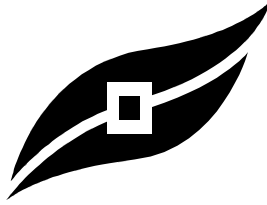


MINUTES



MANNINGHAM
BALANCE OF CITY AND COUNTRY

Ordinary Meeting of the Council

MEETING DETAILS:

MEETING NO: 10
MEETING DATE: 29 September 2015
TIME: 7:00 PM
LOCATION: Council Chamber
699 Doncaster Road, Doncaster

MINUTES

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MANNINGHAM CITY COUNCIL
MINUTES OF THE ORDINARY COUNCIL MEETING
HELD AT COUNCIL CHAMBER
ON
29 SEPTEMBER 2015

The meeting commenced at 7:00 PM.

Present: Councillor Paul McLeish (Mayor)
Councillor Michelle Kleinert (Deputy Mayor)
Councillor Meg Downie
Councillor Sophy Galbally
Councillor Geoff Gough
Councillor Jim Grivokostopoulos
Councillor Dot Haynes
Councillor Stephen O'Brien

Officers Present: Chief Executive Officer, Mr Joe Carbone
Acting Director Assets & Engineering, Mr Roger Woodlock
Director Community Programs, Mr Chris Potter
Acting Director Planning & Environment, Mr Errol Wilkins
Director Shared Services, Mr Philip Lee
Manager Strategic Governance – Ms Melissa Harris

1. OPENING PRAYER & STATEMENT OF ACKNOWLEDGMENT

The Mayor read the Opening Prayer & Statement of Acknowledgement.

2. APOLOGIES

An apology was received by Councillor Jennifer Yang.

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.

No declarations were made.

4. CONFIRMATION OF MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON 25 AUGUST 2015 AND SPECIAL MEETING OF COUNCIL HELD ON 8 SEPTEMBER 2015

**MOVED: O'BRIEN
SECONDED: KLEINERT**

That the Minutes of the Ordinary Meeting of Council held on 25 August 2015 and Special Meeting of Council held on 8 September 2015 be confirmed.

CARRIED

5. PRESENTATIONS

5.1 Gymnasium Verl, Germany Student Exchange Visit

The Mayor presented to Council a gift received from the teachers and students from Gymnasium Verl, Germany who visited the Council Offices on Friday 25 September as part of an exchange program with Donvale Christian College.

6. PETITIONS AND JOINT LETTERS

There were no Petitions and Joint Letters.

7. ADMISSION OF URGENT BUSINESS

There were no items of Urgent Business.

8. PLANNING PERMIT APPLICATIONS

8.1 Planning Application No. PL14/024726 - 200-204 Foote Street, Templestowe - Construction of a part three, part four storey apartment building comprising 40 dwellings

Responsible Director: Director Planning & Environment

File No. PL14/024726

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

Land:	200-204 Foote Street, Templestowe
Zone	General Residential Zone Schedule 2 Design and Development Overlay Schedule 8
Applicant:	Urban Planning Mediation
Ward:	Heide
Melway Reference:	33F5
Time to consider:	3 April 2015

SUMMARY

It is proposed to develop three residential allotments on land known as 200, 202 and 204 Foote Street, Templestowe with a part three/ part four storey residential apartment building with associated basement car parking. The site comprises three adjoining allotments, and the total land area is 2569 square metres.

The proposal also includes altering access to Foote Street (removing the existing three crossovers and creation of a new crossover).

The apartment building proposes a yield of 40 dwellings consisting of a mix of one, two, three and four bedroom apartments. The total car parking provision is to be 73 spaces (only 60 spaces are required: 52 resident and 8 visitor).

The application was advertised and attracted ten objections and one multi signature objection. The grounds of objection include: overshadowing, overlooking, out of character, overdevelopment, and traffic concerns.

It is considered that the application is an example of the contemporary architecture contemplated by the Manningham Planning Scheme for this site. The proposal will have a positive impact on the Foote Street streetscape without having unreasonable amenity impacts on surrounding residents, it is proposed to support the application subject to a series of planning permit conditions.

1 BACKGROUND

- 1.1 The site is situated on the southern side of Foote Street, approximately 100 metres from its intersection with Williamsons Road, Templestowe.
- 1.2 The site comprises a total of three generally rectangular shaped lots known as 200-204 Foote Street which have a combined width of 54.7m, a maximum depth of 46.6 metres and a total land area of 2569 square metres.

- 1.3 The site presently accommodated three single, detached dwellings with various outbuildings, as follows:
- 1.3.1 200 Foote Street is occupied by a single storey rendered brick dwelling with a pitched roof, setback 5.9 metres from Foote Street. A gravel driveway leads to a garage and carport attached to the side of the dwelling. The front garden contains a number of large trees with no front fence. Secluded private open space is to the rear and contains an expanse of lawn and perimeter tree planting.
- 1.3.2 202 Foote Street is occupied by a single storey white rendered brick dwelling with pitched roof, setback 5.8 metres from Foote Street. A garage is located to the rear and attached to the dwelling. The front garden is mainly paved, with a number of palm trees and is screened from Foote Street by a 1.8m high rendered brick front fence. The secluded private open space is to the rear and contains an expanse of lawn.
- 1.3.3 204 Foote Street is occupied by a single storey brick dwelling with a flat roof, setback more than 9 metres from Foote Street. Shade cloth has been erected to provide a sheltered car space in the front of the site, while a single brick garage is located to the rear. The front garden consists of mainly lawn and is enclosed by a wrought iron picket fence. The secluded private open space is to the rear and contains an expanse of lawn, with retaining walls to the west and east.
- 1.4 The site slopes from the south west down to the north east, with a fall of approximately 6 metres across the width of the combined sites.
- 1.5 The site is not burdened by any easements.
- 1.6 Boundary fencing of the site is timber paling style of varying heights and conditions.
- 1.7 The site has abuttals with five (5) properties. Surrounding development is described as follows:

Direction	Address	Description
South	15-17 June Crescent	This lot contains an existing seven (7) dwelling development, located to the rear of the subject site. Two of the seven dwellings adjoin the subject site and contain single storey brick units with pitched tiled roof, attached in the middle via a shared party wall to their associated double garages. North facing secluded private open space is located in the space between the dwellings and the common boundary fence.
East	206 Foote Street	This lot is to the side of the subject site and contains an existing dual occupancy development comprising two dwellings of different architectural

Direction	Address	Description
		styles. The dwelling fronting Foote Street presents as a single storey white weatherboard building with gable steel roof, setback 5.4 metres from the front boundary. The rear dwelling is a double storey brick residence, and is setback 1.5 metres from the common boundary. The interface is characterised by service areas, with the main area of private open space located to the rear of the site.
West	198 Foote Street	This lot is to the side of the subject site and contains a single storey brick dwelling with tiled gable roof. The garage is forward of the front wall of the dwelling, and the front garden is fenced by a brick retaining wall.

- 1.8 The character of the area is in transition. While several nearby properties along Foote Street and within Williamsons Road and surrounding streets retain 1970s single detached brick dwellings there is evidence of medium and higher density commencing from the same era. Many of the lots have been developed with medium to high density housing, including the three storey apartment building at 2-6 Anderson Street, 10 townhouse development currently being marketed at 185-187 Foote Street, 2 units at 196 Foote Street, a 10 dwelling townhouse development at 224-226 Foote Street, adjacent mirror image townhouse style developments at 188 and 190 Foote Street.
- 1.9 The character of the area is also defined by its position on Foote Street. Foote Street is a major arterial road with 2 lanes in each direction and a central median strip. It is responsible for providing crucial links to the east and west and therefore carries a large volume of traffic. It is under the jurisdiction of VicRoads and is also a busy arterial for public transport, with several bus routes operating along its length.
- 1.10 The site is well located to a range of services, with Templestowe Village Shopping Centre located 350 metres north-west of the site. There are several schools within 1.5 kilometres of the site, including St Kevins Primary School, Templestowe Park Primary School, Templestowe College, and Templestowe Heights. In terms of recreational facilities, Templestowe Leisure Centre is 300m from the site, Templestowe Reserve is 950m, and Templestowe Bowling Club is 1 kilometre from the site.

Planning History

- 1.11 There is no prior permit history for the subject site.
- 1.12 The proposal was presented to a Sustainable Design Taskforce meeting on 24th July 2014 where advice was given to, among other things, make modifications to the built form and enhance internal amenity,

2 PROPOSAL

- 2.1 It is proposed to demolish the three (3) existing dwellings and all other buildings on the sites, and remove all but one tree in the north-west corner (lemon scented gum), to construct a part three, part four storey apartment building comprising forty (40) apartments with two levels of associated basement car parking.
- 2.2 The dominant design feature of the proposal is its 'U' shaped built form with a large void to Foote Street providing for pedestrian accessway to a central atrium that provides a secluded area for residents of the building to congregate and opportunities for north facing apartment and balconies on the south side of the building.
- 2.3 The north-west corner of the building is recessed to conserve the large lemon scented gum tree that is to be retained in this corner of the site.
- 2.4 The proposed building will be constructed with a range of building materials including natural precast concrete, charcoal concrete panels, timber panels, vertical timber screens, feature metal panels with pressed square in gold and sliding patterned aluminium sun screens with leaf motif. Windows will be aluminium framed and generally of large proportions.
- 2.5 The proposed development has a maximum building height of 10.8 metres.
- 2.6 The overall apartment yield is proposed as follows:
 - 2.6.1 Six (6), one bedroom apartments;
 - 2.6.2 Twenty-two (22), two bedroom apartments;
 - 2.6.3 Ten (10), three bedroom apartments; and
 - 2.6.4 Two (2), four bedroom apartments.
- 2.7 The apartments vary in floor area between 56 and 183 square metres.
- 2.8 The proposed building has a site coverage of 59% and proposes a density of one dwelling per 64.2 square metres. The previous site coverage is 26%.
- 2.9 The pedestrian entry to the building is proposed at a central point along the Foote Street frontage via an at grade central paved path, leading under a glazed void above to the central atrium. Access to the lift and stairwell is immediately on the left as a person enters the building. A second lift and stair access is located in the rear (south) side of the building.
- 2.10 Vehicle access is proposed via a new crossover to Foote Street. The width of the crossover is proposed to be 6.1 metres. An intercom is proposed to the eastern side of the accessway for car park entry by visitors.
- 2.11 It is proposed to close all existing vehicular access to Foote Street by the removal of the three crossovers currently allowing vehicle access to 200, 202, and 204 Foote Street.
- 2.12 The details of each building level is described as follows:
 - 2.12.1 Basement Lower Level – This level comprises a total of 39 car spaces. A series of transitions are provided throughout the basement to achieve the lowest relative level being 62.59RL. Four storage rooms and one building services area are provided at this level, together with an underground water tank.

- 2.12.2 Basement Upper Level – This level comprises a total of 34 car spaces. A series of transitions are provided through the basement, together with a ramp with a gradient of 1:5 down to the lower basement level. Two separate bin storage rooms are provided, together with three storage rooms, a services room. A separate bike storage room containing Ned Kelly style wall mounted bike racks to house eleven (11) bikes for residents is also included adjacent to the northern lift bank and stairwell.
- 2.12.3 Ground Floor – Eight (8) apartments are positioned around the central atrium at this level. Six (6) apartments at this level comprise 2 bedrooms, and two (2) apartments comprise 3 bedrooms. At this level, private open spaces constitute ground level open spaces with a deck/terrace for all apartments. In the western portion of this level, forty-five (45) storage rooms have been provided within a dedicated area, together with a communal gym (area of 116 square metres). This area is to be subterranean due to the fall of the land west to east. Four (4) visitor bicycle parking spaces are provided to the east of the pedestrian entry path from Foote Street.
- 2.12.4 Level 1 – Thirteen (13) apartments are located at this level. Two (2) apartments at this level comprise one bedroom only, six (6) apartments comprise two bedrooms, and five (5) apartments comprise three bedrooms. At this level, private open spaces constitute balconies for Apartments 1.01 to 1.09 inclusive on the north, east and south sides of the building. All balconies face north or east due to the atrium design and have at least 11 square metres of space with minimum dimensions of 1.9 metres to the balcony edge. Apartments 1.07, 1.08, and 1.09 also have a small south facing balcony from bedrooms with a minimum dimension of 1.0 metre. Ground level open spaces with paved areas are provided along the western side of the building due to the fall of the land for Apartments 1.10 to 1.13 inclusive.
- 2.12.5 Level 2 –Thirteen (13) apartments are situated at this level. Four (4) apartments at this level comprise one bedroom only, six (6) apartments comprise two bedrooms, and three (3) apartments comprise three bedrooms. At this level, private open spaces constitute balconies for all apartments. All balconies have at least 11 square metres of space with minimum dimensions of 1.7 metres to the balcony edge. No apartments rely on south facing balconies. Light wells provide light to second bedrooms in three apartments on the western side of the building (Apartments 2.11 to 2.13 inclusive).
- 2.12.6 Level 3 –This level is limited to the western and southern portion of the site and for most of its area appears only as a third storey due to the fall of the land across the site. Six (6) apartments are situated at this level. Four (4) apartments at this level comprise two bedrooms, and two (2) apartments comprise four bedrooms. At this level, private open spaces constitute balconies for Apartments 3.01 to 3.06 inclusive. All balconies have at least 11 square metres of space with minimum dimensions of 1.8 metres to the internal balcony edge. A void provides light to the second bedroom of three

apartments (Apartments 3.02 to 3.04 inclusive). A communal sun deck/ barbeque area is provided in the north-eastern corner of the building.

- 2.13 Acknowledging balconies encroach within some setbacks, the building has the following minimum wall setbacks to site boundaries:
- 2.13.1 Foote Street (north) boundary:
- a) Basement L1- 5.9 metres
 - b) Basement L2 – 5.9 metres
 - c) Ground Level – 6.0 metres
 - d) Level 1 – 6.1 metres
 - e) Level 2 – 6.1 metres
 - f) Level 3 – 6.0 metres
- 2.13.2 Eastern (side) boundary:
- a) Basement L1 – 7.0 metres
 - b) Basement L2 – 1.5 metres (increasing to 7.0 metres once 20 metres into the site)
 - c) Ground Level – 4.0 metres (inclusive of a 1.5-1.8 metre landscape strip)
 - d) Level 1 – 3.9 metres
 - e) Level 2 – 6.2 metres
 - f) Level 3 – 16.2 metres
- 2.13.3 Western (side) boundary:
- a) Basement L1 – 5.5 metres
 - b) Basement L2 – 5.5 metres
 - c) Ground level – 2.7 metres (underground due to the fall of the land)
 - d) Level 1 – 3.5 metres (inclusive of a 1.5 metre landscape strip)
 - e) Level 2 – 5.3 metres
 - f) Level 3 – 5.3 metres
- 2.13.4 Southern (rear) boundary:
- a) Basement L1 – 4.8 metres (excluding a stairwell at 2.5 metres)
 - b) Basement L2 – 4.8 metres (excluding a stairwell at 2.5 metres)
 - c) Ground level – 3.6 – 5.0 metres (excluding a stairwell at 2.5 metres, and inclusive of a 1.8 metre wide landscape strip)
 - d) Level 1 – 4.0 metres (excluding a stairwell at 2.5 metres)
 - e) Level 2 – 4.0 metres (excluding a stairwell at 2.5 metres)
 - f) Level 3 – 5.3 metres (excluding a stairwell at 2.5 metres)

- 2.14 Finished floor levels are proposed as follows:
- 2.14.1 Lower Level Basement RL64.3, RL63.4, RL62.59
 - 2.14.2 Upper Level Basement RL67.0, RL66.15, RL65.3
 - 2.14.3 Ground Floor RL69.8
 - 2.14.4 Level 1 RL72.8
 - 2.14.5 Level 2 RL75.8
 - 2.14.6 Level 3 RL78.8
- 2.15 Each above ground dwelling is provided with a minimum of eight (8) square metres of secluded private open space in the form of a balcony. Courtyard style open spaces of varying sizes are provided to apartments at ground level.
- 2.16 In support of the planning application, the following documentation was submitted with the proposal:
- 2.16.1 Architectural drawings
 - 2.16.2 Planning Report, including ResCode Assessment
 - 2.16.3 Traffic Report
 - 2.16.4 Sustainability Management Plan
 - 2.16.5 Waste Management plan
 - 2.16.6 Arborist Report
 - 2.16.7 Urban Design comments
 - 2.16.8 Concept Landscape Plan

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 3 April 2015.
- 3.2 It is noted VicRoads only provided comment on the application on 24 August 2015 allowing this report to be prepared, having been referred the application in January 2015.

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;
 - 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.

5 MANNINGHAM PLANNING SCHEME

- 5.1 The site and adjacent land is included in the General Residential Zone, Schedule 2 under the provisions of the Manningham Planning Scheme.
- 5.2 A planning permit is required to construct two or more dwellings on a lot in the General Residential Zone under Clause .
- 5.3 The purpose of the General Residential Zone relates primarily to providing housing at increased densities, encouraging 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.
- 5.4 Assessment is required under the provisions of Clause 55 of the Manningham Planning Scheme (ResCode).
- 5.5 The purpose of Clause 55 is to provide well designed 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.
- 5.6 The site is also included in the Design and Development Overlay Schedule 8 (DDO8) under the provisions of the Manningham Planning Scheme. The site, together with other properties on Foote Street, is in DDO8-2 (Sub-Precinct A). Land to the rear in June Crescent is in DDO8-3 (Sub-Precinct B).
- 5.7 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 subprecinct 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 subprecinct 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*

5.8 Planning permission is required for buildings and works which must comply with the requirements set out in Table 1 and 2 of the Schedule. Being located within DDO8-2 Sub-Precinct A, the maximum allowable building height for land more than 1800 square metres in size is 11 metres.

5.9 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.

State Planning Policy Framework

5.10 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.*
- 5.11 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.
- 5.12 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.*
- 5.13 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.
- 5.14 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.*
- 5.15 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.*

5.16 Clause 16.01-5 (Housing affordability) seeks to deliver more affordable housing closer to jobs, transport and services.

Municipal Strategic Statement (Clause 21)

5.17 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.

5.18 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.

5.19 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.

5.20 The site is within "Precinct 2 – Residential Areas Surrounding Activity Centres and Along Main Roads".

5.21 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*

5.22 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.

5.23 The three sub-precincts within Precinct 2 consist of:

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

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

Sub-precinct A (DDO8-2) is an area where two storey units (9 metres) and three storey (11 metres) ‘apartment style’ developments are encouraged. Three storey, contemporary developments should only occur on land with a minimum area of 1800m². Where the land comprises more than one lot, the lots must be consecutive lots which are side by side and have a shared frontage. The area of 1800m² must all be in the same sub-precinct. In this sub precinct, if a lot has an area less than 1800m², a townhouse style development proposal only will be considered, but development should be a maximum of two storeys. All development in Sub-precinct A should have a maximum site coverage of 60 percent.

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

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

- 5.24 The site is located within **Sub-Precinct – A (DDO8-2)**.
- 5.25 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*

5.26 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*

5.27 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.

5.28 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*

5.29 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

- 5.30 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.
- 5.31 Clause 22.09 (Access for disabled people) is relevant to this application 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

- 5.32 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
- 5.33 Clause 52.06-7 outlines various design standards for parking areas that should be achieved.
- 5.34 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.
- 5.35 Clause 55 Two or More Dwellings on a Lot 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.
- 5.36 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 Council has, through its policy statements in the Planning Scheme, and in particular by its adoption of the Design and Development Overlay Schedule 8 over this neighbourhood, created a planning mechanism that will (in time), alter the existing character along Foote Street, and in the surrounding area.
- 6.2 Council's planning preference is for higher density, multi-unit developments which can include apartment style developments on larger lots. This higher density housing thereby provides for the "preferred neighbourhood character" which is guided by the design elements contained within the Schedule 8 to the Design and Development Overlay, in conjunction with an assessment against Clause 21.05 and Clause 55 – ResCode. The resultant built form is expected to have a more intense and less suburban form.

- 6.3 In broad terms, an apartment building constructed across three adjoining sites is consistent with the objectives of Council's planning policy outlined at Clause 21.05 of the Manningham Planning Scheme. The policy encourages urban consolidation (inclusive of apartment buildings) in this specific location due to its capacity to support change given the site's main road location and proximity to services, such as public transport. The policy anticipates a substantial level of change from the existing character of primarily single dwellings interspaced with medium density developments.
- 6.4 The consolidation of three lots with a combined area of 2569 square metres also provides opportunities for increased development as the larger area allows increased setbacks to compensate for its larger scale in comparison to traditional medium density housing. Given the site area, the proposal is permitted an 11 metre maximum building height under DDO8.
- 6.5 The building is four-storeys in height following the technical definitions in the Manningham Planning Scheme (where a level that is more than 1.2m above natural ground is required to be 'counted' as a storey). The fourth storey occurs due to the slope of the land across the site where the top floor overlaps the ground floor before the ground floor becomes subterranean. It only occurs in the front, northern elevation to Foote Street. The building is three-storeys in height when viewed from the eastern side, southern rear and western side boundaries.
- 6.6 The extent of the fourth storey is the living area of Apartment 3.01. It is approximately 6m in length, or 12% of the frontage. This amount is considered immaterial given the building presents to a major road with a strong architectural presentation. Overall, the building is consistent with the policy direction in Clause 22.05 that promotes 'three-storey' apartment development.
- 6.7 An assessment of the proposal will be made based on the following planning controls:
- Design and Development Overlay Schedule 8 (DDO8)
 - Clause 52.06 Car Parking
 - Clause 52.29 Land Adjacent to a Road Zone Category 1
 - Clause 52.34 Bicycle Facilities
 - Clause 55 Two or More Dwellings on a Lot

Design and Development Overlay Schedule 8

- 6.8 An assessment follows against the requirements of the DDO8:

Design Element	Level of Compliance
<u>Building Height and Setbacks</u> DDO8-2 Sub-precinct A: <ul style="list-style-type: none"> • Minimum lot size is 1800 square metres or greater. • 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; 	Met <ul style="list-style-type: none"> • The land is above the minimum lot size of 1800 square metres. The development has a maximum height of 10.8 metres.

<ul style="list-style-type: none"> • Minimum front street setback is the distance specified in Clause 55.03-1 or 6 metres, whichever is the lesser. • Minimum side street setback (if relevant) is the distance specified in Clause 55.03-1. 	<p>Met</p> <ul style="list-style-type: none"> • The proposed front setback to Foote Street is 6.0m, stepping to 7.0m to facilitate the retention of the lemon scented gum on the western side of the frontage.
<p><u>Form</u></p> <ul style="list-style-type: none"> • Ensure that the site area covered by buildings does not exceed 60 percent. 	<p>Met</p> <ul style="list-style-type: none"> • Building site coverage is 59% of the site area, which does not exceed 60%.
<ul style="list-style-type: none"> • Provide visual interest through articulation, glazing and variation in materials and textures. 	<p>Met</p> <ul style="list-style-type: none"> • Various materials, colours and finishes are proposed, which provides for an attractive and coherent presentation to all elevations. • Articulation in the front facade is achieved by a wide void at the pedestrian entry, balcony projections, framing elements and a limited and recessed top level that steps lower with the fall of the land. • The materials and colour palette contains variety to create a high level of visual interest. The combined use of precast concrete panels with a natural and charcoal finish, pressed gold metal panels, sliding aluminium patterned sunscreens (with a leaf motif on them), timber panels and screens and patterned glass all combine to provide for rich and varied textures and tones.
<ul style="list-style-type: none"> • Minimise buildings on boundaries to create spacing between developments. 	<p>Met</p> <ul style="list-style-type: none"> • The building is generally setback between 3.5-4.0 metres from the boundary at ground level which provides for a good level of spacing and opportunities for landscaping to establish and flourish.
<ul style="list-style-type: none"> • Where appropriate ensure that buildings are stepped down at the rear of sites to provide a transition to the scale of the adjoining residential area. 	<p>Met with Conditions</p> <ul style="list-style-type: none"> • The building steps lower to all residential interfaces. • The step at the rear of the building is more modest than the step associated with the side boundaries (the top floor is setback less than 2m greater than the ground floor). This

	<p>elevation will benefit from some subtle modifications, which shouldn't alter the overall apartment or bedroom yield significantly:</p> <ul style="list-style-type: none"> • A condition will require a portion of the ground floor setback 3.6m from the rear boundary (Apartment G.06) to be increased to 4m. (Condition 1.2). This increases the minimum setback from the boundary to 4m (except where there is a stairwell within this distance). • A condition will require the southern wall of Apartment 2.07 to have its setback increased by 1.5m to provide a more recessive response in the south eastern corner (Condition 1.3). • The south facing portion of balcony for Apartment 3.05 removed to provide a more recessive response in the south western corner (Condition 1.4) • These changes will ensure appropriate transitions in height are provided to the single storey unit development at the rear (15-17 June Crescent), noting they are also within the DDO8 area (although in Sub Precinct B).
<ul style="list-style-type: none"> • Where appropriate, ensure that buildings are designed to step with the slope of the land. 	<p>Met</p> <ul style="list-style-type: none"> • The building steps a whole floor lower for east to west consistent with the fall of the land. There is a slight overlap of floors in the front Fotte Street elevation that generates a fourth storey element. • The development maintains a three storey form adjacent to neighbouring properties.
<ul style="list-style-type: none"> • Avoid reliance on below ground light courts for any habitable rooms. 	<p>Considered met with conditions</p> <ul style="list-style-type: none"> • Due to the slope of the land from east to west there is a point where the ground level is substantially cut into the ground. The applicant has managed this by locating a gym and storage area where windows cannot be provided to this level on the western side of the site. • Apartment G.01, G.02, G.07 and G.08 having portions of their

	<p>secluded private open space below natural ground level. That said apartment G.07 and G.08 at the rear of the building have been cleverly designed to include north-facing open space areas facing the atrium. The rear open space, which is below ground, is secondary open space. The 2.6 metre high retaining wall along the western edge of the secondary private open space to apartment G.08 is not ideal, and from an amenity perspective will be a poor outcome for future residents. In addition, a retaining wall will be required along the southern elevation to a height of 2.6 metres. A condition (Condition 1.5) will ensure where retaining walls greater than 1.5m are required they are tiered to provide a softer appearance to future residents with 1m wide landscape beds between each tier.</p> <ul style="list-style-type: none"> The primary area of secluded private open space to apartments G.01 and G.02 are north-facing. The subterranean design is acceptable given the amount of direct sunlight that they will receive, and the relief from noise on Foote Street that will result from their design.
<ul style="list-style-type: none"> Ensure the upper level of a two storey building provides adequate articulation to reduce the appearance of visual bulk and minimise continuous sheer wall presentation. 	<ul style="list-style-type: none"> Not applicable.
<ul style="list-style-type: none"> Ensure that the upper level of a three storey building does not exceed 75% of the lower levels, unless it can be demonstrated that there is sufficient architectural interest to reduce the appearance of visual bulk and minimise continuous sheer wall presentation. 	<p>Met</p> <ul style="list-style-type: none"> The percentage of the upper floor is not measurable as the building steps lower one whole floor with the fall of the land. The upper level is 59.4% of Level 2 directly below (excluding balconies), but this is not a true indication of what is sought by the control. Overall, the building has been designed to avoid three storey sheer walls facing the neighbours which the requirement is trying to avoid. The building steps in from the side and

	<p>rear boundaries, and whilst there is some three storey form facing Foote Street, it is appropriately softened via transitions to the side boundaries, the step in overall height mid-site and various architectural treatments.</p>
<ul style="list-style-type: none"> Integrate porticos and other design features with the overall design of the building and not include imposing design features such as double storey porticos. 	<p>Met</p> <ul style="list-style-type: none"> There are no imposing design elements and all design expressions are considered to be well integrated into the overall architecture of the building.
<ul style="list-style-type: none"> Be designed and sited to address slope constraints, including minimising views of basement projections and/or minimising the height of finished floor levels and providing appropriate retaining wall presentation. 	<p>Considered Met</p> <ul style="list-style-type: none"> Due to the sloping topography, the building has been unable to completely avoid the projection of the basement above natural ground level along the eastern (side) elevation, which is the lowest portion of the site. In the north-eastern corner, the basement projects 1.7 metres out of the ground, however this scales back to natural ground level as the building approaches the south-east corner. It is considered that the projection has been appropriately managed through its setback from the boundary behind landscaping (Ornamental Pears and Weeping Lily Pilly screen) and through the use of a range of materials in the facade.
<ul style="list-style-type: none"> Be designed to minimise overlooking and avoid the excessive application of screen devices. 	<p>Met</p> <ul style="list-style-type: none"> The building has been designed to minimise overlooking of adjacent properties. As a first step, the applicant will replace all boundary fences with new 2.1 metre high timber paling fencing. This will prevent overlooking from the apartments at ground floor. Patterned privacy glass is proposed to be used in balustrading to the east, south, and west at Level 1, 2, and 3 in combination with vertical timber screens. These devices will prevent overlooking into secluded areas of adjacent properties.
<ul style="list-style-type: none"> Ensure design solutions respect the principle of equitable access at the main entry of any building for people 	<p>Met</p> <ul style="list-style-type: none"> The pedestrian entrance from Foote Street will be at grade, and therefore

of all motilities.	there will be no requirements for a ramp. A lift is provided immediately to the left of the main entry path which will service all floors and thereby ensure equitable access to all persons. A second lift is also provided in the rear (southern) section of the building.
<ul style="list-style-type: none"> Ensure that projections of basement car parking above natural ground level do not result in excessive building height as viewed by neighbouring properties. 	<p>Met</p> <ul style="list-style-type: none"> The slope of the land results in the basement projection being visible across the eastern elevation. This has, however, been sufficiently minimised in respect of overall height, with the projection being capped in the north-eastern corner at a maximum of 1.7 metres above natural ground. As discussed earlier, the projection will be well integrated into the built form through the varied use of materials and finishes, together with screening provided by landscaping. The building steps in and up along this boundary to ensure excessive building height is not viewed by neighbours.
<ul style="list-style-type: none"> Ensure basement or undercroft car parks are not visually obtrusive when viewed from the front of the site. 	<p>Met</p> <ul style="list-style-type: none"> The basement is not visually obtrusive, and will not be visible from Foote Street.
<ul style="list-style-type: none"> Integrate car parking requirements into the design of buildings and landform by encouraging the use of undercroft or basement parking and minimise the use of open car park and half basement parking. 	<p>Met</p> <ul style="list-style-type: none"> The basement arrangement provides for an integrated car parking layout which will result in car parking being concealed by a metal security gate underground.
<ul style="list-style-type: none"> Ensure the setback of the basement or undercroft car park is consistent with the front building setback and is setback a minimum of 4.0m from the rear boundary to enable effective landscaping to be established. 	<p>Considered Met</p> <ul style="list-style-type: none"> The basement setback is not identical to the front setback at ground level. However, the deviation of 100mm is considered to be acceptable. In terms of the rear setback requirement, a minimum 4.8 metre setback is provided from the southern boundary (more than the building above). This setback will ensure that there is sufficient space in which to realise meaningful landscaping in

	<p>order soften the appearance of the building and provide an acceptable interface with residential properties within June Crescent.</p>
<ul style="list-style-type: none"> • Ensure that building walls, including basements, are sited a sufficient distance from site boundaries to enable the planting of effective screen planting, including canopy trees, in larger spaces. 	<p>Met</p> <ul style="list-style-type: none"> • The building setbacks are generally 4.0 metres from the eastern side and southern rear boundaries, and 3.5 metres from the western side boundary. Whilst the setbacks contain some ground level open space terraces, landscape beds are typically 1.5m-2.0m in width. • The concept landscape plan indicates that the landscape treatment of a total of forty-three (43) Capital Ornamental Pear trees will be planted periodically in front of a dense Weeping Lilly Pilly screen around the perimeter. • It is considered the building provides appropriate setbacks to all boundaries which will enable meaningful landscaping to be realised on the site, including canopy tree planting. • The Foote Street frontage will contain the existing lemon scented gum in the north-west corner, which is to be retained. The concept landscape plan indicates that the balance of the front setback will contain two (2) <i>Eucalyptus scoparia</i>, and three (3) <i>Magnolia grandiflora</i> 'Little Gem' trees, together with lower level planting including <i>Liriope muscari</i>. This level of planting is considered reasonable for the front setback, in particular with the retention of the lemon scented gum.
<ul style="list-style-type: none"> • Ensure that service equipment, building services, lift over-runs and roof-mounted equipment, including screening devices is integrated into the built form or otherwise screened to minimise the aesthetic impacts on the streetscape and avoids unreasonable amenity impacts on surrounding properties and open spaces. 	<p>Met with Condition</p> <ul style="list-style-type: none"> • Provision has been made at two points on the roof for plant and mechanical equipment. It will be necessary to ensure this equipment is appropriately concealed, a matter which can be addressed by a permit condition requiring a roof plan demonstrating appropriate screening detail (Condition 1.6). • The roof plan also designates two

	areas for solar panel installation.
<p><u>Car Parking and Access</u></p> <ul style="list-style-type: none"> • Include only one vehicular crossover, wherever possible, to maximise availability of on street parking and to minimise disruption to pedestrian movement. Where possible, retain existing crossovers to avoid the removal of street tree(s). Driveways must be setback a minimum of 1.5m from any street tree, except in cases where a larger tree requires an increased setback. 	<p>Met</p> <ul style="list-style-type: none"> • A 6.1 metre wide vehicular crossover is proposed. No street trees are to be affected.
<ul style="list-style-type: none"> • Ensure that when the basement car park extends beyond the built form of the ground level of the building in the front and rear setback, any visible extension is utilised for paved open space or is appropriately screened, as is necessary. 	<p>Met</p> <ul style="list-style-type: none"> • It is considered the basement projection is appropriately screened.
<ul style="list-style-type: none"> • Ensure that where garages are located in the street elevation, they are set back a minimum of 1.0m from the front setback of the dwelling. 	Not applicable.
<ul style="list-style-type: none"> • Ensure that access gradients of basement carparks are designed appropriately to provide for safe and convenient access for vehicles and servicing requirements. 	<p>Met</p> <ul style="list-style-type: none"> • An entry ramp transitions from 1:10 gradient, to 1:5.4 and then 1:8 is relatively moderate, compliant with Clause 52.06 and will present no traffic implications.
<p><u>Landscaping</u></p> <ul style="list-style-type: none"> • On sites where a three storey development is proposed include at least 3 canopy trees within the front setback, which have a spreading crown and are capable of growing to a height of 8.0m or more at maturity. • 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. 	<p>Met</p> <ul style="list-style-type: none"> • The Foote Street frontage will contain the existing lemon scented gum in the north-west corner, which is to be retained. The concept landscape plan indicates that the balance of the front setback will contain two (2) <i>Eucalyptus scoparia</i>, and three (3) <i>Magnolia grandiflora</i> 'Little Gem' trees, together with lower level planting including <i>Liriope muscari</i>. This level of planting is considered reasonable for the front setback, in particular with the retention of the lemon scented gum.
<ul style="list-style-type: none"> • Provide opportunities for planting 	Met

<p>alongside boundaries in areas that assist in breaking up the length of continuous built form and/or soften the appearance of the built form.</p>	<ul style="list-style-type: none"> The site plan provides for landscape beds ranging from 1.5-2.0 metres in width. These will support the proposed Capital Ornamental Pear trees (maximum mature height of 11 metres) planted periodically in front of a Weeping Lilly Pilly screen (maximum mature height of 3 metres) around the perimeter.
<p>Fencing</p> <ul style="list-style-type: none"> A front fence must be at least 50 per cent transparent. On sites that front Doncaster, Tram, Elgar, Manningham, Thompsons, Blackburn and Mitcham Roads, a fence must: <ul style="list-style-type: none"> not exceed a maximum height of 1.8m be setback a minimum of 1.0m from the front title boundary <p>and a continuous landscaping treatment within the 1.0m setback must be provided.</p>	<p>Not applicable. There will be no front fence included as part of the proposal.</p>

6.9 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 respects the preferred neighbourhood character and responds to the features of the site.

Clause 52.06 Car Parking

- 6.10 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.
- 6.11 This clause requires resident 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.
- 6.12 Visitor car parking is required at a rate of one car space for every five (5) dwellings.
- 6.13 The proposal therefore requires 52 resident car parking spaces and 8 visitor spaces, or a total of 60 car parking spaces. It is proposed to provide 73 car parking spaces, and therefore the proposal exceeds the minimum requirements. The plans show the excess car parking will be allocated to residents.
- 6.14 The following table provides an assessment of the proposal against the six design standards:

Design Standard	Met/Not Met
1 - Accessways	<p>Met The 6.1metres wide vehicle ramp provides for the required passing area. Further, it is satisfactory to VicRoads.</p> <p>A corner splay has been notated on the plans to ensure sightlines to the footpath are maintained in accordance with the requirements of this control.</p>
2 – Car Parking Spaces	<p>Met Car parking spaces and aisles are provided in accordance with the dimensions of the control.</p> <p>A minimum head clearance of 2.3 metres is also provided, as demonstrated in the sectional drawings.</p> <p>Council's Engineering department has considered the layout and size of proposed car parking spaces and aisle widths and raised no concern.</p>
3 - Gradients	<p>Met (subject to Conditions) Council's Engineering department have considered the proposed vehicular access ramp and deemed its gradients acceptable.</p>
4 – Mechanical Parking	Not applicable – No mechanical parking proposed.
5 – Urban Design	<p>Met The basement, including its entry, does not visually dominate the Foote Street frontage and will be recessed behind the cantilevered Level 1 and 2 floors above. Appropriately placed landscaping treatments have been incorporated in the design response and enhance the building's presentation to Foote Street.</p>
6 – Safety	<p>Met The basement layout provides a safe arrangement and will be secured by an intercom (to enable visitor entry) and metal gate which will enclose the car park for the safety of the occupants and their vehicles.</p>
7 – Landscaping	<p>Met Landscaping is provided adjacent to the vehicular access ramp that will assist in softening this component of the development.</p>

- 6.15 From the above assessment it can be seen that the proposal complies with the seven design standards outlined at Clause 52.06 of the Manningham Planning Scheme.

Clause 52.29 Land Adjacent to a Road Zone Category 1

- 6.16 The proposal seeks to create a new access to Foote Street, and remove the existing crossovers currently servicing residents of 200, 202, and 204 Foote Street.
- 6.17 The decision guidelines of this Clause include the views of the relevant road authority.
- 6.18 It is noted that VicRoads has expressed no objection to the proposal (subject to the inclusion of conditions relating to construction of new crossover, removal of existing crossovers, and maintenance of driveways). It is therefore considered that the proposal is acceptable.

Clause 52.34 Bicycle Parking

- 6.19 The statutory bicycle parking requirements are that in developments of four or more storeys, 1 bicycle space must be provided to each 5 dwellings for residents, and 1 bicycle parking space for visitors is required for every 10 dwellings.
- 6.20 The proposal includes eleven (11) bicycle parking spaces in the upper level basement, together with four (4) bicycle parking spaces adjacent to the main pedestrian entrance for visitors. This provision exceeds the requirements.

Clause 55 Two or More Dwellings on a Lot

- 6.21 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.
- 6.22 The following table sets out the level of compliance with the objectives of this clause:

OBJECTIVE	OBJECTIVE MET/NOT MET
<p>55.02-1 - 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>Met</p> <p>As outlined in the assessment of the proposal against the policy requirements of the Schedule 8 to the Design and Development Overlay (DD08), it is considered that the proposed apartment building responds positively to the preferred neighbourhood character, and respects the natural features of the site, and its surrounds as contemplated by this planning control.</p>
<p>55.02-2 - 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</p>	<p>Met</p> <p>The application was accompanied by a written statement that has demonstrated how the development is consistent with State, Local and Council policy.</p>

OBJECTIVE	OBJECTIVE MET/NOT MET
<p>planning policies.</p> <p>To support medium densities in areas where development can take advantage of public transport and community infrastructure and services.</p>	
<p>55.02-3 - To encourage a range of dwelling sizes and types in developments of ten or more dwellings.</p>	<p>Met</p> <p>The development proposes a range of one, two, three and four bedroom apartments. Some apartments offer ground level open space, while others have balconies. The diversity of dwelling sizes and types is appropriate.</p>
<p>55.02-4 - 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>Met</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.</p>
<p>55.02-5 - To integrate the layout of development with the street.</p>	<p>Met</p> <p>A good level of integration is offered in the design response to Foote Street including a clear entry path through a void and into the building's atrium, windows, balconies and terraces face Foote Street.</p>
<p>55.03-1 - 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>Met</p> <p>As discussed earlier in this report, the front setback of the apartment building to Foote Street is acceptable. It accords with the requirement in the Design and Development Overlay Schedule 8 control.</p>
<p>55.03-2 - To ensure that the height of buildings respects the existing or preferred neighbourhood character.</p>	<p>Met</p> <p>The maximum building height, not exceeding 11 metres, is compliant with the preferred neighbourhood character for the area and an acceptable design response in this instance.</p>
<p>55.03-3 - To ensure that the site coverage respects the existing or preferred</p>	<p>Met</p> <p>The site coverage is marginally below 60%.</p>

OBJECTIVE	OBJECTIVE MET/NOT MET
neighbourhood character and responds to the features of the site.	
<p>55.03-4 - To reduce the impact of increased stormwater run-off on the drainage system.</p> <p>To facilitate on-site stormwater infiltration.</p>	<p>Met</p> <p>With 26% of the site being pervious, the proposal is compliant with the standard.</p>
<p>55.03-5 - 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>Met with Condition</p> <p>One of the unique design features within the proposal is the large central atrium. This open area in the centre of the building allows natural light penetration to apartments on the eastern and western edges, together with northern sunlight to apartments located along the southern edge of the building.</p> <p>The inclusion of this design feature ensures apartments will gain the greatest solar exposure.</p> <p>A condition (Condition 3) requires a Sustainability Management Plan to be approved before construction commences.</p>
<p>55.03-6 – To integrate the layout of development with any public and communal open space provided in or adjacent to the development.</p>	<p>Met</p> <p>The central atrium will be provided as communal open space. It is easily accessible for residents and consists of a paved area with planter beds and seating around.</p>
<p>55.03-7 - To ensure the layout of development provides for the safety and security of residents and property.</p>	<p>Met</p> <p>An enclosed basement arrangement will provide for safe vehicle security for future occupants and their visitors. Passive surveillance is provided over the building's pedestrian entrance and central atrium.</p>
<p>55.03-8 - 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</p>	<p>Met with condition</p> <p>A concept landscape plan was submitted with the proposal. This plan showed the retention of the lemon scented gum in the front setback together with canopy tree planting comprising <i>Eucalyptus scoparia</i>, and <i>Magnolia grandiflora</i> 'Little Gem'. Boundaries will be planted with Weeping Lilly Pilly,</p>

OBJECTIVE	OBJECTIVE MET/NOT MET
<p>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>together with spaced <i>Pyrus Calleryna</i> 'Capital'.</p> <p>The interior courtyard will also be landscaped, which will soften the expanse of open space. It will include a <i>Ficus microcarpa</i> tree, surrounded by <i>Clivia miniata</i>, and <i>Azalea shiraz</i>.</p> <p>A second landscape bed will be provided adjacent to the pedestrian entry, and will include a <i>Magnolia grandiflora</i> 'Little Gem' tree, together with <i>Liriope muscari</i> and <i>Azalea shiraz</i> surrounding a small reflection pond.</p> <p>In order to give privacy to Apartments G.07 and G.08, that both have a north facing deck adjacent to the interior courtyard, a planter containing <i>Acmena smithii</i> will be established in front of the privacy screen along the deck edge.</p> <p>Within the light voids to Apartments 1.11, 1.12, and 1.13, as well as 2.11, 2.12, and 2.13 and 3.02, 3.03 and 3.04 directly above, the voids will be planted with Himalayan Weeping Bamboo.</p> <p>A fully detailed landscape plan will be a conditional requirement to further develop the concept landscape plan for the site (Condition 7).</p>
<p>55.03-9 - To ensure vehicle access to and from a development is safe, manageable and convenient</p> <p>To ensure the number and design of vehicle crossovers respects the neighbourhood character.</p>	<p>Met</p> <p>Only one access point is provided to vehicles entry the basement from Foote Street.</p> <p>The access point has been positioned to avoid any issues.</p> <p>The proposal will result in the net reduction of two access points to Foote Street</p>
<p>55.03-10 - 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>Met</p> <p>Proposed car spaces within a basement will provide for convenient parking for future occupants and their visitors. Lift and stair access will be available from the basement to all residential levels.</p> <p>Any noise transfer from the use of the basement would be minimal and unlikely to be a disturbance to nearby properties.</p>

OBJECTIVE	OBJECTIVE MET/NOT MET
<p>55.04-1 - 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>Met (with Condition)</p> <p>The building exceeds the required setback to height ratio under the control except for the stairwell at the rear of the building.</p> <p>The stairwell is 8.0 metres in height, which requires a setback of 3.1 metres. The stairwell is only setback 2.5 metres. This part of the building, including lift, lobby and waste chute could be redesigned to accord with the requirement without reducing apartments significantly. A permit condition will recommend this (Condition 1.1).</p>
<p>55.04-2 - 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>Not applicable – No walls on boundary are proposed as part of the development.</p>
<p>55.04-3 - To allow adequate daylight into existing habitable room windows.</p>	<p>Met</p> <p>Given the building setbacks from the eastern, southern and western boundaries (which are all 3.5 metres or more), the proposal will not adversely affect existing habitable room windows of neighbouring properties at 198 Foote Street, 2/15-17 and 3/15-17 June Crescent, 1/206 and 2/206 Foote Street, Templestowe.</p>
<p>55.04-4 - To allow adequate solar access to existing north-facing habitable room windows.</p>	<p>Not applicable – There are no north-facing habitable room windows within 3m of the common boundary.</p>
<p>55.04-5 - To ensure buildings do not significantly overshadow existing secluded private open space.</p>	<p>Met</p> <p>The shadow diagrams indicate that there will be no significant overshadowing of the secluded private open spaces of adjoining dwellings at No. 198 Foote Street, 2/15-17 and 3/15-17 June Crescent, 1/206 and 2/206 Foote Street, Templestowe during the control period - between 9am and 3pm on the day of the equinox.</p> <p>Additional shadows will be cast over the open space areas of 2/15-17 and 3/15-17 June Crescent. However, it is marginal (less than 1m), and both</p>

OBJECTIVE	OBJECTIVE MET/NOT MET
	<p>instances, there remains more than 40 square metres of open space unencumbered by shadow.</p> <p>Impacts over the properties to the east and west only occur in the first or last hour of the control period which is acceptable.</p> <p>The shadowing impacts are significant less than what is permissible pursuant to the Standard.</p>
<p>55.04-6 - To limit views into existing secluded private open space and habitable room windows.</p>	<p>Met with conditions</p> <p>There are no requirements to screen windows or balconies across the northern elevation (Foote Street) in this instance, or at ground level due to the erection of new 2.1m high boundary fencing.</p> <p>To limit views to adjoining residential properties on the upper levels, a combination of 1.7 metre high glazed privacy screen patterned with a leaf motif, or vertical timber privacy screen, will be erected on balconies.</p> <p>A series of sectional drawings have been prepared to demonstrate that the range of privacy screening employed will ensure that views into secluded private open spaces and habitable room windows will be sufficiently limited.</p> <p>However, there are some windows that do not have screens and that require screening. These include the south facing master bedroom windows of apartments 2.10 and 3.05, and the west facing master bedroom windows of apartments 2.11 and 3.04. These windows are within 9 metres of the neighbouring sites and should be screened in accordance with Standard B22 (Condition 1.7).</p> <p>There are also a number of balconies on the western elevation with no screening. The balconies to apartments 2.12 and 3.03 may allow views into the habitable room window of the adjoining dwelling at 198 Foote Street. As these balconies are within 9 metres of a habitable room window on an adjoining allotment, then they should be screened in accordance with Standard B22 (Condition 1.7).</p>
<p>55.04-7 - To limit views into the secluded private open space and habitable room</p>	<p>Met</p> <p>There are no unreasonable internal views within the proposed building. Ground level open spaces</p>

OBJECTIVE	OBJECTIVE MET/NOT MET
windows of dwellings and residential buildings within a development.	are privatised by the use of internal boundary fencing, while 1.7 m high screens are proposed between balconies, where required. A combination of glazed screens, vertical timber screens and the roof of levels below will also assist with ensuring upper level balconies do not have downward views to open spaces below.
<p>55.04-8 - To contain noise sources in developments that may affect existing dwellings.</p> <p>To protect residents from external noise.</p>	<p>Met with conditions</p> <p>The noise sources that can be considered under this control relate to the building services. Council can not consider normal domestic noise such as from people and private mechanical equipment.</p> <p>The placement of air-conditioning units should be regulated to ensure appropriate positioning (mainly for aesthetic reasons). The applicant has indicatively shown air conditioning compressors to be located at 2 sites on the roof.</p> <p>Plant on the roof of the building can be visually screened, together with building services including electrical substations and air inlets for the mechanical basement ventilation. Mechanical ventilation detail will also need to be provided, by condition (Condition 1.6).</p> <p>Overall, it is considered that there are no external noise sources that may impact unreasonably on existing or future residents.</p> <p>Noise from mechanical plant will be required to comply with State legislation.</p>
55.05-1 - To encourage the consideration of the needs of people with limited mobility in the design of developments.	<p>Met</p> <p>The proposed access arrangements will be suitable to all users and will enable a barrier-free approach to the front entry of the building. The main entrance path is provided at grade, and the building is to be serviced by two lifts which ensure step free access to all apartments and the basement car park.</p>

OBJECTIVE	OBJECTIVE MET/NOT MET
<p>55.05-2 - To provide each dwelling or residential building with its own sense of identity.</p>	<p>Met The dwellings all derive pedestrian access from Foote Street via a central entry path which leads to the central atrium within the building. The northern lift and stairwell is immediately on the left as you enter the complex.</p>
<p>55.05-3 - To allow adequate daylight into new habitable room windows.</p>	<p>Met All living areas are located to face an outdoor space that is clear to the sky ensuring direct access to daylight. The central atrium is large enough to provide direct sun into ground floor apartments. None of the bedrooms rely on borrowed light, as all have access to the exterior of the building or a light well. There are 9 bedrooms that receive light from a light well which is reasonable given this is only accounts for 10% of bedrooms in the development. The light wells are sufficient in area.</p>
<p>55.05-4 - To provide adequate private open space for the reasonable recreation and service needs of residents.</p>	<p>Met All apartments have been provided with private open space in the form of a balcony or ground level open space. It is a requirement for apartments to have a minimum of 8sqm private open space, with a 1.6m width and access from a habitable room. However, the standard also encourages diversity in size and orientation, as well as larger spaces, particularly at ground level. In this instance there are a total of twelve apartments with ground level open space. As required, all exceed 8sqm. They range in size between 13sqm and 49sqm. There are several apartments that are provided more open space than typically provided for townhouses (40sqm), which is a strong indication that diversity is being provided for and site coverage is reasonable. The other apartments in the building rely on balconies for the open space. All balconies meet or exceed the minimum requirement of 8 square metres in size (having areas that range in size from 8sqm to 92sqm), have a minimum width of 1.6m (to the inside of the balcony) and have direct access from the living/dining space. Smaller balconies, with a dimension of 1.0m are provided to the south, but they are secondary open space areas.</p>

OBJECTIVE	OBJECTIVE MET/NOT MET
<p>55.05-5 - To allow solar access into the secluded private open space of new dwellings and residential buildings.</p>	<p>Met</p> <p>Due to the nature of the proposal as a multi-level apartment building and the orientation of the subject site which has a long north-south axis, it is not possible to provide northern solar access to all private open space areas.</p> <p>However, owing to the unique design feature of the central atrium, all apartments are able to avoid a purely south facing open space.</p> <p>Apartments G.07, G.08, 1.08, 1.09, 2.08, and 2.09 on the south side of the building all have north facing balconies that are 17sqm in area with outlook over the internal atrium. This design feature makes it possible to have direct northern light into the habitable areas of these apartments. These apartments also have south facing balconies, however these are not necessary for the apartments to achieve the required secluded open space and are purely for ventilation, light and an improved outlook.</p>
<p>55.05-6 - To provide adequate storage facilities for each dwelling.</p>	<p>Met</p> <p>All apartments are provided with a storage room of a minimum 6 cubic metres.</p>
<p>55.06-1 - To encourage design detail that respects the existing or preferred neighbourhood character.</p>	<p>Met</p> <p>The proposed architectural design is of a high standard and offers a contemporary statement that responds positively to the preferred neighbourhood character.</p> <p>The use of a mix of materials, colours and finishes will serve to further highlight the high level of articulation that is provided by the varying setbacks, levels of recessing, sections of cantilevering and the stepping of the building across the site.</p> <p>For the most part, the design adopts a combination of vertical and horizontal elements in terms of facade massing and fenestration design to provide for a high level of visual interest across all elevations. The use of solid and transparent balustrading, together with vertical timber screens will further add to this high level of interest.</p>
<p>55.06-2 - To encourage front</p>	<p>Not applicable – no front fence proposed.</p>

OBJECTIVE	OBJECTIVE MET/NOT MET
fence design that respects the existing or preferred neighbourhood character.	
<p>55.06-3 - 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>Met</p> <p>The basement and common areas throughout the building will be maintained by an Owners' Corporation. There are no apparent difficulties associated with future management of these areas.</p>
<p>55.06-4 - 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>Met with condition</p> <p>Mailboxes are proposed on the northern facade of the building, to the left of the main pedestrian entry. No steps inhibit access to these mailboxes.</p> <p>Waste is to be collected from the basement, where a waste room is provided.</p>

7 REFERRALS

- 7.1 VicRoads are a statutory referral agency due to the new crossover required on Foote Street. Upon consideration of the proposal, VicRoads have expressed no objection to the proposal subject to standard conditions relating to construction of the proposed crossover, removal of disused crossovers and maintenance of the driveway to be added to any decision to issue (Conditions 32 to 36).
- 7.2 The application was referred to a number of Service Units within Council, and the following table summarises their responses:

Service Unit	Comments
Engineering & Technical Services Unit (Drainage/Easements)	<ul style="list-style-type: none"> Point of discharge is available for the site. Requires the provision of an on-site stormwater detention system.
Engineering & Technical Services Unit (Traffic)	<ul style="list-style-type: none"> No objection
Engineering & Technical Services Unit (Engineering)	<ul style="list-style-type: none"> Prior to the construction of the vehicle crossing, the developer is to obtain a Vehicle Crossing Permit and crossing be constructed to the satisfaction of the

Service Unit	Comments
	<p>Responsible Authority and VicRoads.</p> <ul style="list-style-type: none"> Redundant vehicles crossings to be removed and footpath, nature strip and kerbing to be reinstated.
Engineering & Technical Services Unit (Waste Management)	<ul style="list-style-type: none"> Agrees that waste is to be collected by a private contractor from within the basement in accordance with the draft waste management plan. Requires details of the chutes for waste and recycling – the plans show a diverter chute and the report outlines separate waste and recycling chutes. Requires the basement clearance be consistent with the waste management plan
Economic & Environmental Planning Unit (Urban Design)	<ul style="list-style-type: none"> Responds positively to the preferred neighbourhood character. Proposes a high quality and varied material and colour palette. Adopts a combination of vertical and horizontal architectural elements across all elevations, including solid and transparent balustrades and vertical timber screens. The front setback of the apartment building to Foote Street is acceptable. None of the bedrooms rely on borrowed light. The large central atrium allows natural light penetration to apartments and provides an easily accessible communal area for residents. Requires the southern boundary setbacks of apartments G.06 and 2.07 be increased to provide greater separation from boundary and opportunity for buffer landscaping. Requires that retaining walls exceeding 1.5mtres be tiered and landscaped. Requires privacy screening be added to south-facing bedrooms and west-facing balconies.

Service Unit	Comments
	<ul style="list-style-type: none"> Requires appropriate architectural screening to be provided for air-conditioning units, roof plant and electrical substations.
Strategic Projects Unit (Sustainability)	<ul style="list-style-type: none"> Modifications to the submitted Sustainability Management Plan are necessary. Amendments are required to the energy, hot water, rainwater harvesting and water demands sections of the report.

- 7.3 As appropriate, their requirements will be added to any permit to issue in the form of planning permit conditions.

8 CONSULTATION

- 8.1 The planning application was placed on public notice for a three (3) week or twenty-one (21) day period given that it is classified as a Major Application. The planning application was advertised by way of the sending of letters to adjoining and nearby properties and by the display of three (3) signs on site (one on each property along Foote Street).
- 8.2 Council has received a total of Ten (10) objections and One (1) multi signature objection from the following properties:

Address
2/15-17, 3/15-17 June Crescent
3, 3/11 June Crescent
2/13 June Crescent
3/19 June Crescent
1/196 (multi signature) 2/196, 198, 1/206, 2/206 Foote Street

- 8.3 The following is a summary of the grounds upon which the above properties have objected to the proposal:
- Overdevelopment/ building height/ visual bulk
 - Loss of Neighbourhood Character/ Out of Character
 - Loss of outlook to the north
 - Overshadowing
 - Overlooking/ loss of privacy
 - Noise/ pollution during construction and after
 - Traffic implications
 - Vegetation loss

- Impact on solar panels at 198 Foote Street and 2/15-17 June Crescent
- Adverse Impact to Property Values

8.4 A response to the above grounds is provided in the below paragraphs:

Overdevelopment/ building height/ visual bulk

8.5 The site is located within Precinct 2: Residential Areas Surrounding Activity Centres and along Main Roads, in which Council's development preference is for substantial change and a higher density development. The proposed apartment building therefore corresponds with the planning policies and, as articulated earlier in the report, complies with the 11 metre height limit in the DDO8.

8.6 The proposed building complies with setback requirements, provides good levels of articulation via materials and finishes selection and the stepping of the building, and provides generous areas for landscaping around the perimeter of the site. On this basis it is not considered to be an overdevelopment of the site.

Loss of Neighbourhood Character/ Out of Character

8.7 Neighbourhood character has been assessed earlier in the report against the policy requirements of Clause 21.05, the Design and Development Overlay Schedule 8, and Clause 55.02-1 of the Manningham Planning Scheme.

8.8 Apartment buildings up to 11 metres in height forms part of Council's preferred neighbourhood character for sites in a Design and Development Overlay Schedule 8. Overall, the building has a modern architectural design that fits within the designated height limitations, and is considered to be a good example of what is contemplated as part of the preferred neighbourhood character for Foote Street.

Loss of Outlook to the North

8.9 The proposed building is to located to the north of existing residences in June Crescent. The removal of the trees from the three properties at 200, 202, and 204 Foote Street and the construction of the proposed apartment building will change the outlook from these residences.

8.10 The proposed building is consistent with planning policy, is set well back from the boundary steps back to its maximum height. Over time, trees will grow, frame, hide and soften the built form outcome.

8.11 In this instance, there is no planning mechanism that protects the outlook from the existing developments to the south of the site.

Overshadowing

8.12 As discussed under the response to Clause 55.04-5 of the Manningham Planning Scheme, there are no adjoining residences that will be substantially impacted as a consequence of the proposed building, and all adjoining properties will maintain a minimum of 40 square metres of open space unencumbered by shadow during the control period on the day of the equinox.

Overlooking/ Loss of Privacy

8.13 As discussed under the response to Clause 55.04-6 of the Manningham Planning Scheme, a condition will require additional screening to some south facing windows, and some west facing windows and balconies in the development.

8.14 Otherwise, the requirements of the planning scheme have been met.

Noise/pollution during and after construction

8.15 It is noted that a permit is not required to use land for more than one dwelling and accordingly noise considerations are limited to large plant and the like. Further, residential noise associated with an apartment is considered normal and reasonable in an urban setting.

8.16 In terms of noise from the basement, the basement is enclosed by concrete and experience would suggest vehicle noise will not resonate. Gates and roller-doors are usually fitted with rubber dampeners to reduce noise and modern day roller-doors operate almost silently. Air conditioning units are shown on the roof, however and basement exhaust fans are not specifically shown. A condition will require details of basement ventilation be shown.

Traffic Implications

8.17 It is noted that several objectors have raised the issue of traffic. However, neither VicRoads, nor Council's Engineering Technical Services Unit have expressed no concern with the proposal from a traffic perspective.

Vegetation Loss

8.18 It is noted that existing trees and shrubs will be removed to accommodate the building on the subject site, with the exception of the lemon scented gum in the north-eastern corner of the sites. In light of no vegetation protecting, planning controls applying to the land, and the nature of the site earmarked for higher density development, the prospect of vegetation loss is inevitable. Notwithstanding the removal of vegetation for the purpose of the new building, the generous setbacks provided to all boundaries will provide for ample spaces in which to achieve a variety of planting, and ultimately, a new landscaping treatment which can benefit the character of the area.

Impact on solar panels

8.19 The solar panels at 198 Foote Street, and 2/15-17 June Crescent will be unaffected by the proposed apartment building, as shadows cast will not extend over the roof of these properties.

Adverse Impact to Property Values

8.20 Adverse impacts to property values is a subjective claim and one which is not considered to be a relevant planning consideration.

9 CONCLUSION

9.1 It is considered appropriate to support the application, subject to some minor design changes.

9.2 As demonstrated in the assessment in this report, the proposal achieves a high level of compliance with the Manningham Planning Scheme, in particular Clause 21.05 Residential , Design and Development Overlay Schedule 8 (DDO8) and Clause 55 Two or more Dwellings on a Lot.

- 9.3 The proposal provides for a modern, contemporary residential apartment building to be introduced to the Foote Street streetscape. The retention of the large lemon scented gum will soften the presentation to the street. The proposal does not, in the opinion of officers, compromising the amenity of adjoining and nearby properties.
- 9.4 It is recognised that the building will present a substantial mass to properties to the south, but this impact is an acceptable consequence of local housing policy. Building design on this site provides good levels of articulation, protection from unreasonable overlooking and a mixture of materials and finishes.

RECOMMENDATION

That having considered all objections A NOTICE OF DECISION TO GRANT A PERMIT be issued in relation to Planning Application No. PL14/024726 for the construction of a part three, part four storey apartment building with associated basement car parking, alteration of access to a road in a Road Zone 1 and for no other purpose in accordance with the endorsed plan and subject to the following conditions-

- 1. Before the development starts, two copies of amended plans drawn to scale and dimensioned, must be submitted to and approved by the Responsible Authority. When approved the plans will be endorsed and will then form part of the permit. The plans must be generally in accordance with the plans submitted with the application (prepared by Light Green Architecture, Revision 1, dated August 2013 and as received by Council on 29 December 2014) but modified to show:**
 - 1.1. The stairwall on the south side of the building modified to accord with the minimum setback requirements at Clause 55.04-1 of the Manningham Planning Scheme.**
 - 1.2. The ground floor associated with Apartment G.06 setback 4m from the rear southern boundary.**
 - 1.3. The southern boundary setback of Apartment 2.07 increased by a minimum of 1.5m.**
 - 1.4. The south facing portion of balcony for Apartment 3.05 removed. The south-facing windows of the apartments must be screened to accord with Standard B22 of Clause 55.04-6 of the Manningham Planning Scheme.**
 - 1.5. All retaining walls greater than 1.5m are to be tiered with a 1m wide landscape beds between each tier.**
 - 1.6. The location and design details (height, material) of a screen to conceal the roof top infrastructure from view.**
 - 1.7. The clearance (floor to ceiling height) in the basement. The clearance is to exceed the required clearance outlined in the Waste Management Plan.**
 - 1.8. Detail whether a diverter chute or separate waste and recycling chutes are provided. The detail is to be consistent with the Waste Management Plan.**

- 1.9. The provision of an accessible parking space consistent with AS/NZS 2890.6:2009.
- 1.10. The following windows and balconies screened in accordance with Standard B22 of Clause 55.04-6 of the Manningham Planning Scheme:
 - 1.10.1. Apartment 2.10's south facing master bedroom window
 - 1.10.2. Apartment 3.05's south facing master bedroom window
 - 1.10.3. Apartment 2.11's west facing master bedroom window
 - 1.10.4. Apartment 3.04's west facing master bedroom window
 - 1.10.5. Apartment 2.12's west facing balcony
 - 1.10.6. Apartment 3.03's west facing balcony
- 1.11. Details of basement ventilation, including the location of any exhaust intake or outlet required.
- 1.12. Capacity details of proposed rainwater tank in accordance with the Sustainable Management Plan required by Condition 3 of this permit.
- 1.13. Retractable clotheslines to all ground level open spaces and balconies to limit their visibility to the street or adjoining properties.
- 1.14. The doors to each study nook within the complex removed.
- 1.15. The elevations and materials and finishes schedule is to include details of all paving (including terraces, roof-top areas, stairs), fencing, screening, retaining walls, including roof-top plant screen and any other facade treatments proposed.
- 1.16. The design details of the building's front entry, including an elevation drawing of the letterboxes and screening of service cabinets.
- 1.17. Details of external lighting to be installed to provide for safety occupants of the building.
- 1.18. The solar hot water capacity, details of solar system to be utilised, including any solar panels, and other sustainability initiatives as per the Sustainability Management Plan required by Condition 3 of this permit.
- 1.19. An indicative location of the stormwater detention system or systems which must not be within any landscaped area.

Endorsed Plans

2. The development as shown on the approved plans must not be modified for any reason, without the written consent of the Responsible Authority.

Sustainability Management Plan

3. Before the development starts or the issue of a building permit for the development, whichever is the sooner, two copies of an amended Sustainability Management Plan (SMP), prepared by Rachael Stefanis, dated October 2014 is to be submitted to and approved by the

Responsible Authority. When approved the Plan will form part of the permit. The recommendations of the Plan must be incorporated into the design and layout of the development and must be implemented to the satisfaction of the Responsible Authority before the occupation of any dwelling. The Plan must be modified to show the following:

3.1. Energy Efficiency

- 3.1.1. Amend heating and cooling units to be consistent with Efficient HVAC system to be within one (1) star rating of best available;**

3.2. Water

- 3.2.1. Amend dishwasher detail to be consistent with water to be within one (1) star rating of best available;**

3.3. Rainwater Harvesting

- 3.3.1. Overflow to detention via gravity flow;**
- 3.3.2. Clarification if clean water from roof areas is to be collected in the same rainwater tanks as terraced areas;**
- 3.3.3. Clarification on page 4 of the STEPS report in relation to the roof and terrace areas;**
- 3.3.4. STORM water report and latest plans to reflect above changes.**

Construction Management Plan

- 4. 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:**
- 4.1. A liaison officer for contact by residents and the responsible authority in the event of relevant queries or problems experienced;**
- 4.2. Hours of construction to be in accordance with;**
- 4.3. Delivery and unloading points and expected frequency;**
- 4.4. On-site facilities for vehicle washing;**
- 4.5. Parking facilities/locations for construction workers;**
- 4.6. Other measures to minimise the impact of construction vehicles arriving at and departing from the land;**
- 4.7. Methods to contain dust, dirt and mud within the site, and the method and frequency of clean up procedures;**
- 4.8. 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;**
- 4.9. An outline of requests to occupy public footpaths or roads, and anticipated disruptions to local services;**
- 4.10. The measures to minimise the amount of waste construction materials;**

- 4.11. Measures to minimise impact to existing boundary and front fencing on adjoining properties;
- 4.12. The measures to minimise noise and other amenity impacts from mechanical equipment/construction activities, especially outside of daytime hours; and
- 4.13. Adequate environmental awareness training for all on-site contractors and sub-contractors.

Waste Management Plan

5. Before the development starts, or the issue of a building permit for the development, whichever is the sooner, an amended Waste Management Plan must be submitted and approved to the satisfaction of the Responsible Authority. When approved the plan will form part of the permit. The Plan must generally be in accordance with the plan prepared by Leigh Design, dated 12 October 2014 but modified to provide for:
 - 5.1. The correct number of apartments;
 - 5.2. The private waste contractor to undertake waste collection from within the site, rather than Foote Street;
 - 5.3. No bins to be left on nature strip;
 - 5.4. The hours and frequency of pick up for general waste and recyclables;
 - 5.5. Swept path diagrams and turning templates to demonstrate that a waste service vehicle can undertake a 3-point turn and manoeuvre within the basement in order to exit the site in a forward direction;
 - 5.6. Demonstration that an adequate height clearance is available within the basement to allow a waste service vehicle to enter and exit the site;
 - 5.7. Details of the waste collection vehicle that will enter and exit the site and access waste facilities;
 - 5.8. Details on how hard waste will be disposed;
 - 5.9. A description on how residents will access waste facilities.
6. The Management Plans approved under Conditions 9–11 of this permit must be implemented and complied with at all times to the satisfaction of the Responsible Authority unless with the further written approval of the Responsible Authority.

Landscape Plan

7. Before the permitted development starts, the concept landscape plan prepared by Aspect Studios, drawing number M14032-LA-001, revision C4 and submitted with the application must be updated and submitted to the Responsible Authority for assessment. The landscape plan must show, as appropriate:
 - 7.1. Any details as relevant or directed by any other condition of this Permit;

- 7.2. A planting schedule detailing species, numbers of plants, approximate height, spread of proposed planting and planting/pot size;
- 7.3. Location, species and number of proposed plantings;
- 7.4. Surface treatments;
- 7.5. Details of site and soil preparation, mulching and maintenance; and
- 7.6. A layered planting treatment adjacent to the vehicular entry ramp which results in no planting greater than 900mm in height within the site lines for existing vehicles.

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

Landscape Bond

8. Before the release of the approved plans 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.
9. Before the occupation of the dwellings, landscaping works as shown on the approved plans must be completed to the satisfaction of the Responsible Authority and then maintained to the satisfaction of the Responsible Authority.

Tree Protection

10. All trees shown as retained on the endorsed Site Plan must be protected by Tree Protection Fencing (TPF) to form an appropriate and effective Tree Protection Zone (TPZ) or Vegetation Protection Zone (VPZ), to the satisfaction of the Responsible Authority.
11. The Tree Protection Zone on the subject land must be:
 - 11.1 Established and defined prior to the commencement of any construction works and associated fencing/signage must not be removed until works in the affected area have been fully completed to the satisfaction of the Responsible Authority;
 - 11.2 Constructed in accordance with Australian Standard (4970-2009) titled "Protection of trees on development sites", and clearly marked "no-go zone/vegetation protection zone".
12. The following actions must not be undertaken in any Vegetation Protection Zone as identified on the approved plan, to the satisfaction of the Responsible Authority:
 - 12.1. The storage of materials or equipment;
 - 12.2. The disposal of any contaminated waste water;
 - 12.3. The use of a tree for temporary attachment of wiring or such like;

- 12.4. Open cut trenching, or excavation works (whether or not for the laying of services);
- 12.5. Changes to the soil grade level.

Stormwater — On–Site Detention System

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

Drainage

15. 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.

Basement Car Parking

16. Before the occupation of the approved dwellings, all basement parking spaces must be line–marked, numbered and signposted to provide allocation to each dwelling and visitors to the satisfaction of the Responsible Authority.
17. Visitor parking spaces must not be used for any other purpose to the satisfaction of the Responsible Authority.
18. 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.

Site Services

19. All upper level service pipes (excluding stormwater downpipes) must be concealed and screened respectively to the satisfaction of the Responsible Authority.
20. All plant and equipment that is not installed within the building 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.

21. No air-conditioning units may be installed on the building (including on balconies) so as to be visible from public or private realm to the satisfaction of the Responsible Authority.
22. 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 site to the satisfaction of the Responsible Authority.
23. An intercom and an automatic basement door opening system (connected to each dwelling) must be installed, so as to facilitate convenient 24 hour access to the basement car park by visitors, to the satisfaction of the Responsible Authority.
24. A centralised TV antenna system must be installed and connections made to each dwelling to the satisfaction of the Responsible Authority.
25. No individual dish antennas may be installed on balconies, terraces or walls to the satisfaction of the Responsible Authority.
26. All services, including water, electricity, gas, sewerage and telephone, must be installed underground and located to the satisfaction of the Responsible Authority.

Maintenance

27. Privacy screens, obscure glazing, replacement boundary fencing as shown on the approved plans must be installed prior to occupation of the dwellings to the satisfaction of the Responsible Authority and maintained thereafter to the satisfaction of the Responsible Authority. The use of the obscure film fixed to transparent windows is not considered to be obscured glazing of an appropriate response to screen overlooking.
28. Buildings, paved areas, drainage and landscaping must be maintained to the satisfaction of the Responsible Authority.
29. Redundant crossovers must be removed and the footpath and kerb and channel reinstated to the satisfaction of the Responsible Authority.
30. 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.
31. 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.

VicRoads Conditions

32. Before the development approved under this permit may be used or occupied, the following must be completed to the satisfaction of the Responsible Authority:
 - 32.1. Crossover and driveway are to be constructed to the satisfaction of the Responsible Authority and at no cost to the Roads Corporation.
 - 32.2. The access lanes, driveways, crossovers and associated works must be provided and available for use and be:

- 32.2.1. Formed to such levels and drained so that they can be used in accordance with the plan.
- 32.2.2. Treated with an all-weather seal or some other durable surface.
- 32.3. All disused or redundant vehicle crossings must be removed and the area reinstated to match with adjacent road environment (eg. Kerb and channel).
- 33. Driveways must be maintained in a fit and proper state so as not to compromise the ability of vehicles to enter and exit the site in a safe manner or compromise operational efficiency of the road or public safety (eg. by spilling gravel onto the roadway).
- 34. The level of the footpaths must not be lowered or altered in any way to facilitate access to the site.
- 35. The proposed development requires reinstatement of disused crossovers to kerb and channel. Separate approval under the Road Management Act for this activity may be required from VicRoads (the Roads Corporation). Please contact VicRoads prior to commencing any works.
- 36. All disused or redundant vehicle crossings must be removed and the area reinstated to kerb and channel to the satisfaction of and at no cost to the Roads Corporation prior to the occupation of the buildings hereby approved.

Time Limit

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

The Responsible Authority may extend these 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 and Environment Act 1987*.

MOVED: GRIVOKOSTOPOULOS
SECONDED: KLEINERT

That the Recommendation be adopted.

CARRIED

“Refer Attachments”

* * * * *

8.2 Planning Application PL14/024694 - Construction of three (3) residential buildings comprising sixty-nine (69) apartments with associated basement car parking at 175-179 Blackburn Road & 37 Churchill Street, Doncaster East, removal of access from a Road Zone Category 1 (RDZ1) and removal of the easement along the western boundary of 175 Blackburn Road, Doncaster East

Responsible Director: Director Planning & Environment

File No. PL14/024694

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

Land:	175-179 Blackburn Road & 37 Churchill Street, Doncaster East
Zone	Residential Growth Zone 2 (RGZ2) General Residential Zone Schedule 2 (GRZ2) Schedule 8 to the Design & Development Overlay (DD08)
Applicant:	Metropol Planning Solutions Pty Ltd
Ward:	Koonung
Melway Reference:	48B1 & 48C1
Time to consider:	26 September 2015

SUMMARY

The subject site consists of five (5) residential lots, being:

- *175 Blackburn Road, Doncaster East (2 lots)*
- *177 Blackburn Road, Doncaster East*
- *179 Blackburn Road, Doncaster East*
- *37 Churchill Street, Doncaster East.*

The total site area is 3975 square metres.

It is proposed to develop the site with three (3) residential apartment buildings comprising sixty-nine (69) apartments. The car parking provision is 99 car spaces, which complies with the Manningham Planning Scheme.

The proposal also consists of altering access to Blackburn Road (removing the existing two crossovers) and removing the easement burdening the western boundary of 175 Blackburn Road.

The application was advertised and attracted twenty-one (21) objections.

The application was amended pursuant to Section 57A of the Planning and Environment Act 1987 to address officer concerns. The re-notification of the amended application attracted a further three (3) objections.

Grounds of objection include: traffic concerns, insufficient car parking provision, out of character, overdevelopment/density, overshadowing, overlooking/loss of privacy.

It is considered that the application is an example of the innovative and high quality architecture contemplated by the Manningham Planning Scheme for this site. On the basis that the proposal will have a positive impact on the Blackburn Road, Churchill Street and Leura Street streetscapes, without having any unreasonable amenity impacts on surrounding residents, it is proposed to support the application subject to a series of planning permit conditions as contained in the proposed Notice of Decision to Grant a Planning Permit.

1 BACKGROUND

- 1.1 The subject site is 175-179 Blackburn Road and 37 Churchill Street, Doncaster East.
- 1.2 The lots are legally described, as follows:
 - 1.2.1 175 Blackburn Road, Doncaster East (Lot 1, Lot 2 on TP 443265C)
 - 1.2.2 177 Blackburn Road, Doncaster East (Lot 63 on LP51794)
 - 1.2.3 179 Blackburn Road, Doncaster East (Lot 62 on LP51794)
 - 1.2.4 37 Churchill Street, Doncaster East (Lots 1-6 on RP651).
- 1.3 The site is configured in a reverse L-shape. Four of the above five lots front Blackburn Road comprising a total boundary length of 70 metres. The site extends along Leura Street, to the north, for a distance of 33.5 metres. Along Churchill Street, the site has a southern boundary of 61.3 metres. The north-east and south-east corners of the site are splayed.
- 1.4 A deeper road reservation adjoins lots 177-179 Blackburn Road, in comparison to 175 Blackburn Road.
- 1.5 With the highest part of the site at its south-west corner, the contours of the site fall in a north-easterly direction by up to 4.5 metres. The lowest part of the site is adjacent to the north-east corner – across the Leura Street frontage.
- 1.6 The site is constrained by a number of easements:
 - 1.6.1 A 2.44 metre drainage and sewerage easement extends along the western boundary of 177 & 179 Blackburn Road
 - 1.6.2 A 1.83 metre wide drainage and sewerage easement runs along the western boundary of 175 Blackburn Road
 - 1.6.3 A 1.83 metre wide drainage and sewerage easement runs along the northern boundary of 175 Blackburn Road and 37 Churchill Street.
- 1.7 All lots comprising the site are presently used for residential purposes. Lots fronting Blackburn Road comprise singular, single storey brick dwellings positioned centrally on their respective lots. Some notable characteristics include:
 - 1.7.1 The dwelling at No. 175 Blackburn Road sprawls centrally across two allotments and is surrounded by a number of outbuildings and other structures, such as shade sails. Vehicular access is obtained from the access across the corner splay at the south-

west corner of the lot. A large Elm tree is visually prominent along the Churchill Street and Blackburn Road frontages. Much of the built form is concealed from street view by 2 metre high, timber paling fencing which extends across both Churchill and Blackburn Road streetscapes.

- 1.7.2 177 Blackburn Road has vehicular access to Blackburn Road. The dwelling is screened by the established Paperbark tree sitting forward within the road reserve and a solid brick fence which sits within the frontage of the site forward of the dwelling. Secluded open space is to the side and rear. A Peppermint Gum tree is located within a couple of metres of the boundary common with 2 Leura Street.
- 1.7.3 179 Blackburn Road achieves vehicular access from a crossover along Leura Street at the north-west corner of the site. Across its Blackburn Road frontage, the dwelling is screened by a series of medium to large sized canopy trees, including a Liquid Amber. The lot presents more openly to Leura Street from where it is apparent there is a lengthy, rectangular shaped dwelling with attached garage, where it adjoins its western boundary. The dwelling and garage are raised by about 1 metre from the footpath level.. A low level retaining wall lines the front property boundary. Adjacent to its western boundary, the level difference is managed by a landscape, rock retaining wall.
- 1.8 The lot at 37 Churchill Street features three, attached, single storey brick, residential units with a common vehicular accessway. Access is via a crossover along the eastern side of the frontage. A low level picket fence lines the front boundary of this lot. The lot size is 846 square metres.
- 1.9 There are also a range of utilities in the nature strip forward of the site, including electricity/light poles along all frontages.
- 1.10 A number of street trees of various specimens, heights, maturities and condition are located along the various frontages.
- 1.11 A bus stop is positioned forward of the site outside of 175 Blackburn Road, Doncaster East.
- 1.12 The site has boundaries common with three (3) private properties, as follows:

Direction	Address	Description
West	No. 2 Leura Street	<ul style="list-style-type: none"> The lot is 738 sqm (approx). The eastern and southern boundaries of the lot abut the site. The lot accommodates one single storey, brick dwelling with a gable roof. The dwelling is setback by 9.8 metres from Leura Street. An attached garage is positioned to the east of the

Direction	Address	Description
		<p>dwelling. The garage extends along the common boundary with the site. Vehicular access is via a crossover at the eastern end of the frontage.</p> <ul style="list-style-type: none"> • A low level brick retaining wall lines the front boundary. An open lawn area characterises the front setback. Low level planting is positioned adjacent to the boundary common with the site, abutting the retaining wall and adjacent to the dwelling. • A large established street tree is positioned forward of the site. • Secluded private open space is situated along both sides of the dwelling, both to its east and west, as well as to the south of the dwelling. • A site inspection of this lot has confirmed that a raised deck adjoins the eastern side of the dwelling providing direct access from the living and kitchen area. The deck is covered by an open structure which is shown on proposed plans. • Open space situated on the western side of the dwelling is primarily used as a service yard area. • South of the dwelling comprises an open lawn area with small trees. A large vegetable patch is situated along the southern boundary. • 1.6 metre high boundary fencing in reasonable condition is situated along the boundaries common with the site.

Direction	Address	Description
North-west	No. 4 Leura Street	<ul style="list-style-type: none"> • The lot is 754 sqm (approx). • It adjoins the boundary common with the site for a length of no more than 6 metres (where it abuts 37 Churchill Street). • The lot accommodates one single storey, brick dwelling with a hipped tiled roof. • An attached garage is situated to the west of the dwelling. Vehicle access is obtained by a crossover at the western end of the frontage. • The secluded private open space of the lot adjoins the site comprising an open lawn area. • The front setback to this lot consists of a 1 metre high retaining wall which retains a raised, lawn front yard. A number of small to medium sized canopy trees, including a larger Liquid Amber are located forward of the dwelling. • An immature Council Street tree is positioned in the nature strip forward of the site.
West	35 Churchill Street	<ul style="list-style-type: none"> • The dwelling at Unit 2 and the common property associated with Unit 2 & 3 comprise the abuttal to the west of 37 Churchill Street. • Unit 2 consists of a lot parcel approximately 182 sqm (approx) • The common property area equates to 172sqm (approx) and comprises a driveway servicing Units 2 and 3, complemented by landscaping.

Direction	Address	Description
		<ul style="list-style-type: none"> • The dwelling at Unit 2/35 Churchill Street consists of a double storey brick dwelling with a hipped tiled roof. • At ground level, the dwelling is setback by 1.2 metres. As the dwelling is cut into natural ground level, the ground level, east facing windows, have no direct outlook to the site. Rather their outlook is 2 metre boundary fencing that extends along the eastern boundary (the boundary common with the site). In the area opposite the dwelling, an additional 400mm lattice screen sits atop existing high level fencing. • At its upper level, the Unit is setback by a minimum of 2 metres at its northern end. This increases to 2.5 metres (centrally) and by up to 3.18 metres at its southern end. • A number of windows are positioned across the eastern elevation of this dwelling at both ground and upper level none of which have an outlook to the site. • Secluded private open space is positioned to the north and comprises a paved courtyard.

1.13 The pattern of development around the subject site features rectangular shaped lots which are typically 700+ square metres. While the majority of lots along Leura and Churchill Streets remain developed with single dwellings, there is an emerging level of multi-unit applications being made to Council in the immediate vicinity of the site. Some approvals have been granted, some are currently under construction (5 Leura Street) and some have been constructed. The abutting lot to the west, 35 Churchill Street, is an example of this.

1.14 The existing landscape character of the surrounding area is characterised by open front gardens. Vegetation coverage varies but most lots have scattered canopy trees of either local or foreign provenance. Due to the undulating topography, particularly across Leura Street, retaining measures such as walls or rocks are used to manage the natural topography. Along Leura

Street, particularly along the south side, low level retaining walls are a feature and often act as front fencing defining front title boundaries.

- 1.15 Blackburn Road is an arterial road and a Road Zone Category 1 Road under the jurisdiction of the Roads Authority (VicRoads). In the vicinity of the site, Blackburn Road operates as a single carriageway providing for two lanes of traffic in a north-south direction. Parking along Blackburn Road is generally unrestricted but constrained due to the location of the bus stop adjacent to 175 Blackburn Road. The speed limit in the section adjacent to the site is 70 km/h.
- 1.16 A concrete footpath is positioned within the road reservation between Blackburn Road and the site. Adjacent to 175 Blackburn Road, there is a strip of land about 1.3 metres wide between the footpath and the property boundary. Adjacent to 177-179 Blackburn Road, the property boundary directly abuts the existing concrete footpath.
- 1.17 Leura and Churchill Streets are both local streets with footpaths directly abutting the property boundaries of the site.
- 1.18 Leura Street bounds the site to the north and provides an east-west connection between Blackburn Road and Dryden Street to the west. There are presently no parking restrictions along either side of Leura Street.
- 1.19 Churchill Street bounds the site to the south and extends west from Blackburn Road, looping around in a southerly direction to connect to Doncaster Road. One (1) hour parking limits restrict extended parking for non-permit holders.
- 1.20 The site is exceptionally well located to a number of Neighbourhood Activity Centres, including:
 - 1.20.1 Doncaster East Village/Donburn to the south – within 200 metres.
 - 1.20.2 Donburn to the north - 500 metres.
 - 1.20.3 Tunstall Square to the south-east – within 750 metres.
- 1.21 An extensive range of bus services are available along Blackburn Road and nearby Doncaster Road providing a range of services, including to:
 - 1.21.1 the Melbourne Central Activity District,
 - 1.21.2 train stations at Mitcham and Box Hill;
 - 1.21.3 local schools and
 - 1.21.4 inner city private schools(in some instances via Westfield Doncaster).
- 1.22 A number of community facilities are also within easy walking distance. These include:
 - 1.22.1 East Doncaster Secondary College – to the north
 - 1.22.2 Donburn Primary School – to the east
 - 1.22.3 Montgomery Precinct, including Montgomery Reserve – to the south
 - 1.22.4 Dryden Reserve to the north.

Planning History/Application History

- 1.23 There is no relevant planning permit history for the subject site.
- 1.24 The proposal was presented to a Sustainable Design Taskforce meeting on 22 May 2014. Advice given at this meeting was to, among other things, achieve a greater level of compliance with the Manningham Planning Scheme. In particular, Clause 21.05 Residential, the Schedule 8 to the Design and Development Overlay 8 (DD08) and Clause 52.06 Car Parking.
- 1.25 Following the public notification of the application in January 2015, it was reiterated to the permit applicant that numerous concerns remained with the proposal. Outstanding concerns were highlighted by several of the twenty-one objectors to the initial application.
- 1.26 Referral advice received from internal departments within Council, including Urban Design and Engineering, also raised issues.
- 1.27 Since April 2015, the applicant and their project team have engaged in discussions with Council's Statutory Planning department in an effort to address areas of concern.
- 1.28 On 15 June 2015, the application was amended pursuant to Section 57A of the *Planning and Environment Act 1987*. Section 57A provides for Amendments to applications after notice of an application is given. A formal amendment of this nature consists of an amendment to the proposed development plans and other supporting documents forming part of or accompanying the application. In effect, a Section 57A amendment supersedes the original proposal for a revised one.
- 1.29 Key modifications made to the proposal now before Council, include:
 - 1.29.1 A reduction in the number of apartments from 70 to 69 apartments;
 - 1.29.2 Visitor car parking provided within revised basement configurations in line with the requirements of Clause 52.06 Car Parking
 - 1.29.3 A reduction to the building site coverage (from 69% to 60.3%)
 - 1.29.4 An increased ground level, front setback to Churchill Street (Building B)
 - 1.29.5 Increased separation between Buildings B and C across the Churchill Street, southern elevation
 - 1.29.6 Reduced side setbacks of Building C to land at 35 Churchill Street
 - 1.29.7 Revised pedestrian entry locations to all Buildings, including relocating pedestrian entries to Buildings A and B from Blackburn Road rather than the respective side streets
 - 1.29.8 Changes to apartment layouts in all buildings, including balconies.
- 1.30 A description of the proposal now follows based on plans amended pursuant to Section 57A of the *Planning and Environment Act 1987*.

2 PROPOSAL

- 2.1 It is proposed to demolish all existing buildings on the site and remove all vegetation to construct three (3) residential apartment buildings with associated basement car parking.

- 2.2 In support of the planning application, the following documentation was submitted with the proposal:
- 2.2.1 Architectural drawings, as prepared by Orbit Solutions.
 - 2.2.2 Three dimensional colour perspective drawings, as prepared by Orbit Solutions.
 - 2.2.3 Arboricultural Report, as prepared by All Tree Consulting Services, dated March 2014.
 - 2.2.4 Landscape Plan, as prepared by John Patrick Pty Ltd, dated October 2014, as amended 10 June 2015.
 - 2.2.5 Planning Report, including Rescode Assessment, as prepared by Metropolis Planning Solutions, dated June 2015.
 - 2.2.6 Traffic Engineering Assessment, as prepared by TraffixGroup, dated June 2015.
 - 2.2.7 Sustainability Management Plan, as prepared by Sustainable Development Consultants, dated 11 June 2015.
 - 2.2.8 Waste Management Plan, as prepared by Sustainable Development Consultants, dated 11 June 2015.

Apartment Building Overview

- 2.3 In total, the proposal consists of sixty-nine (69) apartments. The majority of the apartments will be provided in Buildings A and B. A mix of one, two and three bedroom apartments will be provided across the development, with a preference for two bedroom apartments, as outlined below:

	1 Bedroom	2 Bedrooms	3 Bedrooms	Total No. of Apartments
Building A	1	17	9	27
Building B	3	27	3	33
Building C	0	5	4	9
Total No. of Apartments	4	49	16	69

- 2.4 In terms of their **Location** across the site:
- 2.4.1 Building A – Northern end of the site to face Blackburn Road and Leura Street;
 - 2.4.2 Building B – South-eastern end of the site to face Blackburn Road and Churchill Street;
 - 2.4.3 Building C – South-western end of the site to face Churchill Street.

- 2.5 In terms of **Storeys and Heights**:
- 2.5.1 Building A – Four Storeys & Maximum Building Height of 13.6 metres occurring across the Blackburn Road (eastern) elevation;
 - 2.5.2 Building B – Four Storeys & Maximum Building Height of 13.9 metres occurring across the Blackburn Road (eastern) elevation;
 - 2.5.3 Building C - Three Storeys & Maximum Building Height of 9.2 metres occurring at the north-western corner of the site. Across the Churchill Streetscape the building height is 8.3 metres.

- 2.6 In terms of their **Site Coverage** breakdown:

- 2.6.1 Building A – 907 square metres;
- 2.6.2 Building B – 1066 square metres;
- 2.6.3 Building C – 424 square metres;

resulting in a total site coverage of 2397 square metres. This equates to 60.3% of the total site area of 3975 square metres.

- 2.7 The Pervious Site Area is shown to be 24%.

Car Parking, Vehicular Access & Services

- 2.8 A total of ninety-nine (99) on-site car parking spaces are proposed across the development.

Building A

- 2.8.1 Building A is provided with its own basement to be accessed from Leura Street, via a crossover situated at the western end of the site frontage.
- 2.8.2 A total of forty-two (42) car parking spaces are provided in Building A across two levels.
- 2.8.3 Both levels consist of twenty-one (21) spaces.
- 2.8.4 Five (5) visitor car spaces are shown at the southern end of this basement.
- 2.8.5 One “future accessible car space” is included at Basement 1.
- 2.8.6 A 17,000 litre rainwater tank is provided at Basement 1.
- 2.8.7 The finished floor level of Basement 2 is 109.5 AHD and the finished floor level of Basement 1 is 112.5 AHD.

Building B and C

- 2.8.8 Building B and C will share a basement which is to be accessed from Churchill Street, via a crossover located at the western end of the site frontage.
- 2.8.9 A total of fifty-seven (57) car parking spaces are provided within one, larger basement level.
- 2.8.10 Six (6) visitor car spaces are shown at the northern end of this basement.
- 2.8.11 Six (6) parallel car parking spaces are provided at the southern end of the basement.

2.8.12 One “future accessible car space” is included.

2.8.13 The finished floor level of the basement is 115 AHD ramping down to 114.1AHD.

2.9 Bicycle and waste storage rooms, as well as service equipment areas, are provided in both basements.

2.10 It is proposed to close all vehicular access to Blackburn Road by removing existing crossovers to 175 and 177 Blackburn Road.

Easement Removal

2.11 To facilitate the construction, the existing 1.83 metre wide drainage and sewerage easement that runs along the western boundary of 175 Blackburn Road is proposed to be removed. There are understood to be no services within this easement.

Building Features

Materials, Colours and Finishes

2.12 The proposed development is showcased in a series of impressive photomontages and three dimensional colour perspectives. The proposal will draw on brick, stone, concrete, timber and metal cladding across the apartment complex in their natural tones to embrace a neutral, earthy colour palette.

Building Entries

2.13 The three (3) individual buildings will have three (3) independent main points of pedestrian access.

2.14 Building A’s primary access is via Blackburn Road with a secondary, staired access point from Leura Street. The Blackburn Road entry relies on a section of road reservation about 1.7 metres wide and 2.3 metres long. Pavers are proposed in this section between the property boundary and the existing footpath along Blackburn Road.

2.15 Building B’s primary access is also from Blackburn Road to be located to the south of the existing bus stop. This access also relies on a section of Council Road reservation about 1.2 metres wide and 2.3 metres long. The area between the property boundary and the existing footpath along Blackburn Road is proposed to be paved.

2.16 Building B has further access points from Churchill Street the rest of which rely on stair access – directly to Apartments 1-01, 1-09 and 1-10 and a common entry adjacent to Building C.

2.17 Building C’s main entry is via Churchill Street adjacent to a garden lobby which separates it from Building B and its secondary entry.

2.18 No disability ramps are indicated to meet the Blackburn Road footpath.

Building Setbacks

Building A

2.19 The building has the following minimum wall setbacks to site boundaries:

2.19.1 **Northern boundary** to Leura Street:

a) Basement 2 – 5 metres

- b) Basement 1 – 5 metres
- c) Ground Level – 6 metres
- d) Level 1 – 6 metres
- e) Level 2 – 6 metres
- f) Level 3 – 9.6 metres.

2.19.2 **Eastern Boundary** to Blackburn Road:

- a) Basement 2 – 3 metres
- b) Basement 1 – 3 metres
- c) Ground Level – 2.5 metres
- d) Level 1 – 2.3 metres
- e) Level 2 – 2.4 metres
- f) Level 3 – 4.2 metres.

2.19.3 **Western boundary** to 2 Leura Street:

- a) Basement 2 – 4.1 metres
- b) Basement 1 – 4.1 metres
- c) Ground Level – 4.2 metres
- d) Level 1 – 3.9 metres
- e) Level 2 – 7.6 metres
- f) Level 3 – 10.9 metres.

Building B

2.20 The building has the following minimum setbacks to site boundaries:

2.20.1 **Southern boundary** to Churchill Street

- a) Basement – 4.1 metres
- b) Ground Level – 6 metres
- c) Level 1 – 6 metres
- d) Level 2 – 6 metres
- e) Level 3 – 8.9 metres.

2.20.2 **Eastern Boundary** to Blackburn Road:

- a) Basement – 2.5 metres
- b) Ground Level – 5 metres
- c) Level 1 – 5 metres
- d) Level 2 – 5 metres
- e) Level 3 – 9.1 metres.

Building C

2.21 The building has the following minimum setbacks to site boundaries:

2.21.1 **Southern boundary** to Churchill Street

- a) Basement – 4 metres
- b) Ground Level – 6 metres
- c) Level 1 – 6 metres
- d) Level 2 – 8 metres

2.21.2 **Western Boundary** to 35 Churchill Street:

- a) Basement – 2.5 metres
- b) Ground Level – 3 metres
- c) Level 1 – 3 metres
- d) Level 2 – 5.8 metres.

Private Open Space

- 2.22 Courtyard style open spaces of varying sizes are provided to apartments at ground level. While most apartments are provided with a minimum of eight (8) square metres of secluded private open space in the form of a balcony, there are some exceptions. Apartment 2-02 in Building B, for example, is proposed to have 6 square metres of open space with a minimum dimension of 1.3 metres.

Communal Open Space

- 2.23 An internal common area is proposed to the north of Buildings B and C featuring a raingarden, a variety of layered landscaping treatments and passive recreational areas, including in-built outdoor furniture.

Landscaping

- 2.24 The site is proposed to be re-landscaped in accordance with the landscape plan of John Patrick, as amended on 10 June 2015.
- 2.25 The landscape plan showcases a variety of native and non-native species, including large canopy trees, across the site. Of note:
- 2.25.1 The use of Red Box species, which can reach upwards of 15 metres at maturity, within the front setback of Building A and at corner locations to the west of Building C.
 - 2.25.2 Lightwood and Weeping Lilly Pillys in the section between Building A and the western boundary (abuttal with No. 2 Leura Street).
 - 2.25.3 Lightwood and Blackwood species marking either side of the entry to Building B complemented by the use of Crepe Myrtles.
 - 2.25.4 Native Frangipanis across the Churchill streetscape immediately forward of Building B.
 - 2.25.5 The use of Flame trees, projected to reach 6 metres at maturity, in the section between Building C and the western boundary (abuttal with No. 35 Churchill Street).
 - 2.25.6 Weeping Lilly Pillys in the section between Building C and the northern boundary (abuttal with No. 2 Leura Street).
 - 2.25.7 Either side of the pedestrian walkway within the internal common area is to be landscaped. A combination of low level plants atop planter boxes will be used. Feature ornamental canopy tree

planting, including the use of Flame trees and Weeping Lilly Pillys are also proposed.

3 PRIORITY/TIMING

- 3.1 The statutory time for considering a planning application is 60 days.
- 3.2 Amending the application pursuant to Section 57A of the *Planning and Environment Act 1987* has “restarted” the statutory clock.
- 3.3 Therefore, allowing for the time taken to advertise the application, the statutory time lapses on 26 September 2015.

4 RELEVANT LEGISLATION

- 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. Before deciding on an application, the Responsible Authority must consider:
 - the relevant planning scheme, in this case being the Manningham 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; and
 - any significant social effects and economic effects which the responsible authority considers the use or development may have.
- 4.3 Section 61(4) of the Act makes specific reference to covenants. The subject site is not burdened by any covenant.
- 4.4 It is further noted that the subject land is also not encumbered by any Section 173 Agreements.

5 MANNINGHAM PLANNING SCHEME

Zoning

- 5.1 Recalling that five individual legal titles constitute the site, the zoning of the site is affected by two (2) different residential land use zones. Those being:
 - 5.1.1 Residential Growth Zone, Schedule 2 (RGZ2) – 175-179 Blackburn Road, Doncaster East;
 - 5.1.2 General Residential Zone, Schedule 2 (GRZ2) – 37 Churchill Street, Doncaster East.

- 5.2 Land with a Blackburn Road frontage, i.e. to the north, south and east of the site is zoned RGZ2.
- 5.3 Land to the west along both Churchill and Leura Streets is contained within the GRZ2.
- 5.4 A planning permit is required to construct two or more dwellings on a lot in both of the two aforementioned residential zones.
- 5.5 The purpose of the Residential Growth Zone relates primarily to providing housing at increased densities, encouraging 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.
- 5.6 The RGZ provides for, at Clause 32.07-7 of the Scheme, a maximum building height of 13.5 metres unless the slope of the natural ground level at any cross section wider than 8 metres of the site of the building is 2.5 degrees or more, in which case the height of the building should not exceed 14.5 metres.
- 5.7 The purpose of the General Residential Zone is more moderate than the RGZ. It seeks to:
- 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.
- 5.8 An assessment for buildings and works for two or more dwellings is required under the provisions of Clause 55 of the Manningham Planning Scheme.
- 5.9 The purpose of Clause 55 is generally to provide well designed dwellings with considered regard to internal amenity, while at the same time, maintaining the amenity and character of the locality, with particular emphasis on the amenity of adjoining residents.

Overlays

- 5.10 The site is affected by the Design and Development Overlay Schedule 8 (DDO8) of the Manningham Planning Scheme
- 5.11 The Design Objectives of the DD08 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 subprecinct 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 subprecinct 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.*
- 5.12 Planning permission is required for buildings and works which must comply with the requirements set out in either Table 1 or Table 2 of the Schedule.
- 5.13 There is a range of policy requirements outlined in this control under the headings of building height and setbacks, form, car parking and access,
- 5.14 It is noted that:
- 5.14.1 Lots known as 175-179 Blackburn Road are contained within the Main Roads Sub-Precinct;

5.14.2 No. 37 Churchill Street is located within DDO8-3 Sub-Precinct B.

State Planning Policy Framework (SPPF)

- 5.15 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.*
- 5.16 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.
- 5.17 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.
- 5.18 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.
- 5.19 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.*
- 5.20 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.*
- 5.21 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.*
- 5.22 Clause 16.01-5 (Housing affordability) seeks to deliver more affordable housing closer to jobs, transport and services.
- 5.23 The proposal is considered to be consistent with the objectives of the State Planning Policy Framework.

Local Planning Policy Framework (LPPF)

Municipal Strategic Statement (Clause 21)

- 5.24 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.
- 5.25 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.
- 5.26 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.
- 5.27 The site is within "Precinct 2 – Residential Areas Surrounding Activity Centres and Along Main Roads".
- 5.28 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*
- 5.29 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.
- 5.30 The three sub-precincts within Precinct 2 consist of:
- Sub-precinct – Main Road (DDO8-1)*** is an area where three storey (11 metres) 'apartment style' developments are encouraged on land with a minimum area of 1,800m². Where the land comprises more than one lot, the lots must be consecutive lots which are side by side same sub-precinct. All development in the Main Road sub-precinct should have a maximum site coverage of 60 percent.

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

Sub-precinct A (DDO8-2) is an area where two storey units (9 metres) and three storey (11 metres) 'apartment style' developments are encouraged. Three storey, contemporary developments should only occur on land with a minimum area of 1800m². Where the land comprises more than one lot, the lots must be consecutive lots which are side by side and have a shared frontage. The area of 1800m² must all be in the same sub-precinct. In this subprecinct, if a lot has an area less than 1800m², a townhouse style development proposal only will be considered, but development should be a maximum of two storeys. All development in Sub-precinct A should have a maximum site coverage of 60 percent.

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

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

- 5.31 While the majority of the site is located within **Sub-Precinct – Main Road (DDO8-1)**, No. 37 Churchill Street is contained within **Sub-Precinct B (DDO8-3)**.
- 5.32 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.*
- 5.33 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*
- 5.34 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.
- 5.35 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.*
- 5.36 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

- 5.37 Clause 22.08 (Safety through urban design) applies to all land in Manningham. It endeavours to provide and maintain a safer physical environment for those who live in, work in or visit the City of Manningham. The policy seeks attractive, vibrant and walkable public spaces where crime, graffiti and vandalism is minimised.

- 5.38 Clause 22.09 (Access for disabled people) also applies to all land in Manningham. It seeks to ensure that people with a disability have the same level of access to buildings, services and facilities as any other person. The policy requires the needs of people with a disability to be taken into account in the design of all proposed developments.

Particular Provisions

- 5.39 Clause 52.02 (Easements, Restrictions and Reserves) is relevant to this application. A planning permit is required before a person proceeds under Section 23 of the *Subdivision Act 1988* to create, vary or remove an easement or restriction or vary or remove a condition in the nature of an easement in a Crown grant.
- 5.40 Before deciding on an application made pursuant to this Clause, Council must consider the interests of affected people.
- 5.41 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
- 5.42 Clause 52.06-7 outlines various design standards for parking areas that should be achieved.
- 5.43 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.
- 5.44 Clause 52.34 (Bicycle Facilities) seeks to encourage cycling as a mode of transport and provide secure, accessible and convenient bicycle parking spaces.
- 5.45 Clause 55 (Two or More Dwellings on a Lot) 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.
- 5.46 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 Council has, through its policy statements throughout the Planning Scheme, and in particular by its adoption of Schedule 8 to the Design and Development Overlay over part of this neighbourhood, created a planning

mechanism that has, and will in time, alter the existing neighbourhood character along Blackburn Road and its adjoining side streets.

- 6.2 Council's planning preference is for higher density, multi-unit developments which can include apartment style developments on larger lots. This higher density housing thereby provides for the "preferred neighbourhood character" which is guided by the design elements contained within the Schedule 8 to the Design and Development Overlay, in conjunction with an assessment against Clause 21.05 and Clause 55 – Rescode. The resultant built form is contemplated to have a more intense and less suburban outcome.
- 6.3 An apartment development across this site is generally consistent with the broad objectives of Council's planning policy outlined at Clause 21.05 of the Manningham Planning Scheme. The policy encourages urban consolidation (and apartment buildings) in this specific location due to its capacity to support change given the site's main road location and proximity to services, such as public transport. The policy anticipates a substantial level of change from the existing character of primarily single dwellings and dual occupancies which has occurred in the past.
- 6.4 The consolidation of five allotments with a combined area of 3975 square metres provides unprecedented development potential. The larger land area allows increased setbacks to compensate for a larger scale of built form in comparison to traditional medium density housing. The design response, as will soon be discussed, breaks up the built form by proposing a total of three buildings across the L-shaped site whilst maintaining good setbacks to sensitive interfaces and to street frontages.
- 6.5 Turning to the assessment of the proposal, this will now be made against the following Clauses:
- Clause 21.05, 21.10, 22.08 & 22.09
 - Schedule 8 to the Design and Development Overlay (DD08)
 - Clause 52.02 Easements, Restrictions and Reserves;
 - Clause 52.06 Car Parking;
 - Clause 52.29 Land Adjacent to a Road Zone Category 1;
 - Clause 52.34 Bicycle Facilities
 - Clause 55 Two or More Dwellings on a Lot.
 - Clause 65 Decision Guidelines

Local Planning Policy Assessment

Clause 21.05 Residential

- 6.6 The development site is situated within Precinct 2 – Residential Areas Surrounding Activity Centres and Along Main Roads, where high density is encouraged. Given the site is almost an acre there is no question that the site is capable of accommodating a higher scale development.
- 6.7 Notwithstanding this opportunity, there are expectations in regards to the standard of development and what indeed constitutes a reasonable level of development.

- 6.8 The expectation of the planning policy framework is for a development to capitalise on the opportunity for a higher density built form outcome, but to do so with respect to its existing neighbourhood. Respect is evidenced by situating the built form centrally, and siting higher elements towards less sensitive interfaces, whilst providing good spacing and permeable areas along site perimeters to mitigate building bulk impacts and providing good areas in which to realise meaningful landscaping.
- 6.9 Given the large footprint of the site, the design approach has been to propose three individual built forms. This design response plays a critical role in the site offering a level of spaciousness, not only to site boundaries, but between buildings within the site. So, while a more solid building mass could have eventuated across three levels throughout the site, a different, more site responsive outcome has been proposed. That design response comprises Buildings A and B proposing a fourth level.
- 6.10 While the height limit of 11 metres is not a mandatory consideration, in a DD08 context, any fourth level to any building needs to be considered carefully given Clause 21.05's focus on three storey built form outcomes. Factors influencing a proposal exceeding the guidance provided at DD08 must account for amenity impacts, streetscape considerations and the overall architectural merit of the proposal.
- 6.11 A key element of this design response has been the siting of the fourth storey element to both Building A and B significantly away from abutting residential properties. To this end, the presence of Building C is of great assistance, while a setback of almost 11 metres is provided by Building A's top level to 2 Leura Street to the west.
- 6.12 In addition, the fourth storey element is recessed from any streetscape frontage, including Blackburn Road, an improvement made to Building A as a consequence of the Section 57A application. The result is the fourth levels of Buildings A and B do not overwhelm any adjoining property, any streetscape elevation, or even from a distance away, such as when one looks back to the site from either the north-east or south-east.
- 6.13 There is also no question the proposal provides a highly stimulating, yet cohesively designed, apartment complex with a good degree of articulation provided by a variety of treatments, including architectural framing, the use of balcony recesses and extrusions to create depth and shadow.
- 6.14 On this basis, it is considered appropriate to permit the fourth levels.
- 6.15 While the total site area permits land within the Mains Road precinct to exceed 11 metres and encourages an apartment typology, this freedom is not flexed at Clause 21.05 in respect of land within Sub Precinct B.
- 6.16 No. 37 Churchill, unlike all other allotments comprising the site, is on a strict reading of the policy supposed to be:
where single storey and two storey dwellings only will be considered.
- 6.17 Building C is clearly not a two storey townhouse style development.
- 6.18 While it is possible to require the deletion of 37 Churchill Street from the development based on this policy, it is not considered necessary to do so in this instance. Building C has intentionally been designed to be of a smaller scale relative to the other Buildings. Across the streetscape elevation, this

- provides for a building that transitions comfortably to adjoining land to the west.
- 6.19 The immediately adjoining property to the west has recently completed construction – a relevant consideration when acknowledging the inability the site would have for any consolidation opportunities.
- 6.20 From an amenity impact perspective, it is also worth recognising the relatively modest footprint of Building C is realised by a shared basement arrangement with Building B. Site coverage of this building relative to the lot is less than 50% while the uppermost footprint is 61% of the level directly below. Also, the proposal avoids any reliance on boundary wall development and has no above ground setback less than 3 metres. The above is an outcome that would be highly unlikely to eventuate on a typical townhouse style development in DD08's Sub Precinct 2.
- 6.21 While there are some concerns with Building C's presentation across the western elevation, this is a matter that can be overcome by permit conditions.
- 6.22 When recognising the shared efficiencies gained by the common basement arrangement and the level of attention evidenced in the external design and internal layout of Building C, including a high level of attention to detail to its interaction with Building B, it is considered appropriate to support a three storey apartment style building, on the lot. While the proposal marginally exceeds the 9 metre mandatory height limit imposed by the DD08, this is a matter that can be addressed by permit condition.
- 6.23 In summary, subject to some minor changes, it is considered the design response is consistent with the policy aspirations for Precinct 2 Main Roads and Areas Around Activity Centres and the strategies outlined at Clause 21.05-4 by virtue of its:
- 6.23.1 High level of visual interest across all streetscape elevations;
- 6.23.2 A varied use of materials in a neutral colour palette across all elevations;
- 6.23.3 Integration of car parking requirements into the design of the buildings;
- 6.23.4 Responsiveness to the site cross fall and providing appropriate transitioning to adjoining properties;
- 6.23.5 Provision of a high level of internal amenity for residents by maximising solar access, providing larger apartment footprints, and in most cases, well configured balconies and ground level open spaces;
- 6.23.6 Provision of good setbacks which will ensure adequate permeable areas to soften the visual impact of the built form with appropriate landscaping across all elevations.
- 6.24 It is Council officers' assessment that the proposal positively addresses the policy requirements as contained within Clause 21.05 of the Manningham Planning Scheme.

Clause 21.10 Ecologically Sustainable Development

- 6.25 Council's MSS outlines ESD requirements to be incorporated into larger developments within the municipality. It is considered that by the preparation of an SMP, and minimal issues which have arisen as a result of its assessment by Council's ESD Engineer, that the proposal offers a number of positive ESD measures.

Clause 22.08 Safety through Urban design

- 6.26 Council's Local Planning Policy at Clause 22.08 applies to all land in the municipality and therefore has a broad range of objectives and policy requirements in relation to the design of buildings, street layout/access, lighting and car parks.
- 6.27 While a number of items are not relevant to this application, a number of the requirements in relation to building design are, including *"Buildings be orientated to maximise surveillance of entrances and exits from streets"* and *"The location of building entrances and windows maximise opportunities for passive surveillance of streets and other public spaces"*.
- 6.28 It is considered the design response is consistent with the requirements of this clause with a concerted effort made to ensure the public and private realms interact.

Clause 22.09 Access for Disabled People

- 6.29 The Access for Disabled People Policy is based on the Disability Discrimination Act and requires that persons with a disability have the same level of access to buildings, services and facilities as any other person. It requires that the design of new building account for the needs of persons of limited mobility.
- 6.30 The design response proposes to offer at grade access via Blackburn Road to Building A and B, albeit reliant on a small section of road reservation to achieve direct, level access from the existing footpath along Blackburn Road. It appears this has been proposed to cater to the needs of persons with limited mobility based on the ramp style access proposed, although not notated as such to the Blackburn Road footpath. This is considered to be a good outcome for persons of limited mobility and disabled persons providing this can occur.
- 6.31 Via the provision of lifts, access from the basement is possible to all levels, and therefore all apartments. It is further noted that the project architects have proposed future disabled persons car space within each basement – a total of two car spaces. Appropriately, these spaces are situated adjacent to the lift foyer providing optimal access.

Schedule 8 to the Design and Development Overlay

- 6.32 An assessment now follows against the design requirements of the DD08:

Design Element	Level of Compliance
<p>DDO8-1 (Main Road Sub-Precinct)</p> <ul style="list-style-type: none"> 11 metres provided the condition regarding minimum land size is met. <p>If the condition is not met, the maximum height is 9 metres, unless</p>	<p>Considered Met</p> <ul style="list-style-type: none"> The site exceeds double the minimum lot size contemplated by the DD08 – that being 1800 square metres in which to realise higher density apartment style development. The

<p>the slope of the natural ground level at any cross section wider than eight metres of the site of the building is 2.5 degrees or more, in which case the maximum height must not exceed 10 metres.</p>	<p>site therefore presents an outstanding opportunity to accommodate a substantial built form outcome.</p> <ul style="list-style-type: none"> • The five lots comprising the site are consecutive and are situated side by side. However, four of the five share a frontage to Blackburn Road, with 37 Churchill Street having no direct interface to the main road. • Blackburn Road lots are within the Main Road Sub-Precinct, the Churchill Street lot is within Sub-Precinct B. • There is discretion relating to maximum building heights in the Main Road precinct. While the DD08 anticipates an 11 metre height requirement, it is considered that a design response which achieves a high quality built form outcome can exceed this height. Such discretion does not exist for land within Sub Precinct B which is mandated to 9 metres. • By virtue of their fourth level, Buildings A and B clearly exceed the 11 metre height referenced in the DD08. These buildings are proposed to reach a height of 13.6 and 13.9 metres, respectively. • Due to the site's cross fall, these maximum heights satisfy the requirements of the RGZ2 which permits up to 14.5 metres. • Based on the design response that has been proposed, with recessive fourth storeys across streetscape elevations and good setbacks at this fourth level to sensitive residential interfaces, it is considered the design response is an appropriate one to justify the increased height. Considering the size of the site, the total internal floor area taken up by the fourth levels is considered modest (68% and 61%, respectively).
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	<p>setback to the eastern boundary. Noting there is a wide road verge which will provide for a good buffer distance to Blackburn Road, the shortfall of half a metre is not considered to be critical. Notably, this encroachment occurs only at the north-eastern end of the site for a length of 8.5 metres (as it affects Apartments 0-04 and 0-05 and those directly above), and a further 3.5 metres (relating to Apartment 0-06 and those directly above). As it does not occur for the full length of the boundary, this minor encroachment into the street setback is considered appropriate.</p>
<p>Form</p> <ul style="list-style-type: none"> • Ensure that the site area covered by buildings does not exceed 60 percent. 	<p>Considered Met</p> <ul style="list-style-type: none"> • Building site coverage is 60.3% of the site area. The site coverage creeping ever so slightly over 60% is considered to be negligible.
<ul style="list-style-type: none"> • Provide visual interest through articulation, glazing and variation in materials and textures. 	<p>Met</p> <ul style="list-style-type: none"> • A simple, yet distinctive, neutral materials palette is to be utilised across all elevations of the proposed buildings to provide an articulated, yet sympathetic, built form response. Council’s Urban Designer highlights the material palette as being one that is a crucial element to the architectural language of the building. Notably, the proposal does not rely on the use of any render. • Drawing on the natural tones of the proposed materials will distinguish the building in a positive way. It is acknowledged, however, that the visual interest of the development may not be as stimulating without the variation in materials the proposal relies so heavily on. Council’s Urban Designer has expressly called for <i>“any building material substitutes be carefully assessed”</i>. • While a comprehensive package of colour perspectives and 3D images have been provided in support of the

	<p>application, it is considered appropriate to require a colour schedule of materials and finishes be added to elevation plans (to provided further detail to the existing schedule) as a permit condition of any approval that should issue. This will ensure clarity in respect of colour tones and textures. (Condition 4.21).</p>
<ul style="list-style-type: none"> Minimise buildings on boundaries to create spacing between developments. 	<p>Met</p> <ul style="list-style-type: none"> The proposal does not seek permission to utilise any boundary to facilitate the development. This is considered to be a good outcome for adjoining properties and for the streetscape providing good spacing and opportunities for landscaping to establish and flourish. In addition, the three buildings within the site strike an appropriate balance of achieving a level of separation between one another without “pushing” the built form unreasonably close to any side or rear boundary. Increased internal spacing between Buildings B and C is an outcome of the Section 57A Amendment.
<ul style="list-style-type: none"> Where appropriate ensure that buildings are stepped down at the rear of sites to provide a transition to the scale of the adjoining residential area. 	<p>Met</p> <ul style="list-style-type: none"> Realising the breadth of the site, the design response has sought to minimise any unreasonable amenity impacts by proposing three individual buildings across the site. By virtue of the higher terrain at the southern end of the site, Building B sits higher in the context of the overall development. The proposal then steps down across the Blackburn Road (north) and Churchill Street (west) streetscapes providing a scaled transition. This design response is considered appropriate providing for the building mass to be concentrated at the eastern and central parts of the site. An appropriate level of stepping is provided to the western boundary

	<p>where the sensitive, abutting residential interfaces occur with No. 2 Leura Street and No. 35 Churchill Street. The built form relationship between Building B and No. 2 Leura Street is also considered appropriate.</p>
<ul style="list-style-type: none"> Where appropriate, ensure that buildings are designed to step with the slope of the land. 	<p>Met</p> <ul style="list-style-type: none"> As above, designing three individual buildings has provided for a site responsive design that is sympathetic to the cross fall of the land.
<ul style="list-style-type: none"> Avoid reliance on below ground light courts for any habitable rooms. 	<p>Met</p> <ul style="list-style-type: none"> Bedrooms do not rely on borrowed light or light wells. This is a significant positive of the overall development achieved by a clever design response that utilises separate detached buildings, rather than one large building mass.
<ul style="list-style-type: none"> Ensure the upper level of a two storey building provides adequate articulation to reduce the appearance of visual bulk and minimise continuous sheer wall presentation. 	<p>Not applicable.</p>
<ul style="list-style-type: none"> Ensure that the upper level of a three storey building does not exceed 75% of the lower levels, unless it can be demonstrated that there is sufficient architectural interest to reduce the appearance of visual bulk and minimise continuous sheer wall presentation. 	<p>Met</p> <ul style="list-style-type: none"> It is considered that the fourth levels of Buildings A and B, exhibit a high level of architectural interest which justifies the proposed fourth storey footprint. Importantly, the presence of these upper levels serves to articulate Buildings A and B, rather than result in visual bulk. This has been demonstrated across the northern, eastern and southern elevations forming part of the architectural drawings, together with the extensive and sophisticated set of photomontages and 3d imaging that has been carried out. The size and layout of the upper levels of these buildings have been appropriately sited towards Blackburn Road to avoid unreasonable amenity impacts to adjoining properties to the west. It is considered the articulated setbacks to the sensitive residential

	<p>interface to the west in the order of 7.6 metres at the third level and almost 11 metres at the fourth level are sufficient to mitigate any perception of visual bulk.</p> <ul style="list-style-type: none">• In percentages, the uppermost level of Building A is 68% of the floor below. The uppermost levels of Building B and C are both a modest 61%.• In terms of Building C's third level, there are some concerns observed across the western elevation, including the 2 and a half storey, stone sheer wall which continues as balustrading to the level three apartments (3-01 and 3-02). This is a 23.5 metre long wall which will presents highly prominently to the driveway of the three, recently finished townhouses at 35 Churchill Street.• While the sensitivity of 35 Churchill's common driveway is not the same as if it adjoined secluded private open space, the spacing provided by the driveway adjacent to the common boundary exposes this elevation of the building. As the solid presentation of this built form presents visual amenity impacts to adjoining land and nearby properties (for example for those viewing the property from the west of the site along Churchill – for example if one was standing outside 26 Churchill Street), it is considered necessary to require some modifications by permit condition.• It is observed that a row of Flame trees will be planted in the 3 metre space between ground level and the western boundary. In time, this will no doubt assist to soften the visual impact of the built form. However, this in of itself is not the answer.• A permit condition will require the balustrading to utilise an alternative
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	<p>material to stone (lightweight style) to address the visual bulk concerns across the Building’s western elevation. A further condition will require that the balustrading to be recessed in by a minimum of 1.2 metres, except opposite the living room windows and doors of Apartment 3-01 and 3-02. (Condition 4.5).</p>
<ul style="list-style-type: none"> Integrate porticos and other design features with the overall design of the building and not include imposing design features such as double storey porticos. 	<p>Met</p> <ul style="list-style-type: none"> There are no imposing design elements and all design expressions are considered to be well integrated into the overall architecture of the building.
<ul style="list-style-type: none"> Be designed and sited to address slope constraints, including minimising views of basement projections and/or minimising the height of finished floor levels and providing appropriate retaining wall presentation. 	<p>Met</p> <ul style="list-style-type: none"> A review of the elevation and sectional drawings reveals no unsightly projection of any basement wall. A series of planter boxes and retaining measures are sited within the front and side setbacks to provide for appropriate measures to manage earthworks to a high standard. Clearly, a lot of care and effort has been invested to consider the manner in which potential future occupants would use the spaces immediately around and forward of the built form. The recognition of the need, the understanding of the height and location of retaining walls and planter boxes clearly illustrates the design response is of a high standard and will provide for a high level of amenity for future occupants, whilst ensuring appropriate levels of presentation and landscaping are achieved across the public realm.
<ul style="list-style-type: none"> Be designed to minimise overlooking and avoid the excessive application of screen devices. 	<p>Met</p> <ul style="list-style-type: none"> The site’s corner location enables it to avoid screening of habitable spaces for the majority of apartments. This is a great outcome from an internal amenity perspective. Where screening is applied to protect the privacy of residents it is done so in

	<p>good taste.</p> <ul style="list-style-type: none"> It is noted that a detailed assessment as to the appropriateness of screening applied will be discussed in response to Clause 55.04-6 of the Manningham Planning Scheme.
<ul style="list-style-type: none"> Ensure design solutions respect the principle of equitable access at the main entry of any building for people of all motilities. 	<p>Met</p> <ul style="list-style-type: none"> All buildings are to be serviced by a lift which ensures “step free” access to all apartments and the basement car parking. The proposed access arrangements from Blackburn Road appear to be suitable to all users and appear to enable a barrier-free approach to the front entry of Buildings A and B. This will be confirmed by permit condition (Condition 4.25).
<ul style="list-style-type: none"> Ensure that projections of basement car parking above natural ground level do not result in excessive building height as viewed by neighbouring properties. 	<p>Met</p> <ul style="list-style-type: none"> Basement levels are sufficiently submerged below natural ground level so as not to present as imposing elements to the private realm.
<ul style="list-style-type: none"> Ensure basement or undercroft car parks are not visually obtrusive when viewed from the front of the site. 	<p>Met</p> <ul style="list-style-type: none"> Basement levels are sufficiently submerged below natural ground level so as not to present as imposing elements to the public realm.
<ul style="list-style-type: none"> Integrate car parking requirements into the design of buildings and landform by encouraging the use of undercroft or basement parking and minimise the use of open car park and half basement parking. 	<p>Met</p> <ul style="list-style-type: none"> The basement arrangements provide for an integrated car parking layout which will result in car parking being concealed by an automatic security door, as has been indicated on advertised plans.
<ul style="list-style-type: none"> Ensure the setback of the basement or undercroft car park is consistent with the front building setback and is setback a minimum of 4.0m from the rear boundary to enable effective landscaping to be established. 	<p>Met with Condition</p> <ul style="list-style-type: none"> Given the site is in the unique position of having three frontages, it does not have a classic rear boundary. The only non-street frontage being the western boundary could be considered to be the rear boundary. Basement level setbacks are proposed to be 4.1 metres to Leura Street and 2.5 metres to Churchill Street.

	<ul style="list-style-type: none"> While the basement setback is not identical to the ground level across either Leura or Churchill Streets or less than 4 metres to 35 Churchill Street, it has been demonstrated by the submission of a well-considered, detailed landscape plan that a variety of landscaping treatments, including deep rooted planting, can be achieved in these setback areas.
<ul style="list-style-type: none"> Ensure that building walls, including basements, are sited a sufficient distance from site boundaries to enable the planting of effective screen planting, including canopy trees, in larger spaces. 	<p>Met</p> <ul style="list-style-type: none"> There is no question that the site provides appropriate wall setbacks to realise a landscape design response which will be highly complementary and serve to soften the appearance of the built form.
<ul style="list-style-type: none"> Ensure that service equipment, building services, lift over-runs and roof-mounted equipment, including screening devices is integrated into the built form or otherwise screened to minimise the aesthetic impacts on the streetscape and avoids unreasonable amenity impacts on surrounding properties and open spaces. 	<p>Met with Condition</p> <ul style="list-style-type: none"> Provision has been made within both basements for some services. Given the size of the development it is foreseeable that more spaces might be required. If this is so, this should be carefully sited and concealed at rooftop level. (Condition 4.37).
<p><u>Car Parking and Access</u></p> <ul style="list-style-type: none"> Include only one vehicular crossover, wherever possible, to maximise availability of on street parking and to minimise disruption to pedestrian movement. Where possible, retain existing crossovers to avoid the removal of street tree(s). Driveways must be setback a minimum of 1.5m from any street tree, except in cases where a larger tree requires an increased setback. 	<p>Met</p> <ul style="list-style-type: none"> Each side street is proposed to have one crossover to cater to the two way vehicle ingress and egress. This is entirely appropriate. While a street tree will require removal, it can be replaced at the permit holder's expense (Condition 4.34).
<ul style="list-style-type: none"> Ensure that when the basement car park extends beyond the built form of the ground level of the building in the front and rear setback, any visible extension is utilised for paved open space or is appropriately screened, as is necessary. 	<p>Not applicable.</p>
<ul style="list-style-type: none"> Ensure that where garages are 	<p>Not applicable.</p>

<p>located in the street elevation, they are set back a minimum of 1.0m from the front setback of the dwelling.</p>	
<ul style="list-style-type: none"> • Ensure that access gradients of basement carparks are designed appropriately to provide for safe and convenient access for vehicles and servicing requirements. 	<p>Met with Condition</p> <ul style="list-style-type: none"> • Driveway gradients will need to be modified to accord with Council's Engineers requirements. This applies to Building A (Condition 4.12).
<p><u>Landscaping</u></p> <ul style="list-style-type: none"> • On sites where a three storey development is proposed include at least 3 canopy trees within the front setback, which have a spreading crown and are capable of growing to a height of 8.0m or more at maturity. • 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. 	<p>Met</p> <ul style="list-style-type: none"> • As outlined in the proposal section, a generous provision of landscaping is evidenced in the John Patrick Landscaping Plan easily meeting the requirement.
<ul style="list-style-type: none"> • Provide opportunities for planting alongside boundaries in areas that assist in breaking up the length of continuous built form and/or soften the appearance of the built form. 	<p>Met</p> <ul style="list-style-type: none"> • The site plan and landscape plan evidence the consideration given to this design element. • Landscaping proposed by the John Patrick Landscape Plan will serve to enhance and enrich the apartment development across all elevations.
<p><u>Fencing</u></p> <ul style="list-style-type: none"> • A front fence must be at least 50 per cent transparent. • On sites that front Doncaster, Tram, Elgar, Manningham, Thompsons, Blackburn and Mitcham Roads, a fence must: <ul style="list-style-type: none"> • not exceed a maximum height of 1.8m • be setback a minimum of 1.0m from the front title boundary <p>and a continuous landscaping treatment within the 1.0m setback must be provided.</p>	<p>Met with Condition</p> <ul style="list-style-type: none"> • Front fencing/walls are not continuous, rather used sparingly to enclose ground level secluded private open spaces. While solid fencing is to be utilised, given the extensive breaks across all streetscape frontages, this is considered to be appropriate. • The heights of proposed front fencing, when taken from natural ground level, do not appear to exceed 1.8 metres. Exact heights will be required to be notated as a permit condition (Condition 4.29) to ensure no front fencing greater than 1.8 metres. Retaining walls/planter boxes across all frontages and within private

	<p>spaces will also need to be carefully detailed (Condition 4.30).</p> <ul style="list-style-type: none"> Proposed front fencing is not located on the property boundary line thereby enabling landscaping to be placed at the foot of fencing in areas between the road reservation or footpath.
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6.33 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 respects the preferred neighbourhood character and responds to the features of the site.

6.34 A high level of compliance is achieved in respect of the layout, built form, design, car parking, front fencing and opportunities for landscaping as articulated in the DD08.

Clause 52.02 Easements, Restrictions and Reserves

6.35 Pursuant to Clause 52.02, a permit is required before a person proceeds under Section 23 of the Subdivision Act 1988 to create, vary or remove an easement or restriction or vary or remove a condition in the nature of an easement in a Crown grant.

6.36 The drainage and sewerage easement burdening the western boundary of 175 Blackburn Road is proposed to be removed. A Plan to this effect has been prepared by Orbit Solutions. It is understood there is no infrastructure within this easement.

6.37 Before deciding on an application made pursuant to this Clause, Council must consider the interests of affected people.

6.38 Following no objection from either Yarra Valley Water or Council's Engineering department on this aspect, it is considered appropriate to support its removal.

Clause 52.06 Car Parking

6.39 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.

6.40 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.

6.41 Visitor car parking is required at a rate of one car parking space for every 5 dwellings.

6.42 The proposal requires 98 resident car parking spaces including at least thirteen (13) visitor spaces. As a total of ninety-nine (99) are now proposed, the car parking provision is compliant. While the numerical number of car parking spaces has been provided in accordance with Clause 52.06, an inadequate number of visitor car spaces have been nominated. Each basement will need to have a commensurate number of visitor spaces based on the number of apartments in each of the buildings. While Building A is

shown to have five (5) spaces which is satisfactory, Building B needs to be allocated eight (8) visitor spaces. **Condition 4.7** will address this.

- 6.43 The following tables provides an assessment of the proposal against the seven (7) design standards

Design Standard	Met/Not Met
1- Accessways	Met - Accessways are deemed to satisfy the standard with appropriate sightlines to be achieved for both basements.
2 – Car Parking Spaces	Met with condition – Council’s Engineering department has considered the layout and size of proposed car parking spaces and aisle widths and raised some concerns. See Referral section of this report. These can be addressed by permit condition. See Conditions 4.11, 4.13 and 4.14.
3 - Gradients	Council’s Engineering department have considered the proposed vehicular access ramps to both basements and deemed the ramp for Building A requires modification. See Referral section of this report. This can be addressed by permit condition (Condition 4.12).
4 – Mechanical Parking	Not applicable – No mechanical parking proposed.
5 – Urban Design	Met – The design of neither basement results in any adverse impact to either the streetscape of Leura or Churchill Streets.
6 – Safety	Met – The basement layout provides a safe arrangement appropriately secured by an automatic door and intercom provision.
7 – Landscaping	Met – As articulated throughout this report, a high quality landscape treatment is proposed across the site, including adjacent to basement entry points.

- 6.44 It follows from the above assessment that the proposal, subject to conditions, can comply with the seven (7) design standards outlined at Clause 52.06 of the Manningham Planning Scheme.

Clause 52.29 Land Adjacent to a Road Zone Category 1

- 6.45 The proposal seeks to alter access to Blackburn Road by removing the existing crossovers currently servicing properties at 175 and 177 Blackburn Road.
- 6.46 The decision guidelines of this Clause include the views of the relevant road authority.

- 6.47 Noting that VicRoads has expressed no objection to the proposal, and there is no other reason for which closing access to Blackburn Road should not be supported, it is considered appropriate to support this alteration.

Clause 52.34 Bicycle Facilities

- 6.48 In developments of four or more storeys, 1 bicycle space is required to each 5 dwellings (resident) and 1 bicycle space is required to each 10 dwellings (visitor).
- 6.49 The proposal provides in excess of the required number of bicycle spaces at various locations throughout the apartment complex, including within both basements and adjacent to building entries.

Clause 55 Two or More Dwellings on a Lot

- 6.50 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.
- 6.51 The following table sets out the level of compliance with the objectives of this clause:

Clause 55 Assessment – Two or more dwellings on a lot

OBJECTIVE	OBJECTIVE MET/NOT MET
<p>55.02-1 - 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>Met - As outlined in the assessment of the proposal against the policy requirements of the Schedule 8 to the Design and Development Overlay (DD08), it is considered that the proposed apartment development responds positively to the preferred neighbourhood character, and respects the natural features of the site, and its surrounds as contemplated by this planning control.</p>
<p>55.02-2 - 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 can take advantage of public transport and community infrastructure and services.</p>	<p>Met – The application was accompanied by a written statement that has demonstrated how the development is consistent with State, Local and Council policy.</p>

OBJECTIVE	OBJECTIVE MET/NOT MET
<p>55.02-3 - To encourage a range of dwelling sizes and types in developments of ten or more dwellings.</p>	<p>Met – The development proposes a range of one, two and three bedroom apartments across the different buildings.</p> <p>Some apartments offer ground level open space, while others have balconies. The diversity of dwelling sizes and types is a highlight of the proposal.</p>
<p>55.02-4 - 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>Met – 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.</p>
<p>55.02-5 - To integrate the layout of development with the street.</p>	<p>Met – The development has capitalised on an outstanding opportunity to achieve integration across each of its three streetscapes.</p> <p>Careful planning and thought has been provided in respect of pedestrian entries and accessways which are framed by a range of treatments, including the selective placement of planter boxes and water features.</p> <p>A pergola treatment proposed as the entry marker for Buildings B and C across Churchill Street further showcases the design responses' efforts in this regard.</p> <p>Several apartments in terms of their windows and open spaces are carefully positioned to maximise their extent of surveillance and integration with the three street frontages.</p>
<p>55.03-1 - 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>Considered Met - As discussed earlier in this report, the proposed setbacks of the apartment development to Blackburn Road, Leura and Churchill Streets are appropriate.</p>
<p>55.03-2 - To ensure that the height of buildings respects the existing or preferred neighbourhood character.</p>	<p>Considered Met – For the reasons discussed earlier in the report, the maximum building heights of Buildings A and B are within the parameters of the preferred neighbourhood character for the area.</p>

OBJECTIVE	OBJECTIVE MET/NOT MET
	Met with condition - Building C will be required to be reduced to a maximum building height of 9 metres (Condition 4.4).
55.03-3 - To ensure that the site coverage respects the existing or preferred neighbourhood character and responds to the features of the site.	Considered Met – The site coverage, marginally above 60% at 60.3%, is acceptable.
55.03-4 - To reduce the impact of increased stormwater run-off on the drainage system. To facilitate on-site stormwater infiltration.	Met – With 24% of the site being pervious, the proposal is compliant with the standard.
55.03-5 - To achieve and protect energy efficient dwellings. To ensure the orientation and layout of development reduce fossil fuel energy use and make appropriate use of daylight and solar energy.	Met – The majority of apartments have positioned living areas and open spaces to the north (or east or west, where north is not an option) to gain greatest solar exposure. Inevitably this is not always achievable - having regard to directly south facing apartments. However, it is considered that the south facing apartments within the development have sufficiently maximised any opportunity to orientate living or balcony spaces to achieve optimal solar exposure to a sufficient degree.
55.03-6 – To integrate the layout of development with any public and communal open space provided in or adjacent to the development.	Met - A pleasing feature of the proposal is its well-designed, internal pedestrian access way. It will provide a valuable communal area for future occupants. The design of this space is functional and aesthetic.
55.03-7 - To ensure the layout of development provides for the safety and security of residents and property.	Met – An enclosed basement arrangement will provide for safe vehicle security for future occupants and their visitors. It is also considered the treatments employed across all street frontages to highlight pedestrian entry points into the various buildings are effective.

OBJECTIVE	OBJECTIVE MET/NOT MET
<p>55.03-8 - 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>Met with condition - Good spacing is provided along all perimeters of the site in which to achieve a variety of landscaping outcomes.</p> <p>Basement setbacks, whilst not as generous as ground level setbacks, still provide ample space in which to achieve deep rooted planting.</p> <p>The proposed landscape plan of John Patrick is considered to be illustrative of a landscape outcome that is contemplated for the site by this Clause, as well as other sections of the Planning Scheme.</p> <p>It would be appropriate to approve this Landscape plan subject to its identification of smaller level species, ground covers, and some other minor changes, etc (Condition 10).</p>
<p>55.03-9 - To ensure vehicle access to and from a development is safe, manageable and convenient</p> <p>To ensure the number and design of vehicle crossovers respects the neighbourhood character.</p>	<p>Met – The proposal will have two vehicular access points to service three buildings.</p> <p>Their location and design are considered to be appropriate, subject to the relocation of a street tree.</p> <p>The proposal has resulted in the reduction of two vehicle access points to Blackburn Road.</p>
<p>55.03-10 - 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>Met – Proposed parking within a basement will provide for convenient parking for future occupants and their visitors. Lift and stair access will be available from the basement to all residential levels.</p> <p>There is unlikely to be any noise transfer from the use of the basement to the extent it would be a disturbance to nearby properties.</p>
<p>55.04-1 - 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>Met with condition - There are no non-compliances with respect to the wall setbacks along either the western boundaries or in terms of the northern boundary of 37 Churchill Street.</p> <p>It is noted that Building C's two and half storey, solid, sheer wall is, at its maximum point, a 7 metre high wall with a 3 metre setback. While this is compliant with the Standard, for reasons discussed</p>

OBJECTIVE	OBJECTIVE MET/NOT MET
	elsewhere in this report, this wall exhibits visual bulk concerns and conditions will be applied to address it (Condition 4.5).
55.04-2 - 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.	Not applicable – No walls on boundary are proposed as part of the development.
55.04-3 - To allow adequate daylight into existing habitable room windows.	Met – The development does not affect the ability of any existing habitable room window to access daylight.
55.04-4 - To allow adequate solar access to existing north-facing habitable room windows.	Not applicable as there are no north facing windows to be affected.
55.04-5 - To ensure buildings do not significantly overshadow existing secluded private open space.	<p>Met - As demonstrated by the submitted shadow diagrams, there will not be any unreasonable overshadowing of adjoining secluded private open spaces at No. 2 Leura Street and Unit 2/35 Churchill Street, Doncaster East. The overshadowing impacts are significantly less than what is permissible pursuant to the Standard.</p> <p>Beyond the existing boundary fence shadow, there will be no significant further shadow implication to Unit 2/35 Churchill Street, Doncaster.</p> <p>No. 2 Leura Street will have some impact at 9am to its eastern section of private open space which adjoins the boundary with the site. However, by 10am, this shadow has moved and this area is not affected.</p>
55.04-6 - To limit views into existing secluded private open space and habitable room windows.	<p>Met with condition - Due to the site's corner location, the development is able to maximise unscreened windows and balconies to a large number of apartments across the eastern, southern and northern elevations.</p> <p>To this end, consideration of any external</p>

OBJECTIVE	OBJECTIVE MET/NOT MET
	<p>overlooking concerns is essentially limited to the design response across the western elevations of Buildings A and C and the northern elevations of Buildings B and C.</p> <p><u>Building A</u> According to the ground level floor plan, the private open spaces of Apartments 0-01 and 0-02 appear to be set below natural ground level at the boundary. However, the western elevation indicates that the paved area associated with Apartment 0-02 is raised above natural ground level at the boundary by up to 800mm at the northernmost point. To mitigate overlooking, the applicant proposes a 500mm screen atop existing 1.6 metre high fencing. However, the level of screening to be applied does not sufficiently address overlooking concerns. A condition of approval will require the raised paved area to extend no further than the wall of the apartment's westernmost bedroom increasing its setback to the boundary with No 2 Leura Street and removing that elevated paved area. (Noting the basement setback, there should be no reason why this is extended beyond 4 metres at this elevated height). Condition 4.1 and 4.2 will address this issue. (This won't preclude any low level paving if this is sought). In addition, higher replacement boundary fencing will be required to protect the privacy of No. 2 Leura Street along both boundaries common with the site (Condition 4.23).</p> <p>At Level 1 (Apartments 1-01, 1-02 and 1-03) and Level 2 (Apartments 2-01 and 2-02) all balconies are provided with 1.7m high privacy screens along their western edge. Variation in screen styles is provided to offer a level of visual interest.</p> <p>Apartments 1-03 and 2-03 are proposed to have fixed, obscured glazing to their west facing bedroom windows below a sill height of 1.7m. As these windows are within 9 metres of the adjoining land's secluded private open space, this is a level of screening which accords with Standard B22.</p> <p><u>Building B</u> At the north-western end of Building B, the balconies of Apartments 2-04, 3-04 and 4-01 are situated within 9 metres of 2 Leura Street. These balconies have not been screened and thereby do</p>

OBJECTIVE	OBJECTIVE MET/NOT MET
	<p>not appear to meet the requirements of Standard B22. Condition 4.3 will require these to be screened unless it can be demonstrated that this is not necessary.</p> <p><u>Building C</u> There are no overlooking issues to the west at ground level.</p> <p>To the north, the existing fencing at 1.6 metres is considered insufficient to protect the privacy of 2 Leura Street. As such, Condition 4.23 will overcome this concern.</p> <p>Level 2 of this building has applied external screens to the section of window below 1.7m above FFL to ensure no overlooking occurs towards 35 Churchill Street or 2 Leura Street.</p> <p>At Level 3, the balconies of the two apartments are proposed at a setback of 3 metres to the common boundary to the west and at a setback of 7.3 metres to the north. No balcony screening is applied.</p> <p>While across the north it appears that the roofline of the level below would mitigate any unreasonable downward views towards adjoining land, it is appropriate to have this confirmed by permit condition (Condition 4.6).</p> <p>Across the west, the adjustments made to reduce the size of the balconies will need to be factored into a demonstration as to whether this is sufficient in respect of meeting Standard B22 or whether additional screening is required (Condition 4.6).</p> <p>All proposed screening will need to comply with Standard B22 (Condition 4.26).</p>
<p>55.04-7 - To limit views into the secluded private open space and habitable room windows of dwellings and residential buildings within a development.</p>	<p>Met – There are no unreasonable internal views to any of the proposed buildings.</p> <p>Ground level open spaces are privatised by the use of internal boundary fencing, while 1.7 m high screens are proposed between balconies, where required.</p> <p>Downward views within and between buildings have been sufficiently avoided by the apartment</p>

OBJECTIVE	OBJECTIVE MET/NOT MET
	<p>layouts themselves and the strategic placement of open spaces.</p> <p>There is a minimum separation distance of 8.1 - 8.3 metres between the north facing balconies of Building B apartments and the south facing windows and balconies of Building A apartments. This is considered sufficient separation distance to limit internal views.</p>
<p>55.04-8 - To contain noise sources in developments that may affect existing dwellings.</p> <p>To protect residents from external noise.</p>	<p>Met with condition - The noise sources that can be considered under this control relate to the building services. Council cannot consider normal domestic noise such as from people and private mechanical equipment.</p> <p>The placement of air-conditioning units should be regulated to ensure appropriate positioning (mainly for aesthetic reasons). A condition will ensure they are located where they are not visible, such as on balconies behind solid balustrading or atop and appropriately concealed within the rooftop (Condition 4.36).</p> <p>Plant on the roof of the building can be visually screened (Condition 4.37), together with building services including electrical substations (Condition 4.32) and air inlets for the mechanical basement ventilation (Condition 4.17).</p> <p>Noise from mechanical plant will be required to comply with State legislation. Mechanical ventilation detail will also need to be provided, by condition (Condition 37).</p> <p>Overall, it is considered that there are no external noise sources that may impact unreasonably on existing or future residents.</p>
<p>55.05-1 - To encourage the consideration of the needs of people with limited mobility in the design of developments.</p>	<p>Met - All buildings are to be serviced by a lift which ensures "step free" access to all apartments and the basement car parking.</p> <p>The proposed access arrangements from Blackburn Road appear to be suitable to all users and appear to enable a barrier-free approach to the front entry of Buildings A and B. Via the communal walkway, it is also apparent that "step free" access is possible to Building C. It is, however, noted there are no notations that confirm the pedestrian ramp</p>

OBJECTIVE	OBJECTIVE MET/NOT MET
	grade is compliant with the Building Regulations as it adjoins the property boundary and local footpath network. A condition of approval will require this confirmation (Condition 4.25).
55.05-2 - To provide each dwelling or residential building with its own sense of identity.	<p>Met – All apartments have pedestrian access from/to Blackburn Road and either Churchill Street or Leura Street.</p> <p>There are no concerns with the placement of the foyer, lift and stairwell within any of the proposed buildings.</p> <p>Over time, the three buildings will be able to distinguish themselves from one another, for example, by branding/signage techniques which is a commonly adopted practice towards providing each residential building with its own sense of identity.</p>
55.05-3 - To allow adequate daylight into new habitable room windows.	Met – There are no habitable rooms within any apartment that relies on borrowed light or light wells. This is a large positive of the development.
55.05-4 - To provide adequate private open space for the reasonable recreation and service needs of residents.	<p>Met with condition – All apartments have been provided with private open space in the form of a balcony or ground level open space.</p> <p>A total of twenty (20) apartments have ground level open space, a number of which do not comply with the requirement of 40 square metres with a minimum 25 square metres with a minimum dimension of 3 metres.</p> <p>While these apartments fall short of the open space requirements of the standard, it is considered that the objective is met having regard to the nature of apartment living and in particular the apartments with smaller open spaces, being one bedroom apartments. By contrast it is noted that some of the larger, three bedroom apartments (an example is Apartment 0-01 in Building A) provides a generous allocation of 71 square metres of ground level open space.</p> <p>In other words, a sufficient diversity is offered in terms of open space provision to meet the reasonable recreational needs of the likely future residents of the apartment complex.</p>

OBJECTIVE	OBJECTIVE MET/NOT MET
	<p>The other 49 apartments rely on balconies for open space provision. While most balconies are at least 8 square metres with a minimum width of 1.6m (to the inside of the balcony) and have direct access from the living/dining space, there are some exceptions. For e.g. Apartment 2-02 and 3-02 in Building B.</p> <p>It is considered appropriate to ensure that all balconies have the minimum area and dimension set by the Standard of this Clause (Condition 4.22). Balconies which are deficient in this regard are proposed across the public, rather than the private realm, On this basis, a further minor encroachment into the front setback to achieve this is not considered to be of great concern. There are no examples that have been identified where balconies abutting an adjoining property are deficient in this respect so as to encroach into these sensitive setbacks.</p>
<p>55.05-5 - To allow solar access into the secluded private open space of new dwellings and residential buildings.</p>	<p>Met - Due to the nature of the proposal as a series of multi-level apartments, it is not possible to provide northern solar access to all private open space areas. And, inevitably, it is not possible to avoid purely south facing open spaces. Indeed, Building B in particular has a notable number of south facing open spaces.</p> <p>If not provided with northern solar access, endeavours have been made for those apartments to achieve eastern or western solar access for ground level open space or balconies.</p> <p>It is noted some apartments have a combination of orientations which demonstrates that consideration to this objective has been given, balanced with the need to limit external amenity impacts and encroach into setbacks unreasonably.</p>
<p>55.05-6 - To provide adequate storage facilities for each dwelling.</p>	<p>Met with condition - Storage provision for apartments is indicated to be 3 cubic metres. This is not considered to be sufficient, particularly given the number of 2 and 3 bedroom apartments. A minimum of 6 cubic metres will need to be provided within their respective basements (Condition 4.16).</p>
<p>55.06-1 - To encourage design detail that respects</p>	<p>Met with condition - The proposal is a very good example of attention to design detail. The design</p>

OBJECTIVE	OBJECTIVE MET/NOT MET
<p>the existing or preferred neighbourhood character.</p>	<p>response draws on natural materials to create a high quality apartment development.</p> <p>The election to construct three individual buildings with a shared basement arrangement (Buildings B and C) is respectful of the amenity of the neighbourhood, highly considerate of streetscape impacts and enhances internal amenity by ensuring that no habitable room is without daylight access.</p> <p>Combinations of window and door proportions are exhibited across the buildings that enhance visual interest and provides for a good mixture of horizontal and vertical elements. This in turn provides a good level of articulation.</p> <p>While there are sheer elements across several elevations, the careful use and selection of materials achieves appropriate articulation to the built form to make this approach an acceptable one in this instance.</p> <p>Various materials are used for balustrading, and as discussed earlier, changes will be required to Building C's western elevation to address visual bulk concerns (Condition 4.5).</p> <p>Overall, the proposal offers a high level of visual interest and will make a positive contribution to the evolving, higher density, Blackburn Road apartment building streetscape.</p>
<p>55.06-2 - To encourage front fence design that respects the existing or preferred neighbourhood character.</p>	<p>Met – Proposed fencing across frontages appears to be well integrated and sufficiently different. Further detail will be required by permit condition to ensure heights do not exceed 1.8 metres above natural ground level (Condition 4.29).</p>
<p>55.06-3 - 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>Met – The basement and common areas throughout the building will be maintained by an Owners' Corporation. There are no apparent difficulties associated with future management of these areas.</p>

OBJECTIVE	OBJECTIVE MET/NOT MET
<p>55.06-4 - 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>Met with condition – Mailboxes are proposed within one (1) metre of the property boundary (Building A) and adjacent to the property boundary (Buildings B and C). No steps inhibit access to these mailboxes.</p> <p>To ensure the appearance of the building does not detract from any elevation, a permit condition will require retractable clotheslines to be installed within all ground level open spaces and balconies to ensure that they are not visible from the street or adjoining properties.</p> <p>Details of a rainwater tank for Buildings B and C will also need to be indicated (Building A is provided with a 17,000 litre rainwater tank). An assessment of the SMP and OSD Plans required by condition will further investigate the appropriateness of the capacity of Building A's proposed tank and inform the sizing requirements for Buildings B and C (Condition 4.38).</p>

7 REFERRALS

- 7.1 Given the proposal to remove existing access to Blackburn Road from 175 and 177 Blackburn Road, it is a statutory requirement to refer the application to VicRoads. They are the relevant statutory authority. Upon consideration of the proposal, VicRoads have expressed no objection to the proposal and require some standard conditions to be applied to any decision to issue (see **Conditions 38 and 39**).
- 7.2 Yarra Valley Water were also referred the application. They have advised they have no objection to the proposal to remove the subject easement.
- 7.3 The application was referred to a number of Service Units within Council the following table summarises their responses:

Service Unit	Comments
<p>Engineering & Technical Services Unit (Drainage & Easements)</p>	<ul style="list-style-type: none"> • There is adequate point of discharge for the site. All runoff is to be directed to the point of discharge subject to standard conditions. • Requires the provision of an on-site stormwater detention system. • No objection to the removal of the easement burdening the western boundary of 175 Blackburn Road.
<p>Engineering &</p>	<ul style="list-style-type: none"> • No objection.

Service Unit	Comments
Technical Services Unit (Traffic)	
Engineering & Technical Services Unit (Engineering)	<ul style="list-style-type: none"> • Car parking and bicycle parking provision are satisfactory in respect of the requirements of the Manningham Planning Scheme. • Requires visitor car parking spaces to be signed accordingly. • Requires all infrastructure forward of the site to be shown on amended plans. • Redundant vehicles crossings to be removed and footpath, nature strip and kerbing to be reinstated, including the Churchill Street crossover which is indicated to be retained. • Prior to the construction of the vehicle crossing, the developer is to obtain a Vehicle Crossing Permit and crossing be constructed to the satisfaction of the Responsible Authority. • Three bedroom apartments to be allocated two car parking spaces which are situated adjacent to one another. • Requires the installation of signage to assist with pedestrian and driver safety within the basement. • Building A - Basement 1 Plan DA212 does not reflect the continuity of two columns between the car spaces 40 and 41 shown on Basement 2 Plan DA211 and this may be a structural issue with the building. • Building A – Some aisle widths are 6.1 metres, rather than 6.4 metres. • Building A - An additional 300mm must be provided to the dead end car spaces 09, 17 and 20 in accordance with Clause 2.4.2 of AS/ NZS 2890.1:2004. • Building A - Driveway gradients to be revised to provide sections at 1:20 and 1:8 in accordance with the comments. • Building B & C – An additional 300mm

Service Unit	Comments
	<p>must be provided to the dead end car spaces 1,36,49 and 50 as per Clause 2.4.2 of AS/ NZS 2890.1:2004.</p> <ul style="list-style-type: none"> • Building B & C - Concern with the ability to access car space 52 and requires the submission of a swept path diagram to demonstrate access • Building B & C – Car parking spaces nominated as 2.5 metres need to comply with Clause 52.06 or AS/ NZS 2890.1:2004. • Proposed overhead storages must be 2.1m above the car space. Requires cross sections showing ceiling heights, storage details above car space to be submitted. • Concerned with the shared space to the disabled car space 21 being in front of the lift entrance. The proposed shared space in front of the lift lobby obstructs the lift entrance. Applicant requires relocating the accessible space or lift entrance. Applicant can relocate the lift door to the west as shown in the other lift to the west of car space 43. • Council's Engineering & Technical Services do not support the paving proposed over the road reservation in Blackburn Road. • Visitor parking spaces to be accessible via intercom system.
Engineering & Technical Services Unit (Waste Management)	<ul style="list-style-type: none"> • Modifications to the submitted Waste Management Plan are necessary • Applicant needs to show the parking location of the waste vehicle during waste collection period on the plan. • Revised Waste Management Plan is required to provide detailed swept path diagram, turning circles, driveway gradients and relevant height clearances to demonstrate ability for the private waste vehicle to undertake waste collection from within the basements.

Service Unit	Comments
Strategic Projects Unit (Sustainability)	<ul style="list-style-type: none"> • Modifications to the submitted Sustainability Management Plan are necessary. • Amendments are required to the energy and water efficiency sections of the report.
Economic & Environmental Planning (Urban Design)	<ul style="list-style-type: none"> • High level of visual interest and articulation is provided by the built form. • Supportive of the materials palette. Emphasises any potential future adjustments to the materials schedule to be carefully considered. • Acknowledges the revised proposal now offers a better level of separation between Buildings B and C (a previous criticism). • Recognises that the revised Building C has now resulted in a large sheer, double-height building wall across the western elevation. This wall extends upwards to form the balustrade to the Level 3 apartments. Requires this to incorporate additional visual breaks and articulation and refers to the treatments applied to the western facade of Building A, namely framed elements, material colour changes and physical recesses. Suggests the third storey balustrade be visually separated from the wall below. • With the exception of the criticism of Building C, considers the apartment development will make a positive contribution to the streetscape and in respect of neighbourhood character.

- 7.4 As appropriate, the requirements of internal departments and external authorities will be added to any proposed permit to issue in the form of planning permit conditions or notes.

8 CONSULTATION

- 8.1 The planning application was placed on public notice for a four (4) week period in January 2015. The public were notified by the sending of letters to adjoining and nearby properties and by the display of seven (7) signs along the frontage of each site, as follows:

- 8.1.1 175 Blackburn Road – 3 signs
 8.1.2 177 Blackburn Road - 1 sign
 8.1.3 179 Blackburn road – 2 signs
 8.1.4 37 Churchill Street – 1 sign.
- 8.2 Council received a total of twenty-one (21) objections from the following properties:

Address
1A, 2, 3, 4, 6, 16*, 20, 26 Leura Street, Doncaster East
18, 18A, 20B, 3/25, 32, 3/33 Churchill Street, Doncaster East
168, 1/169, 171, 174 Blackburn Road, Doncaster East
1 Rosamond Crescent, Doncaster East

*Multiple objections received from this property by different persons

- 8.3 Following the amendment of the application pursuant to Section 57A of the Planning and Environment Act 1987, all objecting properties and adjoining and nearby properties were re-notified of the proposal in July/August 2015.
- 8.4 The Section 57A Application attracted a further three (3) objections from properties at 2/35 Churchill Street and 1 & 2 Leura Streets.
- 8.5 Section 57A (7)(b) provides for:
all objections made in relation to the original application are to be taken to be objections to the amended application
- 8.6 As 2 Leura Street had made an initial objection, the planning application is now taken to have attracted a total of twenty-three (23) objections.
- 8.7 The following is a summary of the grounds upon which all of the above properties have objected to the proposal:
- Overdevelopment/Density/Excessive height & Storeys/Visual Bulk/Excessive Site Coverage/Contrary to Policy
 - Loss of Neighbourhood Character (Built Form and Garden)
 - Overshadowing
 - Overlooking/loss of privacy
 - Traffic Implications/Existing situation is a traffic hazard/Safety/Emergency Vehicle Access
 - Insufficient car parking provision, including visitor car parking
 - Waste Collection & Management
 - Noise Impacts (Vehicular/Services)
 - Vegetation Loss/Impact to Fauna
 - Adverse Impact to Property Values/Crime
 - Construction Management Issues

- Future Body Corporate Management Issues
 - Increased pressure on bus service
- 8.8 A response to the above grounds is provided in the below paragraphs:
Overdevelopment/Density/Excessive height & Storeys/Visual Bulk/Excessive Site Coverage/ Contrary to Policy
- 8.9 It is understood that residents of the area are concerned by the density, height, number of storeys and general built form of the development. A couple noted the site coverage exceeding 60% (indeed the original advertised plans showed site coverage to be almost 69%).
- 8.10 Given Council has applied the DD08 instrument in an endeavour to increase residential densities in *“Residential Areas Surrounding Activity Centres and along Main Roads”*, the concerns of residents in respect of density is not shared by Council officers.
- 8.11 While Council officers agree that the original, advertised proposal exhibited indicators of overdevelopment, the proposal has since been modified to, among other things:
- 8.11.1 improve street setbacks to Leura and Churchill Street and increase permeable areas for landscaping across frontages;
 - 8.11.2 recede the uppermost (fourth) level of Building A from the Blackburn and Leura Street corner,
 - 8.11.3 provide a better level of separation between Buildings B and C across the southern elevation to Churchill Street,
 - 8.11.4 and modify and sink the basement further below natural ground level to subsequently reduce the site coverage to 60.3%.
- 8.12 Consequently, it is the opinion of Council officers that the streetscape elevations do not present visual bulk or massing concerns. It is also not agreed with objectors who consider that “there would be a massive step down from the main road to the more traditional dwellings” or who consider Building B’s height is exaggerated by the natural land form on which it sits.
- 8.13 While the height of Buildings A and B exceeds the 11 metres outlined by the DD08, it is recognised that the fourth storey and maximum building heights of the development are concentrated at the Blackburn Road end of the development. The buildings then step down to three storey across their respective residential side streetscapes, and in the case of Churchill Street, work with Building C to step from three to two storeys adjacent to the boundary with 35 Churchill Street.
- 8.14 Across Leura Street, a generous setback is provided between the third and fourth levels to the boundary common with 2 Leura Street. This stepping provides a suitable transition to the property at 2 Leura Street, as is evidenced across the Leura Street streetscape elevation. In addition to the built form transitioning appropriately to the sensitive residential interfaces to the west, the proposal avoids any unreasonable amenity impacts to adjoining properties.
- 8.15 While Building C will be conditioned to not exceed the maximum building height of 9 metres, the Churchill Street streetscape elevation illustrates the appropriateness of the proposed built form across this streetscape. For

reasons previously discussed, its incorporation into the development is considered appropriate in this instance.

Loss of Neighbourhood Character (Built Form and Garden)

- 8.16 Neighbourhood character has been assessed earlier in the report against the policy requirements of Clause 21.05, the DD08 and Clause 55.02-1 of the Manningham Planning Scheme. Based on Council's preference for a "*preferred neighbourhood character*" along main roads in the manner articulated in the Planning Scheme, the proposal is deemed to be an acceptable built form response. It is considered to be a good example of what is contemplated as part of the preferred neighbourhood character for Blackburn Road and in the area around Doncaster East Village.
- 8.17 In respect of its pursuit of a "preferred neighbourhood character", Council officers consider the proposal is generally respectful of its residential interfaces to the west and to the streetscapes of both Leura and Churchill Streets.
- 8.18 It is acknowledged that the lot at 37 Churchill has a different zoning and is contained within a different sub-precinct of the DD08 to the lots fronting Blackburn Road. Notwithstanding this distinction, the Planning Scheme still contemplates a more intense built form in all areas affected by the Schedule 8 to the Design and Development Overlay. In this respect, a preferred neighbourhood character is also specifically contemplated by the Planning Scheme for side roads, not only main roads. The only non-negotiable criterion specified in the Scheme is a mandatory height limit of 9 metres for developments within Sub-Precinct B of the DD08. As Building C (which is proposed over the 37 Churchill Street lot) can come within this mandatory height limit, it is considered to be acceptable to include this lot as part of the apartment development complex. Indeed, greater articulation, stepping across the site and internal amenity is achieved by this consolidated approach.
- 8.19 However, as identified in the assessment of the design of Building C, there is a need to provide a more sympathetic elevation to the adjoining properties at No. 35 Churchill Street – a matter than can be addressed by permit condition **(Condition 4.5)**
- 8.20 In terms of garden character, any new development has a substantial obligation to make a positive contribution in respect of "greening" of the site. The requirements for landscaping treatments are entrenched in the policy provisions and planning controls affecting the site. The proposal is considered to be truly capable of contributing to and enhancing the garden character of the area. Large areas of permeable space have been proposed across all perimeters of the site, specifically improved by the Section 57A amendment. The large setbacks to the public and private realms will provide ample room in which to establish a variety of landscaping, including large canopy trees. Again, additional setback areas have been achieved via the Section 57A Amendment.

Overshadowing

- 8.21 A handful of objectors, including the property owner to the west at No. 2 Leura Street have expressed concern at the proposal having unreasonable overshadowing implications.

- 8.22 As discussed under the response to Clause 55.04-5 of the Manningham Planning Scheme, there are no unreasonable overshadowing implications arising from the proposed development.

Overlooking/loss of privacy

- 8.23 Adjoining properties and properties on the south side of Churchill Street have raised issues of overlooking and privacy loss.
- 8.24 As expressed earlier in the report, the design response has not fully addressed the potential of the site to overlook adjoining properties. As such, it is considered conditions of any approval can address the need to apply additional screening measures to the identified upper level balconies of Buildings B and C. Some modifications will also be required to Building A's Apartment 0-02.

**Traffic Implications/Existing situation is a traffic hazard/Safety/
Emergency Vehicle Access**

- 8.25 It is noted that several objectors have raised the issue of traffic. A number of residents have highlighted the challenges associated with undertaking a right hand turn from Leura Street into Blackburn Road and have submitted that this problem will be compounded by the proposal.
- 8.26 Additional pressure to Churchill Street has also been raised by residents of this street.
- 8.27 One objector has also queried why the proposed access arrangement cannot be serviced via Blackburn Road to avoid direct impact to the aforementioned side streets.
- 8.28 Council's Planning department is required to consider the application that is presented to it. That said, it should be noted that reliance on vehicular access via the two side streets is a position that is strongly preferred by the Road Authority (VicRoads), the logic being to maintain traffic flows on arterial roads.
- 8.29 The traffic challenges of the streets surrounding the subject site should not prevent redevelopment opportunities. While it is acknowledged that residents consider this proposal would exacerbate the existing situation, the applicant is now providing the required number of on-site resident and visitor car parking spaces. The Traffic Impact Assessment prepared in support of the proposed vehicular access arrangement draws the following conclusion:

In consideration of the existing traffic volumes on Leura Street and Churchill Street, and the proposed access arrangements of the site, the projected development is expected to be readily assimilated by Leura Street and Churchill Street without adverse impact to their existing operation or performance.

- 8.30 This view is not challenged by Council's Engineering department who have not objected to the proposal on traffic grounds.

Insufficient car parking provision, including visitor car parking

- 8.31 Several of the twenty-two objections have expressed significant concern with, in their view, the insufficient provision of on-site car parking.
- 8.32 It is recognised when the application was advertised in January 2015 the proposal was deficient in respect of eight (8) visitor car parking spaces. At

that time, it was agreed with objectors that the car parking deficiency was one of the issues with the proposal.

- 8.33 The Section 57A amended proposal has addressed this shortcoming.
- 8.34 In terms of the numerical number now contained within both basements, car parking for both residents and their visitors is now fully compliant with the requirements of Clause 52.06 Car Parking of the Manningham Planning Scheme. Furthermore, visitor car parking is clearly provided for in both basements (which was also previously not the case) but will need to be allocated accurately in Buildings B and C (**Condition 4.7**).

Waste Collection & Management

- 8.35 Private waste collection has been proposed within the draft Waste Management Plan which formed part of the advertised documentation for the proposal. Council waste collection will not be available for the site, and consequently, there will not be 138 bins placed on the nature strip (2 per apartment, per week).
- 8.36 The draft Waste Management Plan details that the private waste contractor will undertake the development's waste collection kerbside. As this is considered to be unacceptable to Council's Waste Engineer, a revised Waste Management Plan will be required to reflect private waste contractor collection from within the site and demonstration of the ability to achieve this (**Conditions 4.19, 4.20, 9**).

Noise Impacts (Residential/Vehicular/Services)

- 8.37 In terms of vehicular noise, it is considered that the enclosed nature of both proposed basements adequately conceals any noise associated with future vehicles accessing the site.
- 8.38 In terms of residential noise, a permit is not required to use land for more than one dwelling and accordingly noise considerations are limited to large plant and the like. Further, residential noise associated with an apartment is considered normal and reasonable in an urban setting. Gates and roller-doors are usually fitted with rubber dampeners to reduce noise and modern day roller-doors operate almost silently.
- 8.39 A permit condition can be included which endeavours to control noise from plant and equipment associated with the apartment building (**Condition 37**).

Vegetation Loss/Impact to Fauna

- 8.40 It is noted that existing trees and shrubs will be removed to accommodate the buildings on the subject site. It is acknowledged that neighbouring properties recognise the landscape and environmental value offered by existing trees on the site, including the Golden Elm tree positioned at the south-east corner of the site, and a Peppermint Gum tree located towards the north-western end of the site.
- 8.41 In light of no vegetation protection, planning controls applying to the land, and the nature of the site earmarked for higher density development, the prospect of vegetation loss is inevitable. Notwithstanding the removal of vegetation for the purpose of the new building, the good setbacks provided to all boundaries will provide for ample spaces in which to achieve a variety of planting, and ultimately, a new landscaping treatment which can benefit the character of the area. The landscape plan advertised with the application, as

prepared by John Patrick, evidences the capacity of the site to contribute positively to the valued garden character of the area.

- 8.42 Any fauna to be displaced by the tree removal on the site will not be unreasonably or adversely affected. There are plentiful relocation opportunities within the neighbourhood.

Adverse Impact to Property Values/Crime

- 8.43 There is no evidence to suggest the proposal will cause adverse impacts to property values or generate crime. In any case, neither are considered to be relevant planning considerations.

Construction Management

- 8.44 The issue of construction management has been raised as a concern. Any condition of approval would require a Construction Management Plan to be submitted prior to the commencement of the approved development (**Condition 8**).

Future Body Corporate Management Issues

- 8.45 Clause 55.06-3 of the Manningham Planning Scheme requires consideration to be given to ensuring that communal open space, car parking, access areas and site facilities are practical, attractive and easily maintained. Council's assessment has determined that there are no foreseeable future management difficulties in respect of areas within common ownership.

Increased pressure on bus service

- 8.46 Resulting in less reliance on private vehicle useage, the potential for additional useage of bus services by future occupants of the apartment buildings is considered to be a positive sustainable outcome.
- 8.47 Any experiences of congestion on existing bus services should be raised with the bus service provider in an endeavour to mobilise for additional bus services. This information has also been passed on to the relevant Council officer for follow up.

Inadequate Open Space/Storage Provision

- 8.48 Some objectors consider the proposal does not offer sufficient open space or storage provision for future occupants. As discussed in the assessment section of this report, the diversity offered in respect of open spaces sizes is considered to be appropriate given the apartment nature of the development. Having regard to the objective of Clause 55.05-4, which calls for consideration of the "*reasonable recreational and service needs of residents*", it is considered the proposal satisfies this requirement. A permit condition will be required to increase the size of balconies which are deficient against the minimum size and dimension requirements of the standard (**Conditions 4.22**).
- 8.49 In terms of storage, it is agreed that all apartments should have a minimum of 6 cubic metres of storage. A condition to this effect has been added to any permit to issue (**Conditions 4.16**).

9 CONCLUSION

- 9.1 Arriving at the conclusion to support this application has been a journey spanning 16 months. While the architectural merit of the proposal has been

present from the initial concept, it has been necessary to amend the permit application to scale the proposal back in line with the expectations of the Manningham Planning Scheme.

- 9.2 It is now considered appropriate to support the planning application, as amended pursuant to Section 57A of the Planning and Environment Act 1987, subject to changes. Changes will consist of amendments to the proposed development plans to address issues arising through the assessment, including objector concerns. A number of conditions will also be proposed to ensure adequate preparatory work and management occurs during construction.
- 9.3 As demonstrated in this report, the proposal achieves a high level of compliance with the Manningham Planning Scheme, in particular Clause 21.05 Residential, Schedule 8 to the Design and Development Overlay 8 (DD08) and Clause 55 Two or More Dwellings on a Lot.
- 9.4 The design response is considered to be of a high quality adopting an interesting use of natural materials. It provides for the introduction of a proud, architecturally designed, contemporary residential apartment complex across four (4) lots along Blackburn Road - the very vision contemplated by the Schedule 8 to the Design and Development Overlay 8 (DD08).
- 9.5 The buildings extend into the residential streetscapes of Churchill and Leura Streets. In doing so, it is the opinion of officers that this is done respectfully and without comprising the amenity of adjoining and nearby properties (subject to conditions).
- 9.6 Critically, car parking requirements are now compliant (as a result of the Section 57A amendment) and the proposal also achieves an acceptable level of internal amenity for future occupants.
- 9.7 Notwithstanding the objections received to the proposal, it is considered appropriate to support the application. It is noted that a number of the grounds raised by objectors have been addressed by the Section 57A Amendment.

RECOMMENDATION

That having considered all objections A NOTICE OF DECISION TO GRANT A PERMIT be issued in relation to Planning Application No. PL14/024694 for the construction of three residential apartment buildings comprising 69 dwellings at 175-179 Blackburn Road and 37 Churchill Street with associated basement car parking, alteration (removal) of access to a road in a Road Zone 1 (RDZ1) and removal of the easement affecting the western boundary of 175 Blackburn Road and for no other purpose in accordance with the endorsed plans and subject to the following conditions-

Conditions relating to the removal of the easement

1. **Before the development starts, evidence of approval for the removal of the drainage and sewerage easement burdening the western boundary of 175 Blackburn Road must be obtained from the relevant authorities to the satisfaction of the Responsible Authority.**

2. Before the development starts, a plan of removal of the easement must be submitted for Certification by the Responsible Authority. The certified plan must be lodged with the Land Titles Office for registration.
3. Unless the plan for removal of easement approved by this permit is certified within 2 years of the date of this permit, then the permit will lapse.

Conditions relating to the development

4. Before the development starts, two copies of amended plans drawn to scale and dimensioned, must be submitted to and approved by the Responsible Authority. When approved the plans will be endorsed and will then form part of the permit. The plans must be generally in accordance with the plans submitted with the application (prepared by Orbit Solutions, dated 9 June 2015 and as received by Council on 15 and 22 June 2015) but modified to show:

Building A

- 4.1. Apartment 0-02's raised paved area to extend no further than the apartment's westernmost wall;
- 4.2. The western elevation to reflect the change required by Condition 4.1 and the finished level/s at the toe of the raised paved area;

Building B

- 4.3. Apartment 2-04, 3-04 and 4-01's balconies screened in accordance with Standard B22 of Clause 55.04-6 of the Manningham Planning Scheme, unless it can be demonstrated in section form that this is not necessary. The use of horizontal screens which limit downward views and which can integrate with the overall design and balustrading material should be considered;

Building C

- 4.4. The maximum building height reduced to 9 metres;
- 4.5. The balustrading west of Apartment 3-01 and 3-02's balconies to:
 - 4.5.1. utilise an alternative material to stone to mitigate visual bulk concerns across the western elevation; and
 - 4.5.2. be recessed by a minimum of 1.2 metres from the level below, except where the balcony is directly opposite the living room doors and windows of both apartments.
- 4.6. Apartment 3-01 and 3-02's west facing balconies and Apartment 3-02's north facing balcony screened in accordance with Standard B22 of Clause 55.04-6 of the Manningham Planning Scheme, unless it can be demonstrated in section form that this is not necessary. The use of horizontal screens which limit downward views and which can integrate with the overall design and balustrading material should be considered.

Basement/Car Parking

- 4.7. The allocation of a minimum eight (8) visitor car spaces within Building B and C's basement in close proximity to the basement entry;

- 4.8. The allocation of two (2) car parking spaces to three bedroom apartments to be situated adjacent to one another;
- 4.9. The re-allocation of car spaces to provide all one and two bedrooms apartments with at least one (1) car space;
- 4.10. The location and details of signage to assist pedestrians and vehicles to safe refuge;
- 4.11. Aisle widths compliant with Clause 52.06 of the Manningham Planning Scheme or the Australian Standard 2890.1:2004;
- 4.12. The driveway gradients to Building A's accessway compliant with Clause 52.06 of the Manningham Planning Scheme or the Australian Standard AS NZS 2890.1:2004;
- 4.13. An additional 300mm to be provided to all dead end car spaces in accordance with Clause 2.4.2 of AS/ NZS 2890.1:2004;
- 4.14. The length and width of all car parking spaces to comply with Clause 52.06 of the Manningham Planning Scheme or the Australian Standard AS NZS 2890.1:2004;
- 4.15. A swept path diagram to illustrate the ability to conveniently enter and exit car parking space number 52 in the basement of Building B & C;
- 4.16. Six (6) cubic metres of storage to be provided to each apartment in accordance with Clause 55.05-6 of the Manningham Planning Scheme.
- 4.17. Details of basement ventilation, including the location of any exhaust intake or outlet required;
- 4.18. Corrections to all relevant plans to reflect the accurate number of apartments and car parking spaces, including an updated Development Summary Table;
- 4.19. Demonstration of the ability for a waste collection vehicle to achieve the necessary clearance to undertake waste collection from within the site in accordance with the Waste Management Plan required by Condition 9 of this permit;
- 4.20. The location within each basement where private waste collection will occur in accordance with the Waste Management Plan required by Condition 9 of this permit;

General

- 4.21. A colour schedule on all elevations to include details of all materials and colours, including paving, fencing, screening, retaining walls and all building and facade treatments;
- 4.22. All balconies with an area of at least eight square metres with a minimum dimension of 1.6 metres. Dimensions must be taken to the internal side of the balcony;
- 4.23. Along the western and northern boundaries common with 2 Leura Street, replacement boundary fencing of a minimum height of 2.2 metres above natural ground level;

- 4.24. A plan notation that any paving or works to occur in the Blackburn Road reservation are subject to approval from VicRoads in accordance with Condition 39 of this permit;
- 4.25. Demonstration that a maximum disability ramp grade of 1:14 can be achieved to the pedestrian entrance of all buildings from the Blackburn Road footpath;
- 4.26. The design detail of proposed external screening at a scale of 1:20 or 1:50 to achieve full compliance with Standard B22 of Clause 55.04-6 of the Manningham Planning Scheme;
- 4.27. The provision of solar protection to all west facing windows of apartments contained within Buildings A and C;
- 4.28. Acoustically rated glass to all window and door openings facing Blackburn Road and elsewhere in the buildings where the openings are positioned over or adjacent to a vehicular access ramp;
- 4.29. Location, material and height details of all front fencing to not exceed 1.8 metres above natural ground level;
- 4.30. Location, material and height details of all retaining walls, including within the ground level open spaces, to be setback from site boundaries to enable landscaping atop;
- 4.31. Details of external lighting to be installed to provide for the safety of occupants and visitors of the building;
- 4.32. A plan notation to indicate that all fire service and electrical cabinets (including substations) will be integrated into the architectural design, so as not to present as visually dominating elements across any streetscape;
- 4.33. All infrastructure forward of the site to be shown, including drainage pits, telecommunication pits, fire hydrants, etc;
- 4.34. A plan notation that the removal and replacement of the street tree is to occur at the full cost of the permit holder;
- 4.35. Retractable clotheslines to all ground level open spaces and balconies to limit their visibility to public and private realms;
- 4.36. The location of all air-conditioning units to be screened from public and private realms and not be located on apartment balconies;
- 4.37. A roof plan containing services (including air conditioning units, basement exhaust ducts, solar panels or hot water systems) which must be screened to the satisfaction of the Responsible Authority.
- 4.38. Energy and water measures required in the Sustainability Management Plan, including but not limited to solar hot water, specific solar PV system, rainwater tank capacities and a reconsideration of the location of solar panels to optimise efficiency;
- 4.39. Any further modifications required as a result of the Management Plans required by Conditions 6, 8 and 9.

Endorsed Plans

5. The development as shown on the approved plans must not be modified for any reason, without the written consent of the Responsible Authority.

Sustainability Management Plan

6. Before the development starts or the issue of a building permit for the development, whichever is the sooner, two copies of an amended Sustainability Management Plan (SMP), prepared by a suitably qualified environmental engineer or equivalent must be submitted to and approved by the Responsible Authority. When approved the Plan will form part of the permit. The recommendations of the Plan must be incorporated into the design and layout of the development and must be implemented to the satisfaction of the Responsible Authority before the occupation of any dwelling. The Plan must be generally in accordance with the plan prepared by Sustainable Design Consultants, as amended in June 2015, but modified to include the following:

6.1. Water

- 6.1.1. Overflow to detention via gravity flow;
 - 6.1.2. Clarification in relation to the extent of toilets to be connected to rainwater storage;
 - 6.1.3. The capacity of rainwater tanks to be informed by the requirements of Conditions 13 and 14 of this permit;
 - 6.1.4. Provide standard details with filter media types, depth and planting schedule in compliance with FAWB guidelines;
 - 6.1.5. Raingarden design and planting schedule to be reflected and compliant with the latest drainage and landscape plans.
7. Prior to the occupation of any building approved under this permit, a report from the author of the SMP report, approved pursuant to this permit, or similarly qualified person or company, must be submitted to the satisfaction of the Responsible Authority. The report must confirm that all measures specified in the SMP have been implemented in accordance with the approved Plan.

Construction Management Plan

8. 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:
 - 8.1. A liaison officer for contact by residents and the responsible authority in the event of relevant queries or problems experienced;
 - 8.2. Hours of construction in accordance with the Manningham Local Law;
 - 8.3. Delivery and unloading points and expected frequency;
 - 8.4. On-site facilities for vehicle washing;
 - 8.5. Parking facilities/locations for construction workers to be illustrated in map form;

- 8.6. Other measures to minimise the impact of construction vehicles arriving at and departing from the land;
- 8.7. Methods to contain dust, dirt and mud within the site, and the method and frequency of clean up procedures;
- 8.8. 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;
- 8.9. An outline of requests to occupy public footpaths or roads, and anticipated disruptions to local services;
- 8.10. The measures to minimise the amount of waste construction materials;
- 8.11. Measures to minimise impact to existing boundary and front fencing on adjoining properties;
- 8.12. The measures to minimise noise and other amenity impacts from mechanical equipment/construction activities, especially outside of daytime hours; and
- 8.13. Adequate environmental awareness training for all on-site contractors and sub-contractors.

Waste Management Plan

9. Before the development starts, or the issue of a building permit for the development, whichever is the sooner, an amended Waste Management Plan must be submitted and approved to the satisfaction of the Responsible Authority. When approved the plan will form part of the permit. The Plan must generally be in accordance with the plan prepared by Sustainable Design Consultants, as amended in June 2015, but modified to provide for:
 - 9.1. The correct number of apartments;
 - 9.2. The private waste contractor to undertake waste collection from within the basements comprising the development;
 - 9.3. No bins to be left on nature strip;
 - 9.4. The hours and frequency of pick up for general waste and recyclables;
 - 9.5. Swept path diagrams and turning templates to demonstrate that a waste service vehicle can undertake a 3-point turn and manoeuvre within the basement in order to exit the site in a forward direction;
 - 9.6. Demonstration that an adequate height clearance is available within the basement to allow a waste service vehicle to enter and exit the site;
 - 9.7. Details of the waste collection vehicle that will enter and exit the site and access waste facilities;
 - 9.8. Details on how hard waste will be disposed;
 - 9.9. A description on how residents will access waste facilities.
10. The Management Plans approved under Conditions 6, 8 and 9 of this permit must be implemented and complied with at all times to the

satisfaction of the Responsible Authority unless with the further written approval of the Responsible Authority.

Landscape Plan

11. Before the permitted development starts, an amended Landscape Plan must be submitted and approved to the satisfaction of the Responsible Authority. When approved the plan will form part of the permit. The Plan must generally be in accordance with the landscape plan prepared by John Patrick Pty Ltd, as amended on 10 June 2015, but modified to show:

11.1. Any details as relevant or directed by any other condition of this Permit;

11.2. A layout consistent with the plans approved under Condition 1, including the location of all retaining walls;

11.3. A planting schedule detailing the species, numbers of plants, approximate height, spread of proposed planting and planting/pot size for all trees, shrubs and all other plants;

11.4. Surface treatments.

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

Landscape Bond

12. Before the release of the approved plans under Condition 4, a \$15,000 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.

13. Before the occupation of the dwellings, landscaping works as shown on the approved plans must be completed to the satisfaction of the Responsible Authority and then maintained to the satisfaction of the Responsible Authority.

Stormwater — On–Site Detention System

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

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

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

15. Before the development starts, a construction plan for the system required by Condition No. 14 of this permit must be submitted to and approved by the Responsible Authority. The system must be maintained

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

Drainage

16. 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.

Basement Car Parking/Vehicle Accessways

17. Before the occupation of the approved dwellings, all basement parking spaces must be line-marked, numbered and signposted to provide allocation to each dwelling and visitors to the satisfaction of the Responsible Authority.
18. Visitor parking spaces must not be used for any other purpose to the satisfaction of the Responsible Authority.
19. Prior to occupation of the approved dwellings, any new or modified vehicular crossover must be constructed in accordance with the approved plans of this permit to the satisfaction of the Responsible Authority.
20. 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.
21. Any redundant vehicle crossover must be removed and the footpath, nature strip and kerbing reinstated to the satisfaction of the Responsible Authority.

Site Services

22. Unless depicted on a roof plan approved by this permit, no roof plant (includes air conditioning units, basement exhaust ducts, solar panels or hot water systems) which is visible to immediate neighbours or from the street may be placed on the roof of the approved building, without details in the form of an amending plan being submitted to and approved by the Responsible Authority.
23. If in the opinion of the Responsible Authority, roof plant proposed under the permit is acceptable subject to the erection of sight screens, such sight screen details must be included within any amending plan and must provide for a colour co-ordinated, low maintenance screen system with suitable service access to the satisfaction of the Responsible Authority.
24. 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.

25. All upper level service pipes (excluding stormwater downpipes) must be concealed and screened respectively to the satisfaction of the Responsible Authority.
26. No air-conditioning units may be installed on the building so as to be visible from public or private realm, including on balconies, to the satisfaction of the Responsible Authority.
27. 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 site to the satisfaction of the Responsible Authority.
28. An intercom and an automatic basement door opening system (connected to each dwelling) must be installed, so as to facilitate convenient 24 hour access to the basement car park by visitors, to the satisfaction of the Responsible Authority.
29. A centralised TV antenna system must be installed and connections made to each dwelling to the satisfaction of the Responsible Authority.
30. No individual dish antennas may be installed on balconies, terraces or walls to the satisfaction of the Responsible Authority.
31. All services, including water, electricity, gas, sewerage and telephone, must be installed underground and located to the satisfaction of the Responsible Authority.

Maintenance/Nuisance

32. In the event of excavation causing damage to an existing boundary fence, the owner of the development site must at their own cost repair or replace the affected fencing to the satisfaction of the Responsible Authority.
33. Privacy screens, obscure glazing, replacement boundary fencing as shown on the approved plans must be installed prior to occupation of the dwellings to the satisfaction of the Responsible Authority and maintained thereafter to the satisfaction of the Responsible Authority. The use of the obscure film fixed to transparent windows is not considered to be obscured glazing or an appropriate response to screen overlooking.
34. 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.
35. Buildings, paved areas, drainage and landscaping must be maintained to the satisfaction of the Responsible Authority.
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. 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 buildings and adjacent properties to the satisfaction of the Responsible Authority.

VicRoads Conditions

38. Prior to the commencement of the use of the development, all disused or redundant vehicle crossings (to 175 and 177 Blackburn Rd) must be removed and kerb and channel, nature strip and footpath reinstated to the satisfaction of and at no cost to VicRoads and the Responsible Authority.
39. No work may be commenced in, on, under or over the Blackburn Road reserve without having first obtaining all necessary approvals under the Road Management Act 2004, the Road Safety Act 1986, and any other relevant acts or regulations created under those Acts.

Time Limit

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

The Responsible Authority may extend these 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 and Environment Act 1987*.

MOVED: O'BRIEN
SECONDED: HAYNES

That the Recommendation be adopted.

CARRIED

"Refer Attachments"

* * * * *

9. PLANNING & ENVIRONMENT

9.1 Amendment C109 - Flood Mapping of Local Catchments - Request to seek authorisation to prepare an amendment to apply overlay controls

Responsible Director: Director Planning & Environment

File No. T14/340

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 Auditor General and the regional floodplain authority Melbourne Water encourage Local Government to undertake flood mapping of local catchments, as part of best practice drainage and flood management. Modelled flood maps document the extent and depths of overland flows during designated rainfall events. Flood mapping benefits the local community by facilitating sound planning and design for new development, to ensure the protection of proposed building floors from flooding in a major storm event. It also assists Council in the prioritisation of future capital drainage improvements to address existing flooding issues.

The purpose of this report is to consider requesting authorisation from the Minister for Planning to prepare and exhibit Amendment C109 to the Manningham Planning Scheme, to implement a review of flood mapping undertaken in respect of five local catchments within Manningham affecting Melbourne Water and Council assets.

The review recommends the introduction and/or revision of Special Building Overlays (SBO) and a Land Subject to Inundation Overlay (LSIO). These overlays are proposed to apply to land that has been identified by Melbourne Water and Council as being subject to either overland flows in the event of a storm exceeding the design capacity of the underground drainage system (Melbourne Water main and Council drains) (SBO), or as liable to inundation from an open watercourse (LSIO), during a severe (1 in 100 year Average Recurrence Interval (ARI)) storm event.

One of Melbourne Water's key actions is to collaborate with Victorian Councils to update flood mapping data, and to ensure that the updated information is reflected accordingly in planning schemes. To date, several Victorian Councils have updated their flood mapping and undertaken planning scheme amendments to reflect the updated information.

Determination of flood levels and identification of affected properties for the local catchments through overlays in the Manningham Planning Scheme will facilitate the following outcomes:

- *Greater control over new buildings and works through the planning permit process, to ensure that new habitable floor areas are developed above known flood levels.*

- *Identification of existing affected properties to enable assessment of affected floor levels in a catchment and targeting of community education regarding flood impacts.*
- *Understanding of the numbers of properties impacted by flooding in a catchment which will assist with prioritisation of drainage infrastructure improvement works.*

For clarification purposes within this report, the term 'property' is used to describe land that is owned by a ratepayer, and may include vacant land or land with a detached house, unit or apartment on it.

With respect to the proposed amendment, it is important to note the following:

- *Existing houses or buildings will not retrospectively be required to obtain planning permit approval (only new development will require a planning permit where planning permit exemptions are not met); and*
- *The proposed flooding overlays only affect small parts or sections of properties in most instances, and therefore new development will only need a planning permit if it is located within the overlay. For example, if a new house or building is to be located in the centre of a property and the proposed flooding overlay only applies to a small section in the corner of the property and does not affect the proposed development, a planning permit is not required.*

Of the properties affected by the proposed amendment:

- *Approximately 230 (or 2%) will have existing flooding overlays removed entirely;*
- *Approximately 900 (or 9%) already have a flooding overlay and minor changes are proposed to the overlay boundary;*
- *Approximately 48% are proposed for a new SBO3, which are areas with very minor potential for flooding from flows in excess of the capacity of local drains that are managed by the City of Manningham. SBO3 applies in cases where the overland storm water flows are generally up to 100mm in depth, and includes the greatest number of permit exemptions. Of the SBO3 affected properties, the average percentage of each property that is affected is 31.8%;*
- *Approximately 37% are proposed for a new SBO2, and planning permit applications may be required for some minor areas of potential flooding from flows in excess of the capacity of local drains that are managed by the City of Manningham. Permit exemptions also apply to SBO overlays generally. Of the SBO2 affected properties, the average percentage of each property that is affected is 18.7%; and*
- *Only 4% are proposed for a new LSIO or SBO1, and planning permit applications may be required for some areas of potential flooding from natural watercourses or flows in excess of the capacity of main drains that are managed by Melbourne Water.*

As a result of the proposed SBO1, SBO2 and SBO3, permit exemptions will be available for 95% of the affected properties (this means that if certain conditions are met such as minimum building floor level height above the ground, the owners of properties will not be required to obtain planning permit approval).

The proposed amendment will affect approximately 10,300 properties (excluding common property associated with Body Corporate sites) throughout Manningham; however it is important to reiterate that a significant amount of properties affected will have minor implications as noted above. It is also important to note that approximately 45% of the affected properties already have other planning scheme controls that trigger the requirement for a planning permit. The proposed

amendment will ensure that new development is appropriately controlled and has regard to identified flood levels.

This report recommends that Council resolve to seek Ministerial authorisation to prepare and exhibit Amendment C109 to the Manningham Planning Scheme which proposes to include additional properties in the Special Building Overlay and Land Subject to Inundation Overlay and amend the Municipal Strategic Statement accordingly.

1 BACKGROUND

1.1 The following section of this report provides background information which explains the context and strategic basis for the proposed amendment as follows:

- The internal and external drivers which have necessitated that Council undertake flood mapping of its local catchments;
- The extent and location of drainage infrastructure in Manningham and the demarcation of responsibilities between Melbourne Water and Council;
- Council's current approach to flood management and mitigation within the municipality;
- The flood mapping project of local catchments and the mapping results; and
- The role and purpose of Special Building Overlays (SBO) and Land Subject to Inundation Overlays (LSIO) in implementing the results of the flood mapping project to minimise the effects of overland flows and flooding on new buildings and to ensure new developments do not adversely affect existing neighbouring properties as a result of impacts on flood levels which could arise if an encumbrance on the flow path would be permitted.

Why map flood extents and establish a planning scheme overlay?

1.2 There have been a number of drivers which have necessitated that Council undertake flood mapping of its local catchments.

1.3 In July 2005, the Auditor General released the '*Managing Storm Water Flooding Risks in Melbourne*' report, following widespread flooding of the Melbourne metropolitan area between December 2004 and January 2005. The Auditor General formed the view that Victorian Councils were not effectively managing flooding risks associated with significant storm events and recommended that Councils provide a higher level of flood protection, carry out reliable flood mapping and include the results in their planning schemes.

1.4 In 2007, Melbourne Water released its '*Port Phillip and Westernport Region Flood Management and Drainage Strategy*', in response to the Auditor General's report. One of the key themes of the Strategy was improved collaboration and communication between Councils and Melbourne Water. A key action involved the joint development of Flood Management Plans to improve the flood knowledge base and for the organisations to work collaboratively to better address flood risk. Accurate flood mapping is considered to be a critical foundation for the development of sound drainage and flood management activities.

- 1.5 Council's *Drainage Strategy 2004-2014* recognised the need for buildings and other vulnerable assets to be above flood levels and not to be surrounded or isolated by deep or fast flowing waters. The Strategy also set out performance objectives in relation to flood protection, stating that:
'All floor levels shall be flood free for the 100 year ARI flood event.'
- 1.6 Through Council's Capital Works Program, funds have been allocated for approximately 15 years at a rate of approximately \$2million per annum, to upgrade Council underground drains where habitable floor areas are inundated, to reduce flood impacts. Projects were identified having regard to community reports of flooding, catchment studies and a high level assessment of valley flooding within the municipality.
- 1.7 In June 2011, Council and Melbourne Water adopted their joint *Flood Management Plan* for the municipality which aims to facilitate a coordinated approach to flood management within Manningham. Section 11 of the Flood Management Plan sets out a list of actions for Council and Melbourne Water to reduce flood risk and flood impact severity for Manningham. One of the actions identified in the improvement plan includes completion of flood mapping for Manningham Council's local catchments.
- 1.8 Council's *Strategic Resource Plan Action 4.3.1.4* for 2014/2015 required the identification of land subject to flooding in the Manningham Planning Scheme, to improve the management of future catchment flood levels.
- 1.9 The introduction of flooding overlays into the Manningham Planning Scheme was identified either as *actions or recommendations within the Manningham Residential Strategy (2012)* and the *Planning Scheme Review (2014)* as follows:
- Planning Scheme Review (2014)– Recommendation 6:
Amend the Planning Scheme to apply the Special Building Overlay or Land Subject to Inundation Overlay where mapping of local drainage catchments has confirmed that land is subject to flooding.
- Manningham Residential Strategy (2012) – Action 4.4 (short – medium term)
Complete floodway mapping and progress appropriate planning controls on the affected properties. Short-term.

Council and Melbourne Water Responsibilities

- 1.10 Melbourne Water is generally responsible for drainage infrastructure where the catchment exceeds 60 hectares, while Council is generally responsible for drainage infrastructure where the catchment is less than 60 hectares. However, it is noted that there are catchments within Manningham which exceed 60 hectares, where the trunk drain was constructed, and continues to be maintained by Council.
- 1.11 Within Manningham, Melbourne Water is responsible for 16.4km of main underground drains, associated drainage infrastructure such as retarding basins and is also responsible for the receiving waterways which include the Yarra River, Mullum Mullum Creek, Andersons Creek, Koonung Creek, Jumping Creek and Ruffey Creek. The Council underground drainage system is approximately 600km in length. Council is also responsible for several retarding basins, wetlands, gross pollutant traps and associated infrastructure.

Current Council Approach to Flood Management

1.12 Council's current approach to flood management across Manningham includes the following elements:

1.12.1 Planning Referrals/Onsite Detention and Treatment

For new developments in areas where there is an existing Council drainage network and there is proposed intensification of development, Council requires the developer to install an onsite detention system, to limit the site discharge to the pre development flow rate. This approach ensures that the flow rates from development sites do not exceed the capacity of the downstream Council drainage infrastructure.

1.12.2 Council Drainage Asset Capital Improvement

Where there is identified flooding of habitable floors in areas where there is an existing Council minor underground drainage system, drains are upgraded to improve flood protection to the affected properties through drainage improvement capital projects, at Council cost.

1.12.3 Drainage Maintenance

Council maintains its drainage pits, pipes, open drains and drainage infrastructure on a regular cycle, to optimise its function. Street sweeping is also undertaken to collect debris which may otherwise wash into the underground drainage network and contribute to system blockages.

1.12.4 Manningham Planning Scheme

Melbourne Water's existing Special Building and Land Subject to Inundation Overlays form part of the Manningham Planning Scheme. The overlays are based on flood mapping undertaken in respect of Melbourne Water assets and apply to land that has been identified by Melbourne Water as being subject to overland flows in the event of a storm exceeding the design capacity of the underground drainage system (main drains) (SBO), or as liable to inundation from an open watercourse, during a severe storm of 1 in 100 years ARIs (LSIO).

Both controls require planning permits for development and referral to Melbourne Water to ensure that floor levels are set above the mapped 100 year flood levels in the affected areas.

1.12.5 Emergency Management

Through Council's Municipal Emergency Management Plan (MEMP), responsibilities for planning, preparedness, response and recovery activities are identified to manage the risks associated with flood events and other emergency risks. The flood modelling plans and the MEMP both differentiate between riverine flooding which is predictable with a flood peak which may impact hours after the rainfall event in the upper catchment and flash flooding which impacts smaller catchments and occurs with minimal if any warning. The mapped overland flood extents are related to flash flooding events. Based on the mapped flood extents, targeted

community education is undertaken to better inform, assist and prepare residents whose properties are subject to flooding. Council's Plans also define the process for collecting flood intelligence following a flood event, to inform future planning and response.

1.12.6 Drainage Schemes

Drainage special charge schemes, such as the proposed Melbourne Hill Road Scheme, are implemented in areas where there is currently limited Council drainage infrastructure, to improve stormwater conveyance and improve the level of protection to private properties.

1.12.7 Management of Encroachments Across Reserves

Issues have previously been identified with fences and other obstructions constructed across drainage reserves set aside for overland flow purposes. Where identified, Council officers approach the relevant property owner to seek removal of those assets where they significantly impede overland flows.

1.12.8 Drainage Investigation/Section 200 of the Local Government Act

Council officers investigate resident drainage complaints, which can relate to uncontrolled overland flows from private property, flooding, seepage and other issues. Council officers identify the source of the flows, assess the need for any mitigating actions and responsibilities and then pursue rectification works as necessary. Where necessary, Council powers under section 200 of the *Local Government Act* are exercised.

Flood Mapping Project Status

- 1.13 Melbourne Water has recently developed more advanced methods of mapping and modelling to determine land susceptible to flooding from main drains. The same mapping and modelling methods have been used by Council to model local drains.
- 1.14 In 2011, the City of Manningham engaged consultants to produce an updated flood modelling report for the municipality. The purpose of the report was to:
- Review the extent of the SBO; and
 - Assess the flooding impacts of climate change.
- 1.15 To date, flood mapping has been completed for the following catchments. (Refer map at **Attachment 1**):
- Bulleen North
 - Ruffey Creek
 - Koonung Creek
 - Mullum Mullum Creek
 - Andersons Creek
- 1.16 Three smaller urban catchments abutting the Bulleen North catchment, the Jumping Creek and Brushy Creek catchments, are yet to be mapped.
- 1.17 Flood mapping has been undertaken in accordance with Melbourne Water's specifications and Melbourne Water has either been engaged in the flood

model calibration or, in the case of Bulleen North and Ruffey Creek, managed the consultancy contracts, to ensure robust results.

- 1.18 The mapped flood extents have been filtered in accordance with best industry practice to delete flooding which is less than 50mm in depth and where the flood velocities are low. Remote areas displaying flooding which are less than 180 square metres in area have also been deleted from the flood extent.
- 1.19 It is proposed that the next flood mapping priority will be to map the three remaining smaller urban catchments as Jumping Creek and Brushy Creek are largely semi rural with limited reported issues associated with property inundation.
- 1.20 Flood mapping has been undertaken for a range of scenarios including the 1 in 100 ARI event and the 1 in 100 ARI Climate Change scenario. The climate change scenario is based on increasing the rainfall intensities by 32%. It should be noted that the current industry standard is to base flood mapping on the 1 in 100 year flood extent rather than the climate change scenario.
- 1.21 Flood mapping for the Council catchments for the 1 in 100 year ARI event is proposed to be included in the Manningham Planning Scheme to ensure that new development is appropriately controlled and has regard to identified flood levels.

Flood Mapping Results

- 1.22 A total of 10,300 properties (approx.) are affected by the modelling of the flood extent for the 1 in 100 year ARI flood event, and in turn by the proposed planning scheme overlays. This number excludes common property associated with Body Corporate sites. Of these:
 - Approximately 230 are no longer expected to be flooded, and it is proposed to remove the existing flooding overlays;
 - Approximately 900 have existing flooding overlays (LSIO or SBO), and minor changes are proposed to the overlay boundary to reflect the revised extent of flooding;
 - Approximately 380 additional properties are estimated to be flooded as a result of Melbourne Water assets (natural watercourse and main drains), and are proposed to have an LSIO or SBO1 applied;
 - Approximately 3,860 could potentially be flooded as a result of flows in excess of the capacity of City of Manningham assets (local drains), and are proposed to have an SBO2 applied. Of the SBO2 affected properties, 18.7% (on average) of each property is affected by the overlay; and
 - Approximately 4,930 could potentially be affected by small and shallow areas of flooding (up to 100mm in depth) as a result of flows in excess of the capacity of City of Manningham assets (local drains), and are proposed to have an SBO3 applied. Of the SBO3 affected properties, 31.8% (on average) of each property is affected by the overlay.
- 1.23 Consultants modelled some of Melbourne Water's assets as part of the local catchment work undertaken for Council. Given that the new modelling takes account of current development and catchment characteristics, there are some discrepancies between the existing flood shapes which were developed several years ago and the new flood shapes and where there is

sufficient difference between the flood shapes, Melbourne Water has decided to formalise these changes.

- 1.24 The flood mapping data generated in the study was then used in a collaborative process between the City of Manningham and Melbourne Water to develop and agree the revised flood extent to be covered by the Special Building Overlay and Land Subject to Inundation Overlay.
- 1.25 **Attachment 2** provides a technical summary report of the methodology used to map and model the local drains titled: *'Development of the Special Building Overlay Technical Report for Manningham City Council (Cardno) September 2015'*. The mapping also has implications for the Melbourne Water main drains, hence the need for Melbourne Water to also amend its existing SBO and LSIO.

Special Building Overlays and Land Subject to Inundation Overlay

- 1.26 Inclusion of Planning Scheme overlays relating to flooding ensure that drainage issues are addressed at the outset of the development process and that proposals are properly designed.
- 1.27 One of the key aims of overlays is to minimise the effects of overland flows and mainstream flooding on new buildings and to ensure that new development does not adversely affect neighbouring properties as a result of impacts on flood levels which could arise if an encumbrance on the flow path were to be permitted.
- 1.28 Overlays are based upon the extent of flooding that would result from a 1 in 100 year ARI flood event. The 1 in 100 year flood relates to a storm event of such intensity that, based upon historical rainfall data, it has a probability of occurring once in every one hundred years or a 1% chance of occurring in any given year. The overlays include:
 - 1.28.1 Special Building Overlay. This planning scheme control identifies areas prone to overland flooding from the urban drainage system. The purpose of this overlay is to set appropriate conditions and floor levels to address any flood risk to developments and to ensure that new development is designed to maintain the free passage and temporary storage of floodwaters, to minimise flood damage and not cause any significant rise in flood level or flow velocity that may adversely affect existing properties. It also seeks to protect water quality. This overlay requires a planning permit for buildings and works.
 - 1.28.2 Land Subject to Inundation Overlay. This planning scheme control applies to land affected by flooding associated with waterways and open drainage systems. Such areas are commonly known as floodplains. Mainstream flooding is caused by heavy rainfall which produces surface run-off which flows into streams and rivers. When there is a large amount of run-off, water overflows the river banks on to adjacent low-lying land causing flooding. This overlay requires a planning permit for buildings and works.
- 1.29 Both overlays require planning permits for development and the LSIO and SBO1 (proposed) require referral to Melbourne Water to ensure that floor levels are set above the mapped 100 year flood levels in the affected areas.

- 1.30 The effect of the SBO and LSIO is not to prevent new development. Implementation of the SBO and LSIO can however, influence the siting of buildings and set appropriate conditions, such as raised floor levels, in order to address any flood risk to new development.
- 1.31 The SBO was first introduced into the Manningham Planning Scheme in 2003 (Amendment C13) and covers main drains (Melbourne Water). Melbourne Water is the responsible drainage authority for relevant development applications within the existing SBO.
- 1.32 The LSIO was first introduced into the Manningham Planning Scheme by Melbourne Water in June 2000 when the 'new planning schemes' were first introduced.
- 1.33 The SBO in the Victorian Planning Provisions (VPP) includes standard exemptions for planning permits for common urban developments such as minor extensions to dwellings, replacement fencing, carports, pergolas and in-ground swimming pools unless a 'schedule' applies which proposes to refine these exemptions. The LSIO in the VPPs includes less standard exemptions than the SBO which relate specifically to flood mitigating works and the laying of underground sewerage, water and gas mains, for example. The principal benefit of 'scheduling out' specific buildings and works is that the planning permit application process will be more streamlined.
- 1.34 Apart from the standard exemptions for buildings and works in the overlays, the schedules to the overlays can be used to exempt certain buildings and works from the need for a permit. Exemptions in schedules should respond to local conditions, taking into account specific types of development and local needs.
- 1.35 The existing Melbourne Water SBO and LSIO do not include a local schedule specifying additional permit exemptions.

2 PROPOSAL/ISSUE

Planning Scheme Amendment C109

- 2.1 Given that Melbourne Water and Council have now finalised the revised 'flood shape' (properties subject to inundation in a 1 in 100 year ARI storm event), the SBO and LSIO in the Manningham Planning Scheme needs to be updated.
- 2.2 The consultants modelled some of Melbourne Water's assets as part of the local catchment work undertaken for Council. Given that the new modelling takes account of current development and catchment characteristics, there are some discrepancies between the existing flood shapes currently in the Planning Scheme and the new flood shapes. Where there is sufficient difference between the existing and proposed flood shapes, Melbourne Water has decided to formalise these changes and have agreed be a joint party to the proposed amendment.
- 2.3 In order to implement this work, the following changes to the Manningham Planning Scheme are proposed via Amendment C109 (refer to **Attachment 3** for amendment documentation):
- 2.3.1 Modification of the existing SBO and LSIO boundaries and introduction of new SBO and LSIO areas on planning scheme

maps to reflect the revised and new flood shapes agreed by Melbourne Water and Council.

- 2.3.2 Changes to the Municipal Strategic Statement (MSS) at Clause 21.12 Infrastructure and 21.16 Key References to include reference to:
- a) The '*Flood Management Plan for Manningham Council and Melbourne Water June 2011*' which provides the strategic framework for establishing the appropriate Planning Scheme overlays in respect of the results of the flood mapping project and;
 - b) The '*Development of the Special Building Overlay – Technical Report for Manningham City Council (Cardno) September 2015*', which provides an overview of the methodology used in the flood mapping of the five local catchments.
- 2.4 This amendment would:
- 2.4.1 Remove approximately 230 properties from the existing SBO and LSIO which are no longer identified as being subject to inundation.
 - 2.4.2 Retain the Melbourne Water SBO and LSIO over approximately 900 properties which remain subject to inundation. (Note: the extent of the SBO over these properties may be altered).
 - 2.4.3 Include approximately 9,170 new properties in the SBO and LSIO which have now been identified as being subject to inundation. The vast majority of properties affected are within the SBO.
 - 2.4.4 Ensure that no property is covered by more than one schedule to ensure there is a clear distinction between the authorities responsible for providing advice in relation to permit applications.
 - 2.4.5 **Attachment 4** demonstrates the above changes for the five catchments.
- 2.5 The Amendment also proposes to introduce three local schedules to the SBO which distinguish between areas subject to inundation in relation to the 'main' drainage system (Melbourne Water drains) and the 'local' drainage system (Council drains).
- 2.6 The Schedules will be referred to as SBO1, SBO2 and SBO3 respectively. The Planning Scheme (SBO) maps define the area/properties to which each schedule applies. The Schedules (SBO3) define permit exemptions and nominate the authority responsible for drainage. The table below explains the delineation between the three SBO schedules and the LSIO.

Table 1: Amendment C109 SBO Schedules 1, 2 and 3 and LSIO

Schedule	Drainage Network	Referral Authority	Planning Permit Exemptions
SBO1 (7 % of properties affected by the SBO)	Coverage over the 100 year ARI flood extent exceeding the capacity or Melbourne Water	Melbourne Water would be the Determining Referral Authority. All applications for development in this overlay would be	The SBO triggers the need for a planning permit for buildings and works. The State wide SBO control includes a number of

Schedule	Drainage Network	Referral Authority	Planning Permit Exemptions
	main drains.	referred to Melbourne Water who assess them, determining if a planning permit should be issued and provide the appropriate conditions and floor levels.	<p>exemptions to allow for minor buildings and works that can occur without the need for a planning permit.</p> <p>No additional exemptions over those specified in the parent clause are proposed to be included in the schedule.</p>
SBO2 (41 % of properties affected by the SBO)	Coverage of the 100 year ARI flood extent exceeding the capacity of Manningham local drains (maintained by Council).	<p>Council would be the responsible authority for drainage. Council would assess all applications for development in this overlay and provide appropriate permit conditions and floor levels.</p> <p>The schedule would apply from the upstream most point where flow depths exceed 100mm in depth to the junction between the Council and Melbourne Water drainage system.</p>	<p>The SBO triggers the need for a planning permit for buildings and works.</p> <p>The State wide SBO control includes a number of exemptions to allow for minor buildings and works that can occur without the need for a planning permit.</p> <p>No additional exemptions over those specified in the parent clause are proposed to be included in the schedule.</p>
SBO3 (52 % of properties affected by the SBO)	City of Manningham local drains (maintained by Council)	<p>Council is the responsible authority for drainage. Council assesses all applications for development in this overlay and provides appropriate permit conditions and floor levels.</p> <p>This schedule is much the same as SBO2 except that a planning permit would be required in fewer circumstances.</p> <p>The schedule would apply in areas upstream of the SBO2 where the flow depth is less than 100mm in depth.</p>	<p>A more extensive range of exemptions would be included in SBO3 for example, a permit will not be required where proposed new dwelling floor levels are at least 400mm above the natural surface level. These exemptions are proposed to apply as flooding is less deep in these locations.</p> <p>This approach should significantly lessen the impact of implementing appropriate flood management controls on both Council staff and the wider community.</p>
LSIO Approx. 500	This control does not relate to the capacity of either	Melbourne Water would be the Determining Referral Authority. All	The State wide LSIO control includes a number of exemptions to allow for minor

Schedule	Drainage Network	Referral Authority	Planning Permit Exemptions
properties	a Melbourne Water or Council maintained drain but relates to the extent of land adjacent to a creek or river that is known to be subject to inundation i.e. a natural watercourse.	applications for development in this overlay would be referred to Melbourne Water for assessment and for appropriate conditions and floor levels.	buildings and works by Council and other authorities (e.g. the laying of underground sewerage water and gas mains) that can occur without the need for a planning permit. No schedule to the LSIO is proposed as part of this amendment.

- 2.7 SBO1, SBO2 and SBO3 are proposed to replace and expand the existing Special Building Overlay in the Manningham Planning Scheme which currently relates to overland flooding from Melbourne Water's main drains only. The proposed related schedules are included in **Attachment 3**.
- 2.8 A draft Explanatory Report for Amendment C109 is also provided in **Attachment 3**. This provides full details of the purpose and effect of the proposed Amendment, and would form part of the exhibition amendment documentation.
- 2.9 Commencing a Planning Scheme amendment immediately to update the existing SBO and LSIO and introduce new SBO and LSIO areas is recommended. Following the flood mapping review, it is now known that the current SBO and LSIO do not accurately reflect all properties at risk of overland and mainstream flooding. Council has a responsibility to keep it Planning Scheme up to date and the SBO and LSIO provides an important and transparent statutory mechanism for identifying properties that are subject to inundation in a severe flood event.
- 2.10 As local drainage work is improved, Council will need to review its SBOs every 5 years to ensure that the most up to date flooding risk is reflected in the SBO areas.
- 2.11 It is proposed that the planning scheme amendment proceed in advance of the completion of flood mapping for the whole municipality, as the flood extents for the five catchments represent the majority of the residential land within Manningham and the completion of the flood mapping for the balance of the municipality may require a further 18 to 24 months.
- 2.12 The first step in the Amendment process is for Council to formally resolve to seek authorisation from the Minister for Planning to prepare and exhibit Amendment C109.

3 PRIORITY/TIMING

- 3.1 Should Council resolve to seek authorisation to prepare and exhibit a planning scheme amendment, it is intended to submit the request for authorisation and commence exhibition in accordance with the timeframes specified in Ministerial Direction 15 (exhibition to commence within 40 business days of receiving authorisation from the Minister for Planning). It is anticipated that the exhibition of the amendment will conclude in 2015.

4 POLICY/PRECEDENT IMPLICATIONS

- 4.1 The proposal to introduce the Special Building Overlay (SBO) and Land Subject to Inundation Overlay (LSIO) is consistent with the following Clauses of the State Planning Policy Framework:
- 4.1.1 **Clause 11 Settlement** seeks to anticipate and respond to the needs of existing and future communities through the provision of zoned and serviced land for housing, employment, recreation and open space, commercial and community facilities and infrastructure.
- 4.1.2 **Clause 13 Environmental Risks** planning should adopt a best practice environmental management and risk management approach which aims to avoid or minimise environmental degradation and hazards. Planning should identify and manage the potential for the environment, and environmental changes, to impact upon the economic, environmental or social well-being of society.
- 4.2 In particular the Amendment will implement the following objectives of Clause 13.02-1 Floodplain management:
- 4.3 *To assist the protection of:*
- *Life, property and community infrastructure from flood hazard.*
 - *The natural flood carrying capacity of rivers, streams and floodways.*
 - *The flood storage function of floodplains and waterways.*
- 4.4 The relevant strategies in Clause 13.02-1 is to, *'Identify land affected by flooding, including floodway areas, as verified by the relevant floodplain management authority, in planning scheme maps. Land affected by flooding is land inundated by the 1 in 100 year flood event or as determined by the floodplain management authority' and 'Avoid intensifying the impacts of flooding through inappropriately located uses and developments.'*
- 4.5 The Amendment is also consistent with the following clauses of the Local Planning Policy Framework incorporating the Municipal Strategic Statement and local planning policies:
- 4.5.1 **Clause 21.05 Residential, Clause 21.06 Low Density and Clause 21.07 Green Wedge and Yarra River Corridor** all recognise that areas within the municipality are susceptible to flooding and that any proposals to subdivide or develop land needs to have regard and respond to identified land constraints including flooding.
- 4.5.2 **Clause 21.12 Infrastructure** recognises that Council is responsible for providing drainage for the local street network and local catchment areas. Council also encourages developments to design and upgrade drainage infrastructure to reduce the occurrence of inundation and flooding, and improve safety and enhance the amenity of the municipality. Further, it recognises that Council will continue to identify land which has drainage and flood constraints.

- 4.6 Practice Note 12 *Applying the flood provisions in planning schemes (revised June 2015)* provides guidance about applying the flood provisions in planning schemes and identifying which flood overlay should apply.

5 CUSTOMER/COMMUNITY IMPACT

- 5.1 Approximately 10,300 properties across the five urban catchments are liable to inundation by overland flows from the urban drainage system and mainstream flooding, which are proposed to be included in the SBO and LSIO. It is important to note that the flood mapping work undertaken only documents existing flowpaths and extents and does not impact the actual flood risk to the subject properties.
- 5.2 As noted earlier in this report, the majority (59%) of properties will have minimal impacts from the proposed amendment, as they will either have their existing flooding overlay removed completely, they will have minor changes made to the boundary of their existing flooding overlay, or permit exemptions will ensure that planning permit approval is not required if certain conditions are met (such as minimum height of proposed building floor level above the ground).
- 5.3 Existing houses or buildings will not retrospectively be required to obtain planning permit approval (only new development will require a planning permit where planning permit exemptions are not met); and
- 5.4 The proposed flooding overlays only affect small parts or sections of properties in most instances, and therefore new development will only need a planning permit if it is located within the overlay itself (where planning permit exemptions are not met).
- 5.5 Approximately 45% of the affected properties already have other planning scheme controls that trigger the requirement for a planning permit.
- 5.6 Some of the issues that have previously been raised by affected parties to the application of flooding controls across other Councils, including the SBO, have been:
- Concerns about the inclusion/mapping of properties where submitters have indicated their properties have not been affected by flood events;
 - Potential for impacts on property values;
 - Effect on ability to obtain property insurance;
 - Impact on the development potential of land; and
 - The imposition of the need for a planning permit and the associated cost.

These potential issues and questions will be addressed in the FAQ sheet and Fact Sheet which will be prepared prior to exhibition of the Amendment.

- 5.7 Flood mapping within Manningham's local catchments supports an integrated approach to managing the impacts of stormwater runoff. The key function of the application of the SBO and LSIO to identified land is to ensure that drainage issues are considered at an early stage of the development approvals process. Consideration of flooding also seeks to ensure that detrimental impacts to life and new buildings are minimised.
- 5.8 The identification of properties within overland flowpaths also facilitates targeted community education and communications, to enable residents to best prepare for flood events. The flood mapping will also inform the

prioritization of future drainage improvement works, to protect habitable floor areas.

6 COUNCIL PLAN/ MEASURE OF ACHIEVEMENT OF ACTION

- 6.1 Action SRP 13 in Council's Strategic Resource Plan in 2014/2015 was to *"Identify further land subject to flooding in the Manningham Planning Scheme to improve management of future catchment flood levels."*
- 6.2 The measure of achievement of the action was the, *"Preparation of an amendment to the Manningham Planning Scheme to apply the Special Building Overlay or Land Subject to Inundation Overlay to further land identified as subject to flooding in several municipal catchments."*
- 6.3 Delays have been encountered in the delivery of this project owing to:
- The need to resolve discrepancies between the work of two consultants engaged to work on different catchments and ensure consistency in the final results for all catchments across the Municipality;
 - Negotiations with Melbourne Water to resolve the demarcation between Council and Melbourne Water responsibilities in respect of future planning referrals; and
 - Works associated with filtering and amendment of the flood mapping data to adjust the flood extents and achieve a suitable basis for the Planning Scheme overlays.
- 6.4 This report commences the planning scheme amendment process and completes the 2014/2015 Strategic Resource Plan Action (SRP 13).

7 FINANCIAL RESOURCE IMPLICATIONS

- 7.1 As part of the Annual Budget for 2014/15 funding of \$66,900 was allocated to undertake the planning scheme amendment.
- 7.2 Due to the delay in finalising the flood mapping works, part of the funds were carried over into the 2015/16 financial year, to finalise the Amendment.
- 7.3 Melbourne Water has agreed to share the direct costs associated with exhibition of the amendment and a Panel hearing if required.
- 7.4 In order to reduce the number of planning permit applications to Council, and the related costs of considering those applications, Amendment C109 has been structured include planning permit exemptions in SBO3 which covers 57% of properties within the SBO. If the application complies with a number of conditions (e.g. the proposed floor level is set a minimum of 400mm above the existing ground surface level at the building and the proposed building does not exacerbate overland flows), then a planning permit will not be required.

8 SUSTAINABILITY

- 8.1 The proposed amendment is likely to have positive social and economic effects. Benefits include better management of land liable to flooding and protection of water quality and reduced incidence of flood damage to habitable floor areas over time.
- 8.2 By more accurately identifying land within the SBO and LSIO, the amendment will assist Council to provide timely and more accurate advice

when new development is proposed on land that is potentially subject to inundation.

- 8.3 Increasing the awareness of flood potential and thereby minimising the potential risk of flooding will also have public safety benefits.
- 8.4 The economic impact of flooding on individuals and communities will be minimised through reduced flood risk. Design requirements arising from the application of the SBO and LSIO may result in some increase in development costs. This would be specific to individual proposals.

9 CONSULTATION

- 9.1 Section 19 of the *Planning and Environment Act, 1987* establishes the statutory process for exhibition of planning scheme amendments. This includes direct notification to all owners and occupiers of land affected, the opportunity for any affected person to make written submissions and potential for a review by an independent planning panel.
- 9.2 Under section 19 (1A) of the Act, the Planning Authority (Council) is not required to give notice to each owner and occupier if it considers the number impractical to notify them all individually. The Act then requires Council to take reasonable steps to ensure that public notice of the proposed amendment and the opportunity to make submissions is given in the area affected by the amendment.
- 9.3 Given the large number of properties affected by Amendment C109, it is proposed to limit direct notification (via letter) to property owners only and not occupiers.
- 9.4 As the SBO and LSIO introduce controls relating to future development of affected properties, the control is of primary relevance to property owners who would undertake such works.
- 9.5 Letters to owners will be tailored to inform owners which SBO schedule is proposed to be applied (i.e. SBO1, SBO2 or SBO3) and relevant associated information will be included. Given the current engagement with residents within the Melbourne Hill Road catchment regarding potential flood mitigation works, it is proposed that a specific letter be prepared for affected properties within this catchment.
- 9.6 In summary, the following combination of statutory and non-statutory notification of Amendment C109 is proposed:
 - Direct Notification (letters) to affected property owners, prescribed authorities and key stakeholder groups/agencies
 - Public Notices in the Manningham Leader and the Government Gazette
 - Amendment Documents made available for viewing and download (website/offices and libraries and DELWP website)
 - An 'Interactive Map' on Council's web site showing extent of the overlay and searchable via property address)
 - Article in Manningham Matters
 - Media Release
 - Fact Sheet and FAQ pamphlet

- Five 'drop in' Information Sessions – by appointment for each of the affected catchments where specific individual property information will be made available
 - Melbourne Water webpage (in addition to CoM web page)
 - Telephone enquiry numbers (at both Melbourne Water and CoM).
- 9.7 All written submissions made to Amendment C109 will be reported to Council for consideration. Submissions that cannot be resolved will need to be referred to an Independent Planning Panel (to be appointed by the Minister for Planning).

10 COMMUNICATIONS STRATEGY

- 10.1 A Council decision to proceed with Amendment C109 will result in formal public exhibition, involving a range of statutory and non-statutory processes as outlined in Section 9 of this report. This will ensure community awareness of the amendment, most importantly by affected property owners.
- 10.2 Community concern may be raised as a consequence of highlighting properties/areas at risk of flooding. A Consultation Strategy will be developed to explain the purpose and effect of the SBO and LSIO and also outline other actions that Council and Melbourne Water are taking to mitigate the impacts of, and potential for, flooding.
- 10.3 Key messages relating to Amendment C109 are as follows:
- Council has recently undertaken updated flood modelling and this has altered the areas identified as being subject to flood risk. An Amendment to the Manningham Planning Scheme is required to reflect this to ensure flood risk is well managed.
 - The Special Building Overlay and Land Subject to Inundation Overlay are planning controls that identify properties subject to flooding in a severe storm event.
 - The SBO and LSIO generally trigger a requirement for a planning permit when new development is proposed and this helps to manage the flood risk to new buildings and neighbouring properties.
 - The SBO and LSIO do not prevent new development from occurring but rather ensure that buildings are sited and designed appropriately.
 - Previous SBO amendments and subsequent Panel Hearings undertaken by other councils have been unable to establish a clear link between the application of the SBO and LSIO and decrease property values.
 - Council is also undertaking other initiatives to reduce flood risk to our community, including on-going maintenance, drainage system upgrades and specific drainage projects.
 - Priorities for Council's future drainage capital improvement program will be determined based on the flood mapping results.
 - Council works in partnership with agencies, including Melbourne Water and the State Emergency Services, in relation to flood prevention, response, recovery and mitigation.

- Ensuring the community is well informed about flood risk is very important to Council. Information is available on how to prepare for a flood event and what to do during and after the event, including who to contact.

11 CONCLUSION

- 11.1 Following the flood mapping review, it is now known that the current SBO and LSIO do not accurately reflect all properties at risk of overland and mainstream flooding in a major flood event.
- 11.2 Council has a responsibility to keep the Planning Scheme up to date, and the SBO and LSIO provides an important and transparent statutory mechanism for indicating properties that are subject to inundation in a severe storm event.
- 11.3 Commencing a planning scheme amendment to update the SBO and LSIO immediately is recommended.

OFFICER'S RECOMMENDATION

That Council:

- (A) **Resolves to prepare Amendment C109 to the Manningham Planning Scheme to implement the review of the Special Building Overlay and Land Subject to Inundation Overlay, thereby better informing the community of flood risk and protecting proposed development from inundation, by:**
 1. **Updating the planning scheme maps to reflect the revised flood-shape generally in accordance with the Maps at Attachment 4.**
 2. **Introducing new schedules to the Special Building Overlay (Clause 44.05) generally in accordance with Attachment 3.**
 3. **Amending the MSS at Clause 21.12 and 21.16 to include reference to the *'Flood Management Plan for Manningham Council and Melbourne Water June 2011'* and the *'Development of the Special Building Overlay Technical Report for Manningham City Council (Cardno) September 2015'*.**
- (B) **Requests the Minister for Planning's authorisation under section 8A of the Planning and Environment Act 1987 to prepare and exhibit Amendment C109 to the Manningham Planning Scheme which proposes to revise the existing Special Building Overlay (SBO) and Land Subject to Inundation Overlay (LSIO), include additional properties in the SBO and LSIO and amend the MSS, generally in accordance with Attachment 3.**
- (C) **Advises the Minister for Planning that:**
 - **Pursuant to Section 19 (1A) of the Planning and Environment Act, 1987, Council considers it impractical to notify all owners and occupiers individually of Amendment C109 and will limit direct notification to property owners.**
 - **Council will give notice of the amendment in accordance with Section 19(1B) of the Act (including giving notice in a paper circulating within the affected areas inviting submissions to be made) and will also undertake a range of non-statutory consultation measures to ensure awareness of the proposed amendment amongst occupiers of affected properties.**

(D) Subject to authorisation being granted by the Minister for Planning, resolves to place Amendment C109 on public exhibition for a period of six weeks.

**MOVED: GOUGH
SECONDED: KLEINERT**

That the Recommendation be adopted.

CARRIED

“Refer Attachments”

**Attachment 1 – Location of Manningham Catchments
Attachment 2 – Development of the Special Building Overlay Technical Report for
Manningham City Council (Cardno) September 2015
Attachment 3 – Amendment C109 documentation
Attachment 4 – Maps showing existing and proposed LSIO and SBO**

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9.2 Donvale Reserve - Response to Petition Opposing Barbecue and Picnic Facilities

Responsible Director: Director Planning & Environment

File No. 0

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

This report considers a petition received from residents adjoining Donvale Reserve who oppose the placing of barbecue and picnic facilities within 35 metres of abutting residences and any enlargement of the playground facility.

The proposed barbecue and picnic area is an action from the Donvale Reserve Management Plan 2013 and is due to be installed in 2017/18. Opposition from some adjoining residents to a playground and a picnic and barbecue facility dates back to 1999 but 54 other local residents have requested such facilities, again through consultation for the 2013 Management Plan. No reasons are specified in the petition to explain the opposition.

The Donvale Reserve Management Plan 2013 identifies that Donvale Reserve is appropriate for such facilities and that there are a lack of existing facilities in the area. Picnic, barbecue facilities and a playground that offers a wide variety of play opportunities will promote social cohesion and connectedness. For Donvale Reserve in particular, the provision of these informal recreation opportunities will complement the existing toilets, off street parking, proximity to public transport, basketball courts and sports grounds.

Donvale Reserve is located in a built up area surrounded by residents on many streets. There is no other suitable site within Donvale Reserve for a picnic and barbecue area that will adequately serve the community and playground. Playgrounds within a one kilometre radius are either small or cater for younger ages. Part of Action 3.6 of the Management Plan is to consult further with local residents regarding the barbecue area and this will be undertaken close to the time of installation in 2017. A larger playground providing a variety of play opportunities is endorsed on two levels. The playground has been identified in the Open Space Strategy as a large playground and the Reserve is classified as a District reserve which should consider the provision of barbecues, picnic tables and 3-4 feature play elements to cater for those who travel further for a longer visitation. Therefore no changes have been made to the playground recommendation which include an upgrade with a wider variety of play opportunities and consideration of exercise equipment.

This report recommends that no change be made to the Donvale Reserve Management Plan in relation to the installation of a playground and picnic and barbecue facility but that a litter bin will be considered in detailed design to alleviate any concerns of extra rubbish.

1 BACKGROUND

- 1.1 Prior to the 1999 Donvale Reserve Management Plan, the playground was located in the area near Glika and Martha Streets. A recommendation from the 1999 plan was to replace the outdated play equipment and relocate the playground in the vicinity of Underwood Drive near the public toilets. This also included plans to include a picnic and barbecue area. There was opposition from adjoining residents to both the playground and barbecue being installed. Their concern was that the area would attract people loitering behind their properties potentially contributing to an existing problem. In response to residents' concerns, the barbecue was not installed as Donvale Reserve was already busy with the weekend sporting activities and it was considered that there would be no car parking provision for people driving to the Reserve for a barbecue. Residents were informed that while a new playground would be installed, a barbecue would not be installed as part of the 1999 Donvale Reserve Management Plan.
- 1.2 Fourteen years on from the 1999 Management Plan, local residents again requested barbecue and picnic facilities through the community consultation process for the 2013 Management Plan. Of the 166 respondents to the *Our Community's Voice* survey, 54 supported a barbecue and picnic area and 56 supported a playground development. In the same survey, 112 and 111 respondents respectively, did not include these items as development priorities. Later in the consultation process during the public exhibition period, there were two submissions opposing the barbecue and picnic area.
- 1.3 The Donvale Reserve Management Plan was endorsed in October 2013 and included the following actions.
- 1.3.1 Upgrade the playspace (when required) to include a wider variety of play opportunities including traditional and natural play elements, landscaping and natural shade. As well, consideration be given to fitness equipment.
- 1.3.2 Install a barbecue and picnic area near the playspace and basketball/netball courts following further consultation with residents.
- 1.4 There are 19 reserves in Manningham that have a barbecue area, none of which are located close to Donvale Reserve. The closest reserves are:
- Zerbes Reserve, Doncaster East located three kilometres;
 - Mullum Mullum Reserve, Donvale located 3.5 kilometres; and
 - Ruffey Lake Park, Doncaster located 4.5 kilometres.
- 1.5 While the existing playground at Donvale Reserve is small to medium in size, the *Open Space Strategy 2014* identifies that the playground should be large as it serves the local residents, visitors to the sports grounds and families of the onsite Montessori Pre-school. The existing playground was installed in 2001. It is estimated the playground will require replacement in approximately three years, which is consistent with its priority 3 in Action 3.5 in the Management Plan.

2 PROPOSAL/ISSUE

- 2.1 A petition with 85 signatures representing 41 households has been received from residents from Underwood Drive, Epsom Court, Roy Street, Martha Street and Joy Street whose properties adjoin the Donvale Reserve (refer

Attachment 1 and Attachment 2). The petition opposes the placing of barbecue and picnic facilities within 35 metres of abutting residences and any enlargement of the playground facility.

- 2.2 There is a concern from the resident who initiated the petition that opposition cricket teams, football players and spectators will use the barbecue area during and after the game leaving rubbish and creating noise. There is no reason to believe this will be the case. The sports clubs use their own barbecues and operate kitchens from their sports pavilion. Opposition teams and spectators support the home team's kitchen, canteen and barbecue facilities which are always at the sports pavilion.
- 2.3 It is not achievable to site the barbecue area at a minimum of 35 metres from abutting residents whilst catering for the local community. Twenty (20) metres distance is more realistic. Refer Attachment 3.
- 2.4 There have been no recent complaints issued through Local Laws in the vicinity of the playground at Donvale Reserve. No complaints relating to litter, loitering, drinking, noise or dogs have been logged.

3 PRIORITY/TIMING

- 3.1 Upgrading the playspace (Action 3.5 of the Donvale Reserve Management Plan) is listed as Priority 3. It is estimated the playground will require replacement approximately 2017/18.
- 3.2 Installation of the barbecue area (Action 3.6 of the Donvale Reserve Management Plan) is listed as Priority 3 due for implementation in 2017/18.

4 POLICY/PRECEDENT IMPLICATIONS

- 4.1 There are increases in residential density in the area and the 2011 ABS Census states 17.4% of Manningham population live in semi detached houses, units and apartments; a 1.9% increase from 2006. An increasing proportion of the population do not have access to private open space and this impact increases demand on open space provision.
- 4.2 In the catchment hierarchy of public open space in Manningham, Donvale Reserve is classified as District which caters for population located within a 1-3 kilometre radius. District reserves are valued and visited primarily by Manningham residents, serve one or more suburbs and attract visitation beyond walking distance, provide facilities of a broader scale than those with a local focus (*Open Space Strategy 2014*).
- 4.3 Guidelines for playspace provision in the *Open Space Strategy 2104* recommend that a playspace should be within a 400 metre walking distance of residents living in General Residential Zone 1. While there are no gaps in the provision for play, other playspaces within a one kilometre radius are all small:
 - St Clem's Reserve – small;
 - Argyle Reserve – small;
 - Kevin Reserve – small;
 - Astelot Reserve – small;
 - Aranga Reserve – small; and

- Darvall Playspace, Koonung Creek Linear Park – small.
- 4.4 Council's *Urban & Park Guidelines* give a general approach as to the level of amenities that should be provided in reserves and specifically, playspaces. In a District Reserve, where people tend to stay longer and are likely to have travelled further than a local park, the inclusion of barbecues (which may include a shelter), bins and two picnic tables are considered a standard approach. All age groups, including options for all abilities, are recommended to be catered for with play equipment, with a minimum of 3-4 feature elements, including a sculptural element and some planting.
- 4.5 Most barbecues in reserves are sited with a buffer from residences which may include a road or sports infrastructure. However, some barbecues and picnic shelters are sited close to residential boundaries. These include;
- The Parkway barbecue area, Templestowe: 22 metres from residents;
 - Harold Reserve playground and picnic shelter, Bulleen: 15 metres from residents;
 - Carawatha Reserve playground and barbecue area, Doncaster: 18 metres from residents;
 - Hollywood Playspace playground and picnic shelter, Templestowe: 16 & 24 metres from residents; and

5 CUSTOMER/COMMUNITY IMPACT

- 5.1 Extensive consultation was conducted as part of the Management Plan process. Fifty four (54) residents indicated through the *Our Community's Voice* Survey that they would like to have barbecue and picnic facilities at the Reserve and 56 indicated interest in developing the playground.
- 5.2 There has been no correspondence or reasons given by the adjoining residents as to why they are opposed to the extension of the playground.
- 5.3 Two residents noted concerns through the management plan consultation process that there will be litter and noise associated with the barbecue area. Litter in parks is an issue all over Melbourne and a barbecue area is likely to result in more litter than desired. Installing a litter bin is an appropriate consideration for this proposal. While there is no reason to believe a barbecue area will create noise issues, planting is proposed in this vicinity as an action of the Donvale Reserve Management Plan. Additional vegetation can provide a buffer between residents and park users.
- 5.4 In order to cater for the local community the barbecue area needs to be located in close proximity to community facilities such as the playground, basketball courts and toilets.

6 FINANCIAL RESOURCE IMPLICATIONS

- 6.1 \$15,750 has been allowed in the ten year capital works budget to implement the barbecue and picnic area in 2017/18.
- 6.2 When the playspace is due for an upgrade, financial resources will be allocated from the Neighbourhood Park capital works program.

7 CONSULTATION

- 7.1 Extensive consultation has been undertaken with local residents as part of the development of the Donvale Reserve Management Plan. While 54 residents from the local residents requested barbecue and picnic facilities, 41 households adjoining the Reserve have since opposed the siting of a barbecue area within 35 metres of a residential boundary.
- 7.2 The Management Plan stipulates further consultation is to be undertaken with residents regarding the siting of the barbecue area. This will be undertaken when the action is due for completion in 2017/18.

8 COMMUNICATIONS STRATEGY

- 8.1 The lead signatory to the petition will be informed of Council's decision.

9 CONCLUSION

- 9.1 The siting of a barbecue area at Donvale Reserve has been in contention with adjoining residents for sixteen years (since the 1999 Donvale Reserve Management Plan). The residents were reticent about having a playground installed close to their houses but in the past sixteen years, there have been no registered issues or complaints relating to it.
- 9.2 Barbecue and picnic areas are consistently requested by residents in the municipality through various consultation processes and while many reserves are unsuitable for the inclusion of such a facility, its inclusion at Donvale Reserve is justified. It is anticipated that while a barbecue area will not be heavily used, it will be a valuable asset for those who do not have the private space to meet friends, neighbours or family for a barbecue.
- 9.3 Donvale Reserve is a sporting and community facility that plays an important role in the provision of formal and informal recreation opportunities for the wider community. Currently approximately 90% of the Reserve is allocated for structured and organised sport and it is appropriate that further opportunities for informal activities such as an upgraded playground and barbecue and picnic area are incorporated into the reserve to balance the activities available for the community.

OFFICER'S RECOMMENDATION**That Council**

- (A) Notes the opposition by signatories to the petition of the installation of barbecue and picnic facilities within 35 metres of abutting residential fences and any enlargement to the playground facilities**
- (B) Informs the lead signatory of the petition that Council confirms its support for actions 3.5 and 3.6 of the Donvale Reserve Management Plan which relate to the issues raised**
- (C) Notes that there will be consultation with residents on detailed design which will commence in 2017**
- (D) Notes that a litter bin will be considered at the detailed design stage**

MOVED: DOWNIE
SECONDED: GALBALLY

That the Recommendation be adopted.

CARRIED

“Refer Attachments”

Attachment 1 Aerial showing properties owned/occupied by petitioners

Attachment 2 Petition – objection to installing barbecue area and extending playground

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9.3 Heritage Restoration Fund 2015/2016- Consideration of Applications and Policy Variations to the Heritage Restoration Fund 2016/2017

Responsible Director: Director Planning & Environment

File No. HRF T15/201

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 consider the recommendations of the Heritage Advisory Committee for allocation of funding through Council's Heritage Restoration Fund 2015/2016.

There are two types of funding available (refer Attachment 1). The Heritage Restoration Fund provides the owners of identified properties with the opportunity to apply for a small grant to assist with the maintenance and restoration of significant heritage buildings and other places of interest. The Heritage Restoration Fund (Trees and Gardens) is intended to assist owners of identified significant trees and gardens to undertake appropriate maintenance works or to obtain a suitable water supply to provide for the longevity of the identified tree(s) and/or garden.

Council allocated a total of \$35,000 to the Heritage Restoration Fund and Heritage Restoration Fund (Trees and Gardens) in its 2015/2016 budget. A total of twenty eight (28) applications have been received. Of these, sixteen (16) applications relate to building restoration works and a further twelve (12) applications relate to trees and gardens.

The Heritage Advisory Committee has considered and has made recommendations to Council in relation to these applications for funding. This report recommends that Council endorse allocation of funds as follows:

- Heritage Restoration Fund: Thirteen (13) applications totalling \$ 30,201.87 (Attachment 2)*
- Heritage Restoration Fund (Trees and Gardens): Nine (9) applications totalling \$4,789.75 (Attachment 3)*

The report also seeks approval for a minor amendment to the Heritage Restoration Fund 2016-2017 Policy and Guidelines in order to provide clarity as to the allocating of funds.

1 BACKGROUND

1.1 The Heritage Restoration Fund has now operated successfully for over twenty one years. One funding round is held each year. There are two types of funding available:

1.1.1 The Heritage Restoration Fund provides the owners of identified properties with the opportunity to apply for a small grant to assist

with the maintenance and restoration of significant heritage buildings and other places of interest.

- 1.1.2 The Heritage Restoration Fund (Trees and Gardens) is intended to assist owners of identified significant trees and gardens to undertake appropriate maintenance works or to obtain a suitable water supply to provide for the longevity of the identified tree(s) and/or garden.
- 1.2 The owners of all existing heritage places with a Heritage Overlay under the Manningham Planning Scheme and those properties listed in the Vegetation Protection Overlay Schedule 5 (VPO5) were individually notified of the funding round by mail, with advice that this year's funding round would close on 7 August 2015 (refer to Attachment 1). A copy of Council's newsletter 'Heritage Update' was also supplied to property owners (a total of 433 letters were mailed out).
- 1.3 A total of sixteen (16) applications have been received for the Heritage Restoration Fund 2015/2016 (building restoration works). Sixteen applications (16) were also received last year during 2014/2015. Twelve (12) applications have been received for the Heritage Restoration Fund (Trees and Gardens) for 2015/2016, compared to eleven (11) applications in the 2014/2015 financial year.
- 1.4 At its meeting on 12 August 2015, Council's Heritage Advisory Committee (HAC) considered the applications for funding and made recommendations in relation to each application. The Committee supported the allocation of funds to thirteen (13) of the Heritage Restoration Fund applications and nine (9) of the Heritage Restoration Fund (Trees and Gardens) applications.
- 1.5 The applications for funding not supported by the Heritage Advisory Committee are as follows:-
 - 36-48 Tills Drive, Warrandyte: This property is subject to Heritage Overlay 164 and the application sought funds for the repair of barn walls. The statement of significance for the property indicates that the property has regional significance for the use of unusual building technology and for its close association with E.P. Lewis (the largest pump manufacturers in the southern hemisphere). The elements of significance include the house and the outdoor pool. However, there is no reference to the significance of the barn. It is also relevant to note that funding was allocated for works on the property in the last year's round.

Consequently, the proposal was not considered to meet the assessment criteria for eligibility, particularly parts 4 (iv); and (xiii) of the *Heritage Restoration Fund 2015-2016 Policy and Guidelines (the Policy and Guidelines)*.
 - 21-25 Ben Nevis Grove, Bulleen: The property is within Heritage Overlay 13 and the application sought funds to strip and repair the existing wrought iron gate and antique post lamps. The statement of significance refers to the large detached double storey house. The citation notes that there have been some external renovations, including a new cast iron fence.

This proposal was not supported on the basis that the proposed fence is a reproduction Victorian fence and not part of the original fabric, thus not consistent with assessment criteria 4(iii) and (iv) of the *Policy and Guidelines (the Policy and Guidelines)*.

- 10 Amberley Court Bulleen: The property is the subject of Heritage Overlay 3. The application sought funds for the removal of old floor and damaged subfloor joist and bearers, propping of roof and replacement of flooring. The statement of significance notes the regional historical significance of the house as an early farm house associated with the settlement of Bullen district. The Heritage Advisory Committee considered the comments from the Heritage Advisor that the verandah's flooring does need repairs, however it is not a safety concern. The Committee also considered the fact that the application form noted that a potential new owner for the property would take over the works. This was a concern in terms of ability to demonstrate financial responsibility for the project. This is considered a failure to meet the *Policy and Guidelines (the Policy and Guidelines)* Assessment criteria particularly 4(viii).

1.6 Three (3) applications under the Trees and Gardens funding were not supported by the Committee as follows:-

- 243-245 Tindals Road Warrandyte: The property is subject to Heritage Overlay HO167 and the application sought funds for the trimming of the heritage hedge. The Statement of Significance notes the high cypress hedge. Funding was allocated last year for trimming of the hedge, and the Committee was of the opinion that trimming is not required annually but trimming every two years is satisfactory.
- 17 Timber Ridge Doncaster: This property is within Heritage Overlay HO 83 and part of the Winter Park Heritage Precinct, of significance as the first cluster title subdivision. The application sought funds for cleaning, rubbish removal, removal of old paving and re paving and landscape small courtyard. The garden is part of the heritage significance of the place. However, the proposed cleaning and rubbish removal were not considered within the scope of the Fund. The proposed removal of the original paved area required further information on the extent of original paving and damage. In addition, no quote for the works was submitted. The Application is not consistent with section 4 (ii) of the *Policy and Guidelines*.
- 207 Yarra Street Warrandyte: This application is within Heritage Overlay HO191 and in the Warrandyte Township Precinct. The application proposed cleaning up the garden area and revegetation. The nature of these works was considered outside the scope of the Fund as the garden works are of a general maintenance nature, and the proposed replanting does not relate to significant landscape elements in the statement of significance.

2 PROPOSAL/ISSUE

2.1 It is recommended that Council endorse the recommendations of the Heritage Advisory Committee in relation to the applications for funding from

the Heritage Restoration Fund 2015/2016 (refer to Attachment 2) and the Heritage Restoration Fund (Trees and Gardens) (refer to Attachment 3).

- 2.2 The proposed allocation of funds amounts to a total of \$34,991.62, made up of \$30,201.87 under the Heritage Restoration Fund and \$ 4,789.75 under the Heritage Restoration Fund (Trees and Gardens).
- 2.3 Council has previously agreed to share the cost of any applications for planning permits associated with the proposed works. The allocation towards the cost of a planning permit should be 50% of the cost of the application and is applied through a 50% reduction in the cost of the planning permit application fee.

Amendment of Policy and Guidelines

- 2.4 At its meeting on 12 August 2015, the Heritage Advisory Committee also considered the description of allocation in the Heritage Restoration Fund Policy and Guidelines, particularly in relation to the statement:

Funding will generally be granted on a Dollar for Dollar basis up to \$1,000 in value (although larger grants may be approved). Property owners are expected to financially contribute (at least 50 per cent) towards the total cost of the project they are applying for.

- 2.5 The Heritage Advisory Committee recommended that the Policy and Guidelines for the next funding round be revised to provide a clearer explanation of the funding allocation following with the addition of:

The amount of funding allocated may be more than \$1,000 at the Council's discretion. However, Council can only allocate a maximum of 50% of the total cost of works.

(Refer to the highlighted section on page 1 of Attachment 4 for the location of the proposed new wording).

3 PRIORITY/TIMING

- 3.1 Applicants will be notified of the outcome of the funding allocation within a week of Council's resolution in order to enable the completion of works and claiming of funds within the current financial year.

4 POLICY/PRECEDENT IMPLICATIONS

- 4.1 The recommendations in relation to the applications for funding have been made in accordance with the Heritage Restoration Fund 2014-2015 Policy and Guidelines (refer Attachment 1).

5 CUSTOMER/COMMUNITY IMPACT

- 5.1 The funding will assist owners of heritage places to restore original features of their heritage places. It will also assist owners of significant trees and gardens to undertake appropriate maintenance works or to obtain a suitable water supply, thereby maintaining the cultural and aesthetic values of the place and enjoyment it brings to the owners and wider community for years to come.

6 FINANCIAL RESOURCE IMPLICATIONS

- 6.1 Council allocated a total of \$35,000 to the Heritage Restoration Fund and Heritage Restoration Fund (Trees and Gardens) in its 2015/2016 budget. The Committee has recommended that the full amount be allocated as part of this round.
- 6.2 Where works are not completed in their entirety, or where works are completed for an amount less than that specified on the application form, a smaller grant may be paid than that allocated. Where the total cost of the works is less than 50% of the funds allocated, the total amount claimed may only be for up to 50% of the actual total cost of the works.
- 6.3 In accordance with Council's decision on 27 September 2011, the guidelines provide for instances where any residual funds are available. The guidelines enable new late applications or additional works for approved applications to be considered for funds at a later stage.

7 SUSTAINABILITY

- 7.1 The Heritage Restoration Fund has positive social, environmental and economic benefits. The grants program provides financial incentives for property owners to undertake appropriate conservation works.

8 CONSULTATION

- 8.1 The owners of all existing heritage places listed in the Heritage Overlay and those properties listed in the Vegetation Protection Overlay Schedule 5 (VPO5) were individually notified of the funding round by mail.
- 8.2 The Heritage Advisory Committee has considered the applications for funding and has made the recommendations referred to in this report.

9 COMMUNICATIONS STRATEGY

- 9.1 All applicants seeking funding as part of the 2015/2016 Heritage Restoration Fund and Heritage Restoration Fund (Trees and Gardens) will be notified of the outcome of their applications.

10 CONCLUSION

- 10.1 The 2015/2016 Heritage Restoration fund closed on 7 August 2015. In accordance with the Heritage Restoration Policy Guidelines, Council's Heritage Advisory Committee has considered the applications for funding and has made recommendations to Council regarding the apportionment of all the available funds as shown in Attachments 2 and 3.

OFFICER'S RECOMMENDATION

That Council:

- (A) Notes the recommendations of the Heritage Advisory Committee (refer Attachments 2 & 3);
- (B) Endorses the allocation of funding for the 2015/2016 Heritage Restoration Fund as follows:-

1. **Heritage Restoration Fund: Thirteen (13) applications totalling \$30,201.87 (refer Attachment 2)**
2. **Heritage Restoration Fund (Trees and Gardens): Nine (9) applications totalling \$4,789.75 (refer Attachment 3).**

(C) Endorses the proposed changes to the Policy and Guidelines as reflected in Attachment 4.

**MOVED: DOWNIE
SECONDED: HAYNES**

That the Recommendation be adopted.

CARRIED

“Refer Attachments”

Attachment 1 – Heritage Restoration Fund 2015-2016 Policy and Guidelines; Heritage Restoration Fund (Trees and gardens) 2015-2016 Policy and Guidelines;

Attachment 2 – Heritage Restoration Fund- Assessment Table

Attachment 3- Heritage Restoration Fund (Trees and Gardens)-Assessment table

Attachment 4- Changes to the Policy and Guidelines as reflected in Attachment 4.

* * * * *

9.4 Municipal Fire Management Plan 2015 - update and consideration of extension of expiry date

Responsible Director: Director Planning & Environment

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 purpose of this report is to seek Council consideration and endorsement of an extension of the expiration date and some updates to the Municipal Fire Management Plan (MFMP) - (Attachment 1).

The State Fire Management Planning Committee (SFMP) is commencing the development of a State Fire Mitigation Plan (SFMP) which will set clear outcomes, practical objectives and performance indicators to reduce the fire impact on communities and the environment in the future.

The Emergency Management Commissioner has requested that Fire Management Planning Committees await the release of the SFMP prior to undertaking a comprehensive review however in the meantime ensuring that current MFMP's are kept up to date to meet relevant audit requirements.

The current MFMP is due to expire at the end of 2015.

Victorian State Government legislation requires that all municipalities with a grass or bushfire risk, prepare a MFMP.

The MFMP is a sub plan of the Manningham Municipal Emergency Management Plan (MEMP). The Plan is risk based, and has been developed using the principles outlined in the Integrated Fire Management Planning Framework (IFMP), IFMP Guidelines (2010), and the Guidelines for Municipal Fire Management Planning, Part 6A: Emergency Management Manual Victoria (EMMV 2011).

The MFMP is an integrated Plan, combining strategies and actions from Manningham City Council, the Department of Environment, Land, Water and Planning (DEWLP), Parks Victoria (PV), Country Fire Authority (CFA), Metropolitan Fire Brigade (MFB), VicRoads and other key stakeholders.

Authority for this plan is derived from the Emergency Management Act 1986 (S21(5)). All agencies and organisations with responsibilities under the MFMP have endorsed the Plan, therefore confirming their capability and commitment to meeting their respective obligations as specified in the Plan.

This report seeks an extension of the expiry date to the current MFMP of two years and includes some minor updates as indicated in the report. This report also seeks endorsement by Council for the MFMP to make updates to the Appendix when required to keep the plan up to date.

1 BACKGROUND

- 1.1 Adoption of the MFMP by Council, will be deemed to meet the requirements of a Municipal Fire Prevention Plan (MFPP), pursuant to s55A(1) of the Country Fire Authority Act 1958 (CFA Act), provided that it contains the provisions as set out in s55(A)2.
- 1.2 A MFPP must in accordance with the regulations:
- identify areas, buildings and land use in the municipal district which are at particular risk in case of fire;
 - specify how each identified risk is to be treated;
 - specify who is to be responsible for treating those risks;
 - identify all designated neighbourhood safer places in the municipal district or if no places have been designated, recording that fact;
 - designate any places in the municipal district that are community fire refuges; and
 - contain any other matter prescribed for inclusion in the Plan.
- 1.3 The Municipal Fire Management Planning Committee (MFMPC) appointed by Council has representation from the following organisations Manningham City Council, MFB, CFA and Parks Vic/DELWP.
- 1.4 The role of the MFMPC is to:
- identify and prioritise the risks and vulnerabilities across the municipal area;
 - reduce the likelihood and consequence of fire hazards within local communities;
 - manage local priorities relating to protection of communities and assets; and
 - develop and implement works programs for the management of fires, including:
 - hazard removal and fuel management;
 - community engagement activities;
 - identification of reliable water supplies;
 - encouragement of increased responsibility by the community;
 - consideration of planning across municipal boundaries; and
 - elevation of matters to the Regional Fire Management Planning Committee.
- 1.5 The preparation of the MFMP has involved the experience of agencies and authorities charged with responsibilities for fire management, local CFA brigades and community consultation. This collaboration has ensured the development of a holistic and integrated approach to fire management across all land users, and that the strategies adopted are based on technical skills, practical local knowledge and common sense. The MFMP has been prepared by the Manningham MFMPC in accordance with the IFMP process and legislative requirements.

- 1.6 The Victorian Fire Risk Register (VFRR) is a mapping application that assists in bushfire risk management planning. It is a systematic process that identifies all assets at risk in the Municipality, assesses the level of risk and highlights the mitigation treatments currently in place along with the responsible agencies for implementing these treatments.
- 1.7 The Mutli agency action plan (Appendix B1) and the VFRR treatment plan (Appendix B2) address the fire management objectives of this plan. Actions and treatments have been devised towards preparing for, preventing, responding to and recovering from unplanned fires. Both the VFRR treatment plan and the Mutli Agency Action Plan are living documents. Periodic review and updates are required to review the risk, identify new risk and mitigation treatments.
- 1.8 The current MFMP 2012-2015 was adopted by Council in 2012.
- 1.9 The MFMP will be audited in accordance with s.55B of the CFA Act 1958, triennially, by the CFA's Fire Prevention Improvement Officer and this audit must assess whether the plan complies with the requirements of this Act and the regulations.

2 PROPOSAL/ISSUE

- 2.1 A working group of the MFMPCC comprising of representatives from Council, CFA and Parks Victoria met to discuss the required changes to the Plan and the VFRR to ensure it was up to date. It is proposed that Council approve the following updates to the MFMP as indicated in the table below.
- 2.2

Section of Plan	Updates
Part 1 - Introduction	No changes
Part 2 – Engagement and Communications	No changes
Part 3 – Summary of the Environmental Scan	Addition of : 3.7 – 2014 Warrandyte Fire
Part 4 – Municipal Fire Management Objectives	No changes
Part 5 – Risk Management Strategies	Addition of 5.9 – Manningham Council Incentives (this includes, garden waste vouchers, permit to burns, bundled garden waste etc)
Part 6 – Plan reporting and review	No changes
Appendices	A1 – Revised VFRR table A2 – no change A3 – no change B1 – Updated Multi agency works plan B2 – Addition of VFRR treatment works plan C1 – Council Hazard Tree program added C2 – No change C3 – No Change

	C4 – No Change D1 – Updated Community Engagement Plan D2 – No change D3 – No change E – Updated maps including VFRR
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3 PRIORITY/TIMING

- 3.1 The existing MFMP is current until the end of 2015, therefore an extension is required to keep the plan 'in date' while the State Government develop the SFMP. The release of this plan will guide municipal plans to ensure they are aligned and complement these future directions.

4 POLICY/PRECEDENT IMPLICATIONS

- 4.1 The Council's fire prevention responsibilities are derived from the CFA Act and the Metropolitan Fire Brigades Act 1958 (MFB Act) which require Council to take all practical steps to prevent the occurrence of fires on and from land under its control.

5 BEST VALUE

- 5.1 The Council's fire prevention responsibilities are derived from the CFA Act and the Metropolitan Fire Brigades Act 1958 (MFB Act) which require Council to take all practical steps to prevent the occurrence of fires on and from land under its control.
- 5.2 Actions to be undertaken by Council are carried out with both internal and external resources (contractors), with due consideration of best value principles, including:
- quality and cost of services;
 - services being responsive to the needs of the community;
 - an approach of continuous improvement for services; and
 - regular consultation with the community on the services provided.

6 CUSTOMER/COMMUNITY IMPACT

- 6.1 Approval of the extension to the MFMP will:
- provide a community safety benefit to residents in high risk areas;
 - enhance the prevention and preparedness actions of the community; and
 - support greater community reliance; and
 - allow Council to meet legislative obligations.

7 COUNCIL PLAN/ MEASURE OF ACHIEVEMENT OF ACTION

- 7.1 Preparation and adoption of the MFMP is consistent with, and supports the following objectives and strategies contained within the Council Plan:
- Theme 2 - Enjoy and Protect Our Natural Spaces

- Goal 2.3 - We proactively seek innovative solutions to address the effects of climate change and work together to protect the environment.

8 FINANCIAL RESOURCE IMPLICATIONS

- 8.1 There are no additional finance resources required.

9 REGIONAL/STRATEGIC IMPLICATIONS

- 9.1 The MFMP is a sub Plan of the Manningham MEMP. It is closely aligned with the Victorian Government's IFMP. IFMP aims to achieve a consistent and effective means for fire management planning within Victoria, through a commitment to cooperation, including information sharing and the building of collective knowledge. IFMP operates at the State, Regional, Municipal and Local (in some areas) levels. Each level has different objectives, as follows:

State

The State Fire Management Strategy 2009 provides the guidance for a combined and organised effort in lowering the risk of fire through cooperative principles in the State of Victoria.

Region

The Eastern Metropolitan Regional Strategic Fire Management Plan (RSFMP) provides the risk management requirements and quantifies the need for planning at municipal level involving an all agency approach, while embracing the broader community and stakeholders.

Municipal

MFMP's provide a consistent approach to fire management planning within the municipal area through commitment to cooperation, including sharing and building of collective knowledge and experience at the municipal level.

As the state is currently in the process of developing a new fire mitigation plan, Emergency Management Victoria (EMV) have requested that fire management planning committees await this release before undertaking a comprehensive review

10 CONSULTATION

- 10.1 The MFMP has modified the current MFMP, and in doing so, has consulted with all relevant agencies, relevant Council service units and committees including the MFMP and the MEMP.
- 10.2 A consultant, Terramatrix, was engaged to develop an earlier iteration of the current Plan. Terramatrix are experts in wildfire risk management, including fire management planning and auditing, land use planning, post-incident analysis and research, training and strategic services.
- 10.3 The original draft Plan was posted on Council's online engagement website (whatmattersmanningham), advertised in the local media and at Council Offices and was made available at the Warrandyte Festival in order for the public to provide comment and submissions.

11 COMMUNICATIONS STRATEGY

- 11.1 A communications plan was developed to inform the community of the content of the plan and how to minimise the risk of unplanned fire in the community.

12 CONCLUSION

- 12.1 Changes to the MFMP have been developed by a working group of the MFMPC and have been endorsed by both the MFMPC and the MEMP at the August 7, 2015 meeting.
- 12.2 The modified MFMP will benefit the people of Manningham through coordinating the planning and implementation of measures necessary to minimise the occurrence of fire and to mitigate its impact on the community.
- 12.3 This report seeks endorsement of the changes to the MFMP and an extension to the Plan of two years while the state release the new planning guidelines. This will align Manningham with state and regional objectives as new fire planning guidelines are introduced across Victoria.

OFFICER'S RECOMMENDATION

That council

- (A) **Extend the life of the *Municipal Fire Management Plan (MFMP)* by two years until 31 December, 2017 while the State Government prepare and release new planning guidelines.**
- (B) **Adopt the updates to the Plan and Appendices as outlined in Section 2.2.**
- (C) **Endorse the Municipal Fire Management Planning Committee (MFMPC) to review and update the Appendices when required to keep the Plan up to date to ensure audit requirements are being met.**

**MOVED: DOWNIE
SECONDED: KLEINERT**

That the Recommendation be adopted.

CARRIED

"Refer Attachments"

* * * * *

10. ASSETS & ENGINEERING

There are no Assets & Engineering reports.

11. COMMUNITY PROGRAMS

There are no Community Programs reports.

12. CORPORATE SERVICES

12.1 Annual Report 2014/2015

Responsible Director: Director Shared Services

File No. T15/213

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

All Victorian councils have a statutory obligation to prepare an annual report that is in accordance with section 131 of the Local Government Act 1989 (the Act). The annual report must be lodged with the Minister for Local Government (the Minister) by 30 September each year.

Council is being requested to give 'in principle' approval of the draft 2014/2015 Annual Report at the Council Meeting on 29 September 2015. Council is also required to publicly consider the annual report within one month after it has been sent to the Minister by the 30 September deadline. A further report to this effect will be presented to the 27 October 2015 Ordinary Meeting of Council.

In principle approval of the performance statement and financial statements (i.e. the audited section of the annual report) has been dealt with in a separate report presented at a Special Meeting of Council on 8 September 2015.

1 BACKGROUND

- 1.1 The Annual Report is a key reporting tool used to monitor Council's performance. It must include a report of Council's operations, audited standard statements, audited financial statements and audited performance statement.
- 1.2 This is the first year Council is reporting on a number of service performance, financial and sustainability indicators under the new Local Government Performance Reporting Framework (LGPRF).
- 1.3 Council is now in a position to review and give 'in principle' approval to the general content and structure of the Annual Report 2014/2015 prior to its publication.
- 1.4 The Annual Report provides the community with a comprehensive overview of Council's performance during the 2014/2015 financial year, covering a range of information, including:
 - 1.4.1 A review of Council's performance against the 2013-2017 Council Plan and the strategic indicators contained within it
 - 1.4.2 An overview of the legislative, economic and other factors that have had an impact on Council's performance
 - 1.4.3 Performance, standard and financial statements

- 1.4.4 Major policy initiatives, operations, works undertaken
- 1.4.5 Information on the nature and range of activities and services delivered
- 1.4.6 Highlights, achievements and challenges for Council
- 1.4.7 Names of the Councillors and their details
- 1.4.8 The administrative structure of Council, including the name of the Chief Executive Officer/senior officers and their areas of responsibility, the organisational chart, and Council's contact details.

2 PROPOSAL/ISSUE

- 2.1 It is proposed that Council approves 'in principle' the 2014/2015 Annual Report for the year ended 30 June 2015.

3 PRIORITY/TIMING

- 3.1 Following the Council's 'in principle' approval of the Annual Report 2014/2015, a copy inclusive of the audited 2014/2015 Performance Statement and Financial Statements, will be forwarded to the Minister on 30 September 2015.

4 POLICY/PRECEDENT IMPLICATIONS

- 4.1 Council has a legal obligation to submit its Annual Report 2014/2015 to the Minister by 30 September 2015. Failure to submit by the due date will result in this being published in the Annual Report of the Department of Environment, Land, Water and Planning.
- 4.2 Council is required to comply with section 131 of the *Local Government Act 1989* and, in addition, to the *Local Government (Planning and Reporting) Regulations 2014*, which prescribe further information that is required to be included in the Annual Report.
- 4.3 In accordance with statutory requirements, the Annual Report 2014/2015 is to be presented to the Ordinary Council Meeting on 27 October 2015, in line with the *Local Government Act 1989* which requires councils to publicly consider the annual report within one month of submitting it to the Minister.

5 COUNCIL PLAN/ MEASURE OF ACHIEVEMENT OF ACTION

- 5.1 The Annual Report contains a summary of Council's performance against the strategic objectives in the 2013-2017 Council Plan.

6 SUSTAINABILITY

- 6.1 An online version of the Annual Report 2014/2015 will be placed onto Council's corporate website to complement the printed publication.

7 COMMUNICATIONS STRATEGY

- 7.1 As required by the *Local Government Act 1989*, public notice will be given advising that the Annual Report 2014/2015 is available for public inspection.

- 7.2 The report includes the interpretation services icon and phone number on the back page to direct non-English readers to contact Council's language services for information about the document or Council services in general.
- 7.3 Following the Ordinary Council Meeting on 27 October 2015:
- 7.3.1 An online version of the Annual Report 2014/2015 will be produced and placed on Council's corporate website
- 7.3.2 Hard copies will be printed and made available at the Manningham Civic Centre and Manningham libraries
- 7.3.3 Copies will be distributed to the Executive Management Team (EMT), councillors, managers and co-ordinators, Eastern Region Metropolitan councils, and other interested persons (upon request).

8 CONCLUSION

- 8.1 The 2014/2015 Annual Report provides a comprehensive review of Council's performance during the 2014/2015 financial year. Council is now in a position to give 'in principle' approval to the general contents and structure prior to its publication.

OFFICER'S RECOMMENDATION

That:

- A. Council gives 'in principle' approval to the tabled version of the Annual Report 2014/2015 and for the Report to be sent to the Minister for Local Government on 30 September 2015.
- B. The Annual Report 2014/2015 be presented to the Ordinary Council Meeting on 27 October 2015, in line with the *Local Government Act 1989* which requires councils to publicly consider the annual report within one month of submitting it to the Minister for Local Government.
- C. That a public notice be placed in the *Manningham Leader* and *The Age* advising the community that the Annual Report 2014/2015 is available for public inspection and of the 27 October 2015 Ordinary Meeting of Council.

MOVED: GRIVOKOSTOPOULOS
SECONDED: O'BRIEN

That the Recommendation be adopted.

CARRIED

Attachments:

2014/2015 Annual Report

* * * * *

12.2 Meeting Procedure Law 2015 Adoption

Responsible Manager: Manager Strategic Governance

File No. EF14/31589

The ultimate destination for this report is: COUNCIL AGENDA

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

SUMMARY

The current Manningham City Council Meeting Procedure Local Law commenced on the 26 November 2005. Under the Local Government Act all local laws sunset 10 years after they commence. A new Local Law is required to be made prior to the sunset date of 26 November 2015.

Council on 16 December 2014 reviewed the Local Law, proposed a new Meeting Procedure Law (the Law) and undertook a statutory public consultation process.

Two public submissions were received and are addressed within this report. The Law has also had further independent legal review.

Several changes are recommended to be made to the Law, none of which are considered substantial enough to require the Law to be readvertised.

If Council adopts the Law, as recommended, the Law will can come into effect on 28 October 2015.

1 BACKGROUND

- 1.1 The current Manningham City Council Meeting Procedure Local Law commenced on the 26 November 2005, however, under the Local Government Act 1989 all local laws sunset 10 years after they commence. Therefore, a new Local Law is required to be made prior to the sunset date of 26 November 2015.
- 1.2 The Meeting Procedure Local Law plays an integral part in Council's governance structure as it provides for the administration of the Council's powers and functions plus gives a mechanism to facilitate the peace, order and good government of the municipal district. It also regulates and controls the election of Mayor, Deputy Mayor and Council representatives on external bodies; the procedures governing the conduct of meetings and the use of the Council's seal.
- 1.3 Council at its December Council Meeting proposed a new Meeting Procedure Law to be placed on public exhibition and sought public submissions pursuant to S223 of the Local Government Act 1989.
- 1.4 The process for the review of the Law was undertaken in accordance with the Better Practice Local Law Strategy developed by the Department of Transport, Planning and Local Infrastructure.

- 1.5 Two public submissions were received, both lodged electronically through 'Your Say Manningham'.
- 1.6 The matters raised in the submissions and the officers response are summarised in Attachment 2.

2 PROPOSAL/ISSUE

- 2.1 Since the exhibition of the proposed Law, Council engaged a legal review of the Law for compliance with the Local Government Act 1989 and alignment with contemporary governance practices. Several areas were identified as follows:
 - Some provisions were inconsistent with the Act which means that they are inoperative unless amended – for example, the Chairperson's right to cast a second vote and the requirements for giving notice of a meeting;
 - The CEO cannot use the Common Seal to evidence a decision made under delegation. It can only be used following the making of a Council resolution (refer clause 6.1); and
 - Clause 46 refers to the procedural and formal motions contained in Schedule 4 however the schedule was not included in the proposed Law.
- 2.2 The review also identified some definitions for words not actually used in the proposed Law which have been removed and some new definitions not previously used have been inserted. Other provisions have been reworded in order for them to be better understood without changing the intent. Other administrative changes include use of paragraph numbering, subheadings and spelling and punctuation changes, where required, to follow current drafting standards adopted by the State Government.
- 2.3 These are all incidental in nature and have not changed the intention of the proposed Law. As such, they have been incorporated in the version attached to this report and recommended for adoption. A list of all changes is contained in Attachment 1.

3 FINANCIAL RESOURCE IMPLICATIONS

- 3.1 There are no financial resource implications for the adoption of the proposed Law.

4 SUSTAINABILITY

- 4.1 The proposed Law will need to be reviewed and updated before the expiry of 10 years.

5 CONSULTATION

- 5.1 Notice of the proposed Law was given in the Manningham Leader on Tuesday 27 January 2015 and in the Victorian Government Gazette on Thursday 29 January 2015. Notice was also given on Council's website and in Manningham Matters in February.
- 5.2 Pursuant to Section 223 of the Local Government Act 1989 any person was able to make a written submission relating to the proposed Law.
- 5.3 The submission period ran from 27 January 2015 to 5.00pm on Monday 2 March 2015.

6 HUMAN RIGHTS CHARTER

6.1 The proposed Law has been considered in accordance with the Victorian Charter of Human Rights and Responsibilities. No inconsistencies have been identified. Particular consideration was given to the following rights under the Charter:-

- Right to recognition and equality before the law;
- Right to privacy and reputation;
- Right to freedom of expression;
- Right to take part in public life; and
- Right to a fair hearing.

7 CONCLUSION

7.1 It is recommended to adopt the Meeting Procedure Law 2015, as endorsed by Council on 16 December 2014, but with minor changes as recommended.

7.2 In accordance with the provisions of the *Local Government Act 1989*, if the proposed Meeting Procedure Law 2015 (see Attachment 3) is adopted by Council, Council will give notice in the *Victoria Government Gazette*, the *Manningham Leader* newspaper and on Council's website of the adopted Law and the Law will come into effect on 28 October 2015, following the publication of the gazettal notice.

OFFICER'S RECOMMENDATION

That:

1. **The Meeting Procedure Law 2015 as shown as Attachment 3 be adopted;**
2. **Public notice, in accordance with section 119(3) of the Local Government Act 1989, of this adoption be placed in the Manningham Leader and the Victoria Government Gazette;**
3. **A copy of the Law be sent to the Minister for Local Government in accordance with section 119(4) of the Local Government Act 1989;**
4. **The Meeting Procedure Law 2015 commence on 28 October 2015 following its publication in the Victoria Government Gazette; and**
5. **Submitters be advised of the decisions made in respect to their submissions.**

MOVED: GOUGH
SECONDED: O'BRIEN

That the Recommendation be adopted.

CARRIED

"Refer Attachments"

1. Changes made to the proposed Meeting Procedure 2015
2. Summary of submissions and responses
3. Proposed Meeting Procedure Law 2015

* * * * *

ATTACHMENT 1

PART A provides an overview of the changes as endorsed by Council in December 2014 and as publicly advertised in the proposed Act.		
Proposed change	Clause/s	Rationale
Introduce provisions in regards to the election of a Deputy Mayor	2 (b) 14	Not previously incorporated into Law.
Enable signing and sealing of documents to be undertaken under policy or resolution	6.2	Enable process of applying common seal to be undertaken under policy to speed up this administrative process.
Require nomination for the election of Mayor to be seconded	12.1	Revised approach to require a Mover and Secunder for the nomination of Mayor.
Enable candidates for Mayor to address Council, prior to election	12.4 12.5	Enhance process for election of Mayor
Amend process for election of Mayor so that when there are two remaining candidates that have an equality of votes, the first drawn to be declared elected.	13.7 13.8	Revised method of election to enable Mayor to be drawn out as a successful candidate rather than effectively be the "last person standing".
Amend order of business to incorporate existing practices and terminology within Local Law.	16.1	Incorporate verbal question time from the public and move confidential items to the last item on the agenda.
Require notice of meeting and meeting agenda to be placed on Web Site	19.8	Provide for formal notice of meeting to be on the Web Site rather than on the Civic Centre notice board.
Remove requirement for resolution to resume a closed meeting in open session so that it occurs automatically	20.4	Avoid the requirement for additional unnecessary procedural motions.
Include process for apologies and applications for leave of absence	21.2	New provision to clearly articulate and distinguish the processes for apologies and leave of absence.
Provide for recording of any Councillor abstaining in the minutes of meeting.	23.1(f) 44.2	Introduce process for a Councillor to abstain from voting in accord with changes to the Act.
New provision for "Verbal questions from members of the public"	26	Incorporate existing practice into Local Law. This will remove the requirement to adjourn the meeting during this part of proceedings.
Remove reference to Joint Letters	27.1	This is an historic term and practice that is little used and no longer recommended for inclusion in the Local Law. Joint letters will still be received and processed but not required to be

PART A provides an overview of the changes as endorsed by Council in December 2014 and as publicly advertised in the proposed Act.		
		presented to Council.
New provision to clarify that a mover has no right of reply if there has not been a speaker against the motion.	34.2(c)	Clarifying normal rules of debate and to align with existing practice.
Require two or more Councillors to propose a rescission or alteration motion and extend the time for them to be lodged by 6 hours.	41.1	It can be argued that the existing practice of allowing one Councillor to lodge a notice of motion is insufficient to overturn a Council decision.
Amend number of Councillors required to admit urgent business from three quarters to two thirds.	43.1 43.2	Two thirds (6) is seen as a more logical number than three quarters (6.75 that is 7).
Legislative Changes		
Remove reference to Code of Conduct.		Now prescribed in Act.
Amend dates when election of Mayor is to be conducted.	9(a)	Align with updated provisions in Act
Update eligibility provisions for Mayor.	10	Align with updated provisions in Act
Remove reference to Confidential Information.		Duplication of Act.
Remove disclosure of Interest provisions		Provisions no longer apply, superseded by conflict of interest provisions in the Act.
Modify disclosure of conflict of interest provisions	22	Align with updated provisions of Act.

PART B provides the rationale for the changes as proposed after the receipt of public submissions, legal and governance review.		
Note: Some clause numbers have changed from the advertised Law.		
Change	Clause	Rationale
Added more definitions	5.1	As per change.
Use of Common Seal only for documents directly approved by Council.	6.1	The Common Seal can only be used to evidence a Council decision authorising its use. When acting under delegation, the CEO should sign the document on behalf of Council and without the use of the Common Seal unless by policy or resolution specific documents can be signed by the CEO and any one Director with the use of the Common Seal.
Adds the use of a second vote by the Chairperson for election of Deputy Mayor and committee representatives.	14	As per change.
This clause to be deleted.	15.1	Most people and councils are unfamiliar with the Westminster system and clause 15.2 (now 15.1) permits Council to determine any matter concerning meeting procedure.
This clause to be deleted.	15.5	In this part, the singular includes the plural and vice versa, is considered unnecessary
The requirement to have an Opening Prayer has been raised in public submission.	21.0 now 16.1	This is a matter for Council to determine.
This clause has been reworded	17.1	To accord with s91(3a) of the LGA
Clauses have been merged	18.3 & 18.4	To avoid duplication and confusion
Clauses to be deleted.	19.10, 19.11 & 19.12	Cancellation of ordinary meetings should be done by council resolution and the CEO must call a special meeting once called by Council or three Councillors.
Clause has been amended	19.4 now 20.2	To comply with s89(4) of the LGA.
Delete reference to assembly of councillors	22.1 now 26.1	The law is confined to Council Meetings only
This clause to be deleted.	22.5	Covered under cl 23.1(c) now 27.1c).
Part (a) to be deleted	25.4a)	It is unnecessary because covered in 25.4(b) now 29.4a).

PART B provides the rationale for the changes as proposed after the receipt of public submissions, legal and governance review.		
Note: Some clause numbers have changed from the advertised Law.		
This clause to be deleted.	41.5	It is contrary to s90(1)(e) of the LGA
Casting vote to be known as second vote	45.0 now 49.0	As per change
Clauses reworded	45.1 & 45.2 now 49.1 & 49.2	They were contrary to s90(1)(e)
Clause reworded	47.2 now 51.2	The words "or any person requested by the chairperson so to do" that is to remove a person from the meeting is to be deleted as inappropriate and for OH&S reasons. The following words are recommended to be added as a result of comment by a submitter. "The period of any exclusion will be for the entirety of the meeting at which the offence occurred."
To be added to the Law	Sch 4	Schedule 4 was left out of law

ATTACHMENT 2

SUBMISSION FROM SUBMITTER ONE	
Submission	Council Response
a. "It would have been helpful to interested parties to have been able to view changes to the existing law in a highlighted form."	a. Comment noted. Track changes have not been used for the attached proposed Law as, due to the many formatting and minor changes made to the document, it would have resulted in a confusing number of underlines and comment balloons. The significant changes being introduced in the proposed Law are shown in attachment 1.
b. "The verbal submissions at the start of the meeting is potentially a recipe for disaster given an allocation of only 30 minutes. Presenters need to be advised of a strict time limit particularly with the more contentious issues. Presenters should be assembled prior to the meeting in an attempt to combine presentations that will often be repetitive. This could be determined by the Mayor and CEO prior to the meeting."	b. Comment disagreed with and no change to proposed Law The proposed Law states that the process for conducting verbal questions will be in accordance with Council policy and guidelines as determined from time to time. While no policy currently exists there are guidelines that have been used since the inception of verbal question time at Council Meetings. These include:- <ul style="list-style-type: none"> • Questioners will be required to register their questions with the Governance Administration Officer(s) in the Council Chamber prior to the 7.00pm start to the Meeting. Questions will be taken in order of registration. • The conduct of the Verbal Public Question Time will be at the discretion of the Mayor. • Questions must not relate to items on the agenda for the night's Council Meeting. Questions relating to agenda items should be submitted as part of the formal public written question time listed on the Council Meeting agenda. • No more than two questions are to be asked and multi-part questions may not be allowed by the Mayor. There have not been any situations when the 30 minute time limit has been reached and the guidelines have assisted in the process for controlling verbal question time. Therefore, there is no recommendation to make any changes to this part of the proposed Law.
c. "With regard to the expansion of the Mayor's powers of exclusion or suspension are long overdue. However no specific mention of Councillors as well as the public would make this more obvious"	Comment disagreed with and no change to proposed Law This issue only applies to the Mayor being able to request a member of the public or Councillor who may be disruptive or unruly to leave the meeting or have the person removed.
d. "In addition the new law allows for 5 minute adjournments. In the event of an exclusion the adjournment should remain in force until the person removes him or herself from the meeting or a member of Vicpol has removed them. It is also unclear as to the length of time the person or Councillor is excluded for. I believe Council needs to decide on this as in some cases a period of time during the meeting only is appropriate. The simple solution would be for the entirety of this meeting only."	Comment supported. Change to proposed Law to be made. It is for the determination of the Council as to whether the five minute adjournment is sufficient a time period to resolve any unruly behaviour or whether a longer time such as up to 30 minutes (at the Mayors discretion) is required. In regard to the period of time for exclusion from the meeting it is recommended the following words be added to clause 47.2; "The period of any exclusion will be for the entirety of the meeting at which the offence occurred".

2. SUBMISSION FROM SUBMITTER TWO

Mr Turner recommended that the words "opening prayer" as stated in Clause 1.20(a) be deleted. The reason given for this recommendation is that it should be done "out of respect for ALL councillors, officers and members of the public present at a meeting, the proceedings should be secular. i.e. not privileging any religion or belief system over any other."

Comment disagreed with and no change to proposed Law
Each sitting of the Council is preceded by the reciting of the opening prayer. The prayer is as follows:-

*Almighty God we pray for your blessing upon this Council.
Help and prosper its work for the advancement and benefit of
its people.*

*So that peace and happiness, unity and justice may be
established among us all.*

Amen.

The reciting of an opening prayer is a non-statutory practice embedded in past meeting procedure local laws and of historical precedent. The form of the prayer has changed over time with the current prayer having been used for many years. The current prayer is considered to be non-denominational and inclusive because it can apply to most major religions and is used as a matter of respect.

12.3 Variation of Lease between Council and Manningham Community Health Services Limited - Post Submissions

Responsible Director: Graham Brewer

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

On 28 July 2015 Council considered a report in relation to Manningham Community Health Services Limited's request to undertake, at its cost, alterations to the occupied Premises at 40-44 Balmoral Avenue, Templestowe Lower in order to better meet its service delivery, and further, to vary the lease by providing one additional further term of 4 years to the existing terms.

On that occasion Council resolved to give public notice of its intention to vary the lease pursuant to sections 190 and 223 of the Local Government Act 1989 ('the Act').

A public notice of the proposal was published in the Manningham Leader newspaper on 3 August 2015. Submissions closed on 31 August, 2015. No submissions were received. In the absence of submissions, the Council can now resolve whether or not to grant the proposed variation of lease.

1 BACKGROUND

- 1.1 Please refer to the attached copy of the report to Council on 28 July 2015 for background on the proposal (Attachment 1).
- 1.2 No submissions were received on the proposal to vary the existing lease with Manningham Community Health Services Limited ('Tenant') to provide one additional further term of 4 years to the existing lease terms. If Council resolves to vary the lease, conditional on the Tenant's exercise of options for the further terms, the lease would expire on 30 September 2024.

2 PROPOSAL/ISSUE

- 2.1 The Tenant has proposed to undertake at its expense alterations of the Premises to increase the functionality of service delivery to its clients.
- 2.2 A variation of lease incorporating the matters noted in part 2.3 of the report in Attachment 1, drafted by Council's Property Services unit and conditional on the satisfactory completion of statutory requirements and Council's resolve to vary the existing lease, has been agreed to by the Tenant.

3 PRIORITY/TIMING

- 3.1 The Tenant is keen for the alterations, aimed at better meeting its service delivery, to commence, under the supervision of Council's Project Manager at the earliest available opportunity.

- 3.2 If the Council resolves to grant the variation of lease, quotations are required to be finalised in order to program the work associated with the alterations.

4 FINANCIAL RESOURCE IMPLICATIONS

- 4.1 The proposed alterations estimated to cost approximately \$80,000 (GST inclusive) are to be funded entirely by the Tenant. Apart from the new air conditioning units which the Tenant could remove on the expiry of the lease subject to make good obligations, the alterations would remain without the Tenant entitled for any compensation for the retention of the improvements.
- 4.2 The applicable rent under the existing lease is a subsidised rent applicable to tenants meeting the criteria of a Local Community – Partnership under Council’s Leased Community Facilities Pricing Policy. It is proposed that the rent continues to be reviewed in accordance with the review method until the expiry of the first term and the further term on 30 September 2020. In relation to the additional further term (1 October 2020 – 30 September 2024) the rent and review method would be that which is applicable at the time to organisations solely operating under the ‘Not for Profit’ status and which provide the maximum level of community benefit to the Manningham community.

5 CONSULTATION

- 5.1 Public notice of the proposal was advertised in the Manningham Leader newspaper on 3 August 2015.
- 5.2 No submissions were received at the close of submission period on 31 August 2015.

6 CONCLUSION

- 6.1 Having completed the procedures associated with sections 190 and 223 of the Act and in the absence of any submissions to the proposal, Council can now resolve whether or not to vary the lease.
- 6.2 The alterations proposed by the Tenant are aimed at meeting the Tenant’s changed model of service to its clients by increasing the focus on one to one consultations and therefore, increasing the functionality of the Premises.
- 6.3 It is recommended that the Council vary the lease by granting one additional further term.

OFFICER’S RECOMMENDATION

That having met its statutory obligations by giving public notice of its intention pursuant to sections 190 and 223 of the *Local Government Act* 1989 and in the absence of any submissions to the proposal, Council:

- 1. resolves to grant a variation of lease to Manningham Community Health Services Limited in respect of the Premises at part 40-44 Balmoral Avenue, Templestowe Lower being the inclusion of one additional further term of 4 years to take the occupancy of the leased Premises including the existing term and options to 30 September 2024;**
- 2. consent to Manningham Community Health Services Limited undertaking alterations at the Premises at its entire cost with such alterations to be carried**

out under the supervision of Council's Project Manager. Further, the Council notes that with the exception of the new air conditioning units which are to be installed as part of the alterations and which Manningham Community Health Services Limited can remove at the end of the lease subject to its 'make good' obligations in accordance with the lease, the alterations will remain in the Premises at the end of the lease without Manningham Community Health Services Limited being entitled to any compensation for the retention of such improvements;

3. resolves to affix its common seal to the variation of lease with Manningham Community Health Services Limited which amongst other things, incorporates the additional further term noted in part 1 above and deals with matters concerning the alterations of the Premises; and
4. resolves that the Committee of Council established to hear and consider submissions in accordance with section 223 of the *Local Government Act 1989* be disbanded.

MOVED: GOUGH
SECONDED: HAYNES

That the Recommendation be adopted.

CARRIED

"Refer Attachment"

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12.4 MAV Advocacy Motions - October 2015

Responsible Director: Strategic Governance

File No. T15/208

The ultimate destination for this report is: COUNCIL

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

SUMMARY

This report details the proposed motions to be submitted for consideration at the Municipal Association of Victoria State Council Meeting on 23 October 2015.

1 BACKGROUND

- 1.1 The Municipal Association of Victoria (MAV) is the state peak body for local government in Victoria. In May and October of each year, the MAV holds a State-wide Council meeting that assists in their advocacy and work plan development. Each participating Council has the opportunity to put forward issues for consideration at these Meetings.
- 1.2 Motions are developed in response to relevant issues that either currently impact or have potential to impact residents and that require Council consideration and endorsement.
- 1.3 To develop motions for the May State Council, Council undertook an extensive regional collaboration. For the upcoming October meeting, the opportunity to submit proposed motions was limited to Councillors and officers at Council.
- 1.4 Council has also received a motion for consideration from Banyule City Council on Metropolitan Planning Levy and Planning Application Fees.

2 PROPOSAL/ISSUE

- 2.1 The following motions are proposed for consideration (see Attachment 1):
 - School Focussed Youth Services (Manningham)
 - Victorian Building Authority (Manningham)
 - Metropolitan Planning Levy and Planning Application Fees (a modified version of the Banyule motion).
- 2.2 After Council consideration, any endorsed motions are submitted to the MAV for inclusion in the State Council Papers. The process from there is as follows:
 - 2.2.1 When the State Council Papers are issued (usually a fortnight prior to the Meeting), they will be emailed to Councillors with an invitation to offer any feedback to the MAV Representative and all other Councillors.
 - 2.2.2 If desired by Councillors and timing permits, particularly sensitive/controversial/ political motions will be highlighted for

discussion at an informal briefing session to seek input from Councillors prior to the State Council Meeting.

- 2.2.3 After the State Council Meeting, the MAV representative is to provide a verbal report at the next Ordinary Council meeting on motions of interest. Further information can be sourced as required.

OFFICER'S RECOMMENDATION

That Council endorse the three advocacy motions.

**MOVED: GALBALLY
SECONDED: DOWNIE**

That the Recommendation be adopted.

CARRIED

Refer Attachment 1 – 2015 October MAV Motions

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12.5 Documents for Sealing - 29 September 2015

Responsible Director: Strategic 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 Y & H Zhang
53 Santa Rosa Boulevard, Doncaster East**

**Community Services Lease
Council and Donvale Pre-School Association Inc
Part 7-9 Florence Avenue, Donvale**

**Community Services Lease
Council and Tunstall Square Kindergarten Inc
Part 77 Tunstall Road, Doncaster East**

**Community Services Lease
Council and Doncaster East Pre-School Centre Inc
Part 2-4 Montgomery Street, Doncaster East**

**Community Services Lease
Council and Early Childhood Management Services Inc
3 Birchwood Avenue, Templestowe Lower**

**Community Services Lease
Council and Early Childhood Management Services Inc
18 Hovea Street, Templestowe**

**Community Services Lease
Council and Early Childhood Management Services Inc
Part 18 Studley Street, Doncaster**

**MOVED: GRIVOKOSTOPOULOS
SECONDED: O'BRIEN**

That the Recommendation be adopted with the addition of the following document:

**Consent Agreement to Build Over an Easement
Section 173 of the Planning and Environment Act 1987
Council and Quinmar Pty Ltd
73 Wetherby Road, Doncaster**

CARRIED

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13. CHIEF EXECUTIVE OFFICER

There were no Chief Executive Officer reports.

14. NOTICE OF MOTION WHICH NOTICE HAS BEEN GIVEN

14.1 Notice of motion by Councillor P. McLeish (Nom No.1/2015)

MOVED: McLEISH
SECONDED: O'BRIEN

That Council continues to advocate strongly for Doncaster Rail as the ultimate transport solution for Manningham, and requests officers to investigate improved rapid bus transit solutions, such as a Busway, as an interim solution for improved commuting to and from the Melbourne CBD.

CARRIED

15. URGENT BUSINESS REPORTS

There were no items of Urgent Business

16. QUESTIONS FROM THE PUBLIC

There were no questions from the public

17. CONFIDENTIAL REPORTS

There were no Confidential Reports.

18. QUESTIONS WITHOUT NOTICE

18.1 Northern Alliance for Greenhouse Action

Cr Galbally commented on the release of a paper prepared to update Councillors on the activities of the Northern Alliance for Greenhouse Action (NAGA), for the fourth quarter of the 2014-15 financial year.

18.2 Doncaster All Abilities Basketball

Cr Downie commented on the Awards night for the Doncaster All Abilities Basketball Club.

18.3 Park Orchards 100 Acres

Cr Downie commented on the recent clean up of the 100 Acres by the Park Orchards Lions club.

18.4 Charity Appeal

Cr O'Brien advised that October was Breast Cancer Awareness month.

18.5 Valilios Chrisant

Cr Grivokostopoulos mentioned the recent retirement of Valilios (Bill) Chrisant from the Victorian Police after 38 years service and involvement at the Doncaster CIB.

The meeting concluded at 8.01pm.

Chairman
CONFIRMED THIS 27 OCTOBER 2015

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