to be very valuable and would like further opportunities to build their capacity to deliver activities more efficiently and effectively, for example in social media and program evaluation.
- 1.5.6 There are many opportunities to further integrate and streamline Council's approach to managing community grants in the future, particularly through the use of Smarty Grants, Council's online grant administration system. Application and reporting to be revised to be commensurate with Council's funding levels, as well as the capability and performance risk of grant recipients.
- 1.6 Amendments to the 2017/18 Grant Program are proposed including refined program documentation, amended Guidelines and streamlining of processes and procedures.
- 1.7 Additionally, improved monitoring and reporting of funded activities are proposed over the next 12 months, to include the following:
- 1.7.1 Reporting on the outcomes of Year 1 of the Community Partnership funded activities (which will form part of a separate briefing to Council). Council officers will continue to conduct six-monthly meetings with the Partnership organisations to discuss the progress of their funded activity and identify any emerging issues.
- 1.7.2 Increased monitoring of Community Development and Arts & Culture applications to ensure that grant recipients are meeting agreed milestones and other key requirements of their grant agreements. This will include Council officers undertaking informal 'check-ins', as well completing progress and evaluation reports.
- 1.7.3 Reporting on the outcomes funded in the 2016/17 Community Grants Program and promoting them to the broader Manningham community.

#### **2017/18 Community Grant Program Guidelines (draft)**

- 1.8 A copy of the 2017/18 Community Grant Program Guidelines (draft) is provided at Attachment A for Council consideration. The draft Guidelines have been amended to be easier to read and navigate. The key changes are outlined below:
- 1.8.1 Incorporating the content of the Information Guide, Frequently Asked Questions and Guideline into one document for improved readability and use. Community groups found it was confusing having several documents.
- 1.8.2 Requirement for Community Development/ Arts and Culture applicants to discuss their proposal with Council's Grants Team before submitting an application. This will ensure that the applicant is aware of supporting documentation required and has

- regard to the relevant assessment criteria to support their application.
- 1.8.3 More information on the supporting information that needs to be included as part of the application, for example quotes for budgeted expenses, project and evaluation plans. The revised Guidelines will also include an application checklist to assist applicants.
- 1.8.4 Separate assessment criteria for Small Grant applications, including a separate application form for equipment/ asset purchases. Several Small Grant applicants expressed difficulty responding to criteria as it was too complicated for the activities they were seeking to be funded.
- 1.8.5 Greater clarity of what activities Council will not fund as part of the Community Grants Program.
- 1.8.6 Extending the funding round to remain open for one week longer (a total of 5 weeks) and bringing the opening date forward two weeks earlier to allow for the Easter/ school holiday period and changes to the assessment process. Proposed timing of the application process is outlined in Section 3 of this Report.
- 1.9 These amendments align with the overall management of the Grants Program and direction to reduce the overall administrative burden for both internal and external stakeholders, as well as ensuring better access with a broad range of community groups and organisation to obtain information about Council's Grants Program.

#### **Funding arrangement for Eastern Community Legal Centre and Access Health and Community**

- 1.10 At its 23 June 2015 meeting, Council resolved to recommend Eastern Community Legal Centre (ECLC) and Access Health and Community (AH&C) (formerly Manningham Community Health Service) for two year funding under the Community Partnership Grant category, with the requirement to 'submit evaluation reports that outline satisfactory program outcomes to inform any further Council investment in subsequent years.'
- 1.11 It is noted that a further report will be provided to Council to discuss the outcomes and performance of both organisations' funded activities to inform any ongoing funding arrangements.

## **2 PROPOSAL/ISSUE**

- 2.1 It is proposed that:
- 2.1.1 Council endorse the (draft) 2017/18 Community Grant Program Guidelines in Attachment A as per officer recommendations.

## **3 PRIORITY/TIMING**

- 3.1 Following Council's endorsement of this Report, the following key dates should be noted:
- 3.1.1 Adoption of the 2017/18 Community Grant Program Guidelines in December 2016.



- 3.1.2 Grant Program Information Sessions and a Grant Writing Workshop for community groups and organisation are offered in February 2017.
  - 3.1.3 Applications open for the Community Development, Arts and Culture and Small Grants categories in February 2017 and close March 2017.
  - 3.1.4 Community Grant Program Assessment Panel is convened in May 2017.
  - 3.1.5 Council consideration and endorsement of the 2017/2018 Community Development and Arts and Culture applications at a July Council Meeting.
  - 3.1.6 Small Grants applicants are notified of the outcome of their application approximately three weeks after the Assessment Panel.
  - 3.1.7 Community Development and Arts and Culture Grant applicants are notified in July 2017, following the outcomes of the June Council Meeting.
  - 3.1.8 Applications open for Small Grants (2017/18) in September 2017/ February 2018.
- 3.2 It should also be noted that allocation of Small Grant funding is within the authority and delegation of the Director of Community Programs, subject to advice from the Grant Assessment Panel. The recommended funding allocations are reported via the Council Hub.

#### **4 POLICY/PRECEDENT IMPLICATIONS**

- 4.1 Subject to this report, the 2017/18 Community Grant Program Guidelines will supersede and replace the Community Grant Guidelines 2016/2017 and Information Guide 2016/2017.

#### **5 BEST VALUE**

- 5.1 The Grant Program is managed and delivered according to the principles of Best Value. The program enables Council to respond to the needs of the community in an equitable and sustainable manner. Community organisations are able to identify and address community needs with the support of Council, both through the allocation of grants, as well as the advice and support of Council officers.
- 5.2 The Grant Program has adopted a continuous improvement approach to grant making activities and will incorporate the learnings gained through the recent review. The amendments proposed are in line with best practice and industry benchmarking.

#### **6 CUSTOMER/COMMUNITY IMPACT**

- 6.1 The streamlined 2017/2018 Community Grant Program Guidelines will provide four opportunities per financial year (one Community Development; one Arts and Culture; two Small Grant rounds) for groups and organizations to seek financial assistance for a range of community activities. This balances cost efficiencies with community expectations and will ensure the Grant Program remains responsive, relevant and equitable. Monitoring and

acquittal of grants will be strengthened to ensure funding activities are delivered and the capacity building of community groups is achieved.

## **7 COUNCIL PLAN/ MEASURE OF ACHIEVEMENT OF ACTION**

- 7.1 Council's Municipal Public Health and Wellbeing Plan Action 10.5.1.6 states 'continue to fund services and community groups to deliver programs and initiatives that address the health and wellbeing needs of our community'. Council continues to fund a number of initiatives that support the health and wellbeing of the community.
- 7.2 The Grants Program funds a diverse range of activities including health and wellbeing, recreation and equipment purchase.

## **8 FINANCIAL PLAN**

- 8.1 Funding of \$1,648,220 was allocated through the 2016/2017 Budget towards the Grant Program, of which \$1,308,220 is allocated to the Community Partnerships; \$120,000 notionally allocated to Community Development and \$110,000 allocated to Arts and Culture grants. The remaining \$110,000 is allocated for the Small Grants category. Please note that the notional grant category allocations are indicative only, and subject to Council endorsement, may be reallocated to other grant categories as required.
- 8.2 The 2017/2018 funding allocation will be determined through Council's annual Budget.

## **9 FINANCIAL RESOURCE IMPLICATIONS**

- 9.1 There are no financial resource implications as funding for community grants are allocated through Council's annual Budget process. The ongoing funding allocation of Eastern Community Legal Centre and Access Health and Community will also be subject to a further Council Report.

## **10 SUSTAINABILITY**

- 10.1 The Grant Program considers the ongoing sustainability of project outcomes, including alternate sources of incomes (i.e. corporate sponsorship) to ensure community organisations' ongoing financial viability.

## **11 CONSULTATION**

- 11.1 Between July and October 2016, external and internal stakeholders were consulted on Council's Grants Program and asked to provide feedback regarding content, processes and areas for improvement.
- 11.2 An online survey was sent to all contacts registered in the Grants Program database (approximately 300), including past and existing grant applicants. The survey was sent on Friday 15<sup>th</sup> July and open for a three week period. The survey generated 98 responses, compared with 41 in 2015.
- 11.3 Officers conducted workshops with colleagues from the Social and Community Services, Arts and Culture, Environment and Economic Planning and Parks and Recreation Units.

### **Online Survey Findings**

- 11.4 A summary of the survey findings indicates:

- 11.4.1 Overall, 84.9 per cent of respondents were 'very satisfied' or 'somewhat satisfied' with Council's Grant Program (compared with 85 per cent last year).
- 11.4.2 Of the survey respondents that have contacted Council in the last twelve months, 88.5 per cent were 'very satisfied' or 'somewhat satisfied' with the level of customer service they received and the timeliness in which officers responded to their enquiry'. This is compared to 85 per cent last year.
- 11.4.3 Only one respondent felt that the Grant categories did not meet the needs of their group or organisation.
- 11.4.4 Most survey respondents heard about the Grants Program through the website/ email (60 per cent) or because they had previously applied through the program. This suggests that the website/ email is an important tool to improve access to information about the Grants Program, in particular the Guidelines, as well as ensuring broad promotion with community groups or organisations that have not previously applied for a grant with Council.
- 11.4.5 In the last twelve months, only 60 per cent of respondents that applied for funding through Council's Grants Program, contacted a Council officer before submitting an application. The 2017/18 Community Grant Guidelines have been amended to require all Community Development/ Arts and Culture applicants to discuss their application with a Council officer before submitting an application. It is anticipated that this will improve the quality of applications submitted and will ensure that applicants are clear about the information that must be provided within their application.
- 11.4.6 Respondents stated that Council could simplify the grant application requirements and program materials. 76.6 per cent of survey respondents found the Grant Program Guidelines content useful and relevant, compared with 88 per cent last year. 71.4 per cent found the assessment criteria easy to understand, compared with 76 per cent last year.
- 11.4.7 Stakeholders expressed an interest in attending training opportunities on grant writing, program evaluation, social media and using Smarty Grants. Since September 2016 Council has hosted three Community Training workshops focusing on project governance, evaluation and planning. Feedback from attendees of the workshops have been very positive. Further sessions will be offered in 2017.

#### **Officer Consultation Findings**

- 11.5 Through consultations with officers, the following administrative matters were discussed:
- 11.5.1 Positive outcomes as a result of the integration and streamlining of grant management practices and procedures.
- 11.5.2 Reduction in administrative processes for officers and applicants due to Smarty Grants, Council's online grant management

system. However further training is required to ensure ongoing knowledge or the program and its application.

- 11.5.3 Greater clarity regarding the role and responsibilities for officers to monitor funded activities and provide support and advice to recipients to build their capacity.
- 11.5.4 Improvements to the readability of the Guidelines and simplification of the assessment criteria, especially for Small Grants and equipment purchases.
- 11.5.5 Opportunities to further build the capacity of officers and external stakeholders, particularly emerging community groups/ unsuccessful applicants.

## 12 COMMUNICATIONS STRATEGY

- 12.1 A new communications plan will be developed to inform Council officers and the Manningham community regarding future funding and training opportunities available through the Grant Program.

## 13 CONCLUSION

- 13.1 Overall the Community Grants Program meets the needs of the community. Community organisations are able to identify and address community needs with the support of Council, both through the allocation of grants, as well as the advice and support of Council officers. The revised 2017/18 Community Grant Program Guidelines will improve how the community accesses information concerning the Grants Program in a simple, easy-to-use format.

## OFFICER'S RECOMMENDATION

That Council

- (A) Endorse the 2017/2018 Community Grant Program Guidelines provided in Attachment A;
- (B) Note the outcomes of the Community Grant Program review findings and improvements; and
- (C) Note that a further report will be provided to Council in relation to the current funding arrangements for Eastern Community Legal Centre and Access Health and Community.

MOVED: PICCININI  
SECONDED: ZAFIROPOULOS

That the Recommendation be adopted.

**CARRIED**

"Refer Attachments"

Attachment A - 2017/2018 Community Grant Program Guidelines

\* \* \* \* \*

**13. CORPORATE SERVICES****13.1 Financial Status Report - September 2016**

Responsible Director: Director Shared Services  
File No. .

The ultimate destination for this report is: COUNCIL AGENDA

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

**SUMMARY**

*The report details the financial performance of Council for the 3 months ended 30 September 2016.*

*Variances to the adopted budget are not material with the Operating Surplus 0.1 per cent or \$0.066 million unfavourable. On the underlying basis, which excludes non cash revenues and expenses, capital income, sale of assets and transfer to reserves, the result is \$0.079 million unfavourable.*

*Material variations to the adopted budget will be incorporated into the 2016/17 Mid Year Review.*

**1 BACKGROUND**

- 1.1 The attached Financial Status Report for the period ending 30 September 2016 indicates that Council is tracking close to the adopted budget. Commentary on performance is provided on an exception basis.
- 1.2 Reporting on the performance of the Capital Works Program, Customer Feedback System, Strategic Resource Plan, Local Government Performance and Reporting Framework and Councillor Expenditure is provided through alternate reporting mechanisms.

**2 PROPOSAL/ISSUE**

- 2.1 It is proposed that the attached Financial Status Report for the period ending 30 September 2016 be noted.

**3 FINANCIAL RESOURCE IMPLICATIONS**

- 3.1 There are no adverse financial resource impacts arising from the review of the September 2016 financial results.

**4 CONCLUSION**

- 4.1 Overall, the September 2016 financial results indicate that Council is tracking to the adopted budget.

**OFFICER'S RECOMMENDATION**

**That the attached Financial Status Report detailing the financial performance of Council to 30 September 2016 be noted.**

"Refer Attachments"

**MOVED: McLEISH**  
**SECONDED: GALBALLY**

**That the Recommendation be adopted.**

**CARRIED**

## 14. CHIEF EXECUTIVE OFFICER

### 14.1 Documents for Sealing - 13 December 2016

Responsible Director: Executive Manager People & Governance

File No. .

The ultimate destination for this report is: COUNCIL AGENDA

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

#### SUMMARY

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

#### 1 BACKGROUND

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

#### OFFICER'S RECOMMENDATION

**That the following documents be signed and sealed:**

**Consent Agreement to Build Over an Easement  
Section 173 of the Planning and Environment Act 1987  
Council and H Luo & S Zheng  
35 Koolkuna Avenue, Doncaster**

**Consent Agreement to Build Over an Easement  
Section 173 of the Planning and Environment Act 1987  
Council and J Zhou & X Huang  
6 Lempriere Close, Templestowe**

**Deletion of Easement Agreement  
Council and CES Glenelg Pty Ltd  
154-166 Williamsons Road, Doncaster**

**Consent Agreement to Build Over an Easement  
Section 173 of the Planning and Environment Act 1987  
Council and JHH Property Development Pty Ltd  
19 Daly Street, Doncaster**

**Consent Agreement to Build Over an Easement  
Section 173 of the Planning and Environment Act 1987  
Council and P & T J Argyriou  
27 Dehnert Street, Doncaster East**

**Deed of Surrender of Licence  
Council and East Doncaster Veterinary Hospital Pty Ltd  
1 Peach Way, Templestowe**

**Consent Agreement to Build Over an Easement  
Section 173 of the Planning and Environment Act 1987  
Council and W Qin & Q Zhang  
4 Bella Court, Doncaster East**

**Consent Agreement to Build Over an Easement  
Section 173 of the Planning and Environment Act 1987  
Council and VFS Investments Pty Ltd & J M Neef  
36 Polaris Drive, Doncaster East**

**MOVED: GALBALLY  
SECONDED: PICCININI**

**That the Recommendation be adopted with the addition of the following agreement:**

**Telecommunications Lease  
Council and Axicom Pty Ltd  
26 – 42A Colman Road, Warrandyte South**

**CARRIED**

\* \* \* \* \*



## **14.2 Appointment of Authorised Officers under the Planning and Environment Act 1987 – December 2016**

Responsible Director: Executive Manager People & Governance

File No. EF15/28896

The ultimate destination for this report is: COUNCIL AGENDA

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

### **SUMMARY**

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

### **1 BACKGROUND**

- 1.1 The Act is reliant on authorised officers to enforce the Act.
- 1.2 The Act, unlike the Local Government Act, does not permit appointments to be made by the Chief Executive Officer and therefore in order for the officers to legally undertake the duties of their office under the Act, it is necessary for Council to make the appointments by formal resolution.
- 1.3 The Instrument of Appointment and Authorisation prepared for Council's consideration is based on advice from Maddocks Lawyers and empowers the relevant staff member to exercise those powers granted in the Instrument.
- 1.4 The appointment will come into force immediately upon its execution under the Seal of Council and signed by the Mayor and Chief Executive Officer and will remain in force until varied, revoked or the officer ceases employment with Council in their appointed position with Council.
- 1.5 In addition to the appointment under the Act, Council, pursuant to Section 224 of the Local Government Act 1989, may appoint any person other than a Councillor to be an authorised officer for the purposes of the administration and enforcement of most other Acts, Regulations or Local Laws which relate to the functions and powers of the Council. This broader Instrument of Appointment and Authorisation has already been carried out under the delegated authority of the Chief Executive Officer as the first part of a dual appointment process as recommended by Maddocks Lawyers

### **2 PROPOSAL/ISSUE**

- 2.1 It is proposed to appoint the following Statutory Planning staff members as Authorised Officers pursuant to the Act:-
  - Chethi Abeysinghe, Administration Officer
  - Denise Dobrovansky, Administration Officer
  - Julie Mikklesen, Town Planner

Mohan Mendis, Administration Support Officer  
Owen Ryan, Town Planner  
Mark Sheehan, Town Planner  
Timothy Stevens, Town Planner

### **3 CONCLUSION**

- 3.1 The Instruments of Appointment and Authorisation to be used for the appointments is in accord with the format recommended by Maddocks Lawyers.
- 3.2 The appointment instrument will be recorded in the Authorised Officers Register that is required to be kept by Council pursuant to Section 224 of the Local Government Act 1989 and is available for public inspection.

#### **OFFICER'S RECOMMENDATION**

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

- (A) The employees referred to above be individually appointed and authorised as set out in the attached example Instrument;**
- (B) The Instruments come into force immediately the Common Seal of Council is affixed to the Instruments and remains in force until Council determines to vary or revoke it or the employee leaves their appointed position with Council; and**
- (C) The Common Seal of the Council be affixed to the Instruments.**

**MOVED: PICCININI  
SECONDED: CHEN**

**That the Recommendation be adopted.**

**CARRIED**

"Refer Attachments"

\* \* \* \* \*

**ATTACHMENT****Manningham City Council****Instrument of Appointment and Authorisation**

In this instrument "**officer**" means –

Chethi Abeysinghe, Administration Officer, Denise Dobrovansky, Administration Officer, Julie Mikklesen, Town Planner, Mohan Mendis, Administration Support Officer, Owen Ryan, Town Planner, Mark Sheehan, Town Planner and Timothy Stevens, Town Planner.

**By this instrument of appointment and authorisation Manningham City Council -**

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**PART A**

1. under section 224 of the Local Government Act 1989 - appoints the officer to be an authorised officer for the administration and enforcement of -
  - the Environment Protection Act 1970;
  - the Liquor Control Reform Act 1998;
  - the Local Government Act 1989;
  - the Sex Work Act 1994;
  - the Subdivision Act 1988;
  - the regulations made under each of those Acts; and
  - any other Act, regulation or local law which relates to the functions and powers of the Council.

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**PART B**

1. under section 48A of the Environment Protection Act 1970 – appoints the officer to be an authorised officer for the purposes of section 48A.
2. under section 3(1) of the Sex Work Act 1994 - appoints the officer to be an authorised officer of the responsible authority for the purposes of enforcing Parts 4 and 5 of that Act.

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**PART C**

1. under -
  - section 232 of the Local Government Act 1989
  - sections 48A(9)(c) and 59(3) of the Environment Protection Act 1970

authorises the officer generally to institute proceedings for offences against the Acts, regulations and local laws described in this instrument.

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

This instrument is made by the Chief Executive Officer, Manningham City Council, in the exercise of his authority to act on Council's behalf, which includes the authority conferred by instrument of delegation dated 26 April 2016.

.....  
**Warwick Winn**

**Chief Executive Officer**

Date: 13 December 2016

### 14.3 Record of Assembly of Councillors - December 2016

Responsible Director: Executive Manager People & Governance

File No. .

The ultimate destination for this report is: COUNCIL AGENDA

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

#### SUMMARY

*Section 80A of the Local Government Act 1989 requires a record of each meeting that constitutes an Assembly of Councillors to be reported to the next ordinary meeting of Council and those records be incorporated into the minutes of the Council Meeting. The Assemblies to be reported to this Council Meeting took place between 8 November and 2 December (both dates inclusive). They are:-*

- *Meeting Briefing on 15 November*
- *Strategic Briefing Sessions on 29 November*
- *Open Space and Streetscape Advisory Committee on 28 November*
- *Submitter's Meeting: Warrandyte Special Rates and Charges on 21 November*
- *Municipal Fire Management Planning Committee on 25 November*
- *Municipal Emergency Management Planning Committee on 25 November*
- *Heritage Advisory Committee on 30 November*

#### 1 BACKGROUND

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

**2 PROPOSAL/ISSUE**

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

**OFFICER'S RECOMMENDATION**

**That the records of the Assemblies as shown attached be noted and incorporated in the minutes of this Council Meeting.**

**MOVED: McLEISH  
SECONDED: ZAFIROPOULOS**

**That the Recommendation be adopted.**

**CARRIED**

"Refer Attachments"

\* \* \* \* \*

## **14.4 Appointment of Acting Chief Executive Officer - 23 December 2016 - 3 January 2017**

Responsible Director: Executive Manager People & Governance

File No. .

The ultimate destination for this report is: COUNCIL AGENDA

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

### **SUMMARY**

*The Chief Executive Officer will be away on annual leave from 23 December 2016 – 3 January 2017. The Council is required to appoint an Acting Chief Executive Officer in the absence of the Chief Executive Officer.*

#### **1 BACKGROUND**

- 1.1 The Chief Executive Officer has various powers and authorities that he undertakes by virtue of his position. These powers and authorities arise from legislative provisions as well delegations by Council.
- 1.2 For these powers and authorities to be exercised by an Acting Chief Executive Officer, an officer needs to be formally appointed to the position by Council.

#### **2 PROPOSAL/ISSUE**

- 2.1 It is proposed that Mr Leigh Harrison, Director Assets & Engineering be appointed Acting Chief Executive Officer for the period from 23 December 2016 – 3 January 2017, both dates inclusive.

#### **OFFICER'S RECOMMENDATION**

That

- (A) Mr Leigh Harrison, Director Assets & Engineering, be appointed Acting Chief Executive Officer for the period from 23 December 2016 – 3 January 2017, both dates inclusive; and
- (B) The Acting Chief Executive Officer to be authorised to exercise all powers and authorities of the position of Chief Executive Officer for the period of his appointment.

**MOVED: CONLON**  
**SECONDED: McLEISH**

**ALTERNATIVE RECOMMENDATION**

**That**

- A. Mr Leigh Harrison, Director Assets & Engineering, be appointed Acting Chief Executive Officer for the period from 23 December 2016 to 3 January 2017, both dates inclusive;**
- B. The Acting Chief Executive Officer to be authorised to exercise all powers and authorities of the position of Chief Executive Officer for the period of his appointment; and**
- C. Council delegate to the Chief Executive Officer the authority to appoint (in consultation with the Mayor of the Day) an Acting Chief Executive Officer for any period of leave, not exceeding four weeks, to be taken by the Chief Executive Officer.**

**CARRIED**

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**15. NOTICES OF MOTION**

There were no Notices of Motion.

**16. URGENT BUSINESS**

There were no items of Urgent Business.

**17. PUBLIC QUESTIONS (WRITTEN)**

There were no written questions from the public

**18. COUNCILLOR QUESTION TIME**

There were no Questions without Notice from Councillors.

**19. CONFIDENTIAL REPORTS**

There were no Confidential Reports.

The meeting concluded at 7:51pm.

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Chairperson  
CONFIRMED THIS 21 FEBRUARY 2017

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